

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-0122572
Owner:	Opal Foods LLC
Address:	16194 Highway 59, Neosho, MO 64850
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Opal Foods LLC, Anderson Farm
Address:	2950 Hwy, F, Anderson, MO 64831
Legal Description:	See page 2
Latitude/Longitude:	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:

Operation of this facility shall not cause a violation of water quality standards.

FACILITY DESCRIPTION


Permitted Features #001, No Discharge of Process Waste Concentrated Animal Feeding Operation (CAFO), SIC #0252. 9,016 animal units of laying hens without a wet handling system.

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.

<u>June 1, 2020</u>	<u>March 1, 2021</u>
Effective Date	Modification Date

June 30, 2025
Expiration Date


Edward B. Galbraith, Director, Division of Environmental Quality


Chris Wieberg, Director, Water Protection Program

FACILITY DESCRIPTION (continued)

This is a Class IA laying hen operation consisting of 10 confinement buildings with 8 covered concrete pits. The facility no longer utilizes a wet handling system for manure. Manure is collected in pits under the building and is scraped to one of the covered concrete pits. Manure is either exported or transported to storage sheds at another of Opal Foods permitted operations to be exported. Mortalities and taken to a landfill.

Outfall #001 - Ten poultry buildings, eight covered concrete pits and egg wash storage tank. Egg wash wastewater is hauled to Opal Foods LLC, Neosho Farm (MO0122840) and discharged to Neosho WWTF.

Legal Description: N ½, NW ¼, Sec 3, T22N, R33W, McDonald County

UTM Coordinates X = 367013, Y = 4059550

Receiving Stream: Tributary to Patterson Creek

First Classified Stream and ID: 100K Extent-Remaining Streams (C) (3960)

USGS Basin & sub-watershed No: 11070208-0403

Design Process Waste (tons/year): 22,374

Design Storage (days): 365

Outfall #002 – Deleted - Domestic wastewater subsurface system less than 3000 gpd.

Outfall # 003 – Deleted – Production Site Stormwater

Outfall # 004– Deleted – Production Site Stormwater

Outfall # 005 – Deleted - Stream Monitoring

Outfall # 006– Deleted – Production Site Stormwater

Outfall # 007 -Deleted- Stream Monitoring/Upstream

Outfall # 008 – Deleted - Stream Monitoring

Outfall # 009 – Deleted - Stream Monitoring

Outfall # 010 – Deleted Stream Monitoring/Downstream

Outfall # 011 – Deleted - Stream Monitoring

Outfall # 012 – Deleted - Stream Monitoring

Outfall # 013 – Deleted - Stream Monitoring

Outfall #S1– Deleted – Stream Monitoring

Outfall #S2 – Deleted – Stream Monitoring

A. STANDARD CONDITIONS

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

B. GENERAL CONDITIONS

1. Unauthorized Discharges.

- a. Monitoring. Any unauthorized discharge shall be monitored for the parameters in the table below at least once during the discharge event. Additional monitoring may be required by the Department on a case-by-case basis. The facility shall submit test results, along with the number of days the storage basin(s) has discharged during the month, to the Southwest Regional Office by the 28th day of the month after the discharge ceases. Permittee shall monitor for the following constituents:

Constituent	Units
Flow	MGD
Biochemical Oxygen Demand ₅	mg/L
Ammonia as N	mg/L
pH – Units	SU
Dissolved Oxygen	mg/L
Duration	Hours

- b. Unauthorized Discharges. Discharge for any reason shall constitute a permit violation and shall be reported in accordance with Standard Conditions Part 1 Section B.2. Unauthorized discharges are to be reported to the Southwest Regional Office during normal business hours or the Environmental Emergency Response spill-line at 573-634-2436 outside of normal business hours.

2. Reporting of Non-Detects:

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

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

4. Definitions are as listed in the “Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard” and in State Regulations in 10 CSR 20 Chapter 2, Chapter 6.300, Chapter 8.300, and Chapter 14.

5. Construction Permit Requirements

- a. A construction permit is required for any point source that proposes to construct an earthen storage structure to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater.
- b. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process waste shall be designed by a professional engineer registered in Missouri in accordance with 10 CSR 20-8.300 and constructed according to the design plans.

6. Reopener Clause

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

C. SPECIAL CONDITIONS

1. Effluent Limitations

The permittee is authorized to discharge process wastewater and storm water in accordance with the effluent limitations in this permit and 40 CFR 412. The effluent limitations shall become effective upon issuance and remain in effect until such time this permit is no longer effective. Such discharges shall be managed, controlled, limited and monitored by the permittee as specified below.

2. CAFO Production Area Requirements

Requirements applicable to all CAFO production area(s) as defined in 10 CSR 20-6.300:

- a. There shall be no discharge of manure, litter, or process wastewater into waters of the state from production area point sources except as provided in subsection e. below.
- b. A chronic weather event is a series of wet weather events and conditions that can delay planting, harvesting, and prevent land application and dewatering practices at wastewater storage structures. When wastewater storage structures are in danger of an overflow due to a chronic weather event, CAFO owners shall take reasonable steps to lower the liquid level in the structure through land application, or other suitable means, to prevent overflow from the storage structure. Reasonable steps include those described in the Department's current guidance (PUB2422) entitled "Wet Weather Management Practices for CAFOs." Other measures may be used with prior approval by the Department. The chronic weather determination will be based upon an evaluation of the 1 in 10 year return rainfall frequency over a 10-day, 90-day, 180-day, and 365-day operating period.
- c. Manure, litter or wastewater management activities occurring outside the production area but upon land controlled by the permittee shall be addressed in the permittee's Nutrient Management Plan (NMP). Activities that should be addressed include, but are not limited to, stockpiling of raw materials, manure, or litter or other animal feeding related items that have the potential to contribute pollutants to waters of the state. As necessary, the NMP shall identify controls, measures or BMPs to manage stormwater runoff and meet applicable water quality standards. This paragraph applies only to activities on land that is under the control of the CAFO owner or operator, whether it is owned, rented, or leased.
- d. Stockpiling of uncovered dry process waste within the production area without runoff collection is not allowed.

3. Nutrient Management Plan

- a. In accordance with 10 CSR 20-6.300(3)(G) and the *Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard* (NMTS), the permittee shall implement a Nutrient Management Plan (NMP) that at a minimum addresses the following.
 - (1) Ensures adequate storage of manure, litter and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities.
 - (2) Ensures proper management of mortalities.
 - (3) Ensures that clean water is diverted from the production area.
 - (4) Prevents direct contact of confined animals with waters of the state.
 - (5) Ensures that chemicals and other contaminants handled on site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
 - (6) Identifies appropriate site specific conservation practices to be implemented including, at a minimum, appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the state.
 - (7) Identifies protocols for appropriate testing of manure, litter, process wastewater, and soil.
 - (8) Establishes protocols to land apply manure, litter, or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.
 - (9) Identifies specific records that will be maintained.
- b. The permittee shall maintain the NMP in accordance with 10 CSR 20-6.300(3)(G)2. Revisions of the NMP made after the effective date of this permit must be submitted to the department for review and approval prior to implementing those revisions.

4. Transfer of Manure, Litter, and Process Wastewater

In cases where manure, litter, or process wastewater generated by the permitted CAFO is sold, given away, or applied on lands that do not meet the land application area definition, the permittee shall comply with the following conditions:

- a. Maintain records showing the date and amount of manure, litter, and/or process wastewater that leaves the permitted operation.
- b. Record the name and address of the recipient. (The recipient is the broker or end user, not merely the truck driver.)
- c. Provide the recipient(s) with representative information on the nutrient content of the manure, litter, and/or process wastewater.
- d. Provide the recipient(s) with a copy of the NMTS.

C. SPECIAL CONDITIONS (continued)

- e. These records must be retained on-site, for a period of five (5) years.

5. Mortality Management

- a. Mortalities must not be disposed of in any liquid manure or process wastewater system that is not specifically designed to treat animal mortalities. Animals shall be disposed of in a manner to prevent contamination of waters of the state or creation of a public health hazard. Class I operations may not use burial as their primary mortality management method to dispose of routine mortalities.
- b. There shall be no-discharge from dead animal collection areas or holding areas (dumpsters, holding tanks, stockpiles within livestock production buildings, refrigeration units, etc.).
- c. In the event of significant numbers of unexpected mortalities (i.e. mass mortalities), operations shall first receive approval of proposed burial sites from the departments' Missouri Geological Survey prior to burial. Approval of burial sites can be obtained prior to a mass mortality event by contacting the Missouri Geological Survey. Rendering, composting, incineration, or landfiling, are acceptable options and do not require prior approval from the department.

6. Inspections

The following minimum visual inspections shall be conducted by the CAFO operator.

- a. For confinement buildings that utilize wet handling flush system, a visual inspection shall be conducted once per week of the gravity outfall lines, recycle pump stations; recycle force mains, and appurtenances for any release to secondary containment structure. A daily visual inspection shall be also be conducted of any process wastewater impoundment that serves a wet handling flush system when the liquid level is less than twelve (12) inches from the emergency spillway.
- b. Daily inspections must be conducted of water lines including wastewater, drinking water, and cooling water lines that can be visually observed within the production area. The inspection of the drinking water and cooling water lines shall be limited to the lines that possess the ability to leak or drain to wastewater storage structures or may come in contact with any process waste.
- c. Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the process wastewater storage.

Any deficiencies found as a result of inspections shall be documented and corrected as soon as practicable.

7. Record Keeping

The following records shall be kept on-site by the CAFO operator. The records for inspections for Special Condition 8.a. shall be maintained for a period of three (3) years from the date they are created, all other records shall be maintained for a period of five (5) years from the date they are created. All records shall be made available to the department upon request:

- a. A copy of this permit including a current copy of the facility's Nutrient Management Plan and documentation of changes/modifications made to the Nutrient Management Plan.
- b. The daily and weekly visual inspections required in Special Condition #5, shall be recorded once per week. This includes the depth of the process wastewater in liquid impoundments as indicated by the depth marker. Report the liquid level as feet below the emergency overflow level.
- c. Records documenting any actions taken to correct deficiencies. Deficiencies not corrected within thirty (30) days shall be accompanied by an explanation of the factors preventing immediate correction.
- d. Records of mortalities management used by the operation.
- e. Records of the date, time, location, duration and estimated volume of any emergency or unauthorized process waste overflow from a lagoon or any spill exceeding 1000 gallons. Report flow as cubic feet per second (CFS) based on an instantaneous estimate of the flow at the time of sampling. $CFS = \text{flow width in feet} \times \text{flow depth in feet} \times \text{flow velocity in feet per second}$. Estimates of stream channel width and depth may be used and flow velocity can be measured by timing how many feet a floating object moves within a one-second interval. Small flows may also be estimated based on gallons per minute (GPM) measurement using a container and stop watch; 450 gpm = 1.0 CFS. Other similar means of estimating may also be used.
- f. Additional record keeping requirements are found in the NMTS that document implementation of appropriate Nutrient Management Plan protocols. In addition to the requirements found in the Nutrient Management Technical Standard, the CAFO shall also test and record the potassium levels in the soils while testing nitrogen and phosphorus.
- g. The inches of precipitation received at the production site with an uncovered liquid impoundment, recorded daily and reported for daily amounts, monthly totals, and cumulative total.

8. Reporting Requirements

- a. Any wastewater discharge into waters of the state or a release that crosses property boundaries shall be reported to the Department as soon as practicable but no later than 24 hours after the start of the discharge.

C. SPECIAL CONDITIONS (continued)

- b. Spills or leaks that are contained on the property shall also be reported to the Department within 24 hours, if the spill or leak exceeds 1,000 gallons per day. This includes leaks from sewer lines; recycle lines, flushing systems, lagoons, irrigation systems etc. Spills or leaks that are entirely contained in a secondary containment are excluded from this reporting requirement, but not recordkeeping requirements, provided there is no discharge from the secondary containment prior to the wastewater being removed in accordance with Special Condition 11.
- c. The permittee shall notify the Water Protection Program as soon as practicable but no less than 24 hours in advance of implementing the department's "Wet Weather Management Practices for CAFOs" during a chronic weather event.
- d. An Annual Report shall be submitted by January 28 of each year for the previous growing season from October 1 through September 30 or an alternate 12 month period approved by the Department. The report shall include:
 - (1) The number and type of animals confined at the operation.
 - (2) The estimated amount of manure, litter, and process wastewater generated in the previous twelve months.
 - (3) The estimated amount of manure, litter, and process wastewater transferred to other persons in the previous twelve months.
 - (4) The total number of acres for land application covered by the Nutrient Management Plan.
 - (5) The total number of acres under control of the operation that were used for land application of manure, litter and process wastewater in the previous twelve months.
 - (6) A summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous twelve months, including date, time, and approximate volume. Report as no-discharge, if a discharge did not occur during the monitoring period.
 - (7) A statement indicating whether the current Nutrient Management Plan was developed or approved by a certified nutrient management planner.
 - (8) The crops planted and actual yields, the amount and nutrient content of the manure, litter, and process wastewater applied to the land application area(s) and the results of any soil testing from the previous twelve months.
 - (9) The daily and weekly records of the wastewater depth in the liquid impoundments as required in Special Condition #8.
 - (10) The actual operation numbers compared to the permitted design parameters described in Special Condition #8.
 - (11) All monitoring results from an emergency or unauthorized discharge as required in General Condition #1.
- e. The reports shall include a cover sheet with an original signature of a company representative. The reports may be printed or, saved as .pdf files or locked spreadsheets on compact disc (CDs) and shall be submitted to the Southwest Regional Office and the Water Protection Program, Industrial Permits Unit.

9. Design Parameters

The facility's design flow in the Facility Description is an estimated parameter that is used to help predict nutrient generation and storage periods. The design flow is based on the maximum annual flows including storm water flows during the one-in-ten year return frequency for annual or 365 day rainfall minus evaporation. The design flow is based on the time period when the flows are generated at the production site and not when flows are land applied. Permittee may exceed the design flow when precipitation in any 365 day period exceeds the one-in-ten year annual precipitation amount. Any proposed increases may require a permit modification prior to the proposed change. Portions of the design flow may be stored and carried over into the following year for land application, as necessary.

10. Operating Capacity

This permit authorizes operation of the CAFO waste management system as described in the "FACILITY DESCRIPTION" along with the permit application and associated engineering plans. The Facility Description lists a total design capacity in animal units. The CAFOs animal unit operating level at any given time shall be based on a "rolling 12 month average". The rolling 12 month average is determined by averaging the weekly facility wide inventory for the last 12 months. The CAFO may change animal numbers and weights, and the rolling 12 month average may exceed the total design capacity in the Facility Description but shall not subsequently violate applicable effluent limitations in 10 CSR 20-6.300(4) or adversely impact the storage and handling capacities of the waste management system. If the waste management system is adversely impacted by increased animal units or animal weight, the facility shall increase storage capacity, increase land application, or reduce the animal unit operating level.

11. Sample Collection, Preservation and Testing Methods

Testing shall be in accordance with the most current version of *Standard Methods for the Examination of Waters and Wastewaters* or other approved methods listed in 10 CSR 20-7.015(9)(A).

12. Closure of Waste Storage Structures

Class I CAFOs which cease operation shall continue to maintain a valid operating permit until all lagoons and waste storage structures are properly closed according to a closure plan approved by the Department. CAFOs that plan to close a lagoon or other liquid waste storage structure shall submit for Department review and approval a closure plan that complies with the following minimum closure requirements:

C. SPECIAL CONDITIONS (continued)

- a. Lagoons and waste storage structures shall be closed by removal and land application of wastewater and sludge.
 - b. The removed wastewater and sludge shall be land applied at agricultural rates for fertilizer not to exceed the maximum nutrient utilization of the land application site and vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state; and
 - c. After removal and proper land application of wastewater and sludge, the earthen basins may be demolished by removing the berms, grading, and revegetation of the site so as to provide erosion control, or the basin may be left in place for future use as a farm pond or similar uses when water quality monitoring shows such uses are attainable.
13. Terms of the NMP
- a. 40 CFR 122.23 requires portions of the NMP pertaining to land application protocols to be incorporated into the operating permit as terms of the NMP. Revisions of the NMP after the effective date of this permit that result in significant changes to the terms of the NMP as outlined in 40 CFR 122.23 require a modification of the permit prior to implementing those revisions. This is an export only operation and does not land apply manure, litter, or process wastewater from the CAFO to land application areas as defined in 10 CSR 20.6.300, no terms of the NMP are required to be incorporated into the permit. Should the CAFO decide to land apply to land application areas a permit modification is required.

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATEMENT OF BASIS
MO-0122572
OPAL FOODS, LLC ANDERSON FARM

This Statement of Basis (Statement) gives pertinent information regarding modification of the above listed operating permit. A Statement is not an enforceable part of a Missouri State Operating Permit.

Part I – Facility Information

Facility Type: CAFO
Facility Description: No discharge Class IA Concentrated Animal Feeding Operation

Part II – Modification Rationale

This operating permit is hereby modified to correct the facility name and address

No other changes were made at this time.

Part III – 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 was from March 20, 2020 to April 20, 2020, but included the wrong facility address. A new public notice with the correct facility address was from October 23, 2020 to November 23, 2020. Sixteen comments were made.

DATE OF FACT SHEET: NOVEMBER 24, 2020

COMPLETED BY:

GREG CALDWELL, ENVIRONMENTAL PROGRAM SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - DOMESTIC WASTEWATER UNIT
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MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0122572
OPAL FOODS, LLC, ANDERSON FARM

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

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

PART I. FACILITY INFORMATION

Facility Type: Industrial – CAFO
SIC Code(s): #0252, #4952
Application Date: 09/23/2019
Expiration Date: 06/30/2020
Last Inspection: 06/24/2019

FACILITY DESCRIPTION:

No discharge Class IA Concentrated Animal Feeding Operation

The charter number for the continuing authority for this facility is FL1386204; this number was verified by the permit writer to be associated with the facility and precisely matches the continuing authority reported by the facility.

In accordance with 40 CFR 122.21(f)(6), the Department evaluated/the permittee reported other permits currently held by this facility. This facility does not have any other permits.

PERMITTED FEATURES TABLE:

PERMITTED FEATURE	TREATMENT LEVEL	EFFLUENT TYPE
All	Export for Land Application	Animal Manure and Litter

FACILITY PERFORMANCE HISTORY & COMMENTS:

The facility was last inspected on June 24, 2010 and was found to be in compliance.

PART II. RECEIVING WATERBODY INFORMATION

RECEIVING WATERBODY'S WATER QUALITY:

The receiving waterbody has no concurrent water quality data available.

303(D) LIST:

Section 303(d) of the federal Clean Water Act requires each state identify waters not meeting water quality standards and for which adequate water pollution controls have not been required. Water quality standards protect such beneficial uses of water as whole body contact (such as swimming), maintaining fish and other aquatic life, and providing drinking water for people, livestock, and wildlife. The 303(d) list helps state and federal agencies keep track of impaired waters not addressed by normal water pollution control programs. <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>

- ✓ Applicable. Patterson Creek is listed on the 1998 Missouri 303(d) List for nutrients.
 - This no-discharge facility is not considered a source of the above listed pollutant(s) or considered to contribute to the impairment.

TOTAL MAXIMUM DAILY LOAD (TMDL):

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

- ✓ Applicable. Patterson Creek is associated with the Elk River Basin 2004 EPA Approved TMDL for total nitrogen and phosphorous.
 - This no-discharge facility is not considered to be a source of the above listed pollutant(s) or considered to contribute to the impairment.

UPSTREAM OR DOWNSTREAM IMPAIRMENTS:

The permit writer has reviewed upstream and downstream stream segments of this facility for impairments.

- ✓ This facility is located at the top of the watershed therefore no upstream is present at this location/outfalls.
- ✓ The permit writer has noted downstream of the facility the stream is on the 303(d) list/has a TMDL for pollutant. This no-discharge facility is not considered to be a source of the above listed pollutant(s) or considered to contribute to the impairment.

APPLICABLE DESIGNATIONS OF WATERS OF THE STATE:

Per Missouri's Effluent Regulations [10 CSR 20-7.015(1)(B)], waters of the state are divided into seven categories. This facility is subject to effluent limitations derived on a site specific basis which are presented in each outfall's effluent limitation table and further discussed in Part IV: Effluents Limits Determinations

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

RECEIVING WATERBODY TABLE:

OUTFALL	WATERBODY NAME	CLASS	WBID	DESIGNATED USES	DISTANCE TO SEGMENT	12-DIGIT HUC
#001- #002	Tributary to Patterson Creek	N/A	N/A	General Criteria	0.2 mi.	11070208-0403
	8-20-13 MUDD V1.0	C	3960	AQL, IRR, LWW, SCR, WBCB, HHP		

n/a not applicable

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

WBID = Waterbody Identification: Missouri Use Designation Dataset per 10 CSR 20-7.031(1)(Q) and (S) as 8-20-13 MUDD V1.0 or newer; data can be found as an ArcGIS shapefile on MSDIS at ftp://msdis.missouri.edu/pub/Inland_Water_Resources/MO_2014_WQS_Stream_Classifications_and_Use_shp.zip; New C streams described on the dataset per 10 CSR 20-7.031(2)(A)3. as 100K Extent Remaining Streams.

Per 10 CSR 20-7.031, the Department defines the Clean Water Commission's water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and 1st classified receiving stream's beneficial water uses are to be maintained in the receiving streams in accordance with [10 CSR 20-7.031(1)(C)]. Uses which may be found in the receiving streams table, above:

10 CSR 20-7.031(1)(C)1.: ALP = Aquatic Life Protection (formerly AQL; current uses are defined to ensure the protection and propagation of fish shellfish and wildlife, further subcategorized as: WWH = Warm Water Habitat; CLH = Cool Water Habitat; CDH = Cold Water Habitat; EAH = Ephemeral Aquatic Habitat; MAH = Modified Aquatic Habitat; LAH = Limited Aquatic Habitat. This permit uses ALP effluent limitations in 10 CSR 20-7.031 Table A1-A2 for all habitat designations unless otherwise specified.

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

WBC = Whole Body Contact recreation where the entire body is capable of being submerged;

WBC-A = whole body contact recreation supporting swimming uses and has public access;

WBC-B = whole body contact recreation not supported in WBC-A;

SCR = Secondary Contact Recreation (like fishing, wading, and boating)

10 CSR 20-7.031(1)(C)3. to 7.:

HHP (formerly HHF) = Human Health Protection as it relates to the consumption of fish and drinking of water;

IRR = irrigation for use on crops utilized for human or livestock consumption

LWW = Livestock and Wildlife Watering (current narrative use is defined as LWP = Livestock and Wildlife Protection);

DWS = Drinking Water Supply

IND = industrial water supply

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

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

RECEIVING WATERBODY MONITORING REQUIREMENTS:

No receiving water monitoring requirements are recommended at this time.

PART III. RATIONALE AND DERIVATION OF PERMIT CONDITIONS

ALTERNATIVE EVALUATIONS FOR NEW FACILITIES:

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

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

ANTIBACKSLIDING:

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

- ✓ The Department determined technical mistakes or mistaken interpretations of law were made in issuing the permit under section 402(a)(1)(b).
 - The previous permit special conditions contained a specific set of prohibitions related to general criteria (GC) found in 10 CSR 20-7.031(4); however, there was no determination as to whether the discharges have reasonable potential to cause or contribute to excursion of those general water quality criteria in the previous permit. This permit assesses each general criteria as listed in the previous permit's special conditions. Federal regulations 40 CFR 122.44(d)(1)(iii) requires instances where reasonable potential (RP) to cause or contribute to an exceedance of a water quality standard exists, a numeric limitation must be included in the permit. Rather than conducting the appropriate RP determination, the previous permit simply placed the prohibitions in the permit. These conditions were removed from the permit. Appropriate reasonable potential determinations were conducted for each general criterion listed in 10 CSR 20-7.031(4)(A) through (I) and effluent limitations were placed in the permit for those general criteria where it was determined the discharge had reasonable potential to cause or contribute to excursions of the general criteria. Specific effluent limitations were not included for those general criteria where it was determined the discharges will not cause or contribute to excursions of general criteria. Removal of the prohibitions does not reduce the protections of the permit or allow for impairment of the receiving stream. The permit maintains sufficient effluent limitations, monitoring requirements and best management practices to protect water quality while maintaining permit conditions applicable to permittee disclosures and in accordance with 10 CSR 20-7.031(4) where no water contaminant by itself or in combination with other substances shall prevent the water of the state from meeting the following conditions:
- (A) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses.
 - For all outfalls, there is no RP for putrescent bottom deposits preventing full maintenance of beneficial uses because the permit does not allow manure, litter, or process wastewater to be discharged from the facility.
 - For all outfalls, there is no RP for unsightly or harmful bottom deposits preventing full maintenance of beneficial the permit does not allow manure, litter, or process wastewater to be discharged from the facility.
- (B) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses.
 - For all outfalls, there is no RP for oil in sufficient amounts to be unsightly preventing full maintenance of beneficial uses because the permit does not allow manure, litter, or process wastewater to be discharged from the facility.
 - For all outfalls, there is no RP for scum and floating debris in sufficient amounts to be unsightly preventing full maintenance of beneficial uses because nothing disclosed by the permittee indicates scum and floating debris will be present in sufficient amounts to impair beneficial uses.
- (C) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses.
 - For all outfalls, there is no RP for unsightly color or turbidity in sufficient amounts preventing full maintenance of beneficial uses because nothing disclosed by the permittee indicates unsightly color or turbidity will be present in sufficient amounts to impair beneficial uses.

- For all outfalls, there is no RP for offensive odor in sufficient amounts preventing full maintenance of beneficial uses because nothing disclosed by the permittee indicates offensive odor will be present in sufficient amounts to impair beneficial uses.
- (D) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life.
 - For all outfalls, there is no RP for toxicity to human, animal or aquatic life because the permit does not allow manure, litter, or process wastewater to be discharged from the facility
- (E) There shall be no significant human health hazard from incidental contact with the water.
 - This criterion is very similar to (D) above. See Part IV, Effluent Limits Derivation below.
- (F) There shall be no acute toxicity to livestock or wildlife watering.
 - This criterion is very similar to (D) above. See Part IV, Effluent Limits Derivation below.
- (G) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community.
 - For all outfalls, there is no RP for physical changes impairing the natural biological community because nothing disclosed by the permittee indicates this is occurring.
 - For all outfalls, there is no RP for hydrologic changes impairing the natural biological community because nothing disclosed by the permittee indicates this is occurring.
- (H) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.
 - There are no solid waste disposal activities or any operation which has reasonable potential to cause or contribute to the materials listed above being discharged through any outfall.

ANTIDEGRADATION REVIEW:

Process water discharges with new, altered, or expanding flows, the Department is to document, by means of antidegradation review, if the use of a water body's available assimilative capacity is justified. In accordance with Missouri's water quality regulations for antidegradation [10 CSR 20-7.031(3)], degradation may be justified by documenting the socio-economic importance of a discharge after determining the necessity of the discharge. Facilities must submit the antidegradation review request to the Department prior to establishing, altering, or expanding discharges. See <http://dnr.mo.gov/env/wpp/permits/antideg-implementation.htm>

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

This permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) which must include an alternative analysis (AA) of the BMPs. The SWPPP must be developed, implemented, updated, and maintained at the facility. Failure to implement and maintain the chosen alternative, is a permit violation. The AA is a structured evaluation of BMPs to determine which are reasonable and cost effective. Analysis should include practices designed to be 1) non-degrading, 2) less degrading, or 3) degrading water quality. The chosen BMP will be the most reasonable and cost effective while ensuring the highest statutory and regulatory requirements are achieved and the highest quality water attainable for the facility is discharged. The analysis must demonstrate why "no discharge" or "no exposure" are not feasible alternatives at the facility. Existing facilities with established SWPPPs and BMPs need not conduct an additional alternatives analysis unless new BMPs are established to address BMP failures or benchmark exceedances. This structured analysis of BMPs serves as the antidegradation review, fulfilling the requirements of 10 CSR 20-7.015(9)(A)5 and 7.031(3). For stormwater discharges with new, altered, or expanding discharges, the stormwater BMP chosen for the facility, through the AA performed by the facility, must be implemented and maintained at the facility. Failure to implement and maintain the chosen BMP alternative is a permit violation; see SWPPP.

- ✓ Not applicable; the facility does not have stormwater discharges or the stormwater outfalls onsite have no industrial exposure.

CHANGES IN DISCHARGES OF TOXIC POLLUTANT:

This special condition reiterates the federal rules found in 40 CFR 122.44(f) and 122.42(a)(1). In these rules, the facility is required to report changes in amounts of toxic substances discharged. Toxic substances are defined in 40 CFR 122.2 as "...any pollutant listed as toxic under section 307(a)(1) or, in the case of "sludge use or disposal practices," any pollutant identified in regulations implementing section 405(d) of the CWA." Section 307 of the clean water act then refers to those parameters found in 40 CFR 401.15. The permittee should also consider any other toxic pollutant in the discharge as reportable under this condition.

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.

DOMESTIC WASTEWATER, SLUDGE, AND BIOSOLIDS:

Domestic wastewater is defined as wastewater (i.e., human sewage) originating primarily from the sanitary conveyances of bathrooms and kitchens. Domestic wastewater excludes stormwater, animal waste, process waste, and other similar waste.

- ✓ Not applicable; this facility discharges domestic wastewater subsurface with flows of 3,000 gallons per day or less as calculated in accordance with 19 CSR 20-3.060(1)(E) and tables 2A and 2B. The domestic wastewater system is jurisdiction of the Missouri Department of Health and Senior Services or Local Public Health Agency. This permit does not authorize any industrial wastewater for introduction into the sub-surface system.

Sewage sludge is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works; including but not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screening generated during preliminary treatment of domestic sewage in a treatment works. Biosolids are solid materials resulting from domestic wastewater treatment meeting federal and state criteria for productive use (i.e. fertilizer) and after having pathogens removed.

Additional information: <http://extension.missouri.edu/main/DisplayCategory.aspx?C=74> (WQ422 through WQ449).

- ✓ Not applicable; the facility does not manage domestic wastewater on-site.

EFFLUENT LIMITATION GUIDELINE:

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

- ✓ The facility has an associated ELG (40 CFR 412) but does not discharge wastewater to waters of the state; stormwater discharges are not addressed by the ELG.

ELECTRONIC DISCHARGE MONITORING REPORT (EDMR) SUBMISSION SYSTEM:

The U.S. Environmental Protection Agency (EPA) promulgated a final rule on October 22, 2015, to modernize Clean Water Act reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system. The final rule requires regulated entities and state and federal regulators to use information technology to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) permit program instead of filing paper reports. To comply with the federal rule, the Department is requiring all permittees to begin submitting discharge monitoring data and reports online.

Per 40 CFR 127.15 and 127.24, permitted facilities may request a temporary waiver for up to 5 years or a permanent waiver from electronic reporting from the Department. To obtain an electronic reporting waiver, a permittee must first submit an eDMR Waiver Request Form: <http://dnr.mo.gov/forms/780-2692-f.pdf>. A request must be made for each facility. If more than one facility is owned or operated by a single entity, then the entity must submit a separate request for each facility based on its specific circumstances. An approved waiver is not transferable.

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

To assist the facility in entering data into the eDMR system, the permit describes limit sets in each table in Part A of the permit. The data entry personnel should use these identifiers to assure data entry is being completed appropriately.

- ✓ The permittee/facility is currently required to use the eDMR data reporting system.

GENERAL CRITERIA CONSIDERATIONS:

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

- ✓ Not applicable; this permit does not contain effluent limitations based on the narrative criteria.

GROUNDWATER MONITORING:

Groundwater is a water of the state according to 10 CSR 20-2.010(82), and is subject to regulations at 10 CSR 20-7.015(7) and 10 CSR 20-7.031(6) and must be protected accordingly.

✓ This facility is not required to monitor groundwater for the water protection program.

MAJOR WATER USER:

Any surface or groundwater user with a water source and the equipment necessary to withdraw or divert 100,000 gallons (or 70 gallons per minute) or more per day combined from all sources from any stream, river, lake, well, spring, or other water source is considered a major water user in Missouri. All major water users are required by law to register water use annually (Missouri Revised Statutes Chapter 256.400 Geology, Water Resources and Geodetic Survey Section). <https://dnr.mo.gov/pubs/pub2337.htm>

✓ Not applicable; this permittee cannot withdraw water from the state in excess of 70 gpm/0.1 MGD.

REASONABLE POTENTIAL (RP):

Federal regulation [40 CFR Part 122.44(d)(1)(i)] requires effluent limitations for all pollutants which are (or may be) discharged at a level causing or have the reasonable potential to cause (or contribute to) an in-stream excursion above narrative or numeric water quality standards. Per 10 CSR 20-7.031(4), general criteria shall be applicable to all waters of the state at all times; however, acute toxicity criteria may be exceeded by permit in zones of initial dilution, and chronic toxicity criteria may be exceeded by permit in mixing zones. If the permit writer determines any given pollutant has the reasonable potential to cause or contribute to an in-stream excursion above the WQS, the permit must contain effluent limits for the pollutant per 40 CFR Part 122.44(d)(1)(iii) and the most stringent limits per 10 CSR 20-7.031(9)(A). Permit writers may use mathematical reasonable potential analysis (RPA) using the Technical Support Document for Water Quality Based Toxics Control (TSD) methods (EPA/505/2-90-001) as found in Section 3.3.2, or may also use reasonable potential determinations (RPD) as provided in Sections 3.1.2, 3.1.3, and 3.2 of the TSD.

✓ Not applicable; a mathematical RPA was not conducted for this facility because no discharge is allowed.

SAMPLING FREQUENCY AND TYPE JUSTIFICATION:

No sampling is required for this no discharge facility

SCHEDULE OF COMPLIANCE (SOC):

A schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (actions, effluent limits, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of an operating permit. SOC's are allowed under 40 CFR 122.47 providing certain conditions are met. 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 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 in developing SOC's, and to attain a greater level of consistency, the Department issued a policy on development of SOC's on October 25, 2012. The policy provides guidance to permit writers on standard time frames for schedules for common activities, and guidance on factors to modify the length of the schedule.

✓ Not applicable; this permit does not contain a SOC.

SPILL REPORTING:

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

SLUDGE – INDUSTRIAL:

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

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

STANDARD CONDITIONS:

The standard conditions Part I attached to this permit incorporate all sections of 40 CFR 122.41(a) through (n) by reference as required by law. These conditions, in addition to the conditions enumerated within the standard conditions should be reviewed by the permittee to ascertain compliance with this permit, state regulations, state statutes, federal regulations, and the Clean Water Act. Standard Conditions Part III, if attached to this permit, incorporate all requirements dealing with domestic sludges.

STORMWATER PERMITTING: LIMITATIONS AND BENCHMARKS:

Because of the fleeting nature of stormwater discharges, the Department, under the direction of EPA guidance, has determined monthly averages are capricious measures of stormwater discharges. The *Technical Support Document for Water Quality Based Toxics Control* (EPA/505/2-90-001; 1991) Section 3.1 indicates most procedures within the document apply only to water quality based approaches, not end-of-pipe technology-based controls. Hence, stormwater-only outfalls will generally only contain a maximum daily limit (MDL), benchmark, or monitoring requirement as dictated by site specific conditions, the BMPs in place, past performance of the facility, and the receiving water's current quality.

Sufficient rainfall to cause a discharge for one hour or more from a facility would not necessarily cause significant flow in a receiving stream. Acute Water Quality Standards (WQSs) are based on one hour of exposure, and must be protected at all times. Therefore, industrial stormwater facilities with toxic contaminants present in the stormwater may have the potential to cause a violation of acute WQSs if toxic contaminants occur in sufficient amounts. In this instance, the permit writer may apply daily maximum limitations.

Conversely, it is unlikely for rainfall to cause a discharge for four continuous days from a facility; if this does occur however, the receiving stream will also likely sustain a significant amount of flow providing dilution. Most chronic WQSs are based on a four-day exposure with some exceptions. Under this scenario, most industrial stormwater facilities have limited potential to cause a violation of chronic water quality standards in the receiving stream.

A standard mass-balance equation cannot be calculated for stormwater because stormwater flow and flow in the receiving stream cannot be determined for conditions on any given day or storm event. The amount of stormwater discharged from the facility will vary based on current and previous rainfall, soil saturation, humidity, detention time, BMPs, surface permeability, etc. Flow in the receiving stream will vary based on climatic conditions, size of watershed, area of surfaces with reduced permeability (houses, parking lots, and the like) in the watershed, hydrogeology, topography, etc. Decreased permeability may increase the stream flow dramatically over a short period of time (flash).

Numeric benchmark values are based on site specific requirements taking in to account a number of factors but cannot be applied to any process water discharges. First, the technology in place at the site to control pollutant discharges in stormwater is evaluated. The permit writer also evaluates other similar permits for similar activities. A review of the guidance forming the basis of Environmental Protection Agency's (EPA's) *Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity* (MSGP) may also occur. Because precipitation events are sudden and momentary, benchmarks based on state or federal standards or recommendations use the Criteria Maximum Concentration (CMC) value, or acute standard may also be used. The CMC is the estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect. The CMC for aquatic life is intended to be protective of the vast majority of the aquatic communities in the United States. If a facility has not disclosed BMPs applicable to the pollutants for the site, the permittee may not be eligible for benchmarks.

40 CFR 122.44(b)(1) requires the permit implement the most stringent limitations for each discharge, including industrially exposed stormwater; and 40 CFR 122.44(d)(1)(i) and (iii) requires the permit to include water-quality based effluent limitations where reasonable potential has been found. However, because of the non-continuous nature of stormwater discharges, staff are unable to perform statistical Reasonable Potential Analysis (RPA) under most stormwater discharge scenarios. Reasonable potential determinations (RPDs; see REASONABLE POTENTIAL above) using best professional judgment are performed.

Benchmarks require the facility to monitor, and if necessary, replace and update stormwater control measures. Benchmark concentrations are not effluent limitations. A benchmark exceedance, therefore, is not a permit violation; however, failure to take corrective action is a violation of the permit. Benchmark monitoring data is used to determine the overall effectiveness of control measures and to assist the permittee in knowing when additional corrective actions may be necessary to comply with the conditions of the permit.

BMP inspections typically occur more frequently than sampling. Sampling frequencies are based on the facility's ability to comply with the benchmarks and the requirements of the permit. Inspections should occur after large rain events and any other time an issue is noted; sampling after a benchmark exceedance may need to occur to show the corrective action taken was meaningful.

When a permitted feature or outfall consists of only stormwater, a benchmark may be implemented at the discretion of the permit writer, if there is no RP for water quality excursions.

✓ Not applicable; this facility's SIC code does not require stormwater monitoring per 40 CFR 122.26(b)(14).

STORMWATER POLLUTION PREVENTION PLAN (SWPPP):

In accordance with 40 CFR 122.44(k), Best Management Practices (BMPs) must be used to control or abate the discharge of pollutants when: 1) Authorized under section 304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities; 2) Authorized under section 402(p) of the CWA for the control of stormwater discharges; 3) Numeric effluent limitations are infeasible; or 4) the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA. In accordance with the EPA's *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (EPA 833-B-09-002) published by the EPA in 2015 https://www.epa.gov/sites/production/files/2015-11/documents/swppp_guide_industrial_2015.pdf, BMPs are measures or practices used to reduce the amount of pollution entering waters of the state from a permitted facility. BMPs may take the form of a process, activity, or physical structure. Additionally in accordance with the Stormwater Management, a SWPPP is a series of steps and activities to 1) identify sources of pollution or contamination, and 2) select and carry out actions which prevent or control the pollution of storm water discharges. Additional information can be found in *Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices* (EPA 832-R-92-006; September 1992).

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

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

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

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

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

✓ Not applicable; this facility's SIC code does not require stormwater monitoring per 40 CFR 122.26(b)(14).

SUFFICIENTLY SENSITIVE ANALYTICAL METHODS:

Please review Standard Conditions Part 1, section A, number 4. The analytical and sampling methods used shall conform to the reference methods listed in 10 CSR 20-7.015 and/or 40 CFR 136 unless alternates are approved by the Department. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure the selected methods are able to quantify the presence of pollutants in a given discharge at concentrations low enough to determine compliance with Water Quality Standards in 10 CSR 20-7.031 or effluent limitations unless provisions in the permit allow for other alternatives. A method is "sufficiently sensitive" when; 1) the method quantifies the pollutant below the level of the applicable water quality criterion or; 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility's discharge is high enough the method detects and quantifies the level of pollutant in the discharge, or 3) the method has the lowest minimum level of the analytical methods approved under 10 CSR 20-7.015 and or 40 CFR 136. These methods are also required for parameters listed as monitoring only, as the data collected may be used to determine if numeric limitations need to be established. A permittee is responsible for working with their contractors to ensure the analysis performed is sufficiently sensitive. 40 CFR 136 lists the approved methods accepted by the Department. Tables A1-B3 at 10 CSR 20-7.031 shows water quality standards.

UNDERGROUND INJECTION CONTROL (UIC):

The UIC program for all classes of wells in the State of Missouri is administered by the Missouri Department of Natural Resources and approved by EPA pursuant to section 1422 and 1425 of the Safe Drinking Water Act (SDWA) and 40 CFR 147 Subpart AA. Injection wells are classified based on the liquids which are being injected. Class I wells are hazardous waste wells which are banned by RSMo 577.155; Class II wells are established for oil and natural gas production; Class III wells are used to inject fluids to extract minerals; Class IV wells are also banned by Missouri in RSMo 577.155; Class V wells are shallow injection wells; some examples are heat pump wells and groundwater remediation wells. Domestic wastewater being disposed of sub-surface is also considered a Class V well. In accordance with 40 CFR 144.82, construction, operation, maintenance, conversion, plugging, or closure of injection wells shall not cause movement of fluids containing any contaminant into Underground Sources of Drinking Water (USDW) if the presence of any contaminant may cause a violation of drinking water standards or groundwater standards under 10 CSR 20-7.031, or other health based standards, or may otherwise adversely affect human health. If the director finds the injection activity may endanger USDWs, the Department may require closure of the injection wells, or other actions listed in 40 CFR 144.12(c), (d), or (e). In accordance with 40 CFR 144.26, the permittee shall submit a Class V Well Inventory Form for each active or new underground injection well drilled, or when the status of a well changes, to the Missouri Department of Natural Resources, Geological Survey Program, P.O. Box 250, Rolla, Missouri 65402. The Class V Well Inventory Form can be requested from the Geological Survey Program or can be found at the following web address: <http://dnr.mo.gov/forms/780-1774-f.pdf>

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

VARIANCE:

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

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

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

As per [10 CSR 20-2.010(78)], the WLA is the amount of pollutant each discharger is allowed to discharge into the receiving stream without endangering water quality. Two general types of effluent limitations, technology-based effluent limits (TBELs) and water quality based effluent limits (WQBELs) are reviewed. If one limit does not provide adequate protection for the receiving water, then the other must be used per 10 CSR 20-7.015(9)(A).

- ✓ Not applicable; wasteload allocations were not calculated.

WASTELOAD ALLOCATION (WLA) MODELING:

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

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

WATER QUALITY STANDARD REVISION:

In accordance with section 644.058, RSMo, the Department is required to utilize an evaluation of the environmental and economic impacts of modifications to water quality standards of twenty-five percent or more when making individual site-specific permit decisions.

- ✓ This operating permit does not contain requirements for a permit limit based on a water quality standard which has changed twenty-five percent or more since the previous operating permit.

PART IV. EFFLUENT LIMITS DETERMINATIONS

UNAUTHORIZED DISCHARGES TABLE - All Permitted Features and Land Application Areas

The following is required for an unauthorized discharge. Monitoring requirement only based on best professional judgment.

PARAMETER	UNIT	DAILY MAXIMUM	MINIMUM SAMPLING FREQUENCY	REPORTING FREQUENCY	SAMPLE TYPE	PREVIOUS PERMIT LIMITATIONS
Flow	MGD	*	once/day while discharging	28 th day of the month after the cessation of the discharge	GRAB	*
Biochemical Oxygen Demands	mg/L	*	once/day while discharging	28 th day of the month after the cessation of the discharge	GRAB	*
Ammonia as N	mg/L	*	once/day while discharging	28 th day of the month after the cessation of the discharge	GRAB	*
pH	SU	*	once/day while discharging	28 th day of the month after the cessation of the discharge	GRAB	*
Dissolved Oxygen	mg/L	*	once/day while discharging	28 th day of the month after the cessation of the discharge	GRAB	*
Duration	hours	*	once/day while discharging	28 th day of the month after the cessation of the discharge	GRAB	*

* - Monitoring requirement only

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

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

DERIVATION AND DISCUSSION OF LIMITS:

Flow

Monitoring requirement only.

Biochemical Oxygen Demand - 5 Day (BOD₅)

Monitoring requirement only.

Ammonia as N

Monitoring requirement only.

pH

Monitoring requirement only.

Oxygen, Dissolved

Monitoring requirement only.

Duration

Monitoring requirement only.

PART V. ADMINISTRATIVE REQUIREMENTS

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

PERMIT SYNCHRONIZATION:

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 all permits within a watershed will move through the Watershed Based Management (WBM) cycle together will all expire in the same fiscal year. <http://dnr.mo.gov/env/wpp/cpp/docs/watershed-based-management.pdf>. This will allow 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 two years old, such data may be re-submitted to meet the requirements of the renewal

application. If the permit provides a schedule of compliance for meeting new water quality based effluent limits beyond the expiration date of the permit, the time remaining in the schedule of compliance will be allotted in the renewed permit.

✓ This permit will maintain synchronization by expiring the end of the 2nd quarter, 2025.

PUBLIC NOTICE:

The Department shall give public notice a draft permit has been prepared and its issuance is pending and will be posted at <http://dnr.mo.gov/env/wpp/permits/pn/index.html>. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in or with 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 March 20, 2020 to April 20, 2020. No responses were received.

DATE OF FACT SHEET: APRIL 25, 2020

COMPLETED BY:

GREG CALDWELL, ENVIRONMENTAL SCIENTIST
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
AUGUST 1, 2014

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

Part I – General Conditions

Section A – Sampling, Monitoring, and Recording

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

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

Section B – Reporting Requirements

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



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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. **Anticipated Noncompliance.** The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The notice shall be submitted to the Department 60 days prior to such changes or activity.
 4. **Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later than 14 days following each schedule date. The report shall provide an explanation for the instance of noncompliance and a proposed schedule or anticipated date, for achieving compliance with the compliance schedule requirement.
 5. **Other Noncompliance.** The permittee shall report all instances of noncompliance not reported under paragraphs 2, 3, and 6 of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 2. a. of this section.
 6. **Other Information.** Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.
 7. **Discharge Monitoring Reports.**
 - a. Monitoring results shall be reported at the intervals specified in the permit.
 - b. Monitoring results must be reported to the Department via the current method approved by the Department, unless the permittee has been granted a waiver from using the method. If the permittee has been granted a waiver, the permittee must use forms provided by the Department.
 - c. Monitoring results shall be reported to the Department no later than the 28th day of the month following the end of the reporting period.
- b. Notice.
 - i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - ii. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section B – Reporting Requirements, paragraph 5 (24-hour notice).
 - c. Prohibition of bypass.
 - i. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The permittee submitted notices as required under paragraph 2. b. of this section.
 - ii. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above in paragraph 2. c. i. of this section.
3. **Upset Requirements.**
 - a. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 3. b. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
 - b. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated; and
 - iii. The permittee submitted notice of the upset as required in Section B – Reporting Requirements, paragraph 2. b. ii. (24-hour notice).
 - iv. The permittee complied with any remedial measures required under Section D – Administrative Requirements, paragraph 4.
 - c. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

Section C – Bypass/Upset Requirements

1. **Definitions.**
 - a. *Bypass*: the intentional diversion of waste streams from any portion of a treatment facility, except in the case of blending.
 - b. *Severe Property Damage*: substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - c. *Upset*: an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. **Bypass Requirements.**
 - a. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. b. and 2. c. of this section.

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



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- 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 permittee with currently effective general permit shall submit an application for renewal at least 30 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
3. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
5. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
6. **Permit Actions.**
- a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- i. Violations of any terms or conditions of this permit or the law;
- ii. Having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
- iii. A change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- iv. Any reason set forth in the Law or Regulations.
- b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
7. **Permit Transfer.**
- a. Subject to 10 CSR 20-6.010, an operating permit may be transferred upon submission to the Department of an application to transfer signed by the existing owner and the new owner, unless prohibited by the terms of the permit. Until such time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
- b. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Missouri Clean Water Law or the Federal Clean Water Act.
- c. The Department, within 30 days of receipt of the application, shall notify the new permittee of its intent to revoke or reissue or transfer the permit.
8. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
9. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.



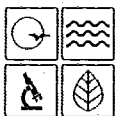
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10. **Duty to Provide Information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.
11. **Inspection and Entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Federal Clean Water Act or Missouri Clean Water Law, any substances or parameters at any location.
12. **Closure of Treatment Facilities.**
 - a. Persons who cease operation or plan to cease operation of waste, wastewater, and sludge handling and treatment facilities shall close the facilities in accordance with a closure plan approved by the Department.
 - b. Operating Permits under 10 CSR 20-6.010 or under 10 CSR 20-6.015 are required until all waste, wastewater, and sludges have been disposed of in accordance with the closure plan approved by the Department and any disturbed areas have been properly stabilized. Disturbed areas will be considered stabilized when perennial vegetation, pavement, or structures using permanent materials cover all areas that have been disturbed. Vegetative cover, if used, shall be at least 70% plant density over 100% of the disturbed area.
13. **Signatory Requirement.**
 - a. All permit applications, reports required by the permit, or information requested by the Department shall be signed and certified. (See 40 CFR 122.22 and 10 CSR 20-6.010)
 - b. The Federal Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six (6) months per violation, or by both.
 - c. The Missouri Clean Water Law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.
14. **Severability.** The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

RECEIVED

SEP 23 2019

337-29



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM

**FORM W - CONCENTRATED ANIMAL FEEDING OPERATION
(CAFO) OPERATING PERMIT APPLICATION**

Water Protection Program

FOR OFFICE USE ONLY

JETPAY CONFIRMATION / CHECK NUMBER:

DATE RECEIVED

FEE SUBMITTED

Complete all applicable sections. Instructions for completing the form are located at the end of the form. Sign, date and return the form and all requested documents along with a check for the appropriate permit fee to the Missouri Department of Natural Resources. Make a copy of this completed form and keep it with your nutrient management plan.

PART 1 – PERMIT OWNERSHIP AND CONTACT INFORMATION

1.1 OPERATION NAME Opal Foods, LLC Anderson Farm		CURRENT PERMIT NUMBER MO- 0122572	COUNTY McDonald
PHYSICAL ADDRESS 2950 F Highway		LEGAL DESCRIPTION Sec.: 3 Twn.: 22N Rng.: 33	TELEPHONE NUMBER WITH AREA CODE 417-455-5000
CITY Anderson	STATE MO	ZIP CODE 64831	
1.2 OWNER (PROVIDE LEGAL NAME) Opal Foods, LLC		EMAIL ADDRESS info@opal-foods.com	
MAILING ADDRESS 16194 Highway 59		TELEPHONE NUMBER WITH AREA CODE 417-455-5000	
CITY Neosho	STATE MO	ZIP CODE 64850	
1.3 CONTINUING AUTHORITY (IF DIFFERENT THAN THE OWNER) Same as above			
MAILING ADDRESS		TELEPHONE NUMBER WITH AREA CODE	
CITY	STATE	ZIP CODE	

PART 2 – PERMIT TYPE AND PERMIT ACTION

2.1 PERMIT TYPE

☒ NPDES Site Specific Permit

Request review of draft permit prior to public notice. ☒ Yes ☐ No

☐ NPDES General Permit (MOG01)

☐ State No-Discharge General Permit (MOGS1)

2.2 PERMIT ACTION*

☐ New Permit

Permit fees may be payed online by credit card or eCheck through a system called JetPay. Use the URL provided to make an online payment.

NPDES Site Specific Permit - <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/591/>

NPDES General Permit (MOG01) - <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/599/>

State No-Discharge General Permit (MOGS1) - <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/742/>

☒ Renewal

☐ Modification

Permit fees may be payed online by credit card or eCheck through a system called JetPay. Use the URL provided to access JetPay and make an online payment. Modification fee: <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/596/>

☐ Ownership Transfer

PREVIOUS OWNERS NAME

ADDRESS

CITY STATE ZIP CODE

SIGNATURE

DATE

*See Instructions for additional requirements and documents for the request permit action.

Permit fees may be payed online by credit card or eCheck through a system called JetPay. Use the URL provided to access JetPay and make an online payment. Modification fee: <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/596/>

PART 3 – DESIGN CAPACITY FOR MANURE STORAGE AND ANIMALS OF EACH CAFO FEATURE**3.1 STORAGE STRUCTURE TYPES, AMOUNT OF STORAGE, AND AMOUNT OF MANURE GENERATED PER YEAR.**

Permitted Feature	List All Manure Storage Structures at each CAFO Feature	Dry Manure Handling System		Wet Manure Handling System			
		Design Dry Process Waste (tons/yr.)	Days of Storage	Total Storage Capacity (gal)	Design Wastewater per Year (gal./yr.)	Days of Storage	Design Flow MGD
001	(F) - 9 Buildings	22,374	365				
002							
003							
004							
005							

3.2 LIST EACH TYPE OF ANIMAL IN CONFINEMENT AND THE NUMBER OF EACH ANIMAL TYPE.

Permitted Feature	Animal Category #1	Animal Numbers	Animal Category #2	Animal Numbers	Animal Category #3	Animal Numbers
001	(9) Chicken Layers	739,257				
002						
003						
004						
005						

PART 4 – OPERATIONAL INFORMATION**4.1 OPERATIONAL INFORMATION (SEE INSTRUCTIONS)**

SIC Code(s) 0252

CAFO Class Size ^{1A}**4.2 Is this an export-only operation?**☐ Yes ☒ No

Completing PARTS 5 - 11 will meet the requirements of a Nutrient Management Plan (NMP) for an export only operation.

PART 5 – MANURE STORAGE5.1 Do all manure storage structures have adequate storage, and operated and maintained as no discharge? ☒ Yes ☐ No**PART 6 – ANIMAL MORTALITY****6.1 PERMANENT METHOD OF DISPOSING OF ROUTINE ANIMAL MORTALITIES.**☐ Composting ☐ Rendering ☒ Send to a Landfill ☐ Incineration ☐ Other (Describe)

6.2 DESCRIBE METHOD OF MORTALITY HANDLING AND STORAGE THROUGH ALL PHASES TO FINAL DISPOSAL. (EXAMPLE: MORTALITIES ARE COMPOSTED WITHIN 24 HOURS OF DEATH AND FINISHED COMPOST PRODUCT IS STORED UNDER ROOF UNTIL LAND APPLIED). ALSO DESCRIBE THE TYPE OF COMPOST STRUCTURE USED, IF APPLICABLE.

Stored on-site in dumpster, until picked up and taken to landfill. Pick up occurs twice a week. No discharge from stored mortalities.

PART 7 – DIVERSION OF CLEAN WATER7.1 Is clean stormwater diverted from the production area? ☒ Yes ☐ No

7.2 IF YES, DESCRIBE CONTROLS AND MEASURES USED TO DIVERT STORMWATER.

All areas containing animals or waste are covered by roof or completely enclosed. Rainwater is diverted away from the buildings

7.3 IF NO, DESCRIBE HOW CONTAMINATED STORMWATER IS CONTAINED AND INCLUDE THE STORAGE CAPACITY OF THE CONTAINMENT IF NOT PREVIOUSLY PROVIDED.

PART 8 – PREVENT DIRECT CONTACT OF ANIMALS WITH SURFACE WATERS8.1 Do the animals have access to waters of the state within the production area? ☐ Yes ☒ No

8.2 LIST MEASURES USED TO PREVENT CONFINED ANIMAL FROM HAVING DIRECT CONTACT WITH WATERS OF THE STATE.

Animals are confined to buildings at all times.

PART 9 – CHEMICAL HANDLING

9.1 Are chemicals and other contaminants handled, managed, stored, and disposed of in accordance with 10 CSR 20-6.300(5)(E)?

☒ Yes ☐ No**PART 10 – MANURE ANALYSIS TESTING**

10.1 LIST EACH TYPE OF MANURE SOURCE TO BE TESTED ANNUALLY (i. e. MANURE, LITTER, COMPOST, WASTE WATER.)

All

10.2 DESCRIBE PROCEDURES FOR ENSURING EACH MANURE SOURCE IS TESTED ANNUALLY.

Manure/litter/compost is tested prior to being land applied. Wastewater is sent to the Neosho WWTP.

PART 11 – RECORD KEEPING

11.1 Are records of all inspections, manure transfers, discharges and land application maintained?

☒ Yes ☐ No

PART 12 - CERTIFICATION

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

NAME

Dane Kolkmeier

TITLE

Operations Manager

SIGNATURE



DATE

9/19/19

PART 13 - ENGINEER CERTIFICATION

As of August 28, 2013, construction permits are only required for the construction of an earthen storage structure to hold, convey, contain, store, or treat domestic, agricultural, or industrial process wastewater. Construction of all other point source systems designed to hold, convey, contain, store, or treat domestic, agricultural, or industrial process waste must be designed by a professional engineer registered in Missouri in accordance with design regulations.

Operation Name

Address

City

Engineer Firm

Address

City State Zip Code

ENGINEER SEAL

I, Project Engineer, certify that above described systems have been designed in accordance with Missouri CAFO design regulations in 10 CSR 20-8.300

PROJECT ENGINEER SIGNATURE

MO 780-2112 (03-19)