

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

MISSOURI CLEAN WATER COMMISSION



**MISSOURI STATE OPERATING PERMIT**

In compliance with the Missouri Clean Water Law (Chapter 644 RSMo 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-R203xxx

Owner:  
Address:

Continuing Authority:  
Address:

Facility Name:  
Facility Address:

Legal Description:  
UTM Coordinates:

Receiving Stream:  
First Classified Stream and ID:  
USGS Basin and Sub-watershed No.:

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

**FACILITY DESCRIPTION**

All Outfalls – SIC Codes 2514, 2522, 2542, 33XX, 34XX, 35XX, 36XX, 37XX, 38XX

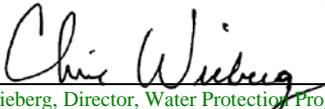
Stormwater discharges from any of the following: ferrous and nonferrous foundries, casting, extrusion, rolling, galvanizing and finishing, structural steel production, light metal fabrication, and electrical equipment manufacturing.

This permit authorizes only stormwater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with RSMo § 621.250, 640.013, and 644.051.6; 10 CSR 20-1.020 and 20-6.020.

September 1, 2019  
Effective Date

  
Edward B. Galbraith, Director, Division of Environmental Quality

August 31, 2024  
Expiration Date

  
Chris Wieberg, Director, Water Protection Program

APPLICABILITY

1. This Missouri State Operating Permit (permit) authorizes the discharge of stormwater to waters of the State of Missouri from multiple industries, including but not limited to permittees (facilities) with the primary Standard Industrial Classification (SIC) Codes or facilities the Missouri Department of Natural Resources (Department) determines are fundamentally similar to facilities under the below SIC Codes:

<u>SIC Code</u>	<u>Activity</u>
2514	Metal Household Furniture
2522	Office Furniture, Except Wood
2542	Office and Store Fixtures, Partitions, Shelving, and Lockers, Except Wood
33xx	Primary Metal Industries
34xx	Fabricated Metal Products, Except Machinery and Transportation Equipment
35xx	Industrial and Commercial Machinery and Computer Equipment
36xx	Electronic and Other Electrical Equipment and Components, Except Computer Equipment
37xx	Transportation Equipment
38xx	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks

2. This permit is applicable to facilities (associated with the above industries) with materials exposed to stormwater, which the Department determines must obtain a permit.
3. This permit does not cover land disturbance activities or construction of earthen basins.
  - (a) Land disturbance activities disturbing one or more acres of total area for the entire project or less than one acre for sites that are part of a common promotional plan of development may require a land disturbance permit. Instructions on how to apply for and receive the online land disturbance permit are located at [www.dnr.mo.gov/env/wpp/epermit/help.htm](http://www.dnr.mo.gov/env/wpp/epermit/help.htm). Questions regarding permit requirements may be directed to the Department’s Land Disturbance phone line at [573-526-2082](tel:573-526-2082) or toll free at [855-789-3889](tel:855-789-3889).
  - (b) Construction of an earthen basin or holding structure may require a construction permit. Instructions on how to apply for and receive a construction permit are located at <https://dnr.mo.gov/env/wpp/permits/ww-construction-permitting.htm>. Questions regarding permit requirements may be directed to Department’s Water Protection Program phone line at [573-751-1300](tel:573-751-1300), or toll free at [800-361-4827](tel:800-361-4827).
4. This permit authorizes the discharge of non-contaminated stormwater flows to the watersheds of Metropolitan No-Discharge Streams (10 CSR 20-7.031 Table F). Discharge to the watersheds of a Metropolitan No-Discharge Stream is prohibited except non-contaminated stormwater flows and permitted stormwater discharges in compliance with permit conditions, and excess wet-weather bypass discharges not interfering with beneficial uses per 10 CSR 20-7.015(5) and 7.031(7).
5. This permit does not authorize discharges which are located in a way to allow water to be released into sinkholes, caves, fissures, or other openings in the ground which could drain into aquifers directly or indirectly (except losing streams) per 10 CSR 20-7.015(7).
6. For facilities which would discharge directly to Outstanding State Resource Waters:
  - (a) Outstanding State Resource Waters are protected against any degradation in quality as defined in 10 CSR 20-7.015(6)(B) and 7.031(3)(C).
  - (b) This permit authorizes stormwater discharge facilities to operate and continue to discharge only stormwater so long as no degradation of water quality occurs.
7. For facilities operating within the watershed of Outstanding National Resource Waters, which includes the Ozark National Riverways and the National Wild and Scenic Rivers System:
  - (a) This permit does not authorize the discharge of any effluent, including stormwater, into watersheds of Outstanding National Resource Waters.
  - (b) This permit authorizes only no-discharge facilities [as defined in 10 CSR 20-6.015(1)(B)7.] to operate.
  - (c) Any discharge from a no-discharge facility, including stormwater, will be considered a violation of this permit unless a catastrophic or chronic storm event [as defined in 10 CSR 20-6.015(1)(B)2.-3.] occurs. In the event of a catastrophic or chronic storm event, the no-discharge facility is authorized to release only the amount of stormwater required to prevent damage to the facility or established Best Management Practices (BMPs).
8. Facilities located within the watershed of an impaired water as designated in the 305(b) Report must be evaluated on a case-by-case basis for inclusion under this permit. Missouri’s impaired waters can be found at <https://dnr.mo.gov/env/wpp/waterquality/index.html>. Facilities found to be discharging the listed pollutant(s) of concern for any impaired water may be required to obtain a site-specific permit.

9. The Department may require any facility authorized by a general permit to apply for a site-specific permit [10 CSR 20-6.010(13)(C)]. Cases where a site-specific permit may be required include, but are not limited to, the following:
  - (a) The discharge(s) is a significant contributor of a pollutant(s) which impairs the beneficial uses of the receiving stream;
  - (b) The discharger is not in compliance with the conditions of the general permit;
  - (c) A Water Quality Management Plan containing requirements applicable to discharge(s) is approved. A Water Quality Management Plan includes, but is not limited to, Total Maximum Daily Load (TMDL) and effluent limitations [40 CFR 130.6 (C)].
10. If a facility covered under a current general permit desires to apply for a site-specific permit, the facility may do so by contacting the Department for application requirements and procedures.
11. Facilities covered under a current site-specific permit who desire to apply for inclusion under this general permit may contact the Department for application requirements and procedures.
12. This permit does not authorize the discharge of process wastewaters, treated or otherwise, including: contact or non-contact cooling waters; boiler blowdown; or water used to wash machinery, vehicles, equipment, buildings, or pavement.
13. The following are allowable non-stormwater discharges authorized under this permit:
  - (a) Discharges from fire-fighting activities;
  - (b) Fire hydrant flushing (testing);
  - (c) Potable water, including water line flushing (testing);
  - (d) Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
  - (e) Landscape watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions;
  - (f) Uncontaminated ground water or spring water which has not contacted industrial materials or processes;
  - (g) Foundation or footing drains where flows are not contaminated with process materials; and
  - (h) Incidental windblown mist from cooling towers which collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

#### EXEMPTIONS AND EXCLUSIONS

1. Facilities discharging stormwater directly to a combined sewer system (as defined in 40 CFR 122.26 and 40 CFR 35.2005) connecting to a publicly owned treatment works which has consented to receive such a discharge are exempt from stormwater permit requirements.
2. In accordance with 40 CFR 122.26(g), if a facility has no materials exposed to stormwater (all materials and activities are protected by a storm resistant shelter enclosed on all sides to prevent exposure to rain, snow, snowmelt and/or runoff), the facility may apply for No Exposure Certification in lieu of stormwater permit coverage. If applicable, the facility must submit a No Exposure Certification form (<https://dnr.mo.gov/forms/780-2828-f.pdf>) with the application for permit coverage. No Exposure Certification Guidance may be found at <https://dnr.mo.gov/pubs/pub2729.htm>. Some examples of the no exposure requirements are:
  - (a) Drums, barrels, tanks, and similar containers are tightly sealed, provided those containers are not deteriorated and do not leak (sealed means banded or otherwise secured and without operational taps or valves);
  - (b) Adequately maintained vehicles; and
  - (c) All industrial materials consist of final products not able to be mobilized by stormwater [10 CSR 20-6.200(1)(C)2c].

#### PERMIT REQUIREMENTS

1. Electronic Discharge Monitoring Report (eDMR) Submission System. Per 40 CFR Part 127 National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, reporting of effluent limits and monitoring shall be submitted by the permittee via an electronic system to ensure timely, complete, accurate, and nationally consistent set of data about the NPDES program. All general permit covered facilities under this master general permit shall comply with the Department's requirements for electronic reporting.
  - (a) The following shall be submitted electronically after such a system has been made available by the Department:
    - (1) General Permit Applications/Notices of Intent to discharge (NOIs);
    - (2) Notices of Termination (NOTs);
    - (3) No Exposure Certifications (NOEs); and
    - (4) Low Erosivity Waivers and Other Waivers from Stormwater Controls (LEWs).
2. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (Section 644.055, RSMo). The required fees can be found at 10 CSR 20-6.011.

3. Compliance with all requirements in this permit does not supersede nor remove liability for compliance with county and other local ordinances.
4. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, termination or notice of planned changes or anticipated non-compliance does not stay any permit condition.
5. The permittee shall furnish to the Department, within a reasonable timeframe, any information the Department requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine if the permittee is in compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.
6. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility when:
  - (a) The alteration or addition could significantly change the nature or increase the quantity of pollutants in the effluent. This notification applies to pollutants subject to the pollutants of concern of this permit as well as new pollutants different from pollutants listed in this permit; or
  - (b) The alteration or addition results in a significant change in disposal practices and may justify the application of permit conditions different from or absent in the current permit.

**STORMWATER REQUIREMENTS**

1. The permittee is not required to sample stormwater under this permit. However, if samples are collected, they are to be compared to the benchmarks listed in Requirement 3 to assist in the evaluation of BMPs at the facility. The Department may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or evidence of off-site impacts from activities at the facility. If such an action is needed, the Department will specify in writing the sampling requirements, including such information as location and extent. If the permittee refuses to perform sampling when required, the Department may terminate the general permit and require the facility to obtain a site-specific permit with sampling requirements. The Department may collect a sample of stormwater discharge during site inspections.
2. This permit specifies pollutant benchmarks applicable to the facility’s discharge. The benchmarks do not constitute direct numeric effluent limitations. Benchmark exceedances alone, therefore, are not a permit violation. The facility shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) as explained in more detail later in this section. Benchmark monitoring data are primarily to determine the overall effectiveness of the SWPPP and to assist the facility in knowing when additional corrective action may be necessary.

If a sample exceeds a benchmark, the facility must review the SWPPP and BMPs to determine what improvements or additional controls are needed to reduce the pollutant in the stormwater discharge(s). Additionally, when a benchmark exceedance occurs, a Corrective Action Report (CAR) must be completed and documented in the SWPPP. A CAR is a document that records the efforts undertaken by the facility to improve BMPs to meet benchmarks in future samples. If the efforts taken by the facility are not sufficient and subsequent exceedances of a benchmark occur, the facility may demonstrate to the Department a benchmark value cannot be achieved. The demonstration must include rationale and supporting documentation (which would include multiple CARs) and must show a benchmark value cannot be achieved through the application of BMPs representing available practicable technology. Additionally, the demonstration must show the benchmark is not feasible because no further pollutant reductions are technologically available and economically practicable in light of best industry practices. This demonstration must be presented to the Department for review and approval. Failure to improve BMPs or take corrective action to address a benchmark exceedance and failure to make tangible progress towards achieving a benchmark is a permit violation, unless the permittee has demonstrated to the Department a benchmark value cannot be achieved, and an alternative benchmark is approved, or in the process of being approved, by the Department. Exceedances believed to be the result of legacy chemical use at the facility are not exempted from this requirement. Facilities are encouraged to contact the Department to formulate a plan for investigation and clean-up if legacy chemical use is suspected to be the cause of exceedances.

3. The following benchmarks are applicable to facilities covered by this permit. The facility shall design BMPs to meet these benchmarks during rainfall events up to the 10-year, 24-hour rain event. The 10-year, 24-hour rain events for Missouri may be found at: <http://hdsc.nws.noaa.gov/hdsc/pfds/> or [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=mo](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=mo).

<b>Parameter</b>	<b>Daily Maximum Benchmark</b>
Aluminum, Total Recoverable	750 µg/L
Copper, Total Recoverable	21.2 µg/L
Iron, Total Recoverable	4,000 µg/L
Zinc, Total Recoverable	176.7 µg/L
Oil and Grease	10 mg/L
Total suspended solids	100 mg/L
pH	6.5 - 9.0 SUs

4. If a sample of stormwater is collected:
  - (a) Precipitation events include rainfall as well as run-off from the melting of frozen precipitation.
  - (b) For flow-through BMPs, stormwater samples shall be collected within the first 60 minutes of discharge occurring as a result of precipitation events exceeding 0.1 inches during a 24-hour period, if possible.
  - (c) For retention BMPs, stormwater samples shall be collected only when a discharge occurs, and if possible, shall be taken from the outfalls. Dip sampling of effluent in retention structures should not be performed.
  - (d) Stormwater samples shall be collected prior to leaving or at the property boundary or before the discharge enters waters of the state on the property.

More information on stormwater sampling may be found in the following document: Industrial Stormwater Monitoring and Sampling Guide (Document number: EPA 832-B-09-003) published by the Environmental Protection Agency (EPA) in March 2009, [https://www3.epa.gov/npdes/pubs/msgp\\_monitoring\\_guide.pdf](https://www3.epa.gov/npdes/pubs/msgp_monitoring_guide.pdf).

5. The laboratory results of all samples from a discharge collected and analyzed must be retained on site with permit records and made available to the Department upon request.
6. If data becomes available indicating existing water quality will be protected by alternative benchmarks specific to this industry, the Department will propose to incorporate those benchmarks into this permit as part of a permit modification. Such data must be approved by the Department as appropriate and representative before it can be considered.
7. The full implementation of this operating permit, which includes implementation of any applicable schedules of compliance, shall constitute compliance with all applicable federal and state statutes and regulations in accordance with §644.051.16, RSMo, and the CWA section 402(k); however, this permit may be reopened and modified, or alternatively revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), §304(b)(2), and §307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or controls any pollutant not limited in the permit.
8. Before releasing water accumulated in petroleum secondary containment areas, it must be examined for hydrocarbon odor and presence of sheen to protect the general criteria found at 10 CSR 20-7.031(4). If odor or sheen is found, the water shall not be discharged without treatment and shall be disposed of in accordance with legally approved methods, such as being sent to a wastewater treatment facility.

If the facility wishes to discharge the accumulated stormwater with hydrocarbon odor or presence of sheen, the water shall be treated using an appropriate method. Following treatment and before release, the water shall be tested for oil and grease, benzene, toluene, ethylbenzene, and xylene using 40 CFR part 136 methods. All pollutant levels must be below the most protective, applicable standards for the receiving stream, found in 10 CSR 20-7.031 Table A before discharge is authorized. Records of all testing and treatment of water accumulated in secondary containment shall be stored in the SWPPP and be available upon request to the Department.

9. Changes in Discharges of Toxic Substances. In addition to the reporting requirements under §122.41(1), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
  - (a) An activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if the discharge will exceed the highest of the following notification levels:
    - 1) One hundred micrograms per liter (100 µg/L);
    - 2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile;
    - 3) Five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol;
    - 4) One milligram per liter (1 mg/L) for antimony;
    - 5) Five (5) times the maximum concentration value reported for the pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
    - 6) The notification level established by the Department in accordance with 40 CFR 122.44(f).
  - (b) An activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if the discharge will exceed the highest of the following "notification levels":
    - 1) Five hundred micrograms per liter (500 µg/l);
    - 2) One milligram per liter (1 mg/l) for antimony;
    - 3) Ten (10) times the maximum concentration value reported for the pollutant in the permit application in accordance with §122.21(g)(7).
    - 4) The level established by the Director in accordance with §122.44(f).
10. This permit requires the development and implementation of a SWPPP. When applying for coverage under this permit, a SWPPP including an Alternative Analysis of the BMPs must be developed, implemented, and maintained at the facility. Failure to implement and maintain the chosen alternative, which can be revised and updated, is a permit violation. The Alternative Analysis is a structured evaluation of BMPs to determine which are reasonable and cost effective. The analysis should include practices designed to be 1) non-degrading 2) less degrading, or 3) degrading water quality. The chosen BMP will be the most reasonable and cost effective while ensuring the highest statutory and regulatory requirements are achieved and the highest quality water

attainable for the facility is discharged. The analysis must demonstrate why “no discharge” or “no exposure” are not feasible alternatives at the facility. Existing facilities with established SWPPPs and BMPs need not conduct an additional alternatives analysis unless new BMPs are established to address BMP failures. This structured analysis of BMPs serves as the Antidegradation review, fulfilling the requirements of 10 CSR 20-7.015(9)(A)5 and 7.031(3).

11. The permittee shall select, install, use, operate, and maintain the BMPs prescribed in the SWPPP in accordance with the concepts and methods described in the following document: *Developing Your Stormwater Pollution Prevention Plan, a Guide for Industrial Operators*, (Document number EPA 833-B-09-002) published by the United States Environmental Protection Agency (EPA) in June 2015. [https://www.epa.gov/sites/production/files/2015-11/documents/swppp\\_guide\\_industrial\\_2015.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/swppp_guide_industrial_2015.pdf). (General information may also be found at <https://www.epa.gov/npdes/industrial-stormwater-guidance>.)
  - (a) **New Facilities:** The new SWPPP for the facility must be prepared within 60 days and implemented within 180 days of permit issuance.
  - (b) **Existing Facilities:** The existing SWPPP for your facility must be reviewed, revised as necessary, and implemented within 30 days of reissuance of coverage.
  - (c) **Expanding Facilities:** The existing SWPPP for the facility, including the Alternative Analysis, must be reviewed and revised as necessary. Once expansion occurs the revised SWPPP must be implemented within 30 days of permit modification.
12. The SWPPP must be kept on-site (either electronically or paper copy), readily available upon request, and should not be sent to the Department unless specifically requested. Throughout coverage under this permit, the facility must perform SWPPP review and revision to incorporate any significant site condition changes which impact the nature and condition of stormwater discharges.
13. For all facilities the SWPPP must include the following:
  - (a) An assessment of all stormwater discharges associated with the facility, facility activities, and facility materials. This assessment must include a list of potential contaminants and an annual estimate of amounts used and/or produced in the described activities.
  - (b) A listing of BMPs and a narrative explaining how the BMPs will be implemented to control and minimize the amount of potential contaminants entering stormwater.
  - (c) A map of the location of all outfalls and structural BMPs.
  - (d) A provision for designating an individual to be responsible for environmental matters.
  - (e) A schedule for monthly site inspections and a brief written report, which includes the name of the inspector, the signature of the inspector, and the date. The inspections must include observation and analysis of BMP effectiveness, deficiencies, and corrective action to be taken as well as the integrity of the containment structure(s) including but not limited to above ground tanks, secondary containment, external piping, etc. Deficiencies must be corrected within seven (7) days and must be documented in the inspection report. The facility may submit a written request to the Department justifying additional time, if necessary, to complete corrective action. The purpose of the SWPPP and the BMPs listed therein is to prevent pollution per 10 CSR 20-2.010(56) to waters of the state. A deficiency of a BMP means it was not effective in preventing pollution of waters of the state or meeting benchmarks of this permit. Corrective action means the facility took steps to eliminate the deficiency. Inspection reports must be kept with the SWPPP and must be made available to the Department upon request.
  - (f) A provision for providing training to all personnel involved in material handling, material storage, and housekeeping of areas having materials exposed to stormwater. Proof of training must be made available to the Department upon request.
  - (g) A provision for evaluating benchmarks established in this permit.
14. The following minimum BMPs must be implemented at all facilities:
  - (a) Prevent the spillage or loss of fluids, oil, grease, fuel, etc. from vehicle maintenance, equipment cleaning, or warehouse activities and thereby prevent the contamination of stormwater from these substances.
  - (b) Provide collection facilities on-site and arrange for proper disposal of waste products including, but not limited to, petroleum waste products, solid waste, de-icing/anti-icing products, and solvents.
  - (c) Store all paints, solvents, petroleum products, petroleum waste products and storage containers (such as drums, cans, or cartons) so they are not exposed to stormwater or provide other prescribed BMPs such as plastic lids and/or portable spill pans to prevent the commingling of stormwater with container contents. Commingled water may not be discharged under this permit. Provide spill prevention, control, and countermeasures to prevent any spill of these pollutants from entering waters of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall prevent the contamination of groundwater.
  - (d) Provide sediment and erosion control sufficient to minimize sediment loss off of the property, pollution of waters of the state, and to comply with the conditions of this permit, Missouri Clean Water Law, and the CWA. This may require the use of straw bales, silt fences, sediment basins, or other treatment structures. This may require the construction of properly designed sediment basins or other treatment structures.

- (e) Provide good housekeeping practices on-site to keep solid waste from entering waters of the state. This includes, but is not limited to the following:
  - a. Implement sweeping, vacuuming, or other appropriate cleaning methods at regular intervals on all impervious areas of the facility where fines, iron dust, particulate matter, dust, or debris may accumulate such as where material loading and unloading, storage, handling, and processing occur.
  - b. Establish regular disposal of slag, dross, and other waste to minimize quantities stored and handled on site.
- (f) Facilities shall manage materials (products, stockpiles, waste piles, etc.) to ensure these materials are not discharged off-site or into a water of the state during a high water event. Oil sands, slag, sand cores, and foundry sands may be stored in such a way that leave the material exposed to precipitation if BMPs are in place and benchmarks are being met.
- (g) Facilities shall properly manage scrap metals, fines, and iron dust and provide measures for containing materials within storage handling areas to trap particulates and minimize contact with stormwater.

#### STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Standard Conditions Parts I, dated August 01, 2014, and hereby incorporated as though fully set forth herein.

#### PERMIT RENEWAL

1. Unless terminated, the permittee shall submit an application for the renewal of this permit by submitting *Form E-Application for General Permit* <http://dnr.mo.gov/forms/780-0795-f.pdf> no later than thirty (30) days prior to the permit's expiration date.
2. When a facility submits a timely and complete application in accordance with 10 CSR 20-6.010(10)(C)1, and if the Department is unable through no fault of the permittee to issue a renewal prior to expiration of the previous permit, the terms and conditions of the expired permit are administratively continued and will remain fully effective and enforceable until such time when a permit action is taken. Failure to submit a renewal application is a violation of the Missouri Clean Water Law. Failure to apply for renewal of a permit may result in termination of this permit and enforcement action to compel compliance with this condition and the Missouri Clean Water Law.

#### PERMIT TRANSFER

1. This permit may not be transferred to a new owner in any fashion except by submitting an *Application for Transfer of Operating Permit* <http://dnr.mo.gov/forms/780-1517-f.pdf> signed by the seller and buyer of the facility along with the appropriate modification fee. In some cases, revocation and reissuance may be necessary. Standard Condition Part 1, Subsection D.7 applies.
2. Facilities that have undergone transfers of ownership without prior notice to the Department will be considered to be operating without a permit.

#### PERMIT TERMINATION

1. The permittee shall apply for permit termination when activities covered by this permit have ceased and no significant materials as defined by 10 CSR 20-6.200(1)(C)27 remain on the property or if on the property are stored in such a way as to have no potential for pollution. Whenever a release or a potential for release from a permitted facility is permanently eliminated, the existing permit may be terminated.
2. Proper closure of any effluent storage structure is required prior to permit termination. See <https://dnr.mo.gov/pubs/pub2568.htm> for more information on closure.
3. Permits do not terminate automatically upon expiration. In order to terminate this permit, the permittee shall notify the Department's appropriate regional office by completing and submitting *Request for Termination of Operating Permit* <http://dnr.mo.gov/forms/780-1409-f.pdf>. The Department may require inspection of the premises prior to granting termination of a permit.

## Missouri Department of Natural Resources

### Fact Sheet

### MO-R203XXX

The Federal Water Pollution Control Act [Clean Water Act (CWA)] Section 402 of 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 CWA). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (permit) are issued by the Missouri Department of Natural Resources (Department) under an approved program, operated in accordance with federal and state laws (Federal CWA and Missouri Clean Water Law Section 644 as amended). Permits are issued for a period of five (5) years unless otherwise specified.

Per 40 CFR 124.56, 40 CFR124.8, and 10 CSR 20-6.020(1)(A)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 permit. A Fact Sheet is not an enforceable part of an MSOP.

This Fact Sheet is for a:

- Major
- Minor
- Industrial Facility
- Variance
- Master General Permit
- Permit with widespread public interest

### **Part I – Facility Information**

Facility Type: Industrial  
Facility SIC Code(s): Including but not limited to 2514, 2522, 2542, 33xx, 34xx, 35xx, 36xx, 37xx, and 38xx  
Facility Description: This permit authorizes the discharge of stormwater runoff to waters of the state of Missouri from: ferrous and nonferrous foundries, casting, extrusion, rolling, galvanizing and finishing, structural steel production, light metal fabrication, and electrical equipment manufacturing.

This permit establishes a SWPPP requirement for pollutants of concern from this type of facility or for all facilities covered under this permit. 10 CSR 20-6.200(7) specifies “general permits shall contain BMP requirements and/or monitoring and reporting requirements to keep the stormwater from becoming contaminated”. The benchmarks are established in accordance with 10 CSR 20-7.031 in a manner deemed protective of all possible receiving stream conditions. Local conditions are not considered when developing conditions for a general permit. A facility may apply for a site-specific permit if they desire a review of site-specific conditions.

Changes to this permit include:

- Updated setbacks (see setbacks below)
- References to impaired waters as part of the 303(d) list has been replaced with the 305(b) report, which is more inclusive of all impaired waters, including the 303(d) list and TMDL waters.
- In the future and once made available by the Department, electronic applications and/or other forms and reports may be required.
- Added conditions, such as good housekeeping and other best management practices, to help ensure compliance with the state’s water quality standards. Further explanation is provided in the sections below.
- Other changes include the general restructuring of the permit to match current Departmental templates and the use of the most up-to-date language available for use by the Department to match current policies, statues, and regulations.
- Updated the iron benchmark. The benchmark in the previous permit was based on the chronic criteria, which is not applicable for stormwater discharges.
- Outfall doesn’t need to be marked in the field. It still must be marked in SWPPP.

## **Part II – Receiving Stream Information**

### **APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:**

Per Missouri Effluent Regulations (10 CSR 20-7.015), the waters of the state are divided into seven (7) categories. Each category lists effluent limitations for specific parameters, which are presented in each outfall's Effluent Limitation Table and further discussed in the Derivation & Discussion of Effluent Limitations section. This permit applies to facilities discharging to the following water body categories:

- Missouri or Mississippi River [10 CSR 20-7.015(2)]
- Lakes or Reservoirs [10 CSR 20-7.015(3)]
- Losing Streams [10 CSR 20-7.015(4)]
- Metropolitan No-Discharge Streams [10 CSR 20-7.015(5)]
- Special Streams [10 CSR 20-7.015(6)]
- Subsurface Waters [10 CSR 20-7.015(7)]
- All Other Waters [10 CSR 20-7.015(8)]

Missouri Water Quality Standards (10 CSR 20-7.031) defines the Clean Water Commission water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and/or 1<sup>st</sup> classified receiving stream's beneficial water uses shall be maintained in accordance with 10 CSR 20-7.031(4). A general permit does not take into consideration site-specific conditions.

### **MIXING CONSIDERATIONS:**

This is a Master General Permit, as such, no mixing is allowed [10 CSR 20-7.031(5)(A)4.B.(I)(a)]. No Zone of Initial Dilution is allowed. [10 CSR 20-7.031(5)(A)4.B.(I)(b)].

### **RECEIVING STREAM MONITORING REQUIREMENTS:**

There are no receiving water monitoring requirements recommended at this time.

## **Part III – Rationale and Derivation of Effluent Limitations & Permit Conditions**

### **305(B) REPORT, 303(d) LIST, & TOTAL MAXIMUM DAILY LOAD (TMDL):**

Section 305(b) of the Federal CWA requires each state identify waters not meeting Water Quality Standards and for which adequate water pollution controls have not been required. Water Quality Standards protect such beneficial uses of water as whole body contact, maintaining fish and other aquatic life, and providing drinking water for people, livestock, and wildlife. The 303(d) list helps state and federal agencies keep track of waters which are impaired but not addressed by normal water pollution control programs.

A TMDL is a calculation of the maximum amount of a given pollutant a body of water can absorb before its water quality is affected. If a water body is determined to be impaired as listed on the 303(d) list, then a watershed management plan will be developed which shall include the TMDL calculation. For facilities with an existing general permit before a TMDL is written on their receiving stream, the Department will evaluate the permit and may require any facility authorized by this general permit to apply for and obtain a site-specific operating permit. Requests for coverage of a new facility under this general permit will be evaluated on a case-by-case basis for facilities located within the watershed of an impaired water as designated on the 305(b) Report.

- ✓ Conditional: The Department will review all discharges to impaired waters on a case-by-case basis.

### **ANTI-BACKSLIDING:**

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

- ✓ Applicable: Limitations in this operating permit for the reissuance conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44.
- ✓ The Department determined technical mistakes or mistaken interpretations of law were made in issuing the permit under section 402(a)(1)(b).
  - The previous permit special conditions contained a specific set of prohibitions related to general criteria found in 10 CSR 20-7.031(4); however, there was no determination as to whether the discharges have reasonable potential to cause or contribute to excursion of those general water quality criteria in the previous permit. Federal regulations 40 CFR 122.44(d)(1)(iii) requires instances where reasonable potential (RP) to cause or contribute to an exceedance of a water quality standard exists, a numeric limitation must be included in the permit. Rather than conducting the appropriate RP determination, the previous permit simply placed the prohibitions in the permit. These conditions were removed from the permit. Appropriate reasonable potential determinations were conducted for each general criterion listed in 10 CSR 20-7.031(4)(A) through (I) and effluent limitations were placed in the permit for those general criteria where it was determined the discharge had reasonable potential to cause or contribute to excursions of the general criteria. Specific effluent limitations were not included for those general criteria where it was

determined the discharges will not cause or contribute to excursions of general criteria. Removal of the prohibitions does not reduce the protections of the permit or allow for impairment of the receiving stream. The permit maintains sufficient effluent limitations, monitoring requirements and best management practices to protect water quality. See General Criteria Considerations below.

- Language in the previous permit prohibited stormwater discharges 1,000 feet upstream of losing stream, sinkhole, or other direct conduit to groundwater; 1,000 feet upstream of streams, lakes or reservoirs with the designated use of drinking water supply; 1,000 feet upstream of waters identified as an Outstanding State Resource Water; 100 feet upstream of a Class W or mitigated wetland, Class L2 reservoir, Class P stream, or Class C stream; 2 miles upstream of biocriteria reference locations. This setback language in the previous permit is believed to have been established to provide a buffer between the discharge and the receiving stream, thus reducing the potential for general water quality criteria to be violated by a facility's discharge. The Department determined the setbacks were not supported by regulation or statute and were not necessary to protect water quality. A requirement of benchmark monitoring is established in this permit, providing additional protection to receiving waters. Streams receiving discharges from facilities covered by this permit are protected by designated uses, and benchmarks. With these protections, the setback distances from the previous permit are no longer necessary and have been removed from this permit.
- Language in the previous permit required outfalls be clearly marked in the fields. It has been determined that this requirement provided no additional protection and was removed. Outfalls must be marked on a site map in the SWPPP.

#### **ANTIDegradation:**

Antidegradation policies ensure protection of water quality for a particular water body on a pollutant by pollutant basis to ensure Water Quality Standards are maintained to support beneficial uses such as fish and wildlife propagation and recreation on and in the water. This also includes special protection of waters designated as an Outstanding National Resource Water or Outstanding State Resource Water [10 CSR 20-7.031(3)(C)]. Antidegradation policies are adopted to minimize adverse effects on water. The Department has determined the best avenue forward for implementing the Antidegradation requirements into general permits is by requiring the appropriate development and maintenance of a SWPPP. The SWPPP must identify all reasonable and effective Best Management Practices (BMPs), taking into account environmental impacts and costs, see Stormwater Requirement 9. This analysis must document why no discharge or no exposure options are not feasible at the facility. This selection and documentation of appropriate control measures will then serve as the analysis of alternatives and fulfill the requirements of the Antidegradation Rule and Implementation Procedure 10 CSR 20-7.031(3) and 10 CSR 20-7.015(9)(A)5.

Any facility seeking coverage under this permit, which undergoes expansion or discharges a new pollutant of concern, must update their SWPPP and select reasonable and cost effective new BMPs. New facilities seeking coverage under this permit are required to develop a SWPPP including this analysis and documentation of appropriate BMPs. Renewal of coverage for a facility requires a review of the SWPPP to ensure the selected BMPs continue to be appropriate.

- ✓ Applicable; the facility must review and maintain stormwater BMPs as appropriate.

#### **BENCHMARKS:**

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

Because of the fleeting nature of stormwater discharges, the Department, under the direction of EPA guidance, determined monthly averages are capricious measures of stormwater discharges. The Technical Support Document for Water Quality Based Toxics Control (EPA/505/2-90-001; 1991) Section 3.1 indicates most procedures within the document apply only to water quality based approaches, not end-of-pipe technology-based controls. Hence, stormwater only outfalls will generally only contain a maximum daily limit (MDL) or benchmark, determined by the site-specific conditions including the receiving water's current quality.

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

- ✓ Applicable; this permit contains benchmark requirements.

**EFFLUENT LIMITATION GUIDELINE:**

Effluent Limitation Guidelines, or ELGs, are found at 40 CFR 400-499. These are limitations established by the EPA based on the SIC code and the type of work a facility is conducting. Most ELGs are for process wastewater and some address stormwater. All are technology based limitations which must be met by the applicable facility at all times.

- ✓ The industries covered under this permit have an associated ELG (40 CFR 420, 421, 433, 438, 464, 469, 471) but are not authorized to discharge wastewater to waters of the state; stormwater discharges are not addressed by these ELGs.

**GENERAL CRITERIA CONSIDERATIONS:**

In accordance with 40 CFR 122.44(d)(1), effluent limitations shall be placed into permits for pollutants which have been determined to cause, have the reasonable potential to cause, or to contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. The rule further states pollutants which have been determined to cause, have the reasonable potential to cause, or contribute to an excursion above a narrative criterion within an applicable State water quality standard, the permit shall contain a numeric effluent limitation protecting the narrative criterion.

The previous permit included the narrative criteria as specific prohibitions placed upon the discharge. These prohibitions were included in the permit absent any discussion of the discharge's reasonable potential to cause or contribute to an excursion of the criterion. In order to comply with this regulation, the permit writer has completed a reasonable potential determination on whether the discharge has reasonable potential to cause, or contribute to an excursion of the general criteria listed in 10 CSR 20-7.031(4). These specific requirements are listed below followed by derivation and discussion (the lettering matches the rule itself, under 10 CSR 20-7.031(4)). In instances where reasonable potential exists, the permit includes numeric limitations to address the reasonable potential. In instances where reasonable potential does not exist the permit includes monitoring of the discharges potential to impact the receiving stream's narrative criteria. Finally, all of the previous permit narrative criteria prohibitions have been removed from the permit given they are addressed by numeric limits where reasonable potential exists. It should also be noted Section 644.076.1, RSMo as well as Section D – Administrative Requirements of Standard Conditions Part I of this permit state it shall be unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri which are in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law or any standard, rule, or regulation promulgated by the commission.

- (A) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses.
  - For all outfalls, there is no RP for putrescent bottom deposits preventing full maintenance of beneficial uses because nothing was found in the permit writer's research of the industry indicating putrescent wastewater would be discharged from the facility.
  - For all outfalls, there is no RP for unsightly or harmful bottom deposits preventing full maintenance of beneficial uses because nothing was found in the permit writer's research of the industry indicating unsightly or harmful bottom deposits would be discharged from the facility. Additionally, BMPs required by this permit ensure solids will be kept out of the receiving stream, meaning no reasonable potential for unsightly or harmful bottom deposits to form.
- (B) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses.
  - For all outfalls, there is no RP for oil in sufficient amounts to be unsightly preventing full maintenance of beneficial uses because nothing was found in the permit writer's research of the industry indicating oil will be present in sufficient amounts to impair beneficial uses. Most industrial processes at these facilities are performed under roof, limiting the contact of oil with stormwater.
  - For all outfalls, there is no RP for scum and floating debris in sufficient amounts to be unsightly preventing full maintenance of beneficial uses because nothing was found in the permit writer's research of the industry indicating scum and floating debris will be present in sufficient amounts to impair beneficial uses.
- (C) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses.
  - For all outfalls, there is no RP for unsightly color or turbidity in sufficient amounts preventing full maintenance of beneficial uses because nothing was found in the permit writer's research of the industry indicating unsightly color or turbidity will be present in sufficient amounts to impair beneficial uses.
  - For all outfalls, there is no RP for offensive odor in sufficient amounts preventing full maintenance of beneficial uses because nothing was found in the permit writer's research of the industry indicating offensive odor will be present in sufficient amounts to impair beneficial uses.
- (D) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life.
  - For all outfalls, there is no RP for substances in sufficient amounts to result in toxicity to human, animal, or aquatic life because nothing was found in the permit writer's research of the industry indicating toxic substances will be present in sufficient amounts to impair beneficial uses. Additionally, BMPs required by this permit ensure toxic substances will be kept out of the receiving stream, meaning no reasonable potential for toxic substances in sufficient amounts to result in toxicity to human, animal, or aquatic life.

- (E) There shall be no significant human health hazard from incidental contact with the water.
  - This criterion is very similar to (D) above.
- (F) There shall be no acute toxicity to livestock or wildlife watering.
  - This criterion is very similar to (D) above.
- (G) Waters shall be free from physical, chemical or hydrologic changes which would impair the natural biological community.
  - For all outfalls, there is no RP for physical changes which would impair the natural biological community nothing was found in the permit writer's research of the industry indicating physical changes which would impair the natural biological community.
  - For all outfalls, there is no RP for hydrologic changes which would impair the natural biological community because nothing was found in the permit writer's research of the industry indicating hydrologic changes would impair the natural biological community.
  - For all outfalls, there is no RP for chemical changes which would impair the natural biological community because nothing was found in the permit writer's research of the industry indicating chemical changes would impair the natural biological community.
- (H) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.
  - There are no solid waste disposal activities or any operation which has reasonable potential to cause or contribute to the materials listed above being discharged through any outfall.

**MAJOR WATER USER:**

Any surface or groundwater user with a water source and the equipment necessary to withdraw or divert 100,000 gallons (or 70 gallons per minute) or more per day combined from all sources from any stream, river, lake, well, spring, or other water source is considered a major water user in Missouri. All major water users are required by law to register water use annually (Missouri Revised Statutes Chapter 256.400 Geology, Water Resources and Geodetic Survey Section). <https://dnr.mo.gov/pubs/pub2337.htm>

**PUBLIC NOTICE OF COVERAGE FOR AN INDIVIDUAL FACILITY:**

Public Notice of reissuance of coverage is not required unless the facility has been found to be in significant noncompliance [10 CSR 20-6.020(1)(C)4.]. The need for an individual public notification process shall be determined and identified in the permit [10 CSR 20-6.020(1)(C)5.].

- ✓ Applicable: Issuance of coverage to an individual Foundry and Fabricated Structured Metal facilities under this permit for the first time shall be placed on Public Notice for thirty (30) days in accordance with 10 CSR 20-6.020(1)(B) & (C)2.

**REASONABLE POTENTIAL ANALYSIS (RPA):**

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

- ✓ Conservative assumption: A traditional statistical Reasonable Potential Analysis has not been conducted for this master general permit; but instead the Department has made a reasonable potential determination based on sources of pollutants related to water quality standards. Activities performed by facilities covered under this master general permit were evaluated as to whether discharges have reasonable potential to cause or contribute to excursions of general criteria listed in 10 CSR 20-7.031(4). A reasonable potential to violate water quality standards is assumed for the pollutants of concern due to the nature of the activities carried out under this permit, resulting in the effluent limits contained in the permit.
- ✓ Permit writers use the Department's permit writer's manual (<http://dnr.mo.gov/env/wpp/permits/manual/permit-manual.htm>), the EPA's permit writer's manual (<https://www.epa.gov/npdes/npdes-permit-writers-manual>), program policies, and best professional judgment. For each parameter in each permit, the permit writer carefully considers all applicable information regarding technology based effluent limitations, effluent limitation guidelines, and water quality standards. Best professional judgment is based on the experience of the permit writer, cohorts in the Department and resources at the EPA, research, and maintaining continuity of permits if necessary. For stormwater permits, the permit writer is required per 10 CSR 6.200(6)(B)2 to consider: A. application and other information supplied by the permittee; B. effluent guidelines; C. best professional judgment of the permit writer; D. water quality; and E. BMPs. Part V provides specific decisions related to this permit.
- ✓ The permit writer reviewed industry materials, available DMR data, past inspections, and other available documents and research to evaluate general and narrative water quality reasonable potential for this permit. Per the permit writer's best professional judgment, based on available data and full and accurate disclosure on application materials, this industry does not demonstrate reasonable potential for excursions from the general or narrative water quality criteria. See Part IV: Effluent Limit Determinations for specific parameter RP.

#### **SETBACKS:**

Setbacks are common elements of permits and are established to provide a margin of safety in order to protect the receiving water from accidents, spills, unusual events, etc.

- ✓ Metropolitan No-Discharge streams are defined in 10 CSR 20-7.031 Table F. This permit authorizes stormwater discharges in compliance with permit conditions, as required in 10 CSR 20-7.031(7). If a facility is found to be out of compliance with the permit, they may be required to obtain a site specific permit.
- ✓ This permit does not authorize discharges which are located in a way to allow water to be released into sinkholes, caves, fissures, or other openings in the ground which could drain into aquifers directly or indirectly (except losing streams) per 10 CSR 20-7.015(7). This is a new setback, added in this permit. It does not prohibit discharge to losing streams; however, discharges to sinkholes, caves, fissures, or other openings in the ground are prohibited.
- ✓ This permit authorizes discharge to Outstanding State Resource Water watersheds as long as no degradation of water quality occurs due to discharges from the permitted facility, in compliance with 10 CSR 20-7.015(6)(B) and 10 CSR 20-7.031(3)(C). If degradation occurs, the facility may be required to become a no-discharge facility or obtain a site specific permit.
- ✓ This permit does not authorize discharges to Outstanding National Resource Water Watersheds. Facilities are authorized to operate as no-discharge facilities only in these watersheds. Any discharge from a no-discharge facility, including stormwater, will be considered a violation of this permit unless a catastrophic or chronic storm event [as defined in 10 CSR 20-6.015(1)(B)2.-3.] occurs. In the event of a catastrophic or chronic storm event, the no-discharge facility is authorized to release only the amount of stormwater required to prevent damage to the facility or established BMPs.
- ✓ Facilities located within the watershed of an impaired water as designated in the 305(b) Report must be evaluated on a case-by-case basis for inclusion under this permit. Missouri's impaired waters can be found at <https://dnr.mo.gov/env/wpp/waterquality/index.html>. Facilities found to be discharging the listed pollutant(s) of concern for any impaired water may be required to obtain a site-specific permit.

#### **SLUDGE – INDUSTRIAL:**

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

- ✓ Not applicable; this permit does not authorize land application of industrial sludge.

#### **SPILL REPORTING:**

Any emergency involving a hazardous substance must be reported to the Department's 24 hour Environmental Emergency Response hotline at (573) 634-2436 at the earliest practicable moment after discovery. The Department may require the submittal of a written report detailing measures taken to clean up a spill. These reporting requirements apply when the spill results in chemicals or materials leaving the permitted property or reaching waters of the state. This requirement is in addition to the noncompliance reporting requirement found in Standard Conditions Part I. <http://dnr.mo.gov/env/esp/spillbill.htm>.

Underground and above ground storage devices for petroleum products, vegetable oils and animal fats are subject to control under Spill Prevention, Control, and Countermeasure (SPCC) and are expected to be managed under those provisions. Substances regulated by federal law under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which are transported, stored, or used for maintenance, cleaning or repair shall be managed according to the provisions of RCRA and CERCLA. These storage devices are not covered under this general permit because to do so would create a double jeopardy for the permitted facility. Permit requirements cover those fueling areas and storage devices which fall below the threshold of SPCC, RCRA, or CERCLA regulations.

#### **STORMWATER POLLUTION PREVENTION PLAN (SWPPP):**

In accordance with 40 CFR 122.44(k), BMPs must be implemented to control or abate the discharge of pollutants when:

- (1) Authorized under section 304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities;
- (2) Authorized under section 402(p) of the CWA for the control of stormwater discharges;
- (3) Numeric effluent limitations are infeasible; or
- (4) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

In accordance with the *Developing Your Stormwater Pollution Prevention Plan, a Guide for Industrial Operators*, (EPA 833-B-09-002) published by the United States Environmental Protection Agency (EPA) in June 2015 (<https://www.epa.gov/npdes/industrial-stormwater-guidance>), BMPs are measures or practices used to reduce the amount of pollution entering waters of the state from a permitted facility. BMPs may take the form of a process, activity, or physical structure. Additionally, a SWPPP is a series of steps and activities to (1) identify sources of pollution or contamination, and (2) select and carry out actions which prevent or control pollution from stormwater discharges.

A SWPPP must be prepared by the permittee. The purpose of a SWPPP is to comply with all applicable stormwater regulations by creating an adaptive management plan to control and mitigate pollution of stormwater runoff. Developing a SWPPP provides opportunities to employ appropriate BMPs to minimize the risk of pollutants being discharged during storm events. The following paragraph outlines the general steps the permittee should take to determine which BMPs will work to achieve the benchmark values in the permit. This section is not intended to be all encompassing or restrict the use of any physical BMP or operational and maintenance procedure assisting in pollution control. Additional steps or revisions to the SWPPP may be required to meet the requirements of the permit.

The selection of control measures to prevent or reduce the discharge of pollutants in stormwater shall be specified in the SWPPP. For new, altered, or expanded stormwater discharges, the SWPPP shall identify the reasonable and effective BMPs, taking into account environmental impacts and costs. This analysis must document why no discharge or no exposure options are not feasible at the facility. This selection and documentation of appropriate control measures shall serve as an alternative analysis of technology and fulfill the requirements of Antidegradation [10 CSR 20-7.031(3) and 10 CSR 20-7.015(9)(A)5.]. Existing facilities with established SWPPPs and BMPs need not conduct an additional alternatives analysis unless new BMPs are established to address benchmark exceedances.

Areas which should be included in the SWPPP are identified in 40 CFR 122.26(b)(14). Once potential sources of stormwater pollution have been identified, a plan should be formulated to best control the amount of pollutant being released and discharged by each activity or source. This should include, but is not limited to, minimizing exposure to stormwater, good housekeeping measures, proper facility and equipment maintenance, spill prevention and response, vehicle traffic control, and proper materials handling. Once a plan has been developed, the facility will employ the control measures determined to be adequate to achieve the benchmark values discussed above. The facility will conduct monitoring and inspections of the BMPs to ensure they are working properly and re-evaluate any BMP not achieving compliance with permitting requirements. For example, if sample results from an outfall show values of TSS above the benchmark, the BMP being employed is deficient in controlling stormwater pollution. Corrective action should be taken to repair, improve, or replace the failing BMP. This internal evaluation is required at set frequencies but should be assessed more frequently if BMPs continue to fail. If failures do occur, continue this trial and error process until appropriate BMPs have been established to meet benchmarks.

EPA developed factsheets on the pollutants of concern for specific industries along with the BMPs to control and minimize stormwater (<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>). Along with EPA's factsheets, the International Stormwater BMP database ([www.bmpdatabase.org/index.htm](http://www.bmpdatabase.org/index.htm)) may provide guidance on BMPs appropriate for specific industries.

If failures continue to occur and the permittee feels there are no practicable or cost-effective BMPs to sufficiently reduce a pollutant concentration in the discharge to the benchmark value or effluent limit established in the permit, the permittee can submit a request to re-evaluate the values. This request needs to include:

- (1) A detailed explanation of why the facility is unable to comply with the permit conditions and unable to establish BMPs to achieve the benchmark values or limits;
- (2) Financial data of the company and documentation of cost associated with BMPs for review; and
- (3) The SWPPP, which should contain adequate documentation of BMPs employed, failed BMPs, corrective actions, and all other required information.

This will allow the Department to conduct a cost analysis on control measures and actions taken by the facility to determine cost-effectiveness of BMPs.

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

#### **VARIANCE:**

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

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

#### **WASTELOAD ALLOCATIONS (WLA) FOR LIMITATIONS:**

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

- ✓ Not Applicable; no mixing is allowed under general permits, As such, Water Quality Standards are used in place of Wasteload Allocations.

**WATER QUALITY STANDARDS:**

Per 10 CSR 20-7.031(4), General Criteria shall be applicable to all waters of the state at all times, including mixing zones. Additionally, 40 CFR 122.44(d)(1) directs the Department to include in each NPDES permit conditions to achieve water quality established under Section 303 of the CWA, including state narrative criteria for water quality.

**WHOLE EFFLUENT TOXICITY (WET) TEST:**

Per 10 CSR 20-7.031(1)(FF), a toxicity test conducted under specified laboratory conditions on specific indicator organism; and per 40 CFR 122.2, the aggregate toxic effect of an effluent measured directly by a toxicity test. A WET test is a quantifiable method of determining if a discharge from a facility may be causing toxicity to aquatic life by itself, in combination with, or through synergistic responses when mixed with receiving water.

- ✓ Not Applicable: At this time, permittees are not required to conduct a WET test. This permit is for stormwater only.

**Part IV – Effluent Limitations Determination**

EPA Multi-sector General Permit (MSGP)

The MSGP was used to research and support best professional judgment decisions made in establishing technology-based benchmarks for this general permit which are consistent with national standards. The permit writer determined the standards established by the MSGP are achievable and consistent with federal regulations. Monitoring will allow the facility to demonstrate achievement of the benchmarks through the use of BMPs and corrective actions. Effective BMPs may have to be designed on a site-specific basis. The concurrent implementation of monitoring and benchmarks provides a tool for each facility to evaluate the effectiveness of BMPs.

Benchmarks

Benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. However, a benchmark exceedance which causes degradation to an ONRW or OSRW [10 CSR 20-7.031(3)(C)] may be in violation of water quality standards. Benchmark monitoring data is used to determine the overall effectiveness of control measures and to assist the facility in knowing when additional corrective action(s) may be necessary to comply with the permit requirements. Failure to take corrective action is a violation of the permit.

**BENCHMARKS FOR TABLE A:**

Parameter	Daily Maximum Benchmark	Previous Permit
Aluminum, Total Recoverable	750 µg/L	Same
Copper, Total Recoverable	21.2 µg/L	Same
Iron, Total Recoverable	4,000 µg/L	1,000 µg/L
Zinc, Total Recoverable	176.7 µg/L	Same
Oil and Grease	10 mg/L	Same
Total suspended solids	100 mg/L	Same
pH	6.5 - 9.0 SUs	Same

**DERIVATION AND DISCUSSION OF BENCHMARKS:**

The CWA requires all NPDES discharges to Waters of the U.S. hold NPDES permits. In instances where stormwater is the only discharge, and where numeric limitations are not feasible, the permit may contain best management practices to control or abate the discharge of pollutants in accordance with 40 CFR 122.44(k). Missouri has determined this approach to be applicable to this permit. EPA’s *Technical Support Document for Water Quality Based Toxics Control* (TSD) method for calculating site-specific water-quality based effluent limitations is best used for continuous discharges. The TSD method is based on assumptions and statistics which apply to continuous discharges, not intermittent stormwater discharges and thus do not apply to this permit. Thus, it is the Department’s policy to consult the EPA’s *Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity* (MSGP) or other applicable documents or guidance.

**Aluminum, Total Recoverable**

Benchmark of 750 µg/L, continued from the previous permit. This value corresponds to the benchmark required by the federal MSGP for sector F (33xx) and sector AA (43xx). Aluminum is a common metal used in industries covered by this permit.

**Copper, Total Recoverable**

Benchmark of 21.2 µg/L, continued from the previous permit. The permit writer applies the benchmark at 21.2 µg/L as it is a known achievable value in industries utilizing BMPs for stormwater control. Copper is a common metal used by industries covered under this permit.

### **Iron, Total Recoverable**

Monitoring, with a daily maximum benchmark of 4,000 µg/L. The permit writer applies the benchmark at 4,000 µg/L as it is a known achievable value in industries utilizing BMPs for stormwater control. The previous benchmark of 1,000 µg/L was based off the chronic water quality standard, which is overly protective in stormwater discharges, which are acute events. Iron is a common metal used by industries covered by this permit.

### **Zinc, Total Recoverable**

Benchmark of 176.7 µg/L, continued from previous permit. After evaluating water quality, the permit writer determined no water quality concerns for this pollutant in the discharge at 176.7 µg/L. The permit writer applies the benchmark at 176.7 µg/L as it is a known achievable value in industries utilizing BMPs for stormwater control. Zinc is a common metal used by industries covered by this permit.

### **Oil & Grease**

Monitoring with a daily maximum benchmark of 10 mg/L. Oil and grease is considered a conventional pollutant. Oil and grease is a comprehensive laboratory test which measures for gasoline, diesel, crude oil, creosote, kerosene, heating oils, heavy fuel oils, lubricating oils, waxes, and some asphalt and pitch. The test can also detect some volatile organics such as benzene, toluene, ethylbenzene, or toluene, but these constituents are often lost during testing due to their boiling points. It is recommended to perform separate testing for these constituents if they are a known pollutant of concern at the site, i.e. aquatic life toxicity or human health is a concern. Results do not allow for separation of specific pollutants within the test, they are reported, totaled, as “oil and grease”. Oil and grease is likely to be present due to vehicles used to transport materials to and from the site and within the site. It may also be present in machinery used within facilities. Per 10 CSR 20-7.031 Table A1: *Criteria for Designated Uses*; 10 mg/L is the standard for protection of aquatic life. This standard will also be used to protect the general criteria found at 10 CSR 20: 7.031 (4). 10 mg/L is the level at which sheen is expected to form on receiving waters. Oils and greases of different densities will possibly form sheen or unsightly bottom deposits at levels which vary from 10 mg/L. To protect the general criteria, it is the responsibility of the permittee to visually observe the discharge and receiving waters for sheen or bottom deposits. Any discharge of a sheen or bottom deposits will be considered a violation of Missouri’s general criteria at 10 CSR 20-7.015(4)(B). If a discharge of sheen continues, the facility may no longer be allowed to hold the general permit and a site specific permit may be required. This benchmark is considered achievable through proper operational and maintenance of BMPs and falls within the range of values implemented in other permits having similar industrial activities.

### **Total Suspended Solids (TSS)**

Monitoring with a daily maximum benchmark of 100 mg/L. There is no numeric water quality standard for TSS; however, sediment discharges can negatively impact aquatic life habitat. TSS is also a valuable indicator parameter. TSS monitoring allows the permittee to identify increases in TSS indicating uncontrolled materials leaving the site. Increased suspended solids in runoff can lead to decreased available oxygen for aquatic life and an increase of surface water temperatures in a receiving stream. Suspended solids can also be carriers of toxins, which can adsorb to the suspended particles; because TSS is a common pollutant of stormwater, total suspended solids are a valuable indicator parameter for other pollution. The benchmark is achievable through proper operational and maintenance of BMPs and falls within the range of values implemented in other permits having similar industrial activities.

### **pH**

Benchmark of 6.5 to 9.0 SU, continued from previous permit. pH is a typical water quality indicator parameter. 6.5-9.0 SU is considered typical and achievable with typical BMPs, and is found in most industrial stormwater permits across multiple industries.

## **Part V– Sampling and Reporting Requirements**

### **SUFFICIENTLY SENSITIVE ANALYTICAL METHODS:**

Please review Standard Conditions Part 1, section A, number 4. The analytical and sampling methods used shall conform to the reference methods listed in 10 CSR 20-7.015 and/or 40 CFR 136 unless alternates are approved by the Department. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure the selected methods are able to quantify the presence of pollutants in a given discharge at concentrations low enough to determine compliance with Water Quality Standards in 10 CSR 20-7.031 or effluent limitations unless provisions in the permit allow for other alternatives. A method is “sufficiently sensitive” when; 1) the method quantifies the pollutant below the level of the applicable water quality criterion or; 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility’s discharge is high enough the method detects and quantifies the level of pollutant in the discharge, or 3) the method has the lowest minimum level of the analytical methods approved under 10 CSR 20-7.015 and or 40 CFR 136. These methods are also required for parameters listed as monitoring only, as the data collected may be used to determine if numeric limitations need to be established. A permittee is responsible for working with their contractors to ensure the analysis performed is sufficiently sensitive. 40 CFR 136 lists the approved methods accepted by the Department. Tables A1-B3 at 10 CSR 20-7.031 shows water quality standards.

## **Part VI – Administrative Requirements**

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

### **PUBLIC MEETING:**

A public meeting was held for this permit on March 21, 2019.

### **PUBLIC NOTICE:**

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

The Department must give public notice of a pending permit or of a new or reissued Missouri State Operating Permit. The public comment period is a length of time not less than thirty (30) days following the date of the public notice, during which interested persons may submit written comments about the proposed permit.

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

- ✓ The Public Notice period for this permit was from May 24, 2019 to June 26, 2019. This permit was changed after public notice I response to comments received during the public notice period, which are posted below.

#### Comment #1:

Item 1: Applicability, #8 - "Facilities located within the watershed of an impaired water as designated in the 305 (b) report must be evaluated on a case-by case basis for inclusion under this permit."

Comment 1: Wilson Trailer Company would like clarification as to whether the facility or the state is responsible for determining the coverage under the general permit. Is the determination of the coverage under the general permit good for the entire five-year permit term or does the facility have to reapply for coverage under the general permit after each impairment report is released every two years?

#### Response:

It is the responsibility of the permittee to determine whether to apply for either a general permit or a site-specific permit. This can be done independently or through dialog with the Department. Once an application has been submitted it is the responsibility of the Department to review the application and determine applicability. In short, it is both the permittee and the Department who must make this determination.

Once a permit is issued it is good for the entire duration of the permit cycle, until the permit expires. The permittee would not need to reassess after each impairment report unless they wanted to. It would be the responsibility of the Department to review any existing permits and determine, on a case-by-case basis, if a site-specific permit is required. If it is determined that it is required the permittee will need to obtain a site-specific permit.

#### Comment 2:

Item 2: Applicability, #12 - "This permit does not authorize the discharge of process wastewaters, treated or otherwise, including, contact or non-contact cooling waters; boiler blowdown' or water used to wash machinery, vehicles, equipment, buildings or pavement."

Comment 2: Power washing of pavement and buildings is a fairly routine housekeeping procedure for many facilities. Wilson Trailer Company requests that buildings and pavement be struck from this item.

#### Response:

Because this is a general permit it must be protective of the most stringent standards. There are many streams across the state with varying characteristics; some are extremely sensitive to changes in water quality. Concerns from process water associated to power washing buildings and pavement include but are not limited to chlorinated water, detergents, TSS, and metals. For example, some streams are not able to handle chlorinated water, associated to tap water, without water quality degradation. BMPs are available to contain and properly dispose of process water produced by power washing buildings and pavement.

Comment 3:

Item 3: Permit Requirements, Item #1 - "Electronic Discharge Monitoring report submission system. Per 40 CFR 127 NPDES Electronic Reporting Rule, reporting of effluent limits and monitoring shall be submitted via an electronic system to ensure timely, complete, accurate and nationally consistent set of data about NPDES Program. All general permit covered facilities under this master general permit shall comply with the Departments requirements for electronic reporting."

Comment 3: At this time no regular monitoring or reporting is required. For clarity, Wilson requests that this item be modified to state in the second sentence, "Per 40 CFR Part 127 National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, if required by the permit, reporting of effluent limits and monitoring shall be submitted by the permittee via an electronic system to ensure timely, complete, accurate, and nationally consistent set of data about the NPDES program."

Response:

This condition is standard language placed in all permits. This language is not limited to the reporting of effluent limits and monitoring; it also requires that NOIs, NOTs, NOEs, and LEWs be submitted electronically when made available. This permit does not require reporting of effluent limits. However, 40 CFR Part 127 NPDES eReporting Rule requires that effluent limits be reported electronically whether effluent monitoring is required in the permit or not.

Comment 4:

Item 4: Stormwater Requirements, #13(g) - "A provision for evaluating benchmarks established in this permit."

Comment 4: This general permit does not require any testing. It is unclear how the SWPPP might evaluate benchmarks without testing data. Wilson Trailer proposes that this provision (g) be removed.

Response:

Benchmarks can be evaluated in a variety of ways ranging from qualitative observations to quantitative measurements. Benchmarks can be evaluated by collecting stormwater samples. The results would not have to be submitted but they would have to be maintained on site. Another method is a visual evaluation of stormwater discharges and the receiving stream.

Comment 5:

Item 5: MoDNR Fact Sheet MO-R203 XXX: Part I - Facility Information: "This permit establishes a SWPPP requirement for quarterly monitoring for pollutants of concern from this type of facility or for all facilities covered under this permit."

Comment 5: On page 4 of 8 of the General Permit MO-R203 under Stormwater Requirements item 1, the permit states, "The permittee is not required to sample stormwater under this permit" Wilson asks that the Fact Sheet accurately reflect the current permit requirements of page 4 and state that sampling is not required under this permit.

Response:

This was an error by the permit writer. The language in the Fact Sheet will be updated to read, "This permit establishes a SWPPP requirement for pollutants of concern from this type of facility or for all facilities covered under this permit."

Comment 6:

On page 4 of the permit under Stormwater Requirements, it states that the permittee is not required to sample stormwater under this permit. Then on Page 1 of the Fact Sheet attached to the permit it says in Part I under Facility Information: "This permit establishes a SWPPP requirement for quarterly monitoring for pollutants of concern from this type of facility or for all facilities covered under this permit". What is the quarterly monitoring that this paragraph refers to?

Response:

This was an error by the permit writer. The language in the Fact Sheet will be updated to read, "This permit establishes a SWPPP requirement for pollutants of concern from this type of facility or for all facilities covered under this permit."

**DATE OF FACT SHEET:** 06/27/2019

**COMPLETED BY:**

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