

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES
STATE OF MISSOURI**

IN THE MATTER OF:)
)
 Ron Knight Mobile Home Park)
)
) No. 2014-WPCB-1311
SERVE:)
)
)
 Mr. Ron Knight, Owner)

ABATEMENT ORDER ON CONSENT

I. NOTICE TO RECIPIENTS OF ABATEMENT ORDERS

The issuing of this Abatement Order on Consent (AOC) No. 2014-WPCB-1311, by the Department of Natural Resources, is a formal administrative action by the state of Missouri and is being issued because the Ron Knight Mobile Home Park (MHP) is in violation of the Missouri Clean Water Law (MCWL), Chapter 644, RSMo, the Missouri Solid Waste Management Law (MSWML), Chapters 260.200 through 345 RSMo, and Missouri Air Conservation Law (MACL), Chapter 643, RSMo. This AOC is issued under the authorities of Sections 640.130, 640.131, 643.060(4), 643.080, and/or 643.085, 644.056, 644.079 and 260.210, RSMo. Failure to comply with this AOC is, by itself, a violation of the MCWL Section 644.076.1, MSWML Section 260.240, and MACL Section 643.151.3 RSMo. Litigation may occur without further administrative notice if there is not compliance with the requirements of this AOC. This AOC does not constitute a waiver or a modification of any requirements for the MCWL, MSWML, MACL, or their implementing regulations, all of which remain in full force and effect. Compliance with the terms of this AOC shall not relieve Mr. Ron Knight of liability for, or preclude the Department from, initiating an administrative or judicial enforcement action to recover civil penalties for any future violations of the MCWL, MSWML, or MACL, or to seek injunctive relief, pursuant to Chapters 644, 260, and 643, RSMo.

II. FINDINGS OF FACT

A. Mr. Ron Knight owns and operates a MHP which consists of approximately ten mobile homes located in the NW ¼, SW ¼, Section 18, Township 40 North, Range 22 West, of Benton County, Missouri. There is no Missouri State Operating Permit (MSOP) for the wastewater treatment and collection system. The receiving stream for discharges is a tributary to Truman Lake.

- B. Truman Lake and its tributaries are waters of the state as the term is defined by Section 644.016(27) RSMo.
- C. Domestic wastewater is a water contaminant as the term is defined in Section 644.016(24), RSMo.
- D. On December 5, 2012, Department staff conducted an investigation of the MHP after receiving an environmental concern indicating wastewater was discharging onto the ground. Staff from the Benton County Health Department accompanied Department staff during the investigation. Department staff observed ten mobile homes in which five of the homes were occupied. Department staff documented four of the five occupied mobile homes were connected to a septic collection system. Staff further observed wastewater, human wastes, and paper products on the ground at the end of a pipe directly away from one of the the homes connected to the septic collection system. The remaining four mobile homes that were occupied and hooked up to the septic centralized system had been unhooked from the common septic. Department staff also observed that the piping was flowing freely into the environment and down a hill into a pond and the flow was causing a wetland. Department staff documented that the pond the wastewater was flowing into discharged to a tributary which flowed a half-mile before entering Truman Lake.
- E. Based upon the violations documented by Department staff during the December 5, 2012, investigation, the Department issued Notice of Violation (NOV) No. KC2012100913583603 to Mr. Knight for causing pollution to waters of the state and operating a water contaminant source without an MSOP. The inspection report associated with the NOV required Mr. Knight to cease all unpermitted discharges to waters of the state and submit a response to the Department explaining what actions have been taken to address the violations and prevent future occurrences.
- F. On April 15, 2013, the Department received a response to the NOV from Mr. Knight. In this correspondence, Mr. Knight stated he had replaced several feet of sewer line in the collection system and plumbers have repaired part of the septic system.
- G. On August 6, 2013, Department staff conducted a follow-up inspection of the park. During this inspection, staff observed an occupied camper discharging wastewater directly on the ground. Department staff documented four occupied mobile homes and one camper connected to a septic tank. Staff further observed the septic tank discharging raw sewage through the seams around the lid opening of the tank. Department staff informed Mr. Knight and the maintenance worker that the operation was required to cease discharging to the environment and pump and haul sewage from the tank to a wastewater treatment plant to ensure that there were no future discharges from the tank.

- H. Based on the violations documented by Department staff during the August 6, 2013, inspection, the Department issued NOV No. KC2013080712342632 to Mr. Knight for causing pollution to waters of the state and operating a water contaminant source without an MSOP.
- I. On August 9, 2013, Department staff investigated an environmental concern at the MHP. During the investigation, staff observed evidence of open burning of demolition waste from a trailer and regulated solid waste originating from the property with more than four dwelling units. The burn pile contained insulation, drywall, mattress springs, and miscellaneous residential waste. On September 26, 2013, the Department issued NOV No. KCR20130823 0953390 to document the violations of Missouri Air Conservation Regulation 10 CSR 10-6.045, "*Open Burning Requirements*." Mr. Knight was also issued a Letter of Warning (LOW) for the improper management and disposal of regulated construction/demolition waste and trade waste generated from the mobile home residents. The LOW required the waste to be removed from the property and receipts for the proper disposal to be submitted to the Kansas City Regional Office (KCRO) before November 5, 2013.
- J. On December 3, December 9, 2013; and April 9, 2014, KCRO staff conducted follow up visits at the Knight property and observed additional waste deposited on the property and the regulated construction/demolition waste observed during their first inspection on August 9, 2013, remained on site.
- K. On March 3, 2014, the Department's Air Pollution Control Program (APCP) received a compliance plan from Mr. Knight, outlining a plan to return the property to compliance, including the use of dumpsters to clean up the burn debris, and providing trash service for tenants.
- L. On March 9, 2014, the APCP received a copy of a landfill receipt, demonstrating that at least some of the burn debris was disposed of properly.
- M. On June 10, 2014, the KCRO issued NOV No. KCRO20140507124110 to Mr. Knight for failure to comply with the conditions of the LOW dated September 26, 2013, and address violations of the MSWML.
- N. On July 14, 2014, the APCP received photographs, which displayed that most of the open burn site had been cleaned up.
- O. On September 10, 2014, Department staff conducted an inspection of the park. During this inspection, staff observed seven mobile homes on the property and documented that two of these units were occupied. Staff further observed an open lid on the septic tank and found the wastewater was six to eight inches from the top of the tank. Department staff also documented that the number of tenants on the property decreased from sixteen in August 2013 to five. In addition, staff

observed a portion of the regulated construction/demolition and residential waste generated by the tenants remained on the property.

- P. Section 644.076.1, RSMo, makes it unlawful to violate the MCWL and regulations promulgated pursuant thereto, and establishes civil penalties of up to \$10,000.00 per day per violation.
- Q. Section 643.151, RSMo, makes it unlawful to violate the MACL and regulations promulgated pursuant thereto, and establishes civil penalties of up to \$10,000.00 per day per violation.
- R. Section 260.200 through 260.345 (specifically Section 260.210), states it is unlawful to violate the MSWML and regulations promulgated pursuant thereto, and establishes civil penalties of up to \$5,000.00 per day per violation.

III. CITATIONS AND CONCLUSIONS OF LAW

Violations of the MCWL, MSWML, MACL, and their implementing regulations alleged herein and found to have been committed by Mr. Knight at the park are as follows:

- A. Caused pollution of a tributary of Truman Lake, waters of the state, or placed or caused or permitted to be placed water contaminants in a location where they are reasonably certain to cause pollution of waters of the state, in violation of Sections 644.051.1(1) and 644.076.1, RSMo;
- B. Since December 5, 2012, operated, used, or maintained a facility for the storage, treatment, or disposal of process wastes (septic tank and lateral field) without an MSOP, in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.015(2)(A);
- C. Failed to obtain approval from the Department for the method of sewage treatment and disposal in the park prior to the sale or lease of any lot, or the commencement of construction on any lot by the developer or any person, in violation of Section 644.076.1, RSMo, and 10 CSR 20-6.030(1)(D);
- D. Open burning of demolition waste and household or domestic waste originating from the property, which had more than four dwelling units, in violation of MACL, Chapter 643, RSMo, and 10 CSR 10-6.045, "*Open Burning Requirements*;" and
- E. Dumped or deposited, or allowing the dumping and depositing of solid waste onto the ground, in violation of MSWML Section 260.210.

IV. AGREEMENT

- A. The Department and Mr. Knight desire to amicably resolve all claims that may be brought against Mr. Knight for violations alleged above in Section III, Citations and Conclusions of Law, without Mr. Knight admitting to the validity or accuracy of such claims.
- B. The provisions of this AOC shall apply to and be binding upon the parties executing this AOC, their successors, assigns, agents, subsidiaries, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through, or for the parties. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not affect the responsibilities of Mr. Knight under this AOC.
- C. Mr. Knight, in compromise and satisfaction of the Department's claims relating to the above-referenced violations, agrees, without admitting liability or fault, to pay a civil penalty in the amount of \$15,414.00. The Department and Mr. Knight further agree that \$15,414.00 of such penalty shall be suspended for a period of two years on the condition that Mr. Knight does not violate the MCWL, MSWML, the MACL, their implementing regulations, or the terms of this AOC. Upon determination that Mr. Knight has failed to meet the terms of this AOC, including the schedule set out in Paragraphs D through G, the Department shall send a written demand for the suspended penalty in the amount of \$15,414.00 to Mr. Knight. Mr. Knight shall have 15 days from receipt of the written demand to submit the suspended penalty which shall be delivered to:

Accounting Program
Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0477

- D. In the period of time from the effective date of this AOC until the park is brought into compliance with the MCWL, Mr. Knight agrees to pump and haul the wastewater from the collection system to a permitted wastewater treatment facility with the capacity to accept the loads until Mr. Knight has completed all the requirements of this AOC. Mr. Knight shall maintain pumping and hauling receipts and submit copies of the receipts to the Department each month. The records shall be submitted to the Department by the tenth day of the following month and include the date the wastewater was pumped; number of gallons pumped; name of the wastewater hauler; and the name of the permitted facility accepting the wastewater.
- E. Within 120 days of the effective date of this AOC Mr. Knight agrees to reduce the number of residential units in the mobile home park to six or fewer, which includes disabling all connections from the closed lots and submit written notification and photographs to the Department documenting the connections

have been permanently disabled. Mr. Knight agrees to meet all the minimum requirements of the Benton County Health Department for installing a subsurface soil absorption system. Mr. Knight further agrees that the number of connections in the park will not expand over six without first obtaining written approval from the Department. Mr. Knight acknowledges that expanding the park to more than six units without first obtaining Department approval for the method of sewage disposal is a violation of the MCWL and its implementing regulations and subject to civil penalties of up to \$10,000.00 per day per violation.

- F. Mr. Knight agrees to remove all regulated waste from the property and submit receipts for the proper disposal of all waste to the Solid Waste Management Program within 30 days from the effective date of this agreement. Mr. Knight also agrees to comply with the MSWML for all future operations.
- G. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed by the required deadline, Mr. Knight shall notify the Department by telephone or electronic mail: i.) identifying the deadline that will not be completed; ii.) identifying the reason for failing to meet the deadline; and iii.) proposing an extension to the deadline. Within five days of notifying the Department, the district shall submit to the Department for review and approval a written request containing the same basic provisions of i, ii, and iii listed above. The Department may grant an extension if it deems appropriate. Failure to submit a written notice to the Department may constitute a waiver of Mr. Knight's right to request an extension and may be grounds for the Department to deny Mr. Knight an extension.
- H. Should Mr. Knight fail to meet the terms of this AOC, including the deadlines set out in Paragraphs D through G, Mr. Knight shall be subject to pay stipulated penalties in the following amount:

<u>Days of Violation</u>	<u>Amount of Penalty</u>
1 to 30 days	\$ 500.00 per day
31 to 90 days	\$1,000.00 per day
91 days and above	\$2,500.00 per day

Stipulated penalties will be paid in the form of a certified or cashier's check made payable to "Benton County Treasurer, as custodian of the Benton County School Fund." Any such stipulated penalty shall be paid within ten days of demand by the Department and shall be delivered to:

Accounting Program
 Department of Natural Resources
 P.O. Box 477
 Jefferson City, MO 65102-0477

- I. Nothing in this AOC forgives Mr. Knight from future non-compliance with the laws of the state of Missouri, nor requires the Department or state of Missouri to forego pursuing by any legal means for any non-compliance with the laws of the state of Missouri. The terms stated herein constitute the entire and exclusive agreement of the parties. There are no other obligations of the parties, be they express or implied, oral or written, except those expressly set forth herein. The terms of this AOC supersede all previous memoranda of understanding, notes, conversations, and agreements, express or implied. This AOC may not be modified orally.
- J. By signing this AOC, all signatories assert that they have read and understood the terms of this AOC, and that they have the authority to sign this AOC on behalf of their respective party.
- K. The effective date of the AOC shall be the date the Department signs the AOC. The Department shall send a fully executed copy of this AOC to Mr. Knight for his records.
- L. Mr. Knight shall comply with the MCWL, Chapter 644, MSWML, Chapter 260, and the MACL, Chapter 643, RSMo and their implementing regulations at all times in the future.

V. RIGHT OF APPEAL

By signing this AOC No. 2014-WPCB-1311, Mr. Knight consents to its terms and waives any right to appeal, seek judicial review, or otherwise challenge the terms and conditions of this AOC pursuant to Sections 621.250, 640.010, 640.013, 644.056.3, 644.079.2, 643.085, 621.250, Chapters 536, 643, or 640 RSMo, 644.145, RSMo, 10 CSR 20-1.020, 10 CSR 20-3.010, 10 CSR 20-6.020(5), 10 CSR 10-1.030, 260.235, 235 RSMo, the Missouri Constitution, or any other source of law.

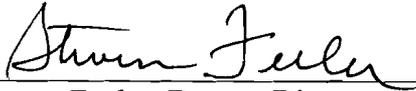
VI. CORRESPONDENCE AND DOCUMENTATION

Correspondence or documentation with regard to conditions outlined in this AOC shall be directed to:

Ms. Joan Doerhoff
Department of Natural Resources
Water Protection Program
Compliance and Enforcement Section
P.O. Box 176
Jefferson City, MO 65102-0176

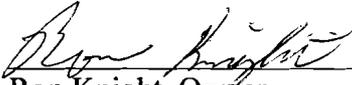
JAN 09 2015

Agreed to and Ordered this 15th day of January, 2015



Steven Feeler, Deputy Director
Division of Environmental Quality
Missouri Department of Natural Resources

Agreed to and Ordered this _____ day of _____, 2014



Ron Knight, Owner

Copies of the foregoing served by certified mail to:

Mr. Ron Knight
Ron Knight Mobile Home Park
324 East Ohio Street
Clinton, MO 64753

CERTIFIED MAIL:

- c: Ms. Diane Huffman, Environmental Protection Agency
Accounting Program
Ms. Andrea Collier, Director, Kansas City Regional Office
Mr. Larry Lehman, Solid Waste Management Program
Ms. Darcy Bybee, Air Pollution Control Branch
Missouri Clean Water Commission