

Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCESwww.dnr.mo.gov

NOV 22 2004

Mr. Joseph P. Bindbeutel
Chief Counsel, Environmental Protection Division
Office of the Attorney General
P.O. Box 899
Jefferson City, MO 65102-0899

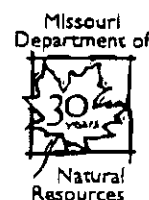
Dear Mr. Bindbeutel:

Mr. Ken Jaeger owns property being developed for residential purposes known as the Lost Valley Subdivision (subdivision). The property is served by an unpermitted single cell lagoon located in the subdivision. Currently connected to the lagoon are: 37 lots in the subdivision; the Salt River Inn with 21 rooms; a convenience store and restaurant; a RV Park with 72 sites; 5 cabins, 2 washing machines, and the Salt River Theater. To date 35 of the 37 lots have been sold, and 31 homes are constructed and illegally connected to the lagoon.

The Department of Natural Resources' (Department) staff have engaged in extensive conference, conciliation, and persuasion with Mr. Jaeger since the Department's initial Notice of Violation issued on October 14, 2003. To date Mr. Jaeger has failed to obtain approval from the Department for the method of sewage treatment and disposal to be used in the development prior to the sale or construction on lots in the subdivision. Mr. Jaeger has sold 35 of the 37 lots, constructed homes on 31 lots, and illegally connected these homes to his unpermitted lagoon. Department staff are concerned that Mr. Jaeger will abandon his legal responsibilities for this subdivision.

Section 644.076.1, RSMo, empowers the Clean Water Commission or the Executive Secretary to:

...cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violations or further violations or for the assessment of a penalty...Suit may be brought in any county where the defendant's principal place of business is located...

Integrity and excellence in all we do**Exhibit B**

Therefore, as Executive Secretary, I hereby request that your office institute appropriate legal action to prevent Mr. Jaeger from selling the remaining lots until he has obtained the necessary construction and operating permits, resolved the violations of the Missouri Clean Water Law, and paid appropriate up-front civil penalties as provided by law. A copy of all available file documentation is enclosed.

Questions and correspondents should be directed to Mr. Michael Abbott of the Water Pollution Control Program at (573) 522-3779, or P.O. Box 176, Jefferson City, Missouri 65102.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Stephen Mahfood
Director

SM:mac

Enclosure

File Number: 200415310203
N00590363
Date Filed: 05/24/2004
Matt Blunt
Secretary of State

State of Missouri...Office of Secretary of State

State of Missouri
Creation - NonProfit 2 Page(s)



T0414515723

CORPORATION DIVISION

Articles of Incorporation of a Nonprofit Corporation Filing Fee \$25.00

SECRETARY OF STATE
STATE OF MISSOURI
P.O. BOX 778
JEFFERSON CITY, MO 65102

We the undersigned,

NAME OF INCORPORATOR

STREET, CITY, STATE ZIP

- | | | |
|----|------------------|---|
| 1. | Kenneth Jaeger | 17805 Bluffview Dr., Center, MO 63436 |
| 2. | Cheryl J. Jaeger | 17805 Bluffview Drive, Center, MO 63436 |
| 3. | Kevin Davis | Center, MO 63436 |

being natural persons of the age of eighteen years or more and citizens of the United States, for the purpose of forming a corporation under the "General Not For Profit Corporation Law" of the State of Missouri, do hereby adopt the following Articles of Incorporation:

1. The name of the corporation is: **Blue Lagoon Sewer System, Inc.**
2. This corporation is a Public Benefit Corporation.
3. The period of duration of the corporation is: **Perpetual**
4. The address of its initial Registered Office in the State of Missouri is: **17805 Bluffview Drive, Center, MO 63436**, and the name of its initial Registered Agent at said Address is: **Kenneth Jaeger.**
5. The names and addresses of each incorporator is as listed above.
6. The corporation ☐ DOES HAVE ☒ DOES NOT HAVE members.

Exhibit C

7. Upon dissolution the assets of the corporation shall be distributed first to the creditors of the corporation if any, then if any assets remain, to the State of Missouri.

8. The purpose or purposes for which the corporation is organized are: **own, operate and maintain a sanitary sewer collection system and/or a waste water treatment facility, and all other legal powers permitted a Nonprofit Corporation.**

(NOTE: Any special provision authorized or permitted by Statute to be contained in the Articles of Incorporation may be inserted above.)

9. The effective date of this document is the date it is filed by the Secretary of State of Missouri.

10. The first Board of Directors shall be (3) in number, their names and addresses being as follows:

NAME OF DIRECTOR

STREET, CITY, STATE ZIP

Kenneth Jaeger

17805 Bluffview Drive, Center, MO 63401

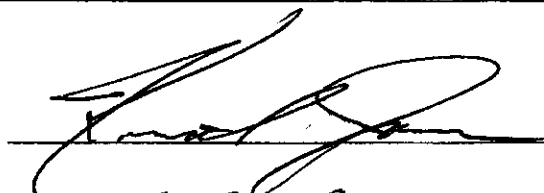
Kevin Davis

Center, MO 63401

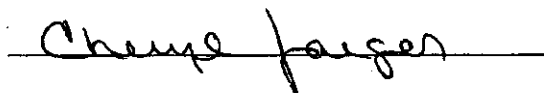
Cheryl J. Jaeger

17805 Bluffview Drive, Center, MO 63401

INCORPORATORS MUST SIGN BELOW







State of Missouri



Matt Blunt
Secretary of State

CERTIFICATE OF INCORPORATION MISSOURI NONPROFIT

WHEREAS, duplicate originals of Articles of Incorporation of

Blue Lagoon Sewer System, Inc.
N00590363

have been received and filed in the Office of the Secretary of State, which Articles, in all respects, comply with the requirements of Missouri Nonprofit Corporation Law;

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do hereby certify and declare this entity a body corporate, duly organized this date and that it is entitled to all rights and privileges granted corporations organized under the Missouri Nonprofit Corporation Law.

IN TESTIMONY WHEREOF, I have set
my hand and imprinted the GREAT SEAL
of the State of Missouri, on this, the 24th
day of May, 2004.

Matt Blunt

Secretary of State

