



MISSOURI DEPARTMENT OF NATURAL RESOURCES

WATER PROTECTION PROGRAM

10 CSR 20-6.010 Construction and Operating Permits, August 15, 2013

(1) Permits—General.

(A) All persons who build, erect, alter, replace, operate, use, or maintain existing point sources, or intend these actions for a proposed point source, water contaminant sources, or wastewater treatment facilities shall apply to the department for the permits required in accordance with sections (3) and (5) of this rule. The department issues these permits in order to enforce the Missouri Clean Water Law and regulations and administer the National Pollutant Discharge Elimination System (NPDES) Program.

(B) The following are exempt from permit regulations:

1. Nonpoint source discharges;
2. Service connections to wastewater sewer systems;
3. 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. An operating permit or general permit shall be required, if the piping, plumbing, or structures result in a discharge to waters of the state;
4. Routine maintenance or repairs of any existing sewer system, wastewater treatment facility, or other water contaminant or point source;
5. Single family residences;
6. The discharge of water from an environmental emergency cleanup site under the direction of, or the direct control of, the Missouri Department of Natural Resources or the Environmental Protection Agency (EPA), provided the discharge shall not violate any condition of 10 CSR 20-7.031 Water Quality Standards;
7. Water used in constructing and maintaining a drinking water well and distribution system for public and private use, geologic test holes, exploration drill holes, groundwater monitoring wells, and heat pump wells;
8. 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. A construction and/or operating permit application shall be submitted at least ninety (90) days prior to the end of the demonstration period if the facility intends to continue operation, unless other-wise exempted under this rule or Chapter 6; and
9. The application of pesticides in order to control pests (e.g., any insect, rodent, nematode, fungus, weed, etc.) in a manner that is consistent with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Missouri Pesticide Use Act unless such application is made directly into or onto waters of the state, in which case the applicator shall obtain a permit.

(C) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the activities exempted under subsection (1)(B) should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations.

(D) The department shall make a finding of affordability when issuing permits to any portion of a publicly-owned combined or separate sanitary or storm sewer system or treatment works utilizing the department's guidance or other applicant submitted affordability information. The department is not required to make an affordability finding when:

1. Issuing sewer extension permit;
2. Issuing National Pollutant Discharge Elimination System permit renewals that include no new environmental requirements; or
3. The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for an affordability finding. A construction permit that does not include new environmental requirements beyond what are already required by an existing compliance schedule is not required to have an affordability finding.

(~~3~~) Continuing Authorities.

(A) All applicants for construction permits or operating permits shall show, as part of their application, that a permanent organization exists which will serve as the continuing authority for the operation, maintenance, and modernization of the facility for which the application is made. Construction and first-time operating permits shall not be issued unless the applicant provides such proof to the department and the continuing authority has submitted a statement indicating acceptance of the facility.

(B) Continuing authorities which can be issued permits to collect and/or treat waste-water under this regulation are listed in preferential order in the following paragraphs.

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;

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(2)(D) 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;

3. A municipality, public sewer district, or sewer company regulated by the PSC other than one which qualifies under paragraph (2)(B)1. or 2. of this rule or a public water supply district may constitute a continuing authority only by showing that the authorities listed under paragraphs (2)(B)1.–2. of this rule are not available, do not have jurisdiction, are forbidden by statute or ordinance from providing service to the person or, if available, have submitted written waivers or met one of the requirements as provided for in subsection (2)(C) 1.-7 of this rule. 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;

4. Any person, persons, 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. The person, persons, or group may constitute a continuing authority only by showing that the authorities listed under paragraphs (2)(B)1.–3. of this rule are not available, do not have jurisdiction, are forbidden by statute or ordinance from providing service to the person or, if available, have submitted written waivers or met one of the requirements as provided for in subsection (2)(C)1-7 of this rule; and

5. An association of property owners served by the wastewater treatment facility, provided the applicant shows that—

A. The authorities listed in paragraphs (2)(B)1.–3. of this rule are not available or that any available authorities have submitted written waivers or met one of the requirements as provided for in subsection (2)(C)1-7 of this rule;

B. The association owns the facility and has valid easements for all sewers;

C. The document establishing the association imposes covenants on the land of each property owner which assures the proper operation, maintenance, and modernization of the facility including at a minimum:

(I) The power to regulate the use of the facility;

(II) The power to levy assessments on its members and enforce these assessments by liens on the properties of each owner;

(III) The power to convey the facility to one (1) of the authorities listed in paragraphs (~~3~~)(B)1.–3.; and

(IV) The requirement that members connect with the facility and be bound by the rules of the association; and

D. The association is a corporation in good standing registered with the Office of the Missouri Secretary of State.

(C) An applicant considering utilizing the use of a lower preference continuing authority may submit, as part of the application, one of the following for the department's review, provided it does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or Clean Water Commission:

1. A statement waiving preferential status from each existing higher preference authority,
2. A written statement or a demonstration of non-response from the higher authority declining the offer to accept management of the additional wastewater;
3. 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,
4. 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;
5. A proposed service fee on the users of the system by the higher authority that is above what is affordable of existing homeowners in that area;
6. Terms for connection or adoption by the higher authority that would require more than two (2) years to achieve full sewer service; or
7. Terms for connection or adoption by the higher authority are not viable or feasible to homeowners in the area.

(€D) The department will review the planning, design, construction, and designation of watershed or regional sewage works.

1. Where development is insufficient to warrant immediate construction of facilities for the entire watershed or region, interim facilities for a portion of the area shall be authorized as long as the design is compatible with 10 CSR 20-8, Design Guides.
  - a. The department shall condition permits for these interim discharges so they will be eliminated upon the availability of watershed or regional facilities, unless the permittee demonstrates that the connection is not available under subsection (2)(C) of this rule.
  - b. At such time as watershed or regional facilities become available, and to the extent their capacity is sufficient, any existing subregional treatment works and/or lift stations shall be taken out of service and the tributary waste flows diverted into the watershed or regional facilities.
2. A Regional Sewage Service and Treatment Plan shall be developed by all affected political jurisdictions and submitted to the department. Staff will review the plan and submit recommendations to the Clean Water Commission. The Clean Water Commission may approve, require changes, deny the plan, and/or hold public hearings related to approval of the plan.

(E) The Owner(s) and/or the Responsible Party for industries must submit as part of the new and/or renewal operating permit application, a statement waiving preferential status from each existing higher preference authority listed in paragraph (2)(B)1. or 2 for collection and treatment of industrial type wastewater and incidental domestic wastewater associated with their operation

(F) Private corporations which are not incorporated under the laws of the state of Missouri shall be represented by a registered agent in the state of Missouri before a construction permit or an operating permit will be issued by the department.

(G) 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(2)(B)2, the entity shall

1. Submit a preliminary request to the Clean Water Commission through the department to obtain higher authority;
2. Develop a plan, which includes, but not limited to:
  - a. A discussion of Regional Treatment service plan;
  - b. Capital Improvements Program;
  - c. Discussion on providing waivers when sewer connection is not available;
  - d. Environmental issues and/or concerns in the service area;
  - e. Discussion for addressing noncompliant facilities in the service area;
  - f. Community financial information; and
  - g. Defined service area.
3. Develop and obtain local approval of ordinances authority to connect facilities to manage wastewater flows. The ordinance shall require the recipient to notify all potential users of service availability and that all users shall connect to the system within ninety (90) days of notice of service availability. A copy of the enacted ordinance must be submitted.

4. Allow opportunity for public participation to exchange ideas during project development. Public participation must be preceded by timely distribution of information and must occur sufficiently in advance of decision making to allow the recipient to assimilate public views into action. At a minimum, the entity must provide an opportunity for public participation, prior to approval of the plan required in (2) above and draft ordinance, at a public meeting. The entity shall prepare a transcript, recording or other complete record of the proceeding and submit it to the department and make it available at no more than cost to anyone who requests it. A copy of the record should be available for public review.
5. Provide other information as required by the department; and
6. Submit a final request to the Clean Water Commission through the department, containing the fulfillment of (G)1-5, along with the Commission's recommendations.
7. Staff will review the plan and submit recommendations to the Clean Water Commission. The Clean Water Commission may approve, require changes, deny and/or hold public hearings related to approval of the Level 2 designation.

(3) Construction Permits.

(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 for the following activities, unless exempted under sections 10 CSR 20-6.010(1)(B); (3)(C-D), or (4):

1. New and modified domestic wastewater discharges;
2. New and modified surface and subsurface wastewater irrigation;
3. All State funded projects;
4. New and modified earthen basins used for wastewater treatment;
5. Sewer Extensions; and
6. New and innovative technologies.

(B) Nothing shall prevent the department from taking action to assure protection of the environment and human health. A Construction Permit may be required where necessary as determined by the department, including the following:

- A. Substantial deviation of 10 CSR 20-8 Design Guides
- B. To correct noncompliance;
- C. When an unauthorized discharge has occurred or has the potential to occur;
- D. When a discharge results in violation of water quality standards under 10 CSR 20-7.031; or
- E. Other relevant factors.

(C) The following activities are exempt from Construction Permitting; however the activities must meet the appropriate standards in 10 CSR 20-4 through 10 CSR 20-8, including Antidegradation Reviews per 10 CSR 20-7.031(2). For the activities below, the information in paragraphs (3)(H)1.-12. may be required with application for the operating permit.

1. Construction of a separate storm sewer;
2. Facilities as provided in other 10 CSR 20-6 regulations;
3. Nondomestic discharges of process wastewater;
4. Stormwater best management practices, as defined in 10 CSR 20-6.200;
5. Industrial facilities connecting to a publicly owned treatment plant;
6. Treatment facilities evaluated and constructed under other department programs;
7. Appropriately designed Injection system using common metal salts for phosphorus removal prior to existing liquid-solids separation and tertiary filtration;
8. Pre-engineered Dechlorination Equipment;
9. Sludge drying equipment;
10. Like for like replacement;
11. Sewer extensions 1,000 feet or less, including gravity and/or forcemains, with no more than one (1) lift station;

12. Outfall relocation; and

13. Minor Projects that may change equipment or operations, but do not affect the overall capacity of the treatment plant and could improve treatment, including:

- A. Internal piping changes,
- B. pH adjustment,
- C. Addition of storage tanks,
- D. Bar screens,
- E. Grit removal equipment,
- F. Administrative buildings,
- G. Fences and access roads,
- H. Flow measuring devices,
- I. Mixing Equipment, and
- J. Addition and/or improvement of sampling equipment.

(D) General Construction Permits for Collection System Sewer Extensions

1. Persons may apply to the department for a general permit for construction of gravity sewer line extensions, lift stations, and force mains. The following shall be submitted to the department:
  - A. Detailed plans and specifications shall be submitted by an engineer and shall contain the information required in 10 CSR 20-8.020, 20-8.110, 8.120, 8.130 or other regulations as applicable;
  - B. A permit fee in accordance with 10 CSR 20-6.011;
  - C. A written certification from the engineer that the design plans and specifications for the project conform to the requirements of 10 CSR 20-8. The plan, specification, and/or report was prepared by the engineer or under the engineer's direct supervision and that engineer is a duly Licensed Professional Engineer under the laws of the state of Missouri
  - D. A written statement from the continuing authority indicating acceptance of the gravity sewer line and the willingness to own, operate, maintain, and modernize the gravity sewer line after successful construction. The continuing authority shall meet the requirements of section (2) of this rule. If the owner and continuing authority are the same entity, no separate statement is required.
  - E. A written statement from the receiving wastewater treatment facility accepting the waste from the proposed gravity sewer line and providing the remaining capacity of the treatment facility. If the continuing authority and receiving wastewater treatment facility are the same entity, no separate statement is required.
  - F. When the project is completed, submit the statement of work completed with electronic as-builts of the extension.
2. Nothing in this rule exempts construction permits that are required by the Department due to Compliance and Enforcement Actions.

(E) All activities that are exempted from the construction permit requirement, both domestic and nondomestic facilities, are subject to the following conditions:

1. Any point source system designed to hold, convey, contain, store or treat domestic, agricultural or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commission's design rules;
2. Such point source system shall be constructed in accordance with the registered professional engineer's design and plans; and
3. Such point source system may receive a post-construction site inspection by the department prior to receiving operating permit approval. A site inspection may be performed by the department, upon receipt of a complete operating permit application and/or submission of an engineer's statement of work complete.
4. If a construction permit is waived by the department, or not required, the information in paragraphs (3)(H)1.-12. may be required with application for the operating permit.

5. Nothing shall prevent the department from taking action to assure protection of the environment and human health. A Construction Permits may be required where necessary as determined by the department, including the following:

- A. Substantial deviation of 10 CSR 20-8 Design Guides
- B. To correct noncompliance;
- C. When the facility is receiving state funding;
- D. When an unauthorized discharge has occurred or has the potential to occur;
- E. When a discharge results in violation of water quality standards under 10 CSR 20-7.031; or
- F. Other relevant factors.

(F) A separate construction permit application for each sewer system, water contaminant source, point source, or wastewater treatment facility must be submitted to the department. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases. For continuing authorities listed in paragraph (2)(B)1. or 2. only one (1) application may be required when the authority operates a sewage treatment plant and has one (1) or more other noncontinuous storm water-related discharges associated with the sewage treatment plant.

(G) An application for a construction permit must be submitted to the department at least one hundred eighty (180) days in advance of the date on which construction begins. Requests for a shorter time for a review of a wastewater treatment facility may be made but must be accompanied by a detailed statement of the justification for the request. No such statement is required when the application is only for the construction of sewers.

(H) An application for a construction permit shall be made on forms provided by the department. The applications may be supplemented with copies of information submitted for other federal or state permits. A construction permit application shall consist of the following items:

1. A signed Construction Permit Application Form

A. All construction permit applications must be signed as follows:

(I) For a corporation, by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by a delegated individual having overall responsibility for environmental matters at the facility;

(II) For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or

(III) For a municipal, state, federal, or other public facility, by either a principal executive officer or by a delegated individual having overall responsibility for environmental matters at the facility.

2. Appropriate permit fee as required per 10 CSR 20-6.011;

3. An electronic copy of the construction permit application with required information listed below, on a compact disc or other removable electronic media, along with one paper copy for projects not funded through the State or two paper copies for State funded projects;

4. Water Quality Review and Antidegradation Report for all new and expanding facilities, as required by 10 CSR 20-7.031(2);

5. An engineering report and/or facility plan shall be submitted by a professional engineer, registered in the state of Missouri, and shall contain the information required by 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220.

a. If the report includes a proposal for a new or modified wastewater treatment facility, it shall include consideration of the feasibility of constructing and operating a facility which will have no discharge to waters of the state.

b. This report will be reviewed and necessary changes made before the plans and specifications described in paragraph (3)(H)6. will be reviewed.

c. Notwithstanding 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220, facility plans and/or engineering reports are not required for the following projects, unless otherwise required by the department:

(I) Disinfection equipment projects for treatment types already promulgated in 10 CSR 20-8;

(II) Sewer extensions covered under General Permit; and

(III) Projects for modification of existing wastewater treatment plants, with a design flow of less than 100,000 gallons per day.

6. Detailed engineering plans and technical specifications shall be sealed, signed, and dated by an engineer, registered in the state of Missouri and shall contain the information required in 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220 or other regulations as applicable;
7. A Summary of Design is required to be submitted along with the construction-permit application, as per 10 CSR 20-8.020(7) or 10 CSR 20-8.110(5), regardless of whether an engineering report or facility plan is required;
8. All other reports required by the department shall be signed by a person or a duly authorized representative, if—
  - a. The representative so authorized is responsible for the overall operation of the facility from which the discharge occurs; and
  - b. The authorization is made in writing by a person designated in subsection (2)(B) of this rule and is submitted to the director.
9. A one inch equals two thousand feet (1" = 2000') scale map (or larger) showing the location of all outfalls (alternate scale maps are allowed upon the request of the applicant and approval of the Department of Natural Resources), as well as a flowchart indicating each process which contributes to an outfall;
10. A Geohydrological Evaluation conducted by the Department's Division of Geology, for all new proposed constructions;
11. For drip systems, a soil morphology analysis shall be submitted by duly qualified soil scientist;
12. Other information necessary to determine compliance with the Missouri Clean Water Law and these regulations as required by the department; and
13. An appropriate operating permit application form for all new constructions or any major modifications as specified in subsection 3(P) of this rule shall be submitted with the construction permit application. If a construction permit is waived by the department, or not required, the information in paragraphs (3)(H)1.–12. may be required with application for the operating permit.

(I) If an application is incomplete or otherwise deficient, the applicant shall be notified of the deficiency and processing of the application may be discontinued until the applicant has corrected all deficiencies. The department will act after receipt of all documents and information necessary for a properly completed application, including appropriate filing fees and other supporting documents as necessary, by either issuing a notice of operating permit pending, issuing the construction permit, or denying the permit. The director in writing, shall give the reasons for a denial to the applicant. Applicants who fail to satisfy all department comments after two (2) certified department comment letters in a time frame established by the department shall have the application returned as incomplete and shall forfeit the construction permit application fees. The applicant has the right to request that the time frames be extended when additional time is needed. The request must occur within the established time frame, and ~~#~~ must be in writing. The department will grant reasonable time extensions.

(J) 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 operating permit for a new wastewater treatment facility or for major modifications at a wastewater treatment plant before it issues the construction permit for the wastewater treatment facility. 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 or other upgrades required to meet final effluent limits or conditions included in a compliance schedule established in operating permit and was previously publicly noticed.

1. 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.

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.

(K) Construction permits shall expire two (2) years from the date of issuance unless the permittee applies for an extension.

1. An applicant for extension shall show that there have been no substantial changes in the original project and file for extension thirty (30) days prior to expiration.

2. When a construction permit is issued for a project for which the construction period is known in advance, due to the project's scope and complexity, to require longer than two (2) years from the date of issuance, the department may issue a permit allowing a period of time greater than two (2) years upon a showing by the applicant that the period of time is necessary and that no substantial changes in the project will be made without notifying the department.

3. If there are changes, the department may require the applicant to apply for a new construction permit.

4. Construction permits may be issued for a period of less than two (2) years when appropriate.

(L) Issuance of a construction permit does not constitute a guarantee by the department that the finished water contaminant source, point source, or wastewater treatment facility will meet specified effluent limitations.

(M) The applicant shall provide the department with evidence the local planning and zoning agency has been notified of the project and must update the department on the status of any action by the local planning and zoning agency.

(N) 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 its submitted plans and specifications, along with an electronic copy of as-builts. A representative of the department may inspect the completed work in order to determine that the completed work substantially adheres to the approved plans and specifications and to the Missouri Clean Water Law and Clean Water Commission regulations.

(O) Operating Permit issuance after construction:

1. For facilities that received a construction permit, but a prior public notice of the operating was not required for the operating permit, submit the Statement of Work Completed form, along with an electronic copy of as-builts.

2. For facilities that received a construction permit and a prior operating permit public notice, the substantial work completed form shall be submitted at least sixty (60) days before the facility begins to receive wastewater. The form shall include the earliest date on which discharge is scheduled to begin. The department will issue or deny the permit within sixty (60) days of receipt of the form. Following the completion of construction, submit electronic copies of as-builts, along with the Statement of Work Completed. No facility shall discharge without a valid operating permit.

3. For facilities that received a construction permit, and either did not receive a prior public notice or the changes to the facility are beyond the scope of the construction permit, an application for modification of operating permit shall be submitted at least one hundred (180) days either before the date the facility begins to receive wastewater. Following the completion of construction, submit electronic copies of as-builts, along with the Statement of Work Completed. No facility shall discharge without a valid operating permit.

#### (4) Supervised Programs

##### (A) Sewer Extension Authority.

1. Persons who construct sewers tributary to a system operated by one (1) of the continuing authorities listed in paragraphs (2)(B) 1., 2., and 3 will be exempt from the construction permit requirements for sewers if the continuing authority administers a permit program which has been approved by the department. The program only covers sanitary and/or combined sewer lines and appurtenances within city limits or defined boundary under the continuing authority control.

A. In order to obtain approval of its permit program the continuing authority must submit a written request. The request must include an account of the procedures to be followed in approving the construction of sewers by others and for handling the design of sewers to be built by its own staff or contractors. The request must include at least the following:

(I). Standard technical specifications and typical detail drawing, prepared by a registered professional engineer, as required by 10 CSR 20-8.110. The standard technical specifications and detail drawings shall show manholes, trench construction, sanitary sewer and water line crossings and separation distances, and all other necessary appurtenances to which all construction will be required to adhere;

(II) An engineering report discussing the remaining capacity of the existing receiving sewer system, and the available capacity of the wastewater treatment facility serving each area must also be addressed;

(III). A current layout map, or maps, of the sewer collection system. The map(s) shall show sewer line sizes and lengths, manholes, lamp holes, lift stations, force mains, air release valves, and street names;

(IV). Assurance that the applicant will engage or employ a sufficient number of professional engineers and other staff qualified to review plans, issue permits, prepare reports, inspect construction, and enforce local and state requirements for each sewer extension;

(V). Assurance that the applicant will engage or employ a sufficient number of persons qualified to supervise construction or that the applicant has enforceable ordinances which require construction supervision and subsequent certification by a Missouri professional engineer; and

(VI). A demonstration that the applicant will maintain permanent plans of all sewers constructed and maintain records of sewer extension approvals and reports.

B. The department will review the application for approval and may ask for additional information if necessary to determine compliance with the Missouri Clean Water Law and these regulations.

2. Approval may be granted for a period of up to five (5) years in the applicant's operating permit. The operating permit may contain additional reporting requirements for reporting number of sewer extensions completed, number of sewer extensions, and remaining capacity of the treatment plant.

3. Upon submittal of the renewal operating permit application, the applicant must submit a request for reauthorization and a summary of activities undertaken during the previous permit cycle as required by operating permit.

##### (B) Treatment Plant Authority

1. A continuing authority covered under (2)(B) 1., 2., and 3 and with a wastewater treatment plant greater than one million gallons per day (1 MGD) under this rule may apply for an owner-supervised program for a treatment plant program in lieu of submitting plans and specifications for expansion or modification of an existing treatment plant.

2. A written request to the Department of Natural Resources for approval of a supervised program shall include the following information:

A. An engineering report showing the existing treatment plant, along with a summary of design discussing the remaining capacity of the existing wastewater treatment facility.

B. Standard specifications and typical appurtenance construction details to which all construction will be required to adhere;

C. Assurance that the applicant will engage or employ a sufficient number of professional engineers and other staff qualified to review plans, supervise and inspect construction, and enforce local and state requirements for each project;

D. Following completion of the project, as-builts prepared by a Missouri registered professional engineer, as required by 10 CSR 20-8.110, shall be available for review by the department.

3. The department will review the application for approval and may ask for additional information if necessary to determine compliance with the Missouri Clean Water Law and these regulations. Approval may be granted for a period of up to five (5) years in the applicant's operating permit.
4. Upon submittal of the renewal operating permit application, the applicant must submit a request for reauthorization and a summary of activities undertaken during the previous permit cycle as required by operating permit.
5. Modifications to existing wastewater treatment plants that increase facility capacity, change pollutants of concern, or change receiving stream require submittal and approval of an Antidegradation Review prior to construction commencing.
6. Applications for operating permit modifications for facilities must be received at least one hundred eighty (180) days the date the facility begins to receive wastewater, unless permission for a later date has been granted by the Department.
7. Nothing shall prevent the department from taking action to assure protection of the environment and human health. A Construction Permits may be required where necessary as determined by the department, including the following:
  - A. Substantial interpretation of 10 CSR 20-8 Design Guides
  - B. To correct noncompliance;
  - C. When the facility is receiving state funding;
  - D. When an unauthorized discharge has occurred or has the potential to occur;
  - E. When a discharge results in violation of water quality standards under 10 CSR 20-7.031; or
  - F. Other relevant factors.

(5) Operating Permits.

(A) Applications.

1. An application for issuance of an operating permit shall be made on forms provided by the department. The applications may be supplemented with copies of information submitted for other federal or state permits. The application shall include a one inch equals two thousand feet (1" = 2000') scale (or larger) map showing the location of all outfalls, as well as a flowchart indicating each process which contributes to an outfall. Each application must be accompanied by the appropriate permit fee. Alternate scale maps are allowed upon the request of the applicant and approval of the Department of Natural Resources.
  2. All applications must be signed as follows:
    - A. For a corporation, by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by an individual having overall responsibility for environmental matters at the facility;
    - B. For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or
    - C. For a municipal, state, federal, or other public facility, by either a principal executive officer or by an individual having overall responsibility for environmental matters at the facility.
  3. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Any facility expansions, production increases, or process modifications which will result in a new or substantially different discharge or sludge characteristics must be reported to the Department sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new permit. If the discharge does not violate effluent limitations specified in the permit, the facility is to submit a notice to the Department of the changed discharge at least thirty (30) days before such changes. The department may require a construction permit and/or permit modification as a result of the proposed changes at the facility.
- (B) Persons who build, erect, alter, replace, operate, use, or maintain any water contaminant source, point source, or wastewater treatment facility which discharges to waters of the state shall obtain an operating permit from the department before any discharge occurs. The operating permit shall be issued to the owner/responsible party. Nondischarging facilities for the treatment or disposal of wastes, wastewater, or residuals shall obtain permits as provided in 10 CSR 20-6.015. Persons who intend to discharge in accordance with section (12) of this rule are permitted by rule and may discharge without additional written approval from the department.

(C) Applications for an operating permit for a facility that had a valid construction permit and a prior public notice shall be received by the department at least sixty (60) days before the facility begins to receive wastewater. Applications shall include the earliest date on which the discharge is scheduled to begin. The department will issue or deny the permit within sixty (60) days of receipt of the application. No facility shall discharge without a valid operating permit.

(D) Applications for new, modification and/or renewal of site-specific operating permits or for site-specific operating permits for facilities that did not require construction permits must be received at least one hundred eighty (180) days either before the expiration date of the present site-specific operating permit or the date the facility begins to receive wastewater unless permission for a later date has been granted by the department. The department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

(E) For general operating permit applications seeking coverage under an initial or renewed general permit, that do not require a public participation process, the applicant shall apply sixty (60) days before expiration of the general permit. For an general operating permit applications seeking coverage under an initial or renewed general permit that requires an individual public participation process, the applicant shall apply for ninety (90) days before expiration of the general permit.

(F) All reports required by the department shall be signed by a person designated in subsection (A)2 of this rule or a duly authorized representative, if—

1. The representative so authorized is responsible for the overall operation of the facility from which the discharge occurs; and
2. The authorization is made in writing by a person designated in subsection (A)2 of this rule and is submitted to the director.

(G) The department shall specify in each operating permit the concentration, weight, or both, of each contaminant which may be released.

#### (6) Terms and Conditions of Permits.

(A) The following shall be incorporated as terms and conditions of all permits:

1. All discharges and sludge disposal shall be consistent with the terms and conditions of the permit;
2. The permit may be modified or revoked after thirty (30) days' notice for cause including, but not limited to, the following causes:
  - A. A violation of any term or condition of the permit;
  - B. A misrepresentation or failure to fully disclose all relevant facts in obtaining a permit;
  - C. A change in the operation, size, or capacity of the permitted facility; and
  - D. The permit may be modified after proper public notice and opportunity for comment when a wasteload allocation study has been completed showing that more stringent limitations are necessary to protect the in-stream water quality;
3. The permit may not be modified so as to extend the term of the permit beyond five (5) years after its issuance;
4. Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions and regulations. Operators or supervisors of operations at regulated wastewater treatment facilities shall be certified in accordance with 10 CSR 20-9.020(2) and any other applicable state law or regulation. Operators of other wastewater treatment facilities, water contaminant source, or point sources, upon request of the department, shall demonstrate that wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel;
5. The permittee, owner, and continuing authority shall allow the department, or an authorized representative (including an authorized contractor acting as a representative of the department), upon presentation of credentials and other documents as may be required by law, to:
  - A. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
  - B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Federal Clean Water Act or Missouri Clean Water Law, any substances or parameters at any location.

6. If the permit is for a discharge from a publicly owned treatment works, the permittee must provide adequate notice to the department of the following:

(1) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to section 301 or 306 of Clean Water Act if it were directly discharging those pollutants;

(2) Any substantial change in the volume or character of pollutants being introduced into that treatment works at the time of issuance of the permit; and

(3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of influent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

7. If the permit is for a discharge from a publicly-owned treatment works, the permittee shall be able to identify any introduction of pollutants or substances into the facility that alone or in combination will cause—disruption of the treatment processes, violation of effluent standards as defined in their operating permit, violation of water quality standards in the receiving stream as defined in 10 CSR 20-7.031, or classification of the residues of the treatment processes as hazardous waste as defined in 10 CSR 25-4.010. In addition, the permittee shall require any industrial user of the treatment works to comply with the requirements of 10 CSR 20-6.100;

8. If a toxic effluent standard, prohibition, or schedule of compliance is established under Section 307(a) of the Federal Clean Water Act for a toxic pollutant in the discharge of permittee's facility and the standard is more stringent than the limitations in the permit, then upon notice to the permittee the more stringent standard, prohibition, or schedule shall be incorporated into the permit as one (1) of its conditions;

9. Facility expansions, production increases, or process modifications that will result in a new or substantially different discharge or new sludge characteristics must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new or modified permit, or if the discharge does not violate effluent limitations specified in the permit, by submission of notice to the department of the changed discharge; and

10. When a continuing authority under paragraph (32)(B)1. or 2. is expected to be available for connection, any operating permit issued to a permittee under this paragraph, located within the service area of the paragraph (32)(B)1. or 2. facility, shall contain the following special condition: Permittee will cease discharge by connection to a facility with an area-wide management plan per 10 CSR 20-6.010(2)(B) within 90 days of notice of its availability. The permittee shall obtain departmental approval for closure or alternate use of these facilities.

(B) The permit shall contain effluent limitations and monitoring requirements. Other terms and conditions shall be incorporated into permits if the department determines they are necessary to assure compliance with the Clean Water Law, related regulations or policies of the Missouri Clean Water Commission.

(7) Prohibitions. No permit shall be issued in the following circumstances:

- (A) Where the terms and conditions of the permit do not comply with applicable guidelines or requirements, the Missouri Clean Water Law and Clean Water Commission regulations or the Federal Clean Water Act and federal regulations;
- (B) Where the EPA regional administrator has properly objected to the issuance of a permit by the director;
- (C) Where the permit conditions cannot ensure compliance with the applicable water quality requirements of all other affected states;
- (D) Where, in the judgment of the secretary of the army acting through the appropriate district engineer, anchorage and navigation would be substantially impaired;
- (E) For the discharge of any radiological, chemical, or biological warfare agent or high level radioactive waste;
- (F) For any discharge from a point source inconsistent with a plan or plan amendment approved under Section 208(b) of the Federal Clean Water Act; or
- (G) To a facility which is a new source or a new discharger, if the discharge from the construction or operation of the facility will—
  - 1. Cause or contribute to the violation of water quality standards if the point of discharge is located in a segment that was an effluent limitation segment, prior to the introduction of the discharge from the new source or new discharger; or
  - 2. Exceed its pollutant load allocation if the discharge is into a water quality limited segment.

(8) Operating Permit Renewal and Expiration Dates.

- (A) Upon completion of construction, the first Missouri State operating permit may be issued for a period not to exceed five (5) years.
- (B) Whenever a release or a potential for release from a point source, water contaminant source, or wastewater treatment facility is permanently eliminated, the existing operating permit will be terminated upon verification by the department.
- (C) Where a person has the permit responsibility for more than one (1) wastewater treatment facility, water contaminant source, or point source involving more than one (1) operating permit, the department may combine the billings by issuing all operating permits with the same expiration date. Each facility shall continue to operate under and be governed by the separate provisions of each individual permit.
- (D) When a check used for an application fee is returned to the department as nonnegotiable, review of the application shall cease and the applicant be notified.
- (E) Continuation of Expiring Permits.
  - 1. The terms and conditions of an expired permit are continued automatically pending issuance of a renewed operating permit if—
    - A. The permittee has submitted a timely and sufficient application for a renewed operating permit under this rule; and
    - B. The department is unable, through no fault of the permittee, to issue a renewed operating permit before the expiration date of the previous permit.
  - 2. Permits continued under paragraph (8)(E)1. remain fully effective and enforceable.

(9) Permits Transferable.

- (A) Subject to section (2)(A), a construction permit and/or operating permit may be transferred upon submission to the department of an application to transfer signed by the existing owner and/or continuing authority and the new owner and/or continuing authority. Until the time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit. To receive a transferred permit, the new owner and/or continuing authority must complete an application and demonstrate to the department that the new person, persons or group is permanent and will serve as the continuing authority for the operation, maintenance, and modernization of the facility. The new owner and/or continuing authority shall be responsible for complying with the terms and conditions of the permit upon transfer.

(B) The department, within thirty (30) days of receipt of the application, shall notify the new applicant of its decision to revoke and reissue or to transfer to the permit.

(10) Closure of Treatment Facilities.

(A) Persons who cease operation or plan to cease operation of waste, wastewater, and sludge handling and treatment facilities shall close the facilities in accordance with a closure plan approved by the department.

(B) Closure plans shall address wastewater and sludge removal, dewatering activities, removal of treatment structures, removal of solid waste, site grading and site shaping so that ponding shall not occur.

(C) Closure plans shall be submitted to the department ninety (90) days after ceasing operations. The permittee, owner, and/or responsible party shall complete closure activities within one hundred eighty (180) days of receipt of the department's approval letter of the closure plan or within the timeframe provided in the closure plan..

(D) Operating permits under section (5) of this rule or under 10 CSR 20-6.015 are required until all waste, wastewater, wastewater solids/sludges, and any solid wastes have been disposed of in accordance with the closure plan approved by the department under subsection (10)(A) of this rule, and any disturbed areas have been properly stabilized.

(E) Disturbed areas will be considered stabilized when perennial vegetation, pavement, or structures using permanent materials cover all areas that have been disturbed. Vegetative cover, if used, shall be at least 70% plant density over 100% of the disturbed area.

(F) Closure activities shall obtain a storm water permit for land disturbance activities that meet the requirements of the land disturbance permit in accordance with 10 CSR 20-6.200.

(11) General Operating Permits.

(A) The department may issue a general permit in accordance with the following:

1. The general permit shall be written to cover a category of discharges described in the permit except those covered by site-specific permits within a geographic area. The area shall correspond to existing geographic or political boundaries, such as—

A. Designated planning areas under Sections 208 and 303 of the Federal Clean Water Act;

B. City, county, or state political boundaries, or special sewer districts chartered by the state;

C. State highway systems; and

D. Any other appropriate division or combination of boundaries; and

2. The general permit shall be written to regulate a category of point sources if the sources all—

A. Involve the same or substantially similar types of operations;

B. Discharge the same types of wastes/wastewaters;

C. Require the same effluent limitations or operating conditions;

D. Require the same or similar monitoring; and

E. Are controlled more appropriately, in the opinion of the director, under a general permit than under site-specific permits.

(B) General permits may be issued, modified, revoked, and reissued or terminated in accordance with applicable requirements of this regulation. To be included under a general permit, a permittee must submit an application on forms supplied by the department.

(C) The department may require any person authorized by a general permit to apply for and obtain site-specific operating permit. Any interested person may petition the department to take action under this subsection. Cases where an site-specific operating permit may be required include, but are not limited to, the following:

1. The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving stream;

2. The discharger is not in compliance with the conditions of the general operating permit; and

3. A Water Quality Management Plan containing requirements applicable to these point sources is approved.

(D) Any owner/operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an site-specific permit. As indicated in section (2), the owner/operator shall submit, to the department, an application with reasons supporting the request. The request shall be granted by issuing any site-specific permit if the reasons cited by the owner/operator are adequate to support the request.

1. When a site-specific operating permit is issued to an owner/operator otherwise subject to a general operating permit, the applicability of the general permit to the site-specific operating permittee is terminated automatically on the effective date of the site-specific permit.

2. A source excluded from a general permit solely because it already has an site-specific permit may request that the site-specific permit be revoked and that it be covered by the general permit. Upon revocation of the site-specific permit, the general permit shall apply to the source. The source shall be included under the general permit only if it meets all the requirements for coverage under the permit.

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(12) Permit by Rule.

(A) Hydrostatic Testing. Persons discharging water used for the hydrostatic testing of new petroleum-related oil and gas pipelines and storage tanks in the state of Missouri may discharge to waters of the state without first applying for and obtaining a permit if the discharge is *de minimis* (less than one thousand (<1,000) gallons) or the person takes the following steps:

1. Notification. The owner/operator must notify the department in writing of its intent to conduct hydrostatic test discharge(s) under this rule at least thirty (30) days prior to the first such discharge. This requirement may be met by a one- (1-) time annual notification. Notice shall specify the source of water to be used in the hydrotest and shall identify the location(s) of the pipeline(s) and/or tank(s) to be tested.

2. Filing fee. Persons who intend to discharge in accordance with section (12) of this rule must pay a filing fee per 10 CSR 20-6.011 to the department with their notification above.

3. Discharge limits. The discharge must meet the following limits: <10 mg/l total petroleum hydrocarbons, <100 mg/l total suspended solids, and equal to or between 6.5 and 9.0 standard units pH.

4. Sampling and testing requirements. One (1) grab sample shall be taken per discharge during the first sixty (60) minutes of the discharge. The sample shall be analyzed for the pollutants limited by this rule. Sampling and analysis shall be performed in accordance with 10 CSR 20-7.015(9)(A). Total discharge volume shall be documented for each hydrostatic test discharge.

5. Analytical report. The owner/operator of the pipeline(s) and/or storage tank(s) on which the hydrostatic tests are performed shall submit an annual report summarizing each discharge, including date, time, test location, analytical results, and total discharge volume, in gallons, by October 28, of each year.

6. Exception reporting. If any of the sampling results from the hydrostatic test discharge show any exceedance of the following discharge limitations, written notification shall be made to the department within five (5) days of receipt of analytical results. Notification shall indicate the date(s) of sample collection, the analytical results, and a statement concerning the revisions or modifications in management practices that are being implemented to address the violation of the limitation that occurred.

A. <10 mg/l total petroleum hydrocarbons.

B. <100 mg/l total suspended solids.

C. pH equal to or between 6.5 and 9.0 standard pH units.

7. General requirement. The hydrostatic testing water shall not contain dyes or have a visible sheen indicating the presence of petroleum products.

8. Any person who irrigates wastewater from a hydrostatic test may do so under this rule if the notification, filing fee, and annual reporting requirements of paragraphs (12)(A)1., 2., and 4. are met and the irrigation does not result in any discharge to waters of the state. The quality of the irrigated wastewater is not required to meet the limits stated in paragraph (12)(A)6. of this rule.

9. The quality of wastewater from a hydrostatic test that is discharged directly to the Mississippi or Missouri Rivers must meet the limits stated in paragraph (12)(A)6.

(B) The department may require a site-specific permit for these discharges if it determines that requiring a site-specific permit may better protect the quality of waters of the state.

(C) The person(s) discharging under this rule may apply for a site-specific permit at any time.

(D) This rule does not supersede nor eliminate liability for compliance with county and other local ordinances.

(E) Persons discharging under this rule are not required to obtain a separate permit to construct and operate an oil-water separator to aid in meeting limits for hydrostatic wastewater.

(F) The department shall maintain records open to the public on all persons claiming coverage under permit by rule. Appeals of permits in accordance with 10 CSR 20-6.020(6) may be received by the department up to thirty (30) days from the date the department received notice from the discharger.