



Rules of
Department of Natural Resources
Division 20—Clean Water Commission
Chapter 1—Organization

Title	Page
10 CSR 20-1.010 Organization and Powers	3
10 CSR 20-1.020 Clean Water Commission Appeals and Requests for Hearings	3



**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 1—Organization**

10 CSR 20-1.010 Organization and Powers

PURPOSE: The purpose of this rule is to comply with section 536.023, RSMo 1986, which requires each agency to adopt as a rule a description of its operation and the methods by which the public may obtain information or make submissions or requests.

(1) Chapter 644, RSMo 1986 establishes a water contaminant control agency known as the Missouri Clean Water Commission. The commission consists of six (6) members who are appointed by the governor with the advice and consent of the senate. The commission holds at least four (4) meetings a year and special meetings and hearings as it deems necessary. The commission will take all actions at meetings open to the public.

(2) It is the public policy of this state to conserve waters of the state and to protect, maintain and improve the quality of the waters of the state and it is the duty of the commission to carry out this policy. To achieve its objectives the commission has specific duties and powers which are listed at Chapter 644.026, RSMo 1986. Among these are issuing permits for the construction and operation of wastewater treatment facilities or other point sources, monitoring the quality of the waters of the state and planning to protect and improve them; inspecting and monitoring water contaminant sources; investigating complaints from the public; adopting regulations; enforcing the Clean Water Law and these regulations; and administering grants to municipalities and political subdivisions for construction of wastewater treatment facilities.

(3) The director of the Department of Natural Resources, subject to the approval of the commission, appoints a director of staff to serve the commission. The water pollution control staff working under the provision of the Missouri Clean Water Law and under the supervision of the director of staff is within the Division of Environmental Quality with its central office located in Jefferson City, MO 65102. The commission maintains a mailing list of those persons desiring notification of meetings. Local assistance can also be obtained from one of the division's six (6) regional offices. These offices are in Jefferson City, Kansas City, Macon, Poplar Bluff, St. Louis and Springfield.

AUTHORITY: sections 644.026 and 536.023(3), RSMo 1986. Original rule filed June 14, 1976, effective Dec. 11, 1976. Rescinded: Filed Oct. 12, 1979, effective July 10, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980.*

**Original authority: 536.023, RSMo 1975, amended 1976, 1997 and 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995, 2000.*

10 CSR 20-1.020 Clean Water Commission Appeals and Requests for Hearings

PURPOSE: This rule contains all procedural regulations for all contested cases heard by the commission or assigned to a hearing officer by the commission.

(1) Subject. This rule contains procedural regulations for all contested cases before the commission.

(2) Definitions. As used in this rule, the following terms mean:

(A) Commission. The Clean Water Commission;

(B) Department. The Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the commission;

(C) Hearing. Any presentation to, or consideration by the hearing officer of evidence or argument on a petition seeking the commission's review of an action by the department;

(D) Hearing officer. Administrative Hearing Commission; and

(E) Person. An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

(3) Filing an Appeal or Requesting a Hearing.

(A) Any person adversely affected by a decision of the department or otherwise entitled to ask for a hearing may appeal to have the matter heard by filing a petition with the Administrative Hearing Commission within thirty (30) days after the date the decision was mailed or the date it was delivered, whichever date was earlier.

(B) A petition sent by registered mail or certified mail will be deemed filed on the

date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Administrative Hearing Commission.

(4) Procedures.

(A) The hearing shall be conducted in accordance with the provisions of Chapter 536, RSMo, and the regulations of the Administrative Hearing Commission promulgated thereunder.

(B) Upon receipt of the hearing officer's recommendation and the record in the case, the commission shall—

1. Distribute the hearing officer's recommendation to the parties or their counsel;

2. Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation;

3. Allow the parties or their counsel an opportunity to present oral arguments before the commission makes the final determination;

4. Complete its review of the record and deliberations as soon as practicable;

5. Deliberate and vote upon a final, written determination during an open meeting, except that the commission may confer with its counsel in closed session with respect to legal questions;

6. Issue its final, written determination as soon as practicable, including findings of fact and conclusions of law. The decision of the commission shall be based only on the facts and evidence in the record; and

7. The commission may adopt the recommended decision of the hearing officer as its final decision. The commission may change a finding of fact or conclusion of law made by the hearing officer, or may vacate or modify the recommended decision, only if the commission states in writing the specific reason for a change.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed May 1, 2006, effective Dec. 30, 2006.*

**Original authority: 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995, 2000.*