

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

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

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MEMORANDUM

DATE: JUL 24 2012

TO: Andrea Collier, Kansas City Regional Office
Irene Crawford, Director, Northeast Regional Office
Cindy Davies, Director, Southwest Regional Office
Jackson Bostic, Director, Southeast Regional Office
Dorothy Franklin, Director, St. Louis Regional Office

FROM: John Madras, Director, Water Protection Program 

SUBJECT: Guidance for Managing Facilities with Overdue Permit Schedules of Compliance for Disinfection

Introduction

The purpose of this memo is to provide the Regional Offices (ROs) with guidance to manage facilities that must complete upgrades to achieve compliance with final permitted effluent limits for disinfection. There is some flexibility that may be exercised for some permittees, but if there are violations occurring at a facility outside the scope of this memo that warrant enforcement action, the RO should follow the guidance provided in the Compliance Manual to address all violations.

Background

Pursuant to Missouri Clean Water Commission Regulation 10 CSR 20-7.015(9)(H)(2), all permits shall ensure compliance with effluent limits to protect whole body contact and secondary contact recreation by no later than December 31, 2013. To ensure that discharges from wastewater treatment facilities comply with Escherichia coli (E. coli) limitations, 10 CSR 20-7.015(9)(H)(1) requires the Missouri Department of Natural Resources (Department) to include, upon issuance or first renewal or first significant modification of each permit, a compliance schedule that provides up to five (5) years for the permittee to meet final effluent limits for E. coli. Thus, operating permits for discharges with bacteria must contain compliance schedules for permittees to implement a method of disinfection, and those schedules may provide up to five (5) years, but may not exceed December 31, 2013, to complete upgrades.

The Department began including schedules in operating permits in 2005, and they were generally written as three (3) or five (5)-year schedules. Many of these schedules have lapsed

and the permittees have not upgraded their facilities or taken the necessary steps to comply with bacteria limits. Therefore, the following procedure should be used to manage these facilities.

Procedure

If a permittee will not be able to comply with the schedule contained in the operating permit and has funding secured for the required upgrades and submitted an engineering report or construction permit application, the permittee must submit a written request to the RO for an extension, which includes justification for the extension and a schedule to complete the upgrades. The RO should forward the approved schedule to the Water Protection Program's Compliance and Enforcement Section (Enforcement Section), and staff will enter the schedule into the Enforcement Tracking Section of MoCWIS. If the permittee fails to submit a schedule or comply with any milestones in the approved schedule, the RO should not grant additional time to the permittee, but should complete a comprehensive inspection of the facility and submit an Enforcement Action Request (EAR) to the Enforcement Section.

If a permittee received three (3) years to upgrade for disinfection, the RO may provide the permittee with additional time to complete upgrades. The permittee must submit a written request for an extension that includes: (i) justification for the extension; (ii) a date to submit a facility plan/engineering report; (iii) a date to submit a construction permit application; and (iv) a date for completing construction. The proposed schedule must comply with the December 31, 2013, deadline, unless the permittee will be required to build a new facility or complete major upgrades to comply with new permit requirements (i.e., ammonia limitations) in addition to disinfection upgrades. The RO should forward the approved schedule to the Enforcement Section and staff will enter the schedule into MoCWIS. If a permittee fails to submit a schedule or comply with any milestones in the approved schedule, the RO should complete a comprehensive inspection and submit an EAR to the Enforcement Section.

If a permittee received five (5) years to upgrade for disinfection and has not secured funding, or submitted an engineering report or construction permit application, the RO should conduct a comprehensive inspection and submit an EAR to the Enforcement Section, unless the permittee will be required to build a new facility or complete major upgrades to comply with new permit requirements (i.e., ammonia limitations) in addition to disinfection upgrades. When these situations arise, the permittee must submit a written request for an extension that includes: (i) justification for the extension; (ii) a date to submit a facility plan/engineering report; (iii) a date to submit a construction permit application; and (iv) a date for completing construction. The RO should then forward the approved schedule to the Enforcement Section and staff will enter the schedule into MoCWIS. If a permittee fails to submit a schedule or comply with any milestones in the approved schedule, the RO should complete a comprehensive inspection and submit an EAR to the Enforcement Section.

The attached decision tree illustrates the process described above, and should be used to determine how to manage permittees that have failed to complete disinfection upgrades. Once Enforcement staff has entered an approved schedule into MoCWIS, any Water Protection staff can generate a "Compliance Monitoring Schedule" report from Report Portal (http://nr-vs2rptprod/DNR_Reportal/Login.aspx) to monitor progress of facilities with the extended schedules described above. The "Compliance Monitoring Schedule" report can be generated from the "Compliance Monitoring and Enforcement" folder under the "MoCWIS" menu option in Report Portal. Please note that these facilities with extended schedules are not under enforcement, and will not appear as such on any other reports. If you have any questions regarding this matter, you may contact Ms. Corinne Rosania of the Enforcement Section at (573) 751-6725.

JM/crw

Attachment

c: Steve Feeler, Division of Environmental Quality, Administration
Paul Jeffrey, Division of Environmental Quality, Administration

Attachment.



