

Stormwater/Landfill Enforcement: Missouri Department of Natural Resources and St. Joseph, Missouri Enter into Abatement Order on Consent



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Missouri Department of Natural Resources (“MDNR”) and the City of St. Joseph, Missouri (“St. Joseph”) entered into a November 12th Abatement Order and Consent (“Order”) addressing alleged stormwater permit and solid waste management violations. See Order No. 2019-WPCB-1568.

St. Joseph is stated to own and operate the St. Joseph Sanitary Landfill (“Landfill”).

The landfill is stated to occupy approximately 89 acres and accept primarily municipal solid waste. Stormwater discharges are authorized through six outfalls to tributaries to Pigeon Creek pursuant to the conditions and requirements of a Missouri State Operating Permit (“Permit”). The Permit requires stormwater discharges from certain outfalls to be sampled and analyzed for particular water contaminants.

A routine MDNR compliance inspection was stated to have been conducted at the landfill on June 16, 2015. The inspection allegedly identified the failure to:

- comply with permitted effluent limitations;
- provide proof of training to staff;
- prevent spillage of fluids from vehicle maintenance and fueling;
- clearly mark an outfall; and
- prevent pollution of a tributary to Pigeon Creek.

A Notice of Violation was issued requiring a written response for the actions that would be taken to correct the alleged violations.

MDNR is stated to have received a notice from the City stating “many of the unsatisfactory features had been addressed.” Referenced was a new Erosion Control Plan which would be implemented.

An inspection is stated to have been conducted at the Landfill on May 18, 2016, pursuant to the Missouri Solid Waste Management Law. The inspection allegedly determined that the Landfill:

- Failed to provide adequate cover
- Was not incorporating waste into the working face

A subsequent inspection on July 26, 2016, is alleged to have determined that the Landfill failed to provide vegetative cover.

The Order further provides that effluent from the Landfill's outfalls failed to comply with effluent limitations contained in the Permit and that MDNR had not received a Discharge Monitoring Report for all outfalls for the third quarter of 2016.

MDNR is stated to have received stormwater monitoring progress reports from St. Joseph which described efforts to achieve compliance through improvements to stormwater ponds and the installation of erosion control features. The reports are also stated to detail effluent limitation violations for all outfalls. Subsequent correspondence references modification to detention ponds and additional work that would be undertaken.

The Order alleges that St. Joseph:

- failed to comply with the permitted effluent limitations contained in Part A of the Permit; and
- caused pollution of a tributary to Pigeon Creek, waters of the state, or placed or caused or permitted to be placed water contaminants, in locations where they were reasonably certain to cause pollution of waters of the state.

An Administrative penalty of \$67,000 is assessed. Further, the Order requires that St. Joseph establish a designated sampling point along with a Sample Collection Plan and Guidance. In addition, the Order requires the submission of an O&M manual and a secondary plan to reduce or eliminate sediment runoff in the event vegetative coverage does not successfully grow. Additional referenced work is required on Detention Ponds 1 and 3 and terrace work on areas of the Landfill. Landfill Best Management Practices must be addressed in a report along with a required amendment to the Erosion Control Plan.

A copy of the Order can be downloaded [here](#).