

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

UNDERGROUND INJECTION CONTROL

Permit No. UI-0000037

Owner: Dean Realty Co.
Address: 10 East Cambridge Circle Dr., Suite 300, Kansas City, KS 66103

Continuing Authority: Same as above
Address: Same as above

Facility Name: Dean Realty, Greystone Mine Ash Injection Project
Facility Address: East Bi-State Dr. Kansas City, MO 64108

Legal Description: NW 1/4, NW 1/4, Sec. 18, T49N, R33W, Jackson County
Latitude/Longitude: +3904431/ - 9436180

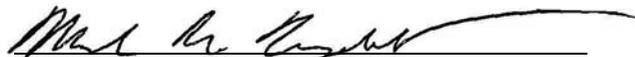
Receiving Stream: Missouri River (P)
First Classified Stream and ID: Missouri River (P) (356)
USGS Basin & Sub-watershed No.: (10270104-060070)

FACILITY DESCRIPTION

Underground Injection – SIC #1629

Flyash slurry injection for ground stabilization into an 11 acre abandoned underground limestone mine in the Bethany Falls Member of the Swope Formation. No discharge is associated with this project. Mine voids to be filled are above groundwater table.

July 2, 2009
Effective Date


Mark N. Templeton, Director, Department of Natural Resources

July 1, 2014
Expiration Date


Robert K. Morrison, P.E., Chief, Water Pollution Control Branch

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS				PAGE NUMBER 2 of 6		
				PERMIT NUMBER UI-0000037		
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 upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
					MEASUREMENT FREQUENCY	SAMPLE TYPE
Cubic Yards of ash injected. See Special Conditions for map requirement.	Cu yds	*		*	Once/year	Report
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>January 28, 2010</u> .						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED STANDARD CONDITIONS FOR UNDERGROUND INJECTION CONTROL 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. Report as no-discharge when a discharge does not occur during the report period.
3. There shall be no release of polychlorinated biphenyl compounds (PCBs) to waters of the state at or above the level of quantification currently defined as 1 µg/L or 1 ppb.
4. Once per year the permittee shall report the amount of ash injected and submit a map at a scale of one inch equals 1000 feet on a USGS topographic map base showing where the ash was injected during the preceding year. These shall be sent to Permits and Engineering Unit, Water Protection Program, P.O. Box 176, Jefferson City, MO 65109.
5. Ash shall not be allowed to escape into nearby ditches or creeks after offloading from trucks and prior to injection.

STANDARD CONDITIONS FOR UNDERGROUND INJECTION CONTROL PERMIT

GENERAL CONDITIONS

Section A – MONITORING AND REPORTING

1. Representative Sampling

- (a) Samples and measurements taken as required herein shall be representative of the nature and volume.

Monitoring results shall be recorded and reported, postmarked no later than the 28th day of the month following the completed reporting period. Signed copies of these, and all other reports required herein, shall be submitted to the appropriate regional office and the Division of Geology and Land Survey, P.O. Box 250, Rolla, Missouri 65401.

2. Definitions

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

3. Test Procedures

Test procedures for the analysis of pollutants shall be in accordance with the Missouri Clean Water Commission Effluent Regulation 10 CSR 20-7.015.

4. Recording of Results

- (a) For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:
- (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
- (b) The Federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or both.
- (c) Calculations of all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

5. Additional Monitoring by Permittee

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

Section A – MONITORING AND REPORTING (continued)

6. Records Retention

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 this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

SECTION B – MANAGEMENT REQUIREMENTS

1. Noncompliance Notification

- (a) If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum limitation specified in this permit, the permittee shall provide the Department with the following information, in writing within five (5) days of becoming aware of such condition:
 - (1) A description of the violation and cause of noncompliance, and
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, that anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncompliance.
- (b) Twenty-four hour reporting. The permittee shall report any noncompliance, which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

2. Facilities Operation

Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions.

3. Adverse Impact

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

4. Removed Substances

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

SECTION B – MANAGEMENT REQUIREMENTS (continued)

5. Right of Entry

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

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

6. Permits Transferable

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

7. Availability of Reports

Except for data determined to be confidential under the Missouri Clean Water Commission Regulation for Public Participation, Hearings and Notice to Governmental Agencies 10 CSR 20-6.020, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by statute, operating data shall be subject to the imposition of criminal penalties as provided for in Section 644.076 of the Law.

8. Permit Modifications

- (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:
 - (1) violation of any terms or conditions of this permit or the Law;
 - (2) having obtained this permit by misrepresentation or failure to disclose fully all relevant facts;
 - (3) a change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge, or
 - (4) any reason set forth in the Law and Regulations.

9. Civil and Criminal Liability

Except as authorized by statute nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

10. State Laws

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

SECTION B – MANAGEMENT REQUIREMENTS (continued)

11. Property Rights

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

12. Duty to Reapply

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

13. Signatory Requirement

All reports or information submitted to the Director shall be signed.

14. Rights Not Affected

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

15. Severability

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

Missouri Department of Natural Resources
FACT SHEET FOR
DEAN REALTY, GREYSTONE MINE ASH INJECTION
MO-UI-0000037 JACKSON COUNTY, MISSOURI

Missouri State Underground Injection Permits (UI) 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. UIs are issued for a period of five 5) years unless otherwise specified.

This factsheet has been prepared to give pertinent information regarding the applicable regulations, rationale for the development of permit conditions, and the public participation process for the UI Permit.

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

Part I – Facility Information

Legal Description: NW1/4 NW1/4 Sec. 18, T49N, R33W, Jackson County
Latitude/Longitude +3904431/ - 9436180
Closest Stream: Missouri River (P)
Closest Classified Stream and ID: Missouri River (P) (356)
USGS Basin & Sub-watershed No.: (10270104-060070)

Part II – Rationale and Derivation of Effluent Limitations & Permit Conditions

This facility does not discharge, therefore effluent limits were not developed for this permit. This permit only authorizes the injection of slurry into mine voids. The slurry solidifies and does not discharge from the mine. The permit requires a yearly map and the amount of ash injected to be reported.

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.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP):

A plan to schedule activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. The plan may include, but is not limited to, treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Not Applicable ;

At this time, the permittee is not required to develop and implement a SWPPP.

Part III – 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.

PUBLIC NOTICE:

As per the Missouri Clean Water Law, the Missouri Clean Water Commission, and the federal Clean Water Act, persons wishing to comment on Missouri State Operating Permits are directed to do so by a department approved Public Notice coversheet. This Public Notice coversheet is attached to a Missouri State Operating Permit during the Public Notice period.

- The Public Notice period for this operating permit is tentatively schedule to begin in March 2009 or is in process.

- The Public Notice period for this operating permit was from (DATE) to (DATE). Responses to the Public Notice of this operating permit warrant the modification of effluent limits and/or the terms and conditions of this permit. (Please explain). (Also if applicable – Due to the major modifications of this permit, this operating permit is to be placed on Public Notice again, which is tentatively scheduled to begin on (DATE) or is in process.

- The Public Notice period for this operating permit was from (DATE) to (DATE). No responses received or responses to the Public Notice of this operating permit do not warrant the modification of effluent limits and/or the terms and conditions of this permit.

DATE OF FACT SHEET: FEBRUARY 27, 2009

COMPLETED BY:

**TIM STALLMAN, RG, ENVIRONMENTAL SPECIALIST
NPDES PERMITS UNIT
PERMITTING AND ENGINEERING SECTION
WATER PROTECTION PROGRAM**