

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

**10 CSR 20-6.015 No Discharge Permit**

**WORKING DOCUMENT**  
**Strawman Draft**

**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, No-Discharge Permits, 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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**10 CSR 20-6.015 No-Discharge Permits**

**PURPOSE:** This rule sets forth the requirements and process of application for non-discharging facility permits and the terms and conditions of the authorizations.

(1) Definitions.

(A) 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.

(B) Other applicable definitions are as follows:

1. Biosolids. An organic fertilizer or soil amendment produced by the treatment of wastewater sludge;
2. Catastrophic storm. A precipitation event of twenty-four (24)-hour duration or less that exceeds the twenty-five (25)-year, twenty-four (24)-hour storm event;
3. Chronic storm event. A precipitation event with a duration of more than twenty-four (24) hours that exceeds the one-in-ten (1 in 10)-year return frequency;
4. *De minimis* source. A waste or wastewater source, or a facility for treatment or disposal of process wastes, that is determined by the department to pose a negligible potential impact on waters of the state even in the event of the malfunction of wastewater treatment controls;
5. Land application facility. A facility where process wastes are land applied or stored for subsequent land application, including land treatment basins;
6. Land treatment basin. An earthen impoundment that provides land treatment of wastewater by allowing wastewater percolation through the soil at controlled rates which exceed the allowable percolation rates under the pond sealing requirements in 10 CSR 20-8.020 and 10 CSR 20-8.200;
7. No-discharge facility. A facility designed, constructed and operated to meet each of the following conditions:
  - A. 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 except for discharges that are caused by catastrophic and chronic storm events;
  - B. Process wastes are not land applied during frozen, snow covered or saturated soil conditions; and

C. Basins are sealed in accordance with 10 CSR 20-8 and there are no subsurface releases in violation of 10 CSR 20-7.015 or section 577.155, RSMo;

8. One-in-ten (1-in-10)-year precipitation. The wettest precipitation expected once every ten (10) years for a three hundred sixty-five (365)-day period, based on at least thirty (30) years of records from the National Climatic Data Center;

9. 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 or noncontiguous lands if they use a common area for the disposal of wastes. State and county roads are not considered property boundaries for the purposes of this rule;

10. Process wastes. The waste, wastewater, sludges, biosolids and residuals originating from sanitary conveniences, or generated during manufacturing or processing, or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product and includes discharges from land application fields that occur as a result of the land application process;

11. Septage. Septage is domestic wastewater sewage sludge that is removed from septic tanks or similar treatment works, including domestic wastewater treatment works serving up to one hundred fifty (150) persons;

12. Site-specific permit. An operating permit that is developed with limitations based on a case-by-case review of site-specific conditions;

13. Sludge. The solid, semisolid or liquid residue removed during the treatment of wastewater. Sludge includes septage removed from septic tanks; and

14. Twenty-five (25)-year, twenty-four (24)-hour rainfall. The wettest precipitation event for a twenty-four (24)-hour period with a probable recurrence interval of once in twenty-five (25) years based on at least thirty (30) years of records from the National Climatic Data Center.

(2) General.

*[(A) All persons who build, erect, alter, replace, operate, use or maintain water contaminant sources, point sources facilities for storage, treatment, land application or disposal of process wastes which are designed, constructed and operated so as not to discharge to waters of the state or will have infrequent discharges shall apply for construction and operating permits unless exempted under section (3) of this rule.]*

(B) Nothing shall prevent the department from taking action to assure that facilities do not discharge into waters of the state, including requiring permits for facilities normally exempted under this rule. Permits may be required where necessary to protect the environment, including the following:

1. To correct noncompliance;

2. To ensure when the department has determined that construction or operating practices are not adequate, that the facility will be operated in a no-discharge manner;

3. To require, by departmental determination from an on-site visit, that construction and operating permits are necessary for special operating controls or monitoring and reporting of site-specific conditions such as groundwater effects, surface runoff, waste or wastewater characteristics, topography, geology, watershed factors or land application loading rates;
4. When an unauthorized discharge has occurred or has the potential to occur;
5. When a discharge results in violation of water quality standards under 10 CSR 20-7.031; or
6. Other relevant factors.

(3) Exemptions.

(A) De minimis Exemption. Persons may apply to the department for an exemption as a de minimis source for operations that will not discharge or will have a negligible environmental impact. The department shall make a determination on a case-by-case basis. This determination shall consider the potential for releases to surface water and ground water of contaminants in concentrations exceeding background water quality levels or limitations in the water quality standards rule under 10 CSR 20 Chapter 7. Testing of total and leachable concentrations of pollutants as compared to background levels in soils and/or waters of the state shall be submitted as determined necessary by the department.

(B) The following are exempt from no-discharge permit requirements unless **required** under subsection (2)(B):

1. Nonpoint sources;
2. Land application of composts and mulches in normal farming operations or horticulture operations provided that the compost does not contain more than five percent (5%) sewage sludge or industrial sludge;
3. Land application sites for beneficial use of water treatment plant residues removed during the treatment of drinking water supplies provided that aluminum or other potentially phytotoxic compounds are not present in the residues in concentrations which would result in chronic toxicity to plants or animals. This exemption does not apply to treatment or storage facilities;
4. Non-discharging facility for the handling, use or disposal of solid wastes that holds a valid permit issued under the Missouri Solid Waste Management Law and regulations in accordance with 10 CSR 80 or the Missouri Hazardous Waste Management Law and regulations in accordance with 10 CSR 25;
5. Animal feeding operations. Requirements for animal feeding operations are contained in 10 CSR 20-6.300;
6. Non-discharging facilities for domestic wastewater flows of three thousand gallons per day (3,000 gpd) or less;

7. Composting sites of less than two (2) acres when sludges are less than five percent (5%) of the compost mix and from which no storm water is discharged except during a chronic or catastrophic storm event. Other storm water discharges are regulated under 10 CSR 20-6.200;

8. Products containing or derived from sludges, biosolids or other process wastes when such products are licensed under the Missouri Fertilizer Law, sections 266.291 through 266.351, RSMo and regulations and the products do not exceed pollutant standards for protection of public health and the environment as established by the department. To receive this exemption, the manufacturer or distributor shall submit an initial report to the department on the pollutant content of the product and shall file periodic monitoring reports as determined necessary by the department;

9. Single family residences;

10. Internal plumbing and piping or other water diversion or retention structures within a manufacturing or industrial plant or mine, which are an integral part of the industrial or manufacturing process or building or mining operation. This exemption does not include lagoon, ponds or earthen impoundments which receive any process wastes;

11. Small scale pilot projects or demonstration projects for beneficial use that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority. The department may extend the permit exemption for up to one (1) additional year after review of the first year's results. A permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation, unless otherwise exempted under this rule or Chapter 6;

12. An operating permit is not required for process waste holding structures from which the contents are hauled to a permitted treatment or disposal facility, if the owner has a written contract with the hauler and approval from the receiving facility;

13. Contract haulers are not required to have a permit under this rule if all waste is hauled to a permitted facility;

14. Other exemptions as may be prescribed in a general permit issued by the department in accordance with 10 CSR 20 Chapter 6;

15. The placement of uncontaminated soil, rock, sand, gravel, concrete, cinder blocks, bricks, recycled asphaltic pavement, and minimal amounts of wood and metal which are removed by demolition or construction activities and used as fill for construction projects; provided that placement of such material does not violate water quality standards as stated in 10 CSR 20-7.031. Storm water discharges may be regulated under 10 CSR 20-6.200; and

16. The placement of material, other than those listed in paragraph (3)(B)15., which are exempt as clean fill or beneficial use under the Missouri Solid Waste Management Law and regulations, provided the material is not placed in contact with surface or subsurface waters of the state. Storm water discharges may be regulated under 10 CSR 20-6.200.

(4) Permits.

*[(A) Permits required by this rule shall be issued in accordance with permit application and processing procedures contained in 10 CSR 20-6.010, 10 CSR 20-6.011, 10 CSR 20-6.020 and 10 CSR 20-6.200.]*

(B) Design Standards.

*[1. Facilities shall be constructed and operated in accordance with the rules under 10 CSR 20 Chapter 7 and Chapter 8. Exceptions or deviations may be considered by the department when determined appropriate based upon site-specific factors.]*

2. Where standards are not available, an engineering report addressing all available environmental data concerning potential pollutants and toxic substances shall be submitted in accordance with 10 CSR 20- 8.020(3)(D), 10 CSR 20-8.020(15)(F), 10 CSR 20-8.110 and 10 CSR 20-7.031(4)(B).

*[3. Pollutant limitations for land application of sludge or biosolids shall conform to 10 CSR 20-7.015(9)(F).*

*4. Potential pollutant movement to groundwater shall not exceed the limitations in the water quality standards rule under 10 CSR 20-7.031 and the effluent rule under 10 CSR 20-7.015.]*

5. Groundwater monitoring may be required, where determined appropriate by the department, at land disposal sites or land application sites that receive pollutants in excess of beneficial use limitations or has potential for excess migration of pollutants to waters of the state. *[Monitoring wells shall be installed in accordance with monitoring well construction standards under 10 CSR 23, Chapter 4.*

*6. Hazardous waste shall not be land applied or disposed except in accordance with the Missouri Hazardous Waste Management Law and regulations under 10 CSR 25.]*

(C) Permit Conditions.

1. The department shall develop permit conditions containing limitations, monitoring, reporting and other requirements to protect soils, crops, surface waters, groundwater, public health and the environment.

2. The department may establish standard permit conditions and best management practices for land application facilities by following the public participation procedures under 10 CSR 20-6.020.

3. The department may establish a general permit for a category of similar facilities in accordance with 10 CSR 20-6.010(13).

4. Noncontiguous land application sites may be included in the operating permit for a process waste generator or contract hauler as determined appropriate by the department.

5. Whenever feasible or appropriate, all operating permit requirements under 10 CSR 20 Chapter 6 rules shall be incorporated into a single operating permit for each operating location.

*[6. Applications for permits shall include an engineer's seal affixed to all engineering plans and engineering certifications.]*

7. A water balance barrel test conducted in accordance with 10 CSR 20-8.020(16) shall be required for lagoons or earthen impoundments receiving industrial wastes[, and engineering certification of the constructed seal shall be submitted as part of the operating permit application].

*[(5) Closure of Waste Storage Structures.*

*(A) No-discharge facilities that cease operation, or plan to close lagoons and other waste storage structures, shall comply with the following requirements:*

*1. Facilities which cease operation shall continue to maintain a valid operating permit until all lagoons and waste storage structures are properly closed according to a closure plan approved by the department; and*

*2. Facilities that are exempted from permits under this rule and that cease operation shall either close the waste storage structures in accordance with subsection (5)(B) of this rule or shall continue to maintain all storage structures so that there is not a discharge to waters of the state.*

*(B) Closure Requirements. Lagoons and waste storage structures shall be closed by removal and land application of all wastewater and sludges, or in accordance with an alternate closure plan approved by the department. The removed wastewater and sludges shall be land applied at normal agricultural rates for nitrogen fertilizer not to exceed the maximum nitrogen utilization of the vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state. After removal and proper land application of wastewater and sludge, the earthen basins may be—*

*1. Demolished by removing the berms, grading and revegetation of the site so as to provide erosion control; or*

*2. Left in place for future use as a farm pond or similar uses or reserved for future use as a waste storage structure. To prevent damage to the bottom seal due to drying and weed growth, earthen basins shall be refilled with fresh water as soon as possible and water depths of three feet (3') or more should be maintained.]*

AUTHORITY: section 644.026, RSMo Supp. 1997.\* Original rule filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed June 1, 1995, effective Jan. 30, 1996. Amended: Filed Nov. 3, 1997, effective July 30, 1998.

\*Original authority: 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995.