

STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

GENERAL OPERATING PERMIT

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

Permit No.	< MO-R100 >
Owner:	< name >
Address:	< address >
Continuing Authority:	< name, or same as above >
Address:	< address, or same as above >
Facility Name:	< name >
Facility Address:	< physical address >
Covered Area:	

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

**FACILITY DESCRIPTION**

All Outfalls

Construction or land disturbance activity (e.g., clearing, grubbing, excavating, grading and other activities that result in the destruction of the root zone and/or land disturbance activity that is reasonably certain to cause pollution to waters of the state).

This permit authorizes stormwater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 and 621.250 of the Law, and 10 CSR 20-6.020, and 10 CSR 20-1.020.

May 31, 2012  
Effective Date

  
Sara Parker Pauley, Director Department of Natural Resources

May 30, 2017  
Expiration Date  
MO 780-1481 (7-94)

  
John Madras, Director of Staff, Clean Water Commission

## A. APPLICABILITY

1. This general permit authorizes the discharge of stormwater and certain non-stormwater discharges from land disturbance sites that disturb one or more acres of land or disturb less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project.

This general permit also authorizes the discharge of stormwater and certain non-stormwater discharges from smaller projects where the Missouri Department of Natural Resources (Department) has exercised its discretion to require a permit [10 CSR 20-6.200 (1)(B)].

This general permit is issued to a city, county, state or federal agency or other governmental jurisdiction for land disturbance projects performed by or under contract to the permittee. A stormwater control plan or stormwater pollution prevention plan (SWPPP) must be developed prior to issuance of this permit. These plans must include a narrative of the types and appropriate uses of Best Management Practices (BMPs) for erosion and sediment control and stormwater management.

All water pollution controls on land disturbance sites shall conform to the storm water control program and/or SWPPP of the city, county or other governmental jurisdiction in which the land disturbance activity is occurring. These storm water control programs and/or SWPPPs shall be developed prior to permit issuance. The requirements of the stormwater control program and/or SWPPP must be at least as stringent as those described in this permit and 10 CSR 20-6.200. If the permittee is a regulated municipal separate stormwater system (MS4), the stormwater program and/or SWPPP must comply with the permittee's MS4 permit. The Department may enforce the requirements of the stormwater program and/or SWPPP.

All projects covered under this permit must also be identified as part of the Missouri State Operating Permit covered area and must have a SWPPP developed specific to the project site. The site specific SWPPP shall be developed prior to removal of any vegetation or site disturbance. This SWPPP must contain all the SWPPP requirements of this permit.

Any site owner/operator subject to these requirements for stormwater discharges and who disturbs land *prior* to permit issuance from the Department or prior to the development of the SWPPP is in violation of both State and Federal Laws.

The legal owner of the property, the right-of-way or the easement on which the site is located and the operator are responsible for compliance with this permit.

2. This permit authorizes discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that appropriate stormwater controls are designed, installed, maintained and provided:
  - a. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
  - b. The support activity is not a commercial operation; and
  - c. The support activity does not continue to operate beyond the completion of the construction activity at the project it supports.

It is the permittee that is responsible for compliance with this permit for any construction support activities.

3. This permit authorizes non-stormwater discharges from the following activities provided that these discharges are addressed in the SWPPP required by this general permit:
  - a. De-watering activities if there are no contaminants other than sediment present in the discharge, and the discharge is treated as specified in Requirements, Section C.10.1. of this permit;
  - b. Flushing water hydrants and potable water lines;
  - c. Water only (i.e., without detergents or additives) rinsing of streets and buildings; and
  - d. Site watering to establish vegetation.
4. This general permit does not authorize the placement of fill materials in flood plains, the obstruction of stream flow, directing stormwater across private property not owned or operated by the permittee, or changing the channel of a defined drainage course. This general permit addresses only the quality of the stormwater runoff and the minimization of off-site migration of sediments and other water contaminants.
5. This general permit does not authorize any discharge to waters of the state of sewage or pollutants including but not limited to:
  - a. Any hazardous material, oil, lubricant, solid waste or other non-naturally occurring substance from the site, including fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
  - b. Soaps or solvents used in vehicle and equipment washing;
  - c. Hazardous substances or petroleum products from an on-site spill or handling and disposal practices,
  - d. Wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks, unless managed by an appropriate control. Any such pollutants must be adequately treated and addressed in the SWPPP, and cannot be discharged to waters of the state;
  - e. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - f. Wastewater generated from air pollution control equipment or the containment of scrubber water in lined ponds;
  - g. Domestic wastewaters, including gray waters; or
  - h. Industrial stormwater runoff.
6. The Department reserves the right to revoke or deny coverage under this general permit to applicants for stormwater discharges from land disturbance activities at sites that have contaminated soils that will be disturbed by the land disturbance activity or where such materials are brought to the site to use as fill or borrow. A site-specific permit may be required to cover such activities.
7. If Department may require any person authorized by a general permit to apply for and obtain an individual operating permit [10 CSR 20-6.010 (13) (C)].

The Department may require the permittee to apply for and obtain a site-specific or different general permit if:

- a. The permittee is not in compliance with the conditions of this general permit;
  - b. The discharge no longer qualifies for this general permit due to changed site conditions and/or regulations; or
  - c. Information becomes available that indicates water quality standards have been or may be violated.
8. The permittee will be notified in writing of the requirement to apply for a site-specific permit

or a different general permit. When a site-specific permit or different general permit is issued to the authorized permittee, the applicability of this general permit to the permittee is automatically terminated upon the effective date of the site specific or different general permit.

9. Any owner/operator authorized by a general permit may request to be excluded from the coverage of the general permit and apply for a site-specific permit [10 CSR 20-6.010 (13)(D)].
10. This permit does not authorize land disturbance activity in jurisdictional waters of the United States as defined by the Army Corps of Engineers, unless the permittee has obtained the required 404/401 permit. Land disturbance activities may not begin in the affected portions of the site until the required 404/401 permits have been obtained.
11. This permit does not supersede compliance with the Historic Preservation Act or the Endangered Species Act.
12. This permit does not supersede any requirement for obtaining project approval under an established local authority.
13. This permit is not transferable to other owners or operators.

#### **B. EXEMPTIONS FROM PERMIT REQUIREMENTS**

1. Facilities that discharge all stormwater runoff directly to a combined sewer system are exempt from stormwater permit requirements.
2. Land disturbance activity as described in [10 CSR 20-6.200 (1) (B)] and [10 CSR 20-6.010 (1) (B)] where water quality standards are not exceeded.
3. Linear, strip, or ribbon construction (as described in [10 CSR 20-6.200 (1) (B) 8]) where water quality standards are not exceeded.
4. Sites that disturb less than one acre of total land area as described in [10 CSR20-6.200 (1)(B)7], that are not part of a common plan or sale and that do not cause any violations of water quality standards, and are not otherwise designated by the Department as requiring a permit.
5. Agricultural stormwater discharges and irrigation return flows as described in [10CSR 20-6.200 (1) (B) 6].

#### **C. REQUIREMENTS**

These requirements do not supersede nor remove any requirement to comply with county or other local ordinances [10 CSR20-6.010(14) (D)]:

1. This permit is to ensure the design, the installation and the maintenance of effective erosion controls and sediment controls to minimize the discharge of pollutants. At minimum, such controls must be designed, installed and maintained to:
  - a. Control stormwater volume and velocity within the site to minimize soil erosion;
  - b. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
  - c. Minimize the amount of soil exposed during construction activity;
  - d. Minimize the disturbance of steep slopes;
  - e. Minimize sediment discharges from the site. The design, installation and maintenance of

- erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle size expected to be present on the site.;
- f. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible; and
  - g. Minimize soil compaction and, unless infeasible, preserve topsoil.
2. The primary requirement of this permit is the development and implementation of a SWPPP which incorporates site specific practices to best minimize the soil exposure, soil erosion, and the discharge of pollutants. The permittee shall fully implement the provisions of the SWPPP required under this part as a condition of this general permit throughout the term of all land disturbance projects covered under this permit.
  3. The permittee must inspect all land disturbance sites as described in C.13 of this permit.
  4. The permittee shall provide a list of active land disturbance sites to the Department on a quarterly basis. The list shall contain the name of the project, location (including the County), name of the primary receiving water(s) for each project, description of the project, number of acres disturbed, percent completion of the project and projected date of completion. The permittee shall submit quarterly reports each January, April, July and October. The Department must receive reports by the end of the specified month.
  5. The permittee is required to keep a current copy of the SWPPP at an easily accessible location so that it can be made available at the time of an onsite inspection by the Department or local agency approving stormwater management plans.

The SWPPP must:

- a. List and describe all outfalls or primary receiving water(s) for the project;
- b. Incorporate required practices identified below;
- c. Incorporate erosion control practices specific to site conditions;
- d. Provide for maintenance and adherence to the plan;
- e. Discuss whether or not a 404/401 Permit is required for the project; and
- f. Name the person responsible for inspection, operation and maintenance of BMPs.

The purpose of the SWPPP is to ensure; the design, implementation, management and maintenance of Best Management Practices (BMPs) in order to prevent sediment and other pollutants in stormwater discharges associated with the land disturbance activities; compliance with the Missouri Water Quality Standards; and compliance with the terms and conditions of this general permit.

The permittee shall select, install, use, operate and maintain appropriate BMPs for the permitted site. The following manuals are acceptable resources for the selection of appropriate BMPs.

*Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Activities* (Document number EPA 833-R-06-004) published by the United States Environmental Protection Agency (USEPA) in May 2007. This manual as well as other information, including examples of construction SWPPPs, is available at the USEPA internet site at <http://cfpub1.epa.gov/npdes/stormwater/swppp.cfm>; and

The latest version of *Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri*, published by the Missouri Department of Natural Resources. This manual is available on the Department's internet site at: <http://www.dnr.mo.gov/env/wpp/wpcp-guide.htm>.

The permittee is not limited to the use of these guidance manuals. Other guidance publications may be used to select appropriate BMPs. However, all BMPs should be described and justified in the SWPPP.

6. SWPPP Requirements: The following information and practices shall be provided for in the SWPPP:
  - a. Nature of the Construction Activity: The SWPPP briefly must describe the nature of the construction activity, including:
    - 1) The function of the project (e.g., low density residential, shopping mall, highway, etc.);
    - 2) The intended sequence and timing of activities that disturb the soils at the site;
    - 3) Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities including off-site borrow and fill areas; and
    - 4) A general map (e.g., United States Geological Survey quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and waters of the United States within one mile of the site.
  - b. Site Map: The SWPPP must contain a legible site map showing the site boundaries and outfalls and identifying:
    - 1) Direction(s) of stormwater flow and approximate slopes anticipated after grading activities;
    - 2) Areas of soil disturbance and areas that will not be disturbed (or a statement that all areas of the site will be disturbed unless otherwise noted);
    - 3) Location of major structural and non-structural BMPs identified in the SWPPP;
    - 4) Locations where stabilization practices are expected to occur;
    - 5) Locations of off-site material, waste, borrow or equipment storage areas;
    - 6) Locations of all waters of the United States (including wetlands);
    - 7) Locations where stormwater discharges to a surface water; and
    - 8) Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
  - c. Site Description: In order to identify the site, the SWPPP shall include facility and receiving water(s) information. The SWPPP shall have sufficient information to be of practical use to contractors and site construction workers to guide the installation and maintenance of BMPs.
  - d. Effluent Limits: The permittee must select control measurements (e.g., BMPs, controls, practices, etc.) to meet effluent limits found in Section E.1. of this permit. All control measures must be properly selected, installed and maintained in accordance with any relevant manufacturer specifications and good engineering practices to ensure stormwater outfall discharges do not cause water quality problems. The permittee must implement the control measures from commencement of the construction activity until final stabilization is complete unless the exception noted in Section C.6.i. of this permit applies.
  - e. Selection of Temporary and Permanent Non-Structural BMPs: The permittee shall select appropriate non-structural BMPs for use at the site and list them in the SWPPP. The SWPPP shall require existing vegetation to be preserved where practical. For surface waters located on or immediately adjacent to the site, the permittee must provide at minimum a 25-foot buffer of undisturbed natural vegetation between the disturbed portions of the site and the surface water unless infeasible or where there is a more stringent local requirement. The buffer is measured perpendicularly from the ordinary high water mark or the bank edge, whichever is further landward from the water. The time period for disturbed areas to be without vegetative cover is to be minimized to the maximum extent practicable. Examples of non-structural BMPs which the permittee should consider specifying in the SWPPP include preservation of trees and mature vegetation, protection of existing vegetation

for use as buffer strips, mulching, sodding, temporary seeding, final seeding, geotextiles, stabilization of disturbed areas, preserving existing stream channels as overflow areas when channel straightening or shortening is allowed, soil stabilizing emulsions and tackifiers, mulch tackifiers, stabilized site entrances/exits and other appropriate BMPs.

- f. Selection of Temporary and Permanent Structural BMPs: The permittee shall select appropriate structural BMPs for use at the site and list them in the SWPPP. Examples of structural BMPs that the permittee should consider specifying in the SWPPP include diverting flows from undisturbed areas away from disturbed areas, silt (filter fabric and/or straw bale) fences, earthen diversion dikes, drainage swales, sediment traps, rock check dams, subsurface drains (to gather or transport water for surface discharge elsewhere), pipe slope drains (to carry concentrated flow down a slope face), level spreaders (to distribute concentrated flow into sheet flow), storm drain inlet protection and outlet protection, reinforced soil retaining systems, gabions, temporary or permanent sediment basins and other appropriate BMPs.
- g. Description of BMPs: The SWPPP shall include a description of both structural and non-structural BMPs that will be used at the site.

The SWPPP shall provide the following general information for each BMP which will be used one or more times at the site:

- 1) Physical description of the BMP;
- 2) Site and physical conditions that must be met for effective use of the BMP;
- 3) BMP installation/construction procedures, including typical drawings; and
- 4) Operation and maintenance procedures for the BMP.

The SWPPP shall provide the following information for each specific instance where a BMP is to be installed:

- 1) Whether the BMP is temporary or permanent;
- 2) Where, in relation to other site features, the BMP is to be located;
- 3) When the BMP will be installed in relation to each phase of the land disturbance procedures to complete the project; and
- 4) Site conditions that must be met before removal of the BMP if the BMP is not a permanent BMP.

- h. Disturbed Areas: Slopes for disturbed areas must be defined in the SWPPP. A site map or maps defining the sloped areas for all phases of the project must be included in the SWPPP.

Temporary stabilization is to take place where soil disturbing activities will cease on any portion of the site and are not planned to resume for a period exceeding 14 calendar days. Temporary stabilization must be initiated immediately upon knowing the duration is more than 14 days. Temporary stabilization must be completed within 7 calendar days. Temporary stabilization shall consist of well-established and maintained BMPs that are reasonably certain to protect waters of the state from sediment pollution over an extended period of time. This may require adding more BMPs to an area than is normally used during daily operations. These BMPs may include a combination of sediment basins, check dams, sediment fences and mulch. The types of BMPs used must be suited to the area disturbed, taking into account the number of acres exposed and the steepness of the slopes. If the slope of the area is greater than 3:1 (3 feet horizontal to one foot vertical) or if the slope is greater than 3% and greater than 150 feet in length, then the permittee shall establish temporary stabilization within seven days of ceasing operations on that part of the site.

Final stabilization of disturbed areas must be initiated immediately and completed within 7 calendar days whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site.

Allowances to the 7 day completion period for temporary and final stabilization may be made due to weather and equipment malfunctions. The use of allowances shall be documented in the SWPPP.

- i. Installation: The permittee shall ensure the BMPs are properly installed at the locations and relative times specified in the SWPPP. Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Note that this requirement does not apply to earth disturbances related to initial site clearing and establishing entry, exit and access of the site, which may require that stormwater controls be installed immediately after the earth disturbance. Stormwater discharges from disturbed areas which leave the site shall pass through an appropriate impediment to sediment movement such as a sedimentation basin, sediment traps and silt fences prior to leaving the land disturbance site. A drainage course change shall be clearly marked on a site map and described in the SWPPP. The location of all BMPs must be indicated on a site map, included in the SWPPP.
  
- j. Sedimentation Basins: The SWPPP shall include a sedimentation basin for each drainage area with ten or more acres disturbed at one time. The sedimentation basin shall be sized to contain a volume of at least 3,600 cubic feet per each disturbed acre draining thereto. Accumulated sediment shall be removed from the basin when basin is 50% full. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface unless infeasible. Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream. The SWPPP shall require the basin be maintained until final stabilization of the disturbed area served by the basin.

Where use of a sediment basin is impractical, the SWPPP shall evaluate and specify other similarly effective BMPs to be employed to control erosion and sediment delivery. These similarly effective BMPs shall be based on good engineering practices. The BMPs must provide equivalent water quality protection to achieve compliance with this permit. The SWPPP shall require both temporary and permanent sedimentation basins to have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.

- k. Pollution Prevention Measures: The SWPPP shall include BMPs for pollution prevention measures. At minimum such measures must be designed, installed, implemented and maintained to:
  - 1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge ;
  - 2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
  - 3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. Included but not limited to the installation of containment berms and use of drip pans at petroleum product and liquid storage tanks and containers.

- l. Dewatering: Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. The SWPPP shall include a description of any anticipated dewatering methods including the anticipated volume of water to be discharged and the anticipated maximum flow discharged from these dewatering activities expressed in gallons per minute. Maximum flow may be stated in the SWPPP as an estimate based on the type and capacity of equipment being used for dewatering. The SWPPP shall call for specific BMPs designed to treat water pumped from trenches and excavations and in no case shall this water be pumped off-site without being treated by the specified BMPs. When discharging from basins and impoundments utilize outlet structures that withdraw water from the surface, unless infeasible.
  - m. Roadways: Where applicable, upon installation of or connection to roadways, all efforts should be made to prevent the deposition of earth and sediment onto roadways through the use of proper BMPs. Stormwater inlets susceptible to receiving sediment from the permitted land disturbance site shall have curb inlet protection. Where stormwater will flow off the end of where a roadway terminates, a sediment catching BMP such as gravel berm or silt fence shall be provided. Roadways and curb inlets shall be inspected weekly or following a rainfall that generates a run-off and cleaned as necessary to maintain a clean roadway and drainage system. Where practicable, construction entrance BMP controls shall be used to prevent sediment track-out.
7. Good housekeeping practices shall be maintained at all times to keep waste from entry into waters of the state. Solid and hazardous waste management include providing trash containers and regular site clean-up for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers and cups, and providing containers and proper disposal of waste paints, solvents and cleaning compounds. The provision of portable toilets for proper disposal of sanitary sewage and the storage of construction materials should be kept away from drainage courses and low areas.
8. All fueling facilities present shall at all times adhere to applicable federal and state regulations concerning underground storage, above ground storage and dispensers.
9. Hazardous wastes that are transported, stored, or used for maintenance, cleaning, or repair shall be managed according to the provisions of the Missouri Hazardous Waste Laws and Regulations.
10. All paint, solvents, petroleum products, petroleum waste products and storage containers such as drums, cans, or cartons shall be stored according to BMPs. The materials exposed to precipitation shall be stored in watertight, structurally sound, closed containers. All containers shall be inspected for leaks or spillage during the once per week inspection of BMPs.
11. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The permittee shall amend the SWPPP at a minimum whenever the:
  - a. Design, operation, or maintenance of BMPs is changed;
  - b. Design of the construction project is changed that could significantly affect the quality of the stormwater discharges;
  - c. Permittee's inspections indicate deficiencies in the SWPPP or any BMP;
  - d. The Department notifies the permittee in writing of deficiencies in the SWPPP;
  - e. SWPPP is determined to be ineffective in minimizing or controlling erosion and sedimentation (e.g., there is visual evidence of excessive site erosion or excessive sediment deposits in streams or lakes);
  - f. Settleable Solids from a stormwater outfall exceed 2.5 ml/L; and
  - g. The Department determines violations of water quality standards may occur or have occurred.

12. An individual shall be designated by the permittee as responsible for environmental matters. The individual responsible for environmental matters shall have a thorough and demonstrable knowledge of the site's SWPPP and sediment and erosion control practices in general. The individual responsible for environmental matters or a designated inspector knowledgeable in erosion, sediment and stormwater control principles shall inspect all structures that function to prevent pollution of waters of the state including those for material, waste, borrow, or equipment storage and maintenance areas that are covered by this permit. These inspections shall be conducted in accordance with No. 13 of these requirements.
13. **Site Inspection Reports:** The permittee (or a representative of the permittee) shall conduct regularly scheduled inspections at least once per seven calendar days. These inspections shall be conducted by a qualified person, one who is responsible for environmental matters at the site, or a person trained by and directly supervised by the person responsible for environmental matters at the site. For disturbed areas that have not been finally stabilized, all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. All stormwater outfalls shall be inspected for evidence of erosion or sediment deposition. When practicable the receiving stream shall also be inspected for 50 feet downstream of the outfall. Any structural or maintenance problems shall be noted in an inspection report and corrected within seven calendar days of the inspection. If a rainfall causes stormwater runoff to occur on-site, the BMPs must be inspected. These inspections must occur within 48 hours after the rain event has ceased during a normal work day and within 72 hours on the next business day if the rain event ceases during a non-work day such as a weekends or holiday. The total rainfall measured for that day must be recorded. A properly maintained rain gauge must be kept on site or the storm event information may be obtained from a weather station that is representative of your location.

The SWPPP must explain how the person responsible for erosion control will be notified when stormwater runoff occurs. If weather conditions prevent correction of BMPs within 7 calendar days, the reasons for the delay must be documented (including pictures) and there must be a narrative explaining why the work cannot be accomplished within the 7 day time period. The documentation must be filed with the regular inspection reports. The permittee shall correct the problem as soon as weather conditions allow.

A log of each inspection and a current copy, of all the inspection reports shall be kept at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or at the request of the Department. The inspection report shall be signed by the permittee or by the person performing the inspection if duly authorized to do so. The inspection report is to include the following minimum information:

- a. Inspector's name;
  - b. Date of inspection;
  - c. Observations relative to the effectiveness of the BMPs;
  - d. Actions taken or necessary to correct the observed problem; and
  - e. Listing of areas where land disturbance operations have permanently or temporarily stopped.
14. **Proper Operation and Maintenance:** The permittee shall at all times maintain all pollution control measures and systems in good order to achieve compliance with the terms of this general permit.
15. **Notification to All Contractors:** The permittee shall be responsible for notifying each contractor or entity (including utility crews and city employees or their agents) that will perform work at the site of the existence of the SWPPP and what action or precautions shall be taken while on-site to minimize the potential for erosion and the potential for damaging any BMP. The permittee is responsible for any damage a subcontractor may do to established BMPs and any subsequent water quality violation resulting from the damage.
16. **Public Notification:** The permittee shall post a copy of the public notification sign described by the Department at the main entrance to the site. The public notification sign must be visible from

the public road that provides access to the site's main entrance. An alternate location is acceptable provided the public can see it and it is noted in the SWPPP. The public notification sign must remain posted at the site until the permit has been terminated.

#### **D. OTHER DISCHARGES**

1. Hazardous Substance and Oil Spill Reporting: Refer to Section B, #14 of Part I of the Standard Conditions that accompany this permit.
2. Removed substances: Refer to Section B, #6 of Part I of the Standard Conditions that accompany this permit.
3. Change in discharge: In the event soil contamination or hazardous substances are discovered at the site during land disturbance activities, the permittee shall notify the Department's regional office by telephone as soon as practicable but no later than 24 hours after discovery. The permittee must also notify the Department's regional office in writing no later than 14 calendar days after discovery.

#### **E. SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS**

1. Settleable Solids discharging from a stormwater outfall shall not exceed 2.5 ml/L per Standard Method 2540 F for storm events up to but not exceeding the local 2-year, 24-hour storm. The Settleable Solids limit does not apply during storm events that exceed the local 2-year, 24-hour storm.
2. The Department may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or other such evidence of contamination from activities at the site. If such an action is needed, the Department will specify in writing any sampling requirements, including such information as location, extent and parameters.

#### **F. RECORDS**

1. The permittee shall retain copies of this general permit, the SWPPP and all amendments for the site named in the State Operating Permit, results of any monitoring and analysis and all site inspection records required by this general permit. The records shall be accessible during normal business hours. The records shall be retained for a period of at least three years from the date of the Letter of Termination.
2. The permittee shall provide a copy of the SWPPP to the Department, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
3. The permittee shall ensure a copy of the SWPPP to those who are responsible for installation, operation, or maintenance of any BMP. The permittee, their representative, and/or the contractor(s) responsible for installation, operation and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site.

## **G. LAND PURCHASE AND CHANGE OF OWNERSHIP**

1. Federal and Missouri stormwater regulations [10 CSR 20-6.200] require a stormwater permit and erosion control measures for all land disturbances of one or more acres. These regulations also require a permit for less than one acre lots if the lot is part of a common plan of development or sale where that plan is at least one acre in size. If the permittee sells less than one acre of the permitted site to an entity for, commercial, industrial, or residential use, (unless sold to an individual for the purpose of building his/her own private residence and in accordance with No. 3 of this section) this land remains a part of the common sale and regulated by this permit. Therefore, the permittee is still responsible for erosion control on the sold property until termination of the permit.
2. If the permittee sells one or more acres of the permitted site to an entity, the new owner of the property must obtain a land disturbance permit for the purchased property. The original permittee must amend the SWPPP to show that the property (one acre or more) has been sold and therefore no longer under the original permit jurisdiction.
3. If the permittee has stabilized the less than one acre lot which is part of a larger common plan of development and the lot is sold to an individual for purposes of building his/her own private residence, the permittee is no longer responsible for erosion control on the lot.
4. Property of any size which is part of a larger common plan of development where the property has been stabilized and the original permit terminated will require application of a new land disturbance permit for any future land disturbance activity.
5. If the entire tract is sold to a single entity, then this permit shall be terminated when the new owner obtains a new land disturbance permit for the site.

## **H. TERMINATION**

This permit may be terminated when the project is stabilized. The project is considered to be stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, vegetation cover shall be at least 70% plant density over 100% of the site. In order to terminate the permit, the permittee shall notify the Department.

The Cover Page (Certificate Page) of the Master General Permit for Land Disturbance specifies the “effective date” and the “expiration date” of the Master General Permit. The “issued date” along with the “expiration date” will appear on the State Operating Permit issued to the applicant. This permit does not continue administratively beyond the expiration date.

If the project or development completion date will be after the expiration date of this general permit, then the permittee must reapply to the Department for a new permit. The applicant must file a request to the Department for a new permit 180 days prior to the expiration of this permit.

If the permittee has not terminated the permit and the permit expires, and the permittee has not applied for a new permit the permittee will be consider “operating without a permit” if the site does not meet the requirements for termination.

**I. MODIFICATION, REVOCATION, AND REOPENING**

1. The U.S. Environmental Protection Agency (EPA) has proposed stormwater requirements that may direct the State to reopen this permit. The EPA is proposing to change its construction general permit (CGP) with more prescriptive requirements and design standards for buffers to prevent stormwater runoff, increased monitoring requirements and more frequent inspections. While the EPA permit is only effective in areas where EPA has permitting authority these requirements are likely to act as a template, setting a baseline for the agency's approval of state plans for permitting sites.
2. If at any time the Missouri Department of Natural Resources determines that the quality of waters of the state may be better protected by reopening this permit, or revoking this permit and requiring the owner/operator of the permitted site to apply for a site-specific permit, the Department may revoke a general permit and require any person to obtain such an operating permit as authorized by 10 CSR 20-6.010 (13) and 10 CSR 20-6.200(5).
3. If this permit is re-opened, modified or revoked pursuant to this Section, the permittee retains all rights under Chapter 536 and 644 Revised Statutes of Missouri upon the Department's reissuance of the permit as well as all other forms of administrative, judicial, and equitable relief available under law.

**J. DUTY TO COMPLY**

The permittee must comply with all conditions of this general permit. Any noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**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:
- where unavoidable to prevent loss of life, personal injury, or severe property damages; and
  - 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;
  - 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:
- in accordance with the "Schedule of Compliance", provide an alternative power source sufficient to operate the wastewater control facilities; or,
  - 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:
- 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;
  - to have access to, or copy, any records required to be kept under terms and conditions of the permit;
  - to inspect any monitoring equipment or method required in the permit;
  - to inspect any collection, treatment, or discharge facility covered under the permit; and
  - to sample any wastewater at any point in the collection system or treatment process.
- 9. Permits Transferable**
- 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.
  - 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:
- violation of any terms or conditions of this permit or the Law;
  - having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
  - a change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge, or
  - 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, no 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.



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STORMWATER DISCHARGES FROM  
THIS LAND DISTURBANCE SITE ARE  
AUTHORIZED BY THE MISSOURI STATE  
OPERATING PERMIT NUMBER:

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IF YOU HAVE QUESTIONS OR  
CONCERNS ABOUT STORMWATER  
DISCHARGES FROM THIS SITE, PLEASE  
CONTACT THE MISSOURI  
DEPARTMENT OF NATURAL  
RESOURCES AT

**1-800-361-4827**

## FACT SHEET

### MOR100000 LAND DISTURBANCE GENERAL PERMIT 2012 Reissue

The purpose of this fact sheet is for permit clarity. It is not an enforceable part of the permit. The Federal Water Pollution Control Act ("Clean Water Act" Section 402 Public Law 92-500 as amended) established the National Pollution Discharge Elimination System (NPDES) permit program. This program regulates the discharge of pollutants from point sources into the waters of the United States, and the release of stormwater from certain point sources. All such discharges are unlawful without a permit (Section 301 of the "Clean Water Act"). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (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 Fact Sheet 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.

#### **PART I. NPDES Stormwater General Permit**

The vast majority of discharges associated with construction activity are covered under NPDES general permits. General permits cover a group of similar dischargers under one permit. General permits simplify the process for dischargers to obtain authorization to discharge, provide permit requirements for any discharger that applies for coverage, and reduce the administrative workload for NPDES permitting authorities.

This General Permit is for regulating stormwater discharge at land disturbance construction sites in Missouri. This program requires the owner or operator of a construction site disturbing land of one acre or greater, or less than one acre but part of a larger common plan of development, to obtain this permit prior to conducting any land disturbance activity.

#### **PART II. The Need for Stormwater Regulations at Construction Sites**

Stormwater runoff is a major source of urban water pollution endangering humans by polluting the water resources used for drinking, household purposes, recreation and fishing. Stormwater discharges often contain pollutants in amounts that could reduce water quality. The primary pollutants of concern from construction activities are silt and sediment, but other pollutants such as oils and grease, vehicle fluids, and debris are present as well.

Stormwater runoff from construction activities can have a significant impact on water quality. As stormwater flows over a construction site, it can pick up pollutants like sediment, debris, and chemicals and transport these to a nearby storm sewer system or directly to a river, lake, or coastal water. Polluted stormwater runoff can harm or kill fish and other wildlife. Sedimentation can destroy aquatic habitat, and high volumes of runoff can cause stream bank erosion. Debris can clog waterways and potentially reach the ocean where it can kill marine wildlife and impact habitat.

Construction activities increase pollutant loads in runoff. The volume and rate of runoff are typically increased, providing a larger capacity to transport pollutants to rivers and lakes. In addition, the removal of vegetation leaves bare soil which is much more vulnerable to erosion, resulting in sediment moving into receiving waters.

Additional stormwater information and requirements including application for a land disturbance permit can be found at <http://dnr.mo.gov/env/wpp/stormwater/sw-land-disturb-permits.htm>.

### **PART III. Key Component and Primary Requirement of this Permit**

The key component of this permit are effluent limitations that require the permittee to minimize discharge of pollutants in stormwater by using control measures that reflect best engineering practices based on federal and state government best professional judgment. Dischargers must minimize their discharge of pollutants in stormwater using appropriate erosion and sediment controls and control measures for other pollutants such as litter, construction debris, and construction chemicals that could be exposed to stormwater and other wastewater. The primary requirement of this general permit is the development and implementation of a stormwater pollution prevention plan (SWPPP) to document the steps they will take to comply with the terms, conditions and effluent limitations of the permit. Note that the SWPPP is not an effluent limitation, nor does it include effluent limitations. Information including examples of a SWPPP can be found at the following <http://cfpub.epa.gov/npdes/stormwater/swppp.cfm#model>. These examples should be used for educational or training purposes only. Construction site SWPPPs must be developed following the requirements of Missouri's land disturbance permit and describe the specific conditions of the site and plans for development.

### **PART IV. Additional Information for the Purpose of Permit Clarity**

#### Applicability

- **“Industrial stormwater run-off”** are activities that take place at industrial facilities, such as material handling and storage, that are often exposed to the weather. As runoff from rain or snowmelt comes into contact with these activities, it can pick up pollutants and transport them to a nearby storm sewer system or directly to a river, lake, or coastal water. To

minimize the impact of stormwater discharges from industrial facilities, the NPDES program includes an industrial stormwater permitting component that covers 10 categories of industrial activity that require authorization under an NPDES industrial stormwater permit for stormwater discharges. More information on industrial permit requirements can be found at <http://dnr.mo.gov/env/wpp/stormwater/sw-industrial-permits.htm>.

- A **“larger common plan of development or sale”** is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan. Other than the less than one acre property sold to the individual for construction of their personal residence, property of any size which is part of a larger common plan of development where the property has been stabilized and the original permit terminated will require application of a new land disturbance permit for any future land disturbance activity. The larger common plan of development or sale also applies to other types of land development such as industrial parks or well fields. A permit is required if one or more acres of land will be disturbed, regardless of the size of any of the individually-owned or developed sites.

- The **SWPPP** required for permit issuance is a general document written in a manner that can be utilized for any project throughout the governmental jurisdiction as each individual project is planned and designed. Individual projects covered under this permit must have a SWPPP developed specific to the project site prior to any remove of any vegetation or site disturbance. Individual projects must be identified in the quarterly report.
- Documentation of Permit Eligibility Related to **Endangered Species**: The SWPPP must include documentation supporting a determination of permit eligibility with regard to Endangered Species.  
For more information please visit the following links:

For information on understand what critical habitat is, please go to the following link, [www.fs.fed.us/r9/wildlife/tes/docs/esa\\_references/critical\\_habitat.pdf](http://www.fs.fed.us/r9/wildlife/tes/docs/esa_references/critical_habitat.pdf).

For information on listed species by State & County, please go to the following link, <http://cfpub.epa.gov/npdes/stormwater/esa.cfm>.

The Missouri Department of Conservation's internet site for the Natural Heritage Review may be very helpful and can be found at the following link, <http://mdcgis.mdc.mo.gov/heritage/newheritage/heritage.htm>. Also helpful are the local offices of the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), these centers often maintain lists of federally listed endangered or threatened species on their internet sites.

If there are listed species in the county or township, check to see if critical habitat has been designated and if that area overlaps or is near the project area. Critical habitat designations and associated requirements may also be found at 50 CFR Parts 17 and 226. For additional information, use the mapview tool at <http://criticalhabitat.fws.gov/crithab/> to find data specific to your state and county.

- A Clean Water Act **Section 404 Department of the Army Permit** and the Department's Clean Water Act Section 401 Water Quality Certification (certification) are needed when placing material or fill into jurisdictional waters of the United States. Any impacts to jurisdictional streams or wetlands would require an application to be sent to the appropriate US Army Corps of Engineers District Regulatory Branch. A map of the district offices and contact information can be located online at: <http://www.dnr.mo.gov/env/wpp/401/corps-map3.gif>). Not all land disturbance projects will require a 404 permit; however, if a 404 permit is required, land disturbance activities are not to be conducted in the jurisdictional area of the project until the 404 permit has been obtained. A discussion on the need for a 404/401 permit as a requirement of this permit and is to be included in the SWPPP.

#### Exemptions from Permit Requirements

- The USEPA defines **linear projects** to include the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area. Missouri regulation 10 CSR 20-6.200 (1)(B) 8 exempts linear project construction from stormwater permit regulations which meet one of the following: A. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road; B. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines or similar facilities; C. Trenches two (2) feet in width or less; or D. Emergency repair or replacement of existing facilities as long as best management practices are employed during the emergency repair.

## Permit Requirements

- The permit requires that the “**sequence and timing**” of activities for disturbing soils at the site be addressed in the SWPPP. For purposes of this requirement and to allow flexibility for contractors, “sequence and timing” can be replaced with “intended start and completion date” of activities.
- The requirement of a **buffer area** applies only to surface water as defined by the Environmental Protection Agency. The Department does not consider stormwater control features (e.g. stormwater conveyance channels, storm drain inlets, sediment basins) to constitute “surface waters” for the purpose of triggering the buffer area requirement. Areas that the permittee does not own or that are otherwise outside operational control may be considered areas of undisturbed natural buffer for purposes of compliance with this requirement.
- Areas that are no longer being disturbed, **stabilization of the area must be initiated immediately**. For purposes of this permit the following types of activities will constitute the initiation of stabilization:
  - a) prepping the soil for vegetative or non-vegetative stabilization;
  - b) applying mulch or other non-vegetative product to the exposed area;
  - c) seeding or planting the exposed area;
  - d) starting any of the activities in # 1 – 3 on a portion of the area to be
  - e) stabilized, but not on the entire area; and
  - f) finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization. This list of examples is not exhaustive.

The term “immediately” is used to define the deadline for initiating stabilization measures. In the context of this requirement, “immediately” means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

- The permit requires the submittal of a **quarterly report**. The required quarterly report should be sent to the Department by post mail to P.O. Box 176, Jefferson City MO 65102, and/or by email to [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov).
- The permittee is required to conduct inspections of the site. The person(s) inspecting the site may be a staff person or a hired third party to conduct such inspections. The permittee is responsible for ensuring that the person who conducts inspections is a “qualified person or personnel.” A “**qualified person**” is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected to control the quality of stormwater discharges from the construction activity.
- A sample **inspection report** has been developed as a helpful tool to aid in completing site inspections. This sample inspection report was created consistent with USEPA’s Developing Your Stormwater Pollution Prevention Plan and can be found at [http://www.epa.gov/npdes/pubs/sw\\_swppp\\_inspection\\_form.doc](http://www.epa.gov/npdes/pubs/sw_swppp_inspection_form.doc). Both the guide and the sample inspection report (formatted in Microsoft Word) can be found at <http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>.

- For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) **sediment basin** that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on-site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment controls must be used where site limitations would preclude a safe design.
- Public Notification: A public notification sign has been added to the permit. If a different sign is to be used it should be one of the same size sign and lettering and containing the same information as that of the one supplied with the permit. The required information includes a statement for those with questions or concerns, the permit number and the Department's toll free phone number. The permittee shall post a copy of the public notification sign described by the Department at the main entrance to the site. An alternate location is acceptable provided the public can see it and it is noted in the SWPPP. The public notification sign must remain posted at the site until the permit has been terminated.

#### Other Discharges

- Machinery should be kept out of the waterway as much as possible. Fuel, oil and other petroleum products, equipment and any solid waste should not be stored below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours. All precautions are to be taken to avoid the release of wastes or fuel as a result of this operation. Petroleum products spilled should be immediately cleaned up and disposed of properly. Any such **spills of petroleum or other chemicals** are to be reported as soon as possible to the Department's 24-hour Environmental Emergency Response number at (573) 634-2436.

#### Sampling Requirements and Other Effluent Limitations

- 40 CFR 450.21 Subpart B - Construction and Development (C&D) Effluent Guidelines are **non-numeric effluent limits** and are structured to require construction operators to first prevent the discharge of sediment and other pollutants through the use of effective planning and erosion control measures; and second, to control discharges that do occur through the use of effective sediment control measures. Permittees are also required to implement a range of pollution prevention measures to limit or prevent discharges of pollutants including those from dry weather discharges. The C&D rule's non-numeric effluent limits are available at the following internet site: <http://www.gpo.gov/fdsys/pkg/CFR-2010-title40-vol29/xml/CFR-2010-title40-vol29-sec450-21.xml>. The associated fact sheet can be found at: [http://www.epa.gov/npdespub/pubs/cgp\\_proposedfs.pdf](http://www.epa.gov/npdespub/pubs/cgp_proposedfs.pdf).

- The USEPA has proposed numeric **effluent limitation guidelines** (ELGs) to control the discharge of pollutants from construction sites of a certain size. The Department may modify this permit upon finalization of the USEPA effluent limitation guidelines. The proposed Effluent limitation guidelines can be view at the following website <http://water.epa.gov/scitech/wastetech/guide/construction/>.

#### Land Purchase and Change of Ownership

- A person having **operational control over only a portion of a larger project** (e.g., one of four homebuilders in a subdivision), is responsible for compliance with all applicable effluent limits, terms, and conditions of the permit as it relates to the activities on that portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of control measures described in the SWPPP. This person must ensure either directly or through coordination with other permittees, that these activities do not render another party's pollutant discharge controls ineffective. This person must either implement their own portion of a common SWPPP or develop and implement their own SWPPP. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to, develop separate SWPPPs that cover only their portion of the project provided referenced is made to other operators at the site. In instances where there is more than one SWPPP for a site, cooperation between the permittees is encouraged to ensure stormwater discharge control measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).
- The Department does not allow the transfer of a land disturbance permit from one owner to another; however, to facilitate the change in the ownership status of a property the Department developed the "Application for Change of Ownership" form. This form will allow the new owner to receive a new permit and number. The form may also be used to terminate the original permit if all the property included in the original permit is no longer the responsibility of the original owner. The "Application for Change of Ownership" (form MO780-2051) can be found online at <http://www.dnr.mo.gov/forms/#StormWater>.

#### Termination

- To begin the process of terminating this permit, the permittee should submit Form H – "Request for Termination" (MO780-1409) to the Department. The form can be found at the following web location: <http://www.dnr.mo.gov/forms/#StormWater>.

**PART V. Addendums to Fact Sheet**

## Addendum #1

Individual Lot Certification

This form is not a requirement of the permit, but may be used by the permittee when selling individual lots that are part of the property that has been authorized by a Missouri Water Pollution Control General Permit under the NPDES for stormwater discharged associated with construction activity. This is a certification between the purchaser and the seller to cooperatively implement the SWPPP and the conditions of the NPDES permit and does not constitute a transfer of the permit. The permittee shall maintain this form on-site, or in a readily available location. The permittee shall provide individual lot certification forms or a copy of the contract for land sale having the equivalent wording to the Missouri Department of Natural Resources.

## Addendum #2

Response to Comments

The 30-day public notice period for this permit expired on May 30, 2012. These are the responses to comments received through the public notice comment process.

**ADDENDUM #1  
INDIVIDUAL LOT CERTIFICATION**

For Storm Water Discharges Associated with Construction Activity Authorized by a Missouri Water Pollution Control General Permit under the National Pollutant Discharge Elimination System

**TO BE COMPLETED BY THE NEW LOT OWNER**

I certify, under penalty of law, that I have received a copy of the general NPDES permit referenced below, which authorized the original lot owner or developer to discharge storm water runoff from construction activities, and the Storm Water Pollution Prevention Plan (SWPPP) prepared by the original lot owner or developer. I have reviewed the terms and conditions of the general permit and the SWPPP. I accept responsibility for erosion and sediment control during construction of the home or building for each of the lot(s) listed below. In the event the Missouri Department of Natural Resources notifies the undersigned of water quality violations due to conditions at any lot listed below and I am unable or unwilling to take action within 30 days to further reduce erosion or control sediment, then I agree to allow the original lot owner or developer to have reasonable access to the site to implement erosion and sediment control measures. I understand this certification is an agreement between the purchaser and seller to cooperatively implement the SWPPP and the conditions of the general NPDES permit.

Facility Name: \_\_\_\_\_  
(as listed on permit)

Permit Number: MOR \_\_\_\_\_

Lot Number(s): \_\_\_\_\_

New Owner's Signature: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Complete Only if New Owner is a Corporation and not an Individual:**

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

Company Phone #: \_\_\_\_\_

**TO BE COMPLETED BY THE PERMIT HOLDER**

As permittee for the overall tract wherein the above listed lot(s) are located, I certify that I have provided the above named lot purchaser with a copy of the general NPDES permit and the Storm Water Pollution Prevention Plan (SWPPP) for the project, and I have informed the lot purchaser of their responsibility to minimize erosion and control sedimentation. I understand this certification does not constitute a transfer of the permit and understand this certification is an agreement between the purchaser and seller to cooperatively implement the SWPPP and the conditions of the general NPDES permit.

Signature: \_\_\_\_\_

Name (typed or printed): \_\_\_\_\_

Phone Number: \_\_\_\_\_

**The permittee shall maintain this form on-site, or in a readily available location. The permittee shall provide individual lot certifications forms or a copy of the contract for land sale having the equivalent wording to the Missouri Department of Natural Resources upon request.**

## Addendum #2

### MOR100 Land Disturbance Permit Response to Public Notice Comments

(The Missouri Department of Natural Resources' public notice comment period for this permit expired on May, 30, 2012.)

#### **GENERAL COMMENT RESPONSES**

##### STANDARD LAND DISTURBANCE PERMIT - MORA

The Department received comments related to earlier drafts of the Standard Land Disturbance Permit (MORA) and/or comparisons between the MORA and the current draft MOR100 permit. Until there is one land disturbance permit, the two permits will have differences. The Department will as much as possible keep the number of differences at a minimum. There has been no change to the permit as a result of these comments.

##### FEDERAL REGULATION 40 CFR 450.21

As the NPDES authorized permitting authority, the Department is required to incorporate into the permit the federal regulation 40 CRF 450.21. These are non-numeric effluent limitations reflecting the best practicable technology currently available (BPT). The Department received a few comments regarding these requirements. These requirements will remain stated in the permit as required by the Environmental Protection Agency (EPA). An additional comment was to replace the word "prevent" located throughout the permit with the word "minimize" in order to be consistent with federal regulation. The draft permit's use of the word "minimize" is consistent with the federal regulation. There has been no change to the permit as a result of these comments.

##### TYPOS/DEFINITIONS/REFERENCES

The Department received comments regarding typos and similar items in the proposed permit. These entries have been corrected in the final permit. The Department received comments suggesting definition and clarification to several areas of the proposed permit. All suggestions were considered and many have been added to the permit Fact Sheet.

## **SPECIFIC COMMENT RESPONSES**

### SECTION A. APPLICABILITY

#### PERMIT ISSUANCE REQUIREMENT - DEVELOPMENT OF SWPPP

Section A.1. - The Department received a comment on the development of a Stormwater Pollution Prevention Plan (SWPPP) prior to the issuance of the permit. The SWPPP required for permit issuance is a general document written in a manner that can be utilized for any project throughout the governmental jurisdiction as each individual project is planned and designed. Project specific plans, maps, etc. as part of the SWPPP must be developed prior to any land disturbance conducted at the site. The Permit Fact Sheet will include more clarity on this section of the permit. Language has been changed to clarify the requirements.

#### PERMIT LANGUAGE & STORMWATER REGULATION

Section A.1. - The Department received a few comments regarding the applicability of permit coverage when compared to state stormwater regulations. The Department understands the issue of varying language between the draft permit and the state stormwater regulations. The Department is currently reviewing the stormwater regulations for revision. There has been no change to the draft permit as a result of this comment.

#### PROJECTS COVERED UNDER THIS PERMIT

Section A.1. - The Department received comments that suggested revisions to paragraph five of this section of the draft permit. The Department has revised the draft permit as suggested in order to better clarify this requirement.

#### OWNER/OPERATOR

Section A.1. - The Department received comments regarding the owner/operator statement and asked for clarification of primary responsibility for compliance with the permit. All parties are responsible. If there are enforcement actions the Department has the authority to involve all parties as necessary and to the extent possible. There has been no change to the permit as a result of this comment.

### SECTION C. REQUIREMENTS

#### STORMWATER VOLUME

Section C.1. - The Department received a comment regarding this section of the draft permit which requires the permittee to minimize soil erosion through control of stormwater volume. As the NPDES authorized permitting authority, the Department is required to incorporate into the permit the federal regulation 40 CFR 450.21. For additional related discussion please refer to the earlier section of this document titled "General Comment Responses". The commenter questions the maximizing of infiltration in order to control stormwater volume at a land disturbance site. There are ways to reduce volume other than infiltration. The regulation and the permit do not prescribe one BPT over another. The language and goal of these provisions are to reduce

erosion. For example, one way to minimize the stormwater volume at a site is to reduce or eliminate run on to the site from up-hill off-site sources. This effectively reduces the volume of stormwater to be managed on-site. Another example is to reduce volume at individual outlet structures by having multiple outlet structures. This effectively reduces the volume at each individual outlet structure. By managing/directing the flow of runoff at the site you can also reduce the volume of water at individual outlet points. There has been no change to the draft permit as a result of this comment.

#### QUARTERLY REPORT

Section C.4., - The Department received comments regarding the quarterly report. To accommodate the complexity and number of outfalls associated with transportation projects language was changed to simplify reporting requirements. Instead of identifying each individual outfall, reports can simply refer to the receiving water.

#### ACCESSIBILITY OF THE SWPPP

Section C.5. The Department received a comment regarding onsite accessibility of the SWPPP. The permit will be revised to include additional wording regarding the SWPPP availability for inspections.

#### RECEIVING STREAMS & OUTFALL INFORMATION

Section C.5.a., and C.6.c. – The Department received comments concerning the use of outfall as the primary reference point. Often projects have a multitude of outfalls, particularly projects related to road construction. In these cases most outfalls have very similar BMPs, so listing individual outfalls is often not necessary. It was suggested that the Department add the word “primary” when naming the receiving streams in the SWPPP and remove the outfall information from the SWPPP requirement. Language in the permit was changed to simplify the requirements.

#### SEQUENCING & TIMING

Section C.6.a.2. - The Department received a couple of comments regarding the requirement found in this section of the draft permit. There has been no change as a result of this comment; however the Department will add clarification in the Permit Fact Sheet that “sequencing and timing” can also mean start and completion dates of intended activities.

#### BUFFER AREA

Section C.6.e. – The Department received a request to define “infeasible” when requiring the construction of a buffer area. The commenter referred to EPA’s Construct General Permit (CGP) as guidance. EPA’s permit defines what is not considered “surface water” and therefore would not require a buffer area. If a buffer area is infeasible, EPA’s permit requires the implementation of other sediment controls which must achieved the same sediment load reduction as a buffer area would have. The Department will add a similar note to the Permit Fact Sheet regarding what is not “surface water”. There has been no change to the permit as a result of these comments.

## DISTURBED AREAS

Section C.6.h. – The Department received a comment to remove the word “immediately” from the requirement to initiate temporary and final stabilization of disturbed areas. This requirement is part the federal regulation which are non-numeric effluent limitations reflecting the best practicable technology currently available (BPT). As the NPDES authorized permitting authority, the Department is required to incorporate into the permit the federal regulation 40 CFR 450.21. For additional related discussion please refer to the earlier section of this document titled “General Comment Responses”. The Department also received a suggestion to include guidance as to what constitutes “initiation” of stabilization. The Department will include in the Permit Fact Sheet information similar to EPA’s regarding the context of this provision. There has been no change to the draft permit as a result of this comment.

## GOOD ENGINEERING PRACTICES

Section C.6.j. – The Department received a comment to reword this section of the draft permit to include “... similar effective BMPs shall be based on good engineering practices.” The Department will revise the permit accordingly.

## ROADWAYS & CURB INLETS

Section C.6.m. - The Department received a couple of comments regarding this section and has made a revision to the draft permit but did not include the additional language regarding the cleaning of inlet protection devices.

## RESPONSBLE PERSON

Section C.12. – The department received a comment noting an incorrect reference, and the language was changed to point correctly to the requirements of paragraph 13.

## SITE INSPECTION REPORTS

Section C.13. - It was suggested that the Department consider revising this section of the draft permit to include an inspection requirement following a rainfall event of 0.25 inches or greater. The Department currently requires an inspection of BMPs anytime rainfall causes stormwater runoff to occur onsite. Further discussion and review of any proposal to change this requirement will be needed before considering a change to permit. There has been no change to the permit as a result of this comment.

Section C.13. - The Department received a couple of comments regarding site inspection reports kept on site. The Department will include a similar option in the permit, just as EPA has with the GCP that all site inspection reports can be kept at the site or at an easily accessible location so that it can be made available at the time of an onsite inspection or upon request by the Department.

Section C.13. – The Department received a comment suggesting that language be changed so that inspections are only required to occur during a project’s normal hours, so that inspections can occur on the next business day following a long holiday weekend. The language was changed to reflect this suggestion.

## SECTION E. SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS

Section E. - The Department received a couple of comments suggesting language to better clarify wording in Section E., 1 of the draft permit. The Department has revised the draft permit for better clarity. `

## SECTION F. RECORDS

Section F.3. – The Department received a comment requesting that the word “provide” be replaced with the word “ensure” in this section of the permit. The Department has made this change to the permit.