

9.1 Variances/The Variance Process

Applicability:

The Missouri Clean Water Law allows the Clean Water Commission to grant a variance from applicable requirements of the statute or regulations.

Content:

The statute outlines the circumstances under which the commission can entertain a variance request. Variances may be granted whenever an arbitrary and unreasonable taking of property or practical closing of a business or activity would occur without comparable public benefit.

However, no variance can be granted if the result would be an adverse effect on human health and upon fish, other aquatic life and wildlife. Variances do not relieve a person from liability imposed by other law or the maintenance of a nuisance. The statute also contains a requirement of a staff investigation and recommendation to the commission and a 60-day time frame for that recommendation.

The statute establishes that any approved variances are time bound and under such terms and conditions as specified by the commission, that may include the requirement to post a bond. It also establishes an application requirement and associated fee of \$250.00. Procedures for notifying the petitioner of denial or granting the variance, for public notice of the decision and for appeal of variance decisions are indicated. Failure to comply with the terms of the variance can result in its revocation or modification and other actions.

Legal References:

Missouri Clean Water Law, Chapter 644 RSMo

[644.061](#) Variances, when allowed--petition, fee--variance revoked, when --judicial review, how.

Other Links:

[U.S. EPA NPDES Permit Writers' Manual](#), Chapter 10, Variances to Permit Requirements...

Key Words:

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