

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No. MO-RA00000

Owner:
Address:

Continuing Authority:
Address:

Facility Name:
Facility Address:

Legal Description:
UTM Coordinates:

Receiving Stream:
First Classified Stream and ID:
USGS Basin & Sub-watershed No.:

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

All Outfalls

SIC Code ~~xxxxx~~1629 Construction or land disturbance activity (e.g., clearing, grubbing, excavating, grading, **filling**, and other activities that result in the destruction of the root zone and/or land disturbance activity that is reasonably certain to cause pollution to waters of the state).

This permit authorizes **only stormwater and certain non-stormwater**~~wastewater~~ discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

Effective Date

Sara Parker Pauley, Director, Department of Natural Resources

A. APPLICABILITY

1. This general permit authorizes the discharge of stormwater and certain non-stormwater discharges from land disturbance sites that disturb one or more acres or disturb less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. This general permit also authorizes the discharge of stormwater and certain non-stormwater discharges from smaller projects where the Missouri Department of Natural Resources (Department) has exercised its discretion to require a permit [10 CSR 20-6.200 (1)(B)].

A Missouri State Operating Permit that specifically identifies the project must be issued before any site vegetation is removed or the site disturbed.

Any site owner/operator subject to these requirements for stormwater discharges and who disturbs land prior to permit issuance from the Department is in violation of both State and Federal Laws.

The legal owner of the property or the holder of an easement on the property, and operator on which the site is located are responsible for compliance with this permit.

2. This permit authorizes non-stormwater discharges from the following activities provided that these discharges are addressed in the permittee's specific Stormwater Pollution Prevention Plan (SWPPP) required by this general permit:
 - a. De-watering activities if there are no contaminants other than sediment present in the discharge, and the discharge is treated as specified in Requirements, Section C.3.m. of this permit;
 - b. Flushing water hydrants and potable water lines;
 - c. Water only (i.e., without detergents or additives) rinsing of streets and buildings; and
 - d. Site watering to establish vegetation.

3. This general permit does not authorize the placement of fill materials in flood plains, the obstruction of stream flow, directing stormwaters across private property not owned or operated by the permittee, or changing the channel of a defined drainage course. This general permit addresses only the quality of the stormwater runoff and the minimization of off-site migration of sediments and other water contaminants.

- 3-4. 4. This permit does not authorize land disturbance activity in jurisdictional waters of the United States as defined by the Army Corps of Engineers, unless the permittee has obtained the required 404/401 permit. Land disturbance activities may not begin in the affected portions of the site until the required 404/401 permits have been obtained.

- 4-5. This general permit does not authorize any discharge of sewage or pollutants to waters of the state ~~of sewage or pollutants~~ including but not limited to:
 - a. Any hazardous material, oil, lubricant, solid waste or other non-naturally occurring substance from the site, including fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - b. Soaps or solvents used in vehicle and equipment washing;
 - c. Hazardous substances or petroleum products from an on-site spill or handling and disposal practices,
 - d. Wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks, unless managed by an appropriate control. Any such pollutants must be adequately treated and addressed in the SWPPP, and cannot be discharged to waters of the state;
 - e. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 - f. Wastewater generated from air pollution control equipment or the containment of scrubber water in lined ponds;

- g. Domestic wastewaters, including gray waters; or
- h. Industrial stormwater runoff

A. APPLICABILITY (continued)

- 5. The Department reserves the right to revoke or deny coverage under this general permit to applicants for stormwater discharges from land disturbance activities at sites that have contaminated soils that will be disturbed by the land disturbance activity or where such materials are brought to the site to use as fill or borrow. A site-specific permit may be required to cover such activities.

~~6. 6.~~ Discharges shall not cause violations of the Water Quality Standards 10 CSR ~~20-7.0.031(3)~~. If at any time the Department determines that the quality of waters of the state may be better protected by requiring the owner/operator of the permitted site to apply for a site-specific permit, the Department may require any person to obtain a site-specific operating permit [10 CSR 20-6.010(13)(C)].

Comment [JB1]: Misprint, 20-7.031(3)

2. Water Quality Standards

- (a) 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;
 - (3) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - (4) 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;
 - ~~(1)~~ There shall be no acute toxicity to livestock or wildlife watering;
 - ~~(6)~~
 - ~~(2)~~ Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - ~~(7)~~

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.

~~(3)~~ (8)

The Department may require the permittee to apply for and obtain a site-specific or different general permit if:

- a. The permittee is not in compliance with the conditions of this general permit;
- b. The discharge no longer qualifies for this general permit due to changed site conditions and/or regulations; or
- c. Information becomes available that indicates water quality standards have been or may be violated.

The permittee will be notified in writing of the requirement to apply for a site-specific permit

or a different general permit. When a site-specific permit or different general permit is issued to the authorized permittee, the applicability of this general permit to the permittee is automatically terminated upon the effective date of the site specific or different general permit.

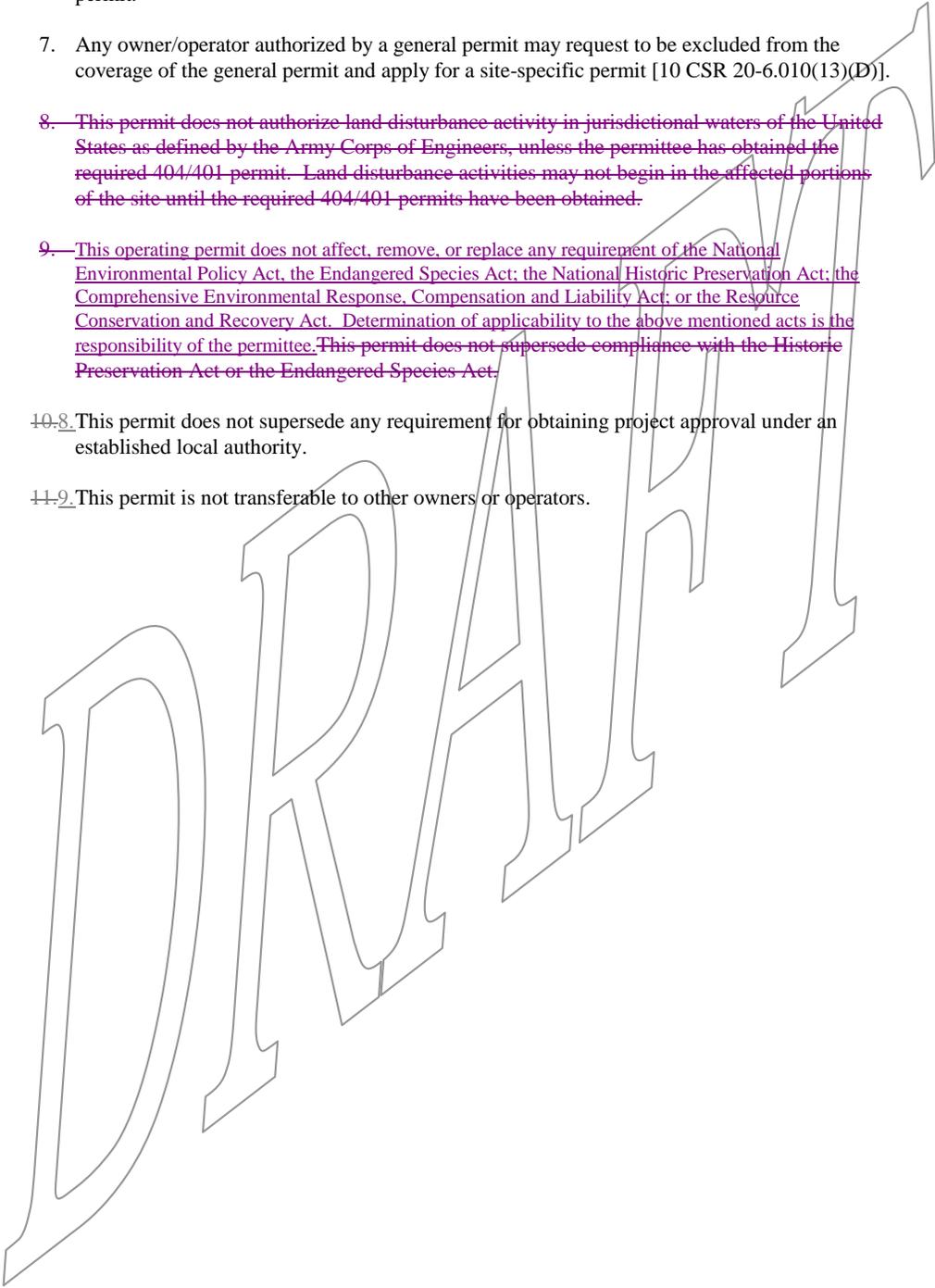
7. Any owner/operator authorized by a general permit may request to be excluded from the coverage of the general permit and apply for a site-specific permit [10 CSR 20-6.010(13)(D)].

~~8. This permit does not authorize land disturbance activity in jurisdictional waters of the United States as defined by the Army Corps of Engineers, unless the permittee has obtained the required 404/401 permit. Land disturbance activities may not begin in the affected portions of the site until the required 404/401 permits have been obtained.~~

~~9. This operating permit does not affect, remove, or replace any requirement of the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, the Comprehensive Environmental Response, Compensation and Liability Act, or the Resource Conservation and Recovery Act. Determination of applicability to the above mentioned acts is the responsibility of the permittee. This permit does not supersede compliance with the Historic Preservation Act or the Endangered Species Act.~~

~~10.8.~~ This permit does not supersede any requirement for obtaining project approval under an established local authority.

~~11.9.~~ This permit is not transferable to other owners or operators.



B. EXEMPTIONS FROM PERMIT REQUIREMENTS

1. Facilities that discharge all stormwater runoff directly to a combined sewer system are exempt from stormwater permit requirements.
2. Land disturbance activity as described in [10 CSR 20-6.200(1)(B)] and [10 CSR 20-6.010(1)(B)] where water quality standards are not exceeded.
3. ~~Linear, strip, or ribbon construction (as described in [10 CSR 20-6.200(1)(B)8]) where water quality standards are not exceeded.~~
4. ~~—~~
5. ~~Sites that disturb less than one acre of total land area as described in [10 CSR 20-6.200(1)(B)7], that are not part of a common plan or sale and that do not cause any violations of water quality standards, and are not otherwise designated by the Department as requiring a permit.~~
6. ~~Agricultural stormwater discharges and irrigation return flows as described in [10 CSR 20-6.200(1)(B)6].~~

Comment [BS2]: Clarify section. Exemptions for oil and gas?
1/20/2015. superfund exempted? CERCLA reference to be added? NEPA?
-Ag exemptions memos – spell out here?
-Memo clarification from Fall 2015.

C. REQUIREMENTS

~~These requirements do not supersede nor remove any requirement to comply with county or other local ordinances [10 CSR 20-6.010(1)(D)].~~

1. This permit is to ensure the design, installation and maintenance of effective erosion and sediment controls to ~~not exceed water quality standards, including general criteria . minimize the discharge of pollutants.~~ At minimum, such controls must be designed, installed and maintained to:
 - a. Control stormwater volume and velocity within the site to minimize soil erosion;
 - b. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
 - c. Minimize the amount of soil exposed during construction activity, ~~such as the installation of temporary vegetative cover for areas where construction is not actively taking place;~~
 - d. Minimize the disturbance of steep slopes;
 - e. ~~Minimize sediment discharges from the site. The d~~Design, installation and maintenance of erosion and sediment controls ~~must~~that address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle size expected to be present on the site.;
 - f. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible; and
 - g. Minimize soil compaction and, ~~unless infeasible,~~ preserve topsoil.
2. The primary requirement of this permit is the development and implementation of a SWPPP which incorporates site specific practices to best minimize the soil exposure, soil erosion, and the discharge of pollutants. The permittee shall fully implement the provisions of the SWPPP required under this part as a condition of this general permit throughout the term of the land disturbance project. **The SWPPP must be developed prior to issuance of the permit and must be specific to the land disturbance activities at the site.** A permit must be issued before any disturbance of root zone of the existing vegetation or other land disturbance activities may begin. A copy of the SWPPP must be available on-site when land disturbance operations are in progress, or other operational activities that may affect the maintenance or integrity of the Best Management Practices (BMP) structures and made available made available as specified under Section F. Records of this permit.

Comment [CM3]: further explanation will be provided in the fact sheet. clarify ribbon construction 2' trench and 15' buffer

Comment [JB4]: Would like to see clarification on stockpiled soil - that this constitutes disturbed area and BMPs must be present around them.

1/20/2015 ties in with fill activities issue

Clarify in fact sheet

Comment [CM5]: Incorrect citation

C. REQUIREMENTS (continued)

The SWPPP must:

- a. List and describe all outfalls;
- b. Incorporate required practices identified below;
- c. Incorporate erosion control practices specific to site conditions;
- d. Provide for maintenance and adherence to the plan;
- e. Discuss whether or not a 404/401 Permit is required for the project; and
- f. Name the person responsible for inspection, operation and maintenance of BMPs.

The purpose of the SWPPP is to ensure; the design, implementation, management and maintenance of BMPs in order to prevent sediment and other pollutants in stormwater discharges associated with the land disturbance activities; compliance with the Missouri Water Quality Standards; and compliance with the terms and conditions of this general permit.

The permittee shall select, install, use, operate and maintain appropriate BMPs for the permitted site. The following manuals are acceptable resources for the selection of appropriate BMPs. *Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*, (Document number EPA 833-R-06-004) published by the United States Environmental Protection Agency (USEPA) in May 2007. This manual as well as other information, including examples of construction SWPPPs, is available at the USEPA internet site at <http://cfpub1.epa.gov/npdes/stormwater/swppp.cfm>; and

The latest version of *Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri*, published by the Missouri Department of Natural Resources. This manual is available on the Department's internet site at: <http://www.dnr.mo.gov/env/wpp/wpcp-guide.htm>.

The permittee is not limited to the use of these guidance manuals. Other guidance publications may be used to select appropriate BMPs. However, all BMPs should be described and justified in the SWPPP.

3. SWPPP Requirements: The following information and practices shall be provided for in the SWPPP:

- a. Nature of the Construction Activity: The SWPPP briefly must describe the nature of the construction activity, including:
 - 1) The function of the project (e.g., low density residential, shopping mall, highway, etc.);
 - 2) The intended sequence and timing of activities that disturb the soils at the site;
 - 3) Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities including off-site borrow and fill areas; and
 - 4) A general map (e.g., United States Geological Survey quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and waters of the United States State within one mile of the site.

Comment [BS6]: 1/20/2015
should it be mentioned that there could be another permit required for off-site area that is borrow site.
'that may need their own permit if over an acre.'

Will make clarification in the fact sheet

C. REQUIREMENTS (continued)

- b. Site Map: The SWPPP must contain a legible site map showing the site boundaries and outfalls and identifying:
- 1) Direction(s) of stormwater flow and approximate slopes anticipated after grading activities;
 - 2) Areas of soil disturbance and areas that will not be disturbed (or a statement that all areas of the site will be disturbed unless otherwise noted);
 - 3) Location of major structural and non-structural BMPs identified in the SWPPP;
 - 4) Locations where stabilization practices are expected to occur;
 - 5) Locations of off-site material, waste, borrow or equipment storage areas;
 - 6) Locations of all waters of the United States (including wetlands);
 - 7) Locations where stormwater discharges to a surface water; and
 - 8) Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
- c. Site Description: In order to identify the site, the SWPPP shall include facility and outfall information. The SWPPP shall have sufficient information to be of practical use to contractors and site construction workers to guide the installation and maintenance of BMPs.
- d. Effluent Limits: The permittee must select control measurements (e.g., BMPs, controls, practices, etc.) to meet effluent limits found in Section E.1. of this permit. All control measures must be properly selected, installed and maintained in accordance with any relevant manufacturer specifications and good engineering practices. The permittee must implement the control measures from commencement of the construction activity until final stabilization is complete unless the exception noted in Section C.3.i. of this permit applies.

- e. Selection of Temporary and Permanent Non-Structural BMPs: The permittee shall select appropriate non-structural BMPs for use at the site and list them in the SWPPP. The SWPPP shall require existing vegetation to be preserved where practical. For surface waters located on or immediately adjacent to the site, the permittee must provide at minimum a 2550-foot buffer of undisturbed natural vegetation between the disturbed portions of the site and the surface water unless infeasible or where there is a more stringent local requirement. The time period for disturbed areas to be without vegetative cover is to be minimized to the maximum extent practicable.

Examples of non-structural BMPs which the permittee should consider specifying in the SWPPP include preservation of trees and mature vegetation, protection of existing vegetation for use as buffer strips, mulching, sodding, temporary seeding, final seeding, geotextiles, stabilization of disturbed areas, preserving existing stream channels as overflow areas when channel straightening or shortening is allowed, soil stabilizing emulsions and tackifiers, mulch tackifiers, stabilized site entrances/exits and other appropriate BMPs.

- f. Selection of Temporary and Permanent Structural BMPs: The permittee shall select appropriate structural BMPs for use at the site and list them in the SWPPP. Examples of structural BMPs that the permittee should consider specifying in the SWPPP include diverting flows from undisturbed areas away from disturbed areas, silt (filter fabric and/or straw bale) fences, earthen diversion dikes, drainage swales, sediment traps, rock check dams, subsurface drains (to gather or transport water for surface discharge elsewhere), pipe slope drains (to carry concentrated flow down a slope face), level spreaders (to distribute concentrated flow into sheet flow), storm drain inlet protection and outlet protection, reinforced soil retaining systems, gabions, temporary or permanent sediment basins and other appropriate BMPs.

Comment [JB7]:

Make sure BMPs are designed and installed to appropriate storm event? Technology limits should be the floor - more protective is WQ based/general criteria..what is appropriate? Is it referenced in EPA guidance for sedimentation basin? What is the floor across the state based on technology?

Federal permit now says 50 ft

Comment [CM8]: Combine E and F. Move examples to fact sheet.

C. REQUIREMENTS (continued)

- g. Description of BMPs: The SWPPP shall include a description of both structural and non-structural BMPs that will be used at the site.

The SWPPP shall provide the following general information for each BMP which will be used one or more times at the site:

- 1) Physical description of the BMP;
- 2) Site and physical conditions that must be met for effective use of the BMP;
- 3) BMP installation/construction procedures, including typical drawings; and
- 4) Operation and maintenance procedures for the BMP.

The SWPPP shall provide the following information for each specific instance where a BMP is to be installed:

- 1) Whether the BMP is temporary or permanent;
- 2) Where, in relation to other site features, the BMP is to be located;
- 3) When the BMP will be installed in relation to each phase of the land disturbance procedures to complete the project; and
- 4) Site conditions that must be met before removal of the BMP if the BMP is not a permanent BMP.

- h. Disturbed Areas: Slopes for disturbed areas must be defined in the SWPPP. A site map or maps defining the sloped areas for all phases of the project must be included in the SWPPP. Stabilization must be initiated immediately and completed within seven (7) calendar days where soil disturbing activities have temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days the permittee shall construct BMPs to establish interim stabilization. Interim stabilization shall consist of well established and maintained BMPs that are reasonably certain to protect waters of the state from sediment pollution over an extended period of time. This may require adding more BMPs to an area than is normally used during daily operations. These BMPs may include a combination of sediment basins, check dams, sediment fences and mulch. The types of BMPs used must be suited to the area disturbed, taking into account the number of acres exposed and the steepness of the slopes. If the slope of the area is greater than 3:1 (three feet horizontal to one foot vertical) or if the slope is greater than 3% and greater than 150 feet in length, then the permittee shall establish interim stabilization within seven days of ceasing operations on that part of the site. Final stabilization of disturbed areas must be initiated immediately and completed within seven (7) calendar days whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site. Allowances to the seven (7) day completion period for temporary and final stabilization may be made due to weather and equipment malfunctions. The use of allowances shall be documented in the SWPPP.

- i. Installation: The permittee shall ensure the BMPs are properly installed at the locations and relative times specified in the SWPPP. Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Note that this requirement does not apply to earth disturbances related to initial site clearing and establishing entry, exit and access of the site, which may require that stormwater controls be installed immediately after the earth disturbance. Stormwater discharges from disturbed areas which leave the site shall pass through an appropriate impediment to sediment movement such as a sedimentation basin, sediment traps and silt fences prior to leaving the land disturbance site. A drainage course change shall be clearly marked on a site map and described in the SWPPP. The location of all BMPs must be indicated on a site map, included in the SWPPP.

Comment [BS9]: this should also state they should be installed to meet the limits/benchmarks, etc. of the permit... as written it doesn't make sense.
Install a bmp, use a benchmark to check appropriateness of BMPs and then change BMPs. Cycle.
If we had a way of knowing which BMPs were capable of achieving a certain standard.
BMP testing/database?
Look at what other states have.

C. REQUIREMENTS (continued)

- j. Sedimentation Basins: The SWPPP shall include a sedimentation basin for each drainage area with ten or more acres disturbed at one time. The sedimentation basin shall be sized ~~treat a local 2-year, 24-hour storm event to contain a volume of at least 3,600 cubic feet per each disturbed acre draining thereto.~~ Accumulated sediment shall be removed from the basin when basin is 50% full. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface unless infeasible. Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream. The SWPPP shall require the basin be maintained until final stabilization of the disturbed area served by the basin.

Comment [CM10]:
Reference design guide in fact sheet

Where use of a sediment basin is impractical, the SWPPP shall evaluate and specify other similarly effective BMPs to be employed to control erosion and sediment delivery. These similarly effective BMPs shall be selected from appropriate BMP guidance documents authorized by this permit. The BMPs must provide equivalent water quality protection to achieve compliance with this permit. The SWPPP shall require both temporary and permanent sedimentation basins to have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.

- k. Pollution Prevention Measures: The SWPPP shall include BMPs for pollution prevention measures. At minimum such measures must be designed, installed, implemented and maintained to:
- 1) ~~Minimize~~Not allow the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - 2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - 3) ~~Prevent~~Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. Included but not limited to the installation of containment berms and use of drip pans at petroleum product and liquid storage tanks and containers.
- l. Roadways: Where applicable, upon installation of or connection to roadways, all efforts should be made to prevent the deposition of earth and sediment onto roadways through the use of proper BMPs. Stormwater inlets susceptible to receiving sediment from the permitted land disturbance site shall have curb inlet protection. Where stormwater will flow off the end of where a roadway terminates, a sediment catching BMP such as gravel berm or silt fence shall be provided. Roadways and curb inlets shall be cleaned weekly or following a rainfall that generates a run-off. Where practicable, construction entrance BMP controls shall be used to prevent sediment trackout.
- m. Dewatering: Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. The SWPPP shall include a description of any anticipated dewatering methods including the anticipated volume of water to be discharged and the anticipated maximum flow discharged from these dewatering activities expressed in gallons per minute. Maximum flow may be stated in the SWPPP as an estimate based on the type and capacity of equipment being used for dewatering. The SWPPP shall call for specific BMPs designed to treat water pumped from trenches and excavations and in no case shall this water be pumped off-site without being treated by the specified BMPs. When discharging from basins and impoundments utilize outlet structures that withdraw water from the surface, unless infeasible.

C. REQUIREMENTS (continued)

4. Good housekeeping practices shall be maintained at all times to keep waste from entering waters of the state. Solid and hazardous waste management include providing trash containers and regular site clean up for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers and cups, and providing containers and proper disposal of waste paints, solvents and cleaning compounds. The provision of portable toilets for proper disposal of sanitary sewage and the storage of construction materials should be kept away from drainage courses and low areas.
5. All fueling facilities present shall at all times adhere to applicable federal and state regulations concerning underground storage, above ground storage and dispensers.
6. Hazardous wastes that are transported, stored, or used for maintenance, cleaning, or repair shall be managed according to the provisions of the Missouri Hazardous Waste Laws and Regulations.
7. All paint, solvents, petroleum products, petroleum waste products and storage containers such as drums, cans, or cartons shall be stored according to BMPs. The materials exposed to precipitation shall be stored in watertight, structurally sound, closed containers. All containers shall be inspected for leaks or spillage during the **once per week inspection of BMPs.**
8. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The permittee shall amend the SWPPP at a minimum whenever the:
 - a. Design, operation, or maintenance of BMPs is changed;
 - b. Design of the construction project is changed that could significantly affect the quality of the stormwater discharges;
 - c. Permittee's inspections indicate deficiencies in the SWPPP or any BMP;
 - d. Department notifies the permittee in writing of deficiencies in the SWPPP;
 - e. SWPPP is determined to be ineffective in minimizing or controlling erosion and sedimentation (e.g., there is visual evidence of excessive site erosion or excessive sediment deposits in streams or lakes);
 - f. **Settleable Solids from a stormwater outfall exceed 2.5 ml/L; and**
 - g. Department determines violations of water quality standards may occur or have occurred.
9. An individual shall be designated by the permittee as responsible for environmental matters. The individual responsible for environmental matters shall have a thorough and demonstrable knowledge of the site's SWPPP and sediment and erosion control practices in general. The individual responsible for environmental matters or a designated inspector knowledgeable in erosion, sediment and stormwater control principles shall inspect all structures that function to prevent pollution of waters of the state. These inspections shall be conducted in accordance with C.10 of these requirements.

Comment [BS11]: Include a provision that allows a reduction in inspection for stabilized areas (such as those found in a phased project). See TW email from 12/09/2015.

Comment [BS12]: Review need and appropriateness of a value here. Should this be deleted or replaced with turbidity? Look at court case regarding throwing out EPA 'limit'. VWQM use turbidity tubes - state of Washington does for their land disturbance permit. 1/20/2015 TSS would be good to have due to amount of clays...they would like to both in permit.

- Look at EPA case.
- Could this be a benchmark instead of a limit?
- Turbidity tube testing...if ok with color - then could go to next level and require monitoring then. Alabama, Washington, Tennessee or Georgia.
- Would like some numeric limits because means more. Thought TSS is done in other states.
- Not found value in the settleable solids limit. Doesn't work with clay soils...only works with good soil.
- Cost could be an issue, but these are short term projects.
- Not sure sampling will fly, but have a better number.
- Should the inspector start sampling some of these sites so we could have data to back up a value?
- NTU vacated in EPA and California permit. NTU meter can be expensive to buy. Surface water PDW plants may be required to have.
- Survey states, particularly bordering states, on what limits/monitoring they have.
- Industrial SW sites for TSS often must meet a 100 mg/L. maybe borrow values from that side.
- No one is really sampling.
- The permit just needs to stipulate that they cannot discharge sediment off-site or have any discharge that violates specific or general water quality criteria.

C. REQUIREMENTS (continued)

10. Site Inspections Reports: The permittee (or a representative of the permittee) shall conduct regularly scheduled inspections at least once per seven calendar days. These inspections shall be conducted by a qualified person, one who is responsible for environmental matters at the site, or a person trained by and directly supervised by the person responsible for environmental matters at the site. For disturbed areas that have not been finally stabilized, all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. All stormwater outfalls shall be inspected for evidence of erosion or sediment deposition. When practicable the receiving stream shall also be inspected for 50 feet downstream of the outfall. Any structural or maintenance problems shall be noted in an inspection report and corrected within seven calendar days of the inspection. If a rainfall causes stormwater runoff to occur on-site, the BMPs must be inspected within a reasonable time period after the rainfall event has ceased. These inspections must occur within 48 hours after the rain event has ceased during a normal work day and within 72 hours if the rain event ceases during a non-work day such as a weekend or holiday.

The SWPPP must explain how the person responsible for erosion control will be notified when stormwater runoff occurs. If weather conditions prevent correction of BMPs within 7seven calendar days, the reasons for the delay must be documented (including pictures) and there must be a narrative explaining why the work cannot be accomplished within the 7seven day time period. The documentation must be filed with the regular inspection reports. The permittee shall correct the problem as soon as weather conditions allow. Areas on-site that have been finally stabilized must be inspected at least once per month.

A log of each inspection and copy of the inspection report shall be kept on-site. The inspection report shall be signed by the permittee or by the person performing the inspection if duly authorized to do so. The inspection report is to include the following minimum information:

- a. Inspector's name;
- b. Date of inspection;
- c. Observations relative to the effectiveness of the BMPs;
- d. Actions taken or necessary to correct the observed problem; and
- e. Listing of areas where land disturbance operations have permanently or temporarily stopped.

11. Proper Operation and Maintenance: The permittee shall at all times maintain all pollution control measures and systems in good order to achieve compliance with the terms of this general permit.
12. Notification to All Contractors: The permittee shall be responsible for notifying each contractor or entity (including utility crews and city employees or their agents) who will perform work at the site of the existence of the SWPPP and what action or precautions shall be taken while on-site to minimize the potential for erosion and the potential for damaging any BMP. The permittee is responsible for any damage a subcontractor may do to established BMPs and any subsequent water quality violation resulting from the damage.
13. Public Notification: The permittee shall post a copy of the public notification sign described by the Department at the main entrance to the site. The public notification sign must be visible from the public road that provides access to the site's main entrance. An alternate location is acceptable provided the public can see it and it is noted in the SWPPP. The public notification sign must remain posted at the site until the permit has been terminated.

Comment [CM13]: Consider putting a rainfall number in here. 4.1.2.2 of EPA permit says .25". 1/20/2015. Look into other MGP, some state 0.1 inch of rain that results in a discharge then must inspect.

Comment [BS14]: Clarify when one is supposed to monitor due to precipitation event. See 12/04/2015 email re: land disturbance/construction stormwater inspection requirements.

Comment [CM15]: Multiple days of measurable rain can be considered one event. Inspection done after rain ceases. See 9/24/13 email re: SWPPP language regarding runoff and email re: Washington Department of Ecology Operating permit this contradicts 4.1.2.2 of EPA permit.

Comment [JB16]: Need to clarify that this does not allow them to violate Water Quality Standards. 1/20/2015. Some sites do not immediately correct issue because they have 7 days and use all the time they can.

Comment [JB17]: I wouldn't mind allowing them to keep them at a nearby location where they can be provided promptly upon request. 1/20/2015
-Electronic databases and/or documents accessible.
-What happened if off site...where does this need to be referenced? Should SWPPP be onsite but then list where the inspection reports are to be housed?

D. OTHER DISCHARGES

1. Hazardous Substance and Oil Spill Reporting: Refer to Section B, #14 of Part I of the Standard Conditions that accompany this permit.
2. Removed substances: Refer to Section B, #6 of Part I of the Standard Conditions that accompany this permit.
3. Change in discharge: In the event soil contamination or hazardous substances are discovered or released at the site during land disturbance activities, the permittee shall notify the Department's regional office by telephone as soon as practicable but no later than 24 hours after discovery. The permittee must also notify the Department's regional office in writing no later than 14 calendar days after discovery.

Comment [BS18]: Update parts of SC part 1 go current version...don't list part 1 wholesale, just list those that are applicable. (look at MS4 draft that has same conditions)

Comment [BS19]: This needs to be consistent with EER and regulations are.

E. SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS

1. The effluent limitation for Settleable Solids from a stormwater outfall discharging shall not exceed 2.5 ml/L per Standard Method 2540 F, except immediately following the local 2-year, 24-hour storm event. The Settleable Solids limit is not enforceable during or greater than the local 2-year, 24-hour storm event.
2. The Department may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or other such evidence of contamination from activities at the site. If such an action is needed, the Department will specify in writing any sampling requirements, including such information as location, extent and parameters.

Comment [BS20]: Remove? Replace with anything? Look at epa's court case and federal permit.
-There is no testing limit that will work good for land disturbance, other than stating general criteria standards.

F. RECORDS

1. The permittee shall retain copies of this general permit, the SWPPP and all amendments for the site named in the State Operating Permit, results of any monitoring and analysis and all site inspection records required by this general permit. The records shall be accessible during normal business hours. The records shall be retained for a period of at least three years from the date of the Letter of Termination.
2. The permittee shall provide a copy of the SWPPP to the Department, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
3. The permittee shall provide a copy of the SWPPP to those who are responsible for installation, operation, or maintenance of any BMP. The permittee, their representative, and/or the contractor(s) responsible for installation, operation and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site. A log shall be kept listing who the SWPPP has been provided to.

G. LAND PURCHASE AND CHANGE OF OWNERSHIP

1. Federal and Missouri stormwater regulations [10 CSR 20-6.200(1)(B)] require a stormwater permit and erosion control measures for all land disturbances of one or more acres. These regulations also require a permit for less than one acre lots if the lot is part of a common plan of development or sale where that plan is at least one acre in size. If the permittee sells less than one acre of the permitted site to an entity for, commercial, industrial, or residential use, (unless sold to an individual for the purpose of building his/her own private residence and in accordance with G.3 of this section) this land remains a part of the common sale and the new owner must obtain a permit prior to conducting any land disturbance activity regulated by this permit. Therefore, ~~the the original permittee must amend the SWPPP to show that the property has been sold and therefore no longer under the original permit jurisdiction is still responsible for erosion control on the sold property until termination of the permit.~~
2. If the permittee sells one or more acres of the permitted site to an entity, the new owner of the property must obtain a land disturbance permit for the purchased property. The original permittee must amend the SWPPP to show that the property (one acre or more) has been sold and therefore no longer under the original permit jurisdiction.
3. If the permittee has stabilized the less than one acre lot which is part of a larger common plan of development and the lot is sold to an individual for purposes of building his/her own private residence, the permittee is no longer responsible for erosion control on the lot.
4. Property of any size which is part of a larger common plan of development where the property has been stabilized and the original permit terminated will require application of a new land disturbance permit for any future land disturbance activity.
5. If the entire tract is sold to a single entity, then this permit shall be terminated when the new owner obtains a new land disturbance permit for the site.

H. TERMINATION

This permit may be terminated when the project is stabilized and all temporary BMPs have been removed from the site. The project is considered to be stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, vegetation cover shall be at least 70% plant density over 100% of the site. In order to terminate the permit, the permittee shall notify the Department.

The Cover Page (Certificate Page) of the Master General Permit for Land Disturbance specifies the "effective date" and the "expiration date" of the Master General Permit. The "issued date" along with the "expiration date" will appear on the State Operating Permit issued to the applicant. This permit does not continue administratively beyond the expiration date.

If the project or development completion date will be after the expiration date of this general permit, then the permittee must reapply to the Department for a new permit. This permit may be applied for and issued electronically once made available by the director in accordance with Section 644.051.10 of the Law. The applicant must file a request to the Department for a new permit 180 days prior to the expiration of this permit.

If the permittee has not terminated the permit and the permit expires, and the permittee has not applied for a new permit the permittee will be considered "operating without a permit" if the site does not meet the requirements for termination.

I. MODIFICATION, REVOCATION, AND REOPENING

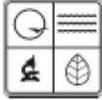
~~1. The U.S. Environmental Protection Agency (EPA) has proposed stormwater requirements that may direct the State to reopen this permit. The EPA is proposing to change its construction general permit (CGP) with more prescriptive requirements and design standards for buffers to prevent stormwater runoff, increased monitoring requirements and more frequent inspections. While the EPA permit is only effective in areas where EPA has permitting authority, these requirements are likely to act as a template, setting a baseline for the EPA approval of state plans for permitting sites.~~

~~2.1~~ If at any time the Department determines that the quality of waters of the state may be better protected by reopening this permit, or revoking this permit and requiring the owner/operator of the permitted site to apply for a site-specific permit, the Department may revoke a general permit and require any person to obtain such an operating permit as authorized by 10 CSR 20-6.010(13) and 10 CSR 20-6.200(1)(B).

~~3.2~~ If this permit is reopened, modified or revoked pursuant to this Section, the permittee retains all rights under Chapter 536 and 644 Revised Statutes of Missouri upon the Department's reissuance of the permit as well as all other forms of administrative, judicial, and equitable relief available under law.

J. DUTY TO COMPLY

The permittee must comply with all conditions of this general permit. Any noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit ~~renewal~~ application.



STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
Revised
October 1, 1980

PART I - GENERAL CONDITIONS
SECTION A - MONITORING AND REPORTING

1. **Representative Sampling**
 - a. Samples and measurements taken as required herein shall be representative of the nature and volume, respectively, of the monitored discharge. All samples shall be taken at the outfall(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.
 - b. Monitoring results shall be recorded and reported on forms provided by the Department, postmarked no later than the 28th day of the month following the completed reporting period. Signed copies of these, and all other reports required herein, shall be submitted to the respective Department Regional Office, the Regional Office address is indicated in the cover letter transmitting the permit.
2. **Schedule of Compliance**

No later than fourteen (14) calendar days following each date identified in the "Schedule of Compliance", the permittee shall submit to the respective Department Regional Office as required therein, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or if there are no more scheduled requirements, when such noncompliance will be corrected. The Regional Office address is indicated in the cover letter transmitting the permit.
3. **Definitions**

Definitions as set forth in the Missouri Clean Water Law and Missouri Clean Water Commission Definition Regulation 10 CSR 20-2.010 shall apply to terms used herein.
4. **Test Procedures**

Test procedures for the analysis of pollutant shall be in accordance with the Missouri Clean Water Commission Effluent Regulation 10 CSR 20-7015.
5. **Recording of Results**
 - a. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:
 - (i) the date, exact place, and time of sampling or measurements;
 - (ii) the individual(s) who performed the sampling or measurements;
 - (iii) the date(s) analyses were performed;
 - (iv) the individual(s) who performed the analyses;
 - (v) the analytical techniques or methods used, and
 - (vi) the results of such analyses.
 - b. The Federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six (6) months per violation, or both.
 - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
6. **Additional Monitoring by Permittee**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monitoring Report Form. Such increased frequency shall also be indicated.

7. **Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

SECTION B - MANAGEMENT REQUIREMENTS

1. **Change in Discharge**
 - a. All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant not authorized by this permit or any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.
 - b. Any facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants shall be reported by submission of a new NPDES application at least sixty (60) days before each such changes, or, if they will not violate the effluent limitations specified in the permit, by notice to the Department at least thirty (30) days before such changes.
2. **Noncompliance Notification**
 - a. If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation ~~specified in this permit, the permittee shall provide the Department~~ with the following information, in writing within five (5) days of becoming aware of such conditions:
 - (i) a description of the discharge and cause of noncompliance, and
 - (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.
 - b. Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided with five (5) days of the time the permittee becomes aware of the circumstances. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
3. **Facilities Operation**

Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions. Operators or supervisors of operations at publicly owned or publicly regulated wastewater treatment facilities shall be certified in accordance with 10 CSR 209.020(2) and any other applicable law or regulation. Operators of other wastewater treatment facilities, water contaminant source or point sources, shall, upon request by the Department, demonstrate that wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel.
4. **Adverse Impact**

The permittee shall take all necessary steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit or set forth in the Missouri Clean Water Law and Regulations (hereinafter the Law and Regulations), including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. **Bypassing**

- a. Any bypass or shut down of a wastewater treatment facility and tributary sewer system or any part of such a facility and sewer system that results in a violation of permit limits or conditions is prohibited except:
- (i) where unavoidable to prevent loss of life, personal injury, or severe property damages; and
 - (ii) where unavoidable excessive storm drainage or runoff would catastrophically damage any facilities or processes necessary for compliance with the effluent limitations and conditions of this permit;
 - (iii) where maintenance is necessary to ensure efficient operation and alternative measures have been taken to maintain effluent quality during the period of maintenance.
- b. The permittee shall notify the Department in writing of all bypasses or shut down that result in a violation of permit limits or conditions. This section does not excuse any person from liability, unless such relief is otherwise provided by the statute.

6. **Removed Substances**

Solids, sludges, filter backwash, or any other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutants from entering waters of the state unless permitted by the Law, and a permanent record of the date and time, volume and methods of removal and disposal of such substances shall be maintained by the permittee.

7. **Power Failures**

In order to maintain compliance with the effluent limitations and other provisions of this permit, the permittee shall either:

- a. in accordance with the "Schedule of Compliance", provide an alternative power source sufficient to operate the wastewater control facilities; or,
- b. if such alternative power source is not in existence, and no date for its implementation appears in the Compliance Schedule, halt or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

8. **Right of Entry**

For the purpose of inspecting, monitoring, or sampling the point source, water contaminant source, or wastewater treatment facility for compliance with the Clean Water Law and these regulations, authorized representatives of the Department, shall be allowed by the permittee, upon presentation of credentials and at reasonable times:

- a. to enter upon permittee's premises in which a point source, water contaminant source, or wastewater treatment facility is located or in which any records are required to be kept under terms and conditions of the permit;
- b. to have access to, or copy, any records required to be kept under terms and conditions of the permit;
- c. to inspect any monitoring equipment or method required in the permit;
- d. to inspect any collection, treatment, or discharge facility covered under the permit; and
- e. to sample any wastewater at any point in the collection system or treatment process.

9. **Permits Transferable**

- a. Subject to Section (3) of 10 CSR 20-6.010 an operating permit may be transferred upon submission to the Department of an application to transfer signed by a new owner. Until such time as the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
- b. The Department, within thirty (30) days of receipt of the application shall notify the new permittee of its intent to revoke and reissue or transfer the permit.

10. **Availability of Reports**

Except for data determined to be confidential under Section 308 of the Act, and the Law and Missouri Clean Water Commission Regulation for Public Participation, Hearings and Notice to Governmental Agencies 10 CSR 20-6.020, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by statute, effluent data shall not be considered confidential. Knowingly making any false statement on any such report shall be subject to the imposition of criminal penalties as provided in Section 204.076 of

the Law.

11. **Permit Modification**

- a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - (i) violation of any terms or conditions of this permit or the Law;
 - (ii) having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
 - (iii) a change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge, or
 - (iv) any reason set forth in the Law and Regulations.
- b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

12. **Permit Modification - Less Stringent Requirements**

If any permit provisions are based on legal requirements which are lessened or removed, and should no other basis exist for such permit provisions, the permit shall be modified after notice and opportunity for a hearing.

13. **Civil and Criminal Liability**

Except as authorized by statute and provided in permit conditions on "Bypassing" (Standard Condition B-5) and "Power Failures" (Standard Condition B-7) nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

14. **Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act, and the Law and Regulations. Oil and hazardous materials discharges must be reported in compliance with the requirements of the Federal Clean Water Act.

15. **State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state statute or regulations.

16. **Property Rights**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of or violation of federal, state or local laws or regulations.

17. **Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit 180 days prior to expiration of this permit.

18. **Toxic Pollutants**

If a toxic effluent standard, prohibition, or schedule of compliance is established, under Section 307(a) of the Federal Clean Water Act for a toxic pollutant in the discharge of permittee's facility and such standard is more stringent than the limitations in the permit, then the more stringent standard, prohibition, or schedule shall be incorporated into the permit as one of its conditions, upon notice to the permittee.

19. **Signatory Requirement**

All reports, or information submitted to the Director shall be signed (see 40 CFR-122.6).

20. **Rights Not Affected**

Nothing in this permit shall affect the permittee's right to appeal or seek a variance from applicable laws or regulations as allowed by law.

21. **Severability**

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.





STORMWATER DISCHARGES
FROM THIS LAND
DISTURBANCE SITE ARE
AUTHORIZED BY THE MISSOURI
STATE OPERATING PERMIT
NUMBER:

Comment [JB21]: It would be really great if ePermitting would automatically enter the permit number here. Not sure if that is possible.

ANYONE WITH QUESTIONS OR
CONCERNS ABOUT
STORMWATER DISCHARGES
FROM THIS SITE, PLEASE
CONTACT THE MISSOURI
DEPARTMENT OF NATURAL
RESOURCES AT

1-800-361-4827

State of Missouri
Missouri Department of Natural Resources

FACT SHEET

MORA00000 LAND DISTURBANCE GENERAL PERMIT
2012 Reissue

Comment [BS22]: Fact Sheet will be updated after the permit conditions are nearly complete.

The Federal Water Pollution Control Act ("Clean Water Act" Section 402 Public Law 92-500 as amended) established the National Pollution Discharge Elimination System (NPDES) permit program. This program regulates the discharge of pollutants from point sources into the waters of the ~~United States~~State, and the release of stormwater from certain point sources. All such discharges are unlawful without a permit (Section 301 of the "Clean Water Act"). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (MSOPs) are issued by the Director of the Missouri Department of Natural Resources (Department) under an approved program, operating in accordance with federal and state laws (Federal "Clean Water Act" and "Missouri Clean Water Law" Section 644 as amended). MSOPs are issued for a period of five (5) years unless otherwise specified.

As per [40 CFR Part 124.8(a)] and [10 CSR 20-6.020(1)2.] a Factsheet shall be prepared to give pertinent information regarding the applicable regulations, rationale for the development of effluent limitations and conditions, and the public participation process for the Missouri State Operating Permit (operating permit) listed below.

A Factsheet is not an enforceable part of an operating permit.

This Factsheet is for a Major , Minor , Industrial Facility ; Variance ; Master General Permit ; General Permit Covered Facility ; and/or permit with widespread public interest .

PART I. NPDES Stormwater General Permit

The vast majority of discharges associated with construction activity are covered under NPDES general permits. General permits cover a group of similar dischargers under one permit. General permits simplify the process for dischargers to obtain authorization to discharge, provide permit requirements for any discharger that applies for coverage, and reduce the administrative workload for NPDES permitting authorities.

This General Permit is for regulating stormwater discharge at land disturbance construction sites in Missouri. This program requires the owner or operator of a construction site disturbing land of one acre or greater, or less than one acre but part of a larger common plan of development, to obtain this permit prior to conducting any land disturbance activity.

PART II. The Need for Stormwater Regulations at Construction Sites

Stormwater runoff is a major source of urban water pollution endangering humans by polluting the water resources used for drinking, household purposes, recreation and fishing. Stormwater discharges often contain pollutants in amounts that could reduce water quality. The primary pollutants of concern from construction activities are silt and sediment, but other pollutants such as oils and grease, vehicle fluids, and debris are present as well.

Stormwater runoff from construction activities can have a significant impact on water quality. As stormwater flows over a construction site, it can pick up pollutants like sediment, debris, and chemicals and transport these to a nearby storm sewer system or directly to a river, lake, or coastal water. Polluted stormwater runoff can harm or kill fish and other wildlife. Sedimentation can destroy aquatic habitat, and high volumes of runoff can cause stream bank erosion. Debris can clog waterways and potentially reach the ocean where it can kill marine wildlife and impact habitat.

Construction activities increase pollutant loads in runoff. The volume and rate of runoff are typically increased, providing a larger capacity to transport pollutants to rivers and lakes. In addition, the removal of vegetation leaves bare soil which is much more vulnerable to erosion, resulting in sediment moving into receiving waters.

Additional stormwater information and requirements including application for a land disturbance permit can be found at <http://dnr.mo.gov/env/wpp/stormwater/sw-land-disturb-permits.htm>.

PART III. Key Components of this Permit

The key components of this permit are effluent limitations that require the permittee to minimize discharge of pollutants in stormwater by using control measures that reflect best engineering practices based on federal and state government best professional judgment. Dischargers must minimize their discharge of pollutants in stormwater using appropriate erosion and sediment controls and control measures for other pollutants such as litter, construction debris, and construction chemicals that could be exposed to stormwater and other wastewater. This general permit requires dischargers to develop a stormwater pollution prevention plan (SWPPP) to document the steps they will take to comply with the terms, conditions and effluent limitations of the permit. Note that the SWPPP is not an effluent limitation, nor does it include effluent limitations. Information including examples of a SWPPP can be found at the following <http://cfpub.epa.gov/npdes/stormwater/swppp.cfm#model>. These examples should be used for educational or training purposes only. Construction site SWPPPs must be developed following the requirements of Missouri's land disturbance permit and describe the specific conditions of the site and plans for development.

PART IV. Additional Information for the Purpose of Permit Clarity

Applicability

- **“Industrial stormwater run-off”** are activities that take place at industrial facilities, such as material handling and storage, that are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these activities, it can pick up pollutants and transport them to a nearby storm sewer system or directly to a river, lake, or coastal water. To minimize the impact of stormwater discharges from industrial facilities, the NPDES program includes an industrial stormwater permitting component that covers 10 categories of industrial activity that require authorization under an NPDES industrial stormwater permit for stormwater discharges. More information on industrial permit requirements can be found at <http://dnr.mo.gov/env/wpp/stormwater/sw-industrial-permits.htm>.
- A **“larger common plan of development or sale”** is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan. Other than the less than one acre property sold to the individual for construction of their personal residence, property of any size which is part of a larger common plan of development where the property has been stabilized and the original permit terminated will require application of a new land disturbance permit for any future land disturbance activity. The larger common plan of development or sale also applies to other types of land development such as industrial parks or well fields. A permit is required if one or more acres of land will be disturbed, regardless of the size of any of the individually-owned or developed sites.
- Documentation of Permit Eligibility Related to **Endangered Species**: The SWPPP must include documentation supporting a determination of permit eligibility with regard to Endangered Species.

For more information please visit the following links:

For information on understand what critical habitat is, please go to the following link, www.fs.fed.us/r9/wildlife/tes/docs/esa_references/critical_habitat.pdf.

For information on listed species by State & County, please go to the following link, <http://cfpub.epa.gov/npdes/stormwater/esa.cfm>.

The Missouri Department of Conservation's internet site for the Natural Heritage Review may be very helpful and can be found at the following link, <http://mdcgis.mdc.mo.gov/heritage/newheritage/heritage.htm>. Also helpful are the local offices of the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), these centers often maintain lists of federally listed endangered or threatened species on their internet sites.

If there are listed species in the county or township, check to see if critical habitat has been designated and if that area overlaps or is near the project area. Critical habitat designations and associated requirements may also be found at 50 CFR Parts 17 and 226. For additional information, use the mapview tool at <http://criticalhabitat.fws.gov/crithab/> to find data specific to your state and county.

- A Clean Water Act **Section 404 Department of the Army Permit** and the Department's Clean Water Act Section 401 Water Quality Certification (certification) are needed when placing material or fill into jurisdictional waters of the United States. Any impacts to jurisdictional streams or wetlands would require an application to be sent to the appropriate US Army Corps of Engineers District Regulatory Branch. A map of the district offices and contact information can be located online at: <http://www.dnr.mo.gov/env/wpp/401/corps-map3.gif>. Not all land disturbance projects will require a 404 permit; however, if a 404 permit is required, land disturbance activities are not to be conducted in the jurisdictional area of the project until the 404 permit has been obtained. A discussion on the need for a 404/401 permit as a requirement of this permit and is to be included in the SWPPP.

Exemptions from Permit Requirements

- The USEPA defines **linear projects** to include the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area. Missouri regulation 10 CSR 20-6.200 (1)(B) 8 exempts linear project construction from stormwater permit regulations which meet one of the following: A. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road; B. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines or similar facilities; C. Trenches two (2) feet in width or less; or D. Emergency repair or replacement of existing facilities as long as best management practices are employed during the emergency repair.

Permit Requirements

- The permittee is required to conduct inspections of the site. The person(s) inspecting the site may be a staff person or a hired third party to conduct such inspections. The permittee is responsible for ensuring that the person who conducts inspections is a “qualified person or personnel.” A “**qualified person**” is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected to control the quality of stormwater discharges from the construction activity.
- A sample **inspection report** has been developed as a helpful tool to aid in completing site inspections. This sample inspection report was created consistent with USEPA’s Developing Your Stormwater Pollution Prevention Plan and can be found at http://www.epa.gov/npdes/pubs/sw_swppp_inspection_form.doc. Both the guide and the sample inspection report (formatted in Microsoft Word) can be found at <http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>.
- For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) **sediment basin** that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on-site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment controls must be used where site limitations would preclude a safe design.
- **Public Notification:** A public notification sign has been added to the permit. If a different sign is to be used it should be one of the same size sign and lettering and containing the same information as that of the one supplied with the permit. The required information includes a statement for those with questions or concerns, the permit number and the Department’s toll free phone number. The permittee shall post a copy of the public notification sign described by the Department at the main entrance to the site. An alternate location is acceptable provided the public can see it and it is noted in the SWPPP. The public notification sign must remain posted at the site until the permit has been terminated.

Comment [BS23]: Make sure all links are current if any are to remain in permit.

Other Discharges

- Machinery should be kept out of the waterway as much as possible. Fuel, oil and other petroleum products, equipment and any solid waste should not be stored below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours. All precautions are to be taken to avoid the release of wastes or fuel as a result of this operation. Petroleum products spilled should be immediately cleaned up and disposed of properly. Any such **spills of petroleum or other chemicals** are to be reported as soon as possible to the Department's 24-hour Environmental Emergency Response number at (573) 634-2436.

Sampling Requirements and Other Effluent Limitations

- 40 CFR 450.21 Subpart B - Construction and Development (C&D) Effluent Guidelines are **non-numeric effluent limits** and are structured to require construction operators to first prevent the discharge of sediment and other pollutants through the use of effective planning and erosion control measures; and second, to control discharges that do occur through the use of effective sediment control measures. Permittees are also required to implement a range of pollution prevention measures to limit or prevent discharges of pollutants including those from dry weather discharges. The C&D rule's non-numeric effluent limits are available at the following internet site: <http://www.gpo.gov/fdsys/pkg/CFR-2010-title40-vol29/xml/CFR-2010-title40-vol29-sec450-21.xml>. The associated fact sheet can be found at: http://www.epa.gov/npdespub/pubs/cgp_proposeddfs.pdf.
- The USEPA has proposed numeric **effluent limitation guidelines** (ELGs) to control the discharge of pollutants from construction sites of a certain size. The Department may modify this permit upon finalization of the USEPA effluent limitation guidelines. The proposed Effluent limitation guidelines can be view at the following website <http://water.epa.gov/scitech/wastetech/guide/construction/>.

Land Purchase and Change of Ownership

- A person having **operational control over only a portion of a larger project** (e.g., one of four homebuilders in a subdivision), is responsible for compliance with all applicable effluent limits, terms, and conditions of the permit as it relates to the activities on that portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of control measures described in the SWPPP. This person must ensure either directly or through coordination with other permittees, that these activities do not render another party's pollutant discharge controls ineffective. This person must either implement their own portion of a common SWPPP or develop and implement their own SWPPP. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to, develop separate SWPPPs that cover only their portion of the project provided referenced is made to other operators at the site. In instances where there is more than one SWPPP for a site, cooperation between the permittees is encouraged to ensure stormwater discharge control measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).
- The Department does not allow the transfer of a land disturbance permit from one owner to another; however, to facilitate the change in the ownership status of a property the Department developed the "Application for Change of Ownership" form. This form will allow the new owner to receive a new permit and number. The form may also be used to terminate the original permit if all the property included in the original permit is no longer the responsibility of the original owner. The "Application for Change of Ownership" (form MO780-2051) can be found online at <http://www.dnr.mo.gov/forms/#StormWater>.

Termination

- To begin the process of terminating this permit, the permittee should submit Form H – "Request for Termination" (MO780-1409) to the Department. The form can be found at the following web location: <http://www.dnr.mo.gov/forms/#StormWater>.

PART V. Addendums to Fact Sheet

Addendum #1

Individual Lot Certification

This form is not a requirement of the permit, but may be used by the permittee when selling individual lots that are part of the property that has been authorized by a Missouri Water Pollution Control General Permit under the NPDES for stormwater discharged associated with construction activity. This is a certification between the purchaser and the seller to cooperatively implement the SWPPP and the conditions of the NPDES permit and does not constitute a transfer of the permit. The permittee shall maintain this form on-site, or in a readily available location. The permittee shall provide individual lot certification forms or a copy of the contract for land sale having the equivalent wording to the Missouri Department of Natural Resources.

Addendum #2

Response to Comments

The public comment period for this permit expired on October 30, 2011. Addendum #2 contains the Missouri Department of Natural Resources' response to comments received during the public comment period.

ADDENDUM #1
INDIVIDUAL LOT CERTIFICATION

~~For Storm Water Discharges Associated with Construction Activity Authorized by a Missouri Water Pollution Control General Permit under the National Pollutant Discharge Elimination System~~

TO BE COMPLETED BY THE NEW LOT OWNER

~~I certify, under penalty of law, that I have received a copy of the general NPDES permit referenced below, which authorized the original lot owner or developer to discharge storm water runoff from construction activities, and the Storm Water Pollution Prevention Plan (SWPPP) prepared by the original lot owner or developer. I have reviewed the terms and conditions of the general permit and the SWPPP. I accept responsibility for erosion and sediment control during construction of the home or building for each of the lot(s) listed below. In the event the Missouri Department of Natural Resources notifies the undersigned of water quality violations due to conditions at any lot listed below and I am unable or unwilling to take action within 30 days to further reduce erosion or control sediment, then I agree to allow the original lot owner or developer to have reasonable access to the site to implement erosion and sediment control measures. I understand this certification is an agreement between the purchaser and seller to cooperatively implement the SWPPP and the conditions of the general NPDES permit.~~

Facility Name:

(as listed on permit)

Permit Number: MOR

Lot Number(s):

New Owner's

Signature: _____

Name (typed or

printed): _____

Phone

Number: _____

Complete Only if New Owner is a Corporation and not an Individual:

Company

Name: _____

Company

Address: _____

Company Phone #: _____

TO BE COMPLETED BY THE PERMIT HOLDER

~~As permittee for the overall tract wherein the above listed lot(s) are located, I certify that I have provided the above named lot purchaser with a copy of the general NPDES permit and the Storm Water Pollution Prevention Plan (SWPPP) for the project, and I have informed the lot purchaser of their responsibility to minimize erosion and control sedimentation. I understand this certification does not constitute a transfer of the permit and understand this certification is an agreement between the purchaser and seller to cooperatively implement the SWPPP and the conditions of the general NPDES permit.~~

Comment [JB24]: No longer needed with the new policy change. The new lot owner is required to get a permit even if the lot is less than one acre.

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Signature: _____

Name (typed or printed): _____

Phone Number: _____

~~The permittee shall maintain this form on-site, or in a readily available location. The permittee shall provide individual lot certifications forms or a copy of the contract for land sale having the equivalent wording to the Missouri Department of Natural Resources upon request.~~

DRAFT

ADDENDUM #2

MORA00000 Land Disturbance Permit Response to Public Notice Comments

(The Missouri Department of Natural Resources' public notice comment period for this permit expired on October 30, 2011.)

GENERAL COMMENT RESPONSES

LAND DISTURBANCE PERMIT MOR100

The Department received certain comments specifically related to the MOR100 permit (the area-wide permit for state, federal, local government, etc.). These comments may be considered in the development of that permit. The MOR100 permit expires March 2012. There has been no change to the permit as a result of these comments.

FEDERAL REGULATION 40 CFR 450.21

As the NPDES authorized permitting authority, the Department is required to incorporate into the permit the federal regulation 40 CFR 450.21. These are non-numeric effluent limitations reflecting the best practicable technology currently available (BPT). Some limitations come with the words "unless infeasible." The Department received several questions on who determines what is or isn't feasible. The owner or operator is to make the determination for a specific project site if a requirement is infeasible and document in the SWPP as to why it is infeasible. There has been no change to the permit as a result of this comment.

EPERMITTING and FEES

The Department received a few comments regarding electronic permitting (epermitting) and permit fees. These comments have been relayed to the respective workgroups. The first phase of epermitting is expected to be completed mid year 2012 and will include the issuance of new land disturbance permits. At this time, all renewals will be processed without epermitting. More information regarding electronic permitting will be placed on the Department's webpage in the very near future. There has been no change to the permit as a result of these comments.

TYPOS/RENUMBERING/DEFINITIONS

The Department received comments regarding typos, renumbering and similar items in the proposed permit. These entries have been corrected in the final permit. The Department received comments suggesting definition and clarification to several areas of the proposed permit. All suggestions were considered and many have been added to the permit Fact Sheet.

SPECIFIC COMMENT RESPONSES

SECTION A. APPLICABILITY

OWNER/OPERATOR

~~Section A.1.—The Department received comments regarding the owner/operator statement asking for clarification of primary responsibility for compliance with the permit and to expand the responsibility to include the holder of an easement on the property as an alternative to the property owner. If there are enforcement actions the Department has the authority to involve all parties as necessary and to the extent possible. The Department has revised the applicability language to include easement in lieu of property owners where appropriate.~~

~~The Department received a comment requesting there be a differentiating permit between land development and vertical house construction. With exception to lots that are part of a larger common plan of development or sale, this permit is required for land disturbances for any reason based on the size (the acreage) of the disturbance. There has been no change to the permit as a result of this comment.~~

~~The Department received comments requesting the inclusion of other areas (borrow pits) which are outside the permitted area as well as an allowance for a specific activity (portable concrete and asphalt plants) to be listed in the permit. The Department believes that the permitted areas should be sufficiently stated in the application and the SWPPP to include all areas where land disturbance activities are planned to take place. There has been no change to the permit as a result of these comments.~~

DISCHARGES

~~Section A.2.—The Department received a comment asking to identify non-stormwater discharges. For the purposes of this rule, non-stormwater discharges are identified in this section of the permit. There has been no change to the permit as a result of this comment.~~

~~Section A.2.—The Department received comments requesting we add “flushing fire hydrants and potable water lines” back to the list of authorized non-stormwater discharges.—Current regulation (10CSR 20.6.010 (1) (B)7) exempts these discharges from all general permitting. However, the Department has added these items back to the permit.~~

~~Section A.4.—The Department has clarified, in the permit Fact Sheet, what is meant by “industrial stormwater runoff”.~~

OTHER FEDERAL REGULATION

~~Section A.8.— A Clean Water Act Section 404 Department of the Army Permit and the Department's Clean Water Act Section 401 Water Quality Certification (certification) are needed when placing material or fill into jurisdictional waters of the United States. Any impacts to jurisdictional streams or wetlands would require an application to be sent to the appropriate US Army Corps of Engineers District Regulatory Branch. Contact information can be found at http://www.dnr.mo.gov/env/wpp/401/corps_map3.gif. Not all land disturbance projects will require a 404 permit; however, if a 404 permit is required then land disturbance activities are not to be conducted in the jurisdictional area of the project until the 404 permit has been obtained. Language in the permit has been reworded and additional information added to the permit Fact Sheet to help better clarify this concern.~~

~~Section A.9.— Compliance with the Historic Preservation Act and the Endangered Species Act is not a requirement to obtain a land disturbance permit. However, NPDES permittees must be in compliance with these federal regulations. The Department has added a statement to the permit Fact Sheet, that this permit does not supersede compliance with other federal requirements.~~

~~Section A.10.— The Department added language to the permit that the permit does not supersede any local authority requirement to obtain approval for a land disturbance project.~~

SECTION B. EXEMPTIONS FROM PERMIT REQUIREMENTS

~~Section B.2.— The Department received a comment requesting that we list the general permit exemptions outlined in the cited regulations. Missouri State Regulations 10CSR 20.6.200 (1) (B) and 10 CSR 20.6.010 (1) (B) outline exemptions from NPDES stormwater permits and all NPDES general permits, respectively. There has been no change to the permit as a result of this comment.~~

~~Section B.3.— The Department received comments requesting we include the words “maintenance operations” in this sentence. The permit language has been updated with this inclusion. A discussion on linear, strip, and ribbon construction and maintenance exemptions can be found in the permit Fact Sheet.~~

~~Section B.5.— The Department received a comment recommending the inclusion of CAFOs in the Agriculture Exemption. The Department removed the second sentence from the draft permit so that this section continues to read as it did in the previous permit.~~

~~SECTION C. REQUIREMENTS~~

~~Section C.1. a-g.—This section of the permit outlines verbatim the federal requirements of 40 CFR 450.21 effluent limitations reflecting the best practicable technology currently available (BPT). These are non-numeric effluent limits which the NPDES permitting authority must include in the permit. The Department received several comments regarding this section of the permit; it was recommended that we remove this section of the permit, it was recommended that we delete some of the wording, and there were comments which questioned the practicality of some items. When the Department does not have design guidelines for federal requirements, it is left to the discretion of the stormwater professional as to the proper design protocol. There were no changes to the permit as a result of these comments.~~

~~Section C.2.e.—The Department received comments regarding the need to comply with 404/401 permitting versus the requirement to comply in order to obtain a stormwater permit and identifying this in the SWPPP. The Department has added language to the permit Fact Sheet which describes the SWPPP requirement regarding 404/401 permitting is only to verify that the need for a 404/401 permit was addressed. For additional discussion on the 404/401 requirement, please refer to the Department’s response to Section A.8. of this document.~~

~~SELECTION OF TEMPORARY AND PERMANENT NON-STRUCTURAL BMPS~~

~~Section C.3.e.—The Department received several comments regarding this section of the permit. The requirement of a buffer is part of federal regulation 40 CFR 450.21. This is the federal requirement which covers the non-numeric effluent limits which the permitting authority must include in the permit.~~

~~The regulation states, “The permittee is to provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible.” The permit requires a 25-foot buffer at minimum. The Department has added language to the permit which will allow for a more stringent local government buffer requirement.~~

~~For additional related discussion please refer to the earlier section of this document titled “General Comment Responses”~~

~~-DISTURBED AREAS~~

~~Section C.3.h.—The Department received several comments regarding this section of the permit. Stabilization is addressed in federal regulation 40 CFR 450.21. This is the federal requirement which covers the non-numeric effluent limits which the permitting authority must include in the permit. The regulation states “Stabilization of disturbed areas must, at minimum, be initiated immediately whenever any clearing, grading, excavating or other earth-disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site~~

Addendum #2
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~~and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permitting authority.” The Department has included the exact federal language into the permit and has designated a period of 7 seven days to complete stabilization activities. Temporary (interim) stabilization clarification: Stabilization is to begin as soon as the operator knows an area will need interim stabilization. The Department has also included, in the permit, allowances for weather and equipment malfunctions. For additional related discussion please refer to the earlier section of this document titled “General Comment Responses”~~

BMP INSTALLATION

~~Section C.3.i.—The Department received one comment regarding the installation of BMPs and another comment recommending the words “not to exceed 24 hours” be added after the word “immediately”. The permit will continue to allow for certain BMP installations to occur after initial site clearing to establish entry, exit and access and to require that stormwater controls be installed immediately after the earth disturbance. There were no changes to the permit as a result of this comment.~~

SEDIMENT BASINS

~~Section C.3.j.—The Department received two comments regarding the removal of sediments from sediment basins. The Department additionally received suggested wording when the use of sediment basin is impracticable. The Department has made changes to the permit to address these comments. The Department also received a comment regarding the feasibility of the use of outlet structures that withdraw water from the surface. Withdrawing water from the surface is a requirement of federal regulation 40 CFR 450.21. This is the federal requirement which covers the non-numeric effluent limits which the permitting authority must include in the permit. For additional related discussion please refer to the earlier section of this document titled “General Comment Responses”.~~

ROADWAYS

~~Section C.3.m.—The Department received several similar comments on this section of the permit and has responded with rewording the second sentence of this paragraph. The new sentence reads, “Stormwater inlets susceptible to receiving sediment from the permitted land disturbance site shall have curb inlet protection.” In addition, the Department has reworded the last sentence of this paragraph. The new sentence reads; “Where practicable, construction entrance BMP controls shall be used to prevent sediment track out?”~~

~~Section C.6.—This section has to do with the individual designated by the permittee as responsible for environmental matters. This section has been moved so that it precedes Section C.9. Site Inspection Reports.~~

~~AMENDING AND UPDATING THE SWPPP~~

~~Section C.8.e.—The proposed permit states, “SWPPP is determined to be ineffective in preventing or controlling erosion and sedimentation (e.g., there is visual evidence of excessive site erosion or excessive sediment deposits in streams or lakes). The Department received two comments recommending a change to this sentence. The Department has replaced the word “preventing” with the word “minimizing” in the final permit.~~

~~Section C.8.g.—The Department changed this line to read “Exceedances of effluent limitations for new source performance standards for construction activities in accordance with 40 CFR Part 450.21.” This is the federal requirement which covers the non-numeric effluent limits which the permitting authority must include in the permit. For additional related discussion please refer to the earlier section of this document titled “General Comment Responses”.~~

~~INSPECTION REPORTS~~

~~Section C.9.—The Department received several comments regarding site inspection reports. The Department has made changes to this section of the permit to address most of the comments received. The Department added the words “When practicable” to the middle sentence of the first paragraph so that it reads, “When practicable the receiving stream shall also be inspected for 50 feet downstream of the outfall.” The Department has made changes to the last sentence of the first paragraph so that it now reads, “If rainfall causes stormwater runoff to occur on site, the BMPs must be inspected within a reasonable time period after the rainfall event has ceased. Inspections must occur within 48 hours during normal work days, plus an additional 24 hours for each non-workday for weekends and holidays.”~~

~~PUBLIC NOTIFICATION~~

~~Section C.12.—The Public Notification sign is included with the issued permit. The Department has added language to the permit Fact Sheet to describe what is acceptable should a different sign be posted. An alternate location is acceptable provided the public can see it and it is noted in the SWPPP.~~

~~SECTION E. SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS~~

~~Section E.2.—The Department received several comments regarding the proposed effluent limitations. Commenters have requested that the settleable solid limit remain at 2.5 ml/L just as it was in the previous standard land disturbance permit. The permit has been revised to a settleable solid (SS) limit of 2.5 ml/L per Standard Methods 2540 F and includes a local 2-year 24-hour storm event. Runoff and peak discharge information can be found online at ftp://ftp-fc.sc.gov.usda.gov/MO/eng/EFH/EFH_MO_Sup_Chap_02-1.pdf.~~

~~SECTION G. LAND PURCHASE AND CHANGE OF OWNERSHIP~~

~~The Department received four comments related to this section of the permit. In addition to recommendations received from commenters, the Department has also looked at how other states address this area of their permit. To better clarify the Department's intent with regard to property belonging to "a larger common plan of development or sale" a new statement has been added to the permit. This statement as well as language in the permit Fact Sheet clarifies that any property which was once permitted as "a larger common plan of development or sale" will require and an application for a new permit for any future land disturbance on that property.~~

~~The Department received a request that there be a differentiating permit between land development and vertical house construction. The Department would need more discussion and justification to fully explore and respond to this request. There has been no change to the permit as a result of this comment.~~

~~SECTION H. TERMINATION~~

~~The Department received a few comments regarding permit transfer and permit coverage continuance. The Department does not allow the transfer of a land disturbance permit from one owner to another; however, to facilitate the change in the ownership status of a property the Department developed the "Change of Ownership" form. This is an application that will allow the new owner to receive a new permit and number. The form may also be used to terminate the original permit if all the property included in the original permit is no longer the responsibility of the original owner. The "Change of Ownership" application form can be found online at <http://dnr.mo.gov/forms/index.html#WaterPollution>. This web location has been added to the permit Fact Sheet.~~

~~The Department received a comment regarding the administrative continuance of an issued permit. This permit does not continue administratively. The permit is not valid after the expiration date. A new permit would need to be issued for the site where work has not been completed and the property has not been stabilized in accordance with the termination requirements. Language has been added to the permit in order to better clarify this issue.~~