

### 4.7.3.1 Application and Review Process/Review of the Permit Application/ Enforcement Review/File Review for Compliance

#### **Applicability:**

This topic pertains to the steps permit writers should take to verify facility compliance while reviewing applications for Missouri State Operating Permits. This is specifically geared toward those facilities requesting a renewal or modification of an existing operating permit.

#### **Content:**

During review of the operating permit application for renewal or modification of the permit for an existing facility, permit writers should examine recent inspection reports, Notices of Violation, discharge monitoring reports (DMRs), and geological evaluations.

Staff should perform a thorough review of the permit file for inspection reports and Notices of Violation. This review is designed to identify chronic or significant problems with the operation and maintenance of the facility. If significant problems are identified, the issues should be addressed prior to reissuance of the operating permit.

The Water Quality Information System (WQIS) should also be checked to review discharge monitoring reports, inspection entries, and fee information for the facility. This information should be taken into consideration prior to reissuing any permit to make sure there are no chronic deficiencies with the facility. Screen 14 in WQIS will list all of the DMRs that have been submitted for any permitted facility. If significant violations of effluent limits are found, steps should be taken make sure the problems are identified and addressed either through the permit or prior to issuance of the permit. Screen 10 will have information on any ongoing enforcement action; Screen 11 will provide information on recent inspections; and Screen 13 will supply information on any outstanding fees or charges. Any deficiencies found should be addressed prior to issuance of a permit.

The file should also be reviewed for recent or amended geological evaluations. In cases where the regional office has identified that a facility such as a lagoon may be leaking a geologic evaluation may have been performed to verify the problem. If a leak is verified the facility must be upgraded to meet design standards. Geologic evaluations should also be reviewed to make sure the losing stream/gaining stream designation of the receiving waters has not changed since the last renewal of the permit.

Reviewing these documents is critical to having a complete and accurate operating permit in place. Renewing an operating permit for a facility that is in significant non-compliance, with no compliance mechanism in the permit, makes enforcement action more difficult.

Facilities that have been identified as having compliance issues prior to renewal or modification of a permit must be addressed through a schedule of compliance in the permit, a Permit Denial, a Permit Denial-Abatement Order or some other enforcement action.

During review of an application for an operating permit modification, staff should verify that the changes or upgrades have been made. This can be accomplished through facility inspection and by checking the file for a copy of the project engineer's certification of completion of the project.

#### **Legal References:**

*Missouri Clean Water Law, Chapter 644 RSMo*

[644.051.3, .5, and .6](#)

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\(5\)\(D\) and \(9\)](#)

Construction and Operating Permits  
(5)(D) Operating Permits - Engineering Construction Certification Required  
(9) Permits Prohibited

## **Other Links:**

### **Key Words:**

Operating permits, reissue, application, WQIS, Permit Denial, permit, geologic evaluation, DMRs, DMR, discharge monitoring report, compliance, enforcement

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