

Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 11:34 PM
To: Clerk EAB
Subject: Table of authorities
Attachments: Table of Authorities.pdf

attached
Thank you,
Jill Bailey



Virus-free. www.avg.com

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

Table of Authorities

40 CFR 124.	Page 1
RSMo Chapter 644.082	page 1
10 CSR 20-7.015(6)(A)3	page 1
Wild and Scenic Rivers Act 16 U.S.C. 1273 et seq.	page 2
40 CFR 122.5 (b)	page 2
Wild and Scenic River Act/16 U.S. Code § 1278 (a).	page 2
10 CSR 20-7.031(8)Table D	page 2
10 CSR 20-7.031(8)	page 2
10 CSR 20-7.031(C)	page 2
16 U.S. Code § 1274 (a)	page 3
40 CFR 122.26 (a)Chapter 644.082 RSMo	page 3
Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council 2004	page 3
Clean Water Act	page 4
40 CFR 122.26(a)	page 4
Obed Wild and Scenic River Resources Management Plan	page 4
40 CFR 124.19(a)(4)(ii)	page 4
40 CFR 124.19	page 4
National Park Service/Interagency Wild and Scenic Rivers Coordinating Council	page 4

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com

Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 10:17 PM
To: Clerk EAB
Subject: I think I need to withdraw my motion

NPDES permit appeal
Coastal Energy Corporation
Coastal Energy Corporation
MOG491369

Does it have to be submitted upon filing petition for review/notice of appeal or can it be submitted later? I have not discussed it with the other parties and gotten their response. I forgot about that requirement. Also I cited some laws in it but maybe made too much reference to the appeal/petition for review for grounds. If there is an extension for me because my notice letter didn't contain appeal information and the motion can happen later, please let me know.

Thank you
Jill Bailey
702 N Center St
Willow Springs.
Missouri 65793
573-228-0147

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 7:03 PM
To: Clerk EAB
Subject: My last attachment is page 5 of this doc

Which is identical in its effluent chart with Coastal Energy/I made reference to this chart as an attachment in my appeal

Thank you

Jill Bailey

Missouri

573-228-0147

Page 5

<http://dnr.mo.gov/env/wpp/permits/issued/docs/G490000.pdf>

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 6:34 PM
To: Clerk EAB
Subject: trying to get this last attachment I forgot to convert today, converted to PDF for you
Attachments: img175.jpg

Jill Bailey
Missouri
573-228-0147



Virus-free. www.avg.com

PERMIT REQUIREMENTS (continued)

7. Waste concrete from delivery trucks shall be washed into a dedicated, enclosed, shallow depression or other device designed to capture the concrete and allow it to dry. Washing waste concrete into waters of the state or in a location where it is likely to enter waters of the state, such as a drainage ditch or storm drain, is prohibited by State Law and Regulations (644.151 RSMo, 10 CSR 20-6.010).
8. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility when:
 - (a) The alteration or addition could significantly change the nature or increase the quantity of pollutants. This notification applies to pollutants subject to the effluent limitations of this permit as well as new pollutants that are different from pollutants listed in this permit; or
 - (b) The alteration or addition results in a significant change in disposal practices and may justify the application of permit conditions that are different from or absent in the current permit.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR NON-STORMWATER DISCHARGES

TABLE A		EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS				
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the facility as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	SAMPLING FREQUENCY**	SAMPLE TYPE
Process Wastewater for Asphalt Emulsion Facilities (Subset of SIC 2951)****						
Non-Stormwater Discharges (Note 1)						
Limit Set: PA						
Flow	gpd	*		*	once/quarter	24 hour estimate
Settleable Solids	ml/L/hr	1.5		1.0	once/quarter	grab
Oil and Grease	mg/L	15		10	once/quarter	grab
pH ***	SU	6.5 – 9.0		6.5 – 9.0	once/quarter	grab
Total Suspended Solids	mg/L	23		15	once/quarter	grab
Process Wastewater and Mine Dewatering for Industrial Sand Facilities (SIC 1446) ****						
Non-Stormwater Discharges (Note 1)						
Limit Set: PI						
Flow	gpd	*		*	once/quarter	24 hour estimate
Settleable Solids	ml/L/hr	1.5		1.0	once/quarter	grab
Oil and Grease	mg/L	15		10	once/quarter	grab
pH***	SU	6.5 – 9.0		6.5 – 9.0	once/quarter	grab
Total Suspended Solids	mg/L	45		25	once/quarter	grab
Process Wastewater and Mine Dewatering (where applicable) All Others (All other SIC Codes)****						
Non-Stormwater Discharges (Note 1)						
Limit Set: PW						
Flow	gpd	*		*	once/quarter	24 hour estimate
Settleable Solids	ml/L/hr	1.5		1.0	once/quarter	grab
Oil and Grease	mg/L	15		10	once/quarter	grab
pH ***	SU	6.5 – 9.0		6.5 – 9.0	once/quarter	grab
Total Suspended Solids	mg/L	70		70	once/quarter	grab
MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY VIA THE DEPARTMENT'S eDMR SYSTEM AS REQUIRED BY THE FEDERAL NPDES REPORTING RULE. SHOULD A WAIVER TO eDMR BE GRANTED BY THE DEPARTMENT, PAPER REPORTS SHALL BE SUBMITTED IN A TIMELY MANNER TO THE APPROPRIATE REGIONAL OFFICE. THE FIRST REPORT IS DUE <u>OCTOBER 28, 2017</u> . IT IS A VIOLATION OF THIS PERMIT TO FAIL TO SAMPLE.						

* Monitoring requirement only.
 ** See Table B for quarterly sampling schedule.
 *** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.5-9.0 pH units.
 **** Non-stormwater discharges include mine dewatering, process wastewater, truck washing, etc. Samples must be collected for non-stormwater discharges as described in Table A. Any stormwater discharges comingled with non-stormwater are considered to be process wastewater and must be monitored as such.

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 6:04 PM
To: Clerk EAB
Subject: Fwd: Problem with the receipt of your eFiling to the Environmental Appeals Board

----- Forwarded message -----

From: <domino.webmasters@epamail.epa.gov>
Date: Tue, Sep 5, 2017 at 4:01 PM
Subject: Problem with the receipt of your eFiling to the Environmental Appeals Board
To: jbailey320@gmail.com

Hello Jill Bailey,

We've received your submission to the EAB, however, the attachment you uploaded with your filing was stripped out by our server due to a virus or some other condition.

You will need to resubmit your attachment, please contact the Clerk of the Board to arrange the file transfer.

Please use the Filing Id below as a reference.

Case Name: New Filing: Unknown Filing Type
Received (ET): 9/5/2017 4:42:17 PM
Filing ID: PINT-AQWSAF

Please do not reply to this email, instead contact the Clerk at EPA: Environmental Appeals Board (EAB):
<http://www.epa.gov/eab/contact.htm>

Thank you for eFiling with the Environmental Appeals Board.



Virus-free. www.avg.com

Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 6:03 PM
To: Clerk EAB
Subject: Fwd: Receipt confirmation for your eFiling

----- Forwarded message -----

From: <domino.webmasters@epamail.epa.gov>
Date: Tue, Sep 5, 2017 at 4:32 PM
Subject: Receipt confirmation for your eFiling
To: jbailey320@gmail.com

Hello Jill Bailey,
We've received your document submission to the EAB as follows:
Appeal Number: New Filing
Case Name:
Filing Type: Additional Attachment #1 to PINT-AQWSAF
Description: amendment to appeal
Received: 9/5/2017 4:49:19 PM
Filing ID: PINT-AQWSEU

While most efilings are handled the same business day, it can take one to two business days to in-process your filing or attachment. You will receive notification from the clerk if there is any problem with the submission, otherwise it will appear on our website once processed.

If you have questions about your submission please use the Filing ID above as a reference when you contact the Clerk of the Board at:

http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/The+Clerk+of+the+Board?OpenDocument

Thank you for eFiling with the Environmental Appeals Board.



Virus-free. www.avg.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 6:03 PM
To: Clerk EAB
Subject: Fwd: Problem with the receipt of your eFiling to the Environmental Appeals Board

----- Forwarded message -----

From: <domino.webmasters@epamail.epa.gov>
Date: Tue, Sep 5, 2017 at 4:32 PM
Subject: Problem with the receipt of your eFiling to the Environmental Appeals Board
To: jbailey320@gmail.com

Hello Jill Bailey,

We've received your submission to the EAB, however, the attachment you uploaded with your filing was stripped out by our server due to a virus or some other condition.

You will need to resubmit your attachment, please contact the <a

href="http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/The+Clerk+of+the+Board?OpenDocument"

>Clerk of the Board to arrange the file transfer.

Please use the Filing Id below as a reference.

Case Name: Attachment # 2 to filing on
Received (ET): 9/5/2017 4:53:29 PM
Filing ID: PINT-AQWSHF

Please do not reply to this email, instead contact the Clerk at EPA: Environmental Appeals Board (EAB):
<http://www.epa.gov/eab/contact.htm>

Thank you for eFiling with the Environmental Appeals Board.



Virus-free. www.avg.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:47 PM
To: Clerk EAB
Subject: Table D, WSRA1, WSRA2 attachments
Attachments: table d.pdf; wsra1.pdf; wsra2.pdf



Virus-free. www.avg.com



Table D
Outstanding National Resource Waters

Water Body	Location	County(ies)
Current River	Headwaters to Northern Ripley Co. Line Sec. 22,32N,07W to Sec. 15,25N,01E	Dent to Ripley
Jacks Fork River	Headwaters to Mouth Sec. 29,28N,07W to Sec. 9/15,29N,03W	Texas to Shannon
Eleven Point River	Headwaters to Hwy. 142 Sec. 32,25N,05W to Sec. 21,22N,02W	Oregon

Wild & Scenic Rivers Act: Section 7



October 2004
Council Contact: Jackie Diedrich
U.S. Forest Service
Portland, Oregon

Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council

recreation facilities such as boat ramps and fishing piers; and activities that require a 404 permit from the ACOE. Refer to Appendix A for a further discussion of how Section 7 may apply to particular types of projects.

WHEN IS A DETERMINATION UNDER SECTION 7 REQUIRED?	
Project proposed in bed or banks of a designated river or congressionally authorized study river	Project proposed in bed or banks of river below, above or on a stream tributary to a designated river or congressionally authorized study river
AND	AND
Project is proposed by a federal agency or it requires some type of federal assistance such as a permit, license, grant or loan	Project is proposed by a federal agency or it requires some type of federal assistance such as a permit, license, grant or loan
	AND
	Project is likely to result in effects within a designated river or congressionally authorized study river
Only when both of the above conditions exist is a determination required under Section 7	Only when all of the above conditions exist is a determination required under Section 7

STANDARDS AND EVALUATION PROCEDURES

The remainder of this text provides an interpretation of the standards in Section 7 and presents methods to evaluate the effects of proposed water resources projects for: 1) congressionally designated rivers; 2) secretarial-designated, 2(a)(ii), rivers; and 3) congressionally authorized, 5(a), study rivers. It also describes how agency-identified, 5(d)(1), study rivers are evaluated through respective agency policy. The discussion is presented in the form of a key, based on the type of project and location. Refer to Appendix B for Section 7 case studies.

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:45 AM
To: Clerk EAB
Subject: when I read on your web site about attachments it did not appear at first

that they had to be in PDF because it said documents had to be then it said attachments and didn't say they had to be in PDF but when I read something else on your site it said they did so I will go someplace tomorrow and try to convert attachments to PDF because my computer won't do that-if I can't get it done tomorrow(which I think is my deadline unless there is an extension for Labor Day Holiday or because the Regional Administrator didn't give appeals instructions on his notice letter) can I mail attachments or send them in jpg format? Here's your site I read last week, then I read yesterday different instructions to use pdf on attachments in Quick Guide to Efiling no. 3 "each attachment"

All documents filed electronically must be submitted in portable document format (PDF). All attachments filed in support of a brief, motion, or other document must be submitted using the "attachment" link in the EAB eFiling System.



Virus-free. www.avg.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:45 PM
To: Clerk EAB
Subject: spcc2, SPCC3, SWPPP PAGE 10 ATTACHMENTS
Attachments: spcc2.pdf; spcc3.pdf; swppp page 10.pdf



Virus-free. www.avg.com

4.0 Discharge Prevention; Provisions for Onshore Facilities (Excluding Production Facilities)

4.1 Facility Drainage (40 CFR 112.8(b))

The exterior tanks at the Coastal Energy facility are either located within a concrete secondary containment structure or within the earthen berm retention pond containment area. Rainwater that collects in the secondary containment shall be inspected by facility personnel prior to draining to ensure that only oil-free water is discharged. Only the SPCC Plan Coordinator has authority to authorize a discharge of rainwater. If rainwater is released from the containment structure, the procedures in Section 4.2.3 shall be followed.

4.2 Bulk Storage Containers (40 CFR 112.8(c))

All containers, including bulk containers, are summarized in Table 2.1 in Appendix L.

4.2.1 Construction (40 CFR 112.8 (c)(1))

All of the storage tanks and drums used for oil storage are constructed of either polyethylene, plastic, or steel, all of which are compatible with the petroleum products stored in the tank and containers. All oil storage tanks and drums operate at normal atmospheric conditions and none are pressurized.

4.2.2 Secondary Containment (40 CFR 112.8(c)(2))

All bulk oil storage tanks have secondary containment structures that are sized to contain the entire capacity of each tank, or the largest tank, plus sufficient freeboard to contain precipitation if located outside.

An approximate 5 foot earthen berm encompasses the bulk plant facility and protects stormwater from discharging into the Eleven Point River. The berm is equipped so that stormwater can be directed away from the bulk tanks but still maintained within the berm. A pump system is in place that transfers stormwater away from the bulk tank area to a separate area within the berm. The pump system can be turned off and is also equipped with manual shutoff valves which can be utilized to contain any possible spill within one area of the berm.

The materials of construction and storage volume for secondary containment structure at the Coastal Energy facility are listed on Table 2-1 (Appendix L). The secondary containment structures are inspected on a routine basis.

It is recommended that management have the electrical installations inside the containment inspected by a licensed electrician at its earliest opportunity. Pumping motors and related electrical conduits are mounted inside the containment in a position where they may become submerged in petroleum products should a tank rupture occur. Electrical equipment should be inspected to verify it is intrinsically safe, i.e. explosion proof.

It is recommended that management periodically test the integrity of the containment systems by flooding them with water. If the containment will not hold water, management shall repair any leaks.

4.2.3 Drainage of Containment Structures (40 CFR 112.8(c)(3))

The containment structures that do not have a drain to discharge rainwater may utilize a pump system to discharge rainwater. If the water has no petroleum sheen, it may be released to the surface. If the

4.0 Discharge Prevention; Provisions for Onshore Facilities (Excluding Production Facilities)

4.1 Facility Drainage (40 CFR 112.8(b))

The exterior tanks at the Coastal Energy facility are either located within a concrete secondary containment structure or within the earthen berm retention pond containment area. Rainwater that collects in the secondary containment shall be inspected by facility personnel prior to draining to ensure that only oil-free water is discharged. Only the SPCC Plan Coordinator has authority to authorize a discharge of rainwater. If rainwater is released from the containment structure, the procedures in Section 4.2.3 shall be followed.

4.2 Bulk Storage Containers (40 CFR 112.8(c))

All containers, including bulk containers, are summarized in Table 2.1 in Appendix L.

4.2.1 Construction (40 CFR 112.8 (c)(1))

All of the storage tanks and drums used for oil storage are constructed of either polyethylene, plastic, or steel, all of which are compatible with the petroleum products stored in the tank and containers. All oil storage tanks and drums operate at normal atmospheric conditions and none are pressurized.

4.2.2 Secondary Containment (40 CFR 112.8(c)(2))

All bulk oil storage tanks have secondary containment structures that are sized to contain the entire capacity of each tank, or the largest tank, plus sufficient freeboard to contain precipitation if located outside.

An approximate 5 foot earthen berm encompasses the bulk plant facility and protects stormwater from discharging into the Eleven Point River. The berm is equipped so that stormwater can be directed away from the bulk tanks but still maintained within the berm. A pump system is in place that transfers stormwater away from the bulk tank area to a separate area within the berm. The pump system can be turned off and is also equipped with manual shutoff valves which can be utilized to contain any possible spill within one area of the berm.

The materials of construction and storage volume for secondary containment structure at the Coastal Energy facility are listed on Table 2-1 (Appendix L). The secondary containment structures are inspected on a routine basis.

It is recommended that management have the electrical installations inside the containment inspected by a licensed electrician at its earliest opportunity. Pumping motors and related electrical conduits are mounted inside the containment in a position where they may become submerged in petroleum products should a tank rupture occur. Electrical equipment should be inspected to verify it is intrinsically safe, i.e. explosion proof.

It is recommended that management periodically test the integrity of the containment systems by flooding them with water. If the containment will not hold water, management shall repair any leaks.

4.2.3 Drainage of Containment Structures (40 CFR 112.8(c)(3))

The containment structures that do not have a drain to discharge rainwater may utilize a pump system to discharge rainwater. If the water has no petroleum sheen, it may be released to the surface. If the

water has petroleum sheen, the petroleum sheen shall be removed and disposed of in accordance with all applicable federal, state, and local laws and regulatory guidance. After the petroleum sheen has been removed the water contained in the tank may be released to the environment. The SPCC Plan Coordinator shall be the only personnel to possess the authority to authorize the collected rainwater to be pumped and discharged from the secondary containment area. These events shall be recorded on the "Rain Water Discharge from Containment" form that is included in **Appendix D**. As required by 40 CFR 112.8(c)(3), any outlet valves to the holding tanks shall be closed and locked after the water is drained.

4.2.4 Corrosion Protection (40 CFR 112.8(c)(4))

There are no buried metal tanks at the facility. There only underground piping associated with the Coastal Energy facility is located between the ethanol rail unloading area and the ethanol bulk storage tanks. The piping transfers the ethanol product from rail cars into the bulk storage area a distance of approximately 45-feet underground. The piping consists of steel pipe and has a double walled protection system that overfills and alerts operators if the underground piping system has failed. The testing system consists of a ball valve regulator that is opened before and after each transfer to check for fugitive product. If fugitive product is not visible, the transfer from the rail car to the bulk storage tanks is initiated.

Although this section of pipe does not have cathodic protection it does meet the regulatory requirements of 40 CFR 280.40(a)(1) and (2). The system provides a method of release detection that can detect a release from any portion of the underground piping that routinely contains product. 40 CFR 280.44(c) indicates that any of the methods in 40 CFR 280.43 (e) through (f) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances. In accordance with 40 CFR 280.43(g), the system utilizes interstitial monitoring which is designed, constructed and installed to detect a leak from any portion of the [piping] that routinely contains product. Additionally, the double walled monitoring system used for this portion of underground piping, in accordance with 40 CFR 280.43(g)(1), is a double-walled [piping] system whereas the test method outlined can detect a release from the inner wall in a portion of the [piping] that routinely contains product.

4.2.5 Partially Buried and Bunkered Storage Tanks (40 CFR 112.8(c)(5))

This section is not applicable since there are no partially buried or bunkered storage tanks at this facility.

4.2.6 Inspections and Tests (40 CFR 112.8(c)(6))

Inspections and testing of the oil storage tanks and portable containers shall be performed according to following procedures. Records of inspections and tests shall be signed by the SPCC Plan Coordinator, or designee, and are required to be kept at the facility for at least three years. **Table 3.2 in Appendix G** shall be utilized to track integrity testing and all integrity testing documents shall be maintained in **Appendix G**. The facility must test or inspect their tanks for integrity on a regular schedule and whenever there are material repairs. The facility must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration, and design. Examples of integrity tests include visual inspections, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing.

Table 3.1 Spill Contact Agencies

Name	Phone Number
Missouri Department of Natural Resources	(573) 634-2436
Region VII U.S. EPA	(913) 236-3778
National Response Center (24 hours a day)	(800) 424-8802
Howell County Local Emergency Planning Committee	(417)-274-6454
Local Emergency Services	911
Environmental Works -24hr Emergency Response	(877)-827-9500

3.5 Erosion and Sediment Controls (EPA 833-B-09-002) (4.E)

The facility shall provide sediment and erosion control sufficient to prevent pollution and comply with effluent limitations established in the storm water permit (located in **Appendix B**) for any land disturbance activities. Additional information about generic non-structural and structural BMPs for land disturbance that could be used are summarized below.

BMPs must be selected and implemented to limit erosion on areas of your site that, due to topography, activities, soils, cover, materials, or other factors are likely to experience erosion. Erosion control BMPs such as seeding, mulching, and sodding prevent soil from becoming dislodged and should be considered first. Sediment control BMPs such as silt fences, sediment ponds, and stabilized entrances trap sediment after it has eroded. Sediment control BMPs should be used to back-up erosion control BMPs.

Temporary and Permanent Non-Structural BMPs

The facility utilizes Permanent Non-structural BMPs that include the utilization of existing grass for buffer strips along ditches and drainage courses. Vegetation in place reduces erosion potential in four ways: (1) by shielding the erodible surface from the direct erosive impact of raindrops; (2) by improving the water storage porosity and capacity so more water can infiltrate into the ground; (3) by slowing the runoff and allowing the sediment or fines to become deposited on site; and (4) by physically holding the soil in place with plant roots. The facility shall utilize good housekeeping practices as well as employee education and training programs.

where?
Temporary and Permanent Structural BMPs

An approximate 5 foot earth berm encompasses the bulk plant facility and protects stormwater from discharging into the Eleven Point River. Additional BMPs used at the facility may include silt fencing for control of sediment and particulates. If required, these materials could be placed on the ground surface upstream of the outfalls. Other structural BMP's may include oil-adsorbent booms placed on the ground near silt fencing to intercept and remove oils that may be contained in stormwater runoff.

3.6 Management of Runoff (EPA 833-B-09-002) (4.F)

The SWPPP must contain a narrative evaluation of the appropriateness of stormwater management practices that divert, infiltrate, reuse, or otherwise manage stormwater runoff so as to reduce the discharge of pollutants. Appropriate measures are highly site-specific, but may include, among others, vegetative swales, collection and reuse of stormwater, inlet controls, snow management, infiltration devices, and wet retention measures.



Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:42 PM
To: Clerk EAB
Subject: Obed , page limit guide, spcc attachments
Attachments: obed.pdf; page limit guidelines.pdf; spcc.pdf



Virus-free. www.avg.com

**WATER RESOURCES
MANAGEMENT
PLAN**



OBED *The OBED Wild
and Scenic
River*

UNITED STATES DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE

Location of Water Quality Station	River/Creek Mile	Sampling Schedule
NPS Stations		
• Clear Creek at Lilly Bridge	1.5	Monthly
• Clear Creek at Barnett Bridge	8.7	Monthly
• Daddys Creek at Devil's Breakfast Table	2.4	Monthly
• Emory River at Nemo Bridge	27.7	Monthly
• Emory River above mouth of Obed River	29.0	Monthly
• Otter Creek at bridge crossing off of Catoosa Road	-3.2	Monthly
Catoosa Road		
• Obed River at Potter Bridge (bacteria only)	13.0	Monthly
• Obed River just below Adam's Bridge	24.8	Monthly
• Mouth of Rock Creek above Nemo Bridge	0.0	Monthly
• Mouth of White Creek above Barnett Bridge	0.0	Monthly
Bridge		
TDEC Stations		
• Potter Ford on the Obed River	20.8	Bimonthly
• Emory River at Oakdale	18.3	Bimonthly
• Clear Creek at Jett Bridge (Highway 298) (Genesis Road)	-6.5	Quarterly

Permit Number	Permit Issued To:	County	River / Creek
TN0060941	City of Crossville, Tennessee Water Treatment Plant	Cumberland	Obed River
TN0067822	Flowers Thrift Store	Cumberland	Obed River
TN0067831	Crab Orchard Utility District Water Treatment Plant	Cumberland	Otter Creek
TN0024996	Crossville, Tennessee Sewage Treatment Plant	Cumberland	Obed River
TN0025615	Fairfield Glade Sewage Treatment Plant	Cumberland	Daddys Creek
TN0027634	Tennessee Department of Transportation, 1-40 R.A. Cumberland	Cumberland	Daddys Creek
TN0073750	Plateau Ready Mix	Cumberland	Unnamed Branch to Obed River

related to municipal and industrial effluents (Smith, TDEC, personal communication).

The City of Crossville has two designated water quality monitoring stations and has no plans for any additional sites (Annis, Crossville Wastewater Treatment Facility, personal communication). The designated stations are

located one and two miles below the city's sewage treatment plant (STP). With recent improvements in the aquatic communities (as documented by Wendel Pennington Associates, Inc.) and enlargement of plant facilities, the Plant's NPDES permit no longer requires instream biological and chemical testing at these stations unless an impact is

suspected (Annis, Crossville Wastewater Treatment Facility, personal communication; Stodola, TDEC, personal communication). However, the STP's NPDES permit does require water chemistry monitoring directly below the plant's discharge on a daily basis. X

Historical water quality data for the Obed River watershed has shown that the primary impacts upon the Obed Wild and Scenic River and its tributaries have been from agricultural and/or forestry practices (i.e., plantations) in the area (Rikard 1985). A second, but possibly more severe impact, can be produced by acid mine drainage from coal mining in the watershed (Rikard 1985). Current data has shown that although the most significant impacts are still from agricultural and/or forestry practices, there is increasing influence from urban development in the upper reaches of the Obed River in and around the city of Crossville, TN (Wojtowicz and Clark 1989; TDEC 1994). It would appear prudent to continue monitoring agricultural and commercial forestry practices in the watershed due to the occurrence of Atrazine, a commercial pesticide, in trace amounts throughout the watershed (Treece, USGS, personal communication).

Obed River. On the Obed River proper, the primary impacts are from the city of Crossville, Tennessee and the surrounding area. Most of these impacts can be related to the increased levels of urban development taking place in this region. The source of particular interest in the past has been the Crossville STP. As mentioned, effluent from this plant is regularly tested for toxicity directly below the discharge point using standard methods (Eckenfelder 1991a, 1991b, 1991c). Results from these

tests showed some mortality of Ceriodaphnia dubia and some effects on the growth of fathead minnows. Earlier studies of the reach below the STP indicated that the river's condition was in an unhealthy state, but was comparable to the reach above the STP (Melgaard and McKinney 1979; Sulkin 1988). These studies indicated that although the STP was having a negative influence on the river the most significant impact was occurring upstream of the plant. Sources of impact responsible were considered to be urban runoff/erosion, the water plant backwash water, and low flow effects from Lake Holiday

(Sulkin 1988). Results from later studies have indicated similar conditions still exist and are increasing due to more urban development (Wojtowicz and Clark 1989; Pennington and Assoc. 1994). Current state classifications show that the portion of the Obed River that flows through Crossville is designated as "partially supporting" of its designated uses due to organic enrichment, low DO, nutrients, siltation, and flow alteration, resulting from municipal point sources, land development, and dam construction (TDEC 1994). At the point where the Obed River flows into the National Park Service Unit boundaries, the effects of dilution from tributaries have improved the water quality to the point where the river is designated "fully supporting".

Clear Creek. Clear Creek has shown little evidence of impacts. Slightly elevated levels of conductivity, fecal coliform, and fecal streptococcus indicate some impacts from agricultural practices and potentially human waste disposal systems (septic systems, STP) (Rikard 1985; Spradlin 1993). Recent detection of the pesticide Atrazine, in trace amounts, indicates impacts from agriculture as well (Treece, USGS, personal communication). Trace levels of sulfates were also detected, which may indicate some minor runoff from coal mining activities (Rikard 1985). However, sulfates can also be produced by mere disturbance of certain minerals in the watershed (Julian, TVA, personal communication).

Other Tributaries. Of the many tributaries into the Obed Wild and Scenic River, four have been the subject of past and present monitoring. These are: White Creek (flows into Clear Creek), Daddys Creek and Otter Creek, (flow directly into the Obed River), the Emory River (the Obed River flows into it at the lower end of the Obed WSR boundaries), and Rock Creek which flows into the Emory River before it enters the Obed WSR boundaries (Rikard 1985; Spradlin 1993).

Both White Creek and Daddys Creek have experienced slightly elevated levels of conductivity and hardness, indicating some impacts from agricultural and/or forestry practices (Rikard 1985). More current data has shown that these conditions persist but have not worsened (Spradlin 1993). Otter Creek has experienced some degradation due

Permit applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MOG941369

Please accept this as certification that I adhered to the guideline limits in NPDES appeal(40 CFR 124.19).

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com

C. SPCC CONSIDERATIONS

All storage tanks are surrounded by sufficient secondary containment capable of storing at least 110% of the volume of the largest tank.

Stormwater is manually removed from the containment areas only after visual observations for contamination are made.

Notations are made in the SPCC Logbook when containment areas are drained of stormwater and will contain the following information --

1. Date/Time of Discharge;
2. Name of Operator;
3. Storage Area drained;
4. Observation of discharge (sheen, etc.); and Volume discharged.

D. FIRE SAFETY

1. Warning Signs

Signs bearing the legends "DANGER - NO SMOKING, MATCHES, OR OPEN FLAMES" or similar language are posted on every tank or tank facility. These signs are visible from all angles of approach.

2. Fire Fighting Equipment

Fire extinguishers are located strategically throughout the entire plant and on all mobile equipment.

3. In the event of a fire, plant personnel are instructed to call the fire department and only use plant fire fighting equipment for personnel safety.

Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:40 PM
To: Clerk EAB
Subject: Jill bailey, notice envelop, NPDES site specific attachments
Attachments: jill bailey.pdf; notice envelop.pdf; npdes site specific.pdf



Virus-free. www.avg.com

Hefner, Mike

From: FSD.SERO.Waste Water Permits Public NPDES
Sent: Monday, July 10, 2017 8:26 AM
To: Hefner, Mike
Cc: Wieberg, Chris; Bostic, Jackson; Goodin, Arthur
Subject: FW: permit comment draft G491369
Attachments: 4 11 point river with arrow.jpg; Wild and Scenic Rivers Act Section 7.jpg; Wild and Scenic Rivers Act Section 7 2nd.jpg

Dan Skouby, PE
Environmental Engineer III
Engineering Unit Chief
Missouri Department of Natural Resources
Southeast Regional Office
2155 North Westwood Blvd.
Poplar Bluff, MO 63901
573-840-9485

Promoting, Protecting and Enjoying our Natural Resources. Learn more at dnr.mo.gov.

From: Jill Bailey [mailto:jbailey320@gmail.com]
Sent: Sunday, July 09, 2017 5:00 PM
To: FSD.SERO.Waste Water Permits Public NPDES
Subject: permit comment draft G491369

Thank you for the Department of Natural Resources public comment period regarding the Eleven Point Wild and Scenic Rivers headwaters in Willow Springs, Missouri NPDES permit for Coastal Energy Corporation (draft # MO/G491369). It is my understanding that the cutoff period for postmarking mailed versions of a comment might have an extension until Monday (July 10, 2017 at 5 PM) since the postmark date fell on a Sunday. So I may add comments through general delivery mail meeting that deadline. Will I receive a response to these/all comments? Herein I will list reasons that this 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.

This list of hazardous, toxic, and other chemicals is not meant to be all inclusive of the tank farm storage area on the Eleven Point River. It is my intent in this comment to do an executive summary of the problems/potential to harm the public and the environment of this tank farm and its location on the Eleven Point River in my hometown of Willow Springs, MO. I will say that the overlying prohibitive factor to Coastal Energy Corporation's location here (SE ¼, NE ¼, Sec. 32 T27N, R09W Howell County, UTM X=593410 Y=4092508) is that this section of the Eleven Point River, its headwaters, is an Outstanding National Resource Water (10 CSR 20-7-1278 Table D. Willow Springs losing stream section of the Eleven Point River is the headwaters of the nationally designated Wild and Scenic Eleven Point River (Missouri Department of Conservation). A Wild and Scenic River is given the highest level of protections under law as an ONRW, Tier 3 water resource. No degradation should be allowed to Tier 3 water resources, including discharges (X) and other forms of water pollution. According to a federal official I consulted on the Wild and Scenic Rivers Act, "item 13 c of permit does not authorize discharge of process wastewater or mine dewatering per 10 CSR 20-7.015(6)(A)(3)". 10 CSR 20-7.015(6)(A)3:

(6) Effluent Limitations for Special Streams.

(A) Limits for Outstanding National Resource Waters as listed in Table D of 10 CSR 20-7.031 and Drainages Thereto.

3. Industrial, agricultural, and other non-domestic contaminant sources, point sources, or wastewater treatment facilities which are not included under subparagraph (6)(A)2.B. of this rule shall not be allowed to discharge. Agrichemical facilities shall be designed and constructed so that all bulk liquid pesticide nonmobile storage containers and all bulk liquid fertilizer nonmobile storage containers are located within a secondary containment facility. Dry bulk pesticides and dry bulk fertilizers shall be stored in a building so that they are protected from the weather. The floors of the buildings shall be constructed of an approved design and material(s). At an agrichemical facility, all transferring, loading, unloading, mixing, and repackaging of bulk agrichemicals shall be conducted in an operational area. All precipitation collected in the operational containment area or secondary containment area as well as process generated wastewater shall be stored and disposed of in a no-dis-

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.

This list of hazardous, toxic, and other chemicals is not meant to be all inclusive of the tank farm storage area on the Eleven Point River. It is my intent in this comment to do an executive summary of the problems/potential to harm the public and the environment of this tank farm and its location on the Eleven Point River in my hometown of Willow Springs, MO. I will say that the overlying prohibitive factor to Coastal Energy Corporation's location here (SE ¼, NE ¼, Sec. 32 T27N, R09W Howell County, UTM X=593410 Y=4092508) is that this section of the Eleven Point River, its headwaters, is an Outstanding National Resource Water (10 CSR 20-7-1278 Table D. Willow Springs losing stream section of the Eleven Point River is the headwaters of the nationally designated Wild and Scenic Eleven Point River (Missouri Department of Conservation). A Wild and Scenic River is given the highest level of protections under law as an ONRW, Tier 3 water resource. No degradation should be allowed to Tier 3 water resources, including discharges (X) and other forms of water pollution. According to a federal official I consulted on the Wild and Scenic Rivers Act, "item 13 c of permit does not authorize discharge of process wastewater or mine dewatering per 10 CSR 20-7.015(6)(A)(3)". 10 CSR 20-7.015(6)(A)3:

charge manner.

Table D attached

Therefore this permit should be denied. An additional federal government agent advised that the laws of antidegradation to a Tier 3 water resource be upheld, stating, "(40 CFR 131.12) do require states to adopt policies to be used in making decisions about proposed activities that will result in changes in water quality. Waterbodies are generally designated as Tier 1, 2 or 3. Wild and scenic rivers are often designated as Tier 3 (outstanding national resource waters), which would provide the highest level of protection and would be considered in the development of NPDES permit limits." And lastly, a third federal government employee stated that local control over location of a facility should be questioned, therefore I contacted our City Hall yesterday regarding whether there was planning and zoning of the company throughout the years, and at the recent expansion of over 1.2 million gallons of mostly liquid asphalt to the already 2.8 million gallon tank farm in 2016. I also asked if the facility pays sales tax to our City and City Utilities for its tank storage/tank farm. I have also asked about a provision or two of the Wild and Scenic Rivers Act, which would be followed by Missouri DNR, EPA and the USFS/USDA/DOI, and other agencies. Section 7 of the Act protects from NPDES permitting if it would unreasonably affect/diminish the values of the Wild and Scenic River, even upstream and downstream from its designated location. So, in addition to the River here in Willow Springs, Missouri being protected by the Outstanding National Resource laws of our state, it is also protected by Section 7 of the Wild and Scenic Rivers Act. I will attach checklist of permits and project table. The 2nd part of the Wild and Scenic River's Act which is in violation within this National Pollutant Discharge Elimination System permit and since the tank farm's existence on the Wild and Scenic Eleven Point River headwaters in Willow Springs, Missouri is:

"beginning on any such project" (in 16 U.S. Code Chapter 28 subsection 1278(a) "without advising the Secretary of Agriculture at least 60 days in advance" (per this code) "and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such protect would be in conflict with the purposes of this chapter and would affect the component and the values to be protected by it under this chapter."

Have all considerations of this Code happened? No NPDES should be allowed on the Eleven Point Wild and Scenic River in Missouri at its headwaters in Willow Springs. The tank farm needs to relocate off of the Eleven Point River losing stream/highly karst area where the community of Willow Springs is breathing asphaltic air and the water is in danger. The Wild and Scenic River is protected in the code above.

<https://www.rivers.gov/documents/section-7.pdf>

the right hand column of "When is a determination under section seven required?" all apply to the tank farm, Coastal Energy on the Eleven Point River in Willow Springs, MO therefore the permitting of Coastal by DNR is in violation of the Wild and Scenic Rivers Act.

Attached here is page 8 scanned and the cover page from the Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council

Attached here is an aerial view of the tank farm and the Eleven Point River circa 2013 (4 11 image)

Denial of permit for Coastal Energy on the banks of the Eleven Point River in Willow Springs, MO:

-Berミング

There is no berミング on the Eleven Point River side of tank farm (picture 11 EPA photo <https://unearthedmag.files.wordpress.com/2014/05/epapics.pdf>) Additional photo of no berミング on tanks side of Eleven Point River (http://www.stltoday.com/business/local/coastal-energy-faces-penalties-for-tank-farm-near-eleven-point/article_698f545c-665e-5f05-b7c0-9a48d339df4a.html). Why? Since EPA inspection and settlement, state court order a lot of attempts at berミング have gone on on the tributary side, but none, but a few rocks added to the river bank after April flooding, on the Eleven Point River North of the tank farm.

I am uncertain whether the tank farm has adequate secondary containment. Adding additional berミング with clay dirt and concrete, while it might be an attempt to berm the facility enough, also is just causing more weight on a highly karst area with many known sinkholes, including one in the field directly behind the tank farm (pics attached Possible sinkhole pic, and 1522 after filled).

-Local state and federal governments

Location tank farm

Expansion 2016 (360,000 gallons propane, 840,000 gallons liquid asphalt, 40,000 gallons ethanol)

City liability

Was there public input/Planning and zoning of tank farm from its beginning here in 1979, to its headquarters being built in 1986, to expansions of its tank farm(circa 2002, circa 2010,2017(1.2 million gallons), this is not meant to be a complete listing of expansions)

Sales tax Does tank farm within city limits pay City sales tax to City?

Articles of Incorporation None on Secretary of State Web site. Is Coastal incorporated? If not, what would happen in the case of legal action against them? Is the City of Willow Springs liable as they have stated they are a partner of Coastal Energy Corporation in the Howell County News.

Are Utilities paid for Coastal by City or Does Coastal pay their utilities each month to the City?

Headquarters/office of Coastal is located in County/drawn in a map which cuts Coastal's hq out of the City limits and the City limits surrounds it(map attached here: <https://www.maptechnica.com/city-map/Willow%20Springs/MO/2980098>)Coastal Energy tank farm sits along the Eleven Point River, the headquarters is in the cut out section.

If a catastrophe of any kind would happen at Coastal Energy, the pollution to the resource water would be very serious. If a fire were to happen, the problem would be very serious as well. It is located on a major highway intersection and the tank farm address is off of Burnham Road, but I am unaware if attention to its proximity to right of ways, etc. of a planning and zoning authority were addressed. It is also on a railroad track, trains come into the facility. It is near an airport, and this area is prone to tornadoes.

Weight of tanks' storage?

The installation's major source level is 250 tons per year

Fire

recent Fire of Junction Barn near Coastal was difficult to provide water to, the county had to bring reinforcement of 5 tanker trucks of water

Fire at Coastal in past called into fire department

Fire near Coastal of Railroad ties

Stewardship

Protest ignored at City Hall I have been told by protestor, during spill concern/expansion before 2016 expansion

County graded haul road in 2014 through Eleven Point River, no US Army Corps 404 permit to allow road through River on property

Forest Plan states Ranger Station is to protect Eleven Point River:

From 2005 Forest Plan for Mark Twain National Forest graph of Eleven Point River

Page 3

Special Areas

Areas having national recognition as of January 2005, other than Wildernesses, are:

Table 3-10. Areas with National recognition and designation.

Designation

National Scenic River

Area

Eleven Point River

Unit

Eleven Point

6 months to notify Chief Tidwell on NPDES, was he notified?

Did EPA/and or DNR notify Tidwill

Org chart

Table 3-10 above of Forest Service Plan lists the Eleven Point River as protected by the ranger station Eleven Point in Doniphan, MO

The National Park service has stated that they believe this permit to be in violation of the protections of the Outstanding Natural Resource laws of our state because of the tank farm's location within the watershed(HUC) of the Wild and Scenic River. Our town has received two grants from the Delta Regional authority in the past, partly because of our location on the watershed of the Mississippi River. It would be unfair to those of us

attempting to protect the environment, and the citizens of the United States through the possibility of pollution of an Outstanding National Water Resource for the federal government on one hand say, we are protective of watersheds(Mississippi River) and on the other hand to say we are not going to protect the citizens of the United States from this tank farm facility's location because it is in the watershed of a Wild and Scenic River. This type of negligence in this draft permit cannot happen.

-Permits

Multiple permits and multiple business names of the companies owned by David Montgomery(18 nationwide) cause confusion in trying to understand the tank farm facility. Last night I found NPDES permit MORA 07315 CEMO Rail Facility(MORA 07315), which expired after 2 years in February of '17. Why was this a two year NPDES when they are usually 5 year permits? What did the permit allow? Was there a public notice of the permit? Is it legal to have NPDES permits for Coastal Energy Corporation(MO0136883) and CEMO Rail Facility at the same location? Is it legal to have a two year NPDES permit?

Site specific previous NPDES for Coastal Energy(MO 0136883) current draft Copy not site specific, why?

Why is this permit classified as part 1? Are there pending or upcoming parts to it upcoming?

The Application for Authority to Construct form, dated July 6, 2012 received July 9, 2012

Language on Air Permit, not a new facility

3M holdings water permit? # MOR109W5

Land disturbance water

Did Coastal Fill out an application to operate? Is this different than an NPDES application?

Did Coastal Energy Corporation fill out an application for Stormwater Permit, Form E?

State Operating Permit NPDES Coastal Energy MO0136883 expired March '17

-Environmental Protection Agency Region 7 over Missouri caught Coastal discharging into the waters of the state.

-Violation Water Quality Standards of the state '14

-move Coastal Energy Tank Farm to one of the owner's 12 locations outside the City of Willow Springs

Receiving stream changed from the previous permit(backsliding?)

Receiving stream

Page 11 EPA photos

photo flooding attached

-Spills, Actions and violations, directives not achieved

No update to Coastal Energy Website adding Facility Response Plan, Storm Water Pollution Prevention Plan, and Spill Prevention Control and Countermeasure Plan

No new SPCC last was dated '14, new one is required 6 months after expansion(which was in '16)

Wild and Scenic Rivers Act Section 7

EPA inspections

EPA found discharge into the Eleven Point River at Coastal Energy

EPA found unauthorized piping at Coastal Energy, and concrete outfall

EPA found Clean Water Act violation at Coastal Energy

EPA settlement

Missouri Department of Natural Resources/Missouri Attorney General/County of Howell, Missouri court order on Coastal to comply with Clean Water laws of state by implementing a Stormwater Pollution Prevention Plan

Spills Springfield, Cabool, Fenton, MillerX2

Flooding in April in Missouri. Was Coastal/Eleven Point river tested for spills/potential for Brownfield

Are the laws of Missouri NPDES compliance sampling being upheld at the Coastal Energy tank farm in Willow Springs, MO?

Is 40 CRF 350.360-372 Toxic Chemicals Release Reporting upheld at the tank farm?

-School in danger/Towanda air study

-303(d) impaired water of Eleven Point River according to EPA

Should the facility of Coastal Energy Corporation be required to have a TMDL-Total Maximum Daily Load?

-sinkholes, geohydrologic testing, bore testing

-This permit should be denied at its current location due to above reasons and foremost that there should be no discharge and zero degradation to an ONRW/US Eleven Point Wild and Scenic River/Willow Springs headwaters. It is as simple as that. This tank farm is not a good actor in this location, many problems have occurred it is too critical an area for this. Many of the owner of the tank farm's other locations throughout Missouri and the United States are undeveloped and not on a US National Wild and Scenic River headwaters. Missouri DNR should work with the company of Coastal Energy to write a new permit for one of the owner's other locations in Missouri or suggest he move outside of Missouri to one of his locations nationally, in order to move storage area/tank farm from Willow Springs' headwaters of the Eleven Point River.

Here are the owner's companies in Willow Springs, MO

CEMO Rail Facility, LLC

CEMO Asphalt Plant, LLC

Coastal Holdings

M Companies

Coastal Energy Corporation

Coastal Systems, Inc.

3M Holdings

Eagle Systems

United Distributing

Fuel Marketing Corporation

Shelley Petroleum Dissolved

Fuel Marketing Springfield, Ethanol, Dissolved

Here are the owner's other places of business in Missouri:

Miller, Missouri (Coastal Emulsions of Missouri)

Scott City, Missouri (CEC)

Here are the owner's other places of business nationwide:

Fort Smith, Arkansas (2 businesses Coastal Energy and Fuel Management)

Clinton, Oklahoma, Coastal Energy Corporation

Brentwood, Tennessee, Coastal Energy Corporation

LaFitte, Louisiana, Coastal Energy Corporation

Jill Bailey

Missouri

573-228-0147



Virus-free www.avg.com

July 10, 2017 postmarked/general delivery mail comments to Missouri Department of Natural Resources regarding NPDES draft G491369

"The Eleven Point River originates near the town of Willow Springs, located in northeastern Howell County." (<https://mdc.mo.gov/sites/default/files/watersheds/ElevenPointWatershed090.pdf>) I would like to especially draw your attention to backsliding in this draft permit. Anti-backsliding The expired NPDES for Coastal Energy (MO0136883) lists two UTM locations (attached photo) while the draft permit for National Pollutant Discharge Elimination is reduced to one UTM location. This appears to be backsliding. The location at the tanks has been removed. If no degradation in last water permit why would it be allowed in this one? Antibacksliding laws (CWA § 303(d)(4)) say this permit cannot be less strict than the last one. The last permit was signed by the Director of the Department of Natural Resources, why is this one only required to be signed by the Director of Environmental Quality? Process wastewater language is added to this permit on page one. Therefore this permit is less stringent than the last one, and is backsliding. Because the Eleven Point River headwaters in Willow Springs is an Outstanding National Water Resource the permit application should have stayed site specific. The permit draft, if it allowed outfalls, they would not have to be clearly marked as in the previous permit for Coastal. This is backsliding.

Wet testing should be required for this facility and is not in the current draft, but was an option that was not required in the previous site specific NPDES for Coastal. The requirement was likely taken away because the owner checked off erroneously that the facility at the Eleven Point River headwaters would not harm the environment. Wet testing is long overdue at this facility. This is backsliding.

A Total Maximum Daily load should be required now of Coastal Energy as the same situation occurred as in the paragraph above, the facility was not required when it should have been.

There is not a "No Degradation Evaluation" page of the draft permit when there had been on the previous NPDES for Coastal Energy. This is backsliding.]

Item 17 Was this draft permit evaluated because of the 303(d) impaired water of the Eleven Point River according to EPA (<http://dnr.mo.gov/env/wpp/waterquality/303d/docs/2016-epa-final-decision-letter.pdf>)

RECEIVED
JUL 12 2017

-MORA00246 Enforcement file
Google Earth Coastal tank farm
2010 bigger tanks arrive
2014 last archive

-ignor hydrogeologic report in last NPDES permitting of Coastal,
sinkholes not checked on box on page 2(attached)
Letter to Ahmed from Picard in EPA inspection report admits
discharge from outfalls

7.7.14 letter capped piping language from EPA report

NPDES worksheet states pipes were leaking into river and
tributary from EPA report

Page 9 DSC N2141 states recent grading of the Eleven Point River
from EPA report

SPCC inspection EPA

EPA inspections at Coastal 2/19/14, 2/10/14, 3/18/14

Google Earth 2010, 2012, 2014

-should be no outfalls on a Tier 3 River

-Weight of tanks

-Stewardship/advisory group to Forest Service of the Eleven
Point like the Forest Service has with the River Stewardship
Council in Massachusetts who reviews federal projects

-Superfund Eleven Point River Willow Springs

-Greenspace Eleven Point River Willow Springs

Org chart DNR-EPA-Interagency Wild and Scenic River Coordinating
Council-USFS-Advisory Council/Stewardship to USFS

-Spills Coastal Energy/and or their previous companies and
current product distributors:

Fenton, Missouri

Cabool, Missouri

Springfield, Missouri

2 in Miller, Missouri

flood 350,000 damages of Coastal Energy(article attached with
pics)

Houston Herald newspaper article(Coastal Energy hq construction
'86)language storage tank

Laws

10 CSR 20-7.015 (6) (a) (3)

Clean Water Act violation by Coastal of 311(j)

, 33 US Code § 1321(j)

40 US CFR Part 112 & Section 312(a) of EPCRA 42 USC § 1102(a) & 40
CFR §370.20
10 CSR 20-7.031 Missouri's Water Quality Standards

No discharge facility 10 CSR 20-6.015(1)(B) 7

ONRW 10 CSR 20-7.015(6)(B) and 7.031(3)(C), and 7.031(8)

Discharging into a wild and Scenic river fine \$50,000 each day
of violation or \$182,500,000 quoting Columbia Missourian
newspaper article:

"If the Environmental Protection Agency had complied with the
federal Clean Water Act, it would have fined Coastal Energy up
to \$50,000 each day of violation or \$182,500,000. That amount is
clearly what the agency could and should have called for under
the provisions of Section 309 of the Clean Water Act."

National Environmental Policy Act

WSRA 16 US Code Chapter 28 § 1278

Policy NPDES green infrastructure(attached)

Statement of danger erroneous in the certification of the
applicability of the substantial harm criteria checklist, in
newest SPCC(2014) owner acknowledges the EPA says location harms
environment

NPDES is a National permit (National Pollutant Discharge
Elimination System) though issued through the State of Missouri
by authority of the CWA/EPA therefore is subject to WSRA Section
7 for federal permits(attached Technical Report of IWSRCC). It
is the headwaters of a Nationally protected WSR which is
protected above and below the designation by the above mentioned
section(7).

Protect the subsurface, subterranean waters, should have
language about Karst and losing stream of Coastal Energy
location in permit. Anti-backsliding. The previous permit of
NPDES for Coastal was not protective enough of the losing stream
because it was not checked as it should have been. Only special
Stream was checked. This permit draft is backsliding because
ONRW are not recognized nor is the special stream designation.
Nor is the National Scenic River designation. Anti-backsliding

Irrigate field of last permit is now discharge into tributary of Eleven Point River.

Pollution near Willow Springs school

Permits

MORA 00246 Land disturbance

Weight of tanks

Propane expansion weight per gallon 60 degrees F, 4.24 lbs per gallon, 360,000 gallons. And this is only 360,000 gallons weight of a 4,040,000 gallon tank farm

-Socio-Economic Tourism in our area will be affected negatively if the Wild and Scenic values of the Eleven Point River are unreasonably diminished by the tank farm's location on its banks.

-No discharge to losing stream per 10 CSR 20-7.015(4) (A)

-A Facility Response Plan had to be implemented at Coastal because of its location on the ONRW/Eleven Point River

-Greer Spring second largest Missouri spring fed by headwaters of Eleven Point and feeds into Eleven Point River(pic attached)

-Attached letter to Bosserman tasks required by Nazar/EPA 7 directives met by Coastal Energy?

-Significantly out of compliance during permit draft application

Thank you,
Jill Bailey
Missouri
573-228-0147

*In earlier comments I stated Coastal Energy tank farm owner(s) had 18 companies. It is actually 17 existing companies(not including an Angus farm and a commercial building rental unit, and a dog breeding company. Ten of those 17 companies are in Willow Springs, MO, with seven remaining in other parts of Missouri and the US.

Supporting documents and attachments:
geohydrologic survey

DNR sinkhole map of area

google earths of area

Blue Ridge asphalt factsheet

Materials Safety Data Sheet

090.txt MDC headwaters protected

F-1 of 1 photo 9 sump/concrete Coastal directed to remove by EPA

City Map

Table D ONRW

EPA photo #11

Post-Dispatch photo

tank farm 411 photo

Wild and Scenic Rivers info 2 pages

EPA impaired waters letter

map of possible cancer cluster Willow Springs, MO

Tom Aley hydrologist letter

pic cave(2)

Howell County News flood

Expansion pic HCN

Springfield Spill 321%

CDC doc

Final Decision EPA EPR-303(d)

EPR management plan

Coastal 2014 SPCC revised inspection

EPA inspections/reports

537 EPA inspection

883_2015 SWPPP



STATE OF MISSOURI
 DEPARTMENT OF NATURAL RESOURCES
 SOUTHEAST REGIONAL OFFICE
 2155 N WESTWOOD BLVD
 POPLAR BLUFF MO 63901

MO 767-0864 (12-02)

ST LOUIS
 MO 630
 ASSOCIATED
 PRESS

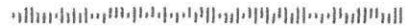


UNITED STATES POSTAGE

 02 1P \$ 000.46⁰
 0000837920 AUG 01 2017
 MAILED FROM ZIP CODE 63901

MS. JILL BAILEY
 702 N. CENTER STREET
 WILLOW SPRINGS, MO 65793

65793-128302



A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PAGE NUMBER 2 of 5	
					PERMIT NUMBER MO0136883	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited, and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Outfall #001</u> – Fuel Storage Secondary Containment (Notes 1 & 2)						
Rainfall	Inches	*			daily	total
Volume Pumped	Gallons	*			daily	total
<u>Outfall #002</u> – No Discharge Stormwater (Notes 1 & 2)						
Rainfall	inches	*			daily	total
Volume Pumped	gallons	*			daily	total
<u>Outfall #001 and #002</u> – Irrigated Stormwater						
Ethylbenzene	mg/L	0.32		0.32	Once/month	Grab
Oil and Grease	mg/L	15		10	Once/month	Grab
Total Petroleum Hydrocarbons***	mg/L	10		10	Once/month	Grab
pH - Units	SU	**		**	Once/month	Grab
Ethanol	mg/L	*		*	Once/month	Grab
Volume Irrigated	gallons	*			Daily	Total
Application Area	acres	*			Daily	Total
Application Rate	inches/acre	*			Daily	Total
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>January 28, 2013</u> .						
B. STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Parts I</u> STANDARD CONDITIONS DATED <u>October 1, 1980 and August 15, 1994</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

* Monitor and report.

** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.5-9.0 pH units.

*** The suggested analytical method for testing TPH is non-Halogenated Organic by Gas Chromatography method 8015 (also known as OA1 and OA2); however, if the permittee so desires to use other approved testing methods (i.e. EPA 1664), they may do so.

Note 1 – No-discharge facility requirements. Stormwater shall be stored and land applied during suitable conditions so that there is no-discharge from the facility or irrigation site. An emergency discharge may occur when excess stormwater has accumulated above feasible irrigation rates due to precipitation exceeding the 1-in-10 year 365 day rainfall or the 25-year 24-hour storm event.

Note 2 – Records shall be maintained and summarized into an annual operating report, which shall be submitted by January 28th of each year for the previous calendar year period. The report shall include the following:

- (a) Record of maintenance and repairs performed during the year, average number of times per month the facility is checked to see if it is operating properly, and description of any unusual operating conditions encountered during the year;
- (b) The number of days the facility discharged during the year, the discharge flow, the reasons discharge occurred and effluent analysis performed.

C. SPECIAL CONDITIONS

1. Emergency Discharge. Outfall 002 may only discharge if rainfall exceeds the 1 in 10 year (Data taken from the Missouri Climate Atlas) or the 24 hour, 25 year (Data taken from NRCS Urban Hydrology for Small Watersheds) rainfall events. **Discharge for any other reason shall constitute a permit violation and shall be recorded in accordance with Standard**

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:36 PM
To: Clerk EAB
Subject: EPA 1, EPA2, Jackson attachments
Attachments: epa1.pdf; epa2.pdf; jackson.pdf



Virus-free. www.avg.com

5. During my visual inspection of the south section of the bulk plant area, specifically the retention basin, I observed four outlet pipes that extend south to the unnamed tributary #1 to the Eleven Point River. One pipe, which was located at the southeast corner of the bulk plant area (marked as Outlet Pipe #2 on Figure 1) was identical to Outlet Pipe #1 mentioned above. However, the inlet of the pipe was submerged in water as shown in DSCN2160 above. This pipe extends approximately 20 yards south and discharges into the unnamed tributary #1. During my inspection of the outlet of Pipe #2, I observed that the pipe was dripping every 13-15 seconds. In addition, the bed of the unnamed tributary directly beneath the pipe had a noticeable depression (spot erosion) which indicates previous discharges had occurred from the pipe as shown in DSCN2162 below.

Therefore, based on my observation of Pipes #1 and #2, I issued Notice of Potential Violation number 1 (NOPV#1) for the failure to prevent the discharge of stormwater from the bulk plant into the Eleven Point River and its tributary.

DSCN2162, Spot erosion in the bottom of the tributary directly beneath the pipe



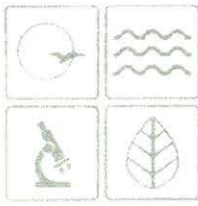
6. I also observed three other outlet pipes from the retention basin that extend south into the unnamed tributary. Those three pipes (marked Outlet Pipes #3, #4 and #5 on Figure 1) did not have control valves. However I was able to observe that the inlet of Pipe #5 was capped (DSCN2154) but the outlet was not (DSCN2155), the inlet of Pipe #3 was submerged with water (DSCN2159) and was not capped but its outlet was capped (DSCN2158), and the inlet of Pipe #4 was not capped (DSCN2152) but I could not locate its outlet.

7. During my interview with Mr. Picard, at his office, prior to conducting the visual inspection, I asked Mr. Picard why the bulk plant has discharge pipes while the NPDES permit prohibits the discharge of stormwater from the bulk plant. He explained that when Coastal Energy applied for the permit, they were under the understanding that the MDNR permitting authority was allowing them to discharge stormwater after monitoring. Therefore, Coastal Energy designed the earthen berm and retention basin with discharge pipes.
8. During my visual inspection of the Eleven Point River, I noticed that Coastal Energy is using the bottom of the river as an access road between the bulk plant and the unpermitted storage area. I also noticed that a large section of the Eleven Point River was graded (DSCN2141-DSCN47) as shown in DSCN2141 below. I pointed out to Mr. Picard my observation. Mr. Picard mentioned that the river was graded by Howell County authorities approximately 20-30 days prior to this inspection.

DSCN2141, Recent grading of the Elven Point River



9. During my visual inspection, the site was clean and the ground was free of discoloration and spills, and the bulk tanks' secondary containment appeared structurally sound and adequate and was free of spills.
10. The NPDES permit requires the permittee to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). During my initial interview with Mr. Picard, Mr. Picard provided me a SWPPP that was developed for the construction activities during the construction phase of the site. I asked Mr. Picard if Coastal Energy had developed a SWPPP as required by the current NPDES permit. He replied that they were currently



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

July 31, 2017

Ms. Jill Bailey
702 N Center St
Willow Springs, MO 65793

Dear Ms. Bailey:

Thank you for your email dated July 9, 2017 and letter received July 12, 2017 that provides comments concerning the draft operating permit MO-G491369 for Coastal Energy Corporation.

The following is a discussion of permit questions raised concerning the draft permit:

- Registration of Coastal Energy Corporation with the Secretary of State can be found at <https://bsl.sos.mo.gov/BusinessEntity/BE-Search.aspx?SearchType=0> under charter number 00230022. The business is listed as in "Good Standing" and would qualify for permits.
- 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 a 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.
- The Eleven Point River adjacent to the facility and for many miles below is not on the impaired waters list until it reaches Oregon County where the impairment is shown for mercury due to atmospheric deposition. The Department has considered the likelihood of the facility to contribute to this impairment and does not believe the facility is contributing to the mercury impairment due to the proximity of the facility to the impaired segment. Previously, the Eleven Point River immediately below the City of Willow Springs treatment facility was listed on the impaired waters list for chlorine. This impairment was addressed through a total daily maximum load and has since been removed from the impaired listing.
- There are not multiple permit parts to be issued in phases. Part I in the permit draft refers to Standard Conditions Part I and is applicable to all permits issued.



- The draft operating permit does not authorize routine direct discharges of industrial stormwater since the facility was designed not to discharge and is located in Outstanding National Resource Water basin. The entire facility is enclosed by an earthen berm that is intended to contain all of the stormwater that falls on the site. Stormwater captured within the berm is pumped across the railroad spur to an additional containment structure where it typically evaporates. However, in the event that precipitation exceeds their containment capacity, the facility is also equipped with land application equipment that allows them to irrigate on property owned by the facility. During severe precipitation events, the permittee is authorized to conduct emergency discharges to ensure the structural integrity of stormwater holding structures on site which conforms to the definition of no discharge found in the regulations. This is only allowable during precipitation events that exceed the one-in-ten year or the 24-hour-25-year rainfall events. The lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. We believe the receiving water listed in the permit has been adequately described. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Whole effluent toxicity testing is not necessary as the facility is required to maintain no-discharge. Any emergency discharge that could occur would need to meet the precipitation events described above and would be exempt under the regulations.
- Process wastewater language is included in the general permit as it was written to apply to many facilities statewide that qualify for this permit. Coastal must comply with permit conditions and language that is included in this permit. Since the facility is located in an Outstanding National Resource Water and designed not to discharge, they must maintain no-discharge except under precipitation events discussed above.
- It is not uncommon to add or remove outfalls in permits. Site work at facilities can re-direct stormwater thereby eliminating outfalls. As previously stated, the facility is reporting the lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. This is not considered backsliding as the previous permit required no discharge and this permit requires no discharge.
- Changing the receiving water designation from the Eleven Point River to the tributary to the Eleven Point River is not considered backsliding. The previous permit required no discharge and this permit requires no discharge. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Previous Department directors signed permits issued in the state. The director has the authority to delegate signature to the Director of the Division of Environmental Quality. This delegation does not in any way make the permit less enforceable.

The facility was inspected on December 1, 2016 and was determined to be in compliance. The facility has been submitting the required permit information and Department enforcement issues have been resolved. For specific questions related to issues regarding the Environmental Protection Agency (EPA) requirements or EPA enforcement status, please contact EPA-Region VII, 11201 Renner Blvd, Lenexa, Kansas; 66219.

Other permits such as MOR109W5 and MORA07315 were referenced in your letter. These are land disturbance permits which are also general permits. These permits have pre-determined expiration dates. A facility can apply for one of these permits mid-permit cycle and it would be effective for fewer than five years based on the expiration date. If additional time is needed to complete a project, the facility would need to re-apply for the permit. If not, the permit self terminates.

The Department does not perform routine testing on streams statewide during flooding conditions. Funding for such activities is not available. In this particular scenario, flood conditions created by the one-in-ten year or the 24-hour-25-year rainfall events would exempt no discharge facilities from discharge limitations.

No degradation evaluations are required during construction of facilities after the rule became effective. Since the facility is required to maintain no discharge because of the Outstanding National Resource Waters designation, the facility has complied with the evaluation requirements. No discharge is the most protective of no degradation evaluation options.

In accordance with 10 CSR 20-6.200(1)(B)11, "facilities built to control the release of stormwater are not subject to the construction permitting requirements of 10 CSR 20-6.010(4), provided that the stormwater does not come in contact with process waste, process wastewater, or significant materials, and the stormwater is not a significant contributor of pollutants." Because the Department does not have the legal authority to require this facility to obtain a construction permit, no engineering plans and specifications, or geo-hydrologic evaluations were required to be submitted to the Department during the construction of this facility. The regulations can be found on the Department's website at <http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-20>.

Specifically, you reference pipes in the stormwater berm. To our knowledge, these pipes have been removed and were addressed as part of the Department's and EPA's enforcement proceedings.

Your letter references the need for secondary containment for tanks should be required. Secondary containment requirements are implemented by the EPA. Their address is listed above

July 31, 2017

The limitations are established in accordance with the regulations to protect water quality and the beneficial uses of the receiving stream as outlined by regulation. As explained above, the facility is required to maintain no discharge which is the highest level of protection under permitting requirements.

Your letter references the facility residing in a karst area and potential structural integrity of its location being a concern. As explained above, the Department does not have the authority to address location nor construction permitting requirements for stormwater facilities. The permit does require the facility to maintain no discharge.

Your letter references the Wild and Scenic Rivers Act. The Missouri Department of Natural Resources does not have jurisdictional authority to implement the act. The governing agency over the provisions found within the act is the United States Department of Agriculture, Forest Service, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO 65401 concerning the Eleven Point River.

fed permit
Your letter references haul roads in the stream bed. Construction of stream crossings within a stream channel may be regulated by the U.S. Army Corp of Engineers, 700 W Capital Avenue, Federal Bldg 7th Floor, Little Rock, AR 72203.

Comments related to air or hazardous waste are not addressed under this permit nor does the Clean Water Commission have the authority to address these issues through water pollution permits. Your comments related to air or hazardous waste will be forwarded to the appropriate programs for review.

In accordance with 10 CSR 20-6.020(1)(H), the department does not have jurisdiction to address questions of zoning, location, property values, or other non-water quality related items.

This letter serves as our notice that we intend to proceed with permit issuance. Thank you for your interest in environmental issues.

Sincerely,

SOUTHEAST REGIONAL OFFICE



Jackson L. Bostic
Regional Director

JLB/mhk



Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:30 PM
To: Clerk EAB
Subject: Table of contents and Table of attachments and motion
Attachments: table of contents.pdf; table of attachments.pdf; motion.pdf



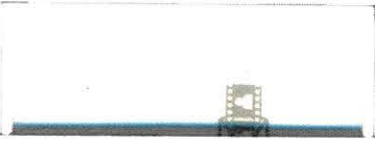
Virus-free. www.avg.com

A Table of Contents

Appeal to the Environmental Appeals Board U.S. EPA

pages 1-5

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com



Permit Applicant: Coastal Energy Corporation
Permit Facility: Coastal Energy Corporation
Permit Number: MOG941369

Table of Attachments

- Jill Bailey official comment to the Missouri DNR on MOG941369
- Jackson Bostic DNR response/letter of notice on MOG941369
- Jackson Bostic metered envelop of letter of notice
- Draft permit MOG941369
- Coastal Energy SWPPP page 10
- The site specific NPDES of Coastal Energy effluent charting
- Table D Missouri Revised Statutes Outstanding National Resource Waters
- Interagency Wild and Scenic River Coordinating Council checklist for water resource projects on federally protected rivers
- Interagency Wild and Scenic River Coordinating Council checklist for water resource projects on federally protected rivers cover page
- EPA inspection Report page 8-2014
- EPA inspection Report page 9-2014
- SPCC page 16
- SPCC page 17
- The site specific NPDES of Coastal Energy page 2
- '09 SPCC of Coastal Energy on page 6
- Missouri Department of Conservation Eleven Point River Watershed Inventory and Assessment
- Cover Page OBED Wild and Scenic River/Department of Interior
- Page 48 OBED Wild and Scenic River water chemistry monitoring/DOI
- Page 49 OBED Wild and Scenic River water chemistry monitoring/DOI

Jill Bailey
702 N. Center
Willow Springs, Missouri 65793
573-228-0147
jbailey320@gmail.com

Permit Applicant: Coastal Energy Corporation
Permit Facility: Coastal Energy Corporation
Permit Number: MOG941369

Motion

Denial of MOG941369 NPDES for Coastal Energy in Willow Springs, MO because of the violations of law and exercises of discretion/policies that are harmful to the environment set forth in my appeal of 9.5.17 to the Environmental Appeals Board of the Environmental Protection Agency. Missouri DNR should work with the company of Coastal Energy to write a new permit for one of the owner's other locations in Missouri or suggest he move outside of Missouri to one of his locations nationally in order to move storage area/tank farm from Willow Springs' headwaters of the Eleven Point Wild and Scenic River, whose location here violates among others, the Wild and Scenic Rivers Act. The permitting authority removed from state of Missouri/Department of Natural Resources on federal facilities NPDES such as this one. Grounds for this removal non-adherence to the Wild and Scenic Rivers Act, among other violations of law/exercises of discretion/policies that are harmful to the environment listed in my appeal of 9.5.17.

Thank you,

Jill Bailey
Missouri
573-228-0147

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 05, 2017 5:28 PM
To: Clerk EAB
Subject: Case Name: New Filing: Unknown Filing Type/appeal NPDES permit
Attachments: appeal.pdf; coverletter.pdf; Certificate of Service amendment to appeal.docx

I am supposed to contact you to arrange a file transfer. I did put it a type of case, I don't know why it says unknown-I put permit appeal NPDES permit. so, am I supposed to go ahead and send you my filing through email? I will. And I will mail the two copies to you. Or I am supposed to wait to hear from you?

Jill



Virus-free. www.avg.com

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

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

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

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

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

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

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,

Permit applicant: Coastal Energy Corporation

Permit facility: Coastal Energy Corporation

Permit number: MO-G491369

Jill Bailey

702 N. Center

Willow Springs, Missouri 65793

573-228-0147

jbailey320@gmail.com

Permit Applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MOG941369

9.5.17

Clerk of the Environmental Appeals Board
US Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington DC 20460-0001

Dear Clerk of the Board,

Please accept my notice of appeal of the NPDES permit #MO-G491369 issued by the Missouri Department of Natural Resources August 1, 2017. I am appealing by the September 5, 2017 deadline per 40 CFR 124.19(3) and 40 CFR 124.20(a) and (d). I received notice in the mail postmarked August 1, 2017 from Jackson Bostic of the Missouri Department of Natural Resources. I had contacted you earlier asking for an extension because there was no appeal information on this letter from Bostic. I am unsure whether 40 CFR 124.15 applied to state NPDES authority programs, so I will withdraw that request if it does not. I am filing electronically with this appeal and registered into your system Friday or Saturday, and received notice today I was in the system. They advised me to contact you if I was near my deadline. I emailed you that I was. Enclosed with this notice of appeal of this letter you will find a petition for review/appeal (with table of contents, table of attachments, a statement certifying adherence to length requirements, and a certification of service). I am also enclosing a motion. I will send two extra copies to you and a copy to Coastal Energy and Jackson Bostic of Missouri DNR.

Thank you,

Jill Bailey
Missouri
573-228-0147

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com

Permit Applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MOG941369

Certificate of Service

Jackson Bostic

Regional Director

Missouri DNR

2155 N. Westwood Blvd

Poplar Bluff, Missouri 63901

David Montgomery

Coastal Energy Corporation

One Coastal Dr.

Willow Springs, MO 65793

Served by U.S. Mail on 9.5.17

Jill Bailey

702 N. Center St.

Willow Springs, MO 65793

573-228-0147

jbailey320@gmail.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Saturday, September 02, 2017 12:55 AM
To: Clerk EAB
Subject: Nearing deadline I registered to efile

And it said to contact you. I had asked you for an extension in an email I believe I sent Aug 29 though I realize you may not have seen it yet. The designee of the Regional Administrator did not give Appeals procedure instructions in his notice to me which violated 40 CFR 124.15 I sent his letter to you in that email. This is why I am asking for an extension on notice of appeal/petition for review.

Jill Bailey

Missouri

573-228-0147

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Thursday, August 31, 2017 9:57 AM
To: AHC; Clerk EAB
Cc: inga.bumbary-langston@ogc.usda.gov; Neugeboren, Steven; Nazar, Kristen; smchesterton; hector_santiago
Subject: 40 CFR 124.15 (a)/extension of appeal deadline

I know you said you couldn't advise me on federal laws, but it seems that since DNR is subject to CWA and WSRA-I am wondering if they are also subject to this law, which I sent in an earlier email to you.

40 CFR 124.15 (a)

this law says that the notice to me should have had instructions on appealing, and it did not. Therefore, I am still interested in an extension, because I believe DNR would be subject to this law.

Jill Bailey
Missouri
573-228-0147



Virus-free. www.avg.com

Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Thursday, August 31, 2017 9:35 AM
To: AHC; Clerk EAB
Cc: inga.bumbary-langston@ogc.usda.gov; Neugeboren, Steven; Nazar, Kristen; Matthews, Mark; smchesterton; hector_santiago
Subject: Would the date if notice be

The date Jackson Bostic from DNRs letter is postmarked, which is Aug 1, 2017 or the date the notice was typed July 31, 2017? So my deadlines are tomorrow or today respectively? Which?

Jill Bailey
Missouri
573-228-0147

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Wednesday, August 30, 2017 4:05 PM
To: carol.comer; cleanwater; AHC@oa.mo.gov; Clerk EAB
Cc: jackson.bostic; Nazar, Kristen; R7 Actionline; inga.bumbary-langston@ogc.usda.gov; Neugeboren, Steven; smchesterton; hector_santiago; Rocky.L.Presley; Matthews, Mark; Porter, Donna; david.lamb; arthur.goodin
Subject: If appeals are allowed to CW Commission and EPA DC

On same permit, can contested conditions of permit be appealed to both appeals boards? Or only one?

Jill Bailey

Missouri

573-228-0147

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Wednesday, August 30, 2017 3:04 PM
To: carol.comer; cleanwater; AHC@oa.mo.gov; Clerk EAB
Cc: jackson.bostic; Nazar, Kristen; R7 Actionline; inga.bumbary-langston@ogc.usda.gov; Neugeboren, Steven; smchesterton; hector_santiago; Rocky.L.Presley; Porter, Donna; Matthews, Mark; david.lamb; arthur.goodin
Subject: Re: the permit holder is instructed to use AHC

Clean Water Commission by Sept 3

On Wed, Aug 30, 2017 at 2:00 PM, Jill Bailey <jbailey320@gmail.com> wrote:

The Permit holder(attachments here) is instructed to use AHC for appeal in this letter from DNR. The best that I can understand is that the AHC is not where I would appeal. The other two options on appealing are still unclear also, with Clean Water Commission by Aug 3 and EPA Environmental Appeals Board within 30 days of notice, although the notice didn't include information on appealing, so I would need an extension if possible. I also do not know if I can appeal to both EPA DC and the CW Commission of Missouri on the same permit or not.

Jill Bailey

Missouri

[573-228-0147](tel:573-228-0147)



Virus-free. www.avg.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Wednesday, August 30, 2017 3:00 PM
To: carol.comer; cleanwater; AHC@oa.mo.gov; Clerk EAB
Cc: jackson.bostic; Nazar, Kristen; R7 Actionline; inga.bumbary-langston@ogc.usda.gov; Neugeboren, Steven; smchesterton; hector_santiago; Rocky.L.Presley; Porter, Donna; Matthews, Mark; david.lamb; arthur.goodin
Subject: the permit holder is instructed to use AHC
Attachments: img169.jpg; img170.jpg

The Permit holder(attachments here) is instructed to use AHC for appeal in this letter from DNR. The best that I can understand is that the AHC is not where I would appeal. The other two options on appealing are still unclear also, with Clean Water Commission by Aug 3 and EPA Environmental Appeals Board within 30 days of notice, although the notice didn't include information on appealing, so I would need an extension if possible. I also do not know if I can appeal to both EPA DC and the CW Commission of Missouri on the same permit or not.

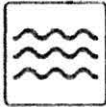
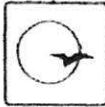
Jill Bailey

Missouri

573-228-0147



Virus-free. www.avg.com



Missouri Department of dnr.mo.gov



NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

August 1, 2017

Coastal Energy Corporation
PO Box 218
Willow Springs, MO 65793

Dear Coastal Energy Corporation:

Pursuant to the Federal Water Pollution Control Act, under the authority granted to the State of Missouri and in compliance with the Missouri Clean Water Law, we have issued and are enclosing a General State Operating Permit for COASTAL ENERGY CORPORATION.

This permit may include requirements with which you may not be familiar. If you would like the department to meet with you to discuss how to satisfy the permit requirements, an appointment can be set up by contacting Susan Mathis at 573-840-9750. These visits are called Compliance Assistance Visits (CAV) and focus on explaining the requirements to the permit holder.

This General Permit is both your federal discharge permit and your new state operating permit and replaces all previous state operating permits and letters of approval for the discharges described within. In all future correspondence regarding this permit, please refer to your general permit number as shown on page one of your permit.


If you were adversely affected by this decision, you may be entitled to an appeal before the administrative hearing commission pursuant to 10 CSR 20-1.020 and Sections 644.051.6 and 621.250, RSMo. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission. Contact information for the AHC is as follows: Administrative Hearing Commission, Third Floor, 131 West High Street, Jefferson City, MO 65101 (Mailing address: PO Box 1557, Jefferson City, MO 65102-1557), Phone: 573-751-2422, Fax: 573-751-5018, Website: www.oa.mo.gov/ahc.



Please be aware that this facility may also be subject to any applicable county or other local ordinances or restrictions. Please note the expiration date of this permit. If your permit is issued within six months of the expiration date of the attached permit, this letter also serves as a notification to resubmit an application for renewal or termination.

If you have any questions concerning this permit, please contact Mike Hefner at (573) 840-9764 or if you should have questions concerning discharge monitoring reporting, please contact Marletta Cozad at (573) 840-9794 at the Southeast Regional Office at 2155 North Westwood Blvd., Poplar Bluff, MO 63901.

Sincerely,
Southeast Regional Office



Jackson L. Bostic
Regional Director

JB/mhk

Enclosure

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Wednesday, August 30, 2017 12:18 PM
To: carol.comer; cleanwater; AHC@oa.mo.gov; Clerk EAB; mathews.mark@epa.gov
Cc: jackson.bostic; Nazar, Kristen; R7 Actionline; inga.bumbary-langston@ogc.usda.gov; Neugeboren, Steven; smchesterton; hector_santiago; Rocky.L.Presley
Subject: I would like an extension on permit appeal requesting clarity in appeal board in which to make request t
Attachments: img168.jpg; img167.jpg; img166.jpg; img165.jpg; img171.jpg

I am requesting an extension on my appeal of permit MO-G491369 until I have further clarity on where to appeal. The permit cover page cites

RSMo [621.250](#)

and 10 CSR 20-6.020

which give different places to appeal (Administrative Hearing Commission and Clean Water Commission respectively). It is not clear to me from reading the laws whether the AHC is only for the permitted facility because 621.250 does mention parties other than the permit holder in its language. It is also unclear to me whether or not this permit can or should be appealed to the EPA Environmental Appeals Board 40 CFR Chapter 1 Subpart D Part 124 Subpart A Section 124.19 because in the language it says a Regional Director or his designee giving notice of a permit issuance, and the Missouri Department of Natural Resources has been designated as permit writer/NPDES issuing authority including on federal facilities.

The EPA Region 7 Regional Administrator designee (Missouri Department of Natural Resources) did not include reference to the procedures for appealing a decision per

40 CFR 124.15 - Issuance and effective date of permit.

The [Regional Administrator](#) shall notify the applicant and each [person](#) who has submitted written comments or requested notice of the final [permit](#) decision. This notice shall include reference to the procedures for appealing a decision on a [RCRA](#), [UIC](#), PSD, or NPDES [permit](#) under [§ 124.19](#) of this part.

40 CFR 124.15

I have attached the notice letter from the designee (img 165-168). Draft permit cover page (img 171)

Thank you,
Jill Bailey

Missouri
573-228-0147



- The draft operating permit does not authorize routine direct discharges of industrial stormwater since the facility was designed not to discharge and is located in Outstanding National Resource Water basin. The entire facility is enclosed by an earthen berm that is intended to contain all of the stormwater that falls on the site. Stormwater captured within the berm is pumped across the railroad spur to an additional containment structure where it typically evaporates. However, in the event that precipitation exceeds their containment capacity, the facility is also equipped with land application equipment that allows them to irrigate on property owned by the facility. During severe precipitation events, the permittee is authorized to conduct emergency discharges to ensure the structural integrity of stormwater holding structures on site which conforms to the definition of no discharge found in the regulations. This is only allowable during precipitation events that exceed the one-in-ten year or the 24-hour-25-year rainfall events. The lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. We believe the receiving water listed in the permit has been adequately described. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Whole effluent toxicity testing is not necessary as the facility is required to maintain no-discharge. Any emergency discharge that could occur would need to meet the precipitation events described above and would be exempt under the regulations.
- Process wastewater language is included in the general permit as it was written to apply to many facilities statewide that qualify for this permit. Coastal must comply with permit conditions and language that is included in this permit. Since the facility is located in an Outstanding National Resource Water and designed not to discharge, they must maintain no-discharge except under precipitation events discussed above.
- It is not uncommon to add or remove outfalls in permits. Site work at facilities can re-direct stormwater thereby eliminating outfalls. As previously stated, the facility is reporting the lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. This is not considered backsliding as the previous permit required no discharge and this permit requires no discharge.
- Changing the receiving water designation from the Eleven Point River to the tributary to the Eleven Point River is not considered backsliding. The previous permit required no discharge and this permit requires no discharge. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Previous Department directors signed permits issued in the state. The director has the authority to delegate signature to the Director of the Division of Environmental Quality. This delegation does not in any way make the permit less enforceable.

The facility was inspected on December 1, 2016 and was determined to be in compliance. The facility has been submitting the required permit information and Department enforcement issues have been resolved. For specific questions related to issues regarding the Environmental Protection Agency (EPA) requirements or EPA enforcement status, please contact EPA-Region VII, 11201 Renner Blvd, Lenexa, Kansas, 66219.

Other permits such as MOR109W5 and MORA07315 were referenced in your letter. These are land disturbance permits which are also general permits. These permits have pre-determined expiration dates. A facility can apply for one of these permits mid-permit cycle and it would be effective for fewer than five years based on the expiration date. If additional time is needed to complete a project, the facility would need to re-apply for the permit. If not, the permit self terminates.

The Department does not perform routine testing on streams statewide during flooding conditions. Funding for such activities is not available. In this particular scenario, flood conditions created by the one-in-ten year or the 24-hour-25-year rainfall events would exempt no discharge facilities from discharge limitations.

No degradation evaluations are required during construction of facilities after the rule became effective. Since the facility is required to maintain no discharge because of the Outstanding National Resource Waters designation, the facility has complied with the evaluation requirements. No discharge is the most protective of no degradation evaluation options.

In accordance with 10 CSR 20-6.200(1)(B)11, "facilities built to control the release of stormwater are not subject to the construction permitting requirements of 10 CSR 20-6.010(4), provided that the stormwater does not come in contact with process waste, process wastewater, or significant materials, and the stormwater is not a significant contributor of pollutants." Because the Department does not have the legal authority to require this facility to obtain a construction permit, no engineering plans and specifications, or geo-hydrologic evaluations were required to be submitted to the Department during the construction of this facility. The regulations can be found on the Department's website at <http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-20>.

Specifically, you reference pipes in the stormwater berm. To our knowledge, these pipes have been removed and were addressed as part of the Department's and EPA's enforcement proceedings.

Your letter references the need for secondary containment for tanks should be required. Secondary containment requirements are implemented by the EPA. Their address is listed above.

An additional concern of yours is the location of this facility. In the legal case *Curdts vs. Missouri Clean Water Commission*, 586 S.W. 2d 58 (Mo. App. 1979), the ruling was that the Missouri Clean Water Law does not address the issues such as the location and route of the discharge, only its quality. The quality of the discharge will be controlled by the permit limitations.

The limitations are established in accordance with the regulations to protect water quality and the beneficial uses of the receiving stream as outlined by regulation. As explained above, the facility is required to maintain no discharge which is the highest level of protection under permitting requirements.

Your letter references the facility residing in a karst area and potential structural integrity of its location being a concern. As explained above, the Department does not have the authority to address location nor construction permitting requirements for stormwater facilities. The permit does require the facility to maintain no discharge.

Your letter references the Wild and Scenic Rivers Act. The Missouri Department of Natural Resources does not have jurisdictional authority to implement the act. The governing agency over the provisions found within the act is the United States Department of Agriculture, Forest Service, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO 65401 concerning the Eleven Point River.

Your letter references haul roads in the stream bed. Construction of stream crossings within a stream channel may be regulated by the U.S. Army Corp of Engineers, 700 W Capital Avenue, Federal Bldg 7th Floor, Little Rock, AR 72203.

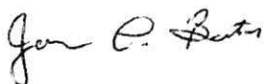
Comments related to air or hazardous waste are not addressed under this permit nor does the Clean Water Commission have the authority to address these issues through water pollution permits. Your comments related to air or hazardous waste will be forwarded to the appropriate programs for review.

In accordance with 10 CSR 20-6.020(1)(H), the department does not have jurisdiction to address questions of zoning, location, property values, or other non-water quality related items.

This letter serves as our notice that we intend to proceed with permit issuance. Thank you for your interest in environmental issues.

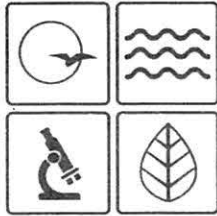
Sincerely,

SOUTHEAST REGIONAL OFFICE



Jackson L. Bostic
Regional Director

JLB/mhk



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

July 31, 2017

Ms. Jill Bailey
702 N Center St
Willow Springs, MO 65793

Dear Ms. Bailey:

Thank you for your email dated July 9, 2017 and letter received July 12, 2017 that provides comments concerning the draft operating permit MO-G491369 for Coastal Energy Corporation.

The following is a discussion of permit questions raised concerning the draft permit:

- Registration of Coastal Energy Corporation with the Secretary of State can be found at <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0> under charter number 00230022. The business is listed as in “Good Standing” and would qualify for permits.
- 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 a 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.
- The Eleven Point River adjacent to the facility and for many miles below is not on the impaired waters list until it reaches Oregon County where the impairment is shown for mercury due to atmospheric deposition. The Department has considered the likelihood of the facility to contribute to this impairment and does not believe the facility is contributing to the mercury impairment due to the proximity of the facility to the impaired segment. Previously, the Eleven Point River immediately below the City of Willow Springs treatment facility was listed on the impaired waters list for chlorine. This impairment was addressed through a total daily maximum load and has since been removed from the impaired listing.
- There are not multiple permit parts to be issued in phases. Part I in the permit draft refers to Standard Conditions Part I and is applicable to all permits issued.



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

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

Permit No. MO-0491369

Owner: Coastal Energy Corporation
Address: P.O. Box 218, Willow Springs, MO 65793

Continuing Authority: Coastal Energy Corporation
Address: P.O. Box 218, Willow Springs, MO 65793

Facility Name: Coastal Energy Corporation
Facility Address: 1 Coastal Dr., Willow Springs, MO 65793

Legal Description: SE 1/4, NE 1/4, Sec. 32, T27N, R09W Howell County
UTM Coordinates: X=593410 Y=4092508

Receiving Stream: Tributary to Eleven Point River (ONRW) (C)
First Classified Stream and ID: 8-20-13 MUDD V1.0(C) 3960.00
USGS Basin & Sub-watershed No.: 11010011-0101

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

FACILITY DESCRIPTION

All Outfalls (As listed in the permit application)
SIC #1411, 1422, 1429, 1446, 295x, 32xx
Stormwater and other specified discharges from limestone and other rock quarries, concrete, glass, and asphalt industries.

This permit authorizes only process wastewater and/or stormwater 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 RSMo Section 621.250, 640.013, and 644.051.6; 10 CSR 20-1.020 and 20-6.020 of the Law.

Effective Date

April 30, 2022
Expiration Date

Edward B. Galbraith, Director
Division of Environmental Quality

Jackson Bostic, Regional Director
Southeast Regional Office

Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, August 29, 2017 4:37 PM
To: Clerk EAB
Subject: What Environmental Appeals Board do I appeal Coastal's NPDES issued Aug1 to?

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Tuesday, August 29, 2017
Subject: What Environmental Appeals Board do I appeal Coastal's NPDES issued Aug1 to?
To: r7actionline <r7actionline@epa.gov>

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Tuesday, August 29, 2017
Subject: What Environmental Appeals Board do I appeal Coastal's NPDES issued Aug1 to?
To: "nazar.Kristen" <nazar.Kristen@epa.gov>, "neugeboren.steven" <neugeboren.steven@epa.gov>, inga.bumbary-langston@ogc.usda.gov, AHC@oa.mo.gov

40 CFR subsection 124.19

621.250 Missouri law ?

Administrative Hearing Commission of Missouri and/or Environmental Appeals Board at EPA? Does designee of EPA 7 refer to Missouri DNR in 40CFR?

Jill Bailey
Missouri
573-228-0147

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Thursday, August 24, 2017
Subject: What Environmental Appeals Board do I appeal Coastal's NPDES issued Aug1 to?
To: carrie.ricci@ogc.usda.gov

Eleven Point River tank farm.

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Thursday, August 24, 2017
Subject: What Environmental Appeals Board do I appeal Coastal's NPDES issued Aug1 to?
To: "wellesley.sunny" <wellesley.sunny@epa.gov>

40 CFR Chapter 1 Subpart D Part 124 Subpart A Section 124.19

<https://www.law.cornell.edu/cfr/text/40/124.19>

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>

Date: Thursday, August 24, 2017

Subject: What Environmental Appeals Board do I appeal Coastal's NPDES issued Aug1 to?

To: "nazar.Kristen" <nazar.Kristen@epa.gov>, "neugeboren.steven" <neugeboren.steven@epa.gov>

Cc: inga.bumbary-langston@ogc.usda.gov, hector_santiago <hector_santiago@nps.gov>, smchesterton <smchesterton@fs.fed.us>

Per 40 CFR Part 124 subpart A Section 124.19

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, August 29, 2017 2:45 PM
To: Clerk EAB
Subject: Fwd: I would like an extension on appealing NPDES permit # MO-G491369
Attachments: img165.jpg; img166.jpg; img167.jpg; img168.jpg; img169.jpg; img170.jpg

page 2(img 170)

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>
Date: Tue, Aug 29, 2017 at 1:43 PM
Subject: Fwd: I would like an extension on appealing NPDES permit # MO-G491369
To: clerk_eab@epa.gov

page 2, and I am noticing this isn't including Federal Codes regarding environmental appeals. Please direct as to why.

Thank you,
Jill Bailey
Missouri
573-228-0147

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>
Date: Tue, Aug 29, 2017 at 1:36 PM
Subject: Fwd: I would like an extension on appealing NPDES permit # MO-G491369
To: clerk_eab@epa.gov

I am also sending along attached here(Img 169), that the letter to the permit holder did include this appeal information.

RE: Extension on appeal request Jill Bailey, on NPDES permit # MO-G491369

Thank you,
Jill Bailey
Missouri
573-228-0147

----- Forwarded message -----

From: Jill Bailey <jbailey320@gmail.com>
Date: Tue, Aug 29, 2017 at 12:33 PM

Subject: I would like an extension on appealing NPDES permit # MO-G491369

To: clerk_eab@epa.gov

I would like an extension on appealing NPDES permit # MO-G491369 due to the fact that the EPA Region 7 Regional Administrator designee (Missouri Department of Natural Resources) did not include reference to the procedures for appealing a decision per 40 CFR 124.15 - Issuance and effective date of permit.

The Regional Administrator shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a RCRA, UIC, PSD, or NPDES permit under § 124.19 of this part.

40 CFR 124.15

I have attached the notice letter from the designee.

Thank you,

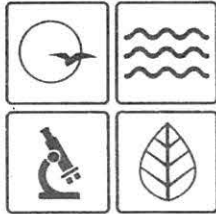
Jill Bailey

Missouri

573-228-0147



Virus-free. www.avg.com



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

July 31, 2017

Ms. Jill Bailey
702 N Center St
Willow Springs, MO 65793

Dear Ms. Bailey:

Thank you for your email dated July 9, 2017 and letter received July 12, 2017 that provides comments concerning the draft operating permit MO-G491369 for Coastal Energy Corporation.

The following is a discussion of permit questions raised concerning the draft permit:

- Registration of Coastal Energy Corporation with the Secretary of State can be found at <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0> under charter number 00230022. The business is listed as in “Good Standing” and would qualify for permits.
- 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 a 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.
- The Eleven Point River adjacent to the facility and for many miles below is not on the impaired waters list until it reaches Oregon County where the impairment is shown for mercury due to atmospheric deposition. The Department has considered the likelihood of the facility to contribute to this impairment and does not believe the facility is contributing to the mercury impairment due to the proximity of the facility to the impaired segment. Previously, the Eleven Point River immediately below the City of Willow Springs treatment facility was listed on the impaired waters list for chlorine. This impairment was addressed through a total daily maximum load and has since been removed from the impaired listing.
- There are not multiple permit parts to be issued in phases. Part I in the permit draft refers to Standard Conditions Part I and is applicable to all permits issued.

- The draft operating permit does not authorize routine direct discharges of industrial stormwater since the facility was designed not to discharge and is located in Outstanding National Resource Water basin. The entire facility is enclosed by an earthen berm that is intended to contain all of the stormwater that falls on the site. Stormwater captured within the berm is pumped across the railroad spur to an additional containment structure where it typically evaporates. However, in the event that precipitation exceeds their containment capacity, the facility is also equipped with land application equipment that allows them to irrigate on property owned by the facility. During severe precipitation events, the permittee is authorized to conduct emergency discharges to ensure the structural integrity of stormwater holding structures on site which conforms to the definition of no discharge found in the regulations. This is only allowable during precipitation events that exceed the one-in-ten year or the 24-hour-25-year rainfall events. The lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. We believe the receiving water listed in the permit has been adequately described. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Whole effluent toxicity testing is not necessary as the facility is required to maintain no-discharge. Any emergency discharge that could occur would need to meet the precipitation events described above and would be exempt under the regulations.
- Process wastewater language is included in the general permit as it was written to apply to many facilities statewide that qualify for this permit. Coastal must comply with permit conditions and language that is included in this permit. Since the facility is located in an Outstanding National Resource Water and designed not to discharge, they must maintain no-discharge except under precipitation events discussed above.
- It is not uncommon to add or remove outfalls in permits. Site work at facilities can re-direct stormwater thereby eliminating outfalls. As previously stated, the facility is reporting the lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. This is not considered backsliding as the previous permit required no discharge and this permit requires no discharge.
- Changing the receiving water designation from the Eleven Point River to the tributary to the Eleven Point River is not considered backsliding. The previous permit required no discharge and this permit requires no discharge. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Previous Department directors signed permits issued in the state. The director has the authority to delegate signature to the Director of the Division of Environmental Quality. This delegation does not in any way make the permit less enforceable.

- The draft operating permit does not authorize routine direct discharges of industrial stormwater since the facility was designed not to discharge and is located in Outstanding National Resource Water basin. The entire facility is enclosed by an earthen berm that is intended to contain all of the stormwater that falls on the site. Stormwater captured within the berm is pumped across the railroad spur to an additional containment structure where it typically evaporates. However, in the event that precipitation exceeds their containment capacity, the facility is also equipped with land application equipment that allows them to irrigate on property owned by the facility. During severe precipitation events, the permittee is authorized to conduct emergency discharges to ensure the structural integrity of stormwater holding structures on site which conforms to the definition of no discharge found in the regulations. This is only allowable during precipitation events that exceed the one-in-ten year or the 24-hour-25-year rainfall events. The lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. We believe the receiving water listed in the permit has been adequately described. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Whole effluent toxicity testing is not necessary as the facility is required to maintain no-discharge. Any emergency discharge that could occur would need to meet the precipitation events described above and would be exempt under the regulations.
- Process wastewater language is included in the general permit as it was written to apply to many facilities statewide that qualify for this permit. Coastal must comply with permit conditions and language that is included in this permit. Since the facility is located in an Outstanding National Resource Water and designed not to discharge, they must maintain no-discharge except under precipitation events discussed above.
- It is not uncommon to add or remove outfalls in permits. Site work at facilities can re-direct stormwater thereby eliminating outfalls. As previously stated, the facility is reporting the lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. This is not considered backsliding as the previous permit required no discharge and this permit requires no discharge.
- Changing the receiving water designation from the Eleven Point River to the tributary to the Eleven Point River is not considered backsliding. The previous permit required no discharge and this permit requires no discharge. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Previous Department directors signed permits issued in the state. The director has the authority to delegate signature to the Director of the Division of Environmental Quality. This delegation does not in any way make the permit less enforceable.

The facility was inspected on December 1, 2016 and was determined to be in compliance. The facility has been submitting the required permit information and Department enforcement issues have been resolved. For specific questions related to issues regarding the Environmental Protection Agency (EPA) requirements or EPA enforcement status, please contact EPA-Region VII, 11201 Renner Blvd, Lenexa, Kansas, 66219.

Other permits such as MOR109W5 and MORA07315 were referenced in your letter. These are land disturbance permits which are also general permits. These permits have pre-determined expiration dates. A facility can apply for one of these permits mid-permit cycle and it would be effective for fewer than five years based on the expiration date. If additional time is needed to complete a project, the facility would need to re-apply for the permit. If not, the permit self terminates.

The Department does not perform routine testing on streams statewide during flooding conditions. Funding for such activities is not available. In this particular scenario, flood conditions created by the one-in-ten year or the 24-hour-25-year rainfall events would exempt no discharge facilities from discharge limitations.

No degradation evaluations are required during construction of facilities after the rule became effective. Since the facility is required to maintain no discharge because of the Outstanding National Resource Waters designation, the facility has complied with the evaluation requirements. No discharge is the most protective of no degradation evaluation options.

In accordance with 10 CSR 20-6.200(1)(B)11, "facilities built to control the release of stormwater are not subject to the construction permitting requirements of 10 CSR 20-6.010(4), provided that the stormwater does not come in contact with process waste, process wastewater, or significant materials, and the stormwater is not a significant contributor of pollutants." Because the Department does not have the legal authority to require this facility to obtain a construction permit, no engineering plans and specifications, or geo-hydrologic evaluations were required to be submitted to the Department during the construction of this facility. The regulations can be found on the Department's website at <http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-20>.

Specifically, you reference pipes in the stormwater berm. To our knowledge, these pipes have been removed and were addressed as part of the Department's and EPA's enforcement proceedings.

Your letter references the need for secondary containment for tanks should be required. Secondary containment requirements are implemented by the EPA. Their address is listed above.

An additional concern of yours is the location of this facility. In the legal case *Curdt vs. Missouri Clean Water Commission*, 586 S.W. 2d 58 (Mo. App. 1979), the ruling was that the Missouri Clean Water Law does not address the issues such as the location and route of the discharge, only its quality. The quality of the discharge will be controlled by the permit limitations.

The limitations are established in accordance with the regulations to protect water quality and the beneficial uses of the receiving stream as outlined by regulation. As explained above, the facility is required to maintain no discharge which is the highest level of protection under permitting requirements.

Your letter references the facility residing in a karst area and potential structural integrity of its location being a concern. As explained above, the Department does not have the authority to address location nor construction permitting requirements for stormwater facilities. The permit does require the facility to maintain no discharge.

Your letter references the Wild and Scenic Rivers Act. The Missouri Department of Natural Resources does not have jurisdictional authority to implement the act. The governing agency over the provisions found within the act is the United States Department of Agriculture, Forest Service, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO 65401 concerning the Eleven Point River.

Your letter references haul roads in the stream bed. Construction of stream crossings within a stream channel may be regulated by the U.S. Army Corp of Engineers, 700 W Capital Avenue, Federal Bldg 7th Floor, Little Rock, AR 72203.

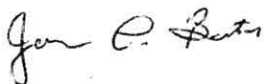
Comments related to air or hazardous waste are not addressed under this permit nor does the Clean Water Commission have the authority to address these issues through water pollution permits. Your comments related to air or hazardous waste will be forwarded to the appropriate programs for review.

In accordance with 10 CSR 20-6.020(1)(H), the department does not have jurisdiction to address questions of zoning, location, property values, or other non-water quality related items.

This letter serves as our notice that we intend to proceed with permit issuance. Thank you for your interest in environmental issues.

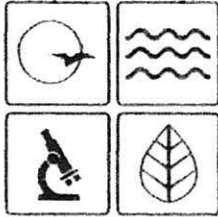
Sincerely,

SOUTHEAST REGIONAL OFFICE



Jackson L. Bostic
Regional Director

JLB/mhk



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

August 1, 2017

Coastal Energy Corporation
PO Box 218
Willow Springs, MO 65793

Dear Coastal Energy Corporation:

Pursuant to the Federal Water Pollution Control Act, under the authority granted to the State of Missouri and in compliance with the Missouri Clean Water Law, we have issued and are enclosing a General State Operating Permit for COASTAL ENERGY CORPORATION.

This permit may include requirements with which you may not be familiar. If you would like the department to meet with you to discuss how to satisfy the permit requirements, an appointment can be set up by contacting Susan Mathis at 573-840-9750. These visits are called Compliance Assistance Visits (CAV) and focus on explaining the requirements to the permit holder.

This General Permit is both your federal discharge permit and your new state operating permit and replaces all previous state operating permits and letters of approval for the discharges described within. In all future correspondence regarding this permit, please refer to your general permit number as shown on page one of your permit.

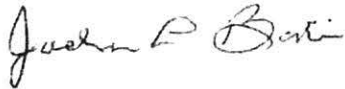
If you were adversely affected by this decision, you may be entitled to an appeal before the administrative hearing commission pursuant to 10 CSR 20-1.020 and Sections 644.051.6 and 621.250, RSMo. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission. Contact information for the AHC is as follows: Administrative Hearing Commission, Third Floor, 131 West High Street, Jefferson City, MO 65101 (Mailing address: PO Box 1557, Jefferson City, MO 65102-1557), Phone: 573-751-2422, Fax: 573-751-5018, Website: www.oa.mo.gov/ahc.



Please be aware that this facility may also be subject to any applicable county or other local ordinances or restrictions. Please note the expiration date of this permit. If your permit is issued within six months of the expiration date of the attached permit, this letter also serves as a notification to resubmit an application for renewal or termination.

If you have any questions concerning this permit, please contact Mike Hefner at (573) 840-9764 or if you should have questions concerning discharge monitoring reporting, please contact Marletta Cozad at (573) 840-9794 at the Southeast Regional Office at 2155 North Westwood Blvd., Poplar Bluff, MO 63901.

Sincerely,
Southeast Regional Office

A handwritten signature in cursive script that reads "Jackson L. Bostic".

Jackson L. Bostic
Regional Director

JB/mhk

Enclosure

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, August 29, 2017 2:44 PM
To: Clerk EAB
Subject: Fwd: I would like an extension on appealing NPDES permit # MO-G491369
Attachments: img165.jpg; img166.jpg; img167.jpg; img168.jpg; img169.jpg

page 2, and I am noticing this isn't including Federal Codes regarding environmental appeals. Please direct as to why.

Thank you,
Jill Bailey
Missouri
573-228-0147

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Tue, Aug 29, 2017 at 1:36 PM
Subject: Fwd: I would like an extension on appealing NPDES permit # MO-G491369
To: clerk_eab@epa.gov

I am also sending along attached here(Img 169), that the letter to the permit holder did include this appeal information.

RE: Extension on appeal request Jill Bailey, on NPDES permit # MO-G491369

Thank you,
Jill Bailey
Missouri
[573-228-0147](tel:573-228-0147)

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Tue, Aug 29, 2017 at 12:33 PM
Subject: I would like an extension on appealing NPDES permit # MO-G491369
To: clerk_eab@epa.gov

I would like an extension on appealing NPDES permit # MO-G491369 due to the fact that the EPA Region 7 Regional Administrator designee

(Missouri Department of Natural Resources) did not include reference to the procedures for appealing a decision per 40 CFR 124.15 - Issuance and effective date of permit.

The Regional Administrator shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a RCRA, UIC, PSD, or NPDES permit under § 124.19 of this part.

40 CFR 124.15

I have attached the notice letter from the designee.

Thank you,

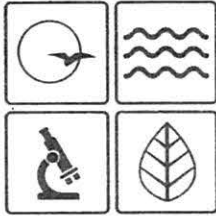
Jill Bailey

Missouri

573-228-0147



Virus-free. www.avg.com



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

July 31, 2017

Ms. Jill Bailey
702 N Center St
Willow Springs, MO 65793

Dear Ms. Bailey:

Thank you for your email dated July 9, 2017 and letter received July 12, 2017 that provides comments concerning the draft operating permit MO-G491369 for Coastal Energy Corporation.

The following is a discussion of permit questions raised concerning the draft permit:

- Registration of Coastal Energy Corporation with the Secretary of State can be found at <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0> under charter number 00230022. The business is listed as in “Good Standing” and would qualify for permits.
- 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 a 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.
- The Eleven Point River adjacent to the facility and for many miles below is not on the impaired waters list until it reaches Oregon County where the impairment is shown for mercury due to atmospheric deposition. The Department has considered the likelihood of the facility to contribute to this impairment and does not believe the facility is contributing to the mercury impairment due to the proximity of the facility to the impaired segment. Previously, the Eleven Point River immediately below the City of Willow Springs treatment facility was listed on the impaired waters list for chlorine. This impairment was addressed through a total daily maximum load and has since been removed from the impaired listing.
- There are not multiple permit parts to be issued in phases. Part I in the permit draft refers to Standard Conditions Part I and is applicable to all permits issued.

- The draft operating permit does not authorize routine direct discharges of industrial stormwater since the facility was designed not to discharge and is located in Outstanding National Resource Water basin. The entire facility is enclosed by an earthen berm that is intended to contain all of the stormwater that falls on the site. Stormwater captured within the berm is pumped across the railroad spur to an additional containment structure where it typically evaporates. However, in the event that precipitation exceeds their containment capacity, the facility is also equipped with land application equipment that allows them to irrigate on property owned by the facility. During severe precipitation events, the permittee is authorized to conduct emergency discharges to ensure the structural integrity of stormwater holding structures on site which conforms to the definition of no discharge found in the regulations. This is only allowable during precipitation events that exceed the one-in-ten year or the 24-hour-25-year rainfall events. The lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. We believe the receiving water listed in the permit has been adequately described. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Whole effluent toxicity testing is not necessary as the facility is required to maintain no-discharge. Any emergency discharge that could occur would need to meet the precipitation events described above and would be exempt under the regulations.
- Process wastewater language is included in the general permit as it was written to apply to many facilities statewide that qualify for this permit. Coastal must comply with permit conditions and language that is included in this permit. Since the facility is located in an Outstanding National Resource Water and designed not to discharge, they must maintain no-discharge except under precipitation events discussed above.
- It is not uncommon to add or remove outfalls in permits. Site work at facilities can re-direct stormwater thereby eliminating outfalls. As previously stated, the facility is reporting the lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. This is not considered backsliding as the previous permit required no discharge and this permit requires no discharge.
- Changing the receiving water designation from the Eleven Point River to the tributary to the Eleven Point River is not considered backsliding. The previous permit required no discharge and this permit requires no discharge. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Previous Department directors signed permits issued in the state. The director has the authority to delegate signature to the Director of the Division of Environmental Quality. This delegation does not in any way make the permit less enforceable.

The facility was inspected on December 1, 2016 and was determined to be in compliance. The facility has been submitting the required permit information and Department enforcement issues have been resolved. For specific questions related to issues regarding the Environmental Protection Agency (EPA) requirements or EPA enforcement status, please contact EPA-Region VII, 11201 Renner Blvd, Lenexa, Kansas, 66219.

Other permits such as MOR109W5 and MORA07315 were referenced in your letter. These are land disturbance permits which are also general permits. These permits have pre-determined expiration dates. A facility can apply for one of these permits mid-permit cycle and it would be effective for fewer than five years based on the expiration date. If additional time is needed to complete a project, the facility would need to re-apply for the permit. If not, the permit self terminates.

The Department does not perform routine testing on streams statewide during flooding conditions. Funding for such activities is not available. In this particular scenario, flood conditions created by the one-in-ten year or the 24-hour-25-year rainfall events would exempt no discharge facilities from discharge limitations.

No degradation evaluations are required during construction of facilities after the rule became effective. Since the facility is required to maintain no discharge because of the Outstanding National Resource Waters designation, the facility has complied with the evaluation requirements. No discharge is the most protective of no degradation evaluation options.

In accordance with 10 CSR 20-6.200(1)(B)11, "facilities built to control the release of stormwater are not subject to the construction permitting requirements of 10 CSR 20-6.010(4), provided that the stormwater does not come in contact with process waste, process wastewater, or significant materials, and the stormwater is not a significant contributor of pollutants." Because the Department does not have the legal authority to require this facility to obtain a construction permit, no engineering plans and specifications, or geo-hydrologic evaluations were required to be submitted to the Department during the construction of this facility. The regulations can be found on the Department's website at <http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-20>.

Specifically, you reference pipes in the stormwater berm. To our knowledge, these pipes have been removed and were addressed as part of the Department's and EPA's enforcement proceedings.

Your letter references the need for secondary containment for tanks should be required. Secondary containment requirements are implemented by the EPA. Their address is listed above.

An additional concern of yours is the location of this facility. In the legal case *Curdt vs. Missouri Clean Water Commission*, 586 S.W. 2d 58 (Mo. App. 1979), the ruling was that the Missouri Clean Water Law does not address the issues such as the location and route of the discharge, only its quality. The quality of the discharge will be controlled by the permit limitations.

The limitations are established in accordance with the regulations to protect water quality and the beneficial uses of the receiving stream as outlined by regulation. As explained above, the facility is required to maintain no discharge which is the highest level of protection under permitting requirements.

Your letter references the facility residing in a karst area and potential structural integrity of its location being a concern. As explained above, the Department does not have the authority to address location nor construction permitting requirements for stormwater facilities. The permit does require the facility to maintain no discharge.

Your letter references the Wild and Scenic Rivers Act. The Missouri Department of Natural Resources does not have jurisdictional authority to implement the act. The governing agency over the provisions found within the act is the United States Department of Agriculture, Forest Service, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO 65401 concerning the Eleven Point River.

Your letter references haul roads in the stream bed. Construction of stream crossings within a stream channel may be regulated by the U.S. Army Corp of Engineers, 700 W Capital Avenue, Federal Bldg 7th Floor, Little Rock, AR 72203.

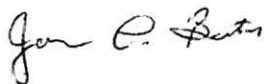
Comments related to air or hazardous waste are not addressed under this permit nor does the Clean Water Commission have the authority to address these issues through water pollution permits. Your comments related to air or hazardous waste will be forwarded to the appropriate programs for review.

In accordance with 10 CSR 20-6.020(1)(H), the department does not have jurisdiction to address questions of zoning, location, property values, or other non-water quality related items.

This letter serves as our notice that we intend to proceed with permit issuance. Thank you for your interest in environmental issues.

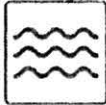
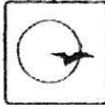
Sincerely,

SOUTHEAST REGIONAL OFFICE



Jackson L. Bostic
Regional Director

JLB/mhk



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

August 1, 2017

Coastal Energy Corporation
PO Box 218
Willow Springs, MO 65793

Dear Coastal Energy Corporation:

Pursuant to the Federal Water Pollution Control Act, under the authority granted to the State of Missouri and in compliance with the Missouri Clean Water Law, we have issued and are enclosing a General State Operating Permit for COASTAL ENERGY CORPORATION.

This permit may include requirements with which you may not be familiar. If you would like the department to meet with you to discuss how to satisfy the permit requirements, an appointment can be set up by contacting Susan Mathis at 573-840-9750. These visits are called Compliance Assistance Visits (CAV) and focus on explaining the requirements to the permit holder.

This General Permit is both your federal discharge permit and your new state operating permit and replaces all previous state operating permits and letters of approval for the discharges described within. In all future correspondence regarding this permit, please refer to your general permit number as shown on page one of your permit.

If you were adversely affected by this decision, you may be entitled to an appeal before the administrative hearing commission pursuant to 10 CSR 20-1.020 and Sections 644.051.6 and 621.250, RSMo. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the administrative hearing commission. Contact information for the AHC is as follows: Administrative Hearing Commission, Third Floor, 131 West High Street, Jefferson City, MO 65101 (Mailing address: PO Box 1557, Jefferson City, MO 65102-1557), Phone: 573-751-2422, Fax: 573-751-5018, Website: www.oa.mo.gov/ahc.



Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, August 29, 2017 2:36 PM
To: Clerk EAB
Subject: Fwd: I would like an extension on appealing NPDES permit # MO-G491369
Attachments: img165.jpg; img166.jpg; img167.jpg; img168.jpg; img169.jpg

I am also sending along attached here (Img 169), that the letter to the permit holder did include this appeal information.

RE: Extension on appeal request Jill Bailey, on NPDES permit # MO-G491369

Thank you,
Jill Bailey
Missouri
573-228-0147

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Tue, Aug 29, 2017 at 12:33 PM
Subject: I would like an extension on appealing NPDES permit # MO-G491369
To: clerk_eab@epa.gov

I would like an extension on appealing NPDES permit # MO-G491369 due to the fact that the EPA Region 7 Regional Administrator designee (Missouri Department of Natural Resources) did not include reference to the procedures for appealing a decision per 40 CFR 124.15 - Issuance and effective date of permit.

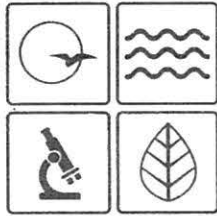
The Regional Administrator shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a RCRA, UIC, PSD, or NPDES permit under § 124.19 of this part.
40 CFR 124.15

I have attached the notice letter from the designee.
Thank you,
Jill Bailey

Missouri
573-228-0147



Virus-free. www.avg.com



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

July 31, 2017

Ms. Jill Bailey
702 N Center St
Willow Springs, MO 65793

Dear Ms. Bailey:

Thank you for your email dated July 9, 2017 and letter received July 12, 2017 that provides comments concerning the draft operating permit MO-G491369 for Coastal Energy Corporation.

The following is a discussion of permit questions raised concerning the draft permit:

- Registration of Coastal Energy Corporation with the Secretary of State can be found at <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0> under charter number 00230022. The business is listed as in “Good Standing” and would qualify for permits.
- 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 a 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.
- The Eleven Point River adjacent to the facility and for many miles below is not on the impaired waters list until it reaches Oregon County where the impairment is shown for mercury due to atmospheric deposition. The Department has considered the likelihood of the facility to contribute to this impairment and does not believe the facility is contributing to the mercury impairment due to the proximity of the facility to the impaired segment. Previously, the Eleven Point River immediately below the City of Willow Springs treatment facility was listed on the impaired waters list for chlorine. This impairment was addressed through a total daily maximum load and has since been removed from the impaired listing.
- There are not multiple permit parts to be issued in phases. Part I in the permit draft refers to Standard Conditions Part I and is applicable to all permits issued.

- The draft operating permit does not authorize routine direct discharges of industrial stormwater since the facility was designed not to discharge and is located in Outstanding National Resource Water basin. The entire facility is enclosed by an earthen berm that is intended to contain all of the stormwater that falls on the site. Stormwater captured within the berm is pumped across the railroad spur to an additional containment structure where it typically evaporates. However, in the event that precipitation exceeds their containment capacity, the facility is also equipped with land application equipment that allows them to irrigate on property owned by the facility. During severe precipitation events, the permittee is authorized to conduct emergency discharges to ensure the structural integrity of stormwater holding structures on site which conforms to the definition of no discharge found in the regulations. This is only allowable during precipitation events that exceed the one-in-ten year or the 24-hour-25-year rainfall events. The lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. We believe the receiving water listed in the permit has been adequately described. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Whole effluent toxicity testing is not necessary as the facility is required to maintain no-discharge. Any emergency discharge that could occur would need to meet the precipitation events described above and would be exempt under the regulations.
- Process wastewater language is included in the general permit as it was written to apply to many facilities statewide that qualify for this permit. Coastal must comply with permit conditions and language that is included in this permit. Since the facility is located in an Outstanding National Resource Water and designed not to discharge, they must maintain no-discharge except under precipitation events discussed above.
- It is not uncommon to add or remove outfalls in permits. Site work at facilities can re-direct stormwater thereby eliminating outfalls. As previously stated, the facility is reporting the lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. This is not considered backsliding as the previous permit required no discharge and this permit requires no discharge.
- Changing the receiving water designation from the Eleven Point River to the tributary to the Eleven Point River is not considered backsliding. The previous permit required no discharge and this permit requires no discharge. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Previous Department directors signed permits issued in the state. The director has the authority to delegate signature to the Director of the Division of Environmental Quality. This delegation does not in any way make the permit less enforceable.

The facility was inspected on December 1, 2016 and was determined to be in compliance. The facility has been submitting the required permit information and Department enforcement issues have been resolved. For specific questions related to issues regarding the Environmental Protection Agency (EPA) requirements or EPA enforcement status, please contact EPA-Region VII, 11201 Renner Blvd, Lenexa, Kansas, 66219.

Other permits such as MOR109W5 and MORA07315 were referenced in your letter. These are land disturbance permits which are also general permits. These permits have pre-determined expiration dates. A facility can apply for one of these permits mid-permit cycle and it would be effective for fewer than five years based on the expiration date. If additional time is needed to complete a project, the facility would need to re-apply for the permit. If not, the permit self terminates.

The Department does not perform routine testing on streams statewide during flooding conditions. Funding for such activities is not available. In this particular scenario, flood conditions created by the one-in-ten year or the 24-hour-25-year rainfall events would exempt no discharge facilities from discharge limitations.

No degradation evaluations are required during construction of facilities after the rule became effective. Since the facility is required to maintain no discharge because of the Outstanding National Resource Waters designation, the facility has complied with the evaluation requirements. No discharge is the most protective of no degradation evaluation options.

In accordance with 10 CSR 20-6.200(1)(B)11, "facilities built to control the release of stormwater are not subject to the construction permitting requirements of 10 CSR 20-6.010(4), provided that the stormwater does not come in contact with process waste, process wastewater, or significant materials, and the stormwater is not a significant contributor of pollutants." Because the Department does not have the legal authority to require this facility to obtain a construction permit, no engineering plans and specifications, or geo-hydrologic evaluations were required to be submitted to the Department during the construction of this facility. The regulations can be found on the Department's website at <http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-20>.

Specifically, you reference pipes in the stormwater berm. To our knowledge, these pipes have been removed and were addressed as part of the Department's and EPA's enforcement proceedings.

Your letter references the need for secondary containment for tanks should be required. Secondary containment requirements are implemented by the EPA. Their address is listed above.

An additional concern of yours is the location of this facility. In the legal case *Curdt vs. Missouri Clean Water Commission*, 586 S.W. 2d 58 (Mo. App. 1979), the ruling was that the Missouri Clean Water Law does not address the issues such as the location and route of the discharge, only its quality. The quality of the discharge will be controlled by the permit limitations.

The limitations are established in accordance with the regulations to protect water quality and the beneficial uses of the receiving stream as outlined by regulation. As explained above, the facility is required to maintain no discharge which is the highest level of protection under permitting requirements.

Your letter references the facility residing in a karst area and potential structural integrity of its location being a concern. As explained above, the Department does not have the authority to address location nor construction permitting requirements for stormwater facilities. The permit does require the facility to maintain no discharge.

Your letter references the Wild and Scenic Rivers Act. The Missouri Department of Natural Resources does not have jurisdictional authority to implement the act. The governing agency over the provisions found within the act is the United States Department of Agriculture, Forest Service, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO 65401 concerning the Eleven Point River.

Your letter references haul roads in the stream bed. Construction of stream crossings within a stream channel may be regulated by the U.S. Army Corp of Engineers, 700 W Capital Avenue, Federal Bldg 7th Floor, Little Rock, AR 72203.

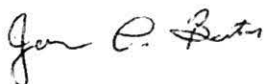
Comments related to air or hazardous waste are not addressed under this permit nor does the Clean Water Commission have the authority to address these issues through water pollution permits. Your comments related to air or hazardous waste will be forwarded to the appropriate programs for review.

In accordance with 10 CSR 20-6.020(1)(H), the department does not have jurisdiction to address questions of zoning, location, property values, or other non-water quality related items.

This letter serves as our notice that we intend to proceed with permit issuance. Thank you for your interest in environmental issues.

Sincerely,

SOUTHEAST REGIONAL OFFICE



Jackson L. Bostic
Regional Director

JLB/mhk

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, August 29, 2017 1:34 PM
To: Clerk EAB
Subject: I would like an extension on appealing NPDES permit # MO-G491369
Attachments: img165.jpg; img166.jpg; img167.jpg; img168.jpg

I would like an extension on appealing NPDES permit # MO-G491369 due to the fact that the EPA Region 7 Regional Administrator designee (Missouri Department of Natural Resources) did not include reference to the procedures for appealing a decision per 40 CFR 124.15 - Issuance and effective date of permit.

The Regional Administrator shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a RCRA, UIC, PSD, or NPDES permit under § 124.19 of this part.

40 CFR 124.15

I have attached the notice letter from the designee.

Thank you,

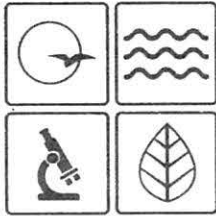
Jill Bailey

Missouri

573-228-0147



Virus-free. www.avg.com



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

July 31, 2017

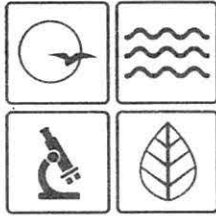
Ms. Jill Bailey
702 N Center St
Willow Springs, MO 65793

Dear Ms. Bailey:

Thank you for your email dated July 9, 2017 and letter received July 12, 2017 that provides comments concerning the draft operating permit MO-G491369 for Coastal Energy Corporation.

The following is a discussion of permit questions raised concerning the draft permit:

- Registration of Coastal Energy Corporation with the Secretary of State can be found at <https://bsd.sos.mo.gov/BusinessEntity/BEsearch.aspx?SearchType=0> under charter number 00230022. The business is listed as in "Good Standing" and would qualify for permits.
- 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 a 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.
- The Eleven Point River adjacent to the facility and for many miles below is not on the impaired waters list until it reaches Oregon County where the impairment is shown for mercury due to atmospheric deposition. The Department has considered the likelihood of the facility to contribute to this impairment and does not believe the facility is contributing to the mercury impairment due to the proximity of the facility to the impaired segment. Previously, the Eleven Point River immediately below the City of Willow Springs treatment facility was listed on the impaired waters list for chlorine. This impairment was addressed through a total daily maximum load and has since been removed from the impaired listing.
- There are not multiple permit parts to be issued in phases. Part I in the permit draft refers to Standard Conditions Part I and is applicable to all permits issued.



Missouri Department of dnr.mo.gov

NATURAL RESOURCES

Eric R. Greitens, Governor

Carol S. Comer, Director

July 31, 2017

Ms. Jill Bailey
702 N Center St
Willow Springs, MO 65793

Dear Ms. Bailey:

Thank you for your email dated July 9, 2017 and letter received July 12, 2017 that provides comments concerning the draft operating permit MO-G491369 for Coastal Energy Corporation.

The following is a discussion of permit questions raised concerning the draft permit:

- Registration of Coastal Energy Corporation with the Secretary of State can be found at <https://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0> under charter number 00230022. The business is listed as in "Good Standing" and would qualify for permits.
- 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 a 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.
- The Eleven Point River adjacent to the facility and for many miles below is not on the impaired waters list until it reaches Oregon County where the impairment is shown for mercury due to atmospheric deposition. The Department has considered the likelihood of the facility to contribute to this impairment and does not believe the facility is contributing to the mercury impairment due to the proximity of the facility to the impaired segment. Previously, the Eleven Point River immediately below the City of Willow Springs treatment facility was listed on the impaired waters list for chlorine. This impairment was addressed through a total daily maximum load and has since been removed from the impaired listing.
- There are not multiple permit parts to be issued in phases. Part I in the permit draft refers to Standard Conditions Part I and is applicable to all permits issued.

- The draft operating permit does not authorize routine direct discharges of industrial stormwater since the facility was designed not to discharge and is located in Outstanding National Resource Water basin. The entire facility is enclosed by an earthen berm that is intended to contain all of the stormwater that falls on the site. Stormwater captured within the berm is pumped across the railroad spur to an additional containment structure where it typically evaporates. However, in the event that precipitation exceeds their containment capacity, the facility is also equipped with land application equipment that allows them to irrigate on property owned by the facility. During severe precipitation events, the permittee is authorized to conduct emergency discharges to ensure the structural integrity of stormwater holding structures on site which conforms to the definition of no discharge found in the regulations. This is only allowable during precipitation events that exceed the one-in-ten year or the 24-hour-25-year rainfall events. The lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. We believe the receiving water listed in the permit has been adequately described. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Whole effluent toxicity testing is not necessary as the facility is required to maintain no-discharge. Any emergency discharge that could occur would need to meet the precipitation events described above and would be exempt under the regulations.
- Process wastewater language is included in the general permit as it was written to apply to many facilities statewide that qualify for this permit. Coastal must comply with permit conditions and language that is included in this permit. Since the facility is located in an Outstanding National Resource Water and designed not to discharge, they must maintain no-discharge except under precipitation events discussed above.
- It is not uncommon to add or remove outfalls in permits. Site work at facilities can re-direct stormwater thereby eliminating outfalls. As previously stated, the facility is reporting the lowest point in the earthen berm surrounding the facility would flow to a tributary to the Eleven Point River near the southeast corner of the facility at the approximate coordinates listed in the permit. This is not considered backsliding as the previous permit required no discharge and this permit requires no discharge.
- Changing the receiving water designation from the Eleven Point River to the tributary to the Eleven Point River is not considered backsliding. The previous permit required no discharge and this permit requires no discharge. Please understand that the tributary is afforded the same level of protection as the Eleven Point River.
- Previous Department directors signed permits issued in the state. The director has the authority to delegate signature to the Director of the Division of Environmental Quality. This delegation does not in any way make the permit less enforceable.

The facility was inspected on December 1, 2016 and was determined to be in compliance. The facility has been submitting the required permit information and Department enforcement issues have been resolved. For specific questions related to issues regarding the Environmental Protection Agency (EPA) requirements or EPA enforcement status, please contact EPA-Region VII, 11201 Renner Blvd, Lenexa, Kansas, 66219.

Other permits such as MOR109W5 and MORA07315 were referenced in your letter. These are land disturbance permits which are also general permits. These permits have pre-determined expiration dates. A facility can apply for one of these permits mid-permit cycle and it would be effective for fewer than five years based on the expiration date. If additional time is needed to complete a project, the facility would need to re-apply for the permit. If not, the permit self-terminates.

The Department does not perform routine testing on streams statewide during flooding conditions. Funding for such activities is not available. In this particular scenario, flood conditions created by the one-in-ten year or the 24-hour-25-year rainfall events would exempt no discharge facilities from discharge limitations.

No degradation evaluations are required during construction of facilities after the rule became effective. Since the facility is required to maintain no discharge because of the Outstanding National Resource Waters designation, the facility has complied with the evaluation requirements. No discharge is the most protective of no degradation evaluation options.

In accordance with 10 CSR 20-6.200(1)(B)11, "facilities built to control the release of stormwater are not subject to the construction permitting requirements of 10 CSR 20-6.010(4), provided that the stormwater does not come in contact with process waste, process wastewater, or significant materials, and the stormwater is not a significant contributor of pollutants." Because the Department does not have the legal authority to require this facility to obtain a construction permit, no engineering plans and specifications, or geo-hydrologic evaluations were required to be submitted to the Department during the construction of this facility. The regulations can be found on the Department's website at <http://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-20>.

Specifically, you reference pipes in the stormwater berm. To our knowledge, these pipes have been removed and were addressed as part of the Department's and EPA's enforcement proceedings.

Your letter references the need for secondary containment for tanks should be required. Secondary containment requirements are implemented by the EPA. Their address is listed above.

An additional concern of yours is the location of this facility. In the legal case *Curdt vs. Missouri Clean Water Commission*, 586 S.W. 2d 58 (Mo. App. 1979), the ruling was that the Missouri Clean Water Law does not address the issues such as the location and route of the discharge, only its quality. The quality of the discharge will be controlled by the permit limitations.

The limitations are established in accordance with the regulations to protect water quality and the beneficial uses of the receiving stream as outlined by regulation. As explained above, the facility is required to maintain no discharge which is the highest level of protection under permitting requirements.

Your letter references the facility residing in a karst area and potential structural integrity of its location being a concern. As explained above, the Department does not have the authority to address location nor construction permitting requirements for stormwater facilities. The permit does require the facility to maintain no discharge.

Your letter references the Wild and Scenic Rivers Act. The Missouri Department of Natural Resources does not have jurisdictional authority to implement the act. The governing agency over the provisions found within the act is the United States Department of Agriculture, Forest Service, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, MO 65401 concerning the Eleven Point River.

Your letter references haul roads in the stream bed. Construction of stream crossings within a stream channel may be regulated by the U.S. Army Corp of Engineers, 700 W Capital Avenue, Federal Bldg 7th Floor, Little Rock, AR 72203.

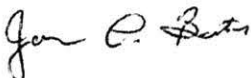
Comments related to air or hazardous waste are not addressed under this permit nor does the Clean Water Commission have the authority to address these issues through water pollution permits. Your comments related to air or hazardous waste will be forwarded to the appropriate programs for review.

In accordance with 10 CSR 20-6.020(1)(H), the department does not have jurisdiction to address questions of zoning, location, property values, or other non-water quality related items.

This letter serves as our notice that we intend to proceed with permit issuance. Thank you for your interest in environmental issues.

Sincerely,

SOUTHEAST REGIONAL OFFICE



Jackson L. Bostic
Regional Director

JLB/mhk

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Tuesday, September 12, 2017 11:37 AM
To: Clerk EAB
Subject: I see that a certificate of service must be appended

To each document filed-I had sent you the documents filed on the fifth and served all documents yesterday as was required once docket opened. I sent you a PDF of certificate of service of the entire list of documents filed since my initial required certificate of service on the petition for review. Does this work or do I need to rescan each document http://dnr.mo.gov/env/wpp/cwforum/docs/2016_Phase2_Implementation_Plan.pdf with a certificate of service on each? The attachments too?

Jill Bailey
Missouri
573-228-0147

Durr, Eureka

From: Jill Bailey <jbailey320@gmail.com>
Sent: Monday, September 11, 2017 11:52 AM
To: Clerk EAB
Subject: Certificate of Service 2
Attachments: Certificate of service 2.pdf

Attached please find certificate of service for David Montgomery and Jackson Bostice for the documents from me of documents filed to the Environmental Appeals Board

Thank you,

Jill Bailey

Missouri

573-228-0147



Virus-free. www.avg.com

Certificate of service 2

Certificate of Service

Copies of email to Clerk of Board since Docket opening, attachments to appeal, original and revised Table of Contents, Table of Attachments, revised Table of Attachments, certification of adherence to guidelines on page and word limit of appeal, cover letter to Clerk of Environmental Appeals Board US EPA, Table of Authorities, Table of Contents were sent by U.S. mail to the following on 9.11.17:

Jackson Bostic

Regional Director

Missouri DNR

2155 N. Westwood Blvd

Poplar Bluff, Missouri 63901

David Montgomery

Coastal Energy Corporation

One Coastal Dr.

Willow Springs, MO 65793

Jill Bailey

702 N. Center St.

Willow Springs, MO 65793

573-228-0147

jbailey320@gmail.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Thursday, September 07, 2017 5:29 PM
To: Clerk EAB
Cc: Porter, Donna; Matthews, Mark; carrie.ricci@ogc.usda.gov; Wellesley, Sunny; Nazar, Kristen; Neugeboren, Steven; inga.bumbary-langston@ogc.usda.gov; hector_santiago; smchesterton; AHC; R7 Actionline
Subject: Re: Resending Email regarding NPDES Coastal Energy Corporation

"Permit" should have been "appeal" in last email

I am not sure how these titles apply to this permit. I am looking into that, but I tried to be as clear as I could when I turned in the appeal given the time I was allowed, and I got it in on time-federally.

On Thu, Sep 7, 2017 at 4:21 PM, Jill Bailey <jbailey320@gmail.com> wrote:

I sought clarity on where to file beginning around the time you referenced, Aug. 24. I exchanged email with the Missouri state Administrative Hearing Commission regarding appeal of NPDES laws. AHC said they could not advise me on my federal law rights. I think you have that email. AHC clarified to me which state authority I would appeal to, which is the AHC. I decided to do a federal level appeal instead, though I had asked AHC about an extension for state while still trying to decide, and was not granted one. I continue to be confused about how the federal laws apply to this permit issuance, but I set forth in my appeal how I believed I could issue an appeal under 40 CFR subsection 124.19. You are seeming to indicate I should have been given notice of appeal procedure in the letter of notice from Bostic, which is in federal law 40 CFR subsection 124.15(a). So, if that federal law applies to my case in NPDES permitting, why wouldn't 40 CFR subsection 124.19 which allows me to appeal to EPA EAB? And as I mentioned in email to you yesterday, I am citing in my appeal specifically the NPDES laws which are only for state programs of NPDES issuance.

40 CFR 122.5-Effect of a permit 122.5(b) Applicable to state programs

1. In 40 CFR 122.5 (b) "any exclusive privilege" in permitting is prohibited.

40 CFR subsection 122.26 Stormwater Discharges(applicable to State NPDES programs)

2. Bostic's response to me on page 1 of his letter of notice 40 CFR 122.26 **(a)**(6)(i),(ii) and (iii) is violated

I believe I questioned to the state whether the Regional Administrator's designee was Missouri DNR/Jackson Bostic. When you click on the definition for Regional Administrator in Cornell's law site on 40 CFR 124.19 it says RA or his designee. Sometimes Director is used which I am assuming to be DNR Director. Sometimes another title is used. I am not sure how these titles apply to this permit. I am looking into that, but I tried to be as clear as I could when I turned in the permit given the time I was allowed, and I got it in on time-federally.

Please advise on whether I must copy the parties served on this type of email. I could not find that I do in law. Also, looking at my cover letter, it appears I forgot to list that in my appeal documents I included a table of authorities. I placed the two copies of the appeal in certified mail today.

Thank you,

Jill Bailey

Missouri

[573-228-0147](tel:573-228-0147)

On Thu, Sep 7, 2017 at 1:56 PM, Clerk EAB <Clerk_EAB@epa.gov> wrote:

I am resending/forwarding the message I sent yesterday to include other Missouri Department of Natural Resources and EPA contacts Ms. Bailey made in the last few weeks, and copying the representative from Costal Energy Corporation listed in the Certificate of Service Ms. Bailey filed with the Environmental Appeals Board.

Regards,

Eurika Durr

Clerk of the Board

Environmental Appeals Board

U.S. Environmental Protection Agency

WJC Building 1103M

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460-0001

Tel: 202-233-0110

Fax: 202-233-0121

From: Clerk EAB

Sent: Wednesday, September 06, 2017 4:42 PM

To: 'jbailey320@gmail.com' <jbailey320@gmail.com>

Cc: 'carrie.ricci@ogc.usda.gov' <carrie.ricci@ogc.usda.gov>; Wellesley, Sunny <wellesley.sunny@epa.gov>; Nazar, Kristen <Nazar.Kristen@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; 'inga.bumbary-langston@ogc.usda.gov' <inga.bumbary-langston@ogc.usda.gov>; 'hector_santiago@nps.gov' <hector_santiago@nps.gov>; 'smchesterton@fs.fed.us' <smchesterton@fs.fed.us>; 'AHC@oa.mo.gov' <AHC@oa.mo.gov>; R7 Actionline <R7Actionline@epa.gov>

Subject: NPDES Coastal Energy Corporation

Dear Ms. Bailey:

This email acknowledges receipt of your emails to the EPA's Environmental Appeals Board (Board) sent on August 29, 2017 and thereafter, seeking clarification of your appeal rights as they pertain to the General State Operating Permit issued by the Missouri Department of Natural Resources to Coastal Energy Corporation (permit number MOG491369) (Permit). I also acknowledge receipt of your request for an extension of time to file an appeal, and your notice of appeal and petition filed with the Board. The Board expects to issue an order within the next few days addressing your motion and petition.

In the meantime, based on the August 1, 2017 letter from the Missouri Department of Natural Resources to Coastal Energy, it would appear that you should be pursuing your appeal with the Missouri Department's administrative hearing commission. It does not appear, however, that this appeal information was shared with you, and further that you have been seeking clarification from the State of Missouri and other EPA Offices on your appeal rights since at least August 24. Therefore, it is suggested that you continue communicating with the Missouri Department of Natural and the administrative hearing commission, to pursue your appeal. I am copying this email to those you communicated with previously on this matter.

Regards,

Eurika Durr

Clerk of the Board

Environmental Appeals Board

U.S. Environmental Protection Agency

WJC Building 1103M

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460-0001

Tel: 202-233-0110

Fax: 202-233-0121

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Thursday, September 07, 2017 5:22 PM
To: Clerk EAB
Cc: Porter, Donna; Matthews, Mark; carrie.ricci@ogc.usda.gov; Wellesley, Sunny; Nazar, Kristen; Neugeboren, Steven; inga.bumbary-langston@ogc.usda.gov; hector_santiago; smchesterton; AHC; R7 Actionline
Subject: Re: Resending Email regarding NPDES Coastal Energy Corporation

I sought clarity on where to file beginning around the time you referenced, Aug. 24. I exchanged email with the Missouri state Administrative Hearing Commission regarding appeal of NPDES laws. AHC said they could not advise me on my federal law rights. I think you have that email. AHC clarified to me which state authority I would appeal to, which is the AHC. I decided to do a federal level appeal instead, though I had asked AHC about an extension for state while still trying to decide, and was not granted one. I continue to be confused about how the federal laws apply to this permit issuance, but I set forth in my appeal how I believed I could issue an appeal under 40 CFR subsection 124.19. You are seeming to indicate I should have been given notice of appeal procedure in the letter of notice from Bostic, which is in federal law 40 CFR subsection 124.15(a). So, if that federal law applies to my case in NPDES permitting, why wouldn't 40 CFR subsection 124.19 which allows me to appeal to EPA EAB? And as I mentioned in email to you yesterday, I am citing in my appeal specifically the NPDES laws which are only for state programs of NPDES issuance.

40 CFR 122.5-Effect of a permit 122.5(b) Applicable to state programs

1. In 40 CFR 122.5 (b) "any exclusive privilege" in permitting is prohibited.

40 CFR subsection 122.26 Stormwater Discharges(applicable to State NPDES programs)

2. Bostic's response to me on page 1 of his letter of notice 40 CFR 122.26 **(a)**(6)(i),(ii) and (iii) is violated

I believe I questioned to the state whether the Regional Administrator's designee was Missouri DNR/Jackson Bostic. When you click on the definition for Regional Administrator in Cornell's law site on 40 CFR 124.19 it says RA or his designee. Sometimes Director is used which I am assuming to be DNR Director. Sometimes another title is used. I am not sure how these titles apply to this permit. I am looking into that, but I

tried to be as clear as I could when I turned in the permit given the time I was allowed, and I got it in on time-federally.

Please advise on whether I must copy the parties served on this type of email. I could not find that I do in law. Also, looking at my cover letter, it appears I forgot to list that in my appeal documents I included a table of authorities. I placed the two copies of the appeal in certified mail today.

Thank you,

Jill Bailey

Missouri

573-228-0147

On Thu, Sep 7, 2017 at 1:56 PM, Clerk EAB <Clerk_EAB@epa.gov> wrote:

I am resending/forwarding the message I sent yesterday to include other Missouri Department of Natural Resources and EPA contacts Ms. Bailey made in the last few weeks, and copying the representative from Costal Energy Corporation listed in the Certificate of Service Ms. Bailey filed with the Environmental Appeals Board.

Regards,

Eurika Durr

Clerk of the Board

Environmental Appeals Board

U.S. Environmental Protection Agency

WJC Building 1103M

[1200 Pennsylvania Avenue, N.W.](#)

[Washington, D.C. 20460-0001](#)

Tel: [202-233-0110](tel:202-233-0110)

Fax: [202-233-0121](tel:202-233-0121)

From: Clerk EAB

Sent: Wednesday, September 06, 2017 4:42 PM

To: 'jbailey320@gmail.com' <jbailey320@gmail.com>

Cc: 'carrie.ricci@ogc.usda.gov' <carrie.ricci@ogc.usda.gov>; Wellesley, Sunny <wellesley.sunny@epa.gov>; Nazar, Kristen <Nazar.Kristen@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; 'inga.bumbary-langston@ogc.usda.gov' <inga.bumbary-langston@ogc.usda.gov>; 'hector_santiago@nps.gov' <hector_santiago@nps.gov>; 'smchesterton@fs.fed.us' <smchesterton@fs.fed.us>; 'AHC@oa.mo.gov' <AHC@oa.mo.gov>; R7 Actionline <R7Actionline@epa.gov>

Subject: NPDES Coastal Energy Corporation

Dear Ms. Bailey:

This email acknowledges receipt of your emails to the EPA's Environmental Appeals Board (Board) sent on August 29, 2017 and thereafter, seeking clarification of your appeal rights as they pertain to the General State Operating Permit issued by the Missouri Department of Natural Resources to Coastal Energy Corporation (permit number MOG491369) (Permit). I also acknowledge receipt of your request for an extension of time to file an appeal, and your notice of appeal and petition filed with the Board. The Board expects to issue an order within the next few days addressing your motion and petition.

In the meantime, based on the August 1, 2017 letter from the Missouri Department of Natural Resources to Coastal Energy, it would appear that you should be pursuing your appeal with the Missouri Department's administrative hearing commission. It does not appear, however, that this appeal information was shared with you, and further that you have been seeking clarification from the State of Missouri and other EPA Offices on your appeal rights since at least August 24. Therefore, it is suggested that you continue communicating with the Missouri Department of Natural and the administrative hearing commission, to pursue your appeal. I am copying this email to those you communicated with previously on this matter.

Regards,

Eurika Durr

Clerk of the Board

Environmental Appeals Board

U.S. Environmental Protection Agency

WJC Building 1103M

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460-0001

Tel: 202-233-0110

Fax: 202-233-0121

Durr, Eurika

From: Clerk EAB
Sent: Thursday, September 07, 2017 2:57 PM
To: 'Jackson.bostic@dnr.mo.gov'; 'carol.comer@dnr.mo.gov'; 'cleanwater@dnr.mo.gov'; 'david.lamb@dnr.mo.gov'; 'arthur.goodin@dnr.mo.gov'; Porter, Donna; Matthews, Mark; 'carrie.ricci@ogc.usda.gov'; Wellesley, Sunny; Nazar, Kristen; Neugeboren, Steven; 'inga.bumbary-langston@ogc.usda.gov'; 'hector_santiago@nps.gov'; 'smchesterton@fs.fed.us'; 'AHC@oa.mo.gov'; R7 Actionline; 'jbailey320@gmail.com'
Cc: 'david@coastal-fmc.com'
Subject: Resending Email regarding NPDES Coastal Energy Corporation

I am resending/forwarding the message I sent yesterday to include other Missouri Department of Natural Resources and EPA contacts Ms. Bailey made in the last few weeks, and copying the representative from Coastal Energy Corporation listed in the Certificate of Service Ms. Bailey filed with the Environmental Appeals Board.

Regards,

Eurika Durr
Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
WJC Building 1103M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001
Tel: 202-233-0110
Fax: 202-233-0121

From: Clerk EAB
Sent: Wednesday, September 06, 2017 4:42 PM
To: 'jbailey320@gmail.com' <jbailey320@gmail.com>
Cc: 'carrie.ricci@ogc.usda.gov' <carrie.ricci@ogc.usda.gov>; Wellesley, Sunny <wellesley.sunny@epa.gov>; Nazar, Kristen <Nazar.Kristen@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; 'inga.bumbary-langston@ogc.usda.gov' <inga.bumbary-langston@ogc.usda.gov>; 'hector_santiago@nps.gov' <hector_santiago@nps.gov>; 'smchesterton@fs.fed.us' <smchesterton@fs.fed.us>; 'AHC@oa.mo.gov' <AHC@oa.mo.gov>; R7 Actionline <R7Actionline@epa.gov>
Subject: NPDES Coastal Energy Corporation

Dear Ms. Bailey:

This email acknowledges receipt of your emails to the EPA's Environmental Appeals Board (Board) sent on August 29, 2017 and thereafter, seeking clarification of your appeal rights as they pertain to the General State Operating Permit issued by the Missouri Department of Natural Resources to Coastal Energy Corporation (permit number MOG491369) (Permit). I also acknowledge receipt of your request for an extension of time to file an appeal, and your notice of appeal and petition filed with the Board. The Board expects to issue an order within the next few days addressing your motion and petition.

In the meantime, based on the August 1, 2017 letter from the Missouri Department of Natural Resources to Coastal Energy, it would appear that you should be pursuing your appeal with the Missouri Department's administrative hearing commission. It does not appear, however, that this appeal information was shared with you, and further that you have been seeking clarification from the State of Missouri and other EPA Offices on your appeal rights since at least August 24. Therefore, it is suggested that you continue communicating with the Missouri Department of Natural and the administrative hearing commission, to pursue your appeal. I am copying this email to those you communicated with previously on this matter.

Regards,

Eurika Durr
Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
WJC Building 1103M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001
Tel: 202-233-0110
Fax: 202-233-0121

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Wednesday, September 06, 2017 5:43 PM
To: Clerk EAB; AHC
Cc: carrie.ricci@ogc.usda.gov; Wellesley, Sunny; Nazar, Kristen; Neugeboren, Steven; inga.bumbary-langston@ogc.usda.gov; hector_santiago@nps.gov; smchesterton@fs.fed.us; R7 Actionline
Subject: Federal Wild and Scenic Rivers Act/large part of appeal

Clerk of the Board, additionally since a large part of my appeal has to do with a federally protected river, and a federal Act that protects it I think it is a better appeal for a federal agency.

Jill Bailey

Missouri

573-228-0147



Virus-free. www.avg.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Wednesday, September 06, 2017 5:32 PM
To: Clerk EAB
Cc: AHC; carrie.ricci@ogc.usda.gov; Wellesley, Sunny; Nazar, Kristen; Neugeboren, Steven; inga.bumbary-langston@ogc.usda.gov; hector_santiago@nps.gov; smchesterton@fs.fed.us; R7 Actionline
Subject: Fwd: NPDES Coastal Energy Corporation

I would still like to make a motion, if possible, but I am not sure the procedure, or if that can happen after the initial petition for review/notice of appeal.

Thank you,
Jill Bailey

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Wed, Sep 6, 2017 at 4:24 PM
Subject: Fwd: NPDES Coastal Energy Corporation
To: "carrie.ricci@ogc.usda.gov" <carrie.ricci@ogc.usda.gov>, "Wellesley, Sunny" <wellesley.sunny@epa.gov>, "Nazar, Kristen" <Nazar.Kristen@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "inga.bumbary-langston@ogc.usda.gov" <inga.bumbary-langston@ogc.usda.gov>, "hector_santiago@nps.gov" <hector_santiago@nps.gov>, "smchesterton@fs.fed.us" <smchesterton@fs.fed.us>, "AHC@oa.mo.gov" <AHC@oa.mo.gov>, R7 Actionline <R7Actionline@epa.gov>

----- Forwarded message -----

From: **Jill Bailey** <jbailey320@gmail.com>
Date: Wed, Sep 6, 2017 at 4:17 PM
Subject: Re: NPDES Coastal Energy Corporation
To: Clerk EAB <Clerk_EAB@epa.gov>, AHC <AHC@oa.mo.gov>

I am replying through email because you said the Board will issue an order within three days. I would prefer to file this appeal on the federal level and believe I have that right. In the appeal/petition for review it should be clear, but your email to me seemed to be directing me back to the state so, I wanted to point out that the laws I cited that were violated with this permit were federal laws on NPDES permitting where the state is the issuing authority. If you can please make sure the Board understands this. Regarding extension, I am understanding your email to mean you will

let me know about whether I should receive an extension due to the federal law requiring my notice letter to have instructions on appeals. Regarding the motion, which you mentioned the Board will be looking at, I sent you an email last night around 10:30(before deadline-and when I began filing was told to contact you when e-filing was not receiving everything) withdrawing that motion because I had not checked with the two other parties on the motion as I re-read and remembered last night that the law required.

Jill Bailey

Missouri

[573-228-0147](tel:573-228-0147)

On Wed, Sep 6, 2017 at 3:41 PM, Clerk EAB <Clerk_EAB@epa.gov> wrote:

Dear Ms. Bailey:

This email acknowledges receipt of your emails to the EPA's Environmental Appeals Board (Board) sent on August 29, 2017 and thereafter, seeking clarification of your appeal rights as they pertain to the General State Operating Permit issued by the Missouri Department of Natural Resources to Coastal Energy Corporation (permit number MOG491369) (Permit). I also acknowledge receipt of your request for an extension of time to file an appeal, and your notice of appeal and petition filed with the Board. The Board expects to issue an order within the next few days addressing your motion and petition.

In the meantime, based on the August 1, 2017 letter from the Missouri Department of Natural Resources to Coastal Energy, it would appear that you should be pursuing your appeal with the Missouri Department's administrative hearing commission. It does not appear, however, that this appeal information was shared with you, and further that you have been seeking clarification from the State of Missouri and other EPA Offices on your appeal rights since at least August 24. Therefore, it is suggested that you continue communicating with the Missouri Department of Natural and the administrative hearing commission, to pursue your appeal. I am copying this email to those you communicated with previously on this matter.

Regards,

Eurika Durr

Clerk of the Board

Environmental Appeals Board

U.S. Environmental Protection Agency

WJC Building 1103M

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460-0001

Tel: [202-233-0110](tel:202-233-0110)

Fax: [202-233-0121](tel:202-233-0121)



Virus-free. www.avg.com

Durr, Eurika

From: Jill Bailey <jbailey320@gmail.com>
Sent: Wednesday, September 06, 2017 5:18 PM
To: Clerk EAB; AHC
Subject: Re: NPDES Coastal Energy Corporation

I am replying through email because you said the Board will issue an order within three days. I would prefer to file this appeal on the federal level and believe I have that right. In the appeal/petition for review it should be clear, but your email to me seemed to be directing me back to the state so, I wanted to point out that the laws I cited that were violated with this permit were federal laws on NPDES permitting where the state is the issuing authority. If you can please make sure the Board understands this. Regarding extension, I am understanding your email to mean you will let me know about whether I should receive an extension due to the federal law requiring my notice letter to have instructions on appeals. Regarding the motion, which you mentioned the Board will be looking at, I sent you an email last night around 10:30(before deadline-and when I began filing was told to contact you when e-filing was not receiving everything) withdrawing that motion because I had not checked with the two other parties on the motion as I re-read and remembered last night that the law required.

Jill Bailey
Missouri
573-228-0147

On Wed, Sep 6, 2017 at 3:41 PM, Clerk EAB <Clerk_EAB@epa.gov> wrote:

Dear Ms. Bailey:

This email acknowledges receipt of your emails to the EPA's Environmental Appeals Board (Board) sent on August 29, 2017 and thereafter, seeking clarification of your appeal rights as they pertain to the General State Operating Permit issued by the Missouri Department of Natural Resources to Coastal Energy Corporation (permit number MOG491369) (Permit). I also acknowledge receipt of your request for an extension of time to

file an appeal, and your notice of appeal and petition filed with the Board. The Board expects to issue an order within the next few days addressing your motion and petition.

In the meantime, based on the August 1, 2017 letter from the Missouri Department of Natural Resources to Coastal Energy, it would appear that you should be pursuing your appeal with the Missouri Department's administrative hearing commission. It does not appear, however, that this appeal information was shared with you, and further that you have been seeking clarification from the State of Missouri and other EPA Offices on your appeal rights since at least August 24. Therefore, it is suggested that you continue communicating with the Missouri Department of Natural and the administrative hearing commission, to pursue your appeal. I am copying this email to those you communicated with previously on this matter.

Regards,

Eurika Durr

Clerk of the Board

Environmental Appeals Board

U.S. Environmental Protection Agency

WJC Building 1103M

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460-0001

Tel: [202-233-0110](tel:202-233-0110)

Fax: [202-233-0121](tel:202-233-0121)



Virus-free. www.avg.com

Durr, Eurika

From: Clerk EAB
Sent: Wednesday, September 06, 2017 4:42 PM
To: 'jbailey320@gmail.com'
Cc: 'carrie.ricci@ogc.usda.gov'; Wellesley, Sunny; Nazar, Kristen; Neugeboren, Steven; 'inga.bumbary-langston@ogc.usda.gov'; 'hector_santiago@nps.gov'; 'smchesterton@fs.fed.us'; 'AHC@oa.mo.gov'; R7 Actionline
Subject: NPDES Coastal Energy Corporation

Dear Ms. Bailey:

This email acknowledges receipt of your emails to the EPA's Environmental Appeals Board (Board) sent on August 29, 2017 and thereafter, seeking clarification of your appeal rights as they pertain to the General State Operating Permit issued by the Missouri Department of Natural Resources to Coastal Energy Corporation (permit number MOG491369) (Permit). I also acknowledge receipt of your request for an extension of time to file an appeal, and your notice of appeal and petition filed with the Board. The Board expects to issue an order within the next few days addressing your motion and petition.

In the meantime, based on the August 1, 2017 letter from the Missouri Department of Natural Resources to Coastal Energy, it would appear that you should be pursuing your appeal with the Missouri Department's administrative hearing commission. It does not appear, however, that this appeal information was shared with you, and further that you have been seeking clarification from the State of Missouri and other EPA Offices on your appeal rights since at least August 24. Therefore, it is suggested that you continue communicating with the Missouri Department of Natural and the administrative hearing commission, to pursue your appeal. I am copying this email to those you communicated with previously on this matter.

Regards,

Eurika Durr
Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
WJC Building 1103M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001
Tel: 202-233-0110
Fax: 202-233-0121

Permit Applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MOG941369

Certificate of Service

Jackson Bostic

Regional Director

Missouri DNR

2155 N. Westwood Blvd

Poplar Bluff, Missouri 63901

David Montgomery

Coastal Energy Corporation

One Coastal Dr.

Willow Springs, MO 65793

Served by U.S. Mail on 9.5.17

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com

Permit Applicant: Coastal Energy Corporation
Permit facility: Coastal Energy Corporation
Permit number: MOG941369

9.5.17

Clerk of the Environmental Appeals Board
US Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, NW
Mail Code 1103M
Washington DC 20460-0001

Dear Clerk of the Board,

Please accept my notice of appeal of the NPDES permit #MO-G491369 issued by the Missouri Department of Natural Resources August 1, 2017. I am appealing by the September 5, 2017 deadline per 40 CFR 124.19(3) and 40 CFR 124.20(a) and (d). I received notice in the mail postmarked August 1, 2017 from Jackson Bostic of the Missouri Department of Natural Resources. I had contacted you earlier asking for an extension because there was no appeal information on this letter from Bostic. I am unsure whether 40 CFR 124.15 applied to state NPDES authority programs, so I will withdraw that request if it does not. I am filing electronically with this appeal and registered into your system Friday or Saturday, and received notice today I was in the system. They advised me to contact you if I was near my deadline. I emailed you that I was. Enclosed with this notice of appeal of this letter you will find a petition for review/appeal(with table of contents, table of attachments, a statement certifying adherence to length requirements, and a certification of service). I am also enclosing a motion. I will send two extra copies to you and a copy to Coastal Energy and Jackson Bostic of Missouri DNR.

Thank you,

Jill Bailey
Missouri
573-228-0147

Jill Bailey
702 N. Center St.
Willow Springs, MO 65793
573-228-0147
jbailey320@gmail.com

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

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

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

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

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

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

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,

Permit applicant: Coastal Energy Corporation

Permit facility: Coastal Energy Corporation

Permit number: MO-G491369

Jill Bailey

702 N. Center

Willow Springs, Missouri 65793

573-228-0147

jbailey320@gmail.com