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, hereinafter, the Law):

Permit No.	MO-0004766
Owner:	Chamois LLC
Address:	1515 Des Peres Rd.; Suite 300, St. Louis, MO 63131
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Chamois Power Plant (closed)
Facility Address:	9321 Highway 100, Chamois, MO 65024
Legal Description:	Sec. 01, T45N, R08W, Osage County
UTM Coordinates:	See page 2
Receiving Stream:	groundwater
First Classified Stream and ID:	Missouri River (P) WBID# 0701
USGS Basin & Sub-watershed No.:	Deer Creek – Missouri River (10300102-1306)

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

FACILITY DESCRIPTION

Groundwater monitoring at closed ash pond. This is a state-only permit. See page 2.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law; it does not apply to other regulated areas.

September 1, 2021
Effective Date

Edward B. Galbraith, Director, Division of Environmental Quality

August 31, 2026
Expiration Date

Chris Wieberg, Director, Water Protection Program

FACILITY DESCRIPTION (CONTINUED)

OUTFALLS #001 THROUGH #005 were removed during this renewal; there is no longer a power plant at this site.

W01
Identified as MW-01T, found on south border of former coal pile near the truck scales
UTM Coordinates: X = 608166, Y = 4282248

W02
Identified as MW-02, found on south border of Pond #5; near outfall #002
UTM Coordinates: X = 608006, Y = 4282213

W03
Identified as MW-03T, found on south west border of Pond #4. Removal in progress.
UTM Coordinates: X = 607914, Y = 4282260

W04
Identified as MW-04, found on northeast border of Pond #4. Replaced with MW-04A
UTM Coordinates: X = 607913, Y = 4282351

W4A
Identified as MW-04A, currently installed found on northeast border of Pond #4.
Approximate UTM coordinates: X = 607883, Y = 4282333

W5A
Identified as MW-05, found midpoint of Missouri River retaining wall. Original MW-05 was removed, CCR remediated, then replaced in about the same location. New well is identified as MW-05A.
UTM Coordinates: X = 607994, Y = 4282401

W06
Identified as MW-06T, removed and replaced with MW-06A.
UTM Coordinates: X = 608059, Y = 4282463

W6A
Identified as MW-06A, replaced MW-06T; found on northeast edge of Missouri River retaining wall.
Approximate UTM coordinates: X = 608065, Y = 4282494

W07
Identified as MW-07, found on south of power block in gravel covered area. This well was damaged during demolition; the Department is not requiring this well to be replaced. No monitoring requirements for this well.
UTM Coordinates: X = 608190, Y = 4282432

W08
Identified as MW-08T, found east of center of former East Ash Pond.
UTM Coordinates: X = 608292, Y = 4282552

W09
Identified as MW-09, found north of power block
UTM Coordinates: X = 608188, Y = 4282548

W10
Identified as MW-10, adjacent to East Well, west of former East Ash Pond
UTM Coordinates: X = 608249, Y = 4282595

W11
Identified as MW-11, found north of former East Ash Pond
UTM Coordinates: X = 608298, Y = 4282635

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

W01, W02, W03, W4A, W5A, W6A, W08, W09, W10, W11	**TABLE A-1** **INTERIM GROUNDWATER LIMITATIONS AND MONITORING REQUIREMENTS**			
The monitoring wells shall be monitored by the permittee as specified below. The interim monitoring limitations shall become effective on **September 1, 2021** and remain in effect for **August 31, 2031**.				
EFFLUENT PARAMETERS	UNITS	INTERIM LIMITATIONS	MONITORING REQUIREMENTS	
		REQUIREMENT	FREQUENCY	SAMPLE TYPE
PHYSICAL				
Depth to Water	feet	*	twice/year φ	measured
Purge Volume	gallons	*	twice/year φ	measured
pH †	SU	*	twice/year φ	grab
Turbidity †	NTU	*	twice/year φ	grab
METALS				
Arsenic, Total Recoverable	µg/L	*	twice/year φ	grab
Boron, Total Recoverable	µg/L	*	twice/year φ	grab
Lithium, Total Recoverable	µg/L	*	twice/year φ	grab
Manganese, Total Recoverable	µg/L	*	twice/year φ	grab
Molybdenum, Total Recoverable	µg/L	*	twice/year φ	grab
Selenium, Total Recoverable	µg/L	*	twice/year φ	grab
OTHER				
Calcium	mg/L	*	twice/year φ	grab
Sulfate	mg/L	*	twice/year φ	grab
MONITORING REPORTS SHALL BE SUBMITTED TWICE ANNUALLY; THE FIRST REPORT IS DUE JANUARY 28, 2022.				

W01, W02, W03, W4A, W5A, W6A, W08, W09, W10, W11	**TABLE A-2** **FINAL GROUNDWATER LIMITATIONS AND MONITORING REQUIREMENTS**			
The monitoring wells shall be monitored by the permittee as specified below. The final monitoring limitations shall become effective on **August 31, 2031** and remain in effect until the next permit action.				
EFFLUENT PARAMETERS	UNITS	FINAL LIMITATIONS	MONITORING REQUIREMENTS	
		REQUIREMENT	FREQUENCY	SAMPLE TYPE
PHYSICAL				
Depth to Water	feet	*	twice/year φ	measured
Purge Volume	gallons	*	twice/year φ	measured
pH †	SU	*	twice/year φ	grab
Turbidity †	NTU	*	twice/year φ	grab
METALS				
Arsenic, Total Recoverable	µg/L	50	twice/year φ	grab
Boron, Total Recoverable	µg/L	2000	twice/year φ	grab
Lithium, Total Recoverable	µg/L	*	twice/year φ	grab
Manganese, Total Recoverable	µg/L	50	twice/year φ	grab
Molybdenum, Total Recoverable	µg/L	*	twice/year φ	grab
Selenium, Total Recoverable	µg/L	50	twice/year φ	grab
OTHER				
Calcium	mg/L	*	twice/year φ	grab
Sulfate	mg/L	250	twice/year φ	grab
MONITORING REPORTS SHALL BE SUBMITTED TWICE ANNUALLY; THE FIRST REPORT IS DUE JANUARY 28, 2032.				

* Monitoring and reporting requirement only
† The facility will report the last measurement gathered just prior to sample collection

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

φ Twice yearly sampling schedule:

MINIMUM BI-ANNUAL SAMPLING REQUIREMENTS			
	MONTHS	SAMPLING REQUIREMENT	REPORT IS DUE
First Half of Year	January, February, March, April, May, June	Sample at least once during any month of the half year	July 28th
Second Half of Year	July, August, September, October, November, December	Sample at least once during any month of the half year	January 28th

B. SCHEDULE OF COMPLIANCE

Schedules of compliance are allowed per 40 CFR 122.47 and 10 CSR 20-7.031(11). The facility shall attain compliance with final effluent limitations established in this permit as soon as reasonably achievable:

1. Within six months of the effective date of this permit, the facility shall report progress made in attaining compliance with the final effluent limits.

2. The facility shall submit interim progress reports detailing progress made in attaining compliance with the final effluent limits every 12 months from effective date. The first report is due September 1, 2022.

3. Within 10 years of the effective date of this permit, the facility shall attain compliance with the final effluent limits within all wells, for arsenic, boron, manganese, selenium, and sulfate.

C. STANDARD CONDITIONS

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

D. SPECIAL CONDITIONS

1. Site-wide minimum Best Management Practices (BMPs). At a minimum, the facility shall adhere to the following:
   (a) Well purge water may be applied to the cap of the waste mass.
   (b) The facility must continue to ensure vegetation is appropriately established for this site.
   (c) Provide collection facilities and arrange for proper disposal of other waste products including but not limited to contaminated purge water, petroleum waste products, and solvents.
   (d) Store all paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) so these materials 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/or management sufficient to prevent any spills of these pollutants from entering waters of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater. Spill records should be retained on-site.
   (e) Provide good housekeeping practices on the site to keep trash from entry into waters of the state.
   (f) Provide sediment and erosion control sufficient to prevent or control sediment loss off of the property.

2. 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 for permit shield, and the CWA §402(k) for toxic substances. 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 CWA §§301(b)(2)(C) and (D), §304(b)(2), and §307(a)(2), 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 already limited in the permit. This permit may be modified, revoked and reissued, or terminated for cause, including determination new pollutants found in the discharge not identified in the application for the new or revised permit. The filing of a request by the facility for a permit modification, termination, notice of planned changes, or anticipated non-compliance does not stay any permit condition.

3. All wells must be clearly marked in the field.

D. SPECIAL CONDITIONS (CONTINUED)

4. This permit does not apply to fertilizer products receiving a current exemption under the Missouri Clean Water Law and regulations in 10 CSR 20-6.015(3)(B)8, and are land applied in accordance with the exemption.

5. Reporting of Non-Detects.
   (a) Compliance analysis conducted by the facility or any contracted laboratory shall be conducted in such a way the precision and accuracy of the analyzed result can be enumerated. See sufficiently sensitive test method requirements in Standard Conditions Part I, §A, No. 4 regarding proper testing and detection limits used for sample analysis. For the purposes of this permit, the definitions in 40 CFR 136 apply; method detection limit (MDL) and laboratory established reporting limit (RL) are used interchangeably in this permit.
   (b) The facility shall not report a sample result as "non-detect" without also reporting the MDL. Reporting "non-detect" without also including the MDL will be considered failure to report, which is a violation of this permit.
   (c) For the daily maximum, the facility shall report the highest value; if the highest value was a non-detect, use the less than "<" symbol and the laboratory's highest method detection limit (MDL) or the highest reporting limit (RL); whichever is higher (e.g. <6).
   (d) When calculating monthly averages, zero shall be used in place of any value(s) not detected. Where all data used in the average are below the MDL or RL, the highest MDL or RL shall be reported as "<#" for the average as indicated in item (c).

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

7. This permit does not cover land disturbance activities.

8. This permit does not authorize in-stream treatment, the placement of fill materials in flood plains, placement of solid materials into any waterway, the obstruction of stream flow, or changing the channel of a defined drainage course. The facility must determine if a CWA §404 Department of Army permit or §401 water quality certification is required for the project.

9. All records required by this permit may be maintained electronically per 432.255 RSMo. These records should be maintained in a searchable format.

10. Any discharges (or qualified activities such as land application) not expressly authorized in this permit, and not clearly disclosed in the permit application, cannot become authorized or shielded from liability under CWA section 402(k) or Section 644.051.16, RSMo, by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including any other permit applications, funding applications, the SWPPP, discharge monitoring reporting, or during an inspection. Submit a permit modification application, as well as an antidegradation determination, if appropriate, to request authorization of new or expanded discharges.

11. Renewal Application Requirements.
    (a) This facility shall submit an appropriate and complete application to the Department no less than 180 days prior to the expiration date listed on page 1 of the permit.
    (b) Application materials shall include complete Form A, and Form C. If the form names have changed, then the facility should ensure they are submitting the correct forms as required by regulation.
    (c) The facility may use the electronic submission system to submit the application to the Program, if available.
    (d) The facility must submit a table of all data collected over the last permit term.

E. NOTICE OF RIGHT TO APPEAL

If you were adversely affected by this decision, you may be entitled to pursue an appeal before the administrative hearing commission (AHC) pursuant to 621.250 and 644.051.6 RSMo. To appeal, you must file a petition with the AHC within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Any appeal should be directed to:

Administrative Hearing Commission
U.S. Post Office Building, Third Floor
131 West High Street, P.O. Box 1557
Jefferson City, MO 65102-1557
Phone: 573-751-2422 Fax: 573-751-5018
Website: https://ahc.mo.gov

MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL OF
MO-0004766
CHAMOIS POWER PLANT (CLOSED)

The Federal Water Pollution Control Act (Clean Water Act (CWA) §402 Public Law 92-500 as amended) established the National Pollutant 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 (§301 of the Clean Water Act). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (MSOPs) are issued by the Director of the Missouri Department of Natural Resources (Department) under an approved program, operating in accordance with federal and state laws (Federal Clean Water Act and Missouri Clean Water Law 644 RSMo as amended). MSOPs may also cover underground injection, non-discharging facilities, and land application facilities. Permits are issued for a period of five (5) years unless otherwise specified for less.

As per [40 CFR Part 124.8(a)] and [10 CSR 20-6.020(1)(A)2.] a factsheet shall be prepared to give pertinent information regarding applicable regulations, rationale for the development of limitations and conditions, and the public participation process for the Missouri State Operating Permit (MSOP or permit) listed below. A factsheet is not an enforceable part of a permit.

PART I. FACILITY INFORMATION

Facility Type:	Industrial, groundwater <1 MGD
SIC Code(s):	4911
NAICS Code(s):	221112
Application Date:	01/27/2020; AP# 34344
Expiration Date:	06/30/2020

FACILITY DESCRIPTION:
Historic power plant, power plant has been torn down. This permit is for groundwater monitoring of ash left in place from the historic burning of coal. See facility description for list of wells at the site.

FACILITY MAP:

FACILITY PERFORMANCE HISTORY & COMMENTS:
The electronic discharge monitoring reports were reviewed for the groundwater monitoring information as well as other documentation submitted during the last permit term.

The facility asked to have MW-7 removed from permitting requirements. The Department understands Mr. Dunn's position on MW-7 and will not continue to request a replacement well, but the MGS maintains our recommendation for a well in that location because it will provide beneficial data for constituent migration between the two CCR cells in the hydrologically dynamic alluvial setting of the Missouri River. The Department disagrees with removing MW-2, MW-3, MW-9, and MW-11, as these wells will provide sufficient monitoring data. These wells consistently (50% of samples or greater) and have exceedances of the following constituents: MW-2: boron and calcium; MW-3: boron, calcium, molybdenum; MW-9: boron, calcium, manganese; MW-11: arsenic, calcium, manganese. The difference in isotopic signature between naturally occurring boron and boron derived from anthropogenic sources is often used to delineate contaminant migration, therefore the MGS recommends MW-2, MW-3, and MW-9 remain within the groundwater monitoring network. Similarly, the MGS recommends MW-11 to remain within the groundwater monitoring network due to the concentrations of arsenic.

Additionally, the MRBCA Default Target Level for molybdenum is consistently exceeded at MW-3 and MW-5, and for selenium at MW-2. The Region 4 Surface Water Screening Level for calcium is consistently exceeded at MW-2, MW-3, MW-5, MW-6, MW-9, MW-10 and MW-11. Due to their consistent exceedance in the groundwater monitoring network, the Department recommends the constituents molybdenum, selenium, and calcium remain in the permit.

The facility asked for twice annual sampling, with once annual reporting. This is not available in the system, and the system will incorrectly indicate there are violations when there is not one.

CONTINUING AUTHORITY:
The Missouri Secretary of State continuing authority charter number for this facility is LC001530722; this number was verified by the permit writer to be associated with the facility on 1/16/2020 and precisely matches the continuing authority reported by the facility.

OTHER ENVIRONMENTAL PERMITS:
In accordance with 40 CFR 122.21(f)(6), the Department evaluated other environmental permits currently held by this facility; this facility holds no other permits.

PART II. RECEIVING WATERBODY INFORMATION

RECEIVING WATERBODY TABLE:

WATERBODY NAME	CLASS	WBID	DESIGNATED USES	DISTANCE TO SEGMENT
groundwater	n/a	n/a	GRW	0.0 mi

Classes are representations of hydrologic flow volume or lake basin size as defined in 10 CSR 20-7.031(1)(F). L1: Lakes with drinking water supply - wastewater discharges are not permitted to occur to L1 watersheds per 10 CSR 20-7.015(3)(C); L2: major reservoirs; L3: all other public and private lakes; P: permanent streams; C: streams which may cease flow in dry periods but maintain pools supporting aquatic life; E: streams which do not maintain surface flow; and W: wetlands. Losing streams are defined in 10 CSR 20-7.031(1)(O) and are designated on the losing stream dataset or determined by the Department to lose 30% or more of flow to the subsurface.

WBID: Waterbody Identification Number: Missouri Use Designation Dataset per 10 CSR 20-7.031(1)(Q) and (S) as 100K Extant-Remaining Streams or newer; data can be found as an ArcGIS shapefile on MSDIS at ftp://msdis.missouri.edu/pub/Inland_Water_Resources/MO_2014_WQS_Stream_Classifications_and_Use_shp.zip; New C streams described on the dataset per 10 CSR 20-7.031(2)(A)3 as 100K Extent Remaining Streams.

HUC: Hydrologic Unit Code; https://dnr.mo.gov/env/wpp/watersheds.htm has additional information about the watersheds in Missouri

Designated Uses:
10 CSR 20-7.031(1)(C)1: **ALP** – Aquatic Life Protection (formerly AQL); current uses are defined to ensure the protection and propagation of fish shellfish and wildlife, further subcategorized as: WWH – Warm Water Habitat; CLH – Cool Water Habitat; CDH – Cold Water Habitat; EAH – Ephemeral Aquatic Habitat; MAH – Modified Aquatic Habitat; LAH – Limited Aquatic Habitat. This permit uses ALP effluent limitations in 10 CSR 20-7.031 Table A1-B3 for all habitat designations unless otherwise specified.
10 CSR 20-7.031(1)(C)2: Recreation in and on the water
WBC is Whole Body Contact recreation where the entire body is capable of being submerged;
WBC-A – whole body contact recreation supporting swimming uses and has public access;
WBC-B – whole body contact recreation not included in WBC-A;
SCR = Secondary Contact Recreation (like fishing, wading, and boating)
10 CSR 20-7.031(1)(C)3 to 7:
HHP (formerly HHF) – Human Health Protection as it relates to the consumption of fish and drinking of water;
IRR – irrigation for use on crops utilized for human or livestock consumption, includes aquifers per 10 CSR 20-7.031(6)(A);

LWW – Livestock and Wildlife Watering (current narrative use is defined as LWP = Livestock and Wildlife Protection), includes aquifers per 10 CSR 20-7.031(6)(A);
DWS – Drinking Water Supply, includes aquifers per 10 CSR 20-7.031(6)(A);
IND – industrial water supply

10 CSR 20-7.031(1)(C)8 to 11: Wetlands (10 CSR 20-7.031 Tables A1-B3) do not have corresponding habitat use criteria for these defined uses: WSA – storm- and flood-water storage and attenuation; WHP – habitat for resident and migratory wildlife species; WRC – recreational, cultural, educational, scientific, and natural aesthetic values and uses; WHC – hydrologic cycle maintenance.

10 CSR 20-7.015(7) and 10 CSR 20-7.031(6): **GRW** = Groundwater

Other Applicable Criteria:
10 CSR 20-7.031(4): **GEN** – general criteria; acute toxicity criteria applicable to all waters even those lacking designated uses
10 CSR 20-7.031(5)(N)6: **NNC** – lake numeric nutrient criteria apply
Water Quality Standards Search https://apps5.mo.gov/mocwis_public/waterQualityStandardsSearch.do

WATERS OF THE STATE DESIGNATIONS:
Waters of the state are divided into seven categories per 10 CSR 20-7.015(1)(B)1 through 7. The applicable water of the state category is listed below. Missouri's technology-based effluent regulations are found in [10 CSR 20-7.015] and are implemented in 10 CSR 20-7.015(2) through (8). When implementing technology regulations, considerations are made for the facility type, discharge type, and category of waters of the state. Effluent limitations may not be applicable to certain waters of the state, facility type, or discharge type. In these cases, effluent limitations may be based on a best professional judgment evaluation. The best professional judgment evaluation will take site specific conditions into consideration; including facility type, the receiving water body classification, and type of discharge. Stormwater discharges and land application sites are not directly subject to limitations found in 10 CSR 20-7.015, but may be subject to limitations determined by the best professional judgment evaluation. Effluent limitation derivations are discussed in PART IV: EFFLUENTS LIMITS DETERMINATIONS.

- ✓ Subsurface Water; identified at 10 CSR 20-7.015(7), including underground injection control permits, and regulated by 10 CSR 20-7.031(6)

EXISTING WATER QUALITY & IMPAIRMENTS:
The receiving waterbody(s) segment(s), upstream, and downstream confluence water quality was reviewed.

- ✓ The permit writer has reviewed the groundwater and possible connection to surface water. Please see the sections under GROUNDWATER MONITORING, and HYDRAULIC CONNECTION TO SURFACE WATER in the fact sheet Part III.

303(D) LIST:
Section 303(d) of the federal Clean Water Act 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 (such as swimming), maintaining fish and other aquatic life, and providing drinking water for people, livestock, and wildlife. The 303(d) list helps state and federal agencies keep track of impaired waters not addressed by normal water pollution control programs. http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm

- ✓ Not applicable; the Department has not established this is a discharge to an impaired segment of a 303(d) listed stream.

TOTAL MAXIMUM DAILY LOAD (TMDL):
A TMDL is a calculation of the maximum amount of a given pollutant a water body can absorb before its water quality is affected; hence, the purpose of a TMDL is to determine the pollutant loading a specific waterbody can assimilate without exceeding water quality standards. If a water body is determined to be impaired as listed on the §303(d) list, then a watershed management plan or TMDL for that watershed may be developed. The TMDL shall include the WLA calculation. http://dnr.mo.gov/env/wpp/tmdl/

- ✓ Not applicable; discharges to groundwater are not considered under TMDL WLA requirements.

PART III. RATIONALE AND DERIVATION OF PERMIT CONDITIONS

ANTIBACKSLIDING:
Federal Regulations [CWA §303(d)(4); CWA §402(c); 40 CFR Part 122.44(l)] require a reissued permit to be as stringent as the previous permit with some exceptions. Backsliding (a less stringent permit limitation) is only allowed under certain conditions.

- ✓ Limitations in this operating permit reissuance conform to the anti-backsliding provisions of CWA §402(o), and 40 CFR 122.44.
  - ✓ Material and substantial alterations or additions to the permitted facility occurred after permit issuance justify the application of a less stringent effluent limitation.
    - The facility has closed and been demolished. No surface water discharges from outfalls #001 through #005 exist, therefore these outfalls were removed from the permit and no surface water requirements remain for those outfalls. Stormwater at the site has been evaluated and also shown there is no longer industrial exposure. The site is vegetated.

ANTIDEGRADATION REVIEW:
Process water discharges with new, altered, or expanding flows, the Department is to document, by means of antidegradation review, if the use of a water body's available assimilative capacity is justified. In accordance with Missouri's water quality regulations for antidegradation [10 CSR 20-7.031(3)], degradation may be justified by documenting the socio-economic importance of a discharge

after determining the necessity of the discharge. Facilities must submit the antidegradation review request to the Department prior to establishing, altering, or expanding discharges. See http://dnr.mo.gov/env/wpp/permits/antideg-implementation.htm Per [10 CSR 20-7.015(4)(A)], new discharges to losing streams shall be permitted only after other alternatives including land application, discharges to a gaining stream, or connection to a regional wastewater treatment facility have been evaluated and determined to be unacceptable for environmental and/or economic reasons.

✓ Not applicable; the facility has not submitted information proposing expanded or altered process water discharge; no further degradation proposed therefore no further review necessary.

BEST MANAGEMENT PRACTICES:

Minimum site-wide best management practices are established in this permit to ensure all facilities are managing their sites equally to protect waters of the state from certain activities which could cause negative effects in receiving water bodies. While not all sites require a SWPPP because the SIC codes are specifically exempted in 40 CFR 122.26(b)(14), these best management practices are not specifically included for stormwater purposes. These practices are minimum requirements for all industrial sites to protect waters of the state. If the minimum best management practices are not followed, the facility may violate general criteria [10 CSR 20-7.031(4)]. Statutes are applicable to all permitted facilities in the state, therefore pollutants cannot be released unless in accordance with 644.011 and 644.016 (17) RSMo.

COST ANALYSIS FOR COMPLIANCE (CAFCom):

Pursuant to 644.145 RSMo, when incorporating a new requirement for discharges from publicly owned facilities, or when enforcing provisions of this chapter or the CWA, pertaining to any portion of a publicly owned facility, the Department shall make a finding of affordability on the costs to be incurred and the impact of any rate changes on ratepayers upon which to base such permits and decisions, to the extent allowable under this chapter and the CWA. This process is completed through a CAFCom. Permits not including new requirements may be deemed affordable.

✓ The Department is not required to complete a cost analysis for compliance because the facility is not publicly owned.

CHANGES IN DISCHARGES OF TOXIC POLLUTANT:

This special condition reiterates the federal rules found in 40 CFR 122.44(f) for technology treatments and 122.42(a)(1) for all other toxic substances. In these rules, the facility is required to report changes in amounts of toxic substances discharged. Toxic substances are defined in 40 CFR 122.2 as "…any pollutant listed as toxic under section 307(a)(1)" or, in the case of "sludge use or disposal practices," any pollutant identified in regulations implementing section 405(d) of the CWA." Section 307 of the clean water act then refers to those parameters listed in 40 CFR 401.15 and any other toxic parameter the Department determines is applicable for reporting under these rules in the permit. The facility should also consider any other toxic pollutant in the discharge as reportable under this condition and must report all increases to the Department as soon as discovered in the effluent. The Department may open the permit to implement any required effluent limits pursuant to CWA §402(k) where sufficient data was not supplied within the application but was supplied at a later date by either the permittee or other resource determined to be representative of the discharge, such as sampling by Department personnel.

COMPLIANCE AND ENFORCEMENT:

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

✓ Not applicable; the facility is not currently under Water Protection Program enforcement action.

DISCHARGE MONITORING REPORTING – ELECTRONIC (EDMR) SUBMISSION SYSTEM:

The U.S. Environmental Protection Agency (EPA) promulgated a final rule on October 22, 2015, to modernize Clean Water Act reporting for municipalities, industries, and other facilities by requiring electronic data reporting. To comply with the federal rule, the Department is requiring all facilities to submit discharge monitoring data and reports online. To review historic data, the Department's database has a publically facing search engine, available at https://apps5.mo.gov/mocwis_public/dmrDisclaimer.do

Registration and other information regarding MoGEM can be found at https://dnr.mo.gov/mogem. Information about the eDMR system can be found at https://dnr.mo.gov/env/wpp/edmr.htm.The first user shall register as an Organization Official and the association to the facility must be approved by the Department. To access the eDMR system, use: https://apps5.mo.gov/mogems/welcome.action For assistance using the eDMR system, contact edmr@dnr.mo.gov or call 855-789-3889 or 573-526-2082. To assist the facility in entering data into the eDMR system, the permit describes limit sets designators in each table in Part A of the permit. Facility personnel will use these identifiers to ensure data entry is being completed appropriately. For example, M for monthly, Q for quarterly, A for annual, and others as identified.

✓ This facility is not required to submit information in the EDMR system due to the facility type. However, most facilities find submission electronically saves time and postage costs.

DOMESTIC WASTEWATER, SLUDGE, AND BIOSOLIDS:
Domestic wastewater is defined as wastewater originating primarily from the sanitary conveyances of bathrooms and kitchens. Domestic wastewater excludes stormwater, wash water, animal waste, process and ancillary wastewater. 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. Biosolids are solid materials resulting from domestic wastewater treatment meeting federal and state criteria for productive use (i.e. fertilizer) and after having pathogens removed.

- ✓ Not applicable; there are no domestic wastewater facilities at this closed site.

EFFLUENT LIMITATIONS:
Effluent limitations derived and established for this permit are based on current operations of the facility and applied per 10 CSR 20-7.015(9)(A) as applicable. Any flow through the outfall is considered a discharge and must be sampled and reported as provided in the permit. 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. Daily maximums and monthly averages are required per 40 CFR 122.45(d)(1) for continuous discharges (not from a POTW).

FEDERAL EFFLUENT LIMITATION GUIDELINES:
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. Effluent guidelines are not always established for every pollutant present in a point source discharge. In many instances, EPA promulgates effluent guidelines for an indicator pollutant. Industrial facilities that comply with the effluent guidelines for the indicator pollutant will also control other pollutants (e.g. pollutants with a similar chemical structure). For example, EPA may choose to regulate only one of several metals present in the effluent from an industrial category, and compliance with the effluent guidelines will ensure that similar metals present in the discharge are adequately controlled. All are technology based limitations which must be met by the applicable facility at all times. Should Reasonable Potential be established for any particular parameter, and water-quality derived effluent limits are more protective of the receiving water's quality, the WQS will be used as the limiting factor in accordance with 40 CFR 122.44(d) and 10 CSR 20-7.015(9)(A).

- ✓ The facility does not have an associated ELG at this time. The facility no longer generates electricity.

GENERAL CRITERIA CONSIDERATIONS:
In accordance with 40 CFR 122.44(d)(1), effluent limitations shall be placed into permits for pollutants determined to cause, have reasonable potential to cause, or to contribute to, an excursion above any water quality standard, including narrative water quality criteria. In order to comply with this regulation, the permit writer has completed a reasonable potential determination on whether discharges have reasonable potential to cause, or contribute to an excursion of the general criteria listed in 10 CSR 20-7.031(4). In instances where reasonable potential exists, the permit includes limitations to address the reasonable potential. In discharges where reasonable potential does not exist, the permit may include monitoring to later determine the discharge's potential to impact the narrative criteria. Additionally, 644.076.1 RSMo, as well as Part I §D – Administrative Requirements of Standard Conditions included in this permit state it shall be unlawful for any person to cause or allow any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of §§644.006 to 644.141 of the Missouri Clean Water Law or any standard, rule, or regulation promulgated by the commission. See Part IV for specific determinations.

GROUNDWATER MONITORING:
Groundwater is a water of the state according to 644.016(27) RSMo, is subject to regulations at 10 CSR 20-7.015(7) and 10 CSR 20-7.031(6), and must be protected accordingly.

- ✓ This facility is monitoring the groundwater at the site. This facility is not subject to 40 CFR 257 §D therefore determining compliance with Missouri's groundwater standards is being performed under this permit. See pollutant list discussion under Part IV in the fact sheet.

HYDRAULIC CONNECTION THROUGH GROUNDWATER TO SURFACE WATER:
The *County of Maui Hawaii v. Hawaii Wildlife Fund (Maui)* (140 S. Ct. 1462, 2020) case was reviewed. Environmental groups brought suit in federal court to challenge the county's partially treated unpermitted discharges through injection wells. Previously, the Ninth Circuit Court's 2018 decision of *Hawai'i Wildlife Fund v. Cty. of Maui*, (886 F.3d 737) indicated NPDES permits were required for facilities discharging from injection wells, because the path to the ocean is clearly ascertainable and the discharge from wells into groundwater is functionally into navigable waters. This was an opposite conclusion from the Sixth Circuit courts 2018 decisions in *Kentucky Waterways Alliance v. Kentucky Utilities Co*., (905 F.3d 925) and *Tenn. Clean Water Network v. TVA*, (905 F.3d 436) indicating discharges through groundwater do not trigger the NPDES permit requirement, because they are not "direct discharges" into waterways. This created a circuit split, meaning the controlling case law in two or more federal appellate courts was conflicting. The U.S. Supreme Court granted review of the split circuit decisions in 2020 in order to resolve the inconsistencies and establish consistent, nationwide case law.

In a 6-3 majority decision, the 2020 Supreme Court certiorari ultimately concluded NPDES permitting requirements apply when there is a direct discharge from a point source into navigable waters, as was always the circumstance, *or* when there is "*the functional equivalent of a direct discharge*." The majority opinion noted the interpretation advanced by the 2018 Maui decision would allow a permittee to avoid a permit by simply moving its outfall a few yards away from a waterbody. The Court concluded Congress could not have intended to create "such a large and obvious loophole" under a fundamental provision of the Clean Water Act.

The majority opinion offered some guidance to lower courts when applying the new "functional equivalent" test. The opinion stated: "The object in a given scenario will be to advance, in a manner consistent with the statute's language, the statutory purposes that Congress sought to achieve." The majority interpreted Congressional intent as requiring an NPDES permit for discharges from a point source directly into navigable waters, "or when the discharge reaches the same result through roughly similar means." The Court then opined: "Time and distance are obviously important. Where a pipe ends a few feet from navigable waters and the pipe emits pollutants that travel those few feet through groundwater (or over the beach), the permitting requirement clearly applies. If the pipe ends 50 miles from navigable waters and the pipe emits pollutants that travel with groundwater, mix with much other material, and end up in navigable waters only many years later, the permitting requirements likely do not apply."

The Court acknowledged other instances would be more difficult, and were too many potentially relevant factors applicable to factually different cases for the Court to establish a test more specific than the "functional equivalent" standard. The Court offered seven non-exclusive, non-exhaustive factors as conceivably relevant examples, depending on the circumstances of a particular case. Those examples of "functional equivalent" factors are: (1) transit time, (2) distance traveled, (3) the nature of the material through which the pollutant travels, (4) the extent to which the pollutant is diluted or chemically changed as it travels, (5) the amount of pollutant entering the navigable waters relative to the amount of the pollutant that leaves the point source, (6) the manner by or area in which the pollutant enters the navigable waters, or (7) the degree to which the pollution (at that point) has maintained its specific identity. Time and distance will be the most important factors in most cases, but not necessarily every case.

The finding maintains a point source does not need to *directly* discharge into a regulated waterbody to be considered a discharge. The Department continues to permit both direct discharges, as well as discharges that are the "functional equivalent" of a direct discharge under the NPDES, UIC, and State program to protect the beneficial uses of Missouri's regulated surface and groundwater.

This decision does clarify discharges to or into groundwater must also consider hydraulic connections to surface water, meaning discharges to the subsurface in areas of regular surface water interaction (e.g. large river alluvial areas, discharges percolating subsurface, and losing stream situations) may require evaluation of groundwater and surface water protection standards for all pollutants. Additionally, in Missouri's karst geology, areas of losing streams, and sinkholes may need to be evaluated both for groundwater protection, but also for potential nearby areas where this groundwater may re-surface, if a connection to the surface waterbody is suspected.

In the EPA summary document https://www.epa.gov/sites/production/files/2021-01/documents/final_ow_maui_guidance_document_-_signed_1.14.21.pdf the EPA provided the following: The mere allegation (i.e., without supporting evidence) a point source discharge of pollutants is or may be reaching a water of the United States via groundwater is not sufficient to trigger NPDES requirements. An allegation alone, for example, one made in a public comment on a draft NPDES permit for a surface water discharge from the same facility, typically would not trigger a requirement for the permitting authority to investigate the unsupported comment. Neither the "functional equivalent" analysis set out by the Supreme Court nor the CWA itself requires a facility or a permitting authority to prove the *absence* of a discharge. At the same time, it would be prudent for facility owners or operators to obtain a permit before they initiate a discharge of pollutants to avoid potential CWA or Missouri Clean Water Law (MCWL) liability for unpermitted discharges.

As Missouri already has laws and regulations protecting both groundwater and surface water, and as the Department already permits no-discharge facilities, underground injection, surficial discharging facilities, discharges to losing streams, and potential groundwater impacts, this Supreme Court decision will not likely result in dramatic differences in permitting pertaining to groundwater protection and groundwater conveyance into surface waters in Missouri. Department permit writers already evaluate protection of all potentially impacted waters of the state. The 2020 *Maui* decision simply clarifies the obligation on facilities and the Department to fully evaluate wastewater generated, stored, discharged, or land applied; and the potential impacts to regulated waters of the state, both surface waters as well as groundwater, and the hydraulic connections between them.

Because of this decision, and because Missouri's definitions of pollutants includes water contaminant 644.016(24) RSMo, and water contaminant source 644.016(25) RSMo. The facility has submitted an MRBCA analysis. A component of this is determining connection to surface water. The MRBCA analysis will serve to satisfy this requirement.

LAND APPLICATION:
Land application, or surficial dispersion of wastewater and/or sludge, is performed by facilities to maintain a basin as no-discharge. Requirements for these types of operations are found in 10 CSR 20-6.015; authority to regulate these activities is from 644.026 RSMo.

✓ Not applicable; this permit does not authorize operation of a surficial land application system to disperse wastewater or sludge.

LAND DISTURBANCE:
Land disturbance, sometimes called construction activities, are actions which cause disturbance of the root layer or soil; these include clearing, grading, and excavating of the land. 40 CFR 122.26(b)(14) and 10 CSR 20-6.200(3) requires permit coverage for these activities. Coverage is not required for facilities when only providing maintenance of original line and grade, hydraulic capacity, or to continue the original purpose of the facility.

- ✓ Not applicable; this permit does not provide coverage for land disturbance activities. The facility may obtain a separate land disturbance permit (MORA) online at https://dnr.mo.gov/env/wpp/stormwater/sw-land-disturb-permits.htm; MORA permits do not cover disturbance of contaminated soils, however, site specific permits such as this one can be modified to include appropriate controls for land disturbance of contaminated soils by adding site-specific BMP requirements and additional outfalls.

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. https://dnr.mo.gov/geology/wrc/majorwaterusers.htm All major water users are required by law to register water use annually (Missouri Revised Statues Chapter 256.400 Geology, Water Resources and Geodetic Survey Section). https://dnr.mo.gov/pubs/pub2236.htm

- ✓ Not applicable; this facility cannot withdraw water from the state in excess of 70 gpm or 0.1 MGD.

MODIFICATION REQUESTS:
Facilities have the option to request a permit modification from the Department at any time under RSMo 644.051.9. Requests must be submitted to the Water Protection Program with the appropriate forms and fees paid per 10 CSR 20-6.011. It is recommended facilities contact the permit writer early so the correct forms and fees are submitted, and the modification request can be completed in a timely fashion. Minor modifications, found in 40 CFR 122.63, are processed without the need for a public comment period. Major modifications, those requests not explicitly fitting under 40 CFR 122.63, do require a public notice period. Modifications to permits should be completed when: a new pollutant is found in the discharge; operational or functional changes occur which affect the technology, function, or outcome of treatment; the facility desires alternate numeric benchmarks; or other changes are needed to the permit.

Modifications are not required when utilizing or changing additives in accordance with the publication https://dnr.mo.gov/pubs/pub2653.htm nor are required when a temporary change or provisional discharge has been authorized by the regional office. While provisional discharges may be authorized by the regional office, they will not be granted for more than the time necessary for the facility to obtain an official modification from the Water Protection Program. Temporary provisional discharges due to weather events or other unforeseen circumstances may or may not necessitate a permit modification. The facility may ask for a Compliance Assistance Visit (CAV) from the regional office to assist in the decision-making process; CAVs are provided free to the permitted entity.

NUTRIENT MONITORING:
Nutrient monitoring is required for facilities characteristically or expected to discharge nutrients (nitrogenous compounds and/or phosphorus) when the design flow is equal to or greater than 0.1 MGD per 10 CSR 20-7.015(9)(D)8. This requirement is applicable to all surface Missouri waterways.

- ✓ Not applicable; this is a groundwater permit.

Water quality standards per 10 CSR 20-7.031(5)(N) describe nutrient criteria requirements assigned to lakes (which include reservoirs) in Missouri, equal to or greater than 10 acres during normal pool conditions. The Department's Nutrient Criteria Implementation Plan (NCIP) may be reviewed at: https://dnr.mo.gov/env/wpp/rules/documents/nutrient-implementation-plan-final-072618.pdf Discharges of wastewater in to lakes or lake watersheds designated as L1 (drinking water use) are prohibited per 10 CSR 20-7.015(3)(C).

- ✓ Not applicable; this is a groundwater permit.

OIL/WATER SEPARATORS:
Oil water separator (OWS) tank systems are frequently found at industrial sites where process water and stormwater may contain oils and greases, oily wastewaters, or other immiscible liquids requiring separation. Food industry discharges typically require pretreatment prior to discharge to municipally owned treatment works. Per 10 CSR 26-2.010(2)(B), all oil water separator tanks must be operated according to manufacturer's specifications and authorized in NPDES permits per 10 CSR 26-2.010(2) or may be regulated as a petroleum tank.

- ✓ Not applicable; the facility has not disclosed the use of any oil water separators they wish to include under the NPDES permit at this facility and therefore oil water separator tanks are not authorized by this permit.

OPERATOR CERTIFICATION REQUIREMENTS:
Operators or supervisors of operations at regulated domestic wastewater treatment facilities shall be certified in accordance with 10 CSR 20-9 and any other applicable state law or regulation.
✓ Not applicable; domestic wastewater is not generated at this site.

PERMIT SHIELD:
Enforceable conditions, generally called permit shield, are found under CWA section 402(k) or Section 644.051.16, RSMo. All permits issued by the State of Missouri protect both the permittee and issuer from legal intervention, but only when all discharges and activities are clearly divulged by the facility; and when the issuer evaluates all discharges and activities during the renewal (or modification) process. During the facility review of the permit draft, it is both the facility's and Department's responsibility to ensure all types of effluent the facility wishes to discharge, or qualified activities the facility wishes to perform (such as land application), are authorized in some manner. Authorization may be either through an outfall established in the permit under the facility description heading, or after reviewing the fact sheet which should include a mention of the discharge (or activity) and endorsing the discharge (or activity) as de minimis or through some other described determination. The Department must issue a legally binding and enforceable permit, which can only be completed through a thorough review from both parties.

PRETREATMENT:
This permit does not regulate pretreatment requirements for facilities discharging to an accepting permitted wastewater treatment facility. If applicable, the receiving entity (the publicly owned treatment works - POTW) is to ensure compliance with any effluent limitation guidelines for pretreatment listed in 40 CFR Subchapter N per 10 CSR 20-6.100. Pretreatment regulations per 644.016 RSMo are limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities.
✓ Not applicable, this facility does not discharge industrial wastewater to a POTW. Domestic wastewater is not subject to pretreatment requirements.

REASONABLE POTENTIAL (RP):
Regulations per 10 CSR 20-7.015(9)(A)2 requires effluent limitations for all pollutants which are (or may be) discharged at a level causing or have the reasonable potential to cause (or contribute to) an in-stream excursion above narrative or numeric water quality standards. Per 10 CSR 20-7.031(4), general criteria shall be applicable to all waters of the state at all times; however, acute toxicity criteria may be exceeded by permit in zones of initial dilution, and chronic toxicity criteria may be exceeded by permit in mixing zones. If the permit writer determines any given pollutant has the reasonable potential to cause or contribute to an in-stream excursion above the WQS, the permit must contain effluent limits for the pollutant for the most stringent limits per 10 CSR 20-7.031(9)(A).

Permit writers always use reasonable potential determinations (RPD) as provided in Sections 3.1.2, 3.1.3, and 3.2 of the TSD. An RPD consists of evaluating visual observations, non-numeric information, or small amounts of numerical data (such as 1 data point supplied in the application). A groundwater RPD consists of reviewing application and other data for the last five years and comparing those data to narrative or numeric water quality criteria. RPD decisions are based on minimal quality samples, the type of effluent proposed for discharge, or the unavailability of numerical RPA for a parameter, such as pH, or oil and grease.

RENEWAL REQUIREMENTS:
The renewal special condition permit requirement is designed to guide the facility to prepare and include all relevant and applicable information in accordance with 10 CSR 20-6.010(7)(A)-(C), and if applicable, federal regulations. The special condition may not include all requirements and requests for additional information may be made at the time of permit renewal under 644.051.13(5) RSMo and 40 CFR 122.21(h). Prior to submittal, the facility must review the entire submittal to confirm all required information and data is provided; it is the facility's responsibility to discern if additional information is required. Failure to fully disclosure applicable information with the application or application addendums may result in a permit revocation per 10 CSR 20-6.010(8)(A) and may result in the forfeiture of permit shield protection authorized in 644.051.16 RSMo. Forms are located at:
https://dnr.mo.gov/forms/#WaterPollution

SAMPLING FREQUENCY JUSTIFICATION:
The federal regulations under 40 CFR 257 §D establish twice annual monitoring for most groundwater sites. While this facility is not currently subject to this section, the permit writer has established monitoring at twice annually, reduced from quarterly under the last permit.

SAMPLING TYPE JUSTIFICATION:
Grab samples after appropriate well stabilization procedures are appropriate.

SCHEDULE OF COMPLIANCE (SOC):
A schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (actions, effluent limits, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of an operating permit. SOCs are allowed under 40 CFR 122.47 and 10 CSR 20-7.031(11) providing certain conditions are met. An SOC is not allowed:

- For effluent limitations based on technology-based standards established in accordance with federal requirements, if the deadline for compliance established in federal regulations has passed in accordance with 40 CFR 125.3.
- For a newly constructed facility in most cases per 644.029 RSMo. Newly constructed facilities must meet all applicable effluent limitations (technology and water quality) when discharge begins. New facilities are required to install the appropriate control technologies as specified in a permit or antidegradation review. A SOC is allowed for a new water quality based effluent limit not included in a previously public noticed permit or antidegradation review, which may occur if a regulation changes during construction.
- To develop a TMDL, UAA, or other study associated with development of a site specific criterion. A facility is not prohibited from conducting these activities, but a SOC may not be specifically granted for conducting these activities.

In order to provide guidance in developing SOCs, and to attain a greater level of consistency, the Department issued a policy on development of SOCs on October 25, 2012. The policy provides guidance to permit writers on standard time frames for schedules for common activities, and guidance on factors to modify the length of the schedule.

✓ Applicable; the time given for effluent limitations of this permit listed under Interim Effluent Limitations and Final Effluent Limitations were established in accordance with [10 CSR 20-7.031(11)]. The facility has been given a schedule of compliance to meet final effluent limits. See permit Sections A and B for compliance dates. The facility has a schedule of compliance to meet groundwater standards; however, an MRBCA analysis was also submitted. The MRBCA analysis may serve to remove the limitations in the future.

SPILLS, OVERFLOWS, AND OTHER UNAUTHORIZED DISCHARGE REPORTING:

Per 260.505 RSMo, any emergency involving a hazardous substance must be reported to the Department's 24 hour Environmental Emergency Response hotline at (573) 634-2436 at the earliest practicable moment after discovery. The Department may require the submittal of a written report detailing measures taken to clean up a spill. These reporting requirements apply whether or not the spill results in chemicals or materials leaving the permitted property or reaching waters of the state. This requirement is in addition to the noncompliance reporting requirement found in Standard Conditions Part I. http://dnr.mo.gov/env/esp/spillbill.htm

Any other spills, overflows, or unauthorized discharges reaching waters of the state must be reported to the regional office during normal business hours, or after normal business hours, to the Department's 24 hour Environmental Emergency Response spill line at 573-634-2436.

SLUDGE – INDUSTRIAL:

Industrial sludge is solid, semi-solid, or liquid residue generated during the treatment of industrial process or non-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 any material derived from industrial sludge. Industrial sludge could also be derived from lagoon dredging or other similar maintenance activities.

✓ Not applicable; industrial sludge is not generated at this facility.

STANDARD CONDITIONS:

The standard conditions Part I attached to this permit incorporate all sections of 10 CSR 20-6.010(8) and 40 CFR 122.41(a) through (n) by reference as required by law. These conditions, in addition to the conditions enumerated within the standard conditions should be reviewed by the facility to ascertain compliance with this permit, state regulations, state statues, federal regulations, and the Clean Water Act. Standard Conditions Part III, if attached to this permit, incorporate requirements dealing with domestic wastewater, domestic sludge, and land application of domestic wastes.

SUFFICIENTLY SENSITIVE ANALYTICAL METHODS:

Please review Standard Conditions Part 1, §A, No. 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 and incorporated within this permit. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure the selected methods are able to quantify the presence of pollutants in a given discharge at concentrations low enough to determine compliance with Water Quality Standards in 10 CSR 20-7.031 or effluent limitations unless provisions in the permit allow for other alternatives. A method is "sufficiently sensitive" when; 1) the method quantifies the pollutant below the level of the applicable water quality criterion or; 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility's discharge is high enough the method detects and quantifies the level of pollutant in the discharge, or 3) the method has the lowest minimum level of the analytical methods approved under 10 CSR 20-7.015 and or 40 CFR 136. These methods are also required for parameters listed as monitoring only, as the data collected may be used to determine if numeric limitations need to be established. A facility is responsible for working with their contractors to ensure the analysis performed is sufficiently sensitive.

UNDERGROUND INJECTION CONTROL (UIC):

The UIC program for all classes of wells in the State of Missouri is administered by the Missouri Department of Natural Resources and approved by EPA pursuant to §§1422 and 1425 of the Safe Drinking Water Act (SDWA) and 40 CFR 147 Subpart AA. Injection wells are classified based on the liquids which are being injected. Class I wells are hazardous waste wells which are banned by

577.155 RSMo; Class II wells are established for oil and natural gas production; Class III wells are used to inject fluids to extract minerals; Class IV wells are also banned by Missouri in 577.155 RSMo; Class V wells are shallow injection wells; some examples are heat pump wells and groundwater remediation wells. Domestic wastewater being disposed of sub-surface is also considered a Class V well. In accordance with 40 CFR 144.82, construction, operation, maintenance, conversion, plugging, or closure of injection wells shall not cause movement of fluids containing any contaminant into Underground Sources of Drinking Water (USDW) if the presence of any contaminant may cause a violation of drinking water standards or groundwater standards under 10 CSR 20-7.031, or other health based standards, or may otherwise adversely affect human health. If the director finds the injection activity may endanger USDWs, the Department may require closure of the injection wells, or other actions listed in 40 CFR 144.12(c), (d), or (e). In accordance with 40 CFR 144.26, the facility shall submit a Class V Well Inventory Form for each active or new underground injection well drilled, or when the status of a well changes, to the Missouri Department of Natural Resources, Geological Survey Program, P.O. Box 250, Rolla, Missouri 65402. The Class V Well Inventory Form can be requested from the Geological Survey Program or can be found at the following web address: http://dnr.mo.gov/forms/780-1774-f.pdf Single family residential septic systems and non-residential septic systems used solely for sanitary waste and having the capacity to serve fewer than 20 persons a day are excluded from the UIC requirements (40 CFR 144.81(9)).

✓ Not applicable; the facility has not submitted materials indicating the facility will be performing UIC at this site.

VARIANCE:

Per the Missouri Clean Water Law §644.061.4, variances shall be granted for such period of time and under such terms and conditions as specified by the commission in its order. The variance may be extended by affirmative action of the commission. In no event shall the variance be granted for a period of time greater than is reasonably necessary for complying with the Missouri Clean Water Law §§644.006 to 644.141 or any standard, rule or regulation promulgated pursuant to Missouri Clean Water Law §§644.006 to 644.141. Thermal variances are regulated separately and are found under 644.

✓ Not applicable; this permit is not drafted under premise of a petition for variance.

PART IV. GROUNDWATER MONITORING REQUIREMENTS

SAMPLING TABLE:

PARAMETERS	UNIT	PREVIOUS PERMIT LIMITS	INTERIM LIMITS	FINAL LIMITS	MINIMUM SAMPLING FREQUENCY	MINIMUM REPORTING FREQUENCY	SAMPLE TYPE
FIELD PARAMETERS							
DEPTH TO WATER	feet	*	*	*	TWICE/YEAR	TWICE/YEAR	MEASURED
PURGE VOLUME	gallons	*	*	*	TWICE/YEAR	TWICE/YEAR	MEASURED
pH †	SU	*	*	*	TWICE/YEAR	TWICE/YEAR	GRAB
TURBIDITY †	NTU	*	*	*	TWICE/YEAR	TWICE/YEAR	GRAB
METALS							
ARSENIC, TR	µg/L	*	*	50	TWICE/YEAR	TWICE/YEAR	GRAB
BORON, TR	µg/L	*	*	2000	TWICE/YEAR	TWICE/YEAR	GRAB
LITHIUM, TR	µg/L	*	*	*	TWICE/YEAR	TWICE/YEAR	GRAB
MANGANESE, TR	µg/L	*	*	50	TWICE/YEAR	TWICE/YEAR	GRAB
MOLYBDENUM, TR	µg/L	*	*	*	TWICE/YEAR	TWICE/YEAR	GRAB
SELENIUM, TR	µg/L	*	*	50	TWICE/YEAR	TWICE/YEAR	GRAB
OTHER							
CALCIUM	mg/L	*	*	*	TWICE/YEAR	TWICE/YEAR	GRAB
SULFATE	mg/L	*	*	250	TWICE/YEAR	TWICE/YEAR	GRAB

*	monitoring and reporting requirement only
†	report the final value obtained just prior to sample collection
interim	parameter requirements prior to end of SOC
final	parameter requirements at end of SOC
TR	total recoverable

DERIVATION AND DISCUSSION OF GROUNDWATER PARAMETERS:

FIELD PARAMETERS:

Depth to Water
The facility shall monitor the depth to water to the nearest 0.01 foot. Measurements shall take place prior to any other well sampling activity.

Purge Volume
The Department is asking the facility report the volume purged from the well for stabilization purposes prior to sampling.

pH
Monitoring required. Facility will report the final value obtained just prior to collecting samples (see †). The pH is the negative logarithm of the hydrogen ion concentration and is governed by the solutes in contact with the groundwater. Reporting the pH of the groundwater is important to determine the groundwater chemistry around the ash storage unit(s). The facility may use a flow-through cell to determine pH even though the permit stipulates grab sampling.

Turbidity
Reporting required to determine proper well development. Facility will report the final value obtained just prior to collecting samples (see †). The facility may use a flow-through cell to determine turbidity even though the permit stipulates grab sampling.

METALS:

Arsenic, Total Recoverable
Values reported by the facility range from non-detect to 202 µg/L. The GRW WQS are 50 µg/L. An SOC is allowed for this parameter; 50 µg/L are the future limits.

Boron, Total Recoverable
Values reported by the facility range from 212 to 18,200 µg/L; the last permit's maximum was 18,000 µg/L so there was no improvement. Boron is the best indicator for coal ash residual detection in groundwater. Background levels are typically orders of magnitude lower than leaching discharges from ash to groundwater. This is expressly true at this site as well. Missouri groundwater quality standard for boron is 2,000 µg/L. An SOC is afforded; after the SOC, the limits are 2000 µg/L.

Lithium, Total Recoverable
Values reported by the facility range from 10 to 60.6 µg/L, during the previous permit term 34 µg/L was reported as the highest so there was no improvement. There are no GRW WQS or MRBCA DTLs. However, lithium was identified as an indicator parameter for coal ash in 40 CFR 257 Appendix IV, and identified 40 µg/L for this parameter. The permit writer has used best professional judgment to continue this parameter for monitoring. Lithium can be used to detect for ash leachate in groundwater when compared to an up-gradient well.

Manganese, Total Recoverable
Values reported by the facility range from 5 to 7590 µg/L during the last permit term; prior readings were as high as 8,000 µg/L. MO GW WQS is 50 µg/L; MRBCA DTL DWG is 2,190 µg/L. Manganese may be present in coal ash leachate. Monitoring continued with an SOC for 50 µg/L future limits.

Molybdenum, Total Recoverable
Values reported by the facility range from 16 to 1050 µg/L during the last permit term; prior maximum was 940 µg/L. There are no Missouri groundwater limitations for this parameter, although 40 CFR 257 §D identifies a maximum concentration of 100 µg/L. Third only to boron and sulfate, this parameter is a remarkable indicator of coal ash leachate. Molybdenum data has not improved over the last permit term. Monitoring continued as 40 CFR 257 is not implemented in Missouri water permits.

Selenium, Total Recoverable
Values reported by the facility range from 15 to 109 µg/L in well MW-02, 2nd Quarter 2020. In the last permit term, the maximum reported was 97 µg/L. GRW WQS is 50 µg/L. Selenium is found on Appendix IV of 40 CFR 257 as an assessment monitoring tool. There has been no improvement during the last permit term. Monitoring continued with future limits of 50 µg/L to protect groundwater. The MRBCA the facility submitted may alleviate future limits.

OTHER:

Calcium, Total Recoverable
Values reported by the facility range from 12.6 to 250,000 mg/L. Calcium is an element found throughout Missouri, and is naturally occurring. There are no WQS or DTL for this parameter. However, calcium is listed as a parameter for detection of ash leachate in groundwater in 40 CFR 257 Appendix III; calcium values in up-gradient and down-gradient wells can be compared to determine if ash leachate has migrated to groundwater; monitoring continued.

Chloride (Cl^-)
Values reported by the facility range from 1 to 25.4 mg/L. The chloride ion is found throughout Missouri, and is naturally occurring. The are no WQS is 250 mg/L. Cl^- is listed as a parameter for detection of ash leachate in groundwater in 40 CFR 257 Appendix III; Cl^- values in up-gradient and down-gradient wells could be compared to determine if ash leachate has migrated to groundwater but the data do not support continuation of monitoring because the data does not sufficiently demonstrate differences between upgradient and downgradient wells.

Sulfate
Values reported by the facility range from 1 to 288 mg/L. Groundwater quality standard for sulfate is 250 mg/L. An SOC is afforded for this parameter; future limits will be 250 mg/L although the MRBCA may alleviate the facility of these limits.

PART V. ADMINISTRATIVE REQUIREMENTS

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

PERMIT SYNCHRONIZATION:
Permits are normally issued on a five-year term, but to achieve watershed synchronization some permits will need to be issued for less than the full five years as allowed by regulation. The intent is all permits within a watershed will move through the Watershed Based Management (WBM) cycle together will all expire in the same fiscal year. http://dnr.mo.gov/env/wpp/cpp/docs/watershed-based-management.pdf. This will allow the Department to explore a watershed based permitting effort at some point in the future. Renewal applications must continue to be submitted within 180 days of expiration, however, in instances where effluent data from the previous renewal is less than two years old, such data may be re-submitted to meet the requirements of the renewal application. If the permit provides a schedule of compliance for meeting new water quality based effluent limits beyond the expiration date of the permit, the time remaining in the schedule of compliance will be allotted in the renewed permit.

- ✓ This permit is not being synchronized at this time because there are no discharges; therefore will not be available for nutrient trading.

PUBLIC NOTICE:
The Department shall give public notice a draft permit has been prepared and its issuance is pending. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in or with 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. http://dnr.mo.gov/env/wpp/permits/pn/index.html The Department must issue public notice of a pending operating permit. The public comment period is the length of time not less than 30 days following the date of the public notice which interested persons may submit written comments about the proposed permit.

For persons wishing to submit comments regarding this proposed operating permit, please refer to the Public Notice page located at the front of this draft operating permit. The Public Notice page gives direction on how and where to submit appropriate comments. All comments must be in written form.

- ✓ The Public Notice period for this operating permit was from June 25, 2021 to July 26, 2021. No comments were received.

DATE OF FACT SHEET: JULY 27, 2021

COMPLETED BY:
PAM HACKLER, ENVIRONMENTAL SCIENTIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - INDUSTRIAL UNIT
(573) 526-3386
pam.hackler@dnr.mo.gov

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

These Standard Conditions incorporate permit conditions as required by 40 CFR 122.41 or other applicable state statutes or regulations. These minimum conditions apply unless superseded by requirements specified in the permit.

Part I – General Conditions
Section A – Sampling, Monitoring, and Recording

1. **Sampling Requirements.**
   a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
   b. All samples shall be taken at the outfall(s) or Missouri Department of Natural Resources (Department) approved sampling location(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.

2. **Monitoring Requirements**.
   a. Records of monitoring information shall include:
      i. The date, exact place, and time of sampling or measurements;
      ii. The individual(s) who performed the sampling or measurements;
      iii. The date(s) analyses were performed;
      iv. The individual(s) who performed the analyses;
      v. The analytical techniques or methods used; and
      vi. The results of such analyses.
   b. If the permittee monitors any pollutant more frequently than required by the permit at the location specified in the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reported to the Department with the discharge monitoring report data (DMR) submitted to the Department pursuant to Section B, paragraph 7.

3. **Sample and Monitoring Calculations.** Calculations for all sample and monitoring results which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

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

5. **Record Retention.** Except for records of monitoring information required by the permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

6. **Illegal Activities.**
   a. The Federal Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two (2) years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or both.
   b. The Missouri Clean Water Law provides that any person or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six (6) months, or by both. Second and successive convictions for violation under this paragraph by any person shall be punished by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.

Section B – Reporting Requirements

1. **Planned Changes.**
   a. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility when:
      i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
      ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42;
      iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
      iv. Any facility expansions, production increases, or process modifications which will result in a new or substantially different discharge or sludge characteristics must be reported to the Department 60 days before the facility or process modification begins. Notification may be accomplished by application for a new permit. If the discharge does not violate effluent limitations specified in the permit, the facility is to submit a notice to the Department of the changed discharge at least 30 days before such changes. The Department may require a construction permit and/or permit modification as a result of the proposed changes at the facility.

2. **Non-compliance Reporting.**
   a. The permittee shall report any noncompliance which may endanger health or the environment. Relevant information shall be provided orally or via the current electronic method approved by the Department, within 24 hours from the time the permittee becomes aware of the circumstances, and shall be reported to the appropriate Regional Office during normal business hours or the Environmental Emergency Response hotline at 573-634-2436 outside of normal business hours. A written submission shall also be provided within five (5) business days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

b. The following shall be included as information which must be reported within 24 hours under this paragraph.
   i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
   ii. Any upset which exceeds any effluent limitation in the permit.
   iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit required to be reported within 24 hours.
c. The Department may waive the written report on a case-by-case basis for reports under paragraph 2. b. of this section if the oral report has been received within 24 hours.

3. **Anticipated Noncompliance**. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The notice shall be submitted to the Department 60 days prior to such changes or activity.

4. **Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date. The report shall provide an explanation for the instance of noncompliance and a proposed schedule or anticipated date, for achieving compliance with the compliance schedule requirement.

5. **Other Noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs 2, 3, and 6 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 2. a. of this section.

6. **Other Information**. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

7. **Discharge Monitoring Reports.**
   a. Monitoring results shall be reported at the intervals specified in the permit.
   b. Monitoring results must be reported to the Department via the current method approved by the Department, unless the permittee has been granted a waiver from using the method. If the permittee has been granted a waiver, the permittee must use forms provided by the Department.
   c. Monitoring results shall be reported to the Department no later than the 28th day of the month following the end of the reporting period.

Section C – Bypass/Upset Requirements

1. **Definitions.**
   a. *Bypass*: the intentional diversion of waste streams from any portion of a treatment facility, except in the case of blending.
   b. *Severe Property Damage*: substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
   c. *Upset*: an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. **Bypass Requirements.**
   a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. b. and 2. c. of this section.
   b. Notice.
      i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
      ii. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section B – Reporting Requirements, paragraph 5 (24-hour notice).
   c. Prohibition of bypass.
      i. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
         1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
         2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
         3. The permittee submitted notices as required under paragraph 2. b. of this section.
      ii. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above in paragraph 2. c. i. of this section.

3. **Upset Requirements.**
   a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 3. b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
   b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      i. An upset occurred and that the permittee can identify the cause(s) of the upset;
      ii. The permitted facility was at the time being properly operated; and
      iii. The permittee submitted notice of the upset as required in Section B – Reporting Requirements, paragraph 2. b. ii. (24-hour notice).
      iv. The permittee complied with any remedial measures required under Section D – Administrative Requirements, paragraph 4.
   c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

Section D – Administrative Requirements

1. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and Federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
   a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
   b. The Federal Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation. The Federal Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement

imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

c. Any person may be assessed an administrative penalty by the EPA Director for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed $10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $25,000. Penalties for Class II violations are not to exceed $10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $125,000.

d. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 of the Missouri Clean Water Law or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 of the Missouri Clean Water Law or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed $10,000 per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. Any person who willfully or negligently commits any violation in this paragraph shall, upon conviction, be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this paragraph by any person shall be punished by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.

2. **Duty to Reapply.**
   a. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
   b. A permittee with a currently effective site-specific permit shall submit an application for renewal at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
   c. A permittees with currently effective general permit shall submit an application for renewal at least 30 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

3. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. **Proper Operation and Maintenance**. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

6. **Permit Actions.**
   a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
      i. Violations of any terms or conditions of this permit or the law;
      ii. Having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
      iii. A change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
      iv. Any reason set forth in the Law or Regulations.
   b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. **Permit Transfer.**
   a. Subject to 10 CSR 20-6.010, an operating permit may be transferred upon submission to the Department of an application to transfer signed by the existing owner and the new owner, unless prohibited by the terms of the permit. Until such time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
   b. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Missouri Clean Water Law or the Federal Clean Water Act.
   c. The Department, within 30 days of receipt of the application, shall notify the new permittee of its intent to revoke or reissue or transfer the permit.

8. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

9. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

10. **Duty to Provide Information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

11. **Inspection and Entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:
    a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
    b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
    c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
    d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Federal Clean Water Act or Missouri Clean Water Law, any substances or parameters at any location.

12. **Closure of Treatment Facilities.**
    a. Persons who cease operation or plan to cease operation of waste, wastewater, and sludge handling and treatment facilities shall close the facilities in accordance with a closure plan approved by the Department.
    b. Operating Permits under 10 CSR 20-6.010 or under 10 CSR 20-6.015 are required until all waste, wastewater, and sludges have been disposed of in accordance with the closure plan approved by the Department and any disturbed areas have been properly stabilized. Disturbed areas will be considered stabilized when perennial vegetation, pavement, or structures using permanent materials cover all areas that have been disturbed. Vegetative cover, if used, shall be at least 70% plant density over 100% of the disturbed area.

13. **Signatory Requirement.**
    a. All permit applications, reports required by the permit, or information requested by the Department shall be signed and certified. (See 40 CFR 122.22 and 10 CSR 20-6.010)
    b. The Federal Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.
    c. The Missouri Clean Water Law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

14. **Severability.** The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

RECEIVED
JAN 27 2020
Water Protection Program

34344

MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
FORM A – APPLICATION FOR NONDOMESTIC PERMIT UNDER MISSOURI CLEAN WATER LAW

FOR AGENCY USE ONLY	
CHECK NUMBER	
DATE RECEIVED 1-31-20	FEE SUBMITTED
JET PAY CONFIRMATION NUMBER	

PLEASE READ ALL THE ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM. SUBMITTAL OF AN INCOMPLETE APPLICATION MAY RESULT IN THE APPLICATION BEING RETURNED.

IF YOUR FACILITY IS ELIGIBLE FOR A NO EXPOSURE EXEMPTION:
Fill out the No Exposure Certification Form (Mo 780-2828): https://dnr.mo.gov/forms/780-2828-f.pdf

1. REASON FOR APPLICATION:

☑ a. This facility is now in operation under Missouri State Operating Permit (permit) MO – 0004766, is submitting an application for renewal, and there is no proposed increase in design wastewater flow. Annual fees will be paid when invoiced and there is no additional permit fee required for renewal.

☐ b. This facility is now in operation under permit MO – _____, is submitting an application for renewal, and there is a proposed increase in design wastewater flow. Antidegradation Review may be required. Annual fees will be paid when invoiced and there is no additional permit fee required for renewal.

☐ c. This is a facility submitting an application for a new permit (for a new facility). Antidegradation Review may be required. New permit fee is required.

☐ d. This facility is now in operation under Missouri State Operating Permit (permit) MO – _____ and is requesting a modification to the permit. Antidegradation Review may be required. Modification fee is required.

2. FACILITY

NAME		TELEPHONE NUMBER WITH AREA CODE	
Chamois, LLC		NA	
ADDRESS (PHYSICAL)	CITY	STATE	ZIP CODE
9321 Highway 100	Chamois	MO	65024

3. OWNER

NAME		TELEPHONE NUMBER WITH AREA CODE	
Chamois, LLC		314-835-1515	
EMAIL ADDRESS			
ddunn@enviroanalyticsgroup.com			
ADDRESS (MAILING)	CITY	STATE	ZIP CODE
1515 Des Peres Road, Ste 300	St. Louis	MO	63131

4. CONTINUING AUTHORITY

NAME		TELEPHONE NUMBER WITH AREA CODE	
Chamois, LLC		314-835-1515	
EMAIL ADDRESS			
ddunn@enviroanlayticsgroup.com			
ADDRESS (MAILING)	CITY	STATE	ZIP CODE
1515 Des Peres Road, Ste 300	St. Louis	MO	63131

5. OPERATOR CERTIFICATION

NAME	CERTIFICATE NUMBER	TELEPHONE NUMBER WITH AREA CODE	
ADDRESS (MAILING)	CITY	STATE	ZIP CODE

6. FACILITY CONTACT

NAME	TITLE	TELEPHONE NUMBER WITH AREA CODE
Dan Dunn	Director of Remediation	314-835-1515
E-MAIL ADDRESS		
ddunn@enviroanalyticsgroup.com		

7. DOWNSTREAM LANDOWNER(S) Attach additional sheets as necessary.

NAME			
Central Electric Power Coop			
ADDRESS	CITY	STATE	ZIP CODE
PO Box 269	Jefferson City	MO	65102

8. ADDITIONAL FACILITY INFORMATION

8.1 Legal Description of Outfalls. (Attach additional sheets if necessary.)
For Universal Transverse Mercator (UTM), use Zone 15 North referenced to North American Datum 1983 (NAD83)

001 ____¼ ____¼ Sec ____ T ____ R ____ Osage ____ County
UTM Coordinates Easting (X): 608220 Northing (Y): 4282519
002 NW ¼ SE ¼ Sec 01 T 45N R 08W Osage ____ County
UTM Coordinates Easting (X): 607963 Northing (Y): 4282243
003 ____¼ ____¼ Sec ____ T ____ R ____ Osage ____ County
UTM Coordinates Easting (X): 608162 Northing (Y): 4282526
004 ____¼ ____¼ Sec ____ T ____ R ____ ____ County
UTM Coordinates Easting (X): 608162 Northing (Y): 482526

8.2 Primary Standard Industrial Classification (SIC) and Facility North American Industrial Classification System (NAICS) Codes.
Primary SIC 4911 and NAICS 221112 SIC 4911 and NAICS 221112
SIC 4911 and NAICS 221112 SIC 4911 and NAICS 221112

9. ADDITIONAL FORMS AND MAPS NECESSARY TO COMPLETE THIS APPLICATION

A. Is this permit for a manufacturing, commercial, mining, solid/hazardous waste, or silviculture facility? YES ☐ NO ☑
If yes, complete Form C.

B. Is the facility considered a "Primary Industry" under EPA guidelines (40 CFR Part 122, Appendix A) : YES ☐ NO ☑
If yes, complete Forms C and D.

C. Is wastewater land applied? YES ☐ NO ☑
If yes, complete Form I.

D. Are sludge, biosolids, ash, or residuals generated, treated, stored, or land applied? YES ☐ NO ☑
If yes, complete Form R.

E. Have you received or applied for any permit or construction approval under the CWA or any other environmental regulatory authority? YES ☑ NO ☐
If yes, please include a list of all permits or approvals for this facility.

F. Do you use cooling water in your operations at this facility? YES ☐ NO ☑
If yes, please indicate the source of the water: _____

G. Attach a map showing all outfalls and the receiving stream at 1" = 2,000' scale.

10. 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. **One of the following must be checked in order for this application to be considered complete.** Please visit http://dnr.mo.gov/env/wpp/edmr.htm to access the Facility Participation Package.

☐ - You have completed and submitted with this permit application the required documentation to participate in the eDMR system.

☑ - You have previously submitted the required documentation to participate in the eDMR system and/or you are currently using the eDMR system.

☐ - You have submitted a written request for a waiver from electronic reporting. See instructions for further information regarding waivers.

11. FEES

Permit fees may be paid by attaching a check, or online by credit card or eCheck through the JetPay system. Use the URL provided to access JetPay and make an online payment: https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/

12. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (TYPE OR PRINT)	TELEPHONE NUMBER WITH AREA CODE
Michael J Roberts, Member	314-835-1515
SIGNATURE	DATE SIGNED
	1/20/20

7. Downstream Land Owners

Name: Sean Hackmann
Address: 8505 Highway 89N, Chamois, MO 65024
Name: Raymond & Anastasia Merz Inc.
Address: Callaway County

8. Additional Facility Information

8.1 Legal Description of Outfalls

Outfall #005

Legal Description	NW1/4, SE1/4, Sec 01, T45N, R08W, Osage County
UTM Coordinates:	X=608162, Y=4282546

SIC# 4911
NAICS# 221112

Please Note: There are "no NPDES requirements" for Outfalls #001, #002 and #003

9. Additional Forms & Maps Necessary to Complete this Application

E. Permits

MORA10744

Chamois, LLC
MO-0004766 Permit Renewal Application