

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

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

Permit No. MO-0136808

Owner: Maryville Carbon Solutions, LLC
Address: 1035 Pearl Street, Boulder, CO 80302

Continuing Authority: Same as above
Address: Same as above

Facility Name: Maryville Carbon Solutions, LLC
Facility Address: 600 Wilson Industrial Road, Maryville, MO 64468

Legal Description: See page two
UTM Coordinates: See page two

Receiving Stream: Tributary to the One Hundred and Two River (U)
First Classified Stream and ID: One Hundred and Two River (P) (00342)
USGS Basin & Sub-watershed No.: (10240013 – 0304)

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

FACILITY DESCRIPTION

All Outfalls – Industrial Facility – SIC #2895

Storm water runoff and oil/water separator discharges from a carbon black manufacturing facility

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

February 22, 2012 December 29, 2015
Effective Date Modification Date

Sara Parker Pauley, Director, Department of Natural Resources

February 21, 2017
Expiration Date

John Madras, Director, Water Protection Program

FACILITY DESCRIPTION (continued):

Outfall #001

Legal Description: NE ¼, SW ¼, Sec.16, T64N, R35W, Nodaway County
UTM Coordinates: X = 343343, Y = 4468283
Design Flow is 0.295 MGD.
Actual Flow is dependent upon precipitation

This outfall drains 2.34 acres with 0.30 acres of impervious surface (approximately). Structures and components potentially exposed to storm water in this drainage area are a tanker unloading area and a partially roofed area with secondary containment housing tanks, pumps, hosing, and a waste incinerator. An oil/water separator that drains the containment area when the drain valves are opened discharges at the western-most edge of the south detention area. A manually operated valve at the outfall allows the facility operator to detain storm water and control its release or to operate a flow-through system when the valve is open.

Outfall #002

Legal Description: NE ¼, SW ¼, Sec.16, T64N, R35W, Nodaway County
UTM Coordinates: X = 343316, Y = 4468381
Design Flow is 0.246 MGD.
Actual Flow is dependent upon precipitation

This outfall drains 1.95 acres with 0.85 acres of impervious surfaces (approximately). Structures and components potentially exposed to storm water in this drainage area are a parking lot, a trash dumpster, the entrance to the chip bay where shredded tires are delivered and the roof of the main plant. A manually operated valve at the outfall allows the facility operator to detain storm water and control its release or to operate a flow-through system when the valve is open.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 3 of 6	
					PERMIT NUMBER MO-0136808	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>All Outfalls</u>						
Flow	MGD	*		*	once/month	24-hr. estimate
Chemical Oxygen Demand	mg/L	90		60	once/month	grab**
Total Suspended Solids	mg/L	100		50	once/month	grab**
pH – Units	SU	***		***	once/month	grab**
Ammonia as N	mg/L	*		*	once/month	grab**
Oil & Grease	mg/L	15		10	once/month	grab**
Total Organic Carbon	mg/L	*		*	once/month	grab**
Color (Note 1)	N/A	*			once/month	visual inspection
MONITORING REPORTS SHALL BE SUBMITTED <u>MONTHLY</u> ; THE FIRST REPORT IS DUE <u>APRIL 28, 2012</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM, OR WATER WITH A VISIBLE SHEEN.						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Parts I</u> STANDARD CONDITIONS DATED <u>October 1, 1980</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

MO 780-0010 (8/91)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- * Monitoring requirement only
- ** Storm water samples shall be collected within the first 60 minutes of storm events of 0.1 inches or greater, that result in a discharge. Storm events include rainfall as well as run-off from the melting of frozen precipitation. If the valves at either outfall are to remain closed until the operator chooses to discharge accumulated water, sampling shall occur at that time. If the valves remain closed during an entire month and no water leaves the outfall report no-discharge for that month and indicate on the discharge monitoring report that the outfall valves remained closed.
- *** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.5-9.0 pH units.

Note 1 Visually inspect water at each outfall during a discharge event when samples are collected. Make note of the color of the water (i.e. clear, black, cloudy, etc...) and whether or not a sheen is present on the surface. These observations shall be included with the discharge monitoring reports. If the outfall valves are closed these observations shall be made prior to release of accumulated water. If the outfall valves are to remain open these observations shall be made during a qualifying precipitation event when samples are collected.

C. SPECIAL CONDITIONS

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

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

2. All outfalls must be clearly marked in the field.

3. Water Quality Standards

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

4. Changes in Discharges of Toxic Substances

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

- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 µg/L);
 - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
 - (4) The level established in Part A of the permit by the Director.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant, which was not reported in the permit application.
- (c) That the effluent limit established in part A of the permit will be exceeded.

5. Report as no-discharge when a discharge does not occur during the report period.

6. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (644.055 RSMo).

C. SPECIAL CONDITIONS (continued)

7. The permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must be kept on-site and should not be sent to DNR unless specifically requested. The permittee shall select, install, use, operate, and maintain the Best Management Practices prescribed in the SWPPP in accordance with the concepts and methods described in the following document:

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

The SWPPP must include the following:

- (a) An assessment of all storm water discharges associated with this facility. This must include a list of potential contaminants and an annual estimate of amounts that will be used in the described activities.
 - (b) A listing of specific Best Management Practices (BMPs) and a narrative explaining how BMPs will be implemented to control and minimize the amount of potential contaminants that may enter storm water. Minimum BMPs are listed in SPECIAL CONDITIONS #8 below.
 - (c) The SWPPP must include a schedule for monthly site inspections and a brief written report. The inspections must include observation and evaluation of BMP effectiveness, deficiencies, and corrective measures that will be taken. The Department must be notified within fifteen (15) days by letter of any corrections of deficiencies. Deficiencies that consist of minor repairs or maintenance must be corrected within seven (7) days. Deficiencies that require additional time or installation of a treatment device to correct should be detailed in the written notification. Installation of a treatment device, such as an oil water separator, may require a construction permit. Inspection reports must be kept on site with the SWPPP. These must be made available to DNR personnel upon request.
 - (d) A provision for designating an individual to be responsible for environmental matters.
 - (e) A provision for providing training to all personnel involved in material handling and storage, and housekeeping of maintenance and cleaning areas. Proof of training shall be submitted on request of DNR.
8. Permittee shall adhere to the following minimum Best Management Practices:
- (a) Prevent the spillage or loss of fluids, oil, grease, fuel, etc. from vehicle maintenance, equipment cleaning, or warehouse activities and thereby prevent the contamination of storm water from these substances.
 - (b) Provide collection facilities and arrange for proper disposal of waste products including but not limited to petroleum waste products, and solvents.
 - (c) Store all paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) so that these materials are not exposed to storm water or provide other prescribed BMP's such as plastic lids and/or portable spill pans to prevent the commingling of storm water with container contents. Commingled water may not be discharged under this permit. Provide spill prevention control, and/or management sufficient to prevent any spills of these pollutants from entering waters of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.
 - (d) Provide good housekeeping practices on the site to keep solid waste from entry into waters of the state.
 - (e) Provide sediment and erosion control sufficient to prevent or control sediment loss off of the property.
 - (f) Provide routine inspection, maintenance, and cleaning of the oil/water separator to ensure it is operating at its maximum efficiency. Logs of inspections, maintenance, and cleaning shall be kept on file as per Standard Conditions Part I.
9. The purpose of the SWPPP and the BMPs listed therein is to prevent pollutants from entering waters of the state. A deficiency of a BMP means it was not effective in preventing pollution [10 CSR20-2.010(56)] of waters of the state, or failed to achieve compliance with benchmarks. Corrective action means the facility took steps to eliminate the deficiency.

C. SPECIAL CONDITIONS (continued)

10. All spills must be **cleaned up** within 24 hours or as soon as possible, and a written report of the incident supplied with the facility's Discharge Monitoring Report. The following spills must be **reported** to the department at the earliest practicable moment, but no greater than 24 hours after the spill occurs:
- (a) Any spill, of any material, that leaves the property of the facility;
 - (b) Any spill, of any material outside of secondary containment and exposed to precipitation, greater than 25 gallons or equivalent volume of solid material.

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

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

11. Before releasing water that has accumulated in the secondary containment area to the oil/water separator it must be examined for hydrocarbon odor and presence of a sheen. When the presence of hydrocarbons is indicated it shall be treated with absorbent mats and/or booms to remove as much hydrocarbon contamination as possible prior to release to the oil/water separator.

PERMIT TRANSFER

This permit may be transferred to a new owner by submitting an "Application for Transfer of Operating Permit" signed by the seller and buyer of the facility, along with the appropriate modification fee.

PERMIT RENEWAL REQUIREMENTS

Unless this permit is terminated, the permittee shall submit an application for the renewal of this permit no later than six (6) months prior to the permit's expiration date. Failure to apply for renewal may result in termination of this permit and enforcement action to compel compliance with this condition and the Missouri Clean Water Law.

TERMINATION

In order to terminate this permit, the permittee shall notify the department by submitting Form J, included with the State Operating Permit. The permittee shall complete Form J and mail it to the department at the address noted in the cover letter of this permit. Proper closure of any storage structure is required prior to permit termination. A closure plan shall be submitted to the department and approved prior to initiating closure activities.

DUTY OF COMPLIANCE

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

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATEMENT OF BASIS
MO-0136808
MARYVILLE CARBON SOLUTIONS, LLC

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

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

Part I – Facility Information

Facility Type: Carbon Black manufacturing facility
Facility SIC Code(s): #2895

Facility Description:

Stormwater runoff and oil/water separator discharges from a carbon black manufacturing facility.

Part II – Modification Rationale

This operating permit is hereby modified to reflect a change in ownership from REHC Maryville, LLC to Maryville Carbon Solutions, LLC. The facility name was also updated to Maryville Carbon Solutions, LLC.

No other changes were made at this time.

Part III – Administrative Requirements

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

DATE OF STATEMENT OF BASIS: 12/03/2015

COMPLETED BY:

AMBERLY SCHULZ, ENVIRONMENTAL SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - DOMESTIC WASTEWATER UNIT
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**Missouri Department of Natural Resources
FACT SHEET
FOR THE PURPOSE OF INITIAL ISSUANCE
OF
MO-0136808
MARYVILLE CARBON SOLUTIONS, LLC**

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

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

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

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

Part I – Facility Information

Facility Type: IND
Facility SIC Code(s): 2895

Facility Description:

Storm water runoff and oil/water separator discharges from a carbon black manufacturing facility

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

- Yes;
 - No.

Application Date: 06/10/2011
Expiration Date: N/A
Last Inspection: 03/03/2011 In Compliance ; Non-Compliance
(See comments section below for compliance history)

OUTFALL(S) TABLE:

OUTFALL	DESIGN FLOW (MGD)	TREATMENT LEVEL	EFFLUENT TYPE	DISTANCE TO CLASSIFIED SEGMENT (MI)
#001	0.295*	BMPs Oil/Water Separator	Storm water and intermittent oil/water separator discharges	1.03
#002	0.246*	BMPs	Storm water only	1.11

* See Comments section below for details on design flow derivation.

** Best Management Practice

Outfall #001

Legal Description: NE ¼, SW ¼, Sec.16, T64N, R35W, Nodaway County
UTM Coordinates: X = 343343, Y = 4468283
Receiving Stream: Tributary to the One Hundred and Two River (U)
First Classified Stream and ID: One Hundred and Two River (P) (00342)
USGS Basin & Sub-watershed No.: (10240013 – 0304)

This outfall drains 2.34 acres with 0.30 acres of impervious surface (approximately). Structures and components potentially exposed to storm water in this drainage area are a tanker unloading area and a partially roofed area with secondary containment housing tanks, pumps, hosing, and a waste incinerator. An oil/water separator that drains the containment area when the drain valves are opened discharges at the western-most edge of the south detention area. A manually operated valve at the outfall allows the facility operator to detain storm water and control its release or to operate a flow-through system when the valve is open.

Outfall #002

Legal Description: NE ¼, SW ¼, Sec.16, T64N, R35W, Nodaway County

UTM Coordinates: X = 343316, Y = 4468381

Receiving Stream: Tributary to the One Hundred and Two River (U)

First Classified Stream and ID: One Hundred and Two River (P) (00342)

USGS Basin & Sub-watershed No.: (10240013 – 0304)

This outfall drains 1.95 acres with 0.85 acres of impervious surfaces (approximately). Structures and components potentially exposed to storm water in this drainage area are a parking lot, a trash dumpster, the entrance to the chip bay where shredded tires are delivered and the roof of the main plant. A manually operated valve at the outfall allows the facility operator to detain storm water and control its release or to operate a flow-through system when the valve is open.

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

This is a new storm water permit for an existing facility; therefore, there is little stormwater data to review. The application for this permit indicated high concentrations of Oil and Grease (O&G), Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Total Organic Carbon (TOC), and Total Ammonia as Nitrogen; however, this sample was taken at Outfall #001 approximately 2.5 months after a release of fuel contaminated water and may not be representative of the quality of storm water currently leaving the property.

Comments:

The following facility description and history have been taken from an April 20, 2011 water pollution inspection report authored by Jody Mayes of the Kansas City Regional Office:

Carbolytic Materials Company, LLC (CMC) is a privately owned company that receives waste tire material that has been processed into various aggregate sizes for an onsite cracking process. This process renders two grades of fuel and pelletized carbon as products for shipping and sale. The processes are performed inside as is the carbon pelletizing process. Some storage of the processed waste tires is done outside the buildings roof. A partially roofed containment area houses the tanks, pumps and transfer hoses for the produced fuels, as well as byproducts and a self contained waste incinerator. The partially roofed containment also serves as an operational containment for the loading and unloading of tanker trucks to transport the fuel product. There are two constructed stormwater detention areas with gated valves for the potential discharge of stored stormwater. The receiving stream for this facility is [a Tributary] to [the One Hundred and Two] River.

Carbolytic Materials Company, LLC is a new company and began production at the Maryville Plant in 2009. There has been no previous MDNR Water Pollution inspection of the facility. On April 28, 2009 a meeting at Kansas City Regional Office with Scott Honig, Andrea Collier, Jimmy Coles, and Sunny Wellesley, Water Pollution Control staff at the KCRO and Frank Gerberich of CMC and Amy Reed and Robynn Andracssek of Burns & McDonnell discussed the process for obtaining a permit or conditional no-exposure exemption for stormwater permits. A letter describing the meeting and the process for application and certification of the site by MDNR was sent to Frank Gerberich on April 29, 2009. There was no follow up or reply to the letter after construction of the Maryville facility was completed.

On February 21, 2011, an accidental release of stored byproducts occurred on the company grounds. A storage tanker was not parked within the operational containment area when a valve was opened allowing the contents of the byproduct, produced onsite and contained in the tanker, to run onto the ground. The byproduct was a combination of the produced fuel and water which is normally thermally oxidized onsite. The released liquid flowed into the stormwater detention structure and through the structures open gate valve into the unnamed tributary of the 102 River. Contamination from the site was detected in the 102 River as an oil sheen. The spill volume was reported as approximately 5,000 gallons. The contamination and spill site is in the process of being cleaned and remediated.

Since the inspection and subsequent report were completed, CMC has dredged all contaminated substrate from the receiving stream. These contaminated soils/substrates have been isolated, and disposal in the St. Joseph sanitary landfill is in progress with the target of completing the removal of all contaminated soils from the property by the end of first quarter 2012. A required action for the inspection report was that CMC was to apply for a site specific stormwater permit which was received by the Kansas City Regional Office on June 6, 2011.

Federal Regulations [40 CFR 458] detail the water pollution categorical standards for industries involved in the manufacture of carbon black. All subparts to this regulation require that there shall be no discharge of process waste water pollutants. Storm water that has come into contact with process waste waters or carbon black manufacturing products or byproducts is considered waste water for the purposes of this permit and its effluent limitations and requirements.

Design flows for each outfall were calculated by the permit writer based on information provided in the permit application regarding the total acreage drained by each outfall. Typical runoff coefficients for light industrial facilities, as indicated by the American Society of Civil Engineers in 1960, range from 0.50 to 0.80. Given the high percentage of permeable surfaces on this property, the actual runoff coefficient is likely towards the lower end of that range. However, to provide a higher degree of certainty, the uppermost limit of that range, 0.80 was used, along with the expected volume of precipitation for the 1 in 25-year, 24-hour storm event, to calculate "worst-case scenario" design flows for these two outfalls.

Part II – Operator Certification Requirements

As per [10 CSR 20-6.010(8) Terms and Conditions of a Permit], permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions and regulations. Operators or supervisors of operations at regulated wastewater treatment facilities shall be certified in accordance with [10 CSR 20-9.020(2)] and any other applicable state law or regulation. As per [10 CSR 20-9.020(2)(A)], requirements for operation by certified personnel shall apply to all wastewater treatment systems, if applicable, as listed below:

Check boxes below that are applicable to the facility;

- Owned or operated by or for:
 - Municipalities
 - Public Sewer District:
 - County
 - Public Water Supply Districts:
 - Private sewer company regulated by the Public Service Commission:
 - State or Federal agencies:

Each of the above entities are only applicable if they have a Population Equivalent greater than two hundred (200) and/or fifty (50) or more service connections.

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

Part III – Receiving Stream Information

APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:

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

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

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

RECEIVING STREAM(S) TABLE:

WATERBODY NAME	CLASS	WBID	DESIGNATED USES*	12-DIGIT HUC	EDU**
Tributary to the One Hundred and Two River	U	N/A	General Criteria	10240013 – 0304	Central Plains/ Nishnabotna/ Platte
One Hundred and Two River	P	00342	LWW, AQL, SCR, DWS, IRR, WBC-B		

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

** - Ecological Drainage Unit

RECEIVING STREAM(S) LOW-FLOW VALUES TABLE:

RECEIVING STREAM (U, C, P)	LOW-FLOW VALUES (CFS)		
	1Q10	7Q10	30Q10
Tributary to the One Hundred and Two River (U)	0	0	0

MIXING CONSIDERATIONS:

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

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

RECEIVING STREAM MONITORING REQUIREMENTS:

No receiving water monitoring requirements recommended at this time.

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

ALTERNATIVE EVALUATIONS FOR NEW FACILITIES:

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

Not Applicable ;

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

ANTI-BACKSLIDING:

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

- New facility, 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.

- Existing facility. Antidegradation does not apply.

AREA-WIDE WASTE TREATMENT MANAGEMENT & CONTINUING AUTHORITY:

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

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://dnr.mo.gov/env/wpp/pub/index.html>, items WQ422 through WQ449.

Not applicable;

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

COMPLIANCE AND ENFORCEMENT:

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

Not Applicable .

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

PRETREATMENT PROGRAM:

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

Pretreatment programs are required at any POTW (or combination of POTW operated by the same authority) and/or municipality with a total design flow greater than 5.0 MGD and receiving industrial wastes that interfere with or pass through the treatment works or are otherwise subject to the pretreatment standards. Pretreatment programs can also be required at POTWs/municipals with a design flow less than 5.0 MGD if needed to prevent interference with operations or pass through.

Several special conditions pertaining to the permittee's pretreatment program may be included in the permit, and are as follows:

- Implementation and enforcement of the program,
- Annual pretreatment report submittal,
- Submittal of list of industrial users,
- Technical evaluation of need to establish local limitations, and
- Submittal of the results of the evaluation

Not Applicable .

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

REASONABLE POTENTIAL ANALYSIS (RPA):

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

In accordance with [40 CFR Part 122.44(d)(iii)] if the permit writer determines that any give pollutant has the reasonable potential to cause, or contribute to an in-stream excursion above the WQS, the permit must contain effluent limits for that pollutant.

Not Applicable .

A RPA was not conducted for this facility.

REMOVAL EFFICIENCY:

Removal efficiency is a method by which the Federal Regulations define Secondary Treatment and Equivalent to Secondary Treatment, which applies to Biochemical Oxygen Demand 5-day (BOD₅) and Total Suspended Solids (TSS) for Publicly Owned Treatment Works (POTWs)/municipals.

Not Applicable .

This permit is not for a domestic wastewater treatment facility.

SANITARY SEWER OVERFLOWS (SSO) AND INFLOW AND INFILTRATION (I&I):

Sanitary Sewer Overflows (SSOs) are defined as an untreated or partially treated sewage release are considered bypassing under state regulation [10 CSR 20-2.010(11)] and should not be confused with the federal definition of bypass. SSO's have a variety of causes including blockages, line breaks, and sewer defects that allow excess storm water and ground water to (1) enter and overload the collection system, and (2) overload the treatment facility. Additionally, SSO's can be also be caused by lapses in sewer system operation and maintenance, inadequate sewer design and construction, power failures, and vandalism. SSOs also include overflows out of manholes and onto city streets, sidewalks, and other terrestrial locations.

Additionally, Missouri RSMo §644.026.1 mandates that the Department require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities.

- Not applicable. This storm water permit is for an industrial facility with no collection system of wastewater treatment facility.

SCHEDULE OF COMPLIANCE (SOC):

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

Not Applicable ;

This permit does not contain a SOC.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP):

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

In accordance with the EPA's *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (Document number EPA 833-B-09-002) [published by the United States Environmental Protection Agency (USEPA) in February 2009], BMPs are measures or practices used to reduce the amount of pollution entering (regarding this operating permit) waters of the state. BMPs may take the form of a process, activity, or physical structure.

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

Applicable ;

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

VARIANCE:

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

Not Applicable ;

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

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

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

Not Applicable ;

Wasteload allocations were not calculated.

WLA MODELING:

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

Not Applicable ;

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

WATER QUALITY STANDARDS:

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

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

WHOLE EFFLUENT TOXICITY (WET) TEST:

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

Not Applicable ;

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

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, which includes blending, 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(1)(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 bypass.

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

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

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

Not Applicable ;

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

Part V – Effluent Limits Determination

All Outfalls

Effluent limitations derived and established in the below Effluent Limitations Table are based on current operations of the facility. Future permit action due to facility modification may contain new operating permit terms and conditions that supersede the terms and conditions, including effluent limitations, of this operating permit.

EFFLUENT LIMITATIONS TABLE:

PARAMETER	UNIT	BASIS FOR LIMITS	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE
FLOW	MGD	1	*		*
CHEMICAL OXYGEN DEMAND	MG/L	9	90		60
TOTAL SUSPENDED SOLIDS	MG/L	9	100		50
pH	SU	1/9	6.5 – 9.0		6.5 – 9.0
AMMONIA AS N	MG/L	1/9	*		*
OIL & GREASE	MG/L	1/9	15		10
TOTAL ORGANIC CARBON	MG/L	9	*		*
COLOR/SHEEN	N/A	9	*		*

* - Monitoring requirement only.

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 | |

ALL OUTFALLS – DERIVATION AND DISCUSSION OF LIMITS:

- **Flow.** In accordance with [40 CFR Part 122.44(i)(1)(ii)] the volume of effluent discharged from each outfall is needed to assure compliance with permitted effluent limitations. If the permittee is unable to obtain effluent flow, then it is the responsibility of the permittee to inform the Department, which may require the submittal of an operating permit modification.
- **Total Suspended Solids (TSS).** TSS shall not exceed 100mg/L daily max and 50mg/L monthly average. These effluent limitations have been proven to protect water quality and to be attainable by industrial facilities employing the proper best management practices.
- **pH.** pH shall be maintained within the range of 6.5 – 9.0 standard pH units.
- **Total Ammonia Nitrogen.** Monitoring requirement only. The application for this permit contained an analytical result for ammonia in stormwater that was above water quality standards. The sample was taken prior to the end of the spill cleanup activities so it is likely not representative of the quality of stormwater leaving the property. This monitoring requirement has been included so that at permit renewal an analysis may be conducted to determine if reasonable potential to violate water quality standards exists.
- **Oil & Grease.** Conventional pollutant, effluent limitation for protection of aquatic life; 10 mg/L monthly average, 15 mg/L daily maximum.
- **Total Organic Carbon.** Monitoring requirement only. Federal categorical standards require that there be no discharge of carbon black from this facility. Total organic carbon concentrations higher than is typically expected in uncontaminated storm water will be indicative that this facility is not preventing the discharge of carbon black.
- **Chemical Oxygen Demand.** COD shall not exceed 90mg/L daily max and 60mg/L monthly average. These effluent limitations have been proven to protect water quality and to be attainable by industrial facilities employing the proper best management practices.

- **Color/Sheen.** There shall be no discharge of water that is discolored, has a sheen, or that will not meet the general water quality standards detailed in Special Condition #6 of this permit. A visual inspection shall be conducted prior to release of accumulated water in the detention areas if they are to be operated with the valves closed. If the detention areas are to be operated with the valves open a visual inspection must be made during a qualifying precipitation event when samples are collected.
- **Minimum sampling and reporting frequency.** All outfalls shall be sampled and analyzed monthly for all parameters listed in Table A of this permit. If, at the next permit renewal, or after a period of time deemed sufficient by Water Protection Program staff, the facility has maintained consistent compliance with all effluent limitations and requirements of the permit, this monitoring frequency may be decreased.

Part VI: 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 facility is not a **combined or separate sanitary sewer system for a publically-owned treatment works.**

Applicable; The Department is required to determine findings of affordability because the permit applies to a **combined or separate sanitary sewer system for a publically-owned treatment works.**

Part VII – Administrative Requirements

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

PUBLIC NOTICE:

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

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

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

- The Public Notice period for this operating permit was from January 6, 2012 to February 6, 2012. No responses received or responses to the Public Notice of this operating permit do not warrant the modification of effluent limits and/or the terms and conditions of this permit.

This permit was originally scheduled to be placed on public notice on December 23, 2011, with copies having been sent out by mail earlier in that week, but was withdrawn under threat of objection by the U.S. EPA. EPA had concerns about changes that had been made in the language protecting Missouri's Narrative Water Quality Standards. The change had been made in an attempt to accommodate recent changes in Missouri's Statutes. EPA found the new language deficient. This permit is being placed back on to public notice, with the previous version of the Narrative Criteria protection.

DATE OF FACT SHEET: NOVEMBER 3, 2011

COMPLETED BY:

JIMMY COLES
ENVIRONMENTAL SPECIALIST
NPDES PERMIT UNIT
KANSAS CITY REGIONAL OFFICE
JIMMY.COLES@DNR.MO.GOV
(816) 622-7051

Part VII – Appendices

Appendix #1 Facility Aerial Views



Figure 1. Wide view of Carbolytic Materials Company, LLC showing proximity to major highways and the first classified receiving stream.

Appendix #1 Facility Aerial Views (continued)



Figure 2. Drainage map for Carbolytic Materials Company, LLC showing which facility structures and components drain to which outfalls.

**STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION**

**Revised
October 1, 1980**

**PART I - GENERAL CONDITIONS
SECTION A - MONITORING AND REPORTING**

1. **Representative Sampling**
 - a. Samples and measurements taken as required herein shall be representative of the nature and volume, respectively, of the monitored discharge. All samples shall be taken at the outfall(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.
 - b. Monitoring results shall be recorded and reported on forms provided by the Department, postmarked no later than the 28th day of the month following the completed reporting period. Signed copies of these, and all other reports required herein, shall be submitted to the respective Department Regional Office, the Regional Office address is indicated in the cover letter transmitting the permit.
2. **Schedule of Compliance**

No later than fourteen (14) calendar days following each date identified in the "Schedule of Compliance", the permittee shall submit to the respective Department Regional Office as required therein, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or if there are no more scheduled requirements, when such noncompliance will be corrected. The Regional Office address is indicated in the cover letter transmitting the permit.
3. **Definitions**

Definitions as set forth in the Missouri Clean Water Law and Missouri Clean Water Commission Definition Regulation 10 CSR 20-2.010 shall apply to terms used herein.
4. **Test Procedures**

Test procedures for the analysis of pollutant shall be in accordance with the Missouri Clean Water Commission Effluent Regulation 10 CSR 20-7015.
5. **Recording of Results**
 - a. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:
 - (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. 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 this permit 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 both.
 - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
6. **Additional Monitoring by Permittee**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monitoring Report Form. Such increased frequency shall also be indicated.

7. **Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this 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.

SECTION B - MANAGEMENT REQUIREMENTS

1. **Change in Discharge**
 - a. All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant not authorized by this permit or any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.
 - b. Any facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants shall be reported by submission of a new NPDES application at least sixty (60) days before each such change, or, if they will not violate the effluent limitations specified in the permit, by notice to the Department at least thirty (30) days before such changes.
2. **Noncompliance Notification**
 - a. If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Department with the following information, in writing within five (5) days of becoming aware of such conditions:
 - (i) a description of the discharge and cause of noncompliance, and
 - (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.
 - b. Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided with five (5) days of the time the permittee becomes aware of the circumstances. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
3. **Facilities Operation**

Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions. Operators or supervisors of operations at publicly owned or publicly regulated wastewater treatment facilities shall be certified in accordance with 10 CSR 209.020(2) and any other applicable law or regulation. Operators of other wastewater treatment facilities, water contaminant source or point sources, shall, upon request by the Department, demonstrate that wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel.
4. **Adverse Impact**

The permittee shall take all necessary steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit or set forth in the Missouri Clean Water Law and Regulations (hereinafter the Law and Regulations), including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

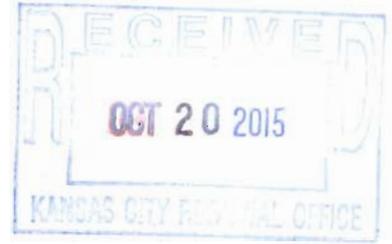
- a. Any bypass or shut down of a wastewater treatment facility and tributary sewer system or any part of such a facility and sewer system that results in a violation of permit limits or conditions is prohibited except:
 - (i) where unavoidable to prevent loss of life, personal injury, or severe property damages; and
 - (ii) where unavoidable excessive storm drainage or runoff would catastrophically damage any facilities or processes necessary for compliance with the effluent limitations and conditions of this permit;
 - (iii) where maintenance is necessary to ensure efficient operation and alternative measures have been taken to maintain effluent quality during the period of maintenance.
 - b. The permittee shall notify the Department in writing of all bypasses or shut down that result in a violation of permit limits or conditions. This section does not excuse any person from liability, unless such relief is otherwise provided by the statute.
6. **Removed Substances**
Solids, sludges, filter backwash, or any other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutants from entering waters of the state unless permitted by the Law, and a permanent record of the date and time, volume and methods of removal and disposal of such substances shall be maintained by the permittee.
 7. **Power Failures**
In order to maintain compliance with the effluent limitations and other provisions of this permit, the permittee shall either:
 - a. in accordance with the "Schedule of Compliance", provide an alternative power source sufficient to operate the wastewater control facilities; or,
 - b. if such alternative power source is not in existence, and no date for its implementation appears in the Compliance Schedule, halt or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
 8. **Right of Entry**
For the purpose of inspecting, monitoring, or sampling the point source, water contaminant source, or wastewater treatment facility for compliance with the Clean Water Law and these regulations, authorized representatives of the Department, shall be allowed by the permittee, upon presentation of credentials and at reasonable times;
 - a. to enter upon permittee's premises in which a point source, water contaminant source, or wastewater treatment facility is located or in which any records are required to be kept under terms and conditions of the permit;
 - b. to have access to, or copy, any records required to be kept under terms and conditions of the permit;
 - c. to inspect any monitoring equipment or method required in the permit;
 - d. to inspect any collection, treatment, or discharge facility covered under the permit; and
 - e. to sample any wastewater at any point in the collection system or treatment process.
 9. **Permits Transferable**
 - a. Subject to Section (3) of 10 CSR 20-6.010 an operating permit may be transferred upon submission to the Department of an application to transfer signed by a new owner. Until such time as the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
 - b. The Department, within thirty (30) days of receipt of the application shall notify the new permittee of its intent to revoke and reissue or transfer the permit.
 10. **Availability of Reports**
Except for data determined to be confidential under Section 308 of the Act, and the Law and Missouri Clean Water Commission Regulation for Public Participation, Hearings and Notice to Governmental Agencies 10 CSR 20-6.020, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by statute, effluent data shall not be considered confidential. Knowingly making any false statement on any such report shall be subject to the imposition of criminal penalties as provided in Section 204.076 of the Law.
 - 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) violation 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 and 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.
12. **Permit Modification - Less Stringent Requirements**
If any permit provisions are based on legal requirements which are lessened or removed, and should no other basis exist for such permit provisions, the permit shall be modified after notice and opportunity for a hearing.
 13. **Civil and Criminal Liability**
Except as authorized by statute and provided in permit conditions on "Bypassing" (Standard Condition B-5) and "Power Failures" (Standard Condition B-7) nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.
 14. **Oil and Hazardous Substance Liability**
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act, and the Law and Regulations. Oil and hazardous materials discharges must be reported in compliance with the requirements of the Federal Clean Water Act.
 15. **State Laws**
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state statute or regulations.
 16. **Property Rights**
The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of or violation of federal, state or local laws or regulations.
 17. **Duty to Reapply**
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit 180 days prior to expiration of this permit.
 18. **Toxic Pollutants**
If a toxic effluent standard, prohibition, or schedule of compliance is established, under Section 307(a) of the Federal Clean Water Act for a toxic pollutant in the discharge of permittee's facility and such standard is more stringent than the limitations in the permit, then the more stringent standard, prohibition, or schedule shall be incorporated into the permit as one of its conditions, upon notice to the permittee.
 19. **Signatory Requirement**
All reports, or information submitted to the Director shall be signed (see 40 CFR-122.6).
 20. **Rights Not Affected**
Nothing in this permit shall affect the permittee's right to appeal or seek a variance from applicable laws or regulations as allowed by law.
 21. **Severability**
The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.



Louis Berger

October 16, 2015

Terry Williams
NPDES Permit Unit
Kansas City Regional Office
500 NE Colbern Road
Lee's Summit, MO 64086-4710



RECEIVED
OCT 26 2015

Water Protection Program

RE: Ownership Transfer Permit Number MO-0136808

Dear Ms. Williams,

This letter is to notify the Missouri Department of Natural Resources of a change in facility ownership for the permit MO-0136808. The permitted facility in Maryville, MO processes tire shred and was formerly owned by REHC Maryville, LLC. The new ownership information is provided below:

Parent Company:	Maryville Carbon Solutions, LLC
Parent Company Address:	1035 Pearl Street Boulder, CO 80302
Contact Person:	Ian Spangler
Installation Name:	Maryville Carbon Solutions, LLC
Installation Address:	600 Wilson Industrial Road, Maryville, MO 64468
Location Information:	Nodaway County, S16, T64N, R35W

Should you have any questions or concerns associated with this submission or the associated attachments, please do not hesitate to contact me at (973) 407-1394. Please submit an invoice to me for prompt payment of applicable fees.

Sincerely,
The LOUIS BERGER GROUP, INC.

Daniel Martin, P.E.
Principal Engineer

Enclosures: Application for Change of Ownership, Copy of Permit, Transfer fee check \$100.

cc: I. Spangler, T. Wibbeler (MCS)

AP 22290



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION BRANCH
APPLICATION FOR TRANSFER OF OPERATING PERMIT

FOR AGENCY USE ONLY

CHECK NO. 10016
DATE RECEIVED 10-20-15 FEE SUBMITTED 100.00
10/26/15



PERMIT NUMBER
#MO- 0136808

THE FOLLOWING ITEMS (1 - 4) ARE TO BE COMPLETED BY THE CURRENT OWNER.
SEE INSTRUCTIONS FOR APPROPRIATE FEE TO BE SUBMITTED WITH APPLICATION.

1. FACILITY

NAME Carbolytic Materials Company, LLC TELEPHONE NUMBER WITH AREA CODE
ADDRESS (PHYSICAL) 600 Wilson Industrial Road CITY Maryville STATE MO ZIP 64468

2. CURRENT OWNER

NAME Raymond Rick for CMC, LLC EMAIL ADDRESS rrick@cmc.com TELEPHONE NUMBER WITH AREA CODE 636-288-2196
ADDRESS 213 Kinfield Drive CITY Lake St. Mo. STATE MO ZIP 63361

3. CONTINUING AUTHORITY: Permanent organization that will serve as the continuing authority for the operation, maintenance and modernization of the facility. (If same as current owner, respond "same")

NAME ADDRESS CITY STATE ZIP

4. CERTIFICATION

I certify 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 upon transfer approval, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available under the Missouri Clean Water Law. Further, I certify I have read the existing permit and agree to abide by the terms and conditions once the transfer is complete.

NAME (TYPE OR PRINT) Raymond Rick OFFICIAL TITLE Principal equity holder TELEPHONE NUMBER WITH AREA CODE 636-288-2196
SIGNATURE DATE SIGNED 10/1/15

THE FOLLOWING ITEMS (5 - 10) WILL APPLY AFTER THE COMPLETION OF TRANSFER (SALE) AND ARE TO BE COMPLETED BY THE APPLICANT FOR TRANSFER OF OPERATING PERMIT (BUYER) OR AUTHORIZED AGENT.

5. FACILITY (IF DIFFERENT THAN ABOVE)

NAME TELEPHONE NUMBER WITH AREA CODE

6. FUTURE OWNER

NAME Maryville Carbon Solutions, LLC EMAIL ADDRESS TELEPHONE NUMBER WITH AREA CODE
ADDRESS 1035 Pearl Street CITY Boulder STATE CO ZIP 80302

7. CONTINUING AUTHORITY: Permanent organization that will serve as the continuing authority for the operation, maintenance and modernization of the facility. (If same as future owner, respond "same")

NAME Same EMAIL ADDRESS TELEPHONE NUMBER WITH AREA CODE
ADDRESS CITY STATE ZIP

8. FACILITY CONTACT

NAME Ian Spangler TITLE
EMAIL ADDRESS TELEPHONE NUMBER WITH AREA CODE
ADDRESS 600 Wilson Industrial Road CITY Maryville STATE MO ZIP 64468

9. ADDITIONAL INFORMATION

9.1 Anticipated Effective Date of Transfer of Ownership:
9.2 Are any changes in production, in raw materials, or in the quantity of discharges from this facility planned or anticipated?
 Yes No If yes, explain (Attach sheets as necessary)

10. CERTIFICATION

I certify 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 upon transfer approval, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available under the Missouri Clean Water Law. Further, I certify I have read the existing permit and agree to abide by the terms and conditions once the transfer is complete.

NAME (TYPE OR PRINT) Ian Spangler OFFICIAL TITLE VP Ops. TELEPHONE NUMBER WITH AREA CODE 816-729-3667
SIGNATURE DATE SIGNED 10/7/15