

Missouri Clean Water Commission Meeting
Department of Natural Resources
Lewis and Clark State Office Building
LaCharrette/Nightingale Creek Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri

July 12, 2017

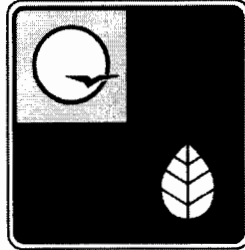
Compliance and Enforcement Annual Reports

Background:

Each year the Compliance and Enforcement Section compiles a report detailing workload, efforts and outputs of the section. Presentation will describe the enforcement process and summarize achievements.

Recommended Action: Information only

Attachments: 2016 Annual Compliance and Enforcement Report



**WATER PROTECTION PROGRAM
WATER POLLUTION CONTROL BRANCH**

**2016 ANNUAL COMPLIANCE &
ENFORCEMENT REPORT**

Prepared by: Paul Dickerson
Paul Dickerson
Compliance and Enforcement Section Chief

Date: 3/13/2017

WATER POLLUTION CONTROL PROGRAM 2016 ANNUAL ENFORCEMENT SUMMARY

<u>ACTIVE ENFORCEMENT CASES AS OF JANUARY 1, 2016</u>		563
NEW ENFORCEMENT REQUESTS IN 2016	97	
FEE ONLY NEW ENFORCEMENT REQUESTS IN 2016	0	
TOTAL NEW ENFORCEMENT REQUESTS IN 2016		+97
CASES RESOLVED BY ADMINISTRATIVE ACTIONS	-56	
CASES RESOLVED BY LITIGATION	-34	
TOTAL ENFORCEMENT CASES RESOLVED BY ACTIONS	-90	
ENFORCEMENT CASES NOT INITIATED & RETURNED	-19	
TOTAL CASES RETURNED TO COMPLIANCE		-109
<u>TOTAL ENFORCEMENT CASES AS OF DECEMBER 31, 2016</u>		550*

*Closing an enforcement case with an end date earlier than the current year can reduce the number of open cases below the expected number based on resolved cases and new requests.

REQUESTS RECEIVED PENDING

Cases prior to 2016 carried into 2017 pending action	11
Cases received in 2016 pending action	37
<u>Total request pending carried into 2017</u>	48

ADMINISTRATIVE CASE SUMMARY

Settlement Agreements in 2016	1
Administrative Orders in 2016	10
Abatement Orders on Consent in 2016	36
Compliance Monitoring Schedules in 2016	0
Permit Denials in 2016	0
Pending appeals in 2016	1
Tolling Agreements in 2016	1
<u>Total administrative actions taken in 2016, including cases prior to 2016</u>	49

LITIGATION SUMMARY

Cases referred to the AGO in 2016	14
Fee Only Cases referred to the AGO in 2016	0
Total Cases referred to the AGO in 2016	14
Active Cases referred to the AGO prior to 2016	96
Fee Only Active Cases referred to the AGO prior to 2016	7
<u>Total Active Cases referred to the AGO</u>	117

Cases referred prior to 2016 pending action carried into 2017	9
Cases referred in 2016 pending action	11
<u>Total Cases referred to the AGO pending action</u>	20
Petitions filed in 2016	10
AGO Demand letters sent in 2016	4
AGO Settlement Agreements in 2016	7
Consent Judgments entered in 2016	15
Federal Consent Decrees in 2016	0
Default Judgments entered in 2016	1
Court Orders in 2016	2
Hearings/Trials in 2016	4
Tolling Agreements in 2016	2
<u>Total Litigation actions taken in 2016</u>	45

CRIMINAL INVESTIGATIONS, IMPRISONMENT FINES, ASSESSMENTS & PROBATION

Robert Ballew

On February 24, 2016, Robert Ballew, of Carrollton, pleaded guilty to issuing a false instrument or certificate, a misdemeanor. Mr. Ballew was an employee for the City of Carrollton when he was recorded on internal video failing to perform the required sampling at the wastewater treatment facility. The video shows Mr. Ballew taking a tap water sample and using it to perform operational monitoring instead of collecting influent, effluent, and digester samples to perform operational monitoring. Mr. Ballew was fined \$500 and assessed \$150 in court costs. Following sentencing, the department revoked Mr. Ballew's Certificate of Competency for wastewater treatment.

Thomas E Ray

On March 1, 2015, Thomas E Ray, an employee of Wolf Septic, was charged with discharge of water contaminants in violation of Section 644.006-644.141 RSMo. The State alleged Mr. Ray was responsible for dumping septage down a hillside on numerous occasions. On January 21, 2016, made an Alford plea and on January 22, 2016, Mr. Ray was fined \$2,500.

**Penalties, Damages, and Other Amounts
Collected Through Enforcement Efforts
2016**

Facility/Site Name	Facility ID	County	Penalty Assessed	Penalty Paid	Penalty Suspended	Damages	Cost Recovery	Natural Resource Damages	Delinquent Permit Fees	Date Paid	Case Type
Wilson Feedlot	43994	Audrain	\$0.00*	\$1,750.00	\$0.00	\$1,002.58	\$2,398.73	\$0.00	\$0.00	1/7/2016	A*
Buccaneer Bay	MO0134996	Camden	\$0.00*	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2/3/2016	L*
Knox City WWTF	MO0095745	Knox	\$8,000.00	\$0.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$0.00	2/9/2016	A
Mapa Acres MHP	MOG823078	Jefferson	\$4,000.00	\$0.00	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	2/25/2016	A
Winfield Municipal Lagoon	MO0088676	Lincon	\$20,000.00	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	2/25/2016	A
Woodstock Mobile Home Park	MO0082066	Boone	\$16,000.00	\$7,500.00	\$8,500.00	\$0.00	\$0.00	\$0.00	\$0.00	2/25/2016	A
Christian Love Fellowship	38084	Reynolds	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	2/26/2016	L
Betty's Truckstop WWTF	MO0118281	Saline	\$0.00*	\$1,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3/8/2016	L*
Holiday Lake Resort	38078	Lafayette	\$0.00*	\$32,494.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3/10/2016	L*
63 Diner WWTP	MO0108448	Boone	\$9,292.00	\$4,500.00	\$4,792.00	\$0.00	\$0.00	\$0.00	\$0.00	3/14/2016	A
Lohman WWTP	MO0124664	Cole	\$10,000.00	\$3,000.00	\$7,000.00	\$0.00	\$0.00	\$0.00	\$0.00	4/5/2016	A
Woodland Hills Subdivision	MOR109DM3	Pulaski	\$0.00*	\$5,691.00	\$0.00	\$0.00	\$0.00	\$4,309.00	\$0.00	4/14/2016	L*
Ewing WWTF	MO0104671	Lewis	\$6,000.00	\$0.00	\$6,000.00	\$0.00	\$0.00	\$0.00	\$0.00	4/19/2016	A
Roslien Farms LLC	MOGS10365	Monroe	\$10,000.00	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	4/22/2016	A
Norwoods Subdivision WWTF	MO0122564	Ralls	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/6/2016	A

Bonne Femme MHC	MO0126977	Boone	\$4,000.00	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	5/12/2016	A
Perryville Southeast WWTF	MO0051144	Perry	\$5,000.00	\$1,000.00	\$4,000.00	\$7.19	\$715.03	\$0.00	\$0.00	5/12/2016	A
Lazy Acres Subdivision WWTP	MO0129984	Pike	\$8,609.00	\$2,500.00	\$6,109.00	\$0.00	\$0.00	\$0.00	\$0.00	5/13/2016	A
Setter's Knoll Plats 3, 4, and 5	MORA00445	Boone	\$25,000.00	\$12,500.00	\$12,500.00	\$0.00	\$1,306.09	\$0.00	\$0.00	5/24/2016	A
Great Western Motel	MO0108758	Jackson	\$0.00*	\$15,718.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/31/2016	L*
Hobo's at the Lake	43966	Hickory	\$0.00*	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/2/2016	L*
Whiteside Hidden Acres	MO0120511	Hickory	\$0.00*	\$7,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/3/2016	L*
Deer Meadows Subdivision	38079	Polk	\$8,500.00	\$8,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/7/2016	L
Civic Recycling Inc.	MOR80H089	Boone	\$4,000.00	\$500.00	\$3,500.00	\$0.00	\$0.00	\$0.00	\$0.00	6/14/2016	A
Belton WWTP	MO0117412	Cass	\$32,000.00	\$4,000.00	\$28,000.00	\$978.12	\$4,392.37	\$0.00	\$0.00	6/21/2016	A
Southside Trail Estates	MORA03865	Boone	\$4,000.00	\$4,000.00	\$0.00	\$0.00	\$817.58	\$0.00	\$0.00	6/21/2016	L
RD Sewer Co., LLC	MO0096881	Stoddard	\$0.00*	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$580.00	6/27/2016	L*
The Gates, Plat No 1	MORA04710	Boone	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/29/2016	A
3-G Processing, LLC	MOR130120	Wright	\$22,000.00	\$22,000.00	\$0.00	\$0.00	\$2,836.00	\$0.00	\$0.00	7/5/2016	L
Sunshine Hills Subdivision	42799	Pulaski	\$30,000.00	\$5,000.00	\$25,000.00	\$0.00	\$0.00	\$0.00	\$0.00	7/7/2016	A
Brookfield Northeast WWTF	MO0028746	Linn	\$10,000.00	\$0.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	7/8/2016	A
Middleton RV	Site ID 43416	Jefferson	\$10,000.00	\$2,000.00	\$8,000.00	\$0.00	\$836.95	\$0.00	\$0.00	7/8/2016	L

Fun											
Algieri Salvage	MOR60A194	Callaway	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	L
Baker Subdivision WWTF	MO0118052	Callaway	\$10,367.01	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	L
Cedar Haven Resort	MO0052043	Stone	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	A
Country Side Estates	MO0122173	Morgan	\$750.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	A
Eagle Apartments	37996	Cole	\$2,666.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	L
Fruitland American Meat	MO0130699	Cape Girardeau	\$70,000.00	\$0.00	\$55,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	L
Hazelwood Court MHP	MO0104485	Jefferson	\$6,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	A
Mid Mo Drain Cleaning and Plumbing	MOG821161	Maries	\$4,000.00	\$0.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	A
Donald G. Layman dba The Layman Company	MOR22A115	Shannon	\$2,261.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	A
Turner Scrap Metal Mobile	MOR80H108	Macon	\$2,120.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	A
Wholesale Auto Works	MOR60A191	Audrain	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	A
\$A sub total			\$322,424.60	\$93,950.00	\$212,793.60	\$1,987.89	\$14,799.07	\$65,000.00	\$0.00		
\$ L sub total			\$307,884.01	\$270,987.34	\$120,820.00	\$0.00	\$4,490.53	\$4,309.00	\$580.00		
\$ Total			\$630,308.61	\$364,937.34	\$333,613.60	\$1,987.89	\$19,289.60	\$69,309.00	\$580.00		
Total \$ Collected										\$456,103.83	

*denotes penalty assessed in agreement prior to 2016

A = Administrative

L = Litigation

Number of Cases with Monies Collected: 50

Total Monies Collected for Calendar Year 2016 = \$456,103.83