

**BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES**

**In the Matter of:** )  
 )  
 **Randall Moore** ) **Order No. 2018-WPCB-1500**  
 )  
 **Proceeding under the** )  
 **Missouri Clean Water Law** )

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**NOTICE AND ORDER TO PAY ADMINISTRATIVE PENALTIES**

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**CERTIFIED MAIL # 7016 0600 0000 2590 3120**  
**RETURN RECEIPT REQUESTED**

**Mr. Randall Moore**  
**Mid-States Recycling LLC**  
**1500 South Golden**  
**Springfield, MO 65807**

You are hereby notified that on this date the Missouri Department of Natural Resources (Department) has issued this Notice and Order to Pay Administrative Penalties to Mr. Randall Moore (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 per day for each day or part thereof of non-compliance, a surcharge of 15 percent of the penalty described herein, 10 percent 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. Mr. Richard Wayne Moore, Sr. owns property located 6288 West Highway 266, Springfield, Missouri (Moore Property). Respondent operated a grease recycling company on the Moore Property.

2. Mid-States Recycling LLC is a Limited Liability Company registered with the Missouri Secretary of State created on May 24, 2012, and in active status. The Respondent was listed as the sole Organizer and Member on the articles of organization.

3. The Sac River and its tributaries are waters of the state as the term is defined by Section 644.016(27), RSMo.

4. Food-grade grease is a "water contaminant" as defined by Section 644.016(27), RSMo.

5. On February 22, 2016, Department staff, accompanied by a Greene County code compliance officer and a Greene County environmental officer, visited the Moore Property. Staff met with the Respondent and explained the purpose of the site visit. The Respondent stated that his brother, Mr. Richard Eugene Moore, owned a grease recycling business called Moore Grease Service in Ash Grove, but had closed that business. Moore Grease Service was issued Missouri State Operating Permit (MSOP) No. MOR130151. Mr. Richard Wayne Moore, Sr. arrived at the Moore Property and staff explained the purpose of the site visit. Staff asked the Respondent if a grease processing company was located on the Moore Property. The Respondent stated that he owned Mid-States Recycling and operated it at the Moore Property. Staff informed the Respondent that he must obtain an MSOP for the grease recycling operation. During this visit staff, provided the Respondent with a copy of an application for a General Operating Permit and

explained the requirements. Staff requested access to inspect the grease recycling operation and Mr. Richard Wayne Moore, Sr. denied access to the Moore Property.

6. On February 25, 2016, the Greene County Sheriff's Department served a search warrant at the Moore Property. During the investigation, staff observed numerous open drums and other containers filled with grease, several large storage tanks that contained grease material, and puddles of grease on the ground throughout the Moore Property.

7. After the inspection, staff discussed the findings of the investigation with Mr. Richard Wayne Moore, Sr. and Mr. Richard Eugene Moore. The Respondent left the Moore Property before the inspection was complete and did not participate in the post-inspection discussion.

8. Based on violations observed during the February 25, 2016, inspection, the Department issued a Notice of Violation to the Respondent on March 18, 2016.

9. On August 15, 2017, Department staff contacted the Respondent via telephone to inform him the Department was interested in resolving past violations observed by Department staff on February 25, 2016. Staff further stated that the Department was sending the Respondent a letter detailing the Department's offer to meet to discuss the violations. The Respondent provided Department staff his current address.

10. On August 16, 2017, the Department mailed a letter to the address provided by the Respondent. The letter was not claimed and the United States Parcel Service returned the letter to the Department.

11. On September 26, 2017, the Department mailed another letter to the address provided by the Respondent. The letter was not claimed and the United States Parcel Service returned the letter to the Department.

### **STATEMENT OF VIOLATIONS**

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

12. Operated, used or maintained a water contaminant source, food-grade grease processing business, which intermittently discharges to a tributary to the Sac River, waters of the state, without an MSOP in violation of the MCWL Sections 644.051.2 and 644.076.1, RSMo, and Missouri Clean Water Commission Regulation 10 CSR 20-6.010.

### **CORRECTIVE ACTIONS**

Pursuant to Section 644.056, RSMo, the Department hereby orders the Respondent to complete each of the following corrective actions:

13. The Respondent is ordered to submit a Form E- Application for General Operating Permit to the Department and obtain an MSOP prior to any grease operations from Mid-States Recycling.

14. The Respondent is ordered to comply with the MCWL, Chapter 644, RSMo, and its implementing regulations at all times in the future.

### **PENALTY**

Pursuant to Section 644.079, RSMo and 10 CSR 20-3.010, the Department hereby orders the Respondent to pay administrative penalties for the above-referenced violations as follows:

15. Within 60 days from the date of issuance of this Order, the Respondent is ordered to pay to the Department an administrative penalty in the amount of \$4,000.

16. Such payment shall be made by check made payable to: Greene County Collector as Custodian of the Greene County School Fund.

17. Such payment must be delivered to the Department of Natural Resources, C/O Accounting Program, P.O. Box 477, Jefferson City, MO 65102-0477, for forwarding to the Greene County Collector.

**SUBMISSIONS**

18. All other documentation submitted to the Department for compliance with this Order shall be submitted within the timeframes specified to:

Mr. Brad Allen  
Department of Natural Resources  
Water Protection Program  
Compliance and Enforcement Section  
P.O. Box 176  
Jefferson City, MO 65102-0176

**OTHER PROVISIONS**

19. 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.

20. 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 obligation to comply with this Order.

21. 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 ten 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**

22. 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  
P.O. Box 1557  
Jefferson City, MO 65102-1557  
phone: 573-751-2422  
fax: 573-751-5018  
website: <http://ahc.mo.gov>

**SIGNATURE AUTHORITY**

SO ORDERED this 13th day of February 2018 by:

DEPARTMENT OF NATURAL RESOURCES

A handwritten signature in black ink, appearing to read "Chris Wieberg", written over a horizontal line.

Chris Wieberg, Director  
Water Protection Program

- c: Ms. Diane Huffman, U.S. Environmental Protection Program, Region 7  
Ms. Cindy Davies, Director, Southwest Regional Office  
General Counsel's Office  
Accounting Program