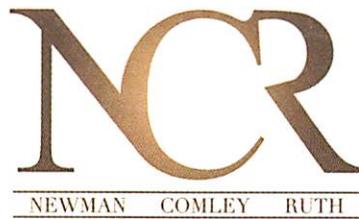


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April 10, 2015

VIA EMAIL ONLY

Missouri Department of Natural Resources
Water Protection Program
ATTN: NPDES Permits and Engineering Section/Permit Comments
P.O. Box 176
Jefferson City, MO 65102-0176
publicnoticenpdes@dnr.mo.gov

RE: Wood and Lumber Master General Permit No. MO-R22B000
Public Notice – March 6, 2015

To Whom It May Concern:

I am submitting comments in regards to the above-referenced public notice on behalf of the Missouri Forest Products Association (MFPA). MFPA thanks you very much for the opportunity to submit these comments.

Comment No. 1: Applicability ¶ 2 (Page 2). This paragraph is not needed because paragraph 1 already allows other facilities with similar SIC codes and operations similar to wood preserving and/or treating operations to apply for the permit. Therefore, if they do not apply for this permit, by default they will be required to apply for another general permit or site specific permit.

Comment No. 2: Applicability ¶ 7 (Page 2). MDNR added a new restriction for discharges within 100 feet of a wetland or mitigated wetland. Formally it was 500 feet. The Department has not justified this restriction. Wetlands do not have specific numeric criteria applied to them, therefore only the general criteria are applicable. This permit already imposes requirements of the general water quality criteria. Therefore, this restriction is not necessary and should be removed.

Comment No. 3: Applicability ¶ 8 (Page 2). The first sentence of this paragraph is not necessary because the permit already imposes BMPs and authorizes discharges to Class C or P streams.

Comment No. 4: Applicability ¶¶ 9-10 (Page 3). Paragraphs 9 and 10 seem to be contradictory. Paragraph 9 does not allow the discharge of stormwater to Outstanding National Resource Waters (ONRW) (“this permit does not authorize a no-discharge facility to discharge stormwater.”). Paragraph 10 “authorizes discharge facilities to discharge stormwater within the watershed of an ONRW.”

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If a facility operates as a no-discharge facility, it is not required to obtain a permit.

Paragraph 10 says that any exceedance of a benchmark “is considered to cause degradation” of the ONRW and the facility must take corrective action to meet the benchmarks. The permit already requires corrective action to meet the benchmarks. An exceedance of a benchmark is not evidence that water quality in an ONRW is actually degraded. Therefore, the permit should not pre-judge individual situations by considering a benchmark exceedance as degradation of ONRW. Doing such implies that the facility violated water quality standards and is in violation of the Missouri Clean Water Law. The Department should not make this finding without any evidence.

Comment No. 5: Applicability ¶ 12 (Page 3). This paragraph is not necessary. This permit is designed to protect water quality and the MDNR should not prevent a facility from obtaining this permit just because a receiving stream is identified in the 305(b) report.

Comment No. 6: Monitoring Requirements – Table A-1 (Page 4). The monitoring frequency has doubled from twice per year to one/quarter. MFPA requests that the sampling frequency remain the same. The Department has not justified doubling the sampling frequency.

Comment No. 7: Monitoring Requirements ¶ 2 (Page 5). This paragraph says that a facility that no longer uses one of the 21 listed parameters may petition the Department for approval to report “0” on the sample report. In lieu of this requirement, MFPA request that the Department utilize a different approach. MFPA suggest that if two consecutive samples report non-detect of any of the 21 parameters, then the facility no longer has to monitor for that parameter. If they do not monitor for that parameter, then the parameter is not reported (left blank) on the Discharge Monitoring Report.

If the MDNR approves a petition referred to in ¶ 2, and the facility reports “0” on the sample report, what does that mean? If the facility is not required to sample for the parameter, it should not report a result. Reporting a result of “0” is misleading because it implies a sample was taken. But if a sample was collected and the result is non-detect, the permit requires the facility to report “the detection limit of the analysis.” It should report the result as “<” detection limit.

The last part of paragraph 2 states that it is a “criminal” offense to report “0” if a facility is using that chemical at the facility. A facility may have reported “0” on its DMR because a lack of knowledge or a mistake – these are not criminal acts. Therefore, it is presumptive and inappropriate to classify this scenario as criminal.

Comment No. 8: Applicability ¶¶ 3-4 (Page 5). Paragraph 3 says that it is a permit violation to fail to improve BMPs or take corrective action to address a benchmark exceedance and failure to make tangible progress to achieving a benchmark. This is not true if the Department approved a CAR that explains that the benchmark is unachievable using available technology, or because no further pollutant reductions are technologically available or economically practicable in light of best industry practices. However, paragraph 4 says that if the Department approves a CAR that

demonstrates the facility cannot achieve the benchmark through the application of BMPs representing available technology, it would not be a permit violation.

The last sentence of paragraph 4 says that the demonstration of infeasibility “must be presented to the Department for review and approval.” There is no explanation of what “approval” of the CAR means in regards to a permit violation. I assume it means that the facility must maintain current BMPs and that future benchmark exceedances will not be permit violations. If so, the permit should clearly state as such.

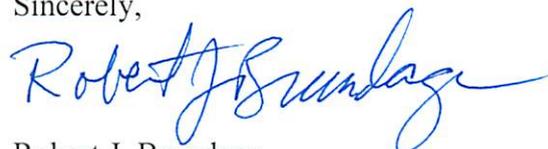
Comment No. 9: Monitoring Requirement ¶ 5 (Page 6). The Department has lowered the benchmarks for at least five parameters (BOD, Chromium III, Copper, Zinc and Pentachlorophenol). The Department has not justified lowering these exceedances. Therefore, they should remain the same from the previous permit. The Fact Sheet seems to imply that many of these benchmarks are based upon water quality standards. Since this is a stormwater permit, stormwater discharges occur during times of rainfall and the receiving stream will always have flow. If the permit’s limits were calculated assuming the receiving stream has no flow (7Q10 of zero, or no mixing zone), these limits are conservative and overly protective.

Comment No. 10: Standard Condition ¶ 1 (Page 7). This paragraph requires a SWPPP and says that “deficiencies must be corrected within seven (7) days” It is not uncommon that a deficiency (BMPs not meeting benchmark) is incapable of being corrected within seven days. In some instances corrective action may require capital expenditures, may require budgeting, engineering design and extended construction schedules that could take months if not a year or more to implement. Therefore, this requirement will put a facility in violation when it is trying to implement appropriate BMPs that are difficult to implement.

On behalf of MFPA, we again appreciate the opportunity to comment on this draft permit.

Sincerely,

By:



Robert J. Brundage
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RJB:la
ec: MFPA