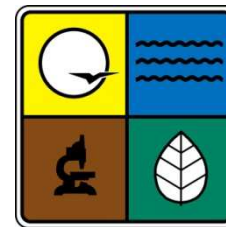


# Construction & Operating Permits Workgroup (10 CSR 20-6.010)

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**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

## Introduction & Purpose

- 10 CSR 20-6.010 is a large rule covering fourteen subsections related to Construction and Operating Permits. The purpose of this stakeholder group is to identify clarifications and changes needed within the rule, and to begin the rulemaking process to modify the rule.

## 10 CSR 20-6.010 (3) Continuing Authorities

- An applicant may utilize a lower preference continuing authority by submitting, as part of the application, **the following information; 1) a written statement from the higher authority declining the offer to accept management of the additional wastewater, 2) a diagram that clearly illustrates that the collection system operated by a higher preference authority is beyond two-thousand feet (2000') from the proposed facility, 3) a proposed connection or adoption charge by the higher authority that would be one hundred twenty percent (120%) or more of the applicant's cost of constructing or operating an individual system, 4) a proposed service fee on the users of the system by the higher authority that is above two percent (2%) of the average median household income of existing homeowners in that area, or 5) terms for connection or adoption by the higher authority that would require more than two (2) years to achieve full sewer service, providing the service by a lower preference authority**

## 10 CSR 20-6.010 (3) Continuing Authorities

- Existing

Any person with complete control of, and responsibility for, the water contaminant source, point source, or wastewater treatment facility and all property served by it.

- Proposed

Any person, or group of persons contractually obligated to collectively act as a wastewater collection and treatment service, or nonprofit company organized under Section 393.825, RSMO., with complete control of, and responsibility for, the water contaminant source, point source, or wastewater treatment facility and all property served by it.

# Missouri Department of Natural Resources

To Whom It May Concern,

Ozarks Clean Water Company is a nonprofit sewer company organized under section 393.825, RSMo. I would like to comment on the DRAFT 10 CSR 20-6.010 Construction and Operating Permits that will be the topic of a stakeholders meeting on October 4, 2012. I will be unable to attend this meeting but will try to attend future meetings.

Under section **(3) Continuing Authorities (B)**, the 5 items that can be submitted as part of the permit application to utilize a lower preference continuing authority need to have the word “or” as part of this language in some fashion. There is plainly no need to submit all five items when any one of them is sufficient to allow for the use of the lower continuing authority.

Under section **(3) Continuing Authorities (B) 4**, a nonprofit (or for that matter “any person or group of persons”) does not have “responsibility for.....all the property served by it.” While I am not sure of the legal definition of “responsibility”, I am fairly sure a nonprofit sewer company does not have responsibility for all the property served by the wastewater treatment facility and cannot be expected to have that responsibility.

I appreciate your consideration of these comments. Thank you.

Sincerely,



David Casaletto  
President

## 10 CSR 20-6.010 (3) Continuing Authorities Level 2

### Proposed

(F) If a municipality, public sewer district, or sewer company regulated by the Public Service Commission (PSC) wishes to provide sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C), the entity shall:

1. Develop a Capital Improvements Plan
2. Development and local approval of ordinances providing authority to connect facilities to manage wastewater flows
3. Conduct public meetings within the potentially affected watershed
4. Present a request to the Clean Water Commission for approval
5. **Other suggestions?**

## 10 CSR 20-6.010(4) Construction Permits Exemptions

### (A) **Applicability**

No person shall cause or permit the construction, installation, or modification of any sewer system or of any water contaminant source, point source, or wastewater treatment facility without first receiving a construction permit issued by the department except for the following:

1. Construction of a separate storm sewer; and
2. Facilities as provided in other 10 CSR 20-6 regulations.
3. **Sewer extensions, by entities covered under 10 CSR 20-6.010(6)**
4. **Repair or replacement of equipment**



## 10 CSR 20-6.010(4) Construction Permits Exemptions

5. Relocation of outfall
6. Inflow and infiltration work
7. Minor piping changes and other modifications. Minor modifications include, but are not limited to, small sections of buried wastewater lines, normal repair or replacement of existing wastewater lines, installation of manholes, wet wells, and other changes that do not significantly impact the normal operation of the waste management system.
8. Stormwater control structures covered under 10 CSR 20-6.200(1)(B)1-11

Antidegradation may still be required for items exempted above when the discharge is to a new location, is an upgrade of existing treatment plant or may result in an expansion of design flows.



## 10 CSR 20-6.010(4)(D) Construction Permits Waivers

- Proposed

7. An applicant may submit a request a waiver to begin the following activities. However, the granting of the waiver does not eliminate the need for the construction permit as required by (4)(A)-(D) :

- a. Earthwork as site preparation (clearing and grubbing activities)
- b. Construction of sidewalks, administrative buildings
- c. **Suggestions?**

## 10 CSR 20-6.010(4)(F) Construction Permits

- Existing

A notice of permit pending is a statement that the department intends to issue an **operating permit**. **The department will issue the public notice of a pending new operating permit for a wastewater treatment facility before it issues the construction permit for the wastewater treatment facility.** This allows the public an opportunity for comment prior to the construction.

- Proposed

A notice of permit pending is a statement that the department intends to issue **a permit**. This allows the public an opportunity for comment prior to the construction of a wastewater treatment facility. A public notice will not be required prior to the issuance of a construction permit for a sewer collection system.

## 10 CSR 20-6.010(4)(F) Construction Permits

- Proposed (continued)

1. This subsection shall apply to applications in which an antidegradation review was conducted by the Department, as well as applications for wastewater treatment plant modifications and upgrades. The Department may waive the construction permit public notice period for installation of disinfection equipment or for other improvements that were required under a compliance schedule, provided that final effluent limitations were determined during a renewal of an operating permit. A Public notice of an antidegradation review for a proposed wastewater treatment project will suffice for the construction permitting public notice requirement if it was conducted within three (3) years from the issuance date of the antidegradation determination.

## 10 CSR 20-6.010(4)(F) Construction Permits

- **Proposed (continued)**

2. Notification in writing. A final determination, of whether the construction permit should be approved, approved with conditions, or denied, shall be provided in writing to the applicant by the permitting authority within 180 days shall notify the applicant in writing of the final determination. The Department shall published the proposed construction permit along with the antidegradation review or a final operating permit for upgrade or modification on the Department webpage unless the department waives the public notice requirement under subsection (1).

## 10 CSR 20-6.010(4)(G) Construction Permits Timeline

- Existing

Construction permits shall expire **one (1) year** from the date of issuance unless the permittee applies for an extension. **The department shall extend construction permits only one (1) time. An applicant for this extension shall show that there have been no substantial changes in the original project and file for extension thirty (30) days prior to expiration...**

- Proposed

Construction permits shall expire **two (2) years** from the date of issuance unless the permittee applies for an extension. **The department shall extend construction permits, upon written request thirty (30) days prior to expiration, showing that there have been no substantial changes in the original project and file...**

## 10 CSR 20-6.010 (5)(D) Operating Permits

- Existing

The department shall require that an engineer certify in writing that the project has been completed in accordance with its approved plans and specifications. **A municipal official who has the responsibility for the operation and maintenance of the completed facility and knowledge of the construction may submit the certification to the department.** A representative of the department ...

- Proposed

The department shall require that an engineer certify in writing by means of submitting the **Statement of Work Completed form** that the project has been completed in accordance with the approved plans and specifications. A representative of the department ...

## 10 CSR 20-6.010 (6)(B) Sewer Extensions

- Existing

Upon completion of construction and certification by the engineer in accordance with subsection (5)(D), owners or operators of sanitary sewer systems or extensions for which construction permits were issued shall apply for a letter of authorization for operation. The system or extension then shall be considered as a part of the treatment facility to which it is tributary for permit purposes.

- Proposed

Upon completion of construction, the engineer in accordance with subsection (5)(D), shall submit the Statement of Work Completed form. The system or extension then shall be considered as a part of the treatment facility to which it is tributary for permit purposes.



## 10 CSR 20-6.010 (7) Schedules of Compliance

- Consolidate the schedules of compliance rules to the Effluent Rule (10 CSR 20-7.031)
  
- Remove this section of the rule

## 10 CSR 20-6.010(14) Permit by Rule

- Remove:
  - The department shall petition the Clean Water Commission to reopen this rule for public review and comment on a five- (5-) year interval
- Change
  - Filing fee. Persons who intend to discharge in accordance with section (14) of this rule must pay a filing fee **of twenty-five dollars (\$25)...** to **as required by Section 644.052 RSMO...**
  - pH from **6.0 to 9.5/10.0** to **6.5 to 9.0** to match the Water Quality Standards in 10 CSR 20-7.031

## Additional Topics

- Suggestions on other sections
- Additional changes to sections discussed

## Path Forward

- Additional Stakeholder Meetings
  - Suggested dates?
- RIR development

# References

- 10 CSR 20-6.010, .200,.300
- 10 CSR 20-7.015 & .031
- 644.051(14)
- Brundage June 25, 2012 letter for Construction Permit waivers
- Casaletto September 17, 2012 letter on Continuing Authority
- BCRSD CWC Level 2 Authority process

# Questions

- Please send comments, suggestions, questions to:

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