



## MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

THROUGH: Leanne Tippet Mosby, Director  
Division of Environmental Quality

FROM: Kyra L. Moore, Director  
Air Pollution Control Program

SUBJECT: Attorney General's Office Referral Request – Parker Petroleum

Parker Petroleum operates a commercial contracting company at 1424 South Main Street in Troy, Lincoln County, Missouri.

On August 6, 2012, the department's St. Louis Regional Office (SLRO) staff observed construction work, by Parker Petroleum, taking place at Gas Mart #9 located at 1187 South Kingshighway in St. Louis, Missouri. The SLRO observed the installation of underground storage tanks at this location. It was discovered this work had been done without obtaining a vapor recovery construction permit and that neither the facility nor Parker Petroleum requested authorization from the department to build a facility without Stage II equipment.

Upon notification from the SLRO, Mr. Mike Jabbar, owner of Gas Mart #9, applied for and obtained a construction permit valid from August 21, 2012.

On February 7, 2013, the department's St. Louis Regional Office (SLRO) issued Notice of Violation (NOV) #3148SL to Parker Petroleum for failure to obtain a construction permit prior to commencement of construction. Failure to obtain a construction permit is a violation of Missouri State Air Regulation 10 CSR 10-5.220, "*Control of Petroleum Storage, Loading and Transfer,*" specifically section (G)(1)(A).

On April 18, 2013, the department's Air Pollution Control Program (APCP) mailed a letter offering a civil settlement and requesting a compliance plan from the company.

On May 2, 2013, the letter was returned to the APCP as unable to deliver.

On May 13, 2013, the APCP mailed out a second letter, to a different address, offering a civil settlement and requesting a compliance plan from the company.

On June 17, 2013, a member of the APCP staff spoke with Mr. Parker, President of Parker Petroleum, over the telephone. During this conversation, Mr. Parker stated that he had a construction permit for the work his company had done at this site. The APCP staff told Mr. Parker the permit was obtained after his company was observed working on the site. Mr. Parker then stated he might have records showing when his company was on site and that he would send copies.

On June 18, 2013, Mr. Parker called the APCP. During this conversation, he stated that facility personnel told him that all the necessary permits were obtained in order for him to do his work. He also stated he contacted the local Fire Marshal and had given 30 day notice prior to construction. Mr. Parker did not provide documentation to the APCP.

On July 1, 2013, APCP mailed a third settlement letter to Mr. Parker

Mr. Parker has made no contact with the APCP in response to the above NOV or letters since June 18, 2013.

In light of failure to resolve the violations with conference, conciliation, and persuasion, the Air Pollution Control Program is requesting authority to refer the case to the Attorney General's Office to institute a civil action in a court of competent jurisdiction on behalf of the Missouri Air Conservation Commission and Missouri Department of Natural Resources. I recommend approval of this action.

KLM:pvv

c: Ethel Myers, St. Louis Regional Office