



Missouri's Environmental Enforcement Process

You have recently received a notice of violation or NOV. We want to help you understand the Missouri Department of Natural Resources' enforcement process. We hope the following information will help you as you prepare to meet with our staff.

The mission of the department's Division of Environmental Quality is to help Missourians prevent pollution and protect the public from harm by improving the quality of the air, water and soil. Our main goal in any enforcement action is to help you successfully achieve and maintain compliance with Missouri's environmental laws and regulations. The following are answers to some of the questions you may have about this process.

What is a notice of violation?

The department uses the NOV to document significant violations of Missouri's environmental laws and regulations. A NOV is typically accompanied by a cover letter and an inspection report or summary, which include additional information describing the violation and our findings.

How should I respond to a notice of violation?

Our priority is to help you successfully comply with the regulations and protect Missouri's citizens and environment from the negative impacts of pollution. The first thing you need to do is read the NOV and the attached documents so you understand our findings from the inspection or investigation. If you have questions about the findings or do not understand the NOV or the attachments, please contact the department staff listed on the NOV cover letter.

Once you have an understanding of the findings, the next step is for you to review the circumstances surrounding the violation and take steps to correct whatever caused the problem. Please provide information to help us make a fair and sound decision about your notice of violation. The department would be happy to meet with you to discuss your notice of violation. For further information or to set up a meeting, contact the department staff listed on the cover letter.

What is a settlement offer letter? What should I do if I receive one?

We review all notice of violations to determine what action is needed. In all cases, you are required to correct the violation as soon as possible. If a penalty is appropriate, we will send you a letter describing the violation, outlining our penalty authority and offering to settle the matter out of court. You will receive a settlement offer letter, with a department staff member's name, telephone number and mailing address for you to contact. We will work with you to resolve the compliance issues and negotiate an appropriate penalty. A letter offering a settlement does not constitute a fine. We will listen to all facts and circumstances related to the violation and negotiate an appropriate settlement. Penalties can be partially or fully suspended (i.e. part of the penalty paid with all or part of it suspended for a period of time) depending on the circumstances and severity of the violation. In all cases, the department will attempt to recover any economic benefit, such as money or goods you obtained by committing the violation, through a paid penalty.

What happens when settlement negotiations are completed?

When we reach an agreement on how to resolve a violation, we will ask the Missouri Attorney General's Office to draft a settlement agreement. A settlement agreement is a signed, legally binding contract with terms and conditions reflecting the negotiated agreement.

What happens if an agreement is not reached?

If we cannot agree on a settlement, we may pursue the violation through other means. The department may seek to refer the case to the appropriate commission or the department director to take appropriate legal action. Many of the air pollution, hazardous waste, land reclamation and water pollution violations are referred to their appropriate commissions. If the case is referred to the appropriate commission, you will have an opportunity to present your side of the story to the commission. The commission or department may then refer the violation to the Missouri Attorney General's Office or the local county prosecutor to take appropriate legal action. Once a violation is referred, the Attorney General's Office or the local county prosecutor will pursue a resolution of the violation through the court system in the county where the violation occurred.

What is a commission?

A commission is a group of Missouri citizens appointed by the governor that, in conjunction with the department, administers the state laws and regulations and ensures Missouri's environmental quality is protected. The Division of Environmental Quality works with several commissions to carry out these responsibilities. Those commissions and programs include the following:

Commission	Program	Phone Number
Air Conservation Commission	Air Pollution Control Program	(573) 751-4817
Hazardous Waste Management Commission	Hazardous Waste Program	(573) 751-3176
Land Reclamation Commission	Land Reclamation Program	(573) 751-4041
Clean Water Commission	Water Protection Program	(573) 751-1300

In addition to other duties, the commissions hear appeals on enforcement orders and permit conditions and adopt, amend or rescind rules. The commission can also initiate legal action to enforce rules.

Violations of drinking water and solid waste requirements go through a slightly different enforcement process. The department director can refer drinking water violations to the Attorney General's Office rather than sending them through the Missouri Safe Drinking Water Commission. The department director can also refer solid waste violations directly to the Attorney General's Office or the local prosecuting attorney.

Who receives the penalties paid?

The Constitution of the State of Missouri requires all civil penalties be deposited in the school fund of the county where the violation occurred.

For more information

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