

**Title 10—DEPARTMENT OF NATURAL
RESOURCES**

**Division 20—Clean Water Commission
Chapter 6—Permits**

10 CSR 20-6.010 Construction and Operating Permits

WORKING DOCUMENT

**The Department presents these draft materials for
stakeholder review and discussion only.
Subject to the Red Tape Reduction review.**

The Missouri Department of Natural Resources has identified 10 CSR 20-6.010, Construction and Operating Permits Rule, 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.

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

PROPOSED AMENDMENT

Purpose: This amendment clarifies continuing authority requirements, simplifies the list of projects requiring construction permits, removes duplicative language found in other regulations, establishes the process for variances from regulation, requires electronic submittals of certain information, and serves as a general clean-up for consistency and clarity.

(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 **Missouri Department of Natural Resources (department)** for the permits required *[by the Missouri Clean Water Law and these regulations]***in accordance with sections (4) and (6) of this rule.** The *[D]***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 **provided that none of the activities or structures cause or contribute to pollution of waters of the state or otherwise violate the Missouri Clean Water Law or its implementing regulations:**
1. Nonpoint source discharges;
 2. Service connections to wastewater *[sewer]***collection** 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;]* **Internal plumbing, piping, water diversion, or retention structures that are an integral part of an industrial process, plant or operation. If the piping, plumbing or structure results in a discharge to the water of the state, an operating permit will be required;**
 4. Routine maintenance or repairs of any existing *[sewer]***collection** system, wastewater treatment facility, or other water contaminant or point source;
 5. **Onsite systems for** *[S]*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]***department** or the Environmental Protection Agency (EPA), provided the discharge *[shall]* **does** 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. *[Small scale pilot projects or demonstration projects]* **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]* **department**. The *[D]***department** may extend the permit exemption for up to one (1) additional year. *[A 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.]***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 obtaining a permit if the discharge is de minimis (less than one thousand (<1,000) gallons);**
 10. **Nondischarging earthen basins for domestic wastewater flows of three thousand gallons per day (3,000 gpd) or less.**
- (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.]*
- (C) **The department provides an evaluation of the cost analysis for achieving compliance when issuing permits with new conditions or limits to any portion of a publicly-owned combined or separate sanitary or storm sewer system, treatment works, or municipal industry utilizing the department’s guidance or other applicant submitted information or analysis. The department is not required to make a cost of compliance finding when:**
1. **Issuing sewer extension permit;**
 2. **Issuing NPDES permit renewals that include no new environmental requirements;**

3. **A construction permit that does not include new environmental requirements beyond what are already required by an existing compliance schedule; or**
 4. **The permit applicant certifies that the applicable requirements are affordable to implement or otherwise waives the requirement for a cost of compliance finding.**
- (D) **Permittees may pursue integrated planning to facilitate the use of sustainable and comprehensive solutions that protect human health, improve water quality, manage stormwater as a resource, and support other economic and quality of life benefits. The integrated planning approach does not remove obligations to comply with the federal Clean Water Act or Missouri Clean Water Law, nor does it lower existing regulatory or permitting standards, but rather recognizes the flexibilities for the appropriate sequencing and scheduling of work. Development, implementation, or issuance of permits, total maximum daily loads, or enforcement requirements and activities will not be delayed while an integrated plan is developed, unless prior agreement between the department and the entity has been made.**
1. **Integrated plans may address efforts to protect source water and surface water supplies, and/or nonpoint source control through proposed trading approaches or other mechanisms.**
 2. **When developing an integrated plan, the permittee determines and defines the scope of the integration effort, identifies the roles and different entities participating in the development and implementation of the plan. In development of the plan, the permittee should seek input from the department on priority setting and implementation issues.**
- (E) **Per 40 CFR Part 127 National Pollutant Discharge Elimination System Electronic Reporting Rule, permittees are to submit discharge monitoring reports and other department required documentation, including but not limited to permit applications, compliance reports, operational monitoring reports and annual reports through the Department's electronic reporting system(s).**
1. **Registration ensuring compliance with 4 CFR Part 3 Cross-Media Electronic Reporting Rule (CROMERR), is required electronically prior to submission of information through the department's online electronic reporting application(s), unless electronic submission of this information is not yet supported by the department.**
 2. **Permittees that submitted CROMERR compliant documentation to utilize the department's online electronic reporting application(s) need not submit additional documentation unless requested by the department.**
 3. **Temporary and permanent non-transferable waivers of electronic reporting requirements may be issued by the department after a formal request by the permittee. Waivers may be issued for the following situations:**

- A. **For facilities and entities owned or operated by members of religious communities that choose not to use certain modern technologies (e.g., computers, electricity),**
 - B. **Facilities that commit to terminating their permit within one (1) year,**
 - C. **Computer applications facilitating electronic reporting have not yet been developed by the department, or**
 - D. **On a case-by-case basis.**
4. **Episodic non-transferable waivers of electronic reporting requirements may be issued by the department without formal request of the permittee for the following situations:**
- A. **Emergencies, long lasting-power outages or other catastrophic events beyond the control of the facility which would prevent the electronic submission of reports.**
5. **Facilities with approved waivers are to submit required reports and other documentation in hard-copy format to the department according to the conditions outlined in the waiver.**

[(2) Applications.

- (A) *An application for, or for renewal of, a construction permit or operating permit shall be made on forms (see 10 CSR 20-6.090) 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.*
- (B) *All applications must be signed as follows:*
 1. *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;*
 2. *For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or*
 3. *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.*
- (C) *All other reports required by the Department shall be signed by a person designated in subsection (2)(B) 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 (2)(B) of this rule and is submitted to the director.*

- (D) *Any changes in the written authorization which occur after the issuance of a permit shall be reported to the Department by submitting a new written authorization which meets the requirements of subsection (2)(C).]*

(/3/2) Continuing Authorities.

- (A) All applicants for construction permits **and/or** operating permits shall *[show as part of their application, that a permanent organization]* **declare the legal entity that** 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]* **will** 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 wastewater under this regulation]* are listed in preferential order in the following paragraphs. An applicant may utilize a lower preference continuing authority by submitting, as part of the application, a statement waiving preferential status from each existing higher preference authority, providing the waiver does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional *[sewage service]* **collection** and treatment plan approved for the higher preference authority by the *[D]***department**:

1. **Level 1 Authority.** 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. **Level 2 Authority.** A municipality, **or** public sewer district, *[or sewer company regulated by the Public Service Commission (PSC)]* which currently provides *[sewage]* **wastewater** collection and/or treatment services on a regional or watershed basis as outlined in *[10 CSR 20-6.010(3)section (2)(C) E of this rule* and approved by the **Missouri** 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. **Level 3 Authority.** A municipality, public sewer district, or sewer company regulated by the PSC other than one which qualifies under paragraph *(/3/2)(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**
 - A. not available,
 - B. do not have jurisdiction,
 - C. are forbidden by statute or ordinance from providing service to the proposed area or,

- D. if available, has submitted a written waiver as specified in subsection (2)(C) of this rule or has met one of the requirements listed in paragraphs (2)(D) 1.-6. of this rule.** Permits *[shall]* not be **applied for** or issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;
4. **Level 4 Authority.** Any person, **industry, or group of persons contractually obligated to collectively act as a wastewater collection and treatment service, or nonprofit company organized under 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]* **system.** The *[person]* **Level Four (4) Applicant** may constitute a continuing authority only by showing that the authorities listed under paragraphs *(3)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]* **proposed area** or, if available, *[have]* **has submitted a written waiver[s] as specified in subsection (2)(C) of this rule or has met one of the requirements listed in paragraphs(2)(D)1.-6.** *[as provided for in subsection (3)(B)]* of this rule; and
5. **Level 5 Authority.** An association of property owners served by the wastewater treatment facility, provided the applicant shows that—
- A. The authorities listed in paragraphs *(3)2(B)1.-3.* of this rule are not available or, **if available, has***[that any available authorities have]* submitted a written waiver[s] **as specified in subsection (2)(C) of this rule or has met one of the requirements listed in paragraphs (2)(D)1.-6.***[as provided for in subsection (3)(B)]* of this rule;
- B. **The association is a corporation in good standing registered with the Office of the Missouri Secretary of State.**
- C. The association owns the facility and has valid easements for all sewers;
- D. *[The document establishing the association imposes]* **Through a demonstration the** covenants on the land of each property owner which *[assures]* **provides the authority for** the proper operation, maintenance, and modernization of the *[facility]* **wastewater treatment system** including at a minimum:
- (i) The power to regulate the use of the **collection system and/or the wastewater treatment** 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]2)(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, located in any area-wide management plan approved under section 208 of the Federal Clean Water Act, and proposing to use a lower preference continuing authority must submit a statement waiving preferential status from the existing higher preference authority.

(D) Applicants proposing use of a lower preference continuing authority, when the higher level authority is available, must submit 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 Missouri Clean Water Commission:

- 1. A written statement or a demonstration of non-response from the higher authority declining the offer to accept management of the additional wastewater;**
- 2. A diagram that clearly illustrates that the collection system operated by a higher preference authority is at a distance greater than two thousand feet (2000’) from the proposed facility;**
- 3. A proposed connection or adoption charge by the higher authority that would equal or exceed one hundred twenty percent (120%) of the applicant’s cost of constructing or operating the proposed wastewater system;**
- 4. A proposed service fee on the users of the system by the higher authority that is above what is affordable for existing homeowners in that area;**
- 5. Terms for connection or adoption by the higher authority that would require more than two (2) years to achieve full sewer service; or**
- 6. A demonstration that the terms for connection or adoption by the higher authority are not viable or feasible to homeowners in the area.**

[C 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,

4. **Provides opportunity for public participation, including the exchanging of ideas during project development and timely distribution of information prior to decision making. A public meeting must be provided prior to approval of the plan developed per paragraph (2)(I)2 of the rule and the draft ordinance. At a minimum, distribution of information and the publication of the notice of decision making must occur at least thirty (30) days in advance of the decision to allow the public to review and the recipient to assimilate the public views. Following the public meeting, the entity will prepare a transcript, attendance log, recording, or other complete record to be submitted to the department. The entity will provide a copy at no more than cost to anyone that requests it and the record should be available for public review.**
 5. **Submits a final request to the Missouri Clean Water Commission through the department, containing the fulfillment of paragraphs (2)(G)1.-4. of this rule, incorporating preliminary recommendations provided by the Missouri Clean Water Commission.**
 6. **Staff will review the plan and present recommendations to the Missouri Clean Water Commission for action. Staff will notify the applicant upon completion of staff review and the recommendations provided to the Missouri Clean Water Commission.**
- (3) **Antidegradation.**
In accordance with 10 CSR 20-7.031(3), all new or expanded discharges are subject to an antidegradation review.
- (A) **Applicants submit their request on forms provided by the department, and other information in support of the project, including:**
 1. **The Water Quality Review Assistance Antidegradation Review Request form, and the appropriate attachments;**
 2. **An antidegradation report detailing the proposed project;**
 3. **A geohydrological evaluation conducted by the department's Missouri Geological Survey for new dischargers;**
 4. **A Heritage Review provided by the Missouri Department of Conservation which provides information about species and natural communities of conservation concern, public lands and sensitive resources that could be affected by the proposed discharge; and**
 5. **Any additional information, evidence, documentation, technology performance information, modeling, or monitoring data consistent with the Antidegradation Procedure.**
 - (B) **Appropriate permit fee per 10 CSR 20-6.011;**

- (C) **Preliminary antidegradation determination.** Upon receipt of a complete antidegradation submittal the permitting authority will proceed with the review and develop a preliminary antidegradation determination.
- (D) **Appeals.** The discharger may appeal the preliminary antidegradation determination within thirty (30) days to the department director, or their authorized delegate. A decision on the appeal will determine whether the preliminary antidegradation determination is to be upheld, amended, or denied and a final antidegradation determination will be written. The department's final decision on a permit that incorporates antidegradation considerations may also be appealed in accordance with 10 CSR 20-6.020.
- (F) **Public comment.** The department will place a public notice of the antidegradation determination on the department's website and allow the public an opportunity to provide comments for a minimum of thirty (30) days. The antidegradation determination may be revised as a result of comments received.
- (G) **Disposition.** Operating permits will reflect the final antidegradation determination in accordance with 10 CSR 20-7.015(9)(A)5.

(4) Facility Plans and Engineering Reports.

In accordance with 10 CSR 20-8.110, a facility plan or engineering report is required for projects needing a construction permit, unless otherwise designated by the department.

- (A) **Submit the engineering report and/or facility plan prior to submittal of the Construction Permit Application. It needs to include the following:**
 - 1. **A signed Facility Plan or Engineering Report.** All facility plans and engineering reports are to be signed and sealed by a Missouri registered professional engineer, and contain the information required by 10 CSR 20-8.
 - 2. **Identify the alternative technical manuals and design criteria utilized that is different from the design guidance provided in 10 CSR 20-8.110 through 10 CSR 20-8.220.**
 - 3. **Submit one (1) hard copy and an electronic version (in Adobe® Portable Document Format (PDF) searchable format or Department approved equivalent) for review.**
 - 4. **For Engineering Reports,**
 - A. **Submit a plan of the existing and proposed sewers for projects involving new sewer systems and substantial additions to existing systems.**
 - B. **Submit a plan for projects involving construction or revision of pumping stations.**
 - C. **Provide the design basis and operating life.**
 - 5. **For Facility Plans,**
 - A. **Submit an approved Water Quality Review and Antidegradation evaluation or determination for all new and expanding facilities, as required by 10 CSR 20-7.031(3). For**

- non-funded projects, information submitted as part of the Antidegradation Report does not have to be resubmitted with the facility plan.**
- B. Evaluate the feasibility of constructing and operating a facility which will have no discharge to waters of the state if the report is for a new or modified wastewater treatment facility.**
 - C. Evaluate the economics of the project including alternatives to constructing a discharging system, including an evaluation of alternatives of wastewater irrigation or subsurface dispersal and connection to a regional wastewater treatment facility.**
 - D. Design the wastewater treatment plant basis for twenty (20) years.**
 - E. A geohydrological evaluation conducted by the department's Missouri Geological Survey, for all proposed new construction, new earthen basins, new outfall locations, wastewater irrigation fields, and subsurface dispersal sites. Include any recommendations provided in the geohydrological evaluation.**
 - F. A soil morphology analysis conducted by a duly qualified soil individual for all subsurface systems and for all wastewater irrigation systems applying more than twenty-four inches (24") per year. Submit on forms provided by the department.**
- (B) If the project receives department funding per 10 CSR 20-4, additional requirements may apply.**
- (C) Engineering reports and/or facility plans are only necessary upon request by the department for the following non-funded projects:**
- 1. Disinfection equipment projects for treatment types promulgated in 10 CSR 20-8.190;**
 - 2. Projects exempted from construction permitting under subsection (5)(C) of this rule;**
 - 3. Sewer extensions permitted under the general construction permit provided in subsection (5)(D) of this rule;**
 - 4. Sewer projects that submit a Missouri registered professional engineer's Sewer Extension Design Certification with the permit application; and**
 - 5. Treatment plants and/or sewer extensions by a permittee with their own authority under subsection (6) of this rule, if they are not receiving department funding.**

[4](5)Construction Permits

- (A) Applicability.** No person shall cause or permit the construction, installation, or modification of any *[sewer]***collection** system *[or of any water contaminant source, point source,]* or wastewater treatment facility

without first receiving a construction permit issued by the Department
[except for the following] **for the following activities, unless exempted under subsections (1)(B) or (5)(C) of this rule:**

1. *[Construction of a separate storm sewer; and]* **New and modified domestic wastewater discharges;**
2. *[Facilities as provided in other 10 CSR 20-6 regulations.]* **New and modified surface and subsurface wastewater irrigation;**
3. **New and modified earthen basins used for wastewater storage or treatment including industrial operations and Class I Concentrated Animal Feeding Operations;**
4. **Sewer extensions; and**
5. **New and innovative technologies for domestic and publicly owned wastewater treatment, as defined by 10 CSR 20-8.140.**

(B) The following activities are exempt from construction permitting when the activities meet the applicable standards in 10 CSR 20-2 through 10 CSR 20-9, including an antidegradation review per 10 CSR 20-7.031(3). Exempted projects from construction permitting may require professional engineering, as defined in 327.181, RSMo.

1. **Construction of a separate storm sewer;**
2. **Sewer extensions one thousand feet (1,000') or less, including gravity sewers and/or forcemains, with no more than one (1) pump station;**
3. **Construction of less than three thousand gallons per day (3,000 gpd) non-discharging lagoon systems;**
4. **Class II and smaller Animal Feeding Operations (AFO), as designated in 10 CSR 20-6.300;**
5. **Nondomestic discharges of process wastewater;**
6. **Stormwater best management practices, as defined in 10 CSR 20-6.200;**
7. **Industrial facilities connecting to a publicly owned wastewater treatment facility;**
8. **Treatment facilities evaluated and constructed under other department programs;**
9. **Systems adding common metal salts for phosphorus removal prior to existing liquid-solids separation and tertiary filtration;**
10. **Adding pre-engineered dechlorination equipment;**
11. **Solids processing equipment;**
12. **Like for like replacement (e.g., replacing eight-inch (8") pipe with eight-inch (8") pipe at the same location and grade, but material type may be different);**
13. **Outfall relocation; and**
14. **Minor projects that change equipment or operations, but do not affect the overall capacity of the treatment or treatment type, including but not limited to:**
 - A. **Internal piping changes;**
 - B. **pH adjustment;**
 - C. **Addition of solids storage tanks;**

- D. Screening equipment;
 - E. Grit removal equipment;
 - F. Administrative buildings;
 - G. Fences and access roads;
 - H. Flow measuring devices;
 - I. Mixing equipment;
 - J. Addition and/or improvement of sampling equipment;
 - K. Replacement of aeration equipment; and
 - L. Polymer additives.
- (D) **General Construction Permits for Collection System Sewer Extensions.**
- 1. **Persons may apply for a general construction permit for construction of gravity sewer line extensions, pump stations, and force mains. Include the following with the application for the general construction permit:**
 - A. **Detailed plans and specifications conforming to the requirements of 10 CSR 20-8.120 through 10 CSR 20-8.130 prepared by a Missouri registered professional engineer.**
 - B. **A permit fee in accordance with 10 CSR 20-6.011.**
 - C. **A written statement from the continuing authority, as identified in section (2) of this rule, indicating acceptance of the sewer lines and pump stations and the willingness to own, operate, maintain, and modernize the collection system after successful construction. If the owner and continuing authority are the same entity, no separate statement is required.**
 - D. **A written statement from the receiving wastewater treatment facility accepting the waste from the proposed collection system and providing the remaining capacity of the treatment facility. A written statement is not necessary if the owner and continuing authority are the same entity.**
- (E) **Standard Sewer Specifications and Details. Continuing authorities listed in 10 CSR 20-6.010(3)(B)1.,2.,or 3. may submit their standard sewer specifications and details for review and approval by the Department. These standard sewer specifications and details must fulfill the requirements of this rule and 10 CSR 20-8.120 through 10 CSR 20-8.130. Department approved standard sewer specifications and details need not be submitted with construction permit sewer extension applications.**

(*[B]*)**F** **Submit** *[A]* a separate **construction permit** application for each *[sewer]***domestic and publicly owned collection** system, *[water contaminant source, point source,]* or wastewater treatment facility *[must be submitted]* to the *[D]***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 paragraphs *[(3)(B)1. Or 2.]* **(2)(B) 1., 2., or 3., submit** only one (1) application *[may be required]* when the authority operates a *[sewage]***wastewater** treatment *[plant]***facility** and has one (1) or more other noncontinuous storm water *[-related]* discharges associated with the *[sewage treatment plant]***facility**.

- (G) Demonstration Projects. Demonstration and pilot projects are innovative processes for which minimum design criteria is not established in 10 CSR 20-8. Demonstration or pilot projects shall be approved by the Department prior to implementation of the new technology process or equipment.**
- 1. Pilot project installations are those whose discharge is returned to the existing treatment facility. They are installed for a period of one (1) year and are exempt from obtaining a construction permit after obtaining department approval of the project evaluation. Refer to paragraph (1)(B)8 of this rule.**
 - A. The project evaluation requirements are identified in 10 CSR 20-8.140(5)(B). Pilot project installations are temporary and coordinated to ensure water quality is protected.**
 - 2. A Demonstration Project installation is a full scale innovative technology process. All Antidegradation, operating permit, and construction permitting requirements apply.**
 - A. Full scale demonstration projects in Missouri are not exempt from antidegradation or permit requirements.**
 - B. The treatment process must be based on reasonable and sound engineering principles. Include a project evaluation of a technical performance demonstration of treating pollutants of concern in Missouri or locations with a climate similar to Missouri. The expected project evaluation details are outlined in 10 CSR 20-8.140 (5)(B) including review of design criteria.**
 - C. An operating permit modification depends on the nature of the treatment process and will be determined during project review of the facility evaluation or plan.**
 - 3. The technology remains a demonstration process until documentation verifies consistent performance as designed for treatment of pollutants of concern for twelve (12) consecutive months at three (3) sites in Missouri or locations with a climate similar to Missouri. Design subsequent installations of verified treatment processes based on established design criteria.**

(*[C]*)**H** **Submit***[An]*an application for a construction permit *[must be submitted]* to the Department at least one hundred eighty (180) days **for a wastewater**

treatment facility or sixty (60) days for collection system projects 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.]*

([D]J) An application for a construction permit shall be made on forms provided by the department. A construction permit application [shall consist of] includes the following items:

1. *[Unless not required by the Department, an engineering report shall be submitted by an engineer and shall contain the information required by 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220. If the report includes a 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 (see section (12) of this rule). Unless the Department specifies otherwise, this report will be reviewed and necessary changes made before the plans and specifications in paragraph (4)(D)2. will be reviewed;]*

A signed Construction Permit Application Form. Sign all construction permit applications and any supporting reports 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 a delegated 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 a delegated individual having overall responsibility for environmental matters at the facility.**

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

3. An electronic copy of the construction permit application and the information listed below in Adobe® Portable Document Format (PDF) searchable format or department approved equivalent, along with one (1) paper copy for projects not seeking department funding or two (2) paper copies for projects seeking department funding under 10 CSR 20-4.

4. An approved Water Quality Review and Antidegradation evaluation or determination for all new and expanding facilities, in accordance with 10 CSR 20-7.031(3);

5. A Summary of Design

[2.] **6. Detailed engineering plans and technical specifications signed, sealed, and dated [shall be submitted by an] by a Missouri registered professional engineer, and [shall] which contain the information required in [10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220] 10 CSR 20-8, or other regulations as applicable;**

[3. *An application form and permit fee;*]

[4.]7. *[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,] A map showing the location of all outfalls, with scale, as well as a flowchart indicating each process which contributes to an outfall; and*

[5]8. *Other information necessary to determine compliance with the Missouri Clean Water Law and these regulations as required by the Department[;].*

[6. *If a construction permit is waived by the Department, or not required, the information in paragraphs (4)(D)1.-5. may be required with application for the operating permit.]*

([E]K) *If an application is incomplete or otherwise deficient, the applicant [shall] will be notified of the deficiency and processing of the application may be discontinued until the applicant has corrected all deficiencies.*

1. Applicants who fail to satisfy all Department technical comments after two (2) certified comment letters, in a time frame established by the Department, may have the application returned as incomplete and will forfeit the construction permit application fees.

2. *The Department will act after receipt of all documents and information necessary for a properly completed application, as listed in subsection (J) of this rule above and including appropriate filing fees, and other supporting documents as necessary, by either [issuing a notice of operating permit pending], issuing or denying the construction permit.[, or denying the permit.]*

[2. *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 the construction fees shall be forfeited.]*

1. *The applicant [has the right to] may submit a written request [that the time frames be extended when] additional time is needed prior to the conclusion of the set time frame. [The request must occur within the established time frame, it must be in writing and t]The [D]department will grant reasonable time extensions.*

(L) Notification in writing. A final determination, of whether the construction permit should be approved, approved with conditions, or denied with reason, will be provided in writing to the applicant by the Department within one hundred eighty (180) days.

([G]M) **Construction permits are issued for up to two (2) years unless the permittee applies for an extension.** *[shall expire one (1) years from the date of issuance unless the permittee applies for an extension. The Department shall extend construction permits only one (1) time.]*

1. *[An applicant for this extension shall show that there have been no substantial changes in the original project and file for]* **Submit requests for construction permit extension thirty (30) days prior to expiration. If there are changes, the department may require the applicant to apply for a new construction permit.**
 2. *[When a construction permit is issued for a project for which the construction period is known in advance, to require longer than one (1) years from the date of issuance, the Department may issue a permit allowing a period of time greater than [one (1) 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. If there are changes, the Department may require the applicant to apply for a new construction permit.]* **A construction permit may be issued for longer than two (2) years, when the applicant shows in advance the project is expected to take longer due to the project's scope and complexity.**
 - [3. Construction permits may be issued for a period of less than one (1) year when appropriate.]*
- (N) **The minimum design standards requirements set forth in 10 CSR 20-8 does not preclude the Department from utilizing other published technical design guides during the application review process to protect human health and the environment. The Department may request additional information and engineering justification to determine the facility's ability to meet effluent limits.**
- ([H]O)* Issuance of a construction permit does not constitute a guarantee by the *[D]*department that the finished *[water contaminant source, point source, or]* wastewater treatment facility will meet specified effluent limitations.
- [[I]]* *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.]*
- (P) **Submit a site specific operating permit application and appropriate modification fee with the construction permit application to allow for public participation prior to the issuance of a construction permit except if one of the following is met**
1. **Effluent limits and permit conditions have been established and previously been public noticed as part of an operating permit renewal;**
 2. **Effluent limits were established as part of the Antidegradation Review and public noticed in accordance with subsection (3)(F) of this rule;**
 3. **No new effluent limits and conditions are needed to be established in the existing operating permit;or**
 4. **Applicant is seeking a general permit.**
- (Q) **For issuance of an operating permit reflecting the construction activities, the owner, owner's designee, or the professional engineers certifies a project is complete or substantially complete, with the submittal of a complete operating permit application and a Statement of Work Completed form.**

1. If the project differs from the originally submitted plans and specifications, submit as-built plans clearly showing the alterations upon Department request at the completion of the work.

2. A representative of the department may inspect the completed work in order to determine that the completed work substantially adheres to the submitted engineering plans, technical specifications, Missouri Clean Water Law and Missouri Clean Water Commission regulations.

(6) Supervised Programs.

(A) Applicability. The supervised programs provide the opportunity for continuing authorities listed in paragraphs (2)(B) 1., 2., or 3. with at least one existing wastewater treatment facility with a design flow one million gallons per day (1 MGD) to be exempt from the construction permit requirements for collection system and treatment plant works, if the continuing authority administers a permit program that has been approved and delegated by the department.

1. For collection system authority, the program solely applies to sanitary and/or combined sewer lines and appurtenances within a defined boundary under the continuing authority's control that ultimately discharges to a wastewater treatment facility owned by the same continuing authority.

2. For treatment plant authority, the program solely applies to continuing authorities conducting their own construction that is funded by the entity, in lieu of submitting plans and specifications for expansion or modification of existing treatment facilities. Continuing authorities desiring treatment plant authority must also have a collection system authority approved by the department.

3. If a project is receiving funding from the department under 10 CSR 20-4, comply with 10 CSR 20-4 and 10 CSR 20-8 and obtain a construction permit.

4. If the facility is in enforcement, this may be reason for denial, suspension, or termination of the supervised program authority.

(B) Request Submittal. For systems desiring the authority, submit a request to the department with the following information regarding the system, treatment plant, capacity, and current procedures. The department will review the request, supporting documentation, and may ask for additional information if necessary to determine compliance with the Missouri Clean Water Law and these regulations. The department will inform the permittee in writing of its decision. Approval may be granted for a period of up to five (5) years in the applicant's operating permit.

1. General. For coverage under either authority, submit the following information:

A. A statement that the continuing authority employs or contracts a sufficient number of Missouri registered 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 and treatment plant project. If the continuing authority engages outside firms, provide a copy of the minimum responsibilities and expectations of the consulting engineer and what oversight the continuing authority will have. Reviews should be independent of the designer to avoid conflicts of interest;

B. A statement that the continuing authority employs or contracts a sufficient number of persons qualified to supervise construction or that the continuing authority has enforceable ordinances which require construction supervision and subsequent certification by a Missouri registered professional engineer; and

C. A statement on how the continuing authority maintains permanent records of approvals, sewer extensions, and treatment plant construction project and the retention policy for reports and project documentation.

D. A copy of the procedures followed in reviewing, approving, and inspecting the construction of collection systems by others and for handling the design and construction of collection systems to be built by its own staff or contractors delineating the responsibilities between the designers and the reviewers must be present.

2. Collection System Authority, submit the following information:

A. Standard technical specifications and typical detail drawing, prepared, signed, and sealed by a Missouri registered professional engineer, per 10 CSR 20-8.110. Standard technical specifications and detail drawings complying with 10 CSR 20-8.120 through 10 CSR 20-8.130, and all other necessary appurtenances to which all construction will adhere to;

B. An engineering report discussing the remaining capacity of the existing collection system, including each pump station, and the available capacity of the wastewater treatment facility serving each area. Refer to 10 CSR 20-8.110(x);

C. A current layout map, or maps, of the collection system showing street names, sewer line material types, sizes, and lengths, manholes, pump stations, force mains, air release valves, and other sewer appurtenances as necessary, or a detailed description of the continuing authority's mapping system and the procedures for updating the system.

D. A copy of the enacted ordinance enforcing the standard technical specifications and typical detail drawings.

3. Treatment Plant Authority, submit the following information:

A. A copy of procedures to be followed in reviewing, approving, and inspecting the construction of wastewater treatment

facilities by others and for retaining as-built plans following completion of the project, prepared by a Missouri registered professional engineer, per by 10 CSR 20-8.110.

- B. A facility plan discussing existing treatment plant(s), along with a summary of design discussing the remaining capacity of each existing wastewater treatment facility. Refer to 10 CSR 20-8.110(x) and 10 CSR 20-8.110(x);**
- C. Standard specifications and typical appurtenance construction details to which all construction will adhere.**
- D. Following completion of the project, as-builts will be retained and available for review, upon request.**

(C) Operating Permit. Supervised program approval will be granted through the applicant's operating permit for a period of up to five (5) years. The operating permit may contain additional reporting requirements including, but not limited to, an annual summary report.

1. Treatment plant authority.

- A. Antidegradation.** Submittal and approval of an Antidegradation Review is required prior to any construction that will increase facility capacity, change pollutants of concern, or change receiving stream. Refer to section (3) of this rule.
- B. Operating Permit Modifications.** Submit applications for operating permit modifications, when applicable, 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.
- C. Enforcement.** Submit a summary of construction projects and their design prior to construction if a facility is in enforcement.
- D. Technologies not established or discussed in 10 CSR 20-8 are not allowed for the Treatment Plant Permit Authority.**

(D) Annual Reports. An annual report summarizing the construction activities of the last year will be contained in the operating permit.

1. For facilities with Collection System Authority, the annual report includes the following information, but not limited to, for each approved sewer extension:

- A. Name of sewer extension**
- B. Population or number of lots to be served;**
- C. Type of wastewater (i.e., domestic or industrial);**
- D. Design flow in gallons per day**
- E. Length of sewer and force main;**
- F. Capacity of each pump station, if applicable;**
- G. The receiving wastewater treatment facility;**
- H. Date sewer extension permit is issued;**
- I. Dates of construction inspections;**
- J. Dates of leakage and deflection tests passing; and**
- K. Date sewer extension construction is accepted.**
- L. Remaining capacity of each wastewater treatment facility in gallons per day.**

2. For facilities with Treatment Plant Authority, the annual report includes the following information, but not limited to:

- A. An annual summary report of projects planned, ongoing, or completed;**
- B. Remaining capacity of each treatment facility;**
- C. As-builts of the treatment facility; and**
- D. Documentation and engineering justification from the minimum design criteria in 10 CSR 20-8.**

(E) Inspection. The department, or an authorized representative (including an authorized contractor acting as a representative of the department), upon presentation of credentials and other documents and at reasonable times, to will be able to—

- 1. Enter upon the continuing authority’s premises where any records are kept under the terms and conditions of the program.**
- 2. Have access to and copy any records kept under terms and conditions of the program;**
- 3. Inspect the collection system; and/or**
- 4. Inspect the wastewater treatment facilities.**

(F) Reauthorization. A request for reauthorization needs submitted at least one hundred eighty (180) days prior to expiration reaffirming (6)(B) of this rule, at a minimum.

[(6) Sewer Extensions.

(A) Persons who construct sewers tributary to a system operated by one (1) of the continuing authorities listed in paragraphs (3)(B)1. or (3)(B)2. 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.

1. 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:

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

B. A showing 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;

C. A showing 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

D. A showing that the applicant will maintain permanent plans of all sewers constructed and maintain records of sewer extension approvals and reports.

2. 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.

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

([5]7)Operating Permits.

(A) Applications.

- 1. Submit an application for an operating permit on forms provided by the department. The applications may be supplemented with copies of information submitted for other federal or state permits. The application needs to include:**
 - A. A map showing the location of all outfalls, with scale, as well as a flowchart indicating each process which contributes to an outfall;**
 - B. Appropriate permit fee per 10 CSR 20-6.011;**
 - C. An antidegradation review for new and expanding discharging facilities;**
 - D. A geohydrological evaluation conducted by the department's Missouri Geological Survey;**
 - E. If appropriate, a variance petition, with the information detailed in section (15) of this rule; and**
 - F. Engineering certification that the project was designed to meet the requirements of 10 CSR 20-8 for projects exempted from construction permitting requirements, Section (4).**
- 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 provide written notice to the department as soon as possible of any planned physical alterations or additions to the permitted wastewater treatment facility.**

- A. **Any facility expansions, production increases, or process modifications which will result in a new or substantially different discharge or sludge characteristics at least sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for an operating permit modification.**
 - B. **If the discharge does not violate effluent limitations or change effluent characteristics, at least thirty (30) days before such changes.**
 - C. **The department may require a construction permit and/or operating permit modification as a result of the proposed changes at the wastewater treatment facility.**
 - D. **The department may issue an operating permit to a permittee prior to construction being completed for facilities exempt from construction permitting requirements of section (4) of this rule.**
- (B) Persons who build, erect, alter, replace, operate, use, or maintain any water contaminant source, point source, or waste-water treatment facility which discharges to waters of the state shall obtain an operating permit from the *[D]*department before any discharge occurs. The operating permit *[shall be]* **is** issued to the owner/*[operator]***person**. 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 (14) of this rule are permitted by rule and may discharge without additional written approval from the Department.]*
- [(B) Applications for an original operating permit for a facility that had a valid construction permit and a prior public notice shall be received by the Department at least thirty (30) 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.]*
- (C) Applications for *[the]***new, modification, and/or** renewal of **site-specific** operating permits *[or for operating permits for facilities that did not require construction permits must be]* **need** 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 will not grant permission for applications to be submitted later than the expiration date of the existing permit. No facility shall discharge without a valid operating permit.**

- [(D) The Department shall require that an engineer certify in writing that the project has been completed in accordance with its approved plans and specifications. A municipal official who has the responsibility for the operation and maintenance of the completed facility and knowledge of the construction may submit the certification to the Department. A representative of the Department 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.]*
- (D) For facilities seeking coverage under a general operating permit, the application for renewal needs submitted:**
- 1. Sixty (60) days prior to expiration for facilities not requiring a public participation process; or**
 - 2. Ninety (90) days prior to expiration for facilities requiring the public participation process.**
- (E) Submit all reports required by the department signed by a person designated in paragraph (6)(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 paragraph (6)(A)2 of this rule and is submitted to the department.**
- [(E)F] The [D]department [shall] will specify in each operating permit the concentration, weight, or both, of each contaminant which may be released.*
- [(6) Sewer Extensions.*
- (A) Persons who construct sewers tributary to a system operated by one (1) of the continuing authorities listed in paragraphs (3)(B)1. or (3)(B)2. 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.*
- 1. 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:*
 - A. Standard specifications and typical appurtenance construction details to which all construction will be required to adhere;*
 - B. A showing 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;*

- 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.
5. Operators or supervisors of operations at regulated wastewater treatment facilities shall be certified *[in accordance with]* per 10 CSR 20-9.020(2) and any other applicable state law or regulation.
- A. Upon the request of the department, a facility's operator will demonstrate the wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel. *[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. *For the purpose of inspecting, monitoring, or sampling the point source, sludge, water contaminant source, or wastewater treatment facility for compliance with the Clean Water Law and these regulations, authorized representatives of the Department shall be allowed by the permittee, upon presentation of credentials and at reasonable times, to—*
- A. *Enter upon permittee's premises in which a point source, water contaminant source, or wastewater treatment facility is located or in which any records are required to be kept under terms and conditions of the permit;*
 - B. *Have access to, or copy, any records required to be kept under terms and conditions of the permit;*
 - C. *Inspect any monitoring equipment or method required in the permit;*
 - D. *Inspect any collection, treatment, or discharge facility covered under the permit; and*
 - E. *Sample any wastewater or sludge at any point in the collection system or treatment process;*
6. *If the permit is for a discharge from a publicly-owned treatment works, the permittee shall give notice to the Department of any new introduction of pollutants or any substantial change in the character*

or volume of nondomestic pollutants already being introduced.

Notice shall include:

- A. *The origin, quality, and quantity of pollutants to be introduced into the publicly-owned treatment works; and*
 - B. *Any anticipated impact on the quality and quantity of the effluent to be discharged or on the quality or quantity of the sludge to be disposed of by the treatment works;]*
- 6. 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, at reasonable times:**
- A. Enter upon the permittee's premises where a regulated wastewater treatment facility or activity is located or conducted, or where records are kept per the condition of the permit;**
 - B. Have access to and copy, any records are kept per condition of a permit;**
 - C. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under a permit; and**
 - D. Sample or monitor 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.**
- 7. 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:**
- A. Any new introduction of pollutants into the treatment facility from an indirect discharger which would be subject to Sections 301 or 306 of the Federal Clean Water Act if it were directly discharging those pollutants;**
 - B. Any substantial change in the volume or character of pollutants being introduced into that treatment facility at the time of issuance of the permit; and**
 - C. For purposes of this subparagraph, adequate notice includes information on the following:**
 - (i) The quality and quantity of influent introduced into the treatment facility, and**
 - (ii) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment facility.**
- 8. 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]***facility** to comply with the requirements of 10 CSR 20-6.100;

9. 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]* **will** be incorporated into the permit as **a condition** *[one (1) of its conditions]; and*
10. *[Facility expansions, production increases, or process modifications which will in a new or substantially different discharge or sludge characteristics must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new 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]*
11. When a continuing authority under paragraph *([3]2)(B)1., 2., or 3.* is expected to be available for connection *[within the next five (5) years]*, any operating permit issued to a permittee under this paragraph, located within the service area of the paragraph *([3]2)(B)1., 2., or 3.* facility, *[shall]* **will** contain the following special condition: *[The tributary wastewater flow shall be connected to the continuing authority listed in paragraph (3)(B)1. or 2. within ninety (90) days of notice of availability by the continuing authority.]***Permittee will cease discharge by connection to a facility with an area-wide management plan per subsection (2)(B) of this rule within the timeframe allotted by the continuing authority with its notice of its availability.** The permittee shall obtain *[D]***d**epartmental approval for closure **per section (11) of this rule** or alternate use of these facilities.
 - (B) The permit shall contain effluent limitations and monitoring requirements. Other **permit** terms and conditions *[shall be]* **are** incorporated *[into permits]* if the *[D]***d**epartment determines they are necessary to assure compliance with the Clean Water Law, related regulations or policies of the Missouri Clean Water Commission.

(9) Prohibitions. No permit will 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 anchorage and navigation would be substantially impaired based on the judgement of the US Corp of Engineer's district engineer;** *[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.

(10) Operating Permit Renewal and Expiration Dates.

- (A) *[The first operating permit issued to new sources and new dischargers will be issued for a period of time sufficient only to allow the completion of construction of the facility, but not to exceed five (5) years, but not less than one (1) year. When all construction has been completed, the first]***The Missouri State** operating permit may be issued for a period **up to and 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 *[D]*department may combine the billings by issuing all operating permits with the same expiration date. Each facility *[shall]* **will** 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 *[D]*department as nonnegotiable, review of the application *[shall]* **will** cease and the applicant be notified. No further action *[shall]* **may** be taken on the application until the fees have been resubmitted. *[in the form of a cashier's check or money order payable to the state of Missouri.]*
- (E) Continuation of Expiring Permits.

1. The terms and conditions of an expired permit are continued automatically pending issuance of a *[new]***renewed operating** permit if—
 - A. The permittee *[has]* submitted a timely and sufficient application for a *[new]***renewed operating** permit under this rule; and
 - B. The *[D]*department is unable, through no fault of the permittee, to issue a *[new]***renewed operating** permit before the expiration date of the previous permit.
2. Permits continued under paragraph *(10)9*(E)1. remain fully effective and enforceable.
3. **The department may request additional information or a revised renewal application, including new sampling data for operating permits that have been expired for more than five (5) years. The request for additional information may be based on changes to the facility since the renewal application was submitted, along with changes in sampling methods and/or method sensitivity, changes to the Missouri Clean Water Law or the Federal Clean Water Act, and new information about the site.**

(11) Permits Transferable.

- (A) Subject to **subsection *[(3)](2)(A)***, a construction permit and/or operating permit may be transferred upon submission to the *[D]*department of an application to transfer signed by the existing owner and/or continuing authority and the new owner and/or continuing authority.
 1. Until the time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.
 2. To receive a transfer permit, the new owner and/or continuing authority must complete an application and demonstrate to the *[D]*department that the new *[organization]***person, persons, or group** is permanent and will serve as the continuing authority for the operation, maintenance, and modernization of the facility.
 3. The new owner and/or continuing authority shall be responsible for complying with the terms and conditions of the permit upon transfer.
- (B) The *[D]*department, within thirty (30) days of receipt of the application, *[shall]* **will** notify the new applicant of its *[intent]***decision** to revoke and reissue or transfer the permit.
- (C) **For facilities with construction and/or operating permits that the department is unable to reissue the operating permit within thirty (30) days of the transfer application, the construction and/or operating permit may be transferred to the new permittee if:**
 1. **The current permittee notifies the department at least thirty (30) days in advance of the proposed transfer date;**

2. **The notice includes a complete application for transfer and a written agreement between the existing and new permittees containing a specific date for transfer of construction and/or permit responsibility, coverage, and liability between them; and**
3. **The department does not notify the existing permittee and the proposed new permittee of its decision to revoke and reissue or transfer the operating permit. If no objection is received from the department within thirty (30) days of receipt of the notice, the transfer is effective on the date specified in the agreement.**

(12) Closure of Treatment Facilities.

- (A) Persons who cease operation or plan to cease operation of waste, wastewater, and sludge handling and treatment facilities *[shall]* **will** close the facilities in accordance with a closure plan approved by the *[D]*department.
- (B) **Closure plans need to address wastewater and sludge removal, dewatering activities, removal of treatment structures, removal or leaving in place of solid waste, site grading and site shaping so that ponding does not occur.**
- (C) **Closure plans need submitted to the department no later than ninety (90) days after ceasing operations. The permittee, owner, and/or responsible party will complete closure activities within the timeframe provided in the closure plan.**
- ([B]/D)* Operating permits under section *([5]/6)* of this rule or under 10 CSR 20-6.015 are required until all waste, wastewater, *[and]***wastewater solids/sludges and any solid wastes** have been disposed of in accordance with the closure plan approved **by the department** under subsection *([12]/11)*(A) of this rule, **and any disturbed areas have been properly stabilized.**
- (E) **Disturbed areas will be considered stabilized when perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. Vegetative cover, if used, shall be at least seventy percent (70%) over one hundred percent (100%) of the pervious area.**
- (F) **Closure activities need to obtain a land disturbance permit for activities meeting the requirements of 10 CSR 20-6.200.**

(13) General Operating Permits.

- (A) The *[director]***department** may issue a general **operating** permit in accordance with the following:
 1. The general **operating** permit *[shall be written to]* covers a category of discharges described in the permit except those covered by *[individual]***site-specific** permits within a geographic area. The area *[shall]* corresponds 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 **operating** permit *[shall be written to]* regulates 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]***department**, under a general **operating** permit than under *[individual]***site-specific** permits.
- (B) General **operating** permits may be issued, modified, revoked, and reissued or terminated in accordance with applicable requirements of this regulation. To be included under a general **operating** permit, *[a permittee must]* submit an application on forms supplied by the *[D]***department**.
- (C) The *[director]***department** may require any person authorized by a general **operating** permit to apply for and obtain a *[n individual]* **site-specific** operating permit. Any interested person may petition the *[director]***department** to take action under this subsection. Cases where a *[n individual]* **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]* **water**;
 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]***person** authorized by a general **operating** permit may request to be excluded from the coverage of the general **operating** permit by applying for a *[n individual]* **site-specific** permit. As indicated in section *([2]6)* of this rule, the owner/*[operator]* **person** shall submit, to the *[director]***department**, an application with reasons supporting the request. **If the reasons cited by the owner/person are adequate to support the request, a site-specific permit will be issued.** *[The request shall be granted by issuing any individual permit if the reasons cited by the owner/operator are adequate to support the request.]*
1. When a *[n individual]* **site-specific** operating permit is issued to an owner/*[operator]***person** otherwise subject to a general operating permit, the applicability of the general **operating** permit *[to the individual operating permittee]* is terminated automatically on the effective date of the *[individual]***site-specific** permit.

2. A source excluded from a general **operating** permit solely because it already has a[n *individual*] **site-specific** permit may request that the [*individual*]**site-specific** permit be revoked and that it be covered by the general **operating** permit, **if it meets all the requirements for coverage**. Upon revocation of the [*individual*]**site-specific** permit, the general **operating** permit [*shall*] **will** 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.*]
- (E) **The department may require any person applying for a site-specific permit to obtain a general operating permit, unless the person requests coverage under subsection (13)(D) of this rule.**

[(14) Permit by Rule. The Department shall petition the Clean Water Commission to reopen this rule for public review and comment on a five- (5-) year interval.

- (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 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 (14) of this rule must pay a filing fee [of twenty-five dollars (\$25) to the Department with their notification above.*
 3. *Discharge limits. The discharge must meet the following limits:*
 - A. *<10 mg/l total petroleum hydrocarbons.*
 - B. *<100 mg/l total suspended solids.*
 - C. **pH** *equal to or between 6.0 and 9.5 standard pH units.*
 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 violations of the following discharge limitations, written notification shall be made to the Department within five (5) days of notification 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 6.0 and 9.5 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 (4)(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 (14)(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 (14)(A)6. of this rule with the exception of pH which shall be within a range between 6 and 10.*
 - (B) *The Department may require a permit for these discharges if it determines that requiring a permit may better protect the quality of waters of the state.*
 - (C) *The person(s) discharging under this rule may apply for a 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.]*
- (14) Variance Request Process.**
- (A) **Applicability. Any person, permittee, or group of permittees seeking a variance shall file a petition for variance with the department. The variance request needs to include the following:**
 1. **The appropriate fee per 10 CSR 20-6.011;**

2. **A statement identifying the limitations, rules, standards, requirements, or orders from the department the applicant is seeking a variance from;**
 3. **A statement explaining the conditions and the need for a variance;**
 4. **The amount of pollutant the applicant is seeking to discharge, if seeking a variance from a permit limitation;**
 5. **An assessment of any adverse environmental impacts the variance may produce;**
 6. **A statement explaining why compliance with the limitations, rules, standards, requirements, or order imposes an arbitrary or unreasonable hardship;**
 7. **A description of the potential methods to achieve or approach compliance with the limitations, rules, standards, requirements, or order;**
 8. **The period of time for which the variance is requested; and**
 9. **A statement regarding the current permit status of the applicant(s) and any orders in effect regarding the applicant's activities.**
- (B) The department will review the petition and submit a recommendation to the Missouri Clean Water Commission.**
1. **The department will notify the applicant(s) of the recommended action and at the same time provide notice to the public prior to the Missouri Clean Water Commission.**
 2. **The Missouri Clean Water Commission may approve, require changes, establish conditions, or deny the petition and may hold public hearings on the petition request.**
 3. **In any hearing pursuant to this section the burden of proof will be on the person, permittee, or group of permittees petitioning for a variance.**
 4. **The Missouri Clean Water Commission may require the filing of a bond or other security as a condition for the issuance of a variance in an amount determined by the commission to be sufficient to ensure compliance with the terms and conditions of the variance. The proof of financial responsibility maybe in the form of a surety bond, certificate of deposit (CD), or irrevocable letter of credit and be subject to the following:**
 - A. **The bond is signed by the applicant(s) as principal, and by a corporate surety licensed to do business in the state of Missouri; and**
 - B. **The bond remains in effect until the terms and conditions of the variance are met and rules and regulations promulgated pursuant thereto are complied with.**
 5. **Any decision of the Missouri Clean Water Commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in 644.071, RSMo.**

(C) Provisional Variance.

- 1. A provisional variance is short term, time limited reprieve from limitations, rules, standards, requirements, or order of the director because of conditions beyond the reasonable control of the permittee and would result in arbitrary or unreasonable hardship and the compliance costs are substantial and certain.**
- 2. In accordance with 644.062, RSMo, any person or permittee may apply for a provisional variance for limitations, rules, standards, requirements, or orders from the department pursuant to 644.006 through 644.141, RSMo. A provisional variance may not be granted under this regulation for limitations, rules, standards, requirements, or orders from the department pursuant to other statutes. The application for a provisional variance needs to include the information required in (13)(A) of this rule.**
- 3. The provisional variance is issued by the department. If a provisional variance is granted, notice will be given using the same method prescribed for operating permits issued by the department in 10 CSR 20-6.020. The department will promptly notify the applicant of the decision in writing, and file the decision with the Missouri Clean Water Commission. Granting of a provisional variance is documentation of the department's enforcement discretion. There is no public notice period prior to issuance of a provisional variance.**
- 4. Provisional variances will not be granted for the following:**
 - A. In the department's judgment said variance would endanger public health, cause significant harm to aquatic life or wildlife, result in damage to property, or other demonstrable and measurable harm to downstream interests;**
 - B. In anticipation of Federal approval of any changes to a state water quality standard;**
 - C. From the requirement to obtain a permit for an activity, in accordance with 10 CSR 20-6 and 644, RSMo;**
 - D. To allow an activity which would otherwise require a permit to begin before the department issues or denies a permit; or**
 - E. To allow a facility to exceed a permit limitation while the department considers an application to modify the permit limitation.**
- 5. A provisional variance may be issued to for up to forty-five (45) days, and may be extended once for up to an additional forty-five (45) days. The appropriate length of the provisional variance will be determined at the discretion of the department.**
 - A. Provisional variances may be issued for periods less than forty-five (45) days, or terminated earlier than the length of time specified at issuance, at the permittee's request**

- (assuming the variance is no longer essential for compliance).
- B. **The provisional variance may be granted subject to conditions determined necessary by the department. In order to qualify for an extension, a demonstration that the conditions under which the previous variance were granted still exist or are substantially similar.**
 - C. **In no case shall a provisional variance be granted to the same facility for more than ninety (90) days within the same calendar year.**
6. **Should a facility apply for multiple provisional variances or a single variance for the maximum ninety (90) days allowed, a long term plan to eliminate the need for relief from the same limit, rule, standard, requirement or order, subject to the restrictions set forth above, needs to accompany the request in order for the application to be considered complete.**
7. **If the provisional variance is issued for delay of implementation of limitations, rules, standards, requirements, or orders from the department to correct a violation, 644.062, RSMo, requires the applicant post a performance bond or other security to assure completion of the work covered by the variance. The proof of financial responsibility maybe in the form of a surety bond, CD, or irrevocable letter of credit and be subject to the following:**
- A. **The bond is signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri;**
 - B. **The bond remains in effect until the terms and conditions of the variance are met and rules and regulations promulgated pursuant thereto are complied with;**
 - C. **It is on file with the department;**
 - D. **It is made payable to the department; and**
 - E. **If the bond, CD, or letter of credit is cancelled by the issuing agent, submittal of new proof of financial responsibility within thirty (30) days of cancellation, or provisional variance will be cancelled.**