

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, MISSOURI**

MISSOURI DEPARTMENT OF NATURAL )  
RESOURCES and THE MISSOURI )  
CLEAN WATER COMMISSION, )

Plaintiffs, )

v. )

Case No.:07JE-CC00554

CENTRAL JEFFERSON COUNTY )  
UTILITIES, INC. and )  
RAINTREE PLANTATION, INC., )

Defendants. )

**FIRST AMENDED PETITION FOR PRELIMINARY AND PERMANENT  
INJUNCTION AND FOR THE ASSESSMENT OF CIVIL PENALTIES**

COME NOW Plaintiffs, the Missouri Department of Natural Resources and the Missouri Clean Water Commission, by and through their attorneys, and for their first amended petition against Defendants Central Jefferson County Utilities, Inc. and Raintree Plantation, Inc. state to the Court as follows:

1. Plaintiff Missouri Department of Natural Resources (hereinafter referred to as “the Department”) is a duly authorized state agency created and established by the Omnibus State Reorganization Act of 1974, formerly appendix B, RSMo 1978, and now Chapter 640 RSMo, for the purpose of administering programs relating to environmental control and the conservation and management of the natural resources of the State of Missouri.

2. Plaintiff Clean Water Commission (hereinafter referred to as “the CWC”) is a duly authorized state agency created and established pursuant to § 644.021, RSMo

2004, for the purpose of supervising the administration and enforcement of Chapter 644, the Missouri Clean Water Law, and the regulations promulgated pursuant to said chapter. The CWC is the water contaminant control agency of the State of Missouri.

3. The CWC is assigned to the Department and its staff is provided by the Department. The Department Director or his designee, on behalf of the CWC, administers the Missouri Clean Water Law.

4. Defendant Central Jefferson County Utilities, Inc. (hereinafter referred to as "Central Jefferson") is a Missouri corporation in good standing.

5. Defendant Raintree Plantation, Inc. (hereinafter referred to as "Raintree") is a Missouri corporation in good standing.

6. The cause of action alleged herein accrued in Jefferson County, Missouri, inasmuch as all of the events alleged hereinafter occurred in Jefferson County, Missouri.

### **Count I**

7. Plaintiffs restate and reallege paragraphs 1 through 6 of this Petition as if more fully stated herein.

8. At the time of the events alleged herein, Defendant Central Jefferson owned and operated a waste water treatment facility (hereinafter referred to as "the WWTF") located in the SW ¼, NE ¼, NW ¼, Section 29, T41N, R4E, Jefferson County, Missouri.

9. Defendant Central Jefferson is a private sewer company, and at the time of the events alleged herein, the WWTF was included in the company's assets. Defendant Central Jefferson was regulated by the Missouri Public Service Commission.

10. The WWTF primarily serves the development of homes and residences in the Raintree Plantation Subdivision, located in Jefferson County, Missouri, and consists of an extended aeration/aerated sludge holding tank with a design flow of 64,000 gallons per day.

11. The Department issued Defendant Central Jefferson a Missouri State Operating Permit (hereinafter "MSOP"), number MO-0099473, in order to operate the WWTF. The permit set forth terms and conditions for the operation of the WWTF including monitoring requirements, effluent limitations, sampling frequency, and reporting requirements.

12. MSOP number MO-0099473 required Defendant Central Jefferson to submit Discharge Monitoring Reports (hereinafter referred to as "DMRs") to the Department on a monthly basis.

13. MSOP number MO-0099473 named specific effluent limitations on, among other things, Biochemical Oxygen Demand and Total Suspended Solids. The permit further required monitoring and reporting of, among other things, the quality of wastewater discharges on a monthly basis.

14. Pursuant to MSOP number MO-0099473, effluent from the WWTF discharges into Galligher Creek, waters of the state as defined by the Missouri Clean Water Law.

15. Pursuant to DMRs submitted to the Department according to the requirements of MSOP number MO-0099473, since July 2000, the inflow of wastewater

into the WWTF has exceeded and continues to exceed the average design flow of 64,000 gallons of wastewater per day.

16. On or about July 7, 2003, Department staff conducted a stream survey of Galligher Creek and observed the following conditions in Galligher Creek below the WWTF outfall: grease balls, blood worms, tubificid worms, pouch snails, sphaerotilus algae and sludge deposits for more than 500 feet, in violation of MSOP number MO-0099473, § 644.051.1(1), (2) and (3), RSMo Supp. 2004, § 644.051.2, RSMo Supp. 2004, § 644.076.1, RSMo Supp. 2004, 10 CSR 20-6.010(1)(A) and (5)(A), 10 CSR 20-7.015(9)(E)(2) and 10 CSR 20-7.031(3)(A), (C), and (G). Although Plaintiff has demanded that Defendant Central Jefferson remediate the creek, Defendant Central Jefferson fails and refuses to do so, and the conditions observed in Galligher Creek continue to pollute and contaminate the creek and reduce the quality of the creek below the Water Quality Standards established by the CWC.

17. On or about February 9, 2004, Department staff conducted an inspection of the WWTF and observed sludge deposits in Galligher Creek below the outfall, in violation of MSOP number MO-0099473, § 644.051.1(1), (2) and (3), RSMo Supp. 2004, § 644.051.2, RSMo Supp. 2004, § 644.076.1, RSMo Supp. 2004, 10 CSR 20-6.010(1)(A) and (5)(A), 10 CSR 20-7.015(9)(E)(2) and 10 CSR 20-7.031(3)(A), (C), and (G). Although Plaintiff has demanded that Defendant Central Jefferson remediate the creek, Defendant Central Jefferson fails and refuses to do so, and the conditions observed in Galligher Creek continue to pollute and contaminate the creek and reduce the quality of the creek below the Water Quality Standards established by the CWC.

18. On or about September 1, 2004, Department staff conducted an inspection of the WWTF and observed the following conditions in Galligher Creek below the WWTF outfall: grease balls, blood worms, tubificid worms, pouch snails, sphaerotilus algae, other human artifacts, including feminine hygiene products and a prophylactic, and sludge deposits for more than 1000 feet, in violation of MSOP number MO-0099473, § 644.051.1(1), (2) and (3), RSMo Supp. 2004, § 644.051.2, RSMo Supp. 2004, § 644.076.1, RSMo Supp. 2004, 10 CSR 20-6.010(1)(A) and (5)(A), 10 CSR 20-7.015(9)(E)(2) and 10 CSR 20-7.031(3)(A), (B), (C), and (G). Although Plaintiff has demanded that Defendant Central Jefferson remediate the creek, Defendant Central Jefferson fails and refuses to do so, and the conditions observed in Galligher Creek continue to pollute and contaminate the creek and reduce the quality of the creek below the Water Quality Standards established by the CWC.

19. On or about September 7, 2004, Department staff conducted an inspection of the WWTF and observed the following conditions in Galligher Creek below the WWTF outfall: grease balls, blood worms, tubificid worms, pouch snails, sphaerotilus algae, other human artifacts and sludge deposits for more than 1000 feet, in violation of MSOP number MO-0099473, § 644.051.1(1), (2) and (3), RSMo Supp. 2004, § 644.051.2, RSMo Supp. 2004, § 644.076.1, RSMo Supp. 2004, 10 CSR 20-6.010(1)(A) and (5)(A), 10 CSR 20-7.015(9)(E)(2) and 10 CSR 20-7.031(3)(A), (B), (C), and (G). Although Plaintiff has demanded that Defendant Central Jefferson remediate the creek, Defendant Central Jefferson fails and refuses to do so, and the conditions observed in

Galligher Creek continue to pollute and contaminate the creek and reduce the quality of the creek below the Water Quality Standards established by the CWC.

20. On or about September 27, 2004, as a result of the observed violations on September 1 and 7, 2004, the Department issued Defendant Central Jefferson a Notice of Violation, Number 2072 SL, for causing pollution to Galligher Creek and discharging water contaminants into Galligher Creek, which reduced the quality of the creek below the Water Quality Standards established by the CWC. A copy of the Notice of Violation, Number 2072 SL, is attached hereto as "Exhibit A" and incorporated herein by reference.

21. On or about November 18, 2004, Department staff conducted an inspection of the WWTF and observed sludge deposits in Galligher Creek below the outfall, in violation of MSOP number MO-0099473, § 644.051.1(1), (2) and (3), RSMo Supp. 2004, 644.051.2, RSMo Supp. 2004, § 644.076.1, RSMo Supp. 2004, 10 CSR 20-6.010(1)(A) and (5)(A), 10 CSR 20-7.015(9)(E)(2) and 10 CSR 20-7.031(3)(A), (C), and (G).

Although Plaintiff has demanded that Defendant Central Jefferson remediate the creek, Defendant Central Jefferson fails and refuses to do so, and the conditions observed in Galligher Creek continue to pollute and contaminate the creek and reduce the quality of the creek below the Water Quality Standards established by the CWC.

22. In July 2005, a Department inspection revealed that Defendant Central Jefferson failed to retain a certified operator to supervise the operation and maintenance of the WWTF and failed to submit complete or timely DMRs for May and June 2005, in violation of MSOP number MO-0099473, § 644.076.1, RSMo Supp. 2004, 10 CSR 20-9.020(2), and 10 CSR 20-7.015(9)(A)1.

23. On or about August 4, 2005, the Department issued Defendant Central Jefferson a Notice of Violation, Number 2237 SL, for failing to retain a certified operator to supervise the operation and maintenance of the WWTF and failing to submit complete or timely DMRs for May and June 2005. A copy of the Notice of Violation, Number 2237 SL, is attached hereto as "Exhibit B" and incorporated herein by reference.

24. On or about October 7, 2005, Department staff conducted an inspection of a reported bypass of sewage and observed sludge deposits in an unnamed tributary to Galligher Creek below a lift station for more than 150 feet, in violation of MSOP number MO-0099473, § 644.051.1(1), (2) and (3), RSMo Supp. 2004, 644.051.2, RSMo Supp. 2004, § 644.076.1, RSMo Supp. 2004, and 10 CSR 20-6.010(1)(A) and (5)(A), 10 CSR 20-7.031(3)(A), (C), and (G).

25. On or about October 26, 2005, as a result of the observed violations on October 7, 2005, the Department issued Defendant Central Jefferson a Notice of Violation, Number 2236 SL, for discharging water contaminants into an unnamed tributary to Galligher Creek and causing pollution to an unnamed tributary to Galligher Creek, which reduced the quality of waters of the state below the Water Quality Standards established by the CWC. A copy of the Notice of Violation, Number 2236 SL, is attached hereto as "Exhibit C" and incorporated herein by reference.

26. On or about January 15, 2007, the contract operator of the WWTF informed the Department of a bypass from a lift station which discharged sewage into an unnamed tributary to Belew Creek, in violation of MSOP number MO-0099473, § 644.051.1(1),

(2) and (3), RSMo Supp. 2004, 644.051.2, RSMo Supp. 2004, § 644.076.1, RSMo Supp. 2004, and 10 CSR 20-6.010(1)(A) and (5)(A), 10 CSR 20-7.031(3)(A), (C), and (G).

27. On or about March 30, 2007, as a result of the violations on January 15, 2007, the Department issued Defendant Central Jefferson a Notice of Violation, Number 2424 SL, for discharging water contaminants into an unnamed tributary to Belew Creek and causing pollution to an unnamed tributary to Belew Creek, which reduced the quality of waters of the state below the Water Quality Standards established by the CWC. A copy of the Notice of Violation, Number 2424 SL, is attached hereto as “Exhibit D” and incorporated herein by reference.

28. The pollution of Galligher Creek observed by Department staff, more specifically described herein, is a continuing violation of Defendant Central Jefferson’s operating permit, the Missouri Clean Water Law and the regulations promulgated thereto

29. Plaintiffs have no adequate remedy at law.

30. Section 644.076.1, RSMo Supp. 2004, authorizes the Department Director or the CWC to institute a civil action for injunctive relief.

31. Pursuant to Defendant Central Jefferson’s operating permit, the Missouri Clean Water Law and the regulations promulgated thereto, Defendant Central Jefferson is obligated to remediate Galligher Creek under the supervision and control of Plaintiff.

32. In the event Defendant Central Jefferson is not required to remediate the creek, Plaintiffs are entitled to the costs and expenses of restoring Galligher Creek to its former condition, which existed before the violations.



33. Section 644.076.1, RSMo Supp. 2004, authorizes the Department Director or the CWC to institute a civil action “for the assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper.”

34. Each violation of Defendant Central Jefferson’s operating permit, the Missouri Clean Water Law and the regulations promulgated thereto are separate violations subject to a maximum penalty of ten thousand dollars per violation per day.

WHEREFORE, Plaintiffs pray Judgment against Defendant Central Jefferson as follows:

A. Issue a preliminary and permanent injunction against Defendant Central Jefferson enjoining it to comply with the requirements and final effluent limitations contained in MSOP number MO-0099473.

B. Issue a preliminary and permanent injunction against Defendant Central Jefferson enjoining it to comply with the Missouri Clean Water Law, Chapter 644, and all regulations promulgated pursuant to said chapter.

C. Assess a civil penalty not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00) per violation per day for each violation of the Missouri Clean Water Law and regulations and order Defendant Central Jefferson to pay said sum to the Jefferson County Treasurer for deposit in the Jefferson County School Fund.

D. Command Defendant Central Jefferson to remediate Galligher Creek under the Department’s supervision, or, alternatively, assess against Defendant Central

Jefferson the costs and expenses of restoring Galligher Creek to its former condition, which existed before the violations.

E. Assess against Defendant Central Jefferson the cost of this proceeding.

F. Award Plaintiffs their reasonable attorneys' fees and costs expended herein and for such other relief as the Court deems just and proper in the premises.

## **Count II**

35. Plaintiffs restate and reallege paragraphs 1 through 34 of this Petition as if more fully stated herein.

36. Defendants share the same directors and officers.

37. All of Defendant Central Jefferson's assets were conveyed to it by Defendant Raintree.

38. Defendant Raintree is the principal source of financing of Defendant Central Jefferson.

39. Defendant Central Jefferson has grossly inadequate capital.

40. Defendant Raintree has stripped Defendant Central Jefferson of the latter's revenue, in order to avoid upgrading the WWTF and paying penalties for violations of federal and state environmental laws.

41. Defendant Raintree uses Defendant Central Jefferson's assets as its own.

42. Defendant Raintree pays the expenses and obligations of Defendant Central Jefferson.

43. Defendant Raintree makes all business and legal decisions of Defendant Central Jefferson.

44. Defendant Central Jefferson does not act independently in its own interest but takes orders from Defendant Raintree and acts for the benefit of Defendant Raintree.

45. Defendant Raintree completely dominates the finances, policy and business practices of Defendant Central Jefferson, such that Defendant Central Jefferson has no separate mind or existence of its own.

46. Defendant Raintree used its control over Defendant Central Jefferson to violate the Missouri Clean Water Law, as referenced in Count I herein.

47. The control Defendant Raintree exerted over Defendant Central Jefferson and Defendant Raintree's breach of duty caused the pollution and contamination of Galligher Creek and reduced the quality of waters of the state below the Water Quality Standards established by the CWC.

WHEREFORE, Plaintiffs pray Judgment against Defendant Raintree as follows:

A. Pierce the corporate veil and allow Plaintiffs to seek damages, civil penalties and restitution from Defendant Raintree for Defendant Central Jefferson's violations of the Missouri Clean Water Law, Chapter 644, and all regulations promulgated pursuant to said chapter.

B. Command Defendant Raintree to remediate Galligher Creek under the Department's supervision, or, alternatively, assess against Defendant Raintree the costs and expenses of restoring Galligher Creek to its former condition, which existed before the violations.

C. Assess against Defendant Raintree the cost of this proceeding.

D. Award Plaintiffs their reasonable attorneys' fees and costs expended herein and for such other relief as the Court deems just and proper in the premises.

### **Count III**

48. Plaintiffs restate and reallege paragraphs 1 through 47 of this Petition as if more fully stated herein.

49. Prior to commencing construction of any new home in the Raintree Plantation Subdivision, the lot owner pays Defendant Raintree for the right to connect said lot to the WWTF.

50. Defendants knew the inflow of wastewater into the WWTF has exceeded the average design flow of 64,000 gallons of wastewater per day since July 2000.

51. Although Defendants knew the WWTF was exceeding the daily design flow and not in compliance with MSOP number MO-0099473, Defendant Raintree continued to collect the fees, referenced in paragraph 49 herein, and allowed additional homes to connect to the undersized WWTF.

52. Defendants knew that additional connections to the WWTF would necessarily increase the daily inflow of wastewater into the undersized WWTF.

53. Defendants were reasonably certain to, and did cause pollution by contributing to and increasing the daily inflow of wastewater into the undersized WWTF.

WHEREFORE, Plaintiffs pray Judgment against Defendants as follows:

A. Issue a preliminary and permanent injunction against Defendants enjoining them to comply with the requirements and final effluent limitations contained in MSOP number MO-0099473.

B. Issue a preliminary and permanent injunction against Defendants enjoining them to comply with the Missouri Clean Water Law, Chapter 644, and all regulations promulgated pursuant to said chapter.

C. Assess a civil penalty not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00) per violation per day for each violation of the Missouri Clean Water Law and regulations and order Defendants to pay said sum to the Jefferson County Treasurer for deposit in the Jefferson County School Fund.

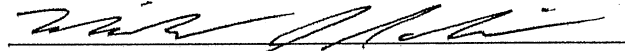
D. Command Defendants to remediate Galligher Creek under the Department's supervision, or, alternatively, assess against Defendants the costs and expenses of restoring Galligher Creek to its former condition, which existed before the violations.

E. Assess against Defendants the cost of this proceeding.

F. Award Plaintiffs their reasonable attorneys' fees and costs expended herein and for such other relief as the Court deems just and proper in the premises.

Respectfully Submitted,

SCHREIMANN, RACKERS,  
FRANCKA AND BLUNT, L.L.C.



Duane E. Schreimann, #27321

Michael J. Schmid, #53847

2316 St. Mary's Boulevard

Suite 130

Jefferson City, MO 65109

573-634-7580

573-635-6034 (facsimile)

des@srfblaw.com

mjs@srfblaw.com

Attorneys for Plaintiffs



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
NOTICE OF VIOLATION

P.O. BOX 176  
JEFFERSON CITY MO 65102

VIOLATION NUMBER

NO.

2072 SL

DATE AND TIME ISSUED

September 27, 2004

☐ AM☐ PM

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

Raintree Plantation

Hillsboro, MO 63050

Permit #MO-0099473

Central Jefferson County Utilities, Inc.

MAILING ADDRESS

1519 McNutt Road

CITY

Herculaneum

STATE

MO

ZIP CODE

63048

NAME OF OWNER OR MANAGER

Central Jefferson County Utilities

TITLE OF OWNER OR MANAGER

Owner

LAW, REGULATION OR PERMIT VIOLATED

Missouri Clean Water Law, Sections 644.051.1(1) & 644.076.1, RSMo; Sections 644.051.1(2) & Sections 644.076.1, RSMo & 10 CSR 20-7.031(3)(A)(B)(C).

NATURE OF VIOLATION

DATE(S):

9/1 &amp; 9/7/2004

TIME(S):

Caused pollution of Galligher Creek, waters of the state, or placed or caused or permitted to be placed water contaminants (sewage solids) in locations where they are reasonably certain to cause pollution of waters of the state.

Discharged water contaminants into waters of the state (Galligher Creek), which reduced the quality of such waters below the Water Quality Standards established by the Missouri Clean Water Commission.

EXHIBIT

tabbies

A

SIGNATURE (PERSON RECEIVING NOTICE)

By Certified Mail

SIGNATURE (PERSON ISSUING NOTICE)

Stuart Bean

TITLE OR POSITION

TITLE OR POSITION

Environmental Specialist/SLRO-JCSO

Appendix A



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
NOTICE OF VIOLATION

P.O. BOX 176  
JEFFERSON CITY MO 65102

VIOLATION NUMBER

NO.

2237 SL

DATE AND TIME ISSUED

August 4, 2005

☐ AM

☐ PM

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

Raintree Plantation WWTF

Hillsboro, MO 63050

SW 1/4, NE 1/4, NW 1/4, Section 29, T41N, R4E, Jefferson County

Missouri State Operating Permit #MO-0099473

MAILING ADDRESS

1519 McNutt Road

CITY

Herculaneum

STATE

MO

ZIP CODE

63048

NAME OF OWNER OR MANAGER

Central Jefferson County  
Utilities, Inc.

TITLE OF OWNER OR MANAGER

Kenneth McClain

LAW, REGULATION OR PERMIT VIOLATED

Missouri Clean Water Law Section 644.076.1 RSMo

Missouri Clean Water Commission Regulations 10 CSR 20-7.015(9)(A)1 and  
9.020(2)

Missouri State Operating Permit #MO-0099473

NATURE OF VIOLATION

DATE(S):

TIME(S):

1. Failed to retain a certified operator to supervise the operation and maintenance of the wastewater treatment facility, in violation of Section 644.076.1, RSMo, and 10 CSR 20-9.020(2).
2. Failed to submit complete or timely Discharge Monitoring Reports for May and June 2005, as required in Part A of MSOP #MO-0099473 in violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.

EXHIBIT

tabbies

B

SIGNATURE (PERSON RECEIVING NOTICE)

By Certified Mail

SIGNATURE (PERSON ISSUING NOTICE)

Mohamad Alhalabi

TITLE OR POSITION

TITLE OR POSITION

Regional Director, SLRO

Appendix A





MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
NOTICE OF VIOLATION

P.O. BOX 176  
JEFFERSON CITY MO 65102

VIOLATION NUMBER

NO. 2236 SL

DATE AND TIME ISSUED

October 26, 2005

☐ AM

☐ PM

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

Raintree Plantation WWTF

Hillsboro, MO 63050

SW 1/4, NE 1/4, NW 1/4, Section 29, T41N, R4E, Jefferson County

Missouri State Operating Permit #MO-0099473

MAILING ADDRESS

1519 McNutt Road

CITY

Herculaneum

STATE

MO

ZIP CODE

63048

NAME OF OWNER OR MANAGER

Central Jefferson Co. Utilities

TITLE OF OWNER OR MANAGER

Kenneth McClain

LAW, REGULATION OR PERMIT VIOLATED

Missouri Clean Water Law Sections 644.051.1(1), 644.051.2 & 644.076.1 RSMo.

Missouri Clean Water Commission Regulation 10 CSR 20-6.010(1)(A) & (5)(A).

NATURE OF VIOLATION

DATE(S):

TIME(S):

1. On October 5 & 6, 2005, operated, used or maintained a water contaminant, wastewater, which discharged to an unnamed tributary to Galligher Creek, waters of the state, without a Missouri State Operating Permit in violation of Sections 644.051.2 & 644.076.1, RSMo, and 10 CSR 20-6.010(1)(A) & (5)(A).

2. Caused pollution to an unnamed tributary to Galligher Creek, waters of the state, or placed or caused or permitted to be placed a water contaminant in a location where it is reasonably certain to cause pollution to waters of the state in violation of Sections 644.051.1(1) and 644.076.1, RSMo.

EXHIBIT

tabbies

C

SIGNATURE (PERSON RECEIVING NOTICE)

By Certified Mail

SIGNATURE (PERSON ISSUING NOTICE)

*Lance Dorsey* Lance Dorsey

TITLE OR POSITION

TITLE OR POSITION

Environmental Specialist Appendix A



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY

NOTICE OF VIOLATION

P.O. BOX 176  
JEFFERSON CITY MO 65102

VIOLATION NUMBER

NO. 2424 SL

DATE AND TIME ISSUED

March 30, 2007

☐ AM

☐ PM

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

Raintree Plantation

Central Jefferson County Utilities, Inc.

Permit #MO-0099473

MAILING ADDRESS

1519 McNutt Road

CITY

Herculaneum

STATE

MO

ZIP CODE

63048

NAME OF OWNER OR MANAGER

TITLE OF OWNER OR MANAGER

LAW, REGULATION OR PERMIT VIOLATED

Missouri Clean Water Law, Sections 644.051.1(1) & 644.076.1 RSMo and  
Sections 644.051.2 & 644.076.1 RSMo.

Missouri Clean Water Commission Regulation 10 CSR 20-6.010(1)(A)&(5)(A).

NATURE OF VIOLATION

DATE(S): 1/15/2007

TIME(S):

Caused pollution to tributaries of Belew Creek, waters of the state, or placed or caused or permitted to be placed water contaminants (raw wastewater) in locations they would be reasonably certain to enter waters of the state.

Operated, used or maintained a water contaminant source (lift station #4) which discharged to a lake above Belew Creek, waters of the state, without a Missouri State Operating Permit.

EXHIBIT

tabbies

D

SIGNATURE (PERSON RECEIVING NOTICE)

By Certified Mail

SIGNATURE (PERSON ISSUING NOTICE)

*Stuart Bean* / Stuart Bean

TITLE OR POSITION

TITLE OR POSITION

Environmental Specialist/SLRO