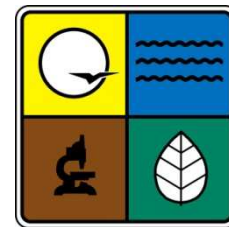


Construction & Operating Permits Workgroup (10 CSR 20-6.010)

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MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Agenda

- Introductions
- Rule Organization
- Affordability
- Continuing Authority
- Construction Permits
- Future Meetings

Rule Organization

- Applicability Section
- Exemption List
- CP Permit by Rule
- Duplicative Language
- Public Notice
- General Clean-up

Affordability

Addition of an affordability statement to 10 CSR 20-6.010(1)(D).

The Department shall make a finding of affordability when issuing permits under provisions of state or federal clean water laws pertaining to any portion of a publicly-owned combined or separate sanitary or storm sewer system or treatment works according to procedure hereby incorporated by reference entitled “Guidance for Conducting and Developing an Affordability Finding, dated...”

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Level 1 Continuing Authority

1. A municipality or public sewer district which has been designated as the area-wide management authority under section 208(c)(1) of the Federal Clean Water Act;

- Mid-America Regional Council
- East-West Gateway
- Ozark Gateway

208 Management Entities

Mid-America Regional Council

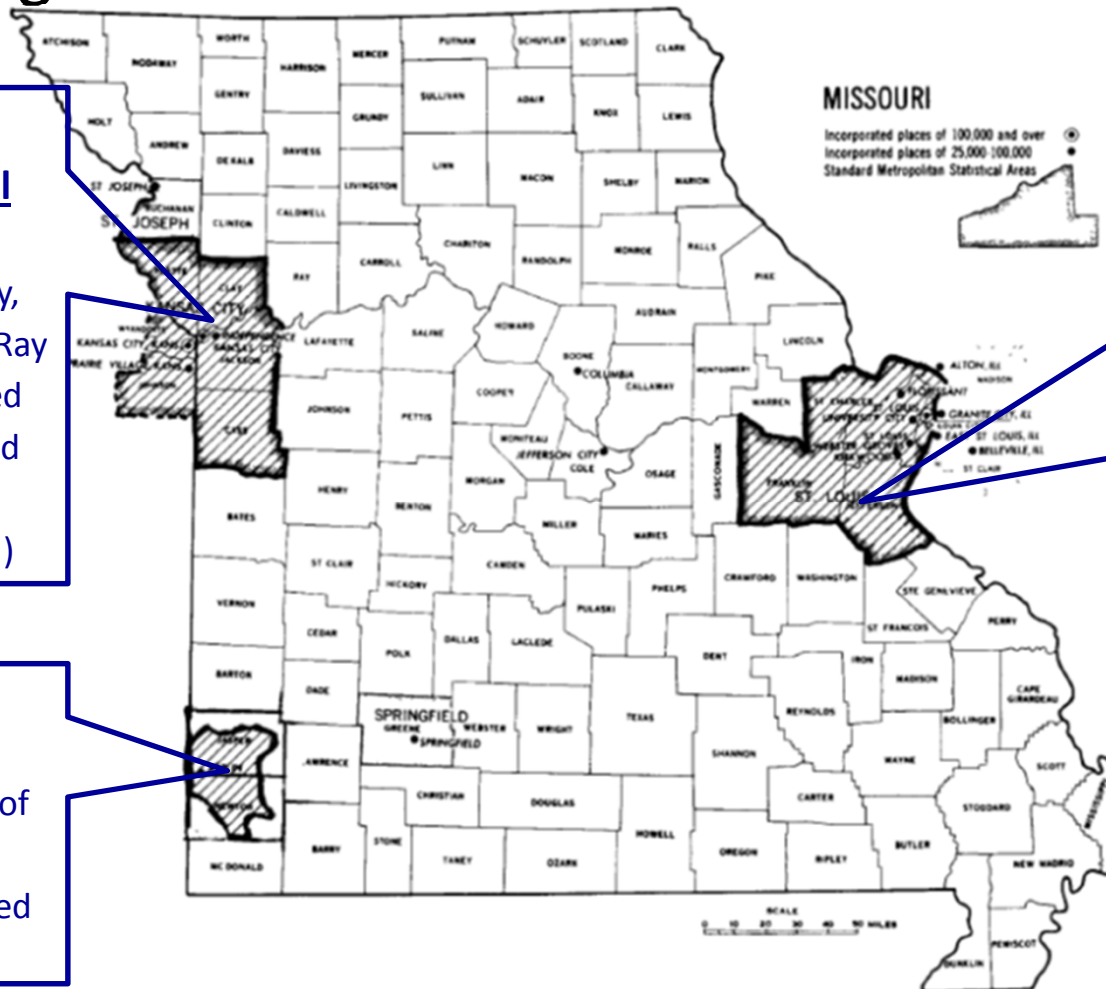
(Kansas City area including Cass, Clay, Jackson, Platte, & Ray counties designated 6-13-1975; certified by the CWC on February 14, 1979)

Ozark Gateway

(Joplin area, including sections of Jasper & Newton counties, designated 6-6-1975)

East West Gateway

(St. Louis area including City of St. Louis, Franklin, Jefferson, St. Charles, & St. Louis counties designated 5-23-1975; certified by the CWC on February 14, 1979)



Mid-America Regional Council Preliminary List

- Archie
- Belton
- Blue Springs
- Buckner
- Cleveland
- Creighton
- Dearborn
- Drexel
- East Lynne
- Edgerton
- Excelsior Springs
- Freeman
- Garden City
- Hardin
- Harrisonville
- Henrietta
- Independence
- Jackson County
- Kansas City
- Kearney
- Lawson
- Liberty
- Little Blue Valley Sewer District
- Middle Big Creek Sewer District
(operated by Lee's Summit)
- North Kansas City
- Oak Grove
- Orrick
- Parkville
- Peculiar
- Platte City
- Platte County
Court
- Pleasant Hill
- Rayville
- Richmond
- Smithville
- Weston
- Wood Heights

East-West Gateway Preliminary List

- Arnold
- Cedar Hill
- Desoto
- Duckett Creek Sewer District
- Festus/Crystal City
- Glaize Creek Sewer District
- Herculaneum
- Lake St. Louis
- Lower Big River Sewer District
- Northeast Sewer District
- O'Fallon
- Olympian Village
- Pacific
- Pevely
- Rock Creek Sewer District
- Selma
- St. Charles
- St. Louis Metropolitan Sewer District (MSD)
- St. Peters
- Wentzville

Ozark Gateway Preliminary List

- Alba
- Carl Junction
- Cartersville
- Carthage
- Diamond
- Joplin
- Neosho
- Oronogo
- Webb City

Level 2 Continuing Authority

2. A municipality, public sewer district, or sewer company regulated by the Public Service Commission (PSC) which currently provides sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C) and approved by the Clean Water Commission. Permits shall not be issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;

- Boone County Regional Sewer District

Level 3 Continuing Authority

3. A municipality, public sewer district, or sewer company regulated by the PSC other than one which qualifies under paragraph (3)(B)1. or 2. of this rule or a public water supply district. Permits shall not be issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;

- List on the next 2 slides is from Public Service Commission website of **active and certified sewer** companies regulated by PSC, as of 11/28/2012.

Level 3 Continuing Authority

- Algonquin Water Resources of Missouri, LLC
- Brandco Investments, LLC
- Calvey Brook Sewer, Inc.
- Cannon Home Association, Inc.
- Central Rivers Wastewater Utility, Inc.
- EMC of St. Charles County, LLC
- Emerald Pointe Utility Company
- Envirowater Company, LLC
- Foxfire Utility Company
- Gladlo Water & Sewer Company, Inc.
- Hickory Hills Water & Sewer Company, Inc.
- Highway H Utilities, Inc.
- Holtgrewe Farms Sewer Company, LLC
- House Springs Sewer Company, Inc.
- Lake Northwoods Utility Co., Inc.
- Lake Region Water & Sewer Company
- Liberty Utilities
- Lincoln County Sewer & Water, LLC
- M.P.B., Inc.
- Meramec Sewer Company
- Mid MO Sanitation, LLC
- Mill Creek Sewers, Inc.
- Missouri Utilities Company

Level 3 Continuing Authority

- Missouri-American Water Company
- North Oak Sewer District, Inc.
- Osage Water Company
- P.C.B., Inc.
- Peaceful Valley Service Company
- Port Perry Service Company
- R. D. Sewer Co., L.L.C.
- Rogue Creek Utilities, Inc.
- Roy-L Utilities, Inc.
- S. K. & M. Water and Sewer Company
- Seges Partners Mobile Home Park, L.L.C.
- Southtown Utilities Company, Inc
- Taney County Utilities Corporation
- Taneycomo Highlands, Inc.
- TBJ Sewer Systems, Inc.
- Terre Du Lac Utilities Corporation
- Timber Creek Sewer Company
- Valley Woods Utility, LLC
- Village Water & Sewer Company, Inc.
- W.P.C. Sewer Company
- Warren County Sewer Company, Inc.
- West 16th Street Sewer Company, Inc.
- Willows Utility Company

Continuing Authorities & Availability

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

Continuing Authorities & Availability

Where did 2,000 feet come from?

- 10 CSR 20-7.031(6)- Metropolitan No-discharge Streams
 - “... Existing interim discharges may be allowed until interceptors are available within **two thousand feet (2,000')** or a distance deemed feasible by the department, or unless construction of outfalls to alternative receiving waters not listed in Table F is deemed feasible by the department.”
- 10 CSR 20-7.031(11)-Losing Streams
 - (D)1: “... A local facility shall be considered available if that facility or an interceptor is within **two thousand feet (2000')** or a distance deemed feasible by the department;”

Continuing Authorities & Availability

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...

- Remove the specific reference to 2% MHI
- Propose replacing with affordability
 - Affordability procedure developed
 - What level of affordability burden is appropriate?
 - High
 - Medium
 - Low

Continuing Authorities, Existing Facilities & Availability

What factors determine the cost to existing facilities when required to connect?

- 10 CSR 20-7.031(11)(D)-Losing Streams
 - “...will be allowed to continue in operation at permitted or approved effluent limits for a period of time lasting **the design life of the facility (usually twenty (20) years from the original construction completion)**, provided the facility is in compliance with its effluent limits and remains in compliance with those limits, and if neither of the following conditions is present: ...”

Agenda

- Introductions
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- **Construction Permits**
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Construction Permits

- Clean Water Fee Presentation on Construction Permits
 - [http://dnr.mo.gov/env/wpp/docs/Construction Permits Changes CW Fee Meeting_20121115.pdf](http://dnr.mo.gov/env/wpp/docs/Construction_Permits_Changes_CW_Fee_Meeting_20121115.pdf)
- Suggestions on additional items to add
- Suggestions on the Implementation process
- Send comments, suggestions, additional items to Leasue:
leasue.meyers@dnr.mo.gov

Clean Water Fee Presentation on Construction Permits

After several discussions with representatives of various sectors, there are tentative conclusions about the necessary extent of construction permitting. These discussions will continue, although there are areas of general agreement that can be implemented directly or through rule changes. The continuing discussion will clarify which activities fall into the following three categories:

1. Activities which provide little value through the permitting process and can be waived or defined as outside the scope of permitting
2. Activities which can be permitted through an expedited manner (permit by rule, ePermit, or notification)
3. Activities which will continue to go through the construction permitting process

Construction Permit Activities

As a guide to these revisions, the department has identified activities that we believe should continue to require construction permits:

- New domestic treatment plants (discharging/non-discharging)
- Increasing capacity of treatment plants
- Addition of a process unit that results in a new pollutant in the discharge
- Addition of a process unit to meet a new discharge limit
- Replace of treatment with a different treatment process or a new technology
- Relocation of an outfall to a different stream or section of the same stream
- State Revolving Fund Projects
- Certain industrial projects

Construction Permit Activities

The Department would continue to require a construction permit for the following sewer extension projects:

- Lift Stations increasing capacity
- New lift stations and/or force mains
- Gravity sewer extension over 1000 feet in length
- Holding tanks where the disposal method is pump and haul
- State Revolving Fund Projects

Construction Permit Activities

Additional changes the department is considering:

- Broadening the scope of the approved locally administered construction programs where municipalities have an engineering capability to administer construction project approvals.
 - This may resemble the supervised program of the Public Drinking Water Branch for those communities that have engineering capability.
- Identification of certain projects that could have an expedited review through permit by rule or ePermitting.
- Developing a list of construction projects within an existing facility that can be considered for exemption.
- Exploring a notification process for gravity sewer extension projects that extend 1000 feet or less.

Ideas for Construction Permit Activities

- Potential Exemptions of additional projects
- Potential addition of projects the department should review
- Establishment of a construction permit by rule for certain activities
- Expansion of the Municipal Sewer Extension Authority for additional projects and activities
- Implementation

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 **an operating 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.

Public Notices

40 CFR 122.10(a)

(1) The Director shall give public notice that the following actions have occurred:

- (i) A permit application has been tentatively denied under § 124.6(b);
- (ii) ...A draft permit has been prepared under § 124.6(d);
- (iii) ...A hearing has been scheduled under § 124.12;
- (iv) An appeal has been granted under § 124.19(c);
- (v) ...A State section 404 application has been received in cases when no draft permit will be prepared (see § 233.39); or
- (vi) An NPDES new source determination has been made under § 122.29.

(2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.

(3) Public notices may describe more

Minor Modifications not requiring Public Notices

40 CFR 122.63

- a) Correct typographical errors;
- b) Require more frequent monitoring or reporting by the permittee;
- c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit ...
- d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary...
- e)(1) Change the construction schedule for a discharger which is a new source...
(2) Delete a point source outfall when the discharge from that outfall is terminated...
- f) [Reserved]
- g) Incorporate conditions of a POTW pretreatment program ...
- h) Incorporate changes to the terms of a CAFO's nutrient management plan...

Application for Construction Permit Form

APPLICATION OVERVIEW

The Application for Construction Permit – Wastewater Treatment Facility form has been developed in a modular format and consists of Part A and B. **All applicants must complete Part A.** Part B should be completed for applicants who currently land apply wastewater or propose land application for wastewater treatment. **Please read the accompanying instructions before completing this form. Submittal of an incomplete application may result in the application being returned.**

PART A – BASIC INFORMATION

1.0 APPLICATION INFORMATION (Note – If any of the questions in this section are answered NO, this application may be considered incomplete and returned.)

- 1.1 Is this a Federal/State funded project? YES N/A Funding Agency: Project #:
- 1.2 Has the Department of Natural Resources approved the proposed project's antidegradation review?
 YES Date of Approval:
 Attached is the No Degradation Evaluation Conclusion of Antidegradation Review form
- 1.3 Has the department approved the proposed project's facility plan*?
 YES Date of Approval: NO N/A (If Not Applicable, complete No. 1.4.)
- 1.4 [Complete only if answered Not Applicable on No. 1.3.] Is a copy of the engineering report* for wastewater treatment facilities with a design flow less than 22,500 gpd included with this application?
 YES NO
- 1.5 Is a copy of the appropriate plans* and specifications* included with this application?
 YES Denote which form is submitted: Hard copy Electronic copy (See instructions.) NO
- 1.6 Is a summary of design* included with this application? YES NO
- 1.7 Has the appropriate operating permit application (A, B, or B2) been submitted to the department?
 YES Date of Submittal:
 Attached is the appropriate operating permit application form. Denote which form: A B B2
 N/A Please explain:

Application for Construction Permit Form

1.8 Is the facility currently under enforcement with the department or the Environmental Protection Agency? YES NO

1.9 Is the appropriate fee included with this application? YES NO (See instructions for appropriate fee.)

* Must be affixed with a Missouri registered professional engineer's seal, signature and date.

2.0 PROJECT INFORMATION

2.1 NAME OF PROJECT

2.2 PROJECT DESCRIPTION

2.3 SLUDGE HANDLING, USE AND DISPOSAL DESCRIPTION

2.4 DESIGN INFORMATION

A. Current population: ; Design population:

B. Actual Flow: gpd; Design Average Flow: gpd;
Actual Peak Daily Flow: gpd; Design Maximum Daily Flow: gpd

2.5 ADDITIONAL INFORMATION

A. Is a topographic map attached? YES NO

B. Is a process flow diagram attached? YES NO

Application for Construction Permit Form

3.0 WASTEWATER TREATMENT FACILITY: MO- (Outfall of)				
NAME		TELEPHONE NUMBER WITH AREA CODE		E-MAIL ADDRESS
ADDRESS (PHYSICAL)		CITY	STATE	ZIP CODE
				COUNTY
<p>3.1 Legal Description: <input type="text"/> ¼, <input type="text"/> ¼, <input type="text"/> ¼, Sec. <input type="text"/>, T <input type="text"/>, R <input type="text"/></p> <p>(Use additional pages if construction of more than one outfall is proposed.)</p> <p>3.2 UTM Coordinates Easting (X): <input type="text"/> Northing (Y): <input type="text"/></p> <p><i>For Universal Transverse Mercator (UTM), Zone 15 North referenced to North American Datum 1983 (NAD83)</i></p> <p>3.3 Name of receiving stream(s): <input type="text"/></p>				
4.0 PROJECT OWNER				
NAME		TELEPHONE NUMBER WITH AREA CODE		E-MAIL ADDRESS
ADDRESS		CITY	STATE	ZIP CODE
5.0 CONTINUING AUTHORITY: Permanent organization that will serve as the continuing authority for the operation, maintenance and modernization of the wastewater collection system.				
NAME		TELEPHONE NUMBER WITH AREA CODE		E-MAIL ADDRESS
ADDRESS		CITY	STATE	ZIP CODE
<p>5.1 A letter from the continuing authority, if different than the owner, is included with this application. <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>5.2 COMPLETE THE FOLLOWING IF THE CONTINUING AUTHORITY IS A MISSOURI PUBLIC SERVICE COMMISSION REGULATED ENTITY.</p> <p>A. Is a copy of the certificate of convenience and necessity included with this application? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>				

Path Forward

- Suggestions on other sections
- Additional changes to sections discussed
- Additional Stakeholder Meetings
 - Suggested dates in late January?
 - Focus on specific subsection of the rule?
- RIR development

References

- 10 CSR 20-6.010, 20-7.031
- 40 CFR 122.10 & 122.63
- Affordability statute: Section 644.145 RSMo
- Draft Guidance for Conducting and Developing an Affordability Finding
- EPA's Water Quality Management Directory, 4th Edition, May 1980
- Missouri Clean Water Commission Minutes and Notes
 - February 6-7, 1980
 - February 14, 1979
- Alliance letter dated November 20, 2012

Questions

- Please send comments, suggestions, questions to:

Leasue Meyers

leasue.meyers@dnr.mo.gov

PO Box 176, Jefferson City, MO 65109

(573)751-7906