



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

10 CSR 20-2.010 Definitions

WORKING DOCUMENT
Strawman

**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 Chapter 2 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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Text to be **added** is in bold.

DRAFT 12/04/2017

**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.]

(1) “Abandoned well”, as defined in section 256.603, RSMo 2016 means a well is deemed abandoned when it is in such a state of disrepair that continued use for the purpose of thermal recovery or obtaining groundwater is impracticable and the well has not been in use for a period of two (2) years or more. The term abandoned well includes a test hole or a monitoring well which was drilled in the exploration for minerals or for geological, water quality, or hydrologic data from the time that it is no longer used for exploratory purposes and that has not been plugged in accordance with rules pursuant to sections 256.600 through 256.640, RSMo 2016.

[(2) Agrichemical. Any pesticide or fertilizer but does not include anhydrous ammonia fertilizer material.]

[(3)2) “Agrichemical facility[.]”, [A]any site, with the exception of chemical production facilities, where bulk [agrichemicals] pesticides or fertilizers, excluding anhydrous ammonia fertilizer, are stored in non-mobile 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)3) “Application[.]”, [T]the application form supplied by the [d]Department, the filing fee, if [required] applicable, and other supporting documents if requested.

[(6)4) “Appurtenances[.]”, [V]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.

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DRAFT 12/04/2017

(5) “Aquaculture facility”, as defined by **section 644.016(1), RSMo 2016.**

([7]6) “Aquifer[.]”, [A]a subsurface water-bearing bed or stratum **within the saturation zone** 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 (**above the water table**) zone. For purpose of the effluent regulation, sandy or gravelly alluvial soils in or on the floodplains of intermittent streams are not an aquifer.

(7) “Blending”, the practice of combining treated wastewater streams within a wastewater treatment facility prior to discharge. Blending is not a form of bypass. See bypass, **section (11) of this rule.**

(8) “Bulk fertilizer[.]”, [A]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 (**5,000**) pounds [(5000 lbs.)] net dry weight respectively.

(9) “Bulk pesticide[.]”, [A]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 (**100**) pounds [(100 lbs.)] dry weight respectively.

(10) “Bulk repackaging[.]”, [T]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[.]”, [T]the **intentional** diversion of [wastewater] **waste streams** from any portion of a wastewater treatment facility, [or sewer system to waters of the state] **except in the case of blending.** See blending, **section (7) of this rule.**

(12) “Clean Water Act”, the **Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) (P.L. 92-500) as amended in 1977, (P.L. 95-217), 1978 (P.L. 95-576), 1980 (P.L. 96-483), and in 1981 (P.L. 97-117), 33 U.S.C. 1251 et seq.**, as published by the Office of the Law Revision Counsel, U.S. House of Representatives, H2-308 Ford House Office Building, Washington, DC 20515, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

([12]13) “Commission[. *The Missouri Clean Water Commission as established under section 644.021, RSMo.*]”, as defined by **section 644.016(2), RSMo 2016.**

([13]14) “Common promotional plan[.]”, [A]a plan, undertaken by one (1) or more persons, to offer **individual lots or residential housing units within a residential housing development** for sale or lease; where land [is] **or residential housing units are** offered for sale **or lease** 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 **or residential housing units** covered by each individual offering, as being offered for sale or lease as part of a common promotional plan. **State and county roads are not considered property boundaries.**

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DRAFT 12/04/2017

[(14)15] “Composite sample~~[/.]~~”, *[A]***a** combination of individual samples collected over a designated period of time.

(16) “Conference, conciliation, and persuasion”, as defined by section 644.016(3), RSMo 2016.

[(15)17] “Construction~~[/.]~~”, *[A]***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 **wastewater** treatment facility, demolition of existing **wastewater** treatment facility structures or change in the **wastewater** treatment facility operation necessary to allow modification, but *[shall]* not **to** 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)18] “Daily maximum~~[/.]~~”, *[A]***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.]

(19) “Department”, as defined by section 644.016(4), RSMo 2016.

(20) “Developer~~[/.]~~”, *[A]***any person or group of persons** who~~[/,]~~ directly or indirectly, sells or leases or offers to sell or lease, *[or advertises for sale or lease,]* any lots, *[in a subdivision,]* **residential housing units, or recreational camping sites**, but *[shall]* not **to** 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.]

(21) “Director”, as defined by section 644.016(5), RSMo 2016.

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

(22) “Discharge”, as defined by section 644.016(6), RSMo 2016.

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DRAFT 12/04/2017

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(23) “Domestic wastewater[.]”, *[W]*wastewater (i.e., **human sewage**) originating primarily from the sanitary conveniences of residences, commercial buildings, factories, and institutions, including any *[wastewater]* **water** which may have infiltrated the sewers. **Domestic wastewater excludes stormwater, animal waste, process waste, and other similar waste.**

(24) “Effluent[.]”, *[A]*any wastewater or other substance flowing out of or released from a point source, water contaminant source, or waste[-]water treatment facility.

(25) “Effluent Control Regulations”, as defined by **section 644.016(7), RSMo 2016.**

[(25)/26] “Effluent limitation segment[.]”, *[A]*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]*a plan as described under **Superfund Amendments [&] and Reauthorization Act (SARA) of 1986 [(SARA)] Title III Emergency [Response Plan] Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 116 et seq,** as published by the Office of the Law Revision Counsel, U.S. House of Representatives, H2-308 Ford House Office Building, Washington, DC 20515, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. This plan details a plan of action for the efficient deployment and coordination of services, agencies, and personnel to provide the earliest possible remedial response to an emergency situation.

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

(28) “Engineer”, as defined by **section 327.011(13), RSMo 2016.**

(29) “Environmental Protection Agency (EPA)[.]”, *[T]*the *[federal]* United States 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)/30] “Fertilizer[.]”, *[A]*as defined by **section 266.291, RSMo 2016.**

[(32)/31] “Filing fee[.]”, *[A]*a **credit card**, 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.

(32) “General permit”, as defined by **section 644.016(8), RSMo 2016.**

(33) “General permit template”, as defined by **section 644.016(9), RSMo 2016.**

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DRAFT 12/04/2017

[(33)34] “Grab sample[.]”, *[A]*any individual sample collected without compositing or adding other samples.

(35) “Human sewage”, as defined in section 644.016(10), RSMo 2016.

[(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.]

(36) “Innovative technology”, new and generally unproven technology in the type or method of its application that bench testing or theory suggests has environmental, efficiency, and cost benefits beyond standard technologies. These innovative technologies are not included in 10 CSR 20-8, Design Guides.

[(35) Interceptor. A sewer with the primary purpose of transporting wastewater rather than collecting it.]

[(36)37] “Losing streams[.]”, *[A]*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]* **are** corrected to approximate the seven (7)-day, **one (1)-in-ten (10)-year low flow (7Q10)** 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]* **identified in the digital geospatial dataset ‘LOSING_STREAM’ developed by the Missouri Department of Natural Resources, Missouri Geological Survey;** additional streams may be determined to be losing by the *[Division of Geology and Land Survey]* **Department.**

[(37)38] “Lot[.]”, *[A]*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.

(39) “Minor Violation”, as defined by section 644.016(12), RSMo 2016.

[(38)40] “Missouri Clean Water Law[.]”, **as defined by Sections 644.006[--] through 644.141, RSMo 2016.**

[(39)41] “Mobile container[.]”, **a [C]container designed and used for transporting agrichemicals that meet the Missouri Department of Transportation standards for the product being transported.**

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DRAFT 12/04/2017

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[(40)42] “Monthly average~~[/].~~”, *[T]*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)43] “Municipality~~[/].~~”, *[A]*an incorporated city, town, or village (including an intermunicipal agency of two (2) or more of the foregoing entities).

[(42)44] “**National Pollutant Discharge Elimination System (NPDES)**~~[/].~~ *The National Pollutant Discharge Elimination System*”, as defined in the *[Federal]* Clean Water Act. **See Clean Water Act, section (12) of this rule.**

(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 *[d]*Department, submitted for an NPDES permit.

[(43)45] “New discharger~~[/].~~”, *[A]*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.]

(46) “New source”, as defined by 40 CFR part 122 subpart A, June 29, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

[(45)47] “No-~~[D]~~discharge~~[/].~~”, a **treatment facility** ~~[D]~~designed, **constructed**, 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~~ **except** for *[the wettest one-in-ten (1:10)-year precipitation]* **discharges that are caused by catastrophic and chronic storm events**; any basin is sealed in accordance with **10 CSR 20-8, Design Guides**; and no subsurface releases exist in violation of **10 CSR 20-7.015, Effluent Regulations**, or **section 577.155, RSMo 2016**.

[(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.]

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DRAFT 12/04/2017

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*[47]***48** “Non-mobile container~~[/].~~”, *[A]***a stationary container designed to be incapable of movement once installed**; not defined as mobile.

*[48]***49** “Operating location~~[/].~~”, *[A]***all contiguous lands owned, operated, or controlled by one (1) [person or by two (2)] or more persons jointly or as tenants [in common] no matter if the land is contiguous or not. State and county roads are not considered property boundaries.**

*[49]***50** “Operation and maintenance~~[/].~~”, *[A]***activities [required] to assure the dependable and economical function of a wastewater [treatment facility] and stormwater systems.**

(A) Maintenance. Preservation of functional integrity and efficiency of equipment and structures. **The proper keeping of all aspects of a collection system and wastewater treatment facility and appurtenances thereto, that pertain to safety, in a state of repair and working order as necessary to comply with the Missouri Clean Water Law and any permit issued thereunder and to protect public health and safety.** 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]***51** “Operational area~~[/].~~”, *[A]***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]***52** “Operational containment area~~[/].~~”, *[A]***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.**

(53) “Permit by rule”, as defined by section 644.016(13), RSMo 2016.

(54) “Permit holders or applicants for a permit”, as defined by section 644.016(14), RSMo 2016.

[(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.]

(55) “Person” as defined by section 644.016(15), RSMo 2016.

[(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.]

(56) “Pesticide”, as defined by section 281.020(18), RSMo 2016.

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DRAFT 12/04/2017

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[(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, or vessel or other floating craft from which pollutants are, or may be, discharged.]

(57) “Point source”, as defined by section 644.016(16), RSMo 2016.

[(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.]

(58) “Pollutant”, as defined by 40 CFR part 122 subpart A, June 29, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

[(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.]

(59) “Pollution”, as defined by section 644.016(17), RSMo 2016.

(60) “Pretreatment regulations”, as defined by section 644.016(18), RSMo 2016.

[(57)61] “Primary containment[.]”, [T]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)62] “Publicly[-] owned treatment works (POTW)[.]”, [W]wastewater treatment facility **and collection system which conveys wastewater to the POTW** owned by the state, a municipality, a political subdivision or a sewer district defined by **Chapters 644, 249 and 250, RSMo, 2016.***

[(60)63] “Regional administrator[.]”, [R]regional administrator of the Environmental Protection Agency's regional office for the region in which the state of Missouri is located.

[(61)64] “Release[.]”, [T]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

LEGEND:

DRAFT 12/04/2017

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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]65) “Residence~~[. A building or other type of]~~”, **any structure, dwelling, unit, or shelter which is** intended or used for human habitation as a permanent, vacation, or recreational home or building. **They may be detached or part of one or more attached units.**

(A) “**Multiple-family**”, **residential housing units that share the same structure, dwelling, unit, shelter, or common wall with or without a common social area that includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity; they may include but are not limited to duplexes, condominiums, townhouses, apartments, hotels, motels, hospitals, dormitories, boarding schools, group homes, barracks, etc.**

(B) “**Single-family**”, **an individual structure, dwelling, unit, or shelter constructed for the purpose of human habitation, with one or more rooms occupied or intended for occupancy by one (1) family for cooking, sanitary, and sleeping purposes that includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity; they do not include multiple-family residences.**

(66) “Residential housing development”, as defined by section 644.016(19), RSMo 2016.

([63]67) “Rinsate~~[.]~~”, *[A]***any water containing [agrchemicals] contaminates** that *[has]* **have** been washed off or rinsed from containers, application equipment, handling or storage areas, or transportation equipment, **including but not limited to: industrial chemicals, agrichemicals, or concrete.**

([64]68) “Secondary containment~~[.]~~”, *[A]***any structure effectively designed and constructed to surround and contain [discharges and to prevent leaks, escapes, and runoff, or leaching of agrichemicals from the agrichemical storage facility and operational area] one (1) or more primary storage containers to collect any solid, liquid, or gaseous chemical leaks or spills in the event of loss of integrity or primary container failure.**

([65]69) “Separate storm sewer~~[.]~~”, *[C]*conveyance or systems of conveyances primarily used for conducting and conveying storm water runoff and located in an urbanized area or designated by the *[d]***D**ePARTMENT 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]70) “Service area population~~[.]~~” *[T]*the population to be served by *[the]* **a** 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).]

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DRAFT 12/04/2017

(71) “Service connection”, the connection point of the service line and the sanitary sewer system which is operated and maintained by one (1) of the continuing authorities listed in 10 CSR 20-6.010(3)(B).

[(68)72] “Seven (7)-day Q10 stream flow[.]”, [T]the lowest average flow that occurs for seven (7) consecutive days that has a probable recurrence interval of once every ten (10) years.

[(69)73] “Sewer extension[.]”, [S]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.]

(74) “Sewer system” as defined by section 644.016(20), RSMo 2016.

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

[(72)75] “Single family residence wastewater treatment facility[.]”, [A]any method or system for the treatment of domestic wastewater from [only one (1)] a single-family residence.

(76) “Site-specific permit”, as defined by section 644.016(22), RSMo 2016.

[(73)77] “Small rural community[.]”, [A]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.

(78) “Soil Scientist”, as defined by section 701.040.1.(2)(e), RSMo 2016.

[(74)79] “Stream[.]”, [A]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)80] “Test hole[.]”, [A]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.

(81) “Treatment facilities”, as defined by section 644.016(23), RSMo 2016.

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DRAFT 12/04/2017

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[(77)82] “User charge~~[/].~~”, *[A]***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]* **collection system and wastewater treatment facility**.

[(78)83] “Waste load allocation~~[/].~~”, *[T]***t**he amount of pollutants each discharger is allowed by the *[d]***D**epartment to release into a given stream after the *[d]***D**epartment has determined the total amount of pollutants that may be discharged into that stream without endangering its water quality.

[(79)84] “Wastewater~~[/].~~”, *[W]***w**ater 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.]

(85) “Water contaminant”, as defined by section 644.016(24), RSMo 2016.

(86) “Water contaminant source”, as defined by section 644.016(25), RSMo 2016.

(87) “Water quality standards”, as defined by section 644.016(26), RSMo 2016.

[(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.]

(88) “Waters of the state”, as defined by section 644.016(27), RSMo 2016.

[(83)89] “Water quality limited segment~~[/].~~”, *[A]***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)90] “Weekly average~~[/].~~”, *[T]***t**he 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.

[(85)91] “Whole body contact area~~[/].~~”, *[W]***w**aters 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, Water Quality Standards**.

LEGEND:

DRAFT 12/04/2017

Existing rule text to be *[deleted]* is in italics and bracketed.

Text to be **added** is in bold.

*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.*