

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT WATER POLLUTION CONTROL PROGRAM

General Operating Permit

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

Permit No.: MO-R040063

Owner: State of Missouri
Address: PO Box 270
Jefferson City, MO 65102

Continuing Authority: Same
Same

Facility Name: Missouri Department of Transportation
Facility Address: PO Box 270
Jefferson City, MO 65102

Legal Description: Various throughout the state, Various County

Receiving Stream: Various throughout the state
First Classified Stream: Various throughout the state

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

FACILITY DESCRIPTION All Outlets, SIC 9511

Discharges from Regulated Small Municipal Separate Storm Sewer Systems

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

March 10, 2003

Effective date

August 4, 2006

Issue date

Doyle Childers, Director, Department of Natural Resources
Executive Secretary, Clean Water Commission

March 9, 2008

Expiration date
MO 780-1481 (7-94)

Edward Galbraith
Director of Staff, Clean Water Commission

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1 Coverage Under this Permit

1.1 Permit Area

This permit covers all areas served by a municipal separate storm sewer system (MS4) for which the applicant is identified as the continuing authority.

1.2 Eligibility

1.2.1 This permit authorizes discharges of storm water from regulated small MS4s, as defined in 10 CSR 20-6.200. The permittee, or co-permittee, is authorized to discharge under the terms and conditions of this general permit if the permittee:

1.2.1.1 Owns or operates a regulated small MS4 as defined in 10 CSR 20-6.200;

1.2.1.2 The regulated small MS4 is not a "large" or "medium" MS4 as defined in 10 CSR 20-6.200;

1.2.1.3 Submits a general permit application in accordance with Section 2 of this permit;

1.2.1.4 The regulated small MS4 is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census or designated for permit authorization by the department pursuant to 10 CSR 20-6.200.

2.1.5 Complies with the terms of this general permit.

1.2.2 The following are types of discharges authorized by this permit:

1.2.2.1 *Storm water discharges.* This permit authorizes storm water discharges to waters of the State from the regulated small MS4s identified in Section 1.2.1, except as excluded in Section 1.3.

1.2.2.2 *Non-storm water discharges.* The permittee is authorized to discharge the following non-storm water sources provided that the permitting authority has not determined these sources to be substantial contributors of pollutants to the permittee's MS4 that require a separate permit:

- Landscape irrigation
- Rising ground waters
- Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Flows from riparian habitats and wetlands
- Street wash water
- Discharges or flows from fire fighting activities
- Individual residential car washing
- Dechlorinated residential swimming pool discharges

1.3 Limitations on Coverage

This permit does not authorize:

- 1.3.1 Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
- In compliance with a separate NPDES permit, or
 - Determined not to be a substantial contributor of pollutants to waters of the State.
- 1.3.2 Storm water discharges associated with industrial activities requiring separate NPDES permits as defined in 10 CSR 20-6.200.
- 1.3.3 Storm water discharges associated with construction activities requiring separate NPDES permits as defined in 10 CSR 20-6.200.
- 1.3.4 Storm water discharges currently covered under another permit.
- 1.3.5 Discharges that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA.
- 1.3.6 Discharges that violate the National Historic Preservation Act.
- 1.3.7 Discharges that cause or contribute to a violation of instream water quality standards. The permittee's storm water management program must include a description of the BMPs that the permittee will use to ensure that violations will not occur. The department may require corrective action or an application for an individual permit or alternative general permit if an MS4 is determined to cause or create a significant potential for causing an instream exceedance of water quality standards.
- 1.3.8 Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA unless the permittee's discharge is consistent with that TMDL. This eligibility condition applies at the time the permittee submits an application for coverage. If conditions change after the permittee has permit coverage, the permittee may remain covered by the permit provided the permittee complies with the applicable requirements of Section 3. The permittee shall incorporate any limitations, conditions and requirements required by the TMDL, including monitoring frequency and reporting required, into the Storm Water Management Program in order to be eligible for permit coverage. For discharges for which the permittee is responsible but are not eligible for coverage under this permit, the permittee shall apply for and receive an individual or other applicable general NPDES permit prior to discharging.
- 1.3.9 Discharges that do not comply with state anti-degradation requirements for water quality standards as specified at 10 CSR 20-7.031(2).

1.4 Obtaining Authorization

- 1.4.1 To be authorized to discharge storm water from regulated small MS4s, the permittee shall submit an application and a description of the permittee's storm water management program in accordance with the deadlines presented in Section 2 of this permit.
- 1.4.2 The permittee shall submit the information required in Section 2 on the latest version of the application form (or photocopy thereof). The permittee's application shall be signed and dated.
- 1.4.3 Where the operator changes, or where a new operator is added after submittal of an application under Section 2, a new application shall be submitted in accordance with Section 2 prior to the change or addition.

2 **Application Requirements**

- 2.1 *Deadlines for Application.* If the permittee is automatically designated under 10 CSR 20-6.200 or designated by the department in this permit, then the permittee is required to submit an application and a description of the permittee's storm water management program or apply for an individual permit by March 10, 2003.
- 2.2 *Additional designations after the date of permit issuance.* If the permittee is designated by the department after the date of permit issuance, then the permittee is required to submit an application and a description of the permittee's storm water management program to the department within 180 days of notice.
- 2.3 *Submitting a Late application.* The permittee is not prohibited from submitting an application after the dates provided in Section 2.1. If a late, or modified application is submitted, the permittee's authorization is only for discharges that occur after permit coverage is granted. The department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

3 **Special Conditions**

3.1 Discharges to Water Quality Impaired Waters

- 3.1.1 If discharges from the MS4 are upstream from a 303(d) listed (impaired) waterbody, the permittee shall, in consultation with the department:
- 3.1.1.1 Determine whether storm water discharges from any part of the MS4 significantly contributes measurable pollutants directly or indirectly to a 303(d) listed (i.e., impaired) waterbody. If the permittee has discharges meeting this criteria, the permittee shall comply with Section 3.1.2. If the permittee does not, Section 3.1 does not apply to the permittee.
- 3.1.1.2 Determine whether a Total Maximum Daily Load (TMDL) has been developed by the department and approved by EPA for the listed waterbody. If there is a TMDL, the permittee shall comply with both Sections 3.1.2 and 3.1.3. If no TMDL has been finalized, Section 3.1.3 will apply when the TMDL is finalized.

- 3.1.2 *Water Quality Controls for Discharges to Impaired Waterbodies.* The permittee's storm water management program (SWMP) required under Section 4 shall include a description of how the permittee's program will control the discharge of measurable pollutants of concern and ensure the permittee's discharges will not cause or contribute to instream exceedances of the water quality standards. This discussion shall specifically identify measures and BMPs that will collectively control the discharge of the pollutants of concern.
- 3.1.3 *Consistency with TMDL Allocations.* If a TMDL has been finalized for any waterbody into which the permittee discharge, the permittee must:
- 3.1.3.1 Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from the permittee's MS4.
- 3.1.3.2 Determine whether the TMDL includes a pollutant wasteload allocation (WLA) or other performance requirements specifically for storm water discharge from the permittee's MS4.
- 3.1.3.3 Determine whether the TMDL address a flow regime likely to occur during periods of storm water discharge.
- 3.1.3.4 After the determinations above have been made and if it is found that the permittee's MS4 shall implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary.
- 3.1.3.5 Document all control measures currently being implemented or planned to be implemented. The permittee shall also include a schedule of implementation for all planned controls and shall document the calculations or other evidence that shows that the WLA will be met.
- 3.1.3.6 Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
- 3.1.3.7 If the evaluation shows that additional or modified controls are necessary, describe the measures to be taken and the schedule for their implementation. The permittee shall continue meeting the requirements of 3.1.3.4 through 3.1.3.7 until two continuous monitoring cycles show that the WLAs are being met or that water quality standards are being met.
- 3.2 Duty to Comply
- 3.2.1 The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Missouri Clean Water Law and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or for denial of a permit renewal.

3.3 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 10 CSR 20-6.010 (10)(E) and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

- Reissuance or replacement of this permit, at which time the permittee shall comply with the application conditions of the new permit to maintain authorization to discharge;
- Notice of Termination;
- Issuance of an individual permit for your discharges; or
- A permit decision by the Director not to reissue this general permit, at which time the permittee shall seek coverage under an alternative general permit or an individual permit.

3.4 Need to Halt or Reduce Activity Not an Excuse

Actions by the permittee in an enforcement action to halt or reduce the permitted activity does not excuse compliance with this permit or any provision of the Missouri Clean Water Law.

3.5 Permit Transfers

This permit is not transferable to any person except after notice to the department. 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.

3.6 Procedures for Modification or Revocation

If at any time the Missouri Department of Natural Resources determines that the quality of waters of the state may be better protected by requiring the owner/operator of the permitted site to apply for a site specific permit, the department may require any person to obtain a site specific operating permit [10 CSR 20-6.010 (13) and 10 CSR 20-6.200(5)].

The department may require the permittee to apply for and obtain a site specific or different general permit if:

- a. The permittee is not in compliance with the conditions of this general permit;
- b. The discharge no longer qualifies for this general permit due to changed site conditions and regulations; or
- c. Information becomes available that indicates water quality standards have been or may be violated.

The permittee will be notified in writing of the need to apply for a site specific permit or a different general permit. When a site specific permit or different general permit is issued to the authorized permittee, the applicability of this general permit to the permittee will be terminated upon the effective date of the site specific or different general permit, whichever the case may be. The permittee shall submit the appropriate forms to the department to terminate the permit that has been replaced.

3.7 Requiring an Individual Permit or an Alternative General Permit

3.7.1 *Decision by the department.* The department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the department to require an individual permit. Where the department requires the permittee to apply for an individual NPDES permit, the department will notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit. Coverage under this general permit shall automatically terminate in accordance with Section 3.6. The department may grant additional time to submit the application upon request of the applicant. If the permittee fails to submit an individual NPDES permit application in a timely manner as required by the department under this paragraph, then the applicability of this permit to the permittee is automatically terminated on the day specified by the department for application submittal.

3.7.2 *Request by permittee.* The permittee may apply for an individual permit in lieu of coverage under this general permit. In such cases, the permittee shall submit an application for the alternate permit in accordance with the requirements of 10 CSR 20-6.200, with reasons supporting the request. The request may be granted by issuance of any individual permit or an alternative general permit.

4 **Storm Water Management Programs**

4.1 Requirements

4.1.1 Reserved

- 4.1.1.1 The discharge of storm water shall not cause a violation of the state water quality standards, 10 CSR 20-7.031, which states, in part, that no water contaminant, by itself or in combination with other substances, shall prevent the waters 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;
 - b. Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - c. Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - d. Waters shall be free from substances or conditions in sufficient amounts to have a harmful effect on human, animal or aquatic life.
 - e. There shall be no significant human health hazard from incidental contact with the water;
 - f. There shall be no acute toxicity to livestock or wildlife watering;
 - g. Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - h. Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles, or equipment and solid waste as defined in Missouri's Solid Waste Law, Section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to Section 260.200-260.247.
- 4.1.1.2 For facilities under the control of the permittee good housekeeping practices shall be maintained to keep solid waste from entry into waters of the state to the maximum extent practicable.
- 4.1.1.3 All fueling facilities under the control of the permittee shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers, including spill prevention, control and counter measures.
- 4.1.1.4 Substances regulated by federal law under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that are transported, stored, or used for maintenance, cleaning or repair by the permittee shall be managed according to the provisions of RCRA and CERCLA.
- 4.1.1.5 All paint, solvents, petroleum products and petroleum waste products (except fuels) under the control of the permittee shall be stored so that these materials are not exposed to storm water. Sufficient practices of spill prevention, control, and/or management shall be provided to prevent any spills of these pollutants from entering a water of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.

4.1.2 The permittee shall develop, implement, and enforce a storm water management program designed to reduce the discharge of pollutants from the permittee's regulated small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Missouri Clean Water Law. The storm water management program should include management practices; control techniques and system, design, and engineering methods; and such other provisions as the permitting authority determines appropriate for the control of such pollutants. The permittee's storm water management program shall include the following information for each of the six minimum control measures described in Section 4.2 of this permit:

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

4.1.2.1 A description of the best management practices (BMPs) that the permittee will implement for each of the storm water minimum control measures;

4.1.2.2 The measurable goals for each of the BMPs including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action;

4.1.2.3 Individual(s) shall be designated by the permittee as responsible for environmental matters. The permittee shall inspect any structures that function to prevent pollution of storm water or to remove pollutants from storm water and of the facility in general to ensure that any Best Management Practices are continually implemented and effective;

4.1.3 In addition to the requirements listed above, the permittee shall provide a rationale for how and why the permittee selected each of the BMPs and measurable goals for the permittee's storm water management program. The information required for such a rationale is given in Section 4.2 for each minimum measure. The permittee shall develop and fully implement each measure within five (5) years of permit issuance.

4.2 Minimum Control Measures

The six (6) minimum control measures that shall be included in the permittee's storm water management program are:

4.2.1 **Public Education and Outreach on Storm Water Impacts**

4.2.1.1 *Permit requirement.* The permittee shall implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

4.2.1.2 *Decision process.* The permittee shall document the permittee's decision process for the development of a storm water public education and outreach program. The permittee's rationale statement shall address both their overall public education program and the individual BMPs, measurable goals and responsible persons for the permittee's program. The rationale statement shall include the following information, at a minimum:

4.2.1.2.1 How the permittee plans to inform individuals and households about the steps they can take to reduce storm water pollution.

4.2.1.2.2 How the permittee plans to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration activities).

- 4.2.1.2.3 Identification of target audiences for the permittee's education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and an explanation why those target audiences were selected.
- 4.2.1.2.4 The target pollutant sources the permittee's public education program is designed to address.
- 4.2.1.2.5 The permittee's outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) they will use to reach their target audiences, and how many people do they expect to reach by their outreach strategy over the permit term.
- 4.2.1.2.6 Identification of the person(s) responsible for overall management and implementation of the permittee's storm water public education and outreach program and, if different, the person responsible for each of the BMPs identified for this program.
- 4.2.1.2.7 How the permittee will evaluate the success of this minimum measure, including how the measurable goals for each of the BMPs were selected.
- 4.2.2 **Public Involvement/Participation**
 - 4.2.2.1 *Permit requirement.* The permittee shall implement a public involvement/participation program that complies with State and local public notice requirements.
 - 4.2.2.2 *Decision process.* The permittee shall document the decision process for the development of a storm water public involvement/participation program. The documentation shall provide rationale for how the overall public involvement/participation program was developed, and explain the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:
 - 4.2.2.2.1 How the permittee has involved the public in the development and submittal of the application and storm water management program.
 - 4.2.2.2.2 The permittee's plan to actively involve the public in the development and implementation of their program.
 - 4.2.2.2.3 The target audiences for the permittee's public involvement program, including a description of the types of ethnic and economic groups engaged. The permittee is encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
 - 4.2.2.2.4 The types of public involvement activities included in the permittee's program. Where appropriate, the permittee must consider the following types of public involvement activities:
 - 4.2.2.2.4.1 Citizen representatives on a storm water management panel
 - 4.2.2.2.4.2 Public hearings
 - 4.2.2.2.4.3 Working with citizen volunteers willing to educate others about the program
 - 4.2.2.2.4.4 Volunteer monitoring or stream/beach clean-up activities

- 4.2.2.2.5 The person(s) responsible for the overall management and implementation of the permittee's storm water public involvement/participation program and, if different, the person responsible for each of the BMPs identified for this program.
- 4.2.2.2.6 The method for evaluating the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.
- 4.2.3 **Illicit Discharge Detection and Elimination**
- 4.2.3.1 *Permit requirement. The permittee shall:*
- 4.2.3.1.1 Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 10 CSR 20-6.200) into the permittee's regulated small MS4;
- 4.2.3.1.2 Develop or submit, if not already completed, a storm sewer system map, showing the location of all outlets and the names and location of all waters of the State that receive discharges from those outlets;
- 4.2.3.1.3 To the extent allowable under State, or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the permittee's storm sewer system and implement appropriate enforcement procedures and actions;
- 4.2.3.1.4 Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the permittee's system;
- 4.2.3.1.5 Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- 4.2.3.1.6 Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if the permittee identifies them as significant contributors of pollutants to the permittee's regulated small MS4: landscape irrigation, rising ground waters, uncontaminated ground water infiltration (as defined in 10 CSR 20-6.200), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, lawn watering, flows from riparian habitats and wetlands, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are significant sources of pollutants to waters of the State).
- 4.2.3.1.7 The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges shall not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the MS4, because of either the nature of the discharges or conditions the permittee has established for allowing these discharges to the permittee's MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs on the wash water, etc.). The permittee shall document in their SWMP any local controls or conditions placed on the discharges. The permittee shall include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the permittee's MS4.

- 4.2.3.2 *Decision process.* The permittee shall document the decision process for the development of a storm water illicit discharge detection and elimination program. The permittee shall provide rationale for both the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for the permittee's program. The rationale statement shall include the following information, at a minimum:
- 4.2.3.2.1 How the permittee will develop a storm sewer map showing the location of all outlets and the names and location of all receiving waters. The permittee shall describe the sources of information used for the maps, and how the permittee plans to verify the outlet locations with field surveys. If already completed, the permittee shall describe how the map was developed and how the map will be regularly updated.
- 4.2.3.2.2 The mechanism (ordinance or other regulatory mechanism) the permittee will use to effectively prohibit illicit discharges into the MS4 and why the permittee chose that mechanism. If the permittee needs to develop this mechanism, describe the permittee's plan and a schedule to do so. If the permittee's ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the permittee's program.
- 4.2.3.2.3 The permittee's plan to ensure through appropriate enforcement procedures and actions that the permittee's illicit discharge ordinance (or other regulatory mechanism) is implemented.
- 4.2.3.2.4 The permittee's plan to detect and address illicit discharges to the permittee's system, including discharges from illegal dumping and spills. The permittee's plan shall include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. The plan shall also address on-site sewage disposal systems that flow into the permittee's storm drainage system. The permittee's description shall address the following, at a minimum:
- 4.2.3.2.4.1 Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.
- 4.2.3.2.4.2 Procedures for tracing the source of an illicit discharge, including the specific techniques the permittee will use to detect the location of the source.
- 4.2.3.2.4.3 Procedures for removing the source of the illicit discharge.
- 4.2.3.2.4.4 Procedures for program evaluation and assessment.
- 4.2.3.2.5 How the permittee plans to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. The permittee shall describe how this plan will coordinate with their public education minimum measure and the pollution prevention/good housekeeping minimum measure programs.
- 4.2.3.2.6 Identification of the person(s) responsible for overall management and implementation of the permittee's storm water illicit discharge detection and elimination program and, if different, the person responsible for each of the BMPs identified for this program.
- 4.2.3.2.7 How the permittee will evaluate the success of this minimum measure, including how they selected the measurable goals for each of the BMPs.

4.2.4 **Construction Site Storm Water Runoff Control**

- 4.2.4.1 *Permit requirement.* The permittee shall develop, implement, and enforce a program to reduce pollutants in any storm water runoff to their regulated small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The permittee's program shall include the development and implementation of, at a minimum:
- 4.2.4.1.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
 - 4.2.4.1.2 Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
 - 4.2.4.1.3 Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
 - 4.2.4.1.4 Procedures for site plan review which incorporate consideration of potential water quality impacts;
 - 4.2.4.1.5 Procedures for receipt and consideration of information submitted by the public; and
 - 4.2.4.1.6 Procedures for site inspection and enforcement of control measures.
- 4.2.4.2 *Decision process.* The permittee shall document the permittee's decision process for the development of a construction site storm water control program. The permittee's rationale statement shall address both the permittee's overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for the permittee's program. The rationale statement shall include the following information, at a minimum:
- 4.2.4.2.1 The mechanism (such as an ordinance or other regulatory mechanism) the permittee will use to require erosion and sediment controls at construction sites and why they chose that mechanism. If the permittee needs to develop this mechanism, the permittee shall describe the plan and schedule implementation. If the permittee's ordinance or regulatory mechanism is already developed, the permittee shall include a copy of the relevant sections with the permittee's storm water management program description.
 - 4.2.4.2.2 The permittee's plan to ensure compliance with the permittee's erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms they will use to ensure compliance. The permittee shall describe the procedures for when the permittee will use certain sanctions. Possible sanctions include non-monetary penalties (such a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
 - 4.2.4.2.3 The permittee's requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.

- 4.2.4.2.4 The permittee's procedures for considering the potential water quality impacts of pre-construction site plans. The permittee shall describe the procedures and the rationale for how the permittee will identify certain sites for site plan review, if all plans are not reviewed. The permittee shall describe the estimated number and percentage of sites that will have pre-construction site plans reviewed.
- 4.2.4.2.5 The permittee's procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the permittee's public education program.
- 4.2.4.2.6 The permittee's procedures for site inspection and enforcement of control measures, including how the permittee will prioritize sites for inspection.
- 4.2.4.2.7 Identification of the person(s) responsible for overall management and implementation of the permittee's construction site storm water control program and, if different, the person responsible for each of the BMPs identified for this program.
- 4.2.4.2.8 Describe how will the permittee evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.
- 4.2.5 **Post-Construction Storm Water Management in New Development and Redevelopment**
- 4.2.5.1 *Permit requirement.* The permittee shall:
 - 4.2.5.1.1 Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the permittee's regulated small MS4. The permittee's program shall ensure that controls are in place that would prevent or minimize water quality impacts;
 - 4.2.5.1.2 Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the permittee's community; and
 - 4.2.5.1.3 Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, or local law; and
 - 4.2.5.1.4 Ensure adequate long-term operation and maintenance of BMPs.
- 4.2.5.2 *Decision process.* The permittee shall document their decision process for the development of a post-construction storm water management program. The permittee's rationale statement shall address both their overall post-construction storm water management program and the individual BMPs, measurable goals, and responsible persons for their program. The rationale statement shall include the following information, at a minimum:
 - 4.2.5.2.1 The permittee's program to address storm water runoff from new development and redevelopment projects. The permittee shall include in this description any specific priority areas for this program.
 - 4.2.5.2.2 How the permittee's program will be specifically tailored for their local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.

- 4.2.5.2.3 Any non-structural BMPs in the permittee's program, including, as appropriate:
 - 4.2.5.2.3.1 Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;
 - 4.2.5.2.3.2 Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;
 - 4.2.5.2.3.3 Education programs for developers and the public about project designs that minimize water quality impacts; and
 - 4.2.5.2.3.4 Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.
- 4.2.5.2.4 Any structural BMPs in the permittee's program, including, as appropriate:
 - 4.2.5.2.4.1 Storage practices such as wet ponds and extended-detention outlet structures;
 - 4.2.5.2.4.2 Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and
 - 4.2.5.2.4.3 Infiltration practices such as infiltration basins and infiltration trenches.
- 4.2.5.2.5 Identification of the mechanisms (such as an ordinance or other regulatory mechanisms) the permittee will use to address post-construction runoff from new developments and redevelopments and why the permittee chose that mechanism. If the permittee needs to develop a mechanism, the permittee shall describe the plan and a schedule for implementation. If the permittee's ordinance or regulatory mechanism is already developed, the permittee shall include a copy of the relevant sections with the program.
- 4.2.5.2.6 How the permittee will ensure the long-term operation and maintenance (O&M) of their selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between the permittee and another party such as the post-development landowners or regional authorities.
- 4.2.5.2.7 Identification of the person(s) responsible for overall management and implementation of the permittee's post-construction storm water management program and, if different, the person responsible for each of the BMPs identified for this program.
- 4.2.5.2.8 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.
- 4.2.6 **Pollution Prevention/Good Housekeeping for Municipal Operations**
 - 4.2.6.1 *Permit requirement.* The permittee shall:
 - 4.2.6.1.1 Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and

- 4.2.6.1.2 Using training materials that are available from EPA, State, or other organizations, the permittee shall develop training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.
- 4.2.6.2 *Decision process.* The permittee shall document the permittee's decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The permittee's rationale statement shall address both the permittee's overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement shall include the following information, at a minimum:
- 4.2.6.2.1 The permittee's operation and maintenance program to prevent or reduce pollutant runoff from their municipal operations. The permittee shall specifically list the municipal operations that are impacted by this operation and maintenance program. The permittee shall also include a list of industrial facilities the permittee owns or operates that are subject to EPA's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to the permittee's MS4. The permittee shall include the permit number or a copy of the Industrial application form for each facility.
- 4.2.6.2.2 Any government employee training program the permittee uses to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. The permittee shall describe any existing, available materials the permittee plans to use. The permittee shall describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.
- 4.2.6.2.3 The permittee's program description shall specifically address the following areas:
- 4.2.6.2.3.1 Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the permittee's regulated small MS4.
- 4.2.6.2.3.2 Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas the permittee operates.
- 4.2.6.2.3.3 Procedures for the proper disposal of waste removed from the permittee's MS4 and area of jurisdiction, including dredged material, accumulated sediments, floatables, and other debris.
- 4.2.6.2.3.4 Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.
- 4.2.6.2.4 Identification of the person(s) responsible for overall management and implementation of their pollution prevention/good housekeeping program and, if different, the person responsible for each of the BMPs identified for this program.

4.2.6.2.5 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.3 Sharing Responsibility

Implementation of one or more of the minimum measures may be shared with another entity, or another entity assume responsibility for the measure if:

4.3.1 The other entity, in fact, implements the control measure;

4.3.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.

4.3.3 The other entity agrees to implement the control measure on permittee's behalf. Written acceptance of this obligation is required. This obligation shall be maintained as part of the description of the permittee's storm water management program. If the other entity agrees to report on the minimum measure, the permittee shall supply the other entity with the reporting requirements contained in Section 5.3 of this permit. If the other entity fails to implement the control measure on the permittee's behalf, then the permittee remains liable for any discharges due to that failure to implement.

4.4 Reviewing and Updating Storm Water Management Programs

4.4.1 *Storm Water Management Program Review:* The permittee shall do an annual review of the permittee's Storm Water Management Program in conjunction with preparation of the annual report required under Section 5.3

4.4.2 *Storm Water Management Program Update:* The permittee may change the Storm Water Management Program during the life of the permit in accordance with the following procedures:

4.4.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made at any time upon written notification to the department.

4.4.2.2 Changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the department, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the department will send the permittee a written response giving a reason for the decision. The permittee's modification requests shall include the following:

4.4.2.2.1 An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),

4.4.2.2.2 Expectations on the effectiveness of the replacement BMP, and

4.4.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

4.4.2.3 Change requests or notifications must be made in writing and signed in accordance with Section 6.

- 4.4.3 *Storm Water Management Program Updates Required by the Department:* Changes requested by the department must be made in writing, set forth the time schedule for the permittee to develop the changes, and offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the department will be made in accordance with 10 CSR 20-6.200. The department may require changes to the Storm Water Management Program as needed to:
- 4.4.3.1 Address impacts on receiving water quality caused or affected by discharges from the Municipal Separate Storm Sewer System;
- 4.4.3.2 Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements; or
- 4.4.3.3 Include such other conditions deemed necessary by the department to comply with the goals and requirements of the Missouri Clean Water Law.
- 4.4.4 *Transfer of Ownership, Continuing Authority, or Responsibility for Storm Water Management Program Implementation:* The permittee shall implement the Storm Water Management Program on all new areas added to the permittee's portion of the municipal separate storm sewer system (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
- 4.4.4.1 Within 90 days of a transfer of ownership, continuing authority, or responsibility for storm water management program implementation, the permittee shall submit a revised plan, if necessary, for implementing the revised Storm Water Management Program on all affected areas. The plan shall include revised schedules for implementation. Information on all new annexed areas and any resulting updates required to the Storm Water Management Program shall be included in the annual report.
- 4.4.4.2 Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 10 CSR 20-6.200. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the Storm Water Management Program and not modifications to the permit.

5 **Monitoring, Recordkeeping, and Reporting**

5.1 **Monitoring**

- 5.1.1 The permittee shall evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If the permittee discharges to a water for which a TMDL has been approved, the permittee will have additional monitoring requirements under Section 3.1.3.6.

- 5.1.2 When the permittee conducts monitoring at the permittee's regulated small MS4, the permittee is required to comply with the following:

- 5.1.2.1 *Representative monitoring.* Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 5.1.2.2 *Test Procedures.* Monitoring results shall be conducted according to test procedures approved under 10 CSR 20-7.015.
- 5.1.3 Records of monitoring information shall include:
 - 5.1.3.1 The date, exact place, and time of sampling or measurements;
 - 5.1.3.2 The names(s) of the individual(s) who performed the sampling or measurements;
 - 5.1.3.3 The date(s) analyses were performed;
 - 5.1.3.4 The names of the individuals who performed the analyses;
 - 5.1.3.5 The analytical techniques or methods used; and
 - 5.1.3.6 The results of such analyses.
- 5.1.4 *Discharge Monitoring Report.* Monitoring results shall be reported on a Discharge Monitoring Report (DMR).
- 5.2 Record keeping
 - 5.2.1 The permittee shall retain records of all activities requiring record keeping by the SWMP and monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the department at any time.
 - 5.2.2 The permittee shall submit the permittee's records to the department only when specifically asked to do so. The permittee shall retain a description of the Storm Water Management Program required by this permit (including a copy of the permit language) at a location accessible to the department. The permittee shall make the permittee's records, including the application and the description of the storm water management program, available to the public if requested to do so in writing.
- 5.3 Reporting

The permittee shall submit annual reports to the Director by April 10 of each year of the permit term. The report shall include:

 - 5.3.1 The status of the permittee's compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
 - 5.3.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
 - 5.3.3 A summary of the storm water activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);

5.3.4 Proposed changes to the permittee's storm water management program, including changes to any BMPs or any identified measurable goals that apply to the program elements; and

5.3.5.1 Notice that the permittee is relying on another government entity to satisfy some of the permittee's permit obligations (if applicable).

6 **General Conditions**

This permit includes General Permit Conditions attached as Part 1 to this permit.

7 **Definitions**

All definitions contained in 10 CSR 20-6.200 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the regulation takes precedence.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

Director, refers to the Director of Staff, Water Pollution Control Program, Department Of Natural Resources.

Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined at 40 CFR 122.2.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to regulated small MS4s is found at 40 CFR 122.34.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Houston MS4 includes MS4s operated by the city of Houston, the Texas Department of Transportation, the Harris County Flood Control District, Harris County, and others).

Outlet, refers to the point at which storm water exits an MS4 or enters waters of the state.

Permittee, as used in this permit refers to the permit holder.

Storm Water, means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

SWMP is an acronym for "Storm Water Management Program."