

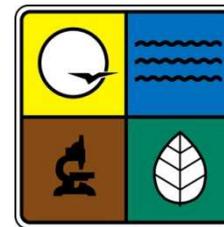
Construction & Operating Permits Workgroup (10 CSR 20-6.010)

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MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

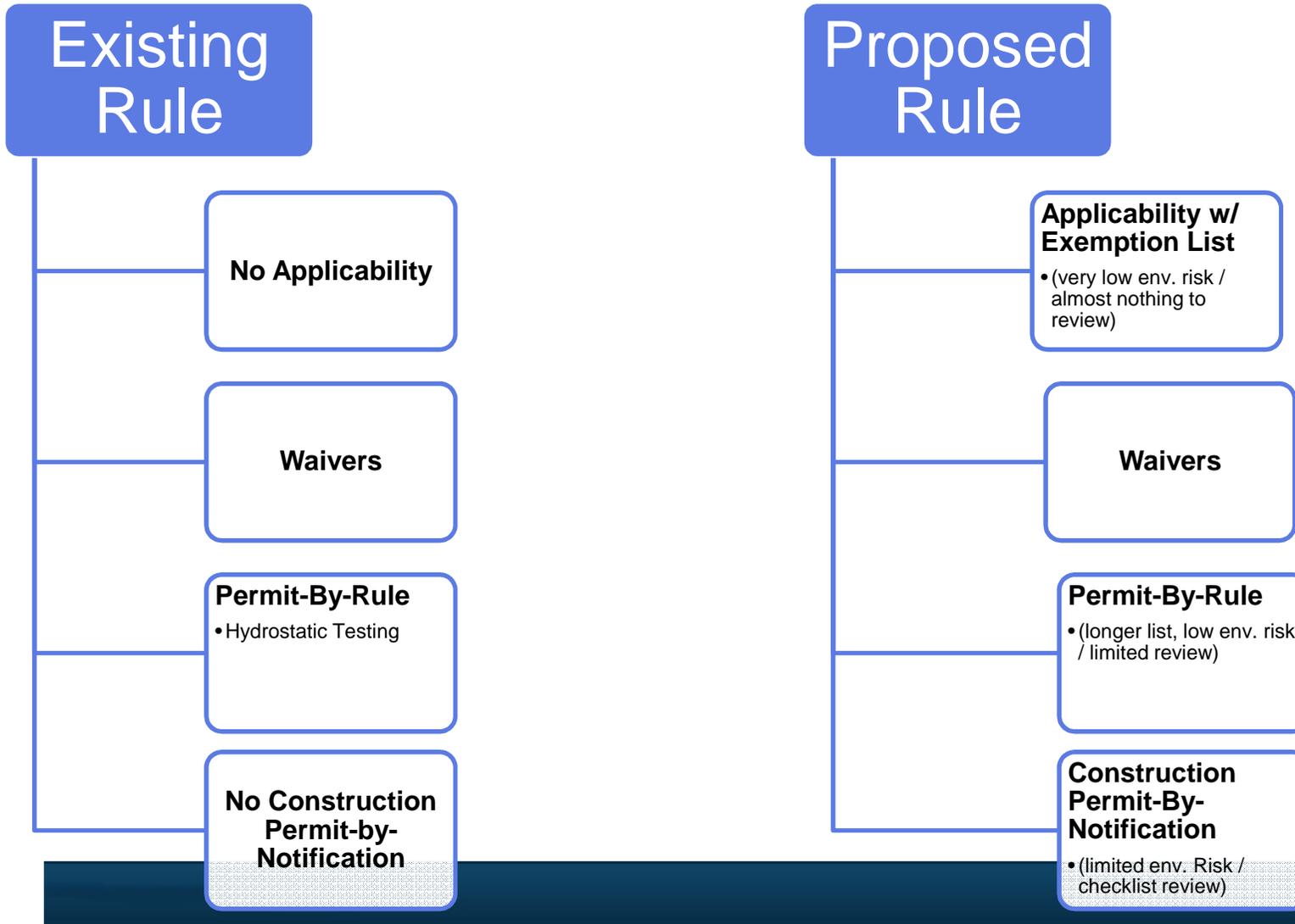
Agenda

- Affordability
- Construction Permit Applicability Section
- Construction Permit Exemption List
- Construction Permits by Rule & by Notifications
- Public Notice
- Municipal Authority
- Operating Permits General Clean-up

Proposed Affordability Statement

- Addition of an affordability statement to 10 CSR 20-6.010(1)(D).
 - The Department shall make a finding of affordability when issuing permits under provisions of state or federal clean water laws pertaining to any portion of a publicly-owned combined or separate sanitary or storm sewer system or treatment works according to documents and procedures developed by the department, including, but not limited to “Guidance for Conducting and Developing an Affordability Finding, dated...”

Construction Permitting



Proposed Construction Permit Applicability

These facilities need to get a construction permit, unless exempted or waived:

- All domestic wastewater (both private and POTW)
- All surface, subsurface wastewater irrigation
- All State Revolving Fund projects
- All nondomestic discharges
- All modifications except minor modifications (defined later)
- All new and innovative technologies
- All required by department
 - Enforcement action
 - Other programs

Proposed Construction Permit Waivers

- Existing waiver allowed
 - 10 CSR 20-6.010(4)(D)6: “If a construction permit is waived by the department, or not required, the information in paragraphs (4)(D)1.–5. may be required with application for the operating permit.”
- Expansion of waiver
 - Exploring the use of waivers for industrial facilities if they demonstrate they have the financial assurance capabilities to replace the treatment plant, if there are problems.
 - Form provided by the Department to fill out requesting the waiver

Proposed Construction Permit Exemptions

- The following activities are exempt from Construction Permitting; however the activities must still follow appropriate standards in 10 CSR 20-4 through 10 CSR 20-8:
 - Sludge drying equipment
 - Stormwater
 - Industrial pretreatment facilities connecting to a POTW
 - “Like for like” replacement
 - Aeration equipment (such as from coarse bubble to fine bubble)
 - Outfall relocation at an existing facility

Proposed Construction Permit Exemptions

- Technologies evaluated by other programs, ie:
 - Landfill leachate treatment systems and stormwater retention ponds for Solid Waste Management Program
 - Air Strippers or technologies evaluated as part of corrective action under Hazardous Waste Programs
- Dechlorination
 - For facilities that have already constructed a chlorination system but did not construct a dechlorination unit until faced with Total Residual Chlorine effluent limits
 - Usually small facilities installing a tablet feeder

Proposed Construction Permit Exemptions

- Minor Modifications: Modifications that may change equipment or operations, but does not affect capacity and may improve treatment
 - Internal piping changes
 - pH adjustment
 - Addition of storage tanks
 - Headworks & grit removal equipment
 - Administrative buildings
 - Fences & Access Roads
 - Flow measuring devices, both cleaning and installation
 - Electrical/Control System Installation or Changes
 - Mixing Equipment

Proposed Construction Permit by Notification

Rather than issuing a construction permit, a notification process is proposed for:

- Gravity Sewers less than 1,000 feet
- Ag Chem Secondary Containment
 - Submit an application 10 days before construction begins & includes the following:
 - Permit fee
 - Detailed plans and specifications shall be submitted by an engineer and shall contain the information required
 - For sewer extensions, a statement from the continuing authority indicating acceptance of the gravity sewer line and the willingness to own, operate and maintain, and modernize of the gravity sewer line in the after successful construction.
 - For sewer extensions, a statement from the receiving wastewater treatment facility accepting the waste from the proposed gravity sewer line and providing the remaining capacity of the treatment facility.

Proposed Construction Permit by Notification

- Permits by notification shall expire one (1) year from the date of notification. No time extensions shall be issued.
- Nothing shall prevent the department from taking action to assure protection of the environment and human health. Permits may be required where necessary as determined by the department, including the following:
 1. To correct noncompliance;
 2. When an unauthorized discharge has occurred or has the potential to occur;
 3. When a discharge results in violation of water quality standards under 10 CSR 20-7.031; or
 4. Other relevant factors

Input Requested

- **Input requested**
 - Construction Permit Applicability section
 - Construction Permit Waivers
 - Construction Permit Exemptions
 - Construction Permit by Notification
 - Construction Permit by Rule
- Send comments and suggestions to Leasee:
leasee.meyers@dnr.mo.gov

Proposed Construction Permit Application

- 10 CSR 20-6.010(4)(D) Clean-up and Expansion to meet the requirements in 10 CSR 20-8
 - Fee
 - Signed forms from Engineer & Continuing Authority
 - Antidegradation
 - Facility Plan/Engineering Report
 - Summary of Design
 - Geohydrological Evaluation
 - Plans and Specifications
 - Process flow diagrams or schematic
 - Map

10 CSR 20-6.010 (4) Construction Permits Proposed

- Subpart (G)
 - Extend the 1 year to 2 years for default Construction Permit issuance
 - Remove the requirement that Construction Permits can only be extended once
- Clarify that the Engineer needs to submit the Statement of Work Complete

Federal Requirement for Public Notice

40 CFR 122.10(a)

(1) The Director shall give public notice that the following actions have occurred:

(i) A permit application has been tentatively denied under § 124.6(b);

(ii) ...A draft permit has been prepared under § 124.6(d);

(iii) ...A hearing has been scheduled under § 124.12;

(iv) An appeal has been granted under § 124.19(c);

(v) ...A State section 404 application has been received in cases when no draft permit will be prepared (see § 233.39); or

(vi) An NPDES new source determination has been made under § 122.29.

(2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under § 124.5(b). Written notice of that denial shall be given to the requester and to the permittee.

(3) Public notices may describe more

Minor Modifications not requiring Public Notices

40 CFR 122.63

- a) Correct typographical errors;
- b) Require more frequent monitoring or reporting by the permittee;
- c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit ...
- d) Allow for a change in ownership or operational control of a facility where the Director determines that no other change in the permit is necessary...
- e)(1) Change the construction schedule for a discharger which is a new source...
(2) Delete a point source outfall when the discharge from that outfall is terminated...
- f) [Reserved]
- g) Incorporate conditions of a POTW pretreatment program ...
- h) Incorporate changes to the terms of a CAFO's nutrient management plan...

Proposed Public Notice of Construction Permits

- Additional flexibility in issuing construction permits
- Proposed if the final effluent limits are in the existing permit with schedule of compliance, public notice not required- update operating permit at renewal
- Public notice Antidegradation Review
- For new facilities, public notice of draft operating permit prior to issuance of construction permit would still occur

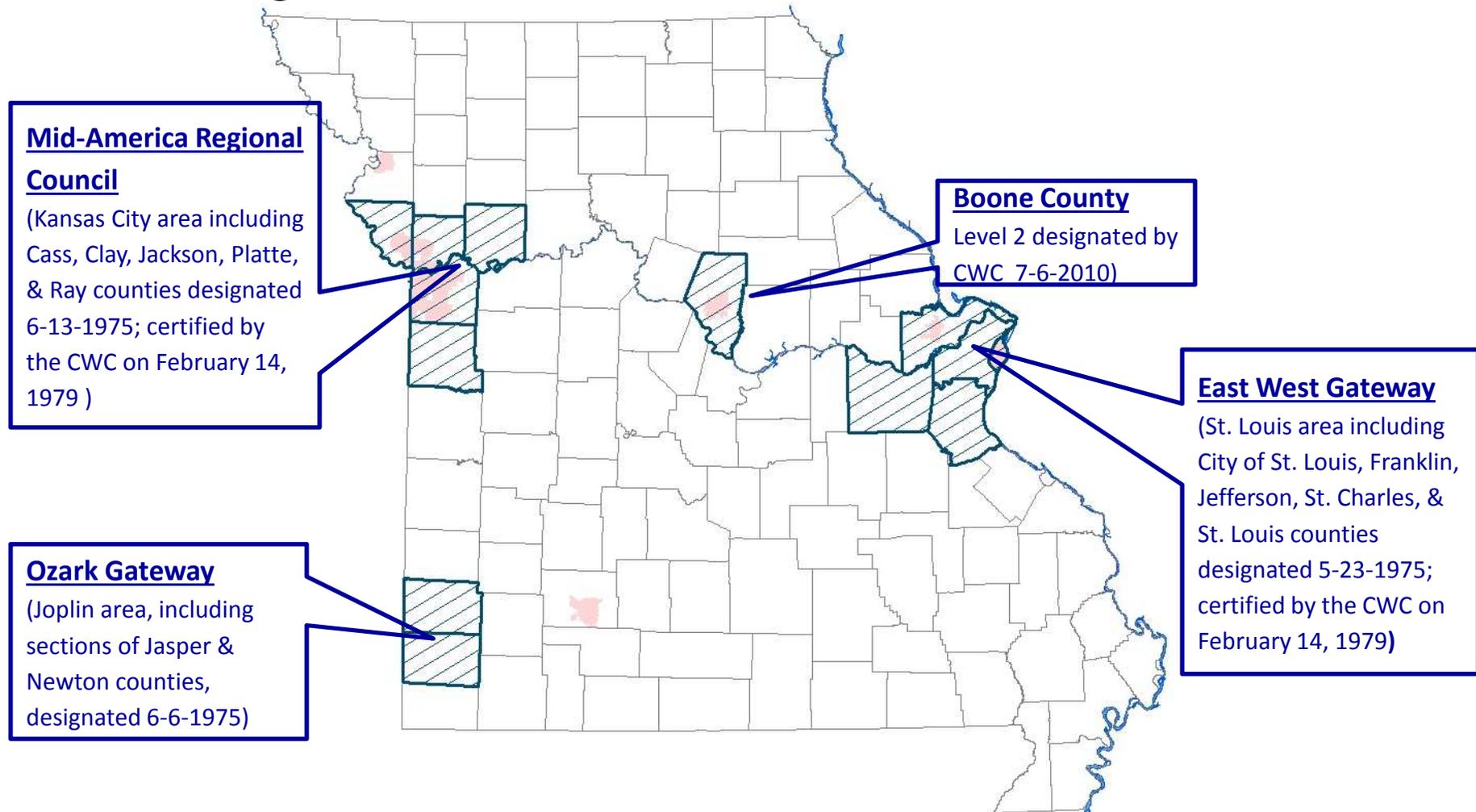
10 CSR 20-6.010(5)(F) Operating Permits

- Suggestion on addition of *de minimis* facility language for the small flow facilities.
- “Domestic privately owned wastewater treatment facilities with a design flow of $\leq 1,500$ gallons per day that meet technology based effluent limits for conventional pollutants may qualify for a *de minimis* determination by the Department on certain water quality based effluent limits. These small discharge volumes have minimal/no potential to exceed background water quality levels or limitations in water quality standards under 10 CSR Chapter 7.”

10 CSR 20-6.010(6) Municipal Authority

- Currently limited to sewer extensions for communities that are approved and Level 1 or 2 communities
- Clarify that the municipality needs to reapply and submit information at renewal to reissue the authority
- Expand the authority for Level 1 or 2 communities to do other work on their facilities or collection system, as long as overall capacity of treatment plant is not impacted
 - Appurtenances Changes
 - **Input needed on what changes municipalities would like?**

208 Management Entities & Level 2 Authorities



Continuing Authority

10 CSR 20-6. 010(3)(B) and (C) Proposed language

An applicant may utilize a lower preference continuing authority by submitting, as part of the application the following information;

- 1) a written statement from the higher authority declining the offer to accept management of the additional wastewater,
- 2) a diagram that clearly illustrates that the collection system operated by a higher preference authority is beyond **two-thousand feet (2000')** from the proposed facility,
- 3) a proposed connection or adoption charge by the higher authority that would be one hundred twenty percent (120%) or more of the applicant's cost of constructing or operating an individual system,
- 4) a proposed service fee on the users of the system by the higher authority that is above **what is affordable** of existing homeowners in that area, or
- 5) terms for connection or adoption by the higher authority that would require more than two (2) years to achieve full sewer service, providing the service by a lower preference authority

Continuing Authority

- Addition of Process to obtain Level 2 Authority
 - 10 CSR 20-6.010(3) (F) If a municipality, public sewer district, or sewer company regulated by the Public Service Commission (PSC) wishes to provide sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C), the entity shall:
 1. Develop a Capital Improvements Plan
 2. Development and local approval of ordinances providing authority to connect facilities to manage wastewater flows
 3. Conduct public meetings within the potentially affected watershed
 4. Present a request to the Clean Water Commission for approval

10 CSR 20-6.010 (7) Schedules of Compliance

- Propose
 - Consolidate the schedules of compliance rules to the Water Quality Standards and the Effluent Rule (10 CSR 20-7.015 & 7.031)
 - Remove this section of the rule

10 CSR 20-6.010(8)-(11)

- Covers terms and conditions applicable to operating permits
- Updating and clean up to reflect changes in federal rules or inconsistencies
 - Standard Conditions Parts I and II
- Allowing flexibility for application submittal

Standard Conditions

- Standard Conditions Part I-Applicable to all permits
 - Last updated October 1, 1980
 - Revisions to Standard Conditions Part 1 were presented to the Water Protection Forum on December 17, 2012.
 - Operating Permits received comments from AMCA
- Standard Conditions Part II- Pretreatment
 - Last updated October 1, 1980
 - Standard Conditions Part II were presented to the Water Protection Forum at the October 15, 2012.
 - Comments were received from AMCA, which are drawn from 10 CSR 20-6.010(8)(A)

Proposed Duty to Reapply

Standard Conditions Section(D)2.

40 CFR 122.21

10 CSR 20-6.010(5)

(d) *Duty to reapply.* (1) Any POTW with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(2) All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that:

(i) The Department may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date

Proposed Inspections and Entry

- Standard Conditions Part I Section (D)(11)
- 10 CSR 20-6.010(8)(A)5
- 40 CFR 122.41(i)

(i) *Inspection and entry.* The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises ...
- (2) Have access to and copy, at reasonable times, any records ...
- (3) Inspect at reasonable times any facilities, equipment ...
- (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized

10 CSR 20-6.010(12) Closure

- Standard Conditions Part I Section D 12
- Standard Conditions Part III Section I
- Last updated August 14, 1994
- Specify what is necessary for lagoon closure
 - Covered already in Standard Conditions
- Expand to include mechanical plant closure
 - Proposing removal of treatment equipment
 - Sludge removal
 - Removal of concrete
 - Grading the site

Proposed Hydrostatic Testing Clean-up

- 10 CSR 20-6.010(14)
 - pH change from 6.0 to 6.5 to reflect the change in Water Quality Standards in 2010
 - Removal of the fee amount, replace with reference to the statute
 - Removal of the requirement to petition the CWC to reopen the Hydrostatic Testing requirement every 5 years

References

- AMCA email
- Alliance letter
- Brundage letter
- Casaletto letter
- 40 CFR 122
- 10 CSR 20
- Clean Water Commission Minutes
- Affordability statute: Section 644.145 RSMo
- Draft Guidance for Conducting and Developing an Affordability Finding
- EPA's Water Quality Management Directory, 4th Edition, May 1980

Path Forward

- Topics to discuss
 - Other topics
 - Continuing Authority?
 - RIR development

- Next meeting date

Questions

- Please send comments, suggestions, questions to:

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