

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager ^{MSM}
SESSION DATE: August 16, 2010
TIME: 4:30 p.m.
PLACE: Second Floor Conference Room

We will meet in the second floor conference room of City Hall. We will need to adjourn the Study Session to attend the City Council meeting at 6:00 pm.

AGENDA:

- Discussion Concerning Forest Lake Watershed
- Police Department Accreditation
- Newsletter

DISCUSSION CONCERNING FOREST LAKE WATERSHED

In the last Newsletter, I had informed the City Council that Chairman Dillavou, on behalf of the City's Watershed Management Commission, had requested a meeting with the City Council, Adair County Commission and the Missouri Department of Natural Resources to discuss a potential watershed issue. A letter from Chairman Dillavou was included in that Newsletter and has been made part of this Study Session Packet. A company on Potter, outside the city limits has received a notice of violation from the Missouri Department of Natural Resources (DNR) for some of their businesses practices. There is a general concern that some contaminants may not being handled properly, and because the business is located within the Forest Lake Watershed, these contaminants could have a potential impact on this watershed. Mr. Dillavou, Chairman of the Commission wishes to discuss possible options to make sure that we are doing what can be done to protect the watershed. We will be inviting the Adair County Commission and someone from the DNR District office in Macon to the August 16 City Council Study Session.

This will be a good opportunity for the City Council to ask questions about the City's abilities to manage things outside the corporate city limits but within an existing watershed. It will also be a good opportunity to meet with the key parties to discuss what efforts can be done in the future to assist the City with the management of the watershed.

Recommended Action:

The City Council is encouraged to listen to Mr. Dillavou's presentation as he explains the concerns of the Watershed Management Commission. The Council is also

encouraged to open up dialogue with both the Adair County Commission and the Missouri Department of Natural Resources about the protection of the watershed. B

POLICE DEPARTMENT ACCREDITATION

The Kirksville Police Department has expressed an interest in pursuing accreditation through the Missouri Police Chiefs Charitable Foundation (MPCCF) State Certification Program. This program was created to establish a cost effective way to improve and enhance law enforcement as a profession in our State.

This is a voluntary program open to all law enforcement agencies in the state. MPCCF's Certification Program currently consists of 198 standards and as part of the process the department is required to develop a comprehensive uniform set of written directives. Through the accreditation process there are systematic reviews conducted of a department's policies and procedures. Those that do not meet accepted law enforcement standards must be revised to achieve accreditation. These standards provide clear and effective written directives, training principles, and the creation of data that can be used to make informed management decisions.

Some of the benefits that have been outlined by the MPCCF include: Greater accountability within your agency and the community; Potential reduction in risk and liability exposure by providing a stronger defense against civil lawsuits; and increased community advocacy.

According to the MPCCF's website there are currently three (3) agencies in Missouri that are MPCCF State Certified. They are the Bellefontaine Neighbors Police Department, the Maryland Heights Police Department, and the St. John Police Department. Currently, fourteen (14) agencies are in the self assessment phase for certification. They are the St. Charles PD, Mexico PD, Jefferson City PD, Sullivan PD, Eureka PD, Jennings PD, Moberly PD, O'Fallon PD, Olivette PD, Osage Beach PD, Wentzville PD, Sikeston PD, Town & Country PD, and Bolivar PD. These are departments of varying sizes and locations (mix of rural and urban).

Police Chief Jim Hughes will be in attendance at the Council Study Session to discuss this program in more detail, including the benefits and the costs.

The Department is interested in exploring this program further to determine if it is something that would improve the operations and services of the Kirksville Police Department. The initial fee for this program is \$500 and will give the department the opportunity to assess the value of this accreditation program.

Recommended Action:

Improving operations, increasing efficiency and protecting city assets are important goals of the City. The Department will use existing budget funds to pay the initial fee and then evaluate its overall value before further pursuit. It is recommended that the City Council review the materials provided and determine if you support the department's efforts to evaluate this program.

NEWSLETTER

Attachments

Letter from Watershed Chairman Dillavou

Letter from Missouri DNR

Accreditation Study Session Staff Report – Jim Hughes, Police Chief

Accreditation Application

Draft Letter from Mayor Kuhns

TO: ✓ The Kirksville City Council, C/O Mari Macomber, City Manager, 201 S. Franklin St.,
Kirksville, MO, 63501
Gary Jones, Presiding Commissioner, Adair County Courthouse, 106 W Washington
Street, Kirksville, MO, 63501
Irene Crawford Director, Northeast Regional Office of the Missouri DNR, 1709
Prospect Drive, Macon Missouri, 63552-2602:

At the April 2010 meeting, the Kirksville Watershed Management Commission discussed a DNR Compliance Inspection Report, dated November 19, 2009 on out of compliance operation of the Kirksville, Recycle-It" company. This company is a salvage operation, located just outside the city limits in Adair County. It is located across the street from the Kirksville water treatment plant and most importantly just above a steep gulley which drains into Forest Lake, one of our two drinking water reservoirs,. The report lists repeated and ongoing violations of the Missouri Clean Water Law by the Recycle-It Company, both at this location and at its prior location, which was in the City limits. I will not detail these violations of Missouri law here as they are outlined in the DNR report which has been provided to the Council by the City Manager, Mari Macomber. I request that a copy of this report to be forwarded to the Adair County Commission by Kirksville city hall.

To my knowledge, no specific local ordinances, either City or County are in effect for Kirksville water sources. The City and County currently depend on state and local health ordinances to serve this purpose and voluntary company compliance with Best Management Practices. One significant problem is that the Recycle-It facility as stated earlier, is just out of the City limits in Adair County property. Forest Lake however is owned by the city of Kirksville and any pollution of our water supply is of vital concern to the residents of the city of Kirksville and Adair County. I believe that a Joint Meeting of the Kirksville, City Council, a representative of the Adair County Commission and a representative of the Regional Office of the DNR in Macon and me, the Chair of the Watershed Management Commission would be productive. I further believe that with all these creative minds working together, we can come up with a workable plan to ensure that the Recycle-It company gets into and continues to stay, in full compliance with all Missouri Clean Water Regulations.

The Watershed Management Commission was formed in 2005 to monitor the state of the watersheds and reservoirs and advise the Kirksville City Council on matters relating to correcting delineated problems, developing DNR approved Source Water and Watershed Management Plans and maintaining water quality. The Commission members agreed that we needed to bring this matter to the attention of the Kirksville City Council and Adair County Commissioners for discussion and development of a course of action to correct this ongoing and potential threat to water quality. I am available to meet with the group, hopefully at the August 2nd City Council work session or at the latest at the August 19th work session.

Sincerely yours,

Clayton L Dillavou Chair,
Kirksville Watershed-
Management Commission
665-7944
claytondillavou@sbcglobal.net



0180 # 17830
11-30-09
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STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor • Mark N. Templeton, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

CERTIFIED MAIL
7008 1140 0000 3140 8795

5.200 Recycle-It
Adair County
#MO-R80H111
NOV #NER2009111212384548

November 19, 2009

Mr. William Ramsay, Jr., Owner
Recycle-It
22264 Cloud Trail
Kirksville, MO 63501

NOTICE OF VIOLATION

Dear Mr. Ramsay, Jr.:

A routine compliance inspection of Recycle-It, located in Adair County, Missouri was conducted on November 3, 2009. The inspection was conducted by Mr. Martin Kator, with the Missouri Department of Natural Resources' Northeast Regional Office. Enclosed is a copy of the inspection report. Based upon the findings of the inspection, Notice of Violation (NOV) #NER2009111212384548 is being issued to Recycle-It.

Due to the continued violations, these violations are being referred to the Enforcement Section of the Water Pollution Control Branch. Should you wish to discuss the enforcement case, please contact Mr. Kevin Mohammadi at (573) 751-1300 or P.O. Box 176, Jefferson City, MO 65102.

Please direct your attention to the Required Actions for the Notice of Violation, Unsatisfactory Feature and Recommendations sections of the report. Your cooperation in this matter will be appreciated.



Mr. William Ramsay, Jr.
November 19, 2009
Page 2

If you have any questions concerning the report, please contact Mr. Kator or me at
(660) 385-8000 in the Northeast Regional Office, 1709 Prospect Drive, Macon, MO 63552-2602.

Sincerely,

Northeast Regional Office

Steve Boone
for Irene Crawford
Regional Director

IC/mkj

Enclosures: Report of Compliance Inspection
Photographs
NOV #NER2009111212384548
Application for Transfer of Operating Permit

c: Ms. Brittany Voss, Water Pollution Control Branch

7008 1140 0000 3140 8795	U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage)</i> For delivery information visit our website at www.usps.com	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
	Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	1. Article Addressed to: <i>Mr. William Ramsay, Jr. Recycle St 22204 Cloud Trail Hicksville, MO 63501</i>	A. Signature <i>W Ramsay</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>W Ramsay</i> C. Date of Delivery <i>11/23/09</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: NOV 23 2009
	Sent To: <i>Mr. William Ramsay, Jr.</i> Street, Apt. No., or PO Box No.: <i>22204 Cloud Trail</i> City, State, ZIP+4: <i>Hicksville, MO 63501</i>	7008 1140 0000 3140 8795 <i>MA</i> <i>3200 Recycle St</i> <i>Adrian Kator</i>	
	PS Form 3800, August 2006	See Reverse for PS Form 3811, February 2004	Domestic Return Receipt 102595-02-M-154C

**REPORT OF COMPLIANCE INSPECTION
RECYCLE-IT
ADAIR COUNTY
#MO-R80H111
NOV #NER2009111212384548
NOVEMBER 19, 2009**

INTRODUCTION

Pursuant to Section 644.026.1 RSMo of the Missouri Clean Water Law, a routine compliance inspection of Recycle-It in Adair County, Missouri, was conducted by Mr. Martin Kator of the Missouri Department of Natural Resources' Northeast Regional Office on November 3, 2009. Mr. Bryon Lough, Manager, participated in the inspection.

This inspection was conducted to determine the facility's compliance with Missouri State Operating Permit (MSOP) #MO-R80H111, the Missouri Clean Water Commission Regulations, and the Missouri Clean Water Law. This report presents the findings and observations made during the compliance inspection.

FACILITY DESCRIPTION/HISTORY

Recycle-It operates as a metal salvage yard that collects various metals and used cars for crushing. The site accepts vehicles, scrap metal, aluminum, cardboard and lead acid batteries.

Initially, the Recycle-It salvage operation, owned by Mr. William Ramsay, Jr., operated at 3610 Industrial Road in Kirksville, Missouri. While operating at the 3610 Industrial Road location, Recycle-It was issued three Letters of Warning.

1. On August 31, 2006, Recycle-It was issued a Letter of Warning for the following violation:

"Since/On August 16, 2006, used or maintained a water contaminant source, scrap metal recycling facility which intermittently discharges to an unnamed tributary to Floyd Creek, waters of the state, without a Missouri State Operating Permit."

2. On June 4, 2008, Recycle-It was issued a Letter of Warning for the following violations:

"Discharged water contaminants into waters of the state which reduced the quality of such waters below the Water Quality Standards established by the Missouri Clean Water Commission."

"Caused pollution of an unnamed tributary to Floyd Creek, waters of the state, or placed or caused or permitted to be placed water contaminants in a location where they are reasonably certain to cause pollution of waters of the state."

Report of Compliance Inspection
Recycle-It
November 19, 2009
Page 2

"Failed to apply for renewal of the Missouri State Operating Permit (MSOP) at least one hundred and eighty (180) days before expiration of the Missouri State Operating Permit (MSOP) #MO-R60A248.

The facility was additionally required to submit documentation to the Department verifying how the facility is documenting training being provided to facility employees.

3. On March 6, 2009, Recycle-It was issued a Letter of Warning for the following violations:

"Caused pollution of an unnamed tributary to Floyd Creek, waters of the state, or placed or caused or permitted to be placed water contaminants in a location where it is reasonably certain to cause pollution of waters of the state."

"Failed to conduct and maintain records of daily inspections as required by Requirements #6 of Missouri State Operating Permit (MSOP) #MO-R8011107.

"Failed to provide proof of training as required by Requirements #7 of Missouri State Operating Permit (MSOP) #MO-R8011107."

"Failed to prevent containers of paint, paint solvents, automotive fluid and lubricants (oils, antifreeze, brake fluid, ATF) cleaning solvents, insecticides, herbicides, or pesticides from being exposed to storm water as required by Requirements #5 of Missouri State Operating Permit (MSOP) #MO-R8011107."

On August 4, 2008, an Environmental Assistance Visit (EAV) was conducted at the current site, 22949 Potter Trail in Kirksville, Missouri, in response to an environmental concern received by the Northeast Regional Office alleging that the operation was moving from the 3610 Industrial Road location to the 22949 Potter Trail location. As a result of the EAV, it was discovered that the operation was relocating as alleged. Mr. Ramsay, Jr., was advised during the EAV to obtain a Missouri State Operating Permit for the relocated salvage operation and for the land disturbance activity observed being conducted at the site.

On March 9, 2009, MSOP #MO-R8011107, for the Recycle-It operation at the 3610 Industrial Road location was terminated. All materials were observed to have been removed and all salvage activities had ceased.

Currently, Recycle-It operates under MSOP #MO-R8011111 at the 22949 Potter Trail location in Kirksville, Missouri. The MSOP was last issued on September 18, 2009, and expires on July 23, 2014. This permit sets forth effluent limitations, monitoring requirements and permit conditions, both standard and specific, that the permittee is to follow.

Report of Compliance Inspection
Recycle-It
November 19, 2009
Page 3

The legal description of Recycle-It is listed on the permit as the SE ¼, NE ¼, NE ¼, Section 6, Township 62 North, Range 15 West, in Adair County. The receiving stream for this facility is an unnamed tributary to Forest Lake. Forest Lake is the primary drinking water source for the City of Kirksville.

A previous compliance inspection was conducted on October 23, 2008, by staff from the Missouri Department of Natural Resources' Northeast Regional Office in conjunction with an investigation of an environmental report concerning the facility's waste vehicle fluid management and disposal. In response to the inspection, Recycle-It was issued a Letter of Warning on March 5, 2009, for the following violations:

"Caused pollution of an unnamed tributary to Floyd Creek, waters of the state, or placed or caused or permitted to be placed water contaminants in a location where it is reasonably certain to cause pollution of waters of the state."

"Since October 23, 2008, operated, used or maintained a water contaminant source, storm water discharges from solid waste recovery facilities, which intermittently discharge to an unnamed tributary to Forest Lake, waters of the state, without a Missouri State Operating Permit (MSOP)."

Since October 23, 2008, operated, used, disturbed land, or maintained an existing storm water point source, land disturbance site, which intermittently discharges to an unnamed tributary to Forest Lake, waters of the state, without a Missouri State Operating Permit (MSOP).

Additionally, the facility was required to submit a detailed outline to the Northeast Regional Office documenting the actions taken to complete the wastewater treatment facilities being constructed at the site and a timeline for the completion of such actions. The facility was required to submit a plan for the removal and final disposal of the wastewater to ensure no discharge, and coordinate with the local county and city authorities to ensure adherence to any local ordinances, laws and regulations.

On March 27, 2009, a response to the Letter of Warning was received by the Northeast Regional Office from Mr. Ramsay, Jr. According to the response:

1. A berm had been constructed on the south side of the motor pile to divert sheet flow away from the motor pile, which had been covered by a tarp in the August 4, 2008, Environmental Assistance Visit (EAV).
2. No motors had been added or moved from the motor pile since November 2008.
3. All oil contaminated soils had been removed and placed in a trash dumpster.
4. All future auto parts removed from vehicles will be drained of all fluids prior to removal, and will be stored as far away from the pond as possible.
5. The permit application was enclosed with the response.

6. The facility does not have running water and if weather is permitting, the “no-discharge” wastewater lagoon will be constructed and operational by May 30, 2009.

DISCUSSION OF INSPECTION AND OBSERVATIONS

Prior to the inspection, the files for Recycle-It were reviewed, including the Permit Conditions of MSOP #MO-R80H111, to familiarize the inspector with the requirements specific to this facility.

The inspection was conducted during normal business hours. Prior notification was not provided to the facility. Upon arrival at the facility, the inspector met with Mr. Bryon Lough, Manager, and the purpose and scope of the inspection were outlined. Mr. Lough granted permission to access the site and accompanied the inspector throughout the tour of the facility. Mr. Lough explained that he and his brother, Mr. Andy Lough, were going to be taking over ownership of the Recycle-It operation from Mr. Ramsay, Jr., their step-father. Mr. Kator advised Mr. Lough that upon selling the business, Mr. Ramsay, Jr. should complete and submit an Application for Transfer of Operating Permit to the Northeast Regional Office.

Mr. Kator reviewed MSOP #MO-R80H111 with Mr. Lough. Mr. Lough was not able to provide records documenting that training had been provided to the employees involved in material handling and storage or that monthly site inspections in accordance with the permit were being conducted. Mr. Lough said that Mr. Ramsay, Jr. may have been keeping such records. Mr. Ramsay Jr. was contacted following the inspection and said that he would submit the training and site inspection records to the Northeast Regional Office. A Storm Water Pollution Prevention Plan (SWPPP) had not been developed or implemented at the facility. Mr. Kator provided Mr. Lough with guidance on how to develop a SWPPP. Mr. Lough said that he had three hired employees.

Mr. Kator asked Mr. Lough if the wastewater treatment facility has been completed. Mr. Lough said that nothing had been done and that there is no potable water connection to the facility. Mr. Kator observed the restroom facilities adjacent to Mr. Lough’s office and observed un-flushed fecal matter in the toilet.

Mr. Kator and Mr. Lough then toured the site. It was observed that significantly more materials were at the site than had been observed during the October 23, 2008, inspection. The pile of motors referred to in the March 27, 2009, response from the facility had been increased and was no longer covered. Several piles of scrap metal were observed at the site. Mr. Lough said that a lot of the old materials from the previous location at 3610 Industrial Road had been brought to the current site.

Report of Compliance Inspection

Recycle-It

November 19, 2009

Page 5

Mr. Kator observed where the waste vehicle oil was stored. Mr. Lough said that they had recently crushed several vehicles and were storing the waste antifreeze and oil in 55 gallon drums south of the building. Mr. Lough said that they were storing the used oil to be used in an oil burning furnace when they purchase one. Mr. Lough said that the used gasoline is reused in equipment at the site. Mr. Kator observed 15, 55 gallon drums at this location. None of the drums were labeled. Two of the drums had open bunngholes and contained an unknown liquid. The lead-acid batteries were observed stored on pallets southwest of the buildings. The batteries were partially wrapped in plastic.

Mr. Kator was not able to determine how many of the drums contained waste vehicle fluids. The ground below the 55 gallon drums was oil stained. One of the drums had standing oil on top of it and oil on the ground around it.

Mr. Kator observed two 55 gallon poly drums next to each other on the east side of the building. One drum, a quarter full of hydraulic oil, had the top cut off of it and a pump standing in it. Mr. Lough said that he had asked an employee the other day to pump the oil from the open poly drum to the closed poly drum next to it and it had not been done. Mr. Lough said that he would have the oil pumped to the closed drum promptly.

Mr. Kator observed the location where the ground had been excavated to build a wastewater treatment facility. The influent pipe was no longer visible as it had been during the October 23, 2008, inspection. The hole contained a small amount of pooled water. No wastes were observed in the excavated hole and no odor associated with wastewater was detected. The pool of water was not discharging during the inspection.

Mr. Kator observed that the pond on the property had been drained. The pond was approximately one acre in size. A ditch had been cut on the east side of the pond.

Mr. Kator observed where the recent vehicle crushing had taken place. The area smelled like gasoline; however, no spilled fuel was observed. A small oil stain was observed below a five gallon bucket that was on its side near the vehicle crusher. Approximately 50 yards east of the crusher, Mr. Kator observed a small pool of water with a sheen on the surface. Several vehicles were piled in this location near the crusher.

No waste vehicle fluids were observed leaving the property during the inspection. The outfall location is not marked in the field. Mr. Lough said that he would mark the outfall location following the inspection.

Mr. Kator concluded the inspection and discussed the deficiencies observed during the inspection with Mr. Lough. Mr. Kator contacted Mr. Ramsay, Jr. following the inspection to explain the deficiencies observed during the inspection. Mr. Ramsay, Jr. confirmed that he was going to transfer the permit to his step-sons.

Report of Compliance Inspection
Recycle-It
November 19, 2009
Page 6

On November 16, 2009, Mr. Ramsay, Jr. facsimiled to the Northeast Regional Office copies of the site inspection records and the dates training was provided to the employees. According to the site inspection records, inspections have been conducted at least four times a month since January 2009; however, it is noted in the inspection records that the business was transferred to Mr. Bryon Lough and Mr. Andy Lough on October 1, 2009, and no further inspections were recorded after this date.

COMPLIANCE DETERMINATION

The facility was found to be in **non-compliance** with the Missouri Clean Water Law, the Clean Water Commission Regulations and MSOP #MO-R80H111, based upon the observations made at the time of the inspection.

NOTICE OF VIOLATION

1. Caused pollution of an unnamed tributary to Forest Lake, waters of the state, or placed or caused or permitted to be placed water contaminants in a location where it is reasonably certain to cause pollution of waters of the state [Sections 644.051.1(1) and 644.076.1, RSMo].

REQUIRED ACTION: During the inspection Mr. Kator observed, spilled oil, oil contaminated soils, open drums containing waste vehicle fluids, a petroleum sheen on a pool of water and an incomplete wastewater treatment system with the potential to discharge into the environment. The facility must coordinate with the Enforcement Section of the Water Pollution Control Branch to resolve this violation.

2. Failed to properly store petroleum waste products and storage containers so that these materials are not exposed to storm water as required by the REQUIREMENTS section of MSOP #MO-R80H111 [Sections 644.051.1(3) and 644.076.1, RSMo].

REQUIRED ACTION: The facility must coordinate with the Enforcement Section of the Water Pollution Control Branch to resolve this violation.

3. Failed to conduct site inspections and provide the inspection reports upon request as required by the REQUIREMENTS section of MSOP #MO-R80H111 [Sections 644.051.1(3) and 644.076.1, RSMo].

REQUIRED ACTION: Site inspections have not been conducted or recorded for the period of October 2009. The facility must coordinate with the Enforcement Section of the Water Pollution Control Branch to resolve this violation.

UNSATISFACTORY FEATURE

1. Failed to clearly mark the outfall in the field as required by the REQUIREMENTS section of MSOP #MO-R80H111 [Section 644.076.1, RSMo].

REQUIRED ACTION: The facility is to clearly mark the outfall location.

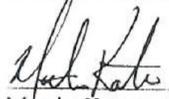
RECOMMENDATIONS – Actions that are being recommended by the inspector but are not required to bring the facility into compliance at the time of the inspection.

1. Be advised that by December 17, 2009, a Storm Water Pollution Prevention Plan (SWPPP) must be developed, implemented and kept on-site in accordance with the REQUIREMENTS section of MSOP #MO-R80H111. The permittee shall select, install, use, operate and maintain the Best Management Practices prescribed in the SWPPP in accordance with the concepts and methods described in the following document:

Storm Water Management For Industrial Activities, Developing Pollution Prevention Plans and Best Management Activities, (Document number EPA 832-R-92-006) published by the United States Environmental Protection Agency (USEPA) in September 1992.

2. Be advised that all spills must be cleaned up within 24 hours. This may include the excavation and disposal of contaminated soils. The following spills must be reported to the Department within 24 hours.
 - (a) Any spill of fluids or chemicals that leave the property of the facility.
 - (b) Any spill of fluids or chemicals outside of a secondary containment structure and greater than 25 gallons, whether or not it leaves the property.
3. Ensure used oil containers are labeled with the words, "Used Oil." Ensure any other containers for waste fluids are also labeled accordingly. (i.e. "Antifreeze", "Used Gas", etc.)

SUBMITTED BY:



Martin Kator
Environmental Specialist
Northeast Regional Office

MK/jw



Photo #: 1
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: Inside the facility restroom.
Description: View of the un-flushed fecal matter contained in the toilet. The facility does not have a completed wastewater treatment facility connected to the toilet.

Date/Time Taken: November 3, 2009/1548 hours
Program: WPC Unit



Photo #: 2
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: South of the building.
Description: View facing northwest of the hole dug for the purpose of installing a wastewater treatment facility. A previous photograph in the March 5, 2009, Letter of Warning showed an influent pipe connected to the hole on the north side.

Date/Time Taken: November 3, 2009/1559 hours
Program: WPC Unit



Photo #: 3
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: Southwest of the building.
Description: View of the lead-acid batteries stored on pallets and partially wrapped in plastic.

Date/Time Taken: November 3, 2009/1555 hours
Program: WPC Unit

Initial MK



Photo #: 4
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: South of the building.
Description: View of several drums used to store waste vehicle fluids. The soil below the storage drums is contaminated by oil.

Date/Time Taken: November 3, 2009/1549 hours
Program: WPC Unit



Photo #: 5
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: South of the building.
Description: View of a drum with oil on top of it, and the soil below it is contaminated by oil.

Date/Time Taken: November 3, 2009/1550 hours
Program: WPC Unit

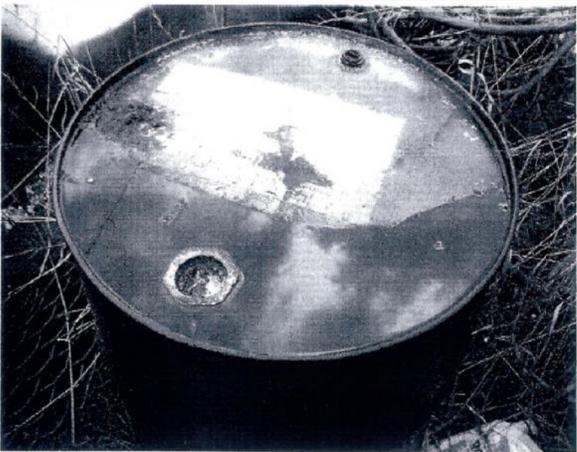


Photo #: 6
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: South of the building.
Description: View of the same drum in Photo #5. Oil is on top of the drum.

Date/Time Taken: November 3, 2009/1550 hours
Program: WPC Unit

Initial MK



Photo #: 7
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: South of the building.
Description: View of the drums used to store waste vehicle fluids. The white drum is open.

Date/Time Taken: November 3, 2009/1552 hours
Program: WPC Unit



Photo #: 8
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: South of the building.
Description: View of a pile of the materials transferred over from the previous location at 3610 Industrial Road, Kirksville, Missouri.

Date/Time Taken: November 3, 2009/1604 hours
Program: WPC Unit



Photo #: 9
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: Next to the vehicle crusher southeast of the building.
Description: View of the oil contaminated soil next to the bucket.

Date/Time Taken: November 3, 2009/1607 hours
Program: WPC Unit

Initial MK



Photo #: 10
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: Next to the vehicle crusher, southeast of the building.
Description: View of a pool of water with a petroleum sheen on the surface.

Date/Time Taken: November 3, 2009/1611 hours
Program: WPC Unit

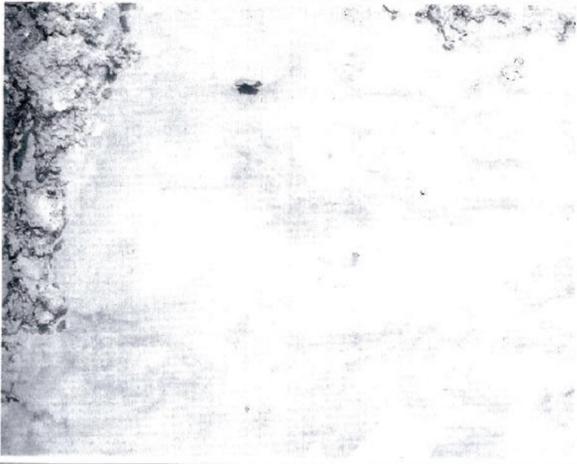


Photo #: 11
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: Next to the vehicle crusher, southeast of the building.
Description: View of the pool of water from Photo #10 with a petroleum sheen on the surface.

Date/Time Taken: November 3, 2009/1611 hours
Program: WPC Unit

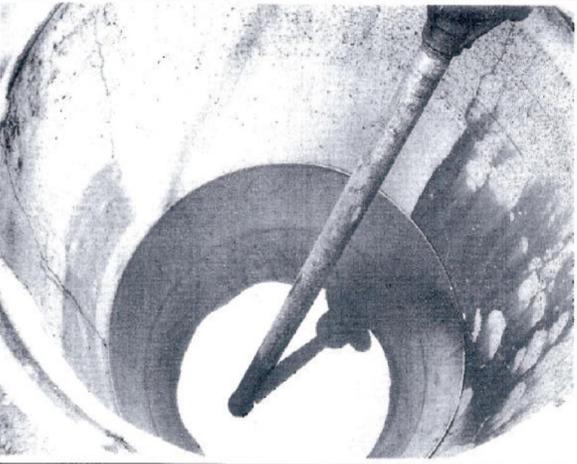


Photo #: 12
By: Martin Kator
Facility: Recycle-It
Permit: #MO-R80H111
Location: East of the building.
Description: View of the oil contained in the poly drum with the top cut off. A pump is in the drum to transfer the oil to a closed drum.

Date/Time Taken: November 3, 2009/1619 hours
Program: WPC Unit

Initial MK

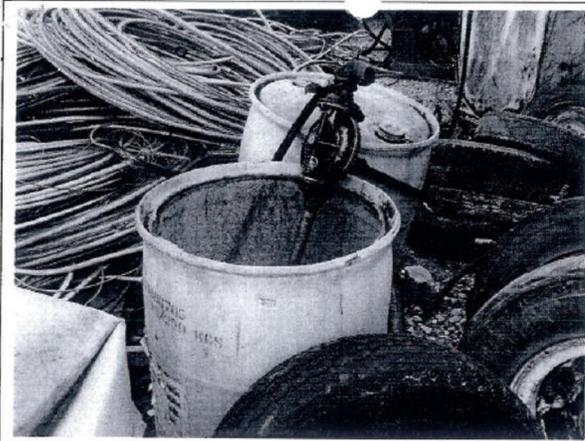


Photo #: 13

By: Martin Kator

Facility: Recycle-It

Permit: #MO-R80H111

Location: East of the building.

Description: View of two poly drums. The drum with top cut off contains hydraulic oil and a pump to transfer the oil to the closed drum.

Date/Time Taken: November 3, 2009/1620 hours

Program: WPC Unit

Initial MK



MISSOURI DEPARTMENT OF NATURAL RESOURCES
NOTICE OF VIOLATION

JEFFERSON CITY MO 65102

TRACKING NUMBER
NER 20091 1212384548

DATE ISSUED 11-19-2009		TIME ISSUED	REGION/PROGRAM Northeast Regional Office (NERO)	
SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION) Recycle-It				
#MO-R80H111				
22949 Potter Trail				
Kirksville, MO 63501				
MAILING ADDRESS 22264 Cloud Trail		CITY Kirksville	STATE MO	ZIP CODE 63501
NAME OF OWNER OR MANAGER Mr. William Ramsay, Jr.		TITLE OF OWNER OR MANAGER Owner	COUNTY Adair	
LAW, REGULATION OR PERMIT VIOLATED				
Sections 644.051.1(1) & (3) and 644.076.1, RSMo				
NATURE OF VIOLATION				
Caused pollution of an unnamed tributary to Forest Lake, waters of the state, or placed or caused or permitted to be placed water contaminants in a location where it is reasonably certain to cause pollution of waters of the state.				
Failed to properly store petroleum waste products and storage containers so that these materials are not exposed to storm water as required by the Requirements section of MSOP MO-R80H111.				
Failed to conduct site inspections and provide the inspection reports upon request as required by the Requirements section of MSOP MO-R80H111.				
SIGNATURE (PERSON RECEIVING NOTICE)		SIGNATURE (PERSON ISSUING NOTICE)		
TITLE OR POSITION		TITLE OR POSITION Environmental Specialist		

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Police Department Feasibility Study: Obtaining State Accreditation

STUDY SESSION MEETING DATE: August 16, 2010

CITY DEPARTMENT: Police

PREPARED BY: Jim Hughes

In an effort to improve local law enforcement in Missouri, and recognize departments that are engaged in state-of-the-art policing, the Missouri Police Chiefs Association developed a fairly exhaustive state accreditation process. This is a voluntary program built around 198 best practice standards.

The Kirksville Police Department (KPD) would like to explore this program. If, after the preliminary examination, it is determined that the process is worth the effort, and does not require resources (money, staff, time, etc.) beyond the department's means; KPD would like to work towards this accreditation.

The initial feasibility study requires a \$500 filing fee. This \$500 will be paid out of the department's existing 2010 budget. Additional costs associated with the administrative component of the assessment/review will run approximately \$3000-\$5000. Until the review begins, it is unknown if there will be any other costs associated with this effort. Fewer than five Missouri Departments have obtained this certification, to date.

The Police Department would like to discuss this proposal with City Council at their August 16, 2010 Study Session. With Council concurrence the Mayor would be ask to co-sign (with the Police Chief) a letter of intent and an application agreement (see attached). The application would then be submitted.

**AGENCY APPLICATION
AND PARTICIPATION AGREEMENT
MPCCF CERTIFICATION PROGRAM**

This Application and Participation Agreement (hereinafter the " Agreement") is entered into between The **Kirksville Police Department** (hereinafter referred to as the "Agency") and the Missouri Chiefs of Police (hereinafter referred to as the "Foundation").

I. APPLICATION

The **Kirksville Police Department** (name of Agency) hereby applies to participation the State of Missouri Law Enforcement Certification Program and affirms that it is committed to earning certification in accordance with the requirements set forth by the Foundation. The Agency and the Foundation agree to the provisions and terms set forth in this Agency Application and Participation Agreement, and to be bound by them in the execution of the Agreement.

A. AGENCY

Law Enforcement Agency Name:

KIRKSVILLE POLICE DEPARTMENT

Address:

**119 East McPherson Street
Kirksville, Missouri 63501**

Telephone: **(660)-785-6945**

Fax: **(660)-665-2346**

County: **ADAIR**

Authorized Full-Time Sworn Personnel: **26** Non-Sworn Personnel: **3**

Authorized Part-Time Sworn Personnel: **2** Non-Sworn Personnel: **0**

Service Area Population: **17304 (2009)**

Form of /type of government: **Council-Manager**

Chief Executive

Officer: **Chief Jim Hughes**

Certification Contact

Person: **Sergeant William R. "Bill" Fay**

Telephone: **(660)-785-6945 ext. #20**

Fax: **(660)-665-2346**

Email: **bfav@kirksvillecity.com**

All correspondence should be sent to the Agency at (if different from above):

Please cc all correspondence to Brenda Kelsey, Police Department Administrative Assistant at; bkelsey@kirksvillecity.com

B. Foundation

The official address of the Foundation for matters relating to the Certification Program is:

*Missouri Police Chiefs' Charitable Foundation
Attn. MPCCF Law Enforcement Certification Program
1001 East High Street
Jefferson City, MO 65101
Phone: 573-636-5444 Email: slineback@mopca.com*

II. PARTICIPATION AGREEMENT

The Agency and the Foundation agree as follows:

A. PURPOSE AND LIMITATIONS OF THIS AGREEMENT

1. The purpose of this Agreement is to establish the terms of the relationship between the Agency and the Foundation and to establish their mutual responsibilities in the certification process.
2. It is understood that the Agency is not legally bound to participate in the Certification Program and that any responsibilities or expenses incurred by the Agency pursuant to this Agreement have been assumed voluntarily.
3. It is further understood that the Agency participation in the Certification Program is contingent upon the continued approval of the chief executive officer of the Agency and of the governing body.
4. The parties acknowledge that the results of the services provided under this contract have a direct corollary to the information provided to MPCCF by the city. The city recognizes that the acceptance of the results and recommendations accompanying the study are advisory to the city and that any implementation of recommendations is wholly within the control and management of the city and not within any means controlled or managed by MPCCF. Therefore, the city agrees to hold MPCCF harmless from any and all liability arising out of the services provided under this contract and to provide the cost of defense for MPCCF if the results of the study or any use thereof causes MPCCF to be sued or otherwise to be held liable.

B. AGENCY RESPONSIBILITIES

The Agency agrees to:

1. Provide all information requested by the Foundation in good faith and to the best of the Agency's knowledge and honest judgment. Such information should include documents, files, records, and other data required by the Foundation insofar as they may be provided in accordance with laws and regulations of the State of Missouri and of the municipality of which the agency is a part.
2. Cooperate fully with the Foundation assessors during the on-site verification of Agency compliance with program standards. The Agency further agrees to provide all necessary files, records, and facilities requested by the assessors.
3. Pay to the Association a one-time certification application fee of \$500.00 and to pay \$3,500 for the certification process. Total cost of certification including application fee and certification is \$4,000.

C. MPCCF RESPONSIBILITIES

The Foundation agrees to:

1. Provide all publications, documents, forms, instructions and technical assistance as necessary for the Agency to participate in the certification process.
2. Provide trained assessors to the Agency for the purpose of conducting an on-site assessment of Agency compliance with relevant standards.
3. Review and evaluate all information and findings obtained from the assessment and advise the Agency of the results thereof.
4. Provide formal certification and other necessary materials to the Agency in recognition of the certification status.
5. If certification is not granted, advise the Agency of the reason for denial and the necessary steps to gain certification.

D. LENGTH OF CERTIFICATION

Certification shall be for a period of (3) three years. Agencies wishing to be re-certified at the end of this term will be expected to follow a procedure similar to the initial certification process and to comply with all guidelines then in effect.

E. MAINTENANCE OF AGENCY CERTIFICATION STATUS

1. Upon Certification by the Foundation, the Agency shall maintain compliance with all certification standards.
2. The Agency agrees to submit an annual report attesting to its continued compliance with all applicable standards. The Agency will notify the Foundation in the event that it cannot maintain compliance with any standard or standards.

F. MISCELLANEOUS

This agreement shall take effect upon execution by authorized representatives of the Agency and the Foundation.

1. The Agency retains the right to terminate this Agreement for any reason by submitting written notice to the Foundation that the Agency intends to withdraw from the certification process. In this event, all fees and costs paid to the Foundation by the Agency in connection with the certification process are nonrefundable.
2. The Foundation retains the right to terminate this Agreement if it determines that the Agency is not acting in good faith to honor the terms of the Agreement. The Foundation will submit written notice to the Agency Chief Executive Officer if it chooses to exercise this right.
3. This document contains the full agreement of both parties. The parties to this Agreement acknowledge that there are no provisions, terms, or obligations other than those set forth herein.
4. The Missouri Police Chiefs' Charitable Foundation or its designee will act on behalf of and in the name of the Foundation in all matters pursuant to this Agreement.
5. All disputes relative to the Agreement, or any other matters pertaining to certification, will be resolved by the Foundation following a hearing at which Agency representatives will participate.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year appearing opposite their respective signatures.

Missouri Police Chiefs' Charitable Foundation:

(Signed first name, last name.) (Date)

(Printed first name, last name.) (Title)

Agency Chief Executive Officer:

(Signed first name, last name.) (Date)

Jim Hughes _____ **Police Chief**
(Printed first name, last name.) (Title)

Governmental Body Chief Executive Officer:

(Signed first name, last name.) (Date)

Todd Kuhns _____ **Mayor**
(Printed first name, last name.) (Title)

August 5, 2010

Missouri Police Chiefs Charitable Foundation
Certification Program
1001 East High Street
Jefferson City, Mo 65101

RE: LETTER OF INTENT

The Kirksville, Missouri Police Department would like to enhance its mission focused efforts of policing excellence in partnership with the community. We understand that the Missouri Police Chiefs Charitable Foundation (MPCFF) State Certification Program was created to establish a cost effective way to improve and enhance law enforcement as a profession in our state.

The Kirksville Police Department has reviewed the Certification Program, its requirements and goals. We wish to affirm our intentions to enhance our Department by participating in this Certification Program. We understand that the Certification Program will provide the Police Department a process to conduct reviews and assessments of its Policy and Procedures. We also understand that the Certification Program will provide 198 standards and will require the Police Department to develop a comprehensive, well thought out, uniform set of written directives.

Your consideration of our intentions is honorably appreciated.

Todd Kuhns
Mayor

Jim Hughes
Police Chief