

**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

Draft Amendment

10 CSR 20-6.010 Construction and Operating Permits The Department is amending section (1)(B).

PURPOSE: The Commission proposes to modify the exemption for the application of pesticides in section (1) of this rule. This modification will make permitting requirements for the application of pesticides consistent with federal regulatory requirements. The Commission also proposes changes to section (3), providing information as to when a lower preference continuing authority may accept wastewater from a new or expanding source.

(1) Permits—General.

(B) The following are exempt from permit regulations:

1. Nonpoint source discharges;
2. Service connections to wastewater sewer systems;
3. Internal plumbing and piping or other water diversion or retention structures within a manufacturing or industrial plant or mine, which are an integral part of the industrial or manufacturing process or building or mining operation. An operating permit or general permit shall be required, if the piping, plumbing or structures result in a discharge to waters of the state;
4. Routine maintenance or repairs of any existing sewer system, wastewater treatment facility or other water contaminant or point source;
5. Single family residences;
6. The discharge of water from an environmental emergency cleanup site under the direction of, or the direct control of, the Missouri Department of Natural Resources or the Environmental Protection Agency (EPA), provided the discharge shall not violate any condition of 10 CSR 20-7.031 Water Quality Standards;
7. Water used in constructing and maintaining a drinking water well and distribution system for public and private use, geologic test holes, exploration drill holes, groundwater monitoring wells and heat pump wells;
8. Small scale pilot projects or demonstration projects for beneficial use, that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority. The Department may extend the permit exemption for up to one (1) additional year. A permit application shall be submitted at least ninety (90) days

prior to end of the demonstration period if the facility intends to continue operation, unless otherwise exempted under this rule or Chapter 6; and

9. The application of pesticides in order to control pests (e.g., any insect, rodent, nematode, fungus, weed, etc.) in a manner that is consistent with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Missouri Pesticide Use Act **unless such application is made directly into or onto waters of the state in which case the applicator shall apply for a general permit.**

(3) Continuing Authorities.

(A) All applicants for construction permits or operating permits shall show, as part of their application, that a permanent organization exists which will serve as the continuing authority for the operation, maintenance, and modernization of the facility for which the application is made. Construction and first-time operating permits shall not be issued unless the applicant provides such proof to the department and the continuing authority has submitted a statement indicating acceptance of the facility.

(B) Continuing authorities which can be issued permits to collect and/or treat wastewater under this regulation are listed in preferential order in the following paragraphs. 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 two percent (2%) of the average median household income 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** [a statement waiving preferential status from each existing higher preference authority], providing the [waiver/service by a lower preference authority does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional sewage service and treatment plan approved for the higher preference authority by the department:

1. A municipality or public sewer district which has been designated as the area-wide management authority under Section 208(c)(1) of the Federal Clean Water Act;
2. A municipality, public sewer district, or sewer company regulated by the Public Service Commission (PSC) which currently provides sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C) and approved by the Clean Water Commission. Permits shall not be issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;
3. A municipality, public sewer district, or sewer company regulated by the PSC other than one which qualifies under paragraph (3)(B)1. or 2. of this rule or a public water supply district. Permits shall not be issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;

4. Any person, or group of persons contractually obligated to collectively act as a wastewater collection and treatment service, or nonprofit company organized under Section 393.825, RSMo., with complete control of, and responsibility for, the water contaminant source, point source or wastewater treatment facility and all property served by it. Any of these parties [*The person*] may constitute a continuing authority only by showing that the authorities listed under paragraphs (3)(B)1.-3. of this rule are not available, do not have jurisdiction, are forbidden by statute or ordinance from providing service to the person or, if available, have submitted written waivers as provided for in subsection (3)(B) of this rule; and
 5. An association of property owners served by the wastewater treatment facility, provided the applicant shows that—
 - A. The authorities listed in paragraphs (3)(B)1.-3. of this rule are not available or that any available authorities have submitted written waivers as provided for in subsection (3)(B);
 - B. The association owns the facility and has valid easements for all sewers;
 - C. The document establishing the association imposes covenants on the land of each property owner which assures the proper operation, maintenance, and modernization of the facility including at a minimum:
 - (1) The power to regulate the use of the facility;
 - (2) The power to levy assessments on its members and enforce these assessments by liens on the properties of each owner;
 - (3) The power to convey the facility to one (1) of the authorities listed in paragraphs (3)(B)1.-3.; and
 - (4) The requirement that members connect with the facility and be bound by the rules of the association; and
 - D. The association is a corporation in good standing registered with the Office of the Missouri Secretary of State.
- (C) The department will review the planning, design, construction, and designation of watershed or regional sewage works. Where development is insufficient to warrant immediate construction of facilities for the entire watershed or region, interim facilities for a portion of the area shall be authorized as long as the design is compatible with 10 CSR 20-8, Design Guides. The department shall condition permits for these interim discharges so they will be eliminated upon the availability of watershed or regional facilities. At such time as watershed or regional facilities become available, and to the extent their capacity is sufficient, any existing subregional treatment works and/or lift stations shall be taken out of service and the tributary waste flows diverted into the watershed or regional facilities. A Regional Sewage Service and Treatment Plan shall be developed by all affected political jurisdictions and submitted to the department. Staff will review the plan and submit recommendations to the Clean Water Commission. The Clean Water Commission may approve, require changes, deny the plan, and/or hold public hearings related to approval of the plan.
- (D) Industries, including electric cooperatives and mining operations, are by definition continuing authorities for collection and treatment of industrial type wastewater and incidental domestic wastewater associated with their operation when an authority listed in paragraph (3)(B)1. or 2. is infeasible.

(E) Private corporations which are not incorporated under the laws of the state of Missouri shall be represented by a registered agent in the state of Missouri before a construction permit or an operating permit will be issued by the department.

*AUTHORITY: section 644.710, and 644.026 RSMo 2000. * Original rule filed June 6, 1974, effective June 16, 1974. Rescinded: Filed Oct. 16, 1979, effective July 10, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980. Amended: Filed Sept. 8, 1981, effective Feb. 11, 1982. Amended: Filed Nov. 10, 1982, effective May 12, 1983. Amended: Filed Sept. 11, 1984, effective March 12, 1985. Amended: Filed Feb. 1, 1988, effective June 13, 1988. Amended: Filed Sept. 13, 1988, effective Feb. 14, 1989. Amended: Filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed Nov. 3, 1997, effective July 30, 1998. Amended: Filed May 15, 2003, effective Jan. 30, 2004. Amendment: Filed May 12, 2008, effective Feb. 28, 2009 Amended: Filed March 16, 2009, effective Dec. 30, 2009.*

**Original authority: 644.710, RSMo 1996, and 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995, 2000.*

DRAFT