

3.7.3 Overview of the Permit/Construction Permits/ Permit Conditions

Applicability:

This outlines the general conditions and terms of construction permits as presented in 10 CSR 20-6.010 Construction and Operating Permits.

Content:

Statutory Background

The Clean Water Law at Section 644.051.2 makes it unlawful for any person to build, erect, alter or replace a water contaminant source or point source unless there is a permit from the Clean Water Commission. Person, point source and water contaminant source are defined in Section 644.016(14), (15) and (24), respectively.

Regulatory Conditions

The basic condition is that a person intending to build, erect, alter or replace a facility must apply for and be issued a permit, in this situation called a construction permit (10 CSR 20-6.010(1) and (4)(A). Related to that, as part of the application process, the person applying for the permit has to show that a permanent, continuing authority exists that will be responsible for the operation, maintenance and modernization of the facility after it is placed into operation (10CSR 20-6.010(3)(A).

The construction permit authorizes the project that is described in the engineering report, plans and specifications, and other information submitted in support of the construction permit application (10 CSR 20-6.010(4)(D). Generally, construction permits expire one year from the date of issuance; the permittee may apply for an extension of the construction permit. Projects that are known in advance to require more than one year, such as building or upgrading municipal sewage treatment plants, may have a permitted construction period longer than one year under specified conditions (10 CSR 20-6.010(4)(G).

Eleven terms and conditions of permits are specified in 10 CSR 20-6.010(8)(A) 1 to 10 and (B). All apply to operating permits; three apply to construction permits and these are summarized below.

A construction permit may be modified or revoked after notice for any violation of terms or conditions of the permit, a misrepresentation or failure to fully disclose facts during the application process, or a change in the size or capacity of the facility (10 CSR 20-6.010(8)(A) 2. A, B and C).

For the purpose of inspecting and monitoring the construction project for compliance with the terms and conditions of the construction permit, departmental representatives can enter into a facility (project site) and have access to, and copy, appropriate records (10 CSR 20-6.010(8)(A) 5 A, B and D).

Other appropriate terms and conditions can be incorporated into a construction permit if the department determines they are necessary to assure compliance (10 CSR 20-6.010(8)(B).

Legal References:

Missouri Clean Water Law, Chapter 644

[644.016](#)

Definitions

[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 20-6.010](#)

Construction and Operating Permits

Other Links:

[3.7.4 Effective and Expiration Dates](#)

[3.8 Sewer Extensions](#)

[4.6.3 Continuing Authorities](#)

Key Words:

Construction permit, CP, permit conditions, terms,

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Revised By: Paul Anderson and James Penfold

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