

9.3 Variances/The Variance Review and Approval Process

Applicability:

The Clean Water Law establishes the requirement for a staff investigation of the variance request and recommendation to the Clean Water Commission within sixty days of receipt of a completed application. The commission can then make a preliminary decision on that recommendation. If the recommendation is to deny, the applicant has the right to a hearing. If the recommendation is to grant the variance, public notice is required prior to final commission approval.

Content:

When the Variance Application is determined to be complete, staff forms a committee to review the application and supporting materials (as well as department records). The committee determines whether an on-site investigation is necessary to complete a staff recommendation. That investigation is specifically to determine potential water quality impacts from the proposal.

At the conclusion of the review, staff prepares a recommendation for the commission to consider. The recommendation can include any conditions that may be necessary to protect human health and or the environment.

The commission, after review of the recommendation, may take a preliminary action to deny the request. If so, the applicant may request a hearing. The commission may take preliminary action to approve the request (with or without conditions); if so a public notice of the commission's intention to approve the variance is required.

The commission can take final action to approve the request after consideration of any public concerns raised during the comment period following public notice.

Commission decisions are subject to judicial review as provided in section 644.071, RSMo.

Legal References:

Missouri Clean Water Law, Chapter 644 RSMo

644.061	Variances, when allowed--petition, fee--variance revoked, when --judicial review, how.
644.071	Judicial review authorized.

Other Links:

[9.1 The Variance Process](#)

[9.2 Application for a Variance](#)

[10.2.1.3 Variances Requiring Public Notice](#)

Key Words:

Variance, variance approval, variance denial

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