

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)
)
City of Columbia d/b/a)
Columbia Sanitary Landfill) **No. APCP-2025-034**
)
)
Proceeding Under the)
Missouri Air Conservation Law)

ADMINISTRATIVE ORDER ON CONSENT

NOTICE TO THE RESPONDENT

The issuance of this Administrative Order on Consent No. APCP-2025-034 (Order) by the Missouri Department of Natural Resources (Department) is a formal administrative action by the State of Missouri and is being issued because City of Columbia d/b/a Columbia Sanitary Landfill (Respondent) is in violation of Missouri Air Conservation Law, Chapter 643, of the Revised Statutes of Missouri (RSMo), and its implementing regulations. This Order is issued under Sections 643.060(4), 643.080, and 643.085, RSMo. Failure to comply with this Order is, by itself, a violation of the Missouri Air Conservation Law under Section 643.151.3, RSMo.

FINDINGS OF FACT

1. City of Columbia owns and operates a sanitary landfill, Columbia Sanitary Landfill, located at 5700 Peabody Rd., Columbia, Boone County, Missouri.
2. The Respondent operates subject to Missouri Air Conservation Law 10 CSR 10-6.065(5)(B)1.A.(III) “Operating Permits” and Part 70 Operating Permit No.

OP2018-056, which states that the Respondent must file a complete application for renewal of the operating permit at least 6 months and no more than 18 months before the date of permit expiration.

3. The Respondent operates subject to Missouri Air Conservation Regulation 10 CSR 10-6.065(5)(E)3.B. “Operating Permits,” and Part 70 Operating Permit No. OP2018-056, which states: “an installation’s right to operate shall terminate upon the expiration of the permit, unless a complete permit renewal application is submitted at least six (6) months before the date of expiration, or unless the permitting authority takes final action approving an application for a permit renewal by the expiration date.”

4. The Respondent operates subject to Missouri Air Conservation Regulation 10 CSR 10-6.065(1)(C)1. “Operating Permits,” which states: “no person shall operate a part 70 installation or intermediate installation except in compliance with an operating permit issued by the permitting authority in accordance with this rule.”

5. The Respondent’s Part 70 Operating Permit No. OP2018-056 expired on June 20, 2023. The Respondent was required to submit a complete renewal application by December 20, 2022. The Department did not receive a complete renewal application for Part 70 Operating Permit No. OP2018-056 until February 6, 2023. The Respondent continued operating under OP2018-056 and reporting as required to the Department under the belief that such permit continued following the Respondent’s submission of its renewal application on February 6, 2023. As of June 21, 2023, the Respondent has been operating without a valid Air Pollution Control Program permit.

6. On May 13, 2025, the Department issued Referral Notice of Violation (RNOV) No. AP25008 to the Respondent to document the violation of 10 CSR 10-

6.065(5)(B)1.A.(III) “Operating Permits” and the violation of 10 CSR 10-6.065(1)(C)1. “Operating Permits.”

STATEMENT OF VIOLATIONS

The Department finds that the following violations of the Missouri Air Conservation Law, Chapter 643, RSMo, and its implementing regulations have occurred, thereby subjecting the Respondent to penalties as described in Sections 643.151 and 643.085, RSMo.

7. On December 20, 2022, the Respondent failed to submit a complete operating permit renewal application at least six months prior to the expiration of OP2018-056, in violation of 10 CSR 10-6.065(5)(B)1.A.(III) “Operating Permits.”
8. On February 6, 2023, which was only 4-1/2 (four and a half) months prior to the expiration of OP2018-056, the Respondent submitted a complete operating permit renewal to the Department. Accordingly, the Respondent failed to submit a complete operating permit renewal application at least six months prior to the expiration of OP2018-056. The Department did not renew the Respondent’s permit OP2018-056 prior to expiration. On June 20, 2023, the Respondent’s Part 70 Operating Permit No. OP2018-056 expired. Consequently, the Respondent’s right to operate terminated and the Respondent is now operating without a valid operating permit, in violation of 10 CSR 10-6.065(1)(C)1. “Operating Permits.”

AGREEMENT

9. The Department and the Respondent desire to amicably resolve all claims that the Department might bring against the Respondent for violation of the Missouri Air Conservation Law and regulations described above and within RNOV No. AP25008. The

Department and the Respondent agree that this Order resolves only the specific violations described herein, that this Order shall not be construed as a waiver or a modification of any requirements of the Missouri Air Conservation Law and regulations or any other source of law, and that this Order does not resolve any claims based on any failure by the Respondent to meet the requirements of this Order, or claims for past, present, or future violations of any statutes or regulations other than those specifically referenced herein.

10. The provisions of this Order apply to and bind the parties executing this Order, their agents, subsidiaries, successors, assigns, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through, or for the parties agreeing hereto. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, do not affect the responsibilities of the Respondent under this Order. If the Respondent sells or otherwise transfers its business or the real estate that is the situs of the violation referenced in this Order, then the Respondent shall cause as a condition of such sale or transfer, that the buyer will assume the obligations of the Respondent under this Order in writing. In such event, the Respondent shall provide 30 days prior written notice of such assumption to the Department.

11. The Respondent agrees to comply with the Missouri Air Conservation Law and regulations and, in particular, to refrain from further violations of 10 CSR 10-6.065 “Operating Permits,” for all future operations.

CORRECTIVE ACTIONS BY RESPONDENT

To satisfy this Order, the Respondent agrees to the following:

12. The Respondent must cooperate with the Department's Air Pollution Control Program's Permitting Section for the timely issuance of the new operating permit.

13. The Respondent must continue to operate under Part 70 Operating Permit No. OP2018-056, subject to all permit conditions and requirements, until the new operating permit is issued. Failure to comply with all conditions in Part 70 Operating Permit No. OP2018-056 constitutes a violation of this Order and a violation of the Missouri Air Conservation Law and regulations. Such future continued operation by the Respondent shall not constitute operation without a valid permit.

OTHER PROVISIONS

14. This Order resolves the claims of the Department for the specific violations and concerns stated herein through the effective date of this Order.

15. The Department reserves all legal and equitable remedies available to enforce the provisions of this Order, except as stated in the previous paragraph. This Order shall not be construed to limit the rights of the Department to obtain penalties or injunctive relief under the Clean Air Act, the Missouri Air Conservation Law, or the implementing regulations, or under other federal or state laws, regulations, or permit conditions, except as expressly specified in the previous paragraph. The Department further reserves all legal and equitable remedies to address any imminent and substantial endangerment to the public health or welfare of the environment arising at, or posed by the Respondent, whether related to the violations addressed in this Order or otherwise.

16. By signing this Order, all signatories assert that they have read and understand the terms of this Order, that they had the opportunity to consult with counsel, and that they have the authority to sign this Order on behalf of their respective parties.

17. This Order shall be construed and enforced according to the laws of the State of Missouri, and the terms stated herein shall constitute the entire and exclusive agreement of the parties hereto with respect to the matters addressed herein. This Order may not be modified orally.

18. If any provision of this Order is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

19. There shall be no penalty payments under this Order.

20. Nothing in this Order excuses the Respondent for any future non-compliance with the laws of the State of Missouri, and the Department expressly reserves the right to address future noncompliance in any manner authorized by law.

21. This Order will become final, effective, and fully enforceable upon the date the Department signs it. The Department shall send a fully executed copy of this Order to the Respondent for their records.

22. This Order shall terminate 30 days after the new Operating Permit is issued.

CORRESPONDENCE AND DOCUMENTATION

Correspondence or documentation with regard to this Order shall be directed to the following persons, subject to change upon written notification from either party:

For the Department:

Denise Marcum
Compliance and Enforcement Section
Air Pollution Control Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176
Email: apcpce@dnr.mo.gov

For the Respondent:

Adam White
Plant Superintendent
Columbia Sanitary Landfill
P.O. Box 6015
Columbia, MO 65205

RIGHT OF APPEAL

By signing this Order, the Respondent waives any right to appeal, seek judicial review, or otherwise challenge this Order pursuant to Sections 643.130, 643.085, or 621.250, RSMo, Chapters 536, 643, or 640, RSMo, 10 CSR 10-1.030, or any other source of law.

AGREED TO AND ORDERED:

**City of Columbia d/b/a
Columbia Sanitary Landfill**

De'Carlon Seewood
City Manager

Date: _____

APPROVED AS TO FORM

By: _____
Nancy Thompson, City Counselor/ek

Date: _____

CERTIFICATION: I certify that no
City funds shall be expended pursuant
to this Administrative Order on Consent.

By: _____
Matthew Lue, City Finance Director

Date: _____

**MISSOURI DEPARTMENT OF
NATURAL RESOURCES**

Stephen M. Hall, Director
Air Pollution Control Program

Date: _____