

10.3.1 Finalizing the Permit/Final Permit Actions/Permit Issuance

Applicability:

If the director determines that the source meets or will meet applicable legal requirements, the director shall issue the permit with such conditions deemed necessary to ensure the source will comply with the federal and state statutes and related regulations (Section 644.051.3, RSMo).

Content:

The basic provisions related to permit issuance are presented in the Clean Water Law, Chapter 644, RSMo. Section 644.051.3 and .4 states that, if the source will comply with requirements, the permit shall be issued following notices (i.e. public notice), hearings and the various considerations required by the federal and statutes and regulations. If the source violates or will violate the federal or state clean water statutes, regulations, limitations or standards, including the water quality standards, the permit will be denied or issued with such conditions as to make the source comply with requirements within an acceptable time schedule. See topics 7.1.5 Compliance Schedules and 10.3.2 Permit Denial for related information.

The department shall issue construction permits or site-specific operating permits within 180 days of the receipt of the permit application. Issuance of a general permit for construction or operation shall occur within 60 days of the date of receipt of the permit application if no public participation is required. (see Section 644.051.13(1))

The department must promptly notify the applicant of the action issuing the permit. Typically, permit issuance occurs as soon as possible after the close of the public comment period and after all appropriate comments have been incorporated into the permit. The notification must be in writing (see Section 644.051.6).

The applicant may appeal any condition in the permit within 30 days of notification of the department's action. Appeals are now filed with and heard by the Administrative Hearing Commission not the Clean Water Commission (see Section 640.013, RSMo).

Administrative procedures related to permit issuance are presented in 10 CSR 20-6.020(6). This section of the rules requires that the department serve notice of the permit issuance by mailing the issued permit by first class mail. The rule details to whom the issued permit may be mailed to accomplish delivery (service).

An appeal of conditions of an issued permit must be filed with the Administrative Hearing Commission within 33 days of the date of mailing of the issued permit. Three days are added to the prescribed 30-day period for appeals to account for the service being accomplished by first class mail. The appeal may be made by the applicant, permittee, or any other person with an interest that is or may be adversely affected. An appeal of a condition of an issued permit is a contested case with the burden of proof being on the department and shall be handled in accord with Section 644.066, and Sections 640.012 and .013.

The letter from the department transmitting the issued permit should contain a statement indicating that an appeal may be filed with the Administrative Hearing Commission within 30 days.

Legal References:

Department of Natural Resources, Chapter 640

[640.012](#) Burden of proof in matters heard by department, exceptions.

[640.013](#) Appeals from decisions of certain environmental commissions to be heard by administrative hearing commission.

Missouri Clean Water Law, Chapter 644 RSMo

[644.051.3, .4.,
.6 and .13\(1\)](#) Prohibited acts--permits required, when, fee--bond required of permit holders, when--permit application procedures--rulemaking--limitation on use of permit fee moneys.

Code of State Regulations:

[10 CSR 20-
6.010\(7\)](#) Construction and Operating Permits - Schedules of Compliance

[10 CSR 20-
6.020\(6\)](#) Public Participation, hearings and Notice to Government Agencies - Appeal Timeframes for Permit Conditions

Other Links:

[4.1.1 Site-Specific Permitting](#) (2 topics)

[4.1.2 General Permitting Deadlines](#) (2 topics)

[10.3.2 Permit Denial](#)

[10.4 Data Entry](#)

Key Words:

Permit issuance, permitting, issue permit

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