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MISSOURI ATTORNEY GENERAL ENFORCEMENT ACTIONS

Napalm Train Denied Passage Through Missouri

This Spring, a train carrying 12,000 gallons of napalm destined for an Indiana facility was turned back from Missouri on its way from a U.S. Naval ordnance in California.

On April 22, 1998, Missouri Attorney General Jeremiah W. (Jay) Nixon stated in an Earth Day speech that Missouri officials and citizens have a right to know about shipments of dangerous cargo that pass through the state. Nixon further stated that the incident demonstrated the problem of limited or no notification to the public, particularly by the Department of Defense.

"Although this train has turned back, it does not excuse the Navy from failing to comply with applicable federal and state environmental laws, which would have required public participation in the process," Nixon said. "State and local emergency officials need to know about shipments of hazardous cargo that move through our state so they can be prepared in the event of an emergency."

Nixon communicated his concerns about the napalm train specifically and dangerous cargo shipments in general last week in a letter to Secretary of the Navy John Dalton. Nixon told Dalton his office may take legal action if it finds that the Navy violates federal or state laws with its shipments.

Nixon Sues Owners, Manager of Pizza Hut in Shell Knob to Stop Pollution of Table Rock Lake

On May 14, 1998, Missouri Attorney General Jay Nixon asked the Barry County Circuit Court to issue an order to immediately stop wastewater discharges from the Hinkle Point Pizza Hut into Table Rock Lake. Nixon is seeking the injunction against the owners and the manager of the Pizza Hut, located in Shell Knob, because of water pollution problems from the restaurant's wastewater treatment facility.

"Table Rock is a lake with high quality water, and we must make every effort to protect this valuable recreational resource for our children and grandchildren," Nixon said. "Callous disregard in polluting not only harms the environment, it takes economic advantage of those businesses that comply with Missouri laws."

In addition to violations caused by improperly treated wastewater, Nixon said the restaurant violated Missouri drinking water laws by installing an unprotected connection between their drinking water lines and the sewage lines in an effort to dilute the sewage as a way to treat it.

Named as defendants in the lawsuit are owners William S. and Delores Atherton, of Tulsa, Oklahoma; owners pat M. and Jetta Sue Murphy, of Bartlesville, Oklahoma; and manager Lynn Smith, of Shell Knob. The case was referred to the Attorney General's Office for legal

action in April by the Missouri Department of Natural Resources.

The lawsuit asks the court to order the defendants to transport their wastewater to another permitted facility until a proper treatment facility can be installed at the restaurant. Nixon also wants the defendants to be required to submit plans for a proper facility to the MDNR for approval and then for the defendants to construct and operate that facility in compliance with the law. Nixon is also seeking appropriate penalties in the case. The Missouri Clean Water Law allows for civil penalties of up to \$10,000 per day per violation.

Owners of Former Herbicide Facility in North Kansas City Sued for Hazardous Waste Violations

On May 15, 1998, Missouri Attorney General Jay Nixon stated that a site in North Kansas City where herbicides were manufactured and stored for more than 40 years contains leaking drums of hazardous waste and needs to be properly cleaned up.

Nixon filed a petition for an injunction and civil penalties on May 15 in Clay County Circuit Court against K.C. 1986 Limited Partnership and Donald E. Horne, the owners of the site at 2251 Armour Road, asking that they be held responsible for the proper cleanup and disposal of more than 100 55-gallon drums. The Armour Road site was used by several companies from 1942 to 1986 to manufacture, blend, store, and distribute herbicides.

Tests by the Missouri Department of Natural Resources showed the contents of some of the drums contain high levels of arsenic and other possible contaminants. Several of the drums were leaking

or bulging, with no proper containment system in place. Nixon said the site failed to meet several other standards set by law for the storage of hazardous waste.

“Hazardous waste requires proper handling, storage and disposal, all of which are lacking here,” Nixon said. “It is vital that those responsible are held accountable for cleaning up this site.”

Nixon is asking the court to order the defendants to comply with Missouri’s hazardous waste laws and to assess civil penalties of up to \$10,000 per day for any hazardous waste violations.



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