



# WATER PROTECTION PROGRAM WATER POLLUTION CONTROL BRANCH

## 2012 ANNUAL COMPLIANCE & ENFORCEMENT REPORT

Prepared by:



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## WATER POLLUTION CONTROL PROGRAM 2011 ANNUAL ENFORCEMENT SUMMARY

<b>ACTIVE ENFORCEMENT CASES AS OF JANUARY 1, 2012</b>	<b>436</b>
NEW ENFORCEMENT REQUESTS IN 2012	85
ENFORCEMENT CASES RESOLVED BY ACTIONS IN 2012	44
ENFORCEMENT CASES NOT INITIATED & RETURNED	16
<b>TOTAL ENFORCEMENT CASES AS OF DECEMBER 31, 2012</b>	<b>447</b>

### REQUESTS RECEIVED PENDING

Cases prior to 2012 carried into 2013 pending action	20
Cases received in 2012 pending action	23
<b>Total request pending carried into 2013</b>	<b>43</b>

### ADMINISTRATIVE CASE SUMMARY

Settlement Agreements in 2012	5
Abatement Orders and in 2012	1
Abatement Orders on Consent in 2012	24
Compliance Monitoring Schedules in 2012	2
Permit Denials	3
Pending appeals in 2012	0
<b>Total administrative cases carried into 2013, including cases prior to 2012</b>	<b>65</b>

### LITIGATION SUMMARY

Total Cases referred to the AGO in 2012	13
Active Cases referred to the AGO prior to 2012	188
<b>Total Active Cases referred to the AGO</b>	<b>201</b>
Cases referred prior to 2012 pending action carried into 2013	21
Cases referred in 2012 pending action	10
<b>Total Cases referred to the AGO pending action</b>	<b>31</b>
Petitions filed in 2012	14
AGO Demand letters sent in 2012	23
AGO Settlement Agreements in 2012	1
Consent Judgments entered in 2012	11
Federal Consent Decrees in 2012	0
Default Judgments entered in 2012	2

Court Orders in 2012	7
Hearings/Trials in 2012	5
<b>Total Litigation actions taken in 2012</b>	<b>63</b>

*\*Note-This information reflects only the most recent AGO action taken, as some enforcement cases have more than 1 AGO action in 2011 (Referral, AGO letter, Petition, Consent Judgment, etc.*

**RETURNED TO COMPLIANCE**

By Litigation (any action by AGO)	13
By WPP Enforcement Actions	31
By Enforcement Not Initiated	16
<b>Total Cases returned to compliance</b>	<b>60</b>

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

1. Indian Ridge Resort Community is owned by Indian Ridge Resorts and North Shore Investments. Due to the lack of adequate best management practices (BMPs), sediment from the site discharged to a tributary to Table Rock Lake. On July 27, 2010, Mr. Shirato, Indian Ridge Resorts, North Shore Investments and owners Donald Snider and David Drake were indicted for violations of the Clean Water Act (CWA). On November 21, 2011, the parties plead guilty to violations of the CWA, and on March 29, 2012, Indian Ridge Resort and North Shore Investments were sentenced in US District Court. Indian Ridge Resort was fined \$215,000.00. North Shore Investments was fined \$100,000.00. Both companies were sentenced to five (5) years of probation and ordered to pay a \$400.00 special assessment. The companies were also directed to comply with a consent agreement between the companies and the State of Missouri.
2. Greg and Nicole Pfeffer own GNP Services, which managed numerous wastewater treatment facilities in Eastern Missouri. The company pled guilty in US District Court to one count of violating the CWA and on March 8, 2013, was sentenced to 48 months of probation, fined \$4,500.00 and ordered to pay a \$400.00 special assessment. Department staff provided information to the Environmental Protection Agency Criminal Investigation Division to investigate falsified Discharge Monitoring Reports (DMRs). During the investigation, Greg Pfeffer and Nicole Pfeffer confessed to changing the results of the analysis for entry on the DMRs to indicate compliance with permitted effluent limitations. On March 20, 2012, Carla Boos pled guilty to one count of making a false statement under the CWA. On March 23, 2012, Greg Pfeffer pled guilty to one count of making a false statement under the CWA. On June 20, 2012, Carla Boos was sentenced in US District Court to 24 months of probation, 25 hours of community service, ordered to pay a fine of \$7,500.00 and a special assessment of \$100.00. On July 5, 2012, Gregg Pfeffer was sentenced in US District Court and sentenced to 2 years of probation, and ordered to pay a fine of \$1,000.00 and perform 40

hours of community service. Additionally, Greg Pfeffer was ordered by the court to undergo a mental health assessment.

**SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)**

On August 1, 2011, drinking water from a water main break had entered Rock Creek near the Frisco Hill Road Bridge causing eight hundred twenty-four (824) fish to be killed. Public Water Supply District number C-1 of Jefferson County was found to be the owner of the water main. On May 21, 2012, the District entered into an Abatement Order on Consent with the Department to resolve violations of the Missouri Clean Water Law

As part of this agreement, the District has agreed to assist the Jefferson County Sheriff's Department by providing advertising and publicity for a Pharmaceutical Waste Collection. The total cost of advertising and publicity provided by the District was \$7,702.42. The collections were held on April 28, 2012, October 2012, and April 27, 2013.

**DELINQUENT NPDES PERMIT FEES COLLECTED**

By informal administrative actions	\$ \$132.00
By litigation actions	\$ 2,400.00
<b><u>Total amount of delinquent fees collected</u></b>	<b><u>\$ \$2,532.00</u></b>

**Penalties, Damages, and Other Amounts  
Collected Through Enforcement Efforts  
2012**

<u>Facility/Site Name</u>	<u>Facility ID</u>	<u>County</u>	<u>Penalty</u>	<u>Damages</u>	<u>Cost Recovery</u>	<u>Delinquent Permit Fees**</u>	<u>Date</u>	<u>Case Type*</u>
Ag-Air, SER	40491	New Madrid	\$2,000.00	\$797.83	\$2,188.58	\$0.00	7/24/2012	A
Black Oak Water and Sewer, SWR	MO0128333	Stone	\$0.00	\$0.00	\$0.00	\$18,399.67	11/26/2012	L
Clear Creek Farm, NER	MOG010415	Macon	\$15,000.00	\$0.00	\$3,908.97	\$0.00	8/16/2012	L
Country Acres, KCR	MO0114898	Johnson	\$1,000.00	\$0.00	\$0.00	\$0.00	1/20/2012	A
Country Aire Estates, SLR	MO0096296	Jefferson	\$0.00	\$0.00	\$0.00	\$2,400.00	6/27/2012	L
Courtney Ridge Landfill, KCR	MO0117790	Jackson	\$8,000.00	\$0.00	\$0.00	\$0.00	9/13/2012	L
Courtney Ridge Landfill, KCR	MO0117790	Jackson	\$0.00	\$0.00	\$8,134.46	\$0.00	7/20/2012	L
Crescent Farms Golf Club, SLR	MO0098124	St. Louis	\$1,707.00	\$0.00	\$0.00	\$0.00	3/27/2012	A
Double E Construction	38062	Adair	\$0.00	\$9.19	\$1,945.55	\$0.00	5/15/2012	L
Edmon Lagoon, SER	38075	Pulaski	\$2,000.00	\$0.00	\$0.00	\$0.00	5/7/2012	L
El Ray Mobile Home Park, NER	MO0105520	Boone	\$5,000.00	\$0.00	\$0.00	\$0.00	4/5/2012	A
Gessling Farms LLC, NER	MOR240266, MOR240266	Saline	\$2,500.00	\$0.00	\$1,462.32	\$0.00	8/15/2012	A
Glits Way, LLC, KCR	MOG010766	Pettis	\$1,000.00	\$5,608.38	\$2,751.22	\$0.00	8/28/2012	A
Gravois Bluffs Estates, SLR	MOR10A196	Jefferson	\$30,000.00	\$0.00	\$765.37	\$0.00	11/30/2012	L
Guichos Restaurant, KCR	39573	Cass	\$1,000.00	\$0.00	\$1,920.83	\$0.00	10/2/2012	A
Hallsville Land App Sys, NER	MO0104990	Boone	\$12,000.00	\$0.00	\$0.00	\$0.00	7/10/2012	L
Hillier Asphalt, SWR	MOG490834	Vernon	\$0.00	\$0.00	\$0.00	\$64.80	NA	A
Jefferson County Cons PWSD C 1, SLR	40191	Jefferson	\$500.00	\$0.00	\$460.82	\$0.00	5/18/2012	A
L and R MHP, SER	38071	Texas	\$2,000.00	\$0.00	\$0.00	\$0.00	3/1/2012	A
Lake Ozark Speedway, SWR	MO0131377	Miller	\$2,500.00	\$0.00	\$0.00	\$0.00	12/13/2012	L

Lathrop Lagoon, KCR	MO0112704	Clinton	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	8/13/2012	A
Lincoln Co Farmers Coop., SLR	MOR240266	Lincoln	\$4,000.00	\$372.69	\$3,575.74	\$0.00	\$0.00	9/25/2012	A
Loxgreen, SER	MOR203205	Pemiscot	\$5,000.00	\$0.00	\$0.00	\$67.20	\$0.00	12/3/2012	A
Lucky's Restaurant and Bar, SWR	39302	Hickory	\$2,000.00	\$0.00	\$0.00	\$0.00	\$0.00	6/21/2012	A
Mack's Creek City Hall, SWR	39861	Camden	\$1,300.00	\$0.00	\$0.00	\$0.00	\$0.00	4/10/2012	A
Maryland Heights Subdivision, NER	MOR100L75	Boone	\$14,000.00	\$0.00	\$1,477.16	\$0.00	\$0.00	5/14/2012	L
Missouri Utilities Company, KCR	MO0088382	Pettis	\$687.50	\$0.00	\$0.00	\$0.00	\$0.00	12/31/2012	L
Northridge MHP	MO0133795	Miller	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	12/10/2012	A
Oakridge Condominiums, SLR	MOR109G68	St. Charles	\$1,750.00	\$0.00	\$0.00	\$0.00	\$0.00	7/9/2012	L
OUTLAWS BAR AND GRILL, SER	MO0136182	St. Francois	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	2/22/2012	L
Peaceful Acres, SLR	MO0044881	Jefferson	\$10,000.00	\$0.00	\$2,676.60	\$0.00	\$0.00	10/26/2012	L
Red Oak Resort, LLC, SWR	MO0103128	Camden	\$7,000.00	\$0.00	\$0.00	\$0.00	\$0.00	4/2/2012	L
Reynolds Co Commission, SER	38076	Reynolds	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	7/20/2012	L
Selma Village Estates, SLR	MOR109Y59	Jefferson	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	12/28/2012	L
Shady Lane WWTF, SWR	MO0125717	Dallas	\$5,500.00	\$0.00	\$0.00	\$0.00	\$0.00	8/1/2012	L
Sunset Palms, SWR	MO0132420	Camden	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	2/20/2012	L
Voss Trailer Court WWTF, NER	MO0131792	Osage	\$3,221.55	\$0.00	\$0.00	\$0.00	\$0.00	3/17/2012	A
Whiteside Hidden Acres, SWR	MO0120511	Hickory	\$5,000.00	\$0.00	\$295.45	\$0.00	\$0.00	6/21/2012	A
<b>\$ A sub total</b>			<b>\$34,228.55</b>	<b>\$6,778.90</b>	<b>\$12,654.96</b>	<b>\$132.00</b>			
<b>\$ L sub total</b>			<b>\$126,937.50</b>	<b>\$9.19</b>	<b>\$18,908.11</b>	<b>\$2,400.00</b>			
<b>\$ Total</b>			<b>\$161,166.05</b>	<b>\$6,788.09</b>	<b>\$31,563.07</b>	<b>\$2,532.00</b>			

\* Type - A=Administrative L=Litigation

\*\* Other - This category reflects amounts assessed for items other than penalties/damages/cost recovery-Delinquent Permit Fees

Number of Cases with Monies Collected: 38

	<u>CIVIL PENALTY</u>	<u>DAMAGES</u>	<u>COST RECOVERY</u>	<u>DELINQUENT PERMIT FEES &amp; LATE PENALTIES</u>
Administrative:	\$ 34,228.55	\$ 6,788.09	\$ 12,654.96	\$ 132.00
Litigation:	\$ 126,937.50	\$ 9.19	\$ 18,908.11	\$ 2,400.00
<u>Total:</u>	<u>\$ 161,166.05</u>	<u>\$ 6,797.28</u>	<u>\$ 31,563.07</u>	<u>\$ 2,532.00</u>

**Total Monies Collected for Calendar Year 2012 = \$202,058.40**

