

4.2 Application and Review Process/ Roles of DNR and EPA

Applicability:

Discusses the respective authorities and activities of the Department of Natural Resources and the United States Environmental Protection Agency (USEPA) in issuing NPDES Permits (operating permits).

Content:

In the national clean water program, the USEPA is clearly in the lead with respect to overall authority, policy development and implementation, setting directions for state and local programs, and provision of oversight and funding for state and local programs. A key element of the national program is the National Pollutant Discharge Elimination System (NPDES), often called the NPDES Permit Program.

The national program does provide for states, territories and autonomous tribes to assume control within their jurisdictions and conduct equivalent operations. However, even with the assumption of responsibility, frequently termed delegation, EPA can strongly influence the water quality standards process, state regulatory development, permitting, field activities and inspections, enforcement, financial assistance programs and related activities through work program agreements, grant conditions and legal requirements in statute and rule.

Missouri is a delegated state and conducts most activities related to the national clean water program. To achieve this authority and responsibility, the State Legislature passed and the Governor signed into law the Missouri Clean Water Law (Chapter 644, RSMo) and certain other laws such as the Department of Natural Resources enabling statute (Chapter 640, RSMo). The department through the Clean Water Commission established rules to implement the state's clean water program in the context of federal and state law and federal regulations. Additionally, the department put in place the administrative and technical resources to manage and conduct the program.

A formal submission seeking authority to conduct the clean water program was made by the department, reviewed and approved by EPA in the mid-1970's. The state program has been maintained through a continuing series of work program agreements and grant agreements. Regular changes to CWC regulations and occasional changes to statutes have been made to keep the Missouri program consistent with federal program requirements.

The department implements a permitting program involving the issuance of construction and operating permits. Operating permits, including general permits, are NPDES permits and fulfill the federal requirement that a facility possess such a permit if it has a discharge to surface waters. The department also issues permits for facilities that land apply wastewater and other contaminants, release storm water, and have the potential to release contaminants because of land disturbance. The related industrial pretreatment program is also a department responsibility. The department does not, however, implement the Section 503 Sludge requirements; this activity is an EPA responsibility.

EPA provides oversight of departmental activities, including periodic performance reviews of department activities, review of issued permits and training. EPA serves as a technical resource and consultant for the department when specialized expertise is needed. This can be with respect to program activities or the development of a specific permit.

Legal References:

Missouri Clean Water Law, Chapter 644, RSMo

[644.011](#) Statement of Policy

Federal Water Pollution Control Act

[Section 402\(b\) for state permit programs](#)

Code of State Regulations

[10 CSR 20-6.010\(1\)\(A\)](#) Construction and Operating Permits - General - Permits Required for Point Sources

Code of Federal Regulations

[40 C3R 123](#) State Program Requirements, in particular 123.25 and 123.44

Other Links:

Key Words:

Authority, responsibility, roles, EPA role, DNR role, delegation, delegation agreement

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