

Cape Girardeau County  
Strack Excavating  
MOG491196

May 26, 2011

Strack Excavating, LLC  
5120 State Highway 74  
Cape Girardeau, MO 63701

Dear Permittee:

Pursuant to the Federal Water Pollution Control Act, under the authority granted to the State of Missouri and in compliance with the Missouri Clean Water Law, the department has issued and is enclosing a General State Operating Permit for Strack Excavating.

Please review the requirements of your permit. Monitoring reports that may be required by this permit must be submitted on a periodic basis. Copies of the necessary report forms, if required, are enclosed for your use. Please contact this office if additional forms are needed.

This general permit is both your federal discharge permit and your new state operating permit and replaces all previous state operating permits and letters of approval for the discharges described within. In all future correspondence regarding this permit, please refer to your general permit number as shown on page one of your permit.

If you were affected by this decision, you may appeal to have the matter heard by the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission.

If you have questions concerning this permit, please do not hesitate to contact Mr. Tim Southards by calling (573)840-9750.

Sincerely,

SOUTHEAST REGIONAL OFFICE

Original signed by Gary L. Gaines

Gary L. Gaines, P.E.  
Regional Director

GLG/tsk

Enclosure

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.: MOG491196

Owner: Jo Wayne Strack  
Owner's Address: 5120 State Highway 74, Cape Girardeau, MO 63701

Continuing Authority: Same as above  
Continuing Authority's Address: Same as above

Facility Name: Strack Excavating, LLC  
Facility Address: 5154 US Highway 61, Jackson, MO 63755

Legal Description: NE ¼, LG 2192, Cape Girardeau County  
UTM Coordinates: X=797937, Y=4148023

Receiving Stream: Unnamed Tributary to Hubble Creek (U)  
First Classified Stream and ID: Hubble Creek (C) 2202  
USGS Basin & Sub-watershed No.: (07140107-060001)

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

**FACILITY DESCRIPTION**

All Outfalls (As listed in permit application)– SIC #1422 and SIC Major Group Codes 29 and 32  
Stormwater and other specified discharges from limestone and other rock quarries, concrete, glass, and asphalt industries.

This permit authorizes only wastewater 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 Section 644.051.6 of the Law.

October 6, 2006                      May 26, 2011  
Effective Date                      Date                      Sara

Original signed by Sara Parker Pauley  
Parker Pauley, Director, Department of Natural Resources

October 5, 2011  
Expiration Date                      Gary

Original signed by Gary L. Gaines  
L. Gaines, P.E., Regional Director, Southeast Regional Office

<b>A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS</b>					PAGE NUMBER 2 of 6	
					PERMIT NUMBER MOG491196	
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	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Non-stormwater Discharges (Note 1)</u>						
Flow	gpd	*		*	once/quarter**	24 hour estimate
Total Suspended Solids	mg/L	70		70	once/quarter**	grab
Oil and Grease	mg/L	15		10	once/quarter**	grab
pH – units	SU	***		***	once/quarter**	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>July 28, 2011</u> .						
<u>Stormwater Discharges (Note 2)</u>						
Flow	gpd	*		*	once/year	24 hour estimate
Settleable Solids****	mL/L/hr	1.5		1.0	once/year	grab
Oil and Grease	mg/L	15		10	once/year	grab
pH - units	SU	***		***	once/year	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>October 28, 2011</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
<b>B. STANDARD CONDITIONS</b>						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Part I</u> STANDARD CONDITIONS DATED <u>October 1, 1980 and August 15, 1994</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- \* Monitoring requirement only.
- \*\* Sample once per quarter in the months of March, June, September, and December.
- \*\*\* pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0 pH units.
- \*\*\*\* An emergency exceedence of effluent limitations for Settleable Solids is authorized due to precipitation exceeding the highest 1-in-10-year, 365-day rainfall or the highest 25-year, 24-hour storm event. The burden of proof lies with the permit holder to document that the precipitation event occurred. This exemption from effluent limits does not apply to dry weather flows such as dewatering of pits.

Note 1 – Non-stormwater discharges shall include wastewater generated from process-related activities such as truck washing, and all dry-weather discharges from processing plants and mine pit dewatering.

Note 2 – The annual report for stormwater discharge monitoring is due by October 28<sup>th</sup> of each calendar year. Sampling may occur in any month.

APPLICABILITY

1. This permit authorizes the following discharges from limestone and other rock quarries, concrete plants, concrete products industries, asphalt plants, glass products industries, and clay products industries (excluding clay pits and mining which are covered under MO-G84 permit):
  - (a) Stormwater runoff
  - (b) Quarry pit or mine de-watering
  - (c) Vehicle and equipment wash water without added detergents, acids, caustics, solvents, or other additives
2. Vehicle and equipment washing with detergents, acids, caustics, solvents, or other additives is authorized if the total volume of water used is less than 500 gallons per day and the wash water is not discharged. This means that the wash water with said additives must not enter settling basins or other treatment device, it must soak into the ground, evaporate, or be contained in a tank on site.
3. This permit does not authorize the mining activity, only water discharges that result from the activity. A permit authorizing mining activities must be obtained from the Land Reclamation Program.
4. This permit does not apply to any of the following:
  - (a) Mining operations other than limestone and other rock quarries
  - (b) Quarries producing any products other than crushed rock, dimension rock, lime, asphalt, or concrete
  - (c) Sand and gravel washing operations (covered by MO-G50)
  - (d) Clay pits or clay mining operations (covered by MO-G84)
  - (e) Any discharges other than those described under item 1 of this section
  - (f) Any discharges within 300 feet of wetlands or waters that have been identified as losing streams, or a lake or reservoir used for public drinking water supplies, or within 1,000 feet of designated critical habitat for endangered species or biocriteria reference streams. Facilities with discharges located in these areas must apply for a site-specific permit.
5. This permit does not apply to facilities that would discharge to Outstanding National Scenic and State Resource Waters and drainages thereto, as defined in 10 CSR 20-7.015(6).
6. Holders of current individual, site-specific permits who desire to apply for inclusion under this general permit should contact the department for application requirements and procedures.
7. The director may require any permittee authorized by a general permit to apply for and obtain an individual operating permit. Any interested person may petition the department to take action under this subsection. Cases where an individual operating permit may be required include, but are not limited to, the following:
  - (a) The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving stream;
  - (b) The discharger is not in compliance with the conditions of the general operating permit;
  - (c) A Water Quality Management Plan (or Total Maximum Daily Load) containing requirements applicable to these point sources is approved.
8. If at any time, the owner of the permitted facility should desire to apply for an individual permit, the owner may do so.
9. This permit may be transferred to a new owner by submitting an "Application for Transfer of Operating Permit" signed by the seller and buyer of the facility, along with the appropriate modification fee.
10. Concrete and/or asphalt plants contained within the boundaries of a quarry may be included under one permit.
11. Facilities that are located within the watershed of the 303(d) listing of impaired waters will need to be evaluated, on a case-by-case basis, for inclusion under this general permit. Facilities that are found to be discharging the listed pollutant(s) of concern may be required to obtain a site-specific permit.
12. This permit does not authorize discharges of waste material, such as concrete and water from washing of concrete delivery trucks, into waters of the state. This permit does not authorize discharges to waters of the state from any location other than the outfalls described on page one of this permit. Waste concrete from delivery trucks shall be washed into a dedicated shallow depression or other device designed to capture the concrete and allow it to dry. Washing waste concrete into waters of the state or in a location where it is likely to enter waters of the state, such as a drainage ditch, is prohibited by State Law and Regulations (644.051 RSMo, 10 CSR 20-6.010).

### MONITORING AND REPORTING REQUIREMENTS

1. Non-stormwater discharges are those caused by something other than stormwater runoff and include mine pit dewatering, vehicle and equipment wash water and all dry-weather discharges from processing plants. This permit does not authorize the discharge of waters with added detergents, acids, caustics, solvents, or other additives, except as allowed under Applicability #2 above.
2. Stormwater samples shall be collected within the first 60 minutes of storm events of 0.1 inches or greater, that result in a discharge.
3. Samples shall be collected prior to or at the property boundary or before the discharge enters waters of the state on the property.
4. The parameters in Table A are to be monitored or collected and analyzed quarterly in the months of March, June, September and December. The facility is to submit the results of the monitoring and sampling to the department on a quarterly basis by the deadline established in Table A. If a discharge does not occur during the quarter, the facility shall submit a report of no discharge to the department.

### OTHER REQUIREMENTS

1. Permittee shall provide sediment and erosion control sufficient to prevent pollution to waters of the state and comply with the effluent limitations and other permit conditions. This may require the construction of properly designed sediment basins or other treatment structures. The permittee shall not allow mined material or overburden to enter waters of the state.
2. If vehicle or equipment washing/rinsing is conducted at the facility or other similar process wastewater is generated, permittee shall treat the resulting wastewater prior to discharge to waters of the state in order to meet the effluent limitations and other permit conditions. A construction permit must be obtained from the department prior to construction of any treatment structure or device.
3. If dumping or disposal of waste concrete, waste asphalt, waste clay or glass products, or waste rock is conducted at the facility, permittee shall prevent the material from entering waters of the state. Any resulting wastewater or leachate from these activities must be treated prior to discharge. Discharging these materials into waters of the state during off site activities is also prohibited.
4. Permittee shall prevent the spillage or loss of fluids, oil, grease, fuel, etc. from vehicle maintenance, equipment maintenance, or warehousing activities and thereby prevent the contamination of stormwater from these substances.
5. Permittee shall provide collection facilities and arrange for proper disposal of waste products including but not limited to petroleum waste products, and solvents.
6. Permittee shall store all paint, solvents, petroleum products, petroleum waste products, and storage containers (such as drums, cans, or cartons) so that these materials are not exposed to stormwater, or provide other prescribed BMP's such as plastic lids, portable spill pans or containment to prevent the commingling of stormwater with container contents. Commingled water may not be discharged under this permit. Permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of these pollutants from entering waters of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.
7. Permittee shall designate an individual as responsible for environmental matters at the facility who will serve as a contact for the department. Permittee shall notify the department in writing of a personnel change for this position. One individual may be the contact for multiple facilities so long as that person can effectively communicate with the department on every facility.

OTHER REQUIREMENTS (continued)

1. Permittee shall provide for inspection by facility staff, at least once per month, of all stormwater pollution prevention structures, stormwater and wastewater treatment structures, and of the facility in general to ensure that structures are properly maintained and effective, and that any Best Management Practices are continually implemented and effective. Inspections must be documented in the form of a written report or checklist. The reports must note any spills, leaks, or maintenance needs of any of the structures or practices. The reports must also describe action taken to correct or repair deficiencies. Areas of a quarry that have been permanently or temporarily stabilized need only be inspected once per year. Monthly inspections shall continue if the stabilized area is re-disturbed for any reason. Written records of inspections must be kept onsite and made available to the department upon request.
2. Permittee shall maintain records of all pumped discharges that enter surface waters of the state. These records must include an estimate of the volume, the date and time(s), and the location of each discharge.
3. All outfalls must be clearly marked in the field or clearly identified on a map submitted to the department and kept on file at the mine/plant office. Outfall locations may be added or deleted by the permittee following notification to the department. Notification shall include a map identifying the added or deleted outfalls.
4. Stormwater discharge monitoring is not required of areas stabilized by a durable non-erosive surface, such as hauling roads that are completely covered with gravel. Monitoring or further improvements may be required if department staff determine that the improvements are not adequate to protect water quality.
5. 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 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 current 303(d) list.

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

13. Water Quality Standards

- (a) Discharges to waters of the state shall not cause a violation of water quality standards rule under 10 CSR 20-7.031, including both specific and general criteria.
- (b) General Criteria. The following general water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
  - (1) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
  - (2) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
  - (3) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
  - (4) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
  - (5) There shall be no significant human health hazard from incidental contact with the water;
  - (6) There shall be no acute toxicity to livestock or wildlife watering;
  - (7) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
  - (8) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.

#### TERMINATION OF PERMIT

If the activities covered by this permit have ceased and no significant materials (as defined by 10 CSR 20-6.200) remain on the property, the permittee may request termination of this permit. To request termination, the permittee must submit Form H – “Request for Termination of a General Permit.”

#### PERMIT TRANSFER

This permit may be transferred to a new permittee by submitting an “Application for Transfer of Operating Permit” signed by the transferor and transferee of the facility, along with the appropriate modification fee.

#### PERMIT RENEWAL REQUIREMENTS

Unless this permit is terminated, the permittee shall submit an application for the renewal of this permit no later than six (6) months prior to the permit’s expiration date.

#### DUTY OF COMPLIANCE

The permittee shall comply with all conditions of this general permit. Any noncompliance with this general permit constitutes a violation of Chapter 644, Missouri Clean Water Law, and 10 CSR 20-6.200. Noncompliance may result in enforcement action, termination of this authorization, or denial of the permittee's request for renewal.

#### PUBLIC NOTICE

As required by 10 CSR 20-6.020, permits proposed to be issued to newly constructed limestone or other rock quarries must undergo public notification in accordance with 10 CSR 20-6.020 prior to issuance. Public Notice of reissuance is required if the facility was found to be in significant noncompliance during the time of the previous permit 10 CSR 20-6.020(1)(C).