

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, 92<sup>nd</sup> Congress) as amended,

Permit No.: MO-R22B000

Owner:  
Address:

Continuing Authority:  
Address:

Facility Name:  
Facility Address:

Legal Description:  
UTM Coordinates:

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

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

### FACILITY DESCRIPTION

All Outfalls – SIC Code 2491

Stormwater discharges from facilities engaged in wood preserving/treating operations, including but not limited to SIC Code 2491.

This permit authorizes only process wastewater and/or 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 RSMo Section 621.250, 640.013, and 644.051.6; 10 CSR 20-1.020 and 20-6.020 of the Law.

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Effective Date

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Sara Parker Pauley, Director, Department of Natural Resources

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Expiration Date

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John Madras, Director, Water Protection Program

## APPLICABILITY

1. This Missouri State Operating Permit (permit) authorizes the discharge of stormwater to waters of the state of Missouri from multiple industries, including permittees (facilities) with the primary Standard Industrial Classification (SIC) Codes:

<u>SIC Code</u>	<u>Activity</u>
2491	Wood Preserving/Treating

or facilities that the Missouri Department of Natural Resources (department) determines are similar to facilities that are under the above SIC Codes.

2. This permit is applicable to wood preserving/treating operations, including “match-light type” charcoal operations or operations that preserve/treat wood with chemicals, including Acid Copper Chromate (ACC), Ammoniacal Copper Arsenate (ACA), Ammoniacal Copper Quat (ACQ), Ammoniacal Copper Zinc Arsenate (ACZA), Borates, Borax, Chromated Copper Arsenate (CCA), Copper Azole (CA), Copper Napthenate, Creosote, Micronized/dissolved Copper (MCA or MCQ), Oxine Copper, and Pentachlorophenol (PCP, Penta). Facilities seeking to preserve/treat wood with chemicals other than those listed above must obtain approval from the department to operate under this permit, or must obtain a site-specific permit. Evaluation of such requests will be based on the nature of the chemical, and whether the conditions of this permit are deemed protective of waters of the state while the chemical in question is in use.
3. Facilities that preserve/treat wood must apply for this permit. Facilities that produce product from round wood or whole logs [SIC Codes 2411, 2421] are considered primary processors and must apply for a MO-R22A permit. Facilities that produce product from cut stock [SIC Codes 2426, 2429, 243X, 244X, 245X, 2493, 2499, 25XX (excluding 2514, 2522, 2531, 2542), 2861 (charcoal manufacturing only)] are considered secondary processors and must apply for a MO-R22C permit.
4. If a facility has no materials exposed to stormwater, the facility may apply for No Exposure Certification in lieu of coverage under this permit. No Exposure means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. An industrial site may qualify for No exposure without a storm resistant shelter if the following are met: Drums, barrels, tanks, and similar containers are tightly sealed, provided those containers are not deteriorated and do not leak (sealed means banded or otherwise secured and without operational taps or valves); adequately maintained vehicles are used in material handling; and all industrial materials consist of final products, other than products that would be mobilized by stormwater [10 CSR 20-6.200(1)(B)16].
5. This permit does not cover land disturbance activities. A land disturbance general permit must be obtained for coverage of land disturbance activities and may be obtained through electronic permitting (ePermitting) at <http://dnr.mo.gov/env/wpp/epermit/help.htm>.
6. This permit does not authorize stormwater discharges:
  - (a) Within 100 feet of a Class W<sup>1</sup> or mitigated wetland;
  - (b) Within 1,000 feet upstream of waters that have been identified as a losing stream, sinkhole, or other direct conduit to groundwater;
  - (c) Within 1,000 feet upstream of streams, lakes, or reservoirs with the designated use of drinking water supply;
  - (d) Within 1,000 feet upstream of streams, lakes, or reservoirs identified as critical habitat for endangered species;
  - (e) Within 1,000 feet upstream of waters that have been identified as an Outstanding State Resource Water (OSRW)<sup>1</sup>;
  - (f) Within 2 miles upstream of biocriteria reference locations<sup>1</sup>;
7. Within the watershed of an Outstanding National Resource Water (ONRW)<sup>1</sup>, which includes the Ozark National Scenic Riverways and the Wild and Scenic Rivers System, this permit:
  - (a) Authorizes no-discharge facilities [as defined in 10 CSR 20-6.015(1)(B)7.] to operate. If a no-discharge facility desires to become a facility that is authorized to discharge stormwater, the facility needs to contact the department to discuss applicability. Any discharge from a no-discharge facility is a violation of this permit unless the discharge is the result of a catastrophic or chronic storm event [as defined in 10 CSR 20-6.015(1)(B)]. In the event of a catastrophic or chronic storm event, the no-discharge facility is authorized to release only the amount of stormwater required to prevent damage to the facility or to established Best Management Practices (BMPs).

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<sup>1</sup> Identified or described in 10 CSR 20-7. These regulations are available at many libraries and online at [www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp](http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp), or may be purchased from the department by calling the department’s Water Protection Program.

APPLICABILITY (continued)

- (b) Authorizes discharge facilities to operate and to discharge stormwater as long as the benchmarks set forth in this permit are not exceeded. Should a benchmark be exceeded, the discharge is considered to have caused degradation to water quality and a facility must take corrective action that will lead to future discharges meeting the benchmarks. Failure to take corrective action to address a benchmark exceedance and failure to make tangible progress toward achieving compliance with the benchmarks is a permit violation. More detailed requirements concerning stormwater discharges are found in the Stormwater Requirement section of this permit. If a facility is still unable to meet benchmarks after corrective action has been taken, the department may require the facility to operate as a no-discharge facility under this permit or to apply for a site-specific permit.
8. The department may require any facility authorized by a general permit to apply for a site-specific permit [10 CSR 20-6.010(13)(C)]. Cases where a site-specific permit may be required include, but are not limited to, the following:
- The discharge(s) is a significant contributor of a pollutant(s) which impairs the beneficial uses of the receiving stream;
  - The discharger is not in compliance with the conditions of the general permit; or
  - A Total Maximum Daily Load (TMDL) containing requirements applicable to the discharge(s) is approved.
9. Facilities that are located within the watershed of an impaired water as designated on the 305(b) Report need to be evaluated on a case-by-case basis for inclusion under this permit. Missouri's impaired waters can be found at [www.dnr.mo.gov/env/wpp/waterquality/index.html](http://www.dnr.mo.gov/env/wpp/waterquality/index.html). Facilities that are found to be discharging the listed pollutant(s) of concern for any impaired water may be required to obtain a site-specific permit.
10. If a facility covered under a current general permit desires to apply for a site-specific permit, the facility may do so by contacting the department for application requirements and procedures.
11. Facilities covered under a current site-specific permit who desire to apply for inclusion under this general permit may contact the department for application requirements and procedures.
12. The following are allowable non-stormwater discharges authorized under this permit:
- Discharges from fire-fighting activities;
  - Fire hydrant flushing (testing);
  - Potable water, including water line flushing (testing);
  - Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
  - Irrigation drainage;
  - Landscape watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions;
  - Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
  - Routine external building wash down that does not use detergents;
  - Uncontaminated ground water or spring water;
  - Foundation or footing drains where flows are not contaminated with process materials; and
  - Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

PERMIT REQUIREMENTS

- The department may collect a sample of stormwater discharge during site inspection.
- The results of all samples from a discharge that are collected and analyzed must be submitted to the department.
- All fueling facilities present on-site shall adhere to applicable federal and state regulations, including spill prevention, control, and countermeasures concerning underground storage, above ground storage, and dispensers.
- Substances regulated by federal law under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that are transported, stored, or used for maintenance, cleaning, or repair shall be managed according to the provisions of RCRA and CERCLA.
- The discharge shall not contain floating solids or visible foam in other than trace amounts.

PERMIT REQUIREMENTS (continued)

6. Facilities shall manage materials (products, stockpiles, waste piles, etc.) to ensure that these materials are not transported off-site or into a water of the state during a high water event.
7. All outfalls must be clearly marked in the field.
8. There shall be no open burning of containers, cartons, and other trade wastes on-site.
9. 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 Stormwater Pollution Prevention Plan (SWPPP) and made available to the department upon request. The department may also require the submittal of a written or electronic report detailing measures taken to clean up the spill within five (5) days of the spill. Such a report must include the type of material spilled, volume, date of spill, date clean-up was completed, clean-up method, and final disposal method. If the spill occurs outside of normal business hours, or if the permit holder cannot reach regional office staff for any reason, the permit holder is instructed to report the spill to the department's 24 hour Environmental Emergency Response hotline at (573) 634-2436 at the earliest practicable moment after discovery. Leaving a message on a department staff member voice-mail does not satisfy this reporting requirement. This requirement is in addition to the Noncompliance Reporting requirement found in Standard Conditions Part I.
10. Release of a hazardous substance must be cleaned up within 24 hours or as soon as possible and must be reported to the department at the earliest practicable moment, but no greater than 24 hours after the spill occurs. The following spills are required to meet these requirements:
  - (a) Any spill of any material that leaves the property of the facility; and
  - (b) Any spill of any material, outside of secondary containment exposed to precipitation, greater than 25 gallons or an equivalent volume of solid material.
11. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (Section 644.055, RSMo). The fees can be found at 10 CSR 20-6.011.
12. All conditions in this permit and those in Standard Conditions Part I must be complied with. At no time shall any discharge result in a violation of Water Quality Standards [10 CSR 20-7.031]. A facility will be required to obtain a site-specific permit if the department determines that a site-specific permit is necessary to protect water quality.

STORMWATER MONITORING REQUIREMENTS

TABLE A-1		BENCHMARK AND MONITORING REQUIREMENTS FOR ALL FACILITIES			
The facility is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The benchmarks shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited, and monitored by the facility as specified below:					
DISCHARGE PARAMETER(S)	UNITS	DAILY MAXIMUM	SAMPLING FREQUENCY	SAMPLE TYPE	BENCHMARK
Flow	gpd	*	once/quarter ***	24 hr. estimate	-
Ammonia as N	mg/L	*	once/quarter ***	grab	12.1
Biochemical Oxygen Demand <sub>5</sub>	mg/L	*	once/quarter ***	grab	45
Oil and Grease	mg/L	*	once/quarter ***	grab	10
pH**	SU	*	once/quarter ***	grab	6.5 - 9.0
Total Suspended Solids	mg/L	*	once/quarter ***	grab	50
Arsenic, Total Recoverable	µg/L	*	once/quarter ***	grab	20
Chromium III, Total Recoverable	µg/L	*	once/quarter ***	grab	2,676.9
Chromium VI, Dissolved	µg/L	*	once/quarter ***	grab	15
Copper, Total Recoverable	µg/L	*	once/quarter ***	grab	22
Zinc, Total Recoverable	µg/L	*	once/quarter ***	grab	180.3

Acenaphthene	µg/L	*	once/quarter ***	grab	1,200
Benzo(A)Anthracene	µg/L	*	once/quarter ***	grab	0.0044
Benzo(K)Fluoranthene	µg/L	*	once/quarter ***	grab	0.0044
Benzo(A)Pyrene	µg/L	*	once/quarter ***	grab	0.049
Chrysene	µg/L	*	once/quarter ***	grab	0.0044
Dibenzo(A,H)Anthracene	µg/L	*	once/quarter ***	grab	0.0044
Fluoranthene	µg/L	*	once/quarter ***	grab	300
Fluorene	µg/L	*	once/quarter ***	grab	1,300
Indeno(1,2,3-CD)Pyrene	µg/L	*	once/quarter ***	grab	0.0044
Naphthalene	µg/L	*	once/quarter ***	grab	20
Pentachlorophenol	µg/L	*	once/quarter ***	grab	8.7
2-Chlorophenol	µg/L	*	once/quarter ***	grab	0.1
2,4-Dimethylphenol	µg/L	*	once/quarter ***	grab	540
2,4-Dinitrophenol	µg/L	*	once/quarter ***	grab	70
2,4,5-Trichlorophenol	µg/L	*	once/quarter ***	grab	2,600
2,4,6-Trichlorophenol	µg/L	*	once/quarter ***	grab	2

MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY TO THE APPROPRIATE REGIONAL OFFICE. THE FIRST REPORT IS DUE **MONTH 28, 20XX**. IT IS A VIOLATION OF THIS PERMIT TO FAIL TO SAMPLE.

\* Monitoring requirement only.

\*\* pH is measured in standard units and is not to be averaged.

\*\*\* Quarterly sampling is required. If a discharge occurs during the reporting period, samples shall be collected and tested for the parameters listed in Table A-1. Report as no-discharge when a discharge does not occur during the reporting period. If multiple samples are collected and analyzed during the sampling period, the multiple samples are not to be averaged.

#### Reporting Schedule for Quarterly Sampling

Sample discharge at least once for the months of:	Report is due:
January, February, March (1st Quarter)	April 28
April, May, June (2nd Quarter)	July 28
July, August, September (3rd Quarter)	October 28
October, November, December (4th Quarter)	January 28

#### STORMWATER REQUIREMENTS

1. Sampling and analysis of stormwater discharges for the above parameters shall occur quarterly, with reports due on the dates specified above. The department may also require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or evidence of off-site impacts from activities at the facility. If such an action is needed, the department will specify in writing the sampling requirements, including such information as location and extent. It is a violation of this permit to fail to comply with said written notification to sample.

STORMWATER REQUIREMENTS (continued)

2. This permit stipulates pollutant benchmarks applicable to the facility's discharge. The benchmarks do not constitute direct numeric effluent limitations. Benchmark exceedances alone, therefore, are not a permit violation. The facility shall develop and implement a SWPPP as explained in more detail later in this section. Benchmark monitoring data are primarily to determine the overall effectiveness of the SWPPP and to assist the facility in knowing when additional corrective action may be necessary to protect water quality. If a sample exceeds a benchmark, the facility must review the SWPPP and BMPs to determine what improvements or additional controls are needed to reduce that pollutant in the stormwater discharge(s). Failure to improve BMPs or take corrective action to address a benchmark exceedance and failure to make tangible progress towards achieving a benchmark is a permit violation. Exceedances believed to be the result of legacy chemical use at the facility are not exempted from this requirement. Facilities are encouraged to contact the department to formulate a plan for investigation and clean-up if legacy chemical use is suspected to be the cause of exceedances.
3. Any time a benchmark exceedance occurs, a Corrective Action Report (CAR) must be completed and documented in the SWPPP. A CAR is a document that records the efforts undertaken by the facility to improve BMPs to meet benchmarks in future samples. If the efforts taken by the facility are not sufficient and subsequent exceedances of a benchmark occur, the facility may demonstrate to the department that a benchmark value cannot be achieved. The demonstration must include rationale and supporting documentation (which would include multiple CARs) and must show that a benchmark value cannot be achieved through the application of BMPs representing available technology. Additionally, the demonstration must show that the benchmark is not feasible because no further pollutant reductions are technologically available or economically practicable in light of best industry practices. This demonstration must be presented to the department for review and approval.
4. Benchmarks are considered necessary to protect water quality and should not be exceeded during discharges resulting from a precipitation event. The BMPs at the facility should be designed to meet these benchmarks during rainfall events up to the 10-year, 24-hour rain event.
5. All facilities must sample for Flow, Ammonia as N, Biochemical Oxygen Demand, Oil & Grease, pH, and Total Suspended Solids. For the remaining 21 parameters listed in the table, if a facility can certify that no chemicals containing these parameters were used at the facility in the previous five years, then the facility may petition the department for approval to report "0" on the sample report. For example, if a facility has never used a chemical containing Pentachlorophenol, then the facility does not have to conduct analysis and may simply report "0 µg/L Pentachlorophenol". Please note reporting "0" is not the same as "non-detect".
6. If a facility is found to be using a chemical containing a parameter listed in the table, but falsely reporting "0" on sampling reports, it shall be a violation of this permit as well as the criminal offense of knowingly submitting false reports to the State of Missouri. It is the responsibility of the facility to know the ingredients of the chemicals in use at the facility.
7. Additional reporting guidance:
  - (a) An analysis conducted by the facility 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 facility shall not report a sample result as "non-detect", "less than the detection limit", or "below the detection limit" without also reporting the detection limit of the test. Reporting without the detection limit will be considered failure to report, which is a violation of this permit.
  - (c) The facility shall provide the "non-detect", "less than the detection limit", or "below the detection limit" sample result using the less than sign and the minimum detection limit (e.g., <10).
  - (d) The facility must report the results from the laboratory as written when the results are a number or a less than sign followed by a number.
8. For flow-through BMPs, stormwater samples shall be collected once per quarter within the first 60 minutes of discharge occurring as a result of precipitation events exceeding 0.1 inches during a 24-hour period. Precipitation events include rainfall as well as run-off from the melting of frozen precipitation. Local weather stations and on-site gauges are two methods for obtaining local precipitation amounts.
9. For retention BMPs, stormwater samples shall be collected once per quarter when a discharge occurs.
10. Stormwater samples shall be collected prior to leaving or at the property boundary or before the discharge enters waters of the state on the property.
11. If data becomes available that indicates existing water quality will be protected by alternative benchmarks specific to this industry, the department will propose to incorporate those benchmarks into this permit as part of a permit modification. Such data must be approved by the department as appropriate and representative before it can be considered.

STORMWATER REQUIREMENTS (continued)

12. When applying for coverage under this permit, the facility shall develop a SWPPP. The facility shall select, install, use, operate, and maintain the BMPs 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, (EPA 833-B-09-002) published by the United States Environmental Protection Agency (EPA) in February 2009 ([www.epa.gov/npdes/pubs/industrial\\_swppp\\_guide.pdf](http://www.epa.gov/npdes/pubs/industrial_swppp_guide.pdf)).

The selection of control measures that prevent or reduce the discharge of pollutants in stormwater shall be specified in the SWPPP. The SWPPP shall identify the BMPs that are reasonable and effective, taking into account environmental impacts and costs. This analysis must document why no discharge or no exposure options are not feasible at the facility. This selection and documentation of appropriate control measures shall serve as an alternative analysis of technology and fulfill the requirements of Antidegradation [10 CSR 20-7.031(3) and 10 CSR 20-7.015(9)(A)5.]. Failure to implement and maintain the chosen alternatives is a permit violation. Existing facilities with established SWPPPs and BMPs need not conduct an additional alternatives analysis unless new BMPs are established to address benchmark exceedances.

## 13. New Facilities:

- (a) New facilities that are being issued coverage under this general permit for the first time, the SWPPP must be prepared within sixty (60) days and implemented within one hundred eighty (180) days of the permit issuance.
- (b) Throughout coverage under this permit, the facility must perform ongoing SWPPP review and revision to incorporate any site condition changes.
- (c) The SWPPP must be kept on-site and should not be sent to the department unless specifically requested.

## 14. Existing and Expanding Facilities:

- (a) The facility was required to prepare a SWPPP for coverage under a previous version of this permit. The facility must review and update the SWPPP to assure that the selected BMPs continue to be appropriate and ensure implementation of all provisions of this permit by permit issuance.
- (b) Throughout coverage under this permit, the facility must perform ongoing SWPPP review and revision to incorporate any site condition changes.
- (c) The SWPPP must be kept on-site and should not be sent to the department unless specifically requested.

## 15. For all facilities the SWPPP must include the following:

- (a) An assessment of all stormwater discharges associated with the facility, facility activities, and facility materials. This assessment must include a list of potential contaminants and an annual estimate of amounts that will be used in the described activities.
- (b) A listing of BMPs and a narrative explaining how the BMPs will be implemented to control and minimize the amount of potential contaminants that enter stormwater.
- (c) A schedule for monthly site inspections and a brief written report, which includes the name of the inspector, the signature of the inspector, and the date. The inspections must include observation and analysis of BMP effectiveness, deficiencies, and corrective action that will be taken. Deficiencies must be corrected within seven (7) days and must be documented in the inspection report. The facility may submit a written request to the department justifying additional time, if necessary, to complete corrective action. The purpose of the SWPPP and the BMPs listed therein is to prevent pollution [10 CSR 20-2.010(56)] of waters of the state. A deficiency of a BMP means it was not effective in preventing pollution of waters of the state or meeting benchmarks of this permit. Corrective action means the facility took steps to eliminate the deficiency. Inspection reports must be kept on-site with the SWPPP and must be made available to the department upon request.
- (d) A provision for designating an individual to be responsible for environmental matters.
- (e) A provision for providing training to all personnel involved in material handling, material storage, and housekeeping of areas having materials exposed to stormwater. Proof of training must be made available to the department upon request.
- (f) A provision for evaluating benchmarks established in this permit.

STORMWATER REQUIREMENTS (continued)

16. The following minimum BMPs must be implemented at all facilities:
- (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 on-site and arrange for proper disposal of waste products including, but not limited to, petroleum waste products, solid waste, de-icing/anti-icing products, and solvents.
  - (c) Store all paints, solvents, petroleum products, 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 countermeasures to prevent any spill 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 prevent the contamination of groundwater.
  - (d) Provide sediment and erosion control sufficient to prevent sediment loss off of the property, pollution of waters of the state, and to comply with the conditions of this permit, Missouri Clean Water Law, and the federal Clean Water Act (CWA). This may require the use of straw bales, silt fences, sediment basins, or other treatment structures.
  - (e) Provide good housekeeping practices on-site to keep solid waste from entering waters of the state.

STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Standard Conditions Part I dated August 01, 2014, and hereby incorporated as though fully set forth herein.

## 1. Water Quality Standards

- (a) To the extent required by law, discharges to waters of the state shall not cause a violation of Missouri Water Quality Standards (10 CSR 20-7.031), including both specific and general criteria.
- (b) General Criteria. The following 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 Solid Waste Law, Section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to Section 260.200-260.247, RSMo.

## 2. Changes in Discharges of Toxic Substances

The facility shall notify the department as soon as it knows or has reason to believe:

- (a) That an 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;
  - (3) Five hundred micrograms per liter (500 µg/L) for 2,5-dinitrophenol and for 2-methyl-4, 6-dinitrophenol;
  - (4) One milligram per liter (1 mg/L) for antimony;
  - (5) Five (5) times the maximum concentration value reported for the pollutant in the permit application; or
  - (6) The notification level established by the department in accordance with 40 CFR 122.44(f).
- (b) That the facility has begun or is expected to begin to use or manufacture as an intermediate product, by-product, final product, or waste product any toxic pollutant which was not reported in the permit application.
  - (1) Toxic pollutants shall consist of, but are not limited to pollutants listed in 10 CSR 20-7.031 Table A or 40 CFR 122 Appendix D.

STANDARD CONDITIONS (continued)

3. 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 Section 301(b)(2)(C) and (D), 304(b)(2)(A) and (B), and 307(a)(2) of the CWA, if the effluent standard or limitation issued or approved:
    - (1) Contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
    - (2) Controls any pollutant not limited in this permit.
  - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a wasteload allocation study, toxicity test, or other information indicates changes are necessary to assure compliance with Missouri Water Quality Standards (10 CSR 20-7.031).
  - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, an effluent limitation derived from a TMDL is developed for the receiving waters, which would then be included in a list of waters of the state not fully achieving Missouri Water Quality Standards.

The permit, as modified or reissued under this paragraph, shall also contain any other requirements of the CWA then applicable.

PERMIT RENEWAL

Unless this permit is terminated, the facility shall submit an application for the renewal of this permit ([www.dnr.mo.gov/forms/780-0795-f.pdf](http://www.dnr.mo.gov/forms/780-0795-f.pdf)) no later than thirty (30) days prior to the permit's expiration date. Failure to apply for renewal may result in termination of this permit and enforcement action to compel compliance with this condition and the Missouri Clean Water Law.

PERMIT TRANSFER

This permit may be transferred to a new owner by submitting an "Application for Transfer of Operating Permit" (<http://dnr.mo.gov/forms/780-1517-f.pdf>) signed by the seller and buyer of the facility along with the appropriate modification fee.

PERMIT TERMINATION

This permit may be terminated when activities covered by this permit have ceased and no significant materials [as defined by 10 CSR 20-6.200(1)(C)27.] remain on the property or if on the property, are stored in such a way as to have no potential for pollution. Proper closure of any storage structure is required prior to permit termination. In order to terminate this permit, the facility shall notify the department by submitting Form H ([www.dnr.mo.gov/forms/780-1409-f.pdf](http://www.dnr.mo.gov/forms/780-1409-f.pdf)).

DUTY OF COMPLIANCE

The facility shall comply with all conditions of this permit. Any noncompliance with this permit constitutes a violation of Chapter 644, Missouri Clean Water Law, 10 CSR 20-6, and 10 CSR 20-7. Noncompliance may result in enforcement action, termination of this permit, or denial of the facility's request for renewal.

## Missouri Department of Natural Resources Fact Sheet MO-R22B000, Wood Preserving/Treating

The Federal Water Pollution Control Act [Clean Water Act (CWA)] Section 402 of 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 CWA). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (permit) are issued by the Missouri Department of Natural Resources (department) under an approved program, operated in accordance with federal and state laws (Federal CWA and Missouri Clean Water Law Section 644 as amended). Permits are issued for a period of five (5) years unless otherwise specified.

Per 40 CFR 124.56, 40 CFR 124.8, and 10 CSR 20-6.020(1)(A)2., a Fact Sheet 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 permit. A Fact Sheet is not an enforceable part of a permit.

This Fact Sheet is for a:

- Master General Permit

### **Part I – Facility Information**

Facility Type: Industrial  
Facility SIC Code(s): 2491  
Facility Description: Stormwater discharge from facilities engaged in wood preserving/treating operations.

#### **CLARIFICATION:**

Outstanding National Resource Waters - At permit renewal, the department will examine monitoring reports submitted by a facility located within the watershed of an Outstanding National Resource Water to determine if this permit is still appropriate for the facility. If degradation of water quality has occurred, the department may require the facility to begin operating as a no-discharge facility under this permit or to apply for a site-specific permit.

### **Part II – Receiving Stream Information**

#### **APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:**

Per Missouri Effluent Regulations (10 CSR 20-7.015), the waters of the state are divided into seven (7) categories. This permit applies to facilities discharging to the following water body categories:

- Missouri or Mississippi River [10 CSR 20-7.015(2)]
- Lakes or Reservoirs [10 CSR 20-7.015(3)]
- Losing Streams [10 CSR 20-7.015(4)]
- Metropolitan No-Discharge Streams [10 CSR 20-7.015(5)]
- Special Streams [10 CSR 20-7.015(6)]
- Subsurface Waters [10 CSR 20-7.015(7)]
- All Other Waters [10 CSR 20-7.015(8)]

Missouri Water Quality Standards (10 CSR 20-7.031) defines the Clean Water Commission water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and/or 1<sup>st</sup> classified receiving stream's beneficial water uses shall be maintained in accordance with 10 CSR 20-7.031(4). The benchmarks established by this permit are intended to be protective of all streams that fall within the categories of receiving water bodies indicated above. A general permit does not take into consideration site-specific conditions.

#### **RECEIVING STREAM MONITORING REQUIREMENTS:**

There are no receiving water monitoring requirements recommended at this time.

### **Part III – Rationale and Derivation of Benchmarks & Permit Conditions**

#### **ANTI-BACKSLIDING:**

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

- Not Applicable: All effluent limitations in this permit are at least as protective as those previously established.

#### **ANTIDegradation:**

Antidegradation policies ensure protection of water quality for a particular water body on a pollutant by pollutant basis to ensure Water Quality Standards are maintained to support beneficial uses such as fish and wildlife propagation and recreation on and in the water. This also includes special protection of waters designated as Outstanding National Resource Waters (ONRW) and Outstanding State Resource Waters (OSRW) [10 CSR 20-7.031(3)(C)]. Antidegradation policies are adopted to minimize adverse effects on water. The department has determined that the best avenue forward for implementing the Antidegradation requirements into general permits is by requiring the appropriate development and maintenance of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must identify all Best Management Practices (BMPs) that are reasonable and effective, taking into account environmental impacts and costs. This analysis must document why no discharge or no exposure options are not feasible at the facility. This selection and documentation of appropriate control measures will then serve as the analysis of alternatives and fulfill the requirements of the Antidegradation Rule and Implementation Procedure 10 CSR 20-7.031(3) and 10 CSR 20-7.015(9)(A)5.

Any facility seeking coverage under this permit, which undergoes expansion or discharges a new pollutant of concern, must update their SWPPP and select new BMPs that are reasonable and cost effective. New facilities seeking coverage under this permit are required to develop a SWPPP that includes this analysis and documentation of appropriate BMPs. Renewal of coverage for a facility requires a review of the SWPPP to assure that the selected BMPs continue to be appropriate.

- Applicable: The pollutants of concern in this permit are listed in Table A-1 of this permit. Compliance with the effluent limitations established in this permit for the protection of General Criteria, along with the evaluation and implementation of BMPs as documented in the SWPPP, meets the requirements of Missouri's Antidegradation Review [10 CSR 20-7.031(3), 10 CSR 20-7.031 Table A, and 10 CSR 20-7.015(9)(A)5.].

#### **PUBLIC NOTICE OF COVERAGE FOR AN INDIVIDUAL FACILITY:**

Public Notice of reissuance of coverage is not required unless the facility has been found to be in significant noncompliance [10 CSR 20-6.020(1)(C)4.]. The need for an individual public notification process shall be determined and identified in the permit [10 CSR 20-6.020(1)(C)5.].

- Applicable: Issuance of coverage to an individual wood preserver/treater under this permit for the first time shall be placed on Public Notice for thirty (30) days in accordance with 10 CSR 20-6.020(1)(B) & (C)2.H.

#### **SCHEDULE OF COMPLIANCE (SOC):**

A schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (actions, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of a permit.

- Not Applicable: This permit does not contain a SOC.

#### **SETBACKS:**

Setbacks are common elements of permits and are established to provide a margin of safety in order to protect the receiving water from accidents, spills, unusual events, etc.

#### **STORMWATER POLLUTION PREVENTION PLAN (SWPPP):**

In accordance with 40 CFR 122.44(3)(k), BMPs are implemented to control or abate the discharge of pollutants when: (1) Authorized under Section 304(e) of the 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 [Developing Your Stormwater Pollution Prevention Plan, a Guide for Industrial Operators](#) (EPA 833-B-09-002; [www.epa.gov/npdes/pubs/industrial\\_swppp\\_guide.pdf](http://www.epa.gov/npdes/pubs/industrial_swppp_guide.pdf)) published by the United States Environmental Protection Agency (EPA) in February 2009, BMPs are measures or practices used to reduce the amount of pollution entering waters of the state. BMPs may take the form of a process, activity, or physical structure. EPA developed factsheets on the pollutants of concern for specific industries along with the BMPs to control and minimize stormwater (<http://water.epa.gov/polwaste/npdes/stormwater/Industrial-Fact-Sheet-Series-for-Activities-Covered-by-EPAs-MSGP.cfm>). Along with EPA's factsheets, the International Stormwater BMP database ([www.bmpdatabase.org/index.htm](http://www.bmpdatabase.org/index.htm)) may provide guidance on BMPs appropriate for specific industries.

Additionally in accordance with 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 stormwater discharges.

- Applicable: A SWPPP shall be developed and implemented for each site 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.

#### WASTELOAD ALLOCATIONS (WLA) FOR EFFLUENT LIMITATIONS:

Per 10 CSR 20-2.010(78), the amount of pollutant each discharger is allowed by the department 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: WLA are not required at this time, thus no calculations were completed.

#### 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 include in each NPDES permit conditions to achieve water quality established under Section 303 of the CWA, including state narrative criteria for water quality.

#### WHOLE EFFLUENT TOXICITY (WET) TEST:

Per 10 CSR 20-7.031(1)(FF), a toxicity test conducted under specified laboratory conditions on a specific indicator organism; and per 40 CFR Section 122.2, the aggregate toxic effect of an effluent measured directly by a toxicity 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 facility is not required to conduct a WET test.

### Part IV – Benchmarks Determination

Benchmark concentrations are not effluent limitations; benchmark exceedance, therefore, is not a permit violation. However, benchmark exceedance which causes degradation to an ONRW [10 CSR 20-7.031(3)(C)] may be in violation of water quality standards. Benchmark monitoring data is used to determine the overall effectiveness of control measures and to assist the facility in knowing when additional corrective action(s) may be necessary to comply with the technology based effluent limitations (TBEL). Failure to take corrective action is a violation of the permit.

#### BENCHMARKS FOR TABLE A-1:

PARAMETER	UNIT	BASIS FOR BENCHMARK	BENCHMARK	MODIFIED	PREVIOUS PERMIT BENCHMARK
Flow	gpd	1	*	NO	
Ammonia as N	mg/L	2	12.1	NO	
Biochemical Oxygen Demand <sub>5</sub>	mg/L	3, 9	45	YES	50
Oil & Grease	mg/L	3, 9	10	NO	
pH	SU	2	6.5 - 9.0	NO	
Total Suspended Solids	mg/L	3, 9	50	NO	
Arsenic, Total Recoverable	µg/L	2	20	NO	
Chromium III, Total Recoverable	µg/L	2	2,676.9	YES	976
Chromium VI, Dissolved	µg/L	2	15	NO	
Copper, Total Recoverable	µg/L	2	22.0	YES	25
Zinc, Total Recoverable	µg/L	2	180.3	YES	204
Acenaphthene	µg/L	2	1,200	NO	
Benzo(a)anthracene	µg/L	2	0.0044	NO	
Benzo(k)fluoranthene	µg/L	2	0.0044	NO	

Benzo(a)pyrene	µg/L	2	0.049	NO	
Chrysene	µg/L	2	0.0044	NO	
Dibenzo(a,h)anthracene	µg/L	2	0.0044	NO	
Fluoranthene	µg /L	2	300	NO	
Fluorene	µg /L	2	1,300	NO	
Indeno(1,2,3-cd)pyrene	µg/L	2	0.0044	NO	
Naphthalene	µg/L	2	20	NO	
Pentachlorophenol	µg/L	2	8.7	YES	15
2, chlorophenol	µg/L	2	0.1	NO	
2,4-dimethylphenol	µg/L	2	540	NO	
2,4-dinitrophenol	µg/L	2	70	NO	
2,4,5-trichlorophenol	µg/L	2	2,600	NO	
2,4,6-trichlorophenol	µg/L	2	2	NO	

\* Monitoring requirement only.

#### Basis for Limitations Codes:

- |   |                                    |
|---|------------------------------------|
| 1. State or Federal Regulation/Law          | 7. Antidegradation Policy          |
| 2. Water Quality Standard                   | 8. Water Quality Model             |
| 3. Water Quality Based Effluent Limitations | 9. Best Professional Judgment      |
| 4. Lagoon Policy                            | 10. TMDL or Permit in lieu of TMDL |
| 5. Ammonia Policy                           | 11. WET Test Policy                |
| 6. Antidegradation Review                   | 12. Dissolved Oxygen Policy        |

#### DERIVATION AND DISCUSSION OF BENCHMARKS:

The CWA requires that all NPDES discharges to Waters of the U.S. contain technology-based or water-quality based effluent limitations, whichever is more stringent. When the EPA has not established industry specific technology based Effluent Limitation Guidelines, Missouri uses EPA's *Technical Support Document for Water Quality Based Toxics Control (TSD)* method for calculating site-specific water-quality based effluent limitations. The TSD method is based on assumptions and statistics that apply to continuous discharges, not intermittent stormwater discharges and thus do not apply to this permit. Thus, it is the department's policy to consult the EPA's *Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)* or other applicable documents or guidance.

- **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 benchmarks. If the facility is unable to obtain effluent flow, then it is the responsibility of the facility to inform the department, which may require the submittal of a permit modification.
- **Ammonia as N:** This permit has a benchmark of 12.1 mg/L. Early Life Stages Present Total Ammonia Nitrogen criteria apply [10 CSR 20-7.031(5)(B)7.C. & Table B3]. Because the discharge is stormwater, and therefore of short duration, acute Water Quality Standards applied where available.
- **Biochemical Oxygen Demand (BOD<sub>5</sub>):** This permit has a benchmark of 45 mg/L, which has been determined to be feasible, affordable, and protective of water quality using best professional judgment. This value is consistently achieved in stormwater discharges by a variety of other industries with SWPPPs and is deemed protective of instream water quality.
- **Oil and Grease:** This permit has a benchmark of 10 mg/L, which has been determined to be feasible, affordable, and protective of water quality using best professional judgment. This value is consistently achieved in stormwater discharges by a variety of other industries with SWPPPs and is deemed protective of instream water quality.
- **Pentachlorophenol:** The previous permit utilized an unknown pH value in determining a benchmark of 15. An appropriate pH of 7.5 was chosen for this pollutant, resulting in a benchmark of 8.7 being established in this permit.
- **pH:** pH is not to be averaged. The effluent limitation range is 6.5 – 9.0 Standard pH Units (SU) per 10 CSR 20-7.031(5)(E). The existing effluent limitations are deemed protective and are carried over from the previous permit.
- **Total Suspended Solids:** This permit has a benchmark of 50 mg/L, which has been determined to be feasible, affordable, and protective of water quality using best professional judgment. This value is consistently achieved in stormwater discharges by a variety of other industries with SWPPPs and is deemed protective of instream water quality.
- **Metals:** Benchmarks for total recoverable metals were developed using methods and procedures outlined in the "The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from a Dissolved Criterion" (EPA 823-B-96-007). General warm-water fishery criteria apply and a water hardness of 162 mg/L is used in the conversion. The 162 mg/L default value for hardness was derived by calculating the 25<sup>th</sup> percentile of available statewide water quality data for hardness per 10 CSR 20-7.031(1)(BB). The value has historically been used as the default for water quality based effluent limit calculations in the state of Missouri where site-specific data are not available. The value is reasonable given the department's own data and data collected by the United States Geological Survey. Due to the absence of contemporaneous effluent and instream data for total recoverable

metals, dissolved metals, hardness, and total suspended solids with which to calculate metals translators, partitioning between the dissolved and absorbed phases was assumed to be minimal (Section 5.7.3, EPA/505/2-90-001). Freshwater criteria conversion factors for dissolved metals were used as the metals translator as recommended in guidance (Section 1.3, 1.5.3, and Table 1, EPA 823-B-96-007).

METAL	ACUTE CONVERSION FACTOR
Chromium III	0.316
Copper	0.960
Zinc	0.980

- **Arsenic, Total Recoverable:** This permit has a benchmark of 20 µg/L. Because the discharge is stormwater and therefore short in duration, this benchmark was set at the water quality standard for acute protection of aquatic life established in 10 CSR 20-7.031.
- **Chromium III, Total Recoverable:** This permit has a benchmark of 2,676.9 µg/L. Because the discharge is stormwater and therefore short in duration, this benchmark was calculated using the acute protection of aquatic life formula established in 10 CSR 20-7.031 [ $e^{(0.8190*\ln(\text{Hardness})+3.725666)}*0.316$ ]. A standard hardness of 162 mg/L was input into the formula [10 CSR 20-7.031(1)(BB)] and replaces the hardness of 193 mg/L that was utilized in the previous permit. This hardness value comes from ambient quality data gathered from gauging stations throughout the state. The value derived from the above formula was 845.9 µg/L, which represents Chromium III, Dissolved. To convert this value to Chromium III, Total Recoverable, 845.9 µg/L was divided by the acute conversion factor for Chromium III (0.316). The value derived was 2,676.9 µg/L, which is the benchmark in this permit.
- **Chromium VI, Dissolved:** This permit has a benchmark of 15 µg/L. Because the discharge is stormwater and therefore short in duration, this benchmark was set at the water quality standard for acute protection of aquatic life established in 10 CSR 20-7.031.
- **Copper, Total Recoverable:** This permit has a benchmark of 22.0 µg/L. Because the discharge is stormwater and therefore short in duration, this benchmark was calculated using the acute protection of aquatic life formula established in 10 CSR 20-7.031 [ $e^{(0.9422*\ln(\text{Hardness})-1.700300)}*0.960$ ]. A standard hardness of 162 mg/L was input into the formula [10 CSR 20-7.031(1)(BB)] and replaces the hardness of 193 mg/L that was utilized in the previous permit. This hardness value comes from ambient quality data gathered from gauging stations throughout the state. The value derived from the above formula was 21.2 µg/L, which represents Copper, Dissolved. To convert this value to Copper, Total Recoverable, 21.2 µg/L was divided by the acute conversion factor for Copper (0.960). The value derived was 22.0 µg/L, which is the benchmark in this permit.
- **Zinc, Total Recoverable:** This permit has a benchmark of 180.3 µg/L. Because the discharge is stormwater and therefore short in duration, this benchmark was calculated using the acute protection of aquatic life formula established in 10 CSR 20-7.031 [ $e^{(0.8473*\ln(\text{Hardness})+0.884)}*0.980$ ]. A standard hardness of 162 mg/L was input into the formula [10 CSR 20-7.031(1)(BB)] and replaces the hardness of 193 mg/L that was utilized in the previous permit. This hardness value comes from ambient quality data gathered from gauging stations throughout the state. The value derived from the above formula was 176.7 µg/L, which represents Zinc, Dissolved. To convert this value to Zinc, Total Recoverable, 176.7 µg/L was divided by the acute conversion factor for Zinc (0.980). The value derived was 180.3 µg/L, which is the benchmark in this permit.
- **All Other Benchmarks:** Set at water quality standards established in 10 CSR 20-7.031.

#### **SAMPLING FREQUENCY:**

Sampling frequency is established in accordance with department policy. Because of the variability of precipitation occurring in Missouri, it is the permit writer's best professional judgment that quarterly sampling (one sample for each season of the year) is the minimal amount of sampling necessary to obtain a representative set of data on a stormwater discharge. If no discharges occur during a sampling period, report as "no discharge."

Quarterly sampling ensures seasonal variations in stormwater discharges are adequately characterized as it pertains to the ability of BMPs to meet established benchmark values. The permit requires the facility to develop and maintain a SWPPP which identifies BMPs that are used on the site to control and reduce the discharge of water contaminants via stormwater as a result of the regulated industrial activity. In absence of gathered data, the department is unable to determine if the installed BMPs are being adequately maintained and protecting water quality. Thus the department has increased stormwater sampling to quarterly and asked the facility to compare the sample results from the quarterly sampling to the benchmarks in the permit. This will aid in identifying inadequate BMPs that need to be fixed. It is common to see the department improve a permit over time as the department deals with compliance issues and water quality impacts. This change is one such instance where the department has identified a lack of sampling as being an issue in determining whether or not a sector of stormwater regulated facilities is truly maintaining their BMPs at a level that is reasonably acceptable and protective of water quality when dealing with industrial stormwater.

## **Part V – Administrative Requirements**

On the basis of preliminary staff review and 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 permit. The proposed determinations are tentative pending public comment.

### **PUBLIC NOTICE:**

The department shall give public notice that a draft permit has been prepared and its issuance is pending. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest or because of 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 facility must be notified of the denial in writing.

The department must give public notice of a pending permit or of a new or reissued Missouri State Operating Permit. The public comment period is a length of time not less than thirty (30) days following the date of the public notice, during which interested persons may submit written comments about the proposed permit.

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

- The Public Notice period for this permit was from March 06, 2015 through April 06, 2015. One letter was received during the 30 day Public Notice period.

The summarized comments from the letter and the department's responses to the comments are below and are in reference to the Public Noticed version of this permit.

#### Comment 1:

Paragraph two of the applicability section: paragraph is not needed as it is repetitive of paragraph one.

#### Response 1:

The department has combined paragraph one and two to eliminate the redundancy. Thank you for highlighting the repetitive language in the draft permit.

#### Comment 2:

Paragraph seven of the applicability section: in the previous permit, discharges from facilities were required to be setback 500 feet from wetlands in order for the facility to qualify for the general permit. In the renewal permit, the setback has been reduced to 100 feet from wetlands. Justification for the setback has not been provided in the permit and thus the setback should be removed from the permit.

#### Response 2:

Wetlands in Missouri are a diverse resource, which is one of the reasons they lack the protections of specific criteria at this time. The department adds general permit applicability setbacks into permits to ensure the general permit remains protective of sensitive and unique resources such as wetlands. While it is true that wetlands are protected by general criteria, they can be adversely impacted more easily since they are unique and not part of the state's routine monitoring. For this reason the department has determined that discharges less than 100 feet from a wetland must be permitted via a site specific permit. The wetland setback is a permit applicability determination to help ensure that the appropriate permitting vehicle is utilized to aid in protecting a wetland's ecological services, specifically protecting wetlands from hydrologic changes per 10 CSR 20-7.031(4)(G).

#### Comment 3:

Paragraph eight of the applicability section: the first sentence is not necessary.

#### Response 3:

The department agreed with this comment and additionally concluded that all of paragraph eight could be removed from the permit.

Comment 4:

Paragraphs nine and ten of the applicability section appear to be contradictory. Additionally, there is some concern with language in paragraph ten that an exceedance of benchmarks is considered to cause degradation to the protected waters.

Response 4:

Thank you for highlighting that these two paragraphs were confusing and that clarification was needed. The department has re-worded the two paragraphs, clarifying their intent. In regard to your second concern, benchmarks have been determined to be protective of water quality as long as their values are being met. The department determined through best professional judgement that discharges exceeding benchmark values would cause degradation to specially designated waters. Degradation is a lowering of the existing level of water quality in a water body.

Comment 5:

Paragraph twelve of the applicability section: Paragraph unnecessarily limits facilities discharging to a stream listed on the 305(b) report from obtaining the permit.

Response 5:

The applicability statement in question, now paragraph ten, does not mandate that facilities discharging a pollutant of concern into an impaired water must obtain a site specific permit, but instead gives the department flexibility to require a more protective permit in order to ensure water quality is not impacted. Facilities may be in the watershed of an impaired water and still qualify for this general permit.

Comment 6:

The monitoring frequency for pollutants has doubled from twice per year to quarterly. The department has not justified the change in sampling, thus the sampling frequency should remain at twice per year.

Response 6:

Thank you for highlighting the lack of justification; justification for quarterly sampling has been provided. The justification can be found on page 6 of the fact sheet under Sampling Frequency.

Comment 7:

Paragraph two of the Monitoring Requirements section: For the 21 parameters (excludes Flow, Ammonia as N, Biochemical Oxygen Demand, Oil and Grease, pH, and Total Suspended Solids) requiring sampling, MFPA requests that two consecutive samples of non-detect for the 21 parameters result in sampling no longer being required for those 21 parameters. This would replace the requirement for non-use of a chemical in the last five years. Additionally, clarification is requested in regard to what should be submitted when a sample is below the detection limit. Clarification within the permit is also requested in regard to when and when not to report "0" on DMRs.

Response 7:

The department appreciates the alternative proposal presented in the comment letter, but has chosen to maintain the current language in the permit regarding submitting a petition to the department when a listed pollutant is not in any chemical used in the last 5 years. Based on your comments, language has been added to the permit that clarifies what to submit on Discharge Monitoring Reports (DMR) and when to submit "0" on a DMR. Permits issued under a Master General Permit cannot be tailored. As a result, reporting "0" is necessary because the department's tracking system requires a number be entered for each pollutant for each sampling period in the permit.

Comment 8:

Paragraph three in the monitoring requirements section discusses how failure to improve Best Management Practices or take corrective action is a permit violation. Paragraph four in the monitoring requirements section discusses how a corrective action report (CAR) may be approved by the department that demonstrates a benchmark cannot be achieved at the site. Clarification is needed on how a CAR is approved and if the two paragraphs conflict with each other.

Response 8:

The department feels that the two paragraphs are sufficiently clear in explaining the distinction between the two situations; no additional language was added. Additionally, the approval process of a CAR is unique to each situation and thus the department does not feel comfortable outlining a template of approval.

Comment 9:

The department has changed the benchmark for five parameters in the permit, but has not provided the justification for the change. Since no justification has been presented, the benchmarks should be carried over from the previous permit.

Response 9:

Thank you for your comment. Additional clarification and justification was added to the permit factsheet in regard to the metals benchmarks and for Pentachlorophenol.

Comment 10:

Part of the Stormwater Pollution Prevention Plan requirement is that deficiencies must be corrected within seven days. Corrective action could take more than seven days, so this requirement could put facilities in violation of their permit.

Response 10:

The permit addresses this issue later in the same paragraph. Facilities are able to request additional time to complete corrective action if necessary; justification for the extension must be provided.

**DATE OF FACT SHEET:** JANUARY 31, 2015

**COMPLETED BY:**

**JOSHUA ERNST**

**ENVIRONMENTAL SPECIALIST**

**MISSOURI DEPARTMENT OF NATURAL RESOURCES**

**WATER PROTECTION PROGRAM**

**OPERATING PERMITS SECTION**

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