

4.1.9 Application and Review Process/ Permit Process/Revocations

Applicability:

State construction permits and operating permits (NPDES Permits) may be revoked for cause after 30-days notice.

Content:

The legal authority for permit revocation is in the Missouri Clean Water Law, Sections 644.026.1(13) and 644.056.3, and in the Code of State Regulations at 10 CSR 20-6.010(8)(A)2.

The terms revocation or permit revocation are not defined in the Clean Water Law or regulations. Therefore, the common definition applies meaning that revocation is an action to withdraw, repeal, rescind or cancel a permit.

Section 644.056.3 indicates that the director may file a complaint to revoke a permit with the Clean Water Commission to correct or remedy any claimed violation or to halt or eliminate any imminent or substantial threats to human health or welfare. When a complaint is filed, the CWC orders a hearing to be held about the matter. There must be at least 30 days between the notice of the hearing and the hearing itself.

The Construction and Operating Permits rule, a 10 CSR 20-6.010(8)(A)2 indicates that a permit may be revoked after 30 days notice for cause including, but not limited to, the following:

- A violation of any permit term or condition,
- A misrepresentation or failure to fully disclose facts in obtaining the permit, and
- A change in the operation, size or capacity of the facility.

The federal regulations address permit revocation in 40 CFR Parts 122.62, 122.64 and 124.5. Federal and state causes for revocation and procedures for doing so are consistent. One difference is that the federal regulations address revocation as a process involving the revoking and re-issuing of the permit.

Permit revocation is an enforcement action. Given the complexity of the revocation procedure as presented in Section 644.056.3, RSMo, the revocation process is seldom used. Abatement orders, permit denial and abatement orders, and civil litigation are more commonly used enforcement actions.

Legal References:

Missouri Clean Water Law, Chapter 644, RSMo

[644.026.1\(13\)](#) Powers and duties of commission--rules, procedure.

[644.056.3](#) 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

Code of Federal Regulations

- [40 CFR 122.62](#) EPA Administered Programs: The NPDES - Modification or revocation and reissuance of permits
- [40 CFR 122.64](#) EPA Administered Programs: The NPDES - Termination of permits
- 40 CFR 124.5 Procedures for Decision Making - Modification, revocation and reissuance, or termination of permits.

Other Links:

[4.7.3.3 Abatement Orders](#)

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