MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

November 29, 2023

Don Gambelin, EVP Strategic Initiatives
Denali Water Solutions LLC
3308 Bernice Avenue
Russellville, AR 72802

RE: No-Discharge Land Application of Process Wastes Operating Under Permit Exemption
10 CSR 20-6.015(3)(B)8

In a letter dated June 30, 2023, in response to an abrupt change in fertilizer licensing by the Missouri Fertilizer Control Board, the Missouri Department of Natural Resources notified Denali Water Solutions and other similarly situated entities of the department's intention to withhold enforcement action for entities conducting continued land application of sludges, biosolids, and other process wastewater previously licensed as fertilizer that were no longer exempt from Missouri State Operating Permit requirements as per 10 CSR 20-6.015(3)(B)8.

The June 30, 2023, letter explicitly outlined that the department would only exercise enforcement discretion for the affected entities that submit a permit application prior to August 30, 2023, and operate pursuant to all operational controls listed in the letter at all times until January 1, 2024, or upon the effective date of a newly issued permit, whichever occurs first. The June 30, 2023, letter and conditions are enclosed for reference.

On October 3, 2023, department staff conducted an investigation in response to concern calls received alleging over-application of industrial process wastewater occurring at the Gary Gilgen Property located at 252 Togi Hill Road, Southwest City in McDonald County. As part of the investigation, department staff observed that the operators for Denali Water Solutions were not operating pursuant to the operational controls listed in the June 30, 2023 letter.

Please be aware that as result of the department observations documented on October 3, 2023, Denali Water Solutions is no longer subject to enforcement discretion for land applying process wastewater without an effective permit or exemption. The department is hereby withdrawing its June 30, 2023, letter to Denali Water Solutions.

Immediately upon receipt of this letter, please cease all land application in the State of Missouri until such time as the department acknowledges that a permit exemption is satisfied or until you obtain effective permit authorization, and please begin making arrangements to pump and haul the current contents of all storage basins containing process wastewater to a permitted wastewater treatment facility. The process wastewater formerly land applied under the June 30, 2023, letter are not authorized to be land applied in the State of Missouri by any other entity until

such entity obtains an effective operating permit or exemption authorizing the land application of each specific process wastewater product from their respective source facilities. If necessary, any process wastewater must be disposed of at a permitted wastewater treatment facility authorized and willing to accept the wastewater.

From the date of receipt of this letter, any unpermitted land application of process wastewater will be cited as intentional violations of the Missouri Clean Water Law, which authorizes the department to assess administrative penalties of up to $10,000 per day per violation. Any unpermitted storage of process wastewater beyond the timeframe acknowledged in an administrative order will be also cited as intentional violations of the Missouri Clean Water Law.

If you have any questions regarding this correspondence, you may contact Heather Peters, Water Pollution Control Branch Chief at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176; by phone at 573-522-9793; or by email at heather.peters@dnr.mo.gov. Thank you for your cooperation in this matter.

Sincerely,

WATER PROTECTION PROGRAM

John Hoke
Director

HP/mrc

c: Tanya Turner, Director, Southwest Regional Office
Jacob Cross, Director, Northeast Regional Office
Gabe Timby, Denali Water Solutions
Michele Helton, Denali Water Solutions