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MISSOURI ATTORNEY GENERAL ENFORCEMENT ACTIONS

WATER

Nixon Calls For A Halt To Corps Water Release Plan For Missouri River

On May 19, 1995, Missouri Attorney General Jay Nixon called upon the Army Corps of Engineers to abandon the proposed "preferred alternative" plan for the Missouri River. The preferred alternative calls for increased water releases from upstream dams and reservoirs in the spring and a reduction of releases in the fall.

Nixon said the Army Corps of Engineers release of 19,000 cubic feet of water per second (cfs) on May 10, 1995, at Gavins Point, Nebraska, is contributing to flooding problems in Missouri during the early summer months of 1995. The water flow from Gavins Point Dam takes 10 days to reach St. Charles, Missouri and the mouth of the Missouri River, north of St. Louis. Therefore, Nixon said the Corps can not stop the flow of water from the spring release in time to prevent harm when heavy rains occur.

A release of 17,000 cfs increases the river flow by one foot. Nixon said the Corps' actions demonstrate flaw in the preferred alternative plan which increases spring water flow in Missouri and reduces the flow in the fall.

Information that Nixon received from the Corps indicates the Corps has been increasing the release of water from Gavins Point, the southernmost dam located on the river in Nebraska, from 12,000 cfs on May 1, 1995, to 19,000 cfs on May 10, 1995. The purpose of the release is to improve the nesting habitat of shore birds during the breeding season.

SEMO Pork Partnership Pleads Guilty To Water Pollution Violations

A partnership that owned a hog production facility near Cape Girardeau pleaded guilty in federal district court on March 30, 1995, to charges that it illegally discharged animal waste into Indian Creek on two separate occasions in 1991. At the hearing before Judge Stephen N. Limbaugh in Cape Girardeau, SEMO Pork was ordered to pay a fine of \$20,000 for two violations of the federal Clean Water Act.

At the time of the 1991 discharges, SEMO Pork did not have a discharge permit for the hog facility from the Missouri Department of Natural Resources or the U.S. Environmental Protection Agency.

The charges against SEMO Pork were brought by U.S. Attorney Edward L. Dowd Jr., with the cooperation of Missouri Attorney General Jay Nixon. The two offices work together through an ongoing environmental task force established in Missouri.

WATER AND SOLID WASTE

Henry County Landfill Sued For Improper Closing Procedures

On January 31, 1995, the Attorney General Jay Nixon sued the owner of a west-central Missouri landfill for allegedly failing to comply with state solid waste and clean water laws. Nixon alleged Archie Childers, owner of the Henry County Sanitary Landfill, did not comply with state environmental laws and follow necessary procedures to close the site. The landfill, located adjacent to the Harry S. Truman Reservoir, has been inactive since March 1994.

The alleged violations at the Henry County landfill include failure to: (1) divert surface water runoff; (2) protect wastes from surface water; (3) provide a certified technician; (4)

establish vegetation; (5) control leachate on-site; and (6) apply a final cover.

The suit asks for a permanent injunction against the Henry County Sanitary Landfill to prevent the flow of contaminated water into the Truman Reservoir. The suit also asks for civil penalties of up to \$1,000 per day for each violation of the Solid Waste Law and up to \$10,000 per day for each violation of the Clean Water Act.

SOLID WASTE

Agreement To Result In Clean-Up Of 200,000 Tires

A St. Louis County business has agreed to remove approximately 200,000 waste tires from property it owns in Washington County. The Attorney General's Office and the Missouri Department of Natural Resources have reached an agreement with Big River Land Company, Inc., of Maryland Heights, to remove the tires from the site near Cadet.

The tires allegedly were dumped on the site when the property was owned by Dresser Industries. Big River Land Company purchased the property in the spring of 1994.

The tires were deposited on the property by Marty Nickelson, owner of Nickelson Tire Sales and Salvage near Bonne Terre. He was ordered by the St. Francois County Circuit Court to clean up his site north of Bonne Terre off U.S. Highway 67, and has been found in contempt for failing to comply with previous court orders. The dump near Bonne Terre is estimated to contain 500,000 to one million tires.

Nickelson is currently being sued by the Attorney General's Office to reimburse the state for grants the Department of Natural Resources (MDNR) issued to various environmental companies to remove the tires at

the Bonne Terre site. The MDNR issued a \$60,000 grant to IPC Technology to remove 800 tons of waste tires from the Nickelson site, which was completed by October 1994. Two more grants to remove an additional 5,000 tons of waste tires are being negotiated. The grants come from the Solid Waste Management Fund, which is funded in part by a 50-cent surcharge on each tire sold in Missouri.

Suit Filed To Close Two Illegal Bootheel Tire Dumps

On March 29, 1995, Attorney General Jay Nixon filed for an injunction in Dunklin County Circuit Court against the owners of two Bootheel tire dumps for operating without a permit. Nixon claims R.V. and Mavis Wilson, owners of A&W Recycling in Campbell, have operated two tire dumps

since at least June 1993 without a permit. One dump, near Doniphan in Ripley County, contains approximately 12,000 tires and the other dump, near Wardell in Pemiscot County, contains approximately 2,000 to 3,000 tires.

Nixon stated the Wilsons were given a number of opportunities to solve the tire problem, but legal action is now necessary. According to Missouri law, a tire site is illegal if it is operated without an appropriate Department of Natural Resources waste tire permit and if it holds more than 500 tires for more than 30 days. Nixon has asked for a preliminary injunction and civil penalties against the Wilsons.

ANNUAL REPORT

Attorney General Annual Report Reflects Priority Of Protecting Environment And

Saving Money

Attorney General Jay Nixon's office won more than \$2 million in 1994 from companies and individuals accused of violating Missouri's environmental laws and continued to demand companies take responsibility for the damage they caused.

The Environmental Protection Division, created by Nixon in 1993 to increase the state's focus on environmental litigation, settled 148 cases and won an additional 146 during 1994. In addition to the \$2 million awarded in civil penalties, more than \$1.8 million was given for response costs, damages and restitution. The division handled cases in 97 of Missouri's 114 counties.

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