



## ASSOCIATION OF MISSOURI CLEANWATER AGENCIES

### POSITION PAPER ON WATER QUALITY COMPLIANCE/PERMIT SHIELD LANGUAGE FOR NPDES PERMITS

October 14, 2012

DNR's current WQS compliance language in NDPEs permits is inconsistent with the CWA NPDES Permit Shield provisions. We request that the Department implement one of the following two options to address this issue:

Option 1: Add "to the extent required by law" to (a) and delete all of (b) (note that (b) – general criteria is referenced in (a) so it is repetitive in (b)). Note also that there is no antibacksliding issue with this change because antibacksliding does not apply and the general criteria are still expressly referenced in (a).

#### 1. Water Quality Standards

- (a) **To the extent required by law**, discharges to waters of the state shall not cause a violation of water quality standards rule under 10 CSR 20-7.031, including both specific and general criteria.
- ~~(b) General Criteria. The following general water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
  - ~~(1) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;~~
  - ~~(2) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;~~
  - ~~(1) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;~~
  - ~~(2) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;~~
  - ~~(5) There shall be no significant human health hazard from incidental contact with the water;~~~~

- ~~\_\_\_\_\_ (6) There shall be no acute toxicity to livestock or wildlife watering;~~  
~~\_\_\_\_\_ (7) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;~~  
~~\_\_\_\_\_ (8) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.~~

Option 2 is to take language from DC Water's NPDES permit (Issued by USEPA) as follows:

Water Quality Standards Compliance

Consistent with the CWA, the permittee may not discharge in excess of any limitation necessary to meet applicable WQS including those of the District.

The limitations and conditions in this permit for the discharges from Blue Plains and the CSS are limitations that are necessary to meet the applicable WQS, including those of the District.