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## Missouri Attorney General Enforcement Actions

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**MISSOURI ATTORNEY GENERAL  
ENFORCEMENT ACTIONS**

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Source: Office of Missouri Attorney General, Office of Communications

**MISSOURI CLEAN WATER  
LAW**

*Nixon sues major chicken processor Simmons Foods for polluting water in southwest Missouri. May 5, 1997.*

Jefferson City, Missouri  
--- Attorney General Jay Nixon today filed suit against Simmons Foods, Inc., for water pollution violations by the chicken processing company at its operation near Southwest City in McDonald County. Nixon is seeking injunctive relief and penalties against Simmons in the lawsuit, which was filed in McDonald County Circuit Court.

"Major animal processors that operate in Missouri have a legal obligation to obey the laws that protect the environment," Nixon said. "I support the growth of the agriculture industry in Missouri, but not at a cost to the environment such as Simmons Foods has caused."

Simmons Foods operates a poultry processing and rendering plant near the Missouri-Oklahoma border. The operation processes approximately 1.4 million chickens a week and discharges its wastewater to a tributary of the Cave Spring Branch, which ultimately flows

into the Grand Lake of the Cherokees.

Nixon said that monitoring reports and state inspections showed that Simmons was out of compliance with its permit to discharge numerous times from 1985 to 1996, including the discharge of inadequately treated wastewater into the creek. The Missouri Department of Natural Resources also has cited Simmons in the past for exceeding permitted levels of ammonia, suspended solids and low oxygen content in its discharges.

"There have been major ongoing problems with pollution problems caused by Simmons, and previous enforcement efforts have been inadequate to keep the company in compliance. We also are asking for a substantial penalty against the company for its history of water pollution."

The lawsuit asks the court to assess a penalty of up to \$10,000 per day for each violation of the Missouri Clean Water Law. As provided by the state constitution, the penalty would be paid to the McDonald County School Fund.

The Attorney General's Office received a referral of Simmons from the Missouri department of Natural Resources for legal action earlier this year.

**MISSOURI SOLID WASTE  
MANAGEMENT LAW**

*Suit asks for clean-up of illegal tire dump, civil penalties. April 19, 1997.*

Jefferson City, Missouri  
--- Attorney General Jay Nixon has sued the operator of an unpermitted waste tire dump located in Raytown, asking for a court order to force him to pay for the removal of several thousand waste tires that Nixon said present a fire and health hazard.

Nixon filed the suit in Jackson County Circuit Court against Richard Wealand, who does business as Dick's Used Tires, Wheels and Hubcaps. The case was referred to the Attorney General's Office by the Missouri Department of Natural Resources in April.

Wealand has collected the waste tires at a site in a residential area located less than a mile from a public park. There are an estimated 30,000 to 60,000 waste tires at the site.

"This illegal tire dump presents many real and potential problems and needs to be cleaned up without delay," Nixon said. "Obviously it is an eyesore and a nuisance for those who live in the area. In addition, the water that collects in the waste tires provides ideal breeding grounds for mosquitoes. Finally, a fire at this dump could be disastrous, because the lack of adequate fire lanes would make it extremely difficult to bring in equipment to fight the fire."

The lawsuit asks the

court to find that Wealand is responsible for creating the nuisance and authorize the Department of Natural Resources or its third party contractors to have access to the site and remove the tires at Wealand's expense. If the DNR does not conduct the cleanup, the lawsuit asks that Wealand be compelled to remove the tires.

Nixon also is asking the court to order Wealand to pay civil penalties under Missouri's Solid Waste Management Law of up to \$1,000 per day for each day that waste tires have been illegally disposed of or stored on the property.

***Suit filed against owner of unpermitted waste tire dump near Camdenton. May 16, 1997.***

Jefferson City, Missouri --- Attorney General Jay Nixon has sued the owner of an unpermitted waste tire dump located northwest of Camdenton, asking for a court order to force him to remove several thousand waste tires from the site.

Nixon filed the suit this week in Camden county circuit Court against William Cunningham, who does business as Guaranteed Used Tires. Cunningham's site on lake Road 7-3 contains an estimated 7,000 waste tires.

"Mr. Cunningham has resisted or ignored previous attempts to have him properly dispose of the tires at this illegal dump," Nixon said. "Perhaps a court order directing him to do so will get his attention."

The lawsuit asks the court to issue an injunction against Cunningham to:

- keep him from accepting any more waste tires or other solid waste at the site;
- compel him to bring the site into compliance with state laws within 30 days;
- direct him to submit a plan within 30 days for removing all the waste tires from the site.

Nixon wants the court to expressly prohibit Cunningham from burying or otherwise illegally disposing of the tires.

Nixon also is asking the court to order Cunningham to pay civil penalties under Missouri's Solid Waste Management Law of up to \$1000 per day for each day that waste tires have been illegally disposed of or stored on the property.

**MISSOURI GOVERNMENTAL ENVIRONMENTAL SOURCES ONLINE**

- Missouri State Government Home Page  
<http://www.state.mo.us>
- Missouri Department of Conservation Home Page  
<http://www.state.mo.us/conservation>
- Missouri Department of Natural Resources Home Page  
<http://www.state.mo.us/dnr/homednr.htm>
- Missouri Department of Health Home Page  
<http://www.health.state.mo.us>
- Missouri Department of Public Safety Home Page  
<http://www.dps.state.mo.us>