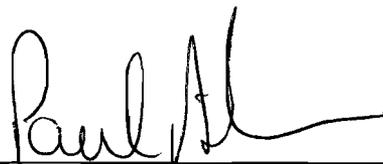


**WATER PROTECTION PROGRAM  
WATER POLLUTION CONTROL BRANCH**

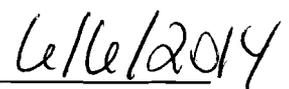
**2013 ANNUAL COMPLIANCE &  
ENFORCEMENT REPORT**

Prepared by:



Paul Dickerson, Chief  
Compliance & Enforcement Section

Date:



## WATER POLLUTION CONTROL PROGRAM 2013 ANNUAL ENFORCEMENT SUMMARY

<b>ACTIVE ENFORCEMENT CASES AS OF JANUARY 1, 2013</b>	<b>417</b>
NEW ENFORCEMENT REQUESTS IN 2013	109
ENFORCEMENT CASES RESOLVED BY ACTIONS IN 2013	22
ENFORCEMENT CASES NOT INITIATED & RETURNED	16
<b>TOTAL ENFORCEMENT CASES AS OF DECEMBER 31, 2013</b>	<b>487</b>

Active Administrative cases	319
Active Litigation cases (referred to AGO)	208

### REQUESTS RECEIVED PENDING

Cases prior to 2013 carried into 2013 pending action	20
Cases received in 2013 pending action	49
<b>Total request pending carried into 2014</b>	<b>69</b>

### ADMINISTRATIVE CASE SUMMARY

Settlement Agreements in 2013	3
Abatement Orders and Unilaterals in 2013	2
Abatement Orders on Consent in 2013	19
Compliance Monitoring Schedules in 2013	10
Permit Denials	3
Pending appeals in 2013	1
<b>Total administrative actions taken in 2013</b>	<b>38</b>

### LITIGATION SUMMARY

Total Cases referred to the AGO in 2013	11
Active Cases referred to the AGO prior to 2013	197
<b>Total Active Cases referred to the AGO</b>	<b>208</b>

Cases referred prior to 2013 pending action carried into 2014	14
Cases referred in 2013 pending action	8
<b>Total Cases referred to the AGO pending action</b>	<b>22</b>

Petitions filed in 2013	10
AGO Demand letters sent in 2013	11

AGO Settlement Agreements in 2013	0
Consent Judgments entered in 2013	13
Amended Federal Consent Decrees in 2013	1
Default Judgments entered in 2013	4
Court Orders in 2013	9
Hearings/Trials in 2013	2
<b><u>Total Litigation actions taken in 2013</u></b>	<b><u>50</u></b>

*\*Note-This information reflects only the most recent AGO action taken, as some enforcement cases have more than 1 AGO action in 2013 (Referral, AGO letter, Petition, Consent Judgment, etc.*

**RETURNED TO COMPLIANCE**

By Litigation (any action by AGO)	11
By WPP Enforcement Actions	14
By Enforcement Not Initiated	17
<b><u>Total Cases returned to compliance</u></b>	<b><u>42</u></b>

**DELINQUENT PERMIT FEE CASES REFERRED TO AGO**

Total Delinquent Fee Cases referred to the AGO in 2013	20
Active Delinquent Fee Cases referred to the AGO prior to 2013	24
Total Active Delinquent Fee Cases referred to the AGO	54

## **CRIMINAL INVESTIGATIONS, IMPRISONMENT FINES, ASSESSMENTS & PROBATION**

1. Bruce Morris: Mr. Morris was employed by Light Environmental which had contracted with Landmarc Estates in Taney County to operate, maintain and collect samples from its wastewater treatment facility. The facility consists of septic tanks preceding a recirculating sand filter with chlorination and discharges to a roadside ditch that is a tributary to Table Rock Lake, waters of the state. The electric motor powering the entire facility was inoperable from March 2008 to January 2009. As a result the facility discharged untreated wastewater during that period, in violation of Missouri State Operating Permit (MSOP) number MO0118796 and the Missouri Clean Water Law (MCWL). Knowing that the facility would not produce effluent samples compliant with the permitted effluent limitations, Mr. Morris substituted effluent samples from another facility, submitted them for analysis and falsely certified the quarterly Discharge Monitoring Reports (DMRs), which were received by the Department on March 12, June 18, August 4, and October 9, 2008. On January 22, 2013, Mr. Morris pled guilty in a US District court to one count of providing false information on a DMR, under the Clean Water Act. A sentencing date for Mr. Morris has not yet been set.
2. Seneca: Seneca is a Petroleum Service Company that was contacted on December 6, 2010, by Casey's General Store in Duenweg MO, and asked to respond to an accumulation of petroleum product in a sump pump at the store. During the response the Seneca crew discharged groundwater from the containment area into the sanitary sewer system of Duenweg MO without a permit and without notification to the city of Duenweg or city of Joplin. The discharge resulted in the evacuation of the Rosebrough General Store, and the Duenweg grade school due to the presence of gasoline vapors above the lower explosive limit. The Department's Environment Emergency Response unit was called out and was informed by a Seneca employee that his supervisor had authorized the discharge. The Seneca supervisor indicated to investigators that Seneca had a permit to discharge to the sewer. City of Joplin had issued the permit for a one-time dewatering event. Three employees of Seneca were indicted on June 11, 2013 for Water Pollution violations. The company's plea is pending.

## **SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)**

On December 28, 2011, sewage discharged from the City of Sedalia's collection system, into Sewer Branch, causing a fish kill. On June 13, 2013 the city entered into an Abatement order on Consent with the Department to resolve the violations of the MCWL. As part of this agreement, the city has agreed to perform clean-up and restoration of the riparian corridor of the Pearl River. The minimum cost of the restoration completed by the city will be \$31,183.00. Implementation of the restoration began in the spring of 2013 and will continue through the third quarter of 2017.

**DELINQUENT NPDES PERMIT FEES COLLECTED**

By informal administrative actions	\$ 5,000.00
By litigation actions	\$ 7,730.00
<b><u>Total amount of delinquent fees collected</u></b>	<b><u>\$12,730.00</u></b>

**Penalties, Damages, and Other Amounts  
Collected Through Enforcement Efforts 2013**

Facility/Site Name	Facility ID	County	Penalty Assessed	Penalty Paid	Damages	Cost Recovery	Natural Resource Damages	Delinquent Permit Fees	Date	Case Type**
Drexel South WWTP*	MO0023663	Bates	\$10,000.00	\$2,500.00	\$0.00	\$3,502.76	\$0.00	\$0.00	5/23/2013	A
Westgate MHP	MO0045519	Audrain	\$7,000.00	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	10/22/2013	L
Lake Lotawana	MO0055425	Jackson	\$30,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	1/8/2013	A
Little City MHP	MO0057363	Boone	\$6,500.00	\$3,000.00	\$0.00	\$0.00	\$0.00	0.00	9/11/2014	L
Hayti Aerated WWT Lagoon	MO0057673	Pemiscot	\$15,000.00	\$7,500.00	\$0.00	\$2,676.16	\$0.00	\$0.00	7/5/2013	A
Tower MHP	MO0085936	Callaway	\$6,500.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	9/11/2013	L
Brandco Investments LLC	MO0088072	Cape Girardeau	\$16,016.75	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00	2/22/2013	A
Wheelhouse Marina/Villas	MO0093629	Camden	\$0.00	\$1,600.00	\$0.00	\$0.00	\$0.00	\$0.00	8/21/2013	L
RD Sewer Company LLC	MO0096881	Stoddard	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,730.00	12/18/2013	L
Hibilly Country Motel	MO0099414	Taney	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	3/28/2013	L
Hols Summit WWTP NO. 1	MO0106810	Callaway	\$20,000.00	\$3,000.00	\$0.00	\$1,262.71	\$0.00	\$0.00	11/7/2013	A
PCSD #1 Weeks Hollow	MO0111716	Pulaski	\$12,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	3/27/2013	A
Overlook Subdivision	MO0116211	Stone	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	6/6/2013	L
Sharpe Holdings dba Sharpe Land and Cattle	MO0119962	Lewis	\$40,000.00	\$20,000.00	\$27.57	\$1,898.22	\$0.00	\$0.00	1/15/2013	A
Route 66 Inn	MO0127990	Crawford	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	4/13/2013	L
Van's Mill Creek	MO0128481	Morgan	\$6,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	1/23/2013	L
Northern Heights Estates	MO0130249	Pulaski	\$75,000.00	\$75,000.00	\$0.00	\$0.00	\$0.00	\$0.00	7/1/2013	L
Sunset Palms	MO0132420	Camden	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	5/20/2013	L

Northridge Estates	MOR0133795	Miller	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4/19/2013	A
Harrisonville Memorial Stadium	MOR105009	Cass	\$3,500.00	\$3,500.00	\$1,303.73	\$1,371.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/25/2013	A
Ridge @ Hart CR Plats 1 & 2	MOR105046	Boone	\$0.00	\$5,162.45	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1/23/2013	L
Oakridge Condominiums	MOR109G68	St. Charles	\$8,000.00	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3/13/2013	L
Teva Pharmaceuticals USA	MOR23A013	Audrain	\$164,141.46	\$164,141.46	\$0.00	\$59,357.00	\$26,000.00	\$0.00	\$0.00	\$0.00	\$0.00	5/31/2013	L
HPI Products Inc	MOR240601	Buchanan	\$75,000.00	\$38,092.50	\$0.00	\$2,777.56	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2/14/2013	L
Shapiro Brothers Inc	MOR60A146	Jefferson	\$20,000.00	\$20,000.00	\$0.00	\$1,171.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/26/2013	A
Aqua Missouri Inc	42433	Cole	\$18,000.00	\$18,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	3/14/2013	A
Blue Ridge MHP	39226	Miller	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1/4/2013	L
Callicott Place MHP	40059	Ralls	\$80,000.00	\$4,144.86	\$0.00	\$855.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/20/2013	L
Kenny Deibel	1622	Saline	\$1,000.00	\$1,000.00	\$0.00	\$1,760.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/17/2013	A
East Missouri Dev. LLC	1943	Lincoln	\$8,666.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	7/31/2013	L
Greenview Shopping Center	39536	Camden	\$15,866.40	\$13,403.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	12/2/2013	L
Los Rancheros MHP	38883	Lincoln	\$1,500.00	\$800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	8/23/2013	L
Sedalia WWTF	6517	Pettis	\$1,000.00	\$1,000.00	\$104.06	\$1,570.64	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	6/3/2013	A
Timber Ridge Subdivision	37873	Johnson	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	4/23/2013	L
Twin Hills Farm	40226	Polk	\$6,000.00	\$3,000.00	\$0.00	\$1,602.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	9/23/2013	A
Quail Run MHP	MO0126381	Lincoln	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/7/2013	L
\$A sub total			\$195,516.75	\$90,500.00	\$1,435.36	\$16,817.67	\$0.00	\$5,000.00	\$0.00	\$0.00	\$0.00		
\$ L sub total			\$491,673.86	\$359,844.47	\$0.00	\$62,989.70	\$26,000.00	\$7,730.00	\$0.00	\$0.00	\$0.00		
\$ Total			\$687,190.61	\$450,344.47	\$1,435.36	\$79,807.37	\$26,000.00	\$12,730.00	\$0.00	\$0.00	\$0.00		

\* amounts include Drexel North and South

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

Number of Cases with Monies Collected: 36

Case Type	Penalty Assessed	Penalty Paid	Damages	Cost Recovery	Natural Resource Damages	Delinquent Permit Fees
Administrative	\$195,516.75	\$90,500.00	\$1,435.36	\$16,817.67	\$0.00	\$5,000.00
Litigation	\$491,673.86	\$359,844.47	\$0.00	\$62,989.70	\$26,000.00	\$7,730.00
Total	\$687,190.61	\$450,344.47	\$1,435.36	\$79,807.37	\$26,000.00	\$12,730.00

**Total Monies Collected for Calendar Year 2014 = \$1,257,507.81**