

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MO-G491369

In accordance with 40 CFR 124.19 I am appealing the National Pollutant Discharge Elimination System Permit(NPDES) of Coastal Energy Corporation in Willow Springs, MO. The permit number is MO-G491369 and was issued August 1, 2017 by the Missouri Department of Natural Resources.

I will add a facility description here which was part of my **public comment** on page 1/and a permitting denial request:

"4 million(4,040,000) gallon 43 unit storage tank farm consisting of propane, fuel(denatured ethanol, diesel, biodiesel), residual oil, asphalt oil, asphalts blended with vulcanizer dispersion (UP1935) and styrene/butadiene copolymer latex (UP7289),benzene(known carcinogen), cutback asphalt, and cold patch asphalt with cold patch asphalt and the asphalts blended with UP1935 and UP7289 being created onsite according to observations of expansion and Missouri Department of Natural Resources records and general asphalt information available. I will mention here the air permit of Coastal not to divert from the Water Commission's authority over this permit, but as proof that there is Benzene, a cancer causing chemical) at the facility and that it goes into our air, with potential to also harm the resource water of the headwaters of the Eleven Point and Wild and Scenic Eleven Point River/Outstanding National Resource Water merely by its presence there, along with other harmful substances. Directly quoting, the DNR air permit says, "which covers at least two counties in Missouri and one in Arkansas). Fuel combustion at the installation will emit Hexane (110-54-3), Benzene (71-43-2), Naphthalene (91-20-3),and Formaldehyde (50-00-0)." The word "Installation" here I am understanding to be the facility's day to day operations and not what occurred once at time of this installation." "I would also argue that the language, "INSTALLATION DESCRIPTION Coastal Energy Corporation is proposing to construct a new fuel and asphalt products storage and distribution operation in Willow Springs, Missouri" in DNR air permit for Coastal Energy(<https://dnr.mo.gov/env/apcp/permits/docs/coastal-wsprings-2012cp.pdf>)is false. Then the same air permit goes on to erroneously say, "This is a new installation; therefore, no permits have been issued to the permittee by the Air Pollution Control Program". According to Coastal Energy Corporation web site the company has been here in Willow Springs since 1979, with some records at the Secretary of State's office of companies owned by Montgomery in Willow Springs, Missouri(United Distributing), beginning in 1946-47. This is not a new fuel and asphalt product storage and distribution operation. Given the false pretense/misrepresentation on which the permitting in 2012 happened I ask that no further permitting of the facility occur. I realize, the above mentioned permit is an air permit, which was not under the authority of the Clean Water Commission, but a permit which was issued under false representation should be grounds to deny any further permitting, and this above mentioned air permit is a current permit which will expire in October. The lapse in permitting of all types at Coastal Energy in the past should have been grounds for permit denial. I am aware the company did not have permits in place as they expanded often since 1979." Bostic did not address this in his response. This lack of permitting is a violation of RSMo Chapter 644.082.

On page 2-3 of my comments I list a draft permit violation of 10 CSR 20-7.015(6)(A)3 concerning no discharge of process wastewater, and precipitation collected.

Page 2 Bostic comments, "draft permit does not authorize routine direct discharges of industrial stormwater". I see no where that it doesn't.

Bostic states on page 3 that the facility was in compliance at last inspection indicating that there is adequate berming. There is no berming on the Eleven Point River side of the facility which I mentioned in my comments to him on page 5. The Coastal SWPPP page 10 says there is "an approximate 5 foot

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berm" encompassing the bulk plant facility. I will attach page. There is not. Over the years since the EPA inspections in '14 berming on the Tributary side might have reached 5 feet in height but they are no longer there.

Jackson Bostic's response on page 4 of his notice letter to my concern for the permitting of this facility on an U.S. Wild and Scenic River (page 1, 4, 5, 7, 8, 10, 12, and 14) violates 40 CFR 122.5(b) which is indicated as applicable to state programs of NPDES permitting, of which Missouri is an NPDES permitting authority. Missouri DNR NPDES authority includes federal facilities. An U.S. Wild and Scenic River is considered a federal facility. Mr. Bostic's response on page 4 in his letter of notice to me stated the WSRA was not in his jurisdiction. When EPA writes permits they have to adhere to the WSRA. "The Wild and Scenic Rivers Act, 16 U.S.C. 1273 et seq. - Section 7 of the Act prohibits the regional administrator from assisting by license or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established." (<https://www.epa.gov/npdes/other-federal-laws-apply-npdes-permit-program>). Why doesn't the state have to follow the WSRA?

In 40 CFR 122.5 (b) "any exclusive privilege" in permitting is prohibited. The NPDES permitting of this facility on an U.S. Wild and Scenic River constitutes an exclusive privilege because it is a water resource project upstream from a designated segment of a Wild and Scenic River, the Eleven Point River. Water resource projects/permitting are required to notify Congress and the Secretary of USDA if they require a federal permit. this segment "above a wild, scenic or recreational river area or on any stream tributary thereto" is protected from water resource projects like this permit, "which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation," per the Wild and Scenic River Act/16 U.S. Code § 1278 (a).

I cited the need for this notification in page 4 of my comments to Bostic. The National Pollutant Discharge Elimination System permit is a federal permit. An exclusive privilege happened when those parties were not notified, and when the water resource project of the NPDES of Coastal Energy was permitted on the Eleven Point River in Willow Springs, Missouri, which is an Outstanding National Resource Water per 10 CSR 20-7.031(8)Table D.

Permit violation of 10 CSR 20-7.031(8) regarding antidegradation of Outstanding National Resource Waters / effluent limitations, I expressed concern that this permit was backsliding in violation of the CWA. I also brought up a concern for no degradation of the Eleven Point through this permit(page 12)asking why there is a no degradation evaluation in the previous NPDES for Coastal and not on this one. The effluent limitations appear to be weaker in the new permit. Mr. Bostic addressed effluent toxicity in page 2). The draft permit's effluent charting requirements are on page 5 of attached draft permit. The site specific NPDES of Coastal's effluent charting is attached. Bostic's reply on page 2 regarding outfalls only addressed one of my CWA anti-backsliding concerns, though I listed many.

10 CSR 20-7.031(C) is violated by this permit because on "Tier Three. There shall be no lowered water quality in outstanding national resource waters or outstanding state resource waters, as designated in Tables D and E." I will attach Table D where Eleven Point River is listed. Outstanding National Resource Waters are protected in 40 CFR 131.12 I sited this federal protection on page of my comments to Bostic on page 4, pointing out that ONRW are protected at the highest level

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and this is given consideration during NPDES permitting. I received no answer to the question of this Tier 3 protection in NPDES permitting by Missouri DNR, other than to say this facility is a no discharge facility. In my comments to Bostic I attached the Interagency Wild and Scenic River Coordinating Council checklist for water resource projects on federally protected rivers with its cover page. I will attach it here.

16 U.S. Code § 1274 (a) Designation The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system: (2)Eleven Point, Missouri— The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

I am appealing this permit because in Bostic's response to me on page 1 of his letter of notice 40 CFR 122.26 (a) is violated because an individual permit is a site specific permit. Here is his response, "Coastal has made application for renewal of the existing site specific permit. The Missouri Department of Natural Resources is working on the renewal of the site specific permit. Coastal also applied for the above referenced general permit. Previous versions of the general permit did not include this type of facility, therefore the facility applied for the site specific permit. The facility is being allowed to apply for a general permit instead of retaining the existing site specific permit because the applicability of the general permit has been changed to include these facilities. The statewide general permit was public noticed and comments did not necessitate a change in applicability."

This response is confusing. At first it sounds like the site specific permit is being considered by DNR, then it doesn't. I was always under the impression that the reason Coastal had a site specific was because of its location on the Wild and Scenic River and a site specific is more strict. I believe I commented during DNR's public comment period against the Fuel Spill Cleanup general permit MOG490000 which is used as a template on this permit, and got no response from DNR to my comment. My comment was posted on the internet by DNR though, as I believe the law requires. I feared that Coastal would use this permit because it had language that indicated that permit holders could tag onto it, and I feared for the safety of the Eleven Point River in that public comment I made.

As mentioned above, Mr. Bostic repeatedly says in his letter of notice to me that this is a no discharge facility, i.e. Page 2 Bostic response, "draft permit does not authorize routine direct discharges of industrial stormwater", "not to discharge," and no discharge except..." Also page 2."not discharge", "no discharge" and "any emergency discharge". Page 3 "would exempt no discharge facilities" and "no discharge" and "no discharge". Page 4 "no discharge" and "no discharge" but Chapter 644.082 RSMo reads, "It shall be unlawful for any person to operate, use or maintain and discharge water contaminants from any water contaminant or point source or wastewater treatment plant unless he holds a permit from the commission." I assume this is the statute that required Coastal Energy to apply for an NPDES permit. Mr. Bostic goes on to say that there is discharge in major storm event situations on page 2 of his comment to me, such as the Missouri flooding in April of this year which I asked about regarding its harm to the environment at Coastal Energy in my comments on page 9. EPA inspections in '14 found spills by the facility which I included in my comment to the state on page 8 and by sending the report page as an attachment. I will attach here too. This facility has discharged into the Eleven Point River. The inspectors also found that there was misunderstanding at Coastal Energy of the laws regarding discharge, which I will attach (page 9 EPA inspection report 2014). The '14 SPCC for Coastal Energy, which I am assuming to be the most current, on page 16 states, "The containment structures

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that do not have a drain to discharge rainwater may utilize a pump system to discharge rainwater.” Then the language says, “If the water has no petroleum sheen, it may be released to the surface.” Rainwater is stormwater and if this is a no discharge facility, how is stormwater in a plan under and required by the NPDES allowing discharge? On page 17 again the SPCC states, rainwater to be pumped and discharged. I will attach SPCC pages mentioned here. The site specific NPDES MO0136883(attached) states on page 2 that records shall be maintained on the number of days the facility discharges per year, the discharge flow, the reason the discharge occurred and effluent analysis performed. I will attach this page. The '09 SPCC of Coastal Energy on page 6 states, “Stormwater is manually removed from the containment areas only after visual observations of contamination are made.” My concern is that the discharged waters are toxic/carcinogenic. I brought up these concerns on page 1 and page 10(Toxic Chemical Release Reporting) of my comments. I am worried about the water quality and air quality affected by the facility. I also mentioned in my comments on page 8 that our town has received two grants from the Delta Regional Authority because we are in the watershed of the Mississippi River. Pointing out that to on the one hand protect the watershed of the Mississippi and the other hand to *not* protect the watershed of the Eleven Point River/Outstanding National Resource Water which this permit directly affects is negligent and should not occur. Mr. Bostic says in his response on page 2, which is not necessarily a response to the negligence claim, that the Eleven Point in Willow Springs is an Outstanding National Water Resource but he calls it a basin. I am not sure which basin he is referring to. There is a reservoir basin that Frisco built, and springs fill, which is the headwaters basin for the Eleven Point River in Willow Springs. There is also a basin at Coastal. Or I suppose he could be talking about something else. I was glad to see he agreed that it is an Outstanding National Water Resource though. The National Park Service/Interagency Wild and Scenic Rivers Coordinating Council member also emailed me to this effect-that the watershed here is an ONRW. Willow Springs is the headwaters of the Eleven Point River. The definition of Headwaters - The source and upper part of a stream.(https://water.usgs.gov/water-basics_glossary.html) CWA antibacksliding-Irrigate field of last permit is now discharge into tributary of Eleven Point River(page 15 of my comments). The Missouri DNR also changed the company's receiving stream to tributary to the Eleven Point when the company is on the banks of the Eleven Point(10-20 feet from the river). Our wastewater treatment facility in Willow Springs is a neighbor to Coastal Energy and it still has a site specific/individual permit and it sits on the banks of the Eleven Point River too. Why does Coastal now have a general permit in violation of CWA and 40 CFR 122.26 (a)

The OBED Wild and Scenic River Water Resources Management Plan(attached) does require “chemistry monitoring directly below” the NPDES permitted facility on a daily basis. Why isn't chemistry being monitored directly below Coastal Energy on the Wild and Scenic River in my hometown?

Therefore, per 40 CFR 124.19 (a)(4)(ii) in this appeal I have provided citation to the relevant Regional Administrator/Bostic responses and explained why the Regional Administrator's responses to the comments were clearly erroneous or otherwise warranted review and in this appeal I have cited laws, policies, or exercises of discretion for review by the Environmental Appeals Board/EPA per 40 CFR 124.19.

Thank you,

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