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## Missouri Attorney General Enforcement Actions

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# MISSOURI ATTORNEY GENERAL ENFORCEMENT ACTIONS

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## WATER

### *Sewage Treatment Facility Operator Agrees To Comply With Clean Water Laws*

The owners and operators of a poorly maintained wastewater treatment facility in northeast Jefferson County near High Ridge have agreed to implement the changes necessary to bring their facility into compliance with clean water laws and regulations.

Members of the Starlite Estates Subdivision homeowners association allegedly violated the state's water laws for nearly 20 years by discharging sewage without a permit, failing to comply with wastewater regulations, failing to upgrade their treatment lagoon and polluting a nearby subdivision and creek.

Inspections by the Department of Natural Resources (DNR) revealed the lagoon contained excess vegetation, was foul-smelling and discharged poorly treated sewage through a nearby subdivision into a branch of the Antire Creek. In 1985, DNR ordered the homeowners association to comply with the clean water laws and regulations, but the association allegedly neither complied with nor appealed the order.

In a consent judgment, entered on April 5, 1994, in Jefferson County Circuit Court, the homeowners association agreed to submit plans for a legal wastewater facility, apply for a discharge permit, and pay to the Jefferson County School Fund \$100 per household for violating clean water laws and regulations and from \$500 to \$5,000 per violation for failing to comply with this agreement, terms of its construction and operating permits, and the Missouri Clean Water Law.

## AIR

### *Dimensional Magnets And Its President Sued For Alleged Air Pollution Violations*

On April 5, 1994, the Attorney General's Office filed suit in Franklin County Circuit Court against Dimensional Magnets Inc. and its president, Ellen Taylor, alleging that paints used in producing refrigerator-type magnets release pollutants in amounts which violate the Missouri Air Conservation Law.

Dimensional Magnets applies to its magnets vinyl-based paints, which contain high levels of volatile organic compounds, or VOCs, that exceed the limit allowed by Missouri air pollution regulations.

Inspectors from the Missouri Department of Natural Resources first cited Dimensional Magnets for alleged violation of VOC limits in November 1991. A reinspection in March 1994 alleged the company continued to violate emission standards. The company also was cited for failure to submit required emissions information to the Department of Natural Resources over a two-year period.

The suit seeks to impose civil penalties and require Dimensional Magnets to submit proper records and convert to paints that meet Missouri's air pollution standards, such as water-based paints that emit fewer VOCs. The Missouri Air conservation Law provides for civil penalties of up to \$10,000 per day per violation.

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### *Sporlan Valve Co. Settles Air Pollution Violations For \$8,000*

The Attorney General's Office has reached a settlement with a Franklin County company over alleged air pollution violations. Sporlan Valve Co. agreed to pay an \$8,000 penalty to settle claims that emissions from its facility in Washington exceeded limits set by state air pollution regulations.

Inspectors from the Missouri Department of Natural Resources cited Sporlan in May 1993. The department alleged the company exceeded limits for volatile organic compounds, or VOCs, in the process of applying industrial surface coatings. VOCs are emitted from materials such as paint, paint thinner and gasoline.

In addition to the penalty, the settlement requires Sporlan Valve to comply with state air pollution regulations by July 1, 1994. Sporlan will be required to pay a \$5,000 suspended penalty for any future violations of the Air Conservation Law. All penalties will be paid to the Franklin County School Fund, as required by the Missouri Constitution.

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### *Jefferson Smurfit Corp. To Pay \$5,000 For Exceeding Air Permit Limits*

Jefferson Smurfit Corp. has agreed with the Attorney General's Office to settle alleged air pollution violations by paying a \$5,000 penalty to resolve claims that the company's North Kansas City facility used acrylic coating in excess of limits set by the company's air pollution permit. The \$5,000 penalty will be paid to the Clay County School Fund, as required by the Missouri Constitution.

Acrylic coating emits volatile organic compounds, or VOCs, that help create ozone at lower levels of the atmosphere. While ozone in the upper atmosphere filters harmful rays from the sun, ozone at the earth's surface can cause health and environmental problems.

Inspectors from the Missouri Department of Natural Resources cited Jefferson Smurfit in April 1993 and November 1993 for allegedly using acrylic coating in excess of its permit. The company also was cited for failing to maintain required monthly records used to monitor its use of materials that cause air pollution.

In addition to the penalty, the settlement requires Jefferson Smurfit to comply with the Missouri Air Conservation Law, specifically by staying within its limit for use of acrylic coating and by maintaining the required monthly records.

## SOLID WASTE

### *Landfill Owners, Operators Sued For Flagrant Environmental Violations*

On March 18, 1994, the Attorney General's Office sued J-Z Disposal Service Inc. (J-Z) and its officers for flagrant and dangerous violations of environmental laws at three area landfills. Contempt charges were also filed against a Franklin County company for ignoring court orders to bring its landfill into compliance with environmental laws.

J-Z, controlled by James Zykan Jr., owns and operates three landfills in north-west Warren County that have racked up more than 275 environmental violations since 1978. Although the landfills no longer operate, inspections by the Department of Natural Resources (DNR) show none have been closed properly.

Continuing violations of Missouri's Solid Waste Management and Clean Water laws by Zykan and his company allegedly include failing to cover and grade the landfills properly, allowing leachate to pollute a creek and adjacent property, endangering the health and welfare of area residents by allowing explosive levels of methane created during waste decomposition to migrate into adjacent land, falsifying records, and failing to pay proper permit fees.

In his 14-count petition, Attorney General Jay Nixon asked the Warren County Circuit Court to order Zykan, J-Z, and company officer Michael Gill to comply with environmental laws, remedy the above allegations, and pay to the Warren County School Fund civil penalties of up to \$1,000 per day per violation of the Solid Waste Management Law, and up to \$10,000 per day per violation of the Clean Water Law. Nixon also asked the court to declare all three landfills a public nuisance.

Zykan also controls Interstate Disposal Systems Inc. (IDS), which owns and operated a landfill near St. Clair in Franklin

County. Nixon alleges IDS has violated a 1989 consent judgment in which it agreed to obtain an operating permit, to cover the landfill properly and to contain all leachate outbreaks.

DNR inspections found 16 leachate outbreaks from September 1989 through December 1993, that the landfill was not covered properly, and that IDS continued accepting waste for two years after a permit was denied for failing to meet environmental requirements. Nixon filed a motion on March 18, 1994, asking the Franklin County Circuit Court to order IDS to pay civil penalties up to \$1,000 per day per violation of the consent judgment.

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## HAZARDOUS WASTE

### *Cap Manufacturer Settles Hazardous Waste Violation For \$85,000*

The Attorney General's Office has reached a settlement worth nearly \$85,000 with a Crawford County Company. Paramount Headwear, Inc., which manufactures caps in Bourbon, allegedly violated the Missouri Hazardous Waste Management Law in 1992 when it illegally poured hazardous waste into the ground at its facility.

The company has successfully cleaned up the site and paid a \$84,641 civil penalty to the Crawford County School Fund. The company additionally agreed to comply with hazardous waste management laws and regulations. The consent judgment was entered in Crawford County Circuit Court.

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### *Over \$500,000 Obtained In Three Camden County Hazardous Waste Settlements*

Under an agreement with the Attorney General's Office, Sola Group Ltd. will pay a penalty of \$475,000 to resolve claims the company improperly disposed of hazardous waste. The Menlo Park, California corporation, which manufactured optical lenses in

Eldon from 1987 to 1993, allegedly failed as a generator of hazardous waste to determine if the waste was hazardous, use a licensed transporter and use an authorized disposal facility.

A & A Septic Pumping Service (A&A), who allegedly hauled away Sola's waste, was cited in 1990 by the DNR for allegedly dumping sludge onto property near Linn Creek Cove in Camden County. Laboratory analysis showed the sludge contained lead and was considered a hazardous waste.

Sola also agreed to complete a risk assessment and finish removing all hazardous wastes from a site in Camden County by February 15, 1996, subject to the Department of Natural Resources (DNR) approval. Completion will result in suspending \$100,000 of the penalty.

The Attorney General's Office also reached a settlement with the owner of A&A, Daryold Arnall, to resolve allegations of hazardous waste, solid waste and water pollution violations involving the waste from Sola Optical. Arnall will pay a \$5,500 penalty and comply with water and waste regulations.

In addition, James DeVine was ordered to pay a civil penalty of \$24,778 for illegally storing 20 drums of hazardous waste on his property near Sunrise Beach. Testing showed the contents of the drums contained enough cadmium to be classified as a hazardous waste; DeVine did not have a hazardous waste storage permit.

The drums were disposed of as a hazardous waste in December 1993, at which time some solid particles fell from the drums. The Camden County Circuit Court ordered DeVine to test the site, subject to DNR approval, at his own expense for residual contaminants and to remove any contaminated soil if necessary.

As required by the Missouri Constitution, all penalties from these cases will be paid to the Camden County School Fund.