1994

Missouri Attorney General Enforcement Actions

Follow this and additional works at: https://scholarship.law.missouri.edu/jesl

Part of the Environmental Law Commons

Recommended Citation

Available at: https://scholarship.law.missouri.edu/jesl/vol3/iss1/8

This Missouri Attorney General Enforcement Action is brought to you for free and open access by the Law Journals at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Journal of Environmental and Sustainability Law by an authorized editor of University of Missouri School of Law Scholarship Repository. For more information, please contact bassettcw@missouri.edu.
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 pro-
posed “preferred alternative” plan for the
Missouri River. The preferred alternative
calls for increased water releases from up-
stream 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 sum-
mer 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. There-
fore, 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 wa-
ter flow in Missouri and reduces the flow in
the fall.
Information that Nixon received from the
Corps indicates the Corps has been increas-
ing 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 produc-
tion 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 Depart-
ment 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 Attor-
ney General Jay Nixon. The two offices
work together through an ongoing environ-
mental task force established in Missouri.

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 Mis-
souri 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 pur-
chased 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 envi-
ronmental 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.
WHERE CAN YOU GET BACK VOLUMES AND ISSUES?

ORDER THROUGH HEIN!

We have obtained the entire back stock, reprint and microform rights to

MISSOURI ENVIRONMENTAL LAW AND POLICY REVIEW

Complete sets to date are now available. We can also furnish single volumes and issues.

WILLIAM S. HEIN & CO., INC.
1285 Main Street
Buffalo, NY 14209
(800) 828-7571 or (716) 882-2600