

9.4 Variances/Data Entry

Applicability:

Describes the procedures followed to process and record the receipt and review of variance applications, Clean Water Commission decisions regarding them, and compliance with the terms and conditions of issued variances.

Content:

The section to which the variance is assigned after receipt by the Clean Water Commission (CWC) Secretary is responsible for tracking the variance through the process of review and action and for the development and maintenance of the official file (record) of the action. The CWC Secretary maintains a database that is limited to a date of receipt and the numbering system for the variances.

The following steps compose the process of variance application processing within the Water Pollution Control Branch:

- Variance application received. Fee check is copied and processed for deposit.
- Application and copy of check is sent to CWC Secretary for marking as filed (i.e. date stamping) with the Clean Water Commission; the variance is assigned a number.
- CWC Secretary forwards copy of application, check, and procedural checklist to appropriate section for preliminary review. Also included is a copy of the mailing list of all addressees from CWC database. The section is selected based on the subject of the variance request.
- Appropriate staff reviews application for completeness and coordinates with others if a review committee is formed. Individuals from commission mailing list are selected to receive informational notice in accord with Section 644.061.4, RSMo, and a marked-up mailing list is returned to CWC Secretary. Staff notifies CWC Secretary when preliminary review is complete.
- CWC Secretary notifies applicant that staff has determined the application to be complete and that staff has up to 60 days to make a recommendation to the Clean Water Commission (Section 644.061.4).
- Staff recommendation is prepared and forwarded to management for review and concurrence.
- If staff recommendation is to deny, Program Director notifies applicant of the recommendation and informs them that they have the right to a hearing (Section 644.061.5).
- If CWC meeting is not in the immediate future, following management acceptance, the staff recommendation is mailed to the applicant and the persons selected from the CWC mailing list. If the next CWC meeting is in the near future, the variance notification process is handled as part of the public notice prior to the CWC Meetings. In which case, CWC Secretary sends Commission meeting agenda and staff recommendation to applicant and those selected the mailing list.
- Appropriate staff makes presentation at commission meeting and Commission takes preliminary or final action.

- CWC Secretary notifies applicant and those people selected from the mailing list of Commission decision to preliminarily approve the variance request. If the commission denies the request (a final action), appropriate staff draft letter notifying the applicant of the decision. CWC Secretary sends letter to the applicant and those selected from the mailing list. Commission members are included in the mailings.
- Appropriate staff drafts information to be posted to the web, obtains approval from section chief and forwards for posting to the web. This is a 30-day public notice period related to the variance.
- Staff reviews any comments that are received during the 30-day comment period.
- Staff informs commission at its next meeting (at least 30 days after public notice) of any petitions or objections received during the comment period and whether the status of the staff recommendation remains as previously submitted after review of comments received.
- Commission takes final action and signs order that is the document presenting the final decision to approve or deny the variance.
- CWC Secretary mails copy of final decision/order to the applicant with appropriate copies.

The procedures and steps listed above are marked on a checklist as the variance is processed through review and final action. The checklist is retained in the official file (record) related to the variance action.

Legal References:

Missouri Clean Water Law, Chapter 644 RSMo

[644.061](#)

Variations, when allowed--petition, fee--variance revoked, when --judicial review, how.

Other Links:

[9.1 The Variance Process](#)

[9.2 Application for a Variance](#)

[9.3 The Variance Review and Approval Process](#)

Key Words:

Variance, variances, data entry, variance data entry

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