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U.S. EPA, HEADQUARTERS

OCT - 2 2017

JILL BAILEY

MISSOURI

ENVIRONMENTAL APPEALS BOARD

September 25, 2017

Clerk of the Environmental Appeals Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue NW
Mail Code 1103M
Washington, DC 20460-0001

Clerk of the Board,

Please find enclosed the motion for reconsideration or clarification with attachment and certification of service. I did not hear back from either of the other parties on their agreement or disagreement with the motion for reconsideration or clarification.

Sincerely,



Jill Bailey
Missouri
573-228-0147

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

Motion for reconsideration or clarification

Though I realize that you sparingly review NPDES permits(44 Fed. Reg. 32,887, June 7, 1979), this is an important situation that you should allow to be heard by your Board. I am filing this motion for reconsideration or clarification on NPDES Appeal No. 17-04 under 40 subsection CFR 124.19(m). Stay of this filed NPDES appeal 17-04 didn't occur upon filing as required under 40 CFR subsection 124.60 (b)(1), and 40 CFR subsection 124.16(a)(1). As you mentioned in your dismissal I am trying to protect the environment from discharges from the facility. The Clean Water Act and the NPDES permitting language in 40 CFR allow discharges with NPDES permits, but the Wild and Scenic Rivers Act and the Outstanding National Resource Water laws at state and federal levels do not, and the latter two were violated with this MO-G491369 NPDES permit. If you are not going to take jurisdiction for appeal/termination of this permit upholding all federal laws of this motion/appeal, and the Missouri DNR is not going to take jurisdiction to uphold the WSRA, ONRW laws and the CWA, and EPA is not going to have oversight and take away Missouri DNR authority to issue NPDES permits citing violations in permitting, then the laws that protect the population and the environment are being violated by the Environmental Appeals Board of EPA, the Missouri DNR and the EPA. Furthermore, when Missouri DNR says it is not within their jurisdiction to implement the WSRA, then perhaps it is not within their jurisdiction to implement the CWA, therefore whatever authority they held in issuing this permit is null and void, which it should be given the violations that occurred upon issuance of MO-G491369. If the WSRA is not in Missouri DNR's jurisdiction is upholding any federal law in Missouri DNR's jurisdiction? Missouri DNR said they do not have the funding to come and inspect for pollution that may have spilled after the April flooding of the facility by the Eleven Point River. This is not a proper use of federal NPDES funding through state authorization under CWA 33 USC subsection 1342(a)(5). How often does MDNR inspect the NPDES permitted facilities? I am aware of three Air and Water DNR inspections since 2013, one was alongside EPA. If the Missouri DNR cannot uphold the WSRA when permitting a facility with an NPDES on a Wild and Scenic River, they should not be the permitting authority of NPDES permits(33 USC subsection 1342(a)(5). Whose jurisdiction is it to protect Wild and Scenic Rivers from NPDES permitting? For Missouri DNR to abide by the CWA but not the Wild and Scenic Rivers Act is wrong. The Regional Administrator also violated the Wild and Scenic Rivers Act by not having oversight of this state issued NPDES permit(MO-G491369). Whose jurisdiction is it to protect a Wild and Scenic River? The federal government is saying "not mine", the state government is saying "not mine", and Forest Service, the designated protector of the River, commented on the permit saying essentially that the facility should monitor itself. Whose jurisdiction is it to protect the Eleven Point River? Not you, the Appeals Board, not USFS, not MDNR, and not EPA.

We have had state and federal authorities/employees(DNR and USFS) working in their offices in this town during the tank farm's existence. Regional administrator is the Region of the permitted facility's regional administrator or his designee

The Regional Administrator/Administrator/Director/State director titles are problematic regarding the four program/permits that come before your appeals board in 40 CFR subsection 124.19. The definitions in the four programs/permits are not always uniform. The definition given for administrator in 40 CFR 270.2 includes an authorized representative, which could be a state authorized permitting program head as in my appeal. The Regional Administrator is also by definition in 40 CFR subsection 260.10 also his designee which could be a state permitting program head as in my appeal. If you/EPA Environmental Appeals Board don't acknowledge NPDES of Coastal Energy in NPDES appeal number 17-04, but rather call the permit a state issued operating permit, then you will not acknowledge that it is not in your

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authority to hear general NPDES permits in 40 CFR subsection 124.19(o), of which this is also one. It does not say "individual permit" at the beginning of 40 CFR subsection 124.19, in fact it is silent on whether it is referring to a general permit or an individual permit, but in section "o" the term general permit is brought up for the first time. Because of this confusion in the federal law and the lack of the term individual permit, the Board should hear this appeal. 40 CFR 124.2 Definition of permit in appeal filed under 40 CFR subsection 124.19:

Permit means an authorization, license or equivalent control document issued by EPA or an "approved State" to implement the requirements of this part and parts of 122, 123, 144, 145, 233, 270, and 271 of this chapter. "Permit includes RCRA "permit by rule"(subsection 270.60), RCRA standardized permit(270.67), UIC area permit(subsection 144.33), NPDES or 404 "general permit" (subsection 270.61, 144.34, and 233.38). Permit does not include RCRA interim status(subsection 270.70), UIC authorization by rule(subsection 144.21), or any permit that has not yet been the subject of final agency action, such as a "draft permit" or a "proposed permit".

NPDES permit Program definitions according to

[scdhec.gov\(http://www.scdhec.gov/Environment/WaterQuality/NPDES/Definitions/index.htm\)](http://www.scdhec.gov/Environment/WaterQuality/NPDES/Definitions/index.htm): NPDES permit program definitions administrator means the administrator of the EPA or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under 307(a) of CWA or any person who shall by operation of law be authorized to carry out such functions. 40 CFR subsection 260.10 definition of Regional Administrator means the Regional Administrator for the EPA Region in which the facility is located, or his designee

In 33 USC 1342 NPDES (b) State Permit programs (3) there is no mention of appeal authority over the appeals of state issued NPDES permits. I realize the CWA gives the states authority to issue NPDES permits but who gives them the authority to hear appeals instead of appeals of NPDES permits going to you/EPA Environmental Appeals Board? The Clean Water Act gives states authority to issue NPDES permits but is silent on states hearing appeals of NPDES permits, the WSRA and 40 CFR NPDES section is silent on this too. 40 CFR subsection 122.26(c)(1) also defines Director as Regional Administrator or State Director, as the context requires or an authorized representative

In 40 CFR subsection 124.16(b)(2) the title state director used and defined in 40 CFR subsection 124.2 is the chief administrative officer of any state, interstate, or Tribal agency operating an approved program, or the delegated representative of the state director(which could in my appeal be Bostic)

In Coastal Energy's Clean Water Act violation in 2014(<https://echo.epa.gov/enforcement-case-report?id=07-2016-0243>), the EPA did a settlement with the company. In Coastal Energy Corporation's Missouri Court Order, which followed the settlement, where the DNR/State Attorney General/County of Howell issued the order. In the current permit violation of this NPDES permit, US EPA should hear the appeal because it is a federal permit and because the main laws I cite in my appeal as being violated are -federal laws, even those where states are written into the laws as the permitting authority specifically within the laws violated.

Missouri will issue two significant permits to Coastal Energy Corporation. One being an air permit and one being an National Pollutant Discharge Elimination System permit. Though they are both issued under the Clean Air Act and the Clean Water Act respectively, the air permit is not a national permit, but the NPDES is. The state DNR issues it by authority given to it by the federal EPA as a stormwater basic operating permit, which in this case includes process wastewater, getting further from its intention in federal law/CWA/NPDES codified in Title 40). The word national is even in the title of the permit issued by authority of the state. It is a national permit. The appeal for this National Pollutant Discharge Elimination System Permit should be heard by EPA because Missouri DNR isn't doing its job delegated

Permit applicant: Coastal Energy Corporation

Permit facility: Coastal Energy Corporation

Permit number: MO-G491369

under the Clean Water Act in issuing NPDES permits or inspecting the facility for harm to the environment and human health. This is, I will disagree with the Board, not only a Missouri State Operating Permit as you indicate in your dismissal, but one permit, sometimes issued by a state, and sometimes issued by EPA, but always an NPDES permit as is indicated on this EPA site regarding this Coastal Energy Facility(<http://echo.epa.gov/detailed-facility-report?fid=110044893915>). It is an NPDES disguised as a state operating permit, further and further from the truth, further and further from protecting what the Clean Water Act meant to be protected. I am not sure when the making of federal permits into state permits attempts began or for what reason your Board is not acknowledging the NPDES status of this permit. Still, it is an NPDES permit. Wild and Scenic Rivers Act is being upheld elsewhere by federal courts/authorities (Idaho, N. Fork Owyhee River Wild and Scenic River and Chattooga, Selway & Middlefork Clearwater Wild and Scenic River). EPA Environmental Appeals board citing of cases of state issued permits is not a binding precedent because higher courts with the same federal jurisdiction in cases involving similar issues were allowed to be heard i.e. state permit before a federal appeals court(United States Court of Appeals for the Second Circuit in the case of Constitution Pipeline Co. v. New York State Department of Environmental Conservation). Furthermore, since at issue here is a Wild and Scenic River with a federally permitted water resources project occurring on it, your Board should hear this case based on binding precedent(United States Court of Appeals for the Ninth Circuit High Country Resources and Glacier Energy Company v. Federal Energy Regulatory Commission).

Grounds:

Missouri DNR broke federal laws regarding state program for NPDES

Benzene release at facility

Negligence

Non-compliance of facility

There has been a haul road graded through the Eleven Point River which the USACE has told me they are checking on a site inspection for 404 permitting

General permits not on DNR website RSMo 644.051 17(6)

RSMo 644 17(2) notice of intent was not posted, the column *intent to issue* or *intent to deny* that DNR now has on NPDES draft permits was a recent addition, after the comment period for the tank farm, Coastal Energy

The Clean Water Act was violated by Coastal Energy in 2014

Missouri clean water laws were violated by Coastal Energy requiring a court order

Clean Water Act was violated by DNR in this permit by backsliding

EPA found Coastal Energy Facility discharging into the Eleven Point River in 2014 inspection

Spills have occurred at Coastal Energy Corporation and its companies, previous companies, company sites, and current supplier

Spills associated with facility owner:

Spill 1

Former location of David Montgomery of Coastal Energy Willow Springs MO

The April 9th 2015 issue of the Cabool Enterprise had a front page story of an oil spill at David Montgomery's former location on Highway 181 in Cabool, MO. The headline of the story was "EPA coordinating clean up of grease/oil spill along Highway 181 south of Cabool". It said, "The property was

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Permit number: MO-G491369

many years ago the site of an asphalt facility and had two catch basins or ponds to contain possible spills." This is the same company(s) from spill no. 1

I sent earlier today with the Secretary of State having Montgomery as the registered agent

-when Montgomery

and his former boss Clarence Stapp

Wash U Mechanical Engineer

<https://magazine-archives.wustl.edu/Spring10/Classmates.html>

were running businesses out of Springfield and Cabool which are described in this article from the Houston Herald when Montgomery's company then built a new headquarters in Willow Springs in 1986- though some reports are that Montgomery moved to Willow Springs in 1979-81 timeframe, including his own company website.

The Houston Herald from Houston, Missouri on August 7, 1986 ...

<https://www.newspapers.com/newspage/178651824/>

Aug 7, 1986 - Coastal Energy has an office in Cabool and a truck maintenance facility West of Springfield

Spill 2

321%20N%20FORT%20(PDF)_201404241620065991.pdf attached

Spill 3

3 David Montgomery Coastal Energy Willow Springs, MO company Coastal Emulsions Miller MO

Spill no. 3 David Montgomery Coastal Energy Willow Springs, MO company Coastal Emulsions Miller MO

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

Missouri Department of Natural Resources

Environmental Services Incident Data

[<< Back to results](#)

Detail Information for Incident Number: 0312020905LJL

Discovery Date:	2017-11-01
Discovery Time:	
Call Date:	2003-12-02
Call Time:	09:05:00
Incident Date:	
Incident Time:	
Location:	Highway 96
City:	Miller
County:	Lawrence
State:	MO
Regional Office:	SWRO
Potential Responsible Party:	Coastal Energy Corporation
Potential Responsible Party Contact:	Gordon Pulium
Cause:	Other

Permit applicant: Coastal Energy Corporation

Permit facility: Coastal Energy Corporation

Permit number: MO-G491369

Cause Sub-Category:

Property Use: Manufacturing Facility

Property Use Sub-Category:

Collection Station:

Latitude: 37.23154830932617

Longitude: -93.80313110351562

GPS Method: Address Matching - Other Address Matching

UTM Northing: 4120861.3955413173

UTM Easting: 428757.19226533675

UTM Zone: 15

UTM EPE: NO

Petroleum Storage Tank Insurance Fund: NO

Household Hazardous Waste: NO

Chemical Pickup: NO

Continuous Release: YES

Historic Release: NO

Hazardous Substance Declaration Issued: NO

Email: NO

Issuer:

Issue Date:

Issue Time:

Chemicals associated with this incident:

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

Category: Other Air Pollutant

Chemical Detail: Nitrogen oxide (NO)

Quantity: 30 Pound(s)

For additional information concerning this incident, please submit an opens record request to the Department's Custodian of Records. The Custodian of Records may be reached at 573-751-3443 or by email at custodianofrecord@dnr.mo.gov or visit <https://dnr.mo.gov/sunshinerequests.htm>

Spill 4

Environmental Services Incident Data

Detail Information for Incident Number: 9904120853BJA

Discovery Date: 1999-04-12

Discovery Time:

Call Date: 1999-04-12

Call Time: 08:53:00

Incident Date:

Incident Time:

Location: MANUFACTURING Facility on Highway 96

Permit applicant: Coastal Energy Corporation

Permit facility: Coastal Energy Corporation

Permit number: MO-G491369

City: Miller

County: Lawrence

State: MO

Regional Office: SWRO

Potential Responsible Party: Coastal Emulsions of Missouri

Potential Responsible Party Contact: Gordon Pulliam

Cause: Discharge/Air Emission

Cause Sub-Category:

Property Use: Manufacturing Facility

Property Use Sub-Category:

Collection Station:

Latitude: 37.188140869140625

Longitude: -93.8305892944336

GPS Method: Other - Unknown

UTM Northing: 4116066.7712008245

UTM Easting: 426279.2121212194

UTM Zone: 15

UTM EPE: NO

Petroleum Storage Tank Insurance Fund: NO

Household Hazardous Waste: NO

Chemical Pickup: NO

Continuous Release: NO

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

Historic Release: NO

Hazardous Substance Declaration Issued: NO

Email: NO

Issuer:

Issue Date:

Issue Time:

Chemicals associated with this incident:

Category: Other Air Pollutant

Chemical Detail: NITROGEN OXIDES (NOX)

Quantity: 10 Pound(s)

For additional information concerning this incident, please submit an opens record request to the Department's Custodian of Records. The Custodian of Records may be reached at 573-751-3443 or by email at custodianofrecord@dnr.mo.gov or visit <https://dnr.mo.gov/sunshinerequests.htm>

Spill 5

spill of Coastal Energy supplier doing business as Petro Logistics, 1330 gallons hot liquid asphalt in Fenton MO

Spill link:

<http://dnr.mo.gov/env/esp/meerts/detail/1508121135DLK>

The Petro Logistics carries Coastal products

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

Petro Logistics not in

Missouri Secretary of State database, but same owner Lianne Reizer

owns All American Transport, LLC which is. This link shows connection

to David Montgomery/Coastal Energy:

<http://www.petrologisticsllc.com/products>

Environmental Services Incident Data

<< Back to results

Detail Information for Incident Number: 1508121135DLK

Discovery Date: 2015-08-12

Discovery Time: 07:00:00

Call Date: 2015-08-12

Call Time: 11:35:00

Incident Date: 2015-08-12

Incident Time: 07:00:00

Location: North Highway Drive and Bowles Avenue

City: Fenton

County: St. Louis

State: MO

Regional Office: SLRO

Potential Responsible Party: Petro Logistics, LLC

Potential Responsible Party Contact: Lianne Reizer

Cause: Mech. Malfunction/Failure

Cause Sub-Category:

Permit applicant: Coastal Energy Corporation

Permit facility: Coastal Energy Corporation

Permit number: MO-G491369

Property Use: Road/Highway/ROW

Property Use Sub-Category:

Collection Station:

Latitude:

Longitude:

GPS Method: Address Matching - Other Address Matching

UTM Northing:

UTM Easting:

UTM Zone: 15

UTM EPE: NO

Petroleum Storage Tank Insurance Fund: NO

Household Hazardous Waste: NO

Chemical Pickup: NO

Continuous Release: NO

Historic Release: NO

Hazardous Substance Declaration Issued: NO

Email: NO

Issuer:

Issue Date:

Issue Time:

Chemicals associated with this incident:

Category: Other Petroleum Product

Chemical Detail: Hot Liquid Asphalt

Quantity: 1330 Gallon(s)

For additional information concerning this incident, please

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

submit an

opens record request to the Department's Custodian of Records.

The

Custodian of Records may be reached at [573-751-3443](tel:573-751-3443) or by

email at

custodianofrecord@dnr.mo.gov or visit

<https://dnr.mo.gov/sunshinerequests.htm>

Spill 6

finding of Spill by EPA Discharge into Eleven Point River Willow Springs, MO(in appellate brief and attachment already on file with EAB)

I am awaiting a FOIA request that should be fulfilled the 27th of September from EPA 7 regarding state authorization information of DNR to issue NPDES permits

No Section Seven determination was sought by DNR/EPA. Subsection 7(a) Wild and Scenic Rivers Act codified in 16 U.S.C. subsection 1278 requires that agencies issuing federal permits for a water resource project on Wild and Scenic Rivers above the designated area consult with Congress and the Secretary of USDA regarding the effects to the values of the Wild and Scenic River(Protection from and to not diminish the values that were present at time of designation). By consulting these parties the permitting on a Wild and Scenic River is checked with the parties responsible for the Wild and Scenic River's designation and a representative body of the United States population/Congress and the party responsible for the protection of the Eleven Point River in Missouri, USFS. These parties were not notified, or other parties of federal government as set forth in Missouri statute 644 RSMo, which are USACE, and NPS.

I am not aware of the insurance coverage Coastal Energy is required to have in the case of a major spill at the facility, like the fairly recent spill at Ergon Asphalt Company in Corpus Christi. Insurance coverage would be so that the state isn't required to clean it up, if it even can be cleaned up.

I am not aware whether DNR is doing a health risk assessment on this facility. I would also like to know where I could see or if EPA has done a performance review of Missouri DNR.

The state DNR issued an UIC as an NPDES to Phillips 66 in Mount Vernon, I commented on the permit.

The Air Permit for Coastal in Willow Springs has the exact same facility completion date, December 31, 1969, as this Phillips 66 facility, according to DNR documents, and Coastal has a company, Coastal Emulsions, just down the highway from Phillips. I

Legal authority:

Wild and Scenic Rivers Act 16 US Code 1271 et seq, 36 CFR 297

Clean Water Act

40 CFR NPDES federal laws describing a federal permit issued under the authority of the Clean Water Act

40 CFR Protection of the Environment

33 USC subsection 1342(o)(1) and (3) Antidegradation CWA

Permit applicant: Coastal Energy Corporation

Permit facility: Coastal Energy Corporation

Permit number: MO-G491369

33 USC subsection 407 deposit of refuge in navigable waters generally or into any tributary of navigable water issued under 407 of this title

40 CFR subsection 122.26(a)(1)(v) 2014 EPA finding of discharge into the Eleven Point River

40 CFR subsection 122.5(a)(1) Coastal Energy was not compliant with NPDES permit during its term, CWA violation 311

40 CFR subsection 122.5(b) protects from any exclusive privilege in permitting

40 CFR subsection 122.5(c) The issuance of this permit does not authorize injury to persons

40 CFR subsection 124.19 when addressing the Regional Administrator response mentioned definition of violations of CWA, WSRA, and 40 CFR violations in state issued program of any exclusive privilege permitting in this NPDES permit MO-G491369

40 CFR subsection 122.26 (a)(6)(i) stormwater discharges must be covered by an individual permit, MO-G491369 was a general permit

Clean Water Act 309(c)(1) gives protection against negligently violating any permit conditions of sections 301, 302, 306, 307, 308, 311(b)(3), or permits issued under 402 of title

40 CFR subsection 122.64 (a)(3) protects human health and the environment from the chemicals present at this facility with potential to harm the air and water. This law allows for the permit to be terminated and is applicable to state programs for issuing NPDES permits.

Negligence-any reasonable person would not approve this facility with its toxic/hazardous chemicals near a federally protected river or with emissions this close to residents/Willow Springs community Exclusive privilege is prohibited in permit granting

I contacted U.S. Health and Human Services and they in turn contacted EPA 7 who after checking with the Missouri Health Department for status of the situation, encouraged me to continue to work with the Missouri Health Department regarding the health of the community/residents near Coastal Energy.

I had commented to the state on a general permit 940000(I erred in my appeal brief by calling it 490000, which I was concerned about Coastal Energy tagging on to, which seemed to be an option in the conditions of that permit. This looks to be precisely what has been done with the

cement/limestone/asphalt general permit MO-G491369. The state was unclear in their explanation to me whether the other NPDES permit of Coastal Energy, which is site specific, is still in effect for the company. But Coastal Energy Corporation was issued this new general permit which I'm appealing. I

would argue that special preference has been given to Coastal Energy by Missouri DNR because there is a cement company, Continental Cement Company, whose permit has expired before Coastal's and they were not moved over into this category of general permitting that Coastal was, though that was MDNR's

explanation of why Coastal was issued this general permit, explaining that it was a permit now available to them. How did the Limestone permit change? What made it now available to Coastal and did the

general permit for Limestone/Cement and Asphalt get posted 180 days ahead of time on DNR web site as a new permit coming out as required by 644 RSMo? The cement company to my knowledge has not

received a new permit, but I cannot check, nor can I see Coastal's MO-G491369 because general permits other than the template are not posted to DNRs website which appears also to be a violation of 644

RSMo. The Missouri Department of Natural Resources processing Coastal Energy before a permit that

expired 5 months ahead of Coastal Energy appears to be an exclusive privilege in permitting and a

violation of 40 CFR 122.5(b) Why couldn't Coastal Energy do a general permit before(2012). What

changed about it? Was it tailored for Coastal?

Relief:

Termination of NPDES permits MO-G491369 and MO0136883

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Permit number: MO-G491369

Funding for Missouri to administer the NPDES program should be revoked and NPDES program authority remain with Region 7 EPA

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
Jbailey320@gmail.com

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

Certificate of Service

Copies of motion for reconsideration or clarification were sent electronically/fax and by UPS mail to the following on 9.23.17:

Jackson Bostic

Regional Director

Missouri DNR

2155 N. Westwood Blvd

Poplar Bluff, Missouri 63901

David Montgomery

Coastal Energy Corporation

One Coastal Dr.

Willow Springs, MO 65793

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF ENVIRONMENTAL QUALITY
COMPLAINT INVESTIGATION INFORMATION

12
 9
 B

INTERVIEW INFORMATION

REFERRED FROM _____

ROUTING	INITIAL	DATE RECEIVED	Program Assigned
Interviewer	AGB	9-28-99	HWP 9.29.99 RAB
Data Entry	AS	9-29-99	Complaint No. 310246
Investigator	MC	9-29-99	File No.
Final Data Entry			County Name Greene
			Facility ID #

What is the complaint about?

Run-off from oil-filled compressors
 is entering stream. (See attached)

What is the location of the problem?

321 North Fort, Springfield

_____ 1/4, _____ 1/4, Sec _____, Twp _____, Rge _____, Co _____, lat _____, long _____

Who or what source is the probable cause of the complaint?

Name McCoy's Iron & Metal

HOME TELEPHONE NO.

Address

321 North Fort

City/State/Zip Springfield, Mo.

BUSINESS TELEPHONE NO.

INVESTIGATION

Date of Investigation _____

Observation/Findings _____

Conclusion/Recommendations _____

Was there environmental impact on: (Check one or more)

- Human Health Water Air Land None

If water was impacted, name affected waters if available. _____

Copy as a Complaint

MISSOURI DEPT OF
NATURAL RESOURCES
P.O. BOX 176
JEFFERSON CITY, MO.
65102

RECEIVED

SEP 24 1999

SEPTEMBER 21 1999

SWMP.

DEAR SIRs:

WITH ALL DEW RESPRCT, JUST WHEN ARE YOU GOING CET OFF YOUR BUTTS AND GET ON THE BACK OF A LOCAL IRON AND METAL DEALER HERE IN SPRINGFIELD, MISSOURI.

HE OWNS AND RUNS McCOYS IRON AND METAL AT 321 NORTH FORT ST. HERE IN SPRINGFIELD. WITH IN TWENTY YARDS OF A COMPLETELY UNPROTECTED PILE OF OLD (OIL FILED) COMPRESSIORS THAT HE CANT SELL (ABOUT TEN TONS OF THEM LIES THE FAST RUNNINC STREEM THAT CARRIES THE RUN OFF RITE TO LAKE SPRINGFIELD. IF YOU CARED TO CET OFF YOUR BUTTS YOU COULD SEE THE PITCH OF THE LAND AND WITCH WAY THE WATER RUNS WHEN IT RAINS, YOU GUESS WHERE THE RUN OFF OIL IS GOINC AND HAS BEEN GOINC FOR OVER THREE YEARS. I WILL GIVE YOU THE TIME TO PUT A STOP TO IT BEFOR I VIDIO IT AND SEND IT TO WASHINC TON. I BELIEVE ITS TIME FOR THIS FAST TALKINC LIER AND HIS TWO SONS TO BE PUT IN THERE PLACE.

I DOUBT YOU WILL CET ON HIS PROPERTY, HIS ASS HAS A LOT TO HIDE. HE IS THE ONLY ONE IN SPRINGFIELD THAT BUYS PUBLIC UTILITY CAST IRON SEWER CAPS AND OTHER SCRAP FROM A SUPERVISOR WHO DRIVES ONE OF THERE TRUCKS AND WITH THE HELP OF A SPRINGFIELD POLICE OSFICER BRINGS IN ABOUT TWO OR THREE TONS IN AT ONCE ON SATURDAYS WHEN THE CITY OFFICES ARE CLOSE McCOY AND HIS SONS COVER THEM AS FAST AS POSSIBLE WITH OTHE CAST AND BRAKE THEM WITH A HEAVY MAGNET DROPED ON THEM AND THE MAN GETS PAID IN CASH AND GOD HELP HIM IF THE IRS, OR THE STATE REVENUE DEPT DESIDE TO AUDIT HIM HES GOING TO BE IN A HEEP OF COW DUNN

321 N. FORT

JOHN ASHCROFT
Governor

G. TRACY MEHAN III
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation,
and Historic Preservation

DIVISION OF ENVIRONMENTAL QUALITY

Greene County/HzW
General

Southwest Regional Office
318 Park Central East, Suite 500
Springfield, MO 65806
417/895-6950 FAX 417/895-6954

June 4, 1992

McCoy's Iron and Metal
321 North Fort
Springfield, MO 65802

Dear Sir or Ma'am:

Representatives of this office recently observed an oily material surfacing on the property adjacent to your fence on the west side of Fort Street in Springfield, Missouri. It appeared that an oil type material may have been covered with soil during recent earth moving activities. The oil was migrating to the east toward the drainage leading to Jordan Creek.

Please note that it is a violation of the Clean Water Law to place or allow to be placed, a material which is likely to cause pollution of Waters of the State. You should also note that waste oil, which includes all waste, spilled, or discarded petroleum oils, is a hazardous waste in Missouri and must be properly handled.

Please advise this office by June 18, 1992, of the steps you are taking to alleviate the problem with the material on your property. Guidance documents on handling the waste have been enclosed for your information.

If you have any questions, please let us know.

Sincerely,

SOUTHWEST REGIONAL OFFICE

A handwritten signature in cursive script that reads "Charles L. Kroeger".

Charles L. Kroeger
Environmental Specialist

enc.

C: Mr. Ed Sears, MDNR, WPCP
Mr. Randy Lyman, Springfield Sanitary Services



Printed on recycled paper.

COPY SENT TO PCW-ADMINISTRATION
RELATES TO STORMWATER COMPLAINTS WE RECEIVE JRL
4/8/92 321 N. FORT

JOHN ASHCROFT
Governor

G. TRACY MEHAN III
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation,
and Historic Preservation

DIVISION OF ENVIRONMENTAL QUALITY

Greene County/Hzw
General

Southwest Regional Office
318 Park Central East, Suite 500
Springfield, MO 65806
417/895-6950 FAX 417/895-6954

June 4, 1992

McCoy's Iron and Metal
321 North Fort
Springfield, MO 65802

Dear Sir or Ma'am:

Representatives of this office recently observed an oily material surfacing on the property adjacent to your fence on the west side of Fort Street in Springfield, Missouri. It appeared that an oil type material may have been covered with soil during recent earth moving activities. The oil was migrating to the east toward the drainage leading to Jordan Creek.

Please note that it is a violation of the Clean Water Law to place or allow to be placed, a material which is likely to cause pollution of Waters of the State. You should also note that waste oil, which includes all waste, spilled, or discarded petroleum oils, is a hazardous waste in Missouri and must be properly handled.

Please advise this office by June 18, 1992, of the steps you are taking to alleviate the problem with the material on your property. Guidance documents on handling the waste have been enclosed for your information.

If you have any questions, please let us know.

Sincerely,

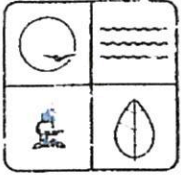
SOUTHWEST REGIONAL OFFICE

A handwritten signature in cursive script that reads "Charles L. Kroeger".

Charles L. Kroeger
Environmental Specialist

enc.

C: Mr. Ed Sears, MDNR, WPCP
Mr. Randy Lyman, Springfield Sanitary Services



CORSON

1.300 Springfield
Energy Sales

August 14, 1981

Mr. Clarence Stapp
P. O. Box 128
Cabool, MO 65689

AUG 19 1981

Dear Mr. Stapp:

This is to confirm our conversation of August 14, 1981 regarding the periodic discharges of oil from the Energy Sales Terminal in Springfield, Missouri.

On August 14, 1981 representatives of this agency noted several small patches of oil on Jordon Creek and a considerable amount of oil behind the metal boom in Jordon Creek below your discharge pipe. You indicated that the valve was to have been completely closed off and no discharge should have been occurring. You also stated that a boom has been placed inside the berm to catch the oil and that you would have someone remove the oil and check the valve.

Because there is creek water flowing under the metal berm, it appears that any discharge to the "boomed" area would be a discharge to waters of the State. The water quality standards state that the water shall be free from oil, scum, and floating debris and the effluent regulations (10 CSR 20-7.015) state there shall be no visible floating oil in any discharge. It was also noted that any discharge from the bermed area would require an NPDES permit with strict monitoring limitations.

You advised me that the pipe and discharge structure were placed in the berm following the September 1977 flooding of the storage area. You indicated that there has been no problems prior to that and to permanently eliminate the problem, you would remove the discharge line.

This is satisfactory with the agency but you should assure yourself that an adequate means will be available to handle any build up of stormwater behind the berms. The measures should not result in a discharge of oil or water.

An abatement order will not be issued at this time with the understanding that you intend to correct the problem in the very near future. All discharges should be eliminated by August 24, 1981.

MISSOURI DEPARTMENT OF NATURAL RESOURCES

1155 E. Cherokee St. Springfield, Missouri 65807 (417) 883-4033

Christopher S. Bond Governor
Fred A. Lafser Director
Springfield Regional Office

321 A. FORT

Mr. Clarence Stapp
Page 2
August 14, 1981

Please advise this office by August 25, 1981, of the steps you have taken to prevent future discharges of oil to Jordon Creek. Also advise us of the proposed means of disposing of stormwater should it become necessary.

Your cooperation in this matter will be appreciated and expected. If you have any questions, please let us know.

Sincerely,

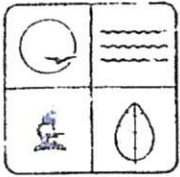


Charles L. Kroeger
Environmental Specialist II
Springfield Regional Office
Department of Natural Resources

CLK/cg

cc: ~~Mr.~~ Robert Schaefer, Sanitary Services
✓ Sanitary Services
Attention: Ms. Karen Chandler
Mr. Randy Lyman
Mr. J. D. Slaughter
Mr. Keith Schardein, Central Office, WPCP
Missouri Conservation Department
Attention: Mr. Ken Drenon

321. M. FORT



1.300 Springfield
Energy Sales

BS

August 14, 1981

AUG 19 1981

Mr. Clarence Stapp
P. O. Box 128
Cabool, MO 65689

Dear Mr. Stapp:

This is to confirm our conversation of August 14, 1981 regarding the periodic discharges of oil from the Energy Sales Terminal in Springfield, Missouri.

On August 14, 1981 representatives of this agency noted several small patches of oil on Jordan Creek and a considerable amount of oil behind the metal boom in Jordan Creek below your discharge pipe. You indicated that the valve was to have been completely closed off and no discharge should have been occurring. You also stated that a boom has been placed inside the berm to catch the oil and that you would have someone remove the oil and check the valve.

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MISSOURI DEPARTMENT OF NATURAL RESOURCES

1155 E. Cherokee St. Springfield, Missouri 65807 (417) 883-4033

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Fred A. Lafser Director
Springfield Regional Office

321 N. FORT

Mr. Clarence Stapp
Page 2
August 14, 1981

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Your cooperation in this matter will be appreciated and expected. If you have any questions, please let us know.

Sincerely,



Charles L. Kroeger
Environmental Specialist II
Springfield Regional Office
Department of Natural Resources

CLK/cg

cc: Mr. Robert Schaefer, Sanitary Services
Sanitary Services
Attention: Ms. Karen Chandler
Mr. Randy Lyman
Mr. J. D. Slaughter
Mr. Keith Schardein, Central Office, WPCP
Missouri Conservation Department
Attention: Mr. Ken Drenon

321 N. FORT

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF _____ FILE _____ DATE July 20, 1981

DEPARTMENT _____

Payment in full was received today for the clean-up of the spill that occurred at the Energy Sales Company on Fort at the Jordan Creek on July 2, 1981

321 N. Fort
SIGNED _____
Karen Chandler
Water Pollution Control Inspector II
Surveillance & Enforcement

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered. ¢
 Show to whom, date and address of delivery. ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered. ¢
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. ¢

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Mr. Clarence Stapp
 P.O. Box 128
 Cabool, Missouri 65689

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 P13 7611489

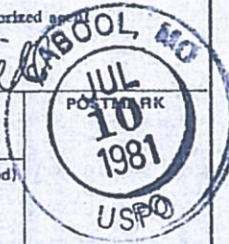
(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. *Nancy McNeil*
 DATE OF DELIVERY *7-26-81*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS



☆GPO : 1979-288-848

P13 7611489

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See Reverse)

SENT TO		Clarence Stapp	
STREET AND NO.		P.O. Box 128	
P.O. STATE AND ZIP CODE		Cabool, Missouri 65689	
POSTAGE		S	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	c
		SPECIAL DELIVERY	c
		RESTRICTED DELIVERY	c
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	c
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	c
TOTAL POSTAGE AND FEES		S	
POSTMARK OR DATE		07/02/81	

PS Form 3800, Apr. 1976

July 2, 1981

Certified Mail No. 913 7611489
Return Receipt Requested

Mr. Clarence Stapp
P. O. 128
Cabool, Missouri 65689

Dear Mr. Stapp:

Please be advised that on Wednesday, July 1, 1981, personnel from the City of Springfield's Water Pollution Control Section, Surveillance and Enforcement Branch, responded to an oil spill within the corporate limits of the City. The spill apparently occurred when excess storm water entered the dike around Energy Sales and washed oil into the Jordan Creek at Fort Street. As a result of this spill, City personnel had to set up absorbent booms and pads in the Jordan Creek to trap the oil that entered the creek.

The ordinances of the City provide for the recovery of the costs involved in the abatement of a violation under emergency conditions. Payment of those costs should be made to the City of Springfield, Sanitary Services Department and sent to:

City of Springfield
City Hall, Room 210
830 Boonville
Springfield, Mo. 65802
Attention: Mr. Robert Schaefer

Attached to this letter, please find a detailed explanation of the costs involved and a copy of Chapter 30 of the Springfield City Code. If you have any questions, please don't hesitate to call.

Yours truly,

Karen A. Chandler
Water Pollution Control Inspector II
Surveillance and Enforcement

cc: Robert R. Schaefer, P. E., Superintendent of Sanitary Services
Chuck Kroeger, Missouri Department of Natural Resources
Doug Frame, Oil and Hazardous Materials Spills, E.P.A.
Fred Fantauzzi, Director of Finance

321 N. Fort

PERSONNEL COSTS: SURVEILLANCE & ENFORCEMENT

July 1, 1981

R. L. Lyman
J. D. Slaughter
K. A. Chandler

Burden Rate

\$14.55
11.00
10.48

Time at Site

1 hour
1 hour
2 hours

Costs

\$14.55
11.00
20.96

EQUIPMENT COSTS

July 1, 1981

Sorbant Booms 2 @ \$37.50/a piece
Sorbant Pads 12 @ \$1.00/ a piece

75.00
12.00

TOTAL COST

\$133.51

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF FILE

DATE July 2, 1981

DEPARTMENT _____

On Wednesday, July 1, 1981, this office received a call at 1:45 p.m. from Tom Fare of the City's Health Department about an oil spill and fish kill in the Jordan Creek at Fort Street. Tom Fare said that Mike Rogers of the Police Department reported to him that flood waters entered Energy Sales earthen dike and washed oil into the creek. I investigated the report and found that there was an oily substance in the metal dike that surrounds Energy Sales discharge pipe to the creek. There was a sheen of an apparent petroleum product on the creek downstream from the metal dike. There was also a hole that had been dug in the bank of the creek that contained water and an oily substance. I put two absorbant booms and a number of absorbant pads in the creek downstream of Energy Sales metal dike. I also put some absorbant pads in the hole on the bank of the creek. Randy Lyman and J. D. Slaughter observed a pile of dead red-ear sunfish at the Sanford Branch of the Jordan Creek and a dead white bass in the Jordan at Fort Street. I reported the spill to the Missouri Department of Natural Resources. On Thursday, July 2, 1981, at 8:45 a.m., I telephoned the Energy Sales office in Cabool, Mo. and spoke with Dick Montgomery. He said that he had some employees cleaning up the petroleum product in and around the metal dike. He was informed that he needed to report the spill to the Missouri Department of Natural Resources and that he would be billed for the City's cleanup of the spill.

CC: file
Robert Schaefer, P.E., Superintendent of Sanitary Services
Chuck Kroeger, Missouri Department of Natural Resources

Clarence Slapp 883 5762
Cabool 962 4263

SIGNED *Karen A. Chandler*
Karen A. Chandler
Water Pollution Control Inspector II
S & E

321 N. FORT

NUMBER
2098

August 21st, 19 79

80-177
865

PAY TO THE ORDER OF City of Springfield

\$1.25

One and 25/100-----DOLLARS



STRONG & PLACZEK, P.C.

677

[Handwritten Signature]

⑆086501772⑆

⑆04⑆918⑆⑆⑆⑆⑆⑆⑆⑆

STATEMENT

City of Springfield, Missouri

SPRINGFIELD, MO., August 21 19 79

M
STRONG & PLACZEK

Springfield, Missouri

5	copies of File Information from Water Pollution Section Public Works Department	\$1.25
---	---	--------

[Handwritten notes and signatures]

321 N. FORT

LAW OFFICES

STRONG & PLACZEK, P.C.

2060 EAST SUNSHINE
SPRINGFIELD, MISSOURI 65804

THOMAS STRONG
MATHEW W. PLACZEK

TELEPHONE 887-4300
AREA CODE 417

August 21, 1979

City of Springfield
Sewer & Street Repairs
1216 West Nichols
Springfield, Missouri 65802

Re: Southern Missouri Oil Terminal
Investigation - October, 1977

Attention: Mr. Gene Pabst

Dear Mr. Pabst:

In October, 1977, you and Mr. Steve Short, also of your department, made an investigation of an alleged oil spill into Jordan Creek by Southern Missouri Oil Company.

We would like to obtain a copy of your file regarding this investigation and any subsequent reports.

Enclosed please find our check in the amount of \$1.25, representing payment for photocopying charges as per your telephone conversation with my secretary this date.

Thank you very much for your cooperation and assistance in this matter.

Yours very truly,
Mathew W. Placzek

Mathew W. Placzek

/cr
Enclosure

321 N. FORT

1.300 Springfield
Energy Sales

July 18, 1979

Energy Sales Company
Box 128
Cabool, Missouri

Gentlemen:

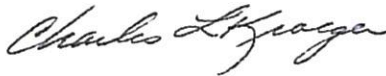
This is concerning the discharge from the Energy Sales property in Greene County, Missouri.

During a recent conversation we discussed the need for improvements to the oil separation system in the tank area. I contacted Harry Gilmer of the Environmental Protection Agency concerning this matter and received the following information.

He suggested an American Petroleum Institute (API) separator which is a standard and economically feasible system. An engineer is recommended for sizing the system which should include continuous oil removal using something such as oil collecting rope or pads.

Please advise us of your progress in this matter. If you have any questions, please let us know.

Yours truly,



Charles L. Kroeger
Environmental Specialist II
Springfield Regional Office
Department of Natural Resources

CLK/jo

cc: Mr. Robert Corson, City of Springfield

321 N. FOLT

INDUSTRIAL WASTE
MONITORING AND ANALYSES REPORT

Plant ENERGY SALES SIC _____ Date 4/23 Time 10:45
 Sampling point STREAM DISCHARGE Method GRAB
 Set up by ~~LETSD~~ Removed by CORSON, J. & ANDER Time _____
 Flow _____ Meter Start _____ Meter Ending _____
 Seal _____ Entered in billing file _____ by _____

Sample No.	Time	Meter Reading	Test	Date	Analyst	Result	#
1			BOD ₅				
2			Total SS				
3			pH				
4			Organic Carbon				
5			Total Carbon				
6			C.O.D.				
7			O-PO ₄ -P				
8			TP				
9			NH ₃ -N				
10			TKN				
11			Phenol				
12			Oil & Grease	4/26	22/m	18 g/l	
13			Nitrate				
14			Nitrite				
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							

PW099

321 N. FORT

September 6, 1978

Mr. Clarence Stapp
Energy Sales Company
Box 126
Cabool, Missouri

Dear Mr. Stapp:

On August 23, 1978, personnel from this office responded to a citizen's complaint of asphalt-like material in Jordan Creek in the vicinity of the 1600 block West Walnut. This spillage was traced upstream and found to originate from the dike drain of your tank farm.

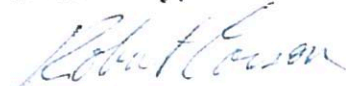
Upon contacting personnel from your company, it was found that the drain valve was open thus allowing the asphalt material to enter the stream. Your personnel requested and received one absorbent boom from the City of Springfield for use in clean up procedures.

The ordinances of the City provide for the recovery of cost for abatement of emergency conditions. The present replacement cost for one absorbent boom is \$27.00. Payment for this material should be made to the Director of Finance, City of Springfield, Missouri and sent to:

City Hall
430 Boonville, Room 210
Springfield, Missouri 65892
Attention: Mr. Robert H. Schaefer, P.E.

Your prompt attention to this matter is appreciated. If you have any questions, please don't hesitate to call.

Yours truly,



Robert Corson
Water Pollution Control Inspector III
Surveillance & Enforcement

RC:pg

cc: Mr. Robert H. Schaefer, Superintendent of Sanitary Services
Director of Finance, City of Springfield
Mr. John R. Nixon, Department of Natural Resources
Public Works File

321 N. FORT

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF Robert R. Schaefer, P.E. DATE October 18, 1977
DEPARTMENT Superintendent of Sanitary Services

Re: Spill Response Expenses

Please find attached to this memorandum a copy of a letter requesting repayment of expenses involved in the abatement of a violation under emergency conditions, and a check covering payment in the same regard. While the amounts expended from various live accounts are not substantial in this case, they may be quite significant in others, and may cause certain balances and controls to become quite low. Since the intent of the ordinance seems to be the recovery of out-of-pocket costs, to replenish materials, etc., expended under emergency circumstances, is there any good reason why the monies thus collected, can't be returned to the accounts from which they were drawn at least in so far as materials is concerned and possibly overtime pay? This policy would help to insure a continuity of program through replacement of materials in the same fiscal year in which they were used without cutting out some other necessary budgeted expenditures to compensate.

Attachments: (2)

SIGNED

Harry Criswell

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF _____

DATE OCT. 17, 1977

DEPARTMENT _____

Memo To File. Re. Energy Sales Co. (Oil Spill)

Payment in full was received today for the expenses incurred by the City of Springfield for the cleanup of oil spilled by Energy Sales on Oct. 6 & 7, 1977.

SIGNED _____

Gene Babst

SOUTHERN MISSOURI OIL COMPANY
CABODL, MISSOURI 65689

Pay to the order of City of Springfield

OCT. 14, 1947

\$ 365.25

DOLLARS

Mercantile Bank
of Willow Springs
Willow Springs, Mo. 65793

MERCANTILE
BANK

SOUTHERN MISSOURI OIL COMPANY
C. M. STAPP

⑆086500436⑆ ⑆400939⑆

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO
 Mr. Clarence Stapp
 STREET AND NO.
 Energy Sales Co.
 P.O., STATE AND ZIP CODE
 Box 128 Cabool Missouri 65689

POSTMARK OR DATE

10-13-77

OPTIONAL SERVICES FOR ADDITIONAL FEES
 1. Shows to whom and date delivered
 With delivery to addressee only 55¢
 With delivery to addressee only 35¢
 2. Shows to whom, date and where delivered
 With delivery to addressee only 85¢
 SPECIAL DELIVERY (2 pounds or less) 50¢
 POD Form 3800 July 1969 45¢

NO INSURANCE COVERAGE PROVIDED—
 NOT FOR INTERNATIONAL MAIL (See other side)
 GPO : 1969 O-358-312

No. 928210

PS Form 3811, Nov. 1973

6. UNABLE TO DELIVER BECAUSE:

5. ADDRESS (Complete only if requested)

4. DATE OF DELIVERY

3. ARTICLE DESCRIPTION:

2. ARTICLE ADDRESSED TO:

1. The following service is requested (check one).

SENDERS: Complete items 1 and 2. Add your address in the "RETURN TO" section.

1. Show to whom and date delivered. 15¢
 Show to whom, date, & address of delivery. 35¢
 DELIVER ONLY TO ADDRESSES and show to whom and date delivered. 55¢
 DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery. 85¢

REGISTERED NO. 928210
 CERTIFIED NO. 928210
 INSURED NO. / / / / /

Mr. Clarence Stapp
 Energy Sales Company, Box 128
 Cabool Missouri

Mr. Clarence Stapp
 by E.M. Stapp
 10/13/77

CLERKS INITIALS
 1977

GPO : 1974 O - 527-803

October 12, 1977

Mr. Clarence Stapp
Energy Sales Company
Box 126
Capeol, Missouri

Dear Mr. Stapp:

Please be advised that on October 6, 1977, at approximately 12:00 noon, personnel from the City of Springfield, Water Pollution Control Section, Surveillance and Enforcement Branch responded to a spill of asphalt-like material within the corporate limits of this city. The spillage was apparently caused by a trench being dug through the dike of your tank farm, located at Fort Street and Jordan Creek, which allowed excess water, as well as oil, to drain to Jordan Creek, a tributary to Wilson Creek and James River.

The ordinances of the City provide for recovery of the costs involved in the abatement of a violation under emergency conditions. Payment of those costs should be made to the Director of Finance, City of Springfield, Missouri, and sent to:

City Hall
830 Boonville, Room 210
Springfield, Missouri 65802

Attention: Mr. Robert R. Schaefer, P.E.

Attached to this letter, please find a detailed explanation of the costs involved. If you have any questions, please feel free to call.

Yours truly,

Gene Pabst
Water Pollution Control Inspector III
Surveillance & Enforcement

Attachment

cc: Mr. Robert R. Schaefer, P.E., Superintendent of Sanitary Services
Director of Finance
Mr. John R. Nixon, Regional Administrator, Department of Natural Resources
Sanitary Services Billing File

321 N. Fort

PERSONNEL COSTS

October 6, 1977

	<u>Burden Rate</u>	<u>Regular</u>	<u>Overtime</u>	<u>Cost</u>
B. Corson	9.45	1.5 hrs.		14.18
J. Witherspoon	7.24	1.0		7.24
S. Short	7.24	.5		3.62
G. Pabst	8.89	2.0		17.78
G. Pendergrass	7.24	1.0		<u>7.24</u>
				50.06

October 7, 1977

B. Corson	9.45	4.5	4 hrs.	99.25
J. Witherspoon	7.24	2.0		14.48
S. Short	7.24	3.5		25.34
G. Pabst	8.89	3.5	4 hrs.	<u>84.48</u>
				223.55

Total Personnel Costs = \$273.61

EQUIPMENT COSTS

<u>Equipment Number</u>	<u>Miles</u>	<u>Hours</u>	<u>Cost</u>
P2-24	10	5.5	9.03
P2-7	3	3.0	5.33
P1-25	3	2.5	<u>3.86</u>
			18.22

Total Equipment Costs = \$18.22

MATERIAL COSTS

19 10" x 10" 3M Oil Absorbent Pads	\$5.32
4 3M Oil Absorbent Booms	\$67.50
4 30 Gallon Trash Bags	<u>.60</u>
	\$73.42

Total Material Costs = \$73.42

TOTAL COST = \$365.25

CITY OF SPRINGFIELD
INTER-OFFICE MEMORANDUM

ATTENTION OF Memo to file

DATE October 11, 1977

DEPARTMENT _____

Re: Oil Spill at Energy Sales Co.

On Thursday, October 6, 1977, at approximately 12:00 noon, this office received a report of an oil spill on Jordan Creek at College. Upon investigation it was found that Energy Sales Co. at Fort and Jordan Creek had cut a trench through their dike to allow the excess water within their berm to drain to Jordan Creek. By doing this they allowed oil to drain out with the water. (The oil being the consistency of asphalt.) Mr. Clarence Stapp, Major Stockholder in the Company, was contacted and told of his need to report the spill to the Department of Natural Resources and to the Environmental Protection Agency. An oil absorbent boom was placed on Jordan Creek just above Walnut Street. Mr. Harry Gilmer, with E.P.A. came down Friday at 8:00 a.m. Mr. Gilmer talked to Mr. Stapp and took some pictures of the spill sight. Mr. Gilmer advised us to construct another boom on Jordan Creek below the Mt. Vernon Street bridge. By Friday afternoon the boom at Walnut Street was removed since there was no further oil coming down the creek at that point. Clean up work was hampered Friday afternoon by rain. By 7:00 p.m. Friday evening the boom at Mt. Vernon Street had to be removed due to high flow in the creek which made it ineffective. No further clean up was done. Mr. Stapp will receive a bill from this office for labor and material used.

On Monday, October 10, 1977, a small amount of oil was observed coming out of the newly constructed drain pipe in the berm of the dike. Employees of Energy Sales were advised to completely close the valve on the drainage pipe to stop the flow of oil. Surveillance of the area will continue.

SIGNED Gene Pabst

Gene Pabst

321 N. Post

9-27-77

ENERGY SALES CO.

FORT ST. & JORDAN CREEK

FLOODED DIKE CAUSED BY FLOOD ON 9-26-77



321 N. FORT

9-27-77

FORT ST & JORDAN CREEK

PICTURE OF DAMAGE CAUSED BY THE FLOOD
ON 9-26-77



321 N. FORT

: NPDES-Coastal Energy Corporation
Jill Bailey
jackson.bostic@dnr.mo.gov;david@coastal-fmc.com

From: Jill Bailey <jbailey320@gmail.com>
Sent: Monday, September 25, 2017 5:36 PM
To: jill_bailey20
Subject: Fwd: NPDES Coastal Energy Corporation

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>
Date: Wednesday, September 6, 2017
Subject: NPDES Coastal Energy Corporation
To: "carrie.ricci@ogc.usda.gov" <carrie.ricci@ogc.usda.gov>, "Wellesley, Sunny" <wellesley.sunny@epa.gov>, "Nazar, Kristen" <Nazar.Kristen@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "inga.bumbary-langston@ogc.usda.gov" <inga.bumbary-langston@ogc.usda.gov>, "hector_santiago@nps.gov" <hector_santiago@nps.gov>, "smchesterton@fs.fed.us" <smchesterton@fs.fed.us>, "AHC@oa.mo.gov" <AHC@oa.mo.gov>, R7 Actionline <R7Actionline@epa.gov>

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>
Date: Wed, Sep 6, 2017 at 4:17 PM
Subject: Re: NPDES Coastal Energy Corporation
To: Clerk EAB <Clerk_EAB@epa.gov>, AHC <AHC@oa.mo.gov>

I am replying through email because you said the Board will issue an order within three days. I would prefer to file this appeal on the federal level and believe I have that right. In the appeal/petition for review it should be clear, but your email to me seemed to be directing me back to the state so, I wanted to

point out that the laws I cited that were violated with this permit were federal laws on NPDES permitting where the state is the issuing authority. If you can please make sure the Board understands this. Regarding extension, I am understanding your email to mean you will let me know about whether I should receive an extension due to the federal law requiring my notice letter to have instructions on appeals. Regarding the motion, which you mentioned the Board will be looking at, I sent you an email last night around 10:30(before deadline-and when I began filing was told to contact you when e-filing was not receiving everything) withdrawing that motion because I had not checked with the two other parties on the motion as I re-read and remembered last night that the law required.

Jill Bailey

Missouri

573-228-0147

Fw: Federal Wild and Scenic Rivers Act/large part of appeal
Jill Bailey
jackson.bostic@dnr.mo.gov;david@coastal-fmc.com

From: Jill Bailey <jbailey320@gmail.com>
Sent: Monday, September 25, 2017 5:41 PM
To: jill_bailey20
Subject: Fwd: Federal Wild and Scenic Rivers Act/large part of appeal

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>
Date: Wednesday, September 6, 2017
Subject: Federal Wild and Scenic Rivers Act/large part of appeal
To: Clerk EAB <clerk_eab@epa.gov>, AHC <AHC@oa.mo.gov>
Cc: "carrie.ricci@ogc.usda.gov" <carrie.ricci@ogc.usda.gov>, "Wellesley, Sunny" <wellesley.sunny@epa.gov>, "Nazar, Kristen" <Nazar.Kristen@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "inga.bumbary-langston@ogc.usda.gov" <inga.bumbary-langston@ogc.usda.gov>, "hector_santiago@nps.gov" <hector_santiago@nps.gov>, "smchesterton@fs.fed.us" <smchesterton@fs.fed.us>, R7 Actionline <R7Actionline@epa.gov>

Clerk of the Board, additionally since a large part of my appeal has to do with a federally protected river, and a federal Act that protects it I think it is a better appeal for a federal agency.

Jill Bailey
Missouri
573-228-0147

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Cc: "carrie.ricci@ogc.usda.gov" <carrie.ricci@ogc.usda.gov>, "Wellesley, Sunny" <wellesley.sunny@epa.gov>, "Nazar, Kristen" <Nazar.Kristen@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "inga.bumbary-langston@ogc.usda.gov" <inga.bumbary-langston@ogc.usda.gov>, "hector_santiago@nps.gov" <hector_santiago@nps.gov>, "smchesterton@fs.fed.us"

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Kristen" <Nazar.Kristen@epa.gov>, "Neugeboren, Steven"
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<R7Actionline@epa.gov>

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protects it I think it is a better appeal for a federal agency.

Jill Bailey
Missouri
573-228-0147

Fw: My motion for extension of time 40 CFR subsection
124.19(f)2 or 40 CFR subsection 124.19(m)

Jill Bailey
jackson.bostic@dnr.mo.gov;david@coastal-fmc.com

From: Jill Bailey <jbailey320@gmail.com>

Sent: Monday, September 25, 2017 1:18 PM

To: jill_bailey20

Subject: Fwd: My motion for extension of time 40 CFR subsection 124.19(f)2 or 40 CFR subsection 124.19(m)

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>

Date: Thursday, September 21, 2017

Subject: My motion for extension of time 40 CFR subsection 124.19(f)2 or 40 CFR subsection 124.19(m)

To: "jackson.bostic" <jackson.bostic@dnr.mo.gov>,
David@coastal-fmc.com

Cc: Clerk EAB <clerk_eab@epa.gov>, Jill Bailey <jbailey320@gmail.com>

I will be filing a motion for extension of time of the Sept 25, 2017 deadline for a motion of error/clarification of appeal NPDES 17-04. The Missouri DNR did not provide appeal information on their letter of notice to me on NPDES permit MO-G491369. The Environmental Appeals Board made an additional typographical error on their Order Dismissing Petition For Lack of Jurisdiction. The Missouri Permit number is inaccurate. I did not hear back from the EAB on where to file or whether I could have an extension to file this appeal. I would also like the extension of deadline on motion for clarification because I am awaiting a FOIA request on whether Missouri has

all documents on file to be an NPDES issuing authority. That request should be fulfilled on the 27th of September. I would like a motion error/clarification extension until October 2nd. I would like to know if you agree or object to this extension.

Jill Bailey

Missouri

573-228-0147

On Thursday, September 21, 2017, Clerk EAB
<Clerk_EAB@epa.gov> wrote:

Ms. Bailey:

Please follow the provisions in both 40 C.F.R. section 124.19 (f) and (m) applicable to motions, in any motion you file for reconsideration or clarification, including the provision in 124 section 19(m) that provides that "Motions for reconsideration must set forth the matters claimed to have been erroneously decided and the nature of the alleged errors. Motions for clarification must set forth with specificity the portion of the decision for which clarification is being sought and the reason clarification is necessary." With respect to the provision in 40 C.F.R. section 124.19(f)(2) that states that " In advance of filing a motion, parties must attempt to ascertain whether the other party(ies) concur(s) or object(s) to the motion and must indicate in the motion the attempt made and the response obtained," this can be accomplished through email

communication between the parties. The email addresses of the other parties are copied on this message.

Eurika Durr

Clerk of the Board

Environmental Appeals Board

U.S. Environmental Protection Agency

WJC Building 1103M

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460-0001

Tel: 202-233-0110

Fax: 202-233-0121

From: Jill Bailey [mailto:jbailey320@gmail.com]
Sent: Tuesday, September 19, 2017 8:11 PM
To: Clerk EAB <Clerk_EAB@epa.gov>
Subject: 40 CFR subsection 124.19(f)2 or 40 CFR subsection
124.19(m)

In filing my motion for error/clarification I am not understanding whether I am to abide by section m or f 2 of the subsection 124.19 in 40 CFR. They are not giving the same direction. The f 2 seems to say that all motions require this information but I see in UIC Appeal No. 15-03 to your board 124.19 m is the direction given for motions of clarification. So, is 124.19(m) the law I should abide by-leaving out the other requirements of a motion of 124.19(f)2?

Jill Bailey

Missouri

573-228-0147

Fwd: I see now that it is my filing docs

JB Jill Bailey <jbailey320@gmail.com>

   Reply |

Today, 1:12 PM

You

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>

Date: Thursday, September 21, 2017

Subject: I see now that it is my filing docs

To: Clerk EAB <clerk_eab@epa.gov>

I would have to double check to see if everything is there-I thought it was just our email correspondence/ dkt #4

Fwd: Do you have electronic service capability

JB Jill Bailey <jbailey320@gmail.com>

   Reply |

Today, 1:08 PM

You

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>

Date: Friday, September 22, 2017

Subject: Do you have electronic service capability

To: Clerk EAB <clerk_eab@epa.gov>

Once I file motions? That which would serve all registered counsel/parties to this case?

Jill Bailey

Missouri

573-228-0147

Fwd: United States Court of Appeals USCA
case #15-1393

JB Jill Bailey <jbailey320@gmail.com>

Today, 1:04 PM
You

   Reply |

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>

Date: Friday, September 22, 2017

Subject: United States Court of Appeals USCA case #15-1393

To: Clerk EAB <clerk_eab@epa.gov>

Appears to allow certificate of service by filing electronically and sending a certificate of service that one did then stating which will electronically serve all registered counsel for parties to this case. I wanted to know if I could do that. But if the drop down does not give my case I still cannot file electronically

d: Efiling test : Still not in drop down menu
to file motion of error ^

JB Jill Bailey <jbailey320@gmail.com>

Today, 12:51 PM

You

Reply |

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>

Date: Friday, September 22, 2017

Subject: Efiling test : Still not in drop down menu to file
motion of error

To: Clerk EAB <Clerk_EAB@epa.gov>

The filing deadline is at midnight on the day due through efile instead of earlier deadline and u cannot send attachments through fax according to an earlier email from you since the deadline is approaching in Monday and I haven't heard back from the other parties on the extension I may go ahead and give them an opportunity to oppose or agree with my motion to reconsider clarify and then file that. Since I am a member of the public and unfamiliar with legal documents I am uncertain whether I give them the motion in its exact form that I will file it for their response or an outline or general idea of the motion. The time allowed for the general public to submit documents is 10 to thirty days while the government agencies and permitted have months to years and no time constraints in preparing their documents. Then the draft is presented to the public with unfair time constraints.

Jill Bailey
Missouri
573-228-0147

On Friday, September 22, 2017, Clerk EAB
<Clerk_EAB@epa.gov> wrote:

Ms. Bailey:

As mentioned earlier, if you are experiencing problems with efilings you can use one of the other filing methods identified in section 124.19(i)(2) (i.e., by U.S. mail, by hand delivery, or by facsimile).

Eurika Durr

Clerk of the Board

Permit applicant: Coastal Energy Corporation
Permit Facility: Coastal Energy Corporation
Permit number: MO-G491369

Certificate of Service

Copies of email since docketing have been forwarded to:

Jackson Bostic

Regional Director

Missouri DNR

Poplar Bluff, MO 63901

Jackson.bostic@dnr.mo.gov

David Montgomery

Coastal Energy Corporation

One Coastal Drive

Willow Springs, MO 65793

david@coastal-fmc.com

Jill Bailey

702 N. Center St.

Willow Springs, MO 65793

573-228-0147

Permit applicant: Coastal Energy Corporation
Permit Facility: Coastal Energy Corporation
Permit number: MO-G491369

Jbailey320@gmail.com