

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, 92nd Congress) as amended,

Permit No.: MO-0124770

Owner: BNSF Railway Company
Owner's Address: 920 SE Quincy, Topeka KS 66612

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

Facility Name: BNSF – West Quincy Yard
Facility Address: ~ 1/5 mile south of CR 346 & CR 357 intersection, West Quincy, MO 63471

Legal Description: SE ¼, NE ¼, SW ¼, Sec. 10, T59N, R9W, Marion County
UTM Coordinates: X= 633223.311, Y= 4420102.956

Receiving Stream: Unnamed tributary to Crooked Slough (U)
First Classified Stream and ID: Fabius River (P1) (00055)
USGS Basin & Sub-watershed No.: (07110001-230001)

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

FACILITY DESCRIPTION

Outfall #002 – Industrial Stormwater - SIC #4013

Stormwater runoff

Railyard / direct to locomotive fueling area / onsite fuel tank storage - aboveground tanks are equipped with secondary containment

Actual flow is dependent upon precipitation.

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 15, 2010

Effective Date

Kip A. Stetzler, Acting Director
Department of Natural Resources

October 14, 2015

Expiration Date

Irene Crawford
Regional Director, Northeast Regional Office

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The interim effluent limitations shall become effective upon issuance and remain in effect until one (1) year from the date of issuance of this permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	INTERIM EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Outfall #002</u>						
Flow	MGD	*		*	once/quarter****	24 hr. estimate
Settleable Solids	mL/L/hr	1.5		1.0	once/quarter****	grab**
pH – Units	SU	***		***	once/quarter****	grab**
Oil & Grease	mg/L	*		*	once/quarter****	grab**
Ethylbenzene	mg/L	*		*	once/quarter****	grab**

MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE JANUARY 28, 2011. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

B. STANDARD CONDITIONS

IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED Parts I & III STANDARD CONDITIONS DATED October 1, 1980 and August 15, 1994, AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- * Monitoring requirement only.
- ** A representative grab sample shall be collected within the first 60 minutes of discharge that occurs as a result of precipitation events of 0.1 inches or greater. Precipitation events include rainfall as well as run-off from the melting of frozen precipitation.
- *** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.5-9.0 pH units.
- **** See table below for quarterly sampling

Sample discharge at least once for the months of:	Report is due:
January, February, March (1st Quarter)	April 28
April, May, June (2nd Quarter)	July 28
July, August, September (3rd Quarter)	October 28
October, November, December (4th Quarter)	January 28

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 four (4) years before the date of expiration of this permit 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>Outfall #002</u>						
Flow	MGD	*		*	once/quarter****	24 hr. estimate
Settleable Solids	mL/L/hr	1.5		1.0	once/quarter****	grab**
pH – Units	SU	***		***	once/quarter****	grab**
Oil & Grease	mg/L	15		10	once/quarter****	grab**
Ethylbenzene	mg/L	0.32		0.32	once/quarter****	grab**

MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE JANUARY 28, 2012. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

B. STANDARD CONDITIONS

IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED Parts I & III STANDARD CONDITIONS DATED October 1, 1980 and August 15, 1994, AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- * Monitoring requirement only.
- ** A representative grab sample shall be collected within the first 60 minutes of discharge that occurs as a result of precipitation events of 0.1 inches or greater. Precipitation events include rainfall as well as run-off from the melting of frozen precipitation.
- *** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.5-9.0 pH units.
- **** See table below for quarterly sampling

Sample discharge at least once for the months of:	Report is due:
January, February, March (1st Quarter)	April 28
April, May, June (2nd Quarter)	July 28
July, August, September (3rd Quarter)	October 28
October, November, December (4th Quarter)	January 28

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. SPECIAL CONDITIONS (continued)

- (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. This permit does not authorize the discharge of waters other than storm water.
3. All outfalls must be clearly marked in the field.
4. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
 - (4) The level established in Part A of the permit by the Director.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant, which was not reported in the permit application.
 - (c) That the effluent limit established in part A of the permit will be exceeded.
6. Report as no-discharge when a discharge does not occur during the report period.
7. 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.

C. SPECIAL CONDITIONS (continued)

8. The permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must be prepared within 60 days and implemented within 90 days of the permit issuance. The SWPPP must be kept on-site and should not be sent to DNR unless specifically requested. The permittee shall select, install, use, operate, and maintain the Best Management Practices prescribed in the SWPPP in accordance with the concepts and methods described in the following document:

Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators, (Document number EPA 833-B-09-002) published by the United States Environmental Protection Agency (USEPA) in February 2009.

The SWPPP must include the following:

- (a) An assessment of all storm water discharges associated with the facility including equipment maintenance (e.g. rail car and locomotive rehabilitation, mechanical repairs, painting, fueling, and lubrication), any materials stored onsite in sealed containers, deicing of surfaces, loading and unloading areas, etc, and is to include a list of potential contaminants and an annual estimate of amounts that will be used in the described activities.
 - (b) A listing of Best Management Practices (BMPs) and a narrative explaining how BMPs will be implemented to control and minimize the amount of potential contaminants that may enter storm water. Minimum BMPs are listed in SPECIAL CONDITIONS #9 below.
 - (c) A schedule for implementing the BMPs.
 - (d) An assessment of all chemical handling and storage procedures are required to be addressed under the conditions of this section.
 - (e) Provisions for preventing the spillage or loss of fluids, oil, grease, fuel, etc. from equipment maintenance, equipment cleaning, or warehousing activities and prevent the contamination of storm water from these substances.
 - (f) A provision for providing training to all personnel involved in material handling and storage, and housekeeping of areas having materials exposed to storm water. This may be satisfied by in-house training provided by facility staff. Proof of training shall be retained and made available to DNR personnel upon request.
 - (g) A provision for designating an individual to be responsible for environmental matters
 - (h) The SWPPP must include a schedule for quarterly site inspections and written reports for the quarterly inspections. The inspections shall be conducted by the person responsible for environmental matters at the site, or a person trained by and directly supervised by the person responsible for environmental matters at the site. The inspections must include observation and evaluation of BMP maintenance, effectiveness, and deficiencies. The inspections must also include observations of storage tank foundations, connections, coatings, tank walls, and piping systems for corrosion, leaks, or other physical damage that may weaken the tank systems. Deficiencies (e.g. leaking pipes, corrosion, etc.) must be corrected within seven days of discovery and the actions taken to correct the deficiencies shall be included with the written report, including photographs of the deficiencies and the repairs made to the deficiencies. If weather conditions make it impossible to correct the problem within seven days, a detailed report, including photographs, must be filed with the regular inspection reports. The permittee shall correct the BMP problem as soon as weather conditions allow. Any corrective measure that necessitates major construction may also need a construction permit. Inspection reports must be kept on site with the SWPPP and maintained for a period of five years. These must be made available to DNR personnel upon request. If the Department determines that water quality will be better protected by requiring more frequent site inspections, the Department will submit written notification to the facility of the increased frequency of monitoring and corresponding written reports.
9. Permittee shall adhere to the following minimum Best Management Practices:
- (a) Prevent the spillage or loss of fluids, oil, grease, fuel, etc. from equipment maintenance, equipment cleaning, fuel storage, or warehouse activities and thereby prevent the contamination of storm water from these substances.
 - (b) Provide collection facilities and arrange for proper disposal of waste products including but not limited to petroleum waste products, and solvents.
 - (c) Store all paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) so that these materials are not exposed to storm water or provide other prescribed BMP's such as plastic lids and/or portable spill pans to prevent the commingling of storm water with container contents. Commingled water may not be discharged under this permit. 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.
 - (d) Provide good housekeeping practices on the site to keep trash from entry into waters of the state.
 - (e) Provide sediment and erosion control sufficient to prevent or control sediment loss off of the property. This could include the use of straw bales, silt fences, or sediment basins, if needed, to comply with effluent limits.

C. SPECIAL CONDITIONS (continued)

10. The purpose of the SWPPP and the BMPs listed therein is the prevention of pollution of waters of the state. A deficiency of a BMP means it was not effective in preventing pollution [10 CSR 20-2.010(56)] of waters of the state, and corrective action means the facility took steps to eliminate the deficiency.
11. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the permit. The permittee shall amend the SWPPP, at a minimum, whenever the:
 - (a) Design, operation, or maintenance of a BMP is changed;
 - (b) Permittee's inspections indicate deficiencies in the SWPPP or any BMP;
 - (c) MDNR notifies the permittee in writing of deficiencies in the SWPPP;
 - (d) MDNR determines violations of Water Quality Standards may occur or have occurred.
12. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers, including spill prevention, control and counter measures.
13. Before releasing water that has accumulated in secondary containment areas, it must be examined for hydrocarbon odor and presence of a sheen. If the presence of hydrocarbons is indicated, it must be treated to meet all hydrocarbon parameters listed in Effluent Limitations and Monitoring Requirements before it is released or the water shall be removed and properly treated in accordance with applicable regulations.
14. Substances, regulated by federal law under the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), that are transported, stored, or used for maintenance, cleaning or repair, shall be managed according to RCRA and CERCLA.
15. Any pesticide discharge from any point source shall comply with the requirements of Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et. seq.) and the use of such pesticides shall be in a manner consistent with its label.
16. All spills must be **cleaned up** within 24 hours or as soon as possible, and a written report of the incident supplied with the facility's Storm Water Sampling Report. The following spills must be **reported** to the department at the earliest practicable moment, but no greater than 24 hours after the spill occurs:
 - (a) Any spill, of any material, that leaves the property of the facility;
 - (b) Any spill, of any material outside of secondary containment and exposed to precipitation, greater than 25 gallons or equivalent volume of solid material.

The department requires the submittal of a written report detailing measures taken to clean up the spill within 5 days of the spill. The written report must include the type of material spilled, volume, date of spill, date clean-up completed, clean-up method, and final disposal method. If the spill occurs outside of normal business hours, or if the permit holder cannot reach regional office staff for any reason, the permit holder is instructed to report the spill to the department's 24 hour Environmental Emergency Response hotline at (573) 634-2436. Leaving a message on a department staff member voice-mail does not satisfy this reporting requirement. These reporting requirements apply whether or not the spill results in chemicals or materials leaving the permitted property or reaching waters of the state. This requirement is in addition to the Noncompliance Reporting requirement found in Standard Conditions Part I.

Federal Regulations (CERCLA) require reporting spills and releases to soil, water and air in excess of reportable quantities. The toll free number for the US Coast Guard National Response Center is (800) 424-8802.

E. SCHEDULE OF COMPLIANCE

1. The final daily maximum and monthly average effluent limits for Oil & Grease and Ethylbenzene shall become effective one (1) year after the issue date of the permit
2. If modifications to the facility are required to meet the final effluent limits of this permit, the BNSF Railway Company shall submit engineering plans, engineering specifications, and a construction permit application by **April 15, 2011**, for changes to the BNSF – West Quincy Yard so the discharge from the facility will meet the final effluent limits for Oil & Grease and Ethylbenzene.

C. SPECIAL CONDITIONS (continued)

3. If the BNSF Railway Company determines that modifications to the facility are not needed to meet the final effluent limits of this permit, the BNSF Railway Company shall submit a letter to the department by **April 15, 2011** stating that modifications are not needed for the BNSF – West Quincy Yard to meet the final effluent limitations of this permit.
4. The BNSF – West Quincy Yard will meet final effluent limits by **October 15, 2011**.

REPORTING OF EFFLUENT VIOLATIONS

If sampling results from any of the outfalls show violations of the permit discharge limitations, written notification shall be made to the Department of Natural Resources within five (5) days of notification of analytical results. Notification shall indicate the permit number, date(s) of sample collection, the analytical results, and shall include a statement concerning the revisions or modifications in management practices that are being implemented to address the violation of the limitations that occurred.

After a violation has been reported, a sample of storm water runoff resulting from the next rainfall greater than 0.1 inches shall be collected at outfall(s) for which the violation occurred. Analytical results of this sample shall be submitted in writing to the Department of Natural Resources within 30 days of the facility receiving the sample results (this paragraph supersedes Part I, Section B: e.A. Noncompliance Notification).

RECORDS, RETENTION AND RECORDING

Monitoring reports shall be submitted by October 28th of each year for the previous period of October 1st through September 30th. All sampling data shall be maintained by the permittee for a period of five (5) years and shall be supplied to the Department of Natural Resources upon request (supersedes Part I, Section A:7. Records Retention). A copy of all of the sampling data must be submitted with an application for reissuance of this permit.

PERMIT TRANSFER

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.

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. Failure to apply for renewal may result in termination of this permit and enforcement action to compel compliance with this condition and the Missouri Clean Water Law.

TERMINATION

In order to terminate this permit, the permittee shall notify the department by submitting Form J, included with the State Operating Permit. The permittee shall complete Form J and mail it to the department at the address noted in the cover letter of this permit.

DUTY OF COMPLIANCE

The permittee shall comply with all conditions of this permit. Any noncompliance with this permit constitutes a violation of Chapter 644, Missouri Clean Water Law, and 10 CSR 20-6. Noncompliance may result in enforcement action, termination of this authorization, or denial of the permittee's request for renewal. This permit authorizes only the activities described in this permit.

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0124770
BNSF – WEST QUINCY YARD**

The Federal Water Pollution Control Act ("Clean Water Act" Section 402 Public Law 92-500 as amended) established the National Pollution Discharge Elimination System (NPDES) permit program. This program regulates the discharge of pollutants from point sources into the waters of the United States, and the release of storm water from certain point sources. All such discharges are unlawful without a permit (Section 301 of the "Clean Water Act"). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (MSOPs) 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 (Federal "Clean Water Act" and "Missouri Clean Water Law" Section 644 as amended). MSOPs are issued for a period of five (5) years unless otherwise specified.

As per [40 CFR Part 124.8(a)] and [10 CSR 20-6.020(1)2.] a Factsheet shall be prepared to give pertinent information regarding the applicable regulations, rationale for the development of effluent limitations and conditions, and the public participation process for the Missouri State Operating Permit (operating permit) listed below.

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

This Factsheet is for a Major , Minor , Industrial Facility ; Variance ; Master General Permit ; General Permit Covered Facility ; and/or permit with widespread public interest .

Part I – Facility Information

Facility Type: INDUSTRIAL STORMWATER
Facility SIC Code(s): 4013

Facility Description:
Stormwater runoff
Railyard / fueling area and onsite fuel tanks

Have any changes occurred at this facility or in the receiving water body that effects effluent limit derivation?
 - No

Application Date: 11/30/2009
Expiration Date: 05/05/2010
Last Inspection: 03/03/2009 In Compliance ; Non-Compliance

OUTFALL(S) TABLE:

OUTFALL	DESIGN FLOW (MGD)	TREATMENT LEVEL	EFFLUENT TYPE	DISTANCE TO CLASSIFIED SEGMENT (MI)
#002	varies	BMPs	Stormwater	~ 2.48

Outfall #002
Legal Description: SE ¼, NE ¼, SW ¼, Sec. 10, T59N, R9W, Marion County
UTM Coordinates: X= 633223.311, Y= 4420102.956
Receiving Stream: Unnamed tributary to Crooked Slough (U)
First Classified Stream and ID: Fabius River (P1) (00055)
USGS Basin & Sub-watershed No.: (07110001-230001)

Receiving Water Body's Water Quality & Facility Performance History:

No basin or stream surveys have been conducted for this facility. No Discharge Monitoring Report violations have been reported since the last permit renewal. The facility was last inspected by the Department on March 3, 2009 and was found to be in non-compliance for failing to document the quarterly site inspections. On March 30, 2009, the Department received the requested documentation in response to the inspection report. The response identified the actions taken to correct the deficiencies listed.

Comments:

The facility has a 500 gallon diesel tank, a 300 gallon kerosene tank, a 300 gallon gasoline tank, and a 300 gallon used oil tank onsite, in addition to portable jet fuel tanks that are brought onsite occasionally. Fueling of the locomotive is conducted by trucking the fuel onsite and fueling the locomotives directly from the trucks. All above ground tanks stored onsite are provided with secondary containment structures.

Part II – Operator Certification Requirements

Not Applicable ; This facility is not required to have a certified operator.

Part III – Receiving Stream Information

APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:

As per Missouri’s Effluent Regulations [10 CSR 20-7.015], the waters of the state are divided into the below listed seven (7) categories. Each category lists effluent limitations for specific parameters, which are presented in each outfall’s Effluent Limitation Table and further discussed in the Derivation & Discussion of Limits section.

- Missouri or Mississippi River [10 CSR 20-7.015(2)]:
- Lake or Reservoir [10 CSR 20-7.015(3)]:
- Losing [10 CSR 20-7.015(4)]:
- Metropolitan No-Discharge [10 CSR 20-7.015(5)]:
- Special Stream [10 CSR 20-7.015(6)]:
- Subsurface Water [10 CSR 20-7.015(7)]:
- All Other Waters [10 CSR 20-7.015(8)]:

10 CSR 20-7.031 Missouri Water Quality Standards, the Department defines the Clean Water Commission water quality objectives in terms of “water uses to be maintained and the criteria to protect those uses.” The receiving stream and/or 1st classified receiving stream’s beneficial water uses to be maintained are located in the Receiving Stream Table located below in accordance with [10 CSR 20-7.031(3)].

RECEIVING STREAM(S) TABLE:

WATERBODY NAME	CLASS	WBID	DESIGNATED USES*	8-DIGIT HUC	EDU**
Unnamed tributary to Crooked Slough	U	NA	General Criteria	07110004	Central Plains/Cuivre /Salt
Fabius River	P1	00055	AQL, IRR, LWV, SCR, WBC-B ***		

* - Irrigation (IRR), Livestock & Wildlife Watering (LWW), Protection of Warm Water Aquatic Life and Human Health-Fish Consumption (AQL), Cool Water Fishery(CLF), Cold Water Fishery (CDF), Whole Body Contact Recreation (WBC), Secondary Contact Recreation (SCR), Drinking Water Supply (DWS), Industrial (IND), Groundwater (GRW).

** - Ecological Drainage Unit

*** - UAA has not been conducted.

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

ALTERNATIVE EVALUATIONS FOR NEW FACILITIES:

As per [10 CSR 20-7.015(4)(A)], discharges to losing streams shall be permitted only after other alternatives including land application, discharges to a gaining stream and connection to a regional wastewater treatment facility have been evaluated and determined to be unacceptable for environmental and/or economic reasons.

Not Applicable ; The facility does not discharge to a Losing Stream as defined by [10 CSR 20-2.010(36)] & [10 CSR 20-7.031(1)(N)], or is an existing facility.

ANTI-BACKSLIDING:

A provision in the Federal Regulations [CWA §303(d)(4); CWA §402(c); 40 CFR Part 122.44(I)] that requires a reissued permit to be as stringent as the previous permit with some exceptions.

- Limitations in this operating permit for the reissuance of this permit conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44. The permit writer has determined that Total Petroleum Hydrocarbons was incorrectly added to the previous permit as this parameter has no numeric water quality standard. In addition, the permit writer determined that water quality of the receiving stream would be better protected by including an Oil & Grease parameter which has a numeric water quality standard and also covers the contaminants that would be detected by analyzing the Total Petroleum Hydrocarbon parameter.

ANTIDegradation:

In accordance with Missouri's Water Quality Standard [10 CSR 20-7.031(2)], the Department is to document by means of Antidegradation Review that the use of a water body's available assimilative capacity is justified. Degradation is justified by documenting the socio-economic importance of a discharging activity after determining the necessity of the discharge.

- Renewal no degradation proposed and no further review necessary.

AREA-WIDE WASTE TREATMENT MANAGEMENT & CONTINUING AUTHORITY:

As per [10 CSR 20-6.010(3)(B)], ...An applicant may utilize a lower preference continuing authority by submitting, as part of the application, a statement waiving preferential status from each existing higher preference authority, providing the waiver does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional sewage service and treatment plan approved for higher preference authority by the Department.

BIO-SOLIDS, SLUDGE, & SEWAGE SLUDGE:

Bio-solids are solid materials resulting from wastewater treatment that meet federal and state criteria for beneficial uses (i.e. fertilizer). Sludge is any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect. Sewage sludge is solids, semi-solids, or liquid residue generated during the treatment of domestic sewage in a treatment works; including but not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works.

Not Applicable ; This condition is not applicable to the permittee for this specific facility.

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.

PRETREATMENT PROGRAM:

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a Publicly Owned Treatment Works [40 CFR Part 403.3(q)].

Not Applicable ; The permittee, at this time, is not required to have a Pretreatment Program or does not have an approved pretreatment program.

REASONABLE POTENTIAL ANALYSIS (RPA):

Federal regulation [40 CFR Part 122.44(d)(1)(i)] requires effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause or contribute to an in-stream excursion above narrative or numeric water quality standard.

Not Applicable ; A RPA was not conducted for this facility.

REMOVAL EFFICIENCY:

Removal efficiency is a method by which the Federal Regulations define Secondary Treatment and Equivalent to Secondary Treatment, which applies to Biochemical Oxygen Demand 5-day (BOD₅) and Total Suspended Solids (TSS) for Publicly Owned Treatment Works (POTWs)/municipals. Please see the United States Environmental Protection Agency's (EPA) website for interpretation of percent removal requirements for National Pollutant Discharge Elimination System Permit Application Requirements for Publicly Owned Treatment Works and Other Treatment Works Treating Domestic Sewage @ www.epa.gov/fedrgstr/EPA-WATER/1999/August/Day-04/w18866.htm.

Not Applicable ; Influent monitoring is not being required to determine percent removal.

SANITARY SEWER OVERFLOWS (SSOs), BYPASSES, INFLOW & INFILTRATION (I&I) – PREVENTION/REDUCTION:

Sanitary Sewer Systems (SSSs) are municipal wastewater collection systems that convey domestic, commercial, and industrial wastewater, and limited amounts of infiltrated groundwater and storm water (i.e. I&I), to a POTW. SSSs are not designed to collect large amounts of storm water runoff from precipitation events.

Not Applicable ; This facility is not required to develop or implement a program for maintenance and repair of the collection system; however, it is a violation of Missouri State Environmental Laws and Regulations to allow untreated wastewater to discharge to waters of the state.

SCHEDULE OF COMPLIANCE (SOC):

A schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (actions, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of an operating permit.

Applicable ; The time given for effluent limitations of this permit listed under Interim Effluent Limitation and Final Effluent Limitations were established in accordance with [10 CSR 20-7.031(10)]. The facility shall meet the final effluent limits for Oil & Grease and Ethylbenzene.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP):

In accordance with 40 CFR 122.44(k) *Best Management Practices (BMPs)* to control or abate the discharge of pollutants when: (1) Authorized under section 304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities; (2) Authorized under section 402(p) of the CWA for the control of storm water discharges; (3) Numeric effluent limitations are infeasible; or (4) the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

In accordance with the EPA's *Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices* [EPA 832-R-92-006] (Storm Water Management), BMPs are measures or practices used to reduce the amount of pollution entering (regarding this operating permit) waters of the state. BMPs may take the form of a process, activity, or physical structure.

Additionally in accordance with the Storm Water Management, a SWPPP is a series of steps and activities to (1) identify sources of pollution or contamination, and (2) select and carry out actions which prevent or control the pollution of storm water discharges.

Applicable ; A SWPPP shall be developed and implemented for each site and shall incorporate required practices identified by the Department with jurisdiction, incorporate erosion control practices specific to site conditions, and provide for maintenance and adherence to the plan.

VARIANCE:

As per the Missouri Clean Water Law § 644.061.4, variances shall be granted for such period of time and under such terms and conditions as shall be specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than is reasonably necessary for complying with the Missouri Clean Water Law §§644.006 to 644.141 or any standard, rule or regulation promulgated pursuant to Missouri Clean Water Law §§644.006 to 644.141.

Not Applicable ; This operating permit is not drafted under premises of a petition for variance.

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

As per [10 CSR 20-2.010(78)], the amount of pollutant each discharger is allowed by the Department to release into a given stream after the Department has determined total amount of pollutant that may be discharged into that stream without endangering its water quality.

Not Applicable ; Wasteload allocations were not calculated.

WLA MODELING:

There are two general types of effluent limitations, technology-based effluent limits (TBELs) and water quality based effluent limits (WQBELs). If TBELs do not provide adequate protection for the receiving waters, then WQBEL must be used.

Not Applicable ; A WLA study was either not submitted or determined not applicable by Department staff.

WATER QUALITY STANDARDS:

Per [10 CSR 20-7.031(3)], General Criteria shall be applicable to all waters of the state at all times including mixing zones. Additionally, [40 CFR 122.44(d)(1)] directs the Department to establish in each NPDES permit to include conditions to achieve water quality established under Section 303 of the Clean Water Act, including State narrative criteria for water quality.

WHOLE EFFLUENT TOXICITY (WET) TEST:

A WET test is a quantifiable method of determining if a discharge from a facility may be causing toxicity to aquatic life by itself, in combination with or through synergistic responses when mixed with receiving stream water.

Not Applicable ; At this time, the permittee is not required to conduct WET test for this facility.

303(d) LIST & TOTAL MAXIMUM DAILY LOAD (TMDL):

Section 303(d) of the federal Clean Water Act requires that each state identify waters that are not meeting water quality standards and for which adequate water pollution controls have not been required. Water quality standards protect such beneficial uses of water as whole body contact (such as swimming), maintaining fish and other aquatic life, and providing drinking water for people, livestock and wildlife. The 303(d) list helps state and federal agencies keep track of waters that are impaired but not addressed by normal water pollution control programs.

A TMDL is a calculation of the maximum amount of a given pollutant that a body of water can absorb before its water quality is affected. If a water body is determined to be impaired as listed on the 303(d) list, then a watershed management plan will be developed that shall include the TMDL calculation

Not Applicable ; This facility does not discharge to a 303(d) listed stream.

Part V – Effluent Limits Determination

Outfall #002 – Main Facility Outfall

EFFLUENT LIMITATIONS TABLE:

PARAMETER	UNIT	BASIS FOR LIMITS	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
Flow	MGD	1	*		*	N	S
Settleable Solids	mg/L	9	1.5		1.0	N	S
pH	SU	1	***		***	Y	6-9
Oil & Grease (Interim)	mg/L	1/3	*		*	N	S
Oil & Grease (Final)	mg/L	1/3	15		10	Y	**
Ethylbenzene (Interim)	mg/L	2/3	*		*	Y	**
Ethylbenzene (Final)	mg/L	2-3	0.32		0.32	Y	*
MONITORING FREQUENCY	Please see Minimum Sampling and Reporting Frequency Requirements in the Derivation and Discussion Section below.						

* - Monitoring requirement only.

** - Parameter not previously established in previous state operating permit.

*** - The pH is limited to the range of 6.5-9.0 pH units.

S – Same as previous operating permit

Basis for Limitations Codes:

- | | |
|--|------------------------------------|
| 1. State or Federal Regulation/Law | 7. Antidegradation Policy |
| 2. Water Quality Standard (includes RPA) | 8. Water Quality Model |
| 3. Water Quality Based Effluent Limits | 9. Best Professional Judgment |
| 4. Lagoon Policy | 10. TMDL or Permit in lieu of TMDL |
| 5. Ammonia Policy | 11. WET Test Policy |
| 6. Dissolved Oxygen Policy | 12. Antidegradation Review |

OUTFALL #002 – DERIVATION AND DISCUSSION OF LIMITS:

- **Flow.** In accordance with [40 CFR Part 122.44(i)(1)(ii)] the volume of effluent discharged from each outfall is needed to assure compliance with permitted effluent limitations. If the permittee is unable to obtain effluent flow, then it is the responsibility of the permittee to inform the Department, which may require the submittal of an operating permit modification.
- **Settleable Solids (SS).** Effluent limitations from the previous state operating permit have been reassessed and verified that they are still protective of the receiving stream's Water Quality. Therefore, effluent limitations have been retained from previous state operating permit, please see the **APPLICABLE DESIGNATION OF WATERS OF THE STATE** sub-section of the **Receiving Stream Information**.
- **pH.** Effluent limitation range is from 6.5 to 9.0 Standard pH Units (SU), as per [10 CSR 20-7.031(4)(E)]. pH is not to be averaged
- **Oil & Grease.** Conventional pollutant, effluent limitation for protection of aquatic life; 10 mg/L monthly average, 15 mg/L daily maximum.
- **Ethylbenzene.** Protection of aquatic life; 0.32 mg/L 10 CSR 20-7.031 Table A
- **Minimum Sampling and Reporting Frequency Requirements.** Sampling and reporting frequency requirements have been increased from the previous state operating permit.

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
FLOW	ONCE/QUARTER	ONCE/QUARTER
SS	ONCE/QUARTER	ONCE/QUARTER
PH	ONCE/QUARTER	ONCE/QUARTER
OIL & GREASE	ONCE/QUARTER	ONCE/QUARTER
ETHYLBENZENE	ONCE/QUARTER	ONCE/QUARTER

Part VI – 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:

The Department shall give public notice that a draft permit has been prepared and its issuance is pending. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in and water quality concerns related to a draft permit. No public notice is required when a request for a permit modification or termination is denied; however, the requester and permittee must be notified of the denial in writing.

The Department must issue public notice of a pending operating permit or of a new or reissued statewide general permit. The public comment period is the length of time not less than 30 days following the date of the public notice which interested persons may submit written comments about the proposed permit.

For persons wanting to submit comments regarding this proposed operating permit, then please refer to the Public Notice page located at the front of this draft operating permit. The Public Notice page gives direction on how and where to submit appropriate comments.

- The Public Notice period for this operating permit is tentatively schedule to begin on August 6, 2010 or is in process.

- The Public Notice period for this operating permit was from August 27, 2010 to September 27, 2010. 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: JULY 1, 2010

DATE OF PUBLIC NOTICE: AUGUST 27, 2010

Submitted by

Brant Farris, Environmental Specialist
Northeast Regional Office
(660) 385-8000
brant.farris@dnr.mo.gov

Reviewed by

Lantz Tipton, Environmental Specialist
Northeast Regional Office
(660) 385-8000
lantz.tipton@dnr.mo.gov

Brant Farris

Date

Lantz Tipton

Date