DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
635 FEDERAL BUILDING
601 E 12TH STREET
KANSAS CITY MO 64106-2824

REPLY TO
ATTENTION OF

May 19, 2011

Regulatory Branch
Operations Division
(NWK-2011-364)

Mr. Larry W. Moore
Con-Agg of Missouri, LLC
2604 North Stadium Boulevard
Columbia, Missouri 65202-1271

Dear Mr. Moore:

Permit No. NWK-2011-364 has been executed. One copy is enclosed for your records and one copy has been retained for our files. The permit is subject to all the special conditions in the permit and will expire on December 31, 2015. The 2011 tonnage limits retroactively apply to all dredging since the beginning of 2011. These tonnage limits are of sand when it is offloaded from the barge with a moisture content of approximately 10%.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. We have placed an automated version of our Customer Service Survey form at: http://www.nwk.usace.army.mil/regulatory/survey.pdf. At your request, we will mail you a paper copy that you may complete and return to us by mail or fax.

If you have any questions concerning this matter, please feel free to write me or to call Mr. Cody S. Wheeler at 816-389-3739 (FAX 816-389-2032).

Sincerely,

Mark D. Frazier
Chief, Regulatory Branch
Operations Division

Enclosure

Copies Furnished (electronically w/enclosure):

Environmental Protection Agency,
Water Resources Protection Branch
U.S. Fish and Wildlife Service, Columbia, Missouri
Missouri Department of Natural Resources
Missouri Department of Conservation

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Con-Agg of Missouri, LLC.

**Permit No.:** 2011-364

**Issuing Office:** U.S. Army Engineer District, Kansas City

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below, and with the plans and drawings attached hereto which are incorporated in and made a part of this permit.

**Project Description**: You are authorized to extract up to 160,000 tons of sand and gravel per year from the Jefferson City segment (river miles 129.9 to 249.9) of the Missouri River with a mobile, floating, hydraulic cutter-head suction dredge plant. Water and dredged materials will be passed through onboard screens allowing the desired material to be loaded into barges and undesired material and water to be discharged back into the river at the dredging location. Filled barges will be transported to existing offloading facilities where a crane or front end loader will unload the material for stockpiling and commercial sale. The 2011 tonnage limits retroactively apply to all dredging since the beginning of 2011. These tonnage limits are of sand when it is offloaded from the barge with a moisture content of approximately 10%.
**Permit Drawings**: Please use the location maps from the 2007 permit decision, and the electronic authorized dredging zone shape files with any modifications sent to you in subsequent permit extensions. We will send you updated maps and/or electronic shape files with the execution of the permit or sooner if possible. The maps and electronic shape files are just a visual representation of where you can or cannot dredge. The legal and authoritative source regarding where you can or cannot dredge, is contained in the project description, project location, and special conditions of this permit.

**Project Location:** You may dredge in the following general reaches of Missouri River (this may or may not exclude all the resource protection zones): river miles 178.35-184.75, 185.65-186.90, 188.20-192.00, 193.00-193.40, 195.75-196.50, 196.70-197.00, 198.50-199.15, and 199.40-201.95.

**Permit Conditions**:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2015. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

See continuation sheets, pages 4 - 8, of this document.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE) (DATE) 4/19/11

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER) (DATE) MAY 19, 2011
ANTHONY J. HOFMANN, COLONEL
BY: Mark D. Frazier
Chief, Regulatory Branch
Operations Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)

## Special Conditions:

**a.** You understand and agree that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the U.S. Army Corps of Engineers (USACE), to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**b.** You must implement a Dredge Monitoring Plan (DMP) approved by the Regulatory Branch of the Kansas City District, USACE. If a DMP has not been previously approved by the Regulatory Branch, USACE, Kansas City District, you must provide within 30 days of execution of the permit a DMP for each individual dredge plant to the Regulatory Branch of the USACE, Kansas City District for approval. The DMP must show how you will monitor, record, and report the cutter-head position, cutter-head operating status, extraction tonnage, and the presence of any hard substrates, mussel shells, or unusual concentration of gravel in an impartial, unbiased, reliable, and accurate manner. The DMP must include the specifications of the process and the Dredge Monitoring System (DMS) including sensors, hardware, software, communications devices the permittee will use to: gather data; perform quality control on those data; calibrate, test, and repair sensors when they fail; and. transfer the data to the Regulatory Branch of the Kansas City District, USACE. The DMS must include automated differential Global Positioning System (DGPS) equipment (or other comparable system) operating with a minimum accuracy level of 1-3 meters horizontal Circular Error Probable with horizontal positions tied into the UTM Zone 15 NAD 83 (feet) coordinate system recorded to the nearest foot. The DMS must always be on, recording cutter-head position and operating status every 5 minutes, 24-hours a day, 365 days a year, even when the dredge is not operating. The data logged each month must be submitted by email to cody.s.wheeler@usace.army.mil at the Regulatory Branch of the Kansas City District, USACE by the 7th day of the following month. If you do not receive an email confirmation that the report was received, you must contact the Regulatory Branch of the Kansas City District, USACE at 816-389-3990 for revised instructions for filing the monthly report. The extracted material must be measured by one of the methods described in the attached Standard Operating Procedure for Hydrographic Surveying and Dredge Monitoring. If the tonnage is measured by scale at the off-loading facility, the DMP should also describe how the operation will record the date, time, river mile, coordinates, and approximate tonnage of each barge loaded in one location. If a barge is partially filled at one anchor setting then completed at a new anchor setting, the tonnage should be estimated separately for each location. This information must be provided monthly by email on the attached Missouri River Commercial Dredging Location/Volume Report spreadsheet to cody.s.wheeler@usace.army.mil at the Regulatory Branch of the Kansas City District, USACE by the 7th day of the following month. If you do not receive an email confirmation that the report was received, you must contact the Regulatory Branch of the Kansas City District, USACE at 816-389-3990 for revised instructions for filing the monthly report. Faulty sensors or other components identified in the DMP must be repaired within 96 hours. The DMS must not be inoperable more than 5 percent of the time. You must install an approved DMS and have it inspected by the Regulatory Branch of the Kansas City District, USACE within 120 days of execution of the permit or you must cease dredging operations until it is installed and inspected or you submit a justification of the delay and an installation schedule and get an extension of this deadline in writing from the Regulatory Branch of the Kansas City District, USACE.

c. The USACE periodically surveys the river as part of the management and operation of the Bank Stabilization and Navigation Project. If, for any reason, the USACE has not surveyed the river in the fourth year (2014) of the five-year permit cycle, the authorized dredging companies must have the lower 498 miles of the LOMR surveyed during the summer months in accordance with the Standard Operating Procedures for Hydrographic Surveying and Dredge Monitoring. The survey shall be completed between June and September of 2014 and submitted to the Regulatory Branch of the Kansas City District, USACE by November 1, 2014.

d. If any part of the authorized work is performed by a contractor, before starting work you must discuss the terms and conditions of this permit with the contractor and must give a copy of this entire permit to the contractor. After the initial 120 days of this permit, any contracted dredges or barges must also be equipped with and operate in accordance with an approved DMP as required in Special Condition "b". The DMP and system must be approved by the Regulatory Branch of the Kansas City District, USACE prior to starting work.

e. Until the dredges and barges are equipped with the DMS required by Special Condition "b", you must, for each dredge operated, record Global Positioning System (GPS) coordinates, tons of material removed, and the presence of any hard substrates or unusual concentration of gravel daily. If the dredge moves more than 100 feet in any one day then the amount of material removed from each location must be recorded separately. The operators may use hand-held GPS devices or automatically recording devices, but with which ever system used, must identify the device make/model and recording location. This information must be recorded on the attached Missouri River Commercial Dredging Location/Volume Report in an electronic spreadsheet. You must furnish a copy of the completed monthly report by email to cody.s.wheeler@usace.army.mil at the Regulatory Branch of the Kansas City District, USACE by the 7th day of the following month. If you do not receive an email confirmation that the report was received, you must contact the Regulatory Branch of the Kansas City District, USACE at 816-389-3990 for revised instructions for filing the monthly report.

f. No more than 300,000 tons of material shall be extracted within one year from each five-mile reach of the Missouri River between river miles 15 to 20, 25 to 35, 90 to 100, 140 to 150, 355 to 395, and 445 to 455. When the dredge report database of the Regulatory Branch of the Kansas City District, USACE indicates that extraction in a five-mile reach has reached 300,000 tons, all dredgers authorized to operate within that reach will be notified that it is closed to further dredging for the remainder of the calendar year unless a waiver is requested and received in writing from the Regulatory Branch of the Kansas City District, USACE.

g. Up to 10% of your authorized annual tonnage for each segment may be carried over each year to be extracted within that segment the following year. Annual tonnage with carryover may never exceed 110% of annual authorized tonnage of each segment. At the end of each year you must notify the Regulatory Branch of the Kansas City District, USACE in your annual tonnage report of any unextracted tonnage that you intend to carryover.

h. In permit conditions that specify a linear distance exclusion zone adjacent to a river feature, "dredging" refers to the operation of hydraulic cutter-head suction dredging. The exclusion zone distances will apply to and be measured from the end of the cutter head, rather than from a general point on the dredge.

i. You must confine dredging to between the Rectified Channel Lines (RCL) with the following restrictions. Dredging must be conducted in such a manner to preserve the structural integrity of the landmass landward of the RCL. This must be accomplished by maintaining an adequate "no dredging

or discharging" zone riverward of the RCL so that material will stabilize into the dredging area at its natural angle of repose. This slope will vary depending upon river location and the type of material being dredged, but it is your responsibility to ensure that this shallow water interface landward of the RCL be maintained.

**j.** You must not dredge within 500 feet of any levee centerline, pipeline or submerged utility crossing, bridge pier or abutment; nor within 200 feet of any dike, revetment, or other structure built or authorized by the U.S. Government; nor within 100 feet of any normal bank line or island, without special authorization. When dredging is performed adjacent to river stabilization structures, the dredging may be conducted only in the present streambed of the river at the authorized locations. This condition represents only the minimum distances away from structures and natural features that you can conduct dredging and does not relieve you from liability for damage arising from dredging. You must be satisfied that dredging to these limits will not cause damage to public and private property.

**k.** You must not conduct dredging operations in a zone extending 4,000 feet upstream and 500 feet downstream from any municipal drinking water intake structures located along either bank of the river unless you obtain an exemption to this condition in writing from the Regulatory Branch of the Kansas City District, USACE.

**l.** You must not conduct dredging operations in a zone extending 1,000 feet upstream and 1,000 feet downstream from any municipal drinking water horizontal collector wells located along either bank of the river unless you obtain an exemption to this condition in writing from the Regulatory Branch of the Kansas City District, USACE.

**m.** You must not conduct dredging operations in a zone extending 500 feet upstream and 500 feet downstream from any other water intake structures other than those used for municipal drinking water unless you obtain an exemption to this condition in writing from the Regulatory Branch of the Kansas City District, USACE.

**n.** You may discharge back into the Missouri River material spilled off the conveyer belts and unusable material separated out in the on-shore sand washing and handling facility. To subtract that tonnage from your annual extraction limit, you must follow a plan approved in writing by the Regulatory Branch of the Kansas City District, USACE. This plan must show where and how the material will be discharged and how the amount of dredged material discharged back into the river will be measured and reported to the Regulatory Branch of the Kansas City District, USACE. The total extraction tonnage will equal the tonnage extracted and barged to shore minus that amount intentionally returned to the Missouri River.

**o.** You may return unwanted dredged material and river water (but not garbage)extracted from the Missouri River back to the Missouri River. You must not dispose of waste materials, water, or garbage below the ordinary high water mark of any other water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces.

**p.** You must comply with all U.S. Coast Guard, State of Missouri, State of Kansas (river mile 367 to 490), and USACE regulations concerning the prevention of navigation obstructions in navigable waters of the United States.

**q.** You must conduct operations in the Missouri River such that there will be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

r. To avoid impacting endangered species and cultural resources, you must confine dredging to the specified reaches listed on page 1 of the permit document. If you desire to expand or relocate your dredging operation outside the specified reaches, you must submit a request to the Regulatory Branch of the Kansas City District, USACE identifying the proposed new limits, in river miles and the location of the unloading facility to be employed.. Approval of the requests, if granted, will be provided in writing with modified reaches identified on the Missouri River Hydrographic Survey. Copies of the relocation requests must be furnished to the following agencies:

1. U.S. Fish and Wildlife Service, Columbia Field Office
2. Missouri Department of Natural Resources, Water Pollution Control Program
3. Missouri Department of Natural Resources, State Historic Preservation Office
4. Kansas Department of Health and Environment, Bureau of Water (for operations extending upstream of river mile 367)
5. Kansas State Historical Society, State Historic Preservation Office (for operations extending upstream of river mile 367)
6. Corps of Engineers, Kansas City District, Hydrologic Engineering Branch

s. You must not conduct dredging operations within the reaches identified in the following table as Pallid Sturgeon habitat features.

| **Missouri River Miles (including 0.25 mile buffer)** | | **Pallid Sturgeon Habitat Feature** |
|---|---|---|
| Downstream | Upstream | |
| 44.25 | 44.85 | RDB Centaur Chute |
| 49.15 | 50.05 | RDB Centaur Chute |
| 56.85 | 59.05 | LDB Chute/Island |
| 58.55 | 61.25 | RDB Chute/Island |
| 89.75 | 91.10 | RDB Island |
| 89.90 | 91.45 | LDB Loutre Slough |
| 91.20 | 93.55 | LDB Lunch Island |
| 103.00 | 104.95 | Both Gasconade Confluence and Dike Field |
| 105.20 | 106.25 | RDB Dike Field |
| 115.20 | 115.95 | RDB Island |
| 118.40 | 119.15 | RDB Dike Field |
| 119.35 | 119.85 | RDB St. Aubert Island/Chute |
| 124.35 | 124.95 | RDB St. Aubert Island/Chute |
| 126.05 | 126.90 | LDB Dike Field |
| 127.50 | 130.20 | Both Osage River Confluence and Dike Field |
| 157.00 | 158.45 | LDB Island |
| 176.40 | 178.35 | LDB Island/RDB Tadpole Island Chute |
| 180.15 | 180.65 | RDB Tadpole Island Chute |
| 184.75 | 185.65 | RDB Chute |
| 186.90 | 188.20 | RDB Chute and Dike Field |
| 193.40 | 195.75 | RDB Dike Field/Island |
| 202.10 | 202.75 | RDB Lamine River Confluence |
| 210.00 | 219.65 | Lisbon/Jameson Complex |
| 226.95 | 227.55 | LDB Little Chariton Confluence |

| | | |
|---|---|---|
| 238.40 | 239.10 | LDB Chariton River Confluence |
| 249.65 | 250.30 | LDB Grand River Confluence |
| 269.85 | 271.35 | RDB Shallow/Island |
| 280.40 | 282.05 | RDB Island |
| 297.90 | 299.05 | RDB Island |
| 300.00 | 301.05 | LDB Island |
| 367.00 | 367.75 | RDB Kansas River Confluence |
| 390.85 | 391.45 | LDB Platte River Confluence |
| 456.75 | 457.25 | LDB Worthwine Chute |
| 458.75 | 459.25 | LDB Worthwine Chute |
| 462.65 | 463.25 | LDB Nodaway River Confluence |
| 478.55 | 479.15 | RDB Wolf Creek Confluence |
| 494.55 | 495.20 | RDB Big Nemaha River Confluence |

**t.** You must discharge only suitable dredged material that is free from toxic pollutants in other than trace quantities.

**u.** You must investigate for water supply intakes or other activities which may be affected by suspended solids and turbidity increases caused by work in the watercourse and give sufficient notice to the owners of affected activities to allow preparation for any changes in water quality. You must furnish the Regulatory Branch of the Kansas City District, USACE with a copy of any written notification provided in accordance with this condition.

**v.** You must employ measures to prevent dredged materials stored or disposed of on shore from running off or eroding into wetlands or tributaries to the Missouri River.

**w.** You must employ measures to prevent or control spilled fuels or lubricants from entering the waters of the United States.

**x.** You must store all construction materials, equipment, and/or petroleum products that are part of the on-shore operation, when not in use, above anticipated high water levels.

STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES
www.dnr.mo.gov

MAR 23 2011

Mr. Larry W. Moore
Con-Agg of MO, LLC
2604 North Stadium Blvd.
Columbia, MO 65202

Dear Mr. Moore:

Please replace the Clean Water Act Section 401 Water Quality Certification (certification) dated March 17, 2011, with the enclosed certification.

If you have any questions, please feel free to contact me by phone at (573) 751-7023, by e-mail at carrie.schulte@dnr.mo.gov or by mail at Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you for working with the Department to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM

Carrie M. Schulte

Carrie M. Schulte, Chief
401 Water Quality Certification and Stormwater Unit

CMS/pc

Enclosure

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District
Ms. Dorothy Franklin, Kansas City Regional Office
Mr. Jimmy Coles, Kansas City Regional Office
Mr. Lantz Tipton, Northeast Regional Office
File Copy

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STATE OF MISSOURI
Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director
DEPARTMENT OF NATURAL RESOURCES
www.dnr.mo.gov

MAR 23 2011

Mr. Larry W. Moore
Con-Agg of MO, LLC
2604 North Stadium Blvd.
Columbia, MO 65202

Various Counties
Permit Number 2011-364
CEK006764

Dear Mr. Moore:

The Missouri Department of Natural Resources' Water Protection Program (Department) is in receipt of the U.S. Army Corps of Engineers' (Corps) letter dated February 17, 2011, requesting that your Clean Water Act Section 401 Water Quality Certification (certification) be issued for Permit Number 2011-364. The Department understands that Con-Agg of MO, LLC will abide by the certification and the Corps issued Clean Water Act Section 404 Permit (permit) for commercial dredging operations in the Missouri River.

This letter also serves as an extension of the certification issued for Permit Number 2001-1434 for an additional 60 days, unless an appeal of proffered Department of the Army Permit 2001-1434 is accepted by the Corps' Northwestern Division in which case the 2001 certification would expire 30 days after the final appeal decision.

This office certifies that the ongoing activities apparently will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Water Quality Standards, 10 CSR 20-7.031, provided the following condition is met:

- The U.S. Army Corps of Engineers permit decision and all conditions are followed as authorized by the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

Missouri Clean Water Law, Chapter 644.052.9 RSMo, gives the Department the authority to collect a fee for the issuance of a certification. As of January 1, 2011, this authority has expired, which means the Department no longer has statutory authority to collect water permit fees. This includes the certification fee. Please do not send a payment to the Department.

If you were affected by this decision, you may appeal to have the matter heard by the Administrative Hearing Commission (commission). To appeal, you must file a petition with the commission within thirty (30) days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission.

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Water Quality Standards must be met during any operations authorized by these permits. If you have any questions, please contact Ms. Carrie M. Schulte by phone at (573) 751-7023, by e-mail at carrie.schulte@dnr.mo.gov or by mail at Missouri Department of Natural Resources, Water Protection Program, NPDES Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you for working with the Department to protect our environment.

Sincerely,

WATER PROTECTION PROGRAM

Refaat Mefrakis, P.E., Chief
NPDES Permits and Engineering Section

RM:csp

c: Mr. Cody Wheeler, Army Corps of Engineers, Kansas City District
Mr. Charles Frerker, Army Corps of Engineers, St. Louis District
Ms. Dorothy Franklin, Kansas City Regional Office
Mr. Jimmy Coles, Kansas City Regional Office
Mr. Lantz Tipton, Northeast Regional Office
File Copy