

3.5.5 Overview of the Permit/No-Discharge Permits/ Effective Date and Expiration Date

Applicability:

The term (duration) of No-Discharge Permits issued in accord with 10 CSR 20-6.015 is set through the Effective and Expiration Dates.

Content:

Introduction

The No-Discharge Permits rule, in particular 10 CSR 20-6.015(2)(A), requires that persons who build, modify, operate and maintain such facilities apply for construction and operating permits. For more detail on the construction permitting process, please review the **“Construction Permit Manual.”** Further, 10 CSR 20-6.015(4)(A) requires that permits for no-discharge facilities are to be issued in accord with the procedures contained in 10 CSR 20-6.010, 10 CSR 20-6.011, 10 CSR 20-6.020 and 10 CSR 20-6.200.

Operating Permits

Operating permits (NPDES permits) shall be issued for a term (duration) not to exceed 5 years after the date of issuance. The five-year maximum term is a requirement of the federal Clean Water Act, federal regulations, the Missouri Clean Water Law and the state regulations. The most common term for operating permits is five years; however, they may be issued for a period of time less than five years.

The issuance date can be different than the effective date of the operating permit. For a new or reissued operating permit, the effective date is entered on the first page of the permit in the Effective Date field. The Expiration Date is calculated by adding the permit term (typically 5 years) minus one day to the Effective Date. For example, if a permit is to be issued for 5 years on July 1, 2004, the expiration date will be June 30, 2009.

An operating permit may be modified, revoked and reissued, or terminated during its term as set forth in 10 CSR 20-6.010(8)(A)2 and 3 and 40 CFR 122.62 and 122.64. If a permit is modified within the five-year term, the original Effective and Expiration Dates remain the same and the modification date is placed approximately one inch to the right of the Effective Date on the same line and “Revised Date” is placed underneath the modified date.

The department must receive applications for the renewal of operating permits at least 180 days before the expiration date. If the review of the renewal application proceeds in a normal fashion, the permit typically will be reissued with a new effective date on its anniversary date. The re-issuance of an operating permit should be timed to coincide with the expiration of the preceding permit.

For details regarding the issuance, effective, and expiration dates of construction permits, please review the **“Construction Permit Manual.”**

Legal References:

Missouri Clean Water Law:

Chapter 644.051.10 and 13 – 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(5)(B) and (C) – Original and Renewal Permitting Timeframes

10 CSR 20-6.010(8)(A)2 and 3 – Permit Terms and Conditions, Mandatory Conditions

10 CSR 20-6.010(10) – Operating Permit Renewal and Expiration Dates

10 CSR 20-6.015(2)(A) and (4)(A) – No-Discharge Permits

Code of Federal Regulations:

40 CFR 122.46(a) and (c) – EPA Administered Programs: The NPDES – Durations of permits

40 CFR 122.5(a) – EPA Administered Programs: The NPDES – Effect of a permit

40 CFR 122.62 – EPA Administered Permit Programs – NPDES – Modification or revocation and reissuance of permits

40 CFR 122.64 – EPA Administered Permit Programs – NPDES – Termination of permits

Federal Clean Water Act:

402(a)(3) and 402 (b)(1)(B) – National Pollutant Discharge Elimination System