

2.3.6.4 Permitting Framework and Scope/Permit Program Areas/ Exemptions and Waivers/No-Discharge Permit Exemptions

Applicability:

This provides information about permit exemptions for no-discharge, non-domestic facilities. An important exemption is for *de minimis* sources.

Small, domestic waste, no-discharge facilities are the subject of topic 2.3.6.5.

Content:

The No-Discharge Permits rule specifies 17 exemptions from the requirements in 10 CSR 20-6.015(3). Exemptions from the no-discharge permits requirements are allowed for:

- *de minimis* sources,
- nonpoint sources,
- land application of compost and mulches in certain situations,
- land application of water treatment plant residues under certain conditions,
- non-discharging facilities that hold valid permits under solid or hazardous waste rules,
- animal feeding operations (see 10 CSR 20-6.300),
- non-discharging facilities for domestic wastewater treating less than 3000 gallons per day,
- composting sites less than 2 acres when sewage sludge is less than 5% of the compost mix and there is no storm water discharge,
- products derived from sludge, biosolids, or other process wastes and licensed as a fertilizer,
- single family residences,
- certain internal plumbing or piping, water diversion or retention structures at an industrial site,
- certain small scale pilot or demonstration projects,
- certain holding structures or tanks,
- activities of contract haulers if disposing wastes in a permitted facility,
- other exemptions as may be prescribed in a general permit,
- the placement of demolition wastes as clean fill under certain conditions, and
- the placement of certain other materials in accord with Solid Waste Management requirements.

More detailed information about these exemptions is in the regulation (see 10 CSR 20-6.015(3) Exemptions). See the regulation for a complete statement of each exemption including the conditions or qualifications that may apply.

Requests for permit exemptions based upon the de minimis source designations are evaluated on a case-by-case basis. All *de minimis* determinations are made by the central office to promote consistency.

For no discharge facilities, a *de minimis* source is defined at 10 CSR 20-6.015(1)(B)4. as:

A waste or wastewater source, or a facility for treatment or disposal of process wastes, that is determined by the department to pose a negligible potential impact on waters of the state even in the event of the malfunction of wastewater treatment controls.

Therefore, the source in question must be of very low concern. Site specific conditions, source of wastewater, condition of the receiving stream, and flow are among the issues that must be considered. Flow should be near 500 gallons per day or less.

Discharging facilities are only allowed a *de minimis* exemption by the department in general permits or by the specific action of the Clean Water Commission.

Legal References:

Code of State Regulations:

[10 CSR 20-6.015\(1\)\(B\)4](#) No-Discharge Permits - Definitions

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

Other Links:

[2.3.6.5 Small Domestic No-Discharge Facilities](#)

[4.7.4.1.5.5 De Minimis Discharge Approvals](#)

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