

## 4.1.10 Application and Review Process/ Permit Process/Denials

### **Applicability:**

A Permit Denial is a formal administrative action that is issued by the department director or his designee on behalf of the Missouri Clean Water Commission. The purpose of a permit denial is to deny an operating permit to a non-compliant facility or facility that would be in non-compliance when in operation.

### **Content:**

Permit Denials are issued in circumstances where a facility is not meeting permit conditions, could not meet its permit conditions if a permit was issued, or if the applicant submitted a complete but inappropriate application.

Permit Denials are usually issued in conjunction with an Abatement Order that sets out a schedule of compliance to perform upgrades and other needed measures to bring the facility into compliance and may require submittal of an operating permit application after the upgrades are complete.

A Permit Denial may also be issued alone in situations where the type of permit the applicant applied for is not appropriate. An example of this situation may occur when a higher continuing authority has been identified as available.

Delegation for Permit Denials is currently at the program or regional director level. Permit Denials are written by the central office's enforcement section.

In many situations the department may not be able to issue a permit because of an incomplete application or the applicant fails to resolve all permit application deficiencies after reasonable opportunities where provided to resolve these deficiencies. In these instances, the permit reviewer may return the application with correspondence stating that the application is "unacceptable" and identifying the missing information.

### **Legal References:**

*Missouri Clean Water Law, Chapter 644*

[644.051.3, 5, 6](#)

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\(9\)](#)

Construction and Operating Permits - Permits Prohibited

[10 CSR 20-6.010\(13\)\(C\)](#)

Construction and Operating Permits - General permits (GP) - Applicant may Request Site-Specific Permit

### **Other Links:**

### **Key Words:**

Abatement Order, Permit Denial, schedule of compliance, administrative order

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