

2.3.6.1 Permitting Framework and Scope/Permit Program Areas/ Exemptions and Waivers/Construction Permit Exemption

Applicability:

An outline of facilities or activities that are exempt, or may be exempt, from construction permitting requirements of 10 CSR 20-6.010(4).

Content:

The basic requirement related to construction permits is presented at 10 CSR 20-6.010(4)(A) which states:

No person shall cause or permit the construction, installation or modification of any sewer system or of any water contaminant source, point source or wastewater treatment facility without first receiving a construction permit issued by the department except for the following:

1. Construction of a separate storm sewer; and
2. Facilities as provided in other 10 CSR 20-6 regulations.

Obviously, the first exemption from construction permit (CP) requirements is for separate storm sewers. The others are determined from the exemptions listed in the applicable 10 CSR 20-6 regulations. A listing of these follows. A full description of each listed exemption is obtained by referring to the cited regulations.

The Construction and Operating Permits Rule exempts eight types of facilities or activities from requirements of that regulation including the CP requirement itself (see 10 CSR 20-6.010(1)(B). These are:

- Nonpoint sources,
- Service connections to sewer systems,
- Internal plumbing, piping or water diversion or retention structures in industrial facilities,
- Routine maintenance or repairs,
- Single family residences,
- Discharges from emergency clean-ups under MDNR or U.S. EPA control,
- Water used in constructing or maintaining drinking water and other wells and drinking water distribution systems, and
- Certain small-scale pilot or demonstration projects.

The No-Discharge Permits Rule exempts 17 facilities or activities from requirements of that regulation (see 10 CSR 20-6.015(3), which exempts them from CP requirements. These are:

- *de minimis* sources,
- Nonpoint sources,
- Land application of compost and mulch containing less than 5% sludge,

- Land application of certain water treatment plant residues,
- Certain solid waste facilities,
- Animal feeding operations (see 10 CSR 20-6.300),
- Nondischarging facilities for domestic wastewater with flows of less than 3000 gallons per day,
- Certain composting sites,
- Certain products licensed as fertilizers,
- Single-family residences,
- Internal plumbing, piping or water diversion or retention structures in industrial facilities,
- Certain small-scale pilot or demonstration projects,
- Process waste holding structures,
- Activities of contract haulers,
- Exemptions prescribed in general permits,
- Placement of certain demolition waste as clean fill, and
- Placement of certain other materials in accord with Solid Waste Management requirements.

The Storm Water Regulations exempt 16 facilities or activities from requirements of that rule (see 10 CSR 20-6.200(1)(B), which exempts them from CP requirements. These are:

- Facilities or activities listed at 10 CSR 20-6.010(1)(B) [see the first category above],
- Areas on industrial property separate from the industrial activity,
- *de minimis* discharges,
- Certain recycling collection facilities,
- Farmlands, domestic gardens and certain sludge sites,
- Agriculture storm water discharge and irrigation return flow,
- Land disturbance sites less than 1 acre,
- Certain linear (strip) construction or maintenance operations,
- Certain vegetation mowing or cutting operations,
- Closed landfills in compliance with requirements,
- Municipal Separate Storm Sewer Systems (MS4s) under specified circumstances (three separate exemptions),
- Certain storm water discharge from construction sites more than 1 acre but less than 5 acres, and
- Certain industrial activities if not exposed to precipitation.

The Concentrated Animal Feeding Operations Rule exempts 6 facilities or activities from requirements of that rule (see 10 CSR 20-6.300(2)(B), which exempts them from CP requirements. These are:

- Certain small-scale pilot or demonstration projects,
- Animal feeding operations less than 300 animal units,
- Certain dead animal composting activities at Class IC or smaller operations,
- Storage buildings for dry litter, compost and similar materials if roofed and with an impermeable floor,
- Minor piping changes and other minor changes as determined by the department, and
- Livestock markets.

Refer to the regulations themselves for complete statements of the various exemptions.

Legal References:

Missouri Clean Water Law, Chapter 644

[644.051.2](#) 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 20-2.010](#) Definitions

[10 CSR 20-6.010\(1\)\(B\)](#) Construction and Operating Permits - General - Permit Exemptions

[10 CSR 20-6.010\(4\)](#) Construction and Operating Permits - Construction Permits (CP)

[10 CSR 20-6.015\(3\)](#) No-Discharge Permits - Exemptions

[10 CSR 20-6.200\(1\)\(B\)](#) Storm Water Regulations - Storm Water Permits-General - Exemptions and Department Authority to Initiate Action

[10 CSR 20-6.300\(2\)\(B\)](#) Concentrated Animal Feeding Operations (CAFOs) - General - Exemptions

Other Links:

[3.7 Construction Permits \(5 topics\)](#)

Key Words:

No-discharge, lagoon, land application, exemption

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Revised By: Peter Goode and Jim Penfold

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