

4.1.1.1 Application and Review Process/Permit Process/ Site-Specific Permitting/Overview

Applicability:

This topic applies to the review of an application for a site-specific permit.

Content:

Applications for construction are not discussed in this topic. Please see Topics 3.7 and 4.6.4.1 for information about construction permits.

Writing a permit requires a series of judgements that must be made by a permit writer. An application for a site-specific permit must provide the permit writer with enough information to make an informed decision about what is required to protect waters of the state. This means that in addition to the various application forms that are required for each type of permit, the permit writer may need to request additional information from the applicant. Or, conversely, that it may not be necessary to have every blank filled in by the applicant in order to write the permit. The permit writer needs to ensure that sufficient information has been provided to support and enable appropriate decision-making. If the applicant fails to submit any requested additional information, the application is to be returned as incomplete.

The amount of information necessary is determined based on the characteristics of the facility and the receiving stream. Additional information might be required if, for example, the facility proposed to discharge pollutants for which the receiving stream was already receiving a significant load or if the facility has a particularly complex waste stream.

The application must be signed [10 CSR 20-6.010(2)(B)], which has been interpreted by the State to mean original ink signature. This means that faxed applications and electronic applications for site-specific permits cannot be accepted at this time. Such applications should be returned with instructions to properly complete an application. There are additional provisions about who must sign an application depending on the type of applicant. A corporation has different requirements than a municipality, etc.

An application is incomplete if the appropriate annual fees are not paid. For a new facility, this means that the annual fee must be sent in with the application. For an existing facility, it means that the annual fees must have been paid and are not delinquent. If an existing facility has not paid their annual fee they are not in compliance and an operating permit cannot be issued.

Applications from facilities that are not in compliance with Missouri Clean Water Law or the Code of State Regulations may be returned or held pending the outcome of efforts to assist or compel the facility to return to compliance. The decision to hold the application or return it should be made after consultation with Enforcement and/or Regional Office staff. The facility does not have to be referred to Enforcement to be in noncompliance. A permit should not be issued to a facility that is in noncompliance without a Schedule of Compliance, or other action, to compel the facility to correct the noncompliance. Therefore the permit writer may return the application, hold the application until the noncompliance is corrected, or issue the new or renewed permit with a Schedule of Compliance in accord with 10 CSR 20-6.010(7).

Some applications include the results of chemical analysis. The applicant may state "believed absent" for a parameter if they have no source of the parameter in their wastewater. The permit writer may require that the analysis be completed to prove that the parameter is indeed not found in the wastewater. Listing proprietary chemicals by name is not sufficient, because the permit writer must know what is in the chemicals in order to judge whether there is potential to violate

Water Quality Standards. For new facilities that have not produced wastewater to sample, such as new storm water facilities, the application will not include results of analysis. The permit writer must make conservative assumptions about what parameters must be monitored based on the characteristics and activities at the site, the nature of the expected influent, control parameters for similar facilities or recommendations of various technical and regulatory guidance documents.

If a facility claims that certain information is confidential business information (CBI) or a “trade secret”, they must request that the department make the determination that the information is indeed protected. The request must be made before or at the time the information is submitted. Otherwise the information will be public information and available for public viewing. Information is not confidential simply because the applicant says so. In no event is an applicant allowed to withhold information from the permit writer that is pertinent to the permit. If the applicant refuses to disclose information that the permit writer considers critical to writing the permit, the application is to be returned as incomplete.

Applicants are required to submit information on the appropriate forms supplied by the department. Letters requesting a permit or forms not created by the department and approved through Forms Management are not official applications for permits and are not treated as such. These communications should be returned with instructions to complete the appropriate application form.

Legal References:

Missouri Clean Water Law, Chapter 644, RSMo

[644.051.2 and .3](#) Prohibited acts--permits required, when, fee--bond required of permit holders, when--permit application procedures--rulemaking--limitation on use of permit fee moneys.

[644.052](#) Permit types, fees, amounts--requests for permit modifications--requests for federal clean water certifications.

Code of State Regulations

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

Other Links:

Key Words:

Applications, incomplete applications, trade secret, confidential, proprietary

Page ID: 4.1.1.1 Overview – Site-Specific Permits

Revised By: Curt B. Gateley

Modification Date: 4/17/2006 JFP 7/11/06