

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No. MO-0129798

Owner: Tyson Chicken, Inc.
Address: 2200 Don Tyson Parkway, Springdale, AR 72765

Continuing Authority: Same as above
Address: Same as above

Facility Name: Tyson Chicken, Inc. – Dexter Processing Plant
Facility Address: 1001 E. Stoddard, Dexter, MO 63841

Legal Description: See page 2
UTM Coordinates: See page 2

Receiving Stream: See page 2
First Classified Stream and ID: See page 2
USGS Basin & Sub-watershed No.: See page 2

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

FACILITY DESCRIPTION

This is a poultry processing facility. Live chickens are transported to the facility via truck. The chickens are slaughtered, cut-up, and oven cooked. Portions of the birds are packed in ice and shipped. The oven cooked products are packaged in plastic bags and then boxed for distribution.

See page 2

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 Sections 640.013, 621.250, and 644.051.6 of the Law.

JULY 1, 2016
Effective Date

AUGUST 17, 2016
Modification Date

Sara Parker Pauley, Director, Department of Natural Resources

MARCH 31, 2021
Expiration Date

John Madras, Director, Water Protection Program

FACILITY DESCRIPTION (continued):

Outfall #001 - Industrial, Poultry Processing - SIC #2015

The use or operation of this facility does not require the supervision of a **Certified Operator**.

Stormwater runoff from a 6.2 acre drainage area, including roofs and parking lots. Air conditioning unit condensate water may also drain during severe rain events.

Design flow is 93,100 gallons per day.

Actual flow is dependent upon precipitation.

Legal Description: NE¼, SW¼, Sec. 23, T25N, R10E, Stoddard County
UTM Coordinates: X= 772788, Y= 4076326
Receiving Stream: Tributary to Dexter Creek
First Classified Stream and ID: 8-20-13 MUDD V 1.0 (C) (3960) (locally known as Dexter Creek)
USGS Basin & Sub-watershed No.: 08020204-0502

Outfall #002 - Industrial, Poultry Processing - SIC #2015

The use or operation of this facility does not require the supervision of a **Certified Operator**.

Stormwater runoff from a 1.1 acre drainage area, including roofs and parking lots.

Design flow is 14,700 gallons per day.

Actual flow is dependent upon precipitation.

Legal Description: NE¼, SW¼, Sec. 23, T25N, R10E, Stoddard County
UTM Coordinates: X= 772551, Y= 4076297
Receiving Stream: Tributary to Dexter Creek
First Classified Stream and ID: 8-20-13 MUDD V 1.0 (C) (3960) (locally known as Dexter Creek)
USGS Basin & Sub-watershed No.: 08020204-0502

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

EFFLUENT PARAMETER(S) (Note 1)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	MGD	*	-	-	once/quarter****	24 hr. estimate
Precipitation	Inches	*	-	-	once/quarter****	total measured
Biochemical Oxygen Demand ₅	mg/L	**	-	-	once/quarter****	grab
Chemical Oxygen Demand	mg/L	**	-	-	once/quarter****	grab
Total Suspended Solids	mg/L	**	-	-	once/quarter****	grab
Settleable Solids	mL/L/hr	**	-	-	once/quarter****	grab
pH – Units	SU	***	-	-	once/quarter****	grab
Ammonia as N	mg/L	*	-	-	once/quarter****	grab
Nitrate plus Nitrite N	mg/L	*	-	-	once/quarter****	grab
Total Nitrogen	mg/L	*	-	-	once/quarter****	grab
Total Phosphorus	mg/L	*	-	-	once/quarter****	grab
Oil & Grease	mg/L	**	-	-	once/quarter****	grab
MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY ; THE FIRST REPORT IS DUE OCTOBER 28, 2016 . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
<i>E. coli</i> (Note 2)	#/100 ml	**	-	-	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED ANNUALLY ; THE FIRST REPORT IS DUE NOVEMBER 28, 2016 . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						

- * Monitoring requirement only.
- ** Monitoring requirement with a benchmark value. Please see special condition #11.
- *** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.5-9.0 pH units.
- **** See table below for quarterly sampling.

Minimum Sampling Requirements			
Quarter	Months	All Other Parameters	Report is Due
First	January, February, March	Sample at least once during any month of the quarter	April 28 th
Second	April, May, June	Sample at least once during any month of the quarter	July 28 th
Third	July, August, September	Sample at least once during any month of the quarter	October 28 th
Fourth	October, November, December	Sample at least once during any month of the quarter	January 28 th

Note 1 - All samples shall be collected from a discharge resulting from a precipitation event greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable precipitation event. If a precipitation event does not occur within the reporting period, report as no discharge. The total amount of precipitation should be noted from the event from which the samples were collected.

Note 2 - Monitoring requirements for *E. coli* are applicable only during the recreational season from April 1 through October 31. The permittee shall sample for *E. coli* once per month during the recreational season. The results of the monthly sampling shall be used to calculate one geometric mean at the end of each recreational season. Both the individual monthly samples and the seasonal geometric mean shall be reported annually by November 28 of each year.

B. STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached PART I standard conditions dated AUGUST 1, 2014, and hereby incorporated as though fully set forth herein.

C. SPECIAL CONDITIONS

1. This permit may be reopened and modified, or alternatively revoked and reissued, to:
 - (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) controls any pollutant not limited in the permit.
 - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

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

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

In addition to the reporting requirements under §122.41(1), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:

 - (a) That an activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile;
 - (3) Five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol;
 - (4) One milligram per liter (1 mg/L) for antimony;
 - (5) Five (5) times the maximum concentration value reported for the pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - (6) The notification level established by the department in accordance with 40 CFR 122.44(f).
 - (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (1) Five hundred micrograms per liter (500 µg/l);
 - (2) One milligram per liter (1 mg/l) for antimony;

C. SPECIAL CONDITIONS (continued)

- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with §122.21(g)(7).
 - (4) The level established by the Director in accordance with §122.44(f).
5. Report as no-discharge when a discharge does not occur during the report period.
6. Reporting of Non-Detects:
 - (a) An analysis conducted by the permittee or their contracted laboratory shall be conducted in such a way that the precision and accuracy of the analyzed result can be enumerated.
 - (b) The permittee shall not report a sample result as “Non-Detect” without also reporting the detection limit of the test. Reporting as “Non Detect” without also including the detection limit will be considered failure to report, which is a violation of this permit.
 - (c) The permittee shall provide the “Non-Detect” sample result using the less than sign and the minimum detection limit (e.g. <10).
 - (d) Where the permit contains a Minimum Level (ML) and the permittee is granted authority in the permit to report zero in lieu of the < ML for a specified parameter (conventional, priority pollutants, metals, etc.), then zero (0) is to be reported for that parameter.
 - (e) See Standard Conditions Part I, Section A, #4 regarding proper detection limits used for sample analysis.
7. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (644.055 RSMo).
8. Any pesticide discharge from any point source shall comply with the requirements of Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 ET. SEQ.) and the use of such pesticides shall be in a manner consistent with its label.
9. The permittee shall implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP must be prepared and implemented upon permit issuance. The SWPPP must be kept on-site and should not be sent to the department unless specifically requested. The SWPPP must be reviewed and updated, if needed, every five (5) years or as site conditions change. The permittee shall select, install, use, operate, and maintain the Best Management Practices prescribed in the SWPPP in accordance with the concepts and methods described in the following document: Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators, (Document number EPA 833-B-09-002) published by the United States Environmental Protection Agency (USEPA) in February 2009.

The SWPPP must include the following:

 - (a) A listing of specific Best Management Practices (BMPs) and a narrative explaining how BMPs will be implemented to control and minimize the amount of potential contaminants that may enter stormwater. The BMPs at the facility should be designed to meet this value during rainfall event up to the 10 year, 24 hour rain event.
 - (b) The SWPPP must include a schedule for once per month site inspections and brief written reports. The inspection report must include weather information for the entire period since last inspection, as well as observations and evaluations of BMP effectiveness. Deficiencies must be corrected within seven (7) days and the actions taken to correct the deficiencies shall be included with the written report, including photographs. Inspection reports must be kept on site with the SWPPP and maintained for a period of five (5) years. These must be made available to department personnel upon request.
 - (c) A provision for designating an individual to be responsible for environmental matters.
 - (d) A provision for providing training to all personnel involved in material handling and storage, and housekeeping of maintenance and cleaning areas. Proof of training shall be submitted on request of the department.

C. SPECIAL CONDITIONS (continued)

10. This permit stipulates pollutant benchmarks applicable to your discharge. The benchmarks do not constitute direct numeric effluent limitations; therefore, a benchmark exceedance alone is not a permit violation. Benchmark monitoring and visual inspections shall be used to determine the overall effectiveness of SWPPP and to assist you in knowing when additional corrective action may be necessary. If a sample exceeds a benchmark concentration you must review your SWPPP and your BMPs to determine what improvements or additional controls are needed to reduce that pollutant in your stormwater discharge(s).

Outfall #001 & #002	
Parameter	Benchmark
Biochemical Oxygen Demand ₅	30 mg/L
Chemical Oxygen Demand	120 mg/L
Total Suspended Solids	100 mg/L
Settleable Solids	1.5 mL/L/hr
<i>E. coli</i> (Note 1)	1,030 #/100mL
Oil & Grease	10 mg/L

Note 1 - *E. coli* shall be evaluated as a geometric mean at the end of the recreational season.

Any time a benchmark exceedance occurs a Corrective Action Report (CAR) must be completed. A CAR is a document that records the efforts undertaken by the facility to improve BMPs to meet benchmarks in future samples. CARs must be retained with the SWPPP and available to the department upon request. If the efforts taken by the facility are not sufficient and subsequent exceedances of a benchmark occur, the facility must contact the department if a benchmark value cannot be achieved. Failure to take corrective action to address a benchmark exceedance and failure to make tangible progress towards achieving the benchmarks is a permit violation.

11. Permittee shall adhere to the following minimum Best Management Practices (BMPs):
- (a) Prevent the spillage or loss of fluids, oil, grease, fuel, etc. from vehicle maintenance, equipment cleaning, or warehouse activities and thereby prevent the contamination of storm water from these substances.
 - (b) Provide collection facilities and arrange for proper disposal of waste products including but not limited to petroleum waste products, and solvents.
 - (c) Store all paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) so that these materials are not exposed to storm water or provide other prescribed BMPs such as plastic lids and/or portable spill pans to prevent the commingling of storm water with container contents. Commingled water may not be discharged under this permit. Provide spill prevention control, and/or management sufficient to prevent any spills of these pollutants from entering waters of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.
 - (d) Provide good housekeeping practices on the site to keep trash from entry into waters of the state.
 - (e) Provide sediment and erosion control sufficient to prevent or control sediment loss off of the property. This could include the use of straw bales, silt fences, or sediment basins, if needed, to comply with monitoring requirements and benchmark values.
 - (f) Ensure that adequate provisions are provided to prevent surface water intrusion into the storage basin, to divert stormwater runoff around the storage basin, and to protect embankments from erosion.
12. The purpose of the SWPPP and the BMPs listed herein is the prevention of pollution of waters of the state. A deficiency of a BMP means it was not effective in preventing pollution [10 CSR 20-2.010(56)] of waters of the state, and corrective actions means the facility took steps to eliminate the deficiency.
13. To protect the general criteria found at 10 CSR 20-7.031(4), before releasing water accumulated in secondary containment areas, it must be examined for hydrocarbon odor and presence of sheen. If the presence of odor or sheen is indicated, the water shall be treated using an appropriate method or disposed of in accordance with legally approved methods, such as being sent to a wastewater treatment facility. Following treatment, the water shall be tested for oil and grease, benzene, toluene, ethylbenzene, and xylene using 40 CFR part 136 methods. All pollutant levels must be below the most protective, applicable standards for the receiving stream, found in 10 CSR 20-7.031 Table A. Records of all testing and treatment of water accumulated in secondary containment shall be stored in the SWPPP to be available on demand to MDNR and EPA personnel.
14. Release of a hazardous substance must be reported to the department in accordance with 10 CSR 24-3.010. A record of each reportable spill shall be retained with the SWPPP and made available to the department upon request.

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATEMENT OF BASIS
MO-0129798
TYSON CHICKEN, INC. – DEXTER PROCESSING PLANT

This Statement of Basis (Statement) gives pertinent information regarding minor modification(s) to the above listed operating permit without the need for a public comment process.

A Statement is not an enforceable part of a Missouri State Operating Permit.

Part I – Facility Information

Facility Type: Industrial Facility SIC Code(s): 2015

FACILITY DESCRIPTION:

Live chickens are transported to the facility via truck. The chickens are slaughtered, cut-up, and oven cooked. Portions of the birds are packed in ice and shipped. The oven cooked products are packaged in plastic bags and then boxed for distribution.

Part II – Modification Rationale

The department is initiating a modification to correct inconsistent permit requirements related to *E. coli*. These inconsistencies included reporting requirements of monthly, quarterly and seasonally for *E. coli*. The intent of the requirement is to assess discharge performance for *E. coli* as a geometric mean for the recreational season. This will require the permittee to take monthly samples of the discharges once per month for the months of April through October of each year. The results of the analyses for these samples will be used to calculate the geometric mean for the recreational season during that same year.

Once per year, on the 28 day following the recreational season (November 28), the permittee will be required to submit: 1) each individual analytical sampling result for each month within the recreational season; and 2) the calculated geometric mean for the previous recreational season. This will result in a total of eight values required to be submitted for *E. coli* each year.

The permit requirements have been revised to provide clarity.

No other changes were made at this time.

Part III – Administrative Requirements

On the basis of preliminary staff review and the application of applicable standards and regulations, the Department, as administrative agent for the Missouri Clean Water Commission, proposes to issue a permit(s) subject to certain effluent limitations, schedules, and special conditions contained herein and within the operating permit.

Since the revisions to the permit provide clarity on an existing permit requirement, a Public Notice period is not required for this permit modification.

DATE OF STATEMENT OF BASIS: AUGUST 8, 2016

COMPLETED BY:

LOGAN COLE, ENVIRONMENTAL SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - DOMESTIC WASTEWATER UNIT
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**MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0129798
TYSON CHICKEN, INC. – DEXTER PROCESSING PLANT**

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

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

A Factsheet is not an enforceable part of an operating permit. This Factsheet is for an Industrial Facility.

Part I. FACILITY INFORMATION

Facility Type: Industrial Facility SIC Code(s): 2015

FACILITY DESCRIPTION:

Live chickens are transported to the facility via truck. The chickens are slaughtered, cut-up, and oven cooked. Portions of the birds are packed in ice and shipped. The oven cooked products are packaged in plastic bags and then boxed for distribution.

Application Date: 08/12/2013
Expiration Date: 02/05/2014
Last Inspection: 02/24/2014-02/25/2014 (EPA) Not in Compliance

OUTFALL(S) TABLE:

OUTFALL	DESIGN FLOW (CFS)	TREATMENT LEVEL	EFFLUENT TYPE
#001	0.14	Best Management Practices (BMPs)	Stormwater with air conditioning condensate water
#002	0.02	BMPs	Stormwater

FACILITY PERFORMANCE HISTORY & COMMENTS:

The most recent site inspection to determine compliance with MSOP #MO-0129798 was conducted by the Environmental Protection Agency (EPA) from February 24-25, 2014. The facility was found to be in non-compliance during the time of the inspection. The following violations were noted on Potential NPDES Permit Violations (NOPV) attached to the inspection report:

1. Permit limit exceedances and non-compliance notifications not submitted within established timeframes.
2. Unrepresentative samples collected at Outfall #001.
3. Improper container used to collect oil and grease samples.

The most recent site inspection conducted by the Missouri Department of Natural Resources (Department) was conducted on January 30, 2013. The facility was found to be in compliance during the time of the inspection.

Comments – The facility has several air conditioning units that drip condensation water onto the ground throughout the site. The volume is not recorded but the condensate water has never been observed to reach either outfall location. The description for Outfall #001 contains condensate water, as it may receive this water during severe rain events. Outfall #002 will not receive any condensate water during rain events due to the slope of the site. The permittee may be able to determine discharge of condensate water by monitoring total suspended solids, settleable solids or chemical oxygen demand in the discharges.

Part II. RECEIVING STREAM INFORMATION

RECEIVING WATER BODY’S WATER QUALITY

The Lateral #2 Main Ditch (P) (3105) is on the 2012 Missouri 303(d) List of impaired waters for dissolved oxygen from an unknown source and temperature from channelization. A Total Maximum Daily Load (TMDL) has been developed for total suspended solids in this stream segment as well. This facility has not been identified as a significant contributor to the impairment.

APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:

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

As per Missouri’s Stormwater Regulations [10 CSR 20.6.200(6)(B)2.], the department shall establish effluent limits as necessary to protect waters of the state. Effluent limitations for stormwater are established using best professional judgment based on the category and designated uses of the receiving stream.

- Missouri or Mississippi River:
- Lake or Reservoir:
- Losing:
- Metropolitan No-Discharge:
- Special Stream:
- Subsurface Water:
- All Other Waters:

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

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

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

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

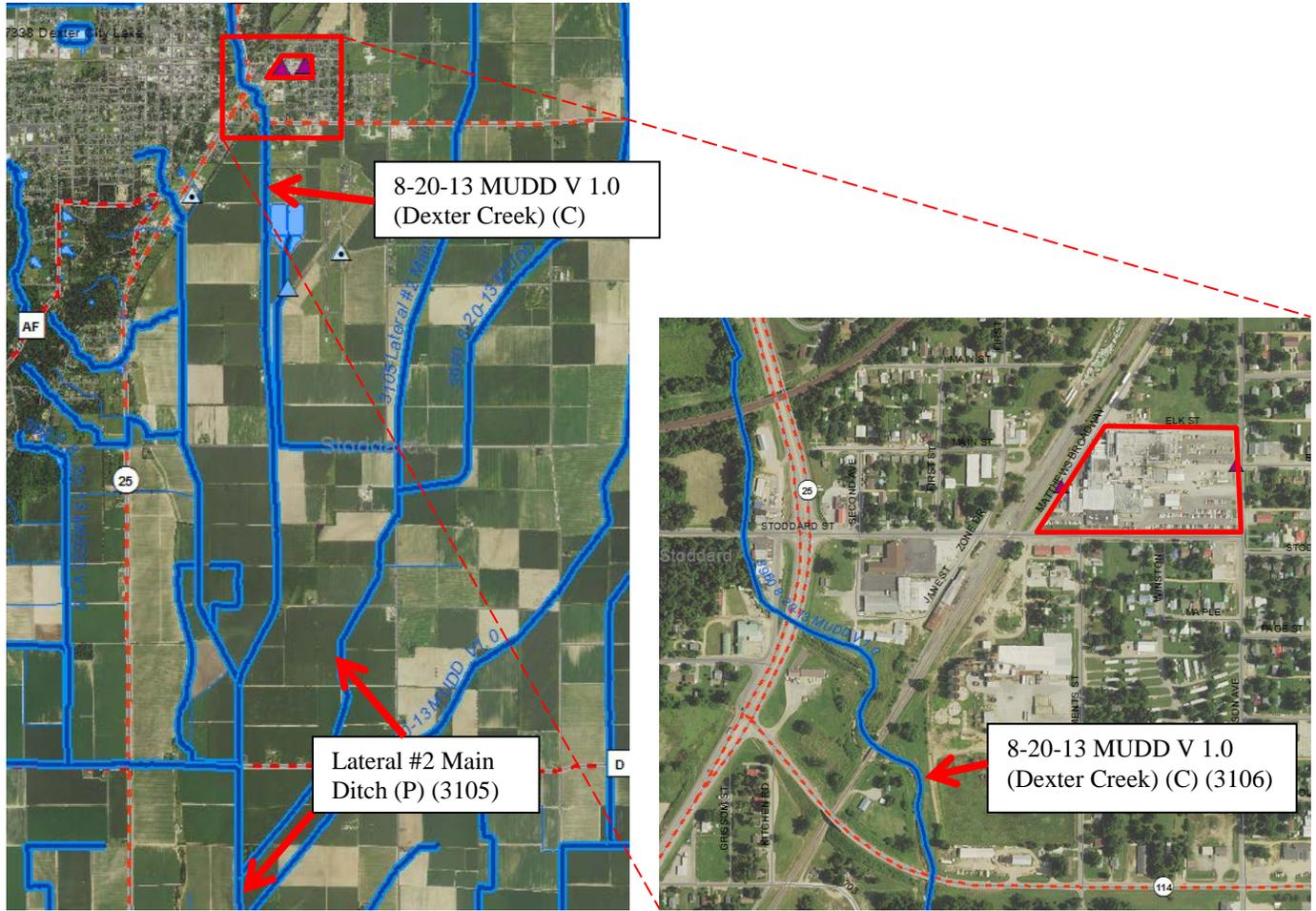
- ✓ Applicable. The Lateral #2 Main Ditch (P) (3105) is listed on the 2012 Missouri 303(d) List for total suspended solids.
- ✓ This facility is not considered to be a source of the above listed pollutant(s) or considered to contribute to the impairment of Lateral #2 Main Ditch (P) (3105).

RECEIVING STREAM(S) TABLE:

OUTFALL	WATERBODY NAME	CLASS	WBID	DESIGNATED USES	DISTANCE TO CLASSIFIED SEGMENT	12-DIGIT HUC
#001	Tributary to Dexter Creek	N/A	N/A	GEN	0.46	08020204-0502
#001	8-20-13 MUDD V 1.0 (C) (3960) (locally known as Dexter Creek)	C	3106	AQL, GEN, HPP, IRR, LWW, SCR, WBC-B		
#002	Tributary to Dexter Creek	N/A	N/A	GEN	0.27	
#002	8-20-13 MUDD V 1.0 (C) (3960) (locally known as Dexter Creek)	C	3106	AQL, GEN, HPP, IRR, LWW, SCR, WBC-B		

AQL= Protection of Warm Water Aquatic Life and Human Health-Fish Consumption; C= Streams may cease flow in dry periods; CDF= Cold Water Fishery; CLF= Cool Water Fishery; DWS= Drinking Water Supply; E= Ephemeral stream; GEN= General; GRW = Groundwater; HUC= Hydrologic Unit Code; IND= Industrial; IRR=Irrigation; LWW= Livestock & Wildlife Watering; P= Permanent; SCR= Secondary Contact Recreation; U= Unclassified; W= Wetland; WBC= Whole Body Contact Recreation; WBID= Water Body Identification Number

MAP:



RECEIVING STREAM(S) LOW-FLOW VALUES:

OUTFALL	RECEIVING STREAM	LOW-FLOW VALUES (CFS)		
		1Q10	7Q10	30Q10
#001 and #002	Tributary to Dexter Creek	0.0	0.0	0.0

MIXING CONSIDERATIONS

Mixing Zone: Not Allowed [10 CSR 20-7.031(5)(A)4.B.(I)(a)].
 Zone of Initial Dilution: Not Allowed [10 CSR 20-7.031(5)(A)4.B.(I)(b)].

RECEIVING STREAM MONITORING REQUIREMENTS:

No receiving water monitoring requirements recommended at this time.

Part III. RATIONALE AND DERIVATION OF EFFLUENT LIMITATIONS & PERMIT CONDITIONS

ALTERNATIVE EVALUATIONS FOR NEW FACILITIES:

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

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

ANTI-BACKSLIDING:

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

- ✓ Limitations in this operating permit for the reissuance of this permit conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44.
 - ✓ Information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance.
 - ✓ The Department determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under section 402(a)(1)(b).

The previous permit limits for BOD₅ were established in error, based on limits for domestic wastewater; however, this facility has only stormwater outfalls. Additionally, the permit writer used best professional judgment to remove limits for settleable solids and oil & grease. The performance history of the facility shows no potential to exceed the effluent limitations established in the previous permit. This renewal establishes limits and monitoring appropriate for stormwater discharges. There will be no changes to industrial activities onsite or the composition of the stormwater discharge as a result of this renewal. The benchmark concentrations and required corrective actions are protective of the applicable water quality standards.

ANTIDEGRADATION:

In accordance with Missouri's Water Quality Standard [10 CSR 20-7.031(3)], the Department is to document by means of Antidegradation Review that the use of a water body's available assimilative capacity is justified. Degradation is justified by documenting the socio-economic importance of a discharging activity after determining the necessity of the discharge.

- ✓ This permit is for stormwater only hence antidegradation does not apply.

BENCHMARKS:

When a permitted feature or outfall consists of only stormwater, a benchmark may be implemented at the discretion of the permit writer. Benchmarks require the facility to monitor, and if necessary, replace and update stormwater control measures. Benchmark concentrations are not effluent limitations. A benchmark exceedance, therefore, is not a permit violation; however, failure to take corrective action is a violation of the permit. Benchmark monitoring data is used to determine the overall effectiveness of control measures and to assist the permittee in knowing when additional corrective actions may be necessary to comply with the limitations of the permit.

Because of the fleeting nature of stormwater discharges, the department, under the direction of EPA guidance, has determined monthly averages are capricious measures of stormwater discharges. The *Technical Support Document for Water Quality Based Toxics Control* (EPA/505/2-90-001; 1991) Section 3.1 indicates most procedures within the document apply only to water quality based approaches, not end-of-pipe technology-based controls. Hence, stormwater only outfalls will generally only contain a maximum daily limit (MDL), benchmark, or monitoring requirement determined by the site specific conditions including the receiving water's current quality. While inspections of the stormwater BMPs occur monthly, facilities with no compliance issues are usually expected to sample stormwater quarterly.

Numeric benchmark values are based on water quality standards or other stormwater permits including the Environmental Protection Agency's (EPA's) *Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity* (MSGP). Because precipitation events are sudden and momentary, benchmarks based on state or federal standards or recommendations use the Criteria Maximum Concentration (CMC) value, or acute standard. The CMC is the estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect. The CMC for aquatic life is intended to be protective of the vast majority of the aquatic communities in the United States.

- ✓ Applicable; this facility has stormwater-only outfalls with benchmark constraints. The benchmarks listed are consistently achieved in stormwater discharges by a variety of other industries with SWPPPs and is deemed protective of instream water quality and aquatic life.

BIOSOLIDS & SEWAGE SLUDGE:

Biosolids are solid materials resulting from domestic wastewater treatment that meet federal and state criteria for beneficial uses (i.e. fertilizer). Sewage sludge is solids, semi-solids, or liquid residue generated during the treatment of domestic sewage in a treatment works; including but not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works. Additional information regarding biosolids and sludge is located at the following web address: <http://extension.missouri.edu/main/DisplayCategory.aspx?C=74>, items WQ422 through WQ449.

- ✓ Not applicable; This condition is not applicable to the permittee for this facility.

COMPLIANCE AND ENFORCEMENT:

Enforcement is the action taken by the Water Protection Program (WPP) to bring an entity into compliance with the Missouri Clean Water Law, its implementing regulations, and/or any terms and conditions of an operating permit. The primary purpose of the enforcement activity in the WPP is to resolve violations and return the entity to compliance.

✓ Not Applicable. The permittee/facility is not currently under Water Protection Program enforcement action.

REASONABLE POTENTIAL ANALYSIS (RPA):

Federal regulation [40 CFR Part 122.44(d)(1)(i)] requires effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause or contribute to an in-stream excursion above narrative or numeric water quality standard. In accordance with [40 CFR Part 122.44(d)(iii)] if the permit writer determines that any give pollutant has the reasonable potential to cause, or contribute to an in-stream excursion above the WQS, the permit must contain effluent limits for that pollutant.

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

INDUSTRIAL SLUDGE:

Industrial sludge is solids, semi-solids, or liquid residue generated during the treatment of industrial process wastewater in a treatment works; including but not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment process; scum and solids filtered from water supplies and backwashed; and a material derived from industrial sludge.

✓ Not applicable. This condition is not applicable to the permittee for this facility.

SCHEDULE OF COMPLIANCE (SOC):

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

✓ Not Applicable. This permit does not contain a SOC.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP):

In accordance with 40 CFR 122.44(k) *Best Management Practices (BMPs)* to control or abate the discharge of pollutants when: (1) Authorized under section 304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities; (2) Authorized under section 402(p) of the CWA for the control of storm water discharges; (3) Numeric effluent limitations are infeasible; or (4) the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. In accordance with the EPA's *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (Document number EPA 833-B-09-002) [published by the United States Environmental Protection Agency (USEPA) in February 2009], BMPs are measures or practices used to reduce the amount of pollution entering (regarding this operating permit) waters of the state. BMPs may take the form of a process, activity, or physical structure. Additionally in accordance with the Storm Water Management, a SWPPP is a series of steps and activities to (1) identify sources of pollution or contamination, and (2) select and carry out actions which prevent or control the pollution of storm water discharges.

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

SPILL REPORTING:

Per 10 CSR 24-3.010, any emergency involving a hazardous substance must be reported to the department's 24 hour Environmental Emergency Response hotline at (573) 634-2436 at the earliest practicable moment after discovery. The department may require the submittal of a written report detailing measures taken to clean up a spill. These reporting requirements apply whether or not the spill results in chemicals or materials leaving the permitted property or reaching waters of the state. This requirement is in addition to the Noncompliance Reporting requirement found in Standard Conditions Part I.

VARIANCE:

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

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

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

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

✓ Not Applicable. Wasteload allocations were not calculated.

WLA MODELING:

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

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

WATER QUALITY STANDARDS:

Per [10 CSR 20-7.031(3)], General Criteria shall be applicable to all waters of the state at all times including mixing zones.

Additionally, [40 CFR 122.44(d)(1)] directs the Department to establish in each NPDES permit to include conditions to achieve water quality established under Section 303 of the Clean Water Act, including State narrative criteria for water quality.

WHOLE EFFLUENT TOXICITY (WET) TEST:

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

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

Part IV. EFFLUENT LIMITS DETERMINATION

Outfall #001 & #002 – Main Facility Outfalls

Effluent limitations derived and established in the below Effluent Limitations Table are based on current operations of the facility.

Future permit action due to facility modification may contain new operating permit terms and conditions that supersede the terms and conditions, including effluent limitations, of this operating permit.

Due to the nature of the discharges from these outfalls being stormwater, only a maximum daily limit (MDL) or monitoring requirement will be implemented for many of the parameters listed below. Stormwater events are acute occurrences that result in the greatest concentrations of pollutants being discharged in the first part of the runoff. This first flush can best be represented by a grab sample within the first hours of runoff. Additionally, stormwater events are highly variable. Recording an average monthly limit (AML) is not representative of the nature of these discharges. Many of these parameters that require just a MDL monitoring only requirement will now have a benchmark value associated with that monitoring only requirement. These benchmark values will be listed under the individual discussion and derivation of each parameter containing such a value.

BENCHMARKS

Benchmark concentrations are **not** effluent limitations; benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data is used to determine the overall effectiveness of control measures and to assist the permittee in knowing when additional corrective action(s) may be necessary to comply with the technology based effluent limitations (TBEL). Failure to take corrective action is a violation of the permit. Benchmark exceedance alone is not a permit violation.

The benchmarks listed in the derivation discussion below have been determined to be feasible, affordable and protective of water quality. These benchmark values are consistent with other stormwater permits including the Environmental Protection Agency's (EPA's) *Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity* (MSGP). The facility will be required to monitor for all these parameters and if the benchmarks are exceeded at all in the following permit cycle, then the permit writer will use best professional judgment to determine if effluent limitations will be necessary to protect water quality.

EFFLUENT LIMITATIONS TABLE:

PARAMETER	UNIT	Basis for Limits	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
FLOW	GPD	1	*	-	*****	YES	*/*
PRECIPITATION	INCHES	6	*	-	*****	YES	*/*
BOD ₅	MG/L	6	**	-	*****	YES	45/30
COD	MG/L	6	**	-	-	YES	****
TSS	MG/L	6	**	-	-	YES	****
SETTLABLE SOLIDS	M ^L /L/HR	6	**	-	*****	YES	1.5/1.0
pH	SU	1	6.5-9.0	-	*****	YES	6.5-9.0
AMMONIA AS N	MG/L	6	*	-	*****	YES	*/*
NITRATE PLUS NITRITE N	MG/L	6	*	-	*****	YES	****
TOTAL NITROGEN	MG/L	6	*	-	-	YES	****
TOTAL PHOSPHORUS	MG/L	6	*	-	-	YES	****
ESCHERICHIA COLI	***	1, 3	**	-	*****	YES	*/*
OIL & GREASE (MG/L)	MG/L	1, 6	**	-	*****	YES	15/10
TEMPERATURE	°C	6	*****	-	*****	YES	*/*

- * - Monitoring requirement only
- ** - Monitoring with associated benchmark
- *** - # of colonies/100mL; the Monthly Average for *E. coli* is a geometric mean.
- **** - Parameter not previously established in previous state operating permit.
- ***** - Parameter removed from permit.

Basis for Limitations Codes:

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

OUTFALL #001 & #002 – DERIVATION AND DISCUSSION OF LIMITS:

Flow. In accordance with [40 CFR Part 122.44(i)(1)(ii)] the volume of effluent discharged from each outfall is needed to assure compliance with permitted effluent limitations. If the permittee is unable to obtain effluent flow, then it is the responsibility of the permittee to inform the Department, which may require the submittal of an operating permit modification.

Precipitation. Monitoring only requirement. Measuring the amount of rainfall during an event is necessary to ensure adequate stormwater management exists at the site. Knowing the amount of potential stormwater runoff can provide the permittee a better understanding of specific control measure that should be employed to ensure protection of water quality.

Biochemical Oxygen Demand (BOD₅). Effluent limitations have been removed and replaced with monitoring only. The previous permit required effluent limitations reserved for mechanical treatment facilities for domestic wastewater. Therefore, it is the permit writer’s best professional judgment to remove the effluent limitations and require monitoring. The discharge monitoring report (DMR) data from the past five years, as well as the permit renewal application, indicates the presence of biochemical oxygen demand in the discharge. These values are listed below. Due to the high range of values, a benchmark value will be implemented for this parameter. The benchmark value will be set at 30 mg/L. This value was derived from protection of general criteria [10 CSR 20-7.013(4)], previous effluent limitations of the permit, and guidance from EPA’s MSGP for industrial facilities classified as food and kindred products. The permit writer has used best professional judgment to determine that due to the similarity in industrial activities listed under Subpart U, Subsector U of the MSGP, the value 30 mg/L can be implemented as a benchmark in this permit. This value falls within the range of values implemented in other permits that have similar industrial activities and the EPA’s MSGP.

Outfall #001: DMR data = 4 – 47.1 mg/L; application data = 10.5 mg/L
 Outfall #002: DMR data = 11 – 108 mg/L; application data = 20.0 mg/L

Chemical Oxygen Demand (COD). Monitoring is included using the permit writer's best professional judgment. The previous permit writer removed this parameter from the permit; however this facility conducts activities that may affect the chemical oxygen demand in the discharge, such as vehicle traffic carrying live chickens and air conditioning unit condensate discharge. The permit renewal application also indicates the presence of chemical oxygen demand in the discharge. These values are listed below. Due to the detection at the values below, a benchmark value will be implemented for this parameter. The benchmark value will be set at 120 mg/L. This value was derived from protection of general criteria [10 CSR 20-7.013(4)] and guidance from EPA's MSGP for industrial facilities classified as food and kindred products. The permit writer has used best professional judgment to determine that due to the similarity in industrial activities listed under Subpart U, Subsector U of the MSGP, the value 120 mg/L can be implemented as a benchmark in this permit. This value falls within the range of values implemented in other permits that have similar industrial activities and the EPA's MSGP.

Outfall #001: Application data = 70 mg/L

Outfall #002: Application data = 90 mg/L

Total Suspended Solids (TSS). Monitoring is included using the permit writer's best professional judgment. The previous permit writer removed this parameter from the permit; however this facility conducts activities that may affect the amount of suspended solids being discharged, such as vehicle traffic carrying live chickens and shipping of any process materials in and out of the facility. The permit renewal application also indicates the presence of suspended solids in the discharge. These values are listed below. Due to the detection at the values below, a benchmark value will be implemented for this parameter. The benchmark value will be set at 100 mg/L. This value was derived from protection of general criteria [10 CSR 20-7.013(4)]. The permit writer has used best professional judgment to determine that due to the similarity in industrial activities listed under Subpart U, Subsector U of the MSGP, the value 100 mg/L can be implemented as a benchmark in this permit. This value falls within the range of values implemented in other permits that have similar industrial activities and the EPA's MSGP.

Outfall #001: Application data = 44 mg/L

Outfall #002: Application data = 44 mg/L

Settleable Solids. Effluent limitations have been removed and replaced with monitoring only. It is the permit writer's best professional judgment remove effluent limitations and replace with monitoring associated with a benchmark values. This facility conducts activities that may affect the amount of sediment being discharged, such as vehicle traffic carrying live chickens and shipping of any process materials in and out of the facility. The DMR data also indicates the presence of settleable solids in the discharge. These values are listed below. Sediment discharges can negatively impact aquatic life habitat. Settleable solids are also a valuable indicator parameter that allows the permittee to identify increases in settleable solids that may indicate uncontrolled materials leaving the site. Additionally, a benchmark value will be implemented for this parameter. The benchmark value will be set at 1.5 mL/L/hr. This value was derived from protection of general criteria [10 CSR 20-7.013(4)]. This value falls within the range of values implemented in other permits that have similar industrial activities.

DMR Data Outfall #001: 0.1 – 0.5 mL/L/hr

DMR Data Outfall #002: 0.1 – 2.5 mL/L/hr

pH. 6.5-9.0 SU. Technology based effluent limitations of 6.0-9.0 SU [10 CSR 20-7.015] are not protective of the Water Quality Standard, which states that water contaminants shall not cause pH to be outside the range of 6.5-9.0 SU. No mixing zone is allowed due to the classification of the receiving stream, therefore the water quality standard must be met at the outfall.

Total Ammonia Nitrogen. Monitoring only requirement. The permit writer has used best professional judgment to continue monitoring for this parameter. This facility conducts activities that may generate ammonia as N concentration in the discharge, such as vehicle traffic carrying live chickens and shipping of any process materials in and out of the facility. The permit renewal application and DMR data also indicate the presence of ammonia as N in the discharge. These values are listed below. This parameter will indicate any stormwater contact with the shipment of live chicken or poultry processing conducted at this facility.

DMR Data Outfall #001: 0.05 – 4.0 mg/L; application data = 0.729 mg/L

DMR Data Outfall #002: 0.05 – 2.13 mg/L; application data = 0.640 mg/L

Nitrate plus Nitrite Nitrogen. Monitoring only requirement. The permit writer has used best professional judgment to require monitoring. This parameter will indicate any stormwater contact with the poultry processing conducted at this facility. This is noted as a pollutant of concern in EPA's MSGP for food and kindred products. Data will be reviewed during the following permit renewal to determine if the benchmark value listed in the MSGP should be implemented in the permit.

Total Nitrogen. Monitoring only requirement. The permit writer has used best professional judgment add monitoring for this parameter. The permit renewal application indicated the presence of total nitrogen in the discharge. The values submitted are below. This facility conducts activities that may generate nitrogen concentration in the discharge, such as vehicle traffic carrying live chickens, shipping of any process materials in and out of the facility, and poultry processing. This parameter will indicate any stormwater contact with the shipment of live chicken or poultry processing conducted at this facility. Additionally, monitoring will allow the permittee to ensure protection of general criteria [10 CSR 20-7.013(4)].

Outfall #001: Application data = 8.46 mg/L

Outfall #002: Application data = 8.46 mg/L

Total Phosphorus. Monitoring only requirement. The permit writer has used best professional judgment add monitoring for this parameter. The permit renewal application indicated the presence of total phosphorus in the discharge. The values submitted are below. This facility conducts activities that may generate phosphorus concentration in the discharge, such as vehicle traffic carrying live chickens, shipping of any process materials in and out of the facility, and poultry processing. This parameter will indicate any stormwater contact with the shipment of live chicken or poultry processing conducted at this facility. Additionally, monitoring will allow the permittee to ensure protection of general criteria [10 CSR 20-7.013(4)].

Outfall #001: Application data = 1.9 mg/L

Outfall #002: Application data = 1.99 mg/L

Escherichia coli (E. coli). Monitoring only requirement associated with a benchmark value. The DMR data from the past five years, as well as the permit renewal application, indicates the presence of bacteria in the discharge. These values are listed below. This parameter will indicate any stormwater contact with the shipment of live chicken or poultry processing conducted at this facility. Additionally, a benchmark value will be implemented for this parameter. The benchmark is a technology value used to evaluate pollutant removal efficiency of best management practices. This technology value will be set at the acute standard for stream designated with whole body contact – B recreation, 1,030 #/100mL. This value falls within the range of values implemented in other permits that have similar industrial activities.

Outfall #001: DMR data = 2 – 40,000 #/100mL; application data = 40,000 #/100mL (as fecal coliform)

Outfall #002: DMR data = 680 – 40,000 #/100mL; application data = 40,000 #/100mL (as fecal coliform)

Oil & Grease. Effluent limitations have been removed and replaced with monitoring only. The permit writer has used best professional judgment to remove effluent limitations. This facility conducts activities that may contribute to oil and grease runoff in the discharge, such as vehicle traffic and poultry processing that can generate fats and oils. The permit renewal application and DMR data also indicate the presence of oil and grease in the discharge. These values are listed below. This parameter will indicate any stormwater contact with the oil, lube or petroleum products from vehicles or fats and oils from poultry processing conducted at this facility. Additionally, a benchmark value will be implemented for this parameter. The benchmark value will be set at the chronic aquatic life criteria of 10 mg/L (no acute standard in 10 CSR 20-7.031). This value falls within the range of values implemented in other permits that have similar industrial activities.

DMR Data Outfall #001: 1.3 – 10.3 mg/L; application data = 4.1 mg/L

DMR Data Outfall #002: 1.8 – 5.1 mg/L; application data = non-detect

Temperature. Due to the nature of the discharge being stormwater only, the permittee will not be required to monitor for this pollutant during stormwater flows from this outfall. The permit writer has used best professional judgment to determine the discharge will not cause an exceedance in temperature in the receiving stream during discharges of stormwater only.

DMR Data Outfall #001: 2 – 31.1 °C; application data = 4 °C (summer), 30 °C (winter)

DMR Data Outfall #002: 3 – 31.1 °C; application data = 4 °C (summer), 30 °C (winter)

MINIMUM SAMPLING AND REPORTING FREQUENCY REQUIREMENTS.

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
Flow	once/quarter	once/quarter
Precipitation	once/quarter	once/quarter
BOD ₅	once/quarter	once/quarter
COD	once/quarter	once/quarter
TSS	once/quarter	once/quarter
Settleable Solids	once/quarter	once/quarter
pH	once/quarter	once/quarter
Ammonia as N	once/quarter	once/quarter
Total Nitrogen	once/quarter	once/quarter
Total Phosphorus	once/quarter	once/quarter
<i>E. coli</i>	once/quarter	once/quarter
Oil & Grease	once/quarter	once/quarter

Sampling Frequency Justification:

Sampling and Reporting Frequency was retained from previous permit except for precipitation. Due to the monthly inspection requirements associated with the SWPPP, reporting the precipitation amount for only the precipitation event being sampled will be required for the quarterly reporting.

SAMPLING TYPE JUSTIFICATION

Sampling type has been retained from the previous permit. Grab samples are representative of stormwater discharges.

Part V. COMPLIANCE WITH SWPPP REQUIREMENTS TO ACHIEVE BENCHMARK VALUES

The purpose of a SWPPP is to comply with all applicable stormwater regulations by creating an adaptive management plan to control and mitigate pollution of stormwater runoff. Developing a SWPPP provides opportunities to employ appropriate BMPs to minimize the risk of pollutants being discharged with during storm events. The following paragraph outlines the general steps the permittee should take to determine which BMPs will work to achieve the benchmark values discussed in Part V above. This section is not intended to be all encompassing or restrict the use of any physical BMP or operational and maintenance procedure that will assist in pollution control. Additional steps or revisions to the SWPPP may be required to meet the requirements of the permit. Additional information can be found in EPA’s *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (Document number EPA 833-B-09-002) [published by the United States Environmental Protection Agency (USEPA) in February 2009].

In order to effectively control the pollutants being discharged in stormwater runoff, potential stormwater pollution sources must be identified. The pollutants of concern that have already been identified in Part V above can be used to assist in identifying potential sources. Once these potential sources of stormwater pollution have been identified, a plan should be formulated to best control the amount of pollutant being released and discharged by each activity or source. This should include, but is not limited to, minimizing exposure to stormwater, good housekeeping measures, proper facility and equipment maintenance, spill prevention and response, vehicle traffic control, and proper materials handling. Once a plan has been developed, employ the control measures that have been determined to be adequate to achieve the benchmark values discussed above. Conduct monitoring and inspections of the BMPs to ensure they are working properly. Re-evaluate any BMP that is not achieving compliance with permitting requirements. For example, if sample results from either outfall show values of TSS above the benchmark value, the BMP being employed is deficient in controlling stormwater pollution. Corrective action should be taken to repair, improve or replace the failing BMP. This internal evaluation is required at least once per month but should be continued more frequently if BMPs continue to fail. If failures do occur, continue this trial and error process until appropriate BMPs have been established. If failures continue to occur and the permittee feels there are no practicable or cost-effective BMPs that will sufficiently reduce a pollutant concentration in the discharge to the benchmark values established in the permit, the permittee can submit a request to re-evaluate the benchmark values. This request needs to include a detailed explanation of why the facility is unable to comply with the permit conditions and unable to establish BMPs to achieve the benchmark values. Provide financial data of the company and documentation of cost associated with BMPs for review. This will allow the department to conduct a cost analysis on control measures and actions taken by the facility to determine cost-effectiveness of BMPs. The request should also include the SWPPP, which should contain adequate documentation of BMPs employed, failed BMPs, corrective actions, and all other required information.

The request shall be submitted in the form of an operating permit modification application. Appropriate application forms can be found on the Department's website: <http://dnr.mo.gov/forms/index.html>.

Part VI. ADMINISTRATIVE REQUIREMENTS

On the basis of preliminary staff review and the application of applicable standards and regulations, the Department, as administrative agent for the Missouri Clean Water Commission, proposes to issue a permit(s) subject to certain effluent limitations, schedules, and special conditions contained herein and within the operating permit. The proposed determinations are tentative pending public comment.

PERMIT SYNCHRONIZATION:

The Department of Natural Resources is currently undergoing a synchronization process for operating permits. Permits are normally issued on a five-year term, but to achieve synchronization many permits will need to be issued for less than the full five years allowed by regulation. The intent is that all permits within a watershed will move through the Watershed Based Management (WBM) cycle together will all expire in the same fiscal year. This will allow further streamlining by placing multiple permits within a smaller geographic area on public notice simultaneously, thereby reducing repeated administrative efforts. This will also allow the department to explore a watershed based permitting effort at some point in the future. Renewal applications must continue to be submitted within 180 days of expiration, however, in instances where effluent data from the previous renewal is less than three years old, that data may be re-submitted to meet the requirements of the renewal application. If the permit provides a schedule of compliance for meeting new water quality based effluent limits beyond the expiration date of the permit, the time remaining in the schedule of compliance will be allotted in the renewed permit.

PUBLIC NOTICE:

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

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

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

- The Public Notice period for this operating permit began March 4, 2016 and ended April 4, 2016. No comments were received during the Public Notice period.

DATE OF FACT SHEET: JANUARY 25, 2016

COMPLETED BY:

**LOGAN COLE, ENVIRONMENTAL SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
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STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
REVISED
AUGUST 1, 2014

These Standard Conditions incorporate permit conditions as required by 40 CFR 122.41 or other applicable state statutes or regulations. These minimum conditions apply unless superseded by requirements specified in the permit.

Part I – General Conditions

Section A – Sampling, Monitoring, and Recording

1. **Sampling Requirements.**
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. All samples shall be taken at the outfall(s) or Missouri Department of Natural Resources (Department) approved sampling location(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.
2. **Monitoring Requirements.**
 - a. Records of monitoring information shall include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
 - b. If the permittee monitors any pollutant more frequently than required by the permit at the location specified in the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reported to the Department with the discharge monitoring report data (DMR) submitted to the Department pursuant to Section B, paragraph 7.
3. **Sample and Monitoring Calculations.** Calculations for all sample and monitoring results which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.
4. **Test Procedures.** The analytical and sampling methods used shall conform to the reference methods listed in 10 CSR 20-7.015 unless alternates are approved by the Department. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure that the selected methods are able to quantify the presence of pollutants in a given discharge at concentrations that are low enough to determine compliance with Water Quality Standards in 10 CSR 20-7.031 or effluent limitations unless provisions in the permit allow for other alternatives. A method is “sufficiently sensitive” when; 1) the method minimum level is at or below the level of the applicable water quality criterion for the pollutant or, 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility’s discharge is high enough that the method detects and quantifies the level of pollutant in the discharge, or 3) the method has the lowest minimum level of the analytical methods approved under 10 CSR 20-7.015. These methods are also required for parameters that are listed as monitoring only, as the data collected may be used to determine if limitations need to be established. A permittee is responsible for working with their contractors to ensure that the analysis performed is sufficiently sensitive.
5. **Record Retention.** Except for records of monitoring information required by the permit related to the permittee’s sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

6. **Illegal Activities.**
 - a. The Federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two (2) years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or both.
 - b. The Missouri Clean Water Law provides that any person or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six (6) months, or by both. Second and successive convictions for violation under this paragraph by any person shall be punished by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.

Section B – Reporting Requirements

1. **Planned Changes.**
 - a. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42;
 - iii. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
 - iv. Any facility expansions, production increases, or process modifications which will result in a new or substantially different discharge or sludge characteristics must be reported to the Department 60 days before the facility or process modification begins. Notification may be accomplished by application for a new permit. If the discharge does not violate effluent limitations specified in the permit, the facility is to submit a notice to the Department of the changed discharge at least 30 days before such changes. The Department may require a construction permit and/or permit modification as a result of the proposed changes at the facility.
2. **Non-compliance Reporting.**
 - a. The permittee shall report any noncompliance which may endanger health or the environment. Relevant information shall be provided orally or via the current electronic method approved by the Department, within 24 hours from the time the permittee becomes aware of the circumstances, and shall be reported to the appropriate Regional Office during normal business hours or the Environmental Emergency Response hotline at 573-634-2436 outside of normal business hours. A written submission shall also be provided within five (5) business days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.



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- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - ii. Any upset which exceeds any effluent limitation in the permit.
 - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit required to be reported within 24 hours.
 - c. The Department may waive the written report on a case-by-case basis for reports under paragraph 2. b. of this section if the oral report has been received within 24 hours.
3. **Anticipated Noncompliance.** The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The notice shall be submitted to the Department 60 days prior to such changes or activity.
 4. **Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date. The report shall provide an explanation for the instance of noncompliance and a proposed schedule or anticipated date, for achieving compliance with the compliance schedule requirement.
 5. **Other Noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs 2, 3, and 6 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 2. a. of this section.
 6. **Other Information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.
 7. **Discharge Monitoring Reports.**
 - a. Monitoring results shall be reported at the intervals specified in the permit.
 - b. Monitoring results must be reported to the Department via the current method approved by the Department, unless the permittee has been granted a waiver from using the method. If the permittee has been granted a waiver, the permittee must use forms provided by the Department.
 - c. Monitoring results shall be reported to the Department no later than the 28th day of the month following the end of the reporting period.
- b. Notice.
 - i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - ii. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section B – Reporting Requirements, paragraph 5 (24-hour notice).
 - c. Prohibition of bypass.
 - i. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The permittee submitted notices as required under paragraph 2. b. of this section.
 - ii. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above in paragraph 2. c. i. of this section.
3. **Upset Requirements.**
 - a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 3. b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated; and
 - iii. The permittee submitted notice of the upset as required in Section B – Reporting Requirements, paragraph 2. b. ii. (24-hour notice).
 - iv. The permittee complied with any remedial measures required under Section D – Administrative Requirements, paragraph 4.
 - c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

Section C – Bypass/Upset Requirements

1. **Definitions.**
 - a. *Bypass*: the intentional diversion of waste streams from any portion of a treatment facility, except in the case of blending.
 - b. *Severe Property Damage*: substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - c. *Upset*: an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. **Bypass Requirements.**
 - a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. b. and 2. c. of this section.

Section D – Administrative Requirements

1. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and Federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
 - a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
 - b. The Federal Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Federal Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement



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- imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- c. Any person may be assessed an administrative penalty by the EPA Director for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
- d. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 of the Missouri Clean Water Law or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 of the Missouri Clean Water Law or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed \$10,000 per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. Any person who willfully or negligently commits any violation in this paragraph shall, upon conviction, be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this paragraph by any person shall be punished by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.
2. **Duty to Reapply.**
- a. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
- b. A permittee with a currently effective site-specific permit shall submit an application for renewal at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
- c. A permittees with currently effective general permit shall submit an application for renewal at least 30 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
3. **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.
4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
5. **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 provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
6. **Permit Actions.**
- a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- i. Violations of any terms or conditions of this permit or the law;
- ii. Having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
- iii. A change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- iv. Any reason set forth in the Law or Regulations.
- b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
7. **Permit Transfer.**
- a. Subject to 10 CSR 20-6.010, an operating permit may be transferred upon submission to the Department of an application to transfer signed by the existing owner and the new owner, unless prohibited by the terms of the permit. Until such time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
- b. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Missouri Clean Water Law or the Federal Clean Water Act.
- c. The Department, within 30 days of receipt of the application, shall notify the new permittee of its intent to revoke or reissue or transfer the permit.
8. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
9. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.



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10. **Duty to Provide Information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.
11. **Inspection and Entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations 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 Clean Water Act or Missouri Clean Water Law, any substances or parameters at any location.
12. **Closure of Treatment Facilities.**
 - a. Persons who cease operation or plan to cease operation of waste, wastewater, and sludge handling and treatment facilities shall close the facilities in accordance with a closure plan approved by the Department.
 - b. Operating Permits under 10 CSR 20-6.010 or under 10 CSR 20-6.015 are required until all waste, wastewater, and sludges have been disposed of in accordance with the closure plan approved by the Department and any disturbed areas have been properly stabilized. Disturbed areas will be considered stabilized when perennial vegetation, pavement, or structures using permanent materials cover all areas that have been disturbed. Vegetative cover, if used, shall be at least 70% plant density over 100% of the disturbed area.
13. **Signatory Requirement.**
 - a. All permit applications, reports required by the permit, or information requested by the Department shall be signed and certified. (See 40 CFR 122.22 and 10 CSR 20-6.010)
 - b. The Federal Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.
 - c. The Missouri Clean Water Law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.
14. **Severability.** The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

AP/6/30 11930



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 WATER PROTECTION PROGRAM, WATER POLLUTION CONTROL BRANCH
**FORM A - APPLICATION FOR CONSTRUCTION OR OPERATING PERMIT
 UNDER MISSOURI CLEAN WATER LAW**

FOR AGENCY USE ONLY	
CHECK NUMBER	
DATE RECEIVED	FEE SUBMITTED
8/12/13	0 83

Note ▶ PLEASE READ THE ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. This application is for:

- An operating permit and antidegradation review public notice
- A construction permit following an appropriate operating permit and antidegradation review public notice
- A construction permit and concurrent operating permit and antidegradation review public notice
- A construction permit (submitted before Aug. 30, 2008 or antidegradation review is not required)
- An operating permit for a new or unpermitted facility Construction Permit # _____
- An operating permit renewal: permit # MO- 0129798 Expiration Date 02/05/2014
- An operating permit modification: permit # MO- Reason: _____

1.1 Is the appropriate fee included with the application? (See instructions for appropriate fee) YES NO

2. FACILITY

NAME Tyson Foods, Inc. - Dexter Processing		TELEPHONE WITH AREA CODE (573) 624-4548	
		FAX (573) 624-9834	
ADDRESS (PHYSICAL) 1001 E. Stoddard	CITY Dexter	STATE MO	ZIP CODE 63841

3. OWNER

NAME Tyson Foods, Inc.		E-MAIL ADDRESS	TELEPHONE WITH AREA CODE (479) 290-4000
			FAX
ADDRESS (MAILING) 2200 Don Tyson Parkway	CITY Springdale	STATE AR	ZIP CODE 72765

3.1 Request review of draft permit prior to public notice? YES NO

4. CONTINUING AUTHORITY

NAME Tyson Foods, Inc.		TELEPHONE WITH AREA CODE (479) 290-4000	
		FAX	
ADDRESS (MAILING) 2200 Don Tyson Parkway	CITY Springdale	STATE AR	ZIP CODE 72765

5. OPERATOR

NAME N/A	CERTIFICATE NUMBER N/A	TELEPHONE WITH AREA CODE
		FAX
ADDRESS (MAILING)	CITY	STATE ZIP CODE

6. FACILITY CONTACT

NAME R. Corey Morrow	TITLE Environmental Manager	TELEPHONE WITH AREA CODE (731) 886-4872
		FAX (731) 886-4801

7. ADDITIONAL FACILITY INFORMATION

7.1 Legal Description of Outfalls. (Attach additional sheets if necessary.)

001 SW ¼ SE ¼ Sec 21 T 25N R 10E Stodd County
 UTM Coordinates Easting (X): _____ Northing (Y): _____
For Universal Transverse Mercator (UTM), Zone 15 North referenced to North American Datum 1983 (NAD83)

002 SW ¼ SE ¼ Sec 21 T 25N R 10E Stodd County
 UTM Coordinates Easting (X): _____ Northing (Y): _____

003 _____ ¼ _____ ¼ Sec _____ T _____ R _____ County
 UTM Coordinates Easting (X): _____ Northing (Y): _____

004 _____ ¼ _____ ¼ Sec _____ T _____ R _____ County
 UTM Coordinates Easting (X): _____ Northing (Y): _____

7.2 Primary Standard Industrial Classification (SIC) and Facility North American Industrial Classification System (NAICS) Codes.

001 - SIC 2015 and NAICS 311615 002 - SIC _____ and NAICS _____
 003 - SIC _____ and NAICS _____ 004 - SIC _____ and NAICS _____



U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY

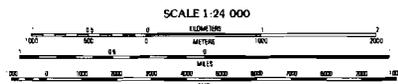
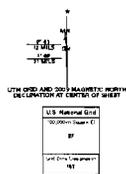


DEXTER QUADRANGLE
MISSOURI
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid. Universal Transverse Mercator. Zone 16S
10 000-foot UTM. Missouri Coordinate System of 1983
feet units.

Issue by: MAP - July 2007
Scale: National Transportation Dataset, 2006
Datum: GNS, 2008



This map was produced to conform with version 0.0.25 of the
data USGS Standards for 7.5-Minute Quadrangle Maps.
A metadata file associated with the product is also distributed 0.0.25



ROAD CLASSIFICATION

Interstate Route	State Route
US Route	Local Road
Ramp	RAVD
Interstate Route	US Route
	State Route

DEXTER, MO
2009

ADD-PRMS 1.0 QUADRANGLE

Please print or type in the unshaded areas only.

FORM
2F
 NPDES



U.S. Environmental Protection Agency
 Washington, DC 20460

**Application for Permit to Discharge Storm Water
 Discharges Associated with Industrial Activity**

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 28.6 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of this collection of information, or suggestions for improving this form, including suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

I. Outfall Location

For each outfall, list the latitude and longitude of its location to the nearest 15 seconds and the name of the receiving water.

A. Outfall Number (list)	B. Latitude			C. Longitude			D. Receiving Water (name)
001	36.00	47.00	36.70	89.00	56.00	33.90	City of Dexter Stormwater Drain
002	36.00	47.00	35.70	89.00	56.00	43.60	Tributary of Dexter Creek

II. Improvements

A. Are you now required by any Federal, State, or local authority to meet any implementation schedule for the construction, upgrading or operation of wastewater treatment equipment or practices or any other environmental programs which may affect the discharges described in this application? This includes, but is not limited to, permit conditions, administrative or enforcement orders, enforcement compliance schedule letters, stipulations, court orders, and grant or loan conditions.

1. Identification of Conditions, Agreements, Etc.	2. Affected Outfalls		3. Brief Description of Project	4. Final Compliance Date	
	number	source of discharge		a. req.	b. proj.
N/A					

B: You may attach additional sheets describing any additional water pollution (or other environmental projects which may affect your discharges) you now have under way or which you plan. Indicate whether each program is now under way or planned, and indicate your actual or planned schedules for construction.

III. Site Drainage Map

Attach a site map showing topography (or indicating the outline of drainage areas served by the outfalls(s) covered in the application if a topographic map is unavailable) depicting the facility including: each of its intake and discharge structures; the drainage area of each storm water outfall; paved areas and buildings within the drainage area of each storm water outfall, each known past or present areas used for outdoor storage of disposal of significant materials, each existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied; each of its hazardous waste treatment, storage or disposal units (including each area not required to have a RCRA permit which is used for accumulating hazardous waste under 40 CFR 262.34); each well where fluids from the facility are injected underground; springs, and other surface water bodies which received storm water discharges from the facility.

Continued from the Front

IV. Narrative Description of Pollutant Sources

A. For each outfall, provide an estimate of the area (include units) of impervious surfaces (including paved areas and building roofs) drained to the outfall, and an estimate of the total surface area drained by the outfall.

Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)	Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)
001	271,498 sq. ft.	271,498 sq. ft.	002	47,912 sq. ft.	47,912 sq. ft.

B. Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage, or disposal; past and present materials management practices employed to minimize contact by these materials with storm water runoff; materials loading and access areas, and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied.

See Attachment 2

C. For each outfall, provide the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the schedule and type of maintenance for control and treatment measures and the ultimate disposal of any solid or fluid wastes other than by discharge.

Outfall Number	Treatment	List Codes from Table 2F-1
001	Drain pit allows for some settling of grit from runoff. Collected material removed, as needed, to onsite treatment plant.	1-M
002	None	

V. Nonstormwater Discharges

A. I certify under penalty of law that the outfall(s) covered by this application have been tested or evaluated for the presence of nonstormwater discharges, and that all nonstormwater discharged from these outfall(s) are identified in either an accompanying Form 2C or Form 2E application for the outfall.

Name and Official Title (type or print)	Signature	Date Signed
MARK AVERY, COMPLEX MANAGER		

B. Provide a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test.

Both outfalls (001 and 002) were visually inspected during a period when there was no rainfall. No discharge was observed from either outfall.

VI. Significant Leaks or Spills

Provide existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years, including the approximate date and location of the spill or leak, and the type and amount of material released.

See Attachment 3

Continued from Page 2

EPA ID Number (copy from Item 1 of Form 1)
MOD985773555

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Table VII-A, VII-B, VII-C are included on separate sheets numbers VII-1 and VII-2.

E. Potential discharges not covered by analysis – is any toxic pollutant listed in table 2F-2, 2F-3, or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

Yes (list all such pollutants below)

No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

Yes (list all such pollutants below)

No (go to Section IX)

IX. Contract Analysis Information

Were any of the analyses reported in Item VII performed by a contract laboratory or consulting firm?

Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)

No (go to Section X)

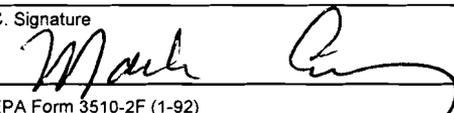
A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed
TEC Labs	2269 Dr. F.E. Wright Dr. Jackson, TN 38303	800-832-1808	O&G, BOD, COD, TSS, Total N, Total P
Larron Laboratory	529 Broadway Cape Girardeau, MO 63701	573-334-8910	Fecal Coliform

X. 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 fine and imprisonment for knowing violations.

A. Name & Official Title (Type Or Print)
MARK AVERY, COMPLEX MANAGER

B. Area Code and Phone No.
(573) 624-4548

C. Signature


D. Date Signed
8-8-13

Continued from the Front

IV. Narrative Description of Pollutant Sources

A. For each outfall, provide an estimate of the area (include units) of impervious surfaces (including paved areas and building roofs) drained to the outfall, and an estimate of the total surface area drained by the outfall.

Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)	Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)
001	271,498 sq. ft	271,498 sq. ft.	002	47,912 sq. ft.	47,912 sq. ft.

B. Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage, or disposal; past and present materials management practices employed to minimize contact by these materials with storm water runoff; materials loading and access areas, and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied.

See Attachment 2

C. For each outfall, provide the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the schedule and type of maintenance for control and treatment measures and the ultimate disposal of any solid or fluid wastes other than by discharge.

Outfall Number	Treatment	List Codes from Table 2F-1
001	Drain pit allows for some settling of grit from runoff. Collected material removed, as needed, to onsite treatment plant.	1-M
002	None	

V. Nonstormwater Discharges

A. I certify under penalty of law that the outfall(s) covered by this application have been tested or evaluated for the presence of nonstormwater discharges, and that all nonstormwater discharged from these outfall(s) are identified in either an accompanying Form 2C or Form 2E application for the outfall.

Name and Official Title (type or print)	Signature	Date Signed
MARK AVERY, COMPLEX MANAGER		

B. Provide a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test.

Both outfalls (001 and 002) were visually inspected during a period when there was no rainfall. No discharge was observed from either outfall.

VI. Significant Leaks or Spills

Provide existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years, including the approximate date and location of the spill or leak, and the type and amount of material released.

See Attachment 3

VII. Discharge Information

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Table VII-A, VII-B, VII-C are included on separate sheets numbers VII-1 and VII-2.

E. Potential discharges not covered by analysis – is any toxic pollutant listed in table 2F-2, 2F-3, or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

- Yes (list all such pollutants below) No (go to Section IX)

VIII. Biological Toxicity Testing Data

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

- Yes (list all such pollutants below) No (go to Section IX)

IX. Contract Analysis Information

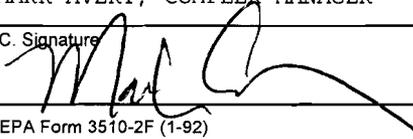
Were any of the analyses reported in Item VII performed by a contract laboratory or consulting firm?

- Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below) No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed
TEC Labs	2269 Dr. F.E. Wright Dr. Jackson, TN 38303	800-832-1808	O&G, BOD, COD, TSS, Total N, Total P
Larron Laboratory	529 Broadway Cape Girardeau, MO 63701	573-334-8910	Fecal Coliform

X. 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 fine and imprisonment for knowing violations.

A. Name & Official Title (Type Or Print) MARK AVERY, COMPLEX MANAGER	B. Area Code and Phone No. (573) 624-4548
C. Signature 	D. Date Signed 8-8-13

Attachment 2

USEPA Form 2F, Page 2 of 3

IV. B.

Diesel fuel, fresh oil, and used oil storage area is exposed to stormwater. These storage areas are inside containment structures as per the facility SPCC Plan. Accumulated stormwater inside the containment area is inspected prior to removal from the containment basin. Any contaminated water is removed to the on-site treatment system and not drained to the stormwater outfall as indicated in the SPCC Plan. This area drains to Outfall 001.

A closed top trash compactor is located on the west side of the plant, south of the shipping docks. There is minimal exposure to runoff from the dumpster area due to structural BMPs. The area around the dumpster is curbed and sloped to drain into the on-site wastewater treatment system. This BMP prevents stormwater from around the dumpster from entering Outfall 002.

Attachment 3

USEPA Form 2F, Page 2 of 3

VI.

13 June 2012 - At approximately 1:15am a team member noticed the drain outside of shipping was backing up. Maintenance was called to correct the problem. It was confirmed that water was running north on Matthews Street. Maintenance, sanitation, and Ww were notified in an attempt to correct and contain the problem. Shipping personnel placed sand bags next to the street trying to slow the progress of water as well as broom the water off of the street. Sanitation was instructed to stop using water in the debone and cook plant areas. While maintenance worked on the drain, waste water and refrigeration set-up a pump to remove some of the water. Shipping personnel continued to bag the area and broom the water. The water ran for about 150 feet north of the shipping pad but only hit about 4 feet of the width of the pavement. Approximately 6:00am, the shipping pad was clear of water, washed down and sanitized with dilute bleach solution. Gibbs contracting in Bloomfield was contracted to remove via sawdust and replace gravel. John Chronister with MDNR was notified of the spill.

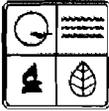
2 February 2012 - On February 2, 2012 at some point before 0700a a pit pump on the west side of the processing plant experienced a mechanical failure. Someone working in the immediate area noted standing water and contacted Nathan McKay (assistant plant mgr) via radio. Maintenance was called to the pump and the pump was repaired. Mark Avery (complex mgr) notified Corey Morrow (CEM) via phone at 0720. This pump failure resulted in a maximum of 50 gallons of untreated wastewater to exit the property through the #002 stormwater outfall. No physical solids were noted in the ditch area upon inspection. The subsequent spill of liquid was contained in the low grassy area between Matthews Street and the railroad tracks. Gibbs Contracting of Bloomfield was called in to vacuum all of the standing water out of the ditch and return the captured water to the pre-treatment wastewater system at the processing plant. Subsequently, sawdust will be placed into the low spot to absorb any additional water not captured by the vacuum truck. The sawdust will be removed and sent to the landfill by Gibbs. Following the physical cleanup Gibbs has been instructed to spray the area in question with a dilute bleach solution for disinfection. John Chronister with MDNR was notified of the spill.

2 February 2011 - At 06:09, Nathan McKay(asst. Pl. mgr) notified the CEM (Corey Morrow) by phone that a spill had occurred at the plant on the NW side by shipping/receiving dock. Upon inspection it was determined a missing screw plug from the drain in the liver area of the pet food plant allowed water to slip around a valve and back-flow to the shipping area where the water level increased sufficiently to flow off of the property and down the side road to the north. The water stayed between the lip of the asphalted road and flowed northward to approximately 25 feet shy of the stop sign on Ray Street. The overnight temperature was in the teens F*, so the water was completely

frozen. Gibbs contracting out of Bloomfield was called in immediately. Gibbs brought an open top dumpster truck, bobcat, and a crew with hand tools and canvas tarps to remove the frozen water from the ground. Initially Gibbs put a tarp down and physically removed as much ice as possible to the tarp then put the ice into the dumpster truck. Once the bobcat was delivered onsite Gibbs removed all of the remainder of ice from the roadway. I would estimate 750 gallons of water left the property based on the visual inspection of ice removed. 100% of the ice was removed from the area. Crush-n-run was placed into the area disturbed following a dilute bleach/water solution being applied by pump up sprayer for disinfection. CEM (Corey Morrow) notified John Chronister (Poplar Bluff DNR office) by phone on FEB 3, 2011 at appr. 12:56pm. Mr. Chronister noted the information provided and stated that he would await the 5 day follow up letter.

5 December 2010 - - Around 13:00, on 5 December 2010, a wastewater pit pump set failed in the Offal building at our Dexter, MO processing plant due to a loss of prime (suction lift of approximately 8'). The spill was noticed approximately at 13:15 that same day by a Refrigeration technician on the roof completing his rounds. The pumps were turned into manual ceasing the overflow. The failure of the pumps caused the sump pit to overflow and discharge approximately 500-600 gallons of untreated process wastewater into the parking lot. The water crossed the parking lot and flowed in an easterly direction along the curb on E. Stoddard Avenue. Forward progress was blocked down E. Stoddard Avenue, near the east end of our parking lot. All of the spilled water was covered with sawdust and removed by Gibbs Contracting out of Bloomfield at approximately 14:35. It was determined upon inspection after the overflow that the alarm light located in the front guard shack had a wiring issue and was not operating as designed.

- Kelly Dennington (Maintenance Manager - Dexter Plant) was notified by plant personnel initially; and in turn Kelley notified Corey Morrow (Complex Environmental Manager) via phone on 5 December 2010 at approximately 14:30 as the clean-up procedure was underway. The fact that some of the discharged water got offsite was not properly understood at the time of the call. It was not fully understood until Wednesday, December 8th when Nathan McKay (Assistant Plant Mgr- Dexter Plant) e-mailed a brief summary of the events to the CEM explaining some of the discharged water left the property. It was at that time Corey Morrow left a voice message for John Chronister (DNR- Poplar Bluff office) via phone. John Chronister was out in the field completing inspections and did not retrieve the notification message until Friday, December 10th. A five day follow-up memo was sent to John Chronister on Friday, December 10th via e-mail; as well as a signed copy via FedEx.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH
FORM C – APPLICATION FOR DISCHARGE PERMIT –
MANUFACTURING, COMMERCIAL, MINING,
SILVICULTURE OPERATIONS, PROCESS AND STORMWATER

FOR AGENCY USE ONLY	
CHECK NO.	
DATE RECEIVED	FEE SUBMITTED

NOTE: DO NOT ATTEMPT TO COMPLETE THIS FORM BEFORE READING THE ACCOMPANYING INSTRUCTIONS

1.00 NAME OF FACILITY
 Tyson Foods, Inc. - Dexter Processing

1.10 THIS FACILITY IS NOW IN OPERATION UNDER MISSOURI OPERATING PERMIT NUMBER
 MO-0129798

1.20 THIS IS A NEW FACILITY AND WAS CONSTRUCTED UNDER MISSOURI CONSTRUCTION PERMIT NUMBER (COMPLETE ONLY IF THIS FACILITY DOES NOT HAVE AN OPERATING PERMIT).
 N/A

2.00 LIST THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES APPLICABLE TO YOUR FACILITY (FOUR DIGIT CODE)

A. FIRST 2015 B. SECOND _____
 C. THIRD _____ D. FOURTH _____

2.10 FOR EACH OUTFALL GIVE THE LEGAL DESCRIPTION.

OUTFALL NUMBER (LIST) SW 1/4 SE 1/4 SEC 21 T 25N R 10E Stoddard COUNTY

2.20 FOR EACH OUTFALL LIST THE NAME OF THE RECEIVING WATER

OUTFALL NUMBER (LIST)	RECEIVING WATER
001	Dexter Creek
002	Dexter Creek

2.30 BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS

Live chickens are transported to the facility via truck. The chickens are slaughtered, cut-up, and oven cooked. Portions of the birds are packed in ice and shipped. The oven cooked products are packaged in plastic bags and then boxed for distribution.

2.40 CONTINUED

C. EXCEPT FOR STORM RUNOFF, LEAKS OR SPILLS, ARE ANY OF THE DISCHARGES DESCRIBED IN ITEMS A OR B INTERMITTENT OR SEASONAL?

YES (COMPLETE THE FOLLOWING TABLE) NO (GO TO SECTION 2.50)

1. OUTFALL NUMBER <i>(list)</i>	2. OPERATION(S) CONTRIBUTING FLOW <i>(list)</i>	3. FREQUENCY		4. FLOW				C. DURATION <i>(in days)</i>
				A. FLOW RATE <i>(in mgd)</i>		B. TOTAL VOLUME <i>(specify with units)</i>		
		A. DAYS PER WEEK <i>(specify average)</i>	B. MONTHS PER YEAR <i>(specify average)</i>	1. LONG TERM AVERAGE	2. MAXIMUM DAILY	4. LONG TERM DAILY	3. MAXIMUM AVERAGE	

2.50 MAXIMUM PRODUCTION

A. DOES AN EFFLUENT GUIDELINE LIMITATION PROMULGATED BY EPA UNDER SECTION 304 OF THE CLEAN WATER ACT APPLY TO YOUR FACILITY?

YES (COMPLETE B.) NO (GO TO SECTION 2.60)

B. ARE THE LIMITATIONS IN THE APPLICABLE EFFLUENT GUIDELINES EXPRESSED IN TERMS OF PRODUCTION (OF OTHER MEASURE OF OPERATION)?

YES (COMPLETE c.) NO (GO TO SECTION 2.60)

C. IF YOU ANSWERED "YES" TO B. LIST THE QUANTITY THAT REPRESENTS AN ACTUAL MEASUREMENT OF YOUR MAXIMUM LEVEL OF PRODUCTION, EXPRESSED IN THE TERMS AND UNITS USED IN THE APPLICABLE EFFLUENT GUIDELINE AND INDICATE THE AFFECTED OUTFALLS.

1. MAXIMUM QUANTITY			2. AFFECTED OUTFALLS <i>(list outfall numbers)</i>
A. QUANTITY PER DAY	B. UNITS OF MEASURE	C. OPERATION, PRODUCT, MATERIAL, ETC. <i>(specify)</i>	

2.60 IMPROVEMENTS

A. ARE YOU NOW REQUIRED BY ANY FEDERAL, STATE OR LOCAL AUTHORITY TO MEET, ANY IMPLEMENTATION SCHEDULE FOR THE CONSTRUCTION, UPGRADING OR OPERATION OF WASTEWATER TREATMENT EQUIPMENT OR PRACTICES OR ANY OTHER ENVIRONMENTAL PROGRAMS THAT MAY AFFECT THE DISCHARGES DESCRIBED IN THIS APPLICATION? THIS INCLUDES, BUT IS NOT LIMITED TO, PERMIT CONDITIONS, ADMINISTRATIVE OR ENFORCEMENT ORDERS, ENFORCEMENT COMPLIANCE SCHEDULE LETTERS, STIPULATIONS, COURT ORDERS AND GRANT OR LOAN CONDITIONS.

YES (COMPLETE THE FOLLOWING TABLE) NO (GO TO 3.00)

1. IDENTIFICATION OF CONDITION AGREEMENT, ETC.	2. AFFECTED OUTFALLS		3. BRIEF DESCRIPTION OF PROJECT	4. FINAL COMPLIANCE DATE	
				A. REQUIRED	B. PROJECTED

B. OPTIONAL: YOU MAY ATTACH ADDITIONAL SHEETS DESCRIBING ANY ADDITIONAL WATER POLLUTION CONTROL PROGRAMS (OR OTHER ENVIRONMENTAL PROJECTS WHICH MAY AFFECT YOUR DISCHARGES) YOU NOW HAVE UNDER WAY OR WHICH YOU PLAN. INDICATE WHETHER EACH PROGRAM IS NOW UNDER WAY OR PLANNED, AND INDICATE YOUR ACTUAL OR PLANNED SCHEDULES FOR CONSTRUCTION.

MARK "X" IF DESCRIPTION OF ADDITIONAL CONTROL PROGRAMS IS ATTACHED.

3.10 BIOLOGICAL TOXICITY TESTING DATA

DO YOU HAVE ANY KNOWLEDGE OR REASON TO BELIEVE THAT ANY BIOLOGICAL TEST FOR ACUTE OR CHRONIC TOXICITY HAS BEEN MADE ON ANY OF YOUR DISCHARGES OR ON RECEIVING WATER IN RELATION TO YOUR DISCHARGE WITHIN THE LAST THREE YEARS?

YES (IDENTIFY THE TEST(S) AND DESCRIBE THEIR PURPOSES BELOW.) NO (GO TO 3.20)

3.20 CONTRACT ANALYSIS INFORMATION

WERE ANY OF THE ANALYSES REPORTED PERFORMED BY A CONTRACT LABORATORY OR CONSULTING FIRM?

YES (LIST THE NAME, ADDRESS AND TELEPHONE NUMBER OF AND POLLUTANTS ANALYZED BY EACH SUCH LABORATORY OR FIRM BELOW.) NO (GO TO 3.30)

A. NAME	B. ADDRESS	C. TELEPHONE (area code and number)	D. POLLUTANTS ANALYZED (list)
TEC Labs	2269 Dr. FE Wright Drive Jackson, TN 38303	800-832-1808	OG, BOD, COD, TSS, Total N, Total P
Environmental Analysis South	4000 East Jackson Blvd. Jackson, MO 64375	(573) 204-8817	Fecal Coliform

3.30 CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS APPLICATION AND ALL ATTACHMENTS AND THAT, BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THAT THE INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT.

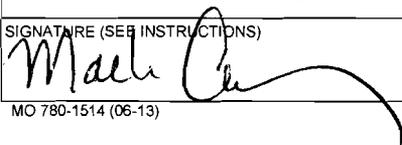
NAME AND OFFICIAL TITLE (TYPE OR PRINT)

Mark Avery, Complex Manager

TELEPHONE NUMBER WITH AREA CODE

(573) 624-4548

SIGNATURE (SEE INSTRUCTIONS)



DATE SIGNED

08/08/2013

PLEASE PRINT OR TYPE. You may report some or all of this information on separate sheet
(Use the same format) instead of completing these pages.
SEE INSTRUCTIONS

FORM C
TABLE 1 FOR 3.00 ITEM A AND B

INTAKE AND EFFLUENT CHARACTERISTICS	OUTFALL NO. <i>001</i>
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PART A – You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

1. POLLUTANT	2. EFFLUENT						3. UNITS (specify if blank)		4. INTAKE (optional)			
	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
A. Biochemical Oxygen Demand (BOD)	10.5	8.15					1	mg/L	lbs.			
B. Chemical Oxygen Demand (COD)	70	54.4					1	↓	↓			
C. Total organic Carbon (TOC)								↓	↓			
D. Total Suspended Solids (TSS)	44	34.1					1					
E. Ammonia (as N)	.729	.566					1					
F. Flow	VALUE	.0931	VALUE		VALUE		1			VALUE		
G. Temperature (winter)	VALUE	4	VALUE		VALUE		4		°C	VALUE		
H. Temperature (summer)	VALUE	30	VALUE		VALUE		4		°C	VALUE		
I. pH	MINIMUM	6.58	MAXIMUM	6.58	MINIMUM	MAXIMUM			STANDARD UNITS			

PART B – Mark "X" in column 2A for each pollutant you know or have reason to believe is present. Mark "X" in column 2B for each pollutant you believe to be absent. If you mark column 2A for any pollutant, you must provide the results for at least one analysis for that pollutant. Complete one table for each outfall. See the instructions for additional details and requirements.

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT						4. UNITS		5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	

CONVENTIONAL AND NONCONVENTIONAL POLLUTANTS

A. Bromide (24959-67-9)		/											
B. Chlorine, Total Residual		/											
C. Color		/											
D. Fecal Coliform	/		40,000	—					1	#/100mL	—		
E. Fluoride (16984-48-8)		/											
F. Nitrate - Nitrate (as N)	/												

0043

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT						4. UNITS		5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCEN- TRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
G. Nitrogen, Total Organic (as N)	/		8.46	6.56					1	mg/L	lbs.			
H. Oil and Grease	/		4.1	3.18					1					
I. Phosphorus (as P), Total (7723-14-0)	/		1.9	1.47					1					
J. Sulfate (as SO ⁴) (14808-79-8)														
K. Sulfide (as S)														
L. Sulfite (as SO ³) (14265-45-3)														
M. Surfactants														
N. Aluminum, Total (7429-90-5)														
O. Barium, Total (7440-39-3)														
P. Boron, Total (7440-42-8)														
Q. Cobalt, Total (7440-48-4)														
R. Iron, Total (7439-89-6)														
S. Magnesium, Total (7439-95-4)														
T. Molybdenum, Total (7439-98-7)														
U. Manganese, Total (7439-96-5)														
V. Tin, Total (7440-31-5)														
W. Titanium, Total (7440-32-6)														

001

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT						4. UNITS		5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCEN- TRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
METALS, AND TOTAL PHENOLS														
1M. Antimony, Total (7440-36-9)		/												
2M. Arsenic, Total (7440-38-2)		/												
3M. Beryllium, Total (7440-41-7)		/												
4M. Cadmium, Total (7440-43-9)		/												
5M. Chromium III (16065-83-1)		/												
6M. Chromium VI (18540-29-9)		/												
7M. Copper, Total (7440-50-8)		/												
8M. Lead, Total (7439-92-1)		/												
9M. Mercury, Total (7439-97-6)		/												
10M. Nickel, Total (7440-02-0)		/												
11M. Selenium, Total (7782-49-2)		/												
12M. Silver, Total (7440-22-4)		/												
13M. Thallium, Total (7440-28-0)		/												
14M. Zinc, Total (7440-66-6)		/												
15M. Cyanide, Amenable to Chlorination		/												
16M. Phenols, Total		/												
RADIOACTIVITY														
(1) Alpha Total		/												
(2) Beta Total		/												
(3) Radium Total		/												
(4) Radium 226 Total		/												

PLEASE PRINT OR TYPE. You may report some or all of this information on separate sheet
(Use the same format) instead of completing these pages.
SEE INSTRUCTIONS

FORM C
TABLE 1 FOR 3.00 ITEM A AND B

INTAKE AND EFFLUENT CHARACTERISTICS	OUTFALL NO. 002
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PART A -- You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

1. POLLUTANT	2. EFFLUENT						3. UNITS (specify if blank)		4. INTAKE (optional)			
	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
A. Biochemical Oxygen Demand (BOD)	20.0	2.45					1	mg/L	lbs.			
B. Chemical Oxygen Demand (COD)	90	11.03					1	↓	↓			
C. Total organic Carbon (TOC)								↓	↓			
D. Total Suspended Solids (TSS)	44.0	5.39										
E. Ammonia (as N)	.640	0.078					1					
F. Flow	VALUE	.0147	VALUE		VALUE					VALUE		
G. Temperature (winter)	VALUE	4	VALUE		VALUE		4		°C	VALUE		
H. Temperature (summer)	VALUE	30	VALUE		VALUE		4		°C	VALUE		
I. pH	MINIMUM	7.39	MAXIMUM	7.39	MINIMUM				STANDARD UNITS			

PART B -- Mark "X" in column 2A for each pollutant you know or have reason to believe is present. Mark "X" in column 2B for each pollutant you believe to be absent. If you mark column 2A for any pollutant, you must provide the results for at least one analysis for that pollutant. Complete one table for each outfall. See the instructions for additional details and requirements.

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT						4. UNITS		5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	

CONVENTIONAL AND NONCONVENTIONAL POLLUTANTS

A. Bromide (24959-67-9)		/											
B. Chlorine, Total Residual		/											
C. Color		/											
D. Fecal Coliform	X		40,000	—					#/100 mL	—			
E. Fluoride (16984-48-8)		/											
F. Nitrate - Nitrate (as N)	/												

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	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
G. Nitrogen, Total Organic (as N)	X		8.46	1.03										
H. Oil and Grease	X		ND											
I. Phosphorus (as P), Total (7723-14-0)	X		1.99	.243										
J. Sulfate (as SO ⁴) (14808-79-8)		/												
K. Sulfide (as S)		/												
L. Sulfite (as SO ³) (14265-45-3)		/												
M. Surfactants		/												
N. Aluminum, Total (7429-90-5)		/												
O. Barium, Total (7440-39-3)		/												
P. Boron, Total (7440-42-8)		/												
Q. Cobalt, Total (7440-48-4)		/												
R. Iron, Total (7439-89-6)		/												
S. Magnesium, Total (7439-95-4)		/												
T. Molybdenum, Total (7439-98-7)		/												
U. Manganese, Total (7439-96-5)		/												
V. Tin, Total (7440-31-5)		/												
W. Titanium, Total (7440-32-6)		/												

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1. POLLUTANT AND CAS NUMBER (if available)	2. MARK "X"		3. EFFLUENT						4. UNITS		5. INTAKE (optional)			
	A. BELIEVED PRESENT	B. BELIEVED ABSENT	A. MAXIMUM DAILY VALUE		B. MAXIMUM 30 DAY VALUE (if available)		C. LONG TERM AVRG. VALUE (if available)		D. NO. OF ANALYSES	A. CONCENTRATION	B. MASS	A. LONG TERM AVRG. VALUE		B. NO. OF ANALYSES
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS						
METALS AND TOTAL PHENOLS														
1M. Antimony, Total (7440-36-9)	/													
2M. Arsenic, Total (7440-38-2)	/													
3M. Beryllium, Total (7440-41-7)	/													
4M. Cadmium, Total (7440-43-9)	/													
5M. Chromium III (16065-83-1)	/													
6M. Chromium VI (18540-29-9)	/													
7M. Copper, Total (7440-50-8)	/													
8M. Lead, Total (7439-92-1)	/													
9M. Mercury, Total (7439-97-6)	/													
10M. Nickel, Total (7440-02-0)	/													
11M. Selenium, Total (7782-49-2)	/													
12M. Silver, Total (7440-22-4)	/													
13M. Thallium, Total (7440-28-0)	/													
14M. Zinc, Total (7440-66-6)	/													
15M. Cyanide, Amenable to Chlorination	/													
16M. Phenols, Total	/													
RADIOACTIVITY														
(1) Alpha Total	/													
(2) Beta Total	/													
(3) Radium Total	/													
(4) Radium 226 Total	/													

