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-0130656

Owner: Confluence Rivers Utility Operating Company, Inc.
Address: 1650 Des Peres Rd., Suite 303, Des Peres, MO 63131

Continuing Authority: Same as above
Address: Same as above

Facility Name: Branson Cedar Resort
Facility Address: Southwest terminus of Fore Lane, Ridgedale, MO 65739

Legal Description: Sec. 18, T21N, R21W, Taney County
UTM Coordinates: X=476994, Y=4041766

Receiving Stream: Tributary to Blair Branch (losing)
First Classified Stream and ID: Tributary to Blair Branch (C) (3960)
USGS Basin & Sub-watershed No.: (11010001-1402)

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

FACILITY DESCRIPTION

Outfall #001 – Residential Subdivision – SIC #6841
Settling tank / recirculation tank / recirculating gravel filter / chemical addition to facilitate phosphorus removal / tertiary settling tank / tertiary filtration / ultraviolet disinfection / sludge removed by contract hauler.
Design population equivalent is 96.
Design flow is 9,600 gallons per day.
Actual flow is 3,500 gallons per day.
Design sludge production is 0.672 dry tons/year.

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 621.250 RSMo, Section 640.013 RSMo and Section 644.051.6 of the Law.

April 1, 2019 July 1, 2021
Effective Date Modification Date

Edward B. Galbraith, Director, Division of Environmental Quality

March 31, 2024
Expiration Date

Chris Wieberg, Director, Water Protection Program
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective on April 1, 2019 and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

<table>
<thead>
<tr>
<th>EFFluENT PARAMETER(S)</th>
<th>UNiTs</th>
<th>FINAL EFFLUENT LIMITATIONS</th>
<th>MONITORING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow</td>
<td>MGD</td>
<td>*</td>
<td>once/quarter***</td>
</tr>
<tr>
<td>Biochemical Oxygen Demand</td>
<td>mg/L</td>
<td>15</td>
<td>once/quarter***</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>mg/L</td>
<td>20</td>
<td>once/quarter***</td>
</tr>
<tr>
<td>E. coli (Note 1)</td>
<td>#/100mL</td>
<td>126</td>
<td>once/quarter***</td>
</tr>
<tr>
<td>Ammonia as N (Apr 1 – Sep 30)</td>
<td>mg/L</td>
<td>6.0</td>
<td>once/quarter***</td>
</tr>
<tr>
<td>(Oct 1 – Mar 31)</td>
<td></td>
<td>10.9</td>
<td></td>
</tr>
<tr>
<td>Aluminum, Total Recoverable (Note 2)</td>
<td>µg/L</td>
<td>750</td>
<td>260</td>
</tr>
<tr>
<td>Total Phosphorus</td>
<td>mg/L</td>
<td>0.5</td>
<td>once/quarter***</td>
</tr>
</tbody>
</table>

**MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE JULY 28, 2019. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

<table>
<thead>
<tr>
<th>EFFluENT PARAMETER(S)</th>
<th>UNiTs</th>
<th>MINIMUM</th>
<th>MAXIMUM</th>
<th>MEASUREMENT FREQUENCY</th>
<th>SAMPLE TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH – Units**</td>
<td>SU</td>
<td>6.5</td>
<td>9.0</td>
<td>once/quarter***</td>
<td>grab</td>
</tr>
</tbody>
</table>

**MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE JULY 28, 2019.**

* Monitoring requirement only.
** pH is measured in pH units and is not to be averaged.
*** See table below for quarterly sampling.

### Minimum Sampling Requirements

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Months</th>
<th>Effluent Parameters</th>
<th>Report is Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>January, February, March</td>
<td>Sample at least once during any month of the quarter</td>
<td>April 28th</td>
</tr>
<tr>
<td>Second</td>
<td>April, May, June</td>
<td>Sample at least once during any month of the quarter</td>
<td>July 28th</td>
</tr>
<tr>
<td>Third</td>
<td>July, August, September</td>
<td>Sample at least once during any month of the quarter</td>
<td>October 28th</td>
</tr>
<tr>
<td>Fourth</td>
<td>October, November, December</td>
<td>Sample at least once during any month of the quarter</td>
<td>January 28th</td>
</tr>
</tbody>
</table>

**Table A Notes:**
Note 1 – Effluent limits of 126 #/100 mL daily maximum and monitoring only for monthly average for E. coli are applicable year round due to losing stream designation. No more than 10% of samples over the course of a calendar year shall exceed the 126 #/100 mL daily maximum.

Note 2 - If no Aluminum was used in a given sampling period, an actual analysis is not necessary. Simply report as “0 mg/L”.

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OUTFALL #001

TABLE A

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS
B. STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Parts I & III standard conditions dated August 1, 2014 and March 1, 2015, and hereby incorporated as though fully set forth herein.

C. SPECIAL CONDITIONS

1. **Electronic Discharge Monitoring Report (eDMR) Submission System.** Per 40 CFR Part 127 National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, reporting of effluent monitoring data and any report required by the permit (unless specifically directed otherwise by the permit) shall be submitted by the permittee via an electronic system to ensure timely, complete, accurate, and nationally consistent set of data about the NPDES program.

   (a) **eDMR Registration Requirements.** The permittee must register with the Department’s eDMR system through the Missouri Gateway for Environmental Management (MoGEM) before the first report is due. Registration and other information regarding MoGEM can be found at [https://dnr.mo.gov/mogem](https://dnr.mo.gov/mogem). Information about the eDMR system can be found at [https://dnr.mo.gov/env/wpp/edmr.htm](https://dnr.mo.gov/env/wpp/edmr.htm). The first user shall register as an Organization Official and the association to the facility must be approved by the Department. Regarding Standard Conditions Part I, Section B, #7, the eDMR system is currently the only Department approved reporting method for this permit unless a waiver is granted by the department. See paragraph (c) below.

   (b) **Electronic Submissions.** To access the eDMR system, use the following link in your web browser: [https://apps5.mo.gov/mogems/welcome.action](https://apps5.mo.gov/mogems/welcome.action) If you experience difficulties with using the eDMR system you may contact edm@dnr.mo.gov or call 855-789-3889 or 573-526-2082 for assistance.

   (c) **Waivers from Electronic Reporting.** The permittee must electronically submit compliance monitoring data and reports unless a waiver is granted by the department in compliance with 40 CFR Part 127. Only permittees with an approved waiver request may submit monitoring data and reports on paper to the Department for the period that the approved electronic reporting waiver is effective. The permittee may obtain an electronic reporting waiver by first submitting an eDMR Waiver Request Form: [http://dnr.mo.gov/forms/780-2692-f.pdf](http://dnr.mo.gov/forms/780-2692-f.pdf). The department will either approve or deny this electronic reporting waiver request within 120 calendar days.

2. **The full implementation of this operating permit, which includes implementation of any applicable schedules of compliance, shall constitute compliance with all applicable federal and state statutes and regulations in accordance with §644.051.16, RSMo, and the Clean Water Act (CWA) section 402(k); however, this permit may be reopened and modified, or alternatively revoked and reissued:**

   (a) **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 CWA, if the effluent standard or limitation so issued or approved:**

      (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

      (2) controls any pollutant not limited in the permit.

3. **All outfalls must be clearly marked in the field.**

4. **Report as No Discharge when a discharge does not occur during the report period.**
C. SPECIAL CONDITIONS (continued)

5. 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 provide the “Non-Detect” sample result using the less than sign and the minimum detection limit (e.g. <10).
   (d) Where the permit contains a Minimum Level (ML) and the permittee is granted authority in the permit to report zero in lieu of the < ML for a specified parameter (conventional, priority pollutants, metals, etc.), then zero (0) is to be reported for that parameter.
   (e) See Standard Conditions Part I, Section A, #4 regarding proper detection limits used for sample analysis.
   (f) When calculating monthly averages, one-half of the method 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).

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

7. Bypasses are not authorized at this facility unless they meet the criteria in 40 CFR 122.41(m). If a bypass occurs, the permittee shall report in accordance to 40 CFR 122.41(m)(3), and with Standard Condition Part I, Section B, subsection 2. Bypasses are to be reported to the Southwest Regional Office during normal business hours or by using the online Sanitary Sewer Overflow/Facility Bypass Application located at: http://dnr.mo.gov/mogem/ or the Environmental Emergency Response spill-line at 573-634-2436 outside of normal business hours. Once an electronic reporting system compliant with 40 CFR Part 127, the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, is available all bypasses must be reported electronically via the new system. Blending, which is the practice of combining a partially-treated wastewater process stream with a fully-treated wastewater process stream prior to discharge, is not considered a form of bypass. If the permittee wishes to utilize blending, the permittee shall file an application to modify this permit to facilitate the inclusion of appropriate monitoring conditions.

8. The facility must be sufficiently secured to restrict entry by children, livestock and unauthorized persons as well as to protect the facility from vandalism.

9. An Operation and Maintenance (O & M) manual shall be maintained by the permittee and made available to the operator. The O & M manual shall include key operating procedures and a brief summary of the operation of the facility.

10. An all-weather access road shall be provided to the treatment facility.

11. The discharge from the wastewater treatment facility shall be conveyed to the receiving stream via a closed pipe or a paved or rip-rapped open channel. Sheet or meandering drainage is not acceptable. The outfall sewer shall be protected against the effects of floodwater, ice or other hazards as to reasonably insure its structural stability and freedom from stoppage. The outfall shall be maintained so that a sample of the effluent can be obtained at a point after the final treatment process and before the discharge mixes with the receiving waters.

12. Sludge treatment storage and disposal practices shall be conducted in accordance with Standard Conditions Part III.

13. The media in the filter beds shall be properly maintained to prevent surface pooling, vegetative growth, and accumulation of leaf litter.
This Statement of Basis (Statement) gives pertinent information regarding minor modification(s) to the above listed operating permit without the need for a public comment process. A Statement is not an enforceable part of a Missouri State Operating Permit.

**Part I – Facility Information**

Facility Type: Branson Cedar Resort  
Facility Description: Settling tank / recirculation tank / recirculating gravel filter / chemical addition to facilitate phosphorus removal / tertiary settling tank / tertiary filtration / ultraviolet disinfection / sludge removed by contract hauler.

**Part II – Modification Rationale**

This operating permit is hereby modified to reflect a change in ownership from The Tranquility Group, LLC to Confluence Rivers Utility Operating Company, Inc. Additionally, the eDMR special condition was updated to reflect the MoGEM system.

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.

**DATE OF FACT SHEET:** 6/9/2021

**COMPLETED BY:**

AARON SAWYER, ASSOCIATE ENGINEER  
MISSOURI DEPARTMENT OF NATURAL RESOURCES  
WATER PROTECTION PROGRAM  
WASTEWATER ENGINEERING SECTION - ANTIDEGRADATION UNIT  
(573) 526-4589  
aaron.sawyer@dnr.mo.gov
MISSOURI DEPARTMENT OF NATURAL RESOURCES  
FACT SHEET  
FOR THE PURPOSE OF RENEWAL  
OF  
MO-0130656  
BRANSON CEDAR RESORT WASTEWATER TREATMENT FACILITY

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.

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 (operating permit) listed below.

A Factsheet is not an enforceable part of an operating permit. This Factsheet is for a Minor.

Part I – Facility Information

Facility Type: NON-POTW – Residential Subdivision – SIC #6841

Facility Description:
Settling tank / recirculation tank / recirculating gravel filter / chemical addition to facilitate phosphorus removal / tertiary settling tank / tertiary filtration / ultraviolet disinfection / sludge removed by contract hauler

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

☑ - No

Application Date: 10/04/18  
Expiration Date: 03/31/19

OUTFALL(S) TABLE:

<table>
<thead>
<tr>
<th>OUTFALL</th>
<th>DESIGN FLOW (CFS)</th>
<th>TREATMENT LEVEL</th>
<th>EFFLUENT TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>#001</td>
<td>0.015</td>
<td>Secondary</td>
<td>Domestic</td>
</tr>
</tbody>
</table>

Facility Performance History:
This facility was last inspected on April 16, 2018. The conditions of the facility at the time of the inspection were found to be satisfactory. A review of Discharge Monitoring Report (DMR) data indicated the following occurrences or exceedances (month/year):
Aluminum, Total Recoverable: 9/18, 8/18, 7/18  
pH: 1/15, 10/15, 5/15  
Phosphorus, Total P: 30 instances  
No Discharge: 12 instances  
DMR Non-Receipt: 2/11, 1/11, 12/10, 11/10, 10/10

Comments:
Changes in this permit include the addition of quarterly Total Recoverable Aluminum limits based on Reasonable Potential Analysis (RPA) of effluent data, recalibration of Ammonia limits, removal of Iron monitoring, and removal of daily monitoring for phosphorus. See Part VI of the Fact Sheet for further information regarding the addition and removal of effluent parameters. No modifications were made to of Special Conditions.
Part II – Operator Certification Requirements

☒ - This facility is not required to have a certified operator.

Part III– Operational Monitoring

☒ - As per [10 CSR 20-9.010(4)], the facility is not required to conduct operational monitoring.

Part IV – Receiving Stream Information

RECEIVING STREAM(S) TABLE: OUTFALL #001

<table>
<thead>
<tr>
<th>WATER-BODY NAME</th>
<th>CLASS</th>
<th>WBID</th>
<th>DESIGNATED USES*</th>
<th>12-DIGIT HUC</th>
<th>DISTANCE TO CLASSIFIED SEGMENT (MI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tributary to Blair Branch</td>
<td>NA</td>
<td>NA</td>
<td>General Criteria</td>
<td>11010001-1402</td>
<td>0.45</td>
</tr>
<tr>
<td>3-20-13 MUDD V1.0</td>
<td>C</td>
<td>3960</td>
<td>AQL, WBC-B, SCR, HHP, IRR, LWW</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

10 CSR 20-7.031(1)(C)1.:  AQL = Protection of aquatic life (Current narrative use(s) are defined to ensure the protection and propagation of fish, shellfish and wildlife, which is further subcategorized as: WWH = Warm Water Habitat; CDF = Cold-water fishery (Current narrative use is cold-water habitat); CLF = Cool-water fishery (Current narrative use is cool-water habitat); EAH = Ephemeral Aquatic Habitat; MAH = Modified Aquatic Habitat; LAH = Limited Aquatic Habitat. This permit uses AQL effluent limitations in 10 CSR 20-7.031 Table A for all habitat designations unless otherwise specified.)

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

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

WBC-A = Whole body contact recreation that supports swimming uses and has public access;

WBC-B = Whole body contact recreation that supports swimming;

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

10 CSR 20-7.031(1)(C)3. to 7.:  IHP (formerly IHF) = Human Health Protection as it relates to the consumption of fish;

IRR = Irrigation for use on crops utilized for human or livestock consumption;

LWW = Livestock and wildlife watering (Current narrative use is defined as LWP = Livestock and Wildlife Protection);

DWS = Drinking Water Supply;

IND = Industrial water supply.

10 CSR 20-7.031(1)(C)8-11.:  Wetlands (10 CSR 20-7.031 Table A currently does not have corresponding habitat use criteria for these defined uses)

WSA = Storm- and flood-water storage and attenuation; WHP = Habitat for resident and migratory wildlife species;

WRC = Recreational, cultural, educational, scientific, and natural aesthetic values and uses; WHC = Hydrologic cycle maintenance.

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

RECEIVING STREAM(S) LOW-FLOW VALUES:

<table>
<thead>
<tr>
<th>RECEIVING STREAM (C, E, P, P1)</th>
<th>LOW-FLOW VALUES (CFS)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1Q10</td>
</tr>
<tr>
<td>Tributary to Blair Branch</td>
<td>0</td>
</tr>
</tbody>
</table>

MIXING CONSIDERATIONS

Mixing Zone: Not Allowed [10 CSR 20-7.031(5)(A)4.B.(I)(a)].

Zone of Initial Dilution: Not Allowed [10 CSR 20-7.031(5)(A)4.B.(I)(b)].
Receiving Water Body’s Water Quality
Currently, no stream survey has been conducted by the Department. When a stream survey is conducted, more information may be available about the receiving stream.

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

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

☒ - The facility discharges to a Losing Stream as defined by [10 CSR 20-2.010(40)] & [10 CSR 20-7.031(1)(O)].

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

☒ - Limitations in this operating permit for the reissuance of this permit conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44.

☒ - Information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance.

- **Ammonia as N.** Effluent limitations were re-calculated for Ammonia based on new information derived from discharge monitoring reports and on the current Missouri Water Quality Standards for Ammonia. The newly established limitations are still protective of water quality.
- **Iron, Total Recoverable.** Monitoring only requirements were included on the previous permit to determine if reasonable potential exists for this facility to exceed water quality standards for Total Recoverable Iron. The facility indicated they did not use chemicals using iron to remove phosphorus. Therefore, the permit writer has made a reasonable potential determination which concluded the facility does not have reasonable potential to exceed narrative water quality standards for iron at this time. Monitoring requirements were removed from the permit. This permit is still protective of water quality and this determination will be reassessed at the time of renewal.
- **Sampling and Monitoring Frequency.** The previous permit contained monthly sampling and reporting frequencies for Total Recoverable Aluminum and Phosphorus. This permit contains quarterly sampling and reporting frequencies due to the low design flow of the facility, consistency amongst effluent data, and compliance with effluent limits. The permit is still protective of water quality.

ANTIDEGRADATION:
In accordance with Missouri’s Water Quality Standard [10 CSR 20-7.031(3)], the Department is to document by means of Antidegradation Review that the use of a water body’s available assimilative capacity is justified. Degradation is justified by documenting the socio-economic importance of a discharging activity after determining the necessity of the discharge.

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

AREA-WIDE WASTE TREATMENT MANAGEMENT & CONTINUING AUTHORITY:
As per [10 CSR 20-6.010(2)(C)], …An applicant may utilize a lower preference continuing authority by submitting, as part of the application, a statement waiving preferential status from each existing higher preference authority, providing the waiver does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional sewage service and treatment plan approved for higher preference authority by the Department.

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

☒ - Permittee is not authorized to land apply biosolids. Sludge/biosolids are removed by contract hauler.
**COMPLIANCE AND ENFORCEMENT:**
Enforcement is the action taken by the Water Protection Program (WPP) to bring an entity into compliance with the Missouri Clean Water Law, its implementing regulations, and/or any terms and conditions of an operating permit. The primary purpose of the enforcement activity in the WPP is to resolve violations and return the entity to compliance.

- The facility is not currently under Water Protection Program enforcement action.

**ELECTRONIC DISCHARGE MONITORING REPORT (eDMR) SUBMISSION SYSTEM:**
The U.S. Environmental Protection Agency (EPA) promulgated a final rule on October 22, 2015, to modernize Clean Water Act reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system. This final rule requires regulated entities and state and federal regulators to use information technology to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) permit program instead of filing paper reports. To comply with the federal rule, the Department is requiring all permittees to begin submitting discharge monitoring data and reports online. In an effort to aid facilities in the reporting of applicable information electronically, the Department has created several new forms including operational control monitoring forms and an I&I location and reduction form. These forms are for optional use and can be found on the Department’s website at the following locations:


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](http://dnr.mo.gov/forms/780-2692-f.pdf). A request must be made for each facility. If more than one facility is owned or operated by a single entity, then the entity must submit a separate request for each facility based on its specific circumstances. An approved waiver is non-transferable.

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

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

**NUMERIC LAKE NUTRIENT CRITERIA**

- This facility discharges into a lake watershed where numeric lake nutrient criteria are applicable. However, regulations established in 10 CSR 20-7.015 as well as the department’s lake nutrient criteria implementation plan do not require nutrient monitoring for facilities with design flows less than or equal to 0.1MGD. Should the lake within this watershed be identified as impaired due to nutrient loading, the department will conduct watershed modeling to determine if this facility has reasonable potential to cause or contribute to the impairment. Consequently, monitoring or effluent limitations may be established at a later date based on the modeling results. For more information, please see the department’s Nutrient Criteria Implementation Plan at: [https://dnr.mo.gov/env/wpp/rules/documents/nutrient-implementation-plan-final-072618.pdf](https://dnr.mo.gov/env/wpp/rules/documents/nutrient-implementation-plan-final-072618.pdf)

**PRETREATMENT PROGRAM:**
The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a Publicly Owned Treatment Works [40 CFR Part 403.3(q)].

Pretreatment programs are required at any POTW (or combination of POTW operated by the same authority) and/or municipality with a total design flow greater than 5.0 MGD and receiving industrial wastes that interfere with or pass through the treatment works or are otherwise subject to the pretreatment standards. Pretreatment programs can also be required at POTWs/municipals with a design flow less than 5.0 MGD if needed to prevent interference with operations or pass through.

- The permittee, at this time, is not required to have a Pretreatment Program or does not have an approved pretreatment program.
REASONABLE POTENTIAL ANALYSIS (RPA):
Federal regulation [40 CFR Part 122.44(d)(1)(i)] requires effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause or contribute to an in-stream excursion above narrative or numeric water quality standard.

In accordance with [40 CFR Part 122.44(d)(1)(iii)] if the permit writer determines that any given pollutant has the reasonable potential to cause, or contribute to an in-stream excursion above the WQS, the permit must contain effluent limits for that pollutant.

- An RPA was conducted on appropriate parameters. Please see APPENDIX – RPA RESULTS.

REMOVAL EFFICIENCY:
Removal efficiency is a method by which the Federal Regulations define Secondary Treatment and Equivalent to Secondary Treatment, which applies to Biochemical Oxygen Demand 5-day (BOD₅) and Total Suspended Solids (TSS) for Publicly Owned Treatment Works (POTWs)/municipals.

- Influent monitoring is not being required to determine percent removal.

SANITARY SEWER OVERFLOWS (SSO) AND INFLOW AND INFILTRATION (I&I):
Sanitary Sewer Overflows (SSOs) are defined as untreated sewage releases and are considered bypassing under state regulation [10 CSR 20-2.010(12)] and should not be confused with the federal definition of bypass. SSOs result from a variety of causes including blockages, line breaks, and sewer defects that can either allow wastewater to backup within the collection system during dry weather conditions or allow excess stormwater and groundwater to enter and overload the collection system during wet weather conditions. SSOs can also result from lapses in sewer system operation and maintenance, inadequate sewer design and construction, power failures, and vandalism. SSOs include overflows out of manholes, cleanouts, broken pipes, and other into waters of the state and onto city streets, sidewalks, and other terrestrial locations.

Inflow and Infiltration (I&I) is defined as unwanted intrusion of stormwater or groundwater into a collection system. This can occur from points of direct connection such as sump pumps, roof drain downspouts, foundation drains, and storm drain cross-connections or through cracks, holes, joint failures, faulty line connections, damaged manholes, and other openings in the collection system itself. I&I results from a variety of causes including line breaks, improperly sealed connections, cracks caused by soil erosion/settling, penetration of vegetative roots, and other sewer defects. In addition, excess stormwater and groundwater entering the collection system from line breaks and sewer defects have the potential to negatively impact the treatment facility.

Missouri RSMo §644.026.1.(13) mandates that the Department issue permits for discharges of water contaminants into the waters of this state, and also for the operation of sewer systems. Such permit conditions shall ensure compliance with all requirements as established by sections 644.006 to 644.141. Standard Conditions Part I, referenced in the permit, contains provisions requiring proper operation and maintenance of all facilities and systems of treatment and control. Missouri RSMo §644.026.1.(15) instructs the Department to require proper maintenance and operation of treatment facilities and sewer systems and proper disposal of residual waste from all such facilities. To ensure that public health and the environment are protected, any noncompliance which may endanger public health or the environment must be reported to the Department within 24 hours of the time the permittee becomes aware of the noncompliance. Standard Conditions Part I, referenced in the permit, contains the reporting requirements for the permittee when bypasses and upsets occur. The permit also contains requirements for permittees to develop and implement a program for maintenance and repair of the collection system. The permit requires that the permittee submit an annual report to the Department for the previous calendar year that contains a summary of efforts taken by the permittee to locate and eliminate sources of excess I & I, a summary of general maintenance and repairs to the collection system, and a summary of any planned maintenance and repairs to the collection system for the upcoming calendar year.

- This facility is not required to develop or implement a program for maintenance and repair of the collection system; however, it is a violation of Missouri State Environmental Laws and Regulations to allow untreated wastewater to discharge to waters of the state.

SCHEDULE OF COMPLIANCE (SOC):
Per 644.051.4 RSMo, a permit may be issued with a Schedule of Compliance (SOC) to provide time for a facility to come into compliance with new state or federal effluent regulations, water quality standards, or other requirements. Such a schedule is not allowed if the facility is already in compliance with the new requirement, or if prohibited by other statute or regulation. A SOC includes an enforceable sequence of interim requirements (actions, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of an operating permit. See also Section 502(17) of the Clean Water Act, and 40 CFR §122.2. For new effluent limitations, the permit may include interim monitoring for the specific parameter to demonstrate the facility is not already in compliance with the new requirement. Per 40 CFR § 122.47(a)(1) and 10 CSR 20-7.031(11), compliance must occur as soon as possible. If the permit provides a schedule for meeting new water quality based effluent limits, an SOC must include an enforceable, final effluent limitation in the permit even if the SOC extends beyond the life of the permit.
An SOC is not allowed:

- For effluent limitations based on technology-based standards established in accordance with federal requirements, if the deadline for compliance established in federal regulations has passed. 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. An SOC is allowed for a new water quality based effluent limit that was not included in a previously public noticed permit or antidegradation review, which may occur if a regulation changes during construction.
- To develop a TMDL, UAA, or other study associated with development of a site specific criterion. A facility is not prohibited from conducting these activities, but an SOC may not be granted for conducting these activities.

In order to provide guidance to Permit Writers in developing SOCs, and attain a greater level of consistency, on April 9, 2015 the Department issued an updated policy on development of SOCs. This policy provides guidance to Permit Writers on the standard time frames for schedules for common activities, and guidance on factors that may modify the length of the schedule such as a Cost Analysis for Compliance.

☐ - This permit does not contain an SOC.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):**

In accordance with 40 CFR 122.44(k) *Best Management Practices (BMPs)* to control or abate the discharge of pollutants when: (1) Authorized under section 304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities; (2) Authorized under section 402(p) of the CWA for the control of stormwater discharges; (3) Numeric effluent limitations are infeasible; or (4) the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

In accordance with the EPA’s *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (Document number EPA 833-B-09-002) [published by the United States Environmental Protection Agency (USEPA) in February 2009], BMPs are measures or practices used to reduce the amount of pollution entering (regarding this operating permit) waters of the state. BMPs may take the form of a process, activity, or physical structure.

Additionally in accordance with the 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 stormwater discharges. 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](http://dnr.mo.gov/env/wpp/docs/AIP050212.pdf).

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

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

- At this time, the permittee is not required to develop and implement a SWPPP.

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

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

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:
As per [10 CSR 20-2.010(86)], the amount of pollutant each discharger is allowed by the Department to release into a given stream after the Department has determined total amount of pollutant that may be discharged into that stream without endangering its water quality.

- Wasteload allocations were calculated where applicable using water quality criteria or water quality model results and the dilution equation below:

\[ Ce = \frac{(Qe + Qs)C - (Qs \times Cs)}{(Qe)} \]  

(EPA/505/2-90-001, Section 4.5.5)

Where
- \( C \) = downstream concentration
- \( Cs \) = upstream concentration
- \( Qs \) = upstream flow
- \( Ce \) = effluent concentration
- \( Qe \) = effluent flow

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

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

Number of Samples “n”:
Additionally, in accordance with the TSD for water quality-based permitting, effluent quality is determined by the underlying distribution of daily values, which is determined by the Long Term Average (LTA) associated with a particular Wasteload Allocation (WLA) and by the Coefficient of Variation (CV) of the effluent concentrations. Increasing or decreasing the monitoring frequency does not affect this underlying distribution or treatment performance, which should be, at a minimum, be targeted to comply with the values dictated by the WLA. Therefore, it is recommended that the actual planned frequency of monitoring normally be used to determine the value of “n” for calculating the AML. However, in situations where monitoring frequency is once per month or less, a higher value for “n” must be assumed for AML derivation purposes. Thus, the statistical procedure being employed using an assumed number of samples is “n = 4” at a minimum. For Total Ammonia as Nitrogen, “n = 30” is used.
**WLA Modeling:**
There are two general types of effluent limitations, technology-based effluent limits (TBELs) and water quality based effluent limits (WQBELs). If TBELs do not provide adequate protection for the receiving waters, then WQBEL must be used.

- A WLA study was either not submitted or determined not applicable by Department staff.

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

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

Under the federal Clean Water Act (CWA) §101(a)(3), requiring WET testing is reasonably appropriate for site-specific Missouri State Operating Permits for discharges to waters of the state issued under the National Pollutant Discharge Elimination System (NPDES). WET testing is also required by 40 CFR 122.44(d)(1). WET testing ensures that the provisions in the 10 CSR 20-6.010(8)(A)7. and the Water Quality Standards 10 CSR 20-7.031(4)(D),(F),(G),(J)2.A & B are being met. Under [10 CSR 20-6.010(8)(B)], the Department may require other terms and conditions that it deems necessary to assure compliance with the Clean Water Act and related regulations of the Missouri Clean Water Commission. In addition the following MCWL apply: §§§644.051.3 requires the Department to set permit conditions that comply with the MCWL and CWA; 644.051.4 specifically references toxicity as an item we must consider in writing permits (along with water quality-based effluent limits, pretreatment, etc…); and 644.051.5 is the basic authority to require testing conditions. WET test will be required by facilities meeting the following criteria:

- Facility is a designated Major.
- Facility continuously or routinely exceeds its design flow.
- Facility that exceeds its design population equivalent (PE) for BOD₅ whether or not its design flow is being exceeded.
- Facility (whether primarily domestic or industrial) that alters its production process throughout the year.
- Facility handles large quantities of toxic substances, or substances that are toxic in large amounts.
- Facility has Water Quality-based Effluent Limitations for toxic substances (other than NH₃)
- Facility is a municipality with a Design Flow ≥ 22,500 gpd.
- Other – please justify.

- At this time, the permittee is not required to conduct WET test for this facility.

**40 CFR 122.41(m) - Bypasses:**
The federal Clean Water Act (CWA), Section 402 prohibits wastewater dischargers from “bypassing” untreated or partially treated sewage (wastewater) beyond the headworks. A bypass is defined as an intentional diversion of waste streams from any portion of a treatment facility, [40 CFR 122.41(m)(1)(i)]. Additionally, Missouri regulation 10 CSR 20-7.015(9)(G) states that a bypass means the intentional diversion of waste streams from any portion of a treatment facility, except in the case of blending, to waters of the state. Only under exceptional and specified limitations do the federal regulations allow for a facility to bypass some or all of the flow from its treatment process. Bypasses are prohibited by the CWA unless a permittee can meet all of the criteria listed in 40 CFR 122.41(m)(1)(i)(A), (B), & (C). Any bypasses from this facility are subject to the reporting required in 40 CFR 122.41(l)(6) and per Missouri’s Standard Conditions I, Section B, part 2.b. Additionally, Anticipated Bypasses include bypasses from peak flow basins or similar devices designed for peak wet weather flows.

- This facility does not anticipate bypassing.

**303(d) List & Total Maximum Daily Load (TMDL):**
Section 303(d) of the federal Clean Water Act requires that each state identify waters that are not meeting water quality standards and for which adequate water pollution controls have not been required. Water quality standards protect such beneficial uses of water as whole body contact (such as swimming), maintaining fish and other aquatic life, and providing drinking water for people, livestock and wildlife. The 303(d) list helps state and federal agencies keep track of waters that are impaired but not addressed by normal water pollution control programs.

A TMDL is a calculation of the maximum amount of a given pollutant that a body of water can absorb before its water quality is affected. If a water body is determined to be impaired as listed on the 303(d) list, then a watershed management plan will be developed that shall include the TMDL calculation.

- This facility does not discharge to a 303(d) listed stream.
Part VI – Effluent Limits Determination

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

- Missouri or Mississippi River [10 CSR 20-7.015(2)]
- Lakes or Reservoirs [10 CSR 20-7.015(3)]
- Losing Streams [10 CSR 20-7.015(4)]
- Metropolitan No-Discharge Streams [10 CSR 20-7.015(5)]
- Special Streams [10 CSR 20-7.015(6)]
- Subsurface Waters [10 CSR 20-7.015(7)]
- All Other Waters [10 CSR 20-7.015(8)]

Outfall #001 – Main Facility Outfall
Effluent limitations derived and established in the below Effluent Limitations Table are based on current operations of the facility. Future permit action due to facility modification may contain new operating permit terms and conditions that supersede the terms and conditions, including effluent limitations, of this operating permit.

Effluent Limitations Table:

<table>
<thead>
<tr>
<th>PARAMETER</th>
<th>Unit</th>
<th>Basis for Limits</th>
<th>Daily Maximum</th>
<th>Weekly Average</th>
<th>Monthly Average</th>
<th>Previous Permit Limit</th>
<th>Sampling Frequency</th>
<th>Reporting Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow</td>
<td>MGD</td>
<td>1</td>
<td>*</td>
<td>*</td>
<td><em>/</em></td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td>E</td>
</tr>
<tr>
<td>BOD₅</td>
<td>mg/L</td>
<td>1</td>
<td>15</td>
<td>10</td>
<td>15/10</td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td></td>
</tr>
<tr>
<td>TSS</td>
<td>mg/L</td>
<td>1</td>
<td>20</td>
<td>15</td>
<td>20/15</td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td></td>
</tr>
<tr>
<td>Escherichia coli **</td>
<td>#/100mL</td>
<td>1, 3</td>
<td>126</td>
<td>*</td>
<td>126/*</td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td></td>
</tr>
<tr>
<td>Ammonia as N (Apr 1 – Sep 30)</td>
<td>mg/L</td>
<td>2, 3</td>
<td>6.0</td>
<td>1.2</td>
<td>5.4/1.3</td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td></td>
</tr>
<tr>
<td>Ammonia as N (Oct 1 – Mar 31)</td>
<td>mg/L</td>
<td>2, 3</td>
<td>10.9</td>
<td>2.1</td>
<td><em>/</em></td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td></td>
</tr>
<tr>
<td>Total Phosphorus</td>
<td>mg/L</td>
<td>1</td>
<td>0.5</td>
<td>*/0.5</td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aluminum, Total Recoverable</td>
<td>µg/L</td>
<td>1</td>
<td>750</td>
<td>260</td>
<td>750/374</td>
<td>1/quarter</td>
<td>quarterly</td>
<td>G</td>
<td></td>
</tr>
</tbody>
</table>

pH SU 1 6.5 9.0 6.5-9.0 1/quarter quarterly G

* - Monitoring requirement only.
** - No more than 10% of samples over the course of the calendar year shall exceed 126 #/100 mL daily maximum.
*** - Parameter not previously established in previous state operating permit.
**** - C = 24-hour composite
      G = Grab
      T = 24-hr. total
      E = 24-hr. estimate

Basis for Limitations Codes:
1. State or Federal Regulation/Law
2. Water Quality Standard (includes RPA)
3. Water Quality Based Effluent Limits
4. Antidegradation Review
5. Antidegradation Policy
6. Water Quality Model
7. Best Professional Judgment
8. TMDL or Permit in lieu of TMDL
9. WET Test Policy
10. Multiple Discharger Variance

Outfall #001 – Derivation and Discussion of Limits:

- **Flow.** In accordance with [40 CFR Part 122.44(i)(1)(ii)] the volume of effluent discharged from each outfall is needed to assure compliance with permitted effluent limitations. If the permittee is unable to obtain effluent flow, then it is the responsibility of the permittee to inform the Department, which may require the submittal of an operating permit modification.

- **Biochemical Oxygen Demand (BOD₅).** Effluent limitations have been retained from previous state operating permit, please see the Applicable Designation of Waters of the State sub-section of the Effluent Limits Determination.

- **Total Suspended Solids (TSS).** Effluent limitations have been retained from previous state operating permit, please see the Applicable Designation of Waters of the State sub-section of the Effluent Limits Determination.

- **Escherichia coli (E. coli).** Discharges to losing streams shall not exceed 126 per 100 mL as a Daily Maximum at any time, as per 10 CSR 20-7.031(5)(C). Monitoring only for a monthly average. No more than 10% of samples over the course of the calendar year shall exceed 126 #/100 mL daily maximum as per 10 CSR 20-7.015(9)(B).1.G.
• **Total Ammonia Nitrogen.** Early Life Stages Present Total Ammonia Nitrogen criteria apply [10 CSR 20-7.031(5)(B)7.C. & Table B3]. Background total ammonia nitrogen = 0.01 mg/L. No mixing considerations allowed; therefore, WLA = appropriate criterion.

<table>
<thead>
<tr>
<th>Season</th>
<th>Temp (°C)</th>
<th>pH (SU)</th>
<th>Total Ammonia Nitrogen CCC (mg/L)</th>
<th>Total Ammonia Nitrogen CMC (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer</td>
<td>26</td>
<td>7.8</td>
<td>1.5</td>
<td>12.1</td>
</tr>
<tr>
<td>Winter</td>
<td>6</td>
<td>7.8</td>
<td>3.1</td>
<td>12.1</td>
</tr>
</tbody>
</table>

**Summer: April 1 – September 30**

Chronic WLA: $C_e = \frac{(0.015 + 0.0)1.5 - (0.0 \times 0.01)}{0.015}$

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

Acute WLA: $C_e = \frac{(0.015 + 0.0)12.1 - (0.0 \times 0.01)}{0.015}$

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

$LT_{Ac} = 1.5 \text{ mg/L} (0.482) = 0.723 \text{ mg/L}$

$LT_{Aa} = 12.1 \text{ mg/L} (0.121) = 3.89 \text{ mg/L}$

[CV = 1.91, 99th Percentile, 30 day avg.]

[CV = 1.91, 99th Percentile]

Use most protective number of $LT_{Ac}$ or $LT_{Aa}$.

MDL = 0.723 mg/L (8.29) = **6.0** mg/L  
AML = 0.723 mg/L (1.65) = **1.2** mg/L

[CV = 1.91, 99th Percentile]

[CV = 1.91, 95th Percentile, n = 30]

**Winter: October 1 – March 31**

Chronic WLA: $C_e = \frac{(0.015 + 0.0)3.1 - (0.0 \times 0.01)}{0.015}$

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

Acute WLA: $C_e = \frac{(0.015 + 0.0)12.1 - (0.0 \times 0.01)}{0.015}$

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

$LT_{Ac} = 3.1 \text{ mg/L} (0.302) = 0.94 \text{ mg/L}$

$LT_{Aa} = 12.1 \text{ mg/L} (0.086) = 1.04 \text{ mg/L}$

[CV = 3.53, 99th Percentile, 30 day avg.]

[CV = 3.53, 99th Percentile]

Use most protective number of $LT_{Ac}$ or $LT_{Aa}$.

MDL = 0.94 mg/L (11.59) = **10.9** mg/L  
AML = 0.94 mg/L (2.22) = **2.1** mg/L

[CV = 3.53, 99th Percentile]

[CV = 3.53, 95th Percentile, n = 30]

• **pH.** 6.5-9.0 SU. pH limitations of 6.0-9.0 SU [10 CSR 20-7.015] are not protective of the in-stream Water Quality Standard, which states that water contaminants shall not cause pH to be outside the range of 6.5-9.0 SU.

• **Aluminum, Total Recoverable.** Protection of Aquatic Life Acute Criteria = 750 μg/L. Total Recoverable Aluminum does not have a conversion factor, and is not hardness dependent.

Acute AQL WQS: 750 μg/L  
Chronic AQL WQS: NA

Acute WLA: $C_e = \frac{(0.015 + 0.0)750 - (0.0 \times 0.0)}{0.015} = 750 \text{ μg/L}$

$LT_{Aa}: 750 (0.144) = 108 \text{ μg/L}$  
[CV = 0.6, 99th Percentile]

MDL: 108 (6.95) = **750** μg/L  
AML: 108 (2.41) = **260** μg/L  
[CV = 0.6, 99th Percentile]

[CV = 0.6, 95th Percentile, n = 4]
• **Total Phosphorus.** To Table Rock Lake and Lake Taneycomo, 0.5 mg/L per 10 CSR 20-7.015 (3).

• **Parameters Removed.**
  - **Iron, Total Recoverable.** Monitoring only requirements were included on the previous permit to determine if reasonable potential exists for this facility to exceed water quality standards for Total Recoverable Iron. The facility indicated they did not use chemicals using iron to remove phosphorus. Therefore, the permit writer has made a determination that the facility does not have potential to exceed water quality standards for iron at this time. Monitoring requirements were removed from the permit.

**Sampling Frequency Justification:** Sampling and Reporting Frequency was retained from previous permit Except for Total Recoverable Aluminum and Phosphorus which were set at quarterly. Sampling for *E. coli* is set at quarterly per 10 CSR 20-7.015(9)(D)6.C.

**Sampling Type Justification:** As per 10 CSR 20-7.015, BOD₅ and TSS for sand filters may be grab samples. Grab samples must be collected for pH and *E. coli* in accordance with recommended analytical methods. For further information on sampling and testing methods please review 10 CSR 20-7.015(9)(D) 2.

**OUTFALL #001 – GENERAL CRITERIA CONSIDERATIONS:**

In accordance with 40 CFR 122.44(d)(1), effluent limitations shall be placed into the permit for those pollutants which have been determined to cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard, including State narrative criteria for water quality. The rule further states that pollutants which have been determined to cause, have the reasonable potential to cause, or contribute to an excursion above a narrative criterion within an applicable State water quality standard, the permit shall contain a numeric effluent limitation to protect that narrative criterion. In order to comply with this regulation, the permit writer will complete reasonable potential determinations on whether the discharge will violate any of the general criteria listed in 10 CSR 20-7.031(4). These specific requirements are listed below followed by derivation and discussion (the lettering matches that of the rule itself, under 10 CSR 20-7.031(4)). It should also be noted that Section 644.076.1, RSMo as well as Section D – Administrative Requirements of Standard Conditions Part I of this permit states that it shall be unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri that is in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law or any standard, rule or regulation promulgated by the commission.

(A) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses. The discharge from this facility is made up of treated domestic wastewater. Based on a review of a recent Report of Compliance Inspection for the inspection conducted on April 16, 2018, no evidence of an excursion of this criterion has been observed by the Department in the past and the facility has not disclosed any other information related to the characteristics of the discharge on their permit application which has the potential to cause or contribute to an excursion of this narrative criterion. Additionally, this facility utilizes secondary treatment technology and is currently in compliance with effluent limits more stringent than those established in 40 CFR 133 and there has been no indication to the Department that the stream has had issues maintaining beneficial uses as a result of this discharge. Based on the information reviewed during the drafting of this permit, these final effluent limitations appear to have protected against the excursion of this criterion in the past. Therefore, the discharge does not have the reasonable potential to cause or contribute to an excursion of this criterion.

(B) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses. Please see (A) above as justification is the same.

(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. Please see (A) above as justification is the same.

(D) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life. This permit contains final effluent limitations which are protective of both acute and chronic toxicity for various pollutants that are either expected to be discharged by domestic wastewater facilities or that were disclosed by this facility on the application for permit coverage. Based on the information reviewed during the drafting of this permit, it has been determined if the facility meets final effluent limitations established in this permit, there is no reasonable potential for the discharge to cause an excursion of this criterion.

(E) There shall be no significant human health hazard from incidental contact with the water. Please see (D) above as justification is the same.

(F) There shall be no acute toxicity to livestock or wildlife watering. Please see (D) above as justification is the same.

(G) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community. Please see (A) above as justification is the same.
(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. The discharge from this facility is made up of treated domestic wastewater. No evidence of an excursion of this criterion has been observed by the Department in the past and the facility has not disclosed any other information related to the characteristics of the discharge on their permit application which has the potential to cause or contribute to an excursion of this narrative criterion. Additionally, any solid wastes received or produced at this facility are wholly contained in appropriate storage facilities, are not discharged, and are disposed of offsite. This discharge is subject to Standard Conditions Part III, which contains requirements for the management and disposal of sludge to prevent its discharge. Therefore, this discharge does not have reasonable potential to cause or contribute to an excursion of this criterion.

Part VII – Cost Analysis for Compliance

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

- The Department is not required to complete a cost analysis for compliance because the facility is not a combined or separate sanitary sewer system for a publically-owned treatment works.
Part VIII – 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.

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 water quality standard that has changed twenty-five percent or more since the previous operating permit.

PERMIT SYNCHRONIZATION:
The Department of Natural Resources is currently undergoing a synchronization process for operating permits. Permits are normally issued on a five-year term, but to achieve synchronization many permits will need to be issued for less than the full five years allowed by regulation. The intent is that all permits within a watershed will move through the Watershed Based Management (WBM) cycle together will all expire in the same fiscal year. This will allow further streamlining by placing multiple permits within a smaller geographic area on public notice simultaneously, thereby reducing repeated administrative efforts. This will also allow the Department to explore a watershed based permitting effort at some point in the future. Renewal applications must continue to be submitted within 180 days of expiration, however, in instances where effluent data from the previous renewal is less than 4 years old, that data may be re-submitted to meet the requirements of the renewal application. If the permit provides a schedule of compliance for meeting new water quality based effluent limits beyond the expiration date of the permit, the time remaining in the schedule of compliance will be allotted in the renewed permit.

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

☒ - The Public Notice period for this operating permit was from December 7, 2019 to January 7, 2019. No responses received.

DATE OF FACT SHEET: NOVEMBER 5, 2018

COMPLETED BY:

KYLE WILLENBURG, ENVIRONMENTAL SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - DOMESTIC WASTEWATER UNIT
(573) 751-5827
Kyle.Willenburg@dnr.mo.gov
APPENDIX – RPA RESULTS:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>CMC*</th>
<th>RWC Acute*</th>
<th>CCC*</th>
<th>Range max/min</th>
<th>CV***</th>
<th>MF</th>
<th>RP Yes/No</th>
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<tbody>
<tr>
<td>Total Ammonia as Nitrogen (Summer) mg/L</td>
<td>12.1</td>
<td>39.74</td>
<td>1.5</td>
<td>39.74</td>
<td>8.78/0.06</td>
<td>1.91</td>
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<tr>
<td>Total Ammonia as Nitrogen (Winter) mg/L</td>
<td>12.1</td>
<td>233.14</td>
<td>3.1</td>
<td>233.14</td>
<td>31.4/0.04</td>
<td>3.53</td>
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<td>Aluminum, Total Recoverable</td>
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<td>2138.52</td>
<td>NA</td>
<td>70</td>
<td>894/0.53</td>
<td>1.5</td>
<td>2.39</td>
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</table>

N/A – Not Applicable
* - Units are (μg/L) unless otherwise noted.
** - If the number of samples is 10 or greater, then the CV value must be used in the WQBEL for the applicable constituent.
*** - Coefficient of Variation (CV) is calculated by dividing the Standard Deviation of the sample set by the Mean of the same sample set.
RWC – Receiving Water Concentration. It is the concentration of a toxicant or the parameter toxicity in the receiving water after mixing (if applicable).
n – Is the number of samples.
MF – Multiplying Factor. 99% Confidence Level and 99% Probability Basis.
RP – Reasonable Potential. It is where an effluent is projected or calculated to cause an excursion above a water quality standard based on a number of factors including, as a minimum, the four factors listed in 40 CFR 122.44(d)(1)(ii).

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

APPENDIX – FACILITY MAP
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.

6. Illega lActivities.
   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.

   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.

   i. The application must be for a new source defined in 40 CFR 503.23.
   ii. Once a facility is in compliance, the permittee must report to the Department all future equipment changes to the permitted facility.
   iii. The facility must also provide written notification to the Department if the facility operates or operates under conditions that are different from or absent in the existing permit.

   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.

   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.
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.  

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

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

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

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

**Section C – Bypass/Upset Requirements**

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

2. **Bypass Requirements.**  
   a. Bypass not exceeding limitations.  The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation.  These bypasses are not subject to the provisions of paragraphs 2. b. and 2. c. of this section.

b. Notice.  
   i. Anticipated bypass.  If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.  
   ii. Unanticipated bypass.  The permittee shall submit notice of an unanticipated bypass as required in Section B – Reporting Requirements, paragraph 5 (24-hour notice).

3. **Prohibition of bypass.**  
   i. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:  
      1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;  
      2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime.  This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and  
      3. The permittee submitted notices as required under paragraph 2. b. of this section.
   ii. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above in paragraph 2. c. i. of this section.

**Section D – Administrative Requirements**

1. **Duty to Comply.** The permittee must comply with all conditions of this permit.  Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and Federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.  
   a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
   b. The Federal Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $25,000 per day for each violation.  The Federal Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement
imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates 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, 303, 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, or other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 of the Missouri Clean Water Law or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed $10,000 per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. Any person who willfully or negligently commits any violation in this paragraph shall, upon conviction, be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this paragraph by any person shall be punished by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.

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

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

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

5. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related apurttenances) 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 thepermittee and incorporate such other requirements as may be necessary under the Missouri Clean Water Law or the Federal Clean Water Act.
   c. The Department, within 30 days of receipt of the application, shall notify the new permittee of its intent to revoke or reissue or transfer the permit.

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

9. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege.
10. **Duty to Provide Information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

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

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

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

14. **Severability.** The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.
PART III – SLUDGE AND BIOSOLIDS FROM DOMESTIC AND INDUSTRIAL WASTEWATER TREATMENT FACILITIES

SECTION A – GENERAL REQUIREMENTS

1. This permit pertains to sludge requirements under the Missouri Clean Water Law and regulation for domestic wastewater and industrial process wastewater. This permit also incorporates applicable federal sludge disposal requirements under 40 CFR 503 for domestic wastewater. The Environmental Protection Agency (EPA) has principal authority for permitting and enforcement of the federal sludge regulations under 40 CFR 503 for domestic wastewater. EPA has reviewed and accepted these standard sludge conditions. EPA may choose to issue a separate sludge addendum to this permit or a separate federal sludge permit at their discretion to further address the federal requirements.

2. These PART III Standard Conditions apply only to sludge and biosolids generated at domestic wastewater treatment facilities, including public owned treatment works (POTW), privately owned facilities and sludge or biosolids generated at industrial facilities.

3. Sludge and Biosolids Use and Disposal Practices:
   a. The permittee is authorized to operate the sludge and biosolids treatment, storage, use, and disposal facilities listed in the facility description of this permit.
   b. The permittee shall not exceed the design sludge volume listed in the facility description and shall not use sludge disposal methods that are not listed in the facility description, without prior approval of the permitting authority.
   c. The permittee is authorized to operate the storage, treatment or generating sites listed in the Facility Description section of this permit.

4. Sludge Received from other Facilities:
   a. Permittees may accept domestic wastewater sludge from other facilities including septic tank pumpings from residential sources as long as the design sludge volume is not exceeded and the treatment facility performance is not impaired.
   b. The permittee shall obtain a signed statement from the sludge generator or hauler that certifies the type and source of the sludge.

5. These permit requirements do not supersede nor remove liability for compliance with county and other local ordinances.

6. These permit requirements do not supersede nor remove liability for compliance with other environmental regulations such as odor emissions under the Missouri Air Pollution Control Law and regulations.

7. This permit may (after due process) be modified, or alternatively revoked and reissued, to comply with any applicable sludge disposal standard or limitation issued or approved under Section 405(d) of the Clean Water Act under Chapter 644 RSMo.

8. In addition to STANDARD CONDITIONS, the Department may include sludge limitations in the special conditions portion or other sections of a site specific permit.

9. Alternate Limits in the Site Specific Permit.
   Where deemed appropriate, the Department may require an individual site specific permit in order to authorize alternate limitations:
   a. A site specific permit must be obtained for each operating location, including application sites.
   b. To request a site specific permit, an individual permit application, permit fee, and supporting documents shall be submitted for each operating location. This shall include a detailed sludge/biosolids management plan or engineering report.

10. Exceptions to these Standard Conditions may be authorized on a case-by-case basis by the Department, as follows:
    a. The Department will prepare a permit modification and follow permit notice provisions as applicable under 10 CSR 20-6.020, 40 CFR 124.10, and 40 CFR 501.15(a)(2)(ix)(E). This includes notification of the owner of the property located adjacent to each land application site, where appropriate.
    b. Exceptions cannot be granted where prohibited by the federal sludge regulations under 40 CFR 503.
SECTION B – DEFINITIONS

1. Best Management Practices include agronomic loading rates, soil conservation practices and other site restrictions.

2. Biosolids means organic fertilizer or soil amendment produced by the treatment of domestic wastewater sludge.

3. Biosolids land application facility is a facility where biosolids are spread onto the land at agronomic rates for production of food or fiber. The facility includes any structures necessary to store the biosolids until soil, weather, and crop conditions are favorable for land application.

4. Class A biosolids means a material that has met the Class A pathogen reduction requirements or equivalent treatment by a Process to Further Reduce Pathogens (PFRP) in accordance with 40 CFR 503.

5. Class B biosolids means a material that has met the Class B pathogen reduction requirements or equivalent treatment by a Process to Significantly Reduce Pathogens (PFRP) in accordance with 40 CFR 503.

6. Domestic wastewater means wastewater originating from the sanitary conveniences of residences, commercial buildings, factories and institutions; or co-mingled sanitary and industrial wastewater processed by a (POTW) or a privately owned facility.

7. Industrial wastewater means any wastewater, also known as process water, not defined as domestic wastewater. Per 40 CFR Part 122, process water means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

8. Mechanical treatment plants are wastewater treatment facilities that use mechanical devices to treat wastewater, including septic tanks, sand filters, extended aeration, activated sludge, contact stabilization, trickling filters, rotating biological discs, and other similar facilities. It does not include wastewater treatment lagoons and constructed wetlands for wastewater treatment.

9. Operating location as defined in 10 CSR 20-2.010 is all contiguous lands owned, operated or controlled by one (1) person or by two (2) or more persons jointly or as tenants in common.

10. Plant Available Nitrogen (PAN) is the nitrogen that will be available to plants during the growing seasons after biosolids application.

11. Public contact site is land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

12. Sludge is the solid, semisolid, or liquid residue removed during the treatment of wastewater. Sludge includes septage removed from septic tanks or equivalent facilities. Sludge does not include carbon coal byproducts (CCBs)

13. Sludge lagoon is part of a mechanical wastewater treatment facility. A sludge lagoon is an earthen basin that receives sludge that has been removed from a wastewater treatment facility. It does not include a wastewater treatment lagoon or sludge treatment units that are not a part of a mechanical wastewater treatment facility.

14. Septage is the material pumped from residential septic tanks and similar treatment works (with a design population of less than 150 people). The standard for biosolids from septage is different from other sludges.

SECTION C – MECHANICAL WASTEWATER TREATMENT FACILITIES

1. Sludge shall be routinely removed from wastewater treatment facilities and handled according to the permit facility description and sludge conditions of this permit.

2. The permittee shall operate the facility so that there is no sludge discharged to waters of the state.

3. Mechanical treatment plants shall have separate sludge storage compartments in accordance with 10 CSR 20, Chapter 8. Failure to remove sludge from these storage compartments on the required design schedule is a violation of this permit.

SECTION D – SLUDGE DISPOSED AT OTHER TREATMENT FACILITY OR CONTRACT HAULER

1. This section applies to permittees that haul sludge to another treatment facility for disposal or use contract haulers to remove and dispose of sludge.

2. Permittees that use contract haulers are responsible for compliance with all the terms of this permit including final disposal, unless the hauler has a separate permit for sludge or biosolids disposal issued by the Department; or the hauler transports the sludge to another permitted treatment facility.

3. Haulers who land apply septage must obtain a state permit.

4. Testing of sludge, other than total solids content, is not required if sludge is hauled to a municipal wastewater treatment facility or other permitted wastewater treatment facility, unless it is required by the accepting facility.
SECTION E – INCINERATION OF SLUDGE

1. Sludge incineration facilities shall comply with the requirements of 40 CFR 503 Subpart E; air pollution control regulations under 10 CSR 10; and solid waste management regulations under 10 CSR 80.
2. Permittee may be authorized under the facility description of this permit to store incineration ash in lagoons or ash ponds. This permit does not authorize the disposal of incineration ash. Incineration ash shall be disposed in accordance with 10 CSR 80; or if the ash is determined to be hazardous with 10 CSR 25.
3. In addition to normal sludge monitoring, incineration facilities shall report the following as part of the annual report, quantity of sludge incinerated, quantity of ash generated, quantity of ash stored, and ash used or disposal method, quantity, and location. Permittee shall also provide the name of the disposal facility and the applicable permit number.

SECTION F – SURFACE DISPOSAL SITES AND SLUDGE LAGOONS

1. Surface disposal sites of domestic facilities shall comply with the requirements in 40 CFR 503 Subpart C; air pollution control regulations under 10 CSR 10; and solid waste management regulations under 10 CSR 80.
2. Sludge storage lagoons are temporary facilities and are not required to obtain a permit as a solid waste management facility under 10 CSR 80. In order to maintain sludge storage lagoons as storage facilities, accumulated sludge must be removed routinely, but not less than once every two years unless an alternate schedule is approved in the permit. The amount of sludge removed will be dependent on sludge generation and accumulation in the facility. Enough sludge must be removed to maintain adequate storage capacity in the facility.
   a. In order to avoid damage to the lagoon seal during cleaning, the permittee may leave a layer of sludge on the bottom of the lagoon, upon prior approval of the Department; or
   b. Permittee shall close the lagoon in accordance with Section H.

SECTION G – LAND APPLICATION

1. The permittee shall not land apply sludge or biosolids unless land application is authorized in the facility description or the special conditions of the issued NPDES permit.
2. Land application sites within a 20 miles radius of the wastewater treatment facility are authorized under this permit when biosolids are applied for beneficial use in accordance with these standard conditions unless otherwise specified in a site specific permit. If the permittee’s land application site is greater than a 20 mile radius of the wastewater treatment facility, approval must be granted from the Department.
3. Land application shall not adversely affect a threatened or endangered species or its designated critical habitat.
4. Biosolids shall not be applied unless authorized in this permit or exempted under 10 CSR 20, Chapter 6.
   a. This permit does not authorize the land application of domestic sludge except for when sludge meets the definition of biosolids.
   b. This permit authorizes “Class A or B” biosolids derived from domestic wastewater and/or process water sludge to be land applied onto grass land, crop land, timber or other similar agricultural or silviculture lands at rates suitable for beneficial use as organic fertilizer and soil conditioner.
5. Public Contact Sites:
   Permittees who wish to apply Class A biosolids to public contact sites must obtain approval from the Department after two years of proper operation with acceptable testing documentation that shows the biosolids meet Class A criteria. A shorter length of testing will be allowed with prior approval from the Department. Authorization for land applications must be provided in the special conditions section of this permit or in a separate site specific permit.
   a. After Class B biosolids have been land applied, public access must be restricted for 12 months.
   b. Class B biosolids are only land applied to root crops, home gardens or vegetable crops whose edible parts will not be for human consumption.
6. Agricultural and Silvicultural Sites:
   Septage – Based on Water Quality guide 422 (WQ422) published by the University of Missouri
   a. Haulers that land apply septage must obtain a state permit
   b. Do not apply more than 30,000 gallons of septage per acre per year.
   c. Septage tanks are designed to retain sludge for one to three years which will allow for a larger reduction in pathogens and vectors, as compared to other mechanical type treatment facilities.
   d. To meet Class B sludge requirements, maintain septage at 12 pH for at least thirty (30) minutes before land application. 50 pounds of hydrated lime shall be added to each 1,000 gallons of septage in order to meet pathogen and vector stabilization for septage biosolids applied to crops, pastures or timberland.
   e. Lime is to be added to the pump truck and not directly to the septic tanks, as lime would harm the beneficial bacteria of the septic tank.
Biosolids - Based on Water Quality guide 423, 424, and 425 (WQ423, WQ424, WQ425) published by the University of Missouri;

a. Biosolids shall be monitored to determine the quality for regulated pollutants

b. The number of samples taken is directly related to the amount of sludge produced by the facility (See Section I of these Standard Conditions). Report as dry weight unless otherwise specified in the site specific permit. Samples should be taken only during land application periods. When necessary, it is permissible to mix biosolids with lower concentrations of biosolids as well as other suitable Department approved material to reach the maximum concentration of pollutants allowed.

c. Table 1 gives the maximum concentration allowable to protect water quality standards

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Milligrams per kilogram dry weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>75</td>
</tr>
<tr>
<td>Cadmium</td>
<td>85</td>
</tr>
<tr>
<td>Copper</td>
<td>4,300</td>
</tr>
<tr>
<td>Lead</td>
<td>840</td>
</tr>
<tr>
<td>Mercury</td>
<td>57</td>
</tr>
<tr>
<td>Molybdenum</td>
<td>75</td>
</tr>
<tr>
<td>Nickel</td>
<td>420</td>
</tr>
<tr>
<td>Selenium</td>
<td>100</td>
</tr>
<tr>
<td>Zinc</td>
<td>7,500</td>
</tr>
</tbody>
</table>

1 Land application is not allowed if the sludge concentration exceeds the maximum limits for any of these pollutants

d. The low metal concentration biosolids has reduced requirements because of its higher quality and can safely be applied for 100 years or longer at typical agronomic loading rates. (See Table 2)

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Milligrams per kilogram dry weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>41</td>
</tr>
<tr>
<td>Cadmium</td>
<td>39</td>
</tr>
<tr>
<td>Copper</td>
<td>1,500</td>
</tr>
<tr>
<td>Lead</td>
<td>300</td>
</tr>
<tr>
<td>Mercury</td>
<td>17</td>
</tr>
<tr>
<td>Nickel</td>
<td>420</td>
</tr>
<tr>
<td>Selenium</td>
<td>36</td>
</tr>
<tr>
<td>Zinc</td>
<td>2,800</td>
</tr>
</tbody>
</table>

1 You may apply low metal biosolids without tracking cumulative metal limits, provided the cumulative application of biosolids does not exceed 500 dry tons per acre.

e. Each pollutant in Table 3 has an annual and a total cumulative loading limit, based on the allowable pounds per acre for various soil categories.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>CEC 15+</th>
<th>CEC 5 to 15</th>
<th>CEC 0 to 5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual</td>
<td>Total 1</td>
<td>Annual</td>
</tr>
<tr>
<td>Arsenic</td>
<td>1.8</td>
<td>36.0</td>
<td>1.8</td>
</tr>
<tr>
<td>Cadmium</td>
<td>1.7</td>
<td>35.0</td>
<td>0.9</td>
</tr>
<tr>
<td>Copper</td>
<td>66.0</td>
<td>1,335.0</td>
<td>25.0</td>
</tr>
<tr>
<td>Lead</td>
<td>13.0</td>
<td>267.0</td>
<td>13.0</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.7</td>
<td>15.0</td>
<td>0.7</td>
</tr>
<tr>
<td>Nickel</td>
<td>19.0</td>
<td>347.0</td>
<td>19.0</td>
</tr>
<tr>
<td>Selenium</td>
<td>4.5</td>
<td>89.0</td>
<td>4.5</td>
</tr>
<tr>
<td>Zinc</td>
<td>124.0</td>
<td>2,492.0</td>
<td>50.0</td>
</tr>
</tbody>
</table>

1 Total cumulative loading limits for soils with equal or greater than 6.0 pH (salt based test) or 6.5 pH (water based test)
### Table 4 - Guidelines for land application of other trace substances

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Cumulative Loading</th>
<th>Pounds per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td></td>
<td>4,000'</td>
</tr>
<tr>
<td>Beryllium</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Cobalt</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Fluoride</td>
<td></td>
<td>800</td>
</tr>
<tr>
<td>Manganese</td>
<td></td>
<td>500</td>
</tr>
<tr>
<td>Silver</td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>Tin</td>
<td></td>
<td>1,000</td>
</tr>
<tr>
<td>Dioxin</td>
<td>(10 ppt in soil)</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


2 This applies for a soil with a pH between 6.0 and 7.0 (salt based test) or a pH between 6.5 to 7.5 (water based test). Case-by-case review is required for higher pH soils.


4 Case by case review. Concentrations in sludge should not exceed the 95th percentile of the National Sewage Sludge Survey, EPA, January 2009.

Best Management Practices – Based on Water Quality guide 426 (WQ426) published by the University of Missouri

a. Use best management practices when applying biosolids.

b. Biosolids cannot discharge from the land application site.

c. Biosolid application is subject to the Missouri Department of Agriculture State Milk Board concerning grazing restrictions of lactating dairy cattle.

d. Biosolid application must be in accordance with section 4 of the Endangered Species Act.

e. Do not apply more than the agronomic rate of nitrogen needed.

f. The applicator must document the Plant Available Nitrogen (PAN) loadings, available nitrogen in the soil, and crop removal when either of the following occurs: 1) When biosolids are greater than 50,000 mg/kg TN; or 2) When biosolids are land applied at an application rate greater than two dry tons per acre per year.

i. PAN can be determined as follows and is in accordance with WQ426:

   \[(\text{Nitrate} + \text{nitrite nitrogen}) + (\text{organic nitrogen} \times 0.2) + (\text{ammonia nitrogen} \times \text{volatilization factor})\]  

   \(\text{Volatilization factor is 0.7 for surface application and 1 for subsurface application.}\)

\[i\]

gh. Buffer zones are as follows:

i. 300 feet of a water supply well, sinkhole, lake, pond, water supply reservoir or water supply intake in a stream;

ii. 300 feet of a losing stream, no discharge stream, stream stretches designated for whole body contact recreation, wild and scenic rivers, Ozark National Scenic Riverways or outstanding state resource waters as listed in the Water Quality Standards, 10 CSR 20-7.031;

iii. 150 feet if dwellings;

iv. 100 feet of wetlands or permanent flowing streams;

v. 50 feet of a property line or other waters of the state, including intermittent flowing streams.

h. Slope limitation for application sites are as follows:

i. A slope 0 to 6 percent has no rate limitation

ii. Applied to a slope 7 to 12 percent, the applicator may apply biosolids when soil conservation practices are used to meet the minimum erosion levels

iii. Slopes > 12 percent, apply biosolids only when grass is vegetated and maintained with at least 80 percent ground cover at a rate of two dry tons per acre per year or less.

i. No biosolids may be land applied in an area that it is reasonably certain that pollutants will be transported into waters of the state.

j. Do not apply biosolids to sites with soil that is snow covered, frozen or saturated with liquid without prior approval by the Department.

k. Biosolids / sludge applicators must keep detailed records up to five years.
SECTION H – CLOSURE REQUIREMENTS

1. This section applies to all wastewater facilities (mechanical, industrial, and lagoons) and sludge or biosolids storage and treatment facilities and incineration ash ponds. It does not apply to land application sites.

2. Permittees of a domestic wastewater facility who plan to cease operation must obtain Department approval of a closure plan which addresses proper removal and disposal of all residues, including sludge, biosolids. Mechanical plants, sludge lagoons, ash ponds and other storage structures must obtain approval of a closure plan from the Department. Permittee must maintain this permit until the facility is closed in accordance with the approved closure plan per 10 CSR 20 – 6.010 and 10 CSR 20 – 6.015.

3. Residuals that are left in place during closure of a lagoon or earthen structure or ash pond shall not exceed the agricultural loading rates as follows:
   a. Residuals shall meet the monitoring and land application limits for agricultural rates as referenced in Section H of these standard conditions.
   b. If a wastewater treatment lagoon has been in operation for 15 years or more without sludge removal, the sludge in the lagoon qualifies as a Class B biosolids with respect to pathogens due to anaerobic digestion, and testing for fecal coliform is not required. For other lagoons, testing for fecal coliform is required to show compliance with Class B biosolids limitations. In order to reach Class B biosolids requirements, fecal coliform must be less than 2,000,000 colony forming units or 2,000,000 most probable number. All fecal samples must be presented as geometric mean per gram.
   c. The allowable nitrogen loading that may be left in the lagoon shall be based on the plant available nitrogen (PAN) loading. For a grass cover crop, the allowable PAN is 300 pounds/acre.
      i. PAN can be determined as follows:
         \[
         \text{PAN} = \frac{\text{Nitrate} + \text{nitrite nitrogen}}{1} + (\text{organic nitrogen} \times 0.2) + (\text{ammonia nitrogen} \times \text{volatilization factor}).
         \]
         \[
         \text{volatilization factor} = 0.7 \text{ for surface application and 1 for subsurface application.}
         \]

4. When closing a domestic wastewater treatment lagoon with a design treatment capacity equal or less than 150 persons, the residuals are considered “septage” under the similar treatment works definition. See Section B of these standard conditions. Under the septage category, residuals may be left in place as follows:
   a. Testing for metals or fecal coliform is not required
   b. If the wastewater treatment lagoon has been in use for less than 15 years, mix lime with the sludge at a rate of 50 pounds of hydrated lime per 1000 gallons (134 cubic feet) of sludge.
   c. The amount of sludge that may be left in the lagoon shall be based on the plant available nitrogen (PAN) loading. 100 dry tons/acre of sludge may be left in the basin without testing for nitrogen. If 100 dry tons/acre or more will be left in the lagoon, test for nitrogen and determine the PAN using the calculation above. Allowable PAN loading is 300 pounds/acre.

5. Residuals left within the domestic lagoon shall be mixed with soil on at least a 1 to 1 ratio, the lagoon berm shall be demolished, and the site shall be graded and contain ≥70% vegetative density over 100% of the site so as to avoid ponding of storm water and provide adequate surface water drainage without creating erosion.

6. Lagoons and/or earthen structure and/or ash pond closure activities shall obtain a storm water permit for land disturbance activities that equal or exceed one acre in accordance with 10 CSR 20-6.200

7. When closing a mechanical wastewater and/or industrial process wastewater plant; all sludge must be cleaned out and disposed of in accordance with the Department approved closure plan before the permit for the facility can be terminated.
   a. Land must be stabilized which includes any grading, alternate use or fate upon approval by the Department, remediation, or other work that exposes sediment to stormwater per 10 CSR 20-6.200. The site shall be graded and contain ≥70% vegetative density over 100% of the site, so as to avoid ponding of storm water and provide adequate surface water drainage without creating erosion.
   b. Per 10 CSR 20-6.015(4)(B), Hazardous Waste shall not be land applied or disposed during industrial and mechanical plant closures unless in accordance with Missouri Hazardous Waste Management Law and Regulations under 10 CSR 25.
   c. After demolition of the mechanical plant / industrial plant, the site must only contain clean fill defined in RSMo 260.200 (5) as uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the Department for fill or other beneficial use. Other solid wastes must be removed.

8. If sludge from the domestic lagoon or mechanical treatment plant exceeds agricultural rates under Section G and/or H, a landfill permit or solid waste disposal permit must be obtained if the permittee chooses to seek authorization for on-site sludge disposal under the Missouri Solid Waste Management Law and regulations per 10 CSR 80, and the permittee must comply with the surface disposal requirements under 40 CFR 503, Subpart C.
SECTION I – MONITORING FREQUENCY

1. At a minimum, sludge or biosolids shall be tested for volume and percent total solids on a frequency that will accurately represent sludge quantities produced and disposed. Please see the table below.

<table>
<thead>
<tr>
<th>Design Sludge Production (dry tons per year)</th>
<th>Monitoring Frequency (See Notes 1, 2, and 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metals, Pathogens and Vectors</td>
<td>Nitrogen TKN ¹</td>
</tr>
<tr>
<td>0 to 100</td>
<td>1 per year</td>
</tr>
<tr>
<td>101 to 200</td>
<td>biannual</td>
</tr>
<tr>
<td>201 to 1,000</td>
<td>quarterly</td>
</tr>
<tr>
<td>1,001 to 10,000</td>
<td>1 per month</td>
</tr>
<tr>
<td>10,001 +</td>
<td>1 per week</td>
</tr>
</tbody>
</table>

¹ Test total Kjeldahl nitrogen, if biosolids application is 2 dry tons per acre per year or less.
² Calculate plant available nitrogen (PAN) when either of the following occurs: 1) when biosolids are greater than 50,000 mg/kg TN; or 2) when biosolids are land applied at an application rate greater than two dry tons per acre per year.
³ Priority pollutants (40 CFR 122.21, Appendix D, Tables II and III) and toxicity characteristic leaching procedure (40 CFR 261.24) is required only for permit holders that must have a pre-treatment program.
⁴ One sample for each 1,000 dry tons of sludge.

Note 1: Total solids: A grab sample of sludge shall be tested one per day during land application periods for percent total solids.
This data shall be used to calculate the dry tons of sludge applied per acre.
Note 2: Total Phosphorus: Total phosphorus and total potassium shall be tested at the same monitoring frequency as metals.
Note 3: Table 5 is not applicable for incineration and permit holders that landfill their sludge.

2. If you own a wastewater treatment lagoon or sludge lagoon that is cleaned out once a year or less, you may choose to sample only when the sludge is removed or the lagoon is closed. Test one composite sample for each 100 dry tons of sludge or biosolids removed from the lagoon during the year within the lagoon at closing. Composite sample must represent various areas at one-foot depth.

3. Additional testing may be required in the special conditions or other sections of the permit. Permittees receiving industrial wastewater may be required to conduct additional testing upon request from the Department.

4. At this time, the Department recommends monitoring requirements shall be performed in accordance with, “POTW Sludge Sampling and Analysis Guidance Document,” United States Environmental Protection Agency, August 1989, and the subsequent revisions.

SECTION J – RECORD KEEPING AND REPORTING REQUIREMENTS

1. The permittee shall maintain records on file at the facility for at least five years for the items listed in these standard conditions and any additional items in the Special Conditions section of this permit. This shall include dates when the sludge facility is checked for proper operation, records of maintenance and repairs and other relevant information.

2. Reporting period
   a. By January 28th of each year, an annual report shall be submitted for the previous calendar year period for all mechanical wastewater treatment facilities, sludge lagoons, and sludge or biosolids disposal facilities.
   b. Permittees with wastewater treatment lagoons shall submit the above annual report only when sludge or biosolids are removed from the lagoon during the report period or when the lagoon is closed.

3. Report Forms. The annual report shall be submitted on report forms provided by the Department or equivalent forms approved by the Department.

4. Reports shall be submitted as follows:

   Major facilities (those serving 10,000 persons or 1 million gallons per day) shall report to both the Department and EPA. Other facilities need to report only to the Department. Reports shall be submitted to the addresses listed as follows:

   DNR regional office listed in your permit
   (see cover letter of permit)
   ATTN: Sludge Coordinator

   EPA Region VII
   Water Compliance Branch (WACM)
   Sludge Coordinator
   11201 Renner Blvd.
   Lenexa, KS 66219
5. Annual report contents. The annual report shall include the following:
   a. Sludge and biosolids testing performed. Include a copy or summary of all test results, even if not required by the permit.
   b. Sludge or biosolids quantity shall be reported as dry tons for quantity generated by the wastewater treatment facility, the quantity stored on site at the end of the year, and the quantity used or disposed.
   c. Gallons and % solids data used to calculate the dry ton amounts.
   d. Description of any unusual operating conditions.
   e. Final disposal method, dates, and location, and person responsible for hauling and disposal.
      i. This must include the name, address for the hauler and sludge facility. If hauled to a municipal wastewater treatment facility, sanitary landfill, or other approved treatment facility, give the name of that facility.
      ii. Include a description of the type of hauling equipment used and the capacity in tons, gallons, or cubic feet.
   f. Contract Hauler Activities:
      If contract hauler, provide a copy of a signed contract from the contractor. Permittee shall require the contractor to supply information required under this permit for which the contractor is responsible. The permittee shall submit a signed statement from the contractor that he has complied with the standards contained in this permit, unless the contract hauler has a separate sludge or biosolids use permit.
   g. Land Application Sites:
      i. Report the location of each application site, the annual and cumulative dry tons/acre for each site, and the landowners name and address. The location for each spreading site shall be given as a legal description for nearest ¼, ¼ Section, Township, Range, and county, or UTM coordinates. The facility shall report PAN when either of the following occurs: 1) When biosolids are greater than 50,000 mg/kg TN; or 2) when biosolids are land applied at an application rate greater than two dry tons per acre per year.
      ii. If the “Low Metals” criteria are exceeded, report the annual and cumulative pollutant loading rates in pounds per acre for each applicable pollutant, and report the percent of cumulative pollutant loading which has been reached at each site.
      iii. Report the method used for compliance with pathogen and vector attraction requirements.
      iv. Report soil test results for pH, CEC, and phosphorus. If none was tested during the year, report the last date when tested and results.
MISSOURI DEPARTMENT OF NATURAL RESOURCES  
WATER PROTECTION PROGRAM  
APPLICATION FOR TRANSFER OF OPERATING PERMIT

THE FOLLOWING ITEMS (1 – 4) ARE TO BE COMPLETED BY THE CURRENT OWNER.  
SEE INSTRUCTIONS FOR APPROPRIATE FEE TO BE SUBMITTED WITH APPLICATION.

1. FACILITY

<table>
<thead>
<tr>
<th>NAME</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Branson Cedars Resort</td>
<td>(417) 689-1411</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS (PHYSICAL)</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southwest terminus of Fore</td>
<td>Ridgedale</td>
<td>MO</td>
<td>65739</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>PERMIT NUMBER</th>
<th>COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>#MO- 0130656</td>
<td>Taney County</td>
</tr>
</tbody>
</table>

2. CURRENT OWNER

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMAIL ADDRESS</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Tranquility Group, LLC</td>
<td><a href="mailto:mhymas.sanctuary@gmail.com">mhymas.sanctuary@gmail.com</a></td>
<td>(417) 689-1411</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>769 State Highway 86</td>
<td>Ridgedale</td>
<td>MO</td>
<td>65739</td>
</tr>
</tbody>
</table>

3. CONTINUING AUTHORITY

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMAIL ADDRESS</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
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<th>ADDRESS</th>
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</table>

4. 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.

<table>
<thead>
<tr>
<th>NAME (TYPE OR PRINT)</th>
<th>OFFICIAL TITLE</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
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</thead>
<tbody>
<tr>
<td>Michael Hyams</td>
<td>COO</td>
<td>(417) 544-9051</td>
</tr>
</tbody>
</table>

SIGNATURE: [Signature]

MO 703-1517 (02-19) PAGE 1 OF 2

RECEIVED
MAR 29 2021
Water Protection Program
THE FOLLOWING ITEMS (5 – 10) WILL APPLY AFTER THE COMPLETION OF TRANSFER (SALE) AND ARE TO BE COMPLETED BY THE APPLICANT FOR TRANSFER OF OPERATING PERMIT (BUYER) OR AUTHORIZED AGENT.

5. FACILITY (IF DIFFERENT THAN ABOVE)

<table>
<thead>
<tr>
<th>NAME</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
</tr>
</thead>
</table>

6. FUTURE OWNER

<table>
<thead>
<tr>
<th>NAME</th>
<th>EMAIL ADDRESS</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confluence Rivers Utility Operating Company, Inc.</td>
<td><a href="mailto:jcox@cswrgrp.com">jcox@cswrgrp.com</a></td>
<td>(314) 736-4672</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>CITY</td>
<td>STATE</td>
</tr>
<tr>
<td>1650 Des Peres Rd, Suite 303</td>
<td>Des Peres</td>
<td>MO</td>
</tr>
</tbody>
</table>

Is the owner PSC regulated? □ Yes □ No If YES, please provide your Certificate of Convenience and Necessity.

7. CONTINUING AUTHORITY

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<tr>
<th>NAME</th>
<th>EMAIL ADDRESS</th>
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8. FACILITY CONTACT

<table>
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<tr>
<th>NAME</th>
<th>TITLE</th>
<th>EMAIL ADDRESS</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jay Favor</td>
<td>Director - Environmental, Health &amp; Safety</td>
<td><a href="mailto:jfavor@cswrgrp.com">jfavor@cswrgrp.com</a></td>
<td>(314) 736-4672</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>CITY</td>
<td>STATE</td>
<td>ZIP</td>
</tr>
<tr>
<td>1650 Des Peres Rd, Suite 303</td>
<td>Des Peres</td>
<td>MO</td>
<td>63131</td>
</tr>
</tbody>
</table>

9. ADDITIONAL INFORMATION

9.1 Anticipated effective date of transfer of ownership: February 1, 2021

9.2 Are any changes in production, in raw materials, or in the quantity of discharges from this facility planned or anticipated? □ Yes □ No If yes, explain (Attach sheets as necessary)

10. ELECTRONIC DISCHARGE MONITORING REPORT (eDMR) SUBMISSION SYSTEM

Per 40 CFR Part 127 National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, reporting of effluent limits and monitoring shall be submitted by the permittee via an electronic system to ensure timely, complete, accurate, and nationally-consistent set of data. One of the following must be checked in order for this application to be considered complete. Please visit http://dpm.r.mo.gov/env/wqp/edmr.htm to access the Facility Participation Package.

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

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

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

11. JETPAY

Permit fees may be paid 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-olPayments/mo-natural-resources/596/

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.

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<th>NAME (TYPE OR PRINT)</th>
<th>OFFICIAL TITLE</th>
<th>TELEPHONE NUMBER WITH AREA CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josiah Cox</td>
<td>President</td>
<td>(314) 283-7316</td>
</tr>
</tbody>
</table>

SIGNATURES | DATE SIGNED |
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<td></td>
<td>2/5/2021</td>
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INSTRUCTIONS FOR COMPLETING APPLICATION FOR TRANSFER OF OPERATING PERMIT

All blanks must be filled in when the application is submitted to the Missouri Department of Natural Resources. This includes BOTH required signatures.

Department of Natural Resources regulation 10 CSR 20-6.010 (11) governs the transfer of National Pollutant Discharge Elimination System (NPDES) permits. Until such time as the permit is officially transferred, the current permittee remains responsible for complying with the terms and conditions of the existing permit. The department, within thirty (30) days of receipt of this application, shall notify the new applicant of its intent to revoke and reissue or transfer the permit.

Section 1-4. Current permittee (present owner/seller) is to complete items 1 – 4.
Section 5-10. Applicant for transfer of operating permit (future owner/buyer) is to complete items 5 – 10.
Section 2 & 6. Owner: Provide the legal name, mailing address, phone number, and email address of the owner. The owner identified in this section and subsequently reflected on the certificate page of the operating permit, is the owner of the regulated activity/discharge being applied for and is not necessarily the owner of the real property on which the activity or discharge is occurring.
Section 3 & 7. Continuing Authority – A continuing authority is a company, business, entity or person(s) that will be operating the facility and/or ensuring compliance with the permit requirements. A continuing authority is not, however, an entity or individual that is contractually hired by the permittee to sample or operate and maintain the system for a defined time period, such as a certified operator or analytical laboratory. To access the regulatory requirement regarding continuing authority, 10 CSR 20-6.010(2), please visit https://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-6.pdf. If the continuing authority is not an individual(s), government, or otherwise required to register with the Missouri Secretary of State (SoS), then the business name must be listed exactly as it appears on the SoS’s webpage: https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0

Section 10. Electronic Discharge Monitoring Report (eDMR) Submission System – You can find the eDMR application at the following link: https://dnr.mo.gov/forms/780-2204-4.pdf
Waivers to electronic reporting may be granted by the Department per 40 CFR 127.15 under certain, special circumstances. A written request must be submitted to the Department for approval. Waivers may be granted to facilities owned or operated by:
   a. members of religious communities that choose not to use certain technologies or
   b. permittees located in areas with limited broadband access. The National Telecommunications and Information Administration (NTIA) in collaboration with the Federal Communications Commission (FCC) have created a broadband internet availability map: http://www.broadbandmap.gov/. Please contact the Department if you need assistance.

Section 4. & 12. Signatures - All applications must be signed as follows and the signatures must be original:
   a. For a corporation, by an officer having responsibility for the overall operation of the regulated facility or activity or for environmental matters.
   b. For a partnership or sole proprietorship, by a general partner or the proprietor.
   c. For a municipal, state, federal or other public facility, by either a principal executive officer or by an individual having overall responsibility for environmental matters at the facility.

Section 11. JetPay
Applicants can pay fees online by credit card or eCheck through a system called JetPay.
   • Per Section 37.001, RSMo, a transaction fee will be included. The transaction fee is paid to the third party vendor JetPay, not the Department of Natural Resources.
   • Upon successful completion of your payment, JetPay provides a payment confirmation. Submit this form with a copy of the payment confirmation if requesting a new permit or a permit modification. For permit renewals of active permits, the Department will invoice fees annually in a separate request.
   • If you are unable to make your payment online, but want to pay with credit card, you may email your name, phone number, and invoice number, if applicable, to WPPFEES@dnr.mo.gov. The Budget, Fees, and Grants Management Unit will contact you to assist with the credit card payment. Please do not include your credit card information in the email.
   • Applicants can find fee rates in 10 CSR 20-6.011 (https://dnr.mo.gov/pubs/pub2564.htm).
   • Permit modifications, including transfers, are subject to the following fees; $200 for Municipals and $100 for All others

Note: Business name and address changes where owner and continuing authority remain the same are not considered transfers.

Submittal of an incomplete application may result in the application being returned.

This completed form and any attachments along with the applicable permit fees, should be submitted to:

Department of Natural Resources
Water Protection Program
ATTN: Operating Permits Section
P.O. Box 176
Jefferson City, MO 65102

Map of regional offices with addresses and phone numbers are available on the Web at http://dnr.mo.gov/regions/. If there are any questions concerning this form, please contact the appropriate regional office or the Department of Natural Resources, Water Protection Program, Operating Permits Section at 800-361-4827 or 573-522-4502. 

MO 780-1517 (02-16)
BILL OF SALE

This BILL OF SALE, effective as of the 10th day of February, 2021, is made by TRANQUILITY GROUP, LLC, a Missouri limited liability company ("Seller"), in favor of CONFLUENCE RIVERS UTILITY OPERATING COMPANY, INC., a Missouri corporation ("Buyer").

WHEREAS, Buyer, or its affiliate, and Seller, or its affiliate, are parties to that certain Agreement for Sale of Utility System dated October 29, 2019 (the "Purchase Agreement"), which contemplates the sale of certain assets of Seller to Buyer, and which by this reference is incorporated herein;

NOW, THEREFORE, Seller, for the consideration set forth in the Purchase Agreement, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, assign, convey, transfer and deliver to Buyer, all of Seller’s right, title and interest in and to the Assets, as such term is defined/ described in the Purchase Agreement, which as more fully described therein, consists of certain assets, both real and personal, used or useful in operation of a sewer and water system located in Taney County that services the area described on the attached EXHIBIT A.

TO HAVE AND TO HOLD the Assets, with all of the rights and appurtenances thereto belonging, unto Buyer, its successors and assigns, to itself and for its own use and behalf forever.

AND, for the consideration aforesaid, Seller hereby constitutes and appoints Buyer the true and lawful attorney or attorneys in fact of Seller, with full power of substitution, for Seller and in its name and stead or otherwise, by and on behalf of and for the benefit of Buyer to demand and receive from time to time any and all of the Assets hereby assigned, transferred and conveyed, and to give receipts and releases for and in respect of the same and any part thereof, and from time to time to institute and prosecute at the expense and for the benefit of Buyer any and all proceedings at law, in equity or otherwise which Buyer may deem proper in order to collect, assert, or enforce any claim, right or title of any kind in and to the Assets and to do all such acts and things in relation thereto as Buyer shall deem desirable; and Seller hereby declaring that the appointment made and the powers hereby granted are coupled with an interest and are and shall be irrevocable by Seller in any manner or for any reason.

AND, for the consideration aforesaid, Seller has covenanted and by this Bill of Sale does covenant with Buyer that Seller will do, execute and deliver, or will cause to be done, executed and delivered, all such further acts, transfers, assignments and conveyances, powers of attorney and assurances, for the better assuring, conveying and confirming unto Buyer, the entire right, title and interest in the Assets hereby sold, transferred, assigned and conveyed as Buyer shall reasonably require.

This Bill of Sale and the covenants and agreements herein contained shall inure to the benefit of Buyer, its successors and assigns, and shall be binding upon Seller, its successors and assigns.

Notwithstanding the foregoing, the parties acknowledge and agree that Assignor has no right to operate the System (as such term is defined in the Purchase Agreement) and that right, including the right to collect assessment and/or fees, is that of Seller’s affiliate BRANSON CEDARS RESORT UTILITY COMPANY, LLC, a Missouri limited liability company ("BCR").

This Bill of Sale is executed and delivered by Seller pursuant to the Purchase Agreement, and is subject to the covenants, representations, and warranties made therein.

[Signature Page to Follow]
IN WITNESS WHEREOF, this Bill of Sale has been executed as of the date first set forth above.

Tranquility Corp, LLC

By: ____________________________
   Michael R. Hyams, COO
EXHIBIT A

Beginning at the southeast corner of the Southwest Quarter of Section 18, Township 21 North, Range 21 West; thence along the south line of said Southwest Quarter, Westerly 3318.19 feet more or less to the intersection of the south line of said Southwest Quarter with the east right-of-way line of Jones Road; thence along said east right-of-way line of Jones Road, Northerly 3119.32 feet more or less to the intersection of said east right-of-way line of Jones Road with the southeast right-of-way line of State Highway 86; thence along said southeast right-of-way line of State Highway 86, Northeasterly 543.66 feet more or less to the intersection of said southeast right-of-way line of State Highway 86 with the west line of said Section 18; thence along the west line of said Section 18, Northwardly 626.17 feet more or less to the intersection of the west line of said Section 18 with the southeast right-of-way line of Ozark Road; thence along said southeast right-of-way line of Ozark Road, Northeasterly 298.34 feet more or less to the intersection of said southeast right-of-way line of Ozark Road with the southeast right-of-way line of Entry Road; thence along said southeast right-of-way line of Entry Road, Northeasterly 2114.57 feet more or less to the intersection of said southeast right-of-way line with the south right-of-way line of Devils Pool Road; thence leaving said south right-of-way line of Devils Pool Road, N29°01'56"E 76.95 feet to the north right-of-way line of Devils Pool Road; thence along said north right-of-way line of Devils Pool Road, N63°58'52"W 71.01 feet more or less; thence leaving said north right-of-way line of Devils Pool Road, N25°49'29"E 130.85 feet; thence N33°39'45"E 126.29 feet; thence N31°03'39"E 442.12 feet; thence S67°38'30"E 395.63 feet; thence S67°23'57"E 202.96 feet; thence S20°45'38"W 376.27 feet; thence S14°03'11"W 307.24 feet to the north line of said Section 18; thence along the north line of said Section 18, Easterly 2160.09 feet more or less; thence leaving the north line of said Section 18, S32°40'20"E 202.62 feet; thence S2°15'07"W 1611.84 feet; thence S52°48'41"W 197.86 feet; thence N87°56'29"W 1173.19 feet to the east line of said Southwest Quarter of Section 18; thence along the east line of said Southwest Quarter, Southerly 3366.66 feet more or less to the point of beginning, containing 439.74 acres more or less.
GENERAL ASSIGNMENT

This Assignment ("Assignment") is executed as of the 10th day of February, 2021, by TRANQUILITY GROUP, LLC, a Missouri limited liability company ("Assignor"), in favor of CONFLUENCE RIVERS UTILITY OPERATING COMPANY, INC., a Missouri corporation ("Assignee").

RECTLALS

A. Concurrently herewith, Assignor is conveying to Assignee its interest in certain real property located in Taney County, Missouri and described in a Utility and Access Easement Agreement, dated on today’s date, between the parties, which is incorporated herein by this reference, together with the improvements located thereon, and Assignor is also transferring to Assignee its interest in certain personal property referenced within a Bill of Sale, dated on today’s date, between the parties, which is also incorporated herein by this reference (herein collectively referred to as the "Assets"), pursuant to that certain Agreement for Sale of Utility System dated October 29, 2019, by and between Branson Cedars Resort Utility Company, LLC, as Seller, and Assignee or its affiliate, as Buyer ("Purchase Agreement"). All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Purchase Agreement, which by this reference is incorporated herein.

B. Assignor has agreed to assign to Assignee all of Assignor’s right, title and interest in and to the sewer and water system main lines, appurtenances and other assets pertaining to the provision of sewer and water service in and to the System, as such term is defined in the Purchase Agreement, which includes but is not limited to those assets located in Taney County, Missouri in the area described on EXHIBIT A, and/or depicted on the following plats (altogether, the “Subdivision”):

1. Oakmont Hills Phase 1 Plat, recorded in Plat Book G, Page 636 of the land records of Taney County, Missouri on October 16, 2003;
2. Oakmont Hills Phase 2 Plat, recorded in Plat Book I, Page 283 of the land records of Taney County, Missouri on January 18, 2007;
3. Oakmont Hills Phase 3 Plat, recorded in Plat Book I, Page 701 of the land records of Taney County, Missouri on October 5, 2007;
4. Amended Plat of Oakmont Hills Phase 3, recorded in Plat Book L, Page 420 of the land records of Taney County, Missouri on April 1, 2019;
5. Oakmont Hills Phase 4 Plat, recorded in Plat Book M, Page 25 of the land records of Taney County, Missouri on November 24, 2020.

C. Assignor has further agreed to assign to Assignee all of Assignor’s rights to operate, maintain and service the main lines of the sewer and water system in the System, including but not limited to, the right to collect assessments and/or fees. Notwithstanding the foregoing, the parties acknowledge and agree that Assignor has no right to operate the System and that right, including
the right to collect assessment and/or fees, is that of Assignor’s affiliate BRANSON CEDARS RESORT UTILITY COMPANY, LLC, a Missouri limited liability company (“BCR”).

D. Assignor has agreed to assign to Assignee, all its right, title and interest in any licenses, permits, leases, contracts and agreements that pertain to the Assets or sewer and water service in and to the System.

E. Assignor has agreed to assign to Assignee all of Assignor’s right, title and interest in and to any easements in and to the System (the “Easements”).

ASSIGNMENT

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, Assignor and Assignee hereby agree as follows:

1. Assignment.

Assignor hereby assigns, conveys, transfers and sets over unto Assignee all of Assignor’s right, title and interest in and to Easements in the System, including but not limited to those located in the Subdivision.

Assignor hereby further assigns, conveys, transfers and sets over unto Assignee all of Assignor’s right, title and interest in and to the main lines of the sewer and water system, appurtenances and other assets pertaining to the provision of the sewer and water service in and to the System, including but not limited to those located in the Subdivision, including without limitation, the following:

a) Buildings, easements, rights of way, licenses, permits and leases;

b) Sewer and water service facilities, equipment, valves, meters, lines, plant, manholes and appurtenances;

c) Any machinery and equipment such as meters, tools, devices, mobile work equipment, and all furniture, fixtures, machinery, supplies and other tangible items located in Taney County, Missouri, and used or held for use in connection with the System;

d) All assets not described which are located in Taney County, Missouri, and used or useful in or to the System.

Assignor hereby assigns, conveys, transfers and sets over unto Assignee all of Assignor’s right, title and interest in and to all easements, streets, rights-of-way, or other rights and interests, if any, associated with the System and held by or reserved by Assignor in the following subdivision plats and/or by virtue of the following documents:

a) All documents establishing easements or other rights used or useful in operation of the System which affect the area described on Exhibit A, including but not limited to Declarations of Covenants, Conditions and Restrictions, or similar documents;

b) Declaration of Restrictions, Covenants and Conditions, recorded in Book 447, Page 4507 of the land records of Taney County, Missouri on August 25, 2004;

c) First Supplemental Declaration of Restrictions, Covenants and Conditions, recorded in Instrument #2007L03188 of the land records of Taney County, Missouri on January 18, 2007;
d) Amended and Restated Declaration of Restrictions, Covenants and Conditions, recorded in Instrument #2008L06338 of the land records of Taney County, Missouri on February 12, 2008;

e) First Amendment to the Amended and Restated Declaration of Restrictions, Covenants and Conditions, recorded in Instrument #2008L32568 of the land records of Taney County, Missouri on July 17, 2008;

f) Second Amendment to the Amended and Restated Declaration of Restrictions, Covenants and Conditions, recorded in Instrument #2020L29782 of the land records of Taney County, Missouri on November 24, 2020;

g) Judgment for Quiet Title, recorded in Instrument #2015L19437 of the land records of Taney County, Missouri on May 1, 2015;

h) All plats set forth above, which make up the Subdivision.

Assignor hereby further assigns, conveys, transfers and sets over unto Assignee all of Assignor’s rights to operate, maintain and service the System, including but not limited to, the right to collect assessments and/or fees. Notwithstanding the foregoing, the parties acknowledge and agree that Assignor has no right to operate the System and that right, including the right to collect assessment and/or fees, is solely that of Assignor’s affiliate BCR.

2. Governing Law. This Assignment shall be construed under and enforced in accordance with the laws of the State of Missouri.

3. Further Assurances. Assignor agrees to execute and deliver to Assignee, upon demand, such further documents, instruments or conveyances and shall take such further actions as are reasonably necessary to effectuate this Assignment.

4. Attorneys’ Fees and Costs. If any action or proceeding is commenced by either party to enforce their rights under this Assignment, the prevailing party in such action or proceeding shall be entitled to recover all reasonable costs and expenses, including, without limitation, reasonable attorneys’ fees and court costs, in addition to any other relief awarded by the court.

5. Successors and Assigns. This Assignment shall inure to the benefit of and be binding upon, the successors, executors, administrators, legal representatives and assigns of the parties hereto.

6. Counterparts. This Assignment may be executed in counterparts (including email and pdf), each of which shall be an original, but all of which together shall constitute one agreement.

7. Authority to Execute. Each person whose signature appears hereon represents, warrants and guarantees that he or she has been duly authorized and has full authority to execute this Assignment on behalf of the party on whose behalf this Assignment is executed.

IN WITNESS WHEREOF, the parties have executed this Assignment as of the date first set forth above.

[SIGNATURE PAGES FOLLOW]
ASSIGNOR:
TRANQUILITY GROUP, LLC, a Missouri Limited Liability Company

BY: ________________________________
Michael R. Hyams, COO

STATE OF MISSOURI

COUNTY OF GREENE SS

On this 10th day of February, 2021, before me personally appeared Michael R. Hyams, as COO of TRANQUILITY GROUP, LLC a Missouri limited liability company, and stated that he/she was authorized to execute this document on behalf of the limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

_________________________, Notary Public

(SEAL)

SHERRI ANN RUARK
Notary Public - Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Sept. 7, 2021
Commission #17627144
ASSIGNEE:

CONFLUENCE RIVERS UTILITY OPERATING COMPANY, INC., a Missouri corporation

By: ____________________________

Josiah M. Cox, President

STATE OF MISSOURI  |   SS
COUNTY OF ST. LOUIS  |  

On this 21st day of February, 2021, before me personally appeared JOSIAH M. COX, as the President of CONFLUENCE RIVERS UTILITY OPERATING COMPANY, INC., a Missouri corporation, and stated that he was authorized to execute this document on behalf of the corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

JOANNE NOEL
Notary Public - Notary Seal
St Louis County - State of Missouri
Commission Number 15306588
My Commission Expires Oct 14, 2023

(SEAL)
EXHIBIT A

Beginning at the southeast corner of the Southwest Quarter of Section 18, Township 21 North, Range 21 West; thence along the south line of said Southwest Quarter, Westerly 3318.19 feet more or less to the intersection of the south line of said Southwest Quarter with the east right-of-way line of Jones Road; thence along said east right-of-way line of Jones Road, Northerly 3119.32 feet more or less to the intersection of said east right-of-way line of Jones Road with the southeast right-of-way line of State Highway 86; thence along said southeast right-of-way line of State Highway 86, Northeasterly 543.66 feet more or less to the intersection of said southeast right-of-way line of State Highway 86 with the west line of said Section 18; thence along the west line of said Section 18, Northwardly 626.17 feet more or less to the intersection of the west line of said Section 18 with the southeast right-of-way line of Ozark Road; thence along said southeast right-of-way line of Ozark Road, Northeasterly 298.34 feet more or less to the intersection of said southeast right-of-way line of Ozark Road with the southeast right-of-way line of Entry Road; thence along said southeast right-of-way line of Entry Road, Northeasterly 2114.57 feet more or less to the intersection of said southeast right-of-way line with the south right-of-way line of Devils Pool Road; thence leaving said south right-of-way line of Devils Pool Road, N29°01'56"E 76.95 feet to the north right-of-way line of Devils Pool Road; thence along said north right-of-way line of Devils Pool Road, N63°58'52"W 71.01 feet more or less; thence leaving said north right-of-way line of Devils Pool Road, N25°49'29"E 130.85 feet; thence N33°39'45"E 126.29 feet; thence N31°03'39"E 442.12 feet; thence S67°38'30"E 395.63 feet; thence S67°23'57"E 202.96 feet; thence S20°45'38"W 376.27 feet; thence S14°03'11"W 307.24 feet to the north line of said Section 18; thence along the north line of said Section 18, Easterly 2160.09 feet more or less; thence leaving the north line of said Section 18, S32°40'20"E 202.62 feet; thence S2°15'07"W 1611.84 feet; thence S55°48'41"W 197.86 feet; thence N87°56'29"W 1173.19 feet to the east line of said Southwest Quarter of Section 18; thence along the east line of said Southwest Quarter, Southerly 3366.66 feet more or less to the point of beginning, containing 439.74 acres more or less.