

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



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MISSOURI STATE OPERATING PERMIT

GENERAL 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-R10D962
Owner:	Chick-Fil-A-John McCleskey
Address:	5200 Buffington Rd., Atlanta, GA 30349
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Chick-Fil-A FSR #2859 - Lee's Summit, MO
Facility Address:	Lee's Summit, MO 64086
Legal Description:	SE ¼, SW ¼, Sec. 36, T48N, R32W, Jackson County
UTM Coordinates:	X = 378454, Y = 4309625
Receiving Stream:	Unnamed Tributary to Little Cedar Creek (U)
First Classified Stream and ID:	Little Blue River (P) (00422)
USGS Basin & Sub-watershed No.:	(10300101-030001)

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

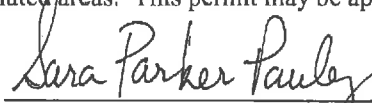
FACILITY DESCRIPTION

All Outfalls

Construction or land disturbance activity (e.g., clearing, grubbing, excavating, grading, and other activity that results in the destruction of the root zone and/or land disturbance activity that is reasonably certain to cause pollution to waters of the state).

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, RSMO.

June 6, 2011
Issue Date


Sara Parker Pauley, Director, Department of Natural Resources

February 7, 2012
Expiration Date


Dorothy Franklin, Acting Director, Kansas City Regional Office

APPLICABILITY

1. This general permit authorizes the discharge of storm water and certain non-storm water discharges from land disturbance sites that disturb one (1) or more acres over the life of the project or are part of a larger common plan of development or sale that will disturb one (1) or more acres over the life of the project. This general permit also authorizes the discharge of storm water and certain non-storm water discharges from smaller projects where the Department has exercised its discretion to require a permit [10 CSR 20-6.200 (1)(B)].

A Missouri State Operating Permit that specifically identifies the project must be issued before any site vegetation is removed or the site disturbed.

Any site owner/operator subject to these requirements for storm water discharges and who disturbs land prior to permit issuance from the MDNR is in violation of both State and Federal laws.

2. This permit authorizes non-storm water discharges from the following activities provided that these discharges are addressed in the permittee's specific Storm Water Pollution Prevention Plan (SWPPP) required by this general permit:
 - a. Dewatering activities if there are no contaminants other than sediment present in the discharge, and the discharge is treated as specified in Requirements, Section 8.j. of this permit.
 - b. Flushing water hydrants and potable water lines;
 - c. Water only (i.e., without detergents or additives) rinsing of streets and buildings, or
 - d. Site watering to establish vegetation.
3. This permit does not apply to storm water discharges within 1000 stream feet of:
 - a. Streams identified as a losing stream*;
 - b. Streams or lakes listed as an outstanding national or state resource water*;
 - c. Reservoirs or lakes used for public drinking water supplies*;
 - d. Streams, lakes, or reservoirs identified as critical habitat for endangered species*;
 - e. Streams, lakes, or reservoirs listed as impaired for sediment and/or an unknown pollutant by standard MDNR methodology*.
4. This permit does not apply to storm water discharges:
 - a. Within 100 stream feet of a permanent stream (class P) or major reservoir (class L2)*; or
 - b. Within two stream miles upstream of biocriteria reference locations*.

(For the purpose of this permit, "stream feet" shall be defined as: The measurement of the distance between the land disturbance site and the valuable resource water by means of the nearest drainage course.)

5. This permit does not apply to storm water discharges where:
 - a. Any of the disturbed area is defined as a wetland (Class W) by 10 CSR 20-7.031(1)(F)7*; or
 - b. The storm water discharges to a sinkhole or other direct conduit to groundwater.
6. This general permit does not authorize the placement of fill materials in flood plains, the obstruction of stream flow, directing storm waters across private property not owned or operated by the permittee, or changing the channel of a defined drainage course. This general permit is intended to address only the quality of the storm water runoff and minimize off-site migration of sediments and other water contaminants.
7. This general permit does not authorize any discharge to waters of the state of sewage, wastewaters, or pollutants such as:
 - a. Hazardous substances or petroleum products from an on-site spill or improper handling and disposal practices. (All containers must be properly closed to prevent spillage.);
 - b. Wash and/or rinse waters from concrete mixing equipment including ready mix concrete trucks unless such discharges are adequately treated and addressed in the Storm Water Pollution Prevention Plan;
 - c. Wastewater generated from air pollution control equipment or the containment of scrubber water in lined ponds; or
 - d. Domestic wastewaters, including gray waters.

* Identified or described in 10 CSR 20, Chapter 7. These regulations are available at many libraries and may be purchased from MDNR by calling the Water Pollution Control Program at (573)751-1300. The regulations are also available from the Missouri Secretary of States Office.

REQUIREMENTS

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

1. The discharge of storm water from these facilities 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; or
 - 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 to 260.247 RSMO.
2. Good housekeeping practices shall be maintained on the site to keep solid waste from entry into waters of the state.
3. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers.
4. Hazardous wastes that are transported, stored, or used for maintenance, cleaning or repair shall be managed according to the provisions of the Missouri Hazardous Waste Laws and Regulations.
5. An individual shall be designated by the permittee as responsible for environmental matters. The individual responsible for environmental matters shall have a thorough and demonstrable knowledge of the site's SWPPP and sediment and erosion control practices in general. The individual responsible for environmental matters or a designated inspector knowledgeable in erosion, sediment, and stormwater control principles, shall periodically inspect all structures that function to prevent pollution of waters of the state. These inspections shall be conducted in accordance with paragraph 10 of the Requirements.
6. All paint, solvents, petroleum products and petroleum waste products, and storage containers (such as drums, cans, or cartons) shall be stored according to Best Management Practices (BMPs). The materials exposed to precipitation shall be stored in watertight, structurally sound, closed containers. All containers shall be inspected for leaks or spillage during the once per week inspection of Best Management Practices.
7. The primary requirement of this permit is the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP must be available on site when land disturbance operations are in progress, or other operational activities that may affect the maintenance or integrity of the BMP structures. The SWPPP must be made available to a department representative upon request. The SWPPP should not be submitted to the Department unless it is requested. The SWPPP must:
 - a. Incorporate required practices identified below;
 - b. Incorporate erosion control practices specific to site conditions; and
 - c. Provide for maintenance and adherence to the plan.

Before disturbing earth, or submitting an application, the permittee shall develop a SWPPP that is specific to the land disturbance activities at the site. This plan must be developed before a permit can be issued and made available as specified under the RECORDS section of this permit.

The SWPPP shall provide the following information for each specific instance where a BMP is to be installed:

- i. Whether the BMP is temporary or permanent;
 - ii. Where, in relation to other site features, the BMP is to be located;
 - iii. When the BMP will be installed in relation to each phase of the land disturbance procedures to complete the project; and
 - iv. What site conditions must be met before removal of the BMP if the BMP is not a permanent BMP.
- f. Disturbed Areas: Slopes for disturbed areas must be defined in the SWPPP. A site map or maps, defining the sloped areas for all phases of the project, must be included in the SWPPP. Where soil disturbing activities cease in an area for 14 days or more, the permittee shall construct BMPs to establish interim stabilization. Interim stabilization shall consist of well established and maintained BMPs that are reasonably certain to protect waters of the state from sediment pollution over an extended period of time. This may require adding more BMPs to an area than is normally used during daily operations. These BMPs may include a combination of sediment basins, check dams, sediment fences, and mulch. The types of BMPs used must be suited to the area disturbed, taking into account the number of acres exposed and the steepness of the slopes. If the slope of the area is greater than 3:1 (3 feet horizontal to 1 foot vertical) or if the slope is greater than 3% and greater than 150 feet in length, then the permittee shall establish interim stabilization within 7 days of ceasing operations on that part of the site.
- g. Installation: The permittee shall ensure the BMPs are properly installed at the locations and relative times specified in the SWPPP. Peripheral or border BMPs to control runoff from disturbed areas shall be installed or marked for preservation before general site clearing is started. Storm water discharges from disturbed areas, which leave the site, shall pass through an appropriate impediment to sediment movement, such as a sedimentation basin, sediment traps, silt fences, etc. prior to leaving the land disturbance site. A drainage course change shall be clearly marked on a site map and described in the SWPPP. The location of all BMPs must be indicated on a site map, included in the SWPPP.
- h. Sedimentation Basins: The SWPPP shall require a sedimentation basin for each drainage area with 10 or more acres disturbed at one time. The sedimentation basin shall be sized to contain a volume of at least 3600 cubic feet per each disturbed acre draining thereto. Accumulated sediment shall be removed from the basin as needed to ensure proper operation. Discharges from the basin shall not cause scouring of the banks or bottom of the receiving stream. The SWPPP shall require the basin be maintained until final stabilization of the disturbed area served by the basin.
- Where use of a sediment basin of this size is impractical, the SWPPP shall evaluate and specify other similarly effective BMPs to be employed to control erosion and sediment delivery. These similarly effective BMPs shall be selected from appropriate BMP guidance documents authorized by this permit. The BMPs must provide equivalent protection. The SWPPP shall require both temporary and permanent sedimentation basins to have a stabilized spillway to minimize the potential for erosion of the spillway or basin embankment.
- i. Additional Site Management BMPs: The SWPPP shall address other BMPs, as required by site activities, to prevent contamination of storm water runoff. Such BMPs include:
- i. Solid and hazardous waste management including: providing trash containers and regular site clean up for proper disposal of solid waste such as scrap building material, product/material shipping waste, food containers, and cups; and providing containers and proper disposal of waste paints, solvents, and cleaning compounds, etc.;
 - ii. Provision of portable toilets for proper disposal of sanitary sewage;
 - iii. Storage of construction materials away from drainage courses and low areas; and
 - iv. Installation of containment berms and use of drip pans at petroleum product and liquid storage tanks and containers.
- j. Dewatering: The SWPPP shall require a description of any anticipated dewatering methods, including the anticipated volume of water to be discharged and the anticipated maximum flow discharged from these dewatering activities, expressed in gallons per minute. Maximum flow may be stated in the SWPPP as an estimate based on the type and capacity of equipment being used for dewatering. The SWPPP shall call for specific BMPs designed to treat water pumped from excavations and in no case shall this water be pumped off site without being treated by the specified BMPs.
- k. Roadways: Where applicable, upon installation of or connection to roadways, all efforts should be made to prevent the deposition of earth and sediment onto roadways through the use of proper BMPs. Where sediment is present on roadways all storm water curb inlets shall have inlet protection. Where storm water will flow off the end of where a roadway terminates, a sediment catching BMP (ex. gravel berm, silt fence, etc.) shall be provided. Roadways and curb inlets shall be cleaned weekly and following a rainfall that generates a run-off. Stabilized construction entrances shall be used to prevent sediment track-out.

SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS

1. Discharges shall not violate General Water Quality Standards 10 CSR 20 7.031(3).
Settleable Solids shall not exceed a maximum of 2.5 ml/L/hr. for each storm water outfall.
2. There are no regular sampling requirements in this permit. However, the Department may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or other such evidence of off site contamination from activities at the site. If such an action is needed, the Department will specify in writing any additional sampling requirements, including such information as location, extent, and parameters.

RECORDS

1. The permittee shall retain copies of this general permit, the SWPPP and all amendments for the site named in the State Operating Permit, results of any monitoring and analysis, and all site inspection records required by this general permit. The records shall be accessible during normal business hours. The records shall be retained for a period of at least three years from the date of the Letter of Termination.
2. The permittee shall provide a copy of the SWPPP to MDNR, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
3. The permittee shall provide those who are responsible for installation, operation, or maintenance of any BMP a copy of the SWPPP. The permittee, their representative, and/or the contractor(s) responsible for installation, operation, and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site.

LAND PURCHASE AND CHANGE OF OWNERSHIP

1. Individual Lot or Lots: Federal and Missouri storm water regulations (10 CSR 20-6.200) require a storm water permit and erosion control measures for one (1) or more acres of land disturbance that is a part of a common plan or sale. If the permittee sells less than 1 acre of the permitted site to an entity for, commercial, industrial, or residential use, (unless sold to an individual for the purpose of building his/her own private residence) this land remains a part of the common sale and regulated by this permit. Therefore, the permittee is still responsible for erosion control on the sold property until termination of the permit.
2. If the permittee sells 1 or more acres of the permitted site to an entity, the new owner of the property must obtain a land disturbance permit for the purchased property. The original permittee must amend the SWPPP to show that the property (one acre or more) has been sold and therefore no longer under the original permit jurisdiction.
3. If a lot is sold to an individual for purposes of building his/her own private residence, the permittee is no longer responsible for erosion control on the lot. However, Section 644.051.1(1) RSMO still gives the department the authority to hold the individual owner responsible for erosion control measures on the lot if it is deemed necessary to protect waters of the state.
4. Entire Tract: If the entire tract is sold to a single entity, then this permit shall be terminated when the new owner obtains a new land disturbance permit for the site.

STANDARD CONDITIONS FOR NPDES PERMITS
ISSUED BY
THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION
Revised
October 1, 1980

PART I - GENERAL CONDITIONS
SECTION A - MONITORING AND REPORTING

1. **Representative Sampling**
 - a. Samples and measurements taken as required herein shall be representative of the nature and volume, respectively, of the monitored discharge. All samples shall be taken at the outfall(s), and unless specified, before the effluent joins or is diluted by any other body of water or substance.
 - b. Monitoring results shall be recorded and reported on forms provided by the Department, postmarked no later than the 28th day of the month following the completed reporting period. Signed copies of these, and all other reports required herein, shall be submitted to the respective Department Regional Office, the Regional Office address is indicated in the cover letter transmitting the permit.
2. **Schedule of Compliance**

No later than fourteen (14) calendar days following each date identified in the "Schedule of Compliance", the permittee shall submit to the respective Department Regional Office as required therein, either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or if there are no more scheduled requirements, when such noncompliance will be corrected. The Regional Office address is indicated in the cover letter transmitting the permit.
3. **Definitions**

Definitions as set forth in the Missouri Clean Water Law and Missouri Clean Water Commission Definition Regulation 10 CSR 20-2.010 shall apply to terms used herein.
4. **Test Procedures**

Test procedures for the analysis of pollutant shall be in accordance with the Missouri Clean Water Commission Effluent Regulation 10 CSR 20-7015.
5. **Recording of Results**
 - a. For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:
 - (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. 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 this permit 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 both.
 - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
6. **Additional Monitoring by Permittee**

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Monitoring Report Form. Such increased frequency shall also be indicated.

7. **Records Retention**

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this 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.

SECTION B - MANAGEMENT REQUIREMENTS

1. **Change in Discharge**
 - a. All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant not authorized by this permit or any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.
 - b. Any facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants shall be reported by submission of a new NPDES application at least sixty (60) days before each such changes, or, if they will not violate the effluent limitations specified in the permit, by notice to the Department at least thirty (30) days before such changes.
2. **Noncompliance Notification**
 - a. If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Department with the following information, in writing within five (5) days of becoming aware of such conditions:
 - (i) a description of the discharge and cause of noncompliance, and
 - (ii) the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.
 - b. Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally with 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided with five (5) days of the time the permittee becomes aware of the circumstances. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
3. **Facilities Operation**

Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions. Operators or supervisors of operations at publicly owned or publicly regulated wastewater treatment facilities shall be certified in accordance with 10 CSR 209.020(2) and any other applicable law or regulation. Operators of other wastewater treatment facilities, water contaminant source or point sources, shall, upon request by the Department, demonstrate that wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel.
4. **Adverse Impact**

The permittee shall take all necessary steps to minimize any adverse impact 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 (hereinafter the Law and Regulations), including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.