

IN THE CIRCUIT COURT OF CAMDEN COUNTY, MISSOURI

STATE OF MISSOURI ex rel. )  
Attorney General Chris Koster, )  
Missouri Department of )  
Natural Resources, and Missouri )  
Clean Water Commission )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
SUMMIT NATURAL GAS OF )  
MISSOURI, INC., )  
 )  
Defendant. )

**FILED**  
**9/2/2015 04:50 PM**  
**Jo McElwee**  
**Camden County**  
**Circuit Clerk**

Case No. 15CM-CC00217

**CONSENT JUDGMENT**

Plaintiffs, by and through its relators Attorney General Chris Koster, the Missouri Department of Natural Resources, and the Missouri Clean Water Commission and Defendant, Summit Natural Gas of Missouri Inc., (“Defendant”) (collectively “Parties”), by and through their respective counsel, consent to the entry of this Consent Judgment.

The Court has read Plaintiffs’ Petition for Injunctive Relief and Civil Penalties, in which Plaintiff alleges that Defendant violated the Missouri Clean Water Law. The Court is advised that the parties have consented to the terms in this Consent Judgment for settlement purposes only, and that their consent is conditioned upon Court approval of the Consent Judgment in its entirety. The Court is satisfied that the provisions of this Consent

Judgment are intended to resolve the issues raised by the Petition and that the parties want to terminate this controversy and consent to the entry of this judgment without trial. The Court retains jurisdiction over the matter in order to enforce each and every term of this Consent Judgment.

Defendant neither admits nor denies the allegations contained in the Petition, and nothing in the Consent Judgment shall be construed as an admission of liability, fact or law, or any wrongdoing on the part of Defendant.

The parties hereto, having consented to the entry of this Consent Judgment before the taking of any testimony and without the adjudication or admission of any fact or law, upon the pleadings, it is hereby ORDERED, ADJUDGED, AND DECREED that:

### **I. Objectives of the Parties**

1. The objectives of the parties to this Consent Judgment are to resolve the allegations contained in Plaintiffs' Petition.

### **II. Definitions**

2. Terms used herein shall have the same meaning as provided in Chapter 644 RSMo and the regulations adopted thereunder. In addition, the following terms are specifically defined:

a. "Commission" means the Missouri Clean Water Commission.

b. “Consent Judgment” means this Consent Judgment and all attachments, which are included by reference and fully enforceable as a term of the judgment.

c. “Defendant” means Summit Natural Gas of Missouri, Inc.

d. “Department” means the Missouri Department of Natural Resources.

e. “Plaintiff” and “State” means the State of Missouri on the relationship of Attorney General Chris Koster, the Department and the Commission.

f. “Project” means Defendant’s construction and installation of natural gas pipeline infrastructure along an approximate linear route of 56 miles.

g. “Permit” means Missouri State Operating Permit number MORA01312 and all land disturbance permits issued by the Missouri Department of Natural Resources to Summit Natural Gas of Missouri, Inc.

### **III. Jurisdiction and Venue**

3. This Court has jurisdiction over the subject matter and the parties in this case pursuant to § 644.076.1 RSMo.<sup>1</sup> Venue is proper in this court pursuant to § 644.076.1 RSMo because the alleged conduct giving rise to this action took place in Camden County.

### **IV. Parties Bound**

4. The provisions of this Judgment shall be binding upon the parties to this action as well as their agents, servants, employees, heirs, successors, assigns, and to all persons, firms, corporations and other entities who are, or who will be, acting in concert or privity with, or on behalf of the parties to this action or their agents, servants, employees, heirs, successors, and assigns. Defendant shall provide a copy of this order to all persons or entities retained to perform work required by this order.

### **V. Satisfaction and Reservation of Rights**

5. Upon the completion of all terms of this Consent Judgment, including the payment of civil penalties, completion of all schedules of compliance and the payment of any stipulated penalties due under the terms of this Consent Judgment, Defendant is relieved of liability for the violations alleged in the petition.

---

<sup>1</sup> All statutory references shall be to the Missouri Revised Statute 2000 unless specifically stated otherwise.

6. This Consent Judgment shall not be construed to limit the rights of the State to obtain penalties or injunctive relief under the Missouri Clean Water Law or its implementing regulations or under other federal or state laws, or regulations, except as expressly stated in the preceding paragraph of this Consent Judgment. Without limiting the foregoing, the parties expressly agree that:

a. Nothing in this Consent Judgment shall prevent the State from applying to this Court for further orders or relief if violations of this Consent Judgment occur.

b. Nothing in this Consent Judgment shall preclude the State from seeking equitable or legal relief for violations of the Missouri laws or regulations that were not alleged in the petition.

c. Nothing in this Consent Judgment shall preclude the State from seeking equitable or legal relief for future violations of the Missouri Clean Water Law or regulations promulgated under its authority.

d. The State of Missouri further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare or the environment arising at, or posed by, Defendant' project, acts or omissions, whether

related to the violations addressed in this Consent Judgment or otherwise.

## **VI. Injunctive Relief**

7. Defendant is ordered to comply with all State of Missouri environmental statutes and all implementing regulations for any and all future activities in the State of Missouri.

8. Defendant is ordered to comply with Missouri State Operating Permit (“MSOP”) No. MORA01312 and any other land disturbance permit issued by the Department, including conducting inspections of disturbed areas once per seven calendar days until vegetation is re-established, inspection of BMPs within 48 hours of cessation of a rainfall event during a work day or 72 hours of cessation of a rainfall event on a weekend or holiday, repair or replacement of compromised BMPs in a timely manner, and post public notification at all active project sites in accordance with the permit.

9. Defendant shall conduct a comprehensive review of the project areas that have been disturbed to date in Camden County and prepare and submit a report of its findings, including photographic evidence, within 30 days of entry of this Consent Judgment unless written approval for an extension is granted by the Department. The report shall identify areas in Camden County that require additional measures to meet the requirements

of Missouri State Operating Permit No. MORA01312, the measures to be implemented, and a timeframe for implementing such measures for each area identified.

### **VII. Civil Penalty**

10. Defendant consents to the entry of judgment in favor of the State of Missouri for a civil penalty in the amount of \$50,000.00.

11. Defendant hereby authorizes entry of this judgment against them and in favor of the State of Missouri for this sum.

12. Defendant agrees to pay the \$50,000.00 civil penalty by check made payable to the “*State of Missouri (Camden County)*” within thirty (30) days of the entry of this Consent Judgment by mailing same to: Collections Specialist, Missouri Attorney General’s Office, P.O. Box 899, Jefferson City, MO 65102-0899.

### **VIII. Stipulated Penalties**

13. In the event that Defendant fails to comply with the requirements set forth in this Consent Judgment, Defendant shall be liable for stipulated penalties in accordance with the following schedule:

- A. \$50.00 per day for each day of each violation up to 10 days.
- B. \$150.00 per day for each day of each violation, from 10-20 days.

C. \$300.00 per day for each day of each violation, beyond 20 days.

14. Stipulated penalties shall be due and payable within ten days of demand being made by the Attorney General's Office. Defendant shall pay stipulated penalties by check made payable to the "*State of Missouri (Camden County)*" and mailed, along with a copy of the State's stipulated penalty demand letter, to: Collections Specialist, Missouri Attorney General's Office, P.O. Box 899, Jefferson City, MO 65102-0899. That check will be deposited and processed in accordance with the consent judgment and Missouri law.

15. The inclusion of stipulated penalty provisions in this Consent Judgment, and the payment of stipulated penalties, does not limit the State's ability to pursue other penalties for the same acts; where a violation of this Consent Judgment also constitutes a violation of a statute, stipulated penalties may be collected in addition to statutory penalties imposed for those violations.

#### **IX. Response Cost Recovery and Natural Resource Damages**

16. Reimbursement of the State's Costs and Expenses Incurred Through December 9, 2013. Within thirty (30) days of Court approval of this Consent Judgment, Defendant shall reimburse the Department for its investigative and response costs and expenses incurred up through

December 9, 2013 as a result of the events described in the Petition, in the amount of \$7,772.00. Payment shall be made by check made payable to the “State of Missouri” and delivered to Collections Specialist, Missouri Attorney General’s Office, P.O. Box 899, Jefferson City, MO 65102-0899.

17. Natural Resource Damages. Within thirty (30) days of Court approval of this Consent Judgment, Defendant agrees to pay Natural Resource Damages to the State in the amount of \$142,228.00 for the damages to the ground water, surface water and other natural resources of the State resulting from the events described in the Petition. The payment shall be made by check made payable to the “*State of Missouri (Natural Resource Damages Subaccount No. 0555)*” and delivered to Collections Specialist, Missouri Attorney General’s Office, P.O. Box 899, Jefferson City, MO 65102-0899.

## **X. Modification**

18. Except as otherwise specified herein, this Consent Judgment may be modified or amended only upon written agreement by and among the parties, their successors and assigns and with the approval of the Court. All modifications shall be in writing and filed with the Court.

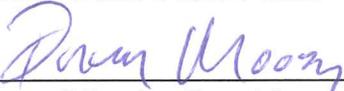
## **XI. Costs**

19. Defendant shall pay all court costs in this action.

[Remainder of page intentionally left blank.]

The parties hereby consent to this Consent Judgment through their  
duly authorized representatives as indicated below.

SUMMIT NATURAL GAS OF MISSOURI, INC.

By:   
Dave Moody, President

Date: 8-17-15

MISSOURI ATTORNEY GENERAL'S OFFICE

By:   
Brook McCarrick  
Assistant Attorney General

Date: 8/20/15

MISSOURI DEPARTMENT OF NATURAL RESOURCES

By:   
for Leanne Tippett Mosby, Director  
Division of Environmental Quality

Date: 8/27/15

SO ORDERED.

  
Circuit Judge

Date: 9-2-15