

4.7.3.4 Application and Review Process/Review of the Permit Application/Enforcement Review/Settlement Agreements

Applicability:

A Settlement Agreement is an informal administrative action that is taken by the department to bring a non-compliant facility into compliance with the Missouri Clean Water Law.

Content:

A settlement agreement is a negotiated contract or covenant between the Department of Natural Resources, the Attorney General's Office and the responsible party. Settlement agreements are entered in circumstances where a facility or site is in non-compliance. A settlement agreement describes the violations and sets out a schedule of compliance to resolve the violations. In some circumstances, a facility may operate under the terms of a settlement agreement when a permit cannot be issued due to violations. In other situations, a permit cannot be issued until an enforcement mechanism such as a settlement agreement is in place. In this situation a copy of the settlement agreement should be attached to the permit for reference.

In many cases, settlement agreements set out specific schedules of compliance, and enforcement staff should be consulted to make sure that the terms of construction and operating permits mirror the requirements of the settlement agreement.

Legal References:

Other Links:

Key Words:

Settlement agreement, schedule of compliance, negotiated agreement, contract

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