



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

May 16, 2023

Pual Peng
Pual Peng
23660 McDonald Road
Stella, MO 64867

RE: Pual Peng

Dear Pual Peng:

Pursuant to the Missouri Code of State Regulations and in compliance with the Missouri Clean Water Law, the Missouri Department of Natural Resources has issued and enclosed your General State Operating Permit for Pual Peng.

This permit is your new Missouri State Operating Permit and replaces all previous State Operating Permits issued for this facility under this permit number. In all future correspondence regarding this facility, please refer to your State Operating Permit MO-GS10624 and Pual Peng as shown on page one of the permit.

Please read your permit and the enclosed Standard Conditions. They contain important information on monitoring requirements, effluent limitations, sampling frequencies, and reporting requirements.

| Features | Permitted Features (PF) | Page # | Table or # | Limit Set |
|-----------------------|-------------------------|--------|------------|------------|
| 001, 002 | Permitted Feature #001 | 8 | 2 | |
| Not Applicable | Permitted Feature #02I | 3 | A-1 | IW, S |
| Not Applicable | Permitted Feature #02M | 4 | A-2 | IW, S |
| Not Applicable | Permitted Feature #003 | 5 | A-3 | LA, LS, SM |
| Not Applicable | Permitted Feature #004 | 13-14 | 14 | |
| Not Applicable | Permitted Feature #005 | 5 | A-3 | LA, LS, SM |
| Not Applicable | Annual Summary #AS1 | 5 | A-4 | LA |
| 003 | Annual Summary #ASE | 11-12 | 9 | |

Permitted Features and Limit Sets that are applicable to your facility are indicated below.

Please be aware, the Department has an electronic Discharge Monitoring Report (eDMR) system. The eDMR system utilizes the Missouri Gateway for Environmental Management (MoGEM) as the main login mechanism. Current users of eDMR are required to register as a new user through MoGEM before their next Discharge Monitoring Report is due. Paper applications are no longer being utilized.



The eDMR system was developed with the intent to be user friendly, lead to improved compliance results, and an overall better experience for both Department staff and the regulated community. The goal is to be easy to use, intuitive and provide the ability for account management by the facility rather than Department staff.

Additional information and links to the eDMR system may be found at: <https://dnr.mo.gov/water/business-industry-other-entities/reporting/electronic-discharge-monitoring-reporting-system-edmr>. Those with questions and comments may email edmr@dnr.mo.gov or call the eDMR Help Desk at 573-526-2082 or toll free 855-789-3889.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to Section 621.250, RSMo. To appeal, you must file a petition with the AHC within 30 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. Contact information for the AHC is: Administrative Hearing Commission, United States Post Office Building, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, MO 65102, phone: 573-751-2422, fax: 573-751-5018, and website: <http://ahc.mo.gov>.

Please be aware that this facility may also be subject to any applicable county or other local ordinances or restrictions.

If you have any questions concerning this permit, please do not hesitate to contact by email at CAFO@dnr.mo.gov, phone at 573-526-1426 or 573-751-1398, fax at 573-522-9920, mail at Department of Natural Resources' Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you.

Sincerely,

WATER PROTECTION PROGRAM



John Hoke
Director

JH:dmv

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

General Operating Permit

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo as amended, hereinafter, the Law),

Permit No: MOGS10624
Owner: Pual Peng
Address: 23660 McDonald Rd
STELLA, MO 64867

Continuing Authority: Pual Peng
23660 McDonald Rd
STELLA, MO 64867

Facility Name: Pual Peng
Facility Address: 23660 McDonald Rd
STELLA, MO 64867

is authorized to operate the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein.

FACILITY DESCRIPTION All Outfalls SIC #0251
All Outfalls - Concentrated Animal Feeding Operation (CAFO) - SIC #0211, #0212, #0213, #0214, #0241, #0251, #0253, #0254, #0259, or #0272.
Process wastes are collected and reused as a fertilizer or soil amendment by spreading onto agricultural fields at agricultural rates in accordance with this permit. There is no-discharge allowed.

SIC Code(s): 0251

CAFO Class Size: IC

Animal Units: 2743

The activities permitted herein are authorized under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System.

June 01, 2023
Effective Date


John Hoke, Director
Water Protection Program

February 13, 2028
Expiration Date

Detailed Operation Description
For Concentrated Animal Feeding Operations

Feature: 001

Legal Description: Sec. 36, T24N, R31W, Newton County

UTM Coordinates: 390209.403/4068566.838

Receiving Stream: Tributary to Indian Cr.

First Classified Stream - ID#: 100K Extent-Remaining Streams (C) 3960.00

USGS# and Sub Watershed#: 11070208 - 0304

Animal Type(s) and Number: Broilers/pullets/turkey poult dry litter 342856

Storage Structure Type(s) and Design Storage Period (days): Roofed Storage Shed - 378 (days)

General Description: This is a dry litter broiler operation consisting of 8 production buildings.

Feature: 002

Legal Description: Sec. 36, T24N, R31W, Newton County

UTM Coordinates: 390425.790/4068564.968

Receiving Stream: Tributary to S. Indian Cr.

First Classified Stream - ID#: 100K Extent-Remaining Streams (C) 303(d) 3960.00

USGS# and Sub Watershed#: 11070208 - 0302

Animal Type(s) and Number: Broilers/pullets/turkey poult dry litter 0

Storage Structure Type(s) and Design Storage Period (days): Mortality Composter - 225 (days)

General Description: Dry litter is stored in a stack shed and there is a mortality composter. Mortalities are composted, this is an export only facility.

Feature: 003

Legal Description: Sec. 36, T24N, R31W, Newton County

UTM Coordinates: 390353.003/4068484.720

Receiving Stream: Tributary to Indian Cr.

First Classified Stream - ID#: 100K Extent-Remaining Streams (C) 3960.00

USGS# and Sub Watershed#: 11070208 - 0304

Animal Type(s) and Number: Broilers/pullets/turkey poult dry litter 0

Storage Structure Type(s) and Design Storage Period (days): None - 0 (days)

General Description: Annual Export only report.

Permitted Feature #001: Production Area Waste Storage (e.g. earthen basin, covered earthen basin, deep pit, stack shed, composter), with Land Application

Legal Description:

UTM Coordinate: X = Y =

Receiving Water:

First Classified Stream and ID:

USGS Basin & Sub-Watershed No:

Storage Structure Type(s) and Design Storage Period (days):

General Description:

Permitted Feature #02 (#02M or #02I): Truck Wash with Earthen Basin or Storage Structure

Truck wash wastewater may be mixed (or applied on the same field) with CAFO wastewater under an approved NMP (monitored under Table A-2 and Permitted Feature #02M)

OR truck wash wastewater may be independently managed and land applied on a field separate from CAFO land application activities (Permitted Feature #02I, must be associated with PF#003, and monitored under Table A-1)

Legal Description:

UTM Coordinates: X = Y=

USGS Basin & Sub-watershed No.:

Design Flow, Dry Weather (gallons per day):

Design Flow, 1-in-10 Year Wet Weather (gallons per day):

Permitted Feature #003: Truck Wash Specific Land Application.

This permitted feature is only for fields used exclusively for land application of truck wash wastewater, which is not included in the CAFO Nutrient Management Plan (NMP). If truck wash wastewater is mixed with CAFO wastewater and land applied under the nutrient management plan, this permitted feature and associated monitoring and special conditions are not applicable.

Legal Description:

UTM Coordinates: X = Y =

USGS Basin & Sub-watershed No.:

Maximum Application Rate: 24" per year, 3" per week, 1" per day or nutrient based land application rate, whichever is lower.

Permitted feature #004 – Domestic Wastewater Holding Basin

Legal Description:

UTM Coordinates: X = Y=

USGS Basin & Sub-watershed No.:

Design Flow, Dry Weather (gallons per day):

Design Flow, 1-in-10 Year Wet Weather (gallons per day):

Permitted Feature #005 – Domestic Specific Land Application

This permitted feature is only for fields used exclusively for land application of domestic wastewater, which is not included in the CAFO Nutrient Management Plan (NMP). If domestic wastewater is mixed with CAFO wastewater and land applied under the nutrient management plan, this permitted feature and associated monitoring and special conditions are not applicable.

Legal Description:

UTM Coordinates: X = Y =

USGS Basin & Sub-watershed No.:

Maximum Application Rate: 24" per year, 3" per week, 1" per day

Annual Summary #AS1 – This is a feature established for summary annual reporting for all land application activities conducted under this permit on land application areas under the operational control of the CAFO owner/operator.

Volume irrigated: Gals or Ton/year

Land Application Area: Acres/year

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

| PERMITTED FEATURE #021 <i>Truck Wash Wastewater (managed independent of CAFO wastewater/NMP)</i> | | TABLE A-1 STORAGE BASIN MONITORING REQUIREMENTS | | | |
|---|-------|--|--------------------|--------------------------|----------------|
| The permittee is authorized to store and land apply truck wash wastewater as specified in the application for this permit. No discharge is authorized from this permitted feature. The irrigation of wastewater shall be controlled, limited and monitored by the permittee as specified below: | | | | | |
| EFFLUENT PARAMETERS | UNITS | FINAL EFFLUENT LIMITATIONS | | MONITORING REQUIREMENTS | |
| | | DAILY MAXIMUM | MONTHLY AVERAGE | MEASUREMENT FREQUENCY | SAMPLE TYPE |
| Limit Set: IW | | | | | |
| LAND APPLIED WASTEWATER (∅, Ψ) | | | | | |
| Oil & Grease | mg/L | * | | once/year | grab |
| Nitrate + Nitrite | mg/L | * | | once/year | grab |
| Ammonia Nitrogen as N | mg/L | * | | once/year | grab |
| Nitrogen, Total Kjeldahl | mg/L | * | | once/year | grab |
| Phosphorous, Total | mg/L | * | | once/year | grab |
| Boron | µg/L | * | | once/year | grab |
| Copper | µg/L | * | | once/year | grab |
| Zinc | µg/L | * | | once/year | grab |
| Limit Set: S | | | | | |
| LAND APPLIED INDUSTRIAL SLUDGE (X, ☼) | | | | | |
| Nitrogen, Total | mg/kg | * | | once/event | grab |
| Phosphorus, Total | mg/kg | * | | once/event | grab |
| Potassium, Total | mg/kg | * | | once/event | grab |
| MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE BY <u>JANUARY 28, 2024</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS. | | | | | |

| PERMITTED FEATURE #02M <i>Truck Wash Wastewater (When mixing with CAFO Wastewater under NMP)</i> | TABLE A-2 STORAGE BASIN MONITORING REQUIREMENTS | | | | |
|---|--|----------------------------|--------------------|--------------------------|----------------|
| | The permittee is authorized to store and land apply truck wash wastewater mixed with CAFO wastewater as specified in the application for this permit. No discharge is authorized from this permitted feature. The irrigation of wastewater shall be controlled, limited and monitored by the permittee as specified below: | | | | |
| EFFLUENT PARAMETERS | UNITS | FINAL EFFLUENT LIMITATIONS | | MONITORING REQUIREMENTS | |
| | | DAILY MAXIMUM | MONTHLY AVERAGE | MEASUREMENT FREQUENCY | SAMPLE TYPE |
| Limit Set: IW | | | | | |
| LAND APPLIED WASTEWATER (ϕ, Ψ) | | | | | |
| Oil & Grease | mg/L | * | | once/year | grab |
| Boron | μ g/L | * | | once/year | grab |
| Copper | μ g/L | * | | once/year | grab |
| Zinc | μ g/L | * | | once/year | grab |
| Limit Set: S | | | | | |
| LAND APPLIED INDUSTRIAL SLUDGE (Σ, \odot) | | | | | |
| Nitrogen, Total | mg/kg | * | | once/event | grab |
| Phosphorus, Total | mg/kg | * | | once/event | grab |
| Potassium, Total | mg/kg | * | | once/event | grab |
| MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE BY <u>JANUARY 28, 2024</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS. | | | | | |

| PERMITTED FEATURES #003 AND #005 <i>Truck Wash / Domestic Wastewater Land Application</i> <i>(only applies to truck wash wastewater when not mixed with CAFO waste)</i> | | TABLE A-3 TRUCK WASH / DOMESTIC WASTEWATER LAND APPLICATION FIELD MONITORING REQUIREMENTS | | | |
|--|-------------|--|-----------------|-------------------------|-------------|
| The permittee is authorized to conduct irrigation of wastewater and sludge as specified in the application for this permit. No discharge is authorized from this permitted feature. The final limitations shall become effective on March 1, 2023 , and remain in effect until expiration of the permit. The irrigation of wastewater shall be controlled, limited and monitored by the permittee as specified below: | | | | | |
| EFFLUENT PARAMETERS | UNITS | FINAL EFFLUENT LIMITATIONS | | MONITORING REQUIREMENTS | |
| | | DAILY MAXIMUM | MONTHLY AVERAGE | MEASUREMENT FREQUENCY | SAMPLE TYPE |
| Limit Set: LA | | | | | |
| WASTEWATER APPLICATION ◊ | | | | | |
| Application Area | Acres | * | | once/day | measured |
| Application Rate | Inches/Acre | * | | once/day | measured |
| Irrigation Period | Hours | * | | once/day | measured |
| Volume Irrigated | Gallons | * | | once/day | measured |
| Limit Set: LS | | | | | |
| INDUSTRIAL SLUDGE APPLICATION X | | | | | |
| Application Area | Acres | * | | once/day | measured |
| Application Rate | Inches/Acre | * | | once/day | measured |
| Volume Irrigated | Gallons | * | | once/day | measured |
| MONITORING REPORTS SHALL BE SUBMITTED BY THE 28 TH DAY OF THE MONTH FOLLOWING LAND APPLICATION. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE MOUNTS. | | | | | |
| SOIL MONITORING ▼ | | | | | |
| pH♣ | SU | * | | once/permit cycle | composite |
| Nitrate Nitrogen as N | ppm £ | * | | once/permit cycle | composite |
| Nitrogen, Total | ppm £ | * | | once/permit cycle | composite |
| Phosphorus, Bray P1 method | ppm £ | * | | once/permit cycle | composite |
| MONITORING REPORTS SHALL BE SUBMITTED ONCE PER PERMIT CYCLE; THE FIRST REPORT IS DUE BY JANUARY 28, 2028. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS. | | | | | |

| PERMITTED FEATURE #AS1 <i>ANNUAL SUMMARY</i> | | TABLE A-4 CAFO LAND APPLICATION FIELD LIMITATIONS AND MONITORING REQUIREMENTS | | | |
|---|---------|--|-----------------|-------------------------|-------------|
| This permit authorizes land application of wastewater, waste and manure, in accordance with all applicable permit conditions. In addition to the required annual report, the following summary data shall be submitted by the permittee as specified below: | | | | | |
| EFFLUENT PARAMETERS | UNITS | FINAL EFFLUENT LIMITATIONS | | MONITORING REQUIREMENTS | |
| | | DAILY MAXIMUM | MONTHLY AVERAGE | MEASUREMENT FREQUENCY | SAMPLE TYPE |
| Limit Set: LA | | | | | |
| MANURE/WASTEWATER APPLICATION ◊ | | | | | |
| Application Area | Acres | * | | once/day | measured |
| Volume Irrigated | Gallons | * | | once/day | measured |
| | Tons | * | | once/day | measured |
| MONITORING REPORTS SHALL BE SUBMITTED ANNUALLY; THE FIRST REPORT IS DUE BY JANUARY 28, 2024, FOR ALL PERMITTED CAFOS. | | | | | |

- * Monitoring requirement only
- X Reporting is only required for permitted features where land application occurred during the month. If no land application occurs at a permitted feature, no reporting is required. These are unscheduled parameters.
- ▼ Sample the upper 6 to 8 inches of soil. Composite samples shall be collected from each permitted land application site. See Section E. Land Application System Condition #3(k) Soil Monitoring for additional guidance.
- ♣ Soil pH shall be maintained in an appropriate range for plant growth.
- £ Some soils test results may be in lbs./acre. To convert to ppm multiply lbs./acre by 0.5 to get ppm.
- ◊ Report as “No Application” when land application does not occur during the report period.
- Ψ Wastewater that is land applied shall be sampled in the storage basin, at the irrigation pump, wet well, or application equipment prior to land application.
- ☼ Sludge that is land applied shall be sampled at the storage basin or application equipment prior to land application.

APPLICABILITY

1. This permit provides coverage under regulations found in the Missouri Clean Water Law and regulations found in 10 CSR 20-Chapter 6 and 10 CSR 20-Chapter 8 for Concentrated Animal Feeding Operations (CAFOs) in the State of Missouri.
2. CAFOs that may be eligible for this general permit are Class I CAFOs. CAFOs that are eligible for coverage under this permit are those that have a design capacity of less than 7,000 animal units. Once an operation obtains coverage under this permit, the requirements set forth herein apply to all manure, litter, process wastewater, or mortality by-products generated within the CAFO production area and land application areas under the operational control of the CAFO owner or operator.
3. Operations must demonstrate the ability to meet the no-discharge requirement. This requirement can be met by showing compliance with design requirements in 10 CSR 20-8.300, compliance with previous permits, or other acceptable documentation.
4. Facilities generating more than 50,000 gallons per day of domestic (e.g. human waste) wastewater are not eligible for this general permit. The facility must either obtain a facility site-specific permit, for the CAFO operations and the domestic wastewater system, or the CAFO general permit and the appropriate, separate permit for the domestic wastewater treatment system.
5. This permit authorizes the operation of a no-discharge CAFO. A discharge, regardless of the reason, is prohibited and is a violation of the permit.
 - a. In the event a discharge occurs at a CAFO covered under this permit, the CAFO will be allowed to maintain coverage under this permit when the following two conditions are met:
 - (1) The Department determines that the specific cause has been appropriately corrected so that the CAFO does not discharge; and
 - (2) The CAFO has not had two discharges at a given site for the same cause in any five year period.
 - b. If a CAFO has two separate discharge events brought about by the same cause, the Department may terminate this permit and the CAFO would be required to seek coverage under a NPDES permit.
6. If at any time the owner or operator of the operation should desire to apply for a general NPDES or site specific permit, the owner or operator may do so.
7. If at any time, the Department determines that a general NPDES or site specific permit is necessary to ensure protection of the waters of the state, the Department will require the CAFO to apply for one.
8. This permit applies only to requirements under the Missouri Clean Water Law and the Federal Clean Water Act and their implemented regulations and does not apply to other environmental laws and regulations.
9. This permit does not supersede nor remove liability for compliance with county and other local ordinances.
10. This permit does not cover land disturbance activities or construction of earthen basins.
 - a. Land disturbance activities disturbing one or more acres of total area for the entire project or less than one acre for sites that are part of a common promotional plan of development may require a land disturbance permit. Instructions on how to apply for and receive the online land disturbance permit are located at www.dnr.mo.gov/env/wpp/epermit/help.htm. Questions regarding permit requirements may be directed to the Department's Land Disturbance phone line at [573-526-2082](tel:573-526-2082) or toll free at [855-789-3889](tel:855-789-3889).
 - b. Construction of an earthen basin or holding structure requires a construction permit. CAFO waste and wastewater storage system modifications shall be designed and constructed in accordance with 10 CSR 20-8.300. Instructions on how to apply for and receive a construction permit are located at <https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/wastewater/construction-engineering>. Construction may not begin on new or expanding CAFOs until an operating permit is issued. Questions regarding permit requirements may be directed to Department's Water Protection Program phone line at [573-751-1300](tel:573-751-1300), or toll free at [800-361-4827](tel:800-361-4827).

GENERAL REQUIREMENTS

1. Definitions are as listed in the "Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard," in State Statute 640.703 RSMO, and in State Regulations under 10 CSR 20-2, 6.300, and 8.300.
2. AUTHORIZATION

This permit authorizes operation of the CAFO waste management system as described in the "Facility Description", permit application and associated engineering plans. The CAFO is allowed to operate at an animal unit level not to exceed its respective class size (i.e. Class IC or IB) as listed in the "Facility Description". When determining the appropriate classification a rolling 12

month average will be used. The rolling 12 month average shall at no time exceed the upper threshold limit of the CAFO's designated class size. The CAFO may change animal numbers and weights within its respective class size; however, such changes must not adversely impact the storage and handling capacities of the waste management system or violate the effluent limitations of this permit.

3. TERMINATION OF PERMIT

If activities covered by this permit have ceased, and the operation has been closed in accordance with the regulations and this permit, the permittee shall request termination of this permit.

4. REOPENER CLAUSE

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

5. PERMIT RENEWAL

Unless terminated, the permittee shall submit an application for the renewal of this permit by submitting *Form W Concentrated Animal Feeding Operation (CAFO) Operating Permit Application MO 780-2112* <https://dnr.mo.gov/document-search/form-w-concentrated-animal-feeding-operation-cafo-operating-permit-application-mo-780-2112> no later than thirty (30) days prior to the permit's expiration date.

When a facility submits a timely and complete application in accordance with 10 CSR 20-6.010(10)(C)1, and the Department is unable through no fault of the permittee to issue a renewed permit prior to expiration of the previous permit, the terms and conditions of the expired permit are administratively continued and will remain fully effective and enforceable until such time when a permit action is taken. Failure to submit a renewal application is a violation of the Missouri Clean Water Law. Failure to apply for renewal of a permit may result in termination of this permit and enforcement action to compel compliance with this condition and the Missouri Clean Water Law.

6. PERMIT MODIFICATION

An application for permit modification must be submitted, with modified permit issued, prior to new construction or expansion of an existing CAFO, demonstrating compliance with all applicable CAFO laws and regulations including 640.715 RSMo and 10 CSR 20-6.300. Expansion includes, but it is not limited to, expansion of the production areas or buildings, expansion or structural changes to the waste storage structure, or increase in animal units resulting in a new class size. Addition of new permitted features and changes to land application authority (e.g. changing from an export-only facility to conducting land application at CAFO land application areas) must be included in a permit modification prior to implementation or use. Please contact the Operating Permits section if you need further clarification at (573) 522-4502 or CAFO@dnr.mo.gov.

7. PERMIT TRANSFER

This permit may be transferred to a new owner by submitting a "Concentrated Animal Feeding Operation (CAFO) Operating Permit Application" along with the appropriate modification fee.

8. 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 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 shall 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>

STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Standard Conditions Part I, and/or Standard Conditions Part III dated August 01, 2014, and August 1, 2019, and hereby incorporated as though fully set forth herein. <https://dnr.mo.gov/document-search/standard-conditions-mpdes-permits-aug-1-2014-part-i>. Standard Conditions Part III August 1, 2019, is applicable for domestic only systems and associated land application, but is not applicable to land application of domestic waste when mixed and land applied with CAFO waste.

STANDARD REQUIREMENTS

1. NO-DISCHARGES

This permit does not authorize discharge of manure, litter, process wastewater, or mortality by-products to waters of the state.

2. CAFO PRODUCTION AND TRUCK WASH AREA REQUIREMENTS

Requirements applicable to all CAFO production area(s):

- a. There shall be no discharge of manure, litter, process wastewater, or mortality by-products into waters of the state or release that crosses property boundaries from the production area.
- 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 discharging, releasing, or spilling 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 an overflow from the storage structure. Reasonable steps may include, but are not limited to: following the Department's current guidance (PUB2422) entitled "Wet Weather Management Practices for CAFOs." This guide was designed specifically to help minimize or eliminate water quality impacts from CAFOs during extreme wet weather periods. 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. The operator shall notify the appropriate Regional Office 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.
- c. Stockpiling of uncovered solid manure within the production area is not allowed, unless runoff collection system is present and operational and must be designed and operated to meet the standards and best management practices established in Publication 2503, *Requirements and Best Management Practices for Temporary Stockpiles of Poultry Litter and Other Dry Process Waste*.
- d. CAFO staff and contractors shall not dispose of inorganic solid waste or chemicals into the wastewater system, including but not limited to insemination tubes, disposable medical equipment, masks, and other trash, unless the system is specifically designed to manage, filter or treat for the waste or chemicals.
- e. To maintain structural integrity, the berms of the storage basin(s) shall be mowed and kept free of any deep-rooted vegetation, livestock, animal dens, or other potential sources of damage, any leaks or issues shall be noted and repaired as soon as possible.
- f. The facility shall prevent surface water intrusion and run-in into the storage basin(s), and to protect embankments from erosion.
- g. It is a violation of this permit to place material in the emergency spillway or otherwise cause it to cease to function properly, as this may result in a catastrophic failure of the storage basin, unless authorized by the Department.
- h. The permittee must request written approval prior to the addition or change in any chemicals being used and released into the wastewater storage structure, including but not limited to truck wash soaps, chemicals and disinfectants. Changes in brands, manufacturers or solutions that do not result in changes in the pollutant(s) and their concentration or load in the wastewater do not require written approval. Written approval may be via e-mail communication.
- i. Additional requirements for uncovered liquid storage structures:
 - (1) The storage structure must be 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 must be adequate to contain all manure, litter, and process wastewater accumulated during the storage period including the following:
 - (a) The volume of manure, litter, process wastewater, and other wastes accumulated during the storage period;
 - (b) 1 in 10 year 365 day annual rainfall minus evaporation during the storage period;
 - (c) 1 in 10 year 365 day normal runoff during the storage period;
 - (d) The direct precipitation from the 25-year, 24-hour storm;
 - (e) The runoff from the 25-year, 24-hour storm event;
 - (f) A minimum treatment volume for treatment earthen basins.

- (3) All open surface liquid impoundments must have a depth marker which clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event. In the case of new sources subject to effluent limitations established pursuant to § 412.46(a)(1) of this part, all open surface manure storage structures associated with such sources must include a depth marker which clearly indicates the minimum capacity necessary to contain the maximum runoff and direct precipitation associated with the design storm used in sizing the impoundment for no discharge.
- (4) Discharges are prohibited. Any illicit discharge 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 operator 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) All open storage structures shall maintain a visual reference gauge showing the depth of liquids in the structure, the lower operating level, the upper operating level, and the emergency spillway level.
- (7) Upper and Lower Storage Operating Levels:
 - (a) During normal weather conditions, the liquid level in the storage structure shall be maintained below the upper operating level, 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 earthen basin floor.
 - (b) 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.
 - (c) The upper operating level for uncovered storage structures is one foot below the emergency overflow level unless specified otherwise the Department approved construction permit or plans.
 - (d) The operation shall be managed so that the level of liquids in the storage structure does not exceed the upper operating level.
- (8) Storage Safety Volume: (10 CSR 20-8.300(4)(D)2.B.: When a chronic or catastrophic design storm event occurs, the "safety volume" may be used to contain storm water until conditions are suitable for land application. The required safety volume shall be maintained between the overflow level and the upper operating level.

3. CAFO AND TRUCK WASH LAND APPLICATION AREAS REQUIREMENTS

The Land Application Area is agricultural land which is under the operational control of the CAFO owner or operator; whether it is owned, rented, or leased; to which manure, litter, process wastewater, or mortality by-products from the production area is or may be applied.

Requirements applicable to all CAFO land application area(s):

- a. There shall be no discharge of manure, litter, process wastewater, or mortality by-products to waters of the state or that crosses property boundaries from a CAFO stockpile or as a result of the land application of manure, litter, process wastewater, or mortality-by-products to land application areas under the operational control of the CAFO, 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 this permit, the 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 areas under the operational control of the CAFO is considered to be an agricultural storm water discharge.
- b. Truck wash wastewater not included within the NMP must be applied in accordance within a department approved land application management plan.
- c. All land application area(s), as defined in 10 CSR 20-6.300, must be included in the CAFO's nutrient management plan. When the permittee applies dry process wastes or process wastewater to agricultural lands that are not owned, rented, leased or otherwise under the operational control of the CAFO owner or operator, the permittee shall do so in accordance with Section 4 below.
- d. Temporary stockpiling of solid manure within the land application areas shall be bermed or otherwise prevent runoff. No location shall be used for stockpiling for more than two weeks unless the stockpile is covered.
- e. Land application may only occur during nighttime hours if conducted in accordance with a Department-approved plan, submitted in accordance with 10 CSR 20-6.300(3)(G)3.
- f. Effective and efficient native plants and vegetation, appropriate for the region and site, are encouraged for land application area vegetated buffers.
- g. This permit does not authorize land disposal or the application of hazardous waste.

TRANSFER OF MANURE, LITTER, AND PROCESS WASTEWATER TO OTHER PERSONS

In cases where CAFO-generated manure, litter, process wastewater, or mortality by-products is sold, given away, or applied on land not under the operational control of the CAFO, the permittee must comply with the following conditions:

- h. Maintain records showing the date, recipient name and address, and amount of manure, litter, and/or process wastewater that leaves the permitted operation (The recipient is the broker or end user, not merely the truck driver). These records must be retained on-site, for a period of five (5) years and made available upon request;
- i. Provide the recipient(s) with the current nutrient analysis of the manure, litter, and/or process wastewater;
- j. Provide the recipient with a paper copy of, or electronically a link to, the Manure Export Guidance (MEG); and
- k. Complete and submit the summary manure export report, in accordance with Standard Requirement 9.iii.

4. MORTALITY MANAGEMENT

- a. In accordance with 10 CSR 20-6.300(3)(A)5, 10 CSR 20-6.300(5)(B), 40 CFR 412.37(a)(4) and 40 CFR 412.47(a), mortalities must not be disposed of in any liquid manure or process wastewater system that is not specifically designed to treat animal mortalities. Mortalities must be handled in such a way as to prevent the discharge of pollutants to surface waters and prevent the creation of a public health hazard. Class I operations may not use burial as a permanent mortality management method to dispose of routine mortalities, in accordance with 10 CSR 20-8.300(11).
- b. Routine animal mortalities must be promptly removed from any area where the carcass will impact normal facility waste management operations (e.g. scrapers or wastewater transfer points).
- c. There shall be no free-draining liquids from dead animal collection areas or holding areas (dumpsters, holding tanks, stockpiles within livestock production buildings, refrigeration units, etc.).
- d. In the event of significant numbers of unexpected mortalities (i.e. mass mortalities), operations shall first receive approval of an emergency plan of disposal by the State Veterinarian. The Missouri Geological Survey shall review proposed burial sites prior to burial to determine if there is the potential for major groundwater contamination and assist the State Veterinarian in locating proper burial sites. 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. For the additional information, please see the Department's publication 12150, "*Animal Production Mortalities Emergency Procedures*," <https://dnr.mo.gov/document-search/animal-production-mortalities-emergency-procedures-pub1250/pub1250>.

5. INSPECTIONS

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

- a. 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.
- b. Weekly inspections of all BMPs, including storm water diversion devices, runoff diversion structures, and devices that channel contaminated storm water to the process wastewater storage and divert storm water runoff away from the production area.
- c. Weekly inspections of the manure, litter, process waste and wastewater, or impoundments. The inspection will note the level in liquid impoundments as indicated by the depth marker.
- d. Weekly inspections of the collection or holding areas for dead animals, including all composting or holding containers prior to transport off-site. Equipment and devices used for the transfer of dead animals for delivery and disposal off-site are not considered a collection or holding area, therefore, are not required to be part of the weekly inspection requirement.
- e. Conduct leak inspections on equipment used for land application, daily when in use.
- f. Monitoring of the perimeter of the application fields where runoff is likely to occur to ensure that applied wastewater does not run off the fields where applied.
- g. 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.
- h. Hourly inspections of aboveground irrigation pipelines when in use.
- i. Any deficiencies found as a result of inspections shall be documented and corrected as soon as possible.

6. RECORD KEEPING FOR PRODUCTION AREA

The following records shall be maintained on-site by the CAFO operator for a period of five (5) years from the date they are created and shall be made available to the Department upon request:

- a. A copy of permits, permit applications, and a current copy of the CAFO's NMP.
- b. The visual inspections required in Special Requirement and Standard Condition #6 shall be recorded once per week.
- c. Weekly records of the depth of process wastewater in the liquid impoundments as indicated by the depth marker. Report the liquid level as feet below the emergency overflow level.

- d. 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.
- e. Records of mortalities management and practices used by the operation to ensure proper management of mortalities to ensure they are not disposed of in a liquid manure, stormwater or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities.
- f. Records of the date, time, location, duration, estimated volume and corrective actions taken for any discharge of manure, litter, process wastewater, or mortality by-products to waters of state or release that crosses property boundaries. Monitor an illicit discharge at the point immediately prior to entering the receiving stream or a release at the property boundary. 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; $450 \text{ gpm} = 1.0 \text{ CFS}$. Other similar means of estimating may be used.
- g. For open liquid manure storages only, record the inches of precipitation received daily near the production site. CAFOs may use nearby weather reporting station data to satisfy this requirement.

7. RECORD KEEPING FOR LAND APPLICATION AREA

The following records shall be maintained on-site by the CAFO operator for a period of five (5) years from the date they are created and shall be made available to the Department upon request:

- a. Expected and actual crop yields;
- b. The date(s) and rates of manure, litter, process wastewater, or mortality by-product applications to each field;
- c. Weather conditions at time of application and for twenty-four (24) hours prior to and following application;
- d. Test methods used to sample and analyze manure, litter, process wastewater or mortality-by-products, and soil;
- e. Results from manure, litter, process wastewater or mortality-by-products, and soil sampling;
- f. Explanation of the basis for determining manure application rates, as provided in the NMTS;
- g. Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, process wastewater or mortality by-products;
- h. Total amount of nitrogen and phosphorus actually applied to each field for each application, including documentation of calculations for the total amount applied;
- i. The method used to apply the manure, litter, process wastewater or mortality-by-products;
- j. Record of runoff from the land application field that resulted in a direct release off of the CAFO property or a discharge to waters of the state, and the response; and
- k. Date(s) of manure application equipment inspection.
- l. Additional record keeping requirements are found in the NMTS that document implementation of appropriate NMP protocols.

8. UNAUTHORIZED DISCHARGES AND REPORTING REQUIREMENTS

- a. Any spill, overflow, or other discharge(s) not specifically authorized are unauthorized.
- b. If an unauthorized discharge cause or permit any contaminants to discharge or enter waters of the state, or a release that crosses property boundaries, the unauthorized discharge or releases 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.
- c. If a discharge occurs the owner or operator must submit to the Department for review and approval within fifteen days the following documentation:
 - (1) The date, time, cause, duration, and approximate volume of the discharge,
 - (2) A detailed explanation of the steps taken by the CAFO to permanently address the cause of the discharge that will ensure that a discharge from this cause does not occur in the future.
 - (3) All reports or information submitted to the Department shall be signed by the owner or operator of the CAFO.
- c. Spills or leaks that are contained on the property shall 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, earthen basins, irrigation systems etc.

9. Electronic Discharge Monitoring Report (eDMR) Submission System. The 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. The facility must register in the Department's eDMR system through the Missouri Gateway for Environmental Management (MoGEM) no later than December 31, 2023. All reports uploaded into the system shall be reasonably named so they are easily identifiable, such as "CAFOAnnualManureExportReport2023", or "CAFOAnnualReport2023". Information about eDMR, including the waiver request form, may be found on our webpage: <https://dnr.mo.gov/water/business-industry-other-entities/reporting/electronic-discharge-monitoring-reporting-system-edmr>.

An annual report for Class I operations shall be submitted by the 28th day of January for the previous calendar year. The first report is due on the next annual report date after permit issuance including partial report periods. Annual Report forms, supplied by the Department, or other equivalent forms, may be used. The report shall include:

- i. The number and type of animals confined at the operation.
- ii. The estimated amount of manure, litter, process wastewater, or mortality by-products generated in the previous twelve months.
- iii. The summary manure export report, which includes amount of waste, manure, litter, process wastewater, sludge, compost, or mortality by-products transferred to other persons in the previous twelve months, reported by the receiving HUC-12. This report should not include personal identifiable information.
- iv. The total number of acres under the operational control of the operation that were used for land application of manure, litter, process wastewater, or mortality by-products in the previous twelve months, including a summary of the land application and nutrient management activities.
- v. A summary of all manure, litter and process wastewater discharges from the production area to waters of the state that have occurred in the previous twelve (12) months including date, time and approximate volume. Report as no discharge if a discharge did not occur.
- vi. A statement indicating whether the current Nutrient Management Plan was developed or approved by a certified nutrient management planner.
- vii. The date, time, location, duration, and estimated volume of any process wastewater discharges to waters of the state or release that crossed property boundaries. Report as no-discharge, if there was no discharge during the monitoring period.
- viii. The crops planted and actual yields, nutrient analysis results and the amount applied for each unique source of manure, litter, and process wastewater applied to the land application area(s), and the results of any soil testing from the previous twelve months.
 - a. All reports or information submitted to the Department shall be signed by the owner or operator of the CAFO.

10. NUTRIENT MANAGEMENT PLAN

- a. In accordance with 10 CSR 20-6.300(3)(G)1, the permittee shall develop, implement, and maintain a current Nutrient Management Plan. A portion of a CAFO's NMP includes the engineering design and construction related documents within a CAFO's construction and operating permit application and annual reports. This plan must comply with the requirements found within the Nutrient Management Technical Standard (See # 14 below). The NMP must, at a minimum, address the following areas.

- (1) Ensures adequate storage of manure, litter, process wastewater, or mortality by-products 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. This shall include as necessary, controls, measures, or BMPs to properly manage storm water runoff in or around the production area and land application areas that is under the operational control of the CAFO. Activities that should be addressed include, but are not limited to, winter feeding areas, stockpiling of raw materials, manure, litter or other animal feeding related items that have the potential to contribute pollutants to waters of the state.
- (4) Prevents direct contact of confined animals with waters of the state.
- (5) Ensures that chemicals and other contaminants handled within animal production facilities are not disposed of in any manure, litter, process wastewater, mortality by-products, 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 as 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, mortality by-products, 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.

11. The permittee is responsible for all "land application area(s)" as defined in 10 CSR 20-6.300, and they must be included in the facility's nutrient management plan. The addition of land application area(s) that are not already included in a current NMP and the Terms of the NMP in this permit must follow permit modification procedures prior to land application of manure, litter, or process wastewater unless otherwise approved by the Department.

12. ATTACHMENT A - TERMS OF THE NMP

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 to the NMP made after the effective date of this permit that results in significant changes to the terms of the NMP as outlined in 40 CFR 122.23 will require a modification of the permit prior to implementing those revisions. The completed attachment contains permit terms that are an enforceable component of this permit and are hereby incorporated as though fully set forth herein.

13. NUTRIENT MANAGEMENT TECHNICAL STANDARD

The permittee and the permittee's Nutrient Management Plan, shall follow "*Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard*", dated March 4, 2009, which is hereby incorporated as though fully set forth herein. The NMTS is available on the Department's website at

<https://dnr.mo.gov/document-search/missouri-concentrated-animal-feeding-operation-nutrient-management-technical-standard-march-4-2009>.

14. DOMESTIC EARTHEN BASIN AND LAND APPLICATION

a. Storage Basin Minimum BMPs

- i. An emergency discharge from wastewater storage structures may only occur if rainfall exceeds the 10-year 365-day rainfall event (chronic) or the 25 year 24-hour rainfall event (catastrophic) according to National Weather Service data. Design Storm Maps and Tables can be found at http://ag3.agebb.missouri.edu/design_storm/. No other discharge is authorized.
- ii. Per 10 CSR 20 8.200(4)(A), the basin shall have a minimum freeboard of two (2) feet maintained at all times.
- iii. To maintain structural integrity, basins shall be inspected at least monthly, the berms of the storage basin(s) shall be mowed and kept free of any deep-rooted vegetation, animal dens, or other potential sources of damage, any leaks or issues shall be noted.
- iv. The facility shall ensure adequate provisions are provided to prevent surface water intrusion and run-in into the storage basin(s), to divert stormwater runoff from around the storage basin(s), and protect embankments from erosion.
- v. The minimum and maximum operating water levels for the storage basin(s) shall be clearly marked.
- vi. Each storage basin shall be operated and maintained to achieve and maintain no discharge status; including maximum water elevations up to the operating level of the 1-in-10 year or 25-year, 24-hour storm events.
- vii. Storage basins should be lowered to the minimum operating level prior to November 30 each year.
- viii. It is a violation of this permit to place material in the emergency spillway or otherwise cause it to cease to function properly, as this may result in a catastrophic failure of the storage basin.

Land application of wastewater and/or sludge materials listed in the Facility Description of this permit is authorized and shall be conducted according to the following conditions. These land application conditions do not apply to fertilizer products receiving a current exemption under the Missouri Clean Water Law and regulations in 10 CSR 20-6.015(3)(B)8, and are land applied in accordance with the exemption. Should the facility choose to mix domestic and CAFO waste this section will not be applicable.

b. Land Application Equipment Minimum Requirements

- i. Spray application equipment shall minimize the formation of aerosols.
- ii. Application equipment shall be visually inspected daily during land application to check for equipment malfunctions and leaks. The application system shall be operated so as to provide uniform distribution of wastes over the entire land application site.
- iii. Equipment shall be calibrated at least once per calendar year to ensure even distribution of wastewater.

c. Land Application Field(s) Minimum Requirements

- i. No land application shall occur when the soil or ground is frosted, frozen, snow covered, or saturated. Daily observation of fields is required. Application activities shall cease if these conditions occur.
- ii. There shall be no application during a precipitation event or if a precipitation event likely to create runoff is forecasted to occur within 24 hours of a planned application.
- iii. Public Access Restrictions; this permit does not authorize application of wastewater to public use areas.
- iv. If land application sites listed in this permit are also included as land application sites in another permit, the wastewater and sludge applications from all sources shall be included in the application rates in the facility description. Records of all sources must be kept for all permits.
- v. Grazing and Harvesting Deferment
 - a) May 1 to October 31, the minimum grazing or forage harvest deferment shall be fourteen (14) days from application;
 - b) November 1 to April 30, the minimum grazing or forage harvest deferment shall be thirty (30) days from application;

- c) If deferment period spans two timeframes, the minimum grazing or forage harvest deferment shall be thirty (30) days from most recent application.
 - d) Lactating dairy animal grazing is generally not recommended for application areas unless there has been a much longer deferment period.
 - vi. Land application may only occur during nighttime hours if conducted in accordance with a Department-approved plan.
 - vii. Land application fields shall be checked daily during land application for runoff.
 - viii. Sites utilizing spray irrigation shall monitor for the drifting of spray across property lines. Spray drift is not permissible.
 - ix. Setback distances from sensitive features per 10 CSR 20-8.200(6)(B). There shall be no land application within:
 - a) 50 feet inside of the property line;
 - b) 100 feet of any classified or unclassified gaining perennial or intermittent stream, any wetland, or any public or privately owned pond or lake;
 - c) 150 feet of any dwelling, residence, public building, or public use area (excluding roadways);
 - d) 300 feet of any potable water supply well not located on the property, adequate protections shall be implemented and maintained for any potable water supply well located within the application area;
 - e) 300 feet from any sinkhole, losing stream, or any other physiographic structure with a conduit to groundwater; and
 - f) Flood-prone areas having a flood frequency greater than once every ten (10) years.
 - d. Application Rate(s) and Loading
 - a. This permit does not authorize application of materials in concentrations known to cause, or having the potential to cause, phytotoxicity in plants per 10 CSR 20-6.015(4)1. If plant stress is observed, the facility may need to reduce application of wastewaters and/or sludges. If phytotoxicity is observed, the facility shall cease land application activities and evaluate the applied substances to determine the cause of phytotoxicity.
 - b. The application rate shall not exceed 24 inches (24") per year, three inches (3") per week, and one inch (1") per day.
 - c. Wastewater application on slopes exceeding 10%:
 - i. Initial application rate on dry soils may briefly exceed one-half (1/2) the design sustained permeability rate;
 - ii. The hourly application rate shall not exceed one-half (1/2) the design sustained permeability;
 - iii. In no case shall exceed one-half (1/2) inch per hour.
 - d. Runoff and ponding is prohibited.
 - e. This permit does not authorize land disposal or the application of hazardous waste.
 - f. The facility must maintain a record of all fertilizer products applied to fields; even exempted products, to determine total nutrient loading.
 - g. The fertilizer recommendation shall be based on all of the following:
 - i. The nutrient recommendation (nitrogen or phosphorus) for each crop. Recommendations can be found in University of Missouri Extension Guide EQ202 Crop/Nutrient Considerations for Biosolids or from publications by other land grant universities in adjoining states,
 - ii. Realistic yield goal for each crop. Yield goals should be based on actual crop yield records from multiple years for each field. Good judgment should be used to counteract unusually high or low yields. If a field's yield history is not available the USDA county wide average or other approved source may be used, and
 - iii. The most recent soil test.
 - e. Soil Monitoring
 - i. Composite soil samples shall be collected every five years from each field listed in this permit where land application has occurred in the last 12 months. No land application shall occur on fields listed in this permit if soil sample results are more the five years old.
 - ii. Soil sampling shall be in accordance with University of Missouri (MU) Guides G9215, Soil Sampling Pastures or G9217, Soil Sampling Hayfields and Row Crops or other methods approved by the Department. The recommendation of one composite sample per 20 acres in G9215 and G9217 is not required by this permit, however, this is a useful method to identify soil fertility fluctuations in large fields due to past management practices, soil type, and variability of crop yields. There shall be at least one composite sample per 80 acres.
 - iii. Testing shall conform to Recommended Chemical Soil Testing Procedures for North Central Region (North Central Regional Research Publication 221 Revised), or Soil Testing in Missouri (MU Extension Guide EC923), or other methods approved by the Department.
 - f. Record Keeping

The following record keeping shall occur, be maintained for at least five years, be made available to the Department upon request, and shall be submitted with the application for renewal.

 - i. Daily land application log showing, at a minimum: date(s) of application, field identified, acres used, volume applied,
 - ii. Monthly visual storage structure inspections (if applicable);

- iii. Equipment inspections and calibrations;
- iv. Land application field inspections, including runoff, saturation, and ponding;
- v. Record of maintenance and repairs;
- vi. Description of any unusual operating conditions encountered, narrative summary of any problems or deficiencies identified, corrective action taken, or improvements planned;
- vii. The number of days the storage structure discharged during the year, the discharge flow, reason the discharge occurred, and effluent analysis performed including analytical result laboratory pages and any clean-up actions taken.
- viii. Annual summary for each field used for land application showing: number of days application occurred, crop grown and yield, and total amount of wastewater and/or sludge applied (gallons and/or tons per acre).
- ix. For fields where total nitrogen application exceeded 150 pounds per acre, the facility must submit PAN calculations to document the applied nitrogen was utilized.

15. CLOSURE OF WASTE STORAGE STRUCTURES

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

- a. Earthen basins and waste storage structures shall be closed by removal and land application of all wastewater and sludge;
- b. The removed wastewater and sludge shall be transferred or land applied at agricultural rates not to exceed the maximum nutrient utilization of the land application site and vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state; and
- c. After removal and proper land application of wastewater and sludge, the earthen basins may be demolished by removing the berms, grading, and revegetating the sit; or the basin may be left in place for future use as a farm pond or similar uses.

16. ADVERSE IMPACT

The permittee shall take all necessary steps to minimize any adverse impacts to waters of the state resulting from noncompliance with any effluent limitations specified in this permit or set forth in the Missouri Clean Water Law and Regulations, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

17. RIGHT OF ENTRY

For the purpose of inspecting, monitoring, or sampling the point source, water contaminant source for compliance with the Clean Water Law and regulations, authorized representatives of the Department, shall be allowed by the permittee at reasonable times, upon presentation of credentials and following the operations biosecurity plan;

- a. to enter upon permittee's premises in which a point source, water contaminant source is located or in which records are required to be kept under terms and conditions of the permit;
- b. to have access to, or copy, any record required to be kept under terms and conditions of the permit;
- c. to inspect any monitoring equipment or method required in the permit;
- d. to inspect any collection or treatment facility covered under the permit; and
- e. to sample any wastewater at any point in the collection system or treatment process.

Missouri Department of Natural Resources
FACT SHEET FOR THE PURPOSE OF RENEWAL
OF
MO-GS10000
MASTER GENERAL PERMIT

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

Per 40 CFR 124.56, 40 CFR 124.8, and 10 CSR 20-6.020(1)(A)2, a Fact Sheet 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 permit. A Fact Sheet is not an enforceable part of an MSOP.

Part I – Facility Information

Facility Type: No-discharge Concentrated Animal Feeding Operation (CAFO)

Facility SIC Code(s): SIC #0211, #0212, #0213, #0214, #0241, #0251, #0252, #0253, #0254, #0259, or #0272

Facility Description: Process wastes are collected and reused as fertilizer by spreading onto agricultural fields at agricultural rates in accordance with this permit. There is no discharge except as allowed in accordance with the effluent limitation guidelines contained within this permit.

Summary of Changes

- Specific authorization, tables, monitoring, limitations and conditions were added for the management, storage and land application of domestic and truck wash wastewater and sludge. These sections include industrial and domestic earthen basin and irrigation requirements in 10 CSR 20-6 and 10 CSR 20-8, outside of the CAFO regulations. This also includes soil sampling to monitor proper land application requirements.
- Establishing new permitted features to clearly identify CAFO production areas, domestic wastewater storage, truck wash areas, domestic wastewater-only land application fields, truck wash wastewater-only land application fields, and a feature used to electronically report the summary of annual land application activities.
- Clarification that if truck wash wastewater and/or domestic wastewater is mixed with CAFO waste, those volumes must be included within the CAFO NMP.
- Annual reporting requirements were updated to include submittal of a summary manure export record. This report is a summary of manure exported by HUC-12. The original drafts required submittal of the manure export records required in 10 CSR 20-6.300(3)(E)1.G. and 40 CFR 122.42(e)(3), but concerns were raised with retaining personally identifiable information, specifically individual names and address. In response, the requirement to submit a summary manure export report was incorporated into this permit. While the manure export recordkeeping requirements in 40 CFR 122.42(e)(3) and 10 CSR 20-6.300(3)(E)1.G. still require retention of manure recipient name and address, an alternative manure summary report will provide information about the location of exported wastes while protecting individuals' personally identifiable information. If the permittee chooses at any time to submit the full manure export record with names and addresses, the record will be retained by the Department and therefore will be subject to the Missouri Sunshine Law, Chapter 610, RSMo.
- Require an annual land application summary report be submitted electronically.
- Addition of electronic monitoring requirements through the eDMR system.
- New Best Management Practices
 - Prompt mortality management
 - Prohibition on placing solid waste into wastewater or manure storage structures.
 - Earthen basin berm protection practices
- Removal of the word "surface" from waters of the state references to clarify that discharges are prohibited to all waters of the state.
- Creation of a *Manure Export Guidance* document to help provide tools and resources in a clear form to export waste recipients.

- Language concerning spills and overflows to secondary containment structures and proper management of wastewater contained therein.
- Clarification that a permit modification must be submitted for export-only facilities to conduct land application on fields under their operational control, which must include submittal of an updated nutrient management plan.
- Requirements for earthen basin depth markers.
- Recommendations for the use of native plants when effective and appropriate.
- Groundwater Monitoring removed- Groundwater monitoring required in accordance with 640.710 RSMo is only applicable to Class IA CAFOs in hydrologically sensitive areas. This statute does not provide groundwater monitoring authority for smaller CAFOs. As such, this language was removed from this permit, as Class IA facilities are not covered by this permit. The Department retains the right to require site-specific permit conditions, including groundwater monitoring if warranted, in accordance with 644.051 RSMo, 10 CSR 20-6.010(13)(C), and 10 CSR 20-6.015(2)(B).

Part II – Operator Certification Requirements

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

Part III – Receiving Stream Information

Applicable Designations of Waters of the State:

Per Missouri Effluent Regulations (10 CSR 20-7.015), the waters of the state are divided into seven (7) categories. Each category lists effluent limitations for specific parameters, which are presented in each outfall's Effluent Limitation Table and further discussed in the Derivation and Discussion of Limits section. This permit applies to facilities discharging to the following water body categories:

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

Missouri Water Quality Standards (10 CSR 20-7.031) defines the Clean Water Commission water quality objectives in terms of "water uses to be maintained and the criteria to protect those uses." The receiving stream and/or 1st classified receiving stream's beneficial water uses shall be maintained in accordance with 10 CSR 20-7.031(4). The effluent limitations established by this permit are intended to be protective of all streams that fall within the categories of receiving water bodies indicated above. A general permit does not take into consideration site-specific conditions.

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

ALTERNATIVE EVALUATIONS FOR NEW FACILITIES:

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

- ✓ Not Applicable; This is a no-discharge permit.

ANTI-BACKSLIDING:

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

- ✓ 40 CFR 122.44(l)(i)(B)(2); the Department determined technical mistakes or mistaken interpretations of law were made in issuing the permit under CWA §402(a)(1)(b).
 - The previous permit special conditions contained a specific set of prohibitions related to general criteria (GC) found in 10 CSR 20-7.031(4); however, there was no determination as to whether the discharges have reasonable potential to cause or contribute to excursion of those general water quality criteria in the previous permit. This permit assesses each general criteria as listed in the previous permit's special conditions. Federal regulations 40 CFR 122.44(d)(1)(iii) requires instances where reasonable potential (RP) to cause or contribute to an exceedance of a water quality standard exists, a numeric limitation must be included in the permit. Rather than conducting the appropriate RP determination, the previous permit

simply placed the prohibitions in the permit. These conditions were removed from the permit. Appropriate reasonable potential determinations were conducted for each general criterion listed in 10 CSR 20-7.031(4)(A) through (I) and effluent limitations were placed in the permit for those general criteria where it was determined the discharge had reasonable potential to cause or contribute to excursions of the general criteria. Specific effluent limitations were not included for those general criteria where it was determined the discharges will not cause or contribute to excursions of general criteria. Removal of the prohibitions does not reduce the protections of the permit or allow for impairment of the receiving stream. The permit maintains sufficient effluent limitations, monitoring requirements and best management practices to protect water quality while maintaining permit conditions applicable to facility 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 nothing disclosed by the facility indicates putrescent wastewater would be discharged from the facility, as this permit does not authorize discharges of wastewater.
 - For all outfalls, there is no RP for unsightly or harmful bottom deposits preventing full maintenance of beneficial uses because nothing disclosed by the facility indicates unsightly or harmful bottom deposits would be discharged from the facility, as this permit does not authorize discharges of wastewater.
- (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 nothing disclosed by the facility indicates oil will be present in sufficient amounts to impair beneficial uses, as this permit does not authorize discharges of wastewater.
 - 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 facility indicates scum and floating debris will be present in sufficient amounts to impair beneficial uses, as this permit does not authorize discharges of wastewater.
- (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 facility indicates unsightly color or turbidity will be present in sufficient amounts to impair beneficial uses, as this permit does not authorize discharges of wastewater.
 - For all outfalls, there is no RP for offensive odor in sufficient amounts preventing full maintenance of beneficial uses because nothing disclosed by the facility indicates offensive odor will be present in sufficient amounts to impair beneficial uses, as this permit does not authorize discharges of wastewater.
- (D) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life.
- Specific toxic pollutants were considered when writing this permit, but no reasonable potential was determined to be present for toxicity, as this permit does not authorize discharges of wastewater.
- (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 anti-backsliding 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.
- (G) There shall be no acute toxicity to livestock or wildlife watering.
- This criterion is very similar to (D) above.
- (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, as this permit does not authorize discharges of wastewater.
 - For all outfalls, there is no RP for hydrologic changes impairing the natural biological community, as this permit does not authorize discharges of wastewater.
- (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 260.200 RSMo, except as the use of such materials is specifically permitted pursuant to 260.200 through 260.247 RSMo.
- There are no solid waste disposal activities or any operation which has reasonable potential to cause or contribute to the materials listed above being discharged through any outfall.

ANTIDegradation:

Antidegradation policies ensure protection of water quality for a particular water body on a pollutant-by-pollutant basis to ensure Water Quality Standards are maintained to support beneficial uses such as fish and wildlife propagation and recreation on and in the water. This also includes special protection of waters designated as an Outstanding National Resource Water or Outstanding State Resource Water [10 CSR 20-7.031(3)(C)]. Antidegradation policies are adopted to minimize adverse effects on water. As these permits do not authorize discharge of wastewater, an antidegradation review is not required.

BEST MANAGEMENT PRACTICES:

Minimum site-wide best management practices are established in this permit to ensure all facilities 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 644.011 and 644.016 (17) RSMo.

NUTRIENT MANAGEMENT PLAN AND LAND APPLICATION:

Land application areas as defined in 10 CSR 20-6.300 that are to receive manure application must be included in a current NMP and in the Terms of the NMP in of the CAFOs permit prior to any manure application. Any revisions to the NMP after the issuance date of the permit must be submitted to the Department for review prior to implementing the revisions. If the revisions result in substantial changes to the Terms of the NMP a permit modifications is required before implementing the revisions. Substantial changes include, but are not limited to, addition of new land application areas, new crops or change in expected yields, or changes to the phosphorous loss risk assessment.

The agronomic rate is the amount of wastewater applied to a field to supply the amount of nutrients needed to meet the fertilizer recommendation. For more information on nutrient management, soil sampling, PAN calculations, and land application best management practices, consult the following University of Missouri Extension Guides:

- G9112 Interpreting Missouri Soil Test Reports
- G9215 Soil Sampling Pastures
- G9217 Soil Sampling Hayfields and Row Crops
- EQ0215 Laboratory Analysis of Manure
- G9177 Pre-plant Nitrogen Test for Adjusting Corn Nitrogen Recommendations
- G9186 Calculating Plant-Available Nitrogen and Residual Nitrogen Fertilizer Value in Manure
- G9180 Phosphorus in Missouri Soils
- EQ0202 Land Application Considerations for Animal Manure
- EQ327 Calibration of Lagoon Irrigating Equipment
- G1270 Calibrating Field Sprayers

EFFLUENT LIMITATION GUIDELINE:

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

- ✓ The industries covered under this permit have an associated Effluent Limit Guideline (ELG), 40 CFR 412, which is applicable to the wastewater discharges in this permit and is applied under 40 CFR 125.3(a). This permit includes special conditions and limitations to meet the federal ELG requirements.

ELECTRONIC DISCHARGE MONITORING REPORT (EDMR) SUBMISSION SYSTEM:

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

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

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

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

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, RSMo 644.076.1, 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.

SLUDGE – DOMESTIC BIOSOLIDS:

Biosolids are solid materials resulting from domestic wastewater treatment meeting federal and state criteria for beneficial use (i.e. fertilizer). 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. Additional information: <https://extension.missouri.edu/publications/eq421> (WQ422 through WQ449).

✓ Land application of biosolids in accordance with Standard Conditions III and a Department approved sludge management plan is authorized by this permit.

SPILL REPORTING:

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 when 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=>

STANDARD CONDITIONS:

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

STORM WATER POLLUTION PREVENTION PLAN (SWPPP):

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

✓ Not Applicable: At this time, the facility is not required to develop and implement a SWPPP.

UNDERGROUND INJECTION CONTROL (UIC):

The UIC program for all classes of wells in the state of Missouri is administered by the Missouri Department of Natural Resources and approved by EPA pursuant to section 1422 and 1425 of the Safe Drinking Water Act (SDWA) and 40 CFR 147 Subpart AA. Injection wells are classified based on the liquids which are being injected. Class I wells are hazardous waste wells which are banned by RSMo 577.155; Class II wells are established for oil and natural gas production; Class III wells are used to inject fluids to extract minerals; Class IV wells are also banned by Missouri in RSMo 577.155; Class V wells are shallow injection wells; some examples are heat pump wells and groundwater remediation wells. Domestic wastewater being disposed of sub-surface is also considered a Class V well. In accordance with 40 CFR 144.82, construction, operation, maintenance, conversion, plugging, or closure of injection wells shall not

cause movement of fluids containing any contaminant into Underground Sources of Drinking Water (USDW) if the presence of any contaminant may cause a violation of drinking water standards or groundwater standards under 10 CSR 20-7.031, or other health based standards, or may otherwise adversely affect human health. If the Department finds the injection activity may endanger USDWs, the Department may require closure of the injection wells or other actions listed in 40 CFR 144.12(c), (d), or (e). In accordance with 40 CFR 144.26, the permittee shall submit a Class V Well Inventory Form for each active or new underground injection well drilled, or when the status of a well changes, to the Missouri Department of Natural Resources, Geological Survey Program, P.O. Box 250, Rolla, Missouri 65402. The Class V Well Inventory Form can be requested from the Geological Survey Program or can be found at the following web address: <http://dnr.mo.gov/forms/780-1774-f.pdf> 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)).

- ✓ Not applicable; this permit does not authorize subsurface wastewater systems or other underground injection. These activities must be assessed under an application for a site specific permit if not permitted otherwise.

WATER QUALITY STANDARDS:

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

40 CFR 122.41(M) - BYPASSES:

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

- ✓ Not Applicable; This facility does not anticipate bypassing.

Part V – Permit Limits Determination

TABLE A-1 – TRUCK WASH WASTEWATER MONITORING

EFFLUENT LIMITATIONS TABLE:

| PARAMETERS | UNIT | DAILY MAX | MONTHLY AVG. | PREVIOUS PERMIT LIMITS | MINIMUM SAMPLING FREQUENCY | REPORTING FREQUENCY | SAMPLE TYPE |
|------------------------------|-------|-----------|--------------|------------------------|----------------------------|---------------------|-------------|
| WASTEWATER MONITORING | | | | | | | |
| OIL & GREASE | mg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| TOTAL NITROGEN | mg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| PHOSPHORUS, TOTAL | mg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| BORON | µg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| COPPER | µg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| ZINC | µg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| SLUDGE MONITORING | | | | | | | |
| NITROGEN, TOTAL | mg/kg | * | | NEW | ONCE/EVENT | ONCE/EVENT | GRAB |
| PHOSPHORUS, TOTAL | mg/kg | * | | NEW | ONCE/EVENT | ONCE/EVENT | GRAB |
| POTASSIUM, TOTAL | mg/kg | * | | NEW | ONCE/EVENT | ONCE/EVENT | GRAB |

* monitoring and reporting requirement only

DERIVATION AND DISCUSSION OF LIMITS:

Oil & Grease

Monitoring only. High levels of oil and grease should result in changes to land application practices, specifically avoiding land application activities after rain events or on saturated soil. Oil and grease is considered a conventional pollutant. Furthermore, oil and grease is a comprehensive test which measures for gasoline, diesel, crude oil, creosote, kerosene, heating oils, heavy fuel oils, lubricating oils, waxes, and some asphalt and pitch. The test can also detect some volatile organics such as benzene, toluene, ethylbenzene, or xylene, but these constituents are often lost during testing due to their boiling points. Oil and Grease are potential pollutants of concern associated with vehicles and vehicle washing. As such, monitoring for oil and grease to assess the potential impact of these pollutants in wash water.

Boron, Copper, and Zinc

Metals are potential pollutants of concern associated with vehicle and equipment washing. These pollutants also have potential impacts on soil health and plant growth. As such, this permit establishes monitoring for these three metals associated with vehicle and equipment washing. The permit writer will assess these pollutants in future permit reviews; however, this permit establishes conditions to monitor for, and prohibit, phytotoxicity.

Nitrate + Nitrite, Ammonia as N, Kjeldahl Nitrogen- Total (TKN), Total Nitrogen, Total Phosphorus, Total Potassium

This facility washes out agricultural trailers and equipment. As such, manure is expected to be present in the wash water. As such, nutrients are expected to be present in the washwater. Nutrients must be monitored to ensure that the nutrient concentrations are appropriately considered for agricultural land application rates. As this permit has limited authorization for conditional wet weather discharges, speciation of nitrogen in the wastewater that could be discharged is warranted for evaluation and comparison to water quality standards. This permit does not authorize discharge of sludge; as such, only the total nitrogen, phosphorus and potassium content is needed for calculation of appropriate, agronomic land application rates.

TABLE A-2 – TRUCK WASH WASTEWATER MONITORING

EFFLUENT LIMITATIONS TABLE:

| PARAMETERS | UNIT | DAILY MAX | MONTHLY AVG. | PREVIOUS PERMIT LIMITS | MINIMUM SAMPLING FREQUENCY | REPORTING FREQUENCY | SAMPLE TYPE |
|------------------------------|-------|-----------|--------------|------------------------|----------------------------|---------------------|-------------|
| WASTEWATER MONITORING | | | | | | | |
| OIL & GREASE | mg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| BORON | µg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| COPPER | µg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| ZINC | µg/L | * | | NEW | ONCE/YEAR | ONCE/YEAR | GRAB |
| SLUDGE MONITORING | | | | | | | |
| NITROGEN, TOTAL | mg/kg | * | | NEW | ONCE/EVENT | ONCE/EVENT | GRAB |
| PHOSPHORUS, TOTAL | mg/kg | * | | NEW | ONCE/EVENT | ONCE/EVENT | GRAB |
| POTASSIUM, TOTAL | mg/kg | * | | NEW | ONCE/EVENT | ONCE/EVENT | GRAB |

* monitoring and reporting requirement only

DERIVATION AND DISCUSSION OF LIMITS:

Oil & Grease

Monitoring only. High levels of oil and grease should result in changes to land application practices, specifically avoiding land application activities after rain events or on saturated soil. Oil and grease is considered a conventional pollutant. Furthermore, oil and grease is a comprehensive test which measures for gasoline, diesel, crude oil, creosote, kerosene, heating oils, heavy fuel oils, lubricating oils, waxes, and some asphalt and pitch. The test can also detect some volatile organics such as benzene, toluene, ethylbenzene, or xylene, but these constituents are often lost during testing due to their boiling points. Oil and Grease are potential pollutants of concern associated with vehicles and vehicle washing. The source of oil and grease may be the vehicles/trailers themselves, as well as the oil and grease acquired from travel on roadways. As such, monitoring for oil and grease to assess the potential impact of these pollutants in wash water.

Boron, Copper, and Zinc

Metals are potential pollutants of concern associated with vehicle and equipment washing. The source of boron, copper, and zinc may be the vehicles/trailers themselves, but more likely, they are pollutants acquired on the vehicles from travel on roadways. These pollutants also have potential impacts on soil health and plant growth. As such, this permit establishes monitoring for these three metals associated with vehicle and equipment washing. The permit writer will assess these pollutants in future permit reviews; however, this permit establishes conditions to monitor for, and prohibit, phytotoxicity.

Total Nitrogen, Total Phosphorus, Total Potassium

This facility washes out agricultural trailers and equipment. As such, manure is expected to be present in the wash water. As such, nutrients are expected to be present in the washwater. Nutrients must be monitored to ensure that the nutrient concentrations are appropriately considered for agricultural land application rates.

PERMITTED FEATURE #003 & #005 – TRUCK WASH WATER AND DOMESTIC WASTEWATER LAND APPLICATION

These tables do not apply to land application of truck wash water and/or domestic wastewater, if covered under the CAFO land application fields NMP.

IRRIGATION OPERATIONS TABLE:

| PARAMETERS | UNIT | DAILY MAX | MONTHLY AVG | PREVIOUS PERMIT LIMITS | MINIMUM SAMPLING FREQUENCY | MINIMUM REPORTING FREQUENCY | SAMPLE TYPE |
|---------------------|----------|-----------|-------------|------------------------|----------------------------|-----------------------------|-------------|
| IRRIGATION ACTIVITY | | | | | | | |
| APPLICATION AREA | ACRES | * | * | SAME | ONCE/DAY ♣ | ONCE/MONTH | MEASURED |
| APPLICATION RATE | GAL/ACRE | * | * | SAME | ONCE/DAY ♣ | ONCE/MONTH | MEASURED |
| IRRIGATION PERIOD | HOURS | * | * | SAME | ONCE/DAY ♣ | ONCE/MONTH | MEASURED |
| VOLUME IRRIGATED | GALLONS | * | * | SAME | ONCE/DAY ♣ | ONCE/MONTH | MEASURED |

♣ Facility will maintain records for each day land application occurred. If no application occurred, a record is not required.

LAND APPLICATION OPERATIONAL MONITORING:

Monitoring of pollutants in the domestic wastewater prior to land application was determined to be unnecessary as the land application requirements and rates are adequately protective of soils, crops, human health and the environment, including groundwater and surface waters. Land application is not authorized in public access areas. These permit conditions, limitations and monitoring requirements are similar to other domestic wastewater management general permits: MOG821, MOG823, and MOGD.

Application Area

Recording and reporting requirement only. In order to determine compliance with 10 CSR 20-6.015 and 10 CSR 20-8.200, reporting the area utilized will allow the Department to ensure compliance with setback distances. Adhering to the required setbacks prevents illicit discharges to waterbodies.

Application Rate

Recording and reporting requirement only. In order to determine compliance with 10 CSR 20-6.015 and 10 CSR 20-8.200, monitoring the rate will allow the Department to ensure appropriate permeability and plant uptake is occurring. Rates of application must be adjusted based on soil saturation; and rate monitoring will prevent soil saturation conditions possibly resulting in runoff or illicit discharges to waterbodies.

Irrigation Period

Recording and reporting requirement only. In order to determine compliance with 10 CSR 20-6.015 and 10 CSR 20-8.200 monitoring of irrigation period is required. Monitoring the irrigation period will also ensure soils do not get saturated and result in runoff or cause illicit discharges to waterbodies.

Volume Irrigated

Recording and reporting requirement only. In order to determine compliance with 10 CSR 20-6.015 and 10 CSR 20-8.200, monitoring of application activity is required. Monitoring the volume irrigated will allow the Department to ensure over application does not occur, and appropriate hydraulic loading is maintained within design levels. This will also help prevent runoff and illicit discharges due to soil saturation.

Soil Sampling- Nitrate Nitrogen, Total Nitrogen, Phosphorus

This facility washes out agricultural trailers and equipment. As such, manure is expected to be present in the wash water. As such, nutrients are expected to be present in the washwater. Nutrients are to be evaluated in the soil to ensure that the nutrient content in the soil is considered in determining agricultural land application rates and monitor for over-application.

PERMITTED FEATURE #AS1 – ANNUAL SUMMARY REPORTING

This table was created simply to report a summary of the land application activities that have occurred at the land application areas under the operational control of the CAFO owner or operator. The detailed data, tracking and recordkeeping requirements are established in this permit and 10 CSR 20-6.300. This table is a mechanism to electronically report the annual summary data.

PERMITTED FEATURE #001 – CAFO PRODUCTION AREA WITH LAND APPLICATION

CAFO land application practices, soil assessment, and waste monitoring requirements are established in special conditions within this permit, in accordance with 10 CSR 20-6.300 and the “*Missouri Concentrated Animal Feeding Operation Nutrient Management Technical Standard.*” 10 CSR 20-6.015 requires the Department to develop permit conditions, limitations, monitoring and reporting for land application of industrial wastes not otherwise specifically regulated. The CAFO land application practices are robust and intended to protect soils, crops, surface waters, groundwater, public health and the environment. The definition of CAFO process wastewater includes water which comes into contact with any raw materials, products or byproducts. The truck washes are intended to flush manure and other animal waste, generated by animals on or associated with the CAFO. Furthermore, the pollutants associated with the truck wash and domestic systems were evaluated. Truck wash and domestic wastewater nutrient concentrations are substantially lower than nutrient concentrations found in liquid manure. Domestic wastewater pollutants of concern are expected to be similar, yet less concentrated, than the CAFO waste, as the human wastewater is mixed with water from toilets and sinks. As the pollutants are similar, managing the domestic wastewater with the CAFO wastewater is protective of soils, crops, surface waters, groundwater, public health and the environment. The wastewater sampling analysis conducted annually, used for annual nutrient management plans and provided to exported CAFO waste recipients must be a representative sample of the final mixed wastewater, therefore properly incorporating and accounting for all mixed wastewater and nutrient content.

Pollutants associated with truck washes were also evaluated. The typical agricultural truck washes generate 1,000-4,000 gallons of wastewater per day. That amount of wastewater could be up to 50% of the total when combined with a Class IC facility and is closer to 10%-25% of the wastewater when combined with a Class IB facility wastewater flow. Furthermore, the data from car washes was evaluated and the metals content of a typical carwash was less than 1 mg/L boron, 10 mg/L copper, and 1 mg/L lead, already well below concentrations that would pose a concern for soils, crops, surface waters, groundwater, public health and the environment. In combining these waste streams, the concentration would be even lower, resulting in even lower pollutant loading in the fields. As such, the permit writer determined that land application of truck wash wastewater and/or domestic wastewater combined with CAFO does not pose a risk to soils, crops, surface waters, groundwater, public health and the environment.

Part VI – Administrative Requirements

PUBLIC NOTICE:

The Department shall give public notice when a draft permit has been prepared and its issuance is pending. Additionally, public notice will be issued if a public hearing is to be held because of a significant degree of interest or because of 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 facility must be notified of the denial in writing.

The Department must give public notice of a pending permit or of a new or reissued Missouri State Operating Permit. The public comment period is a length of time not less than thirty (30) days following the date of the public notice, during which interested persons may submit written comments about the proposed permit.

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

- ✓ The Public Notice period for this master general permit was October 31, 2022, through November 30, 2022.

Summary of changes made to the proposed permit based on public comment:

- Typos in Table A-1 and A-2 were corrected to reference the appropriate permitted features and use the term “wastewater.”
- Domestic wastewater treatment systems were limited to 50,000 gallons per day for coverage under this permit, based on the MOG823 permit that was used as the foundation for the relevant permit conditions.
- Language was amended to clarify that substitution of different brands or types of chemicals does not require written approval so long as the amount and type of pollutant or chemicals remains the same.
- Clarifications were made to the permit modification language, specifically the section concerning changes to the land application authority.
- Typos, grammar changes, numbering, and other minor changes were made that did not change the content, meaning or intent of the text.
- “Unless authorized by the Department” was added to Standard Requirement 2.g. concerning emergency spillways.
- The Facility Description was edited to note that process wastes are collected and reused as a fertilizer or soil amendment.
- Some references to wet weather discharges was inadvertently copied from the MOG01 permit, resulting in confusion and inconsistent language. All inadvertent references to authorized or wet weather discharges have been removed.

DATE OF FACT SHEET: DECEMBER 14, 2022

COMPLETED BY:

HEATHER PETERS
MISSOURI DEPARTMENT OF NATURAL RESOURCES
WATER PROTECTION PROGRAM
573-522-9793
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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 permittees with currently effective general permit shall submit an application for renewal at least 30 days before the existing permit expires, unless the permittee has been notified by the Department that an earlier application must be made. The Department may grant permission for a later submission date. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)
3. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
5. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
6. **Permit Actions.**
- a. Subject to compliance with statutory requirements of the Law and Regulations and applicable Court Order, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- i. Violations of any terms or conditions of this permit or the law;
- ii. Having obtained this permit by misrepresentation or failure to disclose fully any relevant facts;
- iii. A change in any circumstances or conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- iv. Any reason set forth in the Law or Regulations.
- b. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
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.