

# Water Enforcement: Missouri Department of Natural Resources Abatement Order/Egg Packing Facility



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The Missouri Department of Natural Resources (“DNR”) issued a May 30th Abatement Order on Consent (“AO”) to Mid-States Specialty Eggs (“Mid-State”) wastewater treatment facility (“Facility”). See Order No. 2018-WPCP-1532.

Mid-States is stated to operate an egg packing facility in Pettis County, Missouri.

The Facility is described as importing eggs from nearby farms. Process wastewater from the operation is stated to discharge to a lagoon prior to a discharge to a tributary to Shaver Creek. The estimated daily flow from the Facility of industrial wastewater is stated to be 12,000 gallons per day.

DNR staff is stated to have conducted an Environmental Concern investigation on January 26, 2017 at the Facility. It is stated to have observed a three cell lagoon system and a discharge pipe approximately 400 feet downhill from the third cell.

Mid-States is stated to have confirmed during the investigation that the Facility was upgraded from a single cell lagoon to a three cell lagoon without a permit. DNR staff is stated to have observed the Facility actively discharging milky white effluent. The effluent is stated to have had a strong odor. Laboratory analysis of the discharge at the outfall is alleged to have resulted in an Ammonia as Nitrogen level of 70.5 mg/L and Biochemical Oxygen Demand of 900 mg/L.

Mid-States agreed to cap the outfall pipe. It also is stated to have agreed to contract with a company to pump and haul the wastewater. An Engineering Report was proposed to be submitted to DNR’s Regional Office. DNR is stated to have received from an engineering firm on behalf of Mid-States a document noting the completion of the following actions:

1. Plugged the discharge pipe for the lagoons
2. Contracted with a company to pump and haul wastewater from the lagoons so as to prevent discharge
3. Implemented manufacturing changes to minimize water usage
4. Constructed a fence around the Facility
5. Hired an engineer to complete an Engineering Report for the Facility

DNR is stated to have incurred \$1,696.19 in investigative costs and damages.

The AO alleges that the Facility has violated the Missouri Clean Water Law and its implementing regulations by:

- On January 26, 2017, operating, using, or maintaining a water contaminant source, while intermittently discharging to a tributary to Shaver Creek, waters of the state, without a permit. . .
- Causing pollution of the tributary to Shaver Creek, waters of the state, or causing or permitting to be placed, water contaminants, industrial wastewater, in a location where it is reasonably certain to cause pollution of waters of the state. . .
- Discharging water contaminants into waters of the state, which reduced the quality of such waters below the Water Quality Standards established by the Missouri Clean Water Commission. . .
- Causing or permitting construction, installation or modification of any sewer system or of any water contaminant source, point source facility without first receiving a construction permit. . .

The AO proposes the following:

- Mid-States is to pay investigative costs and damages in the amount of \$1,696.19.
- Until permitted, Mid-State will pump and haul wastewater to a wastewater treatment facility capable of handling the load, to prevent any discharge of effluent to waters of the state and operate the Facility at all times in compliance with the Missouri Clean Water Laws. Further, all units or components of the existing Facility should be maintained in an operable condition, even if this requires the purchase and installation of new parts of equipment, or repair of the Facility.
- Within 90 days of the effective date of the AO, submit to DNR for review and approval an Engineering Report prepared by a Professional Engineers licensed to practice in the State of Missouri, evaluating the Facility and describing the current treatment system and recommending an alternative wastewater treatment system that will result in compliance with the Missouri Clean Water Law and its implementing regulations.
- DNR is given the ability to provide comments on the Engineering Report and Mid-States agrees to respond in writing addressing the comments.
- Once the Engineering Report is approved by DNR, a construction permit application must be submitted.
- Within 30 days of the receipt of DNR comments on the construction permit application, plans and specifications, Mid-States is ordered to respond in writing to DNR addressing all agency comments on the construction permit application, plans, and specifications.
- Within 120 days of approval of the construction permit application, Mid-States is ordered to complete construction in accordance with the approved plans and specifications.
- Within 30 days of completing construction, Mid-States is ordered to submit a Statement of Work Complete to DNR.

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