

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 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-0115339
Owner:	Unilever Manufacturing (US), INC
Address:	2900 West Truman Boulevard, Jefferson City, MO 65109
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Unilever Ice Cream
Facility Address:	1010 County Line Road, Sikeston, MO 63801
Legal Description:	See Page 2
UTM Coordinates:	See Page 2
Receiving Stream:	See Page 2
First Classified Stream and ID:	See Page 2
USGS Basin & Sub-watershed No.:	See Page 2

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

FACILITY DESCRIPTION

See Page 2

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

July 1, 2014
Effective Date


Sara Parker Pauley, Director, Department of Natural Resources

March 31, 2017
Expiration Date


John Madras, Director, Water Protection Program

FACILITY DESCRIPTION (continued)

Industrial no-discharge facility. Wastewater flows into a 3000 gallon tank to capture sludge. Overflow from tank goes to concrete storage basin. Process wastewater is pretreated and discharged to Sikeston POTW. Sludge is removed by contract hauler and may also be taken to Sikeston POTW in times of inclement weather. Domestic waste from restrooms goes directly to Sikeston POTW.

Permitted Feature #001 — SIC #2024

Concrete storage lagoon.

Design flow is 150,000 gallons per day (1-in-10 year design including net rainfall minus evaporation).

Actual flow is 80,733 gallons per day.

Design sludge production is 5.25 dry tons per year.

Legal Description: NE ¼, SW ¼, Sec. 28, T26N, R14E, New Madrid County

UTM Coordinates: X = 807495, Y = 4085773

Receiving Stream: Tributary to St. Johns Ditch (U)

First Classified Stream and ID: St. Johns Ditch (P) (3707)

USGS Basin & Sub-watershed No.: (08020201-0305)

Receiving Stream Watershed: Gaining stream setting that flows into St. Johns Ditch

Facility Type:

No-discharge Storage and Irrigation System for annual flows into gaining stream.

Concrete Storage Basin:

Freeboard for basin: 2 feet

Storage volume (minimum to maximum water levels): 480,000 gallons

PERMITTED FEATURE #001	TABLE A-1. IRRIGATION SYSTEM LIMITATIONS AND MONITORING REQUIREMENTS				PAGE NUMBER 3 of 5	
					PERMIT NUMBER MO-0115339	
The permittee is authorized to conduct land application of wastewater as specified in the application for this permit. The final limitations shall become effective upon issuance and remain in effect until expiration of the permit. The land application of wastewater shall be controlled, limited and monitored by the permittee as specified below:						
EFFLUENT PARAMETER(S)	UNITS	FINAL LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Storage Basin Operational Monitoring						
Storage Basin Freeboard (Note 1)	Feet	*			once/month	measured
Precipitation	Inches	*			daily	total
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2015</u> .						
Sludge Monitoring (Note 2)						
pH – Units	SU	*			once/year	grab
Total Kjeldahl Nitrogen as N	mg/kg	*			once/year	grab
Nitrate Nitrogen as N	mg/L	*			once/year	grab
Total Phosphorus as P	mg/L	*			once/year	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2015</u> .						

* Monitoring requirement only.

Note 1 - Storage Basin freeboard shall be reported as Storage Basin water level in feet below the overflow level.

Note 2 – Sludge that is land applied shall be sampled at the storage basin or application vehicle. If no land application occurred during the report period, report as “No Application.”

B. STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Part I standard conditions dated November 1, 2013 and hereby incorporated as though fully set forth herein.

C. SPECIAL CONDITIONS

1. Emergency Discharge. An emergency discharge from wastewater storage structures may only occur if rainfall exceeds the 1 in 10 year (Data taken from the Missouri Climate Atlas) or the 24 hour, 25 year (Data taken from NRCS Urban Hydrology for Small Watersheds) rainfall events. **Discharge for any other reason or from land application sites shall constitute a permit violation and shall be reported in accordance with Standard Conditions, Part 1, Section B.2.b.** Monitoring shall take place once per day while discharging. Test results are due on the 28th day of the following month after the cessation of the discharge. Permittee shall monitor for the following constituents:

Constituent	Units
Flow	MGD
Biochemical Oxygen Demand ₅	mg/L
Total Suspended Solids	mg/L
Ammonia as N	mg/L
pH – Units	SU
Oil & Grease	mg/L
E. coli	#/100mL

C. SPECIAL CONDITIONS (continued)

2. This permit may be reopened and modified, or alternatively revoked and reissued, to:
 - a. 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:
 - 1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - 2) controls any pollutant not limited in the permit.
 - b. Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - c. Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.
 - d. Incorporate the requirement to develop a pretreatment program pursuant to 40 CFR 403.8(a) when the Director of the Water Protection Program determines that a pretreatment program is necessary due to any new introduction of pollutants into the Publically Owned Treatment Works or any substantial change in the volume or character of pollutants being introduced.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

3. All permitted features s must be clearly marked in the field.
4. Water Quality Standards
 - a. To the extent required by law, discharges to waters of the state shall not cause a violation of water quality standards rule under 10 CSR 20-7.031, including both specific and general criteria.
 - b. General Criteria. The following general water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
 - 1) 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;
 - 2) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - 3) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - 4) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
 - 5) There shall be no significant human health hazard from incidental contact with the water;
 - 6) There shall be no acute toxicity to livestock or wildlife watering;
 - 7) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - 8) 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.
5. Public access to storage areas must be controlled by either positive barriers or remoteness of site.
6. The permittee shall develop, maintain and implement an Operation and Maintenance (O&M) Manual that includes all necessary items to ensure the operation and integrity of the waste handling and land application systems, including key operating procedures, an aerial or topographic site map with the permitted features, land application fields, and irrigation buffer zones marked, and a brief summary of the operation of the facility. The O & M manual shall be made available to the operator and available to the department upon request. The O&M Manual shall be reviewed and updated at least every five years.
7. The berms of the storage basin(s) shall be mowed and kept free of any deep-rooted vegetation, animal dens, or other potential sources of damage to the berms.
8. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (644.055 RSMo).
9. Hazardous waste regulated under the Missouri Hazardous Waste Law and regulations shall not be land applied under this permit.

C. SPECIAL CONDITIONS (continued)

10. All paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) shall be stored so that these materials are not exposed to stormwater. Spill prevention, control, and/or management shall be provided sufficient to prevent any spills of these pollutants from entering a water 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.
11. Good housekeeping practices shall be maintained on the site to keep solid waste from entry into waters of the state.
12. Any pesticide discharge from any point source shall comply with the requirements of Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 et. seq.) and the use of such pesticides shall be in a manner consistent with its label.
13. Release of a hazardous substance must be reported to the department in accordance with 10 CSR 24-3.010. A record of each reportable spill shall be retained with the O&M Manual and made available to the department upon request.
14. The facility shall ensure that adequate provisions are provided to prevent surface water intrusion into the storage basin and to divert stormwater runoff around the storage basin and protect embankments from erosion.
15. Record Keeping
 - a. A record of monthly visual storage structure inspections shall be maintained.
 - b. All records and monitoring results shall be maintained for at least five years and shall be made available to the department upon request.
16. Annual Report on Land Application.

An annual report is required in addition to other reporting requirements under Section A of this permit. The annual report shall be submitted by January 28 of each year. The report shall include, but is not limited to, a summary of the following:

 - a. Record of maintenance and repairs during the year, average number of times per month the facility is checked to see if it is operating properly, and description of any unusual operating conditions encountered during the year.
 - b. The number of days the storage structure discharged during the year, the discharge flow, reason the discharge occurred and effluent analysis performed.
 - c. Narrative summary of any problems or deficiencies identified, corrective action taken and improvements planned.
 - d. The report shall include the sludge monitoring results.

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0115339
UNILEVER ICE CREAM**

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 storm water from certain point sources. All such discharges are unlawful without a permit (Section 301 of the "Clean Water Act"). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (MSOPs) are issued by the Director of the Missouri Department of Natural Resources (Department) under an approved program, operating in accordance with federal and state laws (Federal "Clean Water Act" and "Missouri Clean Water Law" Section 644 as amended). MSOPs are issued for a period of five (5) years unless otherwise specified.

As per [40 CFR Part 124.8(a)] and [10 CSR 20-6.020(1)2.] a 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 (operating permit) listed below.

A Factsheet is not an enforceable part of an operating permit.

This Factsheet is for Industrial Land Application

Part I – Facility Information

Facility Type: NON-POTW – Industrial no-discharge, land application – SIC #2024

Facility Description:

Formerly Good Humor-Breyers Ice Cream.

Industrial no-discharge, sludge is removed by contract hauler and land applied on non-owned fields. Process wastewater is discharged to Sikeston POTW. Sludge may also be taken to Sikeston POTW in times of inclement weather. Domestic waste from restrooms goes directly to Sikeston POTW.

Permitted Feature #001 — SIC #2024

Concrete storage lagoon/wastewater irrigation/sludge is retained in lagoon.

Design flow is 150,000 gallons per day (1-in-10 year design including net rainfall minus evaporation).

Actual flow is 80,733 gallons per day.

Design sludge production is 5.25 dry tons per year.

Have any changes occurred at this facility or in the receiving water body that effects effluent limit derivation?

☒ - No. Formerly Good Humor-Breyers Ice Cream

Application Date: 09/05/12

Expiration Date: 07/06/11

PERMITTED FEATURE(S) TABLE:

PERMITTED FEATURE	TREATMENT LEVEL	EFFLUENT TYPE
#001	Land Application	Industrial sludge/wastewater

Facility Performance History:

This facility was last inspected on July 19, 2012. The facility was found to be in noncompliance for failure to apply for renewal and delinquent fees. The facility submitted a renewal application on September 9, 2012 and all fees are current.

Part II – Receiving Stream Information

APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:

As per Missouri's Effluent Regulations [10 CSR 20-7.015], the waters of the state are divided into the below listed seven (7) categories. Each category lists effluent limitations for specific parameters, which are presented in each outfall's Effluent Limitation Table and further discussed in the Derivation & Discussion of Limits section.

Missouri or Mississippi River [10 CSR 20-7.015(2)]: ☐
Lake or Reservoir [10 CSR 20-7.015(3)]: ☐
Losing [10 CSR 20-7.015(4)]: ☐
Metropolitan No-Discharge [10 CSR 20-7.015(5)]: ☐
Special Stream [10 CSR 20-7.015(6)]: ☐
Subsurface Water [10 CSR 20-7.015(7)]: ☐
All Other Waters [10 CSR 20-7.015(8)]: ☒

10 CSR 20-7.031 Missouri Water Quality Standards, the Department defines the Clean Water Commission water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and 1st classified receiving stream's beneficial water uses to be maintained are located in the Receiving Stream Table located below in accordance with [10 CSR 20-7.031(3)].

RECEIVING STREAM(S) TABLE:

WATERBODY NAME	CLASS	WBID	DESIGNATED USES*	DISTANCE TO CLASSIFIED SEGMENT	12-DIGIT HUC**
Tributary to St. Johns Ditch	U	N/A	General Criteria	1.7	08020201-0305
St. Johns Ditch	P	3707	AQL, LWW, SCR		

* - Irrigation (IRR), Livestock & Wildlife Watering (LWW), Protection of Warm Water Aquatic Life and Human Health-Fish Consumption (AQL), Cool Water Fishery(CLF), Cold Water Fishery (CDF), Whole Body Contact Recreation (WBC), Secondary Contact Recreation (SCR), Drinking Water Supply (DWS), Industrial (IND), Groundwater (GRW). ** - Hydrologic Unit Code

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 is an existing facility.

ANTI-BACKSLIDING:

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

☒ - Limitations in this operating permit for the reissuance of this permit conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44. The Department determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under section 402(a)(1)(b). In the permit writer best professional judgment effluent limits on emergency discharges are not needed since the discharge itself is a permit violation. The monitoring requirements for land application operational monitoring and soil monitoring at land application site were removed since the sludge is removed by a contract hauler.

ANTIDegradation:

In accordance with Missouri's Water Quality Standard [10 CSR 20-7.031(2)], the Department is to document by means of Antidegradation Review that the use of a water body's available assimilative capacity is justified. Degradation is justified by documenting the socio-economic importance of a discharging activity after determining the necessity of the discharge.

☒ - No degradation proposed and no further review necessary. Facility did not apply for authorization to increase pollutant loading or to add additional pollutants to their discharge.

AREA-WIDE WASTE TREATMENT MANAGEMENT & CONTINUING AUTHORITY:

As per [10 CSR 20-6.010(3)(B)], ...An applicant may utilize a lower preference continuing authority by submitting, as part of the application, a statement waiving preferential status from each existing higher preference authority, providing the waiver does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional sewage service and treatment plan approved for higher preference authority by the Department.

BIOSOLIDS & SEWAGE SLUDGE:

Biosolids are solid materials resulting from domestic wastewater treatment that meet federal and state criteria for beneficial uses (i.e. fertilizer). Sewage sludge is solids, semi-solids, 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 a 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 regarding biosolids and sludge is located at the following web address:

<http://extension.missouri.edu/main/DisplayCategory.aspx?C=74>, items WQ422 through WQ449.

☒ - Permittee is not authorized to land apply biosolids. Sludge/biosolids are removed by contract hauler.

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.

SCHEDULE OF COMPLIANCE (SOC):

Per 644.051.4 RSMo, a permit may be issued with a Schedule of Compliance (SOC) to provide time for a facility to come into compliance with new state or federal effluent regulations, water quality standards, or other requirements. Such a schedule is not allowed if the facility is already in compliance with the new requirement, or if prohibited by other statute or regulation. A SOC includes an enforceable sequence of interim requirements (actions, 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. *See also* Section 502(17) of the Clean Water Act, and 40 CFR §122.2. For new effluent limitations, the permit includes interim monitoring for the specific parameter to demonstrate the facility is not already in compliance with the new requirement. Per 40 CFR § 122.47(a)(1) and 10 CSR 20-7.031(10), compliance must occur as soon as possible. If the permit provides a schedule for meeting new water quality based effluent limits, a SOC must include an enforceable, final effluent limitation in the permit even if the SOC extends beyond the life of the permit.

A SOC is not allowed:

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

In order to provide guidance to Permit Writers in developing SOC's, and attain a greater level of consistency, on October 25, 2012 the department issued a policy on development of SOC's. This policy provides guidance to Permit Writers on the standard time frames for schedules for common activities, and guidance on factors that may modify the length of the schedule such as an affordability analysis.

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.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP):

In accordance with 40 CFR 122.44(k) *Best Management Practices (BMPs)* 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 storm water 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 (regarding this operating permit) waters of the state. BMPs may take the form of a process, activity, or physical structure.

Additionally in accordance with the Storm Water 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.

Not Applicable ☒; At this time, the permittee is not required to develop and implement a SWPPP.

VARIANCE:

As 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 operating permit is not drafted under premises of a petition for variance.

WATER QUALITY STANDARDS:

Per [10 CSR 20-7.031(3)], 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.

40 CFR 122.41(M) - BYPASSES:

The federal Clean Water Act (CWA), Section 402 prohibits wastewater dischargers from "bypassing" untreated or partially treated sewage (wastewater) beyond the headworks. A bypass is defined as an intentional diversion of waste streams from any portion of a treatment facility, [40 CFR 122.41(m)(1)(i)]. Additionally, Missouri regulation 10 CSR 20-2.010(11) defines a bypass as the diversion of wastewater from any portion of wastewater treatment facility or sewer system to waters of the state. Only under exceptional and specified limitations do the federal regulations allow for a facility to bypass some or all of the flow from its treatment process. Bypasses are prohibited by the CWA unless a permittee can meet all of the criteria listed in 40 CFR 122.41(m)(4)(i)(A), (B), & (C). Any bypasses from this facility are subject to the reporting required in 40 CFR 122.41(l)(6) and per Missouri's Standard Conditions I, Section B, part 2.b. Additionally, Anticipated Bypasses include bypasses from peak flow basins or similar devices designed for peak wet weather flows.

Not Applicable ☒; This facility does not anticipate bypassing.

303(d) LIST & TOTAL MAXIMUM DAILY LOAD (TMDL):

Section 303(d) of the federal Clean Water Act requires that each state identify waters that are 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 waters that are impaired but not addressed by normal water pollution control programs.

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. If a water body is determined to be impaired as listed on the 303(d) list, then a watershed management plan will be developed that shall include the TMDL calculation

Not Applicable ☒; This facility does not discharge to a 303(d) listed stream.

Part V – Permit Limits Determination

Permitted Feature #001 – Emergency Discharge

There are no effluent limits associated with Permitted Feature #001 for the no-discharge facility. However, the following is required for an emergency discharge. Monitoring requirement only based on best professional judgment.

EMERGENCY DISCHARGE TABLE:

PARAMETER	UNIT	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
Flow	MGD	*			NO	*
Biochemical Oxygen Demand ₅	mg/L	*			YES	65
Total Suspended Solids	mg/L	*			YES	110
Ammonia as N	mg/L	*			YES	***
pH	SU	*			YES	6.0-9.0
E.coli	**	*			YES	***
Nitrate	mg/L	*			NO	***
Monitoring Frequency	Please see Minimum Sampling and Reporting Frequency Requirements in the Derivation and Discussion Section below.					

* - Monitoring requirement only

** - # of colonies/100mL; the Monthly Average for E. coli is a geometric mean.

*** - Parameter not established in previous state operating permit.

• **Minimum Sampling and Reporting Frequency Requirements.**

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
Flow	once/day while discharging	Test results are due on the 28 th day of the month after the cessation of the discharge
Biochemical Oxygen Demand ₅	once/day while discharging	
Total Suspended Solids	once/day while discharging	
Ammonia as N	once/day while discharging	
pH	once/day while discharging	
E.coli	once/day while discharging	
Nitrate	once/day while discharging	

PERMITTED FEATURE #001 – STORAGE BASIN

Storage basin monitoring requirements in the below Storage Basin Monitoring Table are based on current operations of the facility. 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.

STORAGE BASIN MONITORING TABLE:

PARAMETER	UNIT	BASIS FOR LIMITS	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
Freeboard	feet	1	*				**
Precipitation	inches	1	*				**
Monitoring Frequency	Please see Minimum Sampling and Reporting Frequency Requirements in the Derivation and Discussion Section below.						

* - Monitoring requirement only.

** - Parameter not previously established in previous state operating permit.

Basis for Limitations Codes:

1. State or Federal Regulation/Law
2. Water Quality Standard (includes RPA)
3. Water Quality Based Effluent Limits
4. Lagoon Policy
5. Ammonia Policy
6. Antidegradation Review
7. Antidegradation Policy
8. Water Quality Model
9. Best Professional Judgment
10. TMDL or Permit in lieu of TMDL
11. WET Test Policy

PERMITTED FEATURE #001 – DERIVATION AND DISCUSSION OF LIMITS:

- **Freeboard.** Monitoring requirement only.
- **Precipitation.** Monitoring requirement only.

Minimum Sampling and Reporting Frequency Requirements.

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
Freeboard	once/month	once/year
Precipitation	once/day	once/year

PERMITTED FEATURE #001– SLUDGE

PARAMETER	UNIT	BASIS FOR LIMITS	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
pH	SU	1	*			NO	*
Total Kjeldahl Nitrogen	mg/L	1	*			NO	*
Nitrate Nitrogen as N	mg/L	1	*			NO	*
Total Phosphorus as P	mg/L	1	*			NO	*
Monitoring Frequency	Please see Minimum Sampling and Reporting Frequency Requirements in the Derivation and Discussion Section below.						

* - Monitoring requirement only.

** - Parameter not previously established in previous state operating permit.

Basis for Limitations Codes:

- | | |
|--|------------------------------------|
| 1. State or Federal Regulation/Law | 7. Antidegradation Policy |
| 2. Water Quality Standard (includes RPA) | 8. Water Quality Model |
| 3. Water Quality Based Effluent Limits | 9. Best Professional Judgment |
| 4. Lagoon Policy | 10. TMDL or Permit in lieu of TMDL |
| 5. Ammonia Policy | 11. WET Test Policy |
| 6. Antidegradation Review | |

- **Total Kjeldahl Nitrogen.** Monitoring requirement only.
- **Nitrate Nitrogen as N.** Monitoring requirement only
- **Total Phosphorus as P.** Monitoring requirement only.

Minimum Sampling and Reporting Frequency Requirements.

PARAMETER	SAMPLING FREQUENCY	REPORTING FREQUENCY
pH	once/year	once/year
Total Kjeldahl Nitrogen	once/year	once/year
Nitrate Nitrogen as N	once/year	once/year
Total Phosphorus as P	once/year	once/year

Part VI – Finding of Affordability

Pursuant to Section 644.145, RSMo., the Department is required to determine whether a permit or decision is affordable and makes a finding of affordability for certain permitting and enforcement decisions. This requirement applies to discharges from combined or separate sanitary sewer systems or publically-owned treatment works.

☒ Not Applicable; The Department is not required to determine findings of affordability because the permit contains no new conditions or requirements that convey a new cost to the facility.

Part VII – 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. 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 4 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.

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 May 2, 2014 to June 2, 2014. No responses received.

DATE OF FACT SHEET: JUNE 5, 2014

COMPLETED BY:

**GREG CALDWELL ENVIRONMENTAL SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - INDUSTRIAL UNIT
(573) 526-1426
greg.caldwell@dnr.mo.gov**



STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
REVISED
NOVEMBER 1, 2013

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

Part I – General Conditions

Section A – Sampling, Monitoring, and Recording

1. **Sampling Requirements.**
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. All samples shall be taken at the outfall(s) or Missouri Department of Natural Resources (Department) approved sampling location(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.
2. **Monitoring Requirements.**
 - a. Records of monitoring information shall include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
 - b. If the permittee monitors any pollutant more frequently than required by the permit at the location specified in the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reported to the Department with the discharge monitoring report data (DMR) submitted to the Department pursuant to Section B, paragraph 7.
3. **Sample and Monitoring Calculations.** Calculations for all sample and monitoring results which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.
4. **Test Procedures.** The analytical and sampling methods used shall conform to the reference methods listed in 10 CSR 20-7.015 unless alternates are approved by the Department. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure that the selected methods are able to quantify the presence of pollutants in a given discharge at concentrations that are low enough to determine compliance with Water Quality Standards in 10 CSR 20-7.031 or effluent limitations unless provisions in the permit allow for other alternatives. A method is “sufficiently sensitive” when; 1) the method minimum level is at or below the level of the applicable water quality criterion for the pollutant or, 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility’s discharge is high enough that the method detects and quantifies the level of pollutant in the discharge, or 3) the method has the lowest minimum level of the analytical methods approved under 10 CSR 20-7.015. These methods are also required for parameters that are listed as monitoring only, as the data collected may be used to determine if limitations need to be established. A permittee is responsible for working with their contractors to ensure that the analysis performed is sufficiently sensitive.
5. **Record Retention.** Except for records of monitoring information required by the permit related to the permittee’s sewage sludge use and disposal activities, which shall be retained for a period of at least five (5) years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

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

Section B – Reporting Requirements

1. **Planned Changes.**
 - a. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1);
 - iii. The alteration or addition results in a significant change in the permittee’s sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
 - iv. Any facility expansions, production increases, or process modifications which will result in a new or substantially different discharge or sludge characteristics must be reported to the Department 60 days before the facility or process modification begins. Notification may be accomplished by application for a new permit. If the discharge does not violate effluent limitations specified in the permit, the facility is to submit a notice to the Department of the changed discharge at least 30 days before such changes. The Department may require a construction permit and/or permit modification as a result of the proposed changes at the facility.
2. **Twenty-Four Hour Reporting.**
 - a. The permittee shall report any noncompliance which may endanger health or the environment. Relevant information shall be provided orally or via the current electronic method approved by the Department, within 24 hours from the time the permittee becomes aware of the circumstances, and shall be reported to the appropriate Regional Office during normal business hours or the Environmental Emergency Response hotline at 573-634-2436 outside of normal business hours. A written submission shall also be provided within five (5) business days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.



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- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - ii. Any upset which exceeds any effluent limitation in the permit.
 - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit required to be reported within 24 hours.
 - c. The Department may waive the written report on a case-by-case basis for reports under paragraph 2. b. of this section if the oral report has been received within 24 hours.
3. **Sanitary Sewer Overflow Reporting.** The following requirements solely reflect reporting obligations, and reporting does not necessarily reflect noncompliance, which may depend on the circumstances of the incident reported.
- a. **Twenty-Four Hour (24-Hour) Reporting.** The permittee or owner shall report any incident in which wastewater escapes the collection system such that it reaches waters of the state or it may pose an imminent or substantial endangerment to the health or welfare of persons. 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 incident. A written submission shall also be provided within five (5) business days of the time the permittee or owner becomes aware of the incident. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The five (5) day reports may be provided via the current electronic method approved by the Department.
 - b. **Incidents Reported via Discharge Monitoring Reports (DMRs).** The permittee or owner shall report any event in which wastewater escapes the collection system, which does not enter waters of the state and is not expected to pose an imminent or substantial endangerment to the health or welfare of persons, which occur typically during wet weather events. Relevant information shall be provided with the permittee's or owner's DMRs.
4. **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.
5. **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.
6. **Other Noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs 2, 3, 4, and 7 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 2. a. of this section.
7. **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.
8. **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.
- b. **Severe Property Damage:** substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- c. **Upset:** an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. Bypass Requirements.

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

3. Upset Requirements.

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



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Section D – Administrative Requirements

1. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and Federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
 - a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
 - b. The Federal Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Federal Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
 - c. Any person may be assessed an administrative penalty by the EPA Director for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
 - d. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 of the Missouri Clean Water Law or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 of

the Missouri Clean Water Law or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed \$10,000 per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. Any person who willfully or negligently commits any violation in this paragraph shall, upon conviction, be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this paragraph by any person shall be punished by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.

2. **Duty to Reapply.**
 - a. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
 - b. A permittee with a currently effective site-specific permit shall submit an application for renewal at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
 - c. A permittees with currently effective general permit shall submit an application for renewal at least 30 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
3. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
5. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
6. **Permit Actions.**
 - a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - i. Violations of any terms or conditions of this permit or the law;
 - ii. Having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
 - iii. A change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
 - iv. Any reason set forth in the Law or Regulations.
 - b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.



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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.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM, WATER POLLUTION CONTROL BRANCH
**FORM A – APPLICATION FOR CONSTRUCTION OR OPERATING PERMIT
UNDER MISSOURI CLEAN WATER LAW**

FOR AGENCY USE ONLY

CHECK NUMBER

No Fee Sent

DATE RECEIVED

9/5/12

FEE SUBMITTED

0

Note

PLEASE READ THE ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM.

1. This application is for:

- ☐ An operating permit and antidegradation review public notice
☐ A construction permit following an appropriate operating permit and antidegradation review public notice
☐ A construction permit and concurrent operating permit and antidegradation review public notice
☐ A construction permit (submitted before Aug. 30, 2008 or antidegradation review is not required)
☐ An operating permit for a new or unpermitted facility Construction Permit # _____
☒ An operating permit renewal: permit # MO- 0115339 Expiration Date _____
☐ An operating permit modification: permit # MO- Reason: _____

1.1 Is the appropriate fee included with the application? (See instructions for appropriate fee) ☐ YES ☐ NO

2. FACILITY

NAME

Unilever Ice Cream

TELEPHONE WITH AREA CODE
(573) 472-8400

FAX (573) 472-2598

ADDRESS (PHYSICAL)

2400 Rose Parkway & 1010 County Line Road

CITY

SIKESTON

STATE

MO

ZIP CODE

63801

3. OWNER

NAME

UNILEVER MANUFACTURING (US), INC

E-MAIL ADDRESS

Dennis.Myers@unilever.com

TELEPHONE WITH AREA CODE
(573) 893-3040

FAX

ADDRESS (MAILING)

2900 W TRUMAN BLVD

CITY

JEFFERSON CITY

STATE

MO

ZIP CODE

65109

3.1 Request review of draft permit prior to public notice? ☐ YES ☒ NO

4. CONTINUING AUTHORITY

NAME

SAME AS # 3

TELEPHONE WITH AREA CODE

FAX

ADDRESS (MAILING)

CITY

STATE

ZIP CODE

5. OPERATOR

NAME

SAME AS # 2

CERTIFICATE NUMBER

TELEPHONE WITH AREA CODE

FAX

ADDRESS (MAILING)

CITY

STATE

ZIP CODE

6. FACILITY CONTACT

NAME

PHILIP DEUSTER

philip.deuster@unilever.com

TITLE

SHE SUPERVISOR

TELEPHONE WITH AREA CODE
(573) 472-8407

FAX (573) 417-2097

7. ADDITIONAL FACILITY INFORMATION

7.1 Legal Description of Outfalls. (Attach additional sheets if necessary.)

001 _____¹/₄ _____¹/₄ Sec _____ T _____ R _____ County

UTM Coordinates Easting (X): _____ Northing (Y): _____
For Universal Transverse Mercator (UTM), Zone 15 North referenced to North American Datum 1983 (NAD83)

002 _____¹/₄ _____¹/₄ Sec _____ T _____ R _____ County

UTM Coordinates Easting (X): _____ Northing (Y): _____

003 _____¹/₄ _____¹/₄ Sec _____ T _____ R _____ County

UTM Coordinates Easting (X): _____ Northing (Y): _____

004 _____¹/₄ _____¹/₄ Sec _____ T _____ R _____ County

UTM Coordinates Easting (X): _____ Northing (Y): _____

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

001 – SIC 2024 and NAICS 311520 002 – SIC _____ and NAICS _____

003 – SIC _____ and NAICS _____ 004 – SIC _____ and NAICS _____

Unilever Ice Cream Permit # MO-0115339

Form A
APPENDIX I

7.10 Land Application Sites:

Site #1

Location: S1/2, Sec. 28, T 26N, R 14E and the E1/2, Sec. 33, T 25N, R 14E and the W1/2, Sec. 34, T 25N, R 14E and part of the NW1/4, Sec. 3, T 25W, R 14E and part of the NE1/4, Sec. 4, T 25W, R 14E, New Madrid County, Missouri

Site #2

Location: No Longer in use.

Site #3

Combined legal description for Sue Schuerenberg farm corner of AA Hwy and County Rd 820 purchased from AG Resources LLC, Baggett farm, and Day farm.

Location: Se1/4; NE1/4; S1/2 SW1/4, N1/2, NW1/4 SEC22, T25N, R14E, New Madrid County, Missouri. SE1/4; SW1/4; Sec. 15, T25N, R14E, New Madrid County, Missouri.

Total Available Acres: 1062acres

Total Used in 2010: 366acres

9.00 Downstream Landowners:

Sites #1 & #2

Parker Brothers
Route 3 Highway 615
Sikeston, MO 63801

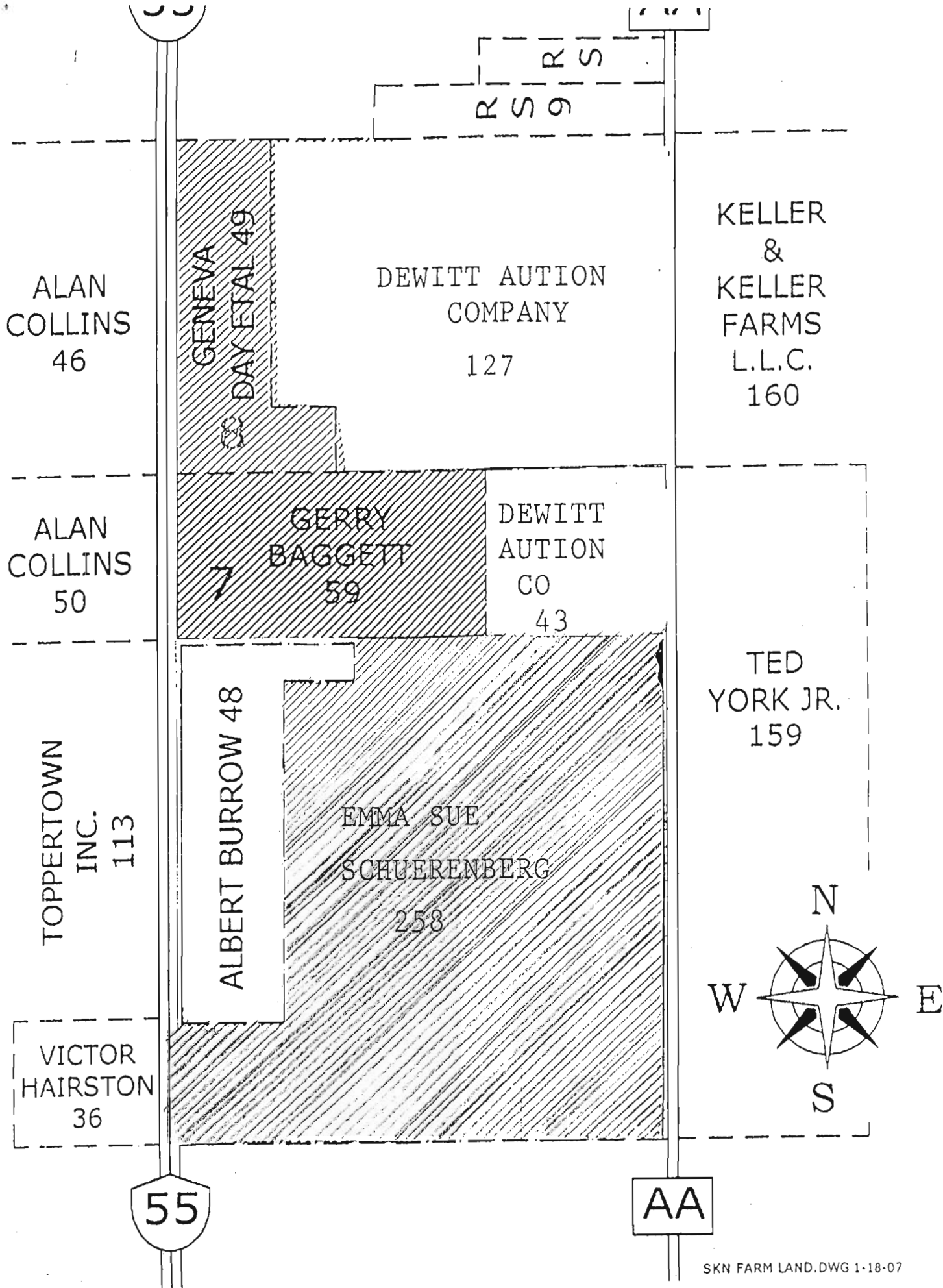
Site #3

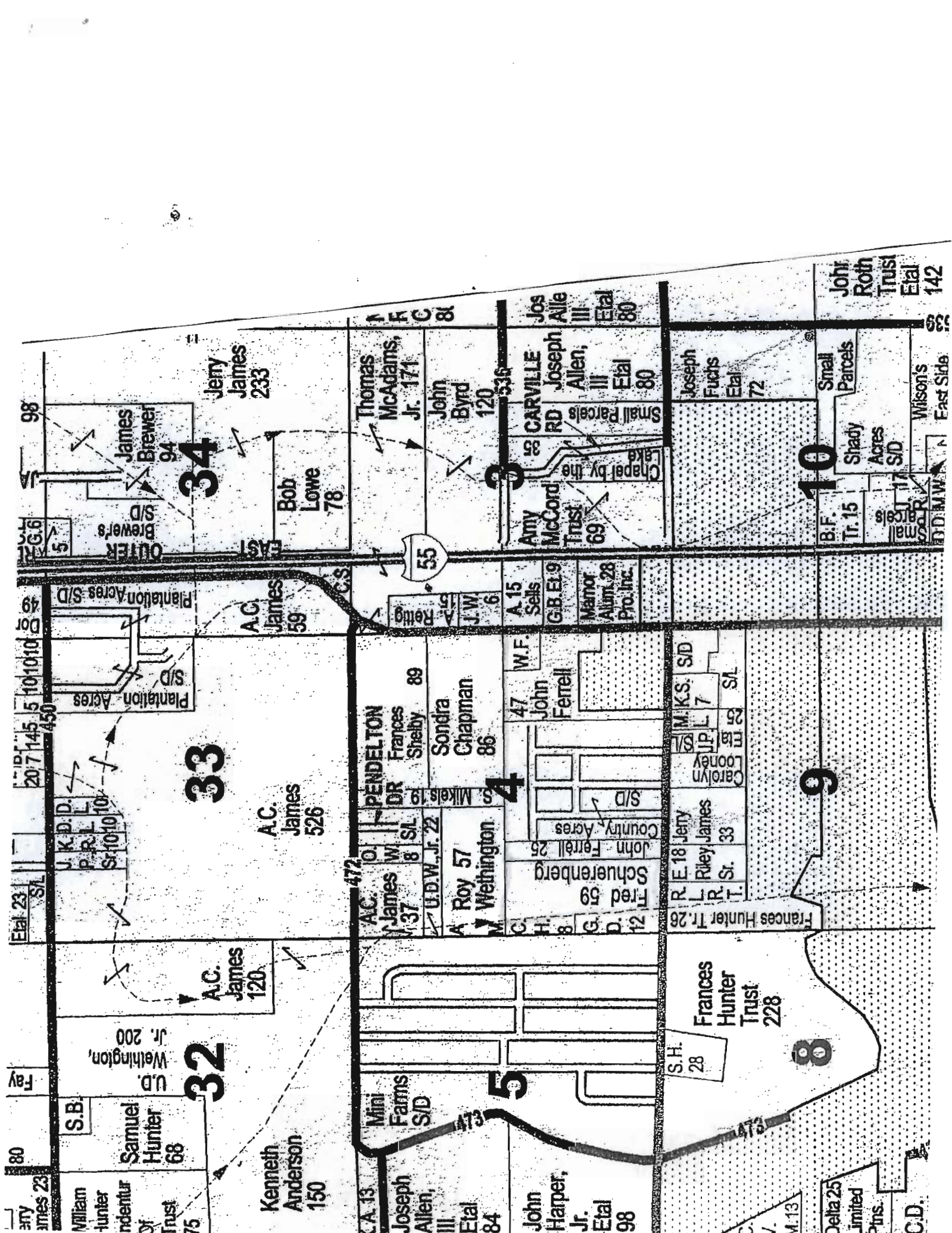
David Orthwein
Highway 820
New Madrid County, MO

Unilever Ice Cream Permit # MO – 0115339

Form A

Land Application Diagrams





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James 23
William
Hunter
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Trust
75

80
Fay
S.B.
Samuel
Hunter
68

U.D.
Wellington,
Jr. 200
A.C.
James
120

32
J.K.D.D.
P.R.L.
Sr. 10-10-10

33
Plantation Acres
S/D
450

20 7 145 5 10 10 10
D 49

34
James
Brewer
94
S/D
Brewer's

98
Bob
Lowe
78

Jerry
James
233

Thomas
McAdams,
Jr. 171

John
Byrd
120

3
Amy
McCord
Trust
69

3
CARVILLE
RD
Joseph
Allen,
III
Etal
80

John
Roth
Trust
Etal
142

K.A. 13
Joseph
Allen,
III
Etal
84

John
Harper,
Jr.
Etal
98

5
Mini
Farms
S/D
473

4
A. Roy 57
Wethington

47
John
Ferrell

47
W.F.
Sells
G.B.E. 9

47
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Ferrell
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Delta 25
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Wilson's
East Side

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