

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,

Permit No. MO-0130419

Owner: Ewert Brothers Farms L.L.C  
Address: 714 College, Liberty, MO 64068

Continuing Authority: Same as above  
Address: Same as above

Facility Name: Ewert Brothers Compost Pad Site  
Facility Address: 5923 Nebo Hills Road, Liberty, MO 64068

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**

No discharge, composting operation over five acres for composting of feedstock from agricultural, wood, food product, and yard waste. Wastewater is land applied.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

November 1, 2016  
Effective Date

  
Harry D. Bozjoian, Director, Department of Natural Resources

September 30, 2018  
Expiration Date

  
John Madras, Director, Water Protection Program

**FACILITY DESCRIPTION** (continued)

Permitted Feature #001 – Industrial no-discharge, Land Application – SIC #2875. Storage lagoon and wastewater irrigation system serving composting area.

Legal Description: NE ¼, SW ¼, Sec. 26, T51N, R31W, Clay County  
UTM Coordinates: X = 383121, Y = 4339970  
First Classified Stream and ID: Tributary to Rush Creek  
First Classified Stream and ID: 8-20-13 MUDD V1.0 (C) (3960)  
USGS Basin & Sub-watershed No. 10300101 – 0306

Total Depth (feet): 6.2  
Maximum Operating Depth (feet below overflow): 1.2  
Minimum Operating Depth (feet below overflow): 3  
Storage Volume gal. (maximum to minimum operating depth) 4,166,000  
Storage Capacity, 1-in-10 Year Wet Weather (days): 365

Permitted Feature #002 – Land Application Field #1 635 acres

Legal Description: N ½, Sec. 25, T51N, R31W, Clay County  
UTM Coordinates: X = 385040, Y = 4340534  
First Classified Stream and ID: Tributary to Rush Creek  
First Classified Stream and ID: 8-20-13 MUDD V1.0 (C) (3960)  
USGS Basin & Sub-watershed No. 10300101 – 0307

Permitted Feature #003 – Land Application Field #2 780 acres

Legal Description: Sec. 26, T51N, R31W, Clay County  
UTM Coordinates: X = 383377, Y = 4339857  
First Classified Stream and ID: Tributary to Rush Creek  
First Classified Stream and ID: 8-20-13 MUDD V1.0 (C) (3960)  
USGS Basin & Sub-watershed No. 10300101 – 0306

Permitted Feature #004 – Land Application Field #3 450 acres

Legal Description: N ½, Sec. 35, T51N, R31W, Clay County  
UTM Coordinates: X = 382279, Y = 4338681  
First Classified Stream and ID: Tributary to Rush Creek  
First Classified Stream and ID: 8-20-13 MUDD V1.0 (C) (3960)  
USGS Basin & Sub-watershed No. 10300101 – 0306

**Wastewater**

Application Rate Basis:	Hydraulic Loading
Crops and Vegetation:	Row crops
Equipment Type:	Traveling Gun
Field Slopes (%):	0-2%
Soil Permeability (inches per hour):	0.2 to 2.0
Application Rates (varied per acre):	0.4 inch/hour; 1.0 inches/week; 24 inches/year
Irrigation Volume (gallons per year):	4,166,000 at design loading (including 1-in-10 year flows)
Irrigation Areas (acres):	30 acres at design loading (1865 acres total available)

PERMITTED FEATURE #001	TABLE A-1. IRRIGATION SYSTEM LIMITATIONS AND MONITORING REQUIREMENTS					
	The permittee is authorized to conduct land application of wastewater as specified in the application for this permit. The final limitations shall become effective upon issuance and remain in effect until expiration of the permit. The land application of wastewater shall be controlled, limited and monitored by the permittee as specified below:					
EFFLUENT PARAMETER(S)	UNITS	FINAL LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Storage Basin Operational Monitoring						
Storage Basin Freeboard (See Note 1, Page #3)	Feet	*			once/month	measured
Precipitation	Inches	*			daily	total
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2017</u> .						
EFFLUENT PARAMETER(S)	UNITS	FINAL LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Wastewater Land Applied (Note 2, Page 3)						
pH	SU	*			once/year	grab
Total Kjeldahl Nitrogen as N (See Note 3, Page 3)	mg/L	*			once/year	grab
Ammonia Nitrogen as N	mg/L	*			once/year	grab
Nitrate Nitrogen as N (See Note 3, Page 3)	mg/L	*			once/year	grab
Total Phosphorus as P	mg/L	*			once/year	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2017</u> .						

PERMITTED FEATURES #002 - #004	TABLE A-2. LAND APPLICATION LIMITATIONS AND MONITORING REQUIREMENTS					
	The permittee is authorized to conduct land application of wastewater as specified in the application for this permit. The final limitations shall become effective upon issuance and remain in effect until expiration of the permit. The land application of wastewater shall be controlled, limited and monitored by the permittee as specified below:					
EFFLUENT PARAMETER(S)	UNITS	FINAL LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Wastewater Land Application Operational Monitoring						
Irrigation Period	Hours	*			daily	total
Volume Irrigated	Gallons	*			daily	total
Application Area	Acres	*			daily	total
Application Rate	Inches	*			daily	total
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2017</u> .						

\* Monitoring requirement only

Note 1- Storage Basin freeboard shall be reported as Storage Basin water level in feet below the overflow level.

Note 2- Wastewater that is applied shall be sampled at the irrigation pump, wet well, or application vehicle. If no land application occurred during the report period, report as "No Application."

Note 3 - Wastewater irrigation rates shall not exceed a nitrogen application rate of 150 pounds total nitrogen per acre per year, and the applied wastewater shall not exceed ten (10) mg/l of nitrate nitrogen as N. If the nitrogen application exceeds a rate of 150 pounds total nitrogen per acre per year, and/or the applied wastewater exceeds ten (10) mg/l of nitrate nitrogen as N, see Special Condition #18b for additional requirements.

## B. STANDARD CONDITIONS

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

## C. SPECIAL CONDITIONS

1. Emergency and Unauthorized Discharge. Wastewater shall be stored and land applied during suitable conditions so that there is no discharge from the storage structure or land application sites. An emergency discharge from wastewater storage structure may only occur if rainfall exceeds the 1 in 10 year (Data taken from the Missouri Climate Atlas) or the 24 hour, 25 year (Data taken from NRCS Urban Hydrology for Small Watersheds) rainfall events. **Discharge for any other reason or from land application sites shall constitute a permit violation and shall be reported in accordance with Standard Conditions, Part 1, Section B.2.b.** Monitoring shall take place once per day while discharging. Test results are due on the 28<sup>th</sup> day of the following month after the cessation of the discharge. Permittee shall monitor for the following constituents:

Constituent	Units
Flow	MGD
Biochemical Oxygen Demand <sub>5</sub>	mg/L
Total Suspended Solids	mg/L
Ammonia as N	mg/L
pH – Units	SU

2. 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.
  - d. Incorporate the requirement to develop a pretreatment program pursuant to 40 CFR 403.8(a) when the Director of the Water Protection Program determines that a pretreatment program is necessary due to any new introduction of pollutants into the Publicly Owned Treatment Works or any substantial change in the volume or character of pollutants being introduced.

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

### 3. 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;
  - (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).

4. All permitted features s must be clearly marked in the field.

5. 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.
6. Public access to storage areas and land application sites must be controlled by either positive barriers or remoteness of site.
7. 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.
8. The permittee shall develop, maintain and implement an Operation and Maintenance (O&M) Manual that includes all necessary items to ensure the operation and integrity of the waste handling and land application systems, including key operating procedures, an aerial or topographic site map with the permitted features, land application fields, and irrigation buffer zones marked, and a brief summary of the operation of the facility. The O & M manual shall be made available to the operator and available to the department upon request. The O&M Manual shall be reviewed and updated at least every five years.
9. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (644.055 RSMo).
10. Hazardous waste regulated under the Missouri Hazardous Waste Law and regulations shall not be land applied under this permit.
11. All paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) shall be stored so that these materials are not exposed to stormwater. Spill prevention, control, and/or management shall be provided sufficient to prevent any spills of these pollutants from entering a water 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.
12. Good housekeeping practices shall be maintained on the site to keep solid waste from entry into waters of the state.
13. 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.
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 O & M manual and made available to the department upon request.

15. The facility shall ensure that adequate provisions are provided to prevent surface water intrusion into the storage basin(s) and to divert stormwater runoff around the storage basin(s) and protect embankments from erosion.
16. Land Application System.
- This special condition does not apply to fertilizer products that are exempted under the Missouri Clean Water Law and regulations, 10 CSR 20-6.015(3)(B)8.
  - Permitted Sites. This permit authorizes land application of wastewater by the permittee to sites listed in the "Facility Description" of this permit. Land application of wastewater by a contract hauler to sites owned, rented, or leased by the permittee must also be listed in the "Facility Description" unless, the contract hauler is permitted. Land applications by contract hauler to sites that are not owned, rented, or leased by the permittee are not required to be listed in this permit. Only those pollutants listed in the permit application may be land applied. Permittee requests for additional sites must follow permit modification procedures prior to land application.
  - Storage Basins. The minimum and maximum operating water levels for the storage basin(s) shall be clearly marked. Each storage basin shall be operated so that the maximum water elevation does not exceed upper operating level. Storage basins shall be lowered to the minimum operating level prior to November 30 each year. Storage basins shall be inspected monthly for structural integrity and leaks. The berms of the storage basin(s) shall be mowed and kept free of any deep-rooted vegetation, animal dens, or other potential sources of damage to the berms.
  - Public Access Restrictions. This permit does not authorize application of wastewater to public use areas.
17. Land Application Requirements.
- No land application shall occur when the soil is frozen, snow covered, or saturated. There shall be no application during a precipitation event or if a precipitation event that is likely to create runoff is forecasted to occur within 24 hours of a planned application.
  - Land application shall occur only during daylight hours.
  - Land application fields shall be checked daily during land application for runoff. Sites that utilize spray irrigation shall monitor for the drifting of spray across property lines.
  - Setback distances from sensitive features. There shall be no land application within:
    - 300 feet of any well, sinkhole, losing stream, wetland, or cave entrance, water supply impoundment or stream intake;
    - 150 feet of an occupied residence, public building, or public use area;
    - 50 feet of gaining perennial or intermittent stream, public or privately owned pond or lake;
    - 50 feet of property line or public road.
  - Wastewater application on slopes exceeding 10%, the hourly application rate shall not exceed one-half (1/2) the design sustained permeability and in no case shall exceed one-half (1/2) inch per hour.
  - Grazing of animals and harvesting of forage crops deferments following wastewater irrigation or sludge application shall be as follows:
    - During the period May 1 to October 30 the minimum deferment shall be fourteen (14) days,
    - During the period November 1 to April 30, the minimum deferment shall be thirty (30) days,
    - Grazing of dairy animals shall follow the recommendations of the State Milk Board. A much longer deferment period is recommended for lactating dairy animals.
  - Land application equipment shall be visually inspected daily during land application to check for equipment malfunctions and leaks. The application system shall be operated so as to provide uniform distribution of wastes over the entire land application site and shall be capable of applying the annual design flow during an application period of less than 100 days or 800 hours per year. Land application equipment shall be calibrated at least once annually.
18. Nutrient Management - Hydraulic Loading Rate
- Wastewater application rates should not exceed a nitrogen application rate of 150 pounds total nitrogen per acre per year, and the applied wastewater should not exceed ten (10) mg/l of nitrate nitrogen as N. Hydraulic application rates exceeding 60 inches per acre per year shall calculate nitrogen loading rates and include results in the annual report. The calculation procedures are as follows:  $(\text{Total N}) \times (0.226) \times (\text{inches per acre irrigated}) = \text{pounds total N per acre}$ . Where  $\text{Total N} = [\text{Total Kjeldahl Nitrogen (TKN) as N}] + [\text{Nitrate Nitrogen as N}]$ .
  - If the applied wastewater is expected to provide more than 150 pounds total nitrogen per acre/year or if the applied wastewater exceeds 10 mg/l of nitrate nitrogen as N, the permittee must reduce the application rates or use the Plant Available Nitrogen (PAN) method. The calculations to show the amount of plant-available nitrogen provided and the wastewater and amount of nitrogen that will be utilized by the vegetation shall be submitted with the annual report.

$$\text{PAN} = [\text{Ammonia Nitrogen} \times \text{volatilization factor}^*] + [\text{Organic Nitrogen} \times 0.2] + [\text{Nitrate Nitrogen}]$$

\*Volatilization factor is 0.7 for surface application and 1 for subsurface application

19. Record Keeping

- a. A daily land application log shall be prepared and kept on file at the permittee office location for each application site showing dates of application, weather condition (sunny, overcast, raining, below freezing etc...), soil moisture condition, application method.
- b. A record of monthly visual storage structure inspections required in SPECIAL CONDITION 16 shall be maintained.
- c. A record of land application equipment inspections and calibrations as well as land application field inspections shall be maintained.
- d. A record of all PAN calculations.
- e. All records and monitoring results shall be maintained for at least five years and shall be made available to the department upon request.

20. Annual Report

An annual report is required in addition to other reporting requirements under Section A of this permit. The annual report shall be submitted by January 28 of each year. The report shall include, but is not limited to, a summary of the following:

- a. Record of maintenance and repairs during the year, average number of times per month the facility is checked to see if it is operating properly, and description of any unusual operating conditions encountered during the year.
- b. The number of days the storage structure discharged during the year, the discharge flow, reason the discharge occurred and effluent analysis performed.
- c. A summary for each field used for land application showing number of acres used number of days application occurred, crop grown and yield, and total amount of wastewater applied (gal. or tons/acre).
- d. For fields where the total nitrogen application exceeds 150 lbs./acre, submit PAN calculations to document that the applied nitrogen will be utilized.
- e. Narrative summary of any problems or deficiencies identified, corrective action taken and improvements planned.
- f. Information on quantities and types of all raw materials stockpiled or composted during the year, results of any testing performed; quantity of compost sold, disposed or given away; and quantity on-site at the end of the calendar year.
- g. The calculations for the seepage rate of the stormwater basin

21. Composting Conditions and Requirements

- a. This permit does not authorize the discharge of any water other than stormwater.
- b. This permit applies to stockpiling of raw materials as necessary for the active production of compost. This permit also applies to the stockpiling of finished composts.
- c. The permittee shall not stockpile raw materials for a period to exceed five (5) calendar days before mixing unless the stockpile location has a stormwater collection system or is roofed.
- d. The permittee shall not allow non-biodegradable material to be placed in the compost, except that amendments which improve the quality of the compost may be added with prior approval from the department. Bags containing both non-biodegradable sealers and non-biodegradable plastics are considered to be non-biodegradable for the purposes of this permit. The permittee shall not allow painted or treated wood products or those containing glues, binders, or additives to be placed in the compost.
- e. The permittee shall not allow industrial waste, industrial sludge, municipal mixed waste, municipal sewage sludge, septage, or any other form of domestic sewage to be placed in the compost.
- f. In order to reduce pathogens to a level suitable for distribution to the public, for compost that is to be sold or given away, one the following three conditions must be met.
  - (1) The compost shall have exhibited temperatures of at least 131 °F (55 °C) for at least three (3) consecutive days if the in-vessel method of static aerated pile method is used, or for at least fifteen (15) consecutive days if the windrow composting method is used, including at least five (5) turnings of the windrow.
  - (2) The compost shall have undergone one of the other processes to further reduce pathogens found in 40 CFR 503.22 Appendix B.
  - (3) The finished product will be tested each quarter to verify that the level of pathogens is such that the compost is equivalent to Class A, with respect to pathogens, as defined in 40 CFR 503.32.

**MISSOURI DEPARTMENT OF NATURAL RESOURCES  
FACT SHEET  
FOR THE PURPOSE OF RENEWAL,  
OF  
MO-0130419  
EWERT BROTHERS COMPOST PAD SITE**

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 Industrial Land Application

**Part I – Facility Information**

Facility Type: Industrial no-discharge, Land Application – SIC #2875. Storage lagoon and wastewater irrigation system for composting area.

Facility Description:

No discharge, composting operation over five acres for composting of feedstock from agricultural, wood, food product, and yard waste. Wastewater is land applied. SIC code 2875.

Have any changes occurred at this facility or in the receiving water body that effects effluent limit derivation?

✓ No.

Application Date: 03/24/14

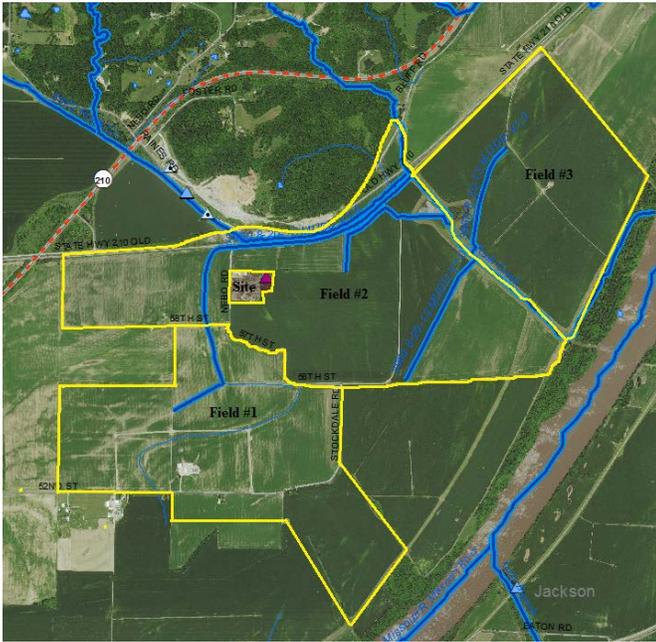
Expiration Date: 12/3/14

**PERMITTED FEATURE(S) TABLE:**

PERMITTED FEATURE	TREATMENT LEVEL	EFFLUENT TYPE
#001 - #004	Land Application	Industrial wastewater

Facility Performance History:

This facility was last inspected on May 22, 2012 and was found to be in non-compliance for failure to maintain inspection records.



## Part II – Receiving Stream Information

### Receiving Water Body’s Water Quality

10 CSR 20-7.031 Missouri Water Quality Standards, the Department defines the Clean Water Commission water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and/or 1<sup>st</sup> 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(4)].

### **RECEIVING STREAM(S) TABLE:**

OUTFALL	WATERBODY NAME	CLASS	WBID	DESIGNATED USES*	DISTANCE TO CLASSIFIED SEGMENT	12-DIGIT HUC
All	Unnamed tributary to Rush Creek	n/a	n/a	General Criteria		10300101 – 0306
All	8-20-13 MUDD	C	3960	AQL, IRR, LWW, SCR, HHR, WBCB		

n/a not applicable

WBID Waterbody ID: Missouri Use Designation Dataset 8-20-13 MUDD V1.0 data can be found as an ArcGIS shapefile on MSDIS at [http://msdis.missouri.edu/pub/Inland\\_Water\\_Resources/MO\\_2014\\_WQS\\_Stream\\_Classifications\\_and\\_Use\\_shp.zip](http://msdis.missouri.edu/pub/Inland_Water_Resources/MO_2014_WQS_Stream_Classifications_and_Use_shp.zip)

\* As per 10 CSR 20-7.031 Missouri Water Quality Standards, the department defines the Clean Water Commission’s water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and 1<sup>st</sup> classified receiving stream’s beneficial water uses to be maintained are in the receiving stream table in accordance with [10 CSR 20-7.031(1)(C)].

Uses which may be found in the receiving streams table, above:

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

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

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

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

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

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

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

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

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

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

**LWW** = Livestock and wildlife watering (Current narrative use is defined as LWP = Livestock and Wildlife Protection);

**DWS** = Drinking Water Supply;

**IND** = Industrial water supply

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

WSA = Storm- and flood-water storage and attenuation; WHP = Habitat for resident and migratory wildlife species;  
WRC = Recreational, cultural, educational, scientific, and natural aesthetic values and uses; WHC = Hydrologic cycle maintenance.  
10 CSR 20-7.031(6): GRW = Groundwater

### **Part III – Rationale 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.

- ✓ All limits in this operating permit are at least as protective as those previously established; therefore, backsliding does not apply.

#### **ANTIDegradation:**

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

- ✓ Renewal no degradation proposed and no further review necessary.

#### **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.

#### **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; 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.

#### **NUTRIENT MANAGEMENT AND LAND APPLICATION**

Land applications by a contract hauler on fields that the permittee has a spreading agreement on are not required to be in this permit. A spreading agreement does not constitute the field being rented or leased by the permittee as they do not have any control over management of the field.

Nitrogen based applications are when the amount of applied is based on the nitrogen fertilizer recommendation for the planned crop. Phosphorous based applications are when the amount of wastewater applied is based on the phosphorous fertilizer recommendation for the planned crop.

Conversion Factors for laboratory testing results: [mg/L or mg/kg or ppm] x [conversion factor] = [pounds per Unit Volume]

<u>Unit Volume</u>	<u>Conversion Factors</u>
lbs./acre inch	0.226
lbs./1,000 gallons	0.0083
lbs./100 cubic feet	0.0062
lbs/ton (wet weight)	0.002

Oil and grease sludges with low nitrogen content, more than 20:1 Carbon to Nitrogen ratio, may require supplemental nitrogen application to provide proper decomposition of the oil content and prevent nitrogen deficiencies for the crop.

**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)(1)(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.

**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.

**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.

**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.

- ✓ Not Applicable At this time, the permittee is not required to develop and implement a SWPPP.

**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.

**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.

**40 CFR 122.41(M) - BYPASSES:**

The federal Clean Water Act (CWA), Section 402 prohibits wastewater dischargers from “bypassing” untreated or partially treated sewage (wastewater) beyond the headworks. A bypass is defined as an intentional diversion of waste streams from any portion of a treatment facility, [40 CFR 122.41(m)(1)(i)]. Additionally, Missouri regulation 10 CSR 20-2.010(11) defines a bypass as the diversion of wastewater from any portion of wastewater treatment facility or sewer system to waters of the state. Only under exceptional and specified limitations do the federal regulations allow for a facility to bypass some or all of the flow from its treatment process. Bypasses are prohibited by the CWA unless a permittee can meet all of the criteria listed in 40 CFR 122.41(m)(4)(i)(A), (B), & (C). Any bypasses from this facility are subject to the reporting required in 40 CFR 122.41(l)(6) and per Missouri’s Standard Conditions I, Section B, part 2.b. Additionally, Anticipated Bypasses include bypasses from peak flow basins or similar devices designed for peak wet weather flows.

- ✓ Not Applicable This facility does not anticipate bypassing.

**303(d) List and :**

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.

- ✓ Applicable; Missouri River is listed on the 2012 Missouri 303(d) List for E. Coli.
- ✓ Applicable; This facility is not considered to be a source of the above listed pollutant(s) or considered to contribute to the impairment of the Missouri River.

**Total Maximum Daily Load (TMDL):**

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; hence, the purpose of a TMDL is to determine the pollutant loading a specific waterbody can assimilate without exceeding water quality standards. 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; Missouri River is associated with the 2006 EPA Approved TMDL for Chlordane and Polychlorinated Biphenyls (PCBs) in fish tissue.
- ✓ Applicable; This facility is not considered to be a source of the above listed pollutant(s) or considered to contribute to the impairment of the Missouri River.

**Part IV – Permit Limits Determination**

**Permitted Features #001-#004 – Emergency Discharge**

There are no effluent limits associated with Permitted Features #001-#004 for the no-discharge facility. However, the following is required for an emergency discharge. Monitoring requirement only based on best professional judgment.

**EMERGENCY DISCHARGE TABLE:**

PARAMETER	UNIT	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
Flow	MGD	*			NO	*
Biochemical Oxygen Demand <sub>5</sub>	mg/L	*			YES	*
Total Suspended Solids	mg/L	*			YES	*
Ammonia as N	mg/L	*			NO	*
pH	SU	*			YES	*
Monitoring Frequency	Please see Minimum Sampling and Reporting Frequency Requirements in the Derivation and Discussion Section below.					

\* - Monitoring requirement only

**Minimum Sampling and Reporting Frequency Requirements.**

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
Flow	once/day while discharging	Test results are due on the 28 <sup>th</sup> day of the month after the cessation of the discharge
Biochemical Oxygen Demand <sub>5</sub>	once/day while discharging	
Total Suspended Solids	once/day while discharging	
Ammonia as N	once/day while discharging	
pH	once/day while discharging	

**PERMITTED FEATURE #001 – STORAGE BASIN AND IRRIGATED WASTEWATER MONITORING**

Irrigation limitations derived and established in the below Irrigation 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.

**STORAGE BASIN OPERATIONAL MONITORING TABLE:**

PARAMETER	UNIT	BASIS FOR LIMITS	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
<b>STORAGE BASIN</b>							
Freeboard	feet	1	*				
Precipitation	inches	1	*				
<b>IRRIGATED WASTEWATER</b>							
pH	SU	1	*				
Total Kjeldahl Nitrogen	mg/L	1	*				
Ammonia Nitrogen as N	mg/L	1	*				
Nitrate Nitrogen as N	mg/L	1	*				
Total Phosphorous	mg/L	1	*				
Monitoring Frequency	Please see Minimum Sampling and Reporting Frequency Requirements in the Derivation and Discussion Section below.						

\* - Monitoring requirement only.

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

**Basis for Limitations Codes:**

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

**PERMITTED FEATURE #00# – DERIVATION AND DISCUSSION OF LIMITS:**

- **Freeboard.** Monitoring requirement only.
- **Precipitation.** Monitoring requirement only.
- **pH.** Monitoring requirement only. Monitoring for pH is included to determine nutrient loading rates on the land application fields. [10 CSR 20-8.020(15)(F)7.]
- **Total Kjeldahl Nitrogen.** Monitoring requirement only. Monitoring for Total Kjeldahl Nitrogen as N is included to determine nutrient loading rates on the land application fields. [10 CSR 20-8.020(15)(F)7.]
- **Ammonia Nitrogen as N.** Monitoring requirement only. Monitoring for Ammonia Nitrogen as N is included to determine nutrient loading rates on the land application fields. [10 CSR 20-8.020(15)(F)7.]
- **Nitrate Nitrogen as N.** Monitoring requirement only. Monitoring for Nitrate Nitrogen as N is included to determine nutrient loading rates on the land application fields. [10 CSR 20-8.020(15)(F)7.]
- **Total Phosphorous.** Monitoring requirement only. Monitoring for Total Phosphorous is included to determine nutrient loading rates on the land application fields. [10 CSR 20-8.220(3).]

**Minimum Sampling and Reporting Frequency Requirements.**

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
STORAGE BASIN		
Freeboard	once/month	once/year
Precipitation	once/day	once/year
WASTEWATER AND SLUDGE		
pH	once/year	once/year
Total Kjeldahl Nitrogen	once/year	once/year
Ammonia Nitrogen as an	once/year	once/year
Nitrate Nitrogen as N	once/year	once/year
Total Phosphorous	once/year	once/year

**PERMITTED FEATURE #002-#004 – LAND APPLICATION OF WASTEWATER AND/OR SLUDGE AND SOIL MONITORING**

PARAMETER	UNIT	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
WASTEWATER LAND APPLIED						
Irrigation Period	Hours	*			NO	
Volume Irrigated	Gallons	*			NO	
Application Area	Acres	*			NO	
Application Rate	Gal or in./acre	*			NO	

\* - Monitoring requirement only.

**PERMITTED FEATURE #002-#004 – DERIVATION AND DISCUSSION OF LIMITS:**

**Irrigation Period.** Monitoring requirement only. Monitoring for the Irrigation Period is included to determine if proper application is occurring on the land application fields.

- **Volume Irrigated.** Monitoring requirement only. Monitoring for the Volume Irrigated is included to determine if proper application is occurring on the land application fields.
- **Application Area.** Monitoring requirement only. Monitoring for the Application Area is included to determine if proper application is occurring on the land application fields.
- **Application Rate.** Monitoring requirement only. Monitoring for the Application Rate is included to determine if proper application is occurring on the land application fields.

**Minimum Sampling and Reporting Frequency Requirements.**

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
Irrigation Period	once/year	once/year
Volume Irrigated	once/year	once/year
Application Area	once/year	once/year
Application Rate	once/year	once/year

**Part V – Finding of Affordability**

Pursuant to Section 644.145, RSMo., the Department is required to determine whether a permit or decision is affordable and makes a finding of affordability for certain permitting and enforcement decisions. This requirement applies to discharges from combined or separate sanitary sewer systems or publically-owned treatment works.

- ✓ Not Applicable; The Department is not required to determine findings of affordability because the permit contains no new conditions or requirements that convey a new cost to the facility.

**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 4 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 is tentatively scheduled to begin in July or is in process.

The Public Notice period for this operating permit was from DATE to DATE. Responses to the Public Notice of this operating permit warrant the modification of effluent limits and/or the terms and conditions of this permit. (Please explain). (Also if applicable – Due to the major modifications of this permit, this operating permit is to be placed on Public Notice again, which is tentatively scheduled to begin on (DATE) or is in process.

The Public Notice period for this operating permit was from DATE to DATE. No responses received.

**DATE OF FACT SHEET:** AUGUST 25, 2016

**COMPLETED BY:**

**GREG CALDWELL, ENVIRONMENTAL SCIENTIST**  
**MISSOURI DEPARTMENT OF NATURAL RESOURCES**  
**WATER PROTECTION PROGRAM**  
**OPERATING PERMITS SECTION – INDUSTRIAL PERMITS UNIT**  
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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 28<sup>th</sup> 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



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

- 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.



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

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.



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**

*No check VS*

FOR AGENCY USE ONLY	
CHECK NUMBER	
DATE RECEIVED <i>2/24/14</i>	FEE SUBMITTED <i>(50)</i>

*AKTATTO*

**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- 0130419 Expiration Date \_\_\_\_\_
- An operating permit modification: permit # MO- \_\_\_\_\_ Reason: Scrub in March

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

**2. FACILITY**

NAME <u>EWERT BROTHERS COMPOST PAD SITE</u>		TELEPHONE WITH AREA CODE <u>816-792-3327</u>	
ADDRESS (PHYSICAL) <u>5923 Meba Hills Road</u>		FAX <u>SAME</u>	
CITY <u>Liberty</u>		STATE <u>MO</u>	ZIP CODE <u>64068</u>

**3. OWNER**

NAME <u>EWERT BROS FARMS L.L.C.</u>		E-MAIL ADDRESS <u>STEVENEWERT@YAHOO.COM</u>	TELEPHONE WITH AREA CODE <u>816-792-3327</u>
ADDRESS (MAILING) <u>714 College</u>		FAX <u>SAME</u>	
CITY <u>Liberty</u>		STATE <u>MO</u>	ZIP CODE <u>64068</u>

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

**4. CONTINUING AUTHORITY**

NAME <u>Same as above</u>		TELEPHONE WITH AREA CODE	
ADDRESS (MAILING)		FAX	
CITY		STATE	ZIP CODE

**5. OPERATOR**

NAME <u>MO Organic Recycling</u>		CERTIFICATE NUMBER	TELEPHONE WITH AREA CODE <u>816-453-0908</u>
ADDRESS (MAILING) <u>2700 EUS 40 Hwy n</u>		FAX	
CITY <u>Kansas City</u>		STATE <u>MO</u>	ZIP CODE <u>64129</u>

**6. FACILITY CONTACT**

NAME <u>Dave Anderson</u>		TITLE <u>Owner</u>	TELEPHONE WITH AREA CODE <u>816-524-5992</u>
		FAX <u>Same</u>	

**7. ADDITIONAL FACILITY INFORMATION**

7.1 Legal Description of Outfalls. (Attach additional sheets if necessary.) *None - Overflow marked*

001 NE 1/4 SW 1/4 Sec 26 T S1W R 24 County St. Louis  
 UTM Coordinates Easting (X): \_\_\_\_\_ Northing (Y): \_\_\_\_\_  
 For Universal Transverse Mercator (UTM), Zone 15 North referenced to North American Datum 1983 (NAD83)

002 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Sec \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ County \_\_\_\_\_  
 UTM Coordinates Easting (X): \_\_\_\_\_ Northing (Y): \_\_\_\_\_

003 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Sec \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ County \_\_\_\_\_  
 UTM Coordinates Easting (X): \_\_\_\_\_ Northing (Y): \_\_\_\_\_

004 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 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 2975 and NAICS \_\_\_\_\_ 002 - SIC \_\_\_\_\_ and NAICS \_\_\_\_\_  
 003 - SIC \_\_\_\_\_ and NAICS \_\_\_\_\_ 004 - SIC \_\_\_\_\_ and NAICS \_\_\_\_\_

*KC*

<b>8. ADDITIONAL FORMS AND MAPS NECESSARY TO COMPLETE THIS APPLICATION</b> (Complete all forms that are applicable.)			
A.	Is your facility a manufacturing, commercial, mining or silviculture waste treatment facility? If yes, complete Form C (unless storm water only, then complete U.S. Environmental Protection Agency Form 2F per item C below).	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
B.	Is your facility considered a "Primary Industry" under EPA guidelines: If yes, complete Forms C and D.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
C.	Is application for storm water discharges only? If yes, complete EPA Form 2F.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
D.	Attach a map showing all outfalls and the receiving stream at 1" = 2,000' scale.		
E.	Is wastewater land applied? If yes, complete Form I.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
F.	Is sludge, biosolids, ash or residuals generated, treated, stored or land applied? If yes, complete Form R.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>9. DOWNSTREAM LANDOWNER(S)</b> Attach additional sheets as necessary. See Instructions. (PLEASE SHOW LOCATION ON MAP. SEE 8.D ABOVE).			
NAME EWERT FAMILY FARMS			
ADDRESS 714 College		CITY Liberty	STATE ZIP CODE MO 64068
10. I certify that I am familiar with the information contained in the application, that to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law to the Missouri Clean Water Commission.			
NAME AND OFFICIAL TITLE (TYPE OR PRINT) STEVEN M. EWERT		TELEPHONE WITH AREA CODE 816-752-3327	
SIGNATURE 		DATE SIGNED 3/15/14	

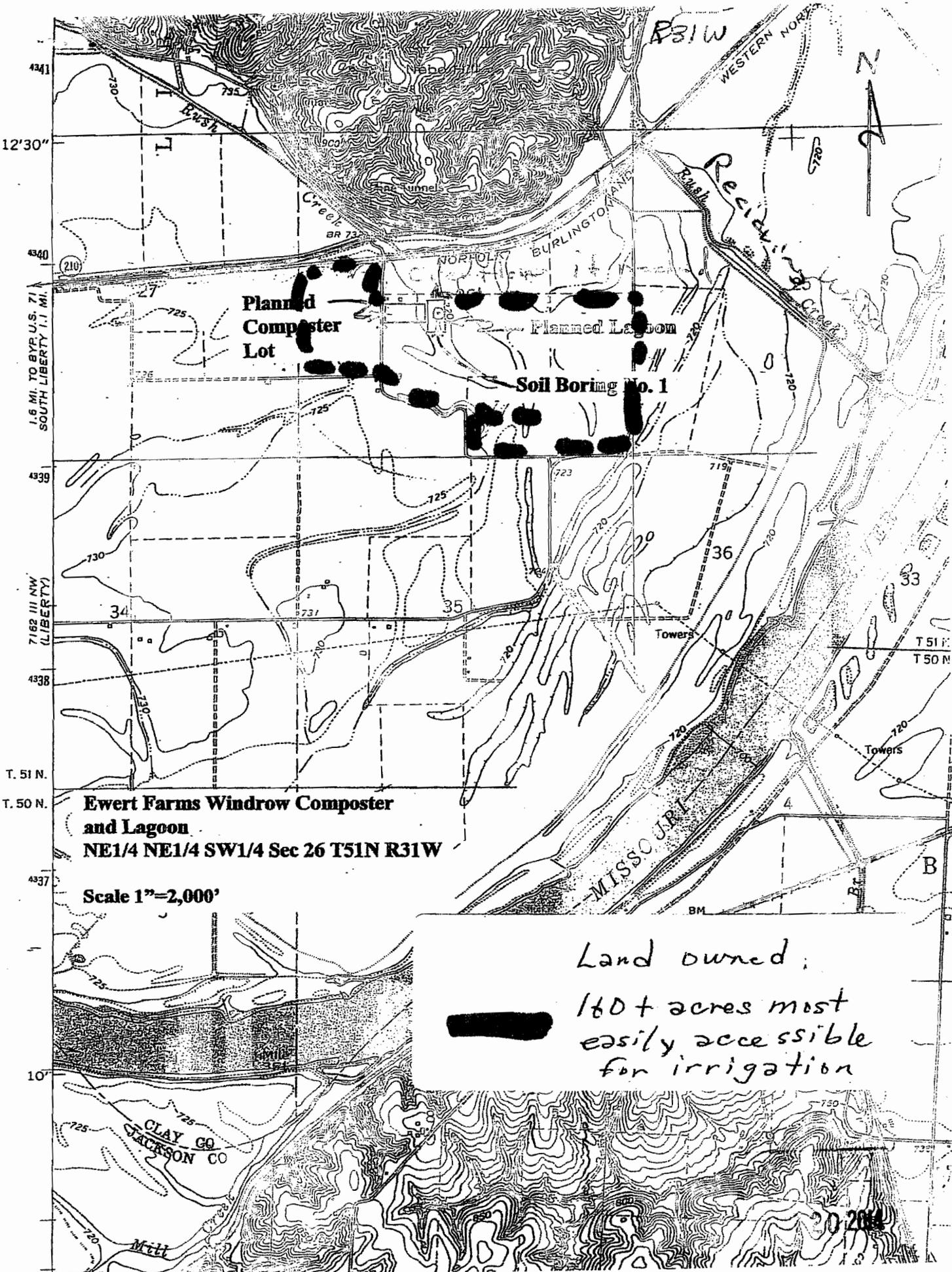
MO 780-1479 (01-09)

**BEFORE MAILING, PLEASE ENSURE ALL SECTIONS ARE COMPLETED AND ADDITIONAL FORMS, IF APPLICABLE, ARE INCLUDED.**

Submittal of an incomplete application may result in the application being returned.

HAVE YOU INCLUDED:

- Appropriate Fees?
- Map at 1" = 2000' scale?
- Signature?
- Form C, if applicable?
- Form D, if applicable?
- Form 2F, if applicable?
- Form I (Irrigation), if applicable?
- Form R (Sludge), if applicable?



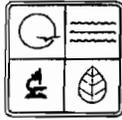
**Ewert Farms Windrow Composter and Lagoon**  
 NE1/4 NE1/4 SW1/4 Sec 26 T51N R31W

Scale 1"=2,000'

Land owned;  
 160+ acres most easily accessible for irrigation

0-2000

No check VT



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH  
(SEE MAP FOR APPROPRIATE REGIONAL OFFICE)

**FORM I - PERMIT APPLICATION FOR CONSTRUCTION AND  
OPERATION OF WASTEWATER IRRIGATION SYSTEMS**

FOR AGENCY USE ONLY	
PERMIT NUMBER	
MO-	
DATE RECEIVED	

**INSTRUCTIONS:** The following forms must be submitted with Form I: FORM B for domestic wastewater. Submit FORMS E and G for land disturbance permit if construction areas total one acre or more.

**1.00 FACILITY INFORMATION**

1.10 Facility Name EWERT BROTHERS COMPOST PAD SITE

1.20 Application for:  Construction Permit (attach Engineering report, Plans and Specifications per 10 CSR 20-8)  
 Operating Permit (if no construction permit, attach engineering documents)  
Date Irrigation System Began Operation: \_\_\_\_\_  
 Operating Permit Renewal

1.30 Type of wastewater to be irrigated:  Domestic  Municipal  State/National Park  Seasonal business  
 Municipal with Pretreatment Program or Significant Industrial Users  Other (explain) Lot rainwater run-off  
SIC Codes (list all that apply, in order of importance) 2875

1.40 Months when the business or enterprise will operate or generate wastewater:  
 12 months per year  Part of year (list Months): \_\_\_\_\_

1.50 This system is designed for:  
 No-discharge  Partial irrigation when feasible and discharge rest of time.  
 Irrigation during recreation season (April - October) and discharge during November - March.  
 Other (explain) \_\_\_\_\_

1.60 List the Facility outfalls which will be applicable to the irrigation system from outfalls listed on Form B.  
Outfall Nos. NONE RE-USE EVAPORATION  
4-C 1E

**2.00 STORAGE BASINS**

2.10 Number of storage basins: 1 Type of basin:  Steel  Concrete  Fiberglass  Earthen  Earthen with membrane liner

2.20 Storage basin dimensions at inside top of berm (feet): Report freeboard as feet from top of berm to emergency spillway or overflow pipe.  
(Complete Attachment A: Profile Sketch)  
Basin #1: Length 347 Width 362 Depth 6.2 Freeboard 1.2 Berm Width 10' % Slope 5:1  
Basin #2: Length \_\_\_\_\_ Width \_\_\_\_\_ Depth \_\_\_\_\_ Freeboard \_\_\_\_\_ Berm Width \_\_\_\_\_ % Slope \_\_\_\_\_

2.30 Storage Basin operating levels (report as feet below emergency overflow level)  
Basin #1: Maximum water level 3.4 ft. Minimum operating water level 2 ft.  
Basin #2: Maximum water level \_\_\_\_\_ ft. Minimum operating water level \_\_\_\_\_ ft.

2.40 Depth of sludge in lagoons and storage basins N/A ft.  
Total sludge stored N/A dry tons \_\_\_\_\_ cu. ft.

**3.00 LAND APPLICATION SYSTEM**

3.10 Number of irrigation sites 0 Total Acres 800 Maximum % field slopes > 1%  
Location: \_\_\_\_\_ 1/4 AL 1/4 \_\_\_\_\_ 1/4 26 Sec. S1W T 31W R CLAY County 400 Acres  
Location: \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 35 Sec. \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ County 400 Acres  
Attach extra sheets as necessary.

3.11 Type of vegetation:  Grass hay  Pasture  Timber  Row crops  Other (describe) \_\_\_\_\_

3.20 Wastewater flow (dry weather) gallons/day: 0  
 Average annual: \_\_\_\_\_ Seasonal \_\_\_\_\_ Off-season \_\_\_\_\_  
 Months of seasonal flow: \_\_\_\_\_  
 Human Population Equivalent: \_\_\_\_\_

3.21 Land Application rate per acre (design flow including 1 in 10 year storm water flows):  
 Design: \_\_\_\_\_ inches/year N/A inches/hour \_\_\_\_\_ inches/day \_\_\_\_\_ inches/week  
 Actual: \_\_\_\_\_ inches/year \_\_\_\_\_ inches/hour \_\_\_\_\_ inches/day \_\_\_\_\_ inches/week  
 Total Irrigation per year (gallons): \_\_\_\_\_ Design \_\_\_\_\_ Actual \_\_\_\_\_  
 Actual months used for Irrigation (circle): Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

3.22 Land Application Rate is based on:  
 Nutrient Management Plan (N&P)  
 Hydraulic Loading  
 Other (describe) \_\_\_\_\_

3.30 Equipment type:  Sprinklers  Gated pipe  Center pivot  Traveling gun  Other (describe) \_\_\_\_\_  
 Equipment Flow Capacity: N/A Gallons per hour \_\_\_\_\_ Total hours of operation per year \_\_\_\_\_

3.40 Public Access Restrictions for irrigation sites:  Site is Fenced  Wastewater disinfection prior to irrigation  
 Other (describe): \_\_\_\_\_

3.50 Separation distance (in feet) from the outside edge of the wetted irrigation area to down gradient features:  
 \_\_\_\_\_ Permanent flowing stream 2260 Losing Stream \_\_\_\_\_ Intermittent (wet weather) stream \_\_\_\_\_ Lake or pond  
 \_\_\_\_\_ Property boundary \_\_\_\_\_ Dwellings \_\_\_\_\_ Water supply well \_\_\_\_\_ Other (describe) \_\_\_\_\_

3.60 SOILS INFORMATION: Use information from the County Soil Survey, NRCS, or professional soil scientist.  
 Soil Series Name N/A Depth to bedrock \_\_\_\_\_ Feet Depth to water table \_\_\_\_\_ Feet  
 Soil Infiltration rate in inches/hour (in/hr) for most restrictive layer within the following soil depth ranges:  
 \_\_\_\_\_ In/hr for 0-12 inch soil depth \_\_\_\_\_ In/hr for 12-24 inch soil depth \_\_\_\_\_ In/hr for 24-60 inch soil depth

3.70 Include a recent Geologic Report by the Department's Geological Survey and Resource Assessment Division with your construction permit.

3.80 Attach a current copy of the Operation and Maintenance (O&M) Plan for the irrigation system. Date of O&M Plan: \_\_\_\_\_

3.81 Attach a site map showing topography, storage basins, irrigation sites, property boundary, streams, wells, roads, dwellings and other pertinent features.

3.82 Attach a facility sketch showing treatment units, storage basins, pipelines, irrigation equipment, application sites and other features.

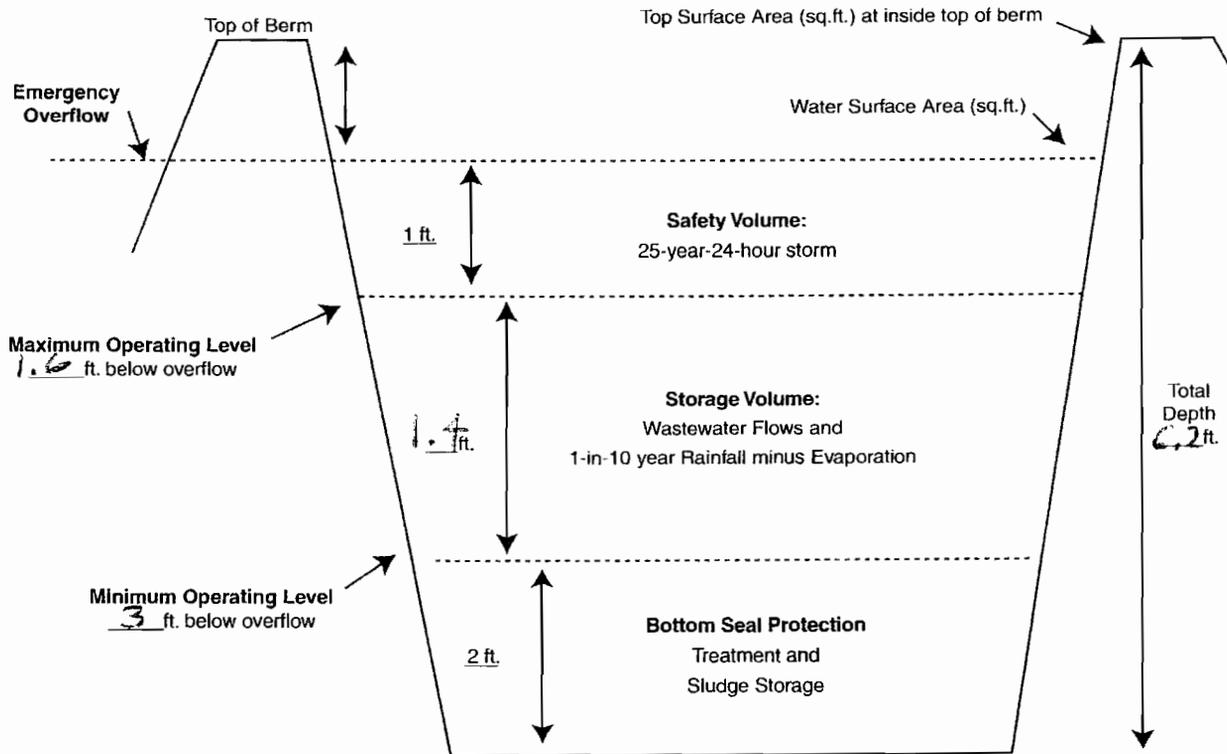
**4.00 CERTIFICATION**  
 I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment.

CONSULTING ENGINEER - Name, Official Title and Engineering Firm <u>N/A</u>	(TYPE OR PRINT)	TELEPHONE NUMBER (area code and number)
SIGNATURE <u>N/A</u>		DATE SIGNED
OWNER OR AUTHORIZED REPRESENTATIVE - Name and Official Title <u>STEVE EWERT</u>	(TYPE OR PRINT)	TELEPHONE NUMBER (area code and number) <u>816-792-3327</u>
SIGNATURE <u>[Signature]</u>		DATE SIGNED <u>3/15/14</u>

**ATTACHMENT A**

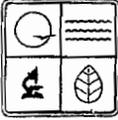
(To be included with Form I)

**Lagoon or Storage Basin  
PROFILE SKETCH**



**DEFINITION OF TERMS (REFER TO THE PROFILE SKETCH ABOVE).**

- a. Freeboard is depth from top of berm to emergency spillway (minimum 1 foot);
- b. Safety Volume is depth for 25-year, 24-hour storm (minimum of 1 foot);
- c. Maximum Operating Level is at bottom of the safety volume (minimum of 2 feet below top of berm).
- d. Minimum Operating Level is 2 feet above bottom of lagoon for seal protection per 10 CSR 20-8.  
The minimum operating level may be greater than 2 feet when additional treatment volume is included.
- e. Storage Volume and days storage are based on the volume between Minimum and Maximum Operating Levels.
- f. Total Depth is from top of berm to bottom of basin including freeboard.



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
 WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH  
 (SEE MAP FOR APPROPRIATE REGIONAL OFFICE)  
**FORM C - APPLICATION FOR DISCHARGE PERMIT - MANUFACTURING,  
 COMMERCIAL, MINING AND SILVICULTURE OPERATIONS**

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

EWERT BROTHERS FARMS COMPOST PAD SITE

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

MO-013049

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 2875 B. SECOND \_\_\_\_\_  
 C. THIRD \_\_\_\_\_ D. FOURTH \_\_\_\_\_

2.10 FOR EACH OUTFALL GIVE THE LEGAL DESCRIPTION.

OUTFALL NUMBER (LIST) NE 1/4 SW 1/4 SEC 26 T 5N R 31W CLAY County

2.20 FOR EACH OUTFALL LIST THE NAME OF THE RECEIVING WATER.

OUTFALL NUMBER (LIST) 001 RECEIVING WATER Rush Creek  
(it necessarily)

2.30 BRIEFLY DESCRIBE THE NATURE OF YOUR BUSINESS:

Organics Recycling facility - We receive, grind, and mix organic waste (grass, leaves, woodchips, pre-consumer food waste, etc.) into the correct mix for optimum composting. It is put in rows & turned to maintain temperature, moisture, and oxygen levels. When finished it is screened of contaminants and sold as a soil amendment.



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. DAYS PER WEEK <i>(specify average)</i>	B. MONTHS PER YEAR <i>(specify average)</i>	A. FLOW RATE <i>(in mgd)</i>		B. TOTAL VOLUME <i>(specify with units)</i>		
				1. LONG TERM AVERAGE	2. MAXIMUM DAILY	4. LONG TERM DAILY	3. MAXIMUM AVERAGE	
	N/A							

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) N/A

B. ARE THE LIMITATIONS IN THE APPLICABLE EFFLUENT GUIDELINE EXPRESSED IN TERMS OF PRODUCTION (OR OTHER MEASURE OF OPERATION)?  
 YES (COMPLETE C.)  NO (GO TO SECTION 2.60) N/A

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>	
N/A			

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
		N/A			

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 A 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)

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)

Kevin Anderson VP

TELEPHONE NUMBER (AREA CODE AND NUMBER)

816-483-0908

SIGNATURE (SEE INSTRUCTIONS)

*Kevin Anderson*

DATE SIGNED

3/15/14

PLEASE PRINT OR TYPE. You may report some or all of this information on separate sheets (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 (continued from page 3 of Form 2-C)

1. POLLUTANT	2. EFFLUENT				3. UNITS (specify, if blank)				4. INTAKE (optional)		B. NO. OF ANALYSES	
	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		
	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION		(2) MASS
A. Biochemical Oxygen Demand (BOD)												
B. Chemical Oxygen Demand (COD)												
C. Total Organic Carbon (TOC)												
D. Total Suspended Solids (TSS)												
E. Ammonia (as N)												
F. Flow	VALUE		VALUE		VALUE					VALUE		
G. Temperature (winter)	VALUE		VALUE		VALUE					VALUE		
H. Temperature (summer)	VALUE		VALUE		VALUE					VALUE		
I. pH	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM								

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.

PART B - Mark "X" in column 2-a for each pollutant you know or have reason to believe is present. Mark "X" in column 2-b for each pollutant you believe to be absent. If you mark column 2-a for any pollutant, you must provide the results of 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)		B. NO. OF ANALYSES	
	A. BE- LIEVED PRE- SENT	B. BE- LIEVED AB- SENT	A. MAXIMUM DAILY VALUE (if available)		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		
			(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION		(2) MASS
A. Bromide (24959-67-9)														
B. Chlorine Total Residual														
C. Color														
D. Fecal Coliform														
E. Fluoride (16984-48-8)														
F. Nitrate-Nitrite (as N)														