

Title 10--DEPARTMENT OF  
NATURAL RESOURCES  
Division 20--Clean Water Commission  
Chapter 2--Definitions

10 CSR 20-2.010 Definitions

PURPOSE: This rule sets forth the definitions of terms used in the Missouri Clean Water Law and all regulations passed pursuant to it.

- (1) Abandoned well. A well whose use has been permanently discontinued. Any well shall be deemed abandoned which is in a state of disrepair that continued use for the purpose of obtaining water is impracticable. This shall include test holes that have been converted for water-supply purposes and then abandoned or not used for these purposes.
- (2) Agrichemical. Any pesticide or fertilizer but does not include anhydrous ammonia fertilizer material.
- (3) Agrichemical facility. Any site, with the exception of chemical production facilities, where bulk agrichemicals are stored in nonmobile containers or dedicated containers and are being mixed, applied, repackaged or transferred between containers for more than thirty (30) consecutive days per year.
- (4) Alternative technology. Proven wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, productively recycle wastewater constituents or otherwise eliminate the discharge of pollutants or recover energy. Specifically alternative technology includes land application of effluent and sludge; aquifer recharge; aquaculture; direct reuse (nonpotable); horticulture; revegetation of disturbed land; containment ponds; sludge composting and drying prior to land application; self-sustaining incineration; methane recovery; co-disposal of sludge and solid waste; and individual and on-site systems.
- (5) Application. The application form supplied by the department, the filing fee, if required, and other supporting documents if requested.
- (6) Appurtenances. Valves, pumps, fittings, pipes, hoses, plumbing or metering devices connected to sewers, basins, tanks, storage vessels, treatment units and discharge or delivery structures, or used for transferring products or wastes.
- (7) Aquifer. A subsurface water-bearing bed or stratum which stores or transmits water in recoverable quantities that is presently being utilized or could be utilized as a water source for private or public use. It does not include water in the vadose zone. For purpose of the effluent regulation, sandy or gravelly alluvial soils in or on the floodplains of intermittent streams are not an aquifer.
- (8) Bulk fertilizer. Any liquid or dry fertilizer which is transported or stored in undivided quantities of greater than five hundred (500) United States gallons measure or five thousand pounds (5000 lbs.) net dry weight respectively.
- (9) Bulk pesticide. Any registered pesticide which is transported or stored in an individual container in undivided quantities greater than fifty-six (56) United States gallons liquid measure or one hundred pounds (100 lbs.) dry weight respectively.
- (10) Bulk repackaging. The transfer of a registered pesticide from one (1) container to another in an unaltered state in preparation for sale to or distribution for use by another person.
- (11) Bypass. The diversion of wastewater from any portion of a wastewater treatment facility or sewer system to waters of the state.
- (12) Commission. The Missouri Clean Water Commission as established under section 644.021, RSMo.
- (13) Common promotional plan. A plan, undertaken by one (1) or more persons, to offer lots for sale or lease; where land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name or similar names,

the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

(14) Composite sample. A combination of individual samples collected over a designated period of time.

(15) Construction. Any activities including, but not limited to, the erection, installation or significant modification of any dwelling, structure, building, sewer system, water contaminant source or point source. Construction commences with any preparatory activity including, but not limited to, trenching, excavation for any building in a subdivision or for a waste treatment facility, demolition of existing waste treatment facility structures or change in the waste treatment facility operation necessary to allow modification, but shall not include interior remodeling of single-family residences or commercial buildings which will not result in a substantial change in wastewater volume, nature or strength of the discharge therefrom.

(16) Conventional technology. Wastewater treatment processes and techniques involving the treatment of wastewater at a centralized treatment plant by means of biological and/or physical/chemical unit processes followed by direct point source discharge to surface waters.

(17) Daily maximum. An effluent limitation that specifies the total mass or average concentration of pollutants that may be discharged in a calendar day.

(18) Dedicated agrichemical container. A container effectively designed and constructed to hold a specific agrichemical and to be reused, repackaged or refilled. The containers shall be clearly and permanently marked identifying the agrichemical to which it is dedicated and include a clearly visible tamper indicator which reveals that the integrity of the container has been either maintained or disrupted.

(19) Department. The Department of Natural Resources.

(20) Developer. Any person who, directly or indirectly, sells or leases or offers to sell or lease, or advertises for sale or lease, any lots in a subdivision, but shall not include any licensed broker or licensed salesman who is not a shareholder, director, officer or employee of a developer and who has no legal or equitable interest in the land.

(21) Director. The director of the Department of Natural Resources.

(22) Discharge. The causing or permitting of one (1) or more water contaminants to enter waters of the state.

(23) Domestic wastewater. Wastewater originating primarily from the sanitary conveniences of residences, commercial buildings, factories and institutions, including any wastewater which may have infiltrated the sewers.

(24) Effluent. Any wastewater or other substance flowing out of or released from a point source, water contaminant source or waste-water treatment facility.

(25) Effluent limitation segment. Any segment of water where the water quality meets and will continue to meet water quality standards or where the water quality will meet water quality standards after the application of effluent limitation guidelines.

(26) Eligible construction costs. Costs related to the erection, building, equipment acquisition, alteration, improvement or extension of a wastewater treatment facility, interceptors, pump stations or force mains; or the inspection or supervision of any of the foregoing items.

(27) Emergency and discharge response plan. A plan as described under Superfund Amendments & Reauthorization Act of 1986 (SARA) Title III Emergency Response Plan.

(28) Engineer. An individual registered as a professional engineer in the state of Missouri.

(29) EPA. The federal Environmental Protection Agency.

(30) Federal Clean Water Act. The Federal Water Pollution Control Act (P.L. 92-500) as amended in 1977, (P.L. 95-217) and in 1981 (P.L. 97-117).

- (31) Fertilizer. As defined by section 266.291, RSMo.
- (32) Filing fee. A check, money order or bank draft payable to the state of Missouri as filing fee for a construction permit, an operating permit or a variance.
- (33) Grab sample. Any individual sample collected without compositing or adding other samples.
- (34) Innovative technology. Developed wastewater treatment processes and techniques which have not been fully proven under the circumstances of their contemplated use and which represent a significant advancement over the state of the art in terms of significant reduction in life cycle cost of the project when compared to an appropriate conventional technology.
- (35) Interceptor. A sewer with the primary purpose of transporting wastewater rather than collecting it.
- (36) Losing streams. A stream which distributes thirty percent (30%) or more of its flow during low flow conditions through natural processes, such as through permeable geologic materials into a bedrock aquifer within two (2) miles' flow distance downstream of an existing or proposed discharge. Flow measurements to determine percentage of water loss must be corrected to approximate the seven (7)-day Q10 stream flow. If a streambed or drainage way has an intermittent flow or a flow insufficient to measure in accordance with this rule, it may be determined to be a losing stream on the basis of channel development, valley configuration, vegetation development, dye tracing studies, bedrock characteristics, geographical data and other geological factors. Losing streams are listed in Table J of 10 CSR 20-7.031; additional streams may be determined to be losing by the Division of Geology and Land Survey.
- (37) Lot. Any portion, piece, division, unit or undivided interest in real estate, if the interest includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity.
- (38) Missouri Clean Water Law. Sections 644.006--644.141, RSMo.
- (39) Mobile container. Container designed and used for transporting agricultural chemicals that meet Department of Transportation standards for the product being transported.
- (40) Monthly average. The total mass or concentration of all daily discharges sampled during a calendar month divided by the number of daily discharges sampled or measured during that month.
- (41) Municipality. An incorporated city, town or village (including an intermunicipal agency of two (2) or more of the foregoing entities).
- (42) NPDES. The National Pollutant Discharge Elimination System as defined in the Federal Clean Water Act.
- (A) NPDES permit. Any permit issued by either the EPA or the state of Missouri under authorization by EPA which fulfills the NPDES requirements as set forth in the Federal Clean Water Act.
- (B) NPDES application. Any application on a form supplied by the department, submitted for an NPDES permit.
- (43) New discharger. Any building, structure, facility or installation--
- (A) Which on October 18, 1972, has never discharged pollutants;
- (B) Which has never received a finally effective NPDES permit;
- (C) From which there is or may be a new or additional discharge of pollutants;
- and
- (D) Which does not fall within the definition of new source.
- (44) New source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commences--
- (A) After promulgation of standards of performance under Section 306 of the Federal Clean Water Act which are applicable to the source; or

(B) After proposal of standards of performance under Section 306 which are applicable to the source, but only if the standards are promulgated within one hundred twenty (120) days of their proposal.

(45) No-Discharge. Designed and operated to hold or irrigate, or otherwise dispose without discharge to surface or subsurface waters of the state, all process wastes and associated storm water flows for the wettest one-in-ten (1:10)-year precipitation; any basin is sealed in accordance with 10 CSR 20-8 and no subsurface releases exist in violation of 10 CSR 20-7.015 or section 577.155, RSMo.

(46) Nonbulk quantity repackaging. The authorized transfer in nonbulk quantities of a specific bulk pesticide to a suitable container capable of holding the pesticide. Nonbulk quantity repackaging may only be carried out at a bulk pesticide storage facility under a specific written authorization and agreement between the facility and the registrant of the pesticide.

(47) Nonmobile container. A container not defined as mobile.

(48) Operating location. All contiguous lands owned, operated or controlled by one (1) person or by two (2) or more persons jointly or as tenants in common.

(49) Operation and maintenance. Activities required to assure the dependable and economical function of a wastewater treatment facility.

(A) Maintenance. Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance and replacement of equipment as needed.

(B) Operation. Control of the unit processes and equipment which make up the wastewater treatment facility. This includes financial and personnel management, records, laboratory control, process control, safety and emergency operation planning.

(50) Operational area. An area(s) at an agrichemical facility where agrichemicals are transferred, loaded, unloaded, mixed, repackaged, refilled, or where agrichemicals are cleaned, washed or rinsed from containers or equipment that is used in application, handling, storage or transportation.

(51) Operational containment area. Any structure or system effectively designed and constructed to intercept and contain discharges, including container or equipment wash water, rinsates and precipitation, and to prevent escape, runoff or leaking from the operational area.

(52) Person. Any individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

(53) Pesticide. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

(54) Point source. Any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, separate storm sewer or vessel or other floating craft from which pollutants are, or may be, discharged.

(55) Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewer sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, filter backwash or industrial, municipal or agricultural waste discharged into water.

(56) Pollution. Contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity or odor of the waters, or discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state will or is reasonably certain to create a nuisance or render the waters

harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life, or which violates, or is reasonably certain to violate, any effluent regulations or limitations or any other standards or limitations adopted by the commission.

(57) Primary containment. The storage of an agrichemical in either its original container or other suitable container, including dedicated containers, effectively designed and constructed to contain the product that may be stored there.

(58) Project completion. Satisfactory final inspection conducted by the department.

(59) Publicly-owned treatment works (POTW). Wastewater treatment facility owned by the state, a municipality, a political subdivision or a sewer district defined by Chapters 644, 249 and 250, RSMo.

(60) Regional administrator. Regional administrator of the Environmental Protection Agency's regional office for the region in which the state of Missouri is located.

(61) Release. To discharge directly or indirectly to waters of the state, or to place, cause or permit to be placed, any water contaminant in any location where it is reasonably certain to enter waters of the state. For agrichemical facilities, this includes any spill, leak, deposit, dumping or emptying of an agrichemical, process wastewater or collected precipitation from a secondary containment area or operational containment area. Release does not include the lawful transfer, loading, unloading, repackaging, refilling, distribution, use or application of an agrichemical, agrichemical process wastewater or related collected precipitation.

(62) Residence. A building or other type of shelter intended or used for human habitation as a permanent, vacation or recreational home or building.

(63) Rinsate. Any water containing agrichemicals that has been washed off or rinsed from containers, application equipment, handling or storage areas or transportation equipment.

(64) Secondary containment. Any structure effectively designed and constructed to contain discharges and to prevent leaks, escapes, and runoff or leaching of agrichemicals from the agrichemical storage facility and operational area.

(65) Separate storm sewer. Conveyance or systems of conveyances primarily used for conducting and conveying storm water runoff and located in an urbanized area or designated by the department as a separate storm sewer due to its size, its location, the quantity and nature of pollutants reaching the waters of the state and other relevant factors.

(66) Service area population. The population to be served by the wastewater treatment facility.

(67) Service connection. A pipe which conveys wastewater from the point of origin on a tract of land to a sewer system which is operated and maintained by one of the continuing authorities listed in 10 CSR 20-6.010(3)(B).

(68) Seven (7)-day Q10 stream flow. The lowest average flow that occurs for seven (7) consecutive days once every ten (10) years.

(69) Sewer extension. Sewer systems which are added to existing sewers and wastewater treatment facilities.

(70) Sewer system. Pipelines or conduits, pumping stations and force mains, and all other structures, devices, appurtenances and facilities excluding service connections used for collecting or conducting wastes to an ultimate point for treatment or discharge.

(71) Single family residence. Any structure or dwelling which is intended for or is used by a single household.

(72) Single family residence wastewater treatment facility. Any method or system for the treatment of domestic wastewater from only one (1) single family residence.

(73) Small rural community. A community of less than ten thousand (10,000) population and not located in whole or in part, in an area of St. Louis County or City encircled by Interstate Route 270, or in an area of Jackson, Clay or Platte Counties encircled by State Route 150 and 291 and Interstate Routes 29 and 635.

(74) Stream. A defined watercourse which carries water either continuously or intermittently and which is not entirely confined or located completely upon land owned, leased or otherwise controlled by one (1) person.

(75) Subdivision. Any land which is divided or proposed to be divided into fifteen (15) or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan.

(76) Test hole. A hole which has been drilled, bored, augered or otherwise excavated in the exploration for mineral commodities or for obtaining geologic data. Test holes that penetrate only the residuum or unconsolidated materials and which do not enter a geologic unit, are deemed to be an aquifer, exempt from this definition.

(77) User charge. A charge levied on users of a wastewater treatment facility for the user's proportionate share of the costs of operation, maintenance and replacement of the treatment works.

(78) Waste load allocation. The amount of pollutants each discharger is allowed by the department to release into a given stream after the department has determined the total amount of pollutants that may be discharged into that stream without endangering its water quality.

(79) Wastewater. Water or other liquids which carry or contain pollutants or water contaminants from any source.

(80) Wastewater treatment facility. Any facility, method or process which removes, reduces or renders less obnoxious pollutants or water contaminants released from any source.

(81) Water contaminant. Any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations under the Missouri Clean Water Law or the Federal Clean Water Act or is included in the definition of pollutant in the federal act.

(82) Waters of the state. All rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two (2) or more persons jointly or as tenants in common. These waters also include waters of the United States lying within or adjacent to the state.

(83) Water quality limited segment. A segment where water quality does not meet and/or is not expected to meet applicable water quality standards even after the application of effluent limitations.

(84) Water Uses. Uses made of waters of the state or uses capable of being attained on or in waters of the state. Protected water uses include;

(A) Existing uses. Uses actually attained in the water body on or after November 28, 1975, whether or not they are included, i.e. designated, in the water quality standards.

(B) Attainable uses. Potential uses that can be supported by waters of the state as determined by a use attainability analysis in accordance with 10 CSR 20-7.031(4)(W).

(C) Designated uses. Uses specified in the water quality standards for each water body segment whether or not the use is attained or attainable.

(D) Presumed uses. Whole body contact recreation, warm-water aquatic community and human health protection-fish consumption. These uses are presumed to exist unless demonstrated to be unattainable through a use attainability analysis.

(85) Weekly average. The total mass or concentration of all daily discharges sampled during any calendar week divided by the number of daily discharges sampled or measured during that week.

Deleted: (84)

(86) Whole body contact area. Waters of the state which are used for recreational activities in which complete body submergence may occur. Some of these areas are designated in 10 CSR 20-7.031.

AUTHORITY: section 644.026, RSMo (1994). \* Original rule filed June 6, 1974, effective June 16, 1974. Rescinded: Filed Oct. 12, 1979, effective July 10, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980. Amended: Filed Nov. 10, 1982, effective May 12, 1983. Amended: Filed Oct. 13, 1983, effective May 15, 1984. Amended: Filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Nov. 14, 1995, effective July 30, 1996.

\*Original authority 1972, amended 1973, 1987, 1993, 1995.

Deleted: (85)