

10.2.1.3 Finalizing the Permit/Public Participation Process/ Public Notice/Variations

Applicability:

A public notice is required and an opportunity for a hearing by aggrieved parties is provided if the Clean Water Commission (CWC) grants a variance without a formal hearing.

Content:

The Missouri Clean Water Law allows the CWC to grant a variance from applicable regulations whenever an arbitrary and unreasonable taking of property or practical closing of a business or activity would occur without comparable public benefit. If the staff recommendation to the commission is to deny a variance request, the applicant is informed and offered an opportunity for a hearing. If the staff recommendation is to approve the variance and the commission takes preliminary action to approve, a thirty-day public notice is required. Notice is provided via the internet as well as to those individuals and organizations in the county in question whose name(s) appear on the Missouri Clean Water Commission mailing list.

Legal References:

Missouri Clean Water Law, Chapter 644

[644.061.1 and .5](#) Variations, when allowed--petition, fee--variance revoked, when --judicial review, how.

Other Links:

[U.S. EPA NPDES Permit Writers' Manual](#), Chapter 10

[9.3 The Variance Review and Approval Process](#)

[10.2.1.4 Public Notice Process](#)

Key Words:

Variance, Public Notice

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