MISSOURI STATE OPERATING PERMIT

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

Permit No. MO-0004863
Owner: Bannister Transformation & Development LLC
Address: 2000 Bannister Road, Kansas City, MO 64131
Continuing Authority: same as above
Address: same as above
Facility Name: Bannister Facility
Facility Address: 1500 Bannister Road, Kansas City, MO 64131
Legal Description: see page two
UTM Coordinates: see page two
Receiving Stream: see page two
First Classified Stream and ID: see page two
USGS Basin & Sub-watershed No.: see page two

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

FACILITY DESCRIPTION
Former manufacturing facility – previously manufactured non-nuclear components for nuclear weapons. Currently undergoing decommissioning, removal of buildings and in the future will be a site for other industrial facilities. This permit contains authorization for discharges from land disturbance activities.
SIC #6552 – Land Subdividers and Developers; NAICS # 237210 – Land Subdivision

This permit authorizes only uncontaminated stormwater, fire protection test water, and non-regulated building cooling condensate discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Sections 640.013, 621.250, and 644.051.6 of the Law.

October 1, 2018  September 1, 2020
Effective Date  Modification Date
Edward B. Galbraith, Director, Division of Environmental Quality

September 30, 2023
Expiration Date
Chris Wieberg, Director, Water Protection Program
Facility Description (continued)

Outfall #001 – Land Subdivision and Development – SIC #6552 NAICS # 237210
Stormwater - runoff from former industrial site and land disturbance areas; non-stormwater discharges authorized under land disturbance activities; fire protection test water; uncontaminated stormwater collected in various sumps, secondary containment structures, and excavated pits.
Sample collection point at flap gate structure located 135 feet northeast of the flood protection levee sluice gate.
Legal Description: SE ¼, SE ¼, Sec. 21, T48N, R33W, Jackson County
UTM Coordinates: X = 364536, Y = 4314006
Receiving Stream: 8-20-13 MUDD V1.0 locally known as Boone Creek (C)
First Classified Stream and ID: 8-20-13 MUDD V1.0 locally known as Boone Creek (C) WBID #3960
USGS Basin & Sub-watershed No.: Brush Creek – Blue River (10300101-0105)
Design flow: 1.93 MGD, 2.98 cfs
Average actual flow: 0.187 MGD, 0.289 cfs; actual flows are dependent on precipitation

Outfall #002 – Land Subdivision and Development – SIC #6552 NAICS # 237210
Stormwater - runoff from former industrial site and land disturbance areas; non-stormwater discharges authorized under land disturbance activities; fire protection test water; uncontaminated stormwater collected in various sumps, secondary containment structures, and excavated pits; condensate from building heating and cooling units.
Sample collection point located at sluice gate located in the southeast parking lot
Legal Description: SW ¼, NE ¼, Sec. 28, T48N, R33W, Jackson County
UTM Coordinates: X = 364286, Y = 4312952
Receiving Stream: Indian Creek (C)
First Classified Stream and ID: Indian Creek (C) WBID# 0420
USGS Basin & Sub-watershed No.: Indian Creek (10300101-0103)
Design flow: 1.53 MGD, 2.37 cfs
Average actual flow: 0.120 MGD, 0.186 cfs; actual flows are dependent on precipitation

Outfall #003 – Land Subdivision and Development – SIC #6552 NAICS # 237210
Stormwater - runoff from former industrial site and land disturbance areas; non-stormwater discharges authorized under land disturbance activities; fire protection test water; uncontaminated stormwater collected in various sumps, secondary containment structures, and excavated pits.
Sample collection point located at flap gate structure.
Legal Description: NW ¼, SW ¼, Sec. 28, T48N, R33W, Jackson County
UTM Coordinates: X = 363414, Y = 4313051
Receiving Stream: Tributary to Indian Creek
First Classified Stream and ID: Indian Creek (C) WBID# 0420
USGS Basin & Sub-watershed No.: (10300101-0105)
Design flow: 0.80 MGD, 1.24 cfs
Average actual flow: 0.143 MGD, 0.221 cfs; actual flows are dependent on precipitation

Outfall #004 – Land Subdivision and Development – SIC #6552 NAICS # 237210
Stormwater - runoff from former industrial site and land disturbance areas; non-stormwater discharges authorized under land disturbance activities; fire protection test water; uncontaminated stormwater collected in various sumps, secondary containment structures, and excavated pits; condensate from building heating and cooling units.
Sample collection point located at flap gate structure.
Legal Description: NW ¼, SW ¼, Sec. 28, T48N, R33W, Jackson County
UTM Coordinates: X = 363414, Y = 4313051
Receiving Stream: Tributary to Indian Creek
First Classified Stream and ID: Indian Creek (C) WBID# 0420
USGS Basin & Sub-watershed No.: (10300101-0103)
Design flow: 1.12 MGD, 1.74 cfs
Average actual flow: 0.073 MGD, 0.113 cfs; actual flows are dependent on precipitation

Downstream Sampling Point S1
Sampling point is: Confluence of Blue River and Boone Creek at the Prospect Bridge
Legal Description: SW ¼, SW ¼, Sec. 22, T48N, R33W, Jackson County
UTM Coordinates: X = 365094, Y = 4313899
FACILITY DESCRIPTION (CONTINUED)

OUTFALL #100 – new 2020 mod, stormwater runoff from former industrial site and current land disturbance areas; flow currently unknown but dependent on precipitation.
Legal Description: SE ¼, SE ¼, Sec. 21, T48N, R33W, Jackson County
UTM Coordinates: X = 364431, Y = 4314133
Receiving Stream: 100 K Extent Remaining Stream locally known as Boone Creek (C)
First Classified Stream and ID: 100 K Extent Remaining Stream / Boone Creek (C) WBID #3960
USGS Basin & Sub-watershed No.: Brush Creek – Blue River (10300101-0105)

OUTFALL #200 – new 2020 mod, stormwater runoff from former industrial site and current land disturbance areas; flow currently unknown but dependent on precipitation.
Legal Description: SE ¼, NE ¼, Sec. 28, T48N, R33W, Jackson County
UTM Coordinates: X = 364652, Y = 4312928
Receiving Stream: Blue River (P)
First Classified Stream and ID: Blue River (P) WBID #0419, 303d
USGS Basin & Sub-watershed No.: Brush Creek – Blue River (10300101-0105)

OUTFALL #300 – new 2020 mod, stormwater runoff from former industrial site and current land disturbance areas; flow currently unknown but dependent on precipitation.
Legal Description: NW ¼, SW ¼, Sec. 28, T48N, R33W, Jackson County
UTM Coordinates: X = 363395, Y = 4312821
Receiving Stream: Tributary to Indian Creek
First Classified Stream and ID: Indian Creek (C) WBID# 0420
USGS Basin & Sub-watershed No.: Indian Creek (10300101-0103)
### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

#### OUTFALLS #001, #002, #003, & #004, #100, #200, and #300 Stormwater

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective on **September 1, 2020** and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

<table>
<thead>
<tr>
<th>Effluent Parameters</th>
<th>Units</th>
<th>Final Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Daily Maximum</td>
<td>Monthly Average</td>
</tr>
<tr>
<td>Physical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flow</td>
<td>MGD</td>
<td>*</td>
<td>-</td>
</tr>
<tr>
<td>Precipitation</td>
<td>inches</td>
<td>*</td>
<td>-</td>
</tr>
<tr>
<td>Conventional</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chemical Oxygen Demand</td>
<td>mg/L</td>
<td>**</td>
<td>120</td>
</tr>
<tr>
<td>Oil &amp; Grease</td>
<td>mg/L</td>
<td>**</td>
<td>10</td>
</tr>
<tr>
<td>pH</td>
<td>SU</td>
<td>**</td>
<td>6.0 to 9.0</td>
</tr>
<tr>
<td>Settleable Solids</td>
<td>mL/L/hr</td>
<td>**</td>
<td>1.5</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>mg/L</td>
<td>**</td>
<td>100</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PCBs</td>
<td>µg/L</td>
<td>**</td>
<td>0.5</td>
</tr>
</tbody>
</table>

**MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE NEXT REPORT IS DUE OCTOBER 28, 2020. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

<table>
<thead>
<tr>
<th>Metals</th>
<th>Units</th>
<th>Final Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum, Total Recoverable</td>
<td>µg/L</td>
<td>**</td>
<td>750</td>
</tr>
<tr>
<td>Beryllium, Total Recoverable</td>
<td>µg/L</td>
<td>*</td>
<td>-</td>
</tr>
<tr>
<td>Chromium, VI, Dissolved</td>
<td>µg/L</td>
<td>*</td>
<td>-</td>
</tr>
<tr>
<td>Copper, Total Recoverable</td>
<td>µg/L</td>
<td>**</td>
<td>22</td>
</tr>
<tr>
<td>Lead, Total Recoverable</td>
<td>µg/L</td>
<td>*</td>
<td>-</td>
</tr>
<tr>
<td>Zinc, Total Recoverable</td>
<td>µg/L</td>
<td>**</td>
<td>181</td>
</tr>
</tbody>
</table>

**VOLATILES**

| 1, 2-dichloethane      | µg/L   | *                 | -                       | once/quarter ‡         | grab        |
| Trichloroethylene      | µg/L   | *                 | -                       | once/quarter ‡         | grab        |
| Vinyl Chloride         | µg/L   | *                 | -                       | once/quarter ‡         | grab        |

**MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE NEXT REPORT IS DUE JANUARY 28, 2021. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

###DOWNSTREAM SAMPLING

#### FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective on **October 1, 2018** and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

<table>
<thead>
<tr>
<th>Effluent Parameters</th>
<th>Units</th>
<th>Final Limitations</th>
<th>Monitoring Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Daily Maximum</td>
<td>Monthly Average</td>
</tr>
<tr>
<td>Physical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream Flow</td>
<td>cfs</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PCBs</td>
<td>µg/L</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>

**MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE NOVEMBER 28, 2018.**
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (CONTINUED)

* Monitoring requirement only

** Monitoring requirement with associated benchmark

Ω The facility will report the minimum and maximum values. pH is not to be averaged

Φ PCBs: Table A-1 of this permit requires weekly sampling of outfalls #001, #002, #003, #004, #100, #200, and #300 for PCBs; Table A-2 requires monthly sampling at the downstream sampling point. The facility is authorized to discharge PCBs below Missouri’s Water Quality Standards at 10 CSR 20-7.031 Table A; (0.000045 µg/L; or 0.045 nanograms per liter; ng/L); downstream sampling is monitoring only. The water quality standard is below current analytical method detection limits. Measured values greater than or equal to the laboratory reporting limit [0.5 µg/L (500 ng/L)] will be considered an exceedance of the benchmark which will trigger corrective action of the site’s BMPs as detailed within the SWPPP. Measured values lower than 0.5 µg/L (500 ng/L) shall be considered non-detect. See special condition #1 for additional requirements.

◊ Quarterly sampling

<table>
<thead>
<tr>
<th>QUARTER</th>
<th>MONTHS</th>
<th>QUARTERLY EFFLUENT PARAMETERS</th>
<th>REPORT IS DUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>January, February, March</td>
<td>Sample at least once during any month of the quarter</td>
<td>April 28th</td>
</tr>
<tr>
<td>Second</td>
<td>April, May, June</td>
<td>Sample at least once during any month of the quarter</td>
<td>July 28th</td>
</tr>
<tr>
<td>Third</td>
<td>July, August, September</td>
<td>Sample at least once during any month of the quarter</td>
<td>October 28th</td>
</tr>
<tr>
<td>Fourth</td>
<td>October, November, December</td>
<td>Sample at least once during any month of the quarter</td>
<td>January 28th</td>
</tr>
</tbody>
</table>

B. 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.

C. SPECIAL CONDITIONS

1. This permit is hereby drafted to mitigate discharges of contaminated stormwater from land disturbance activities ongoing at the site. The activities on site are part of a site-wide redevelopment action and are under the authority of the Resource Conservation and Recovery Act (RCRA) and Missouri Hazardous Waste Management Law as enforced by the Missouri Department of Natural Resources’ Hazardous Waste Program under permit MO9890010524. It is the intent of both the Department and the permittee to continue the efforts enumerated within this permit to evaluate current and prevent future discharges of pollution to waters of the state in excess of the limitations and conditions described herein.

The permittee must incorporate all stormwater-related Best Management Practices from the approved Resource Conservation and Recovery Act (RCRA) Stormwater Pollution Prevent Plan into the NPDES SWPPP as required under Part C, 2. et seq.

2. The purpose of the Stormwater Pollution Prevention Plan (SWPPP) and the Best Management Practices (BMPs) listed herein is the prevention of pollution of waters of the state. A deficiency of a BMP means it was not effective preventing pollution [10 CSR 20-2.010(56)] of waters of the state, and corrective actions means the facility took steps to eliminate the deficiency.

3. Minimum Best Management Practices (BMPs) must prevent discharges from causing or contributing to an exceedance of water quality standards including general criteria. The pollution prevention measures should be described in the SWPPP; at a minimum such measures must be designed, installed, implemented, and maintained to:
   (a) Minimize the exposure of building materials, building products, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater.
   (b) Prevent the spillage or loss of fluids, oil, grease, fuel, etc. from vehicle maintenance, equipment cleaning, or warehouse activities and thereby prevent the contamination of stormwater from these substances.
   (c) Provide collection facilities and arrange for proper disposal of waste products including but not limited to petroleum waste products, and solvents.
C. SPECIAL CONDITIONS (CONTINUED)

(d) Control stormwater volume and velocity at the facility to minimize soil erosion;
(e) Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
(f) Minimize the amount of soil exposed during construction activity;
(g) Minimize the disturbance of steep slopes;
(h) Minimize sediment discharges from the project. Design, install and maintain erosion and sediment controls that address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle size expected to be present on the project;
(i) Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration and filtering, unless infeasible; and
(j) Unless infeasible, preserve topsoil.
(k) Capture or treat a 2-year, 24-hour storm event. A 2-year, 24-hour storm event shall be determined for the project location using the National Oceanic and Atmospheric Administration’s National Weather Service Atlas 14 which can be located at https://hdsc.nws.noaa.gov/hdsc/pfds/ or other suitable resource.
(l) Installation of BMPs necessary to prevent soil erosion at the project boundary must be complete prior to the start of all phases of construction, in areas where stormwater runoff may freely leave the site.
(m) Install sediment controls along any perimeter areas of the project that will receive pollutant discharges.
(n) Remove any sediment per the manufacturer’s instructions or before it has accumulated to one-half of the above-ground height of any perimeter control.
(o) For projects where perimeter controls are infeasible, other practices shall be implemented to minimize discharges to perimeter areas of the project.
(p) BMPs shall be maintained and remain in effective operating condition during the entire duration of the project, with repairs made within the timeframe specified elsewhere in this permit, until final stabilization has been achieved.
(q) Minimize sediment trackout from the project.
(r) Restrict vehicle traffic to properly designed and controlled exit points.
(s) Use appropriate stabilization techniques at all points that exit onto paved roads.
(t) Remove any sediment that has been tracked out within the same business day or by the end of the next business day if trackout occurs on a non-business day.
(u) Store all paint, solvents, petroleum products, and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) according to BMPs such as plastic lids and/or portable spill pans to prevent the commingling of stormwater with container contents. Materials exposed to precipitation shall be stored in watertight, structurally sound, closed containers. 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. All containers shall be inspected for leaks or spillage during the inspection of BMPs. Any spills should be noted in the SWPPP.
(v) Provide sediment and erosion control sufficient to prevent or control sediment loss off of the property.
(w) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
(x) Provide good housekeeping practices on the site to keep trash from entry into waters of the state. Good housekeeping practices shall be maintained at all times to keep waste from entering waters of the state. Solid and hazardous waste management include providing trash containers and regular site cleanup for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers and cups, and providing containers and proper disposal of waste paints, solvents and cleaning compounds. The provision of portable toilets for proper disposal of sanitary sewage and the storage of construction materials should be kept away from drainage courses and low areas.
(y) All fueling facilities present shall at all times adhere to applicable federal and state regulations concerning underground storage, above ground storage, secondary containment, and dispensers.
(z) To protect the general criteria found at 10 CSR 20-7.031(4), before releasing water accumulated in secondary containment areas, it must be examined for hydrocarbon odor and presence of sheen. If the presence of odor or sheen is indicated, the water shall be tested for oil and grease, benzene, toluene, ethylbenzene, and xylene using 40 CFR part 136 methods. If pollutant levels are below the most protective, applicable standards for the receiving stream found in 10 CSR 20-7.031 Table A, the water may be discharged. If pollutant levels exceed the applicable standards in 10 CSR 20-7.031 Table A, suitable water may be treated in the on-site wastewater treatment facility or disposed of at an off-site facility. Records of all testing and treatment of water accumulated in secondary containment shall be stored in the SWPPP to be available on demand to the Department and EPA personnel.
C. SPECIAL CONDITIONS (CONTINUED)

(aa) The manual Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri, published by the Missouri Department of Natural Resources available at: http://www.dnr.mo.gov/env/wpp/wpcp-guide.htm is acceptable for the selection of appropriate BMPs; other guidance publications may be used to select appropriate BMPs.

4. Unauthorized Discharges and Activities. This permit does not authorize:
   (a) Process water or wastewater discharges not specifically allowed in this permit.
   (b) Land application of wastewaters or sludges (dust suppression activities are allowed).
   (c) Discharge of domestic wastewaters, including gray waters.
   (d) Discharge of sheen or oily residue.
   (e) Discharge of soaps, foam, or solvents.
   (f) Placement of fill materials in flood plains, the obstruction of stream flow, directing stormwater across private property not owned or operated by the permittee, or changing the channel of a defined drainage course. This permit addresses only the quality of the stormwater runoff and the minimization of off-site migration of sediments and other water contaminants.
   (g) Land disturbance activity in jurisdictional waters of the United States as defined by the U.S. Army Corps of Engineers, unless the permittee has obtained the required Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and its associated Section 401 Water Quality Certification from the Department. Land disturbance activities may not begin in the affected waters of the United States until the required 404 permit and 401 certification have been obtained.
   (h) Discharge of wastewater generated from air pollution control equipment to waters of the state, or the containment of scrubber water in ponds exposed to stormwater.
   (i) Discharge of any hazardous material, oil, lubricant, solid waste, or other non-naturally occurring substance from the site, including fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
   (j) Discharge of hazardous substances or petroleum products from an on-site spill, or handling, or disposal practices.
   (k) Wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks, unless managed by an appropriate control. Any such pollutants must be adequately treated and addressed in the SWPPP, and cannot be discharged to waters of the state.
   (l) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
   (m) This permit does not affect, remove, or replace any requirement of: the National Environmental Policy Act (NEPA), the Spill Prevention, Control and Countermeasure (SPCC) Rule, the Endangered Species Act (ESA); the National Historic Preservation Act; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); or the Resource Conservation and Recovery Act (RCRA). Determination of applicability to the above mentioned acts is the responsibility of the permittee.
   (n) This permit does not supersede any requirement for obtaining project approval under an established local authority.
   (o) The Department may require additional sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or other such evidence of contamination from activities at the site. If such an action is needed, the Department will specify in writing any sampling requirements, including such information as location, frequency, duration, and parameters.

5. This facility shall implement a SWPPP which must be prepared and employed upon permit issuance which incorporates site specific practices to best minimize industrial exposed stormwater, soil exposure, soil erosion, and the discharge of pollutants from industrial stormwater and land disturbance activities. This facility is required to design, install, and maintain effective stormwater, erosion, and sediment controls to minimize pollutant discharges. The permittee shall fully implement the provisions of the SWPPP required under this part as a condition of this permit and throughout the term of the permit. Either an electronic copy or a paper copy of the SWPPP must be accessible and made available as specified under the Records section of this permit. The SWPPP must be kept on-site and should not be sent to the Department unless specifically requested. The SWPPP must be reviewed and updated every five years or as site conditions change. The permittee shall select, install, use, operate, and maintain appropriate and effective BMPs for the land disturbance project and all industrially exposed areas of the facility in accordance with the concepts and methods described in: Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, (Document number EPA 833-R-06-004 published by the United States Environmental Protection Agency (USEPA) May 2007) and Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators, (EPA 833-B-09-002 published by the EPA February 2009) (www.epa.gov/npdes/pubs/industrial_swppp_guide.pdf). The SWPPP must meet all requirements of this permit and at a minimum incorporate the following:
C. SPECIAL CONDITIONS (CONTINUED)

a. The SWPPP must:
i. List and describe all outfalls (while industrial outfalls are identified in this operating permit, the facility is authorized to include additional outfalls as necessary to accommodate land disturbance activities – addition of industrial wastewater and industrial stormwater discharges will require a permit modification);
ii. Incorporate required information and practices identified below;
iii. Incorporate erosion control practices specific to project conditions;
iv. Provide for maintenance and adherence to the plan;
v. Discuss whether or not a 404/401 Permit is required for the project; and
vi. Name the person responsible for inspection, operation, and maintenance of BMPs.
vii. Ensure the design, implementation, management, and maintenance of BMPs in order to prevent sediment and other pollutants in stormwater discharges associated with the land disturbance activities; compliance with the Missouri Water Quality Standards; and compliance with the terms and conditions of this permit.

b. The following information and practices shall be provided for in the SWPPP:
i. Nature of the Industrial Activity, Construction Activity, Disturbance Activity, and Site Description: The SWPPP shall include facility and outfall information and shall have sufficient information to be of practical use to contractors and site construction workers to guide the installation and maintenance of BMPs. The SWPPP briefly must describe the nature of the construction activity, including:
   1. The function of the project.
   2. The intended sequence and timing of activities that disturb the soils at the site.
   3. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities including off-site borrow and fill areas.

ii. Site Map: A general map with enough detail to identify the location of the construction site and waters of the State within one mile of the site. A second legible site map showing the site boundaries and outfalls identifying:
   1. Direction(s) of stormwater flow and approximate slopes anticipated after grading activities;
   2. Areas of soil disturbance and areas that will not be disturbed (or a statement that all areas of the site will be disturbed unless otherwise noted);
   3. Location of structural BMPs identified in the SWPPP;
   4. Locations where stabilization practices are expected to occur;
   5. Locations of off-site material, waste, borrow, or equipment storage areas;
   6. Locations of all waters of the state (including wetlands);
   7. Locations where stormwater discharges to a surface water; and
   8. Areas where final stabilization has been accomplished and no further permit requirements apply.

iii. Selection of Temporary and Permanent BMPs: The permittee shall select appropriate BMPs for use at the site and list them in the SWPPP.
   1. The SWPPP shall require existing vegetation and trees to be preserved where practical.
   2. For surface waters of the state [10 CSR 20-7.031(1)(DD)] the permittee must:
      a. Provide and maintain a 50-foot undisturbed natural buffer;
      b. If less than 50 feet provide and maintain an undisturbed natural buffer supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
      c. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
      d. Where retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:
         I. The ordinary high water mark of the water body, [33 CFR 328.3(c)(6)]; or
         II. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

iv. Description of BMPs: The SWPPP shall include a description of both structural and operational BMPs that will be used on the project.
   1. The SWPPP shall provide the following general information for each BMP used one or more times at the site:
      a. Physical description of the BMP;
      b. Site conditions that must be met for effective use of the BMP;
      c. BMP installation/construction procedures, including typical drawings; and
      d. Operation and maintenance procedures for the BMP.
   2. The SWPPP shall provide the following information for each specific instance where a BMP is to be installed:
      a. Whether the BMP is temporary or permanent;
      b. Where, in relation to other site features, the BMP is to be located;
      c. When the BMP will be installed in relation to each phase of the land disturbance procedures to complete the project; and
      d. Site conditions that must be met before removal of the BMP if the BMP is not a permanent BMP.
C. SPECIAL CONDITIONS (CONTINUED)

v. Disturbed Areas:
   1. For soil disturbing activities that have been temporarily ceased on any portion of the project and will not resume for a period exceeding 14 calendar days:
      a. The permittee shall construct BMPs to establish interim stabilization; and
      b. Stabilization must be initiated immediately and completed within 14 calendar days.
   2. For soil disturbing activities that have been permanently ceased on any portion of the project, final stabilization of disturbed areas must be initiated immediately and completed within 14 calendar days. Allowances to the 14 day completion period for temporary and final stabilization may be made due to weather and equipment malfunctions. The use of allowances shall be documented in the SWPPP.
   3. Interim stabilization shall consist of well-established and maintained BMPs that are reasonably certain to protect waters of the state from sediment pollution over an extended period of time. This may require adding more BMPs to an area than is normally used during daily operations. These BMPs may include a combination of sediment basins, check dams, sediment fences and mulch. The types of BMPs used must be suited to the area disturbed, taking into account the number of acres exposed and the steepness of the slopes. If the slope of the area is greater than 3:1 (three feet horizontal to one foot vertical) or if the slope is greater than 3% and greater than 150 feet in length, then the permittee shall establish interim stabilization within seven days of ceasing operations on that part of the site.
   4. If vegetative stabilization measures are being implemented, stabilization is considered “installed” when all activities necessary to seed or plant the area are completed.

vi. Installation: The permittee/operator shall ensure the BMPs are properly installed at the locations and relative times specified in the SWPPP. Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Note that this requirement does not apply to earth disturbances related to initial site clearing and establishing entry, exit, and access of the site, which may require that stormwater controls be installed immediately after the earth disturbance. For phased projects, BMPs shall be properly installed as necessary prior to construction activities. Stormwater discharges from disturbed areas which leave the site shall pass through an appropriate sediment control measure such as a sedimentation basin, sediment traps, or silt fences prior to leaving the land disturbance site. A drainage course change shall be clearly marked on a site map and described in the SWPPP.

vii. Sedimentation Basins/Sediment Control: The SWPPP shall include a sedimentation basin for each drainage area as needed. The sedimentation basin shall be sized to treat a local 2-year, 24-hour storm. Accumulated sediment shall be removed from the basin when basin is 50% full or sooner. Utilize outlet structures that withdraw water from the surface when discharging from basins and impoundments unless infeasible. Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream. The SWPPP shall require the basin be maintained until final stabilization of the disturbed area served by the basin. Where use of a sediment basin is infeasible, the SWPPP shall evaluate and specify other similarly effective BMPs to be employed to control erosion and sediment delivery. These similarly effective BMPs shall be selected from appropriate BMP guidance documents authorized by this permit. The BMPs must provide equivalent water quality protection to achieve compliance with this permit. The SWPPP shall require both temporary and permanent sedimentation basins to have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.

viii. Roadways: Where applicable, upon installation of or connection to roadways, all efforts should be made to prevent the deposition of earth and sediment onto roadways through the use of proper BMPs. Stormwater inlets susceptible to receiving sediment from areas with active land disturbance shall have curb inlet protection. Where stormwater will flow off the end of where a roadway terminates, a sediment catching BMP such as gravel berm or silt fence shall be provided. Curb inlet protection shall be cleaned as needed when sediment accumulates to approximately 50% of the total BMP height.

ix. Dewatering: Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. The SWPPP shall include a description of any anticipated dewatering methods. The SWPPP shall call for specific BMPs designed to treat water pumped from trenches and excavations and in no case shall this water be pumped off-site without being treated by the specified BMPs.

x. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The permittee shall amend the SWPPP at a minimum whenever the:
   1. Design, operation, or maintenance of BMPs is changed;
   2. Design of the construction project is changed that could significantly affect the quality of the stormwater discharges;
   3. Permittee’s inspections indicate deficiencies in the SWPPP or any BMP;
   4. Department notifies the permittee in writing of deficiencies in the SWPPP;
C. SPECIAL CONDITIONS (CONTINUED)

5. SWPPP is determined to be ineffective in minimizing or controlling erosion and sedimentation (e.g., there is visual evidence of excessive site erosion or excessive sediment deposits in streams or lakes); and/or

6. Department determines violations of water quality criteria may occur or have occurred.

xii. Inspections, Logs, and Reports: A qualified individual shall conduct regularly scheduled inspections. These inspections shall be conducted by a person who is responsible for environmental matters at the site, or a person trained by and directly supervised by the person responsible for environmental matters at the site. All installed BMPs and other pollution control measures for industrial stormwater and for disturbed areas that have not been finally stabilized, shall be inspected for proper installation, operation, and maintenance. All stormwater outfalls shall be inspected for evidence of erosion or sediment deposition. When practicable, the receiving stream shall also be inspected for 50 feet downstream of the outfall. Any structural, operational, or maintenance problems shall be noted in an inspection report and corrected as soon as possible but no more than seven calendar days after the inspection. All BMPs must be inspected in accordance to one of the two schedules listed below, and any changes to the frequency of inspections, including switching between the options listed below, must be documented in the SWPPP:

1. At least once every seven calendar days and within 48 hours after any storm event equal to or greater than a 2-year, 24-hour storm has ceased during a normal work day and within 72 hours if the rain event ceases during a non-work day such as a weekend or holiday; or

2. Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.45 inches of precipitation or greater, or the occurrence of runoff from snowmelt. To determine if a storm event of 0.45 inches or greater has occurred on your site, the responsible individual must either keep a properly maintained rain gauge on site, or obtain the storm event information from a weather station for the location.

3. If inspections occur every 14 calendar days and there is a storm event at the site continuing for multiple days, and each day of the storm produces 0.45 inches or more of rain, the facility is required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

4. Inspections are only required during the project’s normal working hours although may occur as necessary.

5. An individual must conduct an inspection within 24 hours once a storm event has produced 0.45 inches within a 24 hour period, even if the storm event is still continuing.

6. The SWPPP must explain how the person responsible for erosion control will be notified when stormwater runoff occurs. If weather conditions prevent correction of BMPs within seven calendar days, the reasons for the delay must be documented (including pictures) and there must be a narrative explaining why the work cannot be accomplished within the seven day time period. The documentation must be filed with the regular inspection reports. The permittee shall correct the problem as soon as weather conditions allow. Areas on-site that have been finally stabilized must be inspected at least once per month.

7. A log of each inspection and copy of the inspection report shall be kept readily accessible and must be available upon request by the Department. Electronic logs are acceptable as long as reports can be provided in a timely manner. If inspection reports are kept off-site, your SWPPP must indicate where they are stored. The inspection report shall be signed by the permittee or by the person performing the inspection if duly authorized to do so. The inspection report is to include the following minimum information:
   a. Inspector’s name;
   b. Date of inspection, (time of inspection of each element is encouraged but not required);
   c. Observations relative to the effectiveness and condition of the BMPs;
   d. Actions taken or necessary to correct the observed problem; and
   e. Listing of areas where land disturbance operations have permanently or temporarily stopped.

xiii. Notification to All Contractors: The permittee shall be responsible for notifying each contractor or entity (including but not limited to utility crews and city employees or their agents) who will perform work that could impact stormwater runoff at the site of the existence of the SWPPP and what actions or precautions shall be taken while on-site to minimize the potential for erosion and the potential for damaging any BMP. The permittee is responsible for any damage a subcontractor may do to any established BMP and any subsequent water quality violation resulting from the damage.

xiv. Records: The permittee shall retain copies of this permit, the SWPPP, and all amendments for the site, results of any monitoring and analysis, and all site inspection records required by this permit. The records shall be accessible during normal business hours. The records shall be retained for a period of at least three years after final stabilization or permit termination; whichever is longer.

1. The permittee shall provide a copy of the SWPPP to the Department, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
C. SPECIAL CONDITIONS (CONTINUED)

2. The permittee shall provide a copy of the SWPPP to those who are responsible for installation, operation, or maintenance of any BMP. The permittee, their representative, and/or the contractor(s) responsible for installation, operation, and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site. Electronic copies are acceptable.

6. This permit stipulates pollutant benchmarks applicable to your discharge. The benchmarks do not constitute direct numeric effluent limitations; therefore, a benchmark exceedance alone is not a permit violation. Benchmark monitoring and visual inspections shall be used to determine the overall effectiveness of SWPPP and to assist you in knowing when additional corrective action may be necessary to protect water quality. If a sample exceeds a benchmark concentration you must review your SWPPP and your BMPs to determine what improvements or additional controls are needed to reduce that pollutant in your stormwater discharge(s).

Any time a benchmark exceedance occurs a Corrective Action Report (CAR) must be completed. A CAR is a document that records the efforts undertaken by the facility to improve BMPs to meet benchmarks in future samples. CARs must be retained with the SWPPP and available to the Department upon request. If the efforts taken by the facility are not sufficient and subsequent exceedances of a benchmark occur, the facility must contact the Department if a benchmark value cannot be achieved. Failure to take corrective action to address a benchmark exceedance and failure to make measureable progress towards achieving the benchmarks is a permit violation.

7. All outfalls and permitted features must be clearly marked in the field.

8. The full implementation of this operating permit, which includes implementation of any applicable schedules of compliance, shall constitute compliance with all applicable federal and state statutes and regulations in accordance with §644.051.16, RSMo, and the CWA section 402(k); however, this permit may be reopened and modified, or alternatively revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), §304(b)(2), and §307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or controls any pollutant not limited in the permit.

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

10. Changes in Discharges of Toxic Pollutant
In addition to the reporting requirements under §122.41(1), all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
(a) That an activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
   (1) One hundred micrograms per liter (100 µg/L);
   (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile;
   (3) Five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol;
   (4) One milligram per liter (1 mg/L) for antimony;
   (5) Five (5) times the maximum concentration value reported for the pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
   (6) The notification level established by the Department in accordance with 40 CFR 122.44(f).
(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:
   (1) Five hundred micrograms per liter (500 µg/l);
   (2) One milligram per liter (1 mg/l) for antimony;
   (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with §122.21(g)(7).
   (4) The level established by the Director in accordance with §122.44(f).
C. SPECIAL CONDITIONS (CONTINUED)

11. Reporting of Non-Detects
   (a) An analysis conducted by the permittee or their contracted laboratory shall be conducted in such a way that the precision and accuracy of the analyzed result can be enumerated.
   (b) The permittee shall not report a sample result as “non-detect” without also reporting the detection limit of the test. Reporting as “non-detect” without also including the detection limit will be considered failure to report, which is a violation of this permit.
   (c) The permittee shall report the “non-detect” result using the less than sign and the minimum detection limit (e.g. <10).
   (d) Where the permit contains a Minimum Level (ML) and the permittee is granted authority in the permit to report zero in lieu of the < ML for a specified parameter (conventional, priority pollutants, metals, etc.), then zero (0) is to be reported for that parameter.
   (e) See Standard Conditions Part I, Section A, #4 regarding proper detection limits used for sample analysis.
   (f) When calculating monthly averages, one-half of the minimum detection limit (MDL) should be used instead of a zero. Where all data are below the MDL, the “<MDL” shall be reported as indicated in item (C).

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

   (a) Discharge Monitoring Reporting Requirements. The permittee must electronically submit compliance monitoring data via the eDMR system. In regards to Standard Conditions Part I, Section B, #7, the eDMR system is currently the only Department approved reporting method for this permit.
   (b) Programmatic Reporting Requirements. The following reports (if required by this permit) must be electronically submitted as an attachment to the eDMR system until such a time when the current or a new system is available to allow direct input of the data: Any report required by the permit excluding bypass reporting. After such a system has been made available by the Department, required data shall be directly input into the system by the next report due date.
   (c) Other actions. The following shall be submitted electronically after such a system has been made available by the Department:
      (1) General Permit Applications/Notices of Intent to discharge (NOIs);
      (2) Notices of Termination (NOTs);
      (3) No Exposure Certifications (NOEs);
      (4) Low Erosivity Waivers and Other Waivers from Stormwater Controls (LEWs); and
      (5) Bypass reporting.
   (d) Electronic Submissions. To access the eDMR system, use the following link in your web browser:
      https://edmr.dnr.mo.gov/edmr/E2/Shared/Pages/Main/Login.aspx.
   (e) Waivers from Electronic Reporting. The permittee must electronically submit compliance monitoring data and reports unless a waiver is granted by the Department in compliance with 40 CFR Part 127. The permittee may obtain an electronic reporting waiver by first submitting an eDMR Waiver Request Form: http://dnr.mo.gov/forms/780-2692-f.pdf. The Department will either approve or deny this electronic reporting waiver request within 120 calendar days. Only permittees with an approved waiver request may submit monitoring data and reports on paper to the Department for the period that the approved electronic reporting waiver is effective.
This Statement of Basis (Statement) gives pertinent information regarding modification(s) to the above listed operating permit. A Statement is not an enforceable part of a Missouri State Operating Permit. Changes found here supersede previous fact sheet determinations. The permit was changed, if applicable, to reflect changes in this modification.

**PART I. FACILITY INFORMATION:**

The facility’s basic information has not changed; see original fact sheet.

**OUTFALLS AND STREAMS:**

This image includes much clearing, building demolishing, and grading which has already taken place. The entirety of this facility is located within the metro no-discharge watershed. However, discharge from uncontaminated stormwater is permissible.
PART II. MODIFICATION RATIONALE

This operating permit is hereby modified to reflect addition of three outfalls.

As part of the demolition, remediation, and redevelopment of the Bannister (BTD) site, four existing regulated outfalls #001, #002, #003, and #004 will be abandoned (as well as unregulated outfall #F and the part of outfall #D on the Bannister site). This modification describes the iterative abandonment the four outfalls, and addition of three new outfalls with detention basins for solids control. The new and old outfalls are allowed to discharge concurrently until all piping has been plugged or removed from the old outfalls. The facility will report no-discharge on the old outfalls once out of service.

Outfall #001. Water from the northeast quadrant of the site currently drains to the #001 sedimentation pond and is treated prior to discharge through outfall #001 to Boone Creek. The abandonment of outfall #001 will consist of the following:
- Subsurface piping of the on-site collection system will be removed or abandoned in place;
- Off-site discharge piping will be removed or abandoned in place. Where abandoned in place, a concrete bulkhead will be constructed, and the piping will be filled with controlled low-strength material (CLSM) or slurry. The CLSM selected is cellular concrete;
- The reinforced concrete box outfall structure at Boone Creek will be filled with CLSM and covered with crushed stone.
- A portion of the existing structures that compose outfall #001 includes a concrete raceway and an associated underdrain that has been designated as solid waste management unit (SWMU) #8. SWMU 8 is located on Union Pacific Railroad (UPRR) property adjacent to and east of BTD property. The work to be completed on this raceway and underdrain collection system consists of the following:
  - The raceway will be capped and left in place;
  - The underdrain beneath the raceway currently drains to a nearby sump, which will be left in place. Water collected in this sump is currently pumped to the Groundwater Treatment Facility (GWTF) in Building 98. (This permit does not allow for this wastewater discharge; this discharge connects to the sanitary sewer.)

Outfall #002 and portions of storm sewer #D. Water from the southeast quadrant of the site currently drains primarily to the #002 sedimentation pond and is treated prior to discharge through outfall #002 to Indian Creek. New outfall #200 will discharge to the Blue River. The abandonment of outfall #002 will consist of the following:
- On-site collection system subsurface piping will be removed or abandoned in place;
- A culvert extending across the UPRR tracks currently is a portion of the unregulated storm sewer #D system will be abandoned by filling with CLSM. This culvert previously discharged into the GSA basin controlled by the outlet and gatewell for unregulated storm sewer #D. The outlet and gatewell for storm sewer #D will remain in place and continue to serve the GSA’s southern area;
- Off-site discharge piping will be removed or abandoned in place. Where abandoned in place, concrete bulkheads will be constructed, steel flap gate structures secured, and the piping will be filled with CLSM;
- The concrete outfall structure at Indian Creek will be backfilled with large stone.

Outfalls #003, #004, and #F. Water from the west side of the BTD site currently drains to the #003 and #004 sedimentation basins. Water from both basins is treated prior to discharge through outfalls #003 and #004 to Indian Creek. Water from unregulated outfall #F also flows to the same outfall structure. The abandonment of outfalls #003, #004, and #F will consist of the following:
- On-site collection system subsurface piping will be removed or abandoned in place;
- The portion of subsurface piping for outfall #004 crossing under the flood wall will remain in place and will be reused as a grouted sleeve for the new outfall piping;
- Off-site discharge piping will be removed or abandoned in place. Where abandoned in place, concrete bulkheads will be constructed, steel flap gate structures secured, and the piping will be filled with CLSM;
- The outfall structure at Indian Creek after the headwall and flap gate assemblies will be backfilled with large crushed stone.

Gatewells
Each of the four currently regulated outfalls has a gatewell structure on the outfall pipeline near the flood containment wall or berm that the outfall crosses. These four gatewell structures will be abandoned by filling them with flowable grout during the pipeline abandonment sequence, and then removing the structures to an elevation of 792.0’ or lower. Any portion of the gatewell structure below this elevation that was not filled with flowable fill will be backfilled and compacted. New outfall #200 will drain the portion of the BTD site previously discharging via a culvert into the GSA Basin controlled by the outlet and gatewell for unregulated storm sewer #D. The storm sewer #D culvert will be abandoned, but the outlet and gatewell will remain in place to serve the GSA’s southern area.

Construction of outfalls #100, #200, and #300. Once the site is filled and graded, stormwater drainage at the site will primarily flow on the pavement surface and in swales at grade, rather than through an extensive subsurface drain system. Stormwater flow will be to the north (to new detention pond #100) and to the south (to new detention ponds #200 and #300). The discharge from pond #100 will be
routed via piping to a new outfall #100 at Boone Creek. Discharge from pond #200 will be routed to new outfall #200 at the Blue River, and from pond #300 will be to new outfall #300 at Indian Creek.

**DERIVATION AND DISCUSSION OF LIMITS:**
This permit continues monitoring of all parameters as originally issued in the 2018 permit. The outfalls, while new, are expected to contain the same types of pollutants until final grading is completed and redevelopment is commenced. Data from all outfalls will be reviewed at the permit renewal.

No other changes were made at this time.

**STORMWATER WATERSHED DIAGRAM:**
PART III. ADMINISTRATIVE REQUIREMENTS

On the basis of preliminary staff review, and utilizing current applicable standards and regulations, the Department, as administrative agent for the Missouri Clean Water Commission, proposes to issue this permit subject to specified effluent limitations, schedules, and special conditions. The changes contained herein require a public notice comment period per 10 CSR 20-6.020. The proposed determinations are tentative pending public comment.

PUBLIC NOTICE:
The Department shall give public notice that a draft permit has been prepared and its issuance is pending. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in and water quality concerns related to a draft permit. No public notice is required when a request for a permit modification or termination is denied; however, the requester and permittee must be notified of the denial in writing. The Department must issue public notice of a pending operating permit or of a new or reissued statewide general permit. The public comment period is the length of time not less than 30 days following the date of the public notice which interested persons may submit written comments about the proposed permit. For persons wanting to submit comments regarding this proposed operating permit, then please refer to the Public Notice page located at the front of this draft operating permit. The Public Notice page gives direction on how and where to submit appropriate comments.

✓ The Public Notice period for this operating permit was from 7/9/2020-8/10/2020; no comments were received.

DATE OF FACT SHEET: AUGUST 12, 2020

COMPLETED BY:
PAM HACKLER, ENVIRONMENTAL SCIENTIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - INDUSTRIAL UNIT
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pam.hackler@dnr.mo.gov
MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0004863
BANNISTER FACILITY
(FORMERLY UNITED STATES DEPARTMENT OF ENERGY,
NATIONAL NUCLEAR SECURITY ADMINISTRATION KANSAS CITY PLANT)

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

Part I. FACILITY INFORMATION

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<th>Facility Type:</th>
<th>Major Categorical Industrial</th>
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<td>Facility NAICS Code:</td>
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<td>Last Inspection:</td>
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FACILITY DESCRIPTION:

This facility, now called the Bannister Facility, consists of approximately 225 acres located at Bannister Road (95th Street) and Troost Avenue in Kansas City, Missouri. Before November 15, 2017, the facility (formerly called the Bannister Federal Complex) was owned by the United States of America, under the custody and control of the United States General Services Administration ("GSA") and the U.S. Department of Energy ("DOE"). The DOE, through its semi-autonomous agency known as the National Nuclear Security Administration ("NNSA"), operated the Kansas City Plant on land and improvements consisting of approximately 136 acres. On November 15, 2017, the United States of America conveyed title outright to the facility to Bannister Transformation & Development LLC, a Missouri limited liability company.

The facility was historically used to manufacture aircraft engines for the U.S. Navy (Pratt & Whitney and Westinghouse), and thereafter for the manufacturing of parts for nuclear weapons systems, although the components were non-nuclear. Another portion of the facility was occupied by the GSA’s Region 6 administrative offices and by other Federal tenants of GSA. The former Kansas City Plant ceased all manufacturing operations at the facility in August 2014 and GSA completed its departure from the facility in April 2016, and the facility was declared excess property of the United States for disposition.

The entire facility is the subject of a Missouri Hazardous Waste Management Facility Part 1 Permit (MO 9890010524) ("MHWMF Permit"), and the U.S. Environmental Protection Agency has issued a Part II Permit for the facility (EPA ID # MO 9890010524).

Currently, all of the buildings at the facility have been evacuated to the extent practicable and the site is undergoing a complete demolition (other than a groundwater treatment facility located in the structure known as Building 98). Upon completion of the demolition work, and pursuant to the MHWMF Permit, the Owner intends to execute a comprehensive program of corrective measures in order to remedy legacy environmental conditions at the facility and thereafter prepare the facility for new industrial development. This post-demolition program of corrective measures is described in a Corrective Measures Report (S.S. Papadopulos, April 2017) ("CMR"). The corrective measures identified in the CMR became the basis of a contingent modification of the MHWMF Part 1 Permit (MoDNR, July 2017). In January 2018, the Department approved a Class 1 Modification of the MHWMF Part 1 Permit, thereby satisfying the contingency for executing in the contingent modified permit issued in July 2017. The objective is to complete
the demolition and corrective measures, and thereafter redevelop the site as a modern industrial park consistent with activity and use limitation set forth in the modified MHWMF Permit.

This Missouri State Operating Permit authorizes land disturbance activities, industrial stormwater discharges. Other wastewaters, including the contaminated groundwater treatment unit, are discharges to the Kansas City sanitary sewer system.

This permit institutes benchmarks for certain parameters where the discharge has no water quality reasonable potential to cause or contribute to in-stream exceedances of Missouri’s water quality standards. This permit includes special condition language for best management practices required for land disturbance. This permit does not require the permittee to obtain a separate land disturbance permit for the site and was developed specifically for the permittee.

**PERMITTED FEATURES TABLE:**

<table>
<thead>
<tr>
<th>OUTFALL</th>
<th>AVERAGE FLOW</th>
<th>DESIGN FLOW</th>
<th>TREATMENT LEVEL</th>
<th>EFFLUENT TYPE</th>
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<td>best management practices</td>
<td>stormwater</td>
</tr>
</tbody>
</table>

**FACILITY PERFORMANCE HISTORY & COMMENTS:**
The electronic discharge monitoring reports were reviewed for the last five years. The facility reported exceedances of water quality limitations of oil and grease for each outfall at least once; pH was exceeded once at outfall #002 in the last five years. Additional information regarding the redevelopment of the site is located at the EPA’s website at [https://www.epa.gov/mo/bannister-federal-complex-kansas-city-missouri](https://www.epa.gov/mo/bannister-federal-complex-kansas-city-missouri) While the facility exceeded the limits in the past, the new operations are completely different therefore the permit writer has currently determined the facility does not have reasonable potential for future discharges.

**REMEDIATION ACTIVITIES:**
The property transfer, mentioned above, is to remediate the property and return the property to civilian use. This remediation is expected to result in a property which is available for commercial use to bring economic viability into the area and to control contaminant exposure to precipitation and stormwater discharges to waters of the state to levels prescribed by this permit. This permit recognizes the facility’s undertaking as being important to maintain the future water quality of the waters of the state in the area that may be impacted from runoff from the facility. The facility has developed a Stormwater Pollution Prevention Plan (SWPPP) for the site. The SWPPP will incorporate the requirements of the Resource Conservation and Recovery Act (RCRA) Corrective Action Management Plan which requires the facility to employ measures to protect waters of the state from pollution. For each Best Management Practice, either physical or operational, the facility must adhere to the stipulations within this permit and within the SWPPP. Throughout the renewal process, the facility has provided schematics and information regarding the robust BMPs currently at the site and proposed BMPs which are expected to change as necessary during the remediation process.

The remedial actions at the facility are being controlled primarily through a RCRA Corrective Action Management Plan administered through the Department’s Hazardous Waste Program. The BMPs at the site must be developed and implemented to control and manage pollutants possibly disturbed by any of the mitigation and redevelopment actions. The physical BMPs relied upon to the greatest at the facility are stormwater basins. These stormwater basins, some temporary, some permanent, are designed to capture stormwater runoff from the site and provide settling and filtration of pollutants contained in stormwater runoff from the facility. The facility is constructing one stormwater control basin for each outfall. In succession during the remediation process, outfalls #002, #003 and #004 will be plugged and the stormwater basins will be taken out of service.

Once the stormwater has been retained, the facility has the ability to collect and take off site treatment facility if the stormwater is believed to contain pollutants. As just mentioned, the facility has many robust operational BMPs which further prevent pollution to waters of the state.

This section was added after the first Public Notice comment period which was from May 4, 2018 to June 4, 2018 in response to a comment requesting clarification.
**Part II. RECEIVING STREAM INFORMATION**

**RECEIVING WATER BODY’S WATER QUALITY:**
The receiving streams, Indian Creek and Blue River have data available. Both streams are listed below. See additional information in the 303(d) and TMDL sections.

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](http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm)

- Applicable; Indian Creek (WBID# 0420) is listed on the 2016 Missouri 303(d) list for chloride and *E. coli*. and this facility is not considered a source of the above listed pollutant(s) or considered to contribute to the impairment.
- Applicable, Blue River (WBID#s 0417, 0418, 0419) is listed on the 2016 Missouri 303(d) list for *E. coli*. and this facility is not considered to be a source of the above listed pollutant or considered to contribute to the impairment.

**TOTAL MAXIMUM DAILY LOAD (TMDL):**
A TMDL is a calculation of the maximum amount of a given pollutant that a body of water can absorb before its water quality is affected; 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 may be developed. The TMDL shall include the WLA calculation. [http://dnr.mo.gov/env/wpp/tmdl/](http://dnr.mo.gov/env/wpp/tmdl/)

- Applicable; the Blue River (WBID# 0417, 0418, 0419, 0421) is associated with the 2001 EPA approved TMDL for chlorданe.
This facility is not considered to be a source of the above listed pollutant(s) or considered to contribute to the impairment.

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

- **Missouri or Mississippi River:**
- **Lake or Reservoir:**
- **Losing:**
- **Metropolitan No-Discharge:**
- **Special Stream:**
- **Subsurface Water:**
- **All Other Waters:**

**RECEIVING STREAMS TABLE:**

<table>
<thead>
<tr>
<th>OUTFALL</th>
<th>WATERBODY NAME</th>
<th>CLASS</th>
<th>WBID</th>
<th>DESIGNATED USES*</th>
<th>DISTANCE TO SEGMENT</th>
<th>12-DIGIT HUC</th>
</tr>
</thead>
<tbody>
<tr>
<td>#001</td>
<td>8-20-13 MUDD V1.0 locally known as Boone Creek</td>
<td>C</td>
<td>3960</td>
<td>HHP, IRR, LWW, SCR, WBC-B, WWH (AQL)</td>
<td>0.0 mi</td>
<td>10300101-0105 Brush Creek – Blue River</td>
</tr>
<tr>
<td>#002</td>
<td>Indian Creek</td>
<td>C</td>
<td>0420</td>
<td>HHP, IRR, IND, LWW, SCR, WBC-A, WWH (AQL)</td>
<td>0.0 mi</td>
<td>10300101-0103 Indian Creek</td>
</tr>
<tr>
<td>#003</td>
<td>Tributary to Indian Creek</td>
<td>n/a</td>
<td>n/a</td>
<td>GEN</td>
<td>0.0 mi</td>
<td></td>
</tr>
<tr>
<td>#004</td>
<td>Tributary to Indian Creek</td>
<td>n/a</td>
<td>n/a</td>
<td>GEN</td>
<td>0.0 mi</td>
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</tr>
<tr>
<td></td>
<td>Indian Creek</td>
<td>C</td>
<td>0420</td>
<td>HHP, IRR, IND, LWW, SCR, WBC-A, WWH (AQL)</td>
<td>0.1 mi</td>
<td></td>
</tr>
</tbody>
</table>

n/a not applicable

WBID = Waterbody IDentification: Missouri Use Designation Dataset 8-20-13 MUDD V1.0 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](ftp://msdis.missouri.edu/pub/Inland_Water_Resources/MO_2014_WQS_Stream_Classifications_and_Use_shp.zip)

As per 10 CSR 20-7.031 Missouri Water Quality Standards, the Department defines the Clean Water Commission’s water quality objectives in terms of “water uses to be maintained and the criteria to protect those uses.” The receiving stream and 1st classified receiving stream’s beneficial water uses to be maintained are in the receiving stream table in accordance with [10 CSR 20-7.031(1)(C)].

Uses which may be found in the receiving streams table, above:

10 CSR 20-7.031(1)(C)1.: **AQL** = Protection of aquatic life (Current narrative use(s) are defined to ensure the protection and propagation of fish, shellfish, and wildlife, which is 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 AQL effluent limitations in 10 CSR 20-7.031 Table A for all habitat designations unless otherwise specified.)

10 CSR 20-7.031(1)(C)2.: **Recreation in and on the water**

- WBC = 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 supporting swimming;
- 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;

- **IRR** = Irrigation for use on crops utilized for human or livestock consumption;
- **LWW** = Livestock and wildlife watering (Current narrative use is defined as LWP = Livestock and Wildlife Protection);
- **DWS** = Drinking Water Supply;
- **IND** = Industrial water supply

10 CSR 20-7.031(1)(C)8-11.: **Wetlands** (10 CSR 20-7.031 Table A currently does 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 20-7.031(6): **GRW** = Groundwater

**MIXING CONSIDERATIONS:**

Mixing is not being considered for this permit as this is a stormwater-only permit.

**RECEIVING STREAM MONITORING REQUIREMENTS:**
The receiving stream is being monitored to determine historical contamination of PCBs. See Table A-2 and the fact sheet.
Part III. RATIONALE AND DERIVATION OF EFFLUENT LIMITATIONS & PERMIT CONDITIONS

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

✓ Not applicable; the facility does not discharge to a losing stream as defined by [10 CSR 20-2.010(36)] & [10 CSR 20-7.031(1)(N)], or is an existing facility.

ANTI-BACKSLIDING:
Federal Regulations [CWA §303(d)(4); CWA §402(c); 40 CFR Part 122.44(I)] 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 for the reissuance conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 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.
      ▪ This facility is undergoing demolition. This permit is primarily a site specific land disturbance permit.
      ✓ The Department determined technical mistakes or mistaken interpretations of law were made in issuing the permit under section 402(a)(1)(b).
      ▪ The previous permit limits for all outfalls were established in error, based on limits for domestic or process wastewater, however, these are stormwater outfalls. This renewal establishes benchmarks and assessment activities appropriate for stormwater discharges from land disturbance activities at a former industrial site. There will be several changes to industrial activities onsite or the composition of the stormwater discharge as a result of this renewal. The benchmark concentrations and required corrective actions within this permit are protective of the receiving stream’s uses to be maintained.

   ✓ Monthly averages were not implemented for all outfalls in this permit as the discharge consists of only stormwater which is not continuous pursuant to 40 CFR 122.45(d). Further, average monthly limitations are impracticable measures of non-continuous stormwater discharges because they vary widely in frequency, magnitude, and duration. This permit applies only acute short-term or daily maximum measures which represent stormwater discharges which are acute and sporadic in nature. Discharges of industrial stormwater rarely persist for long durations, making them impracticable to assess using measures with long term exposures or averaging periods. Last, the instream water quality target remains unchanged and the conditions of this permit are protective of both narrative and numeric water quality criteria.

   ▪ The previous permit contained a specific set of prohibitions related to general criteria found in 10 CSR 20-7.031(4); however, there was no determination as to whether the discharges have reasonable potential to cause or contribute to excursion of those general water quality standards in the previous permit. Federal regulations 40 CFR 122.44(d)(1)(iii) requires that in instances were reasonable potential (RP) to cause or contribute to an exceedance of a water quality standard exists, a numeric limitation must be included in the permit. Rather than conducting the appropriate RP determination and establishing numeric effluent limitations for specific pollutant parameters, the previous permit simply placed the prohibitions in the permit. These conditions were removed from the permit. Appropriate reasonable potential determinations (RPDs) were conducted for each general criterion listed in 10 CSR 20-7.031(4) and effluent limitations were placed in the permit for those general criteria where it was determined the discharge had reasonable potential to cause or contribute to excursions of the general criteria. Specific effluent limitations were not included for those general criteria where it was determined that the discharges will not cause or contribute to excursions of general criteria.

   ✓ Removal of the prohibitions does not reduce the protections of the permit or allow for impairment of the receiving stream. The permit maintains sufficient effluent limitations, monitoring requirements and best management practices to protect water quality.

ANTIDEGRADATION REVIEW:
For process water discharge with new, altered, or expanding discharges, 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 https://dnr.mo.gov/env/wpp/permits/antideg-implementation.htm

✓ Not applicable. The facility is not discharging process wastewater.

For stormwater discharges with new, altered, or expanding discharges, the stormwater BMP chosen for the facility, through the antidegradation analysis performed by the facility, must be implemented and maintained at the facility. Failure to implement and maintain the chosen BMP alternative is a permit violation; see SWPPP.

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

Because of the fleeting nature of stormwater discharges, the Department, under the direction of EPA guidance, has determined monthly averages are capricious measures of stormwater discharges. The *Technical Support Document for Water Quality Based Toxics Control* (EPA/505/2-90-001; 1991) Section 3.1 indicates most procedures within the document apply only to water quality based approaches, not end-of-pipe technology-based controls. Hence, stormwater only outfalls will generally only contain a maximum daily limit (MDL), benchmark, or monitoring requirement determined by the site specific conditions including the receiving water’s current quality. While inspections of the stormwater BMPs occur monthly, facilities with no compliance issues are usually expected to sample stormwater quarterly.

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

- Applicable; this facility has stormwater-only outfalls with benchmark constraints. The benchmarks listed are consistently achieved in stormwater discharges by a variety of other industries with SWPPPs and land disturbance activities.

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

- Not applicable; this condition is not applicable to the permittee for this facility.

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

- Not applicable; the permittee/facility is not currently under Water Protection Program enforcement action.

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

- The facility does not have an associated ELG.

**GROUNDWATER MONITORING:**
Groundwater is a water of the state according to 10 CSR 20-7.015(1)11, and 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 for the Department’s Hazardous Waste Program. Historical contamination exists on site and the facility is working towards remediation. For further information, see the Department’s web page [https://dnr.mo.gov/env/hwp/permits/mo9890010524/information.htm](https://dnr.mo.gov/env/hwp/permits/mo9890010524/information.htm)

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

- Not applicable; sludge is not generated at this facility.
REASONABLE POTENTIAL ANALYSIS (RPA):
Federal regulation [40 CFR Part 122.44(d)(1)(i)] requires effluent limitations for all pollutants that are (or may be) discharged at a level causing or have the reasonable potential to cause (or contribute to) an in-stream excursion above narrative or numeric water quality standards. 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 that pollutant [40 CFR Part 122.44(d)(1)(iii)].

- Not applicable; an RPA was not conducted for this facility. This permit establishes permit limits and benchmarks for industrial and stormwater and land disturbance activities. The Department has determined stormwater is not a continuous discharge and is therefore not necessarily dependent on mathematical RPAs. However, the permit writer completed an RPD, a reasonable potential determination, using best professional judgment for all of the appropriate parameters in this permit. An RPD consists of reviewing application data and/or discharge monitoring data for the last five years and comparing those data to narrative or numeric water quality criteria.
- Permit writers use the Department’s permit writer’s manual (http://dnr.mo.gov/env/wpp/permits/manual/permit-manual.htm), the EPA’s permit writer’s manual (https://www.epa.gov/npdes/npdes-permit-writers-manual), program policies, and best professional judgment. For each parameter in each permit, the permit writer carefully considers all applicable information regarding: technology based effluent limitations, effluent limitation guidelines, water quality standards, stream flows and uses, and all applicable site specific information and data gathered by the permittee through discharge monitoring reports and renewal (or new) application sampling. Best professional judgment is based on the experience of the permit writer, cohorts in the Department and resources at the EPA, research, and maintaining continuity of permits if necessary. For stormwater permits, the permit writer is required per 10 CSR 6.200(6)(B)2 to consider: A. application and other information supplied by the permittee; B. effluent guidelines; C. best professional judgment of the permit writer; D. water quality; and E. BMPs. Part IV provides specific decisions related to this permit.

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 providing certain conditions are met.
- Not applicable; this permit does not contain a SOC.

SPILL REPORTING:
Per 10 CSR 24-3.010, 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

STORMWATER PERMITTING:
A standard mass-balance equation cannot be calculated for stormwater from this facility because the stormwater flow and flow in the receiving stream cannot be determined for conditions on any given day. The amount of stormwater discharged from the facility will vary based on previous rainfall, soil saturation, humidity, detention time, BMPs, surface permeability, etc. Flow in the receiving stream will vary based on climatic conditions, size of watershed, amount of surfaces with reduced permeability (houses, parking lots, and the like) in the watershed, hydrogeology, topography, etc. Decreased permeability increases the flash of the stream.

It is likely sufficient rainfall to cause a discharge for four continuous days from a facility will also cause some significant amount of flow in the receiving stream. Chronic WQSs are based on a four-day exposure (except ammonia, which is based on a thirty day exposure). In the event a discharge does occur from this facility for four continuous days, some amount of flow will occur in the receiving stream. This flow will dilute stormwater discharges from a facility. For these reasons, most industrial stormwater facilities have limited potential to cause a violation of chronic water quality standards in the receiving stream.

Sufficient rainfall to cause a discharge for one hour or more from a facility would not necessarily cause significant flow in a receiving stream. Acute WQSs are based on a one hour of exposure, and must be protected at all times in unclassified streams, and within mixing zones of class P streams [10 CSR 20-7.031(4) and (5)(4)]. Therefore, industrial stormwater facilities with toxic contaminants do have the potential to cause a violation of acute WQSs if those toxic contaminants occur in sufficient amounts.

It is due to the items stated above staff are unable to perform statistical Reasonable Potential Analysis (RPA). However, staff will use their best professional judgment in determining if a facility has a potential to violate Missouri’s Water Quality Standards.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP):
In accordance with 40 CFR 122.44(k), Best Management Practices (BMPs) must be used to control or abate the discharge of pollutants when: 1) Authorized under section 304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities; 2) Authorized under section 402(p) of the CWA for the control of stormwater discharges; 3) Numeric effluent limitations are infeasible; or 4) the practices are reasonably necessary to achieve effluent limitations
and standards or to carry out the purposes and intent of the CWA. In accordance with the EPA’s Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators, (Document number EPA 833-B-09-002) [published by the United States Environmental Protection Agency (USEPA) in February 2009], BMPs are measures or practices used to reduce the amount of pollution entering waters of the state from a permitted facility. BMPs may take the form of a process, activity, or physical structure. Additionally in accordance with the Stormwater Management, a SWPPP is a series of steps and activities to 1) identify sources of pollution or contamination, and 2) select and carry out actions which prevent or control the pollution of storm water discharges.

A SWPPP must be prepared by the permittee if the SIC code is found in 40 CFR 122.26(b)(14) and/or 10 CSR 20-6.200(2). A SWPPP may be required of other facilities where stormwater has been identified as necessitating better management. The purpose of a SWPPP is to comply with all applicable stormwater regulations by creating an adaptive management plan to control and mitigate stream pollution from stormwater runoff. Developing a SWPPP provides opportunities to employ appropriate BMPs to minimize the risk of pollutants being discharged during storm events. The following paragraph outlines the general steps the permittee should take to determine which BMPs will work to achieve the benchmark values or limits in the permit. This section is not intended to be all encompassing or restrict the use of any physical BMP or operational and maintenance procedure assisting in pollution control. Additional steps or revisions to the SWPPP may be required to meet the requirements of the permit.

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

For new, altered, or expanded stormwater discharges, the SWPPP shall identify reasonable and effective BMPs while accounting for environmental impacts of varying control methods. The antidegradation analysis must document why no discharge or no exposure options are not feasible. The selection and documentation of appropriate control measures shall serve as an alternative analysis of technology and fulfill the requirements of antidegradation [10 CSR 20-7.031(3)]. For further guidance, consult the antidegradation implementation procedure (http://dnr.mo.gov/env/wpp/docs/AIP050212.pdf).

Alternative Analysis (AA) evaluation of the BMPs is a structured evaluation of BMPs that are reasonable and cost effective. The AA evaluation should include practices that are designed to be: 1) non-degrading; 2) less degrading; or 3) degrading water quality. The glossary of AIP defines these three terms. The chosen BMP will be the most reasonable and effective management strategy while ensuring the highest statutory and regulatory requirements are achieved and the highest quality water attainable for the facility is discharged. The AA evaluation must demonstrate why “no discharge” or “no exposure” is not a feasible alternative at the facility. This structured analysis of BMPs serves as the antidegradation review, fulfilling the requirements of 10 CSR 20-7.031(3) Water Quality Standards and Antidegradation Implementation Procedure (AIP), Section II.B.

If parameter-specific numeric exceedances continue to occur and the permittee feels there are no practicable or cost-effective BMPs which will sufficiently reduce a pollutant concentration in the discharge to the benchmark values established in the permit, the permittee can submit a request to re-evaluate the benchmark values. This request needs to include 1) a detailed explanation of why the facility is unable to comply with the permit conditions and unable to establish BMPs to achieve the benchmark values; 2) financial data of the company and documentation of cost associated with BMPs for review and 3) the SWPPP, which should contain adequate documentation of BMPs employed, failed BMPs, corrective actions, and all other required information. This will allow the Department to conduct a cost analysis on control measures and actions taken by the facility to determine cost-effectiveness of BMPs. The request shall be submitted in the form of an operating permit modification; the application is found at: http://dnr.mo.gov/forms/index.html.

- Applicable; a SWPPP shall be developed and implemented for this facility.
- This permit includes a land disturbance permit. The permittee shall provide a SWPPP for the industrial stormwater and land disturbance areas as required in the permit.

**TECHNOLOGY-BASED EFFLUENT LIMITATIONS (TBEL):**

One of the major strategies of the Clean Water Act (CWA) in making “reasonable further progress toward the national goal of eliminating the discharge of all pollutants” is to require effluent limitations based on the capabilities of the technologies available to control those discharges. Technology-based effluent limitations (TBELs) aim to prevent pollution by requiring a minimum level of effluent quality attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the United States. TBELs are developed independently of the potential impact of a discharge on the receiving water, which is addressed
through water quality standards and water quality-based effluent limitations (WQBELs). The NPDES regulations at Title 40 of the Code of Federal Regulations (CFR) 125.3(a) require NPDES permit writers to develop technology-based treatment requirements, consistent with CWA § 301(b) and § 402(a)(1), represent the minimum level of control that must be imposed in a permit.

- Not applicable; this facility does not discharge process wastewater therefore is not subject to TBEL POC analysis.

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

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

**WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:**

As per [10 CSR 20-2.010(78)], the WLA is the amount of pollutant each discharger is allowed to discharge into the receiving stream without endangering water quality. Two general types of effluent limitations, technology-based effluent limits (TBELs) and water quality based effluent limits (WQBELs) are reviewed. If one limit does not provide adequate protection for the receiving waters, then the other must be used.

- Not applicable; wasteload allocations were not calculated.

**WLA MODELING:**

Permittees may submit site specific studies to better determine the site specific wasteload allocations applied in permits.

- Not applicable; a WLA study was either not submitted or determined not applicable by Department staff.

**WATER QUALITY STANDARDS:**

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

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

A WET test is a quantifiable method to determine discharges from the facility cause toxicity to aquatic life by itself, in combination with, or through synergistic responses, when mixed with receiving stream water.

- Not applicable; at this time, the permittee is not required to conduct WET testing for this facility. This is a stormwater only permit.

**Part IV. EFFLUENT LIMITS DETERMINATION**

Effluent limitations derived and established in the below effluent limitations table are based on current operations of the facility. Effluent means both process water and stormwater. Any flow through the outfall is considered a discharge and must be sampled and reported as provided below. Future permit action due to facility modification may contain new operating permit terms and conditions that supersede the terms and conditions, including effluent limitations, of this operating permit.

**GENERAL CRITERIA CONSIDERATIONS:**

In accordance with 40 CFR 122.44(d)(1), effluent limitations shall be placed into permits for pollutants which have been determined to cause, have the reasonable potential to cause, or to contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. The rule further states pollutants which have been determined to cause, have the reasonable potential to cause, or contribute to an excursion above a narrative criterion within an applicable State water quality standard, the permit shall contain a numeric effluent limitation to protect that narrative criterion. The previous permit included the narrative criteria as specific prohibitions placed upon the discharge. These prohibitions were included in the permit absent any discussion of the discharge’s reasonable potential to cause or contribute to an excursion of the criterion. In order to comply with this regulation, the permit writer has completed a reasonable potential determination on whether the discharge has reasonable potential to cause, or contribute to an excursion of the general criteria listed in 10 CSR 20-7.031(4). These specific requirements are listed below followed by derivation and discussion (the lettering matches that of the rule itself, under 10 CSR 20-7.031(4)). In instances where reasonable potential exists, the permit includes numeric limitations to address the reasonable potential. In instances where reasonable potential does not exist the permit includes monitoring of the discharges potential to impact the receiving stream’s narrative criteria. Finally, all of the previous permit narrative criteria prohibitions have been removed from the permit given they are addressed by numeric limits where reasonable potential exists. It should also be noted that Section 644.076.1, RSMo as well as Section D – Administrative Requirements of Standard Conditions Part I of this permit state that it shall be unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri that is in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law or any standard, rule, or regulation promulgated by the commission.
(A) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses.
   • For all outfalls, there is no RP for putrescent bottom deposits preventing full maintenance of beneficial uses because nothing disclosed by the permittee at renewal for these outfalls indicates putrescent wastewater would be discharged from the facility.
   • For all outfalls, there is no RP for unsightly or harmful bottom deposits preventing full maintenance of beneficial uses because all outfalls have TSS limitations; however, they are all based on technology for the processes involved; values discharged from all outfalls are typically below WQ limitations, therefore no RP.

(B) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses.
   • For all outfalls, there is no RP for oil in sufficient amounts to be unsightly preventing full maintenance of beneficial uses; because nothing disclosed by the permittee at renewal for these outfalls indicates oil in sufficient amounts will be present in sufficient amounts to impair beneficial uses.
   • For all outfalls, there is no RP for scum and floating debris in sufficient amounts to be unsightly preventing full maintenance of beneficial uses because nothing disclosed by the permittee at renewal for these outfalls indicates scum and floating debris will be present in sufficient amounts to impair beneficial uses.

(C) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses.
   • For all outfalls, there is no RP for unsightly color or turbidity in sufficient amounts preventing full maintenance of beneficial uses because nothing disclosed by the permittee at renewal for these outfalls indicates unsightly color will be present in sufficient amounts to impair beneficial uses.
   • For all outfalls, there is no RP for offensive odor in sufficient amounts preventing full maintenance of beneficial uses because nothing disclosed by the permittee at renewal for these outfalls indicates offensive odor will be present in sufficient amounts to impair beneficial uses.

(D) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life.
   • The permit writer considered specific toxic pollutants when writing this permit. This permit does not authorize process wastewater discharges therefore no toxicity is expected to be present in sufficient amounts to result in toxicity to human, animal, or aquatic life.

(E) There shall be no significant human health hazard from incidental contact with the water.
   • It is the permit writer’s opinion that this criterion is the same as (D).

(F) There shall be no acute toxicity to livestock or wildlife watering.
   • It is the permit writer’s opinion that this criterion is the same as (D).

(G) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community.
   • For all outfalls, there is no RP for physical changes that would impair the natural biological community because nothing disclosed by the permittee at renewal for these outfalls indicates physical changes that would impair the natural biological community.
   • For all outfalls, there is no RP for chemical changes that would impair the natural biological community because industrial activities have ceased at this facility.
   • For all outfalls, there is no RP for hydrologic changes that would impair the natural biological community because nothing disclosed by the permittee at renewal for these outfalls indicates physical changes that would impair the natural biological community.

(H) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri’s Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.
   • There are no solid waste disposal activities or any operation that has reasonable potential to cause or contribute to the materials listed above being discharged through any outfall.
OUTFALLS #001, #002, #003, #004, #100, #200, #300 – STORMWATER OUTFALLS

**Effluent Limitations Table:**

<table>
<thead>
<tr>
<th>PARAMETERS</th>
<th>Unit</th>
<th>Daily Maximum Limit</th>
<th>Benchmark</th>
<th>Previous Permit Limits</th>
<th>Minimum Sampling Frequency</th>
<th>Minimum Reporting Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Physical</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Flow</td>
<td>MGD</td>
<td>*</td>
<td>-</td>
<td>SAME</td>
<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>24 HR. ESTIMATE</td>
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<tr>
<td>Precipitation</td>
<td>inches</td>
<td>*</td>
<td>-</td>
<td>SAME</td>
<td>DAILY</td>
<td>ONCE/MONTH</td>
<td>24 HR. TOTAL</td>
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<tr>
<td><strong>Conventional</strong></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>COD</td>
<td>mg/L</td>
<td>**</td>
<td>120</td>
<td>NEW</td>
<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>GRAB</td>
</tr>
<tr>
<td>Oil &amp; Grease</td>
<td>mg/L</td>
<td>**</td>
<td>10</td>
<td>15, 10</td>
<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>GRAB</td>
</tr>
<tr>
<td>pH</td>
<td>SU</td>
<td>**</td>
<td>6.0 to 9.0</td>
<td>6.5-9.0</td>
<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>GRAB</td>
</tr>
<tr>
<td>Settleable Solids</td>
<td>mL/L/hr</td>
<td>**</td>
<td>1.5</td>
<td>1.5, 1.0</td>
<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>GRAB</td>
</tr>
<tr>
<td>TSS</td>
<td>mg/L</td>
<td>**</td>
<td>100</td>
<td>NEW</td>
<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>GRAB</td>
</tr>
<tr>
<td><strong>Metals</strong></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Aluminum, TR</td>
<td>μg/L</td>
<td>**</td>
<td>750</td>
<td>*, *</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td>Beryllium, TR</td>
<td>μg/L</td>
<td>*</td>
<td>-</td>
<td>NEW</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td>Chromium, VI, Dissolved</td>
<td>μg/L</td>
<td>*</td>
<td>-</td>
<td>*, *</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td>Copper, TR</td>
<td>μg/L</td>
<td>**</td>
<td>22</td>
<td>NEW</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td>Lead, TR</td>
<td>μg/L</td>
<td>*</td>
<td>-</td>
<td>NEW</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td>Zinc, TR</td>
<td>μg/L</td>
<td>**</td>
<td>181</td>
<td>NEW</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1, 2-Dichloroethylene</td>
<td>μg/L</td>
<td>*</td>
<td>-</td>
<td>*, *</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td>PCBs</td>
<td>μg/L</td>
<td>Φ</td>
<td>Φ</td>
<td>ML 0.5</td>
<td>ONCE/WEEK</td>
<td>ONCE/MONTH</td>
<td>GRAB</td>
</tr>
<tr>
<td>Trichloroethylene</td>
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<td>-</td>
<td>*, *</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
<tr>
<td>Vinyl Chloride</td>
<td>μg/L</td>
<td>*</td>
<td>-</td>
<td>*, *</td>
<td>ONCE/QUARTER</td>
<td>ONCE/QUARTER</td>
<td>GRAB</td>
</tr>
</tbody>
</table>

* Monitoring requirement only
** Monitoring with associated benchmark
+ The facility will report the minimum and maximum pH values; pH is not to be averaged
* New Parameter not established in previous operating permit
TR Total Recoverable
Φ See Permit

**Derivation and Discussion of Limits:**

**Physical:**

**Flow**

In accordance with [40 CFR Part 122.44(i)(1)(ii)] the volume of effluent discharged from each outfall is needed to assure compliance with permitted effluent limitations. If the permittee is unable to obtain effluent flow, then it is the responsibility of the permittee to inform the Department, which may require the submittal of an operating permit modification. The facility will report the total flow in millions of gallons per day (MGD). Monitoring frequency reduced from weekly to monthly as this is a stormwater permit.

**Precipitation**

Monitoring only requirement; measuring the amount of precipitation [(10 CSR 20-6.200(2)(C)1.E(VI)] during an event is necessary to ensure adequate stormwater management exists at the site. Knowing the amount of potential stormwater runoff can provide the permittee a better understanding of specific control measure that should be employed to ensure protection of water quality. The facility will provide the 24 hour accumulation value for each day as reported or collected by an applicable precipitation gage; continued from previous permit.
CONVENTIONAL:

**Chemical Oxygen Demand (COD)**
Monitoring with a daily maximum benchmark of 120 mg/L is included using the permit writer’s best professional judgment. There is no water quality standard for COD; however, increased oxygen demand may impact instream water quality. COD is also a valuable indicator parameter. COD monitoring allows the permittee to identify increases in COD that may indicate materials/chemicals coming into contact with stormwater that cause an increase in oxygen demand. Increases in COD may indicate a need for maintenance or improvement of BMPs. The benchmark value falls within the range of values implemented in other permits that have similar industrial activities.

**Oil & Grease**
Monitoring with a daily maximum benchmark of 10 mg/L. Previous permit was 15 mg/L daily maximum and 10 mg/L monthly average limitations. The facility reported between 5 (detection limit) and 22.4 mg/L for this pollutant. Because the activities have changed significantly at this site, the permit writer can remove the limit and implement a benchmark. Oil and grease is considered a conventional pollutant. Oil and grease is a comprehensive test which measures for gasoline, diesel, crude oil, creosote, kerosene, heating oils, heavy fuel oils, lubricating oils, waxes, and some asphalt and pitch. The test can also detect some volatile organics such as benzene, toluene, ethylbenzene, or toluene, but these constituents are often lost during testing due to their boiling points. It is recommended to perform separate testing for these constituents if they are a known pollutant of concern at the site, i.e. aquatic life toxicity or human health is a concern. Results do not allow for separation of specific pollutants within the test, they are reported, totaled, as “oil and grease”. Ten mg/L is the level at which sheen is expected to form on receiving waters. Oils and greases of different densities will possibly form sheen or unsightly bottom deposits at levels which vary from 10 mg/L. To protect the general criteria, it is the responsibility of the permittee to visually observe the discharge and receiving waters for sheen or bottom deposits.

**pH**
Monitoring with a benchmark of 6.0 to 9.0. Previous permit limits were 6.5 to 9.0 SU. Because the activities have changed significantly at this site, the permit writer can remove the limit and implement a benchmark. Sampling frequency reduced from weekly to monthly as this is stormwater only.

**Settleable Solids (SS)**
Monitoring with a benchmark of 1.5 mL/L/hr. Previous permit limits were 1.5 mL/L/hr daily maximum and 1.0 mL/L/hr monthly average. Because the activities have changed significantly at this site, the permit writer can remove the limit and implement a benchmark. There is no water quality standard for SS; however, sediment discharges can negatively impact aquatic life habitat. Settleable solids are also a valuable indicator parameter. Solids monitoring allows the permittee to identify increases in sediment and solids that may indicate uncontrolled materials leaving the site. This benchmark value falls within the range of values implemented in other permits that have similar industrial activities.

**Total Suspended Solids (TSS)**
There is no water quality standard for TSS; however, sediment discharges can negatively impact aquatic life habitat. TSS is also a valuable indicator parameter. TSS monitoring allows the permittee to identify increases in TSS that may indicate uncontrolled materials leaving the site. Increased suspended solids in runoff can lead to decreased available oxygen for aquatic life and an increase of surface water temperatures in a receiving stream. Suspended solids can also be carriers of toxins, which can adsorb to the suspended particles; therefore, total suspended solids are a valuable indicator parameter for other pollution. A benchmark value will be implemented for this parameter. The benchmark value will be set at 100 mg/L. This value is achievable through proper operational and maintenance of BMPs and falls within the range of values implemented in other permits having similar industrial activities. Sampling performed by the Department in May of 2017 at the outfalls indicated the facility is immediately able to comply with the benchmark.

**METALS:**
Effluent limitations for total recoverable metals were developed using methods and procedures outlined in the *Technical Support Document For Water Quality-based Toxic Controls* (EPA/505/2-90-001) and *The Metals Translator: Guidance For Calculating a Total Recoverable Permit Limit From a Dissolved Criterion* (EPA 823-B-96-007). General warm-water habitat criteria apply (WWH) designated as AQL in 10 CSR 20-7.031 Table A. Additional use criterion (HHP, DWS, GRW, IRR, or LWW) may also be used as applicable to determine the most protective effluent limit for the stream class and uses.

**Aluminum, Total Recoverable**
The facility reported between 1 and 6,330 µg/L of aluminum discharged from the outfalls. Outfall #002 has the highest numbers. This permit establishes a benchmark for aluminum at 750 µg/L which is obtainable by other industrial permits. The facility shall work to maintain concentrations at or below the benchmark value.
**Beryllium, Total recoverable**
Monitoring required to determine reasonable potential for this parameter to cause or contribute to in-stream exceedances of water quality standards.

**Chromium, Hexavalent, Dissolved**
Monitoring continued to determine reasonable potential for this parameter to cause or contribute to in-stream exceedances of water quality standards. Current water quality standards are below the method detection limit which is apparently used during the last permit renewal. The permittee needs to find a laboratory which can definitively report the actual value of the metal below the water quality standard. The lab must detect below 10 µg/L, not at 10 µg/L as the chronic WQS is 10 µg/L.

**Copper, Total Recoverable**
The facility reported non detections for this parameter in outfall #001, #003, and #004; and 16 µg/L in outfall #002. This permit is establishing a benchmark of 22 µg/L for this parameter which is met by other industrial facilities.

**Lead, Total Recoverable**
Monitoring required to determine reasonable potential for this parameter to cause or contribute to in-stream exceedances of water quality standards.

**Zinc, Total Recoverable**
This permit establishes a benchmark for zinc at 181 µg/L which has been established in other industrial facilities and is obtainable by these facilities with the proper best management practices. The facility shall work to maintain concentrations at or below the benchmark value.

**OTHER:**

**1,2-dichloroethylene (1,2-DCE or trans-1,2-Dichloroethylene)**
Previous permit required monitoring of this parameter quarterly. The permittee reported between non-detect and 14.6 µg/L for this parameter. The water quality standard for human health is 140 mg/L and the groundwater and drinking water standard is 100 µg/L. Historic contamination from this parameter is present on site; monitoring continued because this permit contains authorization for land disturbance activities.

**Polychlorinated Biphenyls (PCBs)**
Historic contamination of the site includes polychlorinated biphenyl. PCB effluent monitoring for outfalls #001 through #004 was previously established without an allowance for instream dilution, so that the water quality criterion, 45 picograms per liter (pg/L) [4.5 x 10^-5 µg/L; 0.000045 µg/L], must be attained at the point of discharge. However, because the effluent limit is below the detection level for PCB, the compliance level is defined in the permit as the minimum level (ML), 0.5 µg/L. Defining the compliance level as the ML is consistent with the approach set forth in the Technical Support Document for Water Quality-Based Toxics Control (TSD); U.S. Environmental Protection Agency, Office of Water, EPA/505/2-90-001, March 1991, page 111. The conditions outlined in special condition #1 are effective best management practices (BMPs) which protect waters of the state through monitoring and iterative BMP improvement. Minimum weekly monitoring continued.

**Trichloroethylene**
The previous permit required monitoring for this parameter. The permittee reported between 1 and 5 µg/L for this parameter. Historic contamination from this parameter is present on site; monitoring continued because this permit contains authorization for land disturbance activities.

**Vinyl Chloride**
The previous permit required monitoring for this parameter quarterly. The permittee reported between 1 and 5 µg/L for this parameter. Historic contamination from this parameter is present on site; monitoring continued because this permit contains authorization for land disturbance activities and the ongoing redevelopment of the site.
**IN-STREAM MONITORING**

**EFFLUENT LIMITATIONS TABLE:**

<table>
<thead>
<tr>
<th>PARAMETERS</th>
<th>UNIT</th>
<th>BASIS</th>
<th>DAILY MAXIMUM LIMIT</th>
<th>MONTHLY AVERAGE</th>
<th>PREVIOUS PERMIT LIMITS</th>
<th>MINIMUM SAMPLING FREQUENCY</th>
<th>MINIMUM REPORTING FREQUENCY</th>
<th>SAMPLE TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHYSICAL</td>
<td></td>
<td></td>
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<tr>
<td>Flow</td>
<td>cfs</td>
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<td>*</td>
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<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>RECORD</td>
</tr>
<tr>
<td>OTHER</td>
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<td></td>
</tr>
<tr>
<td>PCBs</td>
<td>µg/L</td>
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<td>*</td>
<td>*</td>
<td>ONCE/MONTH</td>
<td>ONCE/MONTH</td>
<td>GRAB</td>
</tr>
</tbody>
</table>

**PHYSICAL:**

**Flow**

Flow for the downstream sample shall be obtained from an appropriate gaging station.

**OTHER:**

**Polychlorinated Biphenyls (PCBs)**

The facility shall monitor for this parameter monthly at the instream sampling point. There are no limits for this parameter and is for informational purposes only. Continued from the previous permit.
Part V. SAMPLING AND REPORTING REQUIREMENTS:

Refer to each outfall’s derivation and discussion of limits section to review individual sampling and reporting frequencies and sampling type. Additionally, see Standard Conditions Part I attached at the end of this permit and fully incorporated within.

ELECTRONIC DISCHARGE MONITORING REPORT (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 converting to an electronic data reporting system. This final rule requires regulated entities and state and federal regulators to use information technology to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) permit program instead of filing paper reports. To comply with the federal rule, the Department is requiring all permittees to begin submitting discharge monitoring data and reports online.

Per 40 CFR 127.15 and 127.24, permitted facilities may request a temporary waiver for up to 5 years or a permanent waiver from electronic reporting from the Department. To obtain an electronic reporting waiver, a permittee must first submit an eDMR Waiver Request Form: http://dnr.mo.gov/forms/780-2692-f.pdf. A request must be made for each facility. If more than one facility is owned or operated by a single entity, then the entity must submit a separate request for each facility based on its specific circumstances. An approved waiver is non-transferable.

The Department must review and notify the facility within 120 calendar days of receipt if the waiver request has been approved or rejected [40 CFR 124.27(a)]. During the Department review period as well as after a waiver is granted, the facility must continue submitting a hard-copy of any reports required by their permit. The Department will enter data submitted in hard-copy from those facilities allowed to do so and electronically submit the data to the EPA on behalf of the facility.

- The permittee/facility is currently using the eDMR data reporting system.

SAMPLING FREQUENCY JUSTIFICATION:
Sampling and reporting frequency was generally retained from previous permit. 40 CFR 122.45(d)(1) indicates all continuous discharges shall be permitted with daily maximum and monthly average limits. Sampling frequency for stormwater-only outfalls is typically quarterly even though BMP inspection occurs monthly. The facility may sample more frequently if additional data is required to determine if best management operations and technology are performing as expected.

SAMPLING TYPE JUSTIFICATION:
Sampling type was continued from the previous permit with the exception of PCBs from stormwater outfalls, which was changed from composite to grab samples. The sampling types are representative of the discharges, and are protective of water quality. Discharges with altering effluent should have composite sampling; discharges with uniform effluent can have grab samples. Grab samples are usually appropriate for stormwater. Parameters which must have grab sampling are: pH, ammonia, *E. coli*, total residual chlorine, free available chlorine, hexavalent chromium, dissolved oxygen, total phosphorus, and volatile organic samples.

SUFFICIENTLY SENSITIVE ANALYTICAL METHODS:
Please review Standard Conditions Part 1, section A, number 4. The analytical and sampling methods used shall conform to the reference methods listed in 10 CSR 20-7.015 and/or 40 CFR 136 unless alternates are approved by the Department. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure the selected methods are able to quantify the presence of pollutants in a given discharge at concentrations 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 quantifies the pollutant below the level of the applicable water quality criterion; 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility’s discharge is high enough 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 and or 40 CFR 136. These methods are also required for parameters listed as monitoring only, as the data collected may be used to determine if numeric limitations need to be established. A permittee is responsible for working with their contractors to ensure the analysis performed is sufficiently sensitive. 40 CFR 136 lists the approved methods accepted by the Department. Table A at 10 CFR 20-7.031 shows water quality standards.
**Part VI. 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:**
The Department of Natural Resources is currently undergoing a synchronization process for operating permits. Permits are normally issued on a five-year term, but to achieve synchronization many permits will need to be issued for less than the full five years allowed by regulation. The intent is that 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](http://dnr.mo.gov/env/wpp/cpp/docs/watershed-based-management.pdf). This will allow further streamlining by placing multiple permits within a smaller geographic area on public notice simultaneously, thereby reducing repeated administrative efforts. This will also 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 three years old, that 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 would become synchronized by expiring the 4th quarter of 2018; however, the permit would be a very short term permit. This permit will be issued for a period of five years.

**PUBLIC NOTICE:**
The Department shall give public notice that a draft permit has been prepared and its issuance is pending. [http://dnr.mo.gov/env/wpp/permits/pn/index.html](http://dnr.mo.gov/env/wpp/permits/pn/index.html). Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in and water quality concerns related to a draft permit. No public notice is required when a request for a permit modification or termination is denied; however, the requester and permittee must be notified of the denial in writing.

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

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

- The Public Notice period for this operating permit was from May 4, 2018 to June 4, 2018.

During the comment period, the EPA requested clarification of the permit conditions stating: “Please provide further explanation as to how the removal of effluent limits for Polychlorinated biphenyl (PCB) and other pollutants of concern is consistent with Section 310 of the CWA and 40 CFR 122.44(d).” As this request was circumscribed per 40 CFR 123.44(d), this has been resolved independently.

After the comment period, the permit writer added a section in the fact sheet under Part I, entitled REMEDIATION ACTIVITIES in response to the inquiry.

Also in response to the inquiry, the Program added what is now special condition #1 to the permit to show the other permits the facility is subject to. The note “Φ” was edited to add a reference to Special Condition #1.

- A second public notice comment period was from 8/17/2018 to 9/17/2018. No comments were received.

**DATE OF FACT SHEET: SEPTEMBER 18, 2018**

**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
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 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 dates 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; and
      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.

   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 recurrence of the noncompliance.
1. The following shall be included as information which must be reported within 24 hours under this paragraph:
   a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
   b. Any upset which exceeds any effluent limitation in the permit.
   c. 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.

d. 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).

3. **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.

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 sections 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)(8)(B)(ii) 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.
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](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 – _________, 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 – 0004863 and is requesting a modification to the permit. Antidegradation Review may be required. Modification fee is required.

2. FACILITY
   - NAME: Bannister Facility
   - ADDRESS (PHYSICAL): 1500 East Bannister Road
   - CITY: Kansas City
   - STATE: Missouri
   - ZIP CODE: 64131-3095
   - TELEPHONE NUMBER WITH AREA CODE: [1-312-543-0360]

3. OWNER
   - NAME: Bannister Transformation & Development LLC
   - ADDRESS (MAILING): 2000 East Bannister Road
   - CITY: Kansas City
   - STATE: Missouri
   - ZIP CODE: 64131

4. CONTINUING AUTHORITY
   - NAME: Same as above
   - ADDRESS (MAILING): Same as above

5. OPERATOR CERTIFICATION
   - NAME: NA
   - ADDRESS (MAILING): NA
   - TELEPHONE NUMBER WITH AREA CODE: [1-312-543-0360]

6. FACILITY CONTACT
   - NAME: Kevin Breslin
   - TITLE: Administrative Member
   - E-MAIL ADDRESS: kbreslin@RB-LLP.com
   - TELEPHONE NUMBER WITH AREA CODE: [1-312-543-0360]

7. DOWNSTREAM LANDOWNER(S) Attach additional sheets as necessary.
   - NAME: See Property Ownership Map Included

MO 780-1479 (02-19)
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)

- Coördinates Easting (X): __________ Northing (Y): __________

- Coördinates Easting (X): __________ Northing (Y): __________

- Coördinates Easting (X): __________ Northing (Y): __________

- Coördinates Easting (X): __________ Northing (Y): __________

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

- Primary SIC __________ and NAICS __________
- Primary SIC __________ and NAICS __________
- Primary SIC __________ and NAICS __________
- Primary SIC __________ and NAICS __________

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?
If yes, complete Form I.
YES ☐ NO ☑

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

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

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

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 ____________________________

SIGNATURE ____________________________ DATE SIGNED ____________________________

MO 7801-1479 (02-19)
INSTRUCTIONS FOR COMPLETING FORM A - APPLICATION FOR NONDOMESTIC PERMIT

1. Check which option is applicable. **Do not check more than one item.** Nondomestic permit refers to permits issued by the Department of Natural Resources’ Water Protection Program for all **nondomestic** wastewater treatment facilities, including all industry, stormwater, and Class IA Concentrated Animal Feeding Operations (CAFO). **This includes all nondomestic wastewater treatment facilities that incorporate domestic wastewater into the operating permit.**

For some new or modified permits, a construction permit is required prior to beginning construction at the facility. For other permits, an exemption is provided from construction permit requirements. Please review the requirements at [http://dnr.mo.gov/env/wpp/permits/ww-construction-permitting.htm](http://dnr.mo.gov/env/wpp/permits/ww-construction-permitting.htm). If the facility is for wastewater treatment and is designed for greater than 22,500 gallons per day, the engineering report must be submitted and approved prior to submittal of the application, fees, plans, and specifications. A summary of design data must be submitted with the engineering plans and specifications.

For new wastewater facilities, some wastewater permit modifications, and some permit renewals with proposed increase in design wastewater flow, an antidegradation review may be required. Please visit [https://dnr.mo.gov/env/wpp/permits/antideg-implementation.htm](https://dnr.mo.gov/env/wpp/permits/antideg-implementation.htm) for more information.

2. **Facility** - Provide the name by which this facility is known locally. Example: Southwest Sewage Treatment Plant, Country Club Mobile Home Park, etc. Also include the street address or location of the facility. If the facility lacks a street name or route number, give the names of the closest intersection, highway, county road, etc.

3. **Owner** - Provide the legal name and address of owner or company.

4. **Continuing Authority** — A continuing authority is a company, business, entity, or person(s) operating the facility and/or ensuring compliance with the permit requirements. A continuing authority is not, however, an entity or individual that is contractually hired by the permittee to sample or operate and maintain the system for a defined time period, such as a certified operator or analytical laboratory. To access the regulatory requirement regarding continuing authority, 10 CSR 20-6.010(2), please visit [https://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-6.pdf](https://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-6.pdf). A continuing authority’s name must be listed exactly as it appears on the Missouri Secretary of State’s (SoS’s) webpage: [https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0](https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0), unless the continuing authority is an individual(s), government, or otherwise not required to register with the SoS.

5. **Operator** - Provide the name, certificate number, mailing address and telephone number of the person operating the facility, if required by regulation (10 CSR 20-9.020(2)). Most industrial facilities will not be required to have a certified wastewater operator.

6. Provide the name, title, and work telephone number of a person who is thoroughly familiar with the operation of the facility, with the facts reported in this application, and who can be contacted by the department, if necessary. This person will need to be available to respond to emails which will include pre-public notice drafts of permits.

7. Please provide the name and address of the first downstream landowner, different from that of the permitted facility, through whose property the discharge will flow. Also, please indicate the location on the map. For discharges that leave the permitted facility and flow under a road or highway, or along the right-of-way, the downstream property owner is the landowner that the discharge flows to after leaving the right-of-way. For no discharge facilities, provide this information for the location where discharge would flow if there was one. For land application sites, include the owners of the land application sites and all adjacent landowners.

8.1 An outfall is the point at which wastewater or stormwater is discharged. Outfalls should be given in terms of the legal description of the facility. Global Positioning System, or GPS, is a satellite-based navigation system. The department prefers a GPS receiver is used at the outfall pipe and the displayed coordinates submitted. If access to a GPS receiver is not available, please use a mapping system to approximate the coordinates.

8.2 List only your primary Standard Industrial Classification (SIC), and North American Industry Classification System (NAICS) code for each outfall. The SIC system was devised by the U.S. Office of Management and Budget to cover all economic activities. To find the correct SIC code, an applicant may check his or her unemployment insurance forms or contact the Missouri Division of Employment Security, 573-751-3215. The primary SIC code is that of the operation that generates the most revenue. If this information is not available, the number of employees or, secondly, production rate may be used to determine your SIC code. Additional information for Standard Industrial Codes can be found at [www.osta.gov/pls/imis/sicsearch.html](http://www.osta.gov/pls/imis/sicsearch.html) and for the North American Industry Classification System at [www.census.gov/naics](http://www.census.gov/naics) or contact the appropriate Department of Natural Resources regional office.
9. If you answer yes to A, B, C, D, or E, then you must complete and file the supplementary form(s) indicated. 40 CFR 122.21(f) and (g) requires the facility to submit the information requested herein. For 9.E., please include all permits or approvals, including construction, issued under the Hazardous Waste Management Program (RCRA), the Safe Drinking Water Act, Clean Air Act, or any other permits issued under the Clean Water Act.

A U.S. Geological Survey 1" = 2,000' scale map must be submitted with the permit application showing all outfalls, the receiving stream and the location of the downstream property owners. This type of map can be obtained from the Missouri Department of Natural Resources’ Geological Survey in Rolla at 573-368-2100 or various online mapping applications.

10. Electronic Discharge Monitoring Report (eDMR) Submission System – Visit the eDMR site at http://dnr.mo.gov/env/wpg/edmr.htm and click on the “Facility Participation Package” link. The eDMR Permit Holder and Certifier Registration Form and information about the eDMR system can be found in the Facility Participation Package.

Waivers from electronic reporting may be granted by the Department per 40 CFR 127.15 under certain, special circumstances. A written request must be submitted to the Department for approval. Waivers may be granted to facilities owned or operated by:
A. Members of religious communities that choose not to use certain technologies or
B. Permittees located in areas with limited broadband access. The National Telecommunications and Information Administration (NTIA) in collaboration with the Federal Communications Commission (FCC) have created a broadband internet availability map: http://www.broadbandmap.gov/. Please contact the department if you need assistance.

11. Please visit https://dnr.mo.gov/pubs/pub2564.htm for permit fees. This form must be submitted with the application fee if requesting a new permit, permit modification, or permit transfer.


Incomplete permit applications and/or related engineering documents will be returned by the department if they are not completed in the time frame established in a comment letter from the department to the owner. Permit fees for returned applications shall be forfeited. Permit fees for applications being processed by the department that are withdrawn by the applicant shall be forfeited.

12. Certification/Signature - All applications must be signed as follows and the signature must be original:
A. For a corporation, by an officer having responsibility for the overall operation of the regulated facility or activity or for environmental matters.
B. For a partnership or sole proprietorship, by a general partner or the proprietor.
C. For a municipal, state, federal or other public facility, by either a principal executive officer or by an individual having overall responsibility for environmental matters at the facility.

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<tr>
<th>MAIL COMPLETED FORM AND FEES TO:</th>
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<tbody>
<tr>
<td>Missouri Department Of Natural Resources</td>
</tr>
<tr>
<td>Water Protection Program</td>
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<tr>
<td>Water Pollution Control Branch</td>
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<tr>
<td>ATTN: Operating Permits Section</td>
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<tr>
<td>P.O. BOX 176</td>
</tr>
<tr>
<td>JEFFERSON CITY, MO 65102-0176</td>
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If there are any questions concerning this form, contact the Department of Natural Resources’ Water Protection Program, Operating Permits Section at 800-361-4827 or 573-522-4502.