

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-0121461
Owner:	MFA Petroleum Company
Address:	P.O. Box 519 Columbia MO 65205
Continuing Authority:	MFA Petroleum Company
Address:	P.O. Box 519 Columbia MO 65205
Facility Name:	Break Time #3121
Facility Address:	217 N W Hwy 7, Clinton, MO 64735
Legal Description:	SW ¼, SE ¼, NE ¼, Sec. 33, T42N, R26W, Henry County
UTM Coordinates:	X=430438, Y=4249408
Receiving Stream:	Tributary to Rose Creek (U)
First Classified Stream and ID:	South Grand River (P) (01249) 303(d) List
USGS Basin & Sub-watershed No.:	(10290108-0702)

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

FACILITY DESCRIPTION

Outfall #001 – Convenience Store – SIC #5411/#4952

No Certified Operator Required

Grease trap / two septic tanks / effluent filter / re-circulating sand filter / sludge disposal by contract hauler

Design population equivalent is 28.

Design flow is 1,610 gallons per day.

Actual flow is 1,600 gallons per day.

Design sludge production is 0.2 dry tons/year.

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.

November 1, 2011
Effective Date

June 1, 2014
Modification Date


Sara Parker Pauley, Director, Department of Natural Resources

October 31, 2016
Expiration Date


Andrea D. Collier, P.E. Director, Kansas City Regional Office

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 2 of 4	
					PERMIT NUMBER MO-0121461	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The interim effluent limitations shall become effective upon issuance and remain in effect until <u>three (3) years</u> from the date of issuance of this permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	INTERIM EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Outfall #001</u>						
Flow	MGD	*		*	once/quarter**	24 hr. estimate
Biochemical Oxygen Demand ₅	mg/L		45	30	once/quarter**	composite***
Total Suspended Solids	mg/L		45	30	once/quarter**	composite***
Ammonia as N	mg/L	*		*	once/quarter**	grab
pH – Units	SU	****		****	once/quarter**	grab
Temperature (effluent)	°C	*		*	once/quarter**	grab
Oil & Grease	mg/L	15		10	once/quarter**	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>OCTOBER 28, 2014</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
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 <u>two (2) years</u> before the date of expiration of this permit and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Outfall #001</u>						
Flow	MGD	*		*	once/quarter**	24 hr. estimate
Biochemical Oxygen Demand ₅	mg/L		45	30	once/quarter**	composite***
Total Suspended Solids	mg/L		45	30	once/quarter**	composite***
Ammonia as N (April 1 – Sept 30) (Oct 1 – March 31)	mg/L	3.6 7.5		1.4 2.9	once/quarter**	grab
pH – Units	SU	****		****	once/quarter**	grab
Temperature (effluent)	°C	*		*	once/quarter**	grab
Oil & Grease	mg/L	15		10	once/quarter**	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>QUARTERLY</u> ; THE FIRST REPORT IS DUE <u>JANUARY 28, 2015</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Parts I & III</u> STANDARD CONDITIONS DATED <u>October 1, 1980 and August 15, 1994</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- * Monitoring requirement only.
- ** See table below for quarterly sampling
- *** A composite sample made up from a minimum of four grab samples collected within a 24 hour period with a minimum of two hours between each grab sample.
- **** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.5 – 9.0 pH units.

Sample discharge at least once for the months of:	Report is due:
January, February, or March (1st Quarter)	April 28
April, May, or June (2nd Quarter)	July 28
July, August, or September (3rd Quarter)	October 28
October, November, or December (4th Quarter)	January 28

C. SPECIAL CONDITIONS

1. 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.

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

2. All outfalls must be clearly marked in the field.
3. Permittee will cease discharge by connection to a facility with an area-wide management plan per 10 CSR 20-6.010(3)(B)1. or 2. within 90 days of notice of its availability. The permittee shall obtain department approval for closure or alternate use of the facility.
4. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge 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; five hundred micrograms per liter (500 µg/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
 - (4) The level established in Part A of the permit by the Director.
 - (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant, which was not reported in the permit application.
5. Report as no-discharge when a discharge does not occur during the report period.
 6. Water Quality Standards
 - (a) 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.

7. The permittee shall comply with any applicable requirements listed in 10 CSR 20-8 and 10 CSR 20-9, unless the facility has received written notification that the Department has approved a modification to the requirements. The monitoring frequencies contained in this permit shall not be construed by the permittee as a modification of the monitoring frequencies listed in 10 CSR 20-9. If a modification of the monitoring frequencies listed in 10 CSR 20-9 is needed, the permittee shall submit a written request to the department for review and, if deemed necessary, approval.

D. SCHEDULE OF COMPLIANCE

1. The final daily maximum and monthly average Ammonia as N limits shall become effective three (3) years after the issue date of the permit. The Effluent Regulation, 10 CSR 20-7.031(10) allows the permittee up to three (3) years from the issuance date of this permit to comply with new or revised National Pollutant Discharge Elimination System (NPDES) or Missouri operating permit limitations based on criteria in the Clean Water Commission Regulations. It states that such compliance “shall be achieved with all deliberate speed and no later than three (3) years from the date of issuance of the permit.” Therefore modification to the facilities must be made if required to meet the final effluent limits of this permit.
2. If modifications to the facility are required to meet the final effluent limits of this permit, M. Burton Enterprises, LLC shall submit to the department a facility plan (or engineering report) by **August 1, 2012**, for changes to the M. Burton Enterprises, LLC Wastewater Treatment Facility (WWTF) so the discharge from the facility will meet the final effluent limits for Ammonia as Nitrogen.
3. Within **six months** of department approval of the facility plan, M. Burton Enterprises, LLC will then submit to the department engineering plans, technical specifications, and a construction permit application, for changes to the M. Burton Enterprises, LLC WWTF so the discharge from the facility will meet the final effluent limits for Ammonia as N.
4. If completion of construction will be more than 1 year, M. Burton Enterprises, LLC shall submit interim progress reports every 12 months from **November 1, 2011**.
5. If M. Burton Enterprises, LLC determines that modifications to the facility are not needed to meet the final effluent limits of this permit, then M. Burton Enterprises, LLC shall submit a letter to the department by **August 1, 2012**, stating that modifications are not needed for the M. Burton Enterprises, LLC WWTF to meet the final effluent limitations of this permit.
6. M. Burton Enterprises, LLC WWTF will meet final effluent limits by **November 1, 2014**.

PERMIT TRANSFER

This permit may be transferred to a new owner by submitting an “Application for Transfer of Operating Permit” signed by the seller and buyer of the facility, along with the appropriate modification fee.

PERMIT RENEWAL REQUIREMENTS

Unless this permit is terminated, the permittee shall submit an application for the renewal of this permit no later than six (6) months prior to the permit’s expiration date. Failure to apply for renewal may result in termination of this permit and enforcement action to compel compliance with this condition and the Missouri Clean Water Law.

TERMINATION

In order to terminate this permit, the permittee shall notify the department by submitting Form J, included with the State Operating Permit. The permittee shall complete Form J and mail it to the department at the address noted in the cover letter of this permit. Proper closure of any storage structure is required prior to permit termination. A closure plan shall be submitted to the department and approved prior to initiating closure activities.

DUTY OF COMPLIANCE

The permittee shall comply with all conditions of this permit. Any noncompliance with this permit constitutes a violation of Chapter 644, Missouri Clean Water Law, and 10 CSR 20-6. Noncompliance may result in enforcement action, termination of this authorization, or denial of the permittee's request for renewal. This permit authorizes only the activities described in this permit.

Missouri Department of Natural Resources

Fact Sheet

For the Purpose of Renewal of NPDES #: MO-0121461 M. Burton Enterprises, LLC

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 a Minor Facility.

Part I – Facility Information

Facility Type: Convenience Store
 Facility's SIC #5411/#4952

Facility Description: The facility consists of a grease trap, two septic tanks with the sludge being removed by a contract hauler. The second septic tank has a biofilter followed by a re-circulating sand filter. The design population equivalent is 28. The design flow is 1,610 gallons per day with an actual flow of 1,600 gallons per day based on averaging the submitted discharge monitoring reports. The design sludge production is 0.2 dry tons per year.

Have any changes occurred at this facility or in the receiving water body that effects effluent limit derivation? ☒ - No.

Application Date: 04/04/11
 Expiration Date: 09/21/11
 Last Inspection: 02/29/08 In Compliance ☐ Non-Compliance ☒

OUTFALL(S) TABLE:

OUTFALL	DESIGN FLOW (CFS)	TREATMENT LEVEL	EFFLUENT TYPE	DISTANCE TO CLASSIFIED SEGMENT (MI)
#001	0.0025	equivalent to secondary	domestic wastewater	> 11

Legal Description: SW ¼, SE ¼, NE ¼, Sec. 33, T42N, R26W, Henry County
 UTM Coordinates: X=430438, Y=4249408
 Receiving Stream: Unnamed tributary to Rose Creek (U)
 First Classified Stream and ID: South Grand River (P) (01249) 303(d) List
 USGS Basin & Sub-watershed No.: (10290108-0702)

Receiving Water Body's Water Quality & Facility Performance History:

No Low Flow Studies or Stream Surveys have been conducted at this facility. The facility was not in compliance when it was last inspected on February 29, 2008. While no sludge deposits were observed in the receiving stream and the overall operation and appearance of the facility was satisfactory, the facility was cited for BOD and TSS exceedances, missing Discharge Monitoring Reports, and needing to submit an application for Transfer of Ownership.

LIMITATION EXCEEDANCES FROM SUBMITTED DISCHARGE MONITORING REPORTS						
PARAMETER	UNITS	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	REPORTED VALUE	DATE OR REPOTING PERIOD
Biochemical Oxygen Demand ₅	mg/L		45	30	157 69.2 32	03/07/07 04/19/08 03/15/09
Total Suspended Solids	mg/L		45	30	49.2 32.2	03/07/07 04/19/08
Oil & Grease	mg/L	15		10	10.6 12.1	03/07/07 09/19/08

Comments: No exceedances have been reported since the transfer of ownership to M. Burton Enterprises, LLC. The name of the facility is changed from County Petro to M. Burton Enterprises, LLC. The Latitude/Longitude of the outfall was changed because the previous location was at the southeast corner of the property when the outfall is actually located near the northwest corner of the property. This change in location of the outfall also changes the receiving stream from an unnamed tributary to Town Creek to a tributary to Rose Creek and the first classified stream from H.S. Truman Lake to South Grand River.

Part II – Operator Certification Requirements

This facility is not required to have a certified operator.

Part III – 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)]:	<input type="checkbox"/>
Lake or Reservoir [10 CSR 20-7.015(3)]:	<input type="checkbox"/>
Losing [10 CSR 20-7.015(4)]:	<input type="checkbox"/>
Metropolitan No-Discharge [10 CSR 20-7.015(5)]:	<input type="checkbox"/>
Special Stream [10 CSR 20-7.015(6)]:	<input type="checkbox"/>
Subsurface Water [10 CSR 20-7.015(7)]:	<input type="checkbox"/>
All Other Waters [10 CSR 20-7.015(8)]:	<input checked="" type="checkbox"/>

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/or 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*	8-DIGIT HUC	EDU**
Tributary to Rose Creek	U	NA	General Criteria	10290108	Central Plains/ Osage/ South Grand
South Grand River	P	01249	LWW, AQL, SCR, WBC-B***		

* - 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), Secondary Contact Recreation (SCR), Whole Body Contact Recreation (WBC), Drinking Water Supply (DWS), Industrial (IND), Groundwater (GRW).

** - Ecological Drainage Unit

*** - UAA has not been conducted.

MIXING CONSIDERATIONS:

Mixing Zone: Not Allowed [10 CSR 20-7.031(4)(A)4.B.(I)(a)].

Zone of Initial Dilution: Not Allowed [10 CSR 20-7.031(4)(A)4.B.(I)(b)].

RECEIVING STREAM MONITORING REQUIREMENTS:

No receiving water monitoring requirements recommended at this time.

Part IV – Rationale and Derivation of Effluent Limitations & Permit Conditions

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.

☒ - All limits in this operating permit are at least as protective as those previously established; therefore, backsliding does not apply.

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.

☒ - Renewal no degradation proposed and no further review necessary.

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://dnr.mo.gov/env/wpp/pub/index.html>, items WQ422 through WQ449.

☒ - Sludge/biosolids are removed by contract hauler or are stored in the lagoon.

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.

REMOVAL EFFICIENCY:

Removal efficiency is a method by which the Federal Regulations define Secondary Treatment and Equivalent to Secondary Treatment, which applies to Biochemical Oxygen Demand 5-day (BOD5) and Total Suspended Solids (TSS) for Publicly Owned Treatment Works (POTWs)/municipals. Please see the United States Environmental Protection Agency's (EPA) website for interpretation of percent removal requirements for National Pollutant Discharge Elimination System Permit Application Requirements for Publicly Owned Treatment Works and Other Treatment Works Treating Domestic Sewage at www.epa.gov/fedrgstr/EPA-WATER/1999/August/Day-04/w18866.htm

☒ - Not Applicable; this wastewater treatment facility is not a POTW. Influent monitoring is not being required to determine percent removal.

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 that will cause or have the reasonable potential to cause or contribute to an in-stream excursion above narrative or numeric water quality standard.

In accordance with [40 CFR Part 122.44(d)(iii)] if the permit writer determines that any give 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.

☒ - Applicable; a RPA was conducted for Ammonia as N. Statistically, there should be at least eight data points for each season to conduct a RPA; the facility has submitted at least half of the recommended number of points and all submitted data is well above the water quality standard for Ammonia, therefore there is a reasonable potential the facility will continue to produce an effluent causing excursions above the water quality standard for Ammonia. Please see **APPENDIX A – RPA RESULTS**.

SANITARY SEWER OVERFLOWS (SSO) AND INFLOW AND INFILTRATION (I&I):

Sanitary Sewer Overflows (SSOs) are defined as an untreated or partially treated sewage releases and are considered bypassing under state regulation [10 CSR 20-2.010(11)] and should not be confused with the federal definition of bypass. SSOs have a variety of causes including blockages, line breaks, and sewer defects that allow excess storm water and ground water to (1) enter and overload the collection system, and (2) overload the treatment facility. Additionally, SSOs can be also be caused by lapses in sewer system operation and maintenance, inadequate sewer design and construction, power failures, and vandalism. SSOs also include overflows out of manholes and onto city streets, sidewalks, and other terrestrial locations.

Additionally, Missouri RSMo §644.026.1 mandates that the Department require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities.

☒ - Not Applicable; this facility is not required to develop or implement a program for maintenance and repair of the collection

system; however, it is a violation of Missouri State Environmental Laws and Regulations to allow untreated wastewater to discharge to waters of the state.

SCHEDULE OF COMPLIANCE (SOC):

A schedule of remedial measures included in a permit, including 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.

☒ - Applicable; the time given to meet the final effluent limitations for Ammonia as N in this permit was established in accordance with [10 CSR 20-7.031(10)].

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

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

☒ - Applicable; Wasteload Allocations were calculated where applicable using water quality criteria or water quality model results and the dilution equation below:

$$C = \frac{(C_s \times Q_s) + (C_e \times Q_e)}{(Q_e + Q_s)} \quad (\text{EPA/505/2-90-001, Section 4.5.5})$$

Where C = downstream concentration

Cs = upstream concentration

Qs = upstream flow

Ce = effluent concentration

Qe = effluent flow

Chronic wasteload allocations were determined using applicable chronic water quality criteria (CCC: criteria continuous concentration) and stream volume of flow at the edge of the mixing zone (MZ). Acute wasteload allocations were determined using applicable water quality criteria (CMC: criteria maximum concentration) and stream volume of flow at the edge of the zone of initial dilution (ZID).

Water quality based maximum daily and average monthly effluent limitations were calculated using methods and procedures outlined in USEPA's "Technical Support Document For Water Quality-based Toxics Control" (EPA/505/2-90-001).

Number of Samples "n": Additionally, in accordance with the TSD for water quality-based permitting, effluent quality is determined by the underlying distribution of daily values, which is determined by the Long Term Average (LTA) associated with a particular Wasteload Allocation (WLA) and by the Coefficient of Variation (CV) of the effluent concentrations. Increasing or decreasing the monitoring frequency does not affect this underlying distribution or treatment performance, which should be, at a minimum, targeted to comply with the values dictated by the WLA. Therefore, it is recommended that the actual planned frequency of monitoring normally be used to determine the value of "n" for calculating the AML. However, in situations where monitoring frequency is once per month or less, a higher value for "n" must be assumed for AML derivation purposes. Thus, the statistical procedure being employed using an assumed number of samples is "n = 30" for Total Ammonia as Nitrogen.

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.

WHOLE EFFLUENT TOXICITY (WET) TEST:

A WET test is a quantifiable method of determining if a discharge from a facility may be causing toxicity to aquatic life by itself, in combination with or through synergistic responses when mixed with receiving stream water.

☒ - Not Applicable; at this time, the permittee is not required to conduct WET test for this facility.

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, which includes blending, 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 bypass.

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

South Grand River is listed on the 2006 Missouri 303(d) List for bacteria attributed to rural nonpoint sources.

☒ - This facility is not considered to be a source of the above listed pollutant(s) or considered to contribute to the impairment of South Grand River.

Part V – Effluent Limits Determination

Outfall #001 – Main Facility Outfall

Effluent limitations derived and established in the below Effluent Limitations 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.

EFFLUENT LIMITATIONS TABLE:

PARAMETER	UNIT	BASIS FOR LIMITS	DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MODIFIED	PREVIOUS PERMIT LIMITATIONS
Flow	MGD	1	*		*	NO	S
Biochemical Oxygen Demand ₅	mg/L	1		45	30	NO	S
Total Suspended Solids	mg/L	1		45	30	NO	S
pH	SU	1	6.5 – 9.0		6.5 – 9.0	YES	6.0 – 9.0
Temperature	°C	1/5/9	*		*	NO	S
Ammonia as N (Interim)	mg/L	2/3/5	*		*	NO	S
Ammonia as N (Final) Summer (April 1 – Sept 30)	mg/L	2/3/5	3.6		1.4	YES	*
Ammonia as N (Final) Winter (Oct 1 – March 31)	mg/L	2/3/5	7.5		2.9	YES	*
Monitoring Frequency	Please see Minimum Sampling and Reporting Frequency Requirements in the Derivation and Discussion Section below.						

* - Monitoring requirement only

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

N/A – Not applicable

S – Same as previous 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. Dissolved Oxygen Policy

7. Antidegradation Policy
8. Water Quality Model
9. Best Professional Judgment
10. TMDL or Permit in lieu of TMDL
11. WET test Policy
12. Antidegradation Review

OUTFALL #001 – DERIVATION AND DISCUSSION OF LIMITS:

- **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.
- **Biochemical Oxygen Demand (BOD5).** Effluent limitations from the previous state operating permit have been reassessed and verified that they are still protective of the receiving stream's Water Quality. Therefore, effluent limitations have been retained from previous state operating permit. [10 CSR 20-7.015(8)(A)3.B]
- **Total Suspended Solids (TSS).** Effluent limitations from the previous state operating permit have been reassessed and verified that they are still protective of the receiving stream's Water Quality. Therefore, effluent limitations have been retained from previous state operating permit. [10 CSR 20-7.015(8)(A)3.B]
- **pH.** Effluent limitations have been modified to reflect the change in the Code of State Regulations. $\text{pH} \geq 6.5$, pH is not to be averaged. [10 CSR 20-7.015(8)(A)2].
- **Temperature.** Monitoring requirement due to the toxicity of Ammonia varies by temperature.
- **Total Ammonia Nitrogen.** Early Life Stages Present Total Ammonia Nitrogen criteria apply [10 CSR 20-7.031(4)(B)7.C. & Table B3] Default pH 7.8 SU. Background total ammonia nitrogen = 0.01 mg/L. No mixing considerations allowed; therefore, WLA = appropriate criterion below.

Season	Temp (°C)	pH (SU)	Total Ammonia Nitrogen CCC (mg/L)	Total Ammonia Nitrogen CMC (mg/L)
Summer	26	7.8	1.5	12.1
Winter	6	7.8	3.1	12.1

Summer: April 1 – September 30

Chronic WLA: $C_e = ((0.0097 + 0.0)1.5 - (0.0 * 0.01))/0.0097$

$C_e = 1.5 \text{ mg/L}$

Acute WLA: $C_e = ((0.0097 + 0.0)12.1 - (0.0 * 0.01))/0.0097$

$C_e = 12.1 \text{ mg/L}$

$\text{LTA}_c = 1.5 \text{ mg/L (0.780)} = \mathbf{1.17 \text{ mg/L}}$

$\text{LTA}_a = 12.1 \text{ mg/L (0.321)} = 3.88 \text{ mg/L}$

[CV = 0.6, 99th Percentile, 30 day avg.]

[CV = 0.6, 99th Percentile]

Use most protective number of LTA_c or LTA_a

$\text{MDL} = 1.17 \text{ mg/L (3.11)} = 3.64 \text{ mg/L}$

$\text{AML} = 1.17 \text{ mg/L (1.19)} = 1.39 \text{ mg/L}$

[CV = 0.6, 99th Percentile]

[CV = 0.6, 95th Percentile, n=30]

Winter: October 1 – March 31

Chronic WLA: $C_e = ((0.0097 + 0.0)3.1 - (0.0 * 0.01))/0.0097$

$C_e = 3.1 \text{ mg/L}$

Acute WLA: $C_e = ((0.0097 + 0.0)12.1 - (0.0 * 0.01))/0.0097$

$C_e = 12.1 \text{ mg/L}$

$\text{LTA}_c = 3.1 \text{ mg/L (0.780)} = \mathbf{2.42 \text{ mg/L}}$

$\text{LTA}_a = 12.1 \text{ mg/L (0.321)} = 3.88 \text{ mg/L}$

[CV = 0.6, 99th Percentile, 30 day avg.]

[CV = 0.6, 99th Percentile]

Use most protective number of LTA_c or LTA_a

$\text{MDL} = 2.42 \text{ mg/L (3.11)} = 7.53 \text{ mg/L}$

$\text{AML} = 2.42 \text{ mg/L (1.19)} = 2.88 \text{ mg/L}$

[CV = 0.6, 99th Percentile]

[CV = 0.6, 95th Percentile, n=30]

Season	Maximum Daily Limit (mg/L)	Average Monthly Limit (mg/L)
Summer	3.6	1.4
Winter	7.5	2.9

- **Minimum Sampling and Reporting Frequency Requirements.** Sampling and reporting frequency requirements have been retained from previous state operating permit.

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.

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 is tentatively schedule to begin on September 23, 2011, or is in process.

☒ - The Public Notice period for this operating permit was from September 23, 2011, to October 25, 2011. No responses received or responses to the Public Notice of this operating permit do not warrant the modification of effluent limits and/or the terms and conditions of this permit.

DATE OF FACT SHEET: AUGUST 19, 2011

COMPLETED BY:

Terrie Burch, Environmental Specialist
Kansas City Regional Office
NPDES Permit Unit
816-622-7047
terrie.burch@dnr.mo.gov

Modification Completed June 1, 2014:

Transfer of Ownership completed June 1, 2014, from M. Burton Enterprises, LLC to MFA Petroleum Company. The name of the facility was also changed from M. Burton Enterprises, LLC to Break Time #3121. There were no changes made to the permit itself.

APPENDIX A - RPA RESULTS: Reasonable Potential Analysis was conducted as per (TSD, EPA/505/2-90-001, Section 3.3.2). A more detailed version including calculations of this RPA is available upon request.

CONSTITUENT	CMC*	CCC*	RWC *	RANGE MIN/MAX	# OF SAMPLES**	CV***	MF	REASONABLE POTENTIAL
Ammonia as N - Summer (April 1 – Sept 30)	12.1	1.5	619.4	17.5/163	6	0.6	3.8	YES****
Ammonia as N - Winter (Oct 1 – March 31)	12.1	3.1	423.0	26.5/90	4	0.6	4.7	YES****

* - Units are mg/L.

** - If the number of samples is greater than 10, then the calculated CV value of the set must be used in the WQBEL for the applicable constituent.

*** - Coefficient of Variation (CV) is calculated by dividing the Standard Deviation of the sample set by the Mean of the same sample set or using a default value if the number of samples is 10 or less.

**** - Statistically, there should be at least eight data points for each season to conduct a RPA; the facility has submitted at least half of the recommended number of points and all submitted data is well above the water quality standard for Ammonia, therefore there is a reasonable potential the facility will have excursions above the water quality standard for Ammonia.

CMC - Criteria Maximum Concentration. It is the maximum acute concentration of the constituent allowed in the receiving water as specified by 10 CSR 20-7.031.

CCC - Criteria Continuous Concentration. It is the maximum chronic concentration of the constituent allowed in the receiving stream as specified by 10 CSR 20-7.031.

RWC - Receiving Water Concentration. It is the projected maximum concentration of the constituent discharged from the facility calculated from available data.

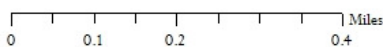
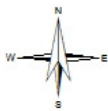
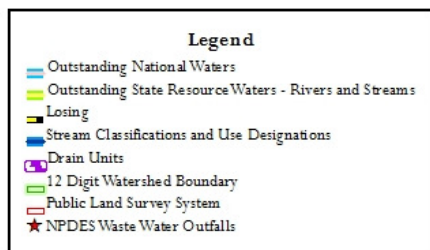
MF - Multiplying Factor. 99% Confidence Level and 99% Probability Basis.

Reasonable Potential is where an effluent is projected or calculated to cause an excursion above a water quality standard based on a number of factors including, as a minimum, the four factors listed in 40 CFR 122.44(d)(1)(ii).

APPENDIX B – FACILITY LOCATION MAP:

MO-0121461

M. Burton Enterprises, LLC



MO-0121461
 SW ¼, SE ¼, NE ¼, Sec. 33, T42N, R26W, Henry County
 X = 430438, Y = 4249408
 Tributary to Rose Creek (U)
 1st Class: South Grand River (P) (01249) 303(d) List
 Huc12: (10290108-0702)
 EDU: Central Plains/Osage/South Grand

