

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.	MO-0126322
Owner:	City of Springfield
Address:	P.O. Box 8368, Springfield, MO 65801
Continuing Authority:	City of Springfield
Address:	P.O. Box 8368, Springfield, MO 65801
Facility Name:	Springfield Municipal Separate Storm Sewer System
Facility Address:	840 Boonville Avenue, Springfield, MO 65801
Legal Description:	See Pages 2 – 3
UTM Coordinates:	See Pages 2 – 3
Receiving Stream:	See Pages 2 – 3
First Classified Stream and ID:	See Pages 2 – 3
USGS Basin & Sub-watershed No.:	See Pages 2 – 3

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

### FACILITY DESCRIPTION

The City of Springfield (permittee) is the third largest city in the State of Missouri with a population of 159,498 according to the 2010 U.S. Census with an approximate area of 80 mi<sup>2</sup>, and population density of 1,994 population/mi<sup>2</sup>. The permittee owns and operates their Phase I Medium (based on the 1990 U.S. Census) Municipal Separate Storm Sewer System (MS4). The MS4 is comprised of man-made engineered components as well as natural systems that are designed or developed to reduce stormwater pollution runoff to the Maximum Extent Practicable within the permittee's jurisdiction.

This permit authorizes only stormwater 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 621.250 RSMo, Section 640.013 RSMo and Section 644.051.6 of the Law.

April 1, 2017  
Effective Date

  
Steven Feeler, Acting Director, Division of Environmental Quality

March 31, 2022  
Expiration Date

  
David J. Lamb, Acting Director, Water Protection Program

**FACILITY DESCRIPTION (continued):**

The following is a listing of representative major stormwater outfalls with the stormwater outfall's majority land use designation that discharge stormwater from the permittee's MS4 to waters of the state. For UTM Coordinates, X = easting coordinates and Y – northing coordinates. This NPDES permit covers all discharges from the permittee's outfalls for both major and non-major outfalls, unless regulated under a separate NPDES permit.

**OUTFALL 001 – Commercial/Residential**

Legal Description: SE¼, SE¼, Sec. 3, T28N, R22W, Greene County  
UTM Coordinates: X = 471297.27, Y = 4112026.04  
Receiving Stream: Tributary to South Branch South Creek (Losing)  
First Classified Stream and ID: 8-20-13 MUDD V1.0 (C) (3960)  
USGS Basin & Sub-watershed: 110100020301

**OUTFALL 002 – Commercial/Residential**

Legal Description: SW¼, NE¼, Sec. 28, T29N, R22W, Greene County  
UTM Coordinates: X = 469805.52, Y = 4116241.78  
Receiving Stream: Tributary to Wilsons Creek  
First Classified Stream and ID: Wilsons Creek (P) (2375) 303(d)  
USGS Basin & Sub-watershed: 110100020301

**OUTFALL 003 - Residential**

Legal Description: SW¼, NE¼, Sec. 27, T29N, R21W, Greene County  
UTM Coordinates: X = 480781.49, Y = 4115742.74  
Receiving Stream: Jones Branch  
First Classified Stream and ID: 8-20-13 MUDD V1.0 (C) (3960)  
USGS Basin & Sub-watershed: 110100020106

**OUTFALL 004 - Residential**

Legal Description: SW¼, NW¼, Sec. 16, T29N, R22W, Greene County  
UTM Coordinates: X = 469119.57, Y = 4119285.94  
Receiving Stream: North Branch Wilsons Creek (P)  
First Classified Stream and ID: North Branch Wilsons Creek (P) (3811) 303(d) (Losing)  
USGS Basin & Sub-watershed: 110100020301

**OUTFALL 005 – Institutional/Commercial/Residential**

Legal Description: SW¼, NE¼, Sec. 26, T29N, R22W, Greene County  
UTM Coordinates: X = 473330.75, Y = 4116299.23  
Receiving Stream: Fassnight Creek (P)  
First Classified Stream and ID: Fassnight Creek (P) (3370)  
USGS Basin & Sub-watershed: 110100020301

**OUTFALL 006 – Institutional/Commercial**

Legal Description: SW¼, NW¼, Sec. 25, T29N, R22W, Greene County  
UTM Coordinates: X = 473984.89, Y = 4116167.07  
Receiving Stream: Fassnight Creek (P) (Losing)  
First Classified Stream and ID: Fassnight Creek (P) (3370) (Losing)  
USGS Basin & Sub-watershed: 110100020301

**OUTFALL 007 – Residential**

Legal Description: SW¼, NE¼, Sec. 16, T28N, R21W, Greene County  
UTM Coordinates: X = 479076.79, Y = 4109646.68  
Receiving Stream: Tributary to Galloway Creek  
First Classified Stream and ID: Galloway Creek (P) (3373)  
USGS Basin & Sub-watershed: 110100020108

**OUTFALL 008 – Industrial/Commercial**

Legal Description: SE¼, NE¼, Sec. 22, T29N, R22W, Greene County  
UTM Coordinates: X = 472266.36, Y = 4117867.89  
Receiving Stream: Tributary to Jordan Creek  
First Classified Stream and ID: Jordan Creek (P) (3374) 303(d)  
USGS Basin & Sub-watershed: 110100020301

**OUTFALL 009 - Residential**

Legal Description: SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, Sec. 22, T29N, R22W, Greene County  
UTM Coordinates: X = 471871.06, Y= 4116953.03  
Receiving Stream: Tributary to Jordan Creek  
First Classified Stream and ID: Jordan Creek (P) (3374) 303(d)  
USGS Basin & Sub-watershed: 110100020301

**OUTFALL 010 - Residential**

Legal Description: NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, Sec. 02, T28N, R22W, Greene County  
UTM Coordinates: X = 472532.66, Y= 4113380.3  
Receiving Stream: South Creek (C) (Losing)  
First Classified Stream and ID: 8-20-13 MUDD V1.0 (C) (3960)  
USGS Basin & Sub-watershed: 110100020301

## A. COVERAGE, AUTHORIZATION AND RESTRICTIONS

1. This National Pollution Discharge Elimination System (NPDES) permit authorizes stormwater discharge from the City of Springfield's (permittee) designated Phase I Municipal Separate Storm Sewer System (MS4) from stormwater outfalls located in or originating within the permittee's corporate boundary to waters of the state.
2. The following non-stormwater discharges are authorized by this permit provided they are not identified by either the permittee or the Missouri Department of Natural Resources (Department) as contributing significant amounts of pollutants to waters of the state. The permittee shall incorporate appropriate control measures in the Stormwater Management Program (SWMP) if any of the non-stormwater discharges listed below are identified as significant sources of pollutants.
  - a. Water line and fire hydrant flushing;
  - b. Landscape irrigation;
  - c. Rising ground water;
  - d. Uncontaminated ground water infiltration;
  - e. Uncontaminated pumped ground water;
  - f. Potable water sources;
  - g. Foundation drains;
  - h. Air conditioning condensate;
  - i. Springs;
  - j. Water from crawl space pumps;
  - k. Footing drains;
  - l. Lawn watering;
  - m. Flows from riparian habitats and wetlands;
  - n. Street wash water;
  - o. Emergency fire-fighting activities;
  - p. Individual residential car washing;
  - q. Dechlorinated residential swimming pools.
3. This permit does not authorize non-stormwater discharges except where such discharges are:
  - a. In compliance with a separate NPDES permit, or
  - b. Identified by and in compliance with section 2 under Part A of this permit.
4. This permit does not serve as coverage for facilities or activities that require a separate NPDES permit.
5. This permit does not affect, remove, or replace any requirement of the Endangered Species Act; the National Historic Preservation Act; the Comprehensive Environmental Response, Compensation and Liability Act; or the Resource Conservation and Recovery Act. Determination of applicability to the above mentioned acts is the responsibility of the permittee.
6. This permit does not transfer liability for a spill from the entity or entities responsible for the spill to the permittee or relieve the entity or entities responsible for a spill from applicable federal, state, or local requirements.

## B. SPECIAL CONDITIONS

1. The permittee shall implement control measures and other management practices to reduce pollutants in stormwater discharge to the Maximum Extent Practicable (MEP) from the MS4 to waters of the state for the goal of attainment with Missouri's water quality standards. Specific requirements are listed in **Part D – STORMWATER MANAGEMENT PROGRAM** and **Part E – MINIMUM CONTROL MEASURES**.
2. The permittee shall implement and enforce a comprehensive Stormwater Management Program (SWMP) per the requirements listed in this operating permit in accordance with the federal Clean Water Act (CWA) §402(p)(3)(B)(iii), appropriate federal regulations under 40 CFR 122.26, and with the Missouri Clean Water Law §644, RSMo, and its implementing regulations under 10 CSR 20-6.200.
3. The permittee shall ensure they have adequate legal authority via established or subsequently established statute, ordinance, contract(s), or other regulatory mechanisms consistent with federal and state regulations to provide full implementation of their SWMP per **Part D – STORMWATER MANAGEMENT PROGRAM**, and other terms and conditions of this operating permit.

4. The full implementation of this operating permit and the Department approved SWMP, which includes implementation schedules developed by the permittee, shall constitute compliance with all applicable federal and state statutes and regulations in accordance with §644.051.16, RSMo, and the CWA section 402(k). However, the permit may be reopened and modified, or alternatively revoked and reissued, to ensure corrective action(s) are being implemented to reduce the discharge of pollutants to the MEP if the Department determines that the permittee is causing or creating significant exceedances of Missouri's Water Quality Standards. If such action is determined appropriate by the Department, a notification will be given to the permittee at a minimum of 30 days prior to the action being conducted.
5. Integrated Planning: It is the intent of both the permittee and the Department that the permittee continue its efforts on identifying affordable and cost-effective solutions to address the most significant sources of pollution in accordance with the permittee's Integrated Plan, which prioritizes investments based on problem significance, community priorities, solution effectiveness, and affordability.

### **C. TOTAL MAXIMUM DAILY LOAD**

1. The permittee shall develop a Total Maximum Daily Load (TMDL) Assumptions and Requirements Attainment Plan (ARAP) if any area of the MS4 is identified in an EPA approved or established TMDL with an applicable Wasteload Allocation (WLA). The permittee shall implement steps toward attainment of applicable WLA in accordance with 40 CFR 122.44(k)(2) and (3) as implemented through this permit. The TMDL ARAP shall be incorporated into the SWMP and include, at a minimum, the following:
  - a. A process to identify potential sources of the pollutant(s), actions to be taken to address those sources within the permittee's MS4 discharging to the waterbody of concern, a prioritization of those actions, and a schedule including beginning and ending milestones by month and year. The schedule for the implementation of the TMDL ARAP is not limited to the term of this operating permit (i.e., 5 years) as attainment can take years or even multiple permit terms;
  - b. Best Management Practices (BMPs) developed or designed with a purpose of reducing the pollutant(s) of concern. Each BMP shall contain a description of the BMP, the purpose of the BMP, and the expected result of the BMP.
  - c. Measurable goals shall be established for each BMP or group of BMPs. Each measurable goal shall contain a statement clearly indicating how it will determine the appropriateness of identified BMPs and progress toward the expected results of the BMP. Measureable goals shall be quantifiable; however, if it is not feasible to utilize a measurable goal that is quantifiable, then the permittee shall provide justification why utilizing a measurable goal is infeasible. If applicable, measurable goals shall also utilize interim and completion milestone dates, and a periodic frequency of measurement to document progress. It is recommended that interim and final milestone dates are established with a format of month and year. If the format of month and year cannot be utilized, the permittee shall ensure that schedules have the minimum format of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> year of the operating permit.
  - d. An iterative process to be utilized by the permittee that determines if the BMP is ineffective, the plan to address ineffective BMPs, and the general process used to replace or revise ineffective BMPs.
2. If the permittee is subject to section 1 of Part C of this permit, then the permittee shall draft and submit the TMDL ARAP to the Department as soon as practicable but no later than 30 months after the date EPA approves or establishes the TMDL or 30 months after the effective date of this operating permit, whichever is later. The initial TMDL ARAP is to be submitted to the Department's Water Protection Program, MS4 Coordinator at P.O. Box 176, Jefferson City, MO 65102. All other revisions are to be included in the permittee's Annual Report.
3. If the Department approves the TMDL ARAP, it will be presumed that the TMDL ARAP is affordable by the permittee. However, if the Department disapproves the TMDL ARAP and requires any additional or different controls or expenses, the Department will conduct an affordability analysis in support of the disapproval unless waived by the permittee.
4. The deadline for the TMDL ARAP may be extended by request of the permittee and with written approval by the Department.
5. If the TMDL ARAP has been submitted to the Department but has not received approval, then the permittee is not required to implement any action listed in their TMDL ARAP and shall notify the Department of this in their Annual Report.
6. If the permittee has received Department approval, the permittee shall implement their TMDL ARAP in accordance to schedules established in the TMDL ARAP. Implementation of all TMDL ARAP control measures shall be documented and retained by the permittee with the permittee's SWMP, and made available to the Department or EPA upon request.
7. If the permittee has an approved TMDL ARAP, then the permittee shall provide a summary of the controls that list the BMPs, the expected result of the BMPs, how the measurable goals are utilized to document the effectiveness of the BMPs, and the status of the measurable goals in the permittee's Annual Report.

8. The permittee may demonstrate that no additional controls are needed beyond the successful implementation of the minimum control measures (MCMs) listed in **Part E – MINIMUM CONTROL MEASURES** of this permit, which includes modifications to BMPs or measurable goals, for the goal of attainment with the TMDL's assumptions and requirements. The demonstration is subject to Department approval. If the permittee is to provide a demonstration that no additional controls are needed, they shall contact the Water Protection Program's MS4 Coordinator to begin the process.
9. The permittee may submit an Integrated Plan as an approach for the implementation of the TMDL's assumptions and requirements. Review and rating of the portion of an Integrated Plan specific to the TMDL's assumptions and requirements is subject to the same requirements as the TMDL ARAP.
10. The permittee may revise their approved TMDL ARAP, and if revised, the permittee shall provide written notification to the Department for substantive revisions. Substantive revisions are as follows:
  - a. Addition of new components, controls, or requirements to the TMDL ARAP;
  - b. Replacing or modifying ineffective or unfeasible BMPs or measurable goals in accordance to the permittee's iterative process;
  - c. Replacing or modifying time schedules;
  - d. Modifying the iterative process; and
  - e. Other rationales as determined appropriate by the permittee.
11. If the TMDL ARAP is revised in accordance with item 10 of this part, then the Department shall review and rate the revised TMDL ARAP in accordance with item 3 of this part.
12. Exemptions to Part C:
  - a. If the EPA approved or established TMDL indicates that this permittee does not cause or contribute to the impairment addressed by the TMDL, then the permittee is not required to develop and implement any action contained in Part C of this permit.
  - b. If the permittee is already subject to an existing TMDL and is under an existing agreement (e.g., Settlement Agreement, Abatement Order, etc.) with the Department to address the TMDL's assumption and requirements, then the permittee is not required to develop and implement any action contained in Part C of this permit.
    - i. If such an agreement exists, then the permittee shall submit the status of implementation to the Department with the Annual Report.

#### **D. STORMWATER MANAGEMENT PROGRAM**

1. The permittee shall implement and document the following terms and conditions in their Stormwater Management Program (SWMP) for each of the Minimum Control Measures located in **Part E – MINIMUM CONTROL MEASURES**:
  - a. BMPs developed or designed with a purpose of reducing stormwater pollution. Each BMP shall contain a description of the BMP and the purpose or expected result of the BMP;
  - b. Measurable goals shall be established for each BMP or in conjunction of multiple BMPs. Each measurable goal shall contain a statement clearly indicating how it will be established to determine the appropriateness of identified BMPs and progress toward the expected results of the BMP. Measurable goals shall be quantifiable unless it is not feasible to quantify. If the measurable goal is not to be quantifiable, then the permittee shall provide justification why it is not feasible to have a quantifiable measurable goal. If applicable, measurable goals shall also utilize interim and completion milestone dates, and a periodic frequency of measurement to document progress. It is recommended that interim and final milestone dates are established with a format of month and year. If the format of month and year cannot be utilized, the permittee shall ensure that schedules have the minimum format of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> year of the operating permit;
  - c. The person(s) primarily responsible for the SWMP or for each minimum control measure;
  - d. An iterative process to be utilized by the permittee that documents how each BMP is evaluated and subject to replacement or modification. The permittee shall apply reasonable further progress by replacing or modifying ineffective BMPs with effective BMPs.
2. The permittee's SWMP shall be reviewed and rated by the Department to ensure that the SWMP is implementing the terms and conditions of this permit, the applicable federal and state stormwater regulations, and Section §402(p)(3)(B)(iii) of the Clean Water Act. If the SWMP is approved by the Department, it will be presumed affordable by the permittee. If the SWMP is found unsatisfactory by the Department and requires any additional or different controls or expenses, the Department shall conduct an affordability analysis in support of the unsatisfactory rating unless waived by the permittee.

3. If the permittee determines that their existing SWMP needs to be updated to comply with the terms and conditions of this operating permit, then the permittee shall revise and submit their SWMP by [**The date will be established upon issuance of the permit, but will be one (1) year of the Effective Date**]. The Department shall then conduct a review and rating of the SWMP in accordance with item 2 of this part.
4. The permittee shall continue implementing their existing SWMP until the permittee's revised SWMP is approved by the Department.
5. The permittee may revise their SWMP during the life of this permit. All substantive revisions shall require written notification by the permittee to the Department's MS4 Program Coordinator as a stand-alone notification or included in the permittee's Annual Report. Substantive revisions are as follows:
  - a. Addition of new components, controls, or requirements to the SWMP;
  - b. Replacing or modifying ineffective or unfeasible BMPs or measurable goal in accordance to the permittee's iterative process;
  - c. Replacing or modifying time schedules;
  - d. Modifying the iterative process;
  - e. The addition or removal of jurisdictional areas;
  - f. Contact names per item 1.c of this part; and
  - g. Other rationales as determined appropriate by the permittee.
6. If the SWMP is revised in accordance with item 5 of this part, then the Department may review and rate the revised SWMP in accordance with item 2 of this part.
7. The permittee shall implement the SWMP on all areas added to their jurisdiction as expeditiously as practicable, but no later than three (3) years from the addition of the new areas. If the implementation of the SWMP will not be completed within one (1) year, then the permittee is required to submit status reports with their MS4 Annual Report.

#### **E. MINIMUM CONTROL MEASURES (MCMs)**

1. ***Public Education and Outreach of Stormwater Impacts***
  - a. The permittee shall implement a public education and outreach program to inform the public about the impacts of stormwater discharges on waterbodies and steps the public can take to reduce pollutants in stormwater runoff. As part of the SWMP, the program shall include the following, at a minimum:
    - i. A description of how the public is targeted based on the specific group's potential to have significant stormwater impacts;
    - ii. A list of pollutants the program is developed to address, including at a minimum:
      1. Pollutants associated with the application of pesticides, herbicides, and fertilizers; and
      2. Pollutants associated with the management and disposal of used oil and toxic materials.
    - iii. A description of education and outreach activities and materials specific to targeted audiences and pollutants;
    - iv. A description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from the MS4.
2. ***Public Involvement and Participation***
  - a. The permittee shall implement a public involvement/participation program that shall at a minimum, include the following:
    - i. Opportunities for public involvement in the development of the permittee's SWMP and renewal application; and
    - ii. Opportunities for public participation in implementation activities such as volunteer stream clean-up events.
3. ***Illicit Discharge Detection and Elimination***
  - a. The permittee shall develop, implement, and enforce a program to detect and eliminate illicit discharges, as defined in 10 CSR 20-6.200(1)(C)7, into the permittee's MS4. As part of the SWMP, the permittee's illicit discharge detection and elimination program shall include the following at a minimum to the extent allowable under state or local law:

- i. A storm sewer map showing the locations of all constructed outfalls and the names and locations of all receiving waters of the state that receive discharges from the permittee's MS4. The permittee shall describe the source of information they used for the map(s), and how the permittee plans to verify the outfall locations with field survey or field screening points. If already completed, the permittee shall describe how the map was developed and how the map will be regularly updated. The permittee shall make the map and map information available to the Department upon request;
- ii. A plan to prohibit through ordinance, orders, or similar means illicit discharges into the permittee's MS4, and implement appropriate enforcement procedures and actions.
- iii. Inspection and investigation procedures for detecting and eliminating illicit discharges;
- iv. A program to conduct field screening at field screening points or major outfalls with the purpose of finding and eliminating illicit discharges and illegal dumping. The program shall include the following:
  1. A description of areas or locations that will be evaluated by field screening including a description of how locations are established;
  2. A description of the number of locations that will be screened annually and how locations will be selected;
  3. A description of field screening procedures, including recording of visual observations and testing or sampling if flow is observed;
- v. Procedures to prevent, contain, and respond to spills that discharge or have potential to discharge into the MS4; and
- vi. A description of controls to limit infiltration of seepage from municipal sanitary sewers to the permittee's MS4.

4. ***Construction Site Stormwater Runoff Control***

- a. The permittee shall develop, implement, and enforce a program to reduce pollutants in stormwater runoff to their MS4 from construction activities on land disturbances sites that disturb one or more acres or disturb less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. As part of the SWMP, this program shall include the development and implementation of the following:
  - i. Ordinances, orders, or similar means to require entities conducting land disturbance activities, in accordance with section a of this part to implement and maintain erosion and sediment control BMPs at construction sites including sanctions designed to ensure compliance, to the extent allowable under state or local law;
  - ii. Requirements for construction site operators to control construction site waste that may cause adverse impacts to water quality, such as discarded building material, concrete truck washout, chemicals, litter and sanitary waste;
  - iii. Procedures for the permittee to review all construction site stormwater pollution prevention plans for potential water quality impacts;
  - iv. Procedures for the permittee to receive and respond to public reporting of the discharge of pollutants from construction sites in coordination with the permittee's public education and outreach program;
  - v. Procedures for the permittee to inspect construction sites and enforce control measures, including prioritization of site inspections;
  - vi. A plan designed to ensure compliance with the permittee's erosion and sediment control ordinances, orders or similar means including sanctions and enforcement mechanisms the permittee will use to ensure compliance and procedures for when certain sanctions will be used. Possible sanctions include non-monetary penalties (such as stop work orders), fines, bonding requirements, and/or permit denials for non-compliance; and
  - vii. A description of appropriate educational and training measures for construction site operators.

5. ***Post-Construction Stormwater Management in New Development and Redevelopment***

- a. The permittee shall develop, implement, and enforce a program to address the quality of long-term stormwater runoff from new development and redevelopment projects that disturb one or more acres or disturb less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. This program shall ensure that stormwater controls are in place that have been designed and implemented to prevent or minimize water quality impacts. This program, at a minimum, shall include:
  - i. Ordinances or other regulatory mechanisms to address post-construction runoff from new development and redevelopment projects to the extent allowable under state or local law. If the permittee needs to develop an ordinance or mechanism, the permittee shall describe the plan and a schedule for implementation. If the permittee's ordinance or regulatory mechanism is already developed, the permittee shall include a copy of the relevant sections within the SWMP;
  - ii. A plan to ensure adequate long-term operation and maintenance of selected BMPs, including types of agreements between the permittee and other parties (e.g., post-development landowners, regional authorities, etc.);



- iii. Strategies developed with the purpose to minimize water quality impacts, minimize the creation of stormwater pollution, and/or utilize BMPs that remove or reduce stormwater pollution that include a combination of structural and/or non-structural BMPs appropriate for the permittee's community. In developing these strategies, the permittee shall consider:
  1. The assessment of site characteristics at the beginning of the development design phase to ensure adequate planning for stormwater program compliance;
  2. The development and implementation of a stormwater design criteria manual to contain standard sustainable site design criteria and BMP selection and design criteria to reduce water quality impacts;
  3. Buffer criteria for streams, karst topography, and other environmentally sensitive areas (e.g., wetlands, floodplains, etc.);
  4. Provisions for preservation of undisturbed natural areas, trees, and steep slopes, when feasible;
  5. The development of floodplain management controls to minimize pollution with floodplain management controls; and
- iv. Inspect or require the inspection of post-construction BMPs that functions to remove or reduce pollution of stormwater and ensure that all BMPs are implemented and effective.

**6. *Pollution Prevention and Good Housekeeping for Municipal Operations***

- a. The permittee shall develop and implement an operation and maintenance program for municipal operations owned or operated by the permittee. This program shall, at a minimum, include the following:
  - i. An employee training program to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The permittee shall describe any existing, available material the permittee plans to use such as those available from EPA, the state, or other organizations. The permittee shall describe how this plan will coordinate with all other minimum control measures, monitoring and TMDL implementations where applicable;
  - ii. A list of all municipal operations that are impacted by this operation and maintenance program. The permittee shall also include a list of industrial facilities that the permittee owns or operates that are subject to NDPES permits for discharges of stormwater associated with industrial activity that discharge to the permittee's MS4. The permittee shall include the permit number or a copy of the No Exposure Exemption Certification (if applicable) for each facility. NPDES permitted facilities not owned or operated by the permittee are not required to be part of the list;
  - iii. Maintenance BMPs, maintenance schedules, and long-term inspection procedures for structural controls to reduce floatables and other pollutants in discharges from the MS4;
  - iv. Controls for reducing or eliminating the discharge of pollutants from street, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer station, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas the permittee operates. The permittee shall, at a minimum, conduct the following:
    1. Store and cover deicing chemicals and implement deicing practices to reduce the discharge of pollutants to the MS4;
    2. Street sweepings or similar activities on all curb and gutter streets, and ensure the proper disposal of the street sweepings;
    3. Street design, construction, and maintenance practices that reduce the discharge of pollutants to the MS4; and
    4. Routinely clean grated inlets, roadway stormwater inlets, and catch basins;
  - v. Storage of all paints, solvents, petroleum products and petroleum waste products (except fuels) under the control of the permittee shall not be exposed to stormwater. Sufficient practices of spill prevention, control, and/or management shall be provided to prevent any spill 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.
  - vi. A plan to reduce pollutants in discharges from the permittee's MS4 associated with the application of pesticides, herbicides, and fertilizers. The plan shall include controls such as educational activities, permits, certifications and other measures determined appropriate by the permittee for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities.

**7. *Industrial and High Risk Runoff***

- a. The permittee shall implement a program to monitor and control pollutants in stormwater discharges to the MS4 from industrial and high risk runoff facilities. The program shall include, at a minimum, the following:
  - i. Identify all of the activities below that discharge into the MS4:

1. Municipal landfills;
  2. Hazardous waste treatment, storage, and disposal facilities;
  3. Industries subject to reporting requirements pursuant to Title III Section 313 of the Superfund Amendments and Reauthorization Act of 1986; and
  4. Industrial facilities that the permittee determines are contributing a substantial loading of pollutants to the MS4.
- ii. Identify priorities and procedures for inspections and establishing and enforcing control measures for such discharges; and
  - iii. A monitoring program for stormwater discharges associated with the facilities listed under items 7.a.i 1-4.

**8. Flood Control Projects**

- a. The permittee shall consider the impacts on the water quality, including adverse physical and hydrological changes, of receiving water bodies in the design of new flood management projects, consider controls that can be used to minimize impacts, and provide a description of procedures; and
- b. The permittee shall evaluate existing structural flood control devices to determine if retrofitting the device to provide additional pollutant removal from stormwater is feasible. The permittee shall establish a schedule for implementing retrofits of flood control devices owned and operated by the permittee that have been determined to be feasible.

**9. Monitoring**

- a. Representative monitoring shall be conducted by the permittee on representative outfalls, internal sampling stations, or instream monitoring locations with the purpose of characterizing the quality of stormwater discharging from the permittee's MS4. The monitoring program shall include the following:
  - i. Stormwater samples shall be collected from stormwater discharges from three (3) storm events annually occurring at least one (1) month apart;
  - ii. The permittee shall conduct storm event representative sampling at a minimum of six separate locations to be described in the permittee's SWMP. The Department may allow changes to the monitoring locations upon notification to the Department by the permittee in accordance with Section D, item 5 of this permit;
  - iii. Parameters to be sampled shall include the following at a minimum. The Department may allow changes to the parameters upon notification by the permittee in accordance with Section D, item 5 of this permit:
    1. Total Suspended Solids;
    2. Specific conductivity;
    3. Chemical Oxygen Demand;
    4. Biochemical Oxygen Demand;
    5. Oil and Grease;
    6. E. coli;
    7. pH;
    8. Total Kjeldahl Nitrogen;
    9. Nitrate + Nitrite;
    10. Dissolved Phosphorus;
    11. Total Phosphorus; and
    12. Additional limited quantitative data required by the Department for determining permit conditions. The Department may also request additional parameters along with sampling conditions such as locations, season of sample collection, form of precipitation, and other parameters to ensure representativeness. If the Department requires additional parameters to be provided, then the Department will submit an official written request at least one year prior to the expiration date of this permit.
    13. Storm event data records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) samples, rainfall measurements or estimates (in inches) of the storm event which generated the runoff that was sampled, and the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.
- b. Biological Assessments. The permittee shall continue to conduct macroinvertebrate assessments of two urban streams for a minimum of one year during the life of this permit. Assessments shall be conducted twice within the same year (fall and spring), using the Department's protocol. Consult with Department staff at the Environmental Services Program for updated protocol on biological assessments and data reviews. The streams that are candidates for assessments and a rationale for the selection of two streams for assessments shall be included in the SWMP. The results of the assessments shall be included in the annual report.

- c. Analysis and collection of samples shall be conducted in accordance with methods specified in 40 CFR 136. Where an approved Part 136 method does not exist, any available method may be used unless a particular method or criteria for method sections (such as sensitivity) has been specified in this permit.

#### **F. REPORTING AND RECORDKEEPING**

1. The permittee shall submit an annual report to the Department by October 28th of each year. The report shall cover the permittee's fiscal year (July 1 – June 30) and reported the immediate following October. Depending on permit issuance, the first report required by this permit may be partial. The report shall:
  - a. Provide a list of names and contact information for staff who ensure the successful implementation for each Minimum Control Measure;
  - b. Provide a general summary of each Minimum Control Measure. The summary shall include:
    - i. Overall compliance with permit conditions and SWMP;
    - ii. List of BMPs used to implement the Minimum Control Measure;
    - iii. A description of assessment used to determine the appropriateness of the BMPs;
    - iv. A description of the iterative process used to replace or modify any BMP or measurable goal, if applicable;
    - v. Status of the Measurable Goals for each BMP or the completion date for any measurable goal completed during the reporting period;
    - vi. An explanation for any measurable goal scheduled for completion during the reporting period that was not completed. Any modified goals or deadlines shall be listed;
    - vii. A brief summary of stormwater activities planned for the next reporting cycle and implementation schedule, if feasible;
    - viii. Any planned changes to the SWMP, which may include any changes to the minimum control measures including changes to BMPs, measurable goals, or the iterative process;
    - ix. Summary of monitoring required by this permit by their specific Minimum Control Measure, which shall include a justification for any required monitoring that was not completed. The monitoring results shall be reported in a table format with the analytical result. The summary shall also include a general discussion of the results with respect to MEP and, if applicable, TMDL parameters; and
    - x. A summary of the permittee's TMDL ARAP, if applicable.
2. The permittee shall retain records of any monitoring information used to complete their renewal application for this operating permit, implementation of any part of this operating permit, and implementation of any part of the permittee's SWMP for a period of at least three (3) years from the date of the sample, measurement, or analysis. This period may be extended by official request from the Department at any time. Monitoring data shall include, if applicable, the below information:
  - a. All calibrations and maintenance records;
  - b. All original strip chart recordings for continuous monitoring instrumentation;
  - c. The date, location, and time of sampling or measurement;
  - d. The individual(s) who performed the sampling or measurement;
  - e. The date(s) analyses were performed;
  - f. The individual(s) who performed the analyses;
  - g. The analytical technique or method used; and
  - h. The results of such analyses.
3. The permittee shall retain records of all activities requiring recordkeeping by the SWMP, a copy of the NPDES permit, a copy of all ordinances, policies, and formal procedures for all MCMs and records of all data used to complete the renewal application for this period for a period of at least three (3) years from the date of the report or renewal application. This period may be extended by official request of the Department at any time.
4. The permittee shall retain the most recent version of their SWMP at a reasonable location accessible to the Department.
5. The permittee shall submit the items under this part of this permit, including a copy of the permit, SWMP, or application upon written request by the public.

#### **G. APPLICATION REQUIREMENTS FOR RENEWAL OF OPERATING PERMIT**

1. The permittee shall submit an application for renewal of permit at least 180 days prior to the expiration date of this permit to the Department's MS4 coordinator. The permittee shall provide the following information, at a minimum, in their application for renewal:
  - a. Name and mailing address of the permittee;
  - b. Name(s), address, telephone number, and email address of the permittee's main contact for their MS4 program, or for each MCM;
  - c. General description of the permittee's activities that subject the permittee to MS4 requirements;

- d. Proposed, if any, program modifications and justification for changes to BMPs, measurable goals, or the iterative process required under the SWMP or MCMs;
  - e. Proposed, if any, modification and justification for changes to activities the permittee is conducting toward attainment of applicable WLA under EPA established or approved TMDLs;
  - f. Map(s) and locational data for all stormwater outfalls from the permittee's MS4 to waters of the state. Maps and locational data shall be divided into new stormwater outfalls, if applicable, and existing stormwater outfalls, and list the receiving stream;
  - g. Map(s) documenting service or jurisdictional boundary of the MS4, projected changes in land use, population densities, or projected future growth;
  - h. If any entity, which includes co-permittees or other governmental agencies, are implementing or conducting activities to satisfy the terms and conditions of the permit or SWMP. If applicable, the permittee shall submit:
    - i. Name and mailing address of the outside entity;
    - ii. Name(s), address, telephone number and email address of the person(s) conducting the activities for the outside entity or co-permittee; and
    - iii. Description of what the outside entity or co-permittee is conducting in satisfaction of the permit or SWMP;
  - i. The permittee proposed SWMP including TMDL implementation; and
  - j. A description of any service or jurisdictional area expansion subject to the permittee's SWMP. The change in area can be documented via the map under this part, section 1.g above but must be clearly labeled.
2. If the Department creates and approves an application form for renewal for Phase I MS4s, then the permittee will complete and submit the renewal application form in satisfaction of this part, item 1 of this permit. If the renewal application form for Phase I MS4s permits is not completed and approved by the Department within four years of the effective date of this permit, then the permittee is not required to use the renewal application form; however, the permittee may volunteer to use the renewal application, which will suffice for Part G of this operating permit.

#### **H. CERTIFICATIONS OF APPLICATIONS AND ANNUAL REPORTS**

1. Renewal applications, applications to modify this operating permit, and annual reports shall be signed and certified with the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

#### **I. STANDARD PERMIT CONDITIONS**

1. *Duty to Comply*: The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri CWL and the Federal CWA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal.
  - a. It is a violation of the Missouri Clean Water Law for failure to pay fees associated with this permit, [§644.055, RSMo].
2. *Duty to Mitigate*: The permit holder shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
3. *Proper Operation and Maintenance*: The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This condition requires the operation of backup or auxiliary facilities or similar systems installed by a permittee only when necessary to achieve compliance with the conditions of this permit.
4. *Advanced Notice*: The permit holder shall give advanced notice to the Department of any planned changes which may result in noncompliance with the terms and conditions of this permit.
5. *Inspection and Entry*: The permit holder shall allow the Department or an authorized representative (including an authorized contractor as a representative to EPA or the Department) upon the presentation of credentials and other documents as may be required by law to:
  - a. Enter the permit holder's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect any facility, equipment (including monitoring and control equipment), practices, or operation regulated or required under this permit; and

- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the federal CWA and/or Missouri's CWL, any substance or parameter at any location.
6. *Monitoring Methods*: Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless another method is required under 40 CFR subchapters N or O or unless specified in this permit or an approved Quality Assurance Project Plan.
7. *Need to Halt or Reduce Activity Not a Defense*: It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
8. *Permit Actions*: This permit may be modified, revoked, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or notification of planned changes or anticipated noncompliance does not stay any term or condition of this permit.
9. *Duty to Reapply*: If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a renewed permit. The renewal application shall be submitted at least 180 days prior to expiration of this permit unless the Department allows a later deadline not to exceed the expiration of this permit.

**MISSOURI DEPARTMENT OF NATURAL RESOURCES**  
**FACT SHEET**  
**FOR THE PURPOSE OF RENEWAL**  
**OF**  
**MO-0126322**  
**SPRINGFIELD PHASE I MEDIUM**  
**MUNICIPAL SEPARATE STORM SEWER SYSTEM**

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 stormwater 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 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, RSMO, 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 listed below.

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

This Factsheet is for a Phase I Municipal Separate Storm Sewer System (MS4).

### **Part I – Facility Information**

Facility Type: MS4 - SIC #9511

#### **Facility Description:**

The City of Springfield (permittee) is the 3<sup>rd</sup> largest city in the State of Missouri with a population of 159,498 according to the 2010 U.S. Census with an approximate area of 80 mi<sup>2</sup>, and a population density of 1,994 population/mi<sup>2</sup>. The permittee owns and operates their medium MS4. Medium MS4s are MS4s located in an incorporated place with a population of one hundred thousand (100,000) or more but less than two hundred fifty thousand (250,000) based on the 1990 United States census.

A MS4 is defined as a conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels, or storm drains designed and utilized for routing stormwater, which: (1) does not include any waters of the state (as defined in Missouri's Water Quality Standards [10 CSR 20-7.031] and its implementing tables), (2) is owned and operated by the permittee, (3) is not part or portion of a combined sewer system, and (4) is not part of a publicly owned treatment works.

The permittee's MS4 collects and routes stormwater from industrial, commercial, and residential areas located within the permittee's municipal boundary and discharges the stormwater to waters of the state.

#### **Stormwater Outfalls:**

Outfalls listed under the Facility Description in the operating permit are representative major stormwater outfalls only; however, the NPDES operating permit covers all discharges from the permittee into waters of the state. The permittee is required by the operating permit to have a list of all stormwater outfalls that discharge to waters of the state within their SWMP, which the Department also has a copy of. It was determined that only representative outfalls would be listed in the permit rather than listing all 90 major stormwater outfalls, which added 10 extra pages to the permit and any changes made to any of the outfalls would require the operating permit to be modified. Rather, if a change happens to any stormwater outfall listed in the SWMP, then only the permittee is responsible for updating the SWMP, which does not require any change to the operating permit.

#### **Facility Performance History:**

The Department's Clean Water Information System (MoCWIS) indicates that the Department has not conducted a MS4 Phase I Audit (records back to 2010). Prior to 2010, EPA conducted an audit in 2007 and issued the audit report in 2008. Springfield responded in 2008 and 2009 to EPA's concerns. Springfield's MS4 Annual Reports are current.

#### **Additional Comments:**

The renewal application was received on January 3, 2007.

**Part II – Receiving Stream Information**

The permittee’s Phase I MS4 discharges stormwater into Missouri waterbodies that have designated uses in accordance with 10 CSR 20-7.031(1)(P) and since November 6, 2013, the Missouri Use Designated Dataset (MUDD). Below is the list of waterbodies with designated uses that receive stormwater runoff from the permittee’s Phase I MS4. The waterbodies listed below may have multiple stormwater discharges or only one stormwater outfall discharging to it.

Waterbody Name	DESIGNATED USES*									
	WBID	AQL	CLF	DWS	IRR	LWW	SCR	WBCA	WBCB	HHP
James River	2362	X	X		X	X	X	X		X
James River	2365	X	X	X	X	X	X	X		X
Pearson Creek	2373	X			X	X	X	X		X
Ward Branch	2374	X			X	X	X		X	X
Wilson Creek	2375	X			X	X	X		X	X
South Creek	3369	X			X	X	X		X	X
Fassnight Creek	3370	X			X	X	X		X	X
Workman Branch	3371	X			X	X	X		X	X
Tributary to Workman Creek	3372	X			X	X	X		X	X
Galloway Creek	3373	X			X	X	X		X	X
Jordan Creek	3374	X			X	X	X		X	X
Tributary to North Branch Wilson Creek	3375	X			X	X	X		X	
Fassnight Creek	3427	X			X	X	X			X
Tributary to North Branch Wilson Creek	3745	X			X	X	X		X	X
North Branch Wilson Creek	3811	X			X	X	X		X	X
8-20-13 MUDD V1.0	3960	X			X	X	X		X	X

\* Uses are as follows:

10 CSR 20-7.031(1)(C)1.:

**AQL** = Protection of aquatic life (Current narrative use(s) are defined to ensure the protection and propagation of fish shellfish and wildlife, which is further subcategorized as: **WWH** = Warm Water Habitat; **CDF** = Cold-water fishery (Current language uses cold-water habitat.); **CLF** = Cool-water fishery (Current language uses cool-water habitat); **EAH** = Ephemeral Aquatic Habitat; **MAH** = Modified Aquatic Habitat; **LAH** = Limited Aquatic Habitat. This permit uses AQL effluent limitations in 10 CSR 20-7.031 Table A for all habitat designations unless otherwise specified.)

10 CSR 20-7.031(1)(C)2.: Recreation in and on the water

**WBC** = Whole Body Contact recreation where the entire body is capable of being submerged;

**WBC-A** = Whole body contact recreation that supports swimming uses and has public access;

**WBC-B** = Whole body contact recreation that supports swimming; and

**SCR** = Secondary Contact Recreation (like fishing, wading, and boating).

10 CSR 20-7.031(1)(C)3. to 7.:

**HHP** (formerly HHF) = Human Health Protection as it relates to the consumption of fish;

**IRR** = Irrigation for use on crops utilized for human or livestock consumption;

**LWW** = Livestock and wildlife watering (Current language uses LWP = Livestock and Wildlife Protection);

**DWS** = Drinking Water Supply; and

**IND** = Industrial water supply

10 CSR 20-7.031(1)(C)8-11.: Wetlands (10 CSR 20-7.031 Table A currently does not have corresponding habitat use criteria for these defined uses)

**WSA** = Storm- and flood-water storage and attenuation; **WHP** = Habitat for resident and migratory wildlife species;

**WRC** = Recreational, cultural, educational, scientific, and natural aesthetic values and uses; **WHC** = Hydrologic cycle maintenance.

10 CSR 20-7.031(6): **GRW** = Groundwater

## **Part III – Rationale for General Terms and Conditions**

### **ADDITIONAL FEDERAL ACTS**

In accordance with 40 CFR 122.49(b) and (c) the operating permit cites the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA) and places the permittee on notice that the operating permit does not affect, remove or replace the requirements or compliance determination of these acts. It is the responsibility of the permittee to determine if activities conducted within their MS4 or stormwater discharging from their MS4 are in compliance with the ESA and NHPA.

Assistance in determining applicability to ESA conditions and requirements can be found in the U.S. Fish and Wildlife Service (FWS) Endangered Species webpage, which is located at: <http://www.fws.gov/endangered/>. Additionally, the FWS Information for Planning and Conservation (IPaC) web-based project planning tool that streamlines the environmental review process is highly recommended and is located at: <http://ecos.fws.gov/ipac/>.

Assistance in determining applicability to NHPA conditions and requirements can be found in the Department's State Historic Preservation Office Section 106 Review, which is located at: <http://dnr.mo.gov/shpo/sectionrev.htm>. Additionally, the Advisory Council on Historic Preservation Citizen Guide to Section 106 Review, which explains the process, is located at: <http://www.achp.gov/citizensguide.html>.

In addition to the ESA and NHPA, this operating permit does not affect, replace or remove the requirements and compliance determinations with respect to substances not otherwise covered under a NPDES permit and are regulated by federal law under the Resource Conservation and Recovery Act or the Comprehensive Environmental Response, Compensation, and Liability Act.

However, the permittee is required to implement a program to identify and control pollutants in stormwater discharges to the MS4 from any municipal or industrial facility that the permittee has determined is contributing a substantial pollutant load into their MS4, which includes industries subject to reporting requirements under the Superfund Amendments and Reauthorization Act (SARA). Please see the section on SARA below for justification.

### **ANTI-BACKSLIDING:**

Anti-backsliding is a provision in federal statute and regulations CWA §303(d)(4); CWA §402(o); 40 CFR 122.44(l) that requires a reissued permit to be as stringent as the previous permit with some exceptions. The permit complies with Anti-backsliding regulations.

### **ANTI-DEGRADATION:**

Anti-degradation consists of policies designed to ensure protection of water quality for a particular waterbody where the water quality exceeds levels necessary to protect fish and wildlife propagation and recreation on and in the water. This also includes special protection of waters designated as outstanding natural resource waters. Anti-degradation plans are adopted by each state to minimize adverse effects on water.

As per 10 CSR 20-7.031(3), the three levels of protection provided by the anti-degradation policy in subsections (A), (B) and (C) of this section shall be implemented according to procedures developed by the Department. On April 20, 2007, the Missouri Clean Water Commission approved "Missouri Anti-degradation Rule and Implementation Procedure" (Anti-degradation Rule), which is applicable to new or upgraded/expanded facilities.

The Department has determined that the appropriate avenue forward for implementing the Anti-degradation requirements for the permittee is requiring the successful implementation of the permittee's SWMP. The permit directs the permittees to develop and implement effective BMPs, develop and implement self-evaluating measurable goals, and develop and implement an iterative process (how BMPs are determined ineffective and the steps needed to replace or revise the BMPs). This approach is applicable to newly added jurisdictional areas of the permittee. This process ensures that the permittee applies Reasonable Further Progress, which subsequently ensures that the MS4s are reducing pollutants in stormwater runoff to the Maximum Extent Practicable (MEP). This selection and documentation of appropriate control measures will then serve as the analysis of alternatives and fulfill the requirements of the Antidegradation Rule and Implementation Procedure at 10 CSR 20-7.031(3) and 10 CSR 20-7.015(9)(A)5.

The permit requires any expansion to the permittee's boundary served by their MS4 to be updated in their SWMP and is subject to the terms and conditions of the SWMP and permit. Renewal of coverage for a facility requires a review of the SWMP by the Department to assure that the selected BMPs continue to be appropriate.

### **APPLICATION REQUIREMENTS:**

Federal regulations under 40 CFR 122.26(d) and state regulations under 10 CSR 20-6.200(5) establish application requirements for Phase I MS4s; however, these regulations were not to be required for each round of renewals – rather for the initial application to receive a Phase I MS4 operating permit. This is supported in the August 9, 1996, Federal Register Volume 61, No. 155 – Interpretative Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems (Phase I Reapplication), which states, "The scope of the initial permit application requirement was comprehensive and regulated MS4s



invested considerable resources to develop these applications. The initial applications have laid the foundation for the long-term implementation of MS4 stormwater management programs. EPA believes reapplications should focus on maintenance and improvement of these programs.” In addition, Phase I Reapplication states, “The MS4 application requirements at 40 CFR 122.26(d)(1) and (2) apply to the first round permit application required of large and medium MS4s. The permit application deadlines in 40 CFR 122.26(e)(3) and (4) clearly reflect the “one time” nature of the Part I and II application requirements for large and medium MS4s. EPA has not promulgated regulations applicable to reapplication for MS4s. Requirements to demonstrate adequate legal authority, perform source identification (e.g., identify major outfalls and facility inventory), characterize data, and develop a stormwater management program should have been addressed in the initial application phase. Therefore, to request the same information again, where it has already been provided and has not changed, would be needlessly redundant. Thus, as a practical matter, most first-time permit application requirements are unnecessary for purposes of second round MS4 permit applications.”

In the absence of regulations that are specific to reapplications requirements for Phase I Applications, EPA gives some suggested requirements based on 40 CFR 122.21(f) as well as the allowance of flexibility of the NPDES authority to require conditions the NPDES authority deems appropriate.

**BEST PROFESSIONAL JUDGEMENT (BPJ):**

BPJs are technology-based limits derived on a case-by-case basis. BPJ limits are established in cases where Effluent Limit Guidelines (ELGs) are not available for, or do not regulate, a particular pollutant of concern. BPJ is defined as the highest quality technical opinion developed by a permit writer after considerations of all reasonably available and pertinent data or information that forms the basis for the terms and conditions of a NPDES permit.

The authority for BPJ is contained in Section 402(a)(1) of the Clean Water Act (CWA), which authorizes the NPDES authority to issue a permit containing “such conditions as the Administrator determines necessary to carry out the provisions of this Act” prior to taking the necessary implementing actions, such as the establishment of ELGs. ELGs are national regulatory standards for wastewater discharged to surface waters and municipal sewage treatment plants. EPA issues these regulations for industrial categories, based on the performance of treatment and control technology.

Previous iterations of operating permits for the permittee followed the typical layout of Phase I operating permits based on the application requirements of 40 CFR 122.26(d) with the direction that the NPDES authority (i.e., the Department) was to draft an operating permit based on information received in the permittee’s application, which as noted above was incorrectly applied as a majority of the regulations specific to Phase I MS4s in 40 CFR 122.26(d) were to be only applied on the initial application. In contrast, when Phase II was promulgated, EPA established BMPs applicable to Phase II MS4s via the Minimum Control Measures (MCMs) under 40 CFR 122.34(b). BMPs are Technology-based Effluent Limits (TBELs), which then subjects the BMPs to BPJ case-by-case determinations.

As an act of convenience with the understanding to provide consistency between Phase I and Phase II MS4s in the State of Missouri, this permit follows the MCMs of Phase II format; however, due to requirements under 40 CFR 122.26(d) and how the permittee implements them, there are additional MCMs for Phase I. Thus, the Phase I and II MCMs are consistently named, but not all of the conditions between Phase I and II MCMs are the same. This is due to the fact that Phase II regulations establish MCMs with some specific requirements. Phase I requirements require the permittee to create and build upon a stormwater program based on the application requirements, which can cause a Phase I to implement conditions not are not similar to the requirements under Phase II.

However, the approach of having Phase I MCMs appear as Phase II MCMs allows the permit writer to provide more clear requirements, which is beneficial to the permittee, and allows the permit writer to define portions of 40 CFR 122.26(d) as truly being that of an application vs. a term and condition of the permit. This approach subsequently allows both the permittee and the Department to understand the difference between the MCMs, and how compliance and non-compliance are determined.

**COMPLIANCE AND ENFORCEMENT:**

Enforcement is the action taken by the Water Protection Program (WPP) to bring an entity into compliance with the Missouri CWL, 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. For entities covered under a NPDES permit, failure to comply with any applicable NPDES permit requirement also constitutes a violation of the Missouri CWL and its implementing regulations.

**COVERAGE:**

In accordance with 40 CFR 122.26(a)(1)(iv) and 40 CFR 122.26(a)(3)(i), the permittee is required to obtain a NPDES operating permit for the discharge of stormwater from their MS4. The MS4 is a medium Phase I in accordance with 40 CFR 122.26(b)(7)(i). The permit was drafted to provide coverage for all of the permittee’s stormwater discharges from the MS4 into waters of the state.

### **ITERATIVE PROCESS**

The iterative process is a documented process consisting of action items and analysis that is to be conducted by the permittee to ensure that BMPs are effective, and that the permittee is meeting the MEP standard. The process starts with the evaluation of a BMP with its designated measurable goal, which is the reason quantifiable measurable goals greatly assist in the iterative process. If the BMP is found effective, then the permittee with regards to the BMP continues as normal until the next round of evaluation. If the BMP is found to be ineffective, then the permittee is required to conduct analysis to determine if the ineffective BMP is truly ineffective or if the measurable goal was ill-chosen or unattainable due to no fault of the BMP.

If the measurable goal was ill-chosen or unattainable, then the permittee would need to conduct analysis to determine a more appropriate measurable goal, preferably quantifiable. If the measurable goal wasn't ill-chosen or unattainable, then the permittee is to conduct analysis, research, or review to determine a replacement BMP that is to be effective at reaching the existing measurable goal. However, if the replacement BMP requires a new measurable goal, preferably quantifiable, then it is advantageous for the permittee to develop an appropriate measurable goal for the BMP. The replacement of the ineffective BMP with an effective BMP provides the permittee with reasonable further progress.

This process should occur as an annual evaluation; however, it would be naïve to believe that all BMPs can be evaluated annually. Thus, the operating permit requires that BMPs be evaluated every 5 years (i.e., the life of the permit).

### **MAXIMUM EXTENT PRACTICABLE (MEP) STANDARD:**

Prior to 1987, municipal stormwater was subject to the same controls as other point sources like industrial and domestic discharges, which was section 301(b) of the CWA. However, in 1987, "Congress retained the existing, stricter controls for industrial stormwater discharges but prescribed new controls for municipal stormwater discharges," *NRDC v. EPA*, 966 f.2d 1292, 9<sup>th</sup> Cir. 1992 (*NRDC v. EPA*). This "new control" was established in section 402(p)(3)(B)(iii) of the CWA, which states, "*Permits for discharges from municipal storm sewers – shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, designs and engineering methods, and such other provisions as the Administrator or State determines appropriate for the controls of such pollutants.*"

The argument for "new controls" contained in the case of *NRDC v. EPA* was subsequently supported in the case of *Defenders of Wildlife v. Browner*, in which it was concluded that section 402(p)(3)(B) of the CWA "replaces" the requirements of 301(b) of the CWA with the MEP standard for MS4 discharges, and that it creates a "lesser standard" than section 301(b) of the CWA establishes on other types of discharges. Thus, MEP is a technology-based standard established by Congress in Section 402(p)(3)(B)(iii) of the CWA.

Compliance with MEP is realized with the successful implementation of the MCMs in accordance with the terms and conditions of the operating permit. Successful implementation of the MCMs is realized with the implementation of effective BMPs, which is determined with appropriate measurable goals. When BMPs are found to be ineffective, then the permittee is subject to the Iterative Process. This cyclical process demonstrates Reasonable Further Progress. While this completes the permittee's side to MEP, MEP isn't fully realized until the review of the permittee's SWMP has been conducted and they receive a satisfactory rating.

### **MEASURABLE GOALS:**

Measurable goals are designed objectives or goals that quantify the progress of program implementation and performance of BMPs. They are objective markers or milestones that the permittee uses to track the progress and effectiveness of BMPs in reducing pollutants to the MEP. At a minimum, measurable goal should contain descriptions of actions that will be taken to implement each BMP, what is anticipated to be achieved by each goal, and the frequency and dates for such actions to be taken. BMPs and measurable goals are the mechanisms that are used to establish a clear and specific baseline against which future progress at reducing pollutants to the MEP can be measured.

There are a number of different ways the permittee can establish measurable goals. It is recommended that the below categories are used when developing goals:

- **Tracking implementation over time** – Where a BMP is continually implemented over the permit term, a measurable goal can be developed to track how often, or where, this BMP is implemented.
- **Measuring progress in implementing the BMP** – Some BMPs are developed over time, and a measurable goal can be used to track this progress until the BMP implementation is completed.
- **Tracking total numbers of BMPs implemented** – Measurable goals can be used to track BMP implementation numerically (e.g., the number of wet detention basins in place or the number of people changing their behavior due to the receipt of educational materials).
- **Tracking program/BMP effectiveness** – Measurable goals can be developed to evaluate BMP effectiveness, for example, by evaluating a structural BMP's effectiveness at reducing pollutant loading, or evaluating a public education campaign's effectiveness at reaching and informing the target audience to determine whether it reduces pollutants to the MEP. A measurable goal can also be a BMP design objective or performance standard.

- **Tracking environmental improvement** – The ultimate goal of the NPDES stormwater program is environmental improvement, which can be a measurable goal. Achievement of environmental improvement can be assessed and documented by ascertaining whether state water quality standards are being attained, or by tracking trends or improvements in water quality (chemical, physical, and biological) and other indicators, such as the hydraulic or habitat condition of the waterbody or watershed.

Additionally, it is recommended that measurable goals include, where appropriate, the following items:

- The activity, or BMP, to be completed;
- A schedule or date of completion; and
- A quantifiable target to measure progress toward achieving the activity or BMP.

Measurable goals that include these items (not necessarily all three) are easy quantifiable, which leads to being easily tracked, and ultimately leading to a clear demonstration of reducing pollutants to the MEP. In order to help in the selection of measurable goals that will work for the co-permittee, it is recommended that the below criteria be used in selecting measurable goals:

- **Consider the objective for each minimum measure** – BMPs should work toward one or more common objectives related to stormwater quality improvement and reducing pollutants to the MEP. Objectives should be based on what is known about existing pollutant sources and problems in the watershed and what is required by the minimum measure. The objective can be something the co-permittee can quantify or it can be a goal or purpose statement.
- **Review the programs that are already in place for each minimum measure** – Use a self-audit/self-analysis. Coordination with other agencies, non-profit groups, citizen groups, etc. to identify existing initiatives that can be used as part of the stormwater management program.
- **Corresponding BMP** – BMPs that can be utilized for more than one minimum control measure and work toward meeting each minimum measure. These BMPs should address the minimum measures objective identified above and meet the regulatory requirement in the minimum measure. Likewise, when a BMP can be utilized for more than one minimum control, the measurable goal can also be used on more than one minimum measure.
- **Milestones for implementation** – Measurable goals should include a timeframe and a quantity to measure, if possible. To assist in this, it is beneficial to consider the following questions:
  - When will BMP be implemented?
  - What and when can institutional, funding, and legal issues, if any, be resolved before implementation can occur?
  - How will progress of implementation be tracked? (Spreadsheets or databases are very useful in tracking progress.)
  - How can the BMP be measured to demonstrate pollutants are being reduced to the MEP? Changes in behavior, number of BMPs implemented, or documented improvements in water quality are results that can demonstrate this.
- **Evaluation and Effectiveness of each BMP** – It is also beneficial to ascertain what effects individual and collective BMPs have on water quality and associated indicators. Instream monitoring, such as physical, chemical, and biological monitoring is ideal because it allows the permittee to determine if the BMP is improving water quality resulting from management efforts. Intermediate goals can provide documentation of progress toward the measurable goal. Ultimately, the evaluation method that is used by the MS4 permit holder for each BMP should lead to a determination of the environmental benefits of each minimum measure and overall effectiveness of the SWMP in reducing pollutants to the MEP.

#### **MINIMUM CONTROL MEASURES (MCMs):**

In accordance with 40 CFR 122.26(d)(2)(iv) and 10 CSR 20-6.200(4)(B)4, the permittee is to implement a set of programs and plans for the duration of the permit that reduces pollutants to the MEP. As noted above under the rationale for BPJ, the management program under 40 CFR 122.26(d)(2)(iv) and 10 CSR 20-6.200(4)(B)4 have been established with the approach and format of 40 CFR 122.34(b). Additionally, the below MCMs are implemented and built upon through the permittee's stormwater program. Below is a description of each of the MCMs:

The terms and conditions of the permit were determined appropriate in accordance with 40 CFR 122.26(d)(2)(iv) and 10 CSR 20-6.200(4)(B)4, and via BPJ from 40 CFR 122.34(b)(1) for Public Education and Outreach; 40 CFR 122.34(b)(2) for Public Participation and Involvement; 40 CFR 122.34(b)(3) for Illicit Discharge Detection and Elimination; 40 CFR 122.34(b)(4) for Construction Site Stormwater Runoff Control; 40 CFR 122.34(b)(5) for Post-Construction Stormwater Management in New Development and Redevelopment; and 40 CFR 122.34(b)(6) for Pollution Prevention and Good Housekeeping for Municipal Operations.

In addition, to the listed six common MCMs typically reserved for Phase II, the permittee implements three additional MCMs. MCM #7 – Industrial and High Risk Runoff is in accordance with 40 CFR 122.26(d)(2)(iv)(C)(1) and (2). MCM #8 – Flood Control Projects is in accordance with 40 CFR 122.26(d)(2)(A)(4). MCM #9 – Monitoring is in accordance with 40 CFR 122.26(d)(2)(iv)(iii)(A) and the Biological Assessment is based on the previous operating permit and BPJ.

The state regulations were not included above as they are identical to federal regulations. Please contact the Department for a complete listing of state regulations based on the discussion under this portion of the factsheet.

**NON-STORMWATER DISCHARGES:**

This operating permit allows for non-stormwater discharges from the permittee's MS4 if the permittee or Department determined these sources are not substantial contributors of pollutants. In accordance with 40 CFR 122.26(d)(2)(iv)(B)(1) and 10 CSR 20-6.200(4)(B)4.B.(I) the following category of non-stormwater discharges or flows are to be addressed by the permittee where such discharges are identified by the permittee as sources of pollutants to waters of the state. Thus, the permittee is the primary source of determination regarding if the below category of non-stormwater discharges or flows are sources of pollutants. The Department may make such determinations in the future if it is believed the permittee is not conducting serious determinations. The categories of non-stormwater discharges are as follows: Water line and fire hydrant flushing; landscape irrigation; rising groundwater; uncontaminated groundwater; infiltration; uncontaminated pumped ground water; potable water sources; foundation drains; air conditioning condensate; springs; water from crawl space pumps; footing drains; lawn watering; flows from riparian habitats and wetlands; street wash water; emergency fire-fighting activities; individual residential car washing; and dechlorinated residential swimming pools.

**PERMIT SHIELD**

Missouri statute, §644.051.16, RSMo, states "The Department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. Section 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644."

CWA section 402(k) states "Compliance with a permit issued pursuant to this section shall be deemed compliance, for purposes of sections 1319 and 1365 of this title, with sections 1311, 1312, 1316, 1317, and 1343 of this title, except any standard imposed under section 1317 of this title for a toxic pollutant injurious to human health. Until December 31, 1974, in any case where a permit for discharge has been applied for pursuant to this section, but final administrative disposition of such application has not been made, such discharge shall not be a violation of (1) section 1311, 1316, or 1342 of this title, or (2) section 407 of this title, unless the Administrator or other plaintiff proves that final administrative disposition of such application has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application. For the 180-day period beginning on October 18, 1972, in the case of any point source discharging any pollutant or combination of pollutants immediately prior to such date which source is not subject to section 407 of this title, the discharge by such source shall not be a violation of this chapter if such a source applies for a permit for discharge pursuant to this section within such 180-day period."

The permittee is therefore shielded from new regulations or existing regulations that were subsequently determined appropriate. If the new or existing regulation is determined necessary for the permittee or for water quality, then the department will work with the permittee to determine if a change to the permittee's SWMP or operating permit is appropriate.

**PESTICIDE RULE:**

The Department has developed a Pesticide General Permit #MO-G870000 for point source discharges resulting from the application of pesticides to waters of the state. This permit has been developed as a result of federal requirements under NPDES.

The general permit authorizes the discharge of pesticides that leave a residue in water when such applications are made into, over or near waters of the United States. The Department has determined that entities most likely affected by this permit include public health entities, including mosquito or other vector control districts and commercial applicators that service this sector. Others potentially affected by this permit include resource and land management entities such as public and private entities managing public land, park areas and university campuses, as well as utilities maintaining easements and right-of-ways, golf courses and other large residential developments which maintain a large grounds area. In addition, permits may be required for applications involving pesticide use for agricultural related activities when pesticides are applied to crops grown in or near a water of the United States.

The Department is collaborating closely with the Missouri Department of Agriculture, which already administers the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) along with the Missouri Pesticide Use Act.

The permittee/facility is subject to the pesticide rule. To determine if a permit is required, please visit the Department's website. The thresholds listed in Table 1 of the pesticide general permit will assist in determining if a permit is required. If a permit is required, the permittee/facility shall apply for either the Pesticide General Permit or a site-specific pesticide permit from the Department.

**SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (SARA):**

In accordance with 40 CFR 122.26(d)(2)(iv)(C) and 10 CSR 20-6.200(4)(B)4.C., the permittee is required to provide a description of a program to monitor and control pollutants in stormwater discharges to the MS4 from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to Section 313 of Title III of SARA.

**STORMWATER MANAGEMENT PROGRAM AND PLAN (SWMP):**

The SWMP is a documented implementation plan describing a schedule of MS4 program activities including prohibitions of practices, implementation of required practices, development of standards for urban growth, maintenance procedures, education, trainings, inspections and other management practices to prevent or reduce the pollution of waters of the state.

This permit in accordance with 10 CSR 20-6.200 and 40 CFR Parts 9, 122, 123 and 124 requires the permittee to develop and implement a SWMP. The SWMP also includes, but is not limited to, BMPs, pertinent local regulations, policies, procedures, interim milestones, measurable goals, measures of success, responsible persons/positions for each of the measurable goals, and any applicable TMDL assumptions and requirements.

**SWMP ORDINANCES:**

In accordance with 40 CFR 122.26(d)(2)(i) and 10 CSR 20-6.200(4)(B)1., the permittee is required to have legal authority established by statute, ordinance, or series of contracts to control the contribution of pollutants to their MS4 from stormwater discharges associated with industrial activity and the quality of stormwater discharged from industrial sites, prohibit illicit discharges to the MS4, control the discharge of storm sewer spills, dumping or disposal of materials other than stormwater, require compliance with conditions of their ordinances, permits, contracts or orders, and carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the MS4. Additionally, if applicable, the permittee is to control through interagency agreements among co-applicants the contribution of pollutants from one portion of the MS4 to another portion of the municipal system.

**SWMP REPORTING & REPORT FREQUENCY:**

In accordance with 10 CSR 20-6.200(4)(B)10, large and medium MS4s are to submit an annual report by the anniversary of the date of the issuance of the permit for the system. In agreement with the permittee, the permit establishes that the annual report shall be due October 28<sup>th</sup> of each year for the reporting period of July 1<sup>st</sup> to June 30<sup>th</sup>.

**WATER QUALITY STANDARDS:**

Under the CWA section 402(p), the U.S. Congress established two different standards for the regulation of stormwater discharges, which one was for industrial activities and the other for municipal stormwater discharges from MS4s. Stormwater discharges associated with industrial activities are required to comply with NPDES permits containing technology-based effluent limitations or more stringent water quality based effluent limitations as set forth in CWA section 301. However, in contrast, stormwater discharges from MS4s are to be regulated by permit that require controls to reduce the discharge of pollutants to the maximum extent practicable (MEP).

The MEP language contained in the CWA section 402(p)(3)(B)(iii) represents a different technology-based standard which requires a governmental entity (e.g., municipality) to pursue sound pollutant control techniques that are both technically and economically feasible. More importantly, MEP and the CWA do not prescribe water quality-based requirements for municipal stormwater. Water quality-based requirements differ from technology-based requirements, in that water quality-based requirements are set on ambient water quality of receiving water body and applicable water quality standards; however, technology-based standards focus upon the water quality achievable by a particular or comprehensive plan of pollution control measures or technologies.

However, to say that water quality does not apply to MS4s is incorrect due to the fact that if MS4 is subject to a TMDL, any action implemented due to the TMDL is by definition going beyond MEP. Though, this is not to be an indication that numeric limitation(s) based on a Wasteload Allocation are applicable to a MS4 permittee upon subjection to a TMDL.

**303(d) LIST, TOTAL MAXIMUM DAILY LOAD (TMDL)**

Section 303(d) of the CWA requires that each state identify waters that are not meeting water quality standards. 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 typical water pollution control programs. Federal regulations require permitting authorities to develop TMDLs to address impaired waters listed per Section 303(d) of the CWA. 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 impaired.

Representative stormwater outfalls, numbers 002, 003, 004, 008, and 009, as established in the operating permit, discharge to streams that are listed for impairments, as follows:

Stream Name	Pollutant	Corresponding Outfall	Source (DNR records)
Wilson Creek	benzo(a)anthracene, chrysene, fluoranthene, phenanthrene, pyrene, and Escherichia coli	002	Non-point source
Pearson Creek	Escherichia coli (Aquatic Macroinvertebrate Bioassessment/unknown)	003	Livestock, grazing or feeding operation; urban runoff/storm sewers (source unknown)
North Branch Wilson Creek	Zinc	004	Urban Non-Point Source
Jordan Creek	benzo(a)anthracene, benzo(a)pyrene-PAH, chrysene C1-C4, fluoranthene, phenanthrene, and pyrene	008, 009	Non-point source

The operating permit only requires action from the permittee when the receiving stream has an approved or established TMDL. However, the operating permit does not remove any agreement, consent decree, or other legally binding documents that may have been required upon the permittee.

In addition to the impairments, the permittee is subject to the December 2004 James River TMDL; Pollutant: Nutrients. However, the TMDL does not contain a WLA for the permittee. Regarding the Wilson Creek and Jordan Creek TMDLs, the permittee filed suit against EPA on September 30, 2011, in the U.S. District Court for Western District of Missouri, Southern District, challenging EPA’s establishment of TMDL for Wilson, Jordan and Pearson Creeks in and near Springfield. The permittee’s suit noted lack of statutory authority, arbitrary and capricious action, and violation of requirements for notice and comment rulemaking as the reason for their challenge. Settlement discussions between the permittee and EPA began shortly after the complaint was filed. EPA subsequently filed a motion for voluntary remand of the challenged TMDLs, and on February 20, 2013, a court order vacated the challenged TMDLs and remanded the matter to EPA for reconsideration.

#### **Part IV – 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 permit ended on March 20, 2017, and no substantive comments were received other than EPA asking for Part B.5. to replace “does not constrain” with “the permittee continues its”. This change was submitted to the permittee and they agreed with the change on March 21, 2017.

**DATE OF FACT SHEET:** AUGUST 22, 2016; REVISED MARCH 22, 2017

#### **COMPLETED BY:**

**MICHAEL ABBOTT, ENVIRONMENTAL SCIENTIST – MS4 COORDINATOR**

**MISSOURI DEPARTMENT OF NATURAL RESOURCES**

**WATER PROTECTION PROGRAM**

**OPERATING PERMITS SECTION – STORMWATER AND CERTIFICATION UNIT**

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## **Appendices**

### **APPENDIX – COST ANALYSIS FOR COMPLIANCE:**

The operating permit for the permittee establishes the minimum requirements to ensure compliance with applicable federal and state rules and regulations for their regulated Phase I MS4. The operating permit requires the permittee to successfully implement their SWMP based on minimum control measures to ensure for MEP. The permit requires the permittee to submit their BMPs, measurable goals, and iterative process for implementation of the minimum control measures, which will be deemed affordable by the Department unless the permittee indicates that the terms and conditions of the operating permit are not affordable. Upon notification of that the terms and conditions of the operating permit are not affordable, the Department will conduct an official Cost Analysis.

If the Department requires changes to the SWMP for any situation, the Department will conduct a Cost Analysis unless waived by the permittee.