

Conceptual Plan for Construction Permitting Changes

After several discussions with representatives of various sectors, there are tentative conclusions about the necessary extent of construction permitting. These discussions will continue, although there are areas of general agreement that can be implemented directly or through rule changes. The continuing discussion will clarify which activities fall into the following three categories:

1. Activities which provide little value through the permitting process and can be waived or defined as outside the scope of permitting
2. Activities which can be permitted through an expedited manner (permit by rule, ePermit, or notification)
3. Activities which will continue to go through the construction permitting process

There is a general agreement among stakeholders that construction permit review activities for publicly owned treatment facilities and sewer extension projects could be reduced, particularly projects that require minimal review or are too small to have a significant impact on water quality.

The department recognizes that the construction permit rule is broad and would benefit from revisions. Some of the changes can be accomplished through revisions to the applicability part of the construction permit section of the permitting rule, 10 CSR 20- 6.010. A draft rulemaking is being discussed in a separate subcommittee and the Department intends to present these concepts to the stakeholders at the next meeting scheduled for December 4, 2012.

As a guide to these revisions, the department has identified activities that we believe should continue to require construction permits:

- New domestic treatment plants (discharging/non-discharging)
- Increasing capacity of treatment plants
- Addition of a process unit that results in a new pollutant in the discharge
- Addition of a process unit to meet a new discharge limit
- Replace of treatment with a different treatment process or a new technology
- Relocation of an outfall to a different stream or section of the same stream
- State Revolving Fund Projects
- Certain industrial projects

Additional changes the department is considering:

- Broadening the scope of the approved locally administered construction programs where municipalities have an engineering capability to administer construction project approvals. This may resemble the supervised program of the Public Drinking Water Branch for those communities that have engineering capability.
- Identification of certain projects that could have an expedited review through permit by rule or ePermitting.
- Developing a list of construction projects within an existing facility that can be considered for exemption.
- Exploring a notification process for gravity sewer extension projects that extend 1000 feet or less.

The Department would continue to require a construction permit for the following sewer extension projects:

- Lift Stations increasing capacity
- New lift stations and/or force mains
- Gravity sewer extension over 1000 feet in length
- Holding tanks where the disposal method is pump and haul
- State Revolving Fund Projects