

Help Documents – Permit Information & Required Documentation

- **What types of permits can I apply for within the ePermitting system?**

The development of ePermitting is being conducted in phases. Currently a new Land Disturbance permit is the only permit type available in ePermitting. As the Department continues to develop the ePermitting system, the goal will be to allow for the issuance of General Permits, Construction Permits (sewer extensions), and Permit-by-Rule. The Department will inform the public on when other general permits, construction permits (sewer extensions), and Permit-by-Rule can be issued via ePermitting.

- **Can Land Disturbance operating permit be modified?**

No. The ePermitting system places 100% of the responsibility onto the user on ensuring that the application is accurate. There are several areas in the ePermitting system that prompt the user to ensure that the information is correct. Additionally, there are areas that give warning that if the permit is issued with incorrect information, the facility will need to obtain a new operating permit, which includes the permit fee.

- **When do I need to apply for a Land Disturbance permit?**

A Land Disturbance permit is required for projects that disturb one or more acres or disturb less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project, but is greater than one acre or more. A permit must be obtained prior to starting land disturbance activities. The ePermitting system is designed to allow the applicant to apply and receive their permit all in the same day. This means that if the applicant has all of their information ready to be entered into the ePermitting system, the permit can be obtained minutes prior to starting the activity.

- **What do I need to consider before applying for a Land Disturbance permit?**

SWPPP

The key components of land disturbance permit is the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Prior to the issuance of a land disturbance permit, the permittee needs to have an already developed SWPPP. Information including examples of a SWPPP can be found at the following:

<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm#model>

These examples should be used for educational or training purposes only. Construction site SWPPPs must be developed following the requirements of Missouri's land disturbance permit and describe the specific conditions of the site and plans for development.

Local Ordinances

General operating permits for land disturbance activities do not supersede or remove requirements to comply with any county or other local ordinances. Therefore, prior to obtaining a general operating permit for land disturbance, it is in the best interest of the applicant to contact their local authorities (e.g., city or county districts and/or governments) to determine if there are any local ordinances for conducting land disturbance or construction.

Endangered Species

Permit eligibility related to Endangered Species. This is required in the Storm Water Pollution Prevention Plan (SWPPP), which is the main component of the land disturbance permit. For information on understanding what critical habitat, please visit the following link:
www.fs.fed.us/r9/wildlife/tes/docs/esa_references/critical_habitat.pdf.

For information on listed species by State & County, please go to the following link:
<http://cfpub.epa.gov/npdes/stormwater/esa.cfm>

The Missouri Department of Conservation's internet site for the Natural Heritage Review may be very helpful and can be found at the following link:
<http://mdcgis.mdc.mo.gov/heritage/newheritage/heritage.htm>

Also helpful are the local offices of the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), these centers often maintain lists of federally listed endangered or threatened species on their internet sites.

Jurisdictional Waters

A Clean Water Act Section 404 Department of the Army Permit and the Department's Clean Water Act Section 401 Water Quality Certification (certification) are needed when placing material or fill into jurisdictional waters of the United States. Any impacts to jurisdictional streams or wetlands would require an application to be sent to the appropriate US Army Corps of Engineers District Regulatory Branch. A map of the district offices and contact information can be located online at: <http://www.dnr.mo.gov/env/wpp/401/corps-map3.gif>. Not all land disturbance projects will require a 404 permit; however, if a 404 permit is required, land disturbance activities are not to be conducted in the jurisdictional area of the project until the 404 permit has been obtained. A discussion on the need for a 404/401 permit as a requirement of this permit and is to be included in the SWPPP.

- **What is the Total Permitted Area and what should my polygon represent?**

The total permitted area can either be the total area or size of the project during the permitted period, which includes at least one area where land disturbance activities will occur. If more than one area is to be disturbed that isn't connected to another area to be disturbed, the applicant should draw the total permitted area to include all land disturbance activities under a common promotional plan.

A common promotional plan is defined as a plan undertaken by one or more persons, to offer lots for sale or lease where land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional sale.

This also means that if the user has only one area of which land disturbance activities will occur, the user can draw a polygon of the exact location where land will be disturbed. However, if land is being disturbed in a location that is not covered in the user drawn polygon, then the permittee may be in violation of their permit.

- **What are permitted features and how does the system determine the permitted feature(s) for my permit?**

Permitted features are a description of a specific area for a permitted facility. Some permitted features inform the Department if a discharge location is storm water run-off or not, and some indicate if the point is specific to cooling water intake. Typically, permitted features are associated with a facility's discharging outfall where compliance to a term, condition, or limit of a permit is measured or monitoring (i.e., often where the sample is to be taken).

For Land Disturbance permits issued from ePermitting, the Permitted Feature is a Storm Water Reference Point. The Storm Water Reference Point does not accurately indicate the location where storm water from the land disturbance activity leaves the property. The Storm Water Reference Point is needed as a condition of federal regulations (i.e., all National Pollution Discharge Elimination System [NPDES] facilities must have at least one [1] Permitted Feature). In ePermitting, the Permitted Feature or rather the Storm Water Reference Point is determined in the GIS mapping program's background.

After the user draws their polygon documenting the total project size of what will be under the respective land disturbance permit, the GIS mapping program conducts background calculations. One of the first calculations that is conducted is the system determines how many 12 digit Watershed Boundary Data (WBD), which is a 8 digit HUC + 4 digit sub watershed) that the user drawn polygon cross or intersects. For each 12-digit WBD that the user drawn polygon crosses, the system will establish a Permitted Feature. Meaning if the polygon crosses three (3) 12 digit WBD's, the system will establish three (3) Permitted Features. FYI – the area of the polygon that is the greatest in size within a 12 digit WBD will be established as the primary Permitted Feature.

Continuing on, after the number of 12 digit WBDs is determined, the GIS mapping program then finds the center of the user drawn polygon and then determine the location where flowing water would most likely leave the user drawn polygon using topographic resources and what a feature called a "Pour Point" (pour meaning like you pour water out of a bucket).

It is very important to note that the GIS mapping program permitted feature is not 100% accurate. Therefore, it is not an actual outfall. Thus, outfalls must be established in the permit required SWPPP (see details on SWPPP below).

- **What is required in the Storm Water Prevention Pollution Plan (SWPPP)?**

The purpose of the SWPPP is to ensure; the design, implementation, management and maintenance of BMPs in order to prevent sediment and other pollutants in stormwater discharges associated with the land disturbance activities; compliance with the Missouri Water Quality Standards; and compliance with the terms and conditions of this general permit.

The SWPPP must:

- a. List and describe all outfalls;
- b. Incorporate required practices identified below;
- c. Incorporate erosion control practices specific to site conditions;
- d. Provide for maintenance and adherence to the plan;
- e. Discuss whether or not a 404/401 Permit is required for the project; and
- f. Name the person responsible for inspection, operation and maintenance of BMPs.

The permittee shall select, install, use, operate and maintain appropriate BMPs for the permitted site. The following manuals are acceptable resources for the selection of appropriate BMPs.

Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, (Document number EPA 833-R-06-004) published by the United States Environmental Protection Agency (USEPA) in May 2007. This manual as well as other information,

including examples of construction SWPPPs, is available at the USEPA internet site at <http://cfpub1.epa.gov/npdes/stormwater/swppp.cfm>; and

The latest version of Protecting Water Quality: A field guide to erosion, sediment and stormwater best management practices for development sites in Missouri, published by the Missouri Department of Natural Resources. This manual is available on the Department's internet site at: <http://www.dnr.mo.gov/env/wpp/wpcp-guide.htm>.

The permittee is not limited to the use of these guidance manuals. Other guidance publications may be used to select appropriate BMPs. However, all BMPs should be described and justified in the SWPPP.