

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

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

Permit No.	MO-0137791
Owner:	Shatto Farms, Inc. d/b/a Shatto Milk Company
Address:	9406 North Highway 33, Osborn, MO 64474
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Shatto Milk Company
Address:	9406 North Highway 33, Osborn, MO 64474
Legal Description:	See page two
Latitude/Longitude:	See page two
Receiving Stream:	See page two
First Classified Stream and ID:	See page two
USGS Basin & Sub-watershed No:	See page two

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

FACILITY DESCRIPTION

Outfalls #001 - #002, – No discharge Class II Concentrated Animal Feeding Operation (CAFO) and milk processing - SIC #0241, #2026

414 animal units of mature dairy cows

This permit authorizes wastewater and stormwater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas.

April 1, 2022
Effective Date

March 31, 2027
Expiration Date

Chris Wieberg, Director, Water Protection Program

FACILITY DESCRIPTION (continued)

This is a Class II cow dairy concentrated animal feeding operation (CAFO). The facility also process and bottles milk and other dairy products. The operation consists of a 200 stall free stall barn, small hoop barn, bed pack barn, milking parlor and holding pens.

Permitted Feature #001 - Storage lagoon that receives wastewater from milking parlor, bottling facility, holding pens, concrete lot, and three manure pits for hoop barn, calf barn, bed pack barn and domestic wastewater.

Legal Description: NW ¼, SE ¼, Sec. 5, T56N, R31W, Clinton County

UTM Coordinate: X = 379974, Y = 4394838

Receiving Water: Tributary to Little Platte River

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

USGS Basin & Sub-Watershed No: Platte Basin; (10240012-0701)

Storage Structure Type: Storage Lagoon

Total Depth (ft.): 12

Total Storage Capacity (gal.): 2,586,023

Storage structure operating levels (measured in feet below emergency spillway) -

Upper operating level (ft): 1

Lower operating level (ft): 6.9

Production area draining into storage basin (acres): 0.69

Design Storage Period; i.e. "days of storage" (days): 327

Design Wastewater Volume per Year from AFO (gal/yr.): 1,789,164

Design Wastewater Volume per Year from bottling facility (gal/yr.): 1,095,000

Design Wastewater Volume per Year Total (gal/yr.): 2,884,164

Design Dry Process waste volume (tons/yr.): 1184

Permitted Feature #002 - Free stall barn with concrete manure pit.

Legal Description: NW ¼, SE ¼, Sec. 5, T56N, R31W, Clinton County

UTM Coordinate: X = 379960, Y = 4394865

Receiving Water: Tributary to Little Platte River

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

USGS Basin & Sub-Watershed No: Platte Basin; (10240012-0701)

Storage Structure Type: Concrete pit

Total Storage Capacity (gal.): 256,000

Production area draining into storage basin (acres): 0

Design Storage Period; i.e. "days of storage" (days): 71

Design Wastewater Volume per Year (gal/yr.): 1,311,372

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfalls #001 Emergency Discharge	TABLE A-1 FINAL MONITORING REQUIREMENTS			
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in D. Special Condition 1(e) and 40 CFR 412. The final effluent limitations shall become effective upon issuance of the permit and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:				
EFFLUENT PARAMETERS	UNITS	MONITORING REQUIREMENTS		
		DAILY MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
LIMIT SET: U				
PHYSICAL				
Flow	MGD	*	once/event [‡]	event total
Duration	Hours	*	once/event [‡]	event total
CONVENTIONAL				
Biological Oxygen Demand, 5 Day	mg/L	*	once/event [‡]	grab
Dissolved Oxygen (Minimum [◇])	mg/L	*	once/event [‡]	grab
E. coli	#/100mL	*	once/event [‡]	grab
pH [†]	SU	*	once/event [‡]	grab
Total Suspended Solids	mg/L	*	once/event [‡]	grab
NUTRIENTS				
Ammonia as N	mg/L	*	once/event [‡]	grab
MONITORING REPORTS SHALL BE SUBMITTED BY THE 28 TH DAY OF THE MONTH FOLLOWING DISCHARGE CESSATION.				

* Monitoring and reporting requirement only.

◇ Report the minimum value obtained if more than one sample was taken.

† Report the range (minimum and maximum values) if more than one sample is obtained.

‡ Once per event means the facility must take a sample at least once per discharge event. If there was no discharge, a report is not necessary; if a discharge occurred, the facility must report all results of sampling into the eDMR system by the 28th day of the month following the completion of the discharge.

B. STANDARD CONDITIONS

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

C. GENERAL CONDITIONS

1. Unauthorized Discharges.

- Any spill, overflow, or other discharge(s) not specifically authorized above are unauthorized discharges
- Should an unauthorized discharge cause or permit any contaminants to discharge or enter waters of the state, the unauthorized discharge must be reported to the regional office as soon as practicable but no more than 24 hours after the discovery of the discharge. If the spill or overflow needs to be reported after normal business hours or on the weekend, the facility must call the Department's 24 hour spill line at 573-634-2436.

2. Reporting of Non-Detects:

- Compliance analysis conducted by the permittee or any contracted laboratory shall be conducted in such a way the precision and accuracy of the analyzed result can be enumerated. See sufficiently sensitive test method requirements in Standard Conditions Part I, Section A, #4 regarding proper testing and detection limits used for sample analysis. For the purposes of this permit, the definitions in 40 CFR 136 apply; method detection limit (MDL) and laboratory established reporting limit (RL) are used interchangeably in this permit.

C. GENERAL CONDITIONS (CONTINUED)

- (b) The permittee shall not report a sample result as “non-detect” without also reporting the MDL. Reporting “non-detect” without also including the MDL will be considered failure to report, which is a violation of this permit.
 - (c) For the daily maximum, the permittee shall report the highest value; if the highest value was a non-detect, use the less than “<” symbol and the laboratory’s highest method detection limit (MDL) or the highest reporting limit (RL); whichever is higher (e.g. <6).
 - (d) When calculating monthly averages, zero shall be used in place of any value(s) not detected. Where all data used in the average are below the MDL or RL, the highest MDL or RL shall be reported as “<#” for the average as indicated in item (c).
3. 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 via an electronic system to ensure timely, complete, accurate, and nationally consistent set of data for the NPDES program. The eDMR system is currently the only Department-approved reporting method for this permit unless specified elsewhere in this permit, or a waiver is granted by the Department. The facility must register in the Department’s eDMR system through the Missouri Gateway for Environmental Management (MoGEM) before the first report is due.
4. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (644.055 RSMo).
5. Definitions are as listed in the “Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard” and in State Regulations in 10 CSR 20 Chapter 2, Chapter 6.300, Chapter 8.300, and Chapter 14.
6. 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 RSMo 644.051.16, and the CWA section 402(k); however, this permit may be reopened and modified, or alternatively revoked and reissued to comply with any applicable effluent standard or limitation issued or approved under Clean Water Act Sections 301(b)(2)(C) and (D), §304(b)(2), and §307(a) (2), if the effluent standard or limitation so issued or approved contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or controls any pollutant not limited in the permit. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, termination, notice of planned changes, or anticipated non-compliance does not stay any permit condition.
7. Site-wide minimum Best Management Practices (BMPs). At a minimum, the permittee shall adhere to the following:
- (a) Prevent the spillage or loss of fluids, oil, grease, fuel, etc. from vehicle maintenance, equipment cleaning, warehouse activities, and other areas, and thereby prevent the contamination of stormwater from these substances.
 - (b) Ensure adequate provisions are provided to prevent surface water intrusion into the wastewater storage basin, to divert stormwater runoff around the wastewater storage basin, and to protect embankments from erosion.
 - (c) Provide collection facilities and arrange for proper disposal of waste products including but not limited to petroleum waste products, and solvents.
 - (d) Store all paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) so these materials are not exposed to stormwater or provide other prescribed BMPs such as plastic lids and/or portable spill pans to prevent the commingling of stormwater with container contents. Commingled water may not be discharged under this permit. Provide spill prevention control, and/or management sufficient to prevent any spills of these pollutants from entering waters of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater. Spill records should be retained on-site.
 - (e) Provide good housekeeping practices on the site to keep trash from entry into waters of the state.
 - (f) Provide sediment and erosion control sufficient to prevent or control sediment loss off of the property.
 - (g) Wash water for vehicles, building(s), or pavement must be handled in a no-discharge manner (infiltration, hauled off-site, etc.). Describe the no-discharge method used and include all pertinent information (quantity/frequency, soap use, effluent destination, BMPs, etc.) in the application for renewal. If wash water is not produced, note this instead.
 - (h) Fire protection test water must be handled in a no-discharge manner (infiltration, hauled off-site, etc.). Describe the no-discharge method used and include all pertinent information (quantity/frequency, source water, effluent destination, BMPs, etc.) in the application for renewal. If fire protection test water is not produced, note this instead.
 - (i) After snow or ice, if the facility applies sand/salt to the pavement of parking lots, sidewalks, or stairs, the facility shall sweep the lots to remove sand/salt as soon as possible after snow or ice melt, collect excess solids, and minimize and control the discharge of solids into stormwater inlets. Salt and sand shall be stored in a manner minimizing mobilization in stormwater (for example: under roof, in covered container, in secondary containment, under tarp, etc.).

C. GENERAL CONDITIONS (CONTINUED)

8. Renewal Application Requirements.

- (a) This facility shall submit an appropriate and complete application to the Department no less than 180 days prior to the expiration date listed on page 1 of the permit.
- (b) Application materials shall include complete Form W – Concentrated Animal Feeding Operation (CAFO) Operating Permit Application. If the form names have changed, then the facility should ensure they are submitting the correct forms as required by regulation
- (c) This facility must submit a copy of the current nutrient management plan.

D. SPECIAL CONDITIONS

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

- (a) There shall be no discharge of manure, litter, or process wastewater into waters of the state from production area point sources except as provided in subsection e. below.
- (b) A chronic weather event is a series of wet weather events and conditions that can delay planting, harvesting, and prevent land application and dewatering practices at wastewater storage structures. When wastewater storage structures are in danger of an overflow due to a chronic weather event, CAFO owners shall take reasonable steps to lower the liquid level in the structure through land application, or other suitable means, to prevent overflow from the storage structure. Reasonable steps include those described in the Department's current guidance (PUB2422) entitled "Wet Weather Management Practices for CAFOs." Other measures may be used with prior approval by the Department. The chronic weather determination will be based upon an evaluation of the 1 in 10 year return rainfall frequency over a 10-day, 90-day, 180-day, and 365-day operating period.
- (c) Stockpiling of uncovered dry process waste within the production area without runoff collection is not allowed.
- (d) Additional Requirements for Uncovered Liquid Storage Structures. Whenever a precipitation related event causes an overflow of manure, litter, or process wastewater; pollutants may be discharged through the emergency spillway of the lagoon or uncovered storage structure provided:
 - (1) The storage structure is properly designed, constructed, operated and maintained to contain all manure, litter, process wastewater plus the runoff and direct precipitation from the 25-year, 24-hour design storm event for the location of the CAFO.
 - (2) The design storage volume is adequate to contain all manure, litter, and process wastewater accumulated during the storage period including the following:
 - (i) The volume of manure, litter, process wastewater, and other wastes accumulated during the storage period;
 - (ii) 1 in 10 year 365 day annual rainfall minus evaporation during the storage period;
 - (iii) 1 in 10 year 365 day normal runoff during the storage period;
 - (iv) The direct precipitation from the 25-year, 24-hour storm;
 - (v) The runoff from the 25-year, 24-hour storm event;
 - (vi) A minimum treatment volume for treatment lagoons.
 - (3) Discharge is allowed via overflow through the emergency spillway of the lagoon or uncovered storage structure when caused by a storm event that exceeds the design storm event(s). Only that portion of storm water flow, which exceeds the design storm event(s) may be discharged. Process wastewater discharge is not allowed by pumping, siphoning, cutting of berms, or by any other method, except as authorized herein, unless prior approval is obtained from the department.
 - (4) All discharges of process wastewater to waters of the state or a release that crosses property boundaries shall be reported to the Department as soon as practicable but no later than 24 hours after the permittee becomes aware of the discharge. See Section 7.(f.) for additional requirements.
 - (5) If a discharge occurs monitor the discharge at the point immediately prior to entering the receiving stream or at the property boundary, whichever occurs first.
 - (6) The permittee shall notify the Water Protection Program as soon as practicable but no less than 24 hours in advance of implementing the Department's "Wet Weather Management Practices for CAFOs" during a chronic weather event.
 - (7) All open storage impoundments shall maintain a visual reference gauge showing the depth of liquids in the structure, the lower operating level, and the upper operating level.
 - (8) Upper and Lower Storage Operating Levels:
 - (i) During normal weather conditions, the liquid level in the storage structure shall be maintained below the upper operating level, as identified in the FACILITY DESCRIPTION, so that adequate storage capacity is available for use during adverse weather periods when conditions are not suitable for proper land application. The lower operating level shall be used as an operational guideline; however, under normal operating conditions the level should not be lower than two feet above the lagoon floor.

D. SPECIAL CONDITIONS (CONTINUED)

- (ii) The liquid level in the storage structure should be lowered on a routine schedule based on the design storage period and Nutrient Management Plan. Typically this should be accomplished prior to expected seasonal wet and winter climate periods.
 - (iii) The upper operating level for uncovered storage structures is one foot below the emergency overflow level unless specified otherwise in the FACILITY DESCRIPTION.
 - (iv) The operation shall be managed so that the level of liquids in the storage structure does not exceed the upper operating level except when a 25-year, 24-hour storm or a 1 in 10-year chronic storm occurs.
 - (9) Storage Safety Volume:
 - (i) When a chronic or catastrophic design storm event occurs, the “safety volume” may be used to contain the stormwater until conditions are suitable for land application.
 - (ii) The required safety volume shall be maintained between the overflow level and the upper operating level.
2. Requirements applicable to all land application areas as defined in 10 CSR 20-6.300:
- (a) There shall be no discharge of manure, litter, process wastewater, or mortality by-products to surface waters of the state or that crosses property boundaries from a CAFO as a result of the land application of manure, litter, process wastewater, or mortality-by-products to land application areas, except where it is an agricultural storm water discharge. When manure, litter, process wastewater, or mortality by-products has been land applied in accordance with the CAFOs Nutrient Management Plan (NMP), and the *Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard* (NMTS), a precipitation related discharge of manure, litter, process wastewater, or mortality-by-products from land application is considered to be an agricultural storm water discharge.
 - (b) All land application areas must be included in the CAFO’s nutrient management plan and in D. Special Condition 14. Terms of the NMP before any land application of manure, litter or process wastewater can occur..
 - (c) Land application may occur during nighttime hours provided staff is present at all times to monitor the irrigation system during irrigation periods. The irrigation system shall be inspected once per night for equipment malfunctions. If an automated system is in place that is capable to send notification to staff in the event of a pressure drop or an equipment malfunction, staff is not required to be present at all times. Regardless of the application system utilized, the inspections in D. Special Condition 7.(f) shall be conducted during a nighttime application even if previously conducted earlier in the day. Nighttime application includes the period between one half hour before sunset and one half hour after sunrise except for an application the begins in daylight and extends no more than two hours after sunset.
3. Nutrient Management Plan (NMP).
- (a) In accordance with 10 CSR 20-6.300(3)(G), the permittee shall implement a nutrient management plan that complies with the *Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard* (NMTS) and at a minimum addresses the following:
 - (1) Ensures adequate storage of manure, litter and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities.
 - (2) Ensures proper management of mortalities.
 - (3) Ensures that clean water is diverted from the production area.
 - (4) Prevents direct contact of confined animals with waters of the state.
 - (5) Ensures that chemicals and other contaminants handled on site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
 - (6) Identifies appropriate site specific conservation practices to be implemented including, at a minimum, appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the state.
 - (7) Identifies protocols for appropriate testing of manure, litter, process wastewater, and soil.
 - (8) Establishes protocols to land apply manure, litter, or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater.
 - (9) Identifies specific records that will be maintained.
 - (b) The permittee shall maintain the NMP in accordance with 10 CSR 20-6.300(3)(G)2. Revisions of the NMP made after the effective date of this permit must be submitted to the department for review and approval prior to implementing those revisions.
4. When manure, litter, or process wastewater generated by the permitted CAFO is transferred to or received by a third party whether sold or given away, or applied on fields that do not meet the definition of a land application area, the permittee shall comply with the following conditions:
- (a) Maintain records showing the date and amount of manure, litter, and/or process wastewater that leaves the permitted operation.
 - (b) Record the name and address of the recipient. (The recipient is the broker or end user, not merely the truck driver.)

D. SPECIAL CONDITIONS (CONTINUED)

- (c) Provide the recipient(s) with representative information on the nutrient content of the manure, litter, and/or process wastewater.
 - (d) Provide the recipient(s) with a copy of the NMTS.
 - (e) These records must be retained on-site, for a period of five (5) years.
5. Mortality Management Requirements.
- (a) Mortalities must not be disposed of in any liquid manure or process wastewater system that is not specifically designed to treat animal mortalities. Animals shall be disposed of in a manner to prevent contamination of waters of the state or creation of a public health hazard. Class I operations may not use burial as their primary mortality management method to dispose of routine mortalities.
 - (b) There shall be no-discharge from dead animal collection areas or holding areas (dumpsters, holding tanks, stockpiles within livestock production buildings, refrigeration units, etc.).
 - (c) In the event of significant numbers of unexpected mortalities (i.e. mass mortalities), operations shall first receive approval of proposed burial sites from the departments' Missouri Geological Survey prior to burial. Approval of burial sites can be obtained prior to a mass mortality event by contacting the Missouri Geological Survey. Rendering, composting, incineration, or landfilling, are acceptable options and do not require prior approval from the department.
6. The following minimum visual inspections shall be conducted by the CAFO operator. Any deficiencies found as a result of inspections shall be documented and corrected as soon as practicable.
- (a) For confinement buildings that utilize wet handling flush system, a visual inspection shall be conducted once per week of the gravity outfall lines, recycle pump stations; recycle force mains, and appurtenances for any release to secondary containment structure. A daily visual inspection shall be also be conducted of any process wastewater impoundment that serves a wet handling flush system when the liquid level is less than twelve (12) inches from the emergency spillway.
 - (b) Daily inspections must be conducted of water lines including wastewater, drinking water, and cooling water lines that can be visually observed within the production area. The inspection of the drinking water and cooling water lines shall be limited to the lines that possess the ability to leak or drain to wastewater storage structures or may come in contact with any process waste.
 - (c) Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the process wastewater storage.
 - (d) Weekly inspections of the manure, litter, and process wastewater impoundments. The inspection will note the level in liquid impoundments as indicated by the depth marker
 - (e) Weekly inspections of the collection or holding areas for dead animals. Equipment and devices used for the transfer of dead animal for delivery and disposal off-site are not considered a collection or holding area, therefore, are not required to be part of the daily inspection requirement.
 - (f) Quarterly inspections, prior to use, of equipment used for land application of manure or process wastewater.
 - (g) Inspections during land application as follows:
 - (1) Monitor the perimeter of the application fields to insure that applied wastewater does not run off the fields where applied.
 - (2) Monitor for drifting from spray irrigation. If drift from spray irrigation of wastewater is observed crossing property boundaries, the irrigation equipment shall be moved or the irrigation stopped until conditions are more favorable.
 - (3) Hourly inspections of aboveground irrigation pipelines when in use.
 - (4) Hourly inspections of aboveground irrigation pipelines when in use.
 - (5) Twice daily inspections of pressurized underground lines including one inspection that should be completed immediately following startup.
7. Proper and continued operation and maintenance pursuant to 40 CFR 122.41(e). At all times the facility shall properly operate, maintain, and control all systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
8. The following records shall be kept on-site by the CAFO operator. The records for inspections for Special Condition 8.a. shall be maintained for a period of three (3) years from the date they are created, all other records shall be maintained for a period of five (5) years from the date they are created. All records shall be made available to the department upon request:
- (a) A copy of this permit including a current copy of the facility's Nutrient Management Plan and documentation of changes/modifications made to the Nutrient Management Plan.

- (b) The visual inspections required in D. Special Condition 6, shall be recorded once per week. This includes the depth of the process wastewater in liquid impoundments as indicated by the depth marker. Report the liquid level as feet below the emergency overflow level.
- (c) Records documenting any actions taken to correct deficiencies. Deficiencies not corrected within thirty (30) days shall be accompanied by an explanation of the factors preventing immediate correction.
- (d) Records of mortalities management used by the operation.
- (e) Records of the date, time, location, duration and estimated volume of any emergency or unauthorized process waste overflow from a lagoon or any spill exceeding 1000 gallons. Report flow as cubic feet per second (CFS) based on an instantaneous estimate of the flow at the time of sampling. $CFS = \text{flow width in feet} \times \text{flow depth in feet} \times \text{flow velocity in feet per second}$. Estimates of stream channel width and depth may be used and flow velocity can be measured by timing how many feet a floating object moves within a one-second interval. Small flows may also be estimated based on gallons per minute (GPM) measurement using a container and stop watch; 450 gpm = 1.0 CFS. Other similar means of estimating may also be used.
- (f) Additional record keeping requirements are found in the NMTS that document implementation of appropriate Nutrient Management Plan protocols. In addition to the requirements found in the Nutrient Management Technical Standard, the CAFO shall also test and record the potassium levels in the soils while testing nitrogen and phosphorus.
- (g) The inches of precipitation received at the production site with an uncovered liquid impoundment, recorded daily and reported for daily amounts, monthly totals, and cumulative total.

9. Reporting Requirements

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

10. The facility's design flow in the Facility Description is an estimated parameter that is used to help predict nutrient generation and storage periods. The design flow is based on the maximum annual flows including storm water flows during the one-in-ten year return frequency for annual or 365 day rainfall minus evaporation. The design flow is based on the time period when the flows are generated at the production site and not when flows are land applied. Permittee may exceed the design flow when precipitation in any 365 day period exceeds the one-in-ten year annual precipitation amount. Any proposed increases may

require a permit modification prior to the proposed change. Portions of the design flow may be stored and carried over into the following year for land application, as necessary.

11. This permit authorizes operation of the CAFO waste management system as described in the “FACILITY DESCRIPTION” along with the permit application and associated engineering plans. The Facility Description lists a total design capacity in animal units. The CAFOs animal unit operating level at any given time shall be based on a “rolling 12 month average”. The rolling 12 month average is determined by averaging the weekly facility wide inventory for the last 12 months. The CAFO may change animal numbers and weights, and the rolling 12 month average may exceed the total design capacity in the Facility Description but shall not subsequently violate applicable effluent limitations in 10 CSR 20-6.300(4) or adversely impact the storage and handling capacities of the waste management system. If the waste management system is adversely impacted by increased animal units or animal weight, the facility shall increase storage capacity, increase land application, or reduce the animal unit operating level.
12. The permittee shall conduct weekly inspections of the liquid level in the concrete manure pit and record the liquid level in feet below the overflow. The facility shall have equipment available to pump out the pit to prevent a discharge. If conditions are not conducive for land application; manure may be transferred to the lagoon.
13. Terms of the NMP
 - (a) 40 CFR 122.23 requires portions of the NMP pertaining to land application protocols to be incorporated into the operating permit as terms of the NMP. Revisions of the NMP after the effective date of this permit that result in significant changes to the terms of the NMP as outlined in 40 CFR 122.23 require a modification of the permit prior to implementing those revisions.

Field Name	Spreadable Acres	P Loss Risk ¹	N or P Based Application	Crop #1	
				Crop	Yield Goal ²
1	4.9	High	No Manure Applications	Cool Season Grass Pasture	2.1 T.
2	4.4	High	No Manure Applications	Cool Season Grass Pasture	2.1 T.
3	37.4	Medium	N	Corn Silage	17.3 T.
4	14.8	Low	N	Corn Silage	17.3 T.
5	16.4	Medium	N	Corn Silage	17.3 T.
6	11.3	Medium	N	Corn Silage	17.3 T.
7	34.2	Medium	N	Corn Silage	17.3 T.
8	9.9	Low	N	Corn Silage	17.3 T.
9	9.7	Medium	N	Alfalfa Hay	2 T.
10	23.5	Medium	N	Corn Silage	17.3 T.

¹ Soil Test P Rating or P Index Rating may be used.

² Yield goals expressed in bushels (bu.) or tons (t.) per acre.

E. NOTICE OF RIGHT TO APPEAL

If you were adversely affected by this decision, you may be entitled to pursue an appeal before the administrative hearing commission (AHC) pursuant to Sections 621.250 and 644.051.6 RSMo. To appeal, you must file a petition with the AHC within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Any appeal should be directed to:

Administrative Hearing Commission
U.S. Post Office Building, Third Floor
131 West High Street, P.O. Box 1557
Jefferson City, MO 65102-1557
Phone: 573-751-2422
Fax: 573-751-5018
Website: <https://ahc.mo.gov>

MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0137791
SHATTO MILK COMPANY

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

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

PART I. FACILITY INFORMATION

Facility Type: Industrial – CAFO
SIC Code(s): #0241, #2026
NAISC codes(s) 112120, 311511
Application Date: 02/18/2021
Expiration Date: 09/30/2019
Last Inspection: 08/25/2020

FACILITY DESCRIPTION:

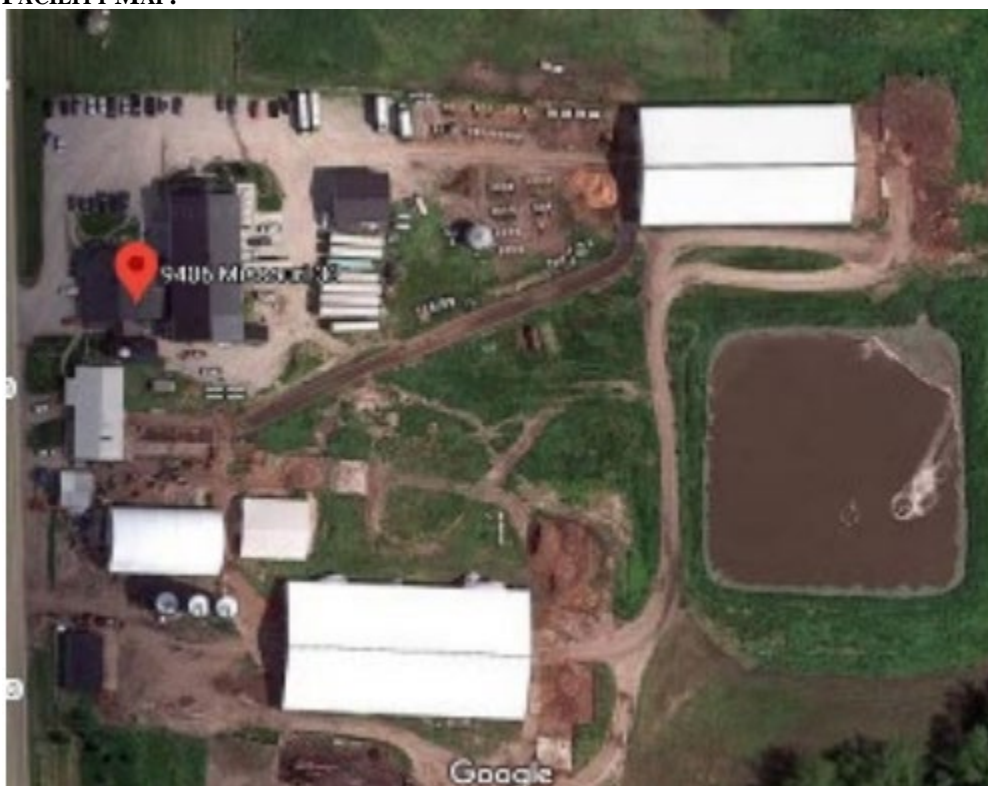
No discharge Class II Concentrated Animal Feeding Operation (CAFO). The facility also process and bottles milk and other dairy products.

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

PERMITTED FEATURES TABLE:

OUTFALL	DESIGN FLOW	TREATMENT LEVEL	EFFLUENT TYPE
#001	0.0079 MGD	Land application	Animal manure, industrial and domestic wastewater
#002	0.0036 MGD	Land application	Animal manure

FACILITY MAP:



FACILITY PERFORMANCE HISTORY & COMMENTS:

The facility was inspected on May 23, 2013 and was found to be discharging to the waters of the state in violation with their permit. At that time they were determined to meet the definition of a CAFO in 10 CSR 20-6.300(1)(A)8.

The facility was last inspected on August 25, 2020 and was found to be in non-compliance for failure to apply for renewal of the permit 180 day prior to expiration, failure to maintain one foot of freeboard, and failure to operate as a no-discharge facility.

CONTINUING AUTHORITY:

The Missouri Secretary of State continuing authority charter number for this facility is 00351789 Shatto Farms, Inc. or X00527417 Shatto Milk Company; this number was verified by the permit writer to be associated with the facility and precisely matches the continuing authority reported by the facility.

OTHER ENVIRONMENTAL PERMITS:

In accordance with 40 CFR 122.21(f)(6), the Department the facility reported no other environmental permits currently held by this facility.

PART II. RECEIVING WATERBODY INFORMATION

RECEIVING WATERBODY TABLE:

OUTFALL	WATERBODY NAME	CLASS	WBID	DESIGNATED USES	DISTANCE TO SEGMENT	12-DIGIT HUC
#001- #002	Tributary to Little Platte River	n/a	n/a	General Criteria	0.0	10240012-0701
	100K Extent-Remaining Streams	C	3960	AQL, IRR, LWW, SCR, WBCB, HHP	0.12	

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

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

10 CSR 20-7.031(1)(C)1.: **ALP** = Aquatic Life Protection (formerly AQL); current uses are defined to ensure the protection and propagation of fish shellfish and wildlife, further subcategorized as: WWH = Warm Water Habitat; CLH = Cool Water Habitat; CDH = Cold Water Habitat; EAH = Ephemeral Aquatic Habitat; MAH = Modified Aquatic Habitat; LAH = Limited Aquatic Habitat. This permit uses ALP effluent limitations in 10 CSR 20-7.031 Table A1-B3 for all habitat designations unless otherwise specified.

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

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

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

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

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

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

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

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

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

DWS = Drinking Water Supply, includes aquifers per 10 CSR 20-7.031(5)

IND = industrial water supply

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

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

20 CSR 20-7.031(4): GEN = general criteria; acute toxicity criteria applicable to all waters even those lacking designated uses

n/a = not applicable

WATERS OF THE STATE DESIGNATIONS:

Waters of the state are divided into seven categories per 10 CSR 20-7.015(1)(B)1 through 7. The applicable water of the state category is listed below. Missouri's technology-based effluent regulations are found in [10 CSR 20-7.015] and are implemented in 10 CSR 20-7.015(2) through (8). When implementing technology regulations, considerations are made for the facility type, discharge type, and category of waters of the state. Effluent limitations may not be applicable to certain waters of the state, facility type, or discharge type. In these cases, effluent limitations may be based on a best professional judgment evaluation. The best professional judgment evaluation will take site specific conditions into consideration; including facility type, the receiving water body classification, and type of discharge. Stormwater discharges and land application sites are not directly subject to limitations found in 10 CSR 20-7.015, but may be subject to limitations determined by the best professional judgment evaluation. Effluent limitation derivations are discussed in PART IV: EFFLUENTS LIMITS DETERMINATIONS.

✓ All other waters; identified at 10 CSR 20-7.015(B)7 and 10 CSR 20-7.015(8)

EXISTING WATER QUALITY:

The receiving waterbody has no relevant water quality data available.

EXISTING WATER QUALITY & IMPAIRMENTS:

The receiving waterbody(s) segment(s), upstream, and downstream confluence water quality was reviewed. No relevant water quality data was available. The USGS <https://waterdata.usgs.gov/nwis/sw> or the Department's quality data database was reviewed. https://apps5.mo.gov/mocwis_public/wqa/waterbodySearch.do and <https://apps5.mo.gov/wqa/> The Department's quality data database was reviewed. https://apps5.mo.gov/mocwis_public/wqa/waterbodySearch.do and <https://apps5.mo.gov/wqa/> Impaired waterbodies which may be impacted by discharges from this facility were determined. Impairments include waterbodies on the 305(b) or 303(d) list and those waterbodies or watersheds under a TMDL. <https://dnr.mo.gov/water/what-were-doing/water-planning/quality-standards-impaired-waters-total-maximum-daily-loads/tmdls> Section 303(d) of the federal Clean Water Act requires each state identify waters not meeting water quality standards and for which adequate water pollution controls have not been required. <https://dnr.mo.gov/water/what-were-doing/water-planning/quality-standards-impaired-waters-total-maximum-daily-loads/impaired-waters> Water quality standards protect such beneficial uses of water as whole body contact (such as swimming), maintaining fish and other aquatic life, and providing drinking water for people, livestock, and wildlife. The 303(d) list helps state and federal agencies keep track of impaired waters not addressed by normal water pollution control programs. A TMDL is a calculation of the maximum amount of a given pollutant a water body can absorb before its water quality is affected; hence, the purpose of a TMDL is to determine the pollutant loading a specific waterbody can assimilate without exceeding water quality standards. If a water body is determined to be impaired as listed on the §303(d) list, then a watershed management plan or TMDL for that watershed may be developed. The TMDL shall include the WLA calculation.

✓ The permit writer has noted no upstream or downstream impairments near this facility.

RECEIVING WATERBODY MONITORING REQUIREMENTS:

✓ No receiving water monitoring requirements are recommended at this time.

MIXING CONSIDERATIONS:

For all outfalls, mixing zone and zone of initial dilution are not allowed per 10 CSR 20-7.031(5)(A)4.B.(I)(a) and (b), as the base stream flow does not provide dilution to the effluent.

PART III. RATIONALE AND DERIVATION OF PERMIT CONDITIONS

ALTERNATIVE EVALUATIONS FOR NEW FACILITIES:

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

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

ANTIBACKSLIDING:

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

- ✓ Limitations in this operating permit for the reissuance conform to the anti-backsliding provisions of Section 402(o) of the Clean Water Act, and 40 CFR Part 122.44.
 - ✓ The Department determined technical mistakes or mistaken interpretations of law were made in issuing the permit under section 402(a)(1)(b).
 - The previous permit contained requirements that are required for Class IA CAFO only. These include: inspections for wet flush systems, the NMP to address manure handling at land application areas, quarterly inspections of land application equipment, daily inspection of lagoons within 12 inches of spillway, reporting of any spill or leak of more than 1000 gallons, Annual report cover letter requirements, and secondary containment requirements. This is a Class II animal feeding operation; therefore, it is not subject to these requirements and they have been removed from the permit.
 - The previous permit special conditions contained a specific set of prohibitions related to general criteria (GC) found in 10 CSR 20-7.031(4); however, there was no determination as to whether the discharges have reasonable potential to cause or contribute to excursion of those general water quality criteria in the previous permit. This permit assesses each general criteria as listed in the previous permit's special conditions. Federal regulations 40 CFR 122.44(d)(1)(iii) requires instances where reasonable potential (RP) to cause or contribute to an exceedance of a water quality standard exists, a numeric limitation must be included in the permit. Rather than conducting the appropriate RP determination, the previous permit simply placed the prohibitions in the permit. These conditions were removed from the permit. Appropriate reasonable potential determinations were conducted for each general criterion listed in 10 CSR 20-7.031(4)(A) through (I) and effluent limitations were placed in the permit for those general criteria where it was determined the discharge had reasonable potential to cause or contribute to excursions of the general criteria. Specific effluent limitations were not included for those general criteria where it was determined the discharges will not cause or contribute to excursions of general criteria. Removal of the prohibitions does not reduce the protections of the permit or allow for impairment of the receiving stream. The permit maintains sufficient effluent limitations, monitoring requirements and best management practices to protect water quality while maintaining permit conditions applicable to permittee disclosures and in accordance with 10 CSR 20-7.031(4) where no water contaminant by itself or in combination with other substances shall prevent the water of the state from meeting the following conditions:
 - (A) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses.
 - For all outfalls, there is no RP for putrescent bottom deposits preventing full maintenance of beneficial uses because the permit does not allow manure, litter, or process wastewater to be discharged from the facility.
 - For all outfalls, there is no RP for unsightly or harmful bottom deposits preventing full maintenance of beneficial the permit does not allow manure, litter, or process wastewater to be discharged from the facility.
 - Solid waste regulations found at 10 CSR 80-3.010(7)(B) require operation of the landfill in such a manner as to prevent flow onto the active portion of the sanitary landfill during peak discharge from at least a 25 year storm. In addition, 10 CSR 80-3.010(7)(C) requires water which has contacted solid waste at the working face to be treated as leachate and sent to the leachate disposal system.
 - (B) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses.
 - For all outfalls, there is no RP for oil in sufficient amounts to be unsightly preventing full maintenance of beneficial uses because the permit does not allow manure, litter, or process wastewater to be discharged from the facility.
 - For all outfalls, there is no RP for scum and floating debris in sufficient amounts to be unsightly preventing full maintenance of beneficial uses because nothing disclosed by the permittee indicates scum and floating debris will be present in sufficient amounts to impair beneficial uses.
 - Solid waste regulations found at 10 CSR 80-3.010(7)(B) require operation of the landfill in such a manner as to prevent flow onto the active portion of the sanitary landfill during peak discharge from at least a 25 year storm. In addition, 10 CSR 80-3.010(7)(C) requires water which has contacted solid waste at the working face to be treated as leachate and sent to the leachate disposal system. These regulations mean no RP for solid waste to contact effluent which is discharged to the receiving stream.

- (C) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses.
- For all outfalls, there is no RP for unsightly color or turbidity in sufficient amounts preventing full maintenance of beneficial uses because nothing disclosed by the permittee indicates unsightly color or turbidity will be present in sufficient amounts to impair beneficial uses.
 - For all outfalls, there is no RP for offensive odor in sufficient amounts preventing full maintenance of beneficial uses because nothing disclosed by the permittee indicates offensive odor will be present in sufficient amounts to impair beneficial uses.
 - Solid waste regulations found at 10 CSR 80-3.010(7)(B) require operation of the landfill in such a manner as to prevent flow onto the active portion of the sanitary landfill during peak discharge from at least a 25 year storm. In addition, 10 CSR 80-3.010(7)(C) requires water which has contacted solid waste at the working face to be treated as leachate and sent to the leachate disposal system. These regulations mean no RP for solid waste to contact effluent which is discharged to the receiving stream.
- (D) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life.
- For all outfalls, there is no RP for toxicity to human, animal or aquatic life because the permit does not allow manure, litter, or process wastewater to be discharged from the facility
- (E) Waters shall maintain a level of water quality at their confluences to downstream waters that provides for the attainment and maintenance of the water quality standards of those downstream waters, including waters of another state.
- This criteria was not assessed for antibacksliding as this is a new requirement, approved by the EPA on July 30, 2019.
- (F) There shall be no significant human health hazard from incidental contact with the water.
- This criterion is very similar to (D) above. See Part IV, Effluent Limits Derivation below.
- (G) There shall be no acute toxicity to livestock or wildlife watering.
- This criterion is very similar to (D) above. See Part IV, Effluent Limits Derivation below.
- (H) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community.
- For all outfalls, there is no RP for physical changes impairing the natural biological community because nothing disclosed by the permittee indicates this is occurring.
 - It has been established any chemical changes are covered by the specific numeric effluent limitations established in the permit.
 - For all outfalls, there is no RP for hydrologic changes impairing the natural biological community because nothing disclosed by the permittee indicates this is occurring.
- (I) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.
- There are no solid waste disposal activities or any operation which has reasonable potential to cause or contribute to the materials listed above being discharged through any outfall.
 - There is no reasonable potential for the wastes listed above to be found in the receiving stream at any of the outfalls at this solid waste facility. 10 CSR 80-3.010(16)(A)-(C) require litter and solid wastes be controlled on the site for aesthetic purposes, preventing it from entering the stream.
 - Solid waste regulations found at 10 CSR 80-3.010(7)(B) require operation of the sanitary landfill in such a manner as to effectively manage stormwater during peak discharge from at least a 25 year storm. In addition, 10 CSR 80-3.010(7)(C) requires water which has come in contact with solid waste be minimized by daily operational practices. Water which passes through waste shall be managed per an approved leachate management plan.

ANTIDEGRADATION REVIEW:

Process water discharges with new, altered, or expanding flows, the Department is to document, by means of antidegradation review, if the use of a water body's available assimilative capacity is justified. In accordance with Missouri's water quality regulations for antidegradation [10 CSR 20-7.031(3)], degradation may be justified by documenting the socio-economic importance of a discharge after determining the necessity of the discharge. Facilities must submit the antidegradation review request to the Department prior to establishing, altering, or expanding discharges. See <https://dnr.mo.gov/document-search/antidegradation-implementation-procedure> Per [10 CSR 20-7.015(4)(A)], new discharges to losing streams shall be permitted only after other alternatives including land application, discharges to a gaining stream, or connection to a regional wastewater treatment facility have been evaluated and determined to be unacceptable for environmental and/or economic reasons.

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

BEST MANAGEMENT PRACTICES:

Minimum site-wide best management practices are established in this permit to ensure all permittees are managing their sites equally to protect waters of the state from certain activities which could cause negative effects in receiving water bodies. While not all sites require a SWPPP because the SIC codes are specifically exempted in 40 CFR 122.26(b)(14), these best management practices are not specifically included for stormwater purposes. These practices are minimum requirements for all industrial sites to protect waters of the state. If the minimum best management practices are not followed, the facility may violate general criteria [10 CSR 20-7.031(4)]. Statutes are applicable to all permitted facilities in the state, therefore pollutants cannot be released unless in accordance with RSMo 644.011 and 644.016 (17).

CLOSURE:

To properly decontaminate and close a wastewater basin, the facility must draft a complete closure plan, and include the Closure Request Form #2512 <https://dnr.mo.gov/document-search/facility-closure-request-form-mo-780-2512> The publication, Wastewater Treatment Plant Closure - PUB2568 found at <https://dnr.mo.gov/print/document-search/pub2568> may be helpful to develop the closure plan. The regional office will then approve the closure plan, and provide authorization to begin the work. The regional office contact information can be found here: <https://dnr.mo.gov/about-us/division-environmental-quality/regional-office>

COST ANALYSIS FOR COMPLIANCE (CAFCOM):

Pursuant to Section 644.145, RSMo, when incorporating a new requirement for discharges from publicly owned facilities, or when enforcing provisions of this chapter or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., pertaining to any portion of a publicly owned facility, the Department of Natural Resources shall make a “finding of affordability” on the costs to be incurred and the impact of any rate changes on ratepayers upon which to base such permits and decisions, to the extent allowable under this chapter and the Federal Water Pollution Control Act. This process is completed through a cost analysis for compliance. Permits not including new requirements may be deemed affordable.

✓ The Department is not required to complete a cost analysis for compliance because the facility is not publicly owned.

CHANGES IN DISCHARGES OF TOXIC POLLUTANT:

This special condition reiterates the federal rules found in 40 CFR 122.44(f) for technology treatments and 122.42(a)(1) for all other toxic substances. In these rules, the facility is required to report changes in amounts of toxic substances discharged. Toxic substances are defined in 40 CFR 122.2 as “...any pollutant listed as toxic under section 307(a)(1)” or, in the case of “sludge use or disposal practices,” any pollutant identified in regulations implementing section 405(d) of the CWA.” Section 307 of the clean water act then refers to those parameters listed in 40 CFR 401.15 and any other toxic parameter the Department determines is applicable for reporting under these rules in the permit. The facility should also consider any other toxic pollutant in the discharge as reportable under this condition and must report all increases to the Department as soon as discovered in the effluent. The Department may open the permit to implement any required effluent limits pursuant to CWA §402(k) where sufficient data was not supplied within the application but was supplied at a later date by either the permittee or other resource determined to be representative of the discharge, such as sampling by Department personnel.

COMPLIANCE AND ENFORCEMENT:

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

✓ Not applicable; the facility is not currently under Water Protection Program enforcement action.

DOMESTIC WASTEWATER, SLUDGE, AND BIOSOLIDS:

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

✓ Applicable; this facility uses a lagoon system which the Department of Natural Resources must authorize in accordance with 19 CSR 20-3.060(6)(D) as Department of Health and Senior Services rules only provide for the use of a lagoon for single residences.

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

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

✓ Not applicable, the facility holds all domestic sludge in a tank until a third party removes it. This also applies to facilities using chemical toilets.

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 requiring electronic data reporting. To comply with the federal rule, the Department is requiring all facilities to submit discharge monitoring data and reports online. To review historic data, the Department's database has a publically facing search engine, available at https://apps5.mo.gov/mocwis_public/dmrDisclaimer.do

Registration and other information regarding MoGEM can be found at <https://dnr.mo.gov/mogem>. Information about the eDMR system can be found at <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. To access the eDMR system, use: <https://apps5.mo.gov/mogems/welcome.action> For assistance using the eDMR system, contact edmr@dnr.mo.gov or call 855-789-3889 or 573-526-2082. To assist the facility in entering data into the eDMR system, the permit describes limit sets designators in each table in Part A of the permit. Facility personnel will use these identifiers to ensure data entry is being completed appropriately. For example, M for monthly, Q for quarterly, A for annual, and others as identified.

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 facility must first submit an eDMR Waiver Request form available on the Department's web page. A request must be made for each operating permit. An approved waiver is not transferable. The Department must review and notify the facility within 120 calendar days of receipt if the waiver request has been approved or rejected [40 CFR 124.27(a)]. During the Department review period as well as after a waiver is granted, the facility must continue submitting a hard-copy of any reports required by their permit. The Department will enter data submitted in hard-copy from those facilities allowed to do so, and electronically submit the data to the EPA on behalf of the facility.

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

FEDERAL EFFLUENT LIMITATION GUIDELINE:

Effluent Limitation Guidelines, or ELGs, are found at 40 CFR 400-499. <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-N> These are limitations established by the EPA based on the SIC code and the type of work a facility is conducting. Most ELGs are for process wastewater and some address stormwater. Effluent guidelines are not always established for every pollutant present in a point source discharge. In many instances, EPA promulgates effluent guidelines for an indicator pollutant. Industrial facilities complying with the effluent guidelines for the indicator pollutant will also control other pollutants (e.g. pollutants with a similar chemical structure). For example, EPA may choose to regulate only one of several metals present in the effluent from an industrial category, and compliance with the effluent guidelines will ensure similar metals present in the discharge are adequately controlled. All are technology based limitations which must be met by the applicable facility at all times. Should Reasonable Potential be established for any particular parameter, and water-quality derived effluent limits are more protective of the receiving water's quality, the WQS will be used as the limiting factor in accordance with 40 CFR 122.44(d) and 10 CSR 20-7.015(9)(A).

✓ The facility has an associated ELG (40 CFR 412) but does not discharge wastewater to waters of the state.

GENERAL CRITERIA CONSIDERATIONS:

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

GROUNDWATER MONITORING:

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

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

LAND APPLICATION:

Land application of manure, litter and process wastewater is performed by facilities to maintain storage volume to operate as no-discharge. Requirements for these types of operations are found in 10 CSR 20-6.300 and 40 CFR part 1223 and 412; authority to regulate these activities is from RSMo 644.026.

✓ Applicable, the facility has developed a NMP in accordance with 10 CSR20-6.300(3)(B)2 complies with 10 CSR 20-6.300(5).

These requirements incorporated into this permit pursuant to 10 CSR 20-6.300 and 40 CFR 122 and 412 are minimum operational controls for no-discharge land application systems intended to prevent discharges due to over application; protect soils, vegetation, surface water, groundwater, and public health.

LAND DISTURBANCE:

Land disturbance, sometimes called construction activities, are actions which cause disturbance of the root layer or soil; these include clearing, grading, and excavating of the land. 40 CFR 122.26(b)(14) and 10 CSR 20-6.200(3) requires permit coverage for these activities. Coverage is not required for facilities when only providing maintenance of original line and grade, hydraulic capacity, or to continue the original purpose of the facility.

- ✓ Not applicable; this permit does not provide coverage for land disturbance activities. The facility may obtain a separate land disturbance permit (MORA) online at <https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/stormwater/construction-land-disturbance> MORA permits do not cover disturbance of contaminated soils, however, site specific permits such as this one can be modified to include appropriate controls for land disturbance of contaminated soils by adding site-specific BMP requirements and additional outfalls.

MAJOR WATER USER:

Any surface or groundwater user with a water source and the equipment necessary to withdraw or divert 100,000 gallons (or 70 gallons per minute) or more per day combined from all sources from any stream, river, lake, well, spring, or other water source is considered a major water user in Missouri. <https://dnr.mo.gov/water/business-industry-other-entities/reporting/major-water-users> All major water users are required by law to register water use annually (Missouri Revised Statutes Chapter 256.400 Geology, Water Resources and Geodetic Survey Section). <https://dnr.mo.gov/document-search/frequently-asked-major-water-user-questions-pub2236/pub2236>

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

MODIFICATION REQUESTS:

Facilities have the option to request a permit modification from the Department at any time under RSMo 644.051.9. Requests must be submitted to the Water Protection Program with the appropriate forms and fees paid per 10 CSR 20-6.011. It is recommended facilities contact the permit writer early so the correct forms and fees are submitted, and the modification request can be completed in a timely fashion. Minor modifications, found in 40 CFR 122.63, are processed without the need for a public comment period. Major modifications, those requests not explicitly fitting under 40 CFR 122.63, do require a public notice period. Modifications to permits should be completed when: a new pollutant is found in the discharge; operational or functional changes occur which affect the technology, function, or outcome of treatment; the facility desires alternate numeric benchmarks; or other changes are needed to the permit.

Modifications are not required when utilizing or changing additives in accordance with the publication <https://dnr.mo.gov/document-search/additive-usage-wastewater-treatment-facilities-pub2653/pub2653> nor are required when a temporary change or provisional discharge has been authorized by the regional office. While provisional discharges may be authorized by the regional office, they will not be granted for more than the time necessary for the facility to obtain an official modification from the Water Protection Program. Temporary provisional discharges due to weather events or other unforeseen circumstances may or may not necessitate a permit modification. The facility may ask for a Compliance Assistance Visit (CAV) from the regional office to assist in the decision-making process; CAVs are provided free to the permitted entity.

NUTRIENT MONITORING:

Nutrient monitoring is required for facilities characteristically or expected to discharge nutrients (nitrogenous compounds and/or phosphorus) when the design flow is equal to or greater than 0.1 MGD per 10 CSR 20-7.015(9)(D)8.

- ✓ This is no-discharge permit therefore not subject to provisions found in 10 CSR 20-7.015 per 10 CSR 20-7.015(1)(C).

OIL/WATER SEPARATORS:

Oil water separator (OWS) tank systems are frequently found at industrial sites where process water and stormwater may contain oils and greases, oily wastewaters, or other immiscible liquids requiring separation. Food industry discharges typically require pretreatment prior to discharge to municipally owned treatment works. Per 10 CSR 26-2.010(2)(B), all oil water separator tanks must be operated according to manufacturer's specifications and authorized in NPDES permits per 10 CSR 26-2.010(2) or may be regulated as a petroleum tank.

- ✓ Not applicable; the permittee has not disclosed the use of any oil water separators they wish to include under the NPDES permit at this facility and therefore oil water separator tanks are not authorized by this permit.

OPERATOR CERTIFICATION REQUIREMENTS:

Operators or supervisors of CAFO waste management systems shall be certified in accordance with 10 CSR 20-14.010.

- ✓ Applicable, this facility currently requires a CAFO supervisor with an A Certification Level or a CAFO operator with a B Certification Level.

PERMIT SHIELD:

The permit shield provision of the Clean Water Act (Section 402(k)) and Missouri Clean Water Law (644.051.16 RSMo) provides that when a permit holder is in compliance with its NPDES permit or MSOP, it is effectively in compliance with certain sections of the Clean Water Act, and equivalent sections of the Missouri Clean Water Law. In general, the permit shield is a legal defense against certain enforcement actions, but is only available when the permittee is in compliance with its permit and satisfies other specific conditions, including having completely disclosed all discharges and all facility processes and activities to the Department at time of application. It is the permittee's responsibility to ensure that all potential pollutants, waste streams, discharges, and activities, as well as wastewater land application, storage, and treatment areas, are all fully disclosed to the Department at the time of application or during the draft permit review process. Subsequent requests for authorization to discharge additional pollutants, expanded or newly disclosed flows, or for authorization for previously unpermitted and undisclosed activities or discharges, will likely require an official permit modification, including another public participation process.

PRETREATMENT:

This permit does not regulate pretreatment requirements for facilities discharging to an accepting permitted wastewater treatment facility. If applicable, the receiving entity (the publicly owned treatment works - POTW) is to ensure compliance with any effluent limitation guidelines for pretreatment listed in 40 CFR Subchapter N per 10 CSR 20-6.100. Pretreatment regulations per RSMo 644.016 are limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities.

- ✓ Not applicable, this facility does not discharge wastewater to a POTW.

REASONABLE POTENTIAL (RP):

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

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

REGIONAL OFFICES (ROS):

Regional Offices will provide a compliance assistance visit at a permittees request; a regional map with links to phone numbers can be found here: <https://dnr.mo.gov/about-us/division-environmental-quality/regional-office>. Or use <https://dnr.mo.gov/compliance-assistance-enforcement> to request assistance from the Region online.

RENEWAL REQUIREMENTS:

The renewal special condition permit requirement is designed to guide the facility to prepare and include all relevant and applicable information in accordance with 10 CSR 20-6.010(7)(A)-(C), and if applicable, federal regulations. The special condition may not include all requirements and requests for additional information may be made at the time of permit renewal under 644.051.13(5) RSMo and 40 CFR 122.21(h). Prior to submittal, the facility must review the entire submittal to confirm all required information and data is provided; it is the facility's responsibility to discern if additional information is required. Failure to fully disclosure applicable information with the application or application addendums may result in a permit revocation per 10 CSR 20-6.010(8)(A) and may result in the forfeiture of permit shield protection authorized in 644.051.16 RSMo.

SAMPLING FREQUENCY AND TYPE JUSTIFICATION:

No sampling is required for this no discharge facility

SCHEDULE OF COMPLIANCE (SOC):

A schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (actions, effluent limits, operations, or milestone events) leading to compliance with the Missouri Clean Water Law, its implementing regulations, and/or the terms and conditions of an operating permit. SOC's are allowed under 40 CFR 122.47 providing certain conditions are met. A SOC is not allowed:

- For effluent limitations based on technology-based standards established in accordance with federal requirements, if the deadline for compliance established in federal regulations has passed. 40 CFR § 125.3.

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

In order to provide guidance in developing SOCs, and to attain a greater level of consistency, the Department issued a policy on development of SOCs on October 25, 2012. The policy provides guidance to permit writers on standard time frames for schedules for common activities, and guidance on factors to modify the length of the schedule.

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

SPILLS, OVERFLOWS, AND OTHER UNAUTHORIZED DISCHARGE REPORTING:

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

<https://revisor.mo.gov/main/OneSection.aspx?section=260.500&bid=13989&hl>

Any other spills, overflows, or unauthorized discharges reaching waters of the state must be reported to the regional office during normal business hours, or after normal business hours, to the Department's 24 hour Environmental Emergency Response spill line at 573-634-2436.

SLUDGE – INDUSTRIAL:

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

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

STANDARD CONDITIONS:

The standard conditions Part I attached to this permit incorporate all sections of 10 CSR 20-6.010(8) and 40 CFR 122.41(a) through (n) by reference as required by law. These conditions, in addition to the conditions enumerated within the standard conditions should be reviewed by the facility to ascertain compliance with this permit, state regulations, state statutes, federal regulations, and the Clean Water Act. Standard Conditions Part III, if attached to this permit, incorporate requirements dealing with domestic wastewater, domestic sludge, and land application of domestic wastes.

STORMWATER PERMITTING: LIMITATIONS AND BENCHMARKS:

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

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

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

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

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

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

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

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

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

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

STORMWATER POLLUTION PREVENTION PLAN (SWPPP):

A SWPPP must be prepared by the facility if the SIC code is found in 40 CFR 122.26(b)(14) and/or 10 CSR 20-6.200(2). A SWPPP may be required of other facilities where stormwater has been identified as necessitating better management. The purpose of a SWPPP is to comply with all applicable stormwater regulations by creating an adaptive management plan to control and mitigate stream pollution from stormwater runoff.

Pursuant to 40 CFR 122.44(k), Best Management Practices (BMPs) must be used to control or abate the discharge of pollutants when: 1) Authorized under §304(e) of the Clean Water Act (CWA) for the control of toxic pollutants and hazardous substances from ancillary industrial activities; 2) Authorized under §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. A BMP may take the form of a numeric benchmark. In accordance with the EPA's *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, (EPA 833-B-09-002) published by the EPA in 2015 and again in 2021 https://www.epa.gov/sites/default/files/2021-03/documents/swppp_guide_industrial_2021_030121.pdf BMPs are measures or practices used to reduce the amount of pollution entering waters of the state from a permitted facility. BMPs may take the form of a process, activity, or physical structure. Additionally in accordance with the Stormwater Management, a SWPPP is a series of steps and activities to 1) identify sources of pollution or contamination, and 2) select and carry out actions which prevent or control the pollution of storm water discharges. Additional information can be found in *Stormwater Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices* (EPA 832-R-92-006; September 1992).

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 facility 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.

The facility should review the precipitation frequency maps for development of appropriate BMPs. The online map https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=mo can be targeted to the facility location and is useful when designing detention structures and planning for any structural BMP component. The stormwater map can also be used to determine if the volume of stormwater caused a disrupted BMP; and if the BMP should be re-designed to incorporate additional stormwater flows.

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 (<https://dnr.mo.gov/document-search/antidegradation-implementation-procedure>).

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

If parameter-specific numeric benchmark exceedances continue to occur and the facility 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 facility can submit a request to re-evaluate the benchmark values. This request needs to include 1) a detailed explanation of why the facility is unable to comply with the permit conditions and unable to establish BMPs to achieve the benchmark values; 2) financial data of the company and documentation of cost associated with BMPs for review and 3) the SWPPP, which should contain adequate documentation of BMPs employed, failed BMPs, corrective actions, and all other required information. This will allow the Department to conduct a cost analysis on control measures and actions taken by the facility to determine cost-effectiveness of BMPs. The request shall be submitted in the form of an operating permit modification, which includes an appropriate fee; the application is found at: <https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/wastewater>

✓ Not applicable; this facility’s SIC code #0241 does not require stormwater monitoring per 40 CFR 122.26(b)(14). In addition stormwater from the animal feeding operation is addressed in the operations nutrient management plan. For the facilities SIC code #2026, the BMP required by the permit serve to prevent the pollution of stormwater runoff.

SUFFICIENTLY SENSITIVE ANALYTICAL METHODS:

Please review Standard Conditions Part 1, §A, No. 4. The analytical and sampling methods used shall conform to the reference methods listed in 10 CSR 20-7.015 and/or 40 CFR 136 unless alternates are approved by the Department and incorporated within this permit. The facility shall use sufficiently sensitive analytical methods for detecting, identifying, and measuring the concentrations of pollutants. The facility shall ensure the selected methods are able to quantify the presence of pollutants in any given discharge at concentrations low enough to determine compliance with Water Quality Standards in 10 CSR 20-7.031 or effluent limitations unless provisions in the permit allow for other alternatives. The reporting limits established by the chosen laboratory must be below the lowest effluent limits established for the specified parameter (including any parameter’s future limit after an SOC) in the permit unless the permit provides for an ML or if the facility provides a written rationale to the Department. It is the permittee’s responsibility to ensure the laboratory has adequate equipment and controls in place to quantify the pollutant. Inflated reporting limits will not be accepted by the Department if the reporting limit is above the parameter value stipulated in the permit. A method is “sufficiently sensitive” when; 1) the method quantifies the pollutant below the level of the applicable water quality criterion or; 2) the method minimum level is above the applicable water quality criterion, but the amount of pollutant in a facility’s discharge is high enough the method detects and quantifies the level of pollutant in the discharge, or 3) the method has the lowest minimum level of the analytical methods approved under 10 CSR 20-7.015 and or 40 CFR 136. These methods are also required for parameters listed as monitoring only, as the data collected may be used to determine if numeric limitations need to be established. A facility is responsible for working with their contractors to ensure the analysis performed is sufficiently sensitive.

UNDERGROUND INJECTION CONTROL (UIC):

The UIC program for all classes of wells in the State of Missouri is administered by the Missouri Department of Natural Resources and approved by EPA pursuant to §§1422 and 1425 of the Safe Drinking Water Act (SDWA) and 40 CFR 147 Subpart AA. Injection wells are classified based on the liquids which are being injected. Class I wells are hazardous waste wells which are banned by 577.155 RSMo; Class II wells are established for oil and natural gas production; Class III wells are used to inject fluids to extract minerals; Class IV wells are also banned by Missouri in 577.155 RSMo; Class V wells are shallow injection wells; some examples are heat pump wells and groundwater remediation wells. Domestic wastewater being disposed of sub-surface is also considered a Class V well. In accordance with 40 CFR 144.82, construction, operation, maintenance, conversion, plugging, or closure of injection wells shall not cause movement of fluids containing any contaminant into Underground Sources of Drinking Water (USDW) if the presence of any contaminant may cause a violation of any drinking water standards or groundwater standards under 10 CSR 20-7.031, or other health based standards, or may otherwise adversely affect human health. If the director finds the injection activity may endanger USDWs, the Department may require closure of the injection wells, or other actions listed in 40 CFR 144.12(c), (d), or (e). In accordance with 40 CFR 144.26, the facility shall submit a Class V Well Inventory Form for each active or new underground injection well drilled, or when the status of a well changes, to the Missouri Department of Natural Resources, Geological Survey Program, P.O. Box 250, Rolla, Missouri 65402. The Class V Well Inventory Form can be requested from the Geological Survey Program or can be found at the following web address: <https://dnr.mo.gov/document-search/class-v-well-inventory-form-mo-780-1774> Single family residential septic systems and non-residential septic systems used solely for sanitary waste and having the capacity to serve fewer than 20 persons a day are excluded from the UIC requirements (40 CFR 144.81(9)). The Department implements additional requirements for these types of operations pursuant to 10 CSR 20-6.015(4)(A)1 which instructs the Department to develop permit conditions containing limitations, monitoring, reporting, and other requirements to protect soils, crops, surface waters, groundwater, public health, and the environment.

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

VARIANCE:

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

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

WASTELOAD ALLOCATIONS (WLA) FOR LIMITS:

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

✓ Not applicable; wasteload allocations were not calculated.

WASTELOAD ALLOCATION (WLA) MODELING:

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

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

WATER QUALITY STANDARD REVISION:

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

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

PART IV. EFFLUENT LIMITS DETERMINATIONS

EFFLUENT LIMITATIONS TABLE – Outfalls #001 - #002– Emergency Discharge

Discharge from these outfalls is only authorized when a wet weather event causes an overflow of manure, litter, or process wastewater AND the lagoons have been properly designed, constructed, operated and maintained, in accordance with D. Special Condition 1(e).

PHYSICAL				
Flow	MGD	*	once/event ‡	event total
Duration	Hours	*	once/event ‡	event total
CONVENTIONAL				
Biological Oxygen Demand, 5 Day	mg/L	*	once/event ‡	grab
Dissolved Oxygen (Minimum ◇)	mg/L	*	once/event ‡	grab
pH †	SU	*	once/event ‡	grab
Total Suspended Solids	mg/L	*	once/event ‡	grab
NUTRIENTS				
Ammonia as N	mg/L	*	once/event ‡	grab
MONITORING REPORTS SHALL BE SUBMITTED BY THE 28 TH DAY OF THE MONTH FOLLOWING DISCHARGE CESSATION.				

* Monitoring and reporting requirement only.

◇ The facility shall report the minimum value obtained if more than one sample was taken.

† The facility shall report the range (minimum to maximum values) if more than one sample is obtained.

‡ Once per event means the facility must take a sample at least once per discharge event. If there was no discharge, a report is not necessary; if a discharge occurred, the facility must report all results of sampling into the eDMR system by the 28th day of the month following the completion of the discharge.

DERIVATION AND DISCUSSION OF LIMITS:

Flow

Monitoring requirement only. In accordance with [40 CFR Part 122.44(i)(1)(ii)] the volume of effluent discharged from each outfall is needed to ensure compliance with permitted effluent limitations. If the permittee is unable to obtain effluent flow, then it is the responsibility of the permittee to inform the Department, which may require the submittal of an operating permit modification. The facility will report the total flow in millions of gallons per day (MGD), monitoring once per discharge continued from previous permit.

Duration

Monitoring requirement only to determine the potential negative physical and chemical changes with general criteria at 10 CSR 20-7.031(4) and the Clean Water Act's (CWA) goal of 100% fishable and swimmable rivers and streams.

Biochemical Oxygen Demand - 5 Day (BOD₅)

Monitoring requirement only. Conventional pollutant for discharges of animal waste.

Dissolved Oxygen

Monitoring requirement only. Discharges of animal manure can lower dissolved oxygen levels. Monitoring for dissolved oxygen is included to determine whether reasonable potential exists to exceed water quality standards. [10 CSR 20-7.031 Table A1]

pH

Monitoring requirement only. pH is a fundamental water quality indicator. Additionally, metals leachability and ammonia availability in wastewater is dependent on pH. Limitations in this permit will protect against aquatic organism toxicity, downstream water quality issues, human health hazard contact, and negative physical changes in accordance with the general criteria at 10 CSR 20-7.031(4) and the Clean Water Act's (CWA) goal of 100% fishable and swimmable rivers and streams.

Total Suspended Solids

Monitoring requirement only. There is no numeric water quality standard for TSS however, high suspended solids in animal waste discharges can negatively impact aquatic life habitat.

Ammonia as N

Monitoring requirement only. Nitrogen is expected to be present in this facilities discharge therefore once per discharge monitoring is required.

PART V. ADMINISTRATIVE REQUIREMENTS

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

PERMIT SYNCHRONIZATION:

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

✓ This permit will maintain synchronization by expiring the end of the 3rd quarter, 2024.

PUBLIC NOTICE:

The Department shall give public notice a draft permit has been prepared and its issuance is pending.

<http://dnr.mo.gov/env/wpp/permits/pn/index.html> Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest in or with water quality concerns related to a draft permit. No public notice is required when a request for a permit modification or termination is denied; however, the requester and permittee must be notified of the denial in writing.

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

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

✓ The Public Notice period for this operating permit started February 10, 2022 and ended March 14, 2022. No comments were received.

DATE OF FACT SHEET: DECEMBER 20, 2021

COMPLETED BY:

KAITLIN KEMPKER, ENVIRONMENTAL SPECIALIST
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
OPERATING PERMITS SECTION - INDUSTRIAL UNIT
(573) 751-1398
kaitlin.kempker@dnr.mo.gov



STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
REVISED
AUGUST 1, 2014

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

Part I – General Conditions

Section A – Sampling, Monitoring, and Recording

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

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

Section B – Reporting Requirements

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



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

Section C – Bypass/Upset Requirements

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

Section D – Administrative Requirements

1. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Missouri Clean Water Law and Federal Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.
 - a. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
 - b. The Federal Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Federal Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement



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- imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.
- c. Any person may be assessed an administrative penalty by the EPA Director for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.
- d. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141 of the Missouri Clean Water Law, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 of the Missouri Clean Water Law or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 of the Missouri Clean Water Law or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the assessment of a penalty not to exceed \$10,000 per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. Any person who willfully or negligently commits any violation in this paragraph shall, upon conviction, be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this paragraph by any person shall be punished by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two (2) years, or both.
2. **Duty to Reapply.**
- a. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.
- b. A permittee with a currently effective site-specific permit shall submit an application for renewal at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
- c. A permittee with currently effective general permit shall submit an application for renewal at least 30 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
3. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
5. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
6. **Permit Actions.**
- a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- i. Violations of any terms or conditions of this permit or the law;
- ii. Having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
- iii. A change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- iv. Any reason set forth in the Law or Regulations.
- b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
7. **Permit Transfer.**
- a. Subject to 10 CSR 20-6.010, an operating permit may be transferred upon submission to the Department of an application to transfer signed by the existing owner and the new owner, unless prohibited by the terms of the permit. Until such time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
- b. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Missouri Clean Water Law or the Federal Clean Water Act.
- c. The Department, within 30 days of receipt of the application, shall notify the new permittee of its intent to revoke or reissue or transfer the permit.
8. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Federal Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
9. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.



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

AP36268

RECEIVED

FEB 18 2021



MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
**FORM W - CONCENTRATED ANIMAL FEEDING OPERATION
(CAFO) OPERATING PERMIT APPLICATION**

FOR OFFICE USE ONLY

JETPAY CONFIRMATION / CHECK NUMBER:

DATE RECEIVED

FEE SUBMITTED

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

PART 1 - PERMIT OWNERSHIP AND CONTACT INFORMATION

1.1 OPERATION NAME <i>Shatto Milk Company</i>		CURRENT PERMIT NUMBER MO- 0137791	COUNTY <i>Clinton</i>
PHYSICAL ADDRESS <i>9406 North Highway 33</i>		LEGAL DESCRIPTION Sec.: Twn.: Rng.:	TELEPHONE NUMBER WITH AREA CODE <i>816 930-3862</i>
CITY <i>Osborn</i>	STATE <i>MO</i>	ZIP CODE <i>64474</i>	
1.2 OWNER (PROVIDE LEGAL NAME) <i>Barbara Anne Shatto</i>		EMAIL ADDRESS	
MAILING ADDRESS <i>9406 North Hwy 33</i>		TELEPHONE NUMBER WITH AREA CODE <i>816 223-3846</i>	
CITY <i>Osborn</i>	STATE <i>MO</i>	ZIP CODE <i>64474</i>	
1.3 CONTINUING AUTHORITY (IF DIFFERENT THAN THE OWNER)			
MAILING ADDRESS		TELEPHONE NUMBER WITH AREA CODE	
CITY	STATE	ZIP CODE	

PART 2 - PERMIT TYPE AND PERMIT ACTION

2.1 PERMIT TYPE

☐ NPDES Site Specific PermitRequest review of draft permit prior to public notice. ☐ Yes ☐ No☐ NPDES General Permit (MOG01)☐ State No-Discharge General Permit (MOGS1)

2.2 PERMIT ACTION*

☐ New Permit

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

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

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

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

☒ Renewal☐ Modification

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-ui/payments/mc-natural-resources/595/>

☐ Ownership Transfer

PREVIOUS OWNERS NAME

ADDRESS

CITY STATE ZIP CODE

SIGNATURE

DATE

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

Permit fees may be 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-ui/payments/mc-natural-resources/595/>

PART 3 - DESIGN CAPACITY FOR MANURE STORAGE AND ANIMALS OF EACH CAFO FEATURE

3.1 STORAGE STRUCTURE TYPES, AMOUNT OF STORAGE, AND AMOUNT OF MANURE GENERATED PER YEAR.

Permitted Feature	List All Manure Storage Structures at each CAFO Feature	Dry Manure Handling System		Wet Manure Handling System		
		Design Dry Process Waste (tons/yr.)	Days of Storage	Total Storage Capacity (gal)	Design Wastewater per Year (gal/yr.)	Days of Storage
001	D (lagoon)		300	2,586,023	2,884,164	327
002	Large concrete picket, flows to lagoon					
003	Small concrete picket, flows to lagoon					
004	1, (Freefall) Barn Manure Pit			256,000	1,311,372	71
005						

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

Permitted Feature	Animal Category #1	Animal Numbers	Animal Category #2	Animal Numbers	Animal Category #3	Animal Numbers
001	3	290				
002						
003						
004						
005						

PART 4 - OPERATIONAL INFORMATION

4.1 OPERATIONAL INFORMATION (SEE INSTRUCTIONS)

SIC Code(s) 0241

CAFO Class Size Class II

4.2 Is this an export-only operation?

☐ Yes ☒ No

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

PART 5 - MANURE STORAGE

5.1 Do all manure storage structures have adequate storage, and operated and maintained as no discharge? ☒ Yes ☐ No

PART 6 - ANIMAL MORTALITY

6.1 PERMANENT METHOD OF DISPOSING OF ROUTINE ANIMAL MORTALITIES.

☐ Composting ☒ Rendering ☐ Send to a Landfill ☐ Incineration ☐ Other (Describe)

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

Sick cattle are isolated to decrease spread of pathogens or disease, mortalities are removed immediately, hauled by rendering service.

PART 7 - DIVERSION OF CLEAN WATER

7.1 Is clean stormwater diverted from the production area? ☒ Yes ☐ No

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

Stormwater is collected by roof guttering and piped away from production areas. Any combined stormwater is land applied according to NMP.

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

Any combined stormwater is caught by concrete picket structure or lagoon and is land applied with other waste water/manure.

PART 8 - PREVENT DIRECT CONTACT OF ANIMALS WITH SURFACE WATERS

8.1 Do the animals have access to waters of the state within the production area? ☐ Yes ☒ No

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

Animals are fenced out of any waters of the state within or around the production areas.

PART 9 - CHEMICAL HANDLING

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

☒ Yes ☐ No No chemicals are stored or handled in the production area.

PART 10 - MANURE ANALYSIS TESTING

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

Compost, manure, wastewater

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

The cattle barn and each manure storage structure are sampled each year for representative nutrient content per the NMP

PART 11 - RECORD KEEPING

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

☒ Yes ☐ No

PART 12 - CERTIFICATION

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

NAME Barbara Anne ShattoTITLE OwnerSIGNATURE [Signature]DATE 11/25/2020**PART 13 - ENGINEER CERTIFICATION**

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

Operation Name Shatto Milk Company
Address 9406 North Highway 33
City Osborn, Mo. 64474Engineer Firm
Address 9406 N. Hwy 33
City State Zip Code Osborn, Mo. 64474

ENGINEER SEAL

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

PROJECT ENGINEER SIGNATURE
MO 780-2112 (09-19)

LAND APPLICATION INFORMATION TABLE (REQUIRED FOR NPDES PERMITS ONLY)

Operation Name:

Class Size: 14

Permit #:

County:

[illegible]

¹ If more than five planned or alternative crops per field continue on next line.

2 Soil Test P Rating or P Index Rating may be used

³ Express yield in Bu=Bushels or T=Tons per acre.

INSTRUCTIONS

FEES

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.
- Be sure to select the correct fee type and corresponding URL to ensure your payment is applied appropriately. If you are unsure what type of fee to pay, please contact the Water Protection Program's Budget, Fees, and Grants Management Unit by phone at 573-522-1485 for assistance.
- 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 fees may be paid online by credit card or eCheck through a system called JetPay. Use the URL provided below to make the appropriate online payment.

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

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

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

Modifications or Ownership Transfers - <https://magic.collectorsolutions.com/magic-ui/payments/mo-natural-resources/596/>

PART 1 - PERMIT OWNERSHIP AND CONTACT INFORMATION

- 1.1 General location and contact information for the operation. Do not use P.O. Box or RR as physical address of the operation.
- 1.2 Provide the name of the legal entity that owns or operates the CAFO facility.
- 1.3 List the Continuing Authority, if it is the same as the Owner enter "Same as above".
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), visit <https://s1.sos.mo.gov/cmsimages/adrules/csr/current/10csr/10c20-6.pdf>. A continuing authority's name must be listed exactly as it appears on the Missouri Secretary of State's (SoS's) webpage: <https://psc.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0>, unless the continuing authority is an individual(s), government, or otherwise not required to register with the SoS.

PART 2 - PERMIT TYPE

- 2.1 **Check only one box.** Indicate which permit you are applying for. EPA regulations require CAFO's that discharge to obtain a NPDES (general or site specific) permit. State Regulations require all Class I CAFO's that do not seek coverage under a NPDES permit to obtain a State No-Discharge General Permit.
- 2.2 Indicate which type of permit action is being requested. Application for NPDES permit must also complete Land Application Information Table.

The following additional documents must be submitted for applications for new permits or permit modifications:

Title page of engineering documents or similar document, or complete Part 13. Required only for construction of new confinements or manure storage structures. This must include name and address of the operation, date prepared, name and address of firm preparing the report, seal and signature of the engineer, and a statement indicating the project was designed in accordance with 10 CSR 20-8.300.

Narrative project summary. This shall include the number of confinement buildings, the design capacity in animal units and animal numbers for each type of animal, and an explanation of the manure management system and any proposed modifications.

An aerial and topographic map showing the extent of the production area including all confinement buildings, open lots, manure storage structures surface water and areas subject to a one hundred year flood event within or adjacent to the production area, and production area setback distances in accordance with 10 CSR 20-6.300(2)(E)2.D.

Nutrient Management Plan. NPDES permit applications for a new or modified permit shall include the operations nutrient management plan. For State no-discharge permit applications for a new permit shall include the operations nutrient management plan. If the operation is export only, completing Parts 5-11 meets this requirement.

Proof of neighbor notice to all parties listed in section 640.715 RSMo, and map(s) that meet the requirement of 10 CSR 20-6.300(3)(C)2.

Applications for renewal of a NPDES permit shall include the NMP.

Ownership transfers must have previous owner name, address and signature.

PART 3 - DESIGN CAPACITY FOR MANURE STORAGE AND ANIMALS OF EACH CAFO FEATURE

Some of this information is available from your current operating permit or construction permit if one was required.

- 3.1 From the table below enter the code for each storage structure type for a new permit. For renewal or modification enter the code for each storage structure type for each CAFO Feature listed on the permit. If there are multiple storage types at a CAFO Feature, use a comma to separate the code and days of storage. The Design Liquid Flow is only needed for NPDES permits, to calculate, divide the Design Wastewater per year by 365, and then divide by one million. (e.g. for a Design Wastewater per Year of 5,000,000 gal., $5,000,000 \div 365 = 13,698.6$ gal/day, then $13,698.6 \div 1,000,000 = .0136986$ MGD). Attach additional sheets if necessary.

Code	Storage Structure Type	Code	Storage Structure Type
A	Above Ground Storage Tank	F	Roofed Storage Shed
B	Below Ground Storage Tank	G	Mortality Composter
C	Underfloor (Deep) Pits	H	Anaerobic Digester
D	Storage Lagoon	I	Concrete Pad
E	Anaerobic Lagoon	J	Impervious Soil Pad

- 3.2 Per instructions in 3.1, enter the code from the table below for each animal category and the number of each animal type in confinement. Do not include animals in pasture.

Code	1 AU=	Animal Category	Code	1 AU=	Animal Category
1	1	Beef/feeder cattle, veal calves, cow/calf pairs, dairy heifers	8	82	Chicken laying hens without wet handling system
2	0.5	Horses	9	55	Turkeys in growout phase
3	0.7	Mature Dairy cows	10	125	Chicken broilers, pullets and turkey poults in brood phase all without wet handling system
4	10	Swine under 55 lbs.	11	5	Ducks with a wet handling system
5	2.5	Swine over 55 lbs.	12	30	Ducks without a wet handling system
6	10	Sheep, lambs, meat & dairy goats	13		Other (specify) Contact the Water Pollution Program for Animal Equivalent Units and SIC Codes for other animal types.
7	30	Chicken laying hens and broilers with wet handling system			

PART 4 - OPERATIONAL INFORMATION

- 4.1 **SIC Code** - Enter SIC codes from table below in decreasing order by animal units, for each animal type in confinement. **CAFO Class Size**. Enter CAFO Class Size based on Animal Units (AU)

Animal Category	SIC Code	Animal Category	SIC Code	Animal Category	SIC Code
Beef/feeder cattle	0211	Mature Dairy Cows	0241	Turkey/Turkey layers	0253
Hogs	0213	Broilers/Pullets	0251/0252	Poultry hatcheries	0254
Sheep, goats	0214	Chicken layers	0252	Horses	0272

- 4.2 Indicate if this is an export only operation. If any amount of manure, litter, and process wastewater is land applied on land owned, leased or controlled by the CAFO's owner, then it is not an export only operation.

PART 5 - MANURE STORAGE

State regulations require CAFOs ensure adequate storage of manure, litter, or process waste water, including the proper operation and maintenance of each storage facility.

PART 6 - ANIMAL MORTALITY

State regulations require proper management of animal mortalities at all CAFOs and there be no discharge from dead animal collection, holding, or disposal areas at the CAFO's production area(s). In addition, the Missouri Department of Agriculture requires the collection or disposal of dead animals in accordance with the Dead Animal Disposal Law under Chapter 269 RSMo.

PART 7 - DIVERSION OF CLEAN WATER

State regulations require CAFOs to divert clean storm water, as appropriate, around the production area. If clean stormwater enters the production area it is considered contaminated and cannot be discharged from the production area.

PART 8 - PREVENT DIRECT CONTACT OF ANIMALS WITH SURFACE WATERS

State regulations require that CAFOs prevent the direct contact of confined animals with waters of the state.

PART 9 - CHEMICAL HANDLING

State regulations require chemicals and other contaminants handled on-site not be disposed of in any manure, litter, process wastewater, storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.

PART 10 - MANURE ANALYSIS TESTING

State regulations require that each unique source of manure be tested annually for nutrient content.

PART 11 - RECORD KEEPING

State regulations require specific records to be maintained and kept for five years.

PART 12 - CERTIFICATION

Sign and date the application and submit to the department.

PART 13 - ENGINEER CERTIFICATION

The may be completed by the project engineer to certify that the project was designed according to state design regulations in place of submitted the title page of the engineering documents.

LAND APPLICATION INFORMATION TABLE (REQUIRED FOR NPDES PERMITS ONLY)

Attach additional sheets if necessary.

Field Name – Enter the name of each land application field in the NMP.

Legal Description – Enter section, township and range in which majority of the field is located in.

Spreadable Acres – Enter the spreadable acres for each field.

P Loss Risk – Enter either Soil Test P rating or P Loss Index rating for each field.

N or P based Application - Indicate if the field is N or P based application rate.

Crop – Enter all crops that are planned to be grown and any alternative crops that might be grown for each field. Alternative crops with planned yield and application rates must be included in your NMP. If more than five crops are to be listed, continue on next line.

Yield Goal – Enter realistic yield goal for each crop.

Return the application form along with permit fee and other documents, to the address below. If there are any questions concerning this form or permits, contact the department's Water Protection Program at 573-522-4502 or cafo@dnr.mo.gov.

Missouri Department of Natural Resources

Water Protection Program

P.O. Box 176

Jefferson City, MO 65102

A black and white photograph showing a large, dark, textured surface, likely a wall or a large object. A vertical strip of lighter, possibly metallic or reflective material runs down the left side. The surface is covered in a dense, irregular pattern of small, light-colored marks or debris, suggesting wear or a rough texture. The lighting is somewhat uneven, with the left side appearing slightly brighter than the right.

Lagoon - Mission Runway

