

DRAFT January 16, 2018

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits
10 CSR 20-6.011 Fees

WORKING DOCUMENT

**The Department presents these draft materials for
stakeholder review and discussion only.
Subject to the Red Tape Reduction review.**

The Missouri Department of Natural Resources has identified 10 CSR 20-6.011, Fees, as a potential rulemaking amendment. This workgroup has been convened for the purpose of informal and voluntary public participation and discussions regarding the development of this rule prior to initiating formal rulemaking.

Under Governor Greitens' leadership, all state agencies are working to reduce regulations and other government processes that unnecessarily burden individuals and businesses while doing little to protect or improve public health, safety, and our natural resources. The Missouri Department of Natural Resources is committed to limiting regulation to what is necessary to protect Missouri's environment, implementing statutory mandates, and maintaining state control of programs. Any further proposed changes to rules discussed on this page are being developed with these goals in mind. We welcome your comments to help ensure that our regulations provide required protections but do not add unnecessary costs.

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

10 CSR 20-6.011 Fees

PURPOSE: This regulation explains how the Department of Natural Resources implements fees authorized by the Missouri Clean Water Law. It sets the procedures for collection of fees from permit holders. Fees are collected for state operating permits, several permits, and construction permits. *[An appendix to the rule reflects the range of fees that is established under the Missouri Clean Water Law.]*

(1) Fees—General.

- (A) *[Until December 31, 2014, all persons who build, erect, alter, replace, operate, use, or maintain wastewater treatment facilities shall pay the appropriate fees as designated in sections 644.051 to 644.057, RSMo.]* Pursuant to section 644.057, RSMo, beginning on January 1, 2015, *[such persons]* **all persons who build, erect, alter, replace, operate, use, or maintain wastewater treatment facilities** shall pay the appropriate fees prescribed by this rule *[(see Appendix A)]*.

(B) Definitions.

1. Adjusted design flow. The actual average wastewater flow from a human sewage treatment system. If the average flow is sixty percent (60%) or less than the system's design flow, the average flow may be substituted for the design flow when calculating the permit fee on human sewage treatment facilities *[in Appendix A of this rule]*.
2. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 *[shall]* apply to those terms when used in this regulation.
- [3. Human sewage. Human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances.]*
- [4.]***3.** Industrial process wastewater. This term as used in section 644.052, RSMo means any water, including storm water, that is regulated under 10 CSR 20-6.200, during manufacturing or processing, which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.
- [5.]***4.** Privately-owned treatment works. A treatment works serving a residential area, restaurant, commercial concern, or other operation that only produces domestic sewage as defined in section 701.025, RSMo.

- (C) *[The fees referenced in subsection (1)(A) shall be paid by check, money order, or credit card, made payable to the state of Missouri.]* **Submit fees associated with this rule to the Missouri Department of Natural Resources.** In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency. If payment has not been corrected after fifteen (15)

days, the person may be referred to the attorney general's office and assessed late penalties, pursuant to section 644.055, RSMo. When a check used for the payment of a construction fee is returned to the department marked insufficient funds, review of the application shall cease and the applicant shall be notified. If the insufficiency is not corrected after ten (10) days, the application shall be returned as incomplete.

[(D)] Annual operating fees shall be submitted to: Department of Natural Resources, Water Protection Program, PO Box 176, Jefferson City, MO 65102 and construction fees shall be submitted with the application for the construction permit to Department of Natural Resources, Water Protection Program, PO Box 176, Jefferson City, MO 65102.]

[(E)](D) Each payment shall identify the following: National Pollutant Discharge Elimination System (NPDES) permit number, payment period, and applicant, or the permittee name and address. Persons who own or operate more than one (1) facility may submit one (1) check to cover all annual permit fees, but are responsible for submitting the appropriate information to allow proper credit of each permit account.

[(F)](E) Annual fees shall be paid in full on their due date [*as defined in section (2) and subsections (3)(A) and (4)(A)*]. Permittees who only discharge intermittently, seasonally or for a short period of time must pay the entire annual fee. Fees are annual fees and may not be prorated. In the event the discharge is eliminated, the permittee is responsible for requesting termination of the permit. When permits are revoked or denied, the annual fees are forfeited. It is unlawful to discharge water contaminants into waters of the state without a permit.

[(G)](F) Annual fees are the responsibility of the permittee. Failure to receive a statement due to mailing errors, change of address, ownership changes or other reason(s) is not an excuse for failure to remit the fees. Penalties shall be charged as provided in section 644.055, RSMo.

(2) Fees—Amounts.

[(A)] Persons with operating permits, including but not limited to site-specific permits, general permits, or permits by rule issued pursuant to this chapter shall pay fees pursuant to subsections (B) to (F) of this section. Persons with a sewer service connection to public sewer systems owned or operated by a city, public sewer district, public water district, or other publicly owned treatment works shall pay fees pursuant to subsection (G) of this section. Persons requesting a permit modification shall pay fees pursuant to subsection (H) of this section. Persons requesting water quality certification shall pay fees pursuant to subsection (I) of this section. Persons requesting an anti-degradation review shall pay fees pursuant to subsection (J) of this section. Persons requesting a construction permit shall pay fees pursuant to subsection (K) of this section.]

[(B)](A) A privately owned treatment works or an industry which treats only human sewage shall annually pay a fee based upon the design flow of the facility as follows:

1. One hundred fifty dollars (\$150) if the design flow is less than five thousand (5,000) gallons per day;

2. Three hundred dollars (\$300) if the design flow is equal to or greater than five thousand (5,000) gallons per day but less than ten thousand (10,000) gallons per day;
3. Six hundred dollars (\$600) if the design flow is equal to or greater than ten thousand (10,000) gallons per day but less than fifteen thousand (15,000) gallons per day;
4. One thousand dollars (\$1,000) if the design flow is equal to or greater than fifteen thousand (15,000) gallons per day but less than twenty-five thousand (25,000) gallons per day;
5. One thousand five hundred dollars (\$1,500) if the design flow is equal to or greater than twenty-five thousand (25,000) gallons per day but less than thirty thousand (30,000) gallons per day;
6. Three thousand dollars (\$3,000) if the design flow is equal to or greater than thirty thousand (30,000) gallons per day but less than one hundred thousand (100,000) gallons per day.
7. Four thousand dollars (\$4,000) if the design flow is equal to or greater than one hundred thousand (100,000) gallons per day but less than two hundred fifty thousand (250,000) gallons per day; or
8. Five thousand dollars (\$5,000) if the design flow is equal to or greater than two hundred fifty thousand (250,000) gallons per day.

*[(C)]***(B)** Persons who produce industrial process wastewater which requires treatment and who apply for or possess a site-specific permit shall annually pay—

1. Five thousand dollars (\$5,000) if the industry is a class IA concentrated animal feeding operation as defined by the commission; or
2. For facilities issued operating permits based upon categorical standards pursuant to the Federal Clean Water Act and regulations implementing such act:
 - A. Four thousand two hundred dollars (\$4,200) if the design flow is less than one (1) million gallons per day; or
 - B. Five thousand dollars (\$5,000) if the design flow is equal to or greater than one (1) million gallons per day.

*[(D)]***(C)** Persons who apply for or possess a site-specific permit solely for industrial storm water shall pay an annual fee of:

1. One thousand eight hundred dollars (\$1,800) if the design flow is less than one (1) million gallons per day; or
2. Two thousand eight hundred dollars (\$2,800) if the design flow is equal to or greater than one (1) million gallons per day.

*[(E)]***(D)** Persons who produce industrial process wastewater who are not included in subsections *[(2)(C)]***(2)(B)** or *[(2)(D)]***(2)(C)** of this section shall annually pay—

1. One thousand eight hundred dollars (\$1,800) if the design flow is less than one (1) million gallons per day; or
2. Three thousand dollars (\$3,000) if the design flow is equal to or greater than one (1) million gallons per day.

*[(F)]***(E)** Persons who apply for or possess a general permit or permit by rule shall pay—

1. For the discharge of storm water from a land disturbance site—

- A. Five hundred dollars (\$500) if the site is at least one (1) acre and less than five (5) acres;
 - B. Six hundred dollars (\$600) if the site is equal to or greater than five (5) acres but less than ten (10) acres;
 - C. Seven hundred fifty dollars (\$750) if the site is equal to or greater than ten (10) acres but less than twenty-five (25) acres;
 - D. One thousand five hundred dollars (\$1,500) if the site is equal to or greater than twenty-five (25) acres but less than one hundred (100) acres;
 - E. Three thousand dollars (\$3,000) if the site is equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or
 - F. Five thousand dollars (\$5,000) if the site is equal to or greater than five hundred (500) acres; and
 - G. Any permit issued to a public agency or private party for multiple sites shall pay a single fee based upon the estimated acreage of all the sites as follows:
 - (I) One thousand five hundred dollars (\$1,500) if the sites are less than one hundred (100) acres;
 - (II) Three thousand dollars (\$3,000) if the sites are equal to or greater than one hundred (100) acres but less than five hundred (500) acres; or
 - (III) Five thousand dollars (\$5,000) if the sites are equal to or greater than five hundred (500) acres;
2. One hundred dollars (\$100) annually for the operation of a chemical fertilizer or pesticide facility;
 3. For the operation of an animal feeding operation or a concentrated animal feeding operation—
 - A. Five thousand dollars (\$5,000) per year for a national pollutant discharge elimination system permit or a Missouri state operating permit for a class IA concentrated animal feeding operation as defined by the commission;
 - B. Four hundred fifty dollars (\$450) per year for a national pollutant discharge elimination system permit for a class IB concentrated animal feeding operation as defined by the commission;
 - C. Three hundred fifty dollars (\$350) per year for a national pollutant discharge elimination system permit for a class IC or class II concentrated animal feeding operation as defined by the commission;
 - D. Three hundred dollars (\$300) per year for a Missouri state operating permit for a class IB concentrated animal feeding operation as defined by the commission; or
 - E. One hundred fifty dollars (\$150) per year for a Missouri state operating permit for a class IC or class II concentrated animal feeding operation as defined by the commission;
 4. Two hundred fifty dollars (\$250) annually for the discharge of storm water from a municipal separate storm sewer system (MS4);

5. Three hundred dollars (\$300) annually for the operation of an aquaculture facility;
6. For discharging publicly owned treatment works which treats only human sewage shall annually pay the fee in subsection ~~[(G)]~~(F) based upon the number of service connections to the facility;
7. One hundred fifty dollars (\$150) annually for a permit by rule and for a pesticide applicator permit.
8. Two hundred dollars (\$200) annually for a permit for the discharge of process water or storm water, potentially contaminated by activities not included in paragraphs 1. to 7. of this subsection.

~~[(G)]~~ (F) Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, other publicly owned treatment works, or any district formed pursuant to the provisions of section 30(a) of Article VI of the *Missouri Constitution* shall pay an annual fee per water service connection as provided in this subsection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than a total of seven hundred dollars (\$700) per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly, or annual increments, and shall be remitted to the department no less frequently than annually. The fees collected shall not exceed the amounts specified in this subsection and, except as provided in paragraph 7. of this section, shall be collected at the specified amounts unless adjusted by the commission in rules. The annual fees shall be—

1. For customers of sewer systems that serve more than thirty-five thousand (35,000) customers, forty-eight cents (\$0.48);
2. For customers of sewer systems that serve equal to or less than thirty-five thousand (35,000) but more than twenty thousand (20,000) customers, sixty cents (\$0.60);
3. For customers of sewer systems that serve equal to or less than twenty thousand (20,000) but more than seven thousand (7,000) customers, seventy-two cents (\$0.72); or
4. For customers of sewer systems that serve equal to or less than seven thousand (7,000) customers, eighty cents (\$0.80);
5. Three dollars and forty-two cents (\$3.42) for commercial or industrial customers not served by a public water system as defined in Chapter 640;
6. Three dollars (\$3) per water service connection for all other customers with water service connections of less than or equal to one (1) inch excluding taps for fire suppression and irrigation systems;
7. Eleven dollars (\$11) per water service connection for all other customers with water service connections of more than one (1) inch but less than or equal to four (4) inches, excluding taps for fire suppression and irrigation systems; or

8. Twenty-nine dollars (\$29) per water service connection for all other customers with water service connections of more than four (4) inches, excluding taps for fire suppression and irrigation systems.

~~[(H)]~~**(G)** For the purpose of permit modification fees, non-substantive changes are those listed as minor modifications in 40 CFR section 122.63. Persons requesting modifications to state operating permits that charge a service connection fee shall pay two hundred dollars (\$200). Persons requesting a modification to an operating permit shall pay:

1. One hundred dollars (\$100) for name changes, address changes, or other non-substantive changes, or for a modification of a general permit; or
2. A fee equal to twenty-five percent (25%) of the annual operating fee assessed for the facility for other changes;

~~[(I)]~~**(H)** Persons requesting water quality certifications in accordance with Section 401 of the Federal Clean Water Act shall pay a fee of—

1. One hundred fifty dollars (\$150) for a project that requires a Finding of No Significant Impact or other documentation pursuant to the federal National Environmental Policy Act, but does not require an environmental impact statement; or
2. One thousand five hundred dollars (\$1,500) for a project that does require an environmental impact statement, pursuant to the federal National Environmental Policy Act. Applicants shall submit the standard application form for a Section 404 permit as administered by the U.S. Army Corps of Engineers or similar information required for other federal licenses and permits, except that the fee is waived for water quality certifications issued to and accepted by the U.S. Army Corps of Engineers for activities authorized pursuant to a general permit or nationwide permit issued pursuant to section 404 of the federal Clean Water Act.

~~[(J)]~~**(I)** Persons applying for an anti-degradation review shall pay a fee as follows:

1. Two hundred fifty dollars (\$250) for an anti-degradation review or a water quality review analysis for an existing wastewater treatment plant that will be upgraded;
2. Five hundred dollars (\$500) for an anti-degradation review for a new wastewater treatment plant if the design flow is less than one hundred thousand (100,000) gallons per day; or
3. One thousand dollars (\$1,000) for an anti-degradation review for a new wastewater treatment plant if the design flow is equal to or more than one hundred thousand (100,000) gallons per day;

~~[(K)]~~**(J)** Persons applying for a construction permit shall pay fee as follows. The applicant shall pay only the highest appropriate fee pursuant to paragraphs 1. to 3. of this subsection, regardless of the extent of additional planned construction as part of the same application.

1. One thousand dollars (\$1,000) for a construction permit for a wastewater treatment plant if the design flow is less than five hundred thousand (500,000) gallons per day;

2. Three thousand dollars (\$3,000) for a construction permit for a wastewater treatment plant if the design flow is equal to or more than five hundred thousand (500,000) gallons per day; or
3. Three hundred dollars (\$300) for a construction permit for a sewer extension of more than one thousand feet (1,000 ft) in length or have two (2) or more lift stations.

~~[(L)]~~**(K)** Persons applying for a variance shall pay a fee of two hundred fifty dollars (\$250).

(3) **Operating Fees.**

(A) All persons who are subject to fees under section 644.052.2, 644.052.4, or 644.052.5, RSMo, shall remit their first annual fee with their original application and pay an annual fee each year on the anniversary date of their permit. Permittees with permits in effect at the time these sections become effective shall remit annual fees on the anniversary date of the permit. *[Persons whose permit is renewed during the duration of these fees shall submit a renewal application one hundred eighty (180) days before their permit expires, but the annual fee shall be paid on the anniversary date.]* The permit issue date that was in effect on October 1, 1990 shall be the anniversary date during the effective period of section 644.052, RSMo.

~~[(B)]~~ *Persons with a direct or indirect sewer service connection to a public sewer system owned or operated by a city, public sewer district, public water district, or other publicly-owned treatment works, shall pay an annual fee per water service connection. Customers served by multiple water service connections shall pay such fee for each water service connection, except that no single facility served by multiple connections shall pay more than seven hundred dollars (\$700) per year. The fees provided for in this subsection shall be collected by the agency billing such customer for sewer service and remitted to the department. The fees may be collected in monthly, quarterly, or annual increments, and shall be remitted to the department no less frequently than annually.]*

~~[(C)]~~ *Five percent (5%) of the fees collected pursuant to subsections (2)(B) and (C) of this rule shall be retained by the city, public sewer district, public water district, or other publicly-owned treatment works as reimbursement of billing and collection expenses.]*

~~[(D)]~~**(B)** All persons who require permits, other than a general permit, for facilities that do not normally discharge such as land application facilities, sludge disposal facilities, agrichemical facilities, and no-discharge facilities are subject to fees as follows:

1. Fees are based on the design flow of the wastewater being handled; and
2. Fees for sludge or solids disposal facilities are based on the combined total design flow of the wastewater treatment facilities from which the sludge or solids are removed.

(4) General Permits and Fees.

- (A) Persons with more than one (1) point source shall obtain a general permit for each point source or specific area. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases.
- (B) The department may issue general permits for the following types of discharges: storm water releases from limestone quarries; hydrostatic pressure checks of pipelines, tanks and related equipment; potable water treatment plants; private trout farms or hatcheries for flow through spring water; swimming pool discharges; emergency spill cleanup sites; storm water releases from facilities that store less than fifty thousand (50,000) gallons of petroleum with no other wastewater; storm water releases from municipalities and industries; domestic wastewater treatment facility with a flow of less than fifty thousand gallons per day (50,000 gpd), and clay pits or gravel washing operations.
- (C) The department may issue general permits for the following types of discharges within a given specific area: storm water release points owned or operated by a utility company (a permit will be issued for each county, or the City of St. Louis, in which the utility operates); intermittent releases from the maintenance dredging of lakes owned or controlled by a city, local unit of government, or home owners association within their boundaries.

(5) Construction Fees.

- (A) Construction permit fees shall be tendered together with the construction permit application. Incomplete construction permit applications and related engineering documents will be returned by the department if they are not completed in the time frame established by the department in a comment letter to the owner. Construction permit fees for returned applications shall be forfeited.
- (B) Application fees for construction applications being processed by the department that are withdrawn by the applicant shall be forfeited.
- (C) Fees for construction permit applications for modification to an existing sewage treatment plant shall be based on the design flow of the plant after the modifications are completed.