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Missouri Attorney General Enforcement Actions

HAZARDOUS WASTE

Kansas City to build and operate household hazardous waste facility

Kansas City has entered into a \$2.3 million agreement with the State of Missouri to construct and operate a household hazardous waste facility. Residents will be able to safely dispose of toxic household chemicals.

Kansas city operated a clandestine storage site at 8100 Ozark road, near the Truman Sports Complex from approximately 1981 to 1993. Attorney General Jay Nixon made allegations that the Ozark road site, known as "Ft. Hazard," illegally stored more than 130 drums of hazardous waste in violation of numerous state environmental laws and without the knowledge of state and federal authorities. The agreement to build a new facility resolves these allegations. The hazardous waste and chemicals stored, such as explosives, chlordan, DDT, arsenic and poisons were removed in December 1993 and the buildings at Ft. Hazard will be demolished and cleaned up where needed.

The agreement includes: \$950,000 for the building and maintenance of the household hazardous waste facility,

\$900,000 to pay staff of the city's new Office of Environmental Management over the next two years and a \$500,000 penalty which will be partially suspended if the city complies with hazardous waste laws.

CLEAN WATER ACT

Missouri appealing state challenge to federal authority under Clean Air Act

Attorney General Jay Nixon announced in February that he would appeal U.S. District Judge Edward L. Filippine's ruling on a case that challenged the authority of the federal government to use the threat of withholding highway funds from Missouri under the Clean Air Act. The Environmental Protection Agency (EPA) had determined that the St. Louis metropolitan area was a nonattainment area for ozone under the Clean Air Act. The EPA threatened action if the state failed to implement a plan to enforce federal air quality standards in the St. Louis area. The EPA determined it would withhold \$400 million in federal highway funds for Missouri and declare a moratorium on new industry.

Nixon argued that it was a dangerous precedent to be forced to pay for a

federal program. Furthermore, Nixon claimed that less highway construction would mean more pollution in the future due to increased traffic congestion. Nixon plans to appeal the ruling to the U.S. Eighth Circuit Court of Appeals.

ASAECO will pay the largest single environmental penalty in state history

American Smelting and Refining Co. Inc. (ASARCO) settled a claim for discharging lead into a tributary of the Black River in Reynolds County in violation of the federal Clean Water Act and the Missouri Clean Water law. ASARCO agreed to pay \$1.7 million and to construct a new waste water treatment facility for its West Fork Mine in Reynolds County. The payment will signify Missouri's largest single environmental penalty in history. Missouri General Attorney Jay Nixon negotiated the settlement after a referral from the Missouri Clean Water Commission.

Nixon sued ASARCO when it failed to implement a control technology that would have reduced lead discharges. The company could be found in contempt should any future pollution incidents occur. The consent judgment against ASARCO prohibits the company from discharging inadequately treated wastewater and implements a future schedule for changing its existing wastewater treatment facility at the West Fork Mine. The construction schedule has already been approved by the Missouri Department of Natural Resources.