

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-0041483

Owner: Fleischmann's Vinegar Company
Address: P.O. Box 410, Nixa, MO 65714

Continuing Authority: Same as above
Address: Same as above

Facility Name: Fleischmann's Vinegar Company, Inc.
Facility Address: 209 Gene Street, Nixa, MO 65714

Legal Description: NW¼, SW¼, Sec.13, T27N, R22W, New Madrid County
UTM Coordinates: X=473824, Y=4099726

Receiving Stream: Tributary to Finley Creek
First Classified Stream and ID: 8-20-13 MUDD V1.0 (Tributary to Finley Creek) (C) (3960)
USGS Basin & Sub-watershed No.: 11010002-0208

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

FACILITY DESCRIPTION

OUTFALL #001-Non-contact cooling water without additives and industrial stormwater
SIC # 2099, NAICS # 311941-Mayonnaise, dressing, and other prepared sauce manufacturing
Receives non-contact cooling water originating from on-site well water and city water. Also receives stormwater runoff. Process wastewater (cleaning and cooling tower bleed off) is discharged to the city sanitary waste sewer system. This sampling location will be relocated to the location of previous outfall #002, to be sampled after the mingling of stormwater and cooling water streams, and is no longer an internal compliance point.
Design Flow: 0.295 MGD Actual Flow: 0.295 MGD + stormwater flow (dependent on precipitation)

Outfall#002 -Previously outfall #001 was separated into two outfalls. Outfall #002 was a stormwater outfall only. This sampling location will now be designated Outfall #001, and Outfall #002 will be removed from this permit.

This permit authorizes only wastewater and stormwater 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 Sections 640.013, 621.250, and 644.051.6 of the Law.

July 1, 2016
Effective Date

Sara Parker Pauley, Director, Department of Natural Resources

September 30, 2020
Expiration Date

John Madros, Director, Water Protection Program

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL #001 <i>Non-contact cooling water and Industrial Stormwater</i>		TABLE A-3 INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS				
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The interim effluent limitations shall become effective on July 1, 2016 and remain in effect through June 30, 2019 . Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
EFFLUENT PARAMETERS	UNITS	INTERIM EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
PHYSICAL						
Flow	MGD	*		*	once/quarter	24 hr. total
Precipitation	inches	*		*	once/quarter**	24 hr. total
Temperature	°F	90		90	once/quarter	measured
CONVENTIONAL						
Chemical Oxygen Demand	mg/L	*		*	once/quarter	grab
<i>E. coli</i> (Note 2)	#/100 ml	*		*	once/quarter	grab
Oil & Grease	mg/L	15		10	once/quarter	grab
pH (Note 1)	SU	6.5 to 9.0		6.5 to 9.0	once/quarter	grab
Total Suspended Solids	mg/L	30		15	once/quarter	grab
NUTRIENTS						
Nitrogen, Total (TN)	mg/L	*		*	once/quarter	grab
Phosphorus, Total	mg/L	*		*	once/quarter	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>OCTOBER 28, 2016</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						

(See notes and conditions on page 3)

OUTFALL #001 <i>Non-contact cooling water and Industrial Stormwater</i>		TABLE A-3 FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS				
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective on July 1, 2019 and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
EFFLUENT PARAMETERS	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
PHYSICAL						
Flow	MGD	*		*	once/quarter	24 hr. total
Precipitation	inches	*		*	once/quarter**	24 hr. total
Temperature	°F	90		90	once/quarter	measured
CONVENTIONAL						
Chemical Oxygen Demand	mg/L	*		*	once/quarter	grab
<i>E. coli</i> (Note 2)	#/100 ml	*		*	once/quarter	grab
Oil & Grease	mg/L	15		10	once/quarter	grab
pH (Note 1)	SU	6.5 to 9.0		6.5 to 9.0	once/quarter	grab
Total Suspended Solids	mg/L	30		15	once/quarter	grab
NUTRIENTS						
Nitrogen, Total (TN)	mg/L	*		*	once/quarter	grab
Phosphorus, Total	mg/L	*		0.5	once/quarter	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>OCTOBER 28, 2019</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						

(See notes and conditions on page 3)

* Monitoring requirement only.

** Precipitation will be measured on the day other parameters are measured. Due to easily available precipitation data online, the parameter does not need to be measured daily.

Note 1 The facility will report the minimum and maximum values. pH is not to be averaged.

Note 2 Monitoring requirements will be quarterly year-round due to the losing stream designation.

MINIMUM QUARTERLY SAMPLING REQUIREMENTS			
QUARTER	MONTHS	EFFLUENT PARAMETERS	REPORT IS DUE
First	January, February, March	Sample at least once during any month of the quarter	April 28 th
Second	April, May, June	Sample at least once during any month of the quarter	July 28 th
Third	July, August, September	Sample at least once during any month of the quarter	October 28 th
Fourth	October, November, December	Sample at least once during any month of the quarter	January 28 th

B. STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Part I standard conditions dated August 1, 2014, and hereby incorporated as though fully set forth herein.

C. SPECIAL CONDITIONS

1. This permit may be reopened and modified, or alternatively revoked and reissued, to:
 - (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) controls any pollutant not limited in the permit.
 - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.
2. All outfalls must be clearly marked in the field.
3. Water Quality Standards
 - (a) To the extent required by law, discharges to waters of the state shall not cause a violation of water quality standards rule under 10 CSR 20-7.031, including both specific and general criteria.
 - (b) General Criteria. The following general water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
 - (1) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
 - (2) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - (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;
 - (6) There shall be no acute toxicity to livestock or wildlife watering;
 - (7) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - (8) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.

C. SPECIAL CONDITIONS, CONTINUED

4. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
 - (4) The level established by the Director in accordance with 40 CFR 122.44(f).
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant, which was not reported in the permit application.

5. Report as no-discharge when a discharge does not occur during the report period.

6. Reporting of Non-Detects

- (a) An analysis conducted by the permittee or their contracted laboratory shall be conducted in such a way that the precision and accuracy of the analyzed result can be enumerated.
- (b) The permittee shall not report a sample result as "Non-Detect" without also reporting the detection limit of the test. Reporting as "Non-Detect" without also including the detection limit will be considered failure to report, which is a violation of this permit.
- (c) The permittee shall report the "Non-Detect" result using the less than sign and the minimum detection limit (e.g. <10).
- (d) The permittee shall use one-half (½) of the detection limit for the non-detect result when calculating and reporting monthly averages.
- (e) See Standard Conditions Part I, Section A, #4 regarding proper detection limits used for sample analysis.

7. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (644.055 RSMo).

8. Any pesticide discharge from any point source shall comply with the requirements of Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 ET. SEQ.) and the use of such pesticides shall be in a manner consistent with its label.

9. The purpose of the SWPPP and the BMPs listed herein is the prevention of pollution of waters of the state. A deficiency of a BMP means it was not effective in preventing pollution [10 CSR 20-2.010(56)] of waters of the state, and corrective actions means the facility took steps to eliminate the deficiency.

10. The permittee shall implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must be prepared and implemented upon permit issuance. The SWPPP must be kept on-site and should not be sent to the department unless specifically requested. The SWPPP must be reviewed and updated, if needed, every five (5) years or as site conditions change. The permittee shall select, install, use, operate, and maintain the Best Management Practices prescribed in the SWPPP in accordance with the concepts and methods described in the following document: *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (Document number EPA 833-B-09-002) published by the United States Environmental Protection Agency (USEPA) in February 2009.

The SWPPP must include the following:

- (a) A listing of specific Best Management Practices (BMPs) and a narrative explaining how BMPs will be implemented to control and minimize the amount of potential contaminants that may enter stormwater. The BMPs at the facility should be designed to meet this value during rainfall event up to the 10 year, 24 hour rain event.
- (b) The SWPPP must include a schedule for once per month site inspections and brief written reports. The inspection report must include precipitation information for the entire period since last inspection, as well as observations and evaluations of BMP effectiveness. Deficiencies must be corrected within seven (7) days and the actions taken to correct the deficiencies shall be included with the written report, including photographs. Inspection reports must be kept on site with the SWPPP and maintained for a period of five (5) years. These must be made available to department personnel upon request.
- (c) A provision for designating an individual to be responsible for environmental matters.
- (d) A provision for providing training to all personnel involved in material handling and storage, and housekeeping of maintenance and cleaning areas. Proof of training shall be submitted on request of the department.

11. This permit stipulates pollutant benchmarks applicable to your discharge. The benchmarks do not constitute direct numeric effluent limitations; therefore, a benchmark exceedance alone is not a permit violation. Benchmark monitoring and visual inspections shall be used to determine the overall effectiveness of SWPPP and to assist you in knowing when additional corrective action may be necessary to protect water quality. If a sample exceeds a benchmark concentration you must review your SWPPP and your BMPs to determine what improvements or additional controls are needed to reduce that pollutant in your stormwater discharge(s).

C. SPECIAL CONDITIONS, CONTINUED

Any time a benchmark exceedance occurs a Corrective Action Report (CAR) must be completed. A CAR is a document that records the efforts undertaken by the facility to improve BMPs to meet benchmarks in future samples. CARs must be retained with the SWPPP and available to the department upon request. If the efforts taken by the facility are not sufficient and subsequent exceedances of a benchmark occur, the facility must contact the department if a benchmark value cannot be achieved. Failure to take corrective action to address a benchmark exceedance and failure to make measureable progress towards achieving the benchmarks is a permit violation.

12. Permittee shall adhere to the following minimum Best Management Practices (BMPs):
 - (a) Prevent the spillage or loss of fluids, oil, grease, fuel, etc. from vehicle maintenance, equipment cleaning, or warehouse activities and thereby prevent the contamination of stormwater from these substances.
 - (b) Provide collection facilities and arrange for proper disposal of waste products including but not limited to petroleum waste products, and solvents.
 - (c) Store all paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) so that these materials are not exposed to stormwater or provide other prescribed BMPs such as plastic lids and/or portable spill pans to prevent the commingling of stormwater with container contents. Commingled water may not be discharged under this permit. Provide spill prevention control, and/or management sufficient to prevent any spills of these pollutants from entering waters of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.
 - (d) Provide good housekeeping practices on the site to keep trash from entry into waters of the state.
 - (e) Provide sediment and erosion control sufficient to prevent or control sediment loss off of the property. This could include the use of straw bales, silt fences, or sediment basins, if needed, to comply with effluent limits.
 - (f) Ensure that adequate provisions are provided to prevent surface water intrusion into the storage basin, to divert stormwater runoff around the storage basin, and to protect embankments from erosion.
13. Before releasing water that has accumulated in secondary containment areas it must be examined for hydrocarbon odor and presence of a sheen. On-site remediation may take place prior to testing. If the presence of hydrocarbons is indicated, this water must be tested for Total Petroleum Hydrocarbons (TPH). The analytical method for testing TPH must comply with EPA approved testing methods listed in 40 CFR 136 and the water must be tested prior to release to ensure compliance with water quality standards. If the concentration for TPH exceeds 10mg/L, the water shall be taken to a WWTP for treatment.
14. Release of a hazardous substance must be reported to the department in accordance with 10 CSR 24-3.010. A record of each reportable spill shall be retained with the SWPPP and made available to the department upon request.

D. SCHEDULE OF COMPLIANCE

Schedules of compliance are allowed under 40 CFR 122.47. The facility shall attain compliance with final effluent limitations for phosphorus at outfall #001 as soon as reasonably achievable:

1. Within six months of the effective date of this permit, the permittee shall report progress made in attaining compliance with the final effluent limits.
2. The permittee shall submit interim progress reports detailing progress made in attaining compliance with the final effluent limits every 12 months from issuance date.
3. As soon as reasonably achievable or no later than 3 years of the effective date of this permit, the permittee shall attain compliance with the final effluent limits for phosphorus.

Please submit progress reports to:

Southwest Regional Office
2040 West Woodland
Springfield, MO 65807-5912

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0041483
FLEISCHMANN'S VINEGAR CO. INC.**

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, 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 for less.

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 (MSOP or operating permit) listed below. A factsheet is not an enforceable part of an operating permit.

Part I. FACILITY INFORMATION

Facility Type: Industrial
 Facility SIC Code(s): 2099
 Facility NAICS Code: 311941
 Application Date: 03/26/2015
 Expiration Date: 09/30/2015
 Last Inspection: 11/06/2014 Not in Compliance

FACILITY DESCRIPTION:

This facility manufactures vinegar through an ethanol fermentation process. The cooling water is used to control the temperature of the fermentation process to prevent the yeast from overheating. The cooling process was designed to prevent the contact of water with any product. Plate heat exchangers are used to regulate the temperature. The cooling water is pulled from a well on-site. The facility also pulls some of its cooling water from city water. City and well water are also used for process water in the cleaning and cooling towers, but all process water is collected and discharged to the city sewer.

PERMITTED FEATURES TABLE:

OUTFALL	AVERAGE FLOW (MGD)	DESIGN FLOW (MGD)	TREATMENT LEVEL	EFFLUENT TYPE
#001	0.295	0.295	Non-contact, stormwater BMPs	Industrial non-process wastewater, industrial stormwater

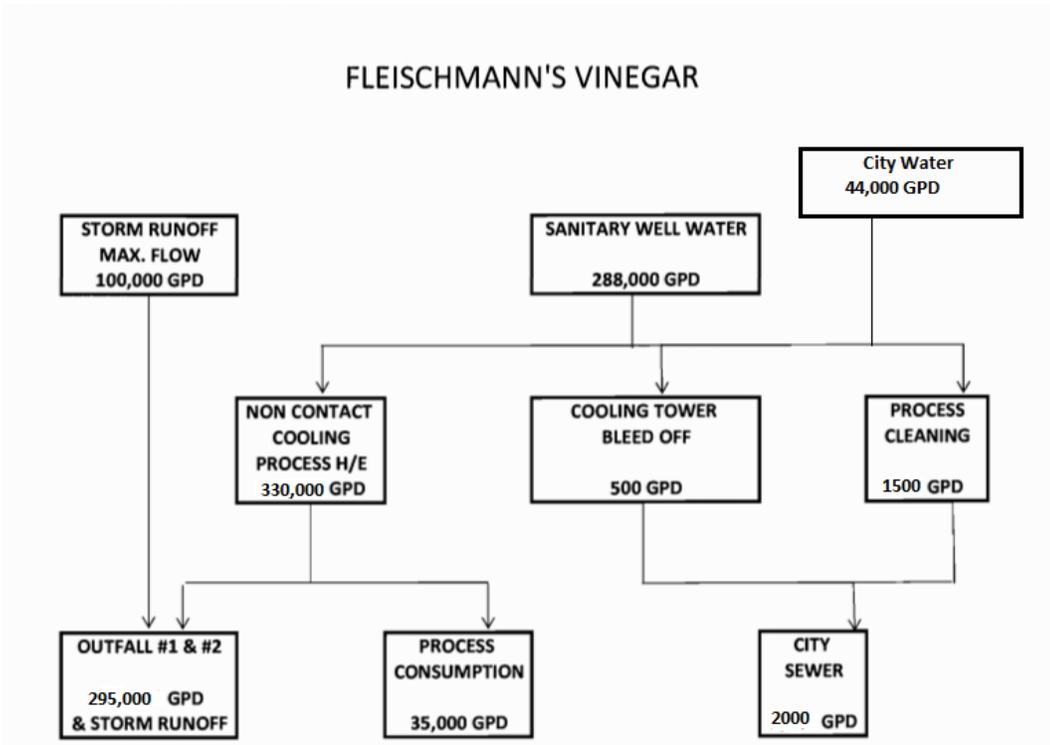
FACILITY PERFORMANCE HISTORY & COMMENTS:

This permit combines the previously separated outfalls #001 and #002 as a single outfall. There are no technical or legal reasons the facility should sample the non-contact cooling water separately from the stormwater flows because they are physically exiting from the same compliance outlet; therefore they will be combined into a single compliance point. The electronic discharge monitoring reports were reviewed for the last five years. DMRs show one violation of BOD at outfall #001 and three violations of BOD on outfall #002 (which was separated as a stormwater outfall in last permit). No other violations are noted. Last inspection was performed 11/06/2014, the facility was found to be out of compliance due to monthly site inspections not being performed as required. The facility corrected the issue and returned to compliance 12/09/2014. Wet tests were performed annually as required by previous permit, all tests were passed.

FACILITY MAP:



WATER BALANCE DIAGRAM:



Part II. RECEIVING STREAM INFORMATION

RECEIVING WATER BODY'S WATER QUALITY:

The receiving stream, Tributary to Finley Creek, has no concurrent water quality data available. The first classified water body, a 8-20-13 MUDD V1.0 (C) (3960), is Tributary to Finley Creek. This tributary is now classified, whereas it was not classified in the previous permit; the EPA has approved the Department's new stream classifications. This segment of stream is classified as a losing stream. This facility is located in the watershed of the James River, which is under a TMDL developed in 2001 (updated 2004) for nutrients caused by point and non-point sources. This facility is not specifically mentioned in the TMDL document, and is not believed to be a contributor to this TMDL.

APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:

✓ As per Missouri's Effluent Regulations [10 CSR 20-7.015(1)(B)], the waters of the state are divided into the following seven categories. Each category lists effluent limitations for specific parameters, which are presented in each outfall's Effluent Limitation Table and further discussed in the Derivation & Discussion of Limits section.

- Missouri or Mississippi River:
- Lake or Reservoir:
- Losing:
- Metropolitan No-Discharge:
- Special Stream:
- Subsurface Water:
- All Other Waters:

Classes [10 CSR 20-7.031(1)(F)1. to 8.] of water bodies which may be found in the receiving streams table below are:

Lakes: L1 = drinking supply lakes; L2 = major reservoirs; L3 = other

Streams: P = permanent streams; P1 = standing water of P streams; C = may cease flow in droughts but maintains permanent pools; E = ephemeral; W = natural wetlands

✓ As per 10 CSR 20-7.031 Missouri Water Quality Standards, the department defines the Clean Water Commission's water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and 1st classified receiving stream's beneficial water uses to be maintained are in the following receiving stream table in accordance with [10 CSR 20-7.031(1)(C)].

Uses which may be found in the following receiving streams table:

10 CSR 20-7.031(1)(C)1.: Protection and propagation of fish, shellfish, and wildlife (formerly AQL; this permit uses AQL effluent limitations in 10 CSR 20-7.031 Table A for all habitat temperature designations unless otherwise specified)
 WWH = Warm Water Habitat; CLH = Cool Water Habitat; CDH = Cold Water Habitat; EAH = Ephemeral Aquatic Habitat; MAH = Modified Aquatic Habitat; LAH = Limited Aquatic Habitat

10 CSR 20-7.031(1)(C)2.: Recreation in and on the water
 WBC = Whole Body Contact; WBC-A = public swimming; WBC-B = swimming
 SCR = Secondary Contact Recreation (like fishing, wading, and boating)

10 CSR 20-7.031(1)(C)3. to 7.: HHP (formerly HHP) = Human Health Protection (fish consumption); IRR = irrigation;
 LWP (formerly LWL) = Livestock And Wildlife Protection; DWS = Drinking Water Supply;
 IND = industrial water supply

10 CSR 20-7.031(6): GRW = Groundwater

✓ As per Missouri's stormwater regulations [10 CSR 20.6.200(6)(B)2.] and federal regulations [40 CFR 122.26(b)(14)], the department shall establish limits necessary to protect waters of the state. Effluent limitations or benchmarks for stormwater are established using best professional judgment based on the category, impairments, technology available, and designated uses of the receiving stream.

RECEIVING STREAMS TABLE:

OUTFALL	WATERBODY NAME	CLASS	WBID	DESIGNATED USES	DISTANCE TO CLASSIFIED SEGMENT	12-DIGIT HUC
#001	Tributary to Finley Creek	n/a	n/a	GEN	0.01 mi	11010002-0208 Spout Spring Hollow-Finley Creek
#001	8-20-13 MUDD V1.0 (Tributary to Finley Creek)	C	3960	AQL, IRR, LWP, SCR, HHP, WBC-B, WWH	0.5 mi	

n/a = not applicable

WBID = Waterbody ID: Missouri Use Designation Dataset 8-20-13 MUDD V1.0 data can be found as an ArcGIS shapefile on MSDIS at http://msdis.missouri.edu/pub/Inland_Water_Resources/MO_2014_WQS_Stream_Classifications_and_Use_shp.zip

MIXING CONSIDERATIONS:

Mixing Zone: Not Allowed [10 CSR 20-7.031(5)(A)4.B.(I)(a)].

Zone of Initial Dilution: Not Allowed [10 CSR 20-7.031(5)(A)4.B.(I)(b)].

RECEIVING STREAM MONITORING REQUIREMENTS:

No receiving water monitoring requirements are recommended at this time.

Part III. RATIONALE AND DERIVATION OF EFFLUENT LIMITATIONS & PERMIT CONDITIONS

ALTERNATIVE EVALUATIONS FOR NEW FACILITIES:

As per [10 CSR 20-7.015(4)(A)], discharges to losing streams shall be permitted only after other alternatives including land application, discharges to a gaining stream and connection to a regional wastewater treatment facility have been evaluated and determined to be unacceptable for environmental and/or economic reasons.

✓ Not applicable; the facility is an existing facility.

ANTI-BACKSLIDING:

A provision in the Federal Regulations [CWA §303(d)(4); CWA §402(c); 40 CFR Part 122.44(I)] requires a reissued permit to be as stringent as the previous permit with some exceptions.

✓ Limitations in this operating permit for the reissuance of this permit conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44.

✓ The Department determined technical mistakes or mistaken interpretations of law were made in issuing the permit under section 402(a)(1)(b). BOD was mistakenly applied to this facility when COD monitoring is more comprehensive and relevant to the industrial process. Losing stream limitations were applied to this facility for BOD and TSS in error. Per state law (10 CSR 7.015(4)), losing stream requirements only apply to treatment works treating domestic sewage and industrial facilities "that treat influents containing significant amounts of organic loading," which does not apply to this facility.

ANTIDegradation:

In accordance with Missouri's Water Quality Standard [10 CSR 20-7.031(2)], the Department is to document by means of Antidegradation Review that the use of a water body's available assimilative capacity is justified. Degradation is justified by documenting the socio-economic importance of a discharging activity after determining the necessity of the discharge.

✓ Renewal no degradation proposed and no further review necessary.

BENCHMARKS:

When a permitted feature or outfall consists of only stormwater, a benchmark may be implemented at the discretion of the permit writer. Benchmarks require the facility to monitor, and if necessary, replace and update stormwater control measures. Benchmark concentrations are not effluent limitations. A benchmark is a technology-based threshold. A benchmark exceedance, therefore, is not a permit violation; however, failure to take corrective action is a violation of the permit. Benchmark monitoring data is used to determine the overall effectiveness of control measures and to assist the permittee in knowing when additional corrective actions may be necessary to comply with the technology based effluent limitations (TBEL).

Because of the fleeting nature of stormwater discharges, the department, under the direction of EPA guidance, has determined monthly averages are capricious measures of stormwater discharges. The *Technical Support Document for Water Quality Based Toxics Control* (EPA/505/2-90-001; 1991) Section 3.1 indicates most procedures within the document apply only to water quality based approaches, not end-of-pipe technology-based controls. Hence, stormwater outfalls will only contain a maximum daily limit (MDL), benchmark, or monitoring requirement determined by the site specific conditions including the receiving water's current quality. While inspection of the stormwater BMPs occur monthly, facilities with no compliance issues are usually expected to sample stormwater quarterly.

Numeric benchmark values are based on other stormwater permits including the Environmental Protection Agency's (EPA's) *Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity* (MSGP) or water quality standards. Because precipitation events are sudden and momentary, benchmarks based on state or federal standards or recommendations use the Criteria Maximum Concentration (CMC) value, or acute standard. The CMC is the estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect. The CMC for aquatic life is intended to be protective of the vast majority of the aquatic communities in the United States.

✓ Not applicable; this facility does not have any permitted stormwater only outfalls.

BIOSOLIDS & SEWAGE SLUDGE:

Biosolids are solid materials resulting from domestic wastewater treatment that meet federal and state criteria for beneficial uses (i.e. fertilizer). Sewage sludge is solids, semi-solids, or liquid residue generated during the treatment of domestic sewage in a treatment works; including but not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works. Additional information regarding biosolids and sludge is located at the following web address: <http://extension.missouri.edu/main/DisplayCategory.aspx?C=74>, items WQ422 through WQ449.

✓ Not applicable; this condition is not applicable to the permittee for this facility.

COMPLIANCE AND ENFORCEMENT:

Enforcement is the action taken by the Water Protection Program (WPP) to bring an entity into compliance with the Missouri Clean Water Law, its implementing regulations, and/or any terms and conditions of an operating permit. The primary purpose of the enforcement activity in the WPP is to resolve violations and return the entity to compliance.

✓ Not applicable; the permittee/facility is not currently under Water Protection Program enforcement action.

GROUNDWATER MONITORING:

Groundwater is a water of the state according to 10 CSR 20-7.015(7) and 10 CSR 20-7.031(6) and must be protected accordingly.

✓ This facility is not required to monitor groundwater.

INDUSTRIAL SLUDGE:

Industrial sludge is solids, semi-solids, or liquid residue generated during the treatment of industrial process wastewater in a treatment works; including but not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment process; scum and solids filtered from water supplies and backwashed; and a material derived from industrial sludge.

✓ Not applicable; this condition is not applicable to the permittee for this facility.

REASONABLE POTENTIAL ANALYSIS (RPA):

Federal regulation [40 CFR Part 122.44(d)(1)(i)] requires effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause or contribute to an in-stream excursion above narrative or numeric water quality standard. In accordance with [40 CFR Part 122.44(d)(1)(iii)] if the permit writer determines that any give pollutant has the reasonable potential to cause, or contribute to an in-stream excursion above the WQS, the permit must contain effluent limits for that pollutant.

✓ Not applicable; a RPA was not conducted for this facility.

SCHEDULE OF COMPLIANCE (SOC):

A schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (actions, effluent limits, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of an operating permit. SOC's are allowed under 40 CFR 122.47 providing certain conditions are met.

✓ Applicable; the time given for effluent limitations of this permit listed under Interim Effluent Limitation and Final Effluent Limitations were established in accordance with [10 CSR 20-7.031(12)]. The facility has been given a schedule of compliance to meet final effluent limits for phosphorus. This facility has three years to meet the required monthly average limit of 0.5 mg/L due to being in the Table Rock Watershed (see Phosphorus in the fact sheet for more information). Three years will allow the facility time to observe their analytical results and to adjust BMPs as necessary to meet the required limit.

SPILL REPORTING:

Per 10 CSR 24-3.010, any emergency involving a hazardous substance must be reported to the department's 24 hour Environmental Emergency Response hotline at (573) 634-2436 at the earliest practicable moment after discovery. The department may require the submittal of a written report detailing measures taken to clean up a spill. These reporting requirements apply whether or not the spill results in chemicals or materials leaving the permitted property or reaching waters of the state. This requirement is in addition to the noncompliance reporting requirement found in Standard Conditions Part I. <http://dnr.mo.gov/env/esp/spillbill.htm>

STORMWATER POLLUTION PREVENTION PLAN (SWPPP):

In accordance with 40 CFR 122.44(k) *Best Management Practices (BMPs)* to control or abate the discharge of pollutants when: (1) Authorized under section 304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities; (2) Authorized under section 402(p) of the CWA for the control of stormwater discharges; (3) Numeric effluent limitations are infeasible; or (4) the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. In accordance with the EPA's *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (Document number EPA 833-B-09-002) [published by the United States Environmental Protection Agency (USEPA) in February 2009], BMPs are measures or practices used to reduce the amount of pollution entering (regarding this operating permit) waters of the state. BMPs may take the form of a process, activity, or physical structure. Additionally in accordance

with the Stormwater Management, a SWPPP is a series of steps and activities to (1) identify sources of pollution or contamination, and (2) select and carry out actions which prevent or control the pollution of storm water discharges.

The purpose of a SWPPP is to comply with all applicable stormwater regulations by creating an adaptive management plan to control and mitigate pollution of stormwater runoff. Developing a SWPPP provides opportunities to employ appropriate BMPs to minimize the risk of pollutants being discharged with during storm events. The following paragraph outlines the general steps the permittee should take to determine which BMPs will work to achieve the benchmark values discussed in Part V above. This section is not intended to be all encompassing or restrict the use of any physical BMP or operational and maintenance procedure that will assist in pollution control. Additional steps or revisions to the SWPPP may be required to meet the requirements of the permit. Additional information can be found in EPA's *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (Document number EPA 833-B-09-002) [published by the United States Environmental Protection Agency (USEPA) in February 2009].

Areas which should be included in the SWPPP are identified in 40 CFR 122.26(b)(14). Once the potential sources of stormwater pollution have been identified, a plan should be formulated to best control the amount of pollutant being released and discharged by each activity or source. This should include, but is not limited to, minimizing exposure to stormwater, good housekeeping measures, proper facility and equipment maintenance, spill prevention and response, vehicle traffic control, and proper materials handling. Once a plan has been developed the facility will employ the control measures that have been determined to be adequate to achieve the benchmark values discussed above. The facility will conduct monitoring and inspections of the BMPs to ensure they are working properly and re-evaluate any BMP not achieving compliance with permitting requirements. For example, if sample results from an outfall show values of TSS above the benchmark value, the BMP being employed is deficient in controlling stormwater pollution. Corrective action should be taken to repair, improve, or replace the failing BMP. This internal evaluation is required at least once per month but should be continued more frequently if BMPs continue to fail. If failures do occur, continue this trial and error process until appropriate BMPs have been established.

If failures continue to occur and the permittee feels there are no practicable or cost-effective BMPs that will sufficiently reduce a pollutant concentration in the discharge to the benchmark values established in the permit, the permittee can submit a request to re-evaluate the benchmark values. This request needs to include 1) a detailed explanation of why the facility is unable to comply with the permit conditions and unable to establish BMPs to achieve the benchmark values; 2) financial data of the company and documentation of cost associated with BMPs for review and 3) the SWPPP, which should contain adequate documentation of BMPs employed, failed BMPs, corrective actions, and all other required information. This will allow the department to conduct a cost analysis on control measures and actions taken by the facility to determine cost-effectiveness of BMPs. The request shall be submitted in the form of an operating permit modification; the application is found at: <http://dnr.mo.gov/forms/index.html>.

- ✓ Applicable; a SWPPP shall be developed and implemented for each area and shall incorporate required practices identified by the Department with jurisdiction, incorporate erosion control practices specific to site conditions, and provide for maintenance and adherence to the plan.

303(D) LIST:

Section 303(d) of the federal Clean Water Act requires that each state identify waters that are not meeting water quality standards and for which adequate water pollution controls have not been required. Water quality standards protect such beneficial uses of water as whole body contact (such as swimming), maintaining fish and other aquatic life, and providing drinking water for people, livestock and wildlife. The 303(d) list helps state and federal agencies keep track of waters that are impaired but not addressed by normal water pollution control programs. <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>

- ✓ Not applicable; this facility does not discharge to an impaired segment of a 303(d) listed stream.

TOTAL MAXIMUM DAILY LOAD (TMDL):

A TMDL is a calculation of the maximum amount of a given pollutant that a body of water can absorb before its water quality is affected; hence, the purpose of a TMDL is to determine the pollutant loading a specific waterbody can assimilate without exceeding water quality standards. If a water body is determined to be impaired as listed on the 303(d) list, then a watershed management plan will be developed that shall include the TMDL calculation. <http://dnr.mo.gov/env/wpp/tmdl/>

- ✓ Applicable; The James River Watershed is associated with the 2001 EPA Approved TMDL for point source and non-point source nutrient pollution.
- ✓ This facility is a possible source of the above listed pollutants; however, it is unknown whether they are a contributing factor of nutrient pollution at this time. Monitoring for nitrogen and phosphorus this permit cycle will determine whether this facility contributes to the impairment of James River.

VARIANCE:

As per the Missouri Clean Water Law § 644.061.4, variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than is reasonably necessary for complying with the Missouri Clean Water Law §§644.006 to 644.141 or any standard, rule or regulation promulgated pursuant to Missouri Clean Water Law §§644.006 to 644.141.

✓ Not applicable; this operating permit is not drafted under premises of a petition for variance.

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

As per [10 CSR 20-2.010(78)], the WLA is the amount of pollutant each discharger is allowed to release into a given stream after the department has determined total amount of pollutant that may be discharged into that stream without endangering its water quality.

✓ Not applicable; wasteload allocations were not calculated.

WLA MODELING:

There are two general types of effluent limitations, technology-based effluent limits (TBELs) and water quality based effluent limits (WQBELs). If TBELs do not provide adequate protection for the receiving waters, then WQBEL must be used.

✓ Not applicable; a WLA study was either not submitted or determined not applicable by Department staff.

WATER QUALITY STANDARDS:

Per [10 CSR 20-7.031(4)], general criteria shall be applicable to all waters of the state at all times including mixing zones.

Additionally, [40 CFR 122.44(d)(1)] directs the Department to establish in each NPDES permit to include conditions to achieve water quality established under Section 303 of the Clean Water Act, including State narrative criteria for water quality.

WHOLE EFFLUENT TOXICITY (WET) TEST:

A WET test is a quantifiable method of determining if a discharge from a facility may be causing toxicity to aquatic life by itself, in combination with or through synergistic responses when mixed with receiving stream water.

✓ Not applicable; at this time, the permittee is not required to conduct WET test for this facility. This facility's previous permit required WET testing on Outfall #001. It is in the permit writer's best professional judgment to remove these testing requirements for this permit. The effluent coming from this plant is exclusively non-contact cooling water. The facility does not add bleach, descaling agents, or any other biocides to this cooling water. Cooling water is primarily drawn from a groundwater well, and is discharged without alteration by any manufacturing process. This outfall is also mixed with stormwater. WET tests are not considered ideal testing mechanisms for stormwater discharges due to their fleeting and episodic nature. This facility performed and reported two annual WET tests in the last permit cycle, both were passed.

Part IV. EFFLUENT LIMITS DETERMINATION

OUTFALL #001 – NON-CONTACT COOLING WATER AND STORMWATER

Effluent limitations derived and established in the below Effluent Limitations Table are based on current operations of the facility. Future permit action due to facility modification may contain new operating permit terms and conditions that supersede the terms and conditions, including effluent limitations, of this operating permit. Daily maximums and monthly averages are required under 40 CFR 122.45(d)(1) for continuous discharges not from a POTW.

EFFLUENT LIMITATIONS TABLE

PARAMETERS OUTFALL #001	UNIT	BASIS FOR LIMITS	DAILY MAX	MONTHLY AVG	PREVIOUS PERMIT LIMITS	MINIMUM SAMPLING FREQUENCY	MINIMUM REPORTING FREQUENCY	SAMPLE TYPE
PHYSICAL								
FLOW	MGD	1	*	*	SAME	ONCE/QUARTER	ONCE/QUARTER	24 HR. TOT
PRECIPITATION	INCHES	6	*	*	SAME	ONCE/QUARTER	ONCE/QUARTER	24 HR. TOT
TEMPERATURE	°F	1, 6	90	90	SAME	ONCE/QUARTER	ONCE/QUARTER	GRAB
CONVENTIONAL								
COD	MG/L	6	*	*	NEW	ONCE/QUARTER	ONCE/QUARTER	GRAB
<i>E. COLI</i> (CFU/100ML)	‡	1, 3	*	*	NEW	ONCE/QUARTER	ONCE/QUARTER	GRAB
OIL & GREASE	MG/L	1, 6	15	10	15/10	ONCE/QUARTER	ONCE/QUARTER	GRAB
pH †	SU	1, 3	6.5 TO 9.0	6.5 to 9.0	SAME	ONCE/QUARTER	ONCE/QUARTER	GRAB
TSS	MG/L	6	30	15	SAME	ONCE/QUARTER	ONCE/QUARTER	GRAB
NUTRIENTS								
NITROGEN, TOTAL N (TN)	MG/L	1	*	*	NEW	ONCE/QUARTER	ONCE/QUARTER	GRAB
PHOSPHORUS, TOTAL P (TP)	MG/L	1	*	0.5	NEW	ONCE/QUARTER	ONCE/QUARTER	GRAB

* - Monitoring requirement only

† The facility will report the minimum and maximum pH values; pH is not to be averaged.

‡ # of colonies/100mL; the Monthly Average for *E. coli* is a geometric mean.

NEW - Parameter not previously established in previous state operating permit.

Basis for Limitations Codes:

- | | |
|--|-----------------------------------|
| 1. State or Federal Regulation/Law | 5. Water Quality Model |
| 2. Water Quality Standard (includes RPA) | 6. Best Professional Judgment |
| 3. Water Quality Based Effluent Limits | 7. TMDL or Permit in lieu of TMDL |
| 4. Antidegradation Review/Policy | 8. WET Test Policy |

DERIVATION AND DISCUSSION OF LIMITS:

PHYSICAL:

Flow

In accordance with [40 CFR Part 122.44(i)(1)(ii)] the volume of effluent discharged from each outfall is needed to assure compliance with permitted effluent limitations. If the permittee is unable to obtain effluent flow, then it is the responsibility of the permittee to inform the department, which may require the submittal of an operating permit modification. The facility will report the total flow in millions of gallons per day (MGD).

Precipitation

Monitoring only requirement; measuring the amount of precipitation [(10 CSR 20-6.200(2)(C)1.E(VI)] during an event is necessary to ensure adequate stormwater management exists at the site. Knowing the amount of potential stormwater runoff can provide the permittee a better understanding of specific control measure that should be employed to ensure protection of water quality. The facility will provide the 24 hour accumulation value of precipitation from the day of sampling the other parameters. It is not necessary to report all days of precipitation during the quarter because of the readily available on-line data.

Temperature

In accordance with 10 CSR 20-7.031(5)(D), water contaminant sources shall not cause or contribute to stream temperature in excess of ninety degrees Fahrenheit (90 °F) or thirty-two and two-ninths degrees Celsius (32 2/9 °C). In order to reduce confusion and duplicative monitoring or reporting requirements, the permit will only require that temperature be monitored and reported in degrees Fahrenheit. It is not necessary to report in both Celsius and Fahrenheit.

CONVENTIONAL:

Biochemical Oxygen Demand (BOD₅)

This parameter is removed from this outfall. It is in the permit writer's best professional judgment that BOD does not accurately characterize the type of effluent at this facility. This parameter will be replaced with Chemical Oxygen Demand for this facility. The BOD parameter was possibly added to this facility due to the losing stream designation; however, per 10 CSR 20-7.015(4), losing stream requirements only apply to certain industrial facilities "that treat influents containing significant amounts of organic loading," which does not apply to this facility.

Chemical Oxygen Demand (COD)

Monitoring is included using the permit writer's best professional judgment. This is a new parameter for this facility. This parameter will replace BOD for this facility. BOD measures the amount of dissolved oxygen required by aerobic biological organisms in the effluent to break down the organic material present. The type of effluent at this facility would be better characterized by COD, which measures the amount of oxygen consumed by all constituents in the water, not only biological organisms. This test can reflect whether there are inorganic materials in the water causing a high oxygen demand. This is also a more suitable testing parameter for stormwater effluent on the site. There is no water quality standard for COD; however, increased oxygen demand may impact in-stream water quality. COD is also a valuable indicator parameter. COD monitoring allows the permittee to identify increases in COD that may indicate materials/chemicals coming into contact with stormwater that cause an increase in oxygen demand. Increases in COD may indicate a need for maintenance or improvement of BMPs. Due to there being no water quality standard for COD or similar permitted facilities to compare this industrial process to, it is in the permit writer's best professional judgment to require monitoring only for this parameter to gather data on this parameter at this site. In future renewals, the supplied DMRs can be reviewed for assurance that the values reported by Fleischmann's are reasonably protective of water quality. Limits or benchmarks may be determined at that time.

Escherichia coli (E. coli)

Monitoring only. This is a new requirement for this permittee. Per 10 CSR 20-7.031(5)(C) wastewater discharges to losing streams shall not exceed 126 per 100 mL as a daily maximum and monthly geometric mean at any time; however, it is in the permit writer's best professional judgment that *E. coli* is not a pollutant of concern at this site. The facility discharges non-contact cooling water only; no domestic or organic waste is mixed into the wastewater stream. Stormwater discharge is not addressed by this requirement in the law, and therefore will not be considered as a justification to require limitations. As added protection for the losing stream, it is in the permit writer's best professional judgment to include monitoring only for this parameter to observe the impact of this facility on the receiving water. At renewal, this parameter will be evaluated for compliance with losing stream *E. coli* limits and other applicable state laws.

Oil & Grease

15 mg/L daily maximum limit, monthly average limit of 10. This parameter was retained from the previous permit after review. There were no exceedances of this parameter in the previous permit cycle. It is in the best professional judgment of the permit writer that this facility is capable of meeting these effluent limits and there is no justification under backsliding to remove this parameter.

pH

6.5 to 9.0 SU. The Water Quality Standard found in 10 CSR 20-7.031(5)(E) states water contaminants shall not cause pH to be outside the range of 6.5 to 9.0 standard pH units.

Total Suspended Solids (TSS)

30 mg/L daily maximum limit and 15 mg/L monthly average limit. Effluent limitations from the previous state operating permit have been reassessed and verified they are still protective of the receiving stream's water quality. This facility met these limits in the last permit cycle, and the permit writer finds no justification under anti-backsliding regulations to raise these limits. Losing stream limits of 20 mg/L weekly maximum and 15 mg/L monthly average are not applied to this parameter due to the facility not fitting the description found at 10 CSR 20-7.015(4), "Industrial sources that treat influents containing significant amounts of organic loading." There is no water quality standard for TSS; however, sediment discharges can negatively impact aquatic life habitat. TSS is also a valuable indicator parameter. TSS monitoring allows the permittee to identify increases in TSS that may indicate uncontrolled materials leaving the site.

NUTRIENTS:

Nitrogen, Total N (TN)

Per 10 CSR 20-7.015(9)(D)7, nutrient monitoring shall be instituted on a quarterly basis for facilities with a design flow greater than 0.1 MGD. This facility has the potential to discharge nutrients, and monitoring for them will help determine whether this facility contributes to impairment of the James River watershed.

Phosphorous, Total P (TN)

Per 10 CSR 20-7.015(9)(D)7, nutrient monitoring shall be instituted on a quarterly basis for facilities with a design flow greater than 0.1 MGD, and due to the facility being located in the watershed of Table Rock Lake and Lake Taneycomo, a monthly average limit of 0.5 mg/L of phosphorus will be required per 10 CSR 20-7.015(3). A three year schedule of compliance is included to meet this limit, during which monitoring only will be required for this parameter.

Part V. SAMPLING AND REPORTING REQUIREMENTS:

Refer to each outfall's derivation and discussion of limits section to review individual sampling and reporting frequencies and sampling type.

ELECTRONIC DISCHARGE MONITORING REPORTING:

Due to recently enacted federal regulations, all facilities must begin submitting their discharge monitoring reports electronically, called the eDMR system. To begin the process, please visit <http://dnr.mo.gov/env/wpp/edmr.htm>. This process is expected to save time, lessen paperwork, and reduce operating costs for both the facilities and the water protection program. Additional information may also be found at <http://dnr.mo.gov/pubs/pub2474.pdf>.

SAMPLING FREQUENCY JUSTIFICATION:

Sampling and reporting frequency was generally retained from previous permit. Sampling frequency for stormwater-only outfalls is typically quarterly even though BMP inspection occurs monthly. The facility may sample more frequently if they need additional data to determine if their best management technology is performing as expected. 40 CFR 122.45(d)(1) indicates all continuous discharges shall be permitted with daily maximum and monthly average limits.

SAMPLING TYPE JUSTIFICATION:

Sampling type was continued from the previous permit. The sampling types are representative of the discharges, and are protective of water quality. Grab samples are appropriate for stormwater. Parameters which must have grab sampling are: pH, ammonia, *E. coli*, total residual chlorine, free available chlorine, hexavalent chromium, dissolved oxygen, total phosphorus, and volatile organic samples.

Part VI. ADMINISTRATIVE REQUIREMENTS

On the basis of preliminary staff review and the application of applicable standards and regulations, the Department, as administrative agent for the Missouri Clean Water Commission, proposes to issue a permit(s) subject to certain effluent limitations, schedules, and special conditions contained herein and within the operating permit. The proposed determinations are tentative pending public comment.

PERMIT SYNCHRONIZATION:

The Department of Natural Resources is currently undergoing a synchronization process for operating permits. Permits are normally issued on a five-year term, but to achieve synchronization many permits will need to be issued for less than the full five years allowed by regulation. The intent is that all permits within a watershed will move through the Watershed Based Management (WBM) cycle together will all expire in the same fiscal year. <http://dnr.mo.gov/env/wpp/cpp/docs/watershed-based-management.pdf>. This will allow further streamlining by placing multiple permits within a smaller geographic area on public notice simultaneously, thereby reducing repeated administrative efforts. This will also allow the department to explore a watershed based permitting effort at some point in the future. Renewal applications must continue to be submitted within 180 days of expiration, however, in instances where effluent data from the previous renewal is less than three years old, that data may be re-submitted to meet the requirements of the renewal application. If the permit provides a schedule of compliance for meeting new water quality based effluent limits beyond the expiration date of the permit, the time remaining in the schedule of compliance will be allotted in the renewed permit. *This permit will become synchronized by expiring end of 3rd quarter, 2020.*

PUBLIC NOTICE:

The Department shall give public notice that a draft permit has been prepared and its issuance is pending. <http://dnr.mo.gov/env/wpp/permits/pn/index.html>. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in and water quality concerns related to a draft permit. No public notice is required when a request for a permit modification or termination is denied; however, the requester and permittee must be notified of the denial in writing.

The Department must issue public notice of a pending operating permit or of a new or reissued statewide general permit. The public comment period is the length of time not less than 30 days following the date of the public notice which interested persons may submit written comments about the proposed permit.

For persons wanting to submit comments regarding this proposed operating permit, then please refer to the Public Notice page located at the front of this draft operating permit. The Public Notice page gives direction on how and where to submit appropriate comments.

- The Public Notice period for this operating permit was from 01/08/2016 to 02/08/2016. No responses were received.

DATE OF FACT SHEET: 11/03/2015

COMPLETED BY:

AMBERLY SCHULZ, ENVIRONMENTAL SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - INDUSTRIAL UNIT
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STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
REVISED
AUGUST 1, 2014

These Standard Conditions incorporate permit conditions as required by 40 CFR 122.41 or other applicable state statutes or regulations. These minimum conditions apply unless superseded by requirements specified in the permit.

Part I – General Conditions

Section A – Sampling, Monitoring, and Recording

1. **Sampling Requirements.**
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. All samples shall be taken at the outfall(s) or Missouri Department of Natural Resources (Department) approved sampling location(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.
2. **Monitoring Requirements.**
 - a. Records of monitoring information shall include:
 - 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. If the permittee monitors any pollutant more frequently than required by the permit at the location specified in the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reported to the Department with the discharge monitoring report data (DMR) submitted to the Department pursuant to Section B, paragraph 7.
3. **Sample and Monitoring Calculations.** Calculations for all sample and monitoring results which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.
4. **Test Procedures.** The analytical and sampling methods used shall conform to the reference methods listed in 10 CSR 20-7.015 unless alternates are approved by the Department. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure that the selected methods are able to quantify the presence of pollutants in a given discharge at concentrations that are low enough to determine compliance with Water Quality Standards in 10 CSR 20-7.031 or effluent limitations unless provisions in the permit allow for other alternatives. A method is “sufficiently sensitive” when; 1) the method minimum level is at or below the level of the applicable water quality criterion for the pollutant or, 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility’s discharge is high enough that the method detects and quantifies the level of pollutant in the discharge, or 3) the method has the lowest minimum level of the analytical methods approved under 10 CSR 20-7.015. These methods are also required for parameters that are listed as monitoring only, as the data collected may be used to determine if limitations need to be established. A permittee is responsible for working with their contractors to ensure that the analysis performed is sufficiently sensitive.
5. **Record Retention.** Except for records of monitoring information required by the permit related to the permittee’s sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the 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.

6. **Illegal Activities.**
 - a. 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 the permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two (2) years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or both.
 - b. The Missouri Clean Water Law provides that any person or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six (6) months, or by both. Second and successive convictions for violation under this paragraph by any person shall be punished by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.

Section B – Reporting Requirements

1. **Planned Changes.**
 - a. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42;
 - iii. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
 - iv. Any facility expansions, production increases, or process modifications which will result in a new or substantially different discharge or sludge characteristics must be reported to the Department 60 days before the facility or process modification begins. Notification may be accomplished by application for a new permit. If the discharge does not violate effluent limitations specified in the permit, the facility is to submit a notice to the Department of the changed discharge at least 30 days before such changes. The Department may require a construction permit and/or permit modification as a result of the proposed changes at the facility.
2. **Non-compliance Reporting.**
 - a. The permittee shall report any noncompliance which may endanger health or the environment. Relevant information shall be provided orally or via the current electronic method approved by the Department, within 24 hours from the time the permittee becomes aware of the circumstances, and shall be reported to the appropriate Regional Office during normal business hours or the Environmental Emergency Response hotline at 573-634-2436 outside of normal business hours. A written submission shall also be provided within five (5) business days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.



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- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - ii. Any upset which exceeds any effluent limitation in the permit.
 - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit required to be reported within 24 hours.
 - c. The Department may waive the written report on a case-by-case basis for reports under paragraph 2. b. of this section if the oral report has been received within 24 hours.
3. **Anticipated Noncompliance.** The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The notice shall be submitted to the Department 60 days prior to such changes or activity.
 4. **Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date. The report shall provide an explanation for the instance of noncompliance and a proposed schedule or anticipated date, for achieving compliance with the compliance schedule requirement.
 5. **Other Noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs 2, 3, and 6 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 2. a. of this section.
 6. **Other Information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.
 7. **Discharge Monitoring Reports.**
 - a. Monitoring results shall be reported at the intervals specified in the permit.
 - b. Monitoring results must be reported to the Department via the current method approved by the Department, unless the permittee has been granted a waiver from using the method. If the permittee has been granted a waiver, the permittee must use forms provided by the Department.
 - c. Monitoring results shall be reported to the Department no later than the 28th day of the month following the end of the reporting period.
- b. Notice.
 - i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - ii. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section B – Reporting Requirements, paragraph 5 (24-hour notice).
 - c. Prohibition of bypass.
 - i. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The permittee submitted notices as required under paragraph 2. b. of this section.
 - ii. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above in paragraph 2. c. i. of this section.
3. **Upset Requirements.**
 - a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 3. b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated; and
 - iii. The permittee submitted notice of the upset as required in Section B – Reporting Requirements, paragraph 2. b. ii. (24-hour notice).
 - iv. The permittee complied with any remedial measures required under Section D – Administrative Requirements, paragraph 4.
 - c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

Section C – Bypass/Upset Requirements

1. **Definitions.**
 - a. *Bypass*: the intentional diversion of waste streams from any portion of a treatment facility, except in the case of blending.
 - b. *Severe Property Damage*: substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - c. *Upset*: an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. **Bypass Requirements.**
 - a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. b. and 2. c. of this section.

Section D – Administrative Requirements

1. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and Federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
 - a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
 - b. The Federal Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Federal Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement



STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
REVISED
AUGUST 1, 2014

- imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- c. Any person may be assessed an administrative penalty by the EPA Director for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
- d. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 of the Missouri Clean Water Law or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 of the Missouri Clean Water Law or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed \$10,000 per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. Any person who willfully or negligently commits any violation in this paragraph shall, upon conviction, be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this paragraph by any person shall be punished by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.
2. **Duty to Reapply.**
- a. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
- b. A permittee with a currently effective site-specific permit shall submit an application for renewal at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
- c. A permittees with currently effective general permit shall submit an application for renewal at least 30 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
3. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
5. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
6. **Permit Actions.**
- 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. Violations 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 or 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.
7. **Permit Transfer.**
- a. Subject to 10 CSR 20-6.010, an operating permit may be transferred upon submission to the Department of an application to transfer signed by the existing owner and the new owner, unless prohibited by the terms of the permit. Until such time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
- b. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Missouri Clean Water Law or the Federal Clean Water Act.
- c. The Department, within 30 days of receipt of the application, shall notify the new permittee of its intent to revoke or reissue or transfer the permit.
8. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
9. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.



STANDARD CONDITIONS FOR NPDES PERMITS
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MISSOURI CLEAN WATER COMMISSION
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10. **Duty to Provide Information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.
11. **Inspection and Entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Federal Clean Water Act or Missouri Clean Water Law, any substances or parameters at any location.
12. **Closure of Treatment Facilities.**
 - a. Persons who cease operation or plan to cease operation of waste, wastewater, and sludge handling and treatment facilities shall close the facilities in accordance with a closure plan approved by the Department.
 - b. Operating Permits under 10 CSR 20-6.010 or under 10 CSR 20-6.015 are required until all waste, wastewater, and sludges have been disposed of in accordance with the closure plan approved by the Department and any disturbed areas have been properly stabilized. Disturbed areas will be considered stabilized when perennial vegetation, pavement, or structures using permanent materials cover all areas that have been disturbed. Vegetative cover, if used, shall be at least 70% plant density over 100% of the disturbed area.
13. **Signatory Requirement.**
 - a. All permit applications, reports required by the permit, or information requested by the Department shall be signed and certified. (See 40 CFR 122.22 and 10 CSR 20-6.010)
 - b. The Federal Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance 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 by both.
 - c. The Missouri Clean Water Law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.
14. **Severability.** The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

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MAR 26 2015

AP 21033



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION CONTROL BRANCH
FORM A - APPLICATION FOR CONSTRUCTION OR OPERATING PERMIT
UNDER MISSOURI CLEAN WATER LAW

FOR AGENCY USE ONLY

CHECK NUMBER
DATE RECEIVED 4/14/15 FEE SUBMITTED

Note PLEASE READ THE ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM.

1. This application is for:
 An operating permit and antidegradation review public notice
 A construction permit following an appropriate operating permit and antidegradation review public notice
 A construction permit and concurrent operating permit and antidegradation review public notice
 A construction permit (submitted before Aug. 30, 2008 or antidegradation review is not required)
 An operating permit for a new or unpermitted facility Construction Permit # _____
 An operating permit renewal: permit # MO- MO-0041483 Expiration Date 09/30/2015
 An operating permit modification: permit # MO- _____ Reason: _____

1.1 Is the appropriate fee included with the application? (See instructions for appropriate fee) YES NO

2. FACILITY

NAME: Fleischmann's Vinegar Company Inc
TELEPHONE WITH AREA CODE: (417) 725-3596
FAX: (417) 725-2507
ADDRESS (PHYSICAL): 209 Gene Street CITY: Nixa STATE: MO ZIP CODE: 65714

3. OWNER

NAME: Fleischmann's Vinegar Company Inc E-MAIL ADDRESS: Adam.Smith@Fvinegar.com
TELEPHONE WITH AREA CODE: (417) 725-3596
FAX: (417) 725-2507
ADDRESS (MAILING): PO Box 410 CITY: Nixa STATE: MO ZIP CODE: 65714

3.1 Request review of draft permit prior to public notice? YES NO

4. CONTINUING AUTHORITY

NAME: Fleischmann's Vinegar Company Inc.
TELEPHONE WITH AREA CODE: (417) 725-5207
FAX: (417) 725-5207
ADDRESS (MAILING): PO Box 410 CITY: Nixa STATE: MO ZIP CODE: 65714

5. OPERATOR

NAME: N/A CERTIFICATE NUMBER: _____ TELEPHONE WITH AREA CODE: _____
FAX: _____
ADDRESS (MAILING): _____ CITY: _____ STATE: _____ ZIP CODE: _____

6. FACILITY CONTACT

NAME: Adam Smith TITLE: Plant Manager TELEPHONE WITH AREA CODE: (417) 725-3596
FAX: (417) 725-2507

7. ADDITIONAL FACILITY INFORMATION

7.1 Legal Description of Outfalls. (Attach additional sheets if necessary.)
001 NW 1/4 SW 1/4 Sec 13 T 27N R 22W CHRI County
UTM Coordinates Easting (X): 473824E Northing (Y): 4099726N
For Universal Transverse Mercator (UTM), Zone 15 North referenced to North American Datum 1983 (NAD83)
002 NW 1/4 SW 1/4 Sec 13 T 27N R 22W CHRI County
UTM Coordinates Easting (X): 473824E Northing (Y): 4099726N
003 _____ 1/4 _____ 1/4 Sec _____ T _____ R _____ County
UTM Coordinates Easting (X): _____ Northing (Y): _____
004 _____ 1/4 _____ 1/4 Sec _____ T _____ R _____ County
UTM Coordinates Easting (X): _____ Northing (Y): _____

7.2 Primary Standard Industrial Classification (SIC) and Facility North American Industrial Classification System (NAICS) Codes.
001 - SIC 2099 and NAICS _____ 002 - SIC _____ and NAICS _____
003 - SIC _____ and NAICS _____ 004 - SIC _____ and NAICS _____

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8. ADDITIONAL FORMS AND MAPS NECESSARY TO COMPLETE THIS APPLICATION
(Complete all forms that are applicable.)

A. Is your facility a manufacturing, commercial, mining or silviculture waste treatment facility? YES NO
If yes, complete Form C (unless storm water only, then complete U.S. Environmental Protection Agency Form 2F per Item C below).

B. Is your facility considered a "Primary Industry" under EPA guidelines: YES NO
If yes, complete Forms C and D.

C. Is application for storm water discharges only? YES NO
If yes, complete EPA Form 2F.

D. Attach a map showing all outfalls and the receiving stream at 1" = 2,000' scale.

E. Is wastewater land applied? If yes, complete Form I. YES NO

F. Is sludge, biosolids, ash or residuals generated, treated, stored or land applied? YES NO
If yes, complete Form R.

9. DOWNSTREAM LANDOWNER(S) Attach additional sheets as necessary. See instructions.
(PLEASE SHOW LOCATION ON MAP. SEE 8.D ABOVE).

NAME
Diversified Plastics

ADDRESS 108 W Mt. Vernon	CITY Nixa	STATE MO	ZIP CODE 65714
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10. I certify that I am familiar with the information contained in the application, that to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law to the Missouri Clean Water Commission.

NAME AND OFFICIAL TITLE (TYPE OR PRINT) Adam Smith Plant Manager	TELEPHONE WITH AREA CODE (417) 725-3596
SIGNATURE 	DATE SIGNED 3/23/15

MO 725-1479 (01-09)

BEFORE MAILING, PLEASE ENSURE ALL SECTIONS ARE COMPLETED AND ADDITIONAL FORMS, IF APPLICABLE, ARE INCLUDED.

Submittal of an incomplete application may result in the application being returned.

HAVE YOU INCLUDED:

- Appropriate Fees?
- Map at 1" = 2000' scale?
- Signature?
- Form C, if applicable?
- Form D, if applicable?
- Form 2F, if applicable?
- Form I (Irrigation), if applicable?
- Form R (Sludge), if applicable?

Fleischmann's
Vinegar
MO-0041483

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TopoQuest

Home View Maps Find Maps Find Places Forum Resources & Links

Welcome to the TopoQuest Map Viewer!

Nixa, MO is a populated place located in Christian County at N37.04339° W93.29435° (NAD83). This is the nearest place in the USGS place names database to the center of the map view below. Look below the map view for a list of other places and locations that are visible within this map view. If you need to locate a landmark or feature, you can search for its location on our [Find Places](#) page. If you need to locate a specific USGS topographic map, try our [Find Maps](#) page.

xero

The Cloud accounting alternative to QuickBooks

(without the additional fees)



START TODAY



USGS Map Name: Nixa, MO Map MRC: 37093A3
Map Center: N37.04209° W93.29574° Datum: NAD83 Zoom: 4m/pixel

Click on map to:

- Zoom in (x2)
- Zoom out (x2)
- Re-center

Map contents:

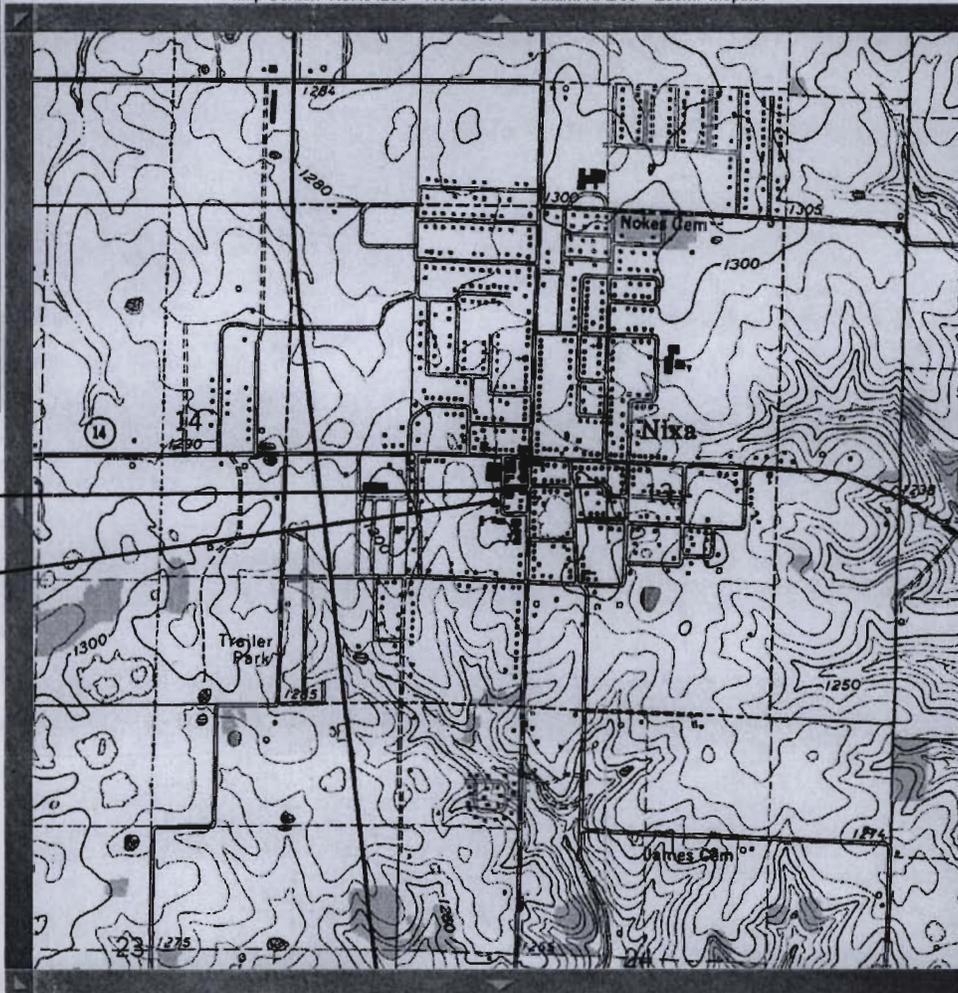
- Choose Automatically
- Overall Coverage
- 1:24K Coverage (US)
- 1:24K Topo maps (US)
- 1:50K Coverage (Canada)
- 1:50K Topo maps (Canada)
- 1:100K Coverage (US)
- 1:100K Topo maps (US)
- 1:250K Coverage (US)
- 1:250K Topo maps (US)
- Satellite 1m Coverage (US)
- Satellite 1m (US)

Zoom level:

- 1m per pixel (Sat)
- 2m per pixel (Sat)
- 4m per pixel
- 8m per pixel
- 16m per pixel
- 32m per pixel
- 64m per pixel
- 128m per pixel
- 256m per pixel
- 512m per pixel
- 1km per pixel
- 2km per pixel
- 4km per pixel
- 10km per pixel

Map Size:

- Smallfish (512x512)
- Medium Rare (768x768)
- Grand! (1024x1024)
-



Note: Areas shaded green have 1:24K topographic map coverage.

Places Within This Map View:

Place	Type	Coordinates (click to center)
Nixa	Populated Place	N37.04339° W93.29435°
Township of Porter (historical)	Civil	N37.04144° W93.29324°
City of Nixa	Civil	N37.04617° W93.29683°
James Cemetery	Cemetery	N37.03200° W93.29046°
Nixa Fire Protection District Station 1	Building	N37.05371° W93.29468°
Nokes Cemetery	Cemetery	N37.05033° W93.28741°

Note: Coordinates listed above are datum selected on the sidebar.

Facility
Outfall #001
Outfall #002

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MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH
FORM C - APPLICATION FOR DISCHARGE PERMIT -
MANUFACTURING, COMMERCIAL, MINING,
SILVICULTURE OPERATIONS, PROCESS & STORM WATER

DEQ/SWR

FOR AGENCY USE ONLY	
CHECK NO.	
DATE RECEIVED	FEE SUBMITTED

TE: DO NOT ATTEMPT TO COMPLETE THIS FORM BEFORE READING THE ACCOMPANYING INSTRUCTIONS

1.00 NAME OF FACILITY

Fleischmann's Vinegar Company Inc

1.10 THIS FACILITY IS NOW IN OPERATION UNDER MISSOURI OPERATING PERMIT NUMBER

MO-0041483

1.20 THIS IS A NEW FACILITY AND WAS CONSTRUCTED UNDER MISSOURI CONSTRUCTION PERMIT NUMBER (COMPLETE ONLY IF THIS FACILITY DOES NOT HAVE AN OPERATING PERMIT).

N/A

2.00 LIST THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES APPLICABLE TO YOUR FACILITY (FOUR DIGIT CODE)

A. FIRST 2099 B. SECOND _____

C. THIRD _____ D. FOURTH _____

2.10 FOR EACH OUTFALL GIVE THE LEGAL DESCRIPTION.

OUTFALL NUMBER (LIST) NW 1/4 SW 1/4 SEC 13 T 27N R 22W Christian COUNTY

2.20 FOR EACH OUTFALL LIST THE NAME OF THE RECEIVING WATER

OUTFALL NUMBER (LIST)	RECEIVING WATER
#001 - Non Contact Cooling Water	Finley River
#002 - Storm Water Runoff	Finley River

2.30 BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS

Manufacture of white distilled vinegar.

2.40 CONTINUED

C. EXCEPT FOR STORM RUNOFF, LEAKS OR SPILLS, ARE ANY OF THE DISCHARGES DESCRIBED IN ITEMS A OR B INTERMITTENT OR SEASONAL?

YES (COMPLETE THE FOLLOWING TABLE) NO (GO TO SECTION 2.50)

1. OUTFALL NUMBER (list)	2. OPERATION(S) CONTRIBUTING FLOW (list)	3. FREQUENCY		4. FLOW				C. DURATION (in days)
				A. FLOW RATE (in mgd)		B. TOTAL VOLUME (specify with units)		
		A. DAYS PER WEEK (specify average)	B. MONTHS PER YEAR (specify average)	1. LONG TERM AVERAGE	2. MAXIMUM DAILY	4. LONG TERM DAILY	3. MAXIMUM AVERAGE	

2.50 MAXIMUM PRODUCTION

A. DOES AN EFFLUENT GUIDELINE LIMITATION PROMULGATED BY EPA UNDER SECTION 304 OF THE CLEAN WATER ACT APPLY TO YOUR FACILITY?

YES (COMPLETE B.) NO (GO TO SECTION 2.60)

B. ARE THE LIMITATIONS IN THE APPLICABLE EFFLUENT GUIDELINES EXPRESSED IN TERMS OF PRODUCTION (OF OTHER MEASURE OF OPERATION)?

YES (COMPLETE c.) NO (GO TO SECTION 2.60)

C. IF YOU ANSWERED "YES" TO B. LIST THE QUANTITY THAT REPRESENTS AN ACTUAL MEASUREMENT OF YOUR MAXIMUM LEVEL OF PRODUCTION, EXPRESSED IN THE TERMS AND UNITS USED IN THE APPLICABLE EFFLUENT GUIDELINE AND INDICATE THE AFFECTED OUTFALLS.

1. MAXIMUM QUANTITY			2. AFFECTED OUTFALLS (list outfall numbers)
A. QUANTITY PER DAY	B. UNITS OF MEASURE	C. OPERATION, PRODUCT, MATERIAL, ETC. (specify)	

2.60 IMPROVEMENTS

A. ARE YOU NOW REQUIRED BY ANY FEDERAL, STATE OR LOCAL AUTHORITY TO MEET, ANY IMPLEMENTATION SCHEDULE FOR THE CONSTRUCTION, UPGRADING OR OPERATION OF WASTEWATER TREATMENT EQUIPMENT OR PRACTICES OR ANY OTHER ENVIRONMENTAL PROGRAMS THAT MAY AFFECT THE DISCHARGES DESCRIBED IN THIS APPLICATION? THIS INCLUDES, BUT IS NOT LIMITED TO, PERMIT CONDITIONS, ADMINISTRATIVE OR ENFORCEMENT ORDERS, ENFORCEMENT COMPLIANCE SCHEDULE LETTERS, STIPULATIONS, COURT ORDERS AND GRANT OR LOAN CONDITIONS.

YES (COMPLETE THE FOLLOWING TABLE) NO (GO TO 3.00)

1. IDENTIFICATION OF CONDITION AGREEMENT, ETC.	2. AFFECTED OUTFALLS		3. BRIEF DESCRIPTION OF PROJECT	4. FINAL COMPLIANCE DATE	
				A. REQUIRED	B. PROJECTED

B. OPTIONAL: YOU MAY ATTACH ADDITIONAL SHEETS DESCRIBING ANY ADDITIONAL WATER POLLUTION CONTROL PROGRAMS (OR OTHER ENVIRONMENTAL PROJECTS THAT MAY AFFECT YOUR DISCHARGES) YOU NOW HAVE UNDER WAY OR ARE YOU PLANNING. INDICATE WHETHER EACH PROGRAM IS NOW UNDER WAY OR PLANNED, AND INDICATE YOUR ACTUAL OR PLANNED SCHEDULES FOR CONSTRUCTION.

MARK "X" IF DESCRIPTION OF ADDITIONAL CONTROL PROGRAMS IS ATTACHED.

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3.10 BIOLOGICAL TOXICITY TESTING DATA

DO YOU HAVE ANY KNOWLEDGE OR REASON TO BELIEVE THAT ANY BIOLOGICAL TEST FOR ACUTE OR CHRONIC TOXICITY HAS BEEN MADE ON ANY OF YOUR DISCHARGES OR ON RECEIVING WATER IN RELATION TO YOUR DISCHARGE WITHIN THE LAST THREE YEARS?

YES (IDENTIFY THE TEST(S) AND DESCRIBE THEIR PURPOSES BELOW.) NO (GO TO 3.20)

3.20 CONTRACT ANALYSIS INFORMATION

WERE ANY OF THE ANALYSES REPORTED PERFORMED BY A CONTRACT LABORATORY OR CONSULTING FIRM?

YES (LIST THE NAME, ADDRESS AND TELEPHONE NUMBER OF AND POLLUTANTS ANALYZED BY EACH SUCH LABORATORY OR FIRM BELOW.) NO (GO TO 3.30)

A. NAME	B. ADDRESS	C. TELEPHONE (area code and number)	D. POLLUTANTS ANALYZED (list)

3.30 CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME AND OFFICIAL TITLE (TYPE OR PRINT)

Adam Smith Plant Manager

TELEPHONE NUMBER WITH AREA CODE

(417) 725-3596

SIGNATURE (SEE INSTRUCTIONS)



DATE SIGNED

3/23/15

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PLEASE PRINT OR TYPE. You may report some or all of this information on separate sheet instead of completing these pages.
 (Use the same format)
 SEE INSTRUCTIONS

FORM C
 TABLE 1 FOR 3.00 ITEM A AND B

OUTFALL NO.
 #001

INTAKE AND EFFLUENT CHARACTERISTICS

PART A - You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

1. POLLUTANT	2. EFFLUENT				3. UNITS (Specify if blank)				4. INTAKE (optional)			
	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
A. Biochemical Oxygen Demand (BOD)												
B. Chemical Oxygen Demand (COD)	All Testing	Waived										
C. Total organic Carbon (TOC)												
D. Total Suspended Solids (TSS)												
E. Ammonia (as N)												
F. Flow	VALUE	295,000 GPD	MINIMUM	7.7	VALUE					VALUE		
G. Temperature (winter)	VALUE	79 F	VALUE		VALUE					VALUE		
H. Temperature (summer)	VALUE	85 F	VALUE		VALUE					VALUE		
I. pH	MINIMUM	7.5	MINIMUM		MINIMUM					STANDARD UNITS		

PART B - Mark "X" in column 2-a for each pollutant you know or have reason to believe is present. Mark "X" in column 2-b for each pollutant you believe to be absent. If you mark column 2-a for any pollutant, you must provide the results for at least one analysis for that pollutant. Complete one table for each outfall. See the instructions for additional details and requirements.

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT				4. UNITS				5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE (1) CONCENTRATION	(2) MASS	B. MAXIMUM 30 DAY VALUE (1) CONCENTRATION	(2) MASS	C. LONG TERM AVRG. VALUE (1) CONCENTRATION	(2) MASS	D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE (1) CONCENTRATION	(2) MASS	B. NO. OF ANALYSES
	A. Bromide (24959-67-9)		X											
B. Chlorine Total Residual		X												
C. Color		X												
D. Fecal Coliform		X												
E. Fluoride (16984-48-8)		X												
F. Nitrate-Nitrate (as N)		X												

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1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT						4. UNITS		5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS						
G. Nitrogen Total Organic (as N)		X												
H. Oil and Grease		X												
I. Phosphorus (as P) Total (7723-14-0)		X												
J. Sulfate (as SO ₄) (14808-79-8)		X												
K. Sulfide (as S)		X												
L. Sulfite (as SO ₃) (14265-45-3)		X												
M. Surfactants		X												
N. Aluminum Total (7429-90-5)		X												
O. Barium Total (7440-39-3)		X												
P. Boron Total (7440-42-8)		X												
Q. Cobalt Total (7440-48-4)		X												
R. Iron Total (7439-89-6)		X												
S. Magnesium Total (7439-95-4)		X												
T. Molybdenum Total (7439-98-7)		X												
U. Manganese Total (7439-96-5)		X												
V. Tin Total (7440-31-5)		X												
W. Titanium Total (7440-32-6)		X												

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT						4. UNITS		5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE (if available)		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
METALS, AND TOTAL PHENOLS														
1M. Antimony, Total (7440-36-9)		X												
2M. Beryllium, Total (7440-41-7)		X												
3M. Magnesium, Total (7439-95-4)		X												
4M. Molybdenum, Total (7439-98-7)		X												
5M. Tin, Total (7440-31-5)		X												
6M. Titanium, Total (7440-32-6)		X												
7M. Mercury, Total (7439-97-6)		X												
8M. Selenium, Total (7782-49-2)		X												
9M. Thallium, Total (7440-28-0)		X												
10M. Phenols, Total		X												
RADIOACTIVITY														
(1) Alpha Total		X												
(2) Beta Total		X												
(3) Radium Total		X												
(4) Radium 226 Total		X												

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