

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)
))
Tiger Cenex WWTF)
CSL Properties, LLC &)
Mid-Missouri Convenience Stores, Inc.) **Order No. 2015-WPCB-1331**
))
Proceeding under the)
Missouri Clean Water Law)

NOTICE AND ORDER TO ABATE VIOLATIONS

SERVE BY CERTIFIED MAIL # 7013 2250 0002 2840 0743
RETURN RECEIPT REQUESTED

TO: Christopher Lenz, Registered Agent
CSL Properties, LLC
1004 Shepard Lane
Boonville, MO 65233

You are hereby notified that on this date the Department of Natural Resources has issued this Notice and Order to Abate Violations (order) to CSL Properties, LLC (respondent) under the Missouri Clean Water Law (MCWL), Chapter 644 of the Revised Statutes of Missouri (RSMo), specifically Sections 644.056 and 644.079, RSMo.

Failure to comply with this order is, by itself, a violation of the MCWL under Section 644.076, RSMo. Continued non-compliance may result in the department pursuing legal action for injunctive relief, additional penalties of up to \$10,000.00 per day for each day or part thereof of non-compliance, 10% interest on any amounts owed, attorney fees and costs, and/or any other remedy authorized by law, including but not limited to sections 644.056, 644.076, 644.079, and/or 644.096 RSMo.

FINDINGS OF FACT

1. The respondent owned and operated Tiger Cenex, a convenience store and gas station, located at 17402 Highway 87 in Boonville, Missouri. The wastewater generated by the convenience store was treated by a single-cell lagoon located in the NW ¼, SE ¼, Section 8, Township 48 North, Range 16 West, in Cooper County.

2. Missouri State Operating Permit No. MO-0115932 was issued October 12, 2007, and expired by its own terms on October 11, 2012. The MSOP authorized the discharge of treated effluent at the site in accordance with the effluent limitations and monitoring requirements set forth in the MSOP. The receiving stream for wastewater flow is a tributary to Petite Saline Creek.

3. Petite Saline Creek and its tributaries are waters of the state as the term is defined by Section 644.016(27), RSMo.

4. Domestic wastewater is a water contaminant source as the term is defined by Section 644.016(24), RSMo.

5. MSOP No. MO-0115932 requires the respondent to sample the effluent discharged from Outfall No. 001 and chemically analyze the effluent sample for the water contaminant listed in Part "A" every quarter. MSOP No. MO-0115932 further requires the effluent to comply with the effluent limitations contained in Part "A" and requires the results of the analysis to be submitted to the department on quarterly Discharge Monitoring Reports (DMRs).

6. The department has not received quarterly DMRs since the issuance of the MSOP.

7. On March 3, 2014, the department received correspondence from the respondent stating that the business had closed in the spring of 2008 and that the respondent's long term goal was to close the lagoon.

8. As of the date of this order, the department has not received an application to terminate the MSOP, or a closure plan for the lagoon, and the lagoon has not been closed in accordance with a department approved closure plan.

9. This order is necessary to compel compliance and/or to prevent or eliminate threats to human health or the environment.

STATEMENT OF VIOLATIONS

The respondent has violated the MCWL and its implementing regulations as follows:

10. Since October 12, 2012, operated, used, or maintained a water contaminant source, wastewater treatment facility, which discharges to Petite Saline Creek, waters of the state, without an MSOP, in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.010(1)(A) and (5)(A).

CORRECTIVE ACTIONS

Pursuant to section 644.056 RSMo, the department hereby orders the respondent to complete each of the following corrective actions:

11. Within 30 days of receipt of this order, the respondent shall submit to the department, for review and approval, a closure plan developed in accordance with department guidelines, described in Standard Conditions for National Pollutant Discharge Elimination System Permits, Part III, Section I of MSOP No. MO-0115932.

12. Within 90 days of the department's approval of the closure plan, the respondent shall complete closure of the lagoon according to the department approved closure plan.

13. Within 30 days of completing closure, the respondent shall submit to the department documentation, including photographs, of the facility closure and a complete and approvable Request for Termination for MSOP No. MO-0115932.

SUBMISSIONS

14. All other documentation submitted to the department for compliance with this order shall be submitted within the timeframes specified to:

Ms. Lauren Lewis
Missouri Department of Natural Resources
Water Protection Program
Compliance and Enforcement Section
P.O. Box 176
Jefferson City, Missouri 65102-0176

OTHER PROVISIONS

15. Any request for an extension of time or to otherwise modify this order may be considered on a case-by-case basis, if the respondent makes a written request to the department within 10 business days of this order, and otherwise provides appropriate justification and/or documentation to the department in a timely manner. Any modification of this order shall be in writing.

16. Compliance with this order resolves only the specific violations described herein, and this order shall not be construed as a waiver or modification or any other requirements of the MCWL and regulations, or any other source of law. Nor does this order resolve any future violations of this order or any law or regulation. Consistent with 10 CSR 20-3.010(5), this order

shall not be construed as satisfying any claim by the state or federal government for natural resource damages.

17. This order shall apply to and be binding upon the respondent and any of its agents, subsidiaries, successors, assigns, affiliates, or lessees, including the officers, agents, servants, corporations and any persons acting under, through, or for the respondent. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not relieve the respondent of its obligation to comply with this order.

18. For any plan or submittal from the respondent that is required by this order and subject to department approval under this order, the department may approve, disapprove, require revisions, or otherwise modify any such plan or submittal. Any such department decision shall be conveyed in writing to the respondent. Disapproval may result in further orders or pursuit of other forms of relief by the department. If the department requires revisions, the respondent shall submit a revised version of the plan or submittal within 10 business days after receiving notice of the department's required revisions, or within such other timeframe as the department may specify. If the department approves or modifies in writing such plan or submittal, it shall become enforceable under this order, and the respondent shall commence work and implement such approved or modified plan in accordance with the schedule and provisions contained therein.

NOTICE OF APPEAL RIGHTS

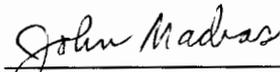
19. If you are adversely affected by this decision, you may be entitled to pursue an appeal before the Administrative Hearing Commission (AHC) pursuant to 10 CSR 20-1.020 and Sections 644.056, 644.079, 640.013, and 621.250, RSMo. To appeal, you must file a petition or notice of appeal with the AHC within 30 days after the date this decision was mailed or the date

it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Any appeal should be directed to:

Administrative Hearing Commission
Truman State Office Building, Room 640
301 W. High Street
P.O. Box 1557
Jefferson City, Missouri 65102
phone: 573-751-2422
fax: 573-751-5018
website: www.oa.mo.gov/ahc

SIGNATURE AUTHORITY

SO ORDERED this 29th day of May, 2015 by:



DEPARTMENT OF NATURAL RESOURCES

John Madras, Director
Water Protection Program

c: Ms. Irene Crawford, Northeast Regional Office
Mr. Jack McManus, Missouri Attorney General's Office
Ms. Diane Huffman, Environmental Protection Agency
Missouri Clean Water Commission