



STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

[www.dnr.mo.gov](http://www.dnr.mo.gov)

**JUL 10 2015**

Mr. Robert Brundage  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
Jefferson City, MO 65102

Dear Mr. Brundage:

Thank you for submitting your letter dated April 10, 2015, in which you commented on the Missouri State Operating Permit MO-R22B000 (Wood Preserving). The Missouri Department of Natural Resources' Water Protection Program (DNR) appreciates the time you have taken to participate in the public comment period, which expired on April 6, 2015, (an extension to April 10, 2015, was granted to Missouri Forest Products Association). The summarized comments from the letter and DNR's responses to the comments are below and are in reference to the Public Noticed version of the MO-R22B000 permit:

Comment 1:

Paragraph 2 of the "Applicability" Section: Paragraph is not needed as it is repetitive of Paragraph 1.

Response 1:

DNR has combined Paragraphs 1 and 2 to eliminate the redundancy. Thank you for highlighting the repetitive language in the draft permit.

Comment 2:

Paragraph 7 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. DNR 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 DNR has determined that discharges less than 100 feet from a wetland must be permitted via a



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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 8 of the "Applicability" Section: The first sentence is not necessary.

Response 3:

DNR agreed with this comment and additionally concluded that all of Paragraph 8 could be removed from the permit.

Comment 4:

Paragraphs 9 and 10 of the "Applicability" Section appear to be contradictory. Additionally, there is some concern with language in Paragraph 10 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 clarification was needed. DNR 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. DNR 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 12 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 10, does not mandate that facilities discharging a pollutant of concern into an impaired water must obtain a site-specific permit, but instead gives DNR 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. DNR has not justified the change in sampling, thus the sampling frequency should remain at twice per year.

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Response 6:

Thank you for highlighting the lack of justification; justification for quarterly sampling has been provided. The justification can be found on Page 5 of the fact sheet under “Sampling Frequency.”

Comment 7:

Paragraph 2 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, Missouri Forest Products Association 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 Discharge Monitoring Reports (DMRs).

Response 7:

DNR 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 DNR when a listed pollutant is not in any chemical used in the last five years. Based on your comments, language has been added to the permit that clarifies what to submit on DMRs 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 DNR’s tracking system requires a number be entered for each pollutant for each sampling period in the permit.

Comment 8:

Paragraph 3 in the “Monitoring Requirements” Section discusses how failure to improve Best Management Practices or take corrective action is a permit violation. Paragraph 4 in the “Monitoring Requirements” Section discusses how a corrective action report (CAR) may be approved by DNR 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:

DNR feels 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 DNR does not feel comfortable outlining a template of approval.

Comment 9:

DNR 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.

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Response 9:

Thank you for your comment. Additional clarification and justification was added to the permit fact sheet 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.

Thank you again for your comments on MO-R22B000. The issued MO-R22B000 Master General Permit can be found at [www.dnr.mo.gov/env/wpp/permits/wpcpermits-stormwater.htm](http://www.dnr.mo.gov/env/wpp/permits/wpcpermits-stormwater.htm). If you have any questions or require more information regarding MO-R22B000, please contact Mr. Joshua Ernst of my staff by phone at (573) 751-1142, or by mail at the Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in black ink, appearing to read "Chris Wieberg", with a long, sweeping underline that extends to the right.

Chris Wieberg, Chief  
Operating Permits Section

CW:jep