



April 22, 2020

Submitted via [DNR's website](#)

Missouri Department of Natural Resources  
Attn: Ronnie Veltrop, Custodian of Records  
P.O. Box 176  
Jefferson City, MO 65102

**Re: Sunshine Request—Environmental Compliance and Enforcement**

Dear Mr. Veltrop,

Pursuant to the Sunshine Law, §§ 610.010 et seq., R.S.Mo., and on behalf of the Sierra Club, I am writing to request the following documents regarding environmental compliance and enforcement in the wake of the coronavirus crisis. The timeframe for this request is February 1, 2020 through the date of your search.

Documents Requested

- (1) All documents and records of communications between the owners, operators, or representatives of the following facilities and any staff member of the Missouri Department of Natural Resources (“MDNR”) regarding the need for compliance or enforcement flexibility during the coronavirus crisis. This request includes but is not limited to any communications invoking MDNR’s March 24, 2020 statement regarding regulatory relief<sup>1</sup> (the “March 24 Statement”) or the U.S. Environmental Protection Agency’s Temporary Enforcement Policy, as described in the March 26, 2020 Memorandum from Susan Parker Bodine<sup>2</sup> (the “March 26 Memorandum”). This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities:

Facility Name	Operator	Location	Installation ID <sup>3</sup>
Bissell Point Wastewater Treatment Plant & Incinerator	Metropolitan St. Louis Sewer District	St. Louis, MO	510-0053
Brushy Creek Mine/Mill	Doe Run Company	Boss, MO	179-0005
Fletcher Mine/Mill	Doe Run Company	Centerville, MO	179-0006
Hawthorn Generating Station	Evergy, Inc.	Kansas City, MO	095-0022

<sup>1</sup> <https://dnr.mo.gov/docs/2020-03-24-requests-for-regulatory-relief-due-to-covid-19-impacts.pdf>.

<sup>2</sup> <https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>.

<sup>3</sup> Provided solely to help locate the facility.

Iatan Generating Station	Evergy, Inc.	Weston, MO	165-0007
John Twitty Energy Center	City Utilities of Springfield	Springfield, MO	077-0039
Labadie Energy Center	Ameren Missouri	Labadie, MO	071-0003
Meramec Energy Center	Ameren Missouri	St. Louis, MO	189-0010
New Madrid Power Plant	Associated Electric Cooperative, Inc.	Marston, MO	143-0004
Rush Island Energy Center	Ameren Missouri	Festus, MO	099-0016
Sikeston Power Station	Sikeston Board of Municipal Utilities	Sikeston, MO	201-0017
Sioux Energy Center	Ameren Missouri	West Alton, MO	183-0001
Thomas Hill Energy Center	Associated Electric Cooperative, Inc.	Clifton Hill, MO	175-0001

- (2) All calendar entries of Missouri Department of Natural Resources staff for meetings, phone calls, or videoconferences, about the March 24 Statement or the March 26 Memorandum, the policies underlying each, or their implementation with the owners, operators, or representatives of the above facilities.

The term “documents” in this request includes, without limitation, e-mails, texts, memoranda, notes, reports, recordings, and all written materials. If you deny access to any document(s) being requested, then please provide a written statement of the grounds for such denial, including the specific provision of law under which you are denying access. If a public record contains material that you believe is exempt from disclosure as well as material that is not exempt from disclosure, then please separate the exempt and nonexempt material and make the nonexempt material available for examination and copying

#### Fee Waiver Request

Pursuant to section 610.026(1) of the Sunshine Law, we request a fee waiver “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body.” Sierra Club is a leading non-governmental organization seeking to educate and mobilize the public on issues of environmental protection including climate change, fossil fuel energy, clean energy and clean water. Sierra Club has spent years promoting the public interest through the development of policies that protect human health and the environment.

Disclosure of the requested records will allow Sierra Club to convey information to the public about the communications and meetings of MDNR personnel, and in particular, the agency’s development and implementation of the March 24 Statement and the March 26 Memorandum, which reflect the agency’s environmental enforcement policy during the COVID-19 pandemic. Disclosure of the requested records will also allow Sierra Club to inform its members, supporters, and the public of MDNR’s environmental and public health objectives and priorities during the pandemic, and whether polluting facilities are seeking exemptions from environmental compliance pursuant to the policy.

Once the requested documents are made available, Sierra Club will analyze them and present its findings to its members and online activists and the general public in a manner that will meaningfully

enhance the public's understanding of how these MDNR personnel have been acting and operating. The requested records are not otherwise in the public domain and are not accessible other than through a Sunshine request. Thus, the requested documents provide information that is not already in the public domain and are accordingly likely to meaningfully contribute to public understanding of governmental operations and priorities.

Finally, Sierra Club has no commercial interest in the requested records. Sierra Club is a nonprofit, tax-exempt organization under sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code, and as such has no commercial interest. The requested records will be used for the furtherance of Sierra Club's mission to inform the public on matters of vital importance to the environment and public health. Sierra Club maintains active social media presences, holds public meetings and educational and informational events, and makes complicated technical and legal information available to the public. In addition, Sierra Club maintains an active website and distributes regular newsletters and alerts. Sierra Club has no financial interest in the documents requested.

Sierra Club respectfully requests that MDNR waive processing and copying fees because the public will be the primary beneficiary of this requested information. In the event that your agency denies a fee waiver, please send a written explanation for the denial.

#### Record Delivery

Please provide the files electronically via e-mail. If the files are too large to be emailed, please make them accessible on a website such as an FTP site or a password-protected third-party service. If neither of those is an option, please contact me.

Thank you for your time. If you find that this request is unclear in any way, please do not hesitate to contact me to see if I can clarify the request or otherwise expedite and simplify your efforts to comply.

Respectfully submitted,

/s/ Sunil Bector  
Sunil Bector  
Staff Attorney  
Sierra Club  
2101 Webster St., 13<sup>th</sup> Floor  
Oakland, CA 94612  
(415) 977-5759  
[sunil.bector@sierraclub.org](mailto:sunil.bector@sierraclub.org)