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## Missouri Attorney General Enforcement Actions

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# MISSOURI ATTORNEY GENERAL ENFORCEMENT ACTIONS

## Air

### *Sunbeam Outdoor Products Group Fined \$15,000*

An outdoor equipment maker's apparent violation of an agreement with the state has cost the company \$15,000 — almost four times what it paid in the original settlement. Earlier this year, Sunbeam Outdoor Products Group (Sunbeam) agreed to pay \$4,000 to the Newton County School Fund as part of an agreement between the company and the Attorney General's Office and the Missouri Department of Natural Resources (DNR). The company was accused of adding equipment at one of its Neosho plants without the proper permits. The company had installed a paint line, which requires a operating permit under state law because of emissions into the air.

Sunbeam also had agreed to submit by January 30, 1993, a completed emissions inventory questionnaire and completed permit applications for both Neosho plants or face additional penalties of \$500 per day. Sunbeam was 30 days late in complying.

### *Attorney General's Office Secures \$15,000 Penalty From BioKyowa, Inc.*

BioKyowa, Inc., an animal feed manufacturer, will pay \$15,000 to the Missouri DNR in connection with charges that the company released excessive ammonia into the air. Under the agreement, reached in May, BioKyowa also must comply with the Missouri Air Conservation Law or risk facing additional penalties.

BioKyowa, a subsidiary of Kyowa Hakko Kogyo Co., Ltd., of Japan, produces an animal feed additive at its facility in the Cape Girardeau Industrial Park. The Missouri DNR inspected the facility on October 27, 1992, and found open hatches on equipment, which were by-passing an approved ammonia scrubber and emitting the chemical directly into the air.

The \$15,000 will be paid into the DNR's Natural Resources Protection Fund.

## Hazardous Waste

### *Hazardous Waste Recovery, Inc. to Pay \$35,000 Penalty*

Under a consent decree filed June 25, a hazardous waste storage facility will pay \$35,000 in penalties and must properly remove drums of hazardous and solid waste from its property or face additional fines. Hazardous Waste Recovery, Inc. (HWR) is accused of violating an earlier consent decree dated September 19, 1991, with the Missouri Department of Natural Resources (DNR) which allowed HWR to purchase a facility at 6300 Stadium Drive in Kansas City. When HWR purchased the facility in 1991, an administrative order required the company to analyze and dispose of drums of hazardous and solid waste left behind by the bankrupt Interstate Environmental Services, Inc. The Stipulation and Consent Order required HWR to identify in 60 days all of the wastes located at the facility and remove all waste in 180 days. HWR is accused of failing to identify all wastes, which continue to be stored at the facility in violation of the 1991 agreement. Compliance inspections conducted by the DNR on March 2 and March 19, 1992 found the company still in violation.

As ordered by the current consent decree, HWR must dispose of the waste at an authorized site and install a foam sprinkler system in the facility by October 1, 1993. HWR also faces additional penalties totaling \$140,000 if they fail to meet the October 1 deadline.

### *Kiesel Co. Agrees to Clean Up Contaminated Site*

Under a settlement agreement signed June 2, a waste oil collection and processing facility, must clean up hazardous waste storage tanks and contaminated company property and pay \$140,000 in penalties or face additional fines. The settlement agreement requires Kiesel to pay \$120,000 to the City of St. Louis School Fund and \$20,000 to the Missouri DNR as reimbursement for labora-

tory costs associated with the investigation of the site.

The DNR last year denied an application from Kiesel to operate a hazardous waste storage facility when the DNR inspection revealed numerous violations of the Missouri Hazardous Waste Management Law, including storage of hazardous waste containing benzene, lead, and perclorothane in unauthorized areas and containers, some of which were found uncovered and in poor condition. In storage were large tanks of waste containing .

Under the \$500,000 agreement, Kiesel will have credit against part of the remaining \$360,000 balance to cover expected cleanup costs. The remaining balance will be payable if Kiesel fails to comply with the cleanup and with an earlier closure plan approved by the DNR. The closure plans were required last year by the DNR to decontaminate part of the facility where hazardous waste was improperly stored. Kiesel also has plead guilty to criminal charges of violating federal environmental laws.

## Solid Waste

### *Illegal Dump Shut Down in McDonald County*

Under a court order sought by the Attorney General's Office, three members of a McDonald County family must cease operations at their illegal solid waste dump, clean up the site, and dispose of the waste properly. The court order, signed June 28 in McDonald County Circuit Court, requires Foy and Rema Wigent, and their son Steve, all of Powell, Missouri to comply with state environmental laws and remove the trash from their property by July 28. The court also authorized DNR to clean up the site and assess costs against the Wigents if they do not comply with the order.

The court also ruled that the Wigents have violated the Missouri Solid Waste Management Law since 1983 by operating a dump site without a permit and engaging in or allowing the illegal dumping and open burning of trash on their property. Documents filed with the court show that the DNR had notified the Wigents of alleged violations since April 1988. After numerous complaints from area residents, the DNR in-

spected the site and issued a Notice of Violation dated January 9, 1990, followed by a letter ten days later advising the Wignets of their options and possible penalties. The DNR reinspected the site on June 24, 1992, again in 1993, and found the site still in violation of the solid waste laws.

#### *Attorney General Secures Agreement to Clean Up Illegal Tire Dump in Ray County*

The operators of an illegal Ray County tire site have agreed to remove 15,000 waste tires and dispose of them at a proper facility. In a consent order filed May 26 in Ray County Circuit Court, Robert Minnick and Norma and Wendell Neal have up to 150 days to remove the tires from an illegal tire dump near Richmond. The Neals operate Norm's Tires of Kansas City, Kansas. Minnick leases and farms the Ray County land where the waste tires are located. The property's owner has not been accused of wrongdoing in the matter.

The Missouri DNR inspected the site and issued a Notice of Violation in April 1991 to Norm's Tires. The Neals received a Cease and Desist order that same month requiring the proper removal and disposal of the tires. According to the consent order, Minnick and the Neals will split evenly the estimated \$12,500 cleanup cost, and place in escrow sufficient funds to ensure proper cleanup. Minnick will place \$2,750 and the Neals will place \$6,250 in escrow accounts for the cleanup. Minnick already paid \$3,500 earlier to remove some tires from a ditch and stream on the property. If increased costs are discovered, Minnick and the Neals will place additional equal amounts in escrow. The three have up to 150 days from the entry of the order to provide the DNR proof of proper tire removal and disposal.

#### *Jasper County Couple Must Clean Up Illegal Tire Dump*

Under a court order, Nancy and Tommy Clifton of Joplin must remove 3,000 to 5,000 waste tires and other regulated solid

wastes from their illegal dump site or face \$8,000 in penalties. The Jasper County Circuit Court, on May 6 fined the Cliftons for operating an illegal dump and allowing the illegal dumping of solid waste on their Jasper County property. The court also ruled that the Cliftons must clean up the site, dispose of the waste tires at an authorized area, and provide proof of proper disposal by December 1, 1993. The court-ordered penalty is suspended pending full compliance with the cleanup order.

Court documents show that the DNR inspected the Cliftons' property three times between March 1991 and January 1992. The Cliftons have received two Notices of Violation and a Cease and Desist Order issued on November 7, 1991, which required the Cliftons to remove the waste tires within 60 days. The DNR's inspectors also found recyclable materials at the site, including cardboard and metals.

#### *Camden County Tire Site May Draw Heavier Penalties*

The owner and operator of an illegal tire site in Camden County may face penalties of up to \$5,000 a day after a fire burned part of approximately 20,000 tires. The state believes that the illegal dump located on land owned by Charles Brown of Stoutland contains as many as 70,000 waste tires and is operated by Brown's grandson, Jason Brown, also of Stoutland. The state already is filing claims that the Browns violated the Missouri Solid Waste Management Law, which allows civil penalties of up to \$1,000 a day per violation. The Attorney General's Office also said that the state may also charge the Browns with violating the Missouri Clean Air Law.

The June 14 fire happened after the Browns were notified by mail of possible legal action over alleged solid waste violations. Records indicate that the Missouri DNR had inspected the Browns' site three times and issued three Notices of Violation between June and October 1992. Records also indicate that the Browns have never

been issued a permit to maintain a waste tire site.

#### *Owners Agree to Close Stone County Landfill*

The Attorney General's Office has secured an agreement with the owners of a Stone County landfill to cease operations at the landfill pending review by the Missouri DNR of plans for improvements and expansion. The landfill is believed to be filled beyond its current capacity and discharging contaminants into Ozark waterways.

A consent decree between the DNR and Cleo and Kay Renfro of Kimberling City, was filed June 17 in U.S. District Court in Kansas City. In the decree, the Renfros have agreed to pay \$50,000 in civil penalties for violating state environmental laws, including the Missouri Solid Waste Management Law and the Missouri Clean Water Law, in connection with the operations at their landfill, Renfro Refuse Services, Inc.

The Renfros are accused of allowing contaminants to flow into tributaries of South Ance Creek, which feeds into Table Rock Lake. Other alleged violations include numerous instances of improper control and removal of leachate, improper clearing of on-site vegetation, insufficient covering of waste, failure to submit required reports and failure to control surface water and erosion. The Renfros ceased operations at the landfill April 26 and must now submit revised closure plans to the DNR. They also must conduct hydrogeologic tests, which measure and monitor soil groundwater under the site. The tests must be completed six months from the date that the court signs the decree.

The landfill will remain closed pending inspection by the DNR and approval of plans to continue operations into already-permitted land. The original 1987 permit for the Renfro landfill was for an area larger than the current filled area. The proposed redesign includes plans to use the remaining land approved in 1987. As soon as approval is granted and construction completed, the new landfill area will be allowed to accept

trash, which mostly comes from Branson in neighboring Taney County.

## Water

### *Attorney General Sues to Stop Wilson Creek Contamination*

The Attorney General's Office is suing the owner of a private sewage treatment facility to stop the discharge of raw residential sewage into a tributary of Wilson's Creek and to enforce compliance with state environmental laws. The lawsuit, filed against Joseph William Gold on June 3 in Greene County Circuit Court, also seeks civil penalties of up to \$10,000 per day of the violation.

Gold owns and operates a treatment facility that receives wastewater from the Village Addition subdivision near Battlefield in southern Greene County. The lawsuit alleges that Gold allowed raw sewage to flow onto the ground and into the tributary on at least three occasions in 1992 and twice in January 1993. The lawsuit also alleges that Gold submitted incomplete discharge monitoring reports to the DNR for the latter half of 1991 and all of 1992. Gold also is accused of not employing a facility worker with the required training and certification.

Court documents indicate that Gold has previously violated state environmental laws, including a January 1991 conviction on six criminal counts of violating the Missouri Clean Water Law.

### *Attorney General Sues American Smelting and Refining Co.*

The Attorney General's Office is suing the American Smelting and Refining Co. (ASARCO) for allegedly discharging wastewater containing excessive levels of lead into a tributary of the West Fork of the Black River. The petition, filed May 28 in Reynolds County Circuit Court, alleges that the company has violated the federal Clean Water Act and the Missouri Clean Water Law since October 1991. The state is seeking civil

penalties of up to \$10,000 per day of violations. The lawsuit also seeks a court order requiring the company to stop discharging inadequately treated wastewater and comply with state and federal regulations on lead discharges.

ASARCO's wastewater treatment facility is used in connection with its West Fork lead mining operations in Reynolds County.

### *Attorney General Sues to Stop Unauthorized Sewage Flow into Table Rock Lake*

The Attorney General's Office is suing the owners of the Bentree Lodge, on Table Rock Lake, to stop the illegal discharge of partially treated sewage into the lake. In the petition filed June 17, the Attorney General's Office asks the Stone County Circuit Court to assess civil penalties of up to \$10,000 a day per violation of the Missouri Clean Water Law against Raymond and Audrey Groves, owners of the lodge. The Attorney General's Office also seeks a court order requiring the Groves to bring Bentree's wastewater treatment facility into full compliance with state environmental laws.

Court documents show that without the DNR's approval, the Groves twice modified Bentree's wastewater treatment system, including connecting Bentree's sewage discharge pipe with a nearby residential septic drainfield. The Groves also are accused of illegally discharging partially treated sewage into Table Rock Lake since 1990.

The Attorney General's Office is asking the court to order the Groves to disconnect from the residential drainfield and submit, for the DNR's approval, a permit application for Bentree's wastewater system as it exists.

### *Attorney General Nixon Recovers Payment for Pollution to State Park*

ISP Minerals, Inc. (ISP), a Delaware mining company, will pay \$74,427 to Missouri

for pollution of Big Creek in Wayne County. Big Creek, a recreational river in Sam Baker State Park is a crystal clear branch of the St. Francois River. Popular among anglers and floaters, the creek is considered one of the "Outstanding State Resource Waters" by the Missouri Clean Water Commission.

The mining of rhyolite rock in a quarry neighboring Big Creek caused sand and powdery residue to enter the creek, hurting aquatic life and increasing the water's turbidity. ISP Minerals uses the rhyolite rock in roofing shingles.

ISP must also pay \$13,000 to the Rivers Curriculum Project to sponsor 26 Missouri teachers to attend a water-quality training seminar at Principia College in Elsah, Illinois. ISP must additionally give \$3,500 to South Iron R-I High School to aid water-quality monitoring activities. Iron County School Fund will receive \$18,000 and Natural Resources Protection, \$10,000 for environmental damages. The rest of the settlement will go to the Office of the Attorney General.

### *Nixon Seeks to Prevent Table Rock Lake Contamination*

Attorney General Jay Nixon is seeking a court order to enjoin Swiss Villa Resorts near Table Rock Lake from polluting the lake with raw sewage. After investigation of raw sewage emissions into the lake, the Department of Natural Resources has charged Swiss Villa with violating clean water regulations.

For five years, Capitol Investments, owner of Swiss Villa Resorts, has been involved in bankruptcy proceedings in Illinois.

On August 12, Nixon filed a petition requesting the bankruptcy court to issue an injunction requiring the resort to comply with the Missouri Clean Water Law. The resort must submit an engineering report to Nixon outlining its plans to correct the violations.