

IN THE CIRCUIT COURT OF STONE COUNTY, MISSOURI

STATE OF MISSOURI ex rel.)	
Attorney General Chris Koster and)	
Missouri Department of)	
Natural Resources,)	
)	
Plaintiff,)	
)	
v.)	Case No. 13SN-CC00237
)	
PAUL RIAZANTSEV,)	
)	
Defendant.)	

CONSENT JUDGMENT

Plaintiff, by and through its relators Attorney General Chris Koster and the Missouri Department of Natural Resources, and Defendant Paul Riazantsev, by and through counsel, consent to the entry of this Consent Judgment.

The Court has read Plaintiff's Petition for Injunctive Relief and Civil Penalties, in which Plaintiff alleges that Defendant violated the Missouri Clean Water Law. The Court is satisfied that the provisions of this Consent Judgment are intended to resolve the issues raised by the Petition and that the parties want to terminate this controversy and consent to the entry of this judgment without trial.

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

Each and every term of this Judgment shall be enforceable by further order of this Court, and to that end, the Court retains jurisdiction of the matter in order to enforce each and every term of this Consent Judgment. The Court finds that the terms of this Consent Judgment protect the public's interest.

The parties, having consented to the entry of this Consent Judgment, it is hereby ORDERED, ADJUDGED AND DECREED that:

I. Objectives of the Parties

1. The objectives of the parties to this Consent Judgment are to protect human health and the environment and to resolve allegations contained in Plaintiff's Petition.

II. Definitions

2. Terms used herein shall have the same meaning as provided in Chapter 644 RSMo and the regulations adopted thereunder. In addition, the following terms are specifically defined:

"Consent Judgment" means this Consent Judgment and all attachments, which are included by reference and fully enforceable as a term of the judgment.

"Defendant" means Paul Riazantsev.

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

“Department” means the Missouri Department of Natural Resources.

“Facility” means the wastewater treatment facility serving Rocky Top Mobile Home Park located at 725 Skyline Road, Branson, Mo 65616.

“Plaintiff” and “State” means the State of Missouri on the relationship of Attorney General Chris Koster and the Department.

III. Jurisdiction and Venue

3. This Court has jurisdiction over the subject matter and the parties in this case pursuant to § 644.076.1 RSMo.¹ Venue is proper in this court pursuant to § 644.076 RSMo because the Defendant's conduct giving rise to this action took place in Stone County.

IV. Parties Bound

4. The provisions of this Judgment shall be binding upon the parties to this action as well as their agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties to this

¹ All statutory references shall be to the Missouri Revised Statute 2000 unless specifically stated otherwise.

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

action or their agents, servants, employees, heirs, successors, and assigns.

Defendant shall provide a copy of this order to all persons or entities retained to perform work required by this order.

V. Satisfaction and Reservation of Rights

5. Upon the completion of all terms of this Consent Judgment, including the payment of civil penalties, completion of all schedules of compliance and the payment of any stipulated penalties due under the terms of this Consent Judgment, Defendant is relieved of liability for the violations alleged in the petition.

6. This Consent Judgment shall not be construed to limit the rights of the State to obtain penalties or injunctive relief under the Missouri Clean Water Law or its implementing regulations, or under other federal or state laws, or regulations, except as expressly stated in the preceding paragraph of this Consent Judgment. Without limiting the foregoing, the parties expressly agree that:

a. Nothing in this Consent Judgment shall prevent the State from applying to this Court for further orders or relief if violations of this Consent Judgment occur.

b. Nothing in this Consent Judgment shall preclude the State from seeking equitable or legal relief for violations of the Missouri laws or regulations that were not alleged in the petition.

c. Nothing in this Consent Judgment shall preclude the State from seeking equitable or legal relief for future violations of the Missouri Clean Water Law or regulations promulgated under its authority.

d. The State of Missouri further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, Defendant' facility, acts or omissions, whether related to the violations addressed in this Consent Judgment or otherwise.

VI. Injunctive Relief

7. Defendants are ordered to comply with Missouri Clean Water Law, §§ 644.051 and 644.076 RSMo and implementing regulations, for any and all future activities in the state of Missouri.

8. Upon entry of this Consent Judgment until the flow from Rocky Top Mobile Home Park is connected to the City of Reed Springs Sewer, Defendant shall pump and haul wastewater generated by the mobile home

park to a permitted facility with the capacity to accept the loads. Defendant shall continue to pump and haul wastewater as necessary to prevent any discharge of wastewater until the facility has connected to the City's sewer system. Defendant shall maintain records that include the date the wastewater was pumped, the number of gallons pumped and a receipt from the wastewater facility accepting the load. Defendant shall submit copies of the records to the Department every month by the 10th day of the following month.

9. Defendant shall complete the following:

a. Within sixty (60) days of the Court's entry of this Consent Judgment, Defendant shall submit the following documents to the Department for review and approval:

i. A complete and approvable application for a Construction Permit Sewer Extension, which includes plans and specifications, developed by a professional engineer licensed to practice in the State of Missouri, and appropriate fees, for connecting the wastewater flow from Defendant's Facility to the City of Reed Springs public sewer system (sewer-authority system); and

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

- ii. An approval letter from the City accepting the wastewater discharge from Defendant's Facility.
 - iii. An approvable closure plan for the current Facility, developed in accordance with the Standard Conditions, Part III, Section I, of MSOP No. MO-0126845.
- b. Within fifteen (15) days of receipt of comments on the application for a Construction Permit Sewer Extension, Defendant shall respond and adequately address to the Department's satisfaction all of the Department's comments on the construction permit.
- c. In addition, Defendant shall meet all requirements of the City of Reeds Spring for connecting the wastewater generated from Rocky Top MHP (MHP) to the City's sanitary sewer collection system, including, but not limited to, obtaining easements for any necessary construction; annexing into the City of Reeds Spring, if required; and paying connection fees to the City of Reeds Spring, if required.
- d. Within ninety (90) days of the Department's issuance of a construction permit, Defendant shall complete all construction activities necessary to connect the wastewater flow from Rocky Top Mobile Home

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY
2012-08-000745

Park to the City's area-wide sewer system and connect the wastewater flow from Rocky Top to the City's area-wide sewer system.

e. Within fifteen (15) days of connecting the wastewater flow from Rocky Top to an area-wide sewer system, Defendant shall submit to the Department for review and approval: a letter of authorization, Statement of Work Completed, or a certification of construction from a professional engineer registered in the State of Missouri certifying that the project has been completed substantially in accordance with the approved plans and specifications.

f. Within forty-five (45) days of connecting the wastewater flow from the Facility to the area-wide sewer system, and after the Department approves the closure plan in writing, Defendant shall complete closure of the Facility as approved by the Department and submit to the Department a complete and approvable Request for Termination for MSOP No. MO-0126845.

10. Within fifteen (15) days of the Court's entry of this Consent Judgment, Defendant shall submit to the Department, the Discharge Monitoring Reports for the 2nd quarter of 2012. The Defendant shall comply with all

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

requirements and conditions of MSOP MO-0126845 including but not limited to submitting accurate, timely, and complete Discharge Monitoring Reports to the Department and Annual Sludge Reports until such a time that MSOP No. MO-0108383 is terminated.

VII. Information Collection and Retention

12. The State, through its authorized representatives, shall have the right of entry into any facility covered by this Consent Judgment, at all reasonable times, upon presentation of credentials, to:

- a. monitor the progress of activities required under this Consent Judgment;
- b. verify any data or information submitted to the State in accordance with the terms of this Consent Judgment;
- c. obtain samples and, upon request, splits of any samples taken by Defendant or his representatives, contractors, or consultants;
- d. obtain documentary evidence, including photographs and similar data; and
- e. assess Defendant's compliance with this Consent Judgment.

13. Upon request, Defendant shall provide the State, through its authorized representatives, splits of any samples taken by Defendant.

14. Until five years after the termination of this Consent Judgment, Defendant shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that relate in any manner to Defendant' performance of its obligations under this Consent Judgment. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the State, Defendant shall provide copies of any documents, records, or other information required to be maintained under this Paragraph.

15. At the conclusion of the information-retention period provided in the preceding Paragraph, Defendant shall notify the State at least ninety (90) days prior to the destruction of any documents, records, or other information subject to the requirements of the preceding Paragraph and, upon request by the State, Defendant shall deliver any such documents, records, or other information to the State. This Consent Judgment in no way limits or affects any right of entry

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

and inspection, or any right to obtain information, held by the State pursuant to applicable federal or state laws, regulations, or permits, nor does it limit or affect any duty or obligation of Defendant to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

VIII.

Civil Penalty

16. Defendant consents to the entry of judgment in favor of the State of Missouri for a civil penalty of \$10,000, of which \$6,000 shall be suspended as specified in paragraph 17. Defendant hereby authorizes entry of this judgment against him and in favor of the State of Missouri for this sum.

17. Suspended Civil Penalty. \$6,000 of the total penalty of \$10,000 shall be suspended upon the condition that Defendant complies with this Consent Judgment and the Missouri Clean Water Law and its implementing regulations for a period of two years from the entry of this Consent Judgment. Once a violation of this Consent Judgment or the Missouri Clean Water Law is documented by the Missouri Department of Natural Resources, the Missouri Attorney General's Office shall send a written demand for the suspended penalty to Defendant. Defendant shall have fifteen (15) days from their receipt of the written demand to submit the suspended penalty in the manner described

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

in paragraph 18. The suspended penalty provided in this Consent Judgment shall be in addition to any other rights, remedies, or sanction available to Plaintiff for Defendant's violation of this Consent Judgment or applicable law.

18. Payment Plan. Defendant agrees to pay the \$4,000 unsuspended portion of the civil penalty in four (4) separate payments in equal amounts. Within ninety (90) days of entry of this Consent Judgment, Defendant shall make the first payment of \$1000. Defendant shall make all remaining \$1000 payments on a quarterly basis, by the 1st day of each third succeeding month. Defendant shall make all payments by submitting a check made payable to the "*State of Missouri (Stone County)*" to Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. If Defendant fails to make any payment within ten (10) calendar days of the due date, the Defendants shall become immediately liable for payment of the entire unpaid amount, including the suspended penalty described in paragraph 17.

IX. Stipulated Penalties

19. In the event that Defendant fails to comply with the requirements set forth in this Consent Judgment, Defendant shall be liable for stipulated penalties in accordance with the following schedule: :

FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY

- A. \$100 per day for each day of each violation up to thirty days.
- B. \$200 per day for each day of each violation, from thirty-one days to sixty days.
- C. \$300 per day for each day of each violation, beyond sixty days.

20. Stipulated penalties shall be due and payable within ten days of demand being made by the Attorney General's Office. Defendant shall pay stipulated penalties by check made payable to the "*State of Missouri (Stone County)*" and mailed, along with a copy of the State's stipulated penalty demand letter, to: Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. That check will be deposited and processed in accordance with the consent judgment and Missouri law.

21. The inclusion of stipulated penalty provisions in this Consent Judgment, and the payment of stipulated penalties, does not limit the State's ability to pursue other penalties for the same acts; where a violation of this Consent Judgment also constitutes a violation of a statute, stipulated penalties may be collected in addition to statutory penalties imposed for those violations.

X. Modification

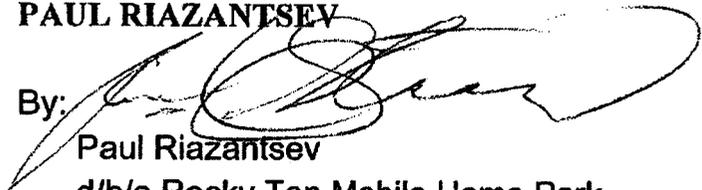
22. Except as otherwise specified herein, this Consent Judgment may be modified or amended only upon written agreement by and among the parties, their successors and assigns and with the approval of the Court. All modifications shall be in writing and filed with the Court.

XI. Costs

23. Defendant shall pay all court costs in this action.

The parties hereby consent to this Consent Judgment through their duly authorized representatives as indicated below.

PAUL RIAZANTSEV

By: 

Paul Riazantsev
d/b/a Rocky Top Mobile Home Park

Date:

10/7/13

MISSOURI ATTORNEY GENERAL'S OFFICE

By: 

Jeremy Knee
Assistant Attorney General

Date

10/7/13

MISSOURI DEPARTMENT OF NATURAL RESOURCES

By: 

Leanne Tippet Mosby, Director
Division of Environmental Quality

Date:

October 23, 2013

FILED
CIRCUIT COURT

NOV 04 2013

STONE COUNTY
2012-08-000745

- A. \$100 per day for each day of each violation up to thirty days.
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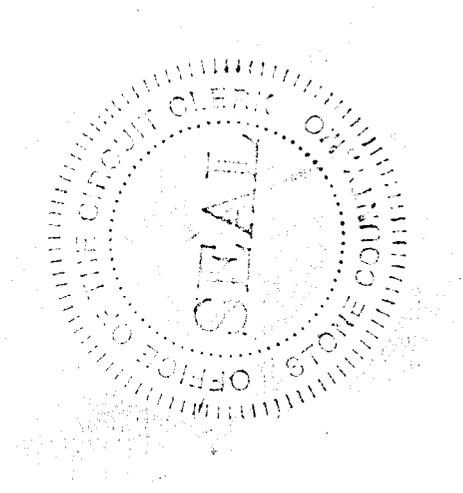
X. Modification

SO ORDERED.



Circuit Judge

Date: 11-4-13



FILED
CIRCUIT COURT
NOV 04 2013
STONE COUNTY