

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-R22Axxx

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 2421-2452, 2493, 2499, 2511, 2512, 2517, 2521, 2541, and 2861. SIC codes 2519, 2531, 2591 and 2599 are authorized for producers of wood furniture and products only.

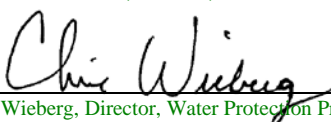
Stormwater discharges from primary lumber and/or wood product operation (establishments engaged in sawing rough lumber and timber from logs and bolts), and facilities engaged in the secondary processing and manufacturing of lumber and wood products.

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 17, 2019  
Effective Date

  
Edward B. Galbraith, Director, Division of Environmental Quality

September 16, 2024  
Expiration Date

  
Chris Wieberg, Director, Water Protection Program

APPLICABILITY & PERMIT CONDITIONS

1. This Missouri State Operating Permit (permit) authorizes the discharge of stormwater to waters of the State of Missouri from primary lumber and/or wood product operation (establishments primarily engaged in sawing rough lumber and timber from logs and bolts; re-sawing cants and flitches into lumber, including box lumber and softwood cut stock; or planing mills combined with sawmills) and secondary processing and manufacturing of lumber and wood products. This includes, but is not limited to, facilities with the primary Standard Industrial Classification (SIC) Codes or facilities the Missouri Department of Natural Resources (Department) determines are fundamentally similar to facilities that are under the below SIC Codes

<u>SIC Code</u>	<u>Activity</u>
2421	Sawmills and Planing Mills, General
2426	Hardwood Dimension and Flooring Mills
2429	Special Product Sawmills, Not Elsewhere Classified
2431	Millwork
2434	Wood Kitchen Cabinets
2435	Hardwood Veneer and Plywood
2436	Softwood Veneer and Plywood
2439	Structural Wood Members, Not Elsewhere Classified
2441	Nailed and Lock Corner Wood Boxes and Shook
2448	Wood Pallets and Skids
2449	Wood Containers, Not Elsewhere Classified
2451	Mobile Homes
2452	Prefabricated Wood Buildings and Components
2493	Reconstituted Wood Products
2499	Wood Products, Not Elsewhere Classified
2511	Wood Household Furniture, Except Upholstered
2512	Wood Household Furniture, Upholstered
2517	Wood Television, Radio, Phonograph, and Sewing Machine Cabinets
2521	Wood Office Furniture
2541	Wood Office and Store Fixtures, Partitions, Shelving, and Lockers
2861	Gum and Wood Chemicals (Charcoal Only)

**These SIC codes may be applicable on a case-by-case basis, if facility manufactures only wooden products:**

2519	Household Furniture, Not Elsewhere Classified
2531	Public Building and Related Furniture
2591	Drapery Hardware and Window Blinds and Shades
2599	Furniture and Fixtures, Not Elsewhere Classified

- (a) This permit is applicable to primary processing facilities processing up to 50 million board feet (MMBF) or 300,000 tons of raw material per year. Primary processing facilities processing more than 50 MMBF or 300,000 tons of raw material per year must apply for a site-specific permit.
  - (b) Facilities that treat wood (including SIC code 2491) must apply for a MOR22B permit.
  - (c) The MOR22A applies to charcoal manufacturers that manufacture charcoal under SIC code 2861; it does not apply to any other manufacturing under 2861 and does not apply to charcoal facilities that engage in chemical wood treating.
2. This permit is applicable to facilities (associated with the above industries) with industrial materials such as those related to manufacturing, processing, or raw or intermediate materials storage areas, which are exposed to stormwater, and which the Department determines must obtain a permit.
  3. This permit authorizes the discharge of stormwater and certain exempted non-stormwater wastewaters (see Applicability #4) only. No process wastewaters may be discharged under this permit.
  4. The following non-stormwater discharges are authorized to be discharged under this permit:
    - (a) Discharges from fire-fighting activities;
    - (b) Uncontaminated 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;
    - (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 your facility, but not intentional discharges from the cooling tower (e.g., “piped” cooling tower blowdown or drains).
- 5. This permit does not authorize discharges from stockpiles of, or land application sites for, sawdust, ash, or biochar generated from the incineration of wood waste (untreated wood or wood product), or other similar waste materials. Stormwater which has come into contact with these materials is also not authorized for discharge by this permit.
- 6. This permit does not authorize the discharge of process wastewaters, treated or otherwise, including water used in “wet decking,” “mill ponds,” or “log ponds” (as defined in 40 CFR 429.100) that were used for the storage of unprocessed wood; water used in a log washing process; contact and non-contact cooling waters; boiler blowdown; or water used to wash machinery, equipment, buildings, or parking lots.
- 7. 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).
- 8. Discharge to the watersheds of a Metropolitan No-Discharge Stream (10 CSR 20-7.031 Table F) is authorized by this permit, if discharges adhere to 10 CSR 20-7.015(5) and 10 CSR 20-7.031(7).
- 9. 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 (except losing streams) per 10 CSR 20-7.015(7).
- 10. This permit authorizes stormwater discharge in Outstanding State Resource Waters so long as no degradation of water quality occurs in the Outstanding State Resource Water due to discharges from the permitted facility per 10 CSR 20-7.015(6)(B) and 10 CSR 20-7.031(3)(C).
- 11. 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 authorizes only no-discharge facilities [as defined in 10 CSR 20-6.015(1)(B)7.] to operate.
  - (b) 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.
- 12. 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.
- 13. 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)].
- 14. 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.
- 15. 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.
- 16. The discharge shall not contain floating solids or visible foam in other than trace amounts.

17. 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).\
  - (b) Waivers from Electronic Reporting.
    - 1) The permittee must electronically submit data and reports unless a waiver is granted by the Department in compliance with 40 CFR Part 127.
    - 2) The Department will either approve or deny this electronic reporting waiver request within 120 calendar days of receipt.
    - 3) Only permittees with an approved waiver request may submit data and reports on paper to the Department for the period the approved electronic reporting waiver is effective.
18. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (Section 644.055, RSMo). The fees can be found at 10 CSR 20-6.011.
19. Compliance with all requirements in this permit does not supersede nor remove liability for compliance with county and other local ordinances.
20. 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.
21. The permittee shall furnish to the Department upon request copies of records required to be kept according to the terms and conditions of this permit.
22. 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 discharge. This notification applies to pollutants subject to the benchmarks 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.
23. 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.

Alternatively, 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 with permit records and be available on demand to the Department.
24. This permit authorizes the operation of oil water separators solely for the treatment of stormwater which are appropriately operated and sized per manufacturer's or engineering specifications. Oil water separators used to treat wastewater other than stormwater (drips, spills, shop floor drains, pavement washing, etc.) must be authorized under permit MO-G14 for oil water separator discharges or a site-specific permit authorizing all industrial activities at the site. The facility must maintain oil water separator sludge removal records and provide to the Department if requested. Sludge is considered used oil and must be disposed of accordingly.
25. 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.

26. 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); or
    - 4) The level established by the Director in accordance with §122.44(f).

#### EXEMPTIONS AND EXCLUSIONS

1. Facilities discharging all effluent, including 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 that is 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 are used in material handling; and
  - (c) All industrial materials consist of final products other than products that would be mobilized by stormwater [10 CSR 20-6.200(1)(B)16].
3. Facilities which meet all of the following conditions are exempt from stormwater permit requirements:
  - (a) Recycle, reuse, or otherwise dispose of produced sawdust, scrap lumber, and other waste materials as soon as practicable;
  - (b) Have a sawdust pile with a footprint area of less than 0.25 acres (10,890 square feet);
  - (c) Have no other industrial processes or intermediate products exposed to stormwater (meeting the requirements of “no-exposure”); and
  - (d) Do not manufacture or process charcoal.
4. Facilities with a primary SIC code of 2411 which only cut timber in the woods are not required to obtain a stormwater permit. The activity of cutting timber in the woods is not covered under stormwater regulations found in 10 CSR 20-6.200. Exemption from permitting does not exempt a facility from state water quality standards found in 10 CSR 20-7.031, both numeric and narrative [10 CSR 20-7.031(4)], and the criteria for protection of beneficial uses [10 CSR 20-7.031(5)]. Sawdust or other industrial products entrained in or blown into stormwater which may cause general criteria excursions in the receiving stream shall not be discharged. The Department may require a permit as a result of illegal discharges or other compliance issues, or evidence of off-site impacts from activities at the facility.

#### STORMWATER REQUIREMENTS

1. The permittee is not required to sample stormwater under this permit. The Department may require sampling and reporting as a result of illegal discharges, compliance issues related to water quality concerns or BMP effectiveness, 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.

If samples are collected, they are to be compared to the benchmarks listed in Table A, which are to assist in the evaluation of BMPs. The BMPs at the facility should be designed 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).

**TABLE A**

<b>Parameter</b>	<b>Benchmark</b>
<b>All Facilities</b>	
Chemical Oxygen Demand (COD)	120 mg/L
pH	6.5-9.0 Standard Units
Total Suspended Solids	100 mg/L
<b>SIC Codes 2421, 2426, 2429, and 2431 (in addition to the benchmarks above)</b>	
Oil and Grease	10 mg/L
Zinc, Total Recoverable	177 µg/L

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. 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. 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 may include multiple CARs) and must show a benchmark value 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. A new technology-based benchmark may be determined for the site based on the information demonstrated to the Department. Benchmark 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. If a sample of stormwater is collected:
  - (a) The laboratory results of all samples from a discharge collected and analyzed must be retained on site with monitoring records and made available to the Department upon request.
  - (b) Precipitation events include rainfall as well as run-off from the melting of frozen precipitation.
  - (c) 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.
  - (d) 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.
  - (e) 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).

4. This permit requires the development and implementation of a Stormwater Pollution Prevention Plan (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 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).
5. 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.
6. 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.
7. 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 stormwater outfalls and structural BMPs. This map shall be updated as needed to reflect current BMPs in use. Outfalls do not need to be marked in the field. The map does not need to be printed on paper. Electronic or other accessible maps will be considered adequate for compliance with this condition.
  - (d) 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. 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.
  - (e) A provision for designating an individual to be responsible for environmental matters.
  - (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/effluent limitations established in this permit.
8. 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, prevent pollution to 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.
  - (e) Provide good housekeeping practices on-site to keep solid waste from entering waters of the state. For example, direct stormwater away from areas where storage, loading and unloading, and material handling occur; perform good housekeeping to prevent the discharge of wood debris and sawdust; and minimize the generation of dust.
  - (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.
9. Owners/Operators may spread sawdust generated on-site onto timberlands, crop lands, or land reclamation projects without those application sites requiring stormwater permitting (although the industrial facility where the sawdust was generated still requires a permit, if applicable) when the following conditions are met:
- (a) For timberlands and croplands, a productive agricultural justification must be retained with the permit records. The justifications could include, but are not limited to, soil amendments, soil bulking, drainage, or other improvements. If there is no productive agricultural justification, the permittee must obtain a Beneficial Use authorization from the Department's Waste Management Program. For all land reclamation project applications, the permittee must obtain a Beneficial Use authorization from the Waste Management Program.
  - (b) The application rate for timberland shall not exceed a 1-inch depth for a one-time application (approximately 135 cubic yards per acre). For purposes of this exemption, a one-time application is considered to be once in the five (5) year life span of this permit.
  - (c) The rate for tilled cropland shall not exceed a 2-inch depth for a one-time application (once per five years) and the sawdust shall be incorporated at the time of application to prevent sawdust from entering waters of the state. Supplemental nitrogen should be applied as needed to provide proper soil nitrogen availability for growing vegetation.
  - (d) Application of sawdust shall not result in the entry of sawdust into waters of the state during or after application;
  - (e) The sawdust may be wetted to ensure fugitive dust is not created from application activities; however, there shall be no runoff associated with wetting. Wetting shall only occur to the extent necessary to prevent fugitive dust.
  - (f) The perimeter of the application areas shall be inspected at least once during and at least once after application during the first rainfall event after application to ensure sawdust is not leaving the property or entering waters of the state. The facility shall retain records of these inspections which shall be made available to the Department upon request.
  - (g) Application of sawdust shall not occur within:
    - (1) 50 feet of the property line or public road;
    - (2) 50 feet of a classified stream; or
    - (3) 150 feet of a public building or public use area.
10. The Department may consider other options for the spreading of sawdust, wood ash, or biochar on a case-by-case basis for agriculture, silviculture, or land reclamation projects. To be considered, a report must be submitted to the Department that includes the recommendations of the University of Missouri Extension Service or of a qualified professional agronomist, to ensure that proper soil testing and fertilization is conducted to maintain optimum growth of vegetation. The report must also describe the project, the size of the area, and the soil test procedures. A Beneficial Use authorization may be required from the Department's Waste Management Program for some options.

#### STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Standard Conditions Part I dated August 1, 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-R22A for Primary Lumber and Wood Products

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 CFR 124.8, 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 a permit.

This Fact Sheet is for a:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Major                                  |
| <input type="checkbox"/>            | Minor                                  |
| <input type="checkbox"/>            | Industrial Facility                    |
| <input type="checkbox"/>            | Variance                               |
| <input checked="" type="checkbox"/> | Master General Permit                  |
| <input type="checkbox"/>            | Permit with widespread public interest |

### **Part I – Facility Information**

Facility Type: Industrial  
Facility SIC Code(s): SIC Codes 2421-2452, 2493, 2499, 2511, 2512, 2517, 2521, 2541, and 2861. SIC codes 2519, 2531, 2591 and 2599 are authorized for producers of wood furniture and products only.  
Facility Description: Stormwater discharges from primary lumber and/or wood product operation (establishments engaged in sawing rough lumber and timber from logs and bolts), and facilities engaged in the secondary processing and manufacturing of lumber and wood products.

This permit establishes a SWPPP requirement for all facilities covered under this permit. 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.

#### **CLARIFICATION:**

This permit combines the MOR22A general permit for primary wood producers with the MOR22C general permit for secondary wood products. It is believed by the Department these two groups of wood product manufacturers can be comprehensively covered by one permit.

SIC codes 2531, 2591, and 2599 are authorized by this permit only if they are producing wood products. 2514, 2515, 2519, 2522, and 2542 are excluded from this permit, as they cover non-wood products which have different manufacturing processes and pollutants of concern than those covered by this permit.

This permit contains a new condition that explicitly does not authorize the discharge of process wastewaters, treated or otherwise, including water used in “wet decking,” “mill ponds,” or “log ponds” (as defined in 40 CFR 429.100) that were used for the storage of unprocessed wood; water used in a log washing process; contact and non-contact cooling waters; boiler blowdown; or water used to wash machinery, equipment, buildings, or parking lots. These are clearly defined as wastewaters under the wood products ELG at 40 CFR 429, Subpart I-Wet Storage Subcategory. As this is a stormwater permit, these wastewater discharges are not covered.

Changes to this permit include:

- Combined MOR22A with MOR22C to cover all under MOR22A.
- Updated language throughout the permit to current permit language used by the Department.
- Updated setbacks to current stormwater setbacks used by the Department.
- Authorizes certain non-stormwater discharges.
- Added language for petroleum secondary containment.

- Added CAR and map language to SWPPP requirements.
- Added industry specific BMPs related to minimizing the discharge of wood debris, etc.
- Clarified language related to land application of sawdust to be inclusive of requirements to avoid violations of Missouri Solid Waste Management regulations related to land disposal and beneficial use. Added a 50-ft setback for application from the property line or public road, and a 150-ft setback from public buildings or public use areas per permit writer's BPJ, and to be in line with land application requirements in other permits.
- Removing the SIC code 2411 for logging. Stormwater permits for these operations are not required.

## **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. 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)] (no-discharge facilities only in ONRW, authorized in OSRW if no degradation.)
- 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 permit applies to receiving streams of varying low flow conditions. Therefore, the effluent limitations must be based on the smallest low flow streams considered, which includes waters without designated uses. 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.
  - The previous permit had conditions outside the scope of NPDES permitting. These conditions were removed. The conditions were as follows:
    - All fueling facilities present on-site shall adhere to applicable federal and state regulations, including spill prevention, control, and countermeasures concerning underground storage, above ground storage, and dispensers.
    - There shall be no open burning of containers, cartons, and other trade wastes on-site. Open burning is allowed for untreated wood trade waste per 10 CSR 10-6.045(3)(A), with additional regulations in (3)(C)-(E).
  - Language in the previous permit prohibited stormwater discharges within 100 feet of a Class C stream, Class P stream, Class W or mitigated wetland, and a Class L2 reservoir. The permit also did not authorize discharges 1,000 feet upstream from areas identified as critical habitat for endangered species, within 2 miles of a biocriteria reference locations, or within 1,000 feet upstream of OSRW. 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 permit writer has determined these setbacks have no regulatory basis. After assessment of the possible discharges, the permit writer has determined these setbacks are not necessary to protect water quality in the receiving streams. The BMPs required in this permit are protective of the receiving streams without additional setbacks. Additionally, the discharge is stormwater only, and is not believed to contain any toxics of concern.
  - The benchmark for zinc was raised slightly from 176.7 to 177 ug/L. It is the best professional judgment this change is minor. The change was made for clarity in permitting. The 3/10<sup>th</sup> of a ug/L is not necessary to evaluate the technology of this facility. 176.7 ug/L is effectively the same as 177 ug/L.
- ✓ Information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) which would have justified the application of a less stringent effluent limitation.
  - The MOR22C previously allowed for an exemption for facilities with a sawdust pile of 5,000 square feet and no other industrial exposure. This permit increases the size to 10,890 square feet to be in line with the size already authorized in the MOR22A permit. This size is still believed to be protective of the receiving stream.

**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. 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 are a value the facility shall compare to any samples collected, 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.

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 429) but are not authorized to discharge wastewater to waters of the state; stormwater discharges are not addressed by the ELG.

#### **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. Additionally, BMPs required by this permit ensure organic products will be kept out of the receiving stream, meaning no reasonable potential for putrescent bottom deposits to form.
  - 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 organic products 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. Available data from the industry does not indicate high discharges of oil in effluent.
  - For all outfalls, there is RP for scum and floating debris in sufficient amounts to be unsightly preventing full maintenance of beneficial uses due to sawdust being stored exposed to stormwater at this sites. Stormwater Requirement #10 and 11 and BMPs required by this permit are in place to ensure no discharges of these materials to waters of the state.
- (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.
- The permit writer considered specific toxic pollutants when writing this permit. No reasonable potential was found for substances or conditions 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.
- Much like the condition above, the permit writer considered specific toxic pollutants when writing this permit, including those pollutants which could cause human health hazards. No reasonable potential was found for substances or conditions in sufficient amounts to result in a significant hazard to human health from incidental contact with the water.
- (F) There shall be no acute toxicity to livestock or wildlife watering.
- It is the permit writer's opinion this criterion is the same as (D).
- (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 because nothing was found in the permit writer's research of the industry indicating physical changes would be caused by the stormwater discharges from this industry 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 be caused by the stormwater discharges from this industry which would impair the natural biological community.
  - It has been established any chemical were considered by the permit writer, and no RP was found.
- (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 is RP for sawdust and floating solids to be discharged by this industry. Stormwater requirements and BMPs required by this permit are in place to ensure no discharges of these materials to waters of the state.

**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:**

The need for an individual public notification process shall be determined and identified in the permit [10 CSR 20-6.020(1)(C)5].

- ✓ Not Applicable: Public Notice is not required for issuance of coverage under this permit to individual facilities for the first time.

**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).
- ✓ 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 demonstrates reasonable potential for excursions from the general or narrative water quality criteria. Conditions and BMPs in the permit ensure compliance with the general criteria.

**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 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.
- Land application is not authorized within 50 feet of the property line or public road, or 150 feet of a public building or public use area. These setbacks are added per the best professional judgment of the permit writer to prevent discharge of sawdust waste onto public use areas. These are typical in land application permits.

**SLUDGE – DOMESTIC BIOSOLIDS:**

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

- ✓ Not applicable: this condition is not applicable for this facility. Discharge or land application of domestic waste sludge or biosolids is not authorized by this 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. Sludge must be removed by contract hauler, incinerated, stored in the lagoon, etc.

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

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 paragraphs outline 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 the 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 or effluent limitations 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 effluent limit, 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 continued more frequently if BMPs continue to fail. If failures do occur, continue this trial and error process until appropriate BMPs have been established.

The EPA has 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. Approval of site-specific BMPs may lead to the facility requiring a site-specific permit.

- ✓ 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, so 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, facilities 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 effluent benchmarks for this general permit which are consistent with national standards. EPA applies the requirements in Sectors A1 and A3 to stormwater discharges associated with industrial activity from the industries covered by this permit. The permit writer determined the standards established by the MSGP are achievable and consistent with federal regulations.

### **Benchmarks**

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

Any flow through the outfall is considered a discharge and must be sampled and reported as provided below. Future permit action due to facility modification may contain new operating permit terms and conditions which supersede the terms and conditions, including effluent limitations, of this operating permit.

**BENCHMARK TABLE A:**

<b>Parameter</b>	<b>Benchmark</b>	<b>Previous Permit</b>
<b>All Facilities</b>		
Chemical Oxygen Demand (COD)	120 mg/L	Same
pH	6.5-9.0 Standard Units	Same
Total Suspended Solids	100 mg/L	Same
<b>SIC Codes 2411, 2421, 2426, 2429, and 2431 (in addition to the benchmarks above)</b>		
Oil and Grease	10 mg/L	Same
Zinc, Total Recoverable	177 µg/L	176.7

### **DERIVATION AND DISCUSSION OF LIMITS:**

#### **Chemical Oxygen Demand (COD)**

120 mg/L daily maximum benchmark, continued from the previous permit. This parameter applies to all facilities, and was found in both the MOR22A and MOR22C. There is no numeric water quality standard for COD; however, increased oxygen demand may impact instream water quality. COD is also a valuable indicator parameter. COD monitoring allows the permittee to identify increases in COD that may indicate materials/chemicals coming into contact with stormwater causing an increase in oxygen demand. Increases in COD may indicate a need for maintenance or improvement of BMPs. The benchmark value falls within the range of values implemented in other permits having similar industrial activities and is achievable through proper BMP controls.

#### **Oil & Grease – SIC Codes 2411, 2421, 2426, 2429, and 2431 Only**

Monitoring with a daily maximum benchmark of 10 mg/L, continued from the previous permit. Oil and grease is considered a conventional pollutant and is a pollutant of concern at most stormwater facilities, especially those that have heavy equipment or shipping and receiving. Oil and grease is a comprehensive 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.” 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. 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 – instantaneous grab sample, continued from the previous permit. This parameter applies to all facilities and was found in both the MOR22A and MOR22C. pH is a typical water quality indicator parameter. 6.5-9.0 SU is considered typical and achievable, and is found in most industrial stormwater permits across multiple industries.

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

Daily maximum benchmark of 100 mg/L, continued from the previous permit. This parameter applies to all facilities and was found in both the MOR22A and MOR22C. 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 in stormwater. 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; therefore, 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.

### **Zinc, Total Recoverable – SIC Codes 2411, 2421, 2426, 2429, and 2431 Only**

Benchmark of 177 µg/L. The previous permit required a benchmark of 176.7 µg/L. The permit writer believes the change of 0.4 µg/L is not significant to the benchmark, and rounded it for clarity. Zinc is a pollutant of concern due to the use of sawmills. This parameter is also found in the federal MSGP as a benchmark for this industrial group.

## **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; 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 06/18/2019 to 07/18/2019. Comments were received by the Department which led to changes being made in the draft permit. The following are the comments and the Department’s responses.

*Comment #1: Special Condition 3(d) on page 5 exempts "Facilities with primary SIC code of 2411 which cut timber in the woods and have no industrial location where sawmilling or other processing of lumber product occurs are not required to obtain a stormwater permit." This statement is potentially misplaced and is internally inconsistent. I am not sure it is necessary to include this sentence in the permit. This permit only covers primary and secondary sawmilling and milling of wood products. Cutting timber in the woods is not contemplated under this permit. The sentence is inconsistent in that it says facilities which cuts timber in the woods and have no industrial location where sawmilling occurs are exempt. This implies that the activity of cutting timber in the woods for facilities that do have a separate industrial location are covered by this permit, including the activity of cutting timber in the woods. We recommend deleting this sentence or providing clarification.*

Response: The permit has been modified to say the following: "4. Facilities with a primary SIC code of 2411 which only cut timber in the woods are not required to obtain a stormwater permit. The activity of cutting timber in the woods is not covered under stormwater regulations found in 10 CSR 20-6.200."

*Comment #2: "Special Condition 2 on page 6 is copied below. We appreciate improvements in the wording of this paragraph concerning demonstrations where benchmarks are no longer feasible. I had previously commented that I do not believe there is regulatory mechanism to modify a permit's benchmarks without going through the permit modification process. This permit allows the department to establish new technology-based benchmarks without revising the permit. Where is this supported in the regulations? Secondly, the paragraph seems a bit disjointed in that the concepts of submitting Corrective Action Reports and demonstrations that benchmarks are no longer feasible could be restated in a more logical sequence. I have edited the paragraph below to move a sentence in a location where I think the paragraph would flow better. I deleted the requirement that the department would not approve an infeasibility finding if the facility had not submitted multiple corrective action reports. If additional improvements are infeasible, it does not matter how many previous corrective action reports have been submitted.*

*'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. 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. However, ~~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 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. A new technology-based benchmark may be determined for the site based on the information demonstrated to the Department. ~~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.~~ 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.'*

Response: The Department has reworded the section as follows:

"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. 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. 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 may include multiple CARs) and must show a benchmark value 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. A new technology-based benchmark may be determined for the site based on the information demonstrated to the Department. Benchmark 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.”

In reference to the question about regulatory support for establishing new technology based benchmarks without revising the permit, the Department believes explicit regulatory mechanisms are not necessary for this action. The Department believes it is within their enforcement purview to establish alternative benchmarks for certain facilities provided there is technical merit to an argument the benchmarks are infeasible. The alternative is to require all facilities which cannot meet the general permit’s benchmarks to get a site specific permit, where site specific benchmarks would be established.

*Comment #3: Regarding stormwater requirement ¶1 on page 5, it says the department may require sampling and reporting as a result of "compliance issues" and "complaint investigations."*

*A citizen complaint, that are often baseless, should not be a reason for the department to require sampling. Compliance issues may be unrelated to water quality concerns. We suggest the sentence be revised as follows:*

*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.*

Response: The Department has edited the statement as follows: “The Department may require sampling and reporting as a result of illegal discharges, compliance issues related to water quality concerns or BMP effectiveness, or evidence of off-site impacts from activities at the facility.”

*Comment #4: In paragraph 11 on page 3, the permit only authorizes "no-discharge facilities" in Outstanding National Resource Waters including Ozark National Riverways and National Wild and Scenic River Systems. This permit authorizes stormwater discharges. I assume this prohibition only applies to process wastewater. For this reason, we suggest subparagraph 11(a) be clarified to allow discharges of stormwater.*

Response: 10 CSR 20-7.015(6)(A)3. states the following: “Industrial, agricultural, and other non-domestic contaminant sources, point sources, or wastewater treatment facilities which are not included under subparagraph (6)(A)2.B. [domestic waste sources] of this rule shall not be allowed to discharge.” Additionally, 10 CSR 20-7.031(8) prohibits all new releases to outstanding national resource waters “from any source”. As this general permit may apply to industrial facilities, new and existing, with point sources of industrial stormwater all over the state, it was necessary to include protections for these special receiving streams. The condition is correct as written. No changes were made to the permit in response to this comment.

**DATE OF FACT SHEET:** 06/12/2019

**COMPLETED BY:**

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