

4.1.7.1 Application and Review Process/Permit Process/ Modifications/Overview

Applicability:

Highlights the purpose and process of permit modification.

Content:

Occasionally, permits need to be modified prior to the expiration date. In a permit modification, only the conditions subject to change are reconsidered while all the other permit conditions remain in effect.

The Code of State Regulations indicates that all permits will have certain specified conditions, including provisions related to permit modifications. The department or the permittee may initiate permit modifications. A permit may be modified for any of the causes listed in 10 CSR 20-6.010(8)(A)2 including but not limited to:

- A violation of any term or condition of the permit, such as exceeding an effluent limit.
- Discovery that the permittee has misrepresented or failed to fully disclose all relevant facts in obtaining the permit.
- A change in the operation, size, or capacity of the facility.
- Following proper public notice and opportunity for comment, when a wasteload allocation study has been completed showing that more stringent effluent limits are needed to protect water quality.

The permit may not be modified to extend the term of the permit beyond 5 years of its issuance, not the modification date.

Permit modifications are typically described as “major” and “minor”. Major modifications need to be placed on public notice. Minor modifications do not require public notice. The major and minor modifications of permits are presented in the Code of Federal Regulations in 40 CFR parts 122.62 and 122.63. These CFR passages are summarized in Permits Manual topic 10.2.1.2.

The common process for requesting a permit modification is to submit another set of the application forms for the existing permit with the appropriate changes incorporated into the form. The applicant should submit a letter with the application outlining the provisions that have been changed and the reasons for requesting the changes.

If the department initiates the permit modification, the department will inform the facility owner or continuing authority of the reasons for the changes and the information, if any, that needs to be submitted. Such action constitutes or follows the departmental notice of cause to the applicant.

There is a fee charged for modification of existing permits requested by the owner or continuing authority. Publicly owned treatment works collecting service connection fees are charged \$200. The fee to modify all other permits is 25% of the single fee or the annual fee.

If the only modification is a change of ownership, the current and future owners should complete and execute an Application for Transfer of Operating Permit (see Other Links below). Instructions for completing the application are included as the third page of the form. General operating permits for land disturbance and concentrated animal feeding operations cannot be transferred.

Legal References:

Missouri Clean Water Law, Chapter 644

[640.026.1\(13\)](#) Powers and duties of commission--rules, procedure.

[644.056.4](#) Investigations, when--misrepresentation or failure to disclose a violation, when--abatement orders and abatement complaints, when --permits terminated, when--hearings--final determination.

Code of State Regulations:

[10 CSR 20-6.010\(8\)\(A\)2](#) Construction and Operating Permits - Permit Terms and Conditions - Mandatory Conditions

[10 CSR 20-6.200\(6\)\(A\)3](#) Storm Water Regulations - Permit Requirements - General Permits Allowed

Code of Federal Regulations

[40 CFR 122.62](#) EPA Administered Permit Programs: NPDES - Modification or revocation and reissuance of permits

[40 CFR 122.63](#) EPA Administered Permit Programs: NPDES - Minor modifications of permits.

Other Links:

[4.1.8.1 Overview – Terminations](#)

[4.1.9 Revocations](#)

[4.6.5.6 Modification Fees](#)

[4.7.4.2. Application for Permit Modification at Existing Facility](#) (11 related topics)

[10.2.1.2 Permit Modifications Requiring Public Notice](#)

[Application for Transfer of Operating Permit](#)

[U.S. EPA NPDES Permit Writers' Manual](#), Section 11.3.2, Permit Modification, ..., and Transfer, page 206

Key Words:

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