



WATER PROTECTION PROGRAM WATER POLLUTION CONTROL BRANCH

2009 ANNUAL COMPLIANCE & ENFORCEMENT REPORT

Prepared by: _____

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Date: _____

**WATER POLLUTION CONTROL PROGRAM
2009 ANNUAL ENFORCEMENT SUMMARY**

NEW ENFORCEMENT REQUESTS IN 2009 - 166

TOTAL ENFORCEMENT CASES CARRIED INTO 2010 – 374

REQUESTS RECEIVED PENDING

Cases prior to 2009 carried into 2010 pending action	5
Cases received in 2009 pending action	<u>27</u>
Total request pending carried into 2010	32

ADMINISTRATIVE CASE SUMMARY

Informal administrative actions in 2009	27
Formal administrative actions in 2009	8
Pending appeals in 2009	<u>0</u>
Total administrative cases carried into 2010	35

LITIGATION SUMMARY

Total Cases referred to the AGO in 2009	65
Cases referred prior to 2009 pending action carried into 2010	5
Cases referred in 2009 pending action	16
Litigation actions in 2009	<u>85</u>
Total referrals pending action and litigation carried into 2010	106

RETURNED TO COMPLIANCE

By Litigation	29
By formal Administrative actions	0
By informal Administrative actions & no action necessary	<u>40</u>
Total returned to compliance	69

IMPRISONMENT & PROBATION –

On September 1, 2009, Mr. William Garvey, the president of HPI Products, Inc., a pesticide company based in St. Joseph, Missouri, was sentenced in federal court for violations of the Missouri Clean Water Act and hazardous waste storage laws related to the company’s pesticide production. Mr. Garvey was sentenced to six (6) months imprisonment (with work release during the day) and a \$100,000.00 fine. The court sentenced HPI to pay a fine of \$300,000.00 in monthly installments of \$5000.00 each. Negotiations carried into 2010, and in May 2010, the Department of Justice drafted a joint Federal and State Consent Decree against HPI, St. Joseph Properties, and Mr. Garvey.

SUPPLEMENTAL ENVIRONMENTAL PROJECTS

In May 2005 and December 2006, a pipeline at Mississippi Lime, a company that processes limestone into lime products, ruptured and lime slurry entered the creek, which also caused a fish kill. On October 20, 2009, Mississippi Lime entered into a Settlement Agreement with the Attorney General’s Office and the Department to resolve the violations of the Missouri Clean Water Law. As part of this Agreement, Mississippi Lime agreed to invest in excess of \$300,000.00 and complete pollution mitigation projects at the plant. Such projects included replacing sections of the slurry pipeline with flexible mine hose to prevent future ruptures; relocating the Max-Vac vacuum system in the building in the watershed of outfall No. 002 and adding a third wall to hydrate tailing load to reduce exposure to storm water and the chance of lime solids being transported to waters of the state. In July 2009, Mississippi Lime submitted proof of completion for these projects to the Department.

DELINQUENT NPDES PERMIT FEES COLLECTED

By informal administrative actions	\$ 30,534.20
By litigation actions	<u>\$ 8,107.50</u>
Total amount of delinquent fees collected	\$ 38,641.70

**Penalties, Damages, and Other Amounts
Collected Through Enforcement Efforts
2009**

FACILITY NAME	FACILITY ID	COUNTY	PENALTY	DAMAGES	COST RECOVERY	OTHER**	DATE	TYPE*
BOOGER WOODS	MOR109B20	JASPER	\$3,000.00	\$0.00	\$0.00	\$0.00	11/16/2009	L
BRANSON HILLS 29 ACRE	MOR109D70	TANEY	\$40,000.00	\$0.00	\$0.00	\$0.00	6/30/2009	A
BRANSON WEST AIRPORT	MOR109P99	STONE	\$8,000.00	\$0.00	\$0.00	\$0.00	08/04/2009	A
BRIARWOOD ESTATES PLATS 2 & 3	MOR10A835	LINCOLN	\$16,000.00	\$0.00	\$0.00	\$0.00	02/06/2009	A
CAPE ROCK VILLAGE	MO0056332	CAPE GIRARDEAU	\$4,000.00	\$60.36	\$824.98	\$0.00	05/15/2009	A
CITY OF BATTLEFIELD	38022	GREENE	\$20,000.00	\$0.00	\$3,852.45	\$0.00	03/06/2009	A
CITY OF SPRINGFIELD-PUBLIC	38048	GREENE	\$18,000.00	\$2,414.29	\$2,398.30	\$0.00	07/14/2009	A
COLEMAN TRUCKING	38074	REYNOLDS	\$0.00	\$12.75	\$785.87	\$0.00	09/14/2009	A
CONOCO FOOD STORE	MO0112674	COOPER	\$1,400.00	\$0.00	\$0.00	\$0.00	03/27/2009	A
FOCAL DAIRIES	MOG010629	VERNON	\$19,000.00	\$0.00	\$9,490.29	\$0.00	02/03/2009	A
INSPIRATION POINT WWTF	MO0131270	MORGAN	\$750.00	\$0.00	\$0.00	\$0.00	12/04/2009	A
IPES, INC (FUEL MAX)	38035	ADAIR	\$1,500.00	\$1,944.66	\$0.00	\$0.00	03/31/2009	A
JEFFERSON COUNTY PWSD #C-1	38047	JEFFERSON	\$0.00	\$2,183.50	\$1,644.20	\$0.00	01/12/2009	A
KENDRICK SWINE OPERATION	38061	MARION	\$2,000.00	\$111.17	\$2,378.41	\$0.00	11/06/2009	A
MICHEAL AND MARY ANN MADDEN	NP0002394	CAMDEN	\$5,000.00	\$0.00	\$0.00	\$0.00	04/01/2009	A
MOUNT VERNON WWTF	MO0022381	LAWRENCE	\$3,500.00	\$0.00	\$1,205.41	\$0.00	01/07/2009	A
NATURAL BIODIESEL PLANT	MOR23A127	PEMISCOTT	\$32,916.72	\$12,309.83	\$19,854.86	\$0.00	09/21/2009	L
PIONEER RIDGE SUBDIVISION	MOR10B871	PULASKI	\$7,000.00	\$0.00	\$0.00	\$0.00	12/04/2009	A
POCO RISCO SUBD WWTF	MO0119211	CAMDEN	\$1,500.00	\$0.00	\$0.00	\$0.00	11/10/2009	A
R & E SANITARY LANDFILL	MO0121231	ST. CHARLES	\$5,000.00	\$0.00	\$0.00	\$0.00	12/23/2009	L

**Penalties, Damages, and Other Amounts
Collected Through Enforcement Efforts
2009**

FACILITY NAME	FACILITY ID	COUNTY	PENALTY	DAMAGES	COST RECOVERY	OTHER**	DATE	TYPE*
REEVES TRAILER COURT	MO0113654	PULASKI	\$3,000.00	\$0.00	\$0.00	\$0.00	01/27/2009	A
RICHMOND PHASE I & II	MOR109S02	CHRISTIAN	\$25,000.00	\$0.00	\$0.00	\$0.00	07/07/2009	A
SHILO WAREHOUSE	MO0058297	FRANKLIN	\$3,000.00	\$0.00	\$0.00	\$0.00	08/05/2009	A
SUMMIT LAKE WINERY	MO0127213	CALLAWAY	\$4,000.00	\$0.00	\$0.00	\$0.00	07/30/2009	A
SUNSHINE ESTATES SUBD WWTF	MO0132799	POLK	\$4,000.00	\$0.00	\$0.00	\$0.00	10/27/2009	A

* Type - **A**=Administrative **L**=Litigation

** Other - This category reflects amounts assessed for items other than penalties/damages (Natural Resource Damages and contributions to Voluntary Water Quality Monitoring, etc.).

Number of Cases with a monetary assessment: 26

	<u>PENALTY</u>	<u>DAMAGES</u>	<u>COSTS RECOVERY</u>	<u>OTHER</u>	<u>Delinquent Permit Fees & Interest</u>
Administrative:	\$ 186,650.00	\$ 6,726.73	\$ 22,579.91	\$0.00	\$ 30,534.20
Litigation:	\$ 40,916.72	\$ 12,309.83	\$ 19,854.86	\$0.00	\$ 8,107.50
Total:	\$ 227,566.72	\$ 19,036.56	\$ 42,434.77	\$0.00	\$ 38,641.70

Total monetary value for Calendar Year 2009: \$ 327,679.75