

4.7.4.1.5.5 Application and Review Process/Review of the Permit Application/ Technical Review/Permit Application for New Facilities/Other Permits/ De minimis Discharge Approvals

Applicability:

This section provides information about approvals for *de minimis* discharge facilities.

Content:

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

No-discharge facilities can be given an exemption by the department on a case-by-case basis. Please see module 2.3.6.4 for more information.

Background

The term *de minimis* is not defined in the Clean Water Law or in Chapter 2 Definitions Regulation. It is defined in the No-Discharge Permits rule at 10 CSR20-6.015(1)(B)4, which reads, “*De minimis* source: 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.” Furthermore, the term is defined in the Storm Water Regulations at 10 CSR 20-6.200(1)(C)5 as, “*De minimis* water contaminant source. A water contaminant source, point source or wastewater treatment facility 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 or material handling procedures.”

Since these very similar definitions are in the No-Discharge Permit and Storm Water Rules they do not have general applicability to all facilities. The definitions do, however, provide an indication of what is meant by the term *de minimis* facility or discharge. The waste 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.

Legal References:

Code of State Regulations:

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

[10 CSR 20-6.200](#) Storm Water Regulations

Other Links:

[2.3.6.4 No-Discharge Permit Exemptions](#)

[3.3.1.3 Exemptions \(GPs\)](#)

[4.7.4.2.5.5 De minimis Discharge Approvals \(modifications\)](#)

[4.7.4.3.5.3 De minimis Discharge Approvals \(expiring\)](#)

Key Words:

De minimis, *de minimis*, discharge, exemption

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