

## 2.3.5.2 Permitting Framework and Scope / Permit Program Areas / Construction Permitting / SRF Financed Public Treatment/ Collection Systems

### **Applicability:**

This information relates to the requirements and procedures for issuing construction permits for facilities to be constructed with State Revolving Fund (SRF) and State Grant (SG) financing.

### **Content:**

#### **State Construction Permit Process – An Overview**

1. Under Section 644.026.1(13) (RSMo) authority is given to the Clean Water Commission, and by extension the Department of Natural Resources, to issue construction permits in order to enforce the Missouri Clean Water Law and regulations and administer the National Pollutant Discharge Elimination System (NPDES) Program. Section 6.44.051.2 (RSMo) and 10 CSR 20-6.010(4) require a construction permit to be issued prior to the construction, installation or modification of a sewer system, point source or wastewater treatment facility.
2. Chapter 4 of the Code of State Regulations 10 CSR 20-4) discusses and explains the State Revolving Fund (SRF) and State Grant (SG) programs.

10 CSR 20-4.010 discusses the Priority (Point) System used to determine which proposed SRF application construction projects will be on the Intended Use Plan list for a particular fiscal year. Chapter 4 outlines the requirements for applying for the State Forty- Percent Grant, Direct Loan, Leverage Loan, and Hardship Grant programs.

#### **SRF Facility Plan Review**

Under the State Revolving Fund Program all proposed construction projects began with the submittal a Facility Plan. The minimum requirements for a Facility Plan under the State Revolving Fund program are stated under 10 CSR 20-4.040(9). These requirements for all projects under the State Revolving Fund are summarized below:

- a. The most reasonable environmentally sound and implementable waste management alternatives must be studied and evaluated,
- b. An estimate of the average user charge including documentation of the basis of the estimate,
- c. An assessment of the environmental conditions and impact of the proposed project; reference 10 CSR 20-4.050 (see comment below),
- d. Public participation; reference 10 CSR 20-4.010(14)(A) & (B).

State funded grant projects are not required to have the environmental review/clearances stated under 10 CSR 20-4.050. The information required to be submitted for state grant projects is the geohydrologic evaluation from the Geological Survey and Resource Assessment Division and the advertisement and minutes from public participation meetings.

The environmental clearances needed for any EPA and SRF loan financed projects are: If the proposed project infringes on any federally funded parks the **DNR Division of State**

**Parks** should be contacted to coordinate needed clearances. Their address is P.O. Box 176, Jefferson City, MO 65102.

A project clearance from **DNR Division of State Parks, State Historic Preservation Office**. Submit a review request to P.O. Box 176, Jefferson City, MO 65102.

A geological evaluation and project clearance from the **Missouri Department of Natural Resources, Geological Survey and Resource Assessment Division**, P.O. Box 250, Rolla, MO 65401. Submit a request for evaluation per instructions in 10 CSR 20-8.200(4)(A)5.

A clearance from the **U.S. Department of the Interior Fish and Wildlife Service**, 608 Cherry Street, Room 200, Columbia, MO 65201-7712.

A 404 Permit from the appropriate district office of the **Corps of Engineers (COE)**. By copy of this request a 401 Water Quality Certification will be issued by MDNR.

A project clearance from the **Office of Historical Preservation-Missouri Department of Natural Resources** P.O. Box 176, Jefferson City, MO 65102.

A project clearance from the **Missouri Clearinghouse**, Office of Administration, P.O. Box 809, Jefferson City, MO 65102.

An environmental clearance from **Missouri Department of Conservation**, P.O. Box 180, Jefferson City, MO 65102.

A Public Hearing must be held to discuss the facility plan, user costs and environmental effects of the proposed project. The time and location of the public hearing must be published in a local paper at least 30 days in advance and copies sent to this office.

The Financial Assistance Center Engineering Section Training/Reference Manual contains a Facility Plan Review Guidance to assist the Review Engineer. A submitted Facility Plan should contain a Water Quality Review Sheet (WQRS). The applicant submits the WQRS on forms supplied by the Permits and Engineering Section.

The review process for State Revolving Fund projects is demonstrated in the *Flow Chart for Engineering Review of SRF Projects*. This flow chart is in the Permit Manual Links folder at T:\Permit\_Manual\_Links (An electronic copy of the flow chart is needed for the folder.)

Once all of the requirements for Facility Plan submittal have been met a Finding of No Significant Impact (FNSI) shall be issued. This FNSI is placed on a thirty (30) day public notice. An example of a FNSI is provided in the WPCB Engineering Section Training/Reference Manual. (Is this still the name of the document?) If any comments are received, these comments must be resolved prior to the Facility plan being approved.

### **SRF Funded Construction Projects**

The State Revolving Fund financing can be used for a variety of wastewater collection and treatment projects.

All SRF/SG construction applications are processed in the Central Office.

### **SRF Construction Permits**

Under 10 CSR 20-6.010 (4) **Construction Permits** it states that "No person shall cause or permit the construction, installation or modification of any sewer system or of any water contaminant source, point source or wastewater treatment facility without first receiving a construction permit issued by the department..."

The requirements for the submittal of a construction permit are:

1. "...a construction permit must be submitted to the department at least one hundred eighty (180) days in advance of the date on which construction begins."
2. The application shall consist of the following items:
  - a. A recommended summary of design data;
  - b. Detailed plans and specifications shall be submitted by an engineer and shall contain the information required in 10 CSR 20-8.020 and 10 CSR 20-8.110-10 CSR20-8.220 or other regulations as applicable;
  - c. An application form and fee;
  - d. A one inch equals two thousand feet scale map showing the location of all outfalls...;
  - e. Other information as necessary to determine compliance with the Missouri Clean Water law and these [state] regulations as required by the department..."

A Form B Application for Construction or Operating Permit for Facilities which Receive Primarily Domestic Waste must be submitted for all construction permit applications for wastewater treatment facilities. The proper fee should be submitted based upon the proposed facility's design flow. Instructions accompany the Form B permit application. Additional information for the applicant is stated under 10 CSR 20-6.010 (2), (3) and (4).

### **Construction Permit Review**

The project review engineer's (PRE) review of the construction permit application should include a check to see that Form B is complete, signed, and that the proper fee has been submitted. The plans and specifications submitted as part of the permit application must be checked for compliance with state regulations and acceptable engineering practices.

A brief description of the construction permit review process is as follows. The following information shall be submitted to the Permit and Engineering Section:

1. Upon the receipt of the construction permit application gather the following data for the construction/operation permit public notice:
  - a. A copy of the new Form B application;
  - b. A brief description of the proposed construction project
  - c. A map (USGS) showing the project location and outfall (storm water outfalls for facilities with 1.0 mgd flow or more). Preferably on 8 ½" x 11" paper.
  - d. Flowchart of the flow through the WWTP. Preferably on 8 ½" x 11" paper.
  - e. Water Quality Review Sheet (WQRS); Waste load allocation or Total Maximum Daily Load (TMDL) study needed.
  - f. A copy of an existing operating permit (if applicable).
  - g. Information about sludge production.

10 CSR 20-6.200 (2) (B) 3. E. states that treatment works treating domestic sewage with a design flow of one million (1.0) gallons per day or more, as part of the construction application must designate all storm water outfall locations from the treatment facility. The

PRE must ask the consultant to produce a USGS and/or plan half sheet with storm water outfalls designated as part of the construction permit application.

A copy of the transmittal cover sheet stating the SRF number and existing operating permit numbers should be copied and sent to the Fiscal Management Unit with information about the new construction or modifications to a facility.

The construction permit application shall be public noticed for a period of thirty (30) days. When the public notice period has been completed, there is at least a two-week lag period in which any comments that have been received will have a response issued.

2. Information is reviewed in accordance with the requirements of the Chapter 8 Design Guide Regulation.
  - a. Once a review has been completed a comment letter should be drafted. The telephone may be used to present comments or questions. However, the conversation should be documented. The PRE should attempt to limit the comment/question and answer period to two rounds.
  - b. Once all necessary technical revisions to the plans and specifications have been addressed, the PRE should check with a project coordinator in the (new section name) to make sure all of the assurance comments have been addressed.
  - c. When all assurance and technical comments have been addressed the PRE will then request four (4) sets of plans and specifications; one for the MDNR, one for the applicant, one for the consultant, and one for the regional office records.
  - d. The PRE can issue the construction permit only after all public notice comments have been answered and a half sheet from the Permits and Engineering Section has been received advising the PRE to proceed.

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### **Construction Bid Advertisement**

The bid advertisement period for a construction project cannot start until the project is public noticed. The bid period must be for a period of thirty days.

### **Pre-Construction Conference**

The project coordinator and the regional office inspector should attend the pre-construction conference to meet the contractor and understand how the construction process will proceed. (See Construction Manual for SRF)

### **Change Orders**

The contractor and or consultant for the construction project initiate change orders. The PRE and the project coordinator both review change orders for compliance. A change order checklist is provided for the PRE in the FAC Engineering Training/Reference Manual.

### **Interim and Final Inspection**

The regional office is responsible for conducting quarterly and final inspections on SRF projects. (See Construction Manual for SRF)

The Central Office is responsible for the quarterly inspections of EPA Grant projects.

## Legal References:

*Missouri Clean Water Law, Chapter 644*

[644.026](#) Powers and duties of commission--rules, procedure.

[644.051](#) Prohibited acts--permits required, when, fee--bond required of permit holders, when--permit application procedures--rulemaking--limitation on use of permit fee moneys.

*Code of State Regulations:*

[10 CSR 20-](#) Grants

[4](#)

[10 CSR 20-](#) Construction and Operating Permits

[6.010](#)

## Other Links:

### Key Words:

State Revolving Fund, SRF, State Grants, construction permit, public systems

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