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STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director
Missouri Public Service Commission

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NOV 22 2004

Mr. Joseph P. Bindbeutel
Chief Counsel, Environmental Protection Division
Office of the Attorney General
P.O. Box 899
Jefferson City, MO 65102-0899

OPC Exhibit No. 4
Case No(s). SO-2008-0358
Date 6-23-08 Rptr 45

Dear Mr. Bindbeutel:

Mr. Ken Jaeger owns property being developed for residential purposes known as the Lost Valley Subdivision (subdivision). The property is served by an unpermitted single cell lagoon located in the subdivision. Currently connected to the lagoon are: 37 lots in the subdivision; the Salt River Inn with 21 rooms; a convenience store and restaurant; a RV Park with 72 sites; 5 cabins, 2 washing machines, and the Salt River Theater. To date 35 of the 37 lots have been sold, and 31 homes are constructed and illegally connected to the lagoon.

The Department of Natural Resources' (Department) staff have engaged in extensive conference, conciliation, and persuasion with Mr. Jaeger since the Department's initial Notice of Violation issued on October 14, 2003. To date Mr. Jaeger has failed to obtain approval from the Department for the method of sewage treatment and disposal to be used in the development prior to the sale or construction on lots in the subdivision. Mr. Jaeger has sold 35 of the 37 lots, constructed homes on 31 lots, and illegally connected these homes to his unpermitted lagoon. Department staff are concerned that Mr. Jaeger will abandon his legal responsibilities for this subdivision.

Section 644.076.1, RSMo, empowers the Clean Water Commission or the Executive Secretary to:

...cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violations or further violations or for the assessment of a penalty...Suit may be brought in any county where the defendant's principal place of business is located...

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Therefore, as Executive Secretary, I hereby request that your office institute appropriate legal action to prevent Mr. Jaeger from selling the remaining lots until he has obtained the necessary construction and operating permits, resolved the violations of the Missouri Clean Water Law, and paid appropriate up-front civil penalties as provided by law. A copy of all available file documentation is enclosed.

Questions and correspondents should be directed to Mr. Michael Abbott of the Water Pollution Control Program at (573) 522-3779, or P.O. Box 176, Jefferson City, Missouri 65102.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Stephen Mahfood
Director

SM:mac

Enclosure