Rules of
Department of Natural Resources
Division 20—Clean Water Commission
Chapter 6—Permits

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits

10 CSR 20-6.010 Construction and Operating Permits

PURPOSE: This rule sets forth the requirements and process of application for construction and operating permits, and the terms and conditions for the permits. This rule also clarifies the requirements of the permit program, improves its administration and brings the program in compliance with the latest federal regulations, 44 FedReg 32.854 (1979).

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Permits—General.

(A) All persons who build, erect, alter, replace, operate, use or maintain existing point sources, or intend these actions for a proposed point source, water contaminant sources or wastewater treatment facilities shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations. The department issues these permits in order to enforce the Missouri Clean Water Law and regulations and administer the National Pollutant Discharge Elimination System (NPDES) Program.

(B) The following are exempt from permit regulations:

1. Nonpoint source discharges;

2. Service connections to wastewater sewer systems;

3. Internal plumbing and piping or other water diversion or retention structures within a manufacturing or industrial plant or mine, which are an integral part of the industrial or manufacturing process or building or mining operation. An operating permit or general permit shall be required, if the piping, plumbing or structures result in a discharge to waters of the state;

4. Routine maintenance or repairs of any existing sewer system, wastewater treatment facility or other water contaminant or point source;

5. Single family residences; and

6. The discharge of water from an environmental emergency cleanup site under the direction of, or the direct control of, the Missouri Department of Natural Resources or the Environmental Protection Agency (EPA), provided the discharge shall not violate any condition of 10 CSR 20-7.031 Water Quality Standards;

7. Water used in constructing and maintaining a drinking water well and distribution system for public and private use, geologic test holes, exploration drill holes, groundwater monitoring wells and heat pump wells; and

8. Small scale pilot projects or demonstration projects for beneficial use, that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority. The department may extend the permit exemption for up to one (1) additional year. A permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation, unless otherwise exempted under this rule or Chapter 6.

(C) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the activities exempted under subsection (1)(B) should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations.

(2) Applications.

(A) An application for, or for renewal of, a construction permit or operating permit shall be made on forms (see 10 CSR 20-6.090) provided by the department. The applications may be supplemented with copies of information submitted for other federal or state permits. The application shall include a one inch equals two thousand feet (1" = 2000') scale (or larger) map showing the location of all outfalls, as well as a flowchart indicating each process which contributes to an outfall. Each application must be accompanied by the appropriate permit fee. Alternate scale maps are allowed upon the request of the applicant and approval of the Department of Natural Resources.

(B) All applications must be signed as follows:

1. For a corporation, by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by an individual having overall responsibility for environmental matters at the facility;

2. For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or

3. For a municipal, state, federal or other public facility, by either a principal executive officer or by an individual having overall responsibility for environmental matters at the facility.

(C) All other reports required by the department shall be signed by a person designated in subsection (2)(B) of this rule or a duly authorized representative, if—

1. The representative so authorized is responsible for the overall operation of the facility from which the discharge occurs; and

2. The authorization is made in writing by a person designated in subsection (2)(B) of this rule and is submitted to the director.

(D) Any changes in the written authorization which occur after the issuance of a permit shall be reported to the department by submitting a new written authorization which meets the requirements of subsection (2)(C).

(3) Continuing Authorities.

(A) All applicants for construction permits or operating permits shall show, as part of their application, that a permanent organization exists which will serve as the continuing authority for the operation, maintenance and modernization of the facility for which the application is made. Construction and first-time operating permits shall not be issued unless the applicant provides such proof to the department and the continuing authority has submitted a statement indicating acceptance of the facility.

(B) Continuing authorities which can be issued permits to collect and/or treat wastewater under this regulation are listed in preferential order in the following paragraphs. An applicant may utilize a lower preference continuing authority by submitting, as part of the application, a statement waiving preferential status from each existing higher preference authority, providing the waiver does not conflict with any area-wide management plan approved under section 208 of the Federal Clean Water Act or any other regional sewage service and treatment plan approved for the higher preference authority by the department:

1. A municipality or public sewer district which has been designated as the area-wide management authority under Section 208(c)(1) of the Federal Clean Water Act;

2. A municipality, public sewer district or sewer company regulated by the Public Service Commission (PSC) which currently provides sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C) and approved by the Clean Water Commission. Permits shall not be issued to a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;

3. A municipality, public sewer district or sewer company regulated by the PSC other than one which qualifies under paragraph (3)(B)1. or 2. of this rule or a public water supply district. Permits shall not be issued to

a continuing authority regulated by the PSC until the authority has obtained a certificate of convenience and necessity from the PSC;

4. Any person with complete control of, and responsibility for, the water contaminant source, point source or wastewater treatment facility and all property served by it. The person may constitute a continuing authority only by showing that the authorities listed under paragraphs (3)(B)1.–3. of this rule are not available, do not have jurisdiction, are forbidden by statute or ordinance from providing service to the person or, if available, have submitted written waivers as provided for in subsection (3)(B) of this rule; and

5. An association of property owners served by the wastewater treatment facility, provided the applicant shows that—

A. The authorities listed in paragraphs (3)(B)1.–3. of this rule are not available or that any available authorities have submitted written waivers as provided for in subsection (3)(B);

B. The association owns the facility and has valid easements for all sewers;

C. The document establishing the association imposes covenants on the land of each property owner which assures the proper operation, maintenance and modernization of the facility including at a minimum:

(I) The power to regulate the use of the facility;

(II) The power to levy assessments on its members and enforce these assessments by liens on the properties of each owner;

(III) The power to convey the facility to one (1) of the authorities listed in paragraphs (3)(B)1.–3.; and

(IV) The requirement that members connect with the facility and be bound by the rules of the association; and

D. The association is a corporation in good standing registered with the Office of the Missouri Secretary of state.

(C) The department will review the planning, design, construction and designation of watershed or regional sewage works. Where development is insufficient to warrant immediate construction of facilities for the entire watershed or region, interim facilities for a portion of the area shall be authorized as long as the design is compatible with 10 CSR 20-8, Design Guides. The department shall condition permits for these interim discharges so they will be eliminated upon the availability of watershed or regional facilities. At such time as watershed or regional facilities become available, and to the extent their capacity is sufficient, any existing subregional treatment works and/or lift stations shall be taken out of service and the tributary waste flows diverted into the watershed or regional facilities. A Regional Sewage Service and Treatment Plan shall be developed by all affected political jurisdictions and submitted to the department. Staff will review the plan and submit recommendations to the Clean Water Commission. The Clean Water Commission may approve, require changes, deny the plan and/or hold public hearings related to approval of the plan.

(D) Industries, including electric cooperatives and mining operations, are by definition continuing authorities for collection and treatment of industrial type wastewater and incidental domestic wastewater associated with their operation when an authority listed in paragraph (3)(B)1. or 2. is infeasible.

(E) Private corporations which are not incorporated under the laws of the state of Missouri shall be represented by a registered agent in the state of Missouri before a construction permit or an operating permit will be issued by the department.

(4) Construction Permits.

(A) No person shall cause or permit the construction, installation or modification of any sewer system or of any water contaminant source, point source or wastewater treatment facility without first receiving a construction permit issued by the department except for the following:

1. Construction of a separate storm sewer; and

2. Facilities as provided in other 10 CSR 20-6 regulations.

(B) A separate application for each sewer system, water contaminant source, point source or wastewater treatment facility must be submitted to the department. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases. For continuing authorities listed in paragraph (3)(B)1. or 2. only one (1) application may be required when the authority operates a sewage treatment plant and has one (1) or more other noncontinuous storm water-related discharges associated with the sewage treatment plant.

(C) An application for a construction permit must be submitted to the department at least one hundred eighty (180) days in advance of the date on which construction begins. Requests for a shorter time for a review of a wastewater treatment facility may be made but must be accompanied by a detailed statement of the justification for the request. No such statement is required when the application is only for the construction of sewers.

(D) An application shall consist of the following items:

1. Unless not required by the department, an engineering report shall be submitted by an engineer and shall contain the information required by 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220. If the report includes a wastewater treatment facility, it shall include consideration of the feasibility of constructing and operating a facility which will have no discharge to waters of the state (see section (12) of this rule). Unless the department specifies otherwise, this report will be reviewed and necessary changes made before the plans and specifications in paragraph (4)(D)2. will be reviewed;

2. Detailed plans and specifications shall be submitted by an engineer and shall contain the information required in 10 CSR 20-8.020 and 10 CSR 20-8.110–10 CSR 20-8.220 or other regulations as applicable;

3. An application form and permit fee;

4. A one inch equals two thousand feet (1" = 2000') scale map (or large) showing the location of all outfalls (alternate scale maps are allowed upon the request of the applicant and approval of the Department of Natural Resources);

5. Other information necessary to determine compliance with the Missouri Clean Water Law and these regulations as required by the department; and

6. If a construction permit is waived by the department, or not required, the information in paragraphs (4)(D)1.–5. may be required with application for the operating permit.

(E) If an application is incomplete or otherwise deficient, the applicant shall be notified of the deficiency and processing of the application may be discontinued until the applicant has corrected all deficiencies. The department will act after receipt of all documents and information necessary for a properly completed application, including appropriate filing fees and other supporting documents as necessary, by either issuing a notice of operating permit pending, issuing the construction permit or denying the permit. The director in writing, shall give the reasons for a denial to the applicant. Applicants who fail to satisfy all department comments after two (2) certified department comment letters in a time frame established by the department shall have the application returned as incomplete and the construction fees shall be forfeited. The applicant has the right to request that the time frames be extended when additional time is needed. The request must occur within the established time frame, it must be in writing and the department will grant reasonable time extensions.

(F) A notice of permit pending is a statement that the department intends to issue an operating permit. The department will issue the public notice of a pending new operating permit for a wastewater treatment facility before it issues the construction permit for the wastewater treatment facility. This allows the public an opportunity for comment prior to the construction of a wastewater treatment

facility. A public notice will not be required prior to the issuance of a construction permit for a sewer collection system. If a construction permit for a new wastewater treatment facility is not issued within one (1) year of the date of the notice of permit pending, a new notice of permit pending will be issued.

(G) Construction permits shall expire one (1) year from the date of issuance unless the permittee applies for an extension. The department shall extend construction permits only one time. An applicant for this extension shall show that there have been no substantial changes in the original project and file for extension thirty (30) days prior to expiration. When a construction permit is issued for a project for which the construction period is known in advance to require longer than one (1) year from the date of issuance, the department may issue a permit allowing a period of time greater than one (1) year upon a showing by the applicant that the period of time is necessary and that no substantial changes in the project will be made without notifying the department. If there are changes, the department may require the applicant to apply for a new construction permit. Construction permits may be issued for a period of less than one (1) year when appropriate.

(H) Issuance of a construction permit does not constitute a guarantee by the department that the finished water contaminant source, point source or wastewater treatment facility will meet specified effluent limitations.

(I) The applicant shall provide the department with evidence the local planning and zoning agency has been notified of the project and must update the department on the status of any action by the local planning and zoning agency.

(5) Operating Permits.

(A) Persons who build, erect, alter, replace, operate, use or maintain any water contaminant source, point source or wastewater treatment facility which discharges to waters of the state shall obtain an operating permit from the department before any discharge occurs. The operating permit shall be issued to the owner/operator. Nondischarging facilities for the treatment or disposal of wastes, wastewater or residuals shall obtain permits as provided in 10 CSR 20-6.015.

(B) Applications for an original operating permit for a facility that had a valid construction permit and a prior public notice shall be received by the department at least thirty (30) days before the facility begins to receive wastewater. Applications shall include the earliest date on which the discharge is scheduled to begin. The department will issue or deny the permit within sixty (60) days of receipt of the application. No facility shall discharge without a valid operating permit.

(C) Applications for the renewal of operating permits or for operating permits for facilities that did not require construction permits must be received at least one hundred eighty (180) days either before the expiration date of the present operating permit or the date the facility begins to receive wastewater.

(D) The department shall require that an engineer certify in writing that the project has been completed in accordance with its approved plans and specifications. A municipal official who has the responsibility for the operation and maintenance of the completed facility and knowledge of the construction may submit the certification to the department. A representative of the department may inspect the completed work in order to determine that the completed work substantially adheres to the approved plans and specifications and to the Missouri Clean Water Law and Clean Water Commission regulations.

(E) The department shall specify in each operating permit the concentration, weight, or both, of each contaminant which may be released.

(6) Sewer Extensions.

(A) Persons who construct sewers tributary to a system operated by one (1) of the continuing authorities listed in paragraphs (3)(B)1. or (3)(B)2. will be exempt from the construction permit requirements for sewers if the continuing authority administers a permit program which has been approved by the department.

1. In order to obtain approval of its permit program the continuing authority must submit a written request. The request must include an account of the procedures to be followed in approving the construction of sewers by others and for handling the design of sewers to be built by its own staff or contractors. The request must include at least the following:

A. Standard specifications and typical appurtenance construction details to which all construction will be required to adhere;

B. A showing that the applicant will engage or employ a sufficient number of professional engineers and other staff qualified to review plans, issue permits, prepare reports, inspect construction and enforce local and state requirements for each sewer extension;

C. A showing that the applicant will engage or employ a sufficient number of persons qualified to supervise construction or that the applicant has enforceable ordinances which require construction supervision and subsequent certification by a Missouri professional engineer; and

D. A showing that the applicant will maintain permanent plans of all sewers constructed and maintain records of sewer extension approvals and reports.

2. The department will review the application for approval and may ask for additional information if necessary to determine compliance with the Missouri Clean Water Law and these regulations. Approval may be granted for a period of up to five (5) years in the applicant's operating permit.

(B) Upon completion of construction and certification by the engineer in accordance with subsection (5)(D), owners or operators of sanitary sewer systems or extensions for which construction permits were issued shall apply for a letter of authorization for operation. The system or extension then shall be considered as a part of the treatment facility to which it is tributary for permit purposes.

(7) Schedules of Compliance.

(A) Permits may contain schedules of compliance requiring the permittee to take specific steps to achieve expeditious compliance with applicable standards and limitations and other requirements. Schedules of compliance shall require compliance as soon as practicable, but in no case later than an applicable statutory deadline.

(B) If any permit allows a time for achieving final compliance from the date of permit issuance, the schedule of compliance in the permit shall set forth interim requirements and the dates for their achievement.

(C) Within fourteen (14) days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee's compliance or noncompliance with the interim or final requirement for the dates.

(D) The department may modify a schedule of compliance in an issued permit upon request and a showing of justification by the applicant. In no case shall the compliance schedule be modified to extend beyond an applicable statutory treatment deadline.

(8) Terms and Conditions of Permits.

(A) The following shall be incorporated as terms and conditions of all permits:

1. All discharges and sludge disposal shall be consistent with the terms and conditions of the permit;

2. The permit may be modified or revoked after thirty (30) days' notice for cause including, but not limited to, the following causes:

A. A violation of any term or condition of the permit;

B. A misrepresentation or failure to fully disclose all relevant facts in obtaining a permit;

C. A change in the operation, size or capacity of the permitted facility; and

D. The permit may be modified after proper public notice and opportunity for comment when a wasteload allocation study

has been completed showing that more stringent limitations are necessary to protect the in-stream water quality;

3. The permit may not be modified so as to extend the term of the permit beyond five (5) years after its issuance;

4. Permittees shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions and regulations. Operators or supervisors of operations at regulated wastewater treatment facilities shall be certified in accordance with 10 CSR 20-9.020(2) and any other applicable state law or regulation. Operators of other wastewater treatment facilities, water contaminant source or point sources, upon request of the department, shall demonstrate that wastewater treatment equipment and facilities are effectively operated and maintained by competent personnel;

5. For the purpose of inspecting, monitoring or sampling the point source, sludge, water contaminant source or wastewater treatment facility for compliance with the Clean Water Law and these regulations, authorized representatives of the department shall be allowed by the permittee, upon presentation of credentials and at reasonable times, to—

A. Enter upon permittee's premises in which a point source, water contaminant source or wastewater treatment facility is located or in which any records are required to be kept under terms and conditions of the permit;

B. Have access to, or copy, any records required to be kept under terms and conditions of the permit;

C. Inspect any monitoring equipment or method required in the permit;

D. Inspect any collection, treatment or discharge facility covered under the permit; and

E. Sample any wastewater or sludge at any point in the collection system or treatment process;

6. If the permit is for a discharge from a publicly-owned treatment works, the permittee shall give notice to the department of any new introduction of pollutants or any substantial change in the character or volume of nondomestic pollutants already being introduced. Notice shall include:

A. The origin, quality and quantity of pollutants to be introduced into the publicly-owned treatment works; and

B. Any anticipated impact on the quality and quantity of the effluent to be discharged or on the quality or quantity of the sludge to be disposed of by the treatment works;

7. If the permit is for a discharge from a publicly-owned treatment works, the permittee shall be able to identify any introduction of pollutants or substances into the facility that alone or in combination will cause—disruption of the treatment processes, violation of effluent standards as defined in their operating permit, violation of water quality standards in the receiving stream as defined in 10 CSR 20-7.031 or classification of the residues of the treatment processes as hazardous waste as defined in 10 CSR 25-4.010. In addition, the permittee shall require any industrial user of the treatment works to comply with the requirements of 10 CSR 20-6.100;

8. If a toxic effluent standard, prohibition or schedule of compliance is established under Section 307(a) of the Federal Clean Water Act for a toxic pollutant in the discharge of permittee's facility and the standard is more stringent than the limitations in the permit, then upon notice to the permittee the more stringent standard, prohibition or schedule shall be incorporated into the permit as one (1) of its conditions;

9. Facility expansions, production increases or process modifications which will result in a new or substantially different discharge or sludge characteristics must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new permit, or if the discharge does not violate effluent limitations specified in the permit, by submission of notice to the department of the changed discharge; and

10. When a continuing authority under paragraph (3)(B)1. or 2. is expected to be available for connection within the next five (5) years, any operating permit issued to a permittee under this paragraph, located within the service area of the paragraph (3)(B)1. or 2. facility, shall contain the following special condition: The tributary wastewater flow shall be connected to the continuing authority listed in paragraph (3)(B)1. or 2. within ninety (90) days of notice of availability by the continuing authority. The permittee shall obtain departmental approval for closure or alternate use of these facilities.

(B) The permit shall contain effluent limitations and monitoring requirements. Other terms and conditions shall be incorporated into permits if the department determines they are necessary to assure compliance with the Clean Water Law, related regulations or policies of the Missouri Clean Water Commission.

(9) Prohibitions. No permit shall be issued in the following circumstances:

(A) Where the terms and conditions of the permit do not comply with applicable guidelines or requirements, the Missouri Clean Water Law and Clean Water Commission regulations or the Federal Clean Water Act and federal regulations;

(B) Where the EPA regional administrator has properly objected to the issuance of a permit by the director;

(C) Where the permit conditions cannot ensure compliance with the applicable water quality requirements of all other affected states;

(D) Where, in the judgment of the secretary of the army acting through the appropriate district engineer, anchorage and navigation would be substantially impaired;

(E) For the discharge of any radiological, chemical or biological warfare agent or high level radioactive waste;

(F) For any discharge from a point source inconsistent with a plan or plan amendment approved under Section 208(b) of the Federal Clean Water Act; or

(G) To a facility which is a new source or a new discharger, if the discharge from the construction or operation of the facility will—

1. Cause or contribute to the violation of water quality standards if the point of discharge is located in a segment that was an effluent limitation segment, prior to the introduction of the discharge from the new source or new discharger; or

2. Exceed its pollutant load allocation if the discharge is into a water quality limited segment.

(10) Operating Permit Renewal and Expiration Dates.

(A) The first operating permit issued to new sources and new dischargers will be issued for a period of time sufficient only to allow the completion of construction of the facility, but not to exceed five (5) years, but not less than one (1) year. When all construction has been completed, the first operating permit may be issued for a period not to exceed five (5) years.

(B) Whenever a release or a potential for release from a point source, water contaminant source or wastewater treatment facility is permanently eliminated, the existing operating permit will be terminated upon verification by the department.

(C) Where a person has the permit responsibility for more than one (1) wastewater treatment facility, water contaminant source or point source involving more than one (1) operating permit, the department may combine the billings by issuing all operating permits with the same expiration date. Each facility shall continue to operate under and be governed by the separate provisions of each individual permit.

(D) When a check used for an application fee is returned to the department as nonnegotiable, review of the application shall cease and the applicant be notified. No further action shall be taken on the application until the fees have been resubmitted in the form of a cashier's check or money order payable to the state of Missouri.

(E) Continuation of Expiring Permits.

1. The terms and conditions of an expired permit are continued automatically pending issuance of a new permit if—

A. The permittee has submitted a timely and sufficient application for a new permit under this rule; and

B The department is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

2. Permits continued under paragraph (10)(E)1. remain fully effective and enforceable.

(11) Permits Transferable.

(A) Subject to section (3), an operating permit may be transferred upon submission to the department of an application to transfer signed by a new owner or other continuing authority or responsible party. Until the time the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.

(B) The department, within thirty (30) days of receipt of the application, shall notify the new applicant of its intent to revoke and reissue or transfer the permit.

(C) Construction permits are not transferable. If ownership of a facility under construction changes, the new owner shall apply for a new construction permit following the procedures in section (4).

(12) Closure of Treatment Facilities.

(A) Persons who cease operation or plan to cease operation of waste, wastewater and sludge handling and treatment facilities shall close the facilities in accordance with a closure plan approved by the department.

(B) Operating permits under section (5) of this rule or under 10 CSR 20-6.015 are required until all waste, wastewater and sludges have been disposed of in accordance with the closure plan approved under subsection (12)(A) of this rule.

(13) General Permits.

(A) The director may issue a general permit in accordance with the following:

1. The general permit shall be written to cover a category of discharges described in the permit except those covered by individual permits within a geographic area. The area shall correspond to existing geographic or political boundaries, such as—

A. Designated planning areas under Sections 208 and 303 of the Federal Clean Water Act;

B. City, county, or state political boundaries, or special sewer districts chartered by the state;

C. State highway systems; and

D. Any other appropriate division or combination of boundaries; and

2. The general permit shall be written to regulate a category of point sources if the sources all—

A. Involve the same or substantially similar types of operations;

B. Discharge the same types of wastes;

C. Require the same effluent limitations or operating conditions;

D. Require the same or similar monitoring; and

E. Are controlled more appropriately, in the opinion of the director, under a general permit than under individual permits.

(B) General permits may be issued, modified, revoked and reissued or terminated in accordance with applicable requirements of this regulation. To be included under a general permit, a permittee must submit an application on forms supplied by the department.

(C) The director may require any person authorized by a general permit to apply for and obtain an individual operating permit. Any interested person may petition the director to take action under this subsection. Cases where an individual operating permit may be required include, but are not limited to, the following:

1. The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving stream;

2. The discharger is not in compliance with the conditions of the general operating permit; and

3. A Water Quality Management Plan containing requirements applicable to these point sources is approved.

(D) Any owner/operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. As indicated in section (2), the owner/operator shall submit, to the director, an application with reasons supporting the request. The request shall be granted by issuing any individual permit if the reasons cited by the owner/operator are adequate to support the request.

1. When an individual operating permit is issued to an owner/operator otherwise subject to a general operating permit, the applicability of the general permit to the individual operating permittee is terminated automatically on the effective date of the individual permit.

2. A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source. The source shall be included under the general permit only if it meets all the requirements for coverage under the permit.

AUTHORITY: section 644.026, RSMo Supp. 1997. Original rule filed June 6, 1974, effective June 16, 1974. Rescinded: Filed Oct. 16, 1979, effective July 10, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980. Amended: Filed Sept. 8, 1981, effective Feb. 11, 1982. Amended: Filed Nov. 10, 1982, effective May 12, 1983. Amended: Filed Sept. 11, 1984, effective March 12, 1985. Amended: Filed Feb. 1, 1988, effective June 13, 1988. Amended: Filed Sept. 13, 1988, effective Feb. 14, 1989. Amended: Filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed Nov. 3, 1997, effective July 30, 1998.*

**Original authority 1972, amended 1973, 1987, 1993, 1995.*

***Op. Atty. Gen. No. 53, Lafser (1-26-79)**. The point source discharges of pollutants from federal facilities within the state of Missouri are subject to the same NPDES program requirements as are any other point source discharges of pollutants subject to the Missouri Clean Water Law and regulations.*

***Op. Atty. Gen. No. 156, Wilson (8-18-76)**. The initial responsibility for issuing Clean Water Commission permits under section 204.051, RSMo Supp. 1975 rests with the director of the Department of Natural Resources acting in his/her capacity of administering Department of Natural Resources programs relating to environmental control and executing policies established by the Clean Water Commission.*

MISSOURI DEPARTMENT OF NATURAL RESOURCES

SEWER EXTENSION CONSTRUCTION APPROVAL REQUEST

NAME OF CITY	PHONE NO.
ADDRESS	ZIP CODE

The city requests authorization to conduct the necessary review and approval of sewer and interceptor lines within the sewer system tributary to the _____ (NAME OF SEWAGE TREATMENT PLANT), which is operated under state issued operating permit no. MO - _____.

The city has an engineering staff of _____ full-time employees to conduct the necessary review and approvals. A copy of the standard specifications utilized by the city are:

Attached to this application: ☐

On file with the department: ☐

SIGNATURE	DATE
PRINT NAME	TITLE

MO 780-1353 (7-92)

FOR AGENCY USE ONLY
APPLICATION NUMBER _____

DATE RECEIVED _____

FORM E - APPLICATION FOR DISCHARGE PERMIT
GENERAL PERMIT

MISSOURI DEPARTMENT OF NATURAL RESOURCES - DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176
Jefferson City, MO 65102

1.20 General Permit applied for _____

2.10 Name of Facility _____

2.20 Facility Address _____
Street City State Zip Code

2.30 a. This facility is now in operation under Missouri Operating Permit Number _____ OR

b. This is a new facility _____.

2.50 Owner Name _____ Phone _____

Address _____
Street City State Zip Code

2.60 Operating Authority Name _____ Phone _____

Address _____
Street City State Zip Code

2 Facility Contact Name _____ Phone _____

Title _____

Form CWC 105F must also be completed and submitted with this form.

I certify that I am familiar with the information contained in the application, that to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law, of the Missouri Clean Water Commission.

A. Name & Official Title (type or print) B. Phone No. (area code & no.)

C. Signature D. Date Signed

CWC 105E
6/88

INSTRUCTIONS FOR FILLING OUT APPLICATION FOR GENERAL PERMIT - FORM E

General permit fees shall be submitted together with application for General Permit Forms E and F. Persons with more than one (1) point source shall obtain a general permit for each point source or specific area. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases. General permit fees are one hundred fifty dollars ($150) for each permit.

1.20 Self Explanatory

2.10 Name of Facility - By what title or name is this facility known locally? Example: Southwest Sewage Treatment Plant, Country Club Mobile Home Park, etc.

2.20 Give the address or location of the facility. If the facility lacks a street name or route number, give the most accurate alternate geographic information.

2.30 Fill out either Item (a.) or Item (b.) as applicable.

2.50 Owner - Legal name and address of owner.

2.60 Operating Authority - Legal name and address of the operating authority (person or company retained to...) if different from the owner (if same, write same).

2.80 Self Explanatory

2.90 Signature - All applications must be signed as follows:

A. For a corporation, by an officer of at least the level of plant manager;

B. For a partnership or sole proprietorship, by a general partner or the proprietor;

C. For a municipal, state, federal, or other public facility, by either a principal executive officer or ranking public official.

This completed Form E, along with application for general permit Form F and the $150 fee, should be returned to this office or the appropriate regional office office as listed on the map on the back of application Form E.

If there are any questions concerning this form, please direct your questions to:

Missouri Department of Natural Resources
Division of Environmental Quality
Water Pollution Control Program
Attention: Permit Section
P.O. Box 176
Jefferson City, MO 65102

FOR AGENCY USE ONLY
APPLICATION NUMBER _____

DATE RECEIVED _____

FORM F - APPLICATION FOR DISCHARGE PERMIT
GENERAL PERMIT

MISSOURI DEPARTMENT OF NATURAL RESOURCES - DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176
Jefferson City, MO 65102

1.00 NAME OF FACILITY _____

1.10 a. This facility is now in operation under Missouri Operating Permit Number _____ OR

b. This is a new facility _____.

2.10 For each outfall give the legal description:

Outfall Number (list) ____1/4 ____1/4 Sec____ T____ R____ _____County

_____

_____

_____

2.20 For each outfall list the name of the receiving water

Outfall number (list) _____ Receiving water _____

_____

_____

2.30 Briefly describe the nature of your business:

_____

_____

_____

2.40 Attach a map showing the location of the facility in relation to the local road system. Also indicate on the map the receiving stream and the point of discharge.

3.00 If this is an existing discharge, submit a summary of pollutants that have been analyzed in the past 2 years.

3.10 Form CWC 105E must also be completed and submitted with this form.

3.30 CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. Name & Official Title (type or print)	B. Phone No. (area code & no.)
C. Signature	D. Date Signed

CWC 105F
6/88

INSTRUCTIONS FOR FILLING OUT APPLICATION FOR GENERAL PERMIT - FORM F

General permit fees shall be submitted together with application for General Permit Forms E and F. Persons with more than one (1) point source shall obtain a general permit for each point source or specific area. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases. General permit fees are one hundred fifty dollars ($150) for each permit.

1.00 Name of Facility - By what title or name is this facility known locally? Example: Southwest Sewage Treatment Plant, Country Club Mobile Home Park, etc.

1.10 Fill out either Item (a) or Item (b) as applicable.

2.10 An outfall is the point(s) at which wastewater is discharged. For storm water this may be the point(s) that water leaves the property. Outfalls should be given in terms of the legal description of the facility. Sufficient information should be submitted that it may be located by Department staff.

2.20 Receiving stream(s) - The name of the stream(s) to which the discharge is directed and any subsequent tributary until a continuous flowing stream is reached.

2.30 Self Explanatory. Main/primary business conducted at this site.

2.40 A map showing the facility in relation to the local roads and receiving streams is mandatory. Although not required, a 7.5 minute topographic map has been found preferable. This type of map can be obtained from the U.S. Geological Survey in Rolla, Missouri, (314) 341-0851.

3.00 Self Explanatory

3.10 Self Explanatory

3.30 Signature - All applications must be signed as follows:

A. For a corporation, by an officer of at least the level of plant manager;

B. For a partnership or sole proprietorship, by a general partner or the proprietor;

C. For a municipal, state, federal, or other public facility, by either a principal executive officer or ranking public official.

This completed Form F, along with application for general permit Form E and the $150 fee, should be returned to this office or the appropriate regional office office as listed on the map on the back of application Form E.

If there are any questions concerning this form, please direct your questions to:

Missouri Department of Natural Resources
Division of Environmental Quality
Water Pollution Control Program
Attention: Permit Section
P.O. Box 176
Jefferson City, MO 65102

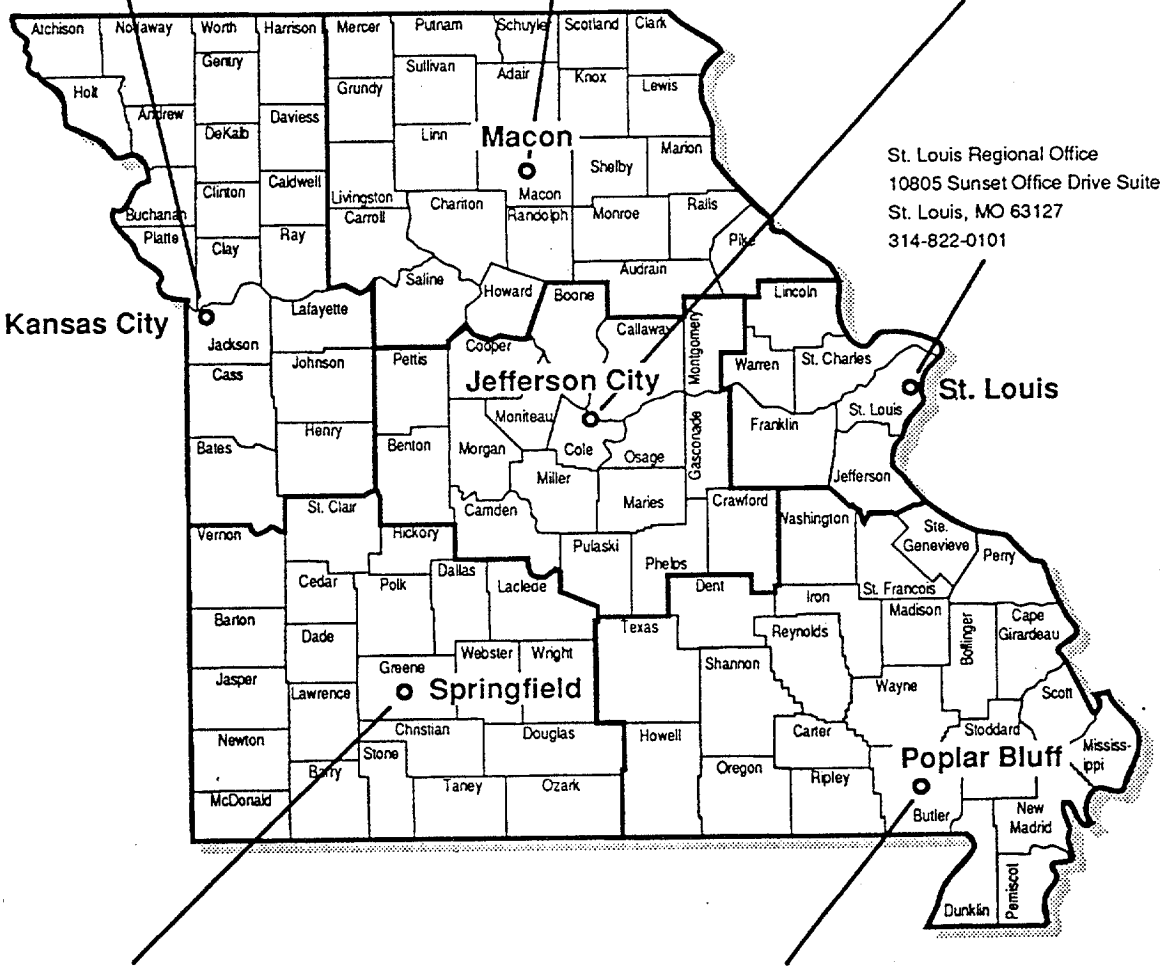
MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY REGIONAL OFFICES

Kansas City Regional Office
3800 South Elizabeth Avenue, Suite G
Independence, MO 64057
816-795-8655

Northeast Regional Office
Highway 63 North – 1307 Jackson
Macon, MO 63552
816-385-2129

Central Regional Office
1908 Bubba Lane
P.O. Box 176
Jefferson City, MO 65102
314-751-2729

St. Louis Regional Office
10805 Sunset Office Drive Suite 100
St. Louis, MO 63127
314-822-0101



Southwest Regional Office
318 Park Central East, Suite 500
Springfield, MO 65806
417-895-6950

Southeast Regional Office
948 Lester Street
P.O. Box 1420
Poplar Bluff, MO 63901
314-686-9750

10 CSR 20-6.011 Fees

PURPOSE: This regulation explains how the Department of Natural Resources implements fees authorized by the Missouri Clean Water Law. It sets the procedures for collection of fees from permit holders. Fees are collected for state operating permits, several permits and construction permits. An appendix to the rule reflects the range of fees that is established under the Missouri Clean Water Law.

(1) Fees—General.

(A) All persons who build, erect, alter, replace, operate, use or maintain wastewater treatment facilities shall pay the appropriate fees as designated in sections 644.052 and 644.053, RSMo (see Appendix A).

(B) Definitions.

1. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this regulation.

2. Industrial process wastewater. This term as used in section 644.052, RSMo means any water, including storm water, that is regulated under 10 CSR 20-6.200, during manufacturing or processing, which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

3. Privately-owned treatment works. A treatment works serving a residential area, restaurant, commercial concern or other operation that only produces domestic sewage as defined in section 701.025, RSMo.

(C) The fees referenced in subsection (1)(A) shall be paid by check or money order and made payable to the state of Missouri. In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency. If payment has not been corrected after fifteen (15) days, the person may be referred to the attorney general's office and late penalties assessed pursuant to section 644.055, RSMo. When a check used for the payment of a construction fee is returned to the department marked insufficient funds, review of the application shall cease and the applicant shall be notified. If the insufficiency is not corrected after ten (10) days, the application shall be returned as incomplete.

(D) Annual operating fees shall be submitted to: Department of Natural Resources, Division of Management Services, Receipts and Reporting Program, P.O. Box 477, Jefferson City, MO 65102 and construction fees shall be submitted with the application for the construction permit to the appropriate Department of Natural Resources regional office or the Water Pollution Control Program in Jefferson City, Missouri.

(E) Each payment shall identify the following: National Pollutant Discharge Elimination System (NPDES) permit number, payment period and applicant or permittee's name and address. Persons who own or operate more than one (1) facility may submit one (1) check to cover all annual permit fees, but are responsible for submitting the appropriate information to allow proper credit of each permit file account.

(F) Annual fees shall be paid in full on their due date as defined in section (2) and subsections (3)(A) and (4)(A). Permittees who only discharge intermittently, seasonally or for a short period of time must pay the entire annual fee. Fees are annual fees and may not be prorated. In the event the discharge is eliminated, the permittee is responsible for requesting termination of the permit. When permits are revoked or denied, the annual fees are forfeited. It is unlawful to discharge water contaminants into waters of the state without a permit.

(G) Annual fees are the responsibility of the permittee. Failure to receive a statement due to mailing errors, change of address, ownership changes or other reason(s) is not an excuse for failure to remit the fees. Penalties shall be charged as provided in section 644.055, RSMo.

(2) Operating Fees.

(A) All persons who are subject to fees under section 644.052.2, 644.052.4 or 644.052.5, RSMo shall remit their first annual fee with their original application and pay an annual fee each year on the anniversary date of their permit. Permittees with permits in effect at the time these sections become effective shall remit annual fees on the anniversary date of the permit. Persons whose permit is renewed during the duration of these fees shall submit a renewal application one hundred eighty (180) days before their permit expires, but the annual fee shall be paid on the anniversary date. The permit issue date that was in effect on October 1, 1990 shall be the anniversary date during the effective period of section 644.052, RSMo.

(B) All persons who discharge subject to fees under section 644.052.3, RSMo shall pay the pretreatment fee at the time they pay the annual permit fee for the permit designated by the department to include the pretreatment program fees.

(C) All persons who require permits, other than a general permit, for facilities that do not normally discharge such as land application facilities, sludge disposal facilities, agrichemical facilities and no-discharge facilities are subject to fees as follow:

1. Fees are based on the design flow of the wastewater being handled; and

2. Fees for sludge or solids disposal facilities are based on the combined total design flow of the wastewater treatment facilities from which the sludge or solids are removed.

(3) General Permits and Fees.

(A) General permit fees shall be tendered together with the general permit application. Persons with more than one (1) point source shall obtain a general permit for each point source or specific area. Where there are multiple releases from a single operating location, however, one (1) application may cover all facilities and releases.

(B) The department may issue general permits for the following types of discharges: storm water releases from limestone quarries; hydrostatic pressure checks of pipelines, tanks and related equipment; potable water treatment plants; private trout farms or hatcheries for flow through spring water; swimming pool discharges; emergency spill cleanup sites; storm water releases from facilities that store less than fifty thousand (50,000) gallons of petroleum with no other wastewater; storm water releases from municipalities and industries; domestic wastewater treatment facility with a flow of less than fifty thousand gallons per day (50,000 gpd), except for facilities requiring mechanical aeration, clarification and regular sludge removal for proper operation; and clay pits or gravel washing operations.

(C) The department may issue general permits for the following types of discharges within a given specific area: storm water release points owned or operated by a utility company (a permit will be issued for each county, or the City of St. Louis, in which the utility operates); intermittent releases from the maintenance dredging of lakes owned or controlled by a city, local unit of government or home owners association within their boundaries.

(4) Construction Fees.

(A) Construction permit fees shall be tendered together with the construction permit application. Incomplete construction permit applications and related engineering documents will be returned by the department if they are not completed in the time frame established by the department in a comment letter to the owner. Construction permit fees for returned applications shall be forfeited.

(B) Application fees for construction applications being processed by the department that are withdrawn by the applicant shall be forfeited.

(C) Fees for construction permit applications for modification to an existing sewage treatment plant shall be based on the design flow of the plant after the modifications are completed.

Appendix A
Operating permit—section 644.052, RSMo

Domestic discharges—annual fees

$15 for a design flow under 5000 gallons per day (gpd)
$50 for a design flow between 5000 and 249,999 gpd
$500 for a design flow between 250,000 and 499,999 gpd
$1000 for a design flow between 500,000 and 749,999 gpd
$1500 for a design flow between 750,000 and 999,999 gpd
$2500 for a design flow of one million gallons per day (1 mgd) but less than 5 mgd
$3000 for a design flow of 5 mgd or more

*However, no municipal or publicly—owned sewer district shall pay less than one and one–half cents (1 1/2¢) nor more than ten cents (10¢) per design population equivalent.

Pretreatment—annual fees

$3000 for a city with a pretreatment program where the combined design flow of all the city facilities is less than 5 mgd
$6000 for a city with a pretreatment program where the combined design flow of all the city facilities is 5 mgd or more

Industrial discharges—annual fees

Discharges covered by section 644.052.4, RSMo
$3500 for a design flow under 1 mgd
$5000 for a design flow of 1 mgd or more
Discharges covered by section 644.052.5, RSMo
$1500 for a design flow under 1 mgd
$2500 for a design flow of 1 mgd or more

General permits—permit fee

$150 per permit

Construction permits—section 644.053, RSMo

$500 for a sewage treatment plant under 500,000 gpd design flow
$1500 for a sewage treatment plant of 500,000 gpd or more
$50 for sewer extension under 1000 feet long
$200 for a sewer extension over 1000 feet long or the construction of a lift station
Permittees proposing to build under more than one (1) construction unit are only required to pay the highest fee.

AUTHORITY: section 644.054, RSMo Supp. 1990. Emergency rule filed July 27, 1990, effective Sept. 12, 1990, expired Jan. 10, 1991. Original rule filed July 17, 1990, effective Dec. 31, 1990. Amended: Filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed Nov. 22, 1991, effective May 14, 1992.*

**Original authority 1990.*

10 CSR 20-6.015 No-Discharge Permits

PURPOSE: This rule sets forth the requirements and process of application for nondischarging facility permits and the terms and conditions of the authorizations.

(1) Definitions.

(A) Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this regulation.

(B) Other applicable definitions are as follows:

1. Biosolids. An organic fertilizer or soil amendment produced by the treatment of wastewater sludge;

2. Catastrophic storm. A precipitation event of twenty-four (24)-hour duration or less that exceeds the twenty-five (25)-year, twenty-four (24)-hour storm event;

3. Chronic storm event. A precipitation event with a duration of more than twenty-four (24) hours that exceeds the one-in-ten (1 in 10)-year return frequency;

4. *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;

5. Land application facility. A facility where process wastes are land applied or stored for subsequent land application, including land treatment basins;

6. Land treatment basin. An earthen impoundment that provides land treatment of wastewater by allowing wastewater percolation through the soil at controlled rates which exceed the allowable percolation rates under the pond sealing requirements in 10 CSR 20-8.020 and 10 CSR 20-8.200;

7. No-discharge facility. A facility designed, constructed and operated to meet each of the following conditions:

A. To hold or irrigate, or otherwise dispose without discharge to surface or subsurface waters of the state, all process wastes and associated storm water flows except for discharges that are caused by catastrophic and chronic storm events;

B. Process wastes are not land applied during frozen, snow covered or saturated soil conditions; and

C. Basins are sealed in accordance with 10 CSR 20-8 and there are no subsurface releases in violation of 10 CSR 20-7.015 or section 577.155, RSMo;

8. One-in-ten (1-in-10)-year precipitation. The wettest precipitation expected once every ten (10) years for a three hundred sixty-five (365)-day period, based on at least thirty (30) years of records from the National Climatic Data Center;

9. Operating location. All contiguous lands owned, operated or controlled by one (1) person or by two (2) or more persons jointly or as tenants in common or noncontiguous lands if they use a common area for the disposal of wastes. State and county roads are not considered property boundaries for the purposes of this rule;

10. Process wastes. The waste, wastewater, sludges, biosolids and residuals originating from sanitary conveniences, or generated during manufacturing or processing, or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product and includes discharges from land application fields that occur as a result of the land application process;

11. Septage. Septage is domestic wastewater sewage sludge that is removed from septic tanks or similar treatment works, including domestic wastewater treatment works serving up to one hundred fifty (150) persons;

12. Site-specific permit. An operating permit that is developed with limitations based on a case-by-case review of site-specific conditions;

13. Sludge. The solid, semisolid or liquid residue removed during the treatment of wastewater. Sludge includes septage removed from septic tanks; and

14. Twenty-five (25)-year, twenty-four (24)-hour rainfall. The wettest precipitation event for a twenty-four (24)-hour period with

a probable recurrence interval of once in twenty-five (25) years based on at least thirty (30) years of records from the National Climatic Data Center.

(2) General.

(A) All persons who build, erect, alter, replace, operate, use or maintain water contaminant sources, point sources facilities for storage, treatment, land application or disposal of process wastes which are designed, constructed and operated so as not to discharge to waters of the state or will have infrequent discharges shall apply for construction and operating permits unless exempted under section (3) of this rule.

(B) Nothing shall prevent the department from taking action to assure that facilities do not discharge into waters of the state, including requiring permits for facilities normally exempted under this rule. Permits may be required where necessary to protect the environment, including the following:

1. To correct noncompliance;

2. To ensure when the department has determined that construction or operating practices are not adequate, that the facility will be operated in a no-discharge manner;

3. To require, by departmental determination from an on-site visit, that construction and operating permits are necessary for special operating controls or monitoring and reporting of site-specific conditions such as groundwater effects, surface runoff, waste or wastewater characteristics, topography, geology, watershed factors or land application loading rates;

4. When an unauthorized discharge has occurred or has the potential to occur;

5. When a discharge results in violation of water quality standards under 10 CSR 20-7.031; or

6. Other relevant factors.

(3) Exemptions.

(A) *De minimis* Exemption. Persons may apply to the department for an exemption as a *de minimis* source for operations that will not discharge or will have a negligible environmental impact. The department shall make a determination on a case-by-case basis. This determination shall consider the potential for releases to surface water and groundwater of contaminants in concentrations exceeding background water quality levels or limitations in the water quality standards rule under 10 CSR 20 Chapter 7. Testing of total and leachable concentrations of pollutants as compared to background levels in soils and/or waters of the state shall be submitted as determined necessary by the department.

(B) The following are exempt from no-discharge permit requirements unless required under subsection (2)(B):

1. Nonpoint sources;

2. Land application of composts and mulches in normal farming operations or horticulture operations provided that the compost does not contain more than five percent (5%) sewage sludge or industrial sludge;

3. Land application sites for beneficial use of water treatment plant residues removed during the treatment of drinking water supplies provided that aluminum or other potentially phytotoxic compounds are not present in the residues in concentrations which would result in chronic toxicity to plants or animals. This exemption does not apply to treatment or storage facilities;

4. Nondischarging facility for the handling, use or disposal of solid wastes that holds a valid permit issued under the Missouri Solid Waste Management Law and regulations in accordance with 10 CSR 80 or the Missouri Hazardous Waste Management Law and regulations in accordance with 10 CSR 25;

5. Animal feeding operations. Requirements for animal feeding operations are contained in 10 CSR 20-6.300;

6. Nondischarging facilities for domestic wastewater flows of three thousand gallons per day (3,000 gpd) or less;

7. Composting sites of less than two (2) acres when sludges are less than five percent (5%) of the compost mix and from which no storm water is discharged except during a chronic or catastrophic storm event. Other storm water discharges are regulated under 10 CSR 20-6.200;

8. Products containing or derived from sludges, biosolids or other process wastes when such products are licensed under the Missouri Fertilizer Law, sections 266.291 through 266.351, RSMo and regulations and the products do not exceed pollutant standards for protection of public health and the environment as established by the department. To receive this exemption, the manufacturer or distributor shall submit an initial report to the department on the pollutant content of the product and shall file periodic monitoring reports as determined necessary by the department;

9. Single family residences;

10. Internal plumbing and piping or other water diversion or retention structures within a manufacturing or industrial plant or mine, which are an integral part of the industrial or manufacturing process or building or mining operation. This exemption does not include lagoon, ponds or earthen impoundments which receive any process wastes;

11. Small scale pilot projects or demonstration projects for beneficial use that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority. The department may extend the permit exemption for up to one (1) additional year after review of the first year's results. A permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation, unless otherwise exempted under this rule or Chapter 6;

12. An operating permit is not required for process waste holding structures from which the contents are hauled to a permitted treatment or disposal facility, if the owner has a written contract with the hauler and approval from the receiving facility;

13. Contract haulers are not required to have a permit under this rule if all waste is hauled to a permitted facility;

14. Other exemptions as may be prescribed in a general permit issued by the department in accordance with 10 CSR 20 Chapter 6;

15. The placement of uncontaminated soil, rock, sand, gravel, concrete, cinder blocks, bricks, recycled asphaltic pavement, and minimal amounts of wood and metal which are removed by demolition or construction activities and used as fill for construction projects; provided that placement of such material does not violate water quality standards as stated in 10 CSR 20-7.031. Storm water discharges may be regulated under 10 CSR 20-6.200; and

16. The placement of material, other than those listed in paragraph (3)(B)15., which are exempt as clean fill or beneficial use under the Missouri Solid Waste Management Law and regulations, provided the material is not placed in contact with surface or subsurface waters of the state. Storm water discharges may be regulated under 10 CSR 20-6.200.

(4) Permits.

(A) Permits required by this rule shall be issued in accordance with permit application and processing procedures contained in 10 CSR 20-6.010, 10 CSR 20-6.011, 10 CSR 20-6.020 and 10 CSR 20-6.200.

(B) Design Standards.

1. Facilities shall be constructed and operated in accordance with the rules under 10 CSR 20 Chapter 7 and Chapter 8. Exceptions or deviations may be considered by the department when determined appropriate based upon site-specific factors.

2. Where standards are not available, an engineering report addressing all available

environmental data concerning potential pollutants and toxic substances shall be submitted in accordance with 10 CSR 20-8.020(3)(D), 10 CSR 20-8.020(15)(F), 10 CSR 20-8.110 and 10 CSR 20-7.031(4)(B).

3. Pollutant limitations for land application of sludge or biosolids shall conform to 10 CSR 20-7.015(9)(F).

4. Potential pollutant movement to groundwater shall not exceed the limitations in the water quality standards rule under 10 CSR 20-7.031 and the effluent rule under 10 CSR 20-7.015.

5. Groundwater monitoring may be required, where determined appropriate by the department, at land disposal sites or land application sites that receive pollutants in excess of beneficial use limitations or has potential for excess migration of pollutants to waters of the state. Monitoring wells shall be installed in accordance with monitoring well construction standards under 10 CSR 23, Chapter 4.

6. Hazardous waste shall not be land applied or disposed except in accordance with the Missouri Hazardous Waste Management Law and regulations under 10 CSR 25.

(C) Permit Conditions.

1. The department shall develop permit conditions containing limitations, monitoring, reporting and other requirements to protect soils, crops, surface waters, groundwater, public health and the environment.

2. The department may establish standard permit conditions and best management practices for land application facilities by following the public participation procedures under 10 CSR 20-6.020.

3. The department may establish a general permit for a category of similar facilities in accordance with 10 CSR 20-6.010(13).

4. Noncontiguous land application sites may be included in the operating permit for a process waste generator or contract hauler as determined appropriate by the department.

5. Whenever feasible or appropriate, all operating permit requirements under 10 CSR 20 Chapter 6 rules shall be incorporated into a single operating permit for each operating location.

6. Applications for permits shall include an engineer's seal affixed to all engineering plans and engineering certifications.

7. A water balance barrel test conducted in accordance with 10 CSR 20-8.020(16) shall be required for lagoons or earthen impoundments receiving industrial wastes, and engineering certification of the constructed seal shall be submitted as part of the operating permit application.

(5) Closure of Waste Storage Structures.

(A) No-discharge facilities that cease operation, or plan to close lagoons and other waste storage structures, shall comply with the following requirements:

1. Facilities which cease operation shall continue to maintain a valid operating permit until all lagoons and waste storage structures are properly closed according to a closure plan approved by the department; and

2. Facilities that are exempted from permits under this rule and that cease operation shall either close the waste storage structures in accordance with subsection (5)(B) of this rule or shall continue to maintain all storage structures so that there is not a discharge to waters of the state.

(B) Closure Requirements. Lagoons and waste storage structures shall be closed by removal and land application of all wastewater and sludges, or in accordance with an alternate closure plan approved by the department. The removed wastewater and sludges shall be land applied at normal agricultural rates for nitrogen fertilizer not to exceed the maximum nitrogen utilization of the vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state. After removal and proper land application of wastewater and sludge, the earthen basins may be—

1. Demolished by removing the berms, grading and revegetation of the site so as to provide erosion control; or

2. Left in place for future use as a farm pond or similar uses or reserved for future use as a waste storage structure. To prevent damage to the bottom seal due to drying and weed growth, earthen basins shall be refilled with fresh water as soon as possible and water depths of three feet (3') or more should be maintained.

AUTHORITY: section 644.026, RSMo Supp. 1997. Original rule filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed June 1, 1995, effective Jan. 30, 1996. Amended: Filed Nov. 3, 1997, effective July 30, 1998.*

**Original authority 1972, amended 1973, 1987, 1993, 1995.*

MISSOURI DEPARTMENT OF NATURAL RESOURCES
CLEAN WATER COMMISSION

APPLICATION FOR LETTER OF APPROVAL (NO-DISCHARGE FACILITY)

P.O. BOX 176
JEFFERSON CITY, MO 65102

TYPE APPLIED FOR	
CONSTRUCTION	☐
OPERATING	☐
OWNERSHIP TRANSFER	☐

CONSTRUCTION APPLICATION: Complete part I of this form.
OPERATING APPLICATION: Complete parts I and II of this form. **OWNERSHIP TRANSFER:** Complete part I of this form.

PART I

1. FACILITY NAME:		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE
2. FACILITY LOCATION 1/4, 1/4, Sec. Twp. Rge. County			
3. OWNER		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE
4. OPERATING AUTHORITY NAME:		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE

5. CHECK ONE OF THE FOLLOWING: ☐ NEW FACILITY; ☐ EXPANSION OF EXISTING OPERATION; ☐ CHANGE FROM DISCHARGE TO NO-DISCHARGE
☐ OTHER EXPLAIN: _____
IF AN EXISTING OPERATION OR EXPANSION, WRITE IN CURRENT APPROVAL OR PERMIT NO. _____

6. BRIEF DESCRIPTION OF FACILITIES (IF ADDITIONAL SPACE IS REQUIRED, ATTACH ANOTHER SHEET.) _____

7. ATTACH ALL PERTINENT DESIGN INFORMATION. INCLUDE DETAILED PLANS AND SPECIFICATIONS, AND MANAGEMENT PLANS. (SEE INSTRUCTIONS SHEET.)

8. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THE APPLICATION AND ATTACHMENTS, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE, AND IF GRANTED THIS LETTER OF APPROVAL, I AGREE TO ABIDE BY ALL REGULATIONS OF THE MISSOURI CLEAN WATER COMMISSION. I UNDERSTAND THAT A LETTER OF APPROVAL DOES NOT AUTHORIZE WASTEWATER DISCHARGES TO WATERS OF THE STATE.

PRINT NAME	**APPLICANT'S SIGNATURE**	DATE

APPLICANTS REQUESTING OPERATING APPROVAL ALSO MUST COMPLETE THE FOLLOWING SECTION

PART II

1. CONSTRUCTED UNDER CONSTRUCTION PERMIT OR APPROVAL NO. _____
(WRITE "NONE" IF CONSTRUCTION APPROVAL WAS NOT OBTAINED.)

2. IF THE ANSWER TO ITEM 1 IS "NONE," COMPLETE ITEM 7 ON PART ONE.

3. IF THE FACILITY CONSTRUCTED IS DIFFERENT FROM THE CONSTRUCTION APPROVAL, ATTACH "AS-BUILT" PLANS, INDICATE CHANGED PORTIONS, AND EXPLAIN THE REASONS FOR THE CHANGES.

4. **CERTIFICATION:**

I, THE PROJECT ENGINEER ON THE ABOVE-DESCRIBED FACILITIES, HEREBY CERTIFY THAT I HAVE INSPECTED THESE FACILITIES AND FIND THEM TO BE CONSTRUCTED ESSENTIALLY IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND RECOMMEND THEIR ACCEPTANCE AND APPROVAL BY THE MISSOURI CLEAN WATER COMMISSION. THIS CERTIFICATION INCLUDES THE FOLLOWING ITEMS:

A. LAGOONS OR STORAGE BASINS SEALED AND FIELD TESTED IN ACCORDANCE WITH GEOLOGIC REPORT AND DEPARTMENT OF NATURAL RESOURCES' REGULATIONS;

B. LAGOONS AND STORAGE BASINS FILLED WITH FRESH WATER TO MINIMUM OPERATING WATER LEVEL, AND BERMS SEEDED AND MULCHED;

C. WATER-LEVEL-MEASUREMENT GAUGES INSTALLED;

D. GROUND-WATER-MONITORING WELLS INSTALLED, IF REQUIRED IN CONSTRUCTION PLANS;

E. LAND-APPLICATION SYSTEM INSTALLED AND FIELD TESTED, OR RENTAL AGREEMENTS SIGNED;

F. OPERATING MANUAL AND RECORD-KEEPING SYSTEM DEVELOPED, AND TRAINING PROVIDED TO OWNER AND OPERATOR;

G. OTHER CONDITIONS CONTAINED IN THE LETTER OF APPROVAL FOR CONSTRUCTION.

PROJECT ENGINEER'S SIGNATURE ▶		DATE

MO 780-0725 (4-88) CWC 108 (4-88)

INSTRUCTIONS FOR LETTER OF APPROVAL APPLICATION FORM CWC 108

A filing fee is **not** required for a Letter of Approval.

The Letter of Approval application form is to be used for requesting approval of a no-discharge wastewater and sludge-management facility that has been designed to prevent discharge to waters of the state and provide beneficial use of the waste materials. To qualify for beneficial use, the land application of wastewater and sludge must not exceed agronomic rates.

For livestock-feeding operations, submit the application to the address shown on the application form. All other applications should be submitted to the appropriate regional office as shown on the current regional office map published by the Department of Natural Resources.

The application for Construction Letter of Approval shall consist of an application form, design plans and specifications, and management plans. The operating application shall include an application form and engineering certification that the project has been completed in accordance with approved plans or as-built plans.

1. Application Form

   The application for Letter of Approval shall be on form CWC 108, provided by the Department of Natural Resources. All items on the form shall be completed and the application signed by the owner or legally authorized representatives.

2. Plans and Specifications Content

   The construction application shall include proposed design plans. The operating application shall include as-built plans and construction-completion certification by a professional engineer or by the University Extension Service or the U.S. Soil Conservation Service.

   Plans and specifications shall include the following information unless waived by the reviewing authority:

   a. Facility Classification: List Standard Industrial Classification (SIC) codes and certify that the wastes are not classed as hazardous waste
   b. Wastewater Flow and Sludge Production Volume
   c. Wastewater Characteristics Based on Laboratory Analysis
   d. Pretreatment Facility Design
   e. Storage Basin and Lagoon Design
   f. Geologic Report
   g. Lagoon and Storage Basin Sealing Procedures
   h. Application Site Information
      (1) Topographic maps showing property boundaries and major features of the area and proposed facility
      (2) Aerial photo from Agricultural Stabilization and Conservation Service
      (3) Vegetation
      (4) Soil Profile Date (This may be waived for domestic wastewater application rates less than 30 inches per acre per year.)
      (5) Facility layout plan to approximate scale of 1 inch = 100 ft. or less
   i. Application Rate:
      (1) Hydraulic Loading: inches per acre per year, inches per hour (in/hr), inches per week (in/week), gallons per acre (gal/acre), dry tons per acre
   j. Distribution Design
      (1) Pumping Equipment: gpm, head, power source, intake pipe
      (2) Pipe Specs: diameter, head loss calculations, type of pipe, psi rating, buried or above ground
      (3) Nozzle or gated pipe openings; diamater, gpm, psi, area/opening, total number openings, spacing
      (4) Liquid and dry solids, or sludge-hauling and spreading equipment.

3. Management Plan Content

   Management plans shall include the following minimum information:

   a. Ownership of the application area or lease agreements for non-owned land.
   b. Person responsible for operation of the application system
   c. Operating schedule for land application:
      (1) Days per week and hours per day of application
      (2) Record-keeping procedures
      (3) Adjusted rates for rainfall and temperature
      (4) Visual checks for runoff from the application site
      (5) Supervision of equipment during operation
      (6) Freeboard measurements on storage basin or lagoons
   d. Crop planting and harvesting schedule and person responsible
   e. Operation and maintenance on equipment
   f. Monitoring Requirement: (as applicable) rainfall, wastewater and sludge characteristics, soil tests, crop tissue analysis, and ground water

4. Transfer of Ownership

   A construction Letter of Approval may **not** be transferred. An operating Letter of Approval may be transferred to a new owner if there have been no significant changes in the facility. To request a transfer, the new owner shall check the ownership transfer request block at the top of the application form, CWC 108, and complete Part I. A copy of the original Letter of Approval and the operating plans shall be attached to the application as evidence that the new owner has reviewed this information. Signature of the transfer application will be the new owner's certification that he has read and understands the operating requirements of the facility and that the wastewater loading and facility operation is substantially unchanged.

5. Engineering Certification

   Part II, Item 4 of the application form contains a list of items that must be inspected and certified as completed in order to obtain a Letter of Approval for operation.

   Exception: Partial certification or certification by subcontractors shall be attached to the application if consideration of these is requested due to special circumstances. Justification for exceptions must be provided and substantiated by as-built plans and operating manuals.

MO 780-0725 (4-88)

10 CSR 20-6.020 Public Participation, Hearings and Notice to Governmental Agencies

PURPOSE: This rule sets forth the procedures which the department will follow in providing opportunity for participation by the public and other governmental agencies during the permit issuing process. This rule clarifies the process. This rule also addresses the procedures for appeals to the Clean Water Commission from departmental actions.

(1) Public Participation.

(A) The department shall review applications for general permits, operating permits or the renewal of operating permits and other relevant facts to determine whether or not the permits should be issued. When all required and requested information has been received, the department shall prepare the following documents:

1. A draft operating permit containing the following elements:

A. Terms and conditions of the permit;

B. Effluent limitations, standards and other limitations;

C. Applicable compliance schedules; and

D. Monitoring requirements; and

2. If the draft operating permit is for a major discharger as defined by the Environmental Protection Agency (EPA) or a general permit or if it incorporates any variances or modifications, or if the regional administrator or director finds it is the subject of widespread public interest, the department will prepare a fact sheet. The fact sheet shall include:

A. A brief explanation of the express statutory or regulatory provisions on which permit requirements are based;

B. Any calculations or other necessary explanation of the derivation of specific effluent limitations and conditions, including a citation to the applicable guideline, development documents or standard provisions and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed;

C. Where appropriate, a sketch or detailed description of the location of the discharge described in the application;

D. A quantitative description of the discharge described in the application and of the activities that lead to the discharge;

E. Reasons requested variances or modifications do or do not appear justified; and

F. Name and telephone number of a person who can provide additional information.

(B) A public notice of permit pending will be prepared by the department. There shall be a period of not less than thirty (30) days following the date of the public notice when interested persons may submit their written views on the proposed permit. The department will issue or deny the permit within sixty (60) days after all requirements of the Federal Clean Water Act, the Missouri Clean Water Law and those regulations concerning the issuance of permits have been satisfied.

(C) Public Notice for General Permits.

1. Public notice of newly created, or the reissuance of an existing statewide general permit shall be prepared by the department in accordance with subsections (1)(B) and (D) of this rule.

2. Public notification of the issuance of any general permit to an applicant will not be required, except for the following general permits:

A. Airports;

B. Chemical manufacturing;

C. Fabricated structured metal;

D. Foundries;

E. Limestone and rock quarries;

F. Lubricant manufacturing;

G. Petroleum storage greater than fifty thousand (50,000) gallons; and

H. Wood treaters.

3. For issuance of the first general permit for any newly constructed water contaminant source, point source or wastewater treatment facility, public notification shall occur in accordance with subsections (1)(B) and (C) of this rule.

4. Reissuance of general permits to individual facilities shall not require public notification unless the facility was found to have been in significant noncompliance during the time of the previous permit.

5. As new general permits are created, the need for an individual facility public notification process shall be determined and identified in the general permit.

(D) The public notice of permit pending will contain at least the following:

1. Name, address, telephone number of the department and any other places at which interested persons may obtain further information, request copies of the draft permit and the fact sheet and inspect and copy related forms and documents;

2. Name and address of the applicant and address of the discharger if different from the applicant;

3. Brief description of the applicant's activities or operations which result in the discharge or potential discharge described in the application;

4. Name of watercourse to which the applicant will discharge, a description of the location of the discharge and designation of the discharge as new or existing;

5. A statement of the tentative determination to issue a permit;

6. A brief description of the procedures for making final determination, including the thirty (30)-day comment period and any other means by which interested persons may influence or comment upon the making of the determinations; and

7. The name and address of the office processing the application.

(E) Notice will be circulated within the geographical areas of the proposed discharge; the circulation may include any or all of the following:

1. Posting in the post office and public places of the municipality nearest the proposed discharge; and

2. Posting near the entrance to the applicant's premises.

(F) The notice shall be mailed by the department to persons who have notified the department of their interest or who have requested the notice.

(G) The department, upon request, shall add the name of any person or group to a mailing list to receive copies of notices for all applications within the state.

(H) All relevant and material comments received pursuant to the public notice shall be given consideration by the department before making a final decision. When significant water quality concerns are raised during the comment period the department may hold a public meeting to discuss the applications. The department does not have jurisdiction to address questions of zoning, location, property values or other nonwater quality related items.

(2) Notice to Other Governmental Agencies. The department shall send a copy of the draft permit and accompanying fact sheet the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the Missouri Department of Conservation and to all affected states.

(A) Each affected state shall be given an opportunity to submit written recommendations to the department and to the regional administrator which the department may incorporate into the permit if issued. If the department does not incorporate these recommendations, it shall send a written explanation to the affected states of the reasons for failing to accept them.

(B) If the appropriate district engineer of the Corps of Engineers advises the director, in writing, during the public comment period that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, the permit shall be denied and the applicant so notified. If the district engineer advises the director that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, then the director shall include the specified conditions of the permit. Review or appeal of a denial of a permit or of conditions specified by the district engineer shall be made through the applicable procedures of the Army Corps of Engineers.

(3) Public Access to Information.

(A) Applications, draft permits, supporting documents and reports upon those documents shall be available to the public, except for those portions determined to be confidential. Information other than effluent data, support documents or reports contained in any issued permit or document in the water pollution control program may be made confidential upon a showing that methods or processes entitled to protection as trade secrets would be revealed if the information were made public. The director shall make the final determination of confidentiality.

(B) The department shall provide for public inspection and copying of information relating to these documents.

(4) Public Participation Process.

(A) Department of Natural Resources (DNR) Hearing.

1. An opportunity shall be provided for the applicant, any affected state, any affected interstate agency, the regional administrator or any interested agency, person or group of persons to request or petition for a public hearing with respect to the application. Any request for a public hearing shall be filed with the department within the comment period and shall indicate the interest of the party filing the request and the reasons why a hearing is warranted. The department shall hold a public hearing if there is significant technical merit and concern related to the responsibilities of the Missouri Clean Water Law. Instances of doubt shall be resolved in favor of holding the hearing. Any public hearing shall be held in the geographical area of the proposed discharge or other appropriate area. An appeal filed upon the issuance of a construction permit will be considered as an appeal of the construction permit and the first operating permit.

2. At least thirty (30) days before any hearing, notice of hearing shall be published in at least one (1) newspaper of general circulation in the geographical area of the discharge and mailed to any person or group on request and to all persons, groups and agencies who received a copy of notice or fact sheet for the proposed permit. In any case, notice shall be at least as broad as was the notice of permit pending. The notice shall contain at least the following:

A. Name, address and telephone number of the department;

B. Name and address of each applicant whose application will be considered at the hearing and name and address of the discharger if different from the applicant;

C. A brief statement of the applicant's activities for which the permit is sought;

D. Name of the watercourse to which permittee will discharge and a short description of the location of each discharge;

E. A brief reference to the public notice issued for each application, including identification number and date of issuance;

F. Information regarding the time and location for the hearing;

G. The purpose of the hearing;

H. A concise statement of the department's understanding of the issues raised by the persons requesting the hearing;

I. Address and telephone number of premises at which interested persons may obtain further information, request a copy of each draft permit or each fact sheet or statement of basis, inspect and copy forms and related documents; and

J. A brief description of the nature of the hearing, including the rules and procedures to be followed.

(B) Clean Water Commission hearings for regulation development, fact finding and other nonjudicatory matters will be held in conformance with Chapter 644, RSMo.

(C) Clean Water Commission hearings on permit issues, abatement orders and other judicatory type matters will be held in conformance with Chapters 536 and 644, RSMo.

(5) Time Limits for Appeals for Abatement Orders, Permit Denials and Variances.

(A) The thirty (30)-day time limit provided for the filing of appeals to the commission as established by section 644.056.3, RSMo for appeals of abatement orders; section 644.051.6, RSMo for appeals from denials of permits; section 644.061.5, RSMo for appeals from the recommendation to grant or deny variances; and 10 CSR 20-6.060(5) for appeals from the denial of water quality certifications shall be computed from the day of service of the notice of the order or issuance or denial of the variance or denial of the permit or water quality certification, as the case may be.

(B) Service of the notice may be accomplished by either hand delivery or certified mail, return receipt requested.

1. Service by hand delivery.

A. Service by hand delivery is accomplished when a copy of the notice is tendered to—

(I) The applicant or permittee or other affected person or with some person of his/her family over the age of fifteen (15) years and residing in his/her dwelling, house or usual place of abode;

(II) An officer of a corporate applicant or permittee or other affected person;

(III) A partner of a partnership applicant or permittee or other affected person;

(IV) A managing or general agent of the applicant or permittee or other affected person;

(V) A registered agent or any other agent of the applicant or permittee or other affected person authorized by appointment or required by law to receive the notice; and

(VI) Any person in charge of the water contaminant or point source of the applicant or permittee or other affected person.

B. The person who effects service by hand delivery shall state the time, place and manner of service in a signed file memorandum or other writing.

C. The accomplishment of service of notice by hand delivery is not altered by the refusal of the person to be served to receive the notice when this fact is shown on the return.

2. Service by certified mail.

A. Service by certified mail is accomplished by mailing a copy of the notice by certified or registered mail, return receipt requested, to any of the persons listed in parts (5)(B)1.A.(I)–(VI) of this rule.

B. Service by mail is complete on the delivery date shown on the return receipt; or on the date of refusal as shown on the envelope of the returned notice.

(C) The appeals previously referenced in subsection (5)(A) of this rule may be made by the applicant, permittee, person named in the order or any other person with an interest which is or may be adversely affected. The appeal shall be filed with the commission secretary of the Clean Water Commission, P.O. Box 176, Jefferson City, MO 65102 and shall be received by the Clean Water Commission prior to expiration of the thirty (30)-day appeal period as computed in subsection (5)(A). The appeal shall be a contested case and shall be conducted under section 644.066, RSMo.

(6) Time Limits for Appeals of Conditions in Issued Permits.

(A) The thirty (30)-day limit provided for the filing of appeals to the commission established by sections 640.010.1 and 644.051.6, RSMo for appeals of conditions in issued permits shall be computed from the day of service of notice.

(B) Service of the notice shall be accomplished by mailing the issued permits, first-class postage prepaid, to the persons listed in parts (5)(B)1.A.(I)–(VI) of this rule.

(C) Three (3) days shall be added to the prescribed thirty (30)-day period for appeals of conditions in issued permits when the service of notice is accomplished by mail.

(D) The appeals referenced previously in subsection (6)(A) of this rule may be made by the applicant, permittee or any other person with an interest which is or may be adversely affected. The appeal shall be filed with the commission secretary of the Clean Water Commission, P.O. Box 176, Jefferson City, MO 65102 and shall be received by the Clean Water Commission prior to expiration of the thirty (30)-day appeal period as computed in subsections (6)(A) and (C) of this rule. The appeal shall be a contested case and shall be conducted under section 644.066, RSMo.

(7) Appeals made under sections (5) and (6) of this rule shall be—

(A) An original filed with the secretary of the commission;

(B) Signed by the appellant or appellant's legal counsel;

(C) Clearly identified as an appeal;

(D) Comprised of the following information:

1. Full name, address and telephone number of the appellant and any attorney representing the appellant;

2. Reasons why the appellant believes the actions of the department or commission should be reversed or modified, including the identification and copy of the order or decision made by the director or commission which gives rise to the appeal;

3. Suitable space in the caption for the commission secretary to affix a case number; and

4. Acknowledgment that the matter will automatically be set for hearing.

(8) Appeals filed under sections (5) and (6) of this rule may contain a request for stay of the conditions appealed.

(9) The commission shall construe the provisions of sections (5)–(7) of this rule liberally if the appellant has prepared the complaint without legal counsel.

(10) The secretary of the commission shall serve notice of an appeal filed under sections (5) and (6) on the director and all parties to the appeal by delivery or certified mail.

AUTHORITY: section 644.026, RSMo Supp. 1997. Original rule filed June 19, 1974, effective June 29, 1974. Rescinded: Filed Oct. 16, 1979, effective July 11, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980. Amended: Filed May 10, 1984, effective Oct. 15, 1984. Amended: Filed Feb. 1, 1988, effective June 13, 1988. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed July 9, 1998, effective March 30, 1999.*

**Original authority 1972, amended 1973, 1987, 1993, 1995.*

10 CSR 20-6.030 Disposal of Wastewater in Residential Housing Developments

PURPOSE: This rule sets forth requirements for developers of residential housing to determine the method of wastewater disposal. This rule applies to all new residential housing developments and existing subdivisions that were required to comply with previous regulations which were effective June 30, 1974, June 26, 1975, or May 15, 1984, but have not received department approval.

(1) General Requirements.

(A) Definitions.

1. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule.

2. Common promotional plan. A plan, undertaken by one (1) or more persons, to offer lots for sale or lease; where land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

3. Developer. Any person who directly or indirectly, sells or leases or offers to sell or lease, any lots, but shall not include any licensed broker or licensed salesman who is not a shareholder, director, officer or employee of a developer and who has no legal or equitable interest in the land.

4. Limiting layer. Any soil horizon that will severely limit the soil's ability to treat or dispose of effluent. The limiting layer may include a restrictive horizon, or permanent or seasonal high water table as defined in 19 CSR 20-3.060(1)(A).

5. Lot. Any portion, piece, division, unit or undivided interest in real estate, if the interest includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity.

6. Residential housing development. Any land which is divided or proposed to be divided into three (3) or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan.

(B) Unless specifically provided otherwise, this rule shall apply to any developer who owns or controls land and—

1. Develops or divides land into residential housing lots;

2. Resubdivides land into more lots, adds additional lots to which when added to an existing group of lots which are contiguous, or which are known, designated or advertised as a common unit or by a common name, as part of a common promotional plan, will in total constitute a residential housing development; and

3. Any expansion of three (3) or more lots in any subdivision or development will be subject to this rule.

(C) The following subdivisions or residential housing developments are exempted:

1. Subdivisions in which control of more than twenty percent (20%) of the lots was permanently relinquished prior to July 1, 1974;

2. Subdivisions which were approved or exempted by the department under the subdivision regulations which were effective June 30, 1974, June 26, 1975 or May 15, 1984;

3. Residential housing developments with less than fifteen (15) lots, in existence prior to the effective date of this rule;

4. Lots of five (5) acres and larger in residential housing developments;

5. Residential housing developments located in areas where the department has determined that the local administrative authority has a local program sufficient to meet the goals of this rule;

6. If a developer proposes a centralized wastewater collection and treatment system, the requirements of this rule shall be considered met, provided that all other requirements of the Missouri Clean Water Law and regulations can be satisfied and continuing authority, in accordance with 10 CSR 20-6.010, will be established prior to the sale or lease of lots or the commencement of construction of residences; and

7. Recreational developments will be subject to section (5) of this rule.

(D) Unless exempted in this rule, the developer of any residential housing development shall obtain approval from the department for the method of sewage treatment and disposal to be used in the development prior to the sale or lease of any lot, or the commencement of construction on any lot by the developer or any person. To obtain approval the developer must submit to the appropriate DNR office a copy of the geohydrologic evaluation, the soils report and the plat map as described in this rule.

1. The developer may apply for approval to use individual on-site systems in the proposed development provided that the minimum lot size is forty thousand (40,000) square feet. For residential housing developments with lots of less than forty thousand (40,000) square feet, (0.92 acres) only centralized sewage collection and treatment are acceptable for the development. However, this minimum lot size does not apply to residential housing developments that do not require approval. Construction and operating permits will be required for central sewage collection and treatment systems.

2. Only residential housing developments with seven (7) or more lots must receive approval for the method of sewage treatment and disposal prior to the sale or lease of any lots.

(2) Geohydrologic Evaluation.

(A) All developers required to by this rule shall apply for a geohydrologic evaluation pertaining to the use of on-site wastewater treatment facilities from the Department of Natural Resources, Division of Geology and Land Survey, Geological Survey Program (GSP). The evaluation will include a review of available geologic data and may include a field evaluation conducted by the GSP.

1. A written request for the geohydrologic evaluation must be submitted on forms provided by the department and within forty-five (45) days the developer will be notified in writing by the department of the results.

2. The request for a geohydrologic evaluation shall include a map of the proposed development along with the legal description, total number of acres and type of water supply being proposed.

3. The criteria contained in the document entitled *Residential Housing Development Geohydrologic Groundwater Evaluation Rating, DNR, Division of Geology and Land Survey, Geological Survey Program, October 1997* shall be used to determine the minimum lot size as related to the geology and possibility of groundwater contamination in the area.

(B) Residential housing developments may be exempted from obtaining the geohydrologic evaluation in areas where bedrock and surficial materials exhibit low overall permeability and groundwater recharge is limited, or the groundwater gradient is low and groundwater velocity is slow. A determination of whether a residential housing development meets the criteria for an exemption from obtaining a geohydrologic evaluation will be determined by GSP based on the information supplied on the request form and data on file at GSP.

(3) Soils Report.

(A) A soils report for each residential housing development must be prepared by a soil scientist as defined in 19 CSR 20-3.080. The report must indicate if the proposed system is a soil absorption system or other system (lagoon). The soils report can be generated only after a thorough, systematic investigation of the soil properties and landscapes in the proposed development. Soil observation pits (backhoe or hand dug) dug to a depth to reveal the major soil horizons shall be utilized. The minimum number of pits shall be one (1) every ten (10) acres, however, in developments with the majority of lots less than two (2) acres, the minimum number of pits shall be one (1) every five (5) acres. These pits may be supplemented by soil borings to help determine the extent of similar soil properties. Profile descriptions which include horizon designations, depth, color, texture, structure, consistence, coarse fragments, mottling and other pertinent features shall be submitted.

1. The soils report shall contain a topographic map delineating the proposed development into the following slope categories: 0–2%, 3–14%, 15–30% and 31% and greater.

2. A map delineating the depth of acceptable soil into the following categories: less than 18 inches, 18 to 30 inches over bedrock, 18 to 30 inches over a limiting layer, and greater than 30 inches shall also be provided.

3. Table 1 shall be used to determine the minimum lot size based on soil properties and site conditions. More than fifty percent (50%) of each lot must be in a single acreage category or more than fifty percent (50%) may be in that and smaller acreage categories in order to use that minimum sized lot.

Table 1

Minimum Lot Size (Acres) for Soil Absorption Systems Based on Soil Depth and Slope

Acceptable Soil (inches)

		>30"	18–30"	18–30"	<18"
			Limiting Bedrock Layer		
slope (%)	0–2	0.92	2	2	3
	3–14	0.92	1	2	3
	15–30	1	2	3	5
	31+	2	3	5	>5

4. Lots with less than eighteen inches (18") of acceptable soil should be evaluated carefully to determine if a soil absorption system will function properly on the site. It must be shown that mitigation of the limiting soil condition is a feasible option. Lots with less than twelve inches (12") of acceptable soil will not be approved for soil absorption systems unless the limiting condition is a high water table and the soil scientist determines that water table lowering schemes may be effective.

(B) Acceptable soil will have the following properties:

1. Any structure except strong platy or massive;

2. Fifty percent (50%) and less coarse fragments (>2 mm);

3. No limiting layer; and

4. Available area and landscape position suitable for an on-site system.

(C) Wastewater stabilization ponds (lagoons) may be allowed for the single-family residence wastewater treatment facilities if local regulations do not prohibit them.

1. Minimum lot size for lagoons is two and one-half (2.5) acres; larger lot sizes are recommended in order to provide for all wastewater to be contained on the lot and handled in a manner that there will be no violation of the Missouri Clean Water Law and regulations.

2. Report must show that the soils, available area and landscape position is suitable for lagoons. A minimum of four feet (4') of soil is required if the natural soil is to be used as the liner. Strongly sloping areas should be avoided. Areas with slopes greater than fifteen percent (15%) will not be considered suitable for lagoons.

(4) Plat Map.

(A) A map drawn to a scale of one inch (1") equals from fifty to two hundred feet (50–200') showing the location of the individual lots, roads, existing wells, and known easements shall be provided. The number of lots, lot sizes and type of water supply shall also be provided. A copy of the United States Geological Survey topographic map and the soil map and legend from the United States Department of Agriculture County Soil Survey if available must be provided with the area of development clearly outlined.

(5) Recreational Development.

(A) A development is considered recreational when land is sold or leased for the purpose of camping in recreational vehicles. In order to be considered a recreational development, restrictive covenants must prohibit continuous year round living on the lot and no cabins or other structures will be allowed that could be used for year round residential purposes.

1. The minimum lot size for a recreational development that will use individual on-site wastewater treatment facilities is twenty thousand (20,000) square feet. No reduction will be allowed from the minimum lot size determined by the geohydrologic evaluation. A one-half (1/2) reduction in minimum lot size as indicated by the soils report may be allowed.

2. In recreational developments where sewage collection and treatment is provided by sewage dump stations, the sewage dump stations will be considered centralized sewage collection and treatment for the purposes of compliance with this rule.

3. The developer must submit a copy of the restrictive covenants along with any plans for sewage dump stations or centralized sewage collection and treatment systems.

(6) Multiple Family Housing Units.

(A) Residential housing developments that propose to build multiple family housing units (duplexes, quadplexes, etc.) shall submit an engineer's report in accordance with 10 CSR 20-8.020 Design of Small Sewage Works. Each housing unit shall be considered equal to a single family residence for the purposes of compliance with this rule.

(7) Department Review.

(A) The department shall determine if the requirements of this rule are satisfied. Minimum lot size will be the larger of the values calculated in the geohydrologic evaluation if required or the soils report. Approval under this rule does not guarantee that each lot in the residential housing development will be approved for a soil absorption system.

(B) The developer of any residential housing development required to obtain approval from the department, shall obtain written approval and comply with all conditions and requirements set forth in writing by the department as contained in the Missouri Clean Water Law and corresponding regulations, prior to the sale or lease of any lot or the commencement of construction on any lot by any developer(s) or owner(s).

(C) There shall be no deviation or change that may adversely affect the geohydrologic evaluation, lot sizes, number of lots or the proposed water supply for a residential housing development following departmental approval without first securing written approval of the proposed changes from the department.

(D) Within ninety (90) days of receipt of the completed requirements and any other documents or information required in this rule by the department, the department will approve or disapprove the wastewater disposal plans and attach any conditions to an approval which it deems necessary to protect waters of the state in accordance with the Missouri Clean Water Law and regulations.

(E) Any developer or person owning any residential housing development or lots covered by this rule who has a proposal for wastewater disposal denied, or any condition in an approval in all or in part, may appeal to the Missouri Clean Water Commission within thirty (30) days of issuance of the denial or conditioned approval.

(F) Nothing in this rule shall preclude any local, municipal, county or other lawful authority from establishing subdivision, sewer or single-family residence on-site systems regulations and ordinances equal to or more stringent than those contained in this rule.

(G) Compliance With Other Law. Nothing in this rule shall excuse any person from complying with or from liability for violations of the Missouri Clean Water Law and regulations or any other laws of Missouri.

(H) Severability. If any section, paragraph, sentence, clause or phrase of this rule, or any part of each, be declared unconstitutional or invalid for any reason, the remainder of this rule shall not be affected and shall remain in full force and effect.

AUTHORITY: section 644.026, RSMo Supp. 1997. Original rule filed June 14, 1974, effective June 24, 1974. Amended: Filed June 16, 1975, effective June 26, 1975. Rescinded and readopted: Filed Oct. 12, 1983, effective May 15, 1984. Rescinded and readopted: Filed July 13, 1998, effective March 30, 1999.*

**Original authority 1972, amended 1973, 1987, 1993, 1995.*

Residential Housing Development
Geohydrologic Groundwater Evaluation Rating
Missouri Department of Natural Resources
Division of Geology and Land Survey, Geological Survey Program
Box 250, Rolla, Missouri 65402
Phone: (573) 368-2161 FAX: (573) 368-2111

Project:_____ County:_____
Location_____, Sec._____, T._____, R._____,Quad:_____

Latitude:_____Deg.,____Min.,____Sec., Longitude:_____Deg., ____Min., ____Sec.

	Rating Number
1. Upper Bedrock	
Surficial materials >20 feet thick (bedrock is not karst)	0.0
Bedrock generally displays low permeability	0.0
Bedrock has moderate to high near-surface permeability and relatively low permeability at depth	0.1
Bedrock has persistent open fractures and/or moderate to high permeability	0.4
Bedrock displaying well developed karst features	1.2
2. Surficial Materials Type	
Clay: Glacial drift or residuum with low permeability	0.0
Silt/Sand: Loess, silty and sandy alluvium, moderate permeability residuum	0.1
Gravel: Gravelly alluvium and residuum, fragipan over permeable residuum	0.4
Macropore permeability, relict bedrock structure residuum	1.2
3. Surficial Materials Thickness (above saturated zone)	
>20 feet	0.0
>10 but ≤20 feet	0.1
≥5 but ≤10 feet	0.4
<5 feet	1.2
4. Watershed Hydrology	
Limited Recharge	0.0
Local Recharge	0.4
Regional Recharge	1.2
5. Approximate Groundwater Velocity	
Low to Moderate	0.0
High	1.2
6. Water Supply	
Public Water Supply or Community Well	0.0
Noncommunity Wells	0.1
Multi-family Wells or Domestic Wells with Full-Length Grout	0.4
Individual Wells	1.2

TOTAL _____

Total of rating numbers for all categories above equals minimum lot size in acres.

October, 1997

Missouri Department of Natural Resources
Division of Geology and Land Survey, Geological Survey Program
REQUEST FOR GEOHYDROLOGIC EVALUATION OF RESIDENTIAL HOUSING DEVELOPMENT (SUBDIVISION)

FOR OFFICE USE ONLY
PROJECT ID #_____
Date received _____

SUBDIVISION OR DEVELOPMENT LOCATION

SUBDIVISION OR DEVELOPMENT NAME

¼ ¼ ¼ SECTION	¼ ¼ SECTION	¼ SECTION	SECTION	TOWNSHIP N.	RANGE E W	QUADRANGLE NAME

WRITTEN LOCATION IF LEGAL DESCRIPTION IS UNAVAILABLE | COUNTY

DEVELOPER INFORMATION

DEVELOPER NAME | TELEPHONE | DATE

DEVELOPER ADDRESS | CITY | STATE | ZIP CODE

REQUESTOR INFORMATION

NAME AND COMPANY OF REQUESTOR (if different than developer) | TELEPHONE

ADDRESS | CITY | STATE | ZIP CODE

DEVELOPMENT INFORMATION

TYPE OF WATER SUPPLY PROPOSED TO BE USED IN SUBDIVISION

☐ COMMUNITY PUBLIC WATER SUPPLY ☐ NON-COMMUNITY PUBLIC WATER SUPPLY

☐ INDIVIDUAL DOMESTIC WELLS

☐ MULTI-FAMILY OR INDIVIDUAL WELLS WITH FULL-LENGTH GROUT

TOTAL ACREAGE OF DEVELOPMENT _____ ACRES

SKETCH MUST BE SUBMITTED WITH REQUEST!
A sketch map or photocopy of topographic map must contain the following: development boundaries, all known wells, springs, sinkholes, caves, mines, and roads. Include a scale and north arrow on the sketch map.

Geohydrologic evaluation reports will be mailed to the developer, requesting party, DNR-DEQ regional office and Water Pollution Control Program central office.

COMMENTS

REQUESTOR'S SIGNATURE | TITLE | DATE

PROPERTY OWNER'S SIGNATURE (INDICATES PERMISSION TO ACCESS PROPERTY) | DATE

MAIL COMPLETED COPY TO: **DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL GEOLOGY SECTION**
P.O. BOX 250, ROLLA, MO 65402-0250
Phone: (573) 368-2161 Fax: (573) 368-2111 E-MAIL ADDRESS: gspeg@mail.dnr.state.mo.us

10 CSR 20-6.040 Expiration of Operating Permits in Force Under Senate Bill 424
(Rescinded July 10, 1980)

AUTHORITY: section 204.026, RSMo 1978. Original rule filed Oct. 31, 1973, effective Nov. 9, 1973. Amended: Filed June 19, 1974, effective June 29, 1974. Rescinded: Filed Oct. 12, 1979, effective July 10, 1980.

10 CSR 20-6.050 Self-Monitoring
(Rescinded May 12, 1983)

AUTHORITY: section 204.026, RSMo 1978. Original rule filed Dec. 4, 1975, effective Dec. 14, 1975. Rescinded: Filed Oct. 16, 1979, effective July 11, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980. Rescinded: Filed Nov. 10, 1982, effective May 12, 1983.

10 CSR 20-6.060 Water Quality Certification

PURPOSE: Section 401 of Public Law 92-500 requires that any applicant for a federal license or permit to conduct any activity which may result in any discharge into the navigable waters shall provide the federal licensing or permitting agency a water quality certification from the state. This rule establishes the procedure the Department of Natural Resources will follow in issuing certifications.

(1) Definitions. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule, unless the context clearly requires otherwise.

(2) Requests for water quality certifications should be sent by the applicant directly to the Department of Natural Resources (DNR), Water Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102. The request to the DNR should include a letter requesting the state's water quality certification for the proposed project and one (1) copy of the federal application (ENG Form 4345, AUG 89) without drawings. (The federal agency requires one (1) copy of the federal application (ENG Form 4345, AUG 89) with appropriate drawings and one (1) copy of the letter to the DNR requesting certification.)

(3) In order to minimize delay in construction, the federal agency issues a DNR/federal public notice on the permit application. This notice provides the public an opportunity to provide their written comments regarding the proposed permit. A reasonable comment period, normally thirty (30) days, but not fewer than fifteen (15) days, is provided. The public notice will express DNR's intent to certify the proposed project after completion of the public notice period and resolution of any adverse water quality comments received. In the event the DNR receives a request for certification that should not be issued, the DNR will advise the federal agency within ten (10) working days that the joint public notice should not be issued.

(4) After the completion of the joint public notice period, comments received by the federal agency will be forwarded for review and consideration by the DNR. Consideration shall be given to both direct and indirect water quality effects before issuing or denying water quality certification. Direct effect comments pertain to a water quality problem that would result from the actual work on the proposed project such as increased turbidity, improper disposal of dredge and fill material and siltation. Indirect effects include long or short range effects that are likely to occur as a result of the proposed construction but are not anticipated to cause water quality problems or pollution at the time of initial construction activity.

(A) If no objections to the proposed project are received during the public notice period and the DNR determines that no adverse water quality problems are reasonably anticipated, the DNR will issue a certification with provisions that if adverse water quality problems develop during construction the certification may be suspended pending resolution of the problem(s).

(B) If objections to the proposed project are raised during the public notice period, the federal agency and the DNR will attempt to resolve the objections. If sufficient public interest is expressed, a public hearing will be held.

1. If the comments are resolved during negotiations or during public hearings conducted by the federal agency, the DNR will proceed to issue its certification.

2. If the comments are not resolved during negotiations sessions or during public hearings conducted by the federal agency, the DNR shall review the comments and proceed as follows:

A. If the comments are determined to be valid comments, the DNR shall either deny certification or issue a certification that is conditioned upon the applicant meeting certain requirements or performing certain actions to prevent or minimize water quality problems; or

B. If the comments are determined to be invalid or not having substantial effects upon water quality, the DNR shall issue its certification.

(5) The issuance, conditional issuance or denial of certification under subparagraph (4)(B)2.A. or B. of this rule may be appealed to the Missouri Clean Water Commission through procedures outlined in the Revised Statutes of Missouri, Chapter 644. The appeal shall be a contested case and notice of the appeal shall be filed with the commission within thirty (30) days of service of notice to the applicant of denial or grant of the requested certification as specified in 10 CSR 20-6.020(5).

(6) Effective Date. This rule becomes effective immediately upon adoption (July 13, 1978) and compliance with the requirements of subsection 644.036.3 of the Missouri Clean Water Law.

AUTHORITY: section 644.026, RSMo Supp. 1987. Original rule filed Feb. 10, 1978, effective July 13, 1978. Amended: Filed May 11, 1984, effective Oct. 15, 1984.*

**Original authority 1972, amended 1973, 1987.*

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 325)

OMB APPROVAL NO. 0702-0036
Expires 30 June 1992

Public reporting burden for this collection of information is estimated to average 5 hours per response for the majority of cases, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Applications for larger or more complex projects, or those in ecologically sensitive areas, will take longer. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application *(see sample drawings and instructions)* and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1 APPLICATION NUMBER *(To be assigned by Corps)*

2 NAME AND ADDRESS OF APPLICANT

Telephone no. during business hours

A/C ( ) _____ (Residence)
A/C ( ) _____ (Office)

3. NAME, ADDRESS , AND TITLE OF AUTHORIZED AGENT

Telephone no. during business hours

A/C ( ) _____ (Residence)
A/C ( ) _____ (Office)

Statement of Authorization: I hereby designate and authorize _____ to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.

SIGNATURE OF APPLICANT	DATE

4 DETAILED DESCRIPTION OF PROPOSED ACTIVITY

4a ACTIVITY

4b PURPOSE

4c. DISCHARGE OF DREDGED OR FILL MATERIAL

ENG FORM 4345, Aug 89 EDITION OF APR 86 IS OBSOLETE. (Proponent: CECW-ON)

5 NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ALSO ADJOINS THE WATERWAY

6 WATERBODY AND LOCATION ON WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED

7. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED

ADDRESS:

STREET, ROAD, ROUTE OR OTHER DESCRIPTIVE LOCATION

COUNTY STATE ZIP CODE

LOCAL GOVERNING BODY WITH JURISDICTION OVERSITE

8. Is any portion of the activity for which authorization is sought now complete? ☐ YES ☐ NO
If answer is "yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.

9. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO.	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL

10. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT DATE SIGNATURE OF AGENT DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 3 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(Reverse of ENG FORM 4345)

U.S. GOVERNMENT PRINTING OFFICE: 1988 O—941-358

10 CSR 20-6.070 Groundwater Heat Pump Operating Permits

PURPOSE: This rule sets forth the requirements and process of application for operating permits and the terms and conditions for the permits.

(1) Permits—General Information.

(A) All persons who build, erect, alter, replace, operate, use or maintain existing or proposed groundwater heat pump injection/withdrawal wells that inject more than six hundred thousand (600,000) British thermal units (BTUs) per hour (also termed as fifty (50) tons of capacity) shall apply to the department for the permits required by section 577.155, RSMo and these regulations. The department shall issue these permits in order to enforce section 577.155, RSMo and the Missouri Clean Water Law and regulations.

(B) The following are exempt from permit regulations:

1. Groundwater heat pump injection wells designed for up to eight (8) single family residents where the combined injection rate is less than six hundred thousand (600,000) BTUs per hour;

2. All other groundwater heat pump injection wells that have a combined injection rate of less than six hundred thousand (600,000) BTUs per hour unless there is a potable water well, not owned by the owner of the heat pump, within one thousand feet (1000') which uses the same aquifer, strata or depth as a source;

3. Any sampling well constructed in conjunction with any injection/withdrawal well; and

4. Heat pumps constructed in such a way so as to not utilize groundwater, such as lateral line systems.

(C) Nothing in these regulations shall prevent the department from taking action where the department finds that any activity exempted under subsection (1)(B) causes pollution of waters of the state, places, or permits to be placed, a water contaminant in a place where it is reasonably certain to cause pollution of any waters of the state or the activity otherwise violates section 577.155, RSMo, the Missouri Clean Water Law or these regulations.

(D) Drillers of injection/withdrawal wells shall comply with 10 CSR 23-5.060 Construction Standards for Open Loop Heat Pump Systems That Use Groundwater and 10 CSR 23-3 Well Construction Code.

(E) Owners or operators of injection wells exempted from the permit requirements of subsection (1)(B) are required, upon notification by the department, to submit injection well inventory information on forms supplied by the department. The completed form shall be returned to the department no later than ninety (90) days following the receipt of notification.

(2) Application.

(A) An application for an original operating permit or renewal of a former operating permit shall be made by letter for each injection/withdrawal well. The application may be supplemented with copies of information submitted for other federal or state permits. Each application must be accompanied by a filing fee of seventy-five dollars ($75).

(B) Each application shall contain the following:

1. Name and address of the company(s), organization(s), owner(s) or operator of the injection/withdrawal well;

2. Description of structure or process, or both, that will utilize the injection/withdrawal well;

3. Estimated depth of well, aquifer to be used (or anticipated aquifer), casing and related well construction data as recommended by the office of the state geologist;

4. Exact location of the proposed injection withdrawal well and any other wells that exist within two thousand feet (2000') shown on a seven and one-half (7 1/2) minute United States Geological Survey (USGS) topographic quadrangle map. This map shall also indicate the depth of each well;

5. Maximum, minimum and average volume of water that will be injected or withdrawn on a daily basis;

6. Maximum, minimum and average temperature differential of injected/withdrawn water;

7. Computations showing how the temperature differentials were calculated;

8. General specifications of the installation including the heat exchange unit, pump and other structures;

9. Application fee of seventy-five dollars ($75). When a check used for an application is returned to the department as nonnegotiable, review of the application shall cease and the applicant shall be notified. No further action shall be taken on the application until the fees have been resubmitted in the form of a cashier's check or money order payable to the State of Missouri;

10. If the injection/withdrawal well is located within one thousand feet (1000') of any potable water well, the application shall include a registered professional geologist's or registered professional geologic engineer's recommendation and justification on the number and location of sampling wells if any are deemed necessary, and an estimate of the effect, in degrees Fahrenheit (F°), on all wells located within one thousand feet (1000'); and

11. A copy of the certified heat pump well drillers' report to the Department of Natural Resources' Division of Geology and Land Survey.

(C) All applications must be signed as follows:

1. For a corporation—by an officer of at least the level of plant manager;

2. For a partnership or sole proprietorship—by a general partner or the proprietor; or

3. For a municipal, state, federal or other public facility—by either a principal executive officer or ranking public official or his/her designee.

(D) All other reports required by the department shall be signed by a person designated in subsection (2)(C) of this rule or a duly authorized representative, where—

1. The representative so authorized is responsible for the overall operation of the facility from which the injection/withdrawal occurs; and

2. The authorization is made in writing by a person designated in subsection (2)(C) of this rule and is submitted to the director.

(E) Any changes in the written authorization which occur after the issuance of a permit shall be reported to the department by submitting a new written authorization which meets the requirements of subsection (2)(D) of this rule.

(F) If an application is incomplete or otherwise deficient, the applicant shall be notified of the deficiency and processing of the application may be discontinued until the applicant has corrected all deficiencies.

(G) Applications shall be mailed to Water Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102.

(3) Operating Permits.

(A) Persons who build, erect, alter, replace, operate, use or maintain groundwater heat pump injection/withdrawal wells that are not exempted shall obtain an operating permit from the department.

(B) Applications for an original operating permit must be received by the department at least one hundred twenty (120) days before construction of the injection/withdrawal well begins. Applications shall include the earliest date on which the injection/withdrawal is to begin. The department will issue or deny the permit within one hundred twenty (120) days of receipt of the complete application as specified in section (2). No person shall

operate an injection/withdrawal well without a valid operating permit, unless s/he is exempted under subsection (1)(B).

(C) Applications for the renewal of operating permits must be received at least one hundred twenty (120) days before the expiration date of the present operating permit. The department will issue or deny the permit within one hundred twenty (120) days of receipt of the complete application as specified in section (2).

(D) The public notice requirements at 10 CSR 20-6.020 shall apply.

(4) Terms and Conditions of Permit.

(A) The following shall be incorporated as terms and conditions of all permits:

1. All injection/withdrawals shall be consistent with the terms and conditions of the permit;

2. The permit may be modified or revoked after reasonable notice for causes including, but not limited to:

A. A violation of any term or condition of the permit;

B. A misrepresentation or failure to disclose fully all relevant facts in obtaining a permit;

C. A change in the operation, size or capacity of the permitted facility; or

D. An increase of more than ten degrees Fahrenheit (10°F) in any nearby potable water well that was in existence when the original operating permit was issued.

3. The injection/withdrawal permit may be issued for a period up to five (5) years. The permit may not be modified so as to extend the term of the permit beyond five (5) years after its issuance;

4. Permittees shall operate and maintain facilities to comply with section 577.155, RSMo, the Missouri Clean Water Law, corresponding regulations and applicable permit conditions;

5. For the purpose of inspecting for compliance with the Clean Water Law and these regulations, authorized representatives of the department shall be allowed by the permittee, upon presentation of credentials and at reasonable times, to—

A. Enter upon permittee's premises in which a groundwater heat pump injection/withdrawal well is located or in which any records are required to be kept under terms and conditions of the permit;

B. Have access to, or copy, any records required to be kept under terms and conditions of the permit;

C. Inspect any sampling wells, monitoring equipment or method required in the permit; and

D. Sample for permit compliance;

6. Facility expansions, production increases or process modifications which will result in a new or substantially different injection/withdrawal must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new permit, or by submission of notice to the department;

7. Copies of well location, driller's logs, sample logs, casing schedule, volume of water, temperature, water quality and other information developed or determined for the completed installation shall be sent to the Missouri Department of Natural Resources (DNR), Water Pollution Control Program and to the Missouri DNR, Division of Geology and Land Survey;

8. Maximum, minimum and average water temperature measurements shall be made and recorded monthly for each injection/withdrawal well and each monitoring well;

9. Maximum, minimum and average injection/withdrawal rates shall be measured and recorded monthly;

10. Total dissolved solids shall be measured and recorded monthly for each injection/withdrawal well and each monitoring well; and

11. A yearly report shall be submitted to the agencies listed in paragraphs (4)(A)4. and 7. which contains the following information:

A. Volume of water withdrawn and injected;

B. Temperature records for each monitoring well; and

C. Copies of water quality analyses performed.

(5) Prohibitions.

(A) No permit shall be issued where the terms and conditions of the permit do not comply with applicable guidelines or requirements of section 577.155, RSMo the Missouri Clean Water Law and corresponding regulations or the Federal Clean Water Act and federal regulations.

(B) No permit shall be issued where the permit conditions do not ensure compliance with the applicable water quality requirements of any other affected states.

(C) No permit shall be issued for the discharge of any pollutant, except thermal discharges; those pollutants contained in the withdrawal water may be reinjected.

(D) No permit shall be issued for the discharge of any radiological, chemical or biological warfare agent or radioactive waste.

(E) No permit shall be issued for the construction or operation of a new injection/withdrawal well which could degrade the usefulness of water withdrawn from earlier permitted wells.

(6) Permits Transferable.

(A) Subject to section (3), an operating permit may be transferred upon submission to the department of an application to transfer signed by a new owner. Until, such time as the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.

(B) The department, within thirty (30) days of receipt of the application, shall notify the new applicant of its intent to revoke and reissue or transfer the permit.

AUTHORITY: section 577.155, RSMo 1994. Original rule filed Nov. 10, 1980, effective April 11, 1981. Amended: Filed March 9, 1984, effective Oct. 1, 1984. Amended: Filed March 1, 1996, effective Nov. 30, 1996.*

**Original authority 1971, amended 1976, 1980.*

MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI OIL AND GAS COUNCIL

FORM OGC-9

MONTHLY WELL STATUS AND PRODUCTION REPORT

FIELD	COUNTY

LOCATION OF FIELD	SECTION(S) _____ TWP _____ RNG _____

OPERATOR	MONTH	YEAR

LEASE	TYPE AND NUMBER OF WELLS				PRODUCTION			GRAVITY A.P.I.	AVG. PRICE AT WELLHEAD PER/BBL. - MCF
	TYPE*	(1) ACTIVE	(2) INACTIVE	(3) TOTAL	OIL BBLS.	WATER BBLS.	GAS MCF'S		

CERTIFICATE ▶ I, the undersigned, state that I am the _____ of the _____ (company), and that I am authorized by said company to make this report; and that this report was prepared under my supervision and direction and that the facts stated therein are true, correct and complete to the best of my knowledge.

SIGNATURE

*TYPE	F - Flowing, P - Pumping, SI - Shut In, TA - Temporarily Abandoned, WI - Water Injection, AI - Air-Gas Injection
NOTE ▶	Total number of wells (col. 3) will equal Active wells (col. 1) plus Inactive wells (col. 2).

MO 780-0219 (10-87) **REMIT TWO COPIES TO:** MISSOURI OIL AND GAS COUNCIL, P.O. BOX 250, ROLLA, MO 65401

MISSOURI DEPARTMENT OF NATURAL RESOURCES
MISSOURI OIL AND GAS COUNCIL

FORM OGC-10

MONTHLY REPORT OF DISPOSAL OF PRODUCED WATER

DATE	OPERATOR	LEASE

LOCATION	SECTION(S) T R	COUNTY

LEASE	WELL NO.	WATER BBLS.	WATER TYPE*	DISPOSAL METHOD**	REMARKS

CERTIFICATE: I, THE UNDERSIGNED, STATE THAT I AM THE _____ OF THE _____ (COMPANY), AND THAT I AM AUTHORIZED BY SAID COMPANY TO MAKE THIS REPORT; AND THAT THIS REPORT WAS PREPARED UNDER MY SUPERVISION AND DIRECTION AND THAT THE FACTS STATED THEREIN ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

*WATER TYPE: F - FRESH; M - MINERALS; S - SALT
**DISPOSAL METHOD: E - EVAPORATION PIT; I - INJECTION (SAME OR ANOTHER STRATA; SPECIFY); S - SURFACE RUNOFF; R - RIVER, CREEK; O - OTHER (EXPLAIN)

MO 780-0220 (3-88) **REMIT TWO COPIES TO:** MISSOURI OIL AND GAS COUNCIL, P.O. BOX 250, ROLLA, MO 65401

10 CSR 20-6.080 Signatures for Construction Permits, Operating Permits and Groundwater Heat Pump Injection/Withdrawal Wells

PURPOSE: This rule sets forth the authorization for the director of the Department of Natural Resources, in his/her capacity of administering Department of Natural Resources program, to delegate the review, reevaluation and approval/denial of construction permits, operating permits and permits to withdraw/inject water from/into subsurface wells.

(1) It is the responsibility of the Department of Natural Resources (DNR) to issue or deny Clean Water Commission permits. Authority to issue/deny Clean Water Commission permits rests with the director of DNR acting in his/her capacity of administering DNR programs. This authority may be delegated by letter from the director of the DNR to his/her designee. Denial of a Clean Water Commission permit will be by a certified letter that states—

(A) The permit is being denied;

(B) The reason(s) that the permit is being denied;

(C) Any action that the permittee could take to mitigate the denial and eventually secure the permit; and

(D) The permittee's right to appeal the staff denial to the Clean Water Commission within thirty (30) days.

AUTHORITY: section 644.026, RSMo Supp. 1987. Original rule filed Jan. 13, 1981, effective May 11, 1981.*

**Original authority 1972, amended 1973, 1987.*

10 CSR 20-6.090 Class III Mineral Resources Injection/Production Well Operating Permits

PURPOSE: This regulation controls the construction and operations of mineral resources injection/production wells.

(1) Permits—General.

(A) This rule shall apply to Class III injection/production wells used for the extraction of minerals including:

1. Sulfur mining by the Frasch process;

2. *In-situ* production of uranium or other metals. This category includes only *in-situ* production from ore bodies which have not been conventionally mined;

3. *In-situ* combustion of fossil fuel; fossil fuels include coal, tar sands, oil shale and any other fossil fuel which can be mined by this process; and

4. Solution mining of salts or potash.

(B) This rule does not apply to wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into or above any underground formation. These types of wells are expressly forbidden under section 577.155, RSMo.

(C) All persons who build, erect, alter, replace, operate, use or maintain existing or proposed Class III injection/production wells shall apply to the department for permits required by these regulations using application forms provided by the department. The department shall issue these permits in order to enforce the Missouri Clean Water Law and regulations.

(D) Nothing in these regulations shall prevent the department from taking action where the department finds that any activity that places, or permits to be placed, a water contaminant where it is reasonably certain to cause pollution of any waters of the state, or the activity otherwise violates Chapter 644, RSMo, the Missouri Clean Water Law or these regulations.

(E) Any information submitted to the department pursuant to these regulations may be claimed as confidential by the applicant. Any claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words confidential business information on each page containing the information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. Claims of confidentiality for the following information will be denied:

1. The name and address of any permit applicant or permittee; and

2. Information which deals with the existence, absence or level of contaminants in drinking water.

(F) The permittee shall give advance notice to the director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(G) Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under these regulations for a period extending from the date the application is signed to the date the permit expires. The records shall be maintained at least three (3) years from the date the application is signed.

(2) Application.

(A) An application for an operating permit shall be made for each injection/production well. The application may be supplemented with copies of information submitted for other federal or state permits.

(B) Each application shall contain the following:

1. Name and address of the companies, organization(s), owner(s) or operators of the proposed well, ownership status and status as a federal, state, private or other entity;

2. The activities conducted by the applicant which require the applicant to obtain permits under the Resource Conservation and Recovery Act (RCRA), the Underground Injection Control (UIC) program under the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) program under the Clean Water Act or the Prevention of Significant Deterioration (PSD) program under the Clean Air Act;

3. Name, mailing address and location of the facility for which the application is submitted;

4. Up to four (4) standard industrial classification (SIC) codes which best reflect the principal products or services provided by the facility;

5. A listing of all permits or construction approvals received or applied for under any of the following programs:

A. Hazardous Waste Management program under RCRA;

B. UIC program under the Safe Drinking Water Act;

C. NPDES program under the Clean Water Act;

D. PSD program under the Clean Air Act;

E. Nonattainment program under the Clean Air Act;

F. National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;

G. Dredge and fill permits under Section 404 of the Clean Water Act; or

H. Other relevant environmental permits, including state permits;

6. Description of the process that will be used for the mineral extractions, including injection/withdrawal procedures;

7. Estimated depth of the well, casing lengths and weights, intervals to be cemented and related well construction data as recommended by the office of the state geologist;

8. Exact location of the well including a legal description to the nearest section line as

determined by a registered surveyor, a narrative description using locally recognized features and an accompanying topographic or similar map extending one (1) mile beyond the boundary of the facility property depicting the facility and each of its intake and discharge structures, each of its treatment, storage or disposal facilities, each well where fluids from the facility are injected underground and those wells, springs, surface water bodies and drinking water wells listed in public records or otherwise known to the applicant within one-quarter (1/4) mile of the facility property boundary;

9. A brief description of the nature of the business;

10. Maximum and average volume of injected fluids and injection pressure that will be used on a daily basis;

11. Application fee of seventy-five dollars ($75). When a check used for an application is returned to the department as nonnegotiable, review of the application shall cease and the applicant shall be notified. No further action shall be taken on the application until the fees have been resubmitted in the form of a cashier's check or money order payable to the state of Missouri;

12. Recommendation and justification on the number and location of sampling wells by a registered professional engineer or a qualified geologist as defined by sections 256.501 and 256.503, RSMo;

13. Where injection is into a formation which contains water with less than ten thousand milligrams per liter (10,000 mg/l) total dissolved solids (TDS), monitoring wells shall be completed into the injection zone and into any underground sources of drinking water above the injection zone which could be affected by the mining operation. These wells shall be located in a fashion as to detect any excursion of injection fluids, process by-products or formation fluids outside the mining area or zone. If the operation may be affected by a subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected;

14. Where injection is into a formation which does not contain water with less than ten thousand (10,000) mg/l TDS, no monitoring wells are necessary in the injection zone;

15. Where the injection wells penetrate an underground source of drinking water (USDW) in an area subject to subsidence or catastrophic collapse, an adequate number of monitoring wells shall be completed into the USDW to detect any movement of injected fluids, process by-products or formation fluids into a USDW. The monitoring wells shall be located outside the physical influence of the subsidence or catastrophic collapse;

16. In determining the number, location, construction and frequency of sampling of the monitoring wells, the following criteria shall be considered:

A. Population relying on the USDW affected or potentially affected by the injection operation;

B. Proximity of the injection operation to points of withdrawal of drinking water;

C. Local geology and hydrology;

D. Operating pressures and whether a negative pressure is being maintained;

E. Nature and volume of the injected fluid, the formation water and the process by-products; and

F. Injection well density;

17. Map(s) describing an area of review for each Class III injection/production well or group of wells. The area of review shall be determined by a registered professional engineer or a qualified geologist as defined by sections 256.501 and 256.503, RSMo. The area of review shall be that area the radius of which is determined by the lateral distance from a Class III injection/production well or perimeter of a group of wells in which the pressure in the injection zone may cause the migration of injection or formation, or both, fluid into an USDW or into an improperly constructed, plugged or abandoned well or test hole.

A. The radius of the area of review may be calculated using a mathematical model (for example, modified Thesis equation) and shall be calculated for an injection time period at least equal to the expected life of the well(s). The owner or operator must demonstrate to the director that the mathematical model used and the calculated area of review are appropriate for the known hydrologic properties of the underlying formations.

B. A fixed radius around the well or the perimeter of a group of wells of not less than one-half (1/2) mile may be used. In determining the fixed radius, the following factors shall be taken into consideration: chemistry of injected and formation fluids, hydrogeology, population and groundwater use and dependence, and historical practices in the area.

C. If the area of review is determined by a mathematical model pursuant to subparagraph (2)(B)8.A., the permissible radius is the result of the calculation even if it is less than one-half (1/2) mile.

D. Nothing in this section shall prevent the director from imposing alternate areas of review when geologic or hydrologic conditions render a calculated or fixed area a potential threat to an underground source of drinking water;

18. A mapped and tabulated inventory of all known water supply, injection/production, abandoned and test wells, including field names or numbers and locations of the wells, public water systems, within the area of review and a separate tabulation of all the wells, which penetrate the injection zone listing each well's type, construction method, date drilled, location, depth and record of plugging or completion, or both, shall be submitted with the applications and shall include a description of all corrective action(s) proposed to be performed to render wells penetrating the injection zone sealed, plugged or otherwise impervious to the migration of fluids into or between well bores, USDWs or different aquifers. The applicant is responsible for the inventory and corrective action requirements of this section and shall extend every reasonable effort to locate all wells within the area of review of the applicant well(s);

19. A plan for plugging and abandonment. Where the plan meets the requirements of this paragraph, the director shall incorporate it into the permit as a condition. Where the director's review of an application indicates that the permittee's plan is inadequate, the director shall require the applicant to revise the plan, prescribe conditions meeting the requirements of this paragraph or deny the application. For purposes of this paragraph, temporary intermittent cessation of injection operations is not abandonment;

20. Prior to granting approval for the plugging and abandonment of a Class III well, the director shall consider the following information:

A. The type and number of plugs to be used;

B. The placement of each plug including the elevation of the top and bottom;

C. The type, grade and quantity of cement to be used; and

D. The method of placement of the plugs;

21. The permittee is required to maintain financial responsibility and resources to close, plug and abandon the underground injection operation in a manner prescribed by the director. The permittee must show evidence of financial responsibility to the director by the submission surety bond or other adequate assurance such as financial statements or other materials acceptable to the director;

22. Maps and cross sections indicating the vertical limits of all USDWs within the area of review, their position relative to the injection formation and the direction of water

movement, where known, in every underground source of drinking water which may be affected by the proposed injection;

23. Maps and cross sections detailing the geologic structure of the local area;

24. Generalized map and cross sections illustrating the regional geologic setting;

25. Qualitative analysis and ranges in concentrations of all constituents of injected fluids. The applicant may request confidentiality as specified in subsection (1)(E). If the information is proprietary, an applicant, in lieu of the ranges in concentrations, may choose to submit maximum concentrations which shall not be exceeded. In this case the applicant shall retain records of the undisclosed concentrations and provide them upon request to the director as part of any enforcement investigation;

26. Proposed formation testing program to obtain the information required by paragraph (2)(I)4.;

27. Proposed stimulation program;

28. Schematic or other appropriate drawings of the surface and subsurface construction details of the well;

29. Plans, including maps, for meeting the monitoring requirements of subsection (4)(D);

30. Expected changes in pressure, native fluid displacement and direction of movement of injection fluid;

31. Contingency plans to cope with all shut-ins or well failures so as to prevent the migration of contaminating fluids into the USDW;

32. A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by paragraph (2)(B)19.;

33. The corrective action proposed to be taken under paragraph (2)(B)18.;

34. Where the injection zone is a formation which is naturally water-bearing, the following information concerning the injection zone shall be determined or calculated for new Class III wells or projects:

A. Fluid pressure;

B. Fracture pressure; and

C. Physical and chemical characteristics of the formation fluids;

35. Where the injection formation is not a water-bearing formation, only the information in subparagraph (2)(B)34.B. must be submitted;

36. Where the permittee becomes aware that s/he failed to submit any relevant facts in a permit application, or has submitted incorrect information in a permit application or in any report to the director, the permittee shall promptly submit the facts or information; and

37. Data sufficient to allow the department to carry out aquifer exemption procedures under the Safe Drinking Water Act, UIC program. The information shall be sufficient to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis for the amenability of the mining zone to the proposed mining method and a timetable of planned development of the mining zone shall be considered by the director.

(C) All applications must be signed as follows:

1. For a corporation—by an officer of at least the level of vice president;

2. For a partnership or sole proprietorship—by a general partner or the proprietor respectively; or

3. For a municipality, state, federal or other public agency—by either a principal executive officer or ranking elected official.

(D) All other reports required by the department shall be signed by a person designated in subsection (2)(C) of this rule or a duly authorized representative, where—

1. The representative so authorized is responsible for the overall operation of the facility from which the injection occurs; and

2. The authorization is made in writing by a person designated in subsection (2)(C) of this rule and is submitted to the director.

(E) Any changes in the written authorization which occur after the issuance of a permit shall be reported to the department by submitting a written authorization which meets the requirements of subsection (2)(D).

(F) If an application is incomplete or otherwise deficient, the applicant shall be notified of the deficiency and processing of the application may be discontinued until the applicant has corrected all deficiencies.

(G) Any person signing a document under subsection (2)(C) or (D) shall make the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(H) Applications shall be mailed to—Water Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102.

(I) Prior to granting approval for the operation of a Class III well, the director shall consider the following information:

1. All available logging and testing data on the well;

2. A satisfactory demonstration of mechanical integrity;

3. The anticipated maximum pressure and flow rate at which the permittee will operate;

4. The results of the formation testing program;

5. The actual injection procedures; and

6. The status of corrective action on defective wells in the area of review.

(3) Operating Permits.

(A) Persons who build, erect, alter, replace, operate, use or maintain Class III injection/production wells shall obtain an operating permit from the department.

(B) Applications for an original operating permit must be received by the department at least sixty (60) days before construction of the well begins. Applications shall include the earliest date on which injection/production is to begin. The department will issue or deny the permit within sixty (60) days of receipt of the complete application as specified in section (2). No person shall operate an injection/production well without a valid operating permit. If the department fails to issue or deny the permit within the allotted time, the applicant may request a hearing before the Missouri Clean Water Commission. The commission may either require the department to issue or deny the permit at, or within, a specified time following the hearing or extend the permit review period another sixty (60) days following the hearing.

(C) Applications for the renewal of operating permits must be received at least sixty (60) days before the expiration date of the present operating permit. The department will issue or deny the permit within sixty (60) days of receipt of the application.

(D) The director may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells—

1. Described and identified by location in permit application(s) if they are existing wells, except that the director may accept a single description of wells with substantially the same characteristics;

2. Located within the same well field, facility site, reservoir, project or similar unit in the same state; and

3. Operated by a single owner or operator.

(E) Area permits shall specify—

1. The area within which underground injections are authorized; and

2. The requirements for construction, monitoring, reporting, operation and abandonment for all wells authorized by the permit.

(F) The area permit may authorize the permittee to construct and operate, convert or plug and abandon wells within the permit area provided—

1. The permittee notifies the director at a time as the permit requires;

2. The additional well satisfies the criteria in subsection (3)(D) and meets the requirements specified in the permit under subsection (3)(E); and

3. The cumulative effects of drilling and operation of additional injection wells are considered by the director during evaluation of the area permit application and are acceptable to the director.

(G) If the director determines that any well constructed pursuant to subsection (3)(F) does not satisfy any of the requirements of paragraphs (3)(F)1. and 2., the director may modify or terminate the permit or take enforcement action. If the director determines that cumulative effects are unacceptable, the permit may be modified or terminated.

(4) Terms and Conditions of Permits.

(A) The following shall be incorporated as terms and conditions of all permits:

1. All operations shall be consistent with the terms and conditions of the permit and shall comply with the Clean Water Law; corresponding regulations and applicable permit conditions;

2. The permit may be modified or revoked after reasonable notice for causes including, but not limited to:

A. Material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance, which justify the application of permit conditions that are different or absent in the existing permit;

B. New information received by the director, including information indicating that cumulative effects on the environment are unacceptable;

C. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

D. Good cause, as determined by the director, exists for modification of a compliance schedule, such as an act of God, strike, flood or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy; and

E. Notification of a proposed transfer of the permit has been received by the director;

3. Suitability of the facility will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance;

4. The permit may be issued for a period of up to five (5) years. The permit may not be modified so as to extend the term of the permit beyond five (5) years after its issuance. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit prior to the expiration date of the permit in effect;

5. The director may terminate a permit during its term or deny a permit renewal application for the following causes:

A. Noncompliance by the permittee with any condition of the permit;

B. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time; or

C. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

6. For the purpose of inspecting for compliance with the Clean Water Law and these regulations, authorized representatives of the department shall be allowed by the permittee, upon presentation of credentials and at reasonable times, to—

A. Enter upon permittee's premises in which Class III injection/production well is located or in which any records are required to be kept under terms and conditions of the permit;

B. Have access to or copy, any records required to be kept under terms and conditions of the permit;

C. Inspect any sampling wells, monitoring equipment or method required in the permit; and

D. Sample for permit compliance;

7. Facility expansions, production increases or process modifications which will result in a new substantially different operation must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new permit or by submission of notice to the department;

8. Copies of well location, driller's logs, sample logs, casing schedule, volume of water, temperature, water quality, cement records and other information developed or determined for the completed installation shall be sent to the Missouri Department of Natural Resources, Water Pollution Control Program and to the Missouri Department of Natural Resources, Division of Geology and Land Survey;

9. Maximum and average injection/withdrawal volumes and pressures shall be measured and recorded semi-monthly;

10. Total dissolved solids shall be measured and recorded semi-monthly for each injection/production well and each monitoring well;

11. A quarterly report shall be submitted to the agencies listed in paragraph (4)(A)8. which contains the following information:

A. Volume and pressure of fluids injected and withdrawn; and

B. Copies of water quality analyses performed; and

12. Information on compliance and noncompliance shall be submitted as follows:

A. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule pertaining to this permit shall be submitted no later than thirty (30) days following each schedule date. The permittee shall report any noncompliance which may endanger health or the environment, including information which indicates that any contaminant may cause an endangerment to a USDW, or noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs. This information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. A written submission also shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times and if the noncompliance has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and

B. The permittee shall report all instances of noncompliance not reported under other sections of this rule at the time monitoring reports are submitted. The reports shall contain the information listed in subparagraph (4)(A)12.A.

(B) No owner or operator shall construct, operate, maintain, convert, plug or abandon any Class III injection/production well or conduct any other activity in a manner that allows the movement of fluid containing any contaminant into USDWs. The applicant for a permit shall have the burden of showing that the requirements of this section are met through a demonstration of mechanical integrity. Demonstration of the absence of significant leaks shall utilize at least one (1) of the following procedures: a pressure test with liquid or gas; monitoring of annulus pressure in wells injecting at a positive pressure following an initial pressure test; or any other test(s) that the state geologist considers effective. Demonstration of the absence of significant migration of fluids in channels adjacent to the well bore shall utilize at least two (2) of the following procedures: noise logs, temperature surveys, cement records demonstrating the presence of adequate cement to prevent migration (used only if the nature of casing precludes the use of noise logs or temperature surveys); or any other test(s) approved by Environmental Protection Agency (EPA) and that the state geologist considers effective. Mechanical integrity must be demonstrated before operations may begin. Documentation of successful demonstration of mechanical integrity shall be submitted to the department or the department may witness the demonstrations. Scheduling of witnessed demonstrations of mechanical integrity shall be at the reasonable convenience of the applicant. Nothing in this rule shall prevent the director from rescheduling a test at a reasonable time convenient to the applicant when necessary to allow department personnel to witness the test(s).

(C) For Class III injection/production wells—if any water quality monitoring of any USDW indicates the movement of any contaminant into the USDW, the director shall prescribe the additional requirements for construction, corrective action, operation, monitoring or reporting (including closure of the injection/production well) as are necessary to prevent this movement. These additional requirements shall be imposed by modifying the permit in accordance with this regulation or the permit may be terminated.

(D) Monitoring requirements, at a minimum, shall specify—

1. Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis required by paragraph (2)(B)25. is incorrect or incomplete, a new analysis as required by paragraph (2)(B)25. shall be provided to the director;

2. Monitoring of injection pressure and either flow rate or volume semi-monthly, or metering and daily recording of injected and produced fluid volumes as appropriate;

3. Monitoring of the fluid level in the injection zone semi-monthly where appropriate and monitoring of the parameters chosen to measure water quality in the monitoring wells required by paragraph (2)(B)13. semi-monthly; and

4. Quarterly monitoring of wells required by paragraph (2)(B)15.

(E) Reporting requirements, at a minimum, shall include:

1. Quarterly reporting to the director on required monitoring;

2. Results of mechanical integrity tests and any other periodic test required by the department reported with the first regular quarterly report after the completion of the test; and

3. Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

(5) Prohibitions.

(A) No permit shall be issued where the terms and conditions of the permit do not comply with applicable guidelines or requirements of the Clean Water Law and corresponding regulations or relevant federal laws.

(B) No permit shall be issued where the permit conditions do not ensure compliance with the applicable water quality requirements of any other affected states.

(C) No permit shall be issued for the discharge of any pollutant not necessary to the extraction process, except thermal discharges; those produced pollutants contained in the formation water may be reinjected into a formation of the same TDS concentration.

(D) No permit shall be issued for the discharge of any radiological, chemical or biological warfare agent or radioactive waste.

(E) No permit shall be issued for the construction or operation of a new injection/production well which would degrade the usefulness of water withdrawn from earlier permitted wells.

(F) No permit shall be issued for a well utilizing annular injection or production.

(G) No well shall be operated so that fluid pressures in the injection zone exceed the fracture pressure calculated or known for that formation.

(H) New injection wells may not commence injection until construction is complete and—

1. The permittee has submitted notice of completion of construction to the director and—

A. The director has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit; or

B. The permittee has not received notice from the director of the intent to inspect or otherwise review the new injection well within thirteen (13) days of the date of the notice in paragraph (5)(H)1. of this rule, in which case prior inspection or review is waived and the permittee may commence injection.

(I) No operation shall commence until corrective actions outlined in paragraph (2)(B)18. and those required by the department have been completed.

(6) Class III Injection/Production Well Construction Requirements.

(A) All new injection/production wells shall be cased and cemented to prevent the migration of fluids into or between USDWs or potential sources of drinking water. The casing and cement used in construction of each newly drilled well shall be designed for the life of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:

1. Depth to the injection/production zone;

2. Injection pressure, external pressure, internal pressure, axial loading;

3. Borehole size;

4. Size and grade of all casing strings including wall thickness, diameter, nominal weight, length, joint specification and construction material;

5. Corrosiveness of injection/production and formation fluids or combinations;

6. Lithology of injection/production and confining zones; and

7. Type and grade of cement.

(B) Each well or group of wells utilizing a positive displacement pump shall be equipped with both high and low safety switches which will shut down the pump in case of pressure increase over the authorized pressure or sudden pressure loss.

(C) Appropriate logs and other tests shall be conducted during the drilling and construction of new injection/production wells. A descriptive report shall be prepared by a qualified log analyst and submitted to the director. The logs and test appropriate to each type of well shall be determined on the intended function, depth, construction and other characteristics of the well, availability of similar data in the area of the drilling site and the need for additional information that may arise from time-to-time as the construction of the well progresses. At a minimum, the logs and test shall include deviation checks conducted on all holes where pilot

holes and reaming are used at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

(7) Permits Transferable.

(A) Subject to section (3), an opening permit may be transferred upon submission to the department of an application to transfer signed by a new owner. Until that time as the permit is officially transferred, the original permittee remains responsible for complying with the terms and conditions of the existing permit.

(B) Within thirty (30) days of receipt of the application the department, shall notify the new applicant of the intent to revoke and reissue or transfer the permit.

(8) Plugging and Abandonment.

(A) Prior to abandoning Class III wells the well shall be plugged with cement in a manner which will not allow the movement of fluids between one (1) aquifer or formation and another. The director may allow Class III wells to use other plugging materials if s/he is satisfied that the materials will prevent movement of fluids into or between USDWs.

(B) Placement of the cement plugs shall be accomplished by one (1) of the following:

1. The balance method;
2. The dump method;
3. The two (2)-plug method; or
4. An alternative method approved by the director which will reliably provide a comparable level of protection.

(C) The well to be abandoned shall be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the director prior to the placement of the cement plug(s).

(D) The director shall prescribe aquifer cleanup and monitoring where s/he deems it necessary and feasible to insure adequate protection of USDWs.

(E) The permittee shall notify the director at the times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.

AUTHORITY: section 644.026, RSMo Supp. 1987. Original rule filed Nov. 9, 1983, effective June 1, 1984.*

**Original authority 1972, amended 1973, 1987.*

Instructions for Forms UIC- I & II—Application for Class V Permit

Please read these instructions carefully before completing the application. Return a signed application to the Division of Geology and Land Survey at the Rolla, Missouri address on the front page of form UIC-I. Also return a signed application along with appropriate filing fees to the Water Pollution Control Program at the Jefferson City, Missouri address, also listed on the front page of form UIC-I.

Form UIC-I

1.10—Construction Permit Application
Check only if application is for a permit to construct an injection/recovery well system.
1.20—Operating Permit Application
Check only if application is for a permit to operate an injection/recovery well system.

Contact the Department of Natural Resources at one of the front page locations if you are uncertain which type of permit applies. Division of Geology and Land Survey injection well application (forms OGC-I) and Water Pollution Control form UIC-II must be submitted for **each** well (see "additional forms" below).

2.10—Name of Facility—The site specific name of the facility where the injection/recovery operation is to be conducted.
2.20—Facility Address—Site specific as in 2.10.
2.30—Present Operating Permit Number—Include only the facility's NPDES or UIC permit number(s) if one or more are in effect. If multiple Class V permits are presently in effect, attach a separate list.
2.40—Construction permit number—Provide the UIC **construction** permit number that the injection/recovery system was constructed under, if **this** application is for an operating permit for the same facility.
2.50—Owner—The name of the individual, institution, agency or corporation which owns the facility.
2.60—Operating Authority—The name of the person or organization responsible for the injection/recovery operation, including if appropriate: the owner, the facility, a consultant, a contractor, or a government agency.
2.70—Facility contact—The individual within the facility or operating authority, most able to supply information about the direct operation of the injection/recovery operation.
2.80—Additional Forms
1. DGLS Form 3-I
For well depth, casing and other completion information.
2. DGLS Form 4-I
For survey and well location information.
3. DGLS Form 11
For injection system information.
2.90—Certification—Self-explanatory.

UIC Form II—Purpose, Process and Materials

1.00—Facility Name

The site specific name of the facility where the injection/recovery operation is to be conducted.

2.00—Purpose of Injection/Recovery

Attach separate pages if needed. Include all or portions of an engineering report containing information needed by the owner, operating authority, and the Department of Natural Resources to fully describe the purpose of the injection/recovery operation.

2.10—Description of Injection/Recovery Process

Attach separate pages if needed. Include all or portions of the engineering report required by 2.00 above, or submit a separate detailed description of all elements of the production, treatment and injection system required to allow the owner, operating authority or the Department of Natural Resources to adequately review the system.

The engineering report should contain, at a minimum: a description of the injection and recovery well pattern; a description of the injection zone including details of lithology, hydrology, and unique features of the injection zone and relevant formations; injection and recovery time frames; systems for transporting, storing, mixing, metering, and introducing injection materials; recovery fluid gathering systems, treatment or recycling, and disposal systems; injection pressures and volumes; production rates; emergency plans for power or hydraulic loss; detailed description of all material to be injected and the purposes they serve in the operation; and any other information required by the owner, operating authority, or the Department of Natural Resources.

2.20—Biological Agents

List and describe all biological agents to be injected, including: scientific names; whether or not the agents are native to the formations involved; list of available literature relevant to the use of the agents for the injection operation; their population and nutrient dynamics under proposed operating conditions; discussion and supporting literature regarding potential health and/or environmental impacts of the agents and their metabolites in and downgradient of the injection zone, and after completion of the operation: results of laboratory tests conducted by or for the facility relevant to the injection/recovery operation.

3.00—Hazardous Waste—Will the process involve Hazardous Wastes as defined by federal and state hazardous waste laws?

3.10—Surface Discharge

If needed, contact the Water Pollution Control Program at the front page address for an NPDES permit application at least 180 days prior to any planned discharge.

4.00—Data Sheets for Injected Material

Provide information for each unique injection material. If materials are to be mixed prior to batch injection, provide analyses of the batch conditions. Otherwise provide analyses for each material if materials are to be injected sequentially, or manifold mixed during injection.

Certification (page 2 of UIC—II)—Self-explanatory

Form UIC-I—Application For Class V Permit—All Applicants

Do Not Attempt To Complete This Form Before Reading The Accompanying Instructions

MISSOURI DEPARTMENT OF NATURAL RESOURCES

Division of Geology and Land Survey
P.O. Box 250
Rolla, MO 65401

Division of Environmental Quality
P.O. Box 1368
Jefferson City, MO 65102

1.10—Construction permit application _____. A $25.00 filing fee must accompany each application for a construction permit.

1.20—Operating permit application _____. A $75.00 filing fee must accompany each application for an operating permit.

Filing fees must be in the form of check, bank draft, or money order, payable to the State of Missouri. Cash will not be accepted.

2.10—Name of Facility: _____

2.20—Facility Address: _____
Street City State Zip Code

2.30—This facility is now in operation under Missouri Operating Permit Number _____.

2.40—This is a new facility and was constructed under Missouri Construction Permit Number _____.
(Complete only if this facility does not have an operating permit.)

2.50—Owner Name _____ Phone _____

Address _____
Street City State Zip Code

2.60—Operating Authority Name _____

Address _____
Street City State Zip Code

2.70—Facility Contact Name _____ Phone _____

Title _____

2.80—Additional forms necessary to complete this application.

a. For **each** injection or withdrawal well, the following forms must be completed.
   1. Injection Well Permit Application (DGLS Form 3-I).
   2. Well Location Plat (DGLS Form 4-I).
   3. Injection Well Schematic (DGLS Form 11).

b. Water Pollution Control Form UIC-II.

2.90—I certify that I am familiar with the information contained in the application, that to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law, of the Missouri Clean Water Commission.

_____ Date: _____
Applicant's Signature (see instructions)

Form UIC-II—Application For Class V Permit (All Applicants)

Do Not Attempt To Complete This Form Before Reading The Accompanying Instructions

Division of Geology and Land Survey
P.O. Box 250
Rolla, MO 65401

Division of Environmental Quality
P.O. Box 176
Jefferson City, MO 65102

1.00—Name of facility _____

2.00—Brief description of purpose of injection.
(Attach Engineering Report)

2.10—Brief description of facilities to accomplish injection.
(Attach Engineering Report)

2.20 If biological agents are to be introduced in this process, a biological profile and literature research must be submitted with this application.

3.00—Will this process involve a hazardous waste as defined in 10 CSR 25-4.010? _____ Yes _____ No

3.10—Will process result in discharge to surface water? _____ Yes _____ No If yes, an NPDES permit must be obtained.

4.00—Complete data sheets (pages 3—7) for **each** material to be injected subsurface.

I certify that I am familiar with the information contained in the application, that to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law, of the Missouri Clean Water Commisssion.

_____ Date: _____
Applicant's Signature (see instructions)

Sec. 4.00 Data sheets for _____ material to be injected.

Part A— You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each material to be injected.

Pollutant	MAXIMUM DAILY VALUE	
	(1) Concentration	(2) Mass
Biochemical Oxygen Demand (BOD)		
Chemical Oxygen Demand (COD)		
Total Organic Carbon (TOC)		
Total Suspended Solids (TSS)		
Ammonia (asn)		
Flow	VALUE	
Temperature (winter)	VALUE	
Temperature (summer)	VALUE	
pH	MINIMUM	MAXIMUM

Part B— Mark "X" in column "a" for each pollutant you know or have reason to believe is present. Mark "X" in column "b" for each pollutant you believe to be absent. If you mark column "a" for any pollutant, you must provide the results of at least one analysis for that pollutant. Complete one table for each well. See the instructions for additional details and requirements.

1.

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
Bromide (24959-67-9)				
Chlorine Total Residual				
Color				
Fecal Coliform				
Fluoride (16984-48-8)				
Nitrate—Nitrite (as N)				
Nitrogen Total Organic (as N)				
Oil and Grease				
Phosphorus (as P) Total (7723-14-0)				
Radioactivity				
Alpha Total				
Beta Total				
Radium Total				

2.

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
Sulfate (as SO^4) (14808-79-8)				
Sulfide (as S)				
Sulfite (as SO^3) (14265-45-3)				
Surfactants				
Aluminum Total (7429-90-5)				
Barlum Total (7440-39-3)				
Boron Total (7440-48-4)				
Cobalt Total (7440-48-4)				
Iron Total (7439-89-6)				
Magnesium Total (7439-95-4)				
Molybdenum Total (7439-98-7)				
Manganese Total (7439-96-5)				
Tin Total (7440-31-5)				
Titanium Total (7440-32-6)				

3.

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
METALS, CYANIDE, AND TOTAL PHENOLS				
1M. Antimony. Total (7440-36-0)				
2M. Arsenic. Total (7440-38-2)				
3M. Beryllium. Total (7440-41-7)				
4M. Cadmium. Total (7440-43-9)				
5M. Chromium. Total (7440-47-3)				
6M. Copper. Total (7550-50-8)				
7M. Lead. Total (7439-97-6)				
8M. Mercury. Total (7439-97-6)				
9M. Nickel. Total (7440-02-0)				
10M. Selenium. Total (7782-49-2)				
11M. Silver. Total (7440-22-4)				
12M. Thallium. Total (7440-28-0)				
13M. Zinc. Total (7440-66-6)				
14M. Cyanide. Total (57-12-5)				
15M. Phenois. Total				

4.

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
GC/MS FRACTION—VOLATILE COMPOUNDS				
1V. Acrolein (107-02-8)				
2V. Acrylonitrile (107-13-1)				
3V. Benzene (71-43-2)				
4V. Bis (Chloromethyl) Ether (542-88-1)				
5V. Bromoform (75-25-2)				
6V. Carbon Tetrachloride (56-23-5)				
7V. Chlorobenzene (108-90-7)				
8V. Chlorodi bromomethane (124-48-1)				
9V. Chloroethane (75-00-3)				
10V. 2-Chloroethylvinyl Ether (110-75-8)				
11V. Chloroform (67-66-3)				
12V. Dichloro bromomethane (75-27-4)				
13V. Dichlorodifluoromethane (75-71-8)				
14V. 1.1-Dichloroethane (75-34-3)				
15V. 1.2-Dichloroethane (107-06-2)				
16V. 1.1-Dichloroethylene (75-35-4)				
17V. 1.2-Dichloropropane (78-87-5)				
18V. 1.2-Dichloropropylene (542-75-6)				
19V. Ethylbenzene (100-41-4)				
20V. Methyl Bromide (74-83-9)				
21V. Methyl Chloride (74-87-3)				

4. (continued)

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
GC/MS Fraction-Volatile Compounds (continued)				
22V. Methylene. Chloride (75-09-2)				
23V. 1.1.2.2-Tetrachloroethane (79-34-5)				
24V. Tetrachloroethylene (127-18-4)				
25V. Toluene (108-83-3)				
26V. 1.2-Trans-Dichloroethylene (156-60-5)				
27V. 1.1.1-Trichloroethane (71-55-5)				
28V. 1.1.2-Trichloroethane (79-00-5)				
29V. Trichloroethylene (79-01-6)				
30V. Trichlorofluromethane (75-89-4)				
31V. Viynal Chloride (75-01-4)				
5. GC/MS Fraction-Acid Compounds				
1A 2-Chioropheno (95-57-8)				
2A. 2.4-Dichloropheno (120-83-2)				
3A. 2.4-Dimethylpheno (105-67-9)				
4A. 4.6-Dinitro-O-Cresol (534-52-1)				
5A. 2.4-Dinitrophenal (51-28-1)				
6A. 2-witrophenol (100-02-7)				
7A. 4-witrophenol (88-75-5)				
8A.P-Chloro-M-Cresal (59-50-7)				
9A.Pentachlorophenol (87-86-5)				
10A.Phenol (108-95-2)				
11A.2.4.6-Trichlorophenol (88-06-2)				

6.

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
GC/MS Fraction—Base/Neutral Compounds				
1B. Acenaphthene (83-32-9)				
2B. Acenaphtylene (208-96-8)				
3B. Anthracene (120-12-7)				
4B. Benzidine (542-88-1)				
5B. Benzo (a) Anthracene (56-55-3)				
6B. Benzo (a) Pyrene (50-32-8)				
7B. 3.4-Benzofluoranthene (205-99-2)				
8B. Benzo *(ghi)* Perylene (191-24-2)				
9B. Benzo *(k)* Fluoranthene (207-08-9)				
10B. Bis *(2-Chlorethoxy) Methane* (111-91-1)				
11B. Bis *(2-Chloroethyl)* Ether (111-44-4)				
12B. Bis *(2-Chloroisopropyl)* Ether (39638-32-9)				
13B. Bis *(2-Chlorohexyl)* Phthalate (117-81-7)				
14B. 4-Bromophenyl Phenyl Ether (101-55-3)				
15B. Butyl Benzyl Phthalate (85-68-7)				
16B. 2-Chloronaphthalene (91-58-7)				
17B. 4-Chlorophenyl Phenyl Ether (7005-72-3)				
18B. Chrysene (218-01-9)				
19B. Dibenzo *(a.h)* Anthracene (53-70-3)				
20B. 1.2-Dichlorobenzene (95-50-1)				
21B. 1.3-Dichlorobenzene (541-73-1)				

6. (continued)

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
GC/MS Fraction-Base/Neutral Compounds (continued)				
22B. 1.4-Dichlorobenzene (106-94-1)				
23B. 3.3-Dichlorobenzidine (91-94-1)				
24B. Diethyl-Phthalate (84-66-2)				
25B. Dimethyl Phthalate (131-11-3)				
26B. Di-N-Butyl-Phthalate (84-74-2)				
27B. 2.4-Dinitrotoluene (121-14-2)				
28B. 2.6-Dinitrotoluene (606-20-2)				
29B. Di-N-Octyl Phthalate(117-84-0)				
30B. 1.2-Diphenhydrazine (as Azobenzene) (122-66-7)				
31B. Fluoranthere (206-44-0)				
32B.Fluorene (86-73-7)				
33B. Hexachlorobenzene (118-71-1)				
34B. Hexachlorobutadiene (87-68-3)				
35B. Hexachlorocyclopentadiene (77-47-4)				
36B. Hexachloroethane (67-72-1)				
37B. Indeno (1.2.3-c-d) Pyrene (193-39-5)				
38B. Isophorone (78-59-1)				
39B. Naphthalene (91-20-3)				
40B. Bitrobenzene (98-95-3)				
41B. N-Nitrosodisodimethylamine (62-75-9)				
42B. N-Nitrosodi-N-Propylamine (621-64-7)				
43B. N-Nitrosodiphenylamine (86-30-6)				
44B. Phenanthrene (85-01-8)				
45B. Pyrene (129-00-0)				
46B. 1.2.4-Trichlorobenzene (120-82-1)				

7.

Pollutant and Cas No. (if available)	Mark 'X' a. believed present	Mark 'X' b. believed absent	Maximum Daily Value (1) Concentration	Maximum Daily Value (2) Mass
GC/MS Fraction—Pesticides				
1P. Aldrin (309-00-2)				
2P. *a* BHC (319-84-6)				
3P. *B*-BHC (319-85-7)				
4P. γ-BHC (58-89-9)				
5P. δ-BHC (319-86-8)				
6P. Chlordane (57-74-9)				
7P. 4.4-DDT (50-29-3)				
8P. 4.4'-DDE (72-55-9)				
9P. 4.4' DDD (72-54-8)				
10P. Dieldrin (60-57-1)				
11P. *a*-Endosulfan (115-29-7)				
12P. *B*-Endosulfan (115-29-7)				
13P. Endosulfan Sulfate (1031-07-8)				
14P. Endrin (72-20-8)				
15P. Endrin Aldehyde (7421-93-4)				
16P. Heptachlor (76-44-8)				
17P. Heptachlor Epoxide (1024-57-3)				
18P. PCB-1242 (53469-21-9)				
19P. PCB-1254 11097-69-1				
20P. PCB-1221 (11104-28-2)				
21P. PCB-1232 (11141-16-5)				
22P. PCB-1248 (12672-29-6)				
23P. PCB-1260 (11096-82-5)				
24P. PCB-1016 (12674-11-2)				
25P. Toxaphere (8001-35-2)				
8. Dioxin				
2.3.7.8-Tetrachlorodibenzp-P-Dioxin (1764-01-6)				Describe Results

10 CSR 20-6.100 General Pretreatment Regulation

PURPOSE: This rule sets forth procedures to prevent the introduction of pollutants into publicly-owned treatment works which will interfere with the operation of publicly-owned treatment works, including interference with its use or disposal of municipal sludge, to prevent the introduction of pollutants into publicly-owned treatment works which will pass through the treatment works or otherwise be incompatible with these works, and to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by law.

(1) Applicability. This rule applies to—

(A) Pollutants from nondomestic sources covered by pretreatment standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into publicly-owned treatment works (POTWs) as defined in section (2), POTWs which receive wastewater from sources subject to pretreatment standards and any new or existing source subject to pretreatment standards; and

(B) Pretreatment standards do not apply to sources which discharge to a sewer which is not connected to a POTW treatment plant. (Sources that discharge to treatment facilities regulated by the Missouri Public Service Commission are subject to the pretreatment standards and the provisions of this rule.)

(2) Definitions.

(A) Except as discussed in this rule, the general definitions, abbreviations and methods of analysis set forth in section 644.016, RSMo and 10 CSR 20-2.010 shall apply to this rule.

(B) The term Act means Federal Water Pollution Control Act, also known as the Clean Water Act 33 U.S.C. 1251.

(C) The term approved POTW pretreatment program, program or POTW pretreatment program means a program administered by a POTW that meets the criteria established in sections (7) and (8) and which has been approved by the director in accordance with section (9) of this rule.

(D) The term director means the executive secretary of the Missouri Clean Water Commission or that person's delegated representative.

(E) The term indirect discharge or discharge means the introduction of pollutants into a POTW from any nondomestic source regulated under the Missouri Clean Water Law.

(F) The term industrial user or user means a source of indirect discharge.

(G) The term interference means a discharge which, alone or in conjunction with a discharge(s) from other sources—

1. Both inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

2. Therefore is a cause of a violation of any requirement of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and corresponding regulations or permits issued under the law or regulations (or more stringent local laws): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act and the Toxic Substances Control Act.

(H) The term national pretreatment standard, pretreatment standard or standard means any regulation containing pollutant discharge limits promulgated by the Missouri Clean Water Commission in accordance with section 644.026(16), RSMo, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section (4) of this rule.

(I) New Source.

1. The term new source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that—

A. The building, structure or facility or installation is constructed at a site at which no other source is located; or

B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

C. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(I) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraph (2)(I)1.B. or (2)(I)1.C. of this rule but otherwise alters, replaces, or adds to existing process or production equipment.

(II) Construction of a new source as defined under this part has commenced if the owner or operator has—

(a) Begun, or caused to begin as part of a continuous on-site construction program—

I. Any placement, assembly, or installation of facilities or equipment;

II. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

III. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this item.

(J) The term pass–through means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge(s) from other sources, is a cause of a violation of any requirement of the POTWs NPDES permit (including an increase in the magnitude or duration of a violation).

(K) The term POTW treatment plant means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(L) The term pretreatment means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or

otherwise introducing the pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by subsection (5)(D). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with subsection (5)(E).

(M) The term pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(N) The term regional administrator means the appropriate Environmental Protection Agency (EPA) Regional Administrator.

(O) The term submission means a request by a POTW for approval of a pretreatment program to the director, or a request by a POTW to the director for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals.

(P) Significant Industrial User.

1. Except as provided in paragraph (2)(P)2. of this rule, the term significant industrial user means—

A. All industrial users subject to categorical pretreatment standards under section (5) and 40 CFR chapter I, subchapter N; and

B. Any other industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of a POTW treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; and

2. Upon a finding that an industrial user meeting the criteria in subparagraph (2)(P)1.B. of this rule has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with paragraph (7)(E)6., determine that such industrial user is not a significant industrial user.

(3) Local Law. Nothing in this rule is intended to affect any pretreatment requirements, including any standards or prohibitions, established by local law as long as the local requirements are not less stringent than any set forth in pretreatment standards or any other requirements or prohibitions established under the Missouri Clean Water Law or this rule.

(4) Pretreatment Standards.

(A) Prohibited Discharges.

1. General prohibitions. A user may not introduce into a POTW any pollutant(s) which cause pass-through or interference. The general prohibitions and the specific prohibitions in subsection (4)(B) of this rule apply to each user introducing pollutants into a POTW whether or not the user is subject to other pretreatment standards or any national or local pretreatment requirements.

2. Affirmative defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (4)(A)1. of this rule and the specific prohibitions in paragraphs (4)(B)3.–5. of this rule where the user can demonstrate that—

A. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge(s) from other sources, would cause pass-through or interference; and

B. A local limit designed to prevent pass-through, interference or both was developed in accordance with subsection (4)(C) of this rule for each pollutant in the user's discharge that caused pass-through or interference and the user was in compliance with each local limit directly prior to and during the pass-through or interference; or

C. If a local limit designed to prevent pass-through, interference or both has not been developed in accordance with subsection (4)(C) of this rule for the pollutant(s) that caused the pass-through or interference, the user's discharge directly prior to and during the pass-through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

(B) Specific Prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 10 CSR 25-4.261;

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate the discharges;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

4. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty degrees Celsius (40°C);

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;

7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in such quantities that may cause acute worker health and safety problems; and

8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(C) When Specific Limits Shall Be Developed by POTW.

1. Each POTW developing a POTW pretreatment program pursuant to section (7) shall develop and enforce specific limits to implement the prohibitions listed in paragraph (4)(A)1. and subsection (4)(B) of this rule.

2. All other POTWs, in cases where pollutants contributed by the user(s) shall result in interference or pass-through, and the violation is likely to recur, develop and enforce specific effluent limits for the industrial user(s), and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.

3. Specific limits shall be developed by the control authority (as defined in subsection (10)(A)) for any temporary discharge of wastewaters resulting from the cleanup or closure of a hazardous waste site under the authority of the Missouri Hazardous Waste Management Law, the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or the Toxic Substances Control Act (TSCA).

4. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested the notice and an opportunity to respond.

(D) Local Limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with subsection (4)(C), these limits shall be deemed pretreatment standards for the purposes of the Missouri Clean Water Law.

(E) State Enforcement Actions. If, within thirty (30) days after notice of an interference or pass-through violation has been sent by the state to the POTW and to persons or groups who have requested the notice, the POTW fails to commence appropriate enforcement action to correct the violation, the state may take appropriate enforcement action.

(5) Pretreatment Standards.

(A) Categorical Standards. Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N as revised on July 1, 1995. These standards, unless specifically noted otherwise, shall be in addition to the general prohibitions established in section (4) of this rule and are incorporated by reference.

(B) Category Determination Request.

1. Request deadline. Within sixty (60) days after the effective date of a pretreatment standard for a subcategory under which an industrial user may be included, the industrial user or POTW may request that the director provide written certification on whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user shall request this certification prior to commencing discharge from the added or changed processes or operation. A new source shall request this certification prior to commencing discharge. Where a request for certification is submitted by a POTW, the POTW shall notify any affected industrial user of this submission. Within thirty (30) days of notification, the industrial user may provide written comments on the POTW submission to the director.

2. Contents of request. Each request shall contain a statement—

A. Describing which subcategories might be applicable; and

B. Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this section shall make the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

3. Deficient requests. The director will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the director that their requests are deficient and, unless the time period is extended, will be given thirty (30) days to correct the deficiency. If the deficiency is not corrected within thirty (30) days or within an extended period allowed by the director, the request for a determination shall be denied.

4. Final decision.

A. When the director receives a submittal, s/he, after determining that it contains all of the information required by paragraph (5)(B)2., will consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The director will then make a written determination of the applicable subcategory and state the reasons for the determination.

B. The director shall send a copy of the determination to the affected industrial user and the POTW.

5. Requests for hearing, legal decision or both. Within thirty (30) days following the date of receipt of notice of the final determination as provided for by subparagraph (5)(B)4.B. of this rule, the requester may submit a petition to reconsider or contest the decision to the Missouri Clean Water Commission in accordance with procedures contained in the Missouri Clean Water Law.

(C) Deadline for Compliance With Categorical Standards. Compliance by existing sources with categorical pretreatment standards shall be within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter I, subchapter N as revised on July 1, 1995. Direct dischargers with NPDES permits modified or reissued to provide a variance pursuant to section 644.061, RSMo shall be required to meet compliance dates set forth in any applicable categorical pretreatment standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in subsection (2)(K). New sources shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed ninety (90) days), new sources must meet all applicable pretreatment standards.

(D) Concentration and Mass Limits.

1. Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local or state authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the standard, or as otherwise specified by the standard.

2. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

3. A control authority calculating equivalent mass-per-day limitations under paragraph (5)(D)2. of this rule shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. The average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's

actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

4. A control authority calculating equivalent concentration limitations under paragraph (5)(D)2. of this rule shall calculate such limitations by dividing the mass limitations derived under paragraph (5)(D)3. of this rule by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

5. Equivalent limitations calculated in accordance with paragraphs (5)(D)3. and 4. of this rule shall be deemed pretreatment standards for the purposes of section 307(d) of the Act and this section. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

6. Many categorical pretreatment standards specify one (1) limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4)-day average limitations. Where such standards are being applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.

7. Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change shall be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(E) Dilution Prohibited as Substitute for Treatment. Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard or requirement. The control authority (as defined in subsection (10)(A)) may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate.

(F) Combined Wastestream Formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority, as defined in subsection (10)(A), or by the industrial user with the written concurrence of the control authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical pretreatment standard(s) and an alternative consecutive sampling day average value using the average monthly value(s) specified in the appropriate categorical pretreatment standard(s). The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate, new alternative categorical limits shall be calculated within thirty (30) days.

1. Alternative limit calculation. For purposes of these formulas, the average daily flow means a reasonable measure of the daily flow for a thirty (30)-day period. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant will be derived by the use of either of the following formulas:

Alternative Concentration Limit:

$$C_T = \left(\frac{\sum_{i=1}^{N} C_i F_i}{\sum_{i=1}^{N} F_i} \right) \left(\frac{F_T - F_D}{F_T} \right)$$

where

C_T = the alternative concentration limit for the combined wastestream;

C_i = the categorical pretreatment standard concentration limit for a pollutant in the regulated stream i;

F_i = the average daily flow (at least a thirty (30)-day average) of stream i to the extent that it is regulated for such pollutant.

F_D = the average daily flow (at least a thirty (30)-day average) from:

A. Boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial users regulated process wastestream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the control authority, the industrial user must provide engineering, production, sampling and analysis and such other information so that the control authority can make its determination; or

B. Sanitary wastestreams where these streams are not regulated by a categorical pretreatment standard; or

C. From any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards for one (1) or more of the following reasons (see Appendix D of 40 CFR part 403):

(I) The pollutants of concern are not detectable in the effluent from the industrial user;

(II) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;

(III) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the administrator; or

(IV) The wastestream contains only pollutants which are compatible with the POTW;

F_T = the average daily flow (at least a thirty (30)-day average) through the combined treatment facility (includes F_i, F_D and unregulated streams); and

N = the total number of regulated streams.

Alternative Mass Limit:

$$M_T = \left(\sum_{i=1}^{N} M_I \right) \left(\frac{F_T - F_D}{\frac{N}{\sum i}} \right)$$

where

M_T = the alternative mass limit for a pollutant in the combined wastestream;

M_i = the categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production);

F_i = the average flow (at least a thirty (30)-day average) of stream i to the extent that it is regulated for such pollutant;

F_D = the average daily flow (at least a thirty (30)-day average)—

A. From boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial users regulated process wastestream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the control authority, the industrial user must provide engineering, production, sampling and analysis and such other information so that the control authority can make its determination; or

B. Sanitary wastestreams where such streams are not regulated by a categorical pretreatment standard; or

C. From any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards for one (1) or more of the following reasons (see Appendix D of 40 CFR part 403):

(I) The pollutants of concern are not detectable in the effluent from the industrial user;

(II) The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;

(III) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the administrator; or

(IV) The wastestream contains only pollutants which are compatible with the POTW;

F_T = the average flow (at least a thirty (30)-day average) through the combined treatment facility (includes F_i, F_D and unregulated streams); and

N = the total number of regulated streams.

2. Alternate limits below detection limit. An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants. If a calculated limit is below the detection limit, the control authority must require the regulated process wastestream to be segregated or appropriate flow reductions to be implemented to allow detection.

3. Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of subsection (10)(G) of this regulation.

4. Choice of monitoring location. Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process wastestream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring point(s) shall not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

(6) *Reserved*.

(7) POTW Pretreatment Programs.

(A) POTWs Required to Develop a Pretreatment Program. Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than five million gallons per day (5 mgd) and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to pretreatment standards shall be required to establish a POTW pretreatment program unless the state exercises its option to assume local responsibilities as provided for in 40 CFR 403.10(e). The director may require that a POTW with a design flow of five (5) mgd or less develop a POTW pretreatment program if s/he finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference with the POTW or pass-through.

(B) Incorporation of Approved Programs in Permits. The POTW's NPDES permit will be reissued or modified by the state to incorporate the approved program conditions as enforceable conditions of the permit. The modification of a POTW's NPDES permit for the purposes of incorporating a POTW pretreatment program approved in accordance with the procedures in section (9) shall be deemed a minor permit modification.

(C) Incorporation of Compliance Schedules in Permits. If the POTW does not have an approved pretreatment program at the time the POTW's existing permit is reissued or modified, the reissued or modified permit will contain the shortest reasonable compliance schedule for the approval of the legal authority, procedures and funding required by subsection (7)(E).

(D) Cause for Reissuance or Modification of Permits. Under the authority of section 644.026(13), RSMo, the director may modify, or alternatively, revoke and reissue a POTW's permit in order to—

1. Put the POTW on a compliance schedule for the development of POTW pretreatment program where the addition of pollutants into the POTW by an industrial user or combination of industrial users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health or the environment;

2. Coordinate the issuance of a section 201 construction grant with the incorporation into the permit of a compliance schedule for POTW pretreatment program;

3. Incorporate a modification of the permit approved under 10 CSR 20-6.010;

4. Incorporate an approved POTW pretreatment program in the POTW permit; or

5. Incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit.

(E) POTW Pretreatment Program Requirements. A POTW pretreatment program shall meet the following requirements:

1. Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307(b) and (c) and 402(b)(8) of the Act. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by state law. At a minimum, this legal authority shall enable the POTW to—

A. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such

contributions would cause the POTW to exceed its NPDES permit limits;

B. Require compliance with applicable pretreatment standards and requirements by industrial users;

C. Control, through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under subsection (3)(P), this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms shall be enforceable and contain, at a minimum, the following conditions:

(I) Statement of duration (in no case more than five (5) years);

(II) Statement of nontransferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

(III) Effluent limits based on applicable general pretreatment standards in section (4) of this rule, categorical pretreatment standards, local limits, and state and local law;

(IV) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law; and

(V) Statement of applicable civil and criminal penalties for any violation of pretreatment standards and requirements, and any applicable compliance schedule;

D. Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements and the submission of all notices and self-monitoring reports from industrial users as is necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited to, the reports required in section (10);

E. Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under subsection (10)(M) to assure compliance with pretreatment standards. This authority shall be at least as extensive as the authority provided under section 308 of the Act;

F. Obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement. All POTWs shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of one thousand dollars ($1,000) a day for each violation by industrial users of pretreatment standards and requirements unless otherwise limited by state law.

(I) Pretreatment requirements which will be enforced through the remedies set forth in subsection (7)(F) of this rule shall include, but not be limited to, the duty to allow or carry out inspections, entry or monitoring activities; any rules or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The director shall have authority to seek judicial relief pursuant to section 644.076, RSMo for noncompliance by industrial users when the POTW has failed to act or has acted to seek such relief but has sought judicial relief which the director finds to be insufficient. The procedures for notice to dischargers where the POTW is seeking *ex parte* temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision; and

G. Comply with the confidentiality requirements set forth in section (12);

2. Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to—

A. Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this paragraph shall be made available to the director upon request;

B. Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subparagraph (7)(E)2.A. This information shall be made available to the director upon request;

C. Notify industrial users identified under subparagraph (7)(E)2.A. of applicable pretreatment standards and any applicable requirements under the Missouri Hazardous Waste Management Law. Within thirty (30) days of approval, pursuant to paragraph (7)(E)6. of this rule, of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result.

D. Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in section (10);

E. Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two (2) years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge. The results of these activities shall be made available to the director upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following:

(I) Description of discharge practices, including nonroutine batch discharges;

(II) Description of stored chemicals;

(III) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under subsection (4)(B) of this rule with procedures for follow-up written notification within five (5) days; and

(IV) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and

equipment necessary for emergency response;

F. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in reports and notices required under section (10), or indicated by analysis, inspection and surveillance activities described in subparagraph (7)(E)2.E. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

G. Comply with the public participation requirements of 40 CFR part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annually providing public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one(1) or more of the following criteria:

(I) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6)-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(II) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6)-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(III) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(IV) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under part (7)(E)1.F.(II) of this rule to halt or prevent such a discharge;

(V) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(VI) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(VII) Failure to accurately report noncompliance; and

(VIII) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program;

3. Funding. The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in paragraphs (7)(E)1. and 2. In some limited circumstances, funding and personnel may be delayed where—

A. The POTW has adequate legal authority and procedures to carry out the pretreatment program requirements described in this section; and

B. A limited aspect of the program does not need to be implemented immediately (see subsection (8)(B)).

4. Local limits. The POTW shall develop local limits as required in paragraph (7)(C)1. of this rule or demonstrate that they are not necessary;

5. The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum—

A. Describe how the POTW will investigate instances of noncompliance;

B. Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

C. Identify (by title) the official(s) responsible for each type of response; and

D. Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in paragraphs (7)(E)1. and 2. of this rule; and

6. The POTW shall prepare a list of its industrial users meeting the criteria in paragraph (2)(P)1. The list shall identify the criteria in paragraph (2)(P)1. applicable to each industrial user and, for industrial users meeting the criteria in paragraph (2)(P)2., shall also indicate whether the POTW has made a determination pursuant to paragraph (2)(P)2. that such industrial user should not be considered a significant industrial user. This list, and any subsequent modifications thereto, shall be submitted to the director as a nonsubstantial program modification pursuant to paragraph (16)(B)2. Discretionary designations or redesignation by the control authority shall be deemed to be approved by the director ninety (90) days after submission of the list or modifications thereto, unless the director determines that the modification is in fact a substantial modification.

(F) Tributary POTWs With Pretreatment Programs. When one (1) POTW contributes wastewater to the treatment facilities of another POTW and both have approved pretreatment programs, the tributary POTW shall be responsible for fulfilling all requirements contained in subsection (7)(E) of this rule within its jurisdiction. The receiving POTW shall be responsible for setting local limits at the point(s) of connection. The tributary POTW shall take the necessary steps to ensure that the limits established by the receiving POTW will be met and that industries meet categorical limitations. On an annual basis, the tributary POTW shall provide the receiving POTW technical information gathered during program implementation for any indirect discharges contributing wastewater to the receiving POTW. The content of the annual report and operating agreements shall be contained in a formal agreement between the POTWs. These formal agreements shall be adopted within nine (9) months (March 13, 1989) of the effective date of this regulation (June 13, 1988) and fully effective within one (1) year (June 13, 1989) of the effective date (June 13, 1988) for previously approved programs and at the time of approval for any new pretreatment programs.

(8) POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards.

(A) Approval Request. A POTW requesting approval of a POTW pretreatment program shall develop a program description which includes the information set forth in paragraphs (8)(B)1.–4. of this rule. This description shall be submitted to the director who will make a determination on the request for program approval in accordance with the procedures described in section (9).

(B) Contents of POTW Program Submission. The program description must contain the following information:

1. A statement from the city solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the

POTW has authority adequate to carry out the programs described in section (7). This statement shall identify—

A. The provision of the legal authority under paragraph (7)(E)1. which provides the basis for each procedure under paragraph (7)(E)2.;

B. The manner in which the POTW will implement the program requirements set forth in section (7), including the means by which pretreatment standards will be applied to individual industrial users (by order, permit, ordinance, etc.); and

C. How the POTW intends to ensure compliance with pretreatment standards and requirements and to enforce them in the event of noncompliance by industrial users;

2. A copy of any statutes, ordinances, regulations, agreements or other authorities relied upon by the POTW for its administration of the program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising, and/or funding the POTW pretreatment program if approved;

3. A brief description (including organization charts) of the POTW organization which will administer the pretreatment program. If more than one (1) agency is responsible for administration of the program, the responsible agencies should be identified, their respective responsibilities delineated and their procedures for coordination set forth;

4. A description of the funding levels and full- and part-time personnel available to implement the program; and

5. Written policies and procedures for implementing those activities described in paragraph (7)(E)2.

(C) Conditional POTW Program Approval. The POTW may request conditional approval of the pretreatment program pending the acquisition of funding and personnel for certain elements of the program. The request for conditional approval shall meet the requirements set forth in subsection (8)(B) of this rule except that the requirements may be relaxed if the submission demonstrates that—

1. A limited aspect of the program does not need to be implemented immediately;

2. The POTW has adequate legal authority and procedures to carry out those aspects of the program which will not be implemented immediately; and

3. Funding and personnel for the program aspects to be implemented at a later date will be available when needed. The POTW shall describe in the submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the director will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW pretreatment program may be modified or withdrawn.

(D) Director's Action. Any POTW requesting POTW pretreatment program approval shall submit to the director three (3) copies of the submission described in subsection (8)(B) of this rule. Upon a preliminary determination that the submission meets the requirements of subsection (8)(B) of this rule, the director will—

1. Notify the POTW that the submission has been received and is under review; and

2. Commence the public notice and evaluation procedures set forth in section (10).

(E) Notification Where Submission is Defective. If, after review of the submission as provided for in subsection (8)(D) of this rule, the director determines that the submission does not comply with the requirements of subsection (8)(B) or (C) of this rule, the director shall provide notice in writing to the applying POTW and each person who has requested individual notice. This notification shall identify any defects in the submission and advise the POTW and each person who has requested individual notice of the means by which the POTW can comply with the applicable requirements of subsection (8)(B) or (C) of this rule.

(F) Consistency With Water Quality Management Plans.

1. In order to be approved, the POTW pretreatment program shall be consistent with any approved water quality management plan developed in accordance with 40 CFR 130 and 131 where the 208 plan includes management agency designations and addresses pretreatment in a manner consistent with 40 CFR 403. In order to assure consistency the director shall solicit the review and comment of the appropriate 208 planning agency during the public comment period provided for in subparagraph (9)(B)1.B. prior to approval or disapproval of the program.

2. Where no 208 plan has been approved or where a plan has been approved but lacks management agency designations does not address pretreatment in a manner consistent with this regulation or both, the director nevertheless shall solicit the review and comment of the appropriate 208 planning agency.

(9) Approval Procedures for POTW Pretreatment Programs. The following procedures shall be adopted in approving or denying requests for approval of POTW pretreatment programs:

(A) Deadline for Review of Submission. The director will have ninety (90) days from the date of public notice of any submission complying with requirements of subsection (8)(B) to review the submission. The director will review the submission to determine compliance with the requirements of subsections (7)(B) and (F). The director may have up to an additional ninety (90) days to complete the evaluation of the submission if the public comment period provided for in subparagraph (9)(B)1.B. of this rule is extended beyond thirty (30) days or if a public hearing is held as provided for in paragraph (9)(B)2. of this rule. In no event, however, shall the time for evaluation of the submission exceed a total of one hundred eighty (180) days from the date of public notice of a submission meeting the requirements of subsection (8)(B);

(B) Public Notice and Opportunity for Hearing. Upon receipt of a submission the director shall commence its review. Within five (5) days after making a determination that a submission meets the requirements of subsection (8)(B), the director shall—

1. Issue a public notice of request for approval of the submission.

A. The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include mailing notices of the request for approval of the submission to designated 208 planning agencies, federal and state fish and wildlife resource agencies and to any other person or group who has requested individual notice, including those on appropriate mailing lists.

B. The public notice shall provide a period of not less than thirty (30) days following the date of the public notice during which time interested persons may submit their written views on the submission.

C. All written comments submitted during the thirty (30)-day comment period will be retained by the director and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the director.

D. The POTW shall be required to publish a notice of the submission of the request for approval in the largest daily newspaper within the jurisdiction(s) served by the POTW; and

2. The director shall provide an opportunity for the applicant, any affected state, any interested state or federal agency, person or group of persons to request a public hearing with respect to the submission.

A. This request for public hearing shall be filed within the thirty (30)-day (or

extended) comment period described in subparagraph (8)(B)1.B. of this rule and shall indicate the interest of the person filing a request and the reasons why a hearing is warranted.

B. The director shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved.

C. Public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the submission under subparagraph (8)(B)1.A. of this rule. In addition, notice of the hearing shall be sent to those persons requesting individual notice;

(C) Director's Decision. At the end of the thirty (30)-day (or extended) comment period and within the ninety (90)-day (or extended) period provided for in subsection (8)(A) of this rule, the director shall approve or deny the submission based upon the evaluation in subsection (8)(A) of this rule and taking into consideration comments submitted during the comment period and the record of the public hearing, if held. Where the director makes a determination to deny the request, the director shall so notify the POTW and each person who has requested individual notice. This notification shall include suggested modifications and the director may allow the requester additional time to bring the submission into compliance with applicable requirements;

(D) EPA Objection to Director's Decision. No POTW pretreatment program shall be approved by the director if following the thirty (30)-day (or extended) evaluation period provided for in subparagraph (8)(B)1.B. of this rule and any hearing held pursuant to paragraph (8)(B)2. of this rule the regional administrator sets forth in writing objections to the approval of such objections. A copy of the regional administrator's objections shall be provided to the applicant and each person who has requested individual notice. Unless retracted, the regional administrator's objections shall constitute a final ruling denying approval of a POTW pretreatment program ninety (90) days after the date the objections are issued;

(E) Public Access to Submission. The director shall ensure that the submission, and any comments upon such submission, are available to the public for inspection and copying; and

(F) Notice of Decision. The director shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the submission. In addition, the director shall cause to be published a notice of approval of the submission. In addition, the director shall cause to be published a notice of approval or disapproval in the same newspapers as the original notice of request for approval of the submission was published.

(10) Reporting Requirements for POTWs and Industrial Users.

(A) Definition. The term control authority as it is used in this section refers to—

1. The POTW if the POTW's submission for its pretreatment program, paragraph (2)(S)1., has been approved in accordance with the requirements of section (9); or

2. The director if the submission has not yet been approved or if a submission has not been required.

(B) Reporting Requirement for Industrial Users Upon Effective Date of Categorical Pretreatment Standard—Baseline Report. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under paragraph (5)(A)4., whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in paragraphs (10)(B)1.–7. Where reports containing this information already have been submitted to the director or regional administrator in compliance with the requirements of 40 CFR 128.140(b), the industrial user will not be required to submit this information again. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in paragraphs (10)(B)1.–5. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall provide estimates of the information requested in paragraphs (10)(B)4. and 5. of this rule.

1. Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;

2. Permits. The user shall submit a list of any environmental control permits held by or for the facility;

3. Description of operations. The user shall submit a brief description of the nature, average rate of production and standard industrial classification of the operation(s) carried out by the industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

4. Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day (gpd), to the POTW from each of the following:

A. Regulated process streams; and

B. Other streams as necessary to allow use of the combined wastestream formula of subsection (5)(E). The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations;

5. Measurement of pollutants.

A. The user shall identify the pretreatment standards applicable to each regulated process.

B. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

C. A minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, twenty-four (24)-hour composite samples shall be obtained through flow-proportional composite sampling techniques, where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged;

D. The user shall take a minimum of one (1) representative sample to compile the data necessary to comply with the requirements of this paragraph;

E. Samples should be taken immediately downstream from pretreatment facilities if they exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with

the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of subsection (5)(E) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with subsection (5)(E), this adjusted limit along with supporting data shall be submitted to the control authority.

F. Sampling and analysis shall be performed in accordance with the techniques prescribed in 10 CSR 20-7.015(9)(A). Where 10 CSR 20-7.015(9)(A) does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that these sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the director.

G. The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

H. The baseline report shall indicate the time, date and place, of sampling and methods of analysis, and shall certify that sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;

6. Certification. A statement, reviewed by an authorized representative of the industrial user, as defined in subsection (10)(K) of this rule and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M), additional pretreatment or both is required for the industrial user to meet the pretreatment standards and requirements; and

7. Compliance schedule. If additional pretreatment, O and M, or both, will be required to meet the pretreatment standards; the shortest schedule by which the industrial user can provide additional pretreatment, O and M, or both must be included. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

A. Where the industrial user's categorical pretreatment standard has been modified by the combined wastestream formula, subsection (5)(E), a fundamentally different factors variance, section (11), or both, at the time the user submits the report required by subsection (10)(B) of this rule, the information required by paragraphs (10)(B)6. and 7. of this rule shall pertain to the modified limits.

B. If the categorical pretreatment standard is modified by the combined wastestream formula, subsection (5)(E), a fundamentally different factors variance, section (11), or both, after the user submits the report required by subsection (10)(B) of this rule, any necessary amendments to the information requested by paragraphs (10)(B)6. and 7. of this rule shall be submitted by the user to the control authority within sixty (60) days after the modified limit is approved.

(C) Compliance Schedule for Meeting Categorical Pretreatment Standards. The following conditions shall apply to the schedule required by paragraph (10)(B)7. of this rule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction);

2. No increment referred to in paragraph (10)(C)1. of this rule shall exceed nine (9) months; and

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on this date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between progress reports to the control authority.

(D) Report on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in paragraphs (10)(B)4.– 6. of this rule. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in section (5), the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period.

(E) Periodic Reports on Continued Compliance.

1. Any industrial user subject to a categorical pretreatment standard, after the compliance date of this pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by these categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in paragraph (10)(B)4. of this rule except that the control authority may require more detailed reporting of flows. Where the applicable pretreatment standard contains limitations based upon the rate of production, the user shall also supply the necessary production information to demonstrate compliance. At the discretion of the control authority and in consideration of these factors as local high or low flow rates, holidays, budget cycles, the control authority may agree to alter the months during which these reports are to be submitted.

2. Where the control authority has imposed mass limitations on industrial users as provided for by subsection (5)(D), the report required by paragraph (10)(E)1. of this rule shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

3. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection (5)(D) of this rule, the report required by paragraph (5)(E)1. of this rule shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (5)(E)1. of this rule shall include the user's actual average production rate for the reporting period.

(F) Notice of Potential Problems, Including Slug Loading. All categorical and noncategorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by subsection (5)(D) by the industrial user.

(G) Monitoring and Analysis to Demonstrate Continued Compliance. The reports required in paragraph (10)(B)5., and subsections (10)(D) and (E) of this rule shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards.

1. The sampling and analysis may be performed by the control authority in lieu of the industrial user. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under subsection (10)(D) of this rule. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

2. If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within thirty (30) days after becoming aware of the violation, except the industrial user is not required to resample if—

A. The control authority performs sampling at the industrial user at a frequency of at least once per month; or

B. The control authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

3. The reports required in subsection (10)(E) of this rule shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The control authority shall require the frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

4. All analyses shall be performed in accordance with procedures established by the director and contained in 10 CSR 20-7.015(9)(A), or with any other test procedures approved by the director. Sampling shall be performed in accordance with the techniques approved by the director. Where 10 CSR 20-7.015(9)(A) does not include sampling or analytical techniques for the pollutants in question, or where the director determines that these sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the director.

5. If an industrial user subject to the reporting requirement in subsection (10)(E) of this rule monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in paragraph (10)(G)4. of this rule, the results of this monitoring shall be included in the report.

(H) Reporting requirements for industrial users not subject to categorical pretreatment standards. The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users shall submit to the control authority at least once every six (6) months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report and performed in accordance with the techniques described in 10 CSR 20-7.015(5)(B). Where 10 CSR 20-7.015(5)(B) does not contain sampling or analytical techniques for the pollutant in question, or where the director determines that these sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the director. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user. Where the POTW itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.

(I) Annual POTW Reports. POTWs with approved pretreatment programs shall provide the director with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one (1) jurisdiction is involved in the local program. The report required by this section shall be submitted no later than one (1) year after approval of the POTW's pretreatment program, and at least annually thereafter, and shall include, at a minimum, the following:

1. An updated list of the POTW's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list shall indicate which industrial users are subject to local standards that are more stringent than the categorical pretreatment standards. The POTW shall also list the industrial users that are subject only to local requirements;

2. A summary of the status of industrial user compliance over the reporting period;

3. A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period; and

4. Any other relevant information requested by the director.

(J) Notification of Changed Discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(K) Compliance Schedule for POTW's. The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW pretreatment program required by section (7):

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (acquiring required authorities, developing funding mechanisms, acquiring equipment);

2. No increment referred to in paragraph (10)(K)1. of this rule shall exceed nine (9) months; and

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on this date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine (9)

months elapse between these progress reports to the director.

(L) Signatory Requirements for Industrial User Reports. The reports required by subsections(10)(B), (D) and (E) of this rule shall be signed by an authorized representative of the industrial user and shall include the certification statement contained in subparagraph (5)(B)2.B. of this rule. An authorized representative may be—

1. A responsible corporate officer, if the industrial user submitting the reports required by subsections (10)(B), (D) and (E) of this rule is a corporation. For the purpose of this paragraph, a responsible corporate officer means—

A. A president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

B. The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manger in accordance with corporate procedures;

2. A general partner or proprietor if the industrial user submitting the report required by subsections (10)(B), (D) and (E) of this rule is a partnership or sole proprietorship respectively;

3. A duly authorized representative of the individual designated in paragraph (10)(L)1. or 2. of this rule if—

A. The authorization is made in writing by the individual described in paragraph (10)(L)1. or 2. of this rule;

B. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

C. The written authorization is submitted to the control authority; or

4. If an authorization under paragraph (10)(L)3. of this rule is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (10)(L)3. of this rule shall be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

(M) Signatory Requirements for POTW Reports. Reports submitted to the director by the POTW in accordance with subsection (10)(H) of this rule shall be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the POTW.

(N) Provisions Governing Fraud and False Statements. The reports required by subsections (10)(B), (D), (E) and (H) of this rule are subject to—

1. The provisions of 18 U.S.C. 1001 relating to fraud and false statements;

2. The provisions of section 309(c)(4) of the Act, governing false statements, representations or certifications; and

3. The provisions of section 390(c)(6) regarding responsible corporate officers.

(O) Recordkeeping Requirements.

1. Any industrial user and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section. These records shall include for all samples:

A. The date, exact place, method and time of sampling and the names of the person(s) taking the samples;

B. The dates analyses were performed;

C. Who performed the analyses;

D. The analytical techniques/methods used; and

E. The results of the analyses.

2. Any industrial user or POTW subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years any records of monitoring activities and results (whether or not the monitoring activities are required by this section) and shall make these records available for inspection and copying by the director (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the director.

3. Any POTW to which reports are submitted by an industrial user pursuant to subsections (10)(B), (D), (E) and (H) of this rule shall retain these reports for a minimum of three (3) years and shall make such reports available for inspection and copying by the director. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the director.

(P) Inactive POTW Pretreatment Programs. If the director determines that the conditions under which a POTW was required to establish a pretreatment program (subsection (7)(A)) do not currently exist, the director may place the program on inactive status if requested to do so by the POTW. While on inactive status, the POTW will be exempted from the reporting requirements contained in this rule expect that certification must be made to the director as required that current conditions do not warrant a return to active program status.

(Q) Pretreatment Authorizations. Where the director is also the control authority, s/he may issue a pretreatment authorization to an industrial user. This authorization will be used to set forth the conditions governing the user's discharge to the POTW.

(11) Variances From Categorical Pretreatment Standards for Fundamentally Different Factors.

(A) Definition. The term requester means an industrial user or a POTW or other interested person seeking a variance from the limits specified in a categorical pretreatment standard.

(B) Purpose and Scope. In some cases, information which may affect the categorical pretreatment standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical pretreatment standards, making them either more or less stringent, as they apply to a certain industrial user within an industrial category or subcategory. This will only be done if data specific to that industrial user indicates present factors fundamentally different from those considered by EPA in developing the limit at issue. Any interested person believing that factors relating to an industrial user are fundamentally different from the factors considered during development of a categorical pretreatment standard applicable to that user and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard, may request a fundamentally different factors variance under this section or this variance request may be initiated by the director.

(C) Submissions. All requests for variances shall be made in writing to the director and shall contain all information required by 40 CFR 403.13(h). The director shall forward all requests to the regional administrator for a determination as to whether or not fundamentally different factors do exist.

(D) Notification. Upon receipt of the regional administrator's determination, the director shall notify the requester that a variance has either been granted or denied.

(12) Confidentiality.

(A) Authorities. Any claim for confidentiality to the control authority must be in accordance with sections 610.010–610.028, RSMo. If no claim is made at the time of submission, the control authority may make the information available to the public without further notice.

(B) Effluent Data. Information and data provided to the control authority pursuant to this part which is effluent data shall be available to the public without restriction.

(13) Net/Gross Calculation. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in accordance with this section.

(A) Application Deadline and Contents. Any industrial user wishing to obtain a credit for intake pollutants shall make application to the control authority. Upon request of the industrial user, the applicable standard will be calculated on a net basis, that is, adjusted to reflect credit for pollutants in the intake water, if the requirements of subsections (13)(B) and (C) of this rule are met.

(B) Criteria.

1. The industrial user shall demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

2. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

3. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

4. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The control authority may waive this requirement if it finds that no environmental degradation will result.

(C) Applicable categorical pretreatment standards shall be applied on a net basis.

(14) Upset Provision.

(A) Definition. For the purposes of this section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(B) Effect of an Upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (14)(C) are met.

(C) Conditions Necessary for a Demonstration of Upset. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that—

1. An upset occurred and the industrial user can identify the specific cause(s) of the upset;

2. The facility was at the time being operated in a prudent and professional manner and in compliance with applicable operation and maintenance procedures; and

3. The industrial user has submitted the following information to the POTW and control authority within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission shall be provided within five (5) days):

A. A description of the indirect discharge and cause of noncompliance;

B. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

C. Steps being taken, planned to reduce, or both, eliminate and prevent recurrence of the noncompliance.

(D) Burden of Proof. In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) User Responsibility in Case of Upset. The industrial user shall control production on all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(15) Bypass.

(A) Definitions.

1. Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(B) Bypass Not Violating Applicable Pretreatment Standards or Requirements.

1. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (15)(C) and (D) of this rule.

(C) Notice.

1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible, at least ten (10) days before the date of the bypass.

2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within twenty-four (24) hours from the time the industrial user becomes aware of the bypass or should have become aware. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(D) Prohibition of Bypass.

1. Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless—

A. The bypass was unavoidable to prevent loss of life, bodily injury or severe property damage;

B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment could have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

C. The industrial user submitted notices as required under subsection (15)(C) of this rule.

2. The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three (3) conditions listed in paragraph (15)(D)1. of this rule.

(16) Modification of POTW Pretreatment Programs.

(A) General. Either the director or a POTW with an approved POTW pretreatment program may initiate a program modification at any time to reflect changing conditions at the POTW. A program modification is necessary whenever there is a significant change in the operation of a POTW pretreatment program that differs from the information in the POTW's submission, as approved under section (9).

(B) Procedures. POTW pretreatment program modifications shall be accomplished as follows:

1. For substantial modifications, as defined in subsection (16)(C) of this rule—

A. The POTW shall submit to the director a statement of the basis for the desired modification, a modified program description, or such other documents the director determines necessary under the circumstances;

B. The director shall approve or disapprove the modification based on the requirements of subsection (7)(E), following the procedures in subsections (9)(B)–(E);

C. The modification shall be incorporated into the POTW's state operating permit after approval. The permit shall be modified to incorporate the approved modification; and

D. The modification shall become effective upon approval by the director; and

2. The POTW shall notify the director of any other (that is, nonsubstantial) modifications to its pretreatment program at least thirty (30) days prior to when they are to be implemented by the POTW, in a statement similar to that provided for in subparagraph (16)(B)1.A. of this rule. Such nonsubstantial program modifications shall be deemed to be approved by the director unless the director determines that a modification submitted is in fact a substantial modification, ninety (90) days after the submission of the POTW's statement. Following such approval by the director, such modifications shall be incorporated into the POTW's permit. If the director determines that a modification reported by a POTW in its statement is in fact a substantial modification, the director shall notify the POTW and initiate the procedures in paragraph (16)(B)1. of this rule.

(C) Substantial Modifications.

1. The following are substantial modifications for the purposes of this rule:

A. Changes in the POTW's legal authorities;

B. Changes to local limits, which result in less stringent local limits;

C. Change to the POTW's control mechanism, as described in subparagraph (7)(E)1.C.;

D. Changes to the POTW's method for implementing categorical pretreatment standards (for example, incorporation by reference, separate promulgation, etc.);

E. A decrease in the frequency of self-monitoring or reporting required of industrial users;

F. A decrease in the frequency of industrial user inspections or sampling by the POTW;

G. Changes to the POTW's confidentiality procedures;

H. Significant reductions in the POTW's pretreatment program resources (including personnel commitments, equipment, and funding levels); and

I. Changes in the POTW's sludge disposal and management practices.

2. The director may designate other specific modifications, in addition to those listed in paragraph (16)(C)1. of this rule, as substantial modifications.

3. A modification that is not included in paragraph (16)(C)1. of this rule is nonetheless a substantial modification for purposes of this rule if the modification—

A. Would have a significant impact on the operation of the POTW's pretreatment program;

B. Would result in an increase in pollutant loadings at the POTW; or

C. Would result in less stringent requirements being imposed on industrial users of the POTW.

AUTHORITY: section 644.041, RSMo 1994. Original rule filed Feb. 1, 1988, effective June 13, 1988. Amended: Filed March 1, 1996, effective Nov. 30, 1996.*

**Original authority 1972, amended 1973, 1987.*

10 CSR 20-6.200 Storm Water Regulations

PURPOSE: This rule sets forth the requirements and process of application for permits for storm water discharges and the terms and conditions for the permits.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by law.

(1) Storm Water Permits—General.

(A) All persons who operate, use, disturb land, maintain existing storm water point sources or before beginning any construction which would result in a storm water point source shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations. The department issues these permits in order to enforce the Missouri Clean Water Law and regulations and administer the state operating permit program.

(B) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the operations exempted should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations. The following are exempt from storm water permit regulations:

1. Discharges from facilities or activities excluded from the state operating permit program under 10 CSR 20-6.010(1)(B);

2. Areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from permitted areas;

3. *De minimis* discharges as defined by the department in general permits or by the Clean Water Commission;

4. Recycling collection points which are covered in a manner which prevents contact with storm water, including run on;

5. Farmlands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility producing the sludge;

6. Agricultural storm water discharges and irrigation return flows;

7. Sites that disturb less than five (5) acres of total land area which are not part of

a common plan or sale. Land disturbance activity on an individual residential building lot is not considered as part of the overall subdivision unless the activity is by the developer to improve the lot for sale;

8. Linear, strip or ribbon construction or maintenance operations meeting one (1) of the following criteria:

A. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road;

B. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines or similar facilities;

C. Trenches two feet (2') in width or less; or

D. Emergency repair or replacement of existing facilities as long as best management practices are employed during the emergency repair;

9. Mowing, brush hog clearing, tree cutting or similar activities which do not grade, dig, excavate or otherwise remove or kill the surface growth and root system of the ground cover;

10. Landfills which have received Missouri Department of Natural Resources approval to close and which are in compliance with any post-closure monitoring, management requirements and deed restrictions, unless the department determines the facility is a significant discharger of storm water related pollutants; and

11. Facilities built to control the release of only storm water are not subject to the construction permitting requirement of 10 CSR 20-6.010(4), provided that the storm water does not come in contact with process waste, process wastewater or significant materials, and the storm water is not a significant contributor of pollutants.

(C) Definitions.

1. Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

2. BMPs for land disturbance. A schedule of activities, practices or procedures that reduces the amount of soil available for transport or a device that reduces the amount of suspended solids in runoff before discharge to waters of the state. Types of BMPs for storm water control include, but are not limited to:

A. State-approved standard specifications and permit programs;

B. Employee training in erosion control, material handling and storage and housekeeping of maintenance areas;

C. Site preparation such as grading, surface roughening, topsoiling, tree preservation and protection, and temporary construction entrances;

D. Surface stabilization such as temporary seeding, permanent seeding, mulching, sodding, ground cover including vines and shrubs, riprap and geotextile fabric. Mulches may be hay, straw, fiber mats, netting, wood cellulose, corn or tobacco stalks, bark, corn cobs, wood chips or other suitable material which is reasonably clean and free of noxious weeds and deleterious materials. Grasses used for temporary seeding shall be a quick growing species such as rye grass, Italian rye grass or cereal grasses suitable to the area and which will not compete with the grasses sown later for permanent cover;

E. Runoff control measures such as temporary diversion dikes or berms, permanent diversion dikes or berms, right-of-way or perimeter diversion devices, and retention and detention basins. Sediment traps and barriers, sediment basins, sediment (silt) fence and staked straw bale barriers;

F. Runoff conveyance measures such as grass-lined channels, riprap and paved channels, temporary slope drains, paved flumes or chutes. Slope drains may be constructed of pipe, fiber mats, rubble, Portland cement concrete, bituminous concrete, plastic sheets or other materials that adequately will control erosion;

G. Inlet and outlet protection;

H. Streambank protection such as a vegetative greenbelt between the land disturbance and the watercourse. Also, structural protection which stabilizes the stream channel;

I. A critical path method analysis or a schedule for performing erosion control measures; and

J. Other proven methods for controlling runoff and sedimentation.

3. Copetitioner. A person with apportioned legal, financial and administrative responsibility based on land area under its control for filing Parts 1 and 2 of a state operating permit for the discharge of storm water from municipal separate storm sewer systems. A copetitioner becomes a copermittee once the permit is issued.

4. Copermittee. A permittee to a state operating permit that is responsible only for permit conditions relating to the discharge for which it is owner or operator, or both.

5. *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.

6. Field screening point. A specific location which during monitoring will provide representative information to indicate the presence of illicit connections or illegal dumping and quality of water within a municipal separate storm sewer system.

7. Illicit discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to a state operating permit, other than storm water discharge permits and discharges from fire fighting activities.

8. Incorporated place (in Missouri, a municipality). A city, town or village that is incorporated under the laws of Missouri.

9. Landfill. Location where waste materials are deposited on or buried within the soil or subsoil. Included are open dumps and landfills built or operated, or both, prior to the passage of the Missouri Solid Waste Management Law as well as those built or operated, or both, since.

10. Large municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of two hundred fifty thousand (250,000) or more;

B. Located in the counties designated by the director as unincorporated places with significant urbanization and identified systems of municipal separate storm sewers;

C. Owned and operated by a municipality other than those described in subparagraph (1)(C)10.A. of this rule that are designated by the director as part of a system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The location of discharges from the designated municipal storm sewer relative to the discharges from municipal separate storm sewer described in subparagraph (1)(C)10.A. of this rule;

(III) The quantity and nature of pollutants discharged to the waters of the state;

(IV) The nature of the receiving waters; or

(V) Other relevant factors; and

D. The director, upon petition, may designate as a large municipal separate storm

sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)10.A. of this rule.

11. Major municipal separate storm sewer system outfall (major outfall). A municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of thirty-six inches (36") or more (or its equivalent) or for municipal separate storm sewers that receive storm waters from lands zoned for industrial activity within the municipal separate storm sewer system with an outfall that discharges from a single pipe with an inside diameter of twelve inches (12") or more (or from its equivalent). Industrial activity areas do not include commercial areas.

12. Major outfall. A major municipal separate storm sewer outfall.

13. Major structural controls. Man-made retention basins, detention basins, major infiltration devices or other structures designed and operated for the purpose of containing storm water discharges from an area greater than or equal to fifty (50) acres.

14. Medium municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of one hundred thousand (100,000) or more but less than two hundred fifty thousand (250,000), as determined by the latest decennial census by the Bureau of Census; or

B. Owned and operated by a municipality other than those described in subparagraph (1)(C)14.A. of this rule and that are designated by the director as part of the system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The locations of discharges from the designated municipal separate storm sewer relative to discharges from the municipal separate storm sewers described in subparagraph (1)(C)14.A. of this rule;

(III) The quantity and nature of pollutants discharged to waters of the state;

(IV) The nature of the receiving waters;

(V) Other relevant factors; or

(VI) The director, upon petition, may designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional watershed, or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)14.A. of this rule.

15. Municipal separate storm sewer means a conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels or storm drains designated and utilized for routing of storm water which—

A. Does not include any waters of the state as defined in this rule;

B. Is contained within the municipal corporate limits or is owned and operated by the state, city, town, village, county, district, association or other public body created by or pursuant to the laws of Missouri having jurisdiction over disposal of sewage, industrial waste, storm water or other liquid wastes;

C. Is not a part or portion of a combined sewer system; and

D. Is not a part of a publicly owned treatment works as defined in 40 CFR 122.2.

16. Operator. The owner, or an agent of the owner, of a separate storm sewer with responsibility for operating and maintaining the effectiveness of the system.

17. Outfall. A point source as defined by 10 CSR 20-2.010 at the point where a municipal separate storm sewer discharges and does not include open conveyances connecting two (2) municipal separate storm sewers, pipes, tunnels or other conveyances which connect segments of waters of the state and are used to convey waters of the state.

18. Overburden. Any material of any nature consolidated or unconsolidated that overlays a mineral deposit excluding top soil or similar naturally occurring surface materials that are not disturbed by mining operations.

19. Owner. A person who owns and controls the use, operation and maintenance of a separate storm sewer.

20. Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

21. Receiving waters. Waters of the state as defined in this rule.

22. Recycling facilities. Locations where metals, paper, tires, glass, organic materials, used oils, spent solvents or other materials are collected for reuse, reprocessing or resale.

23. Runoff coefficient. The fraction of total rainfall that will appear at a conveyance as runoff.

24. Significant contributor of pollutants. A person who discharges or causes the discharge of pollutants in storm water which can cause water quality standards of the waters of the state to be violated.

25. Significant material or activity associated with industrial activity.

A. For the categories of industries identified in subsections (2)(A)–(D) of this rule, the term includes, but is not limited to, storm water discharged from industrial plant yards, immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material or by-products used or created by the facility.

B. Significant materials include, but are not limited to: raw materials; fuels; materials such as solvents, detergents and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments & Reauthorization Act of 1986 (SARA); fertilizers; and pesticides and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

C. Material received in drums, totes or other secure containers or packages which prevent contact with storm water, including run on, are exempted from the significant materials classification until the container has been opened for any reason. If the container is moved into a building or other protected area prior to opening, it will not become a significant material.

D. Empty containers which have been properly triple rinsed are not significant materials.

26. Storm water means storm water runoff, snow melt runoff and surface runoff, and drainage.

27. Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw material storage areas at an industrial plant.

28. Waters of the state, as it applies to large and medium municipalities under this regulation, means all waters listed as L1, L2 and L3 in Tables G and P, P1 and C in Table H of 10 CSR 20-7.031.

(2) Storm water discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and

conveying storm water which is not under a permit issued under 10 CSR 20-6.010 and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.

(A) For the listed industries identified in subsection (2)(B) of this rule, the term includes, but is not limited to: storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material or by-products used or created by the facility; material handling sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products unless material is in closed cars or trailers and the loading/unloading operation does not expose material to storm water or otherwise pose risk of storm water contamination and areas where industrial activity has taken place in the past and where significant materials remain and are exposed to storm water.

(B) Industries subject to this requirement include:

1. Facilities classified with the following primary standard industry classification (SIC) are considered to be included in this paragraph: 10, Metal Mining; 12, Coal Mining; 13, Oil and Gas Extraction; 14, Nonmetallic Minerals; 24, Lumber and Wood Products; 26, Paper and Allied Products; 28, Chemical and Allied Products; 29, Petroleum Refining; 311, Leather Tanning and Finishing; 32, Stone, Clay, Glass, Concrete; 33, Primary Metal Industries; 3441, Fabricated Structural Metal; 373 Ship and Boat Building and Repair; and industries regulated under section 644.052.4, RSMo except for those SICs addressed in paragraph (2)(B)4. of this rule;

2. Facilities classified with the following primary SIC are considered to be included in this paragraph: 40, Railroad; 41, Local, Suburban Transit, etc.; 42, Motor Freight Transportation and Warehousing; 43, United States Postal Service; 44, Water Transportation; 45, Air Transportation; Petroleum Bulk Station, Terminal—only those portions of the facility listed under this paragraph that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication) equipment cleaning operations, airport deicing operations or which are otherwise identified under paragraph (2)(B)1., 3. or 4. of this rule are associated with industrial activity;

3. Facilities which meet the following definitions are considered to be included in this subsection:

A. Hazardous waste treatment, storage or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA). Hazardous waste generator sites which are exempt from interim status or permitting because they accumulate wastes on-site less than ninety (90) days are not included;

B. Landfills, land application sites and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this paragraph) including those that are subject to regulation under Subtitle D of RCRA;

C. Facilities involved in the recycling of materials including metal scrap yards, battery re-claimers, salvage yards and automobile junk yards, including, but not limited to, those with an SIC of 5015 and 5093;

D. Steam electric power generating facilities, including coal handling sites;

E. Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 million gallons per day (mgd) or more or required to have an approved pretreatment program under 10 CSR 20-6.100; and

F. Industrial facilities that are federally, state or municipally owned or operated; and

4. Facilities classified with the following primary SIC are considered to be included in this paragraph: 20, Food and Kindered Products; 21, Tobacco Products; 22, Textile Mill Products; 23, Apparel and Other Finished Products; 2434, Wood Kitchen Cabinets; 25, Furniture and Fixtures; 265, Paperboard Containers and Boxes; 267, Converted Paper and Paperboard Products; 27, Printing, Publishing and Allied Industries; 283, Drugs; 285, Paints, Varnishes, Lacquers and Enamels; 30, Rubber and Miscellaneous Plastics; 31, Leather and Leather Products (except for 311); 323, Glass Products; 34, Fabricated Metal Products (except for 3441); 35, Industrial and Commercial Machinery; 36, Electronic and Other Electrical Equipment; 37, Transportation Equipment (except for 373); 38, Measuring, Analyzing and Controlling Instruments; 39, Miscellaneous Manufacturing Industries; 4221–25, Public Warehousing and Storage, only if any of the following activities and materials listed are exposed to storm water: discharges from industrial plant yards; material handling sites; sites used for the application or disposal of any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

(C) Application Requirements for Storm Water Discharges Associated With Industrial Activity.

1. Individual application. Dischargers of storm water associated with industrial activity shall apply for an individual permit or seek coverage under a promulgated storm water general permit. Facilities that are required to obtain an individual permit, or any discharge of storm water which the director is evaluating for designation under this paragraph and is not a municipal separate storm sewer, shall submit a state operating permit application in accordance with the following requirements:

A. A site plan map showing topography or indicating the outline of drainage areas served by the outfall(s) covered in the application if a topographic map is unavailable of the facility including: facility property line, each of its drainage and discharge structures, the drainage area of each storm water outfall, paved areas and buildings within the drainage area of each storm water outfall that drain to a storm water outfall, and those that do not drain to a storm water outfall, each past or present area used for outdoor storage or disposal of significant materials, each existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied, each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have an RCRA permit which is used for accumulating hazardous waste under 10 CSR 25-5.262; each well where fluids from the facility are injected underground; springs and sink holes and other surface water bodies which receive storm water discharges from the facility;

B. An estimate of the area of impervious surfaces (including paved areas and building roofs) and the total area drained by each outfall, if known, and a narrative

description of the following: significant materials that in the three (3) years prior to the submittal of this application have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage or disposal of materials; materials management practices employed in the three (3) years prior to the submittal of this application to minimize contact by these materials with storm water runoff; materials loading and access areas; outdoor vehicle maintenance and cleaning areas; the location, manner and frequency in which pesticides, herbicides, soil conditioners and fertilizers are applied; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the ultimate disposal of any solid or fluid waste other than by discharge;

C. A certification that all outfalls that should contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of nonstorm water discharges which are not covered by a state operating permit. Tests for nonstorm water discharges may include smoke tests and dye tests as well as other appropriate tests or analysis. The certification shall include a description of the method used, the date of any testing and the on-site drainage points that directly were observed during a test;

D. Existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three (3) years prior to the submittal of this application;

E. Quantitative data based on samples collected during storm events from all outfalls containing a storm water discharge associated with industrial activity shall be submitted. When an applicant has two (2) or more outfalls that are similar in nature, an individual outfall can be designated as representative and samples only collected from the representative outfall. Quantitative data will be submitted for the following parameters:

(I) Any pollutant limited in an effluent guideline to which the facility is subject;

(II) Any pollutant listed in the facility's state operating permit for its process wastewater (if the facility is operating under an existing state operating permit);

(III) Oil and grease, pH, biochemical oxygen demands (BOD_5), chemical oxygen demands (COD), total suspended solids (TSS), conductivity, total phosphorus, total Kjeldahl nitrogen and nitrate plus nitrite nitrogen;

(IV) Any information on the discharge required by the appropriate application form;

(V) Flow measurements or estimates of the flow rate, the total amount of discharge for the storm event(s) sampled and the method of flow measurement or estimation; and

(VI) The date and duration (in hours) of the storm event(s) sampled, rainfall measurements of the storm event which generated the sampled runoff and the duration between the storm event sampled and the end of the previous measurable (greater than one-tenth inch (0.1") rainfall) storm event (in hours), at least one-tenth inch (0.1") of rainfall per storm water event are required to be considered a valid storm water event. The reporting rainfall station, if possible, should be within one (1) mile of the sampled outfall and shall be capable of providing rainfall measurements in at least tenths of an inch;

F. Sampling and flow measurements or estimates shall be made to assess both the initial discharge loading and the total loading through the outfall during the measured rainfall event. A grab sample shall be taken within the first sixty (60) minutes of discharge. Sampling shall continue at the frequency of at least one (1) sample each sixty (60)-minute period. Sampling should continue for three (3) hours or until discharge ceases, whichever is first. A sample aliquot representing the initial discharge shall be analyzed separate from the event composite sample. The composite sample shall include an aliquot from the initial discharge sample. The composite sample should be flow-weighted using approved procedures. Samples shall be collected, preserved and analyzed according to 40 CFR, Part 136 or other methods approved by the department. When analysis is required, grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform and fecal streptococcus;

G. Applicants shall provide other information the director reasonably may require to determine whether to issue a permit; and

H. Within one (1) year after commencement of discharge, operators of new sources or new discharges which are composed in part or entirely of storm water must include estimates for the pollutants or parameters listed in subparagraph (2)(C)1.E. of this rule, unless this data has already been reported under the monitoring requirements of the state operating permit for the discharge.

2. The operator of an existing or new discharge composed entirely of storm water from an oil or gas exploration, production, processing or treatment operation, or transmission facility is not required to submit a permit application in accordance with paragraph (2)(C)1. of this rule, unless the facility—

A. Has a discharge which is contaminated by contact with, or that has come into contact with, any overburden, raw materials, intermediate products, finished product, by-product or waste products located on the site of the operation;

B. Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required at any time since November 16, 1987;

C. Contributes to a violation of a water quality standard.

3. The operator of an existing or new discharge composed entirely of storm water from a mining operation is not required to submit a permit application unless the discharge has come into contact with any overburden, raw material, intermediate products, finished product, by-product or waste products located on the site of the operations.

(3) Land Disturbance.

(A) The owner/operator of an existing or new storm water discharge from a land disturbance activity shall provide a narrative description of—

1. The location (including a map) and the nature of the construction activity;

2. The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;

3. Proposed measures, including BMPs, to control pollutants in storm water discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements;

4. Proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements;

5. An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and

6. The name of the receiving water.

(B) Land Disturbance Activity. Storm water permits shall be the responsibility of the owner/operator of the site. The owner/operator is responsible to see that all contractors comply with the requirements of the permit.

1. Applications for new storm water permits or the renewal of storm water permits

must be received at least ninety (90) days before the date construction operations begin or the expiration date of the present operating permit.

(4) Application requirements for large and medium municipal separate storm sewer discharges. The owner and operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the director under paragraph (1)(C)10. of this rule may submit a jurisdiction- or system-wide permit application. Where more than one (1) public entity owns and operates a municipal separate storm sewer within a geographic area, including adjacent or interconnected municipal separate storm sewer systems, the owners and operators may be copetitioners to the same application. A public entity which does not participate as a copetitioner with the municipal entity designated as having overall authority over storm water discharges may be required by the director to submit a separate application for its area of responsibility. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under paragraph (1)(C)14. of this rule shall include:

(A) Part 1 of the application shall consist of—

1. General information. The applicant's name, address, telephone number of contact person, ownership and operator status, and status as a state or local government entity;

2. Legal authority. A description of existing legal authority to control discharges to the municipal separate storm sewer system. When existing legal authority is not sufficient to meet the criteria provided in paragraph (4)(B)1. of this rule, the description shall list additional authorities as will be necessary to meet the criteria and shall include a schedule and commitment to seek the additional authority that will be needed to meet the criteria;

3. Source identification.

A. A description of the historic use of ordinances, guidance or other controls which limit the discharge of nonstorm water discharges to any publicly-owned treatment works serving the same area as the municipal separate storm sewer system.

B. A United States Geological Survey seven and one-half (7.5) minute topographic map (or equivalent topographic map with a scale between 1:10,000 and 1:24,000 if cost effective) extending one (1) mile beyond the service boundaries of the municipal storm sewer system covered by the permit application. The following information shall be provided:

(I) The location of known municipal storm sewer system outfalls discharging to waters of the state;

(II) A description of the land-use activities (for example, divisions indicating undeveloped, residential, commercial, agricultural and industrial uses) accompanied with estimates of population densities and projected growth for a ten (10)-year period within the drainage area served by the separate storm sewer. An estimate of an average runoff coefficient shall be provided for each land use type;

(III) The location and a description of the activities of the facility of each currently operating or closed municipal landfill or other treatment, storage or disposal facility for municipal waste;

(IV) The location and the permit number of any known discharge to the municipal storm sewer that has been issued a state operating permit;

(V) The location of major structural controls for storm water discharge (retention basins, detention basins, major infiltration devices, etc.); and

(VI) The identification of publicly-owned parks, recreational areas and other open lands;

4. Discharge characterization.

A. Monthly mean rain and snowfall estimates (or summary of weather bureau data) and the monthly average number of storm events.

B. Existing quantitative data describing the volume and quality of discharges from the municipal separate storm sewer, including a description of the major outfalls sampled, sampling procedures and analytical methods used;

C. A list of water bodies that receive discharges from the municipal separate storm sewer system, including downstream segments, groundwater, lakes and wetlands where pollutants from the system discharges may accumulate and cause water degradation and a brief description of known water quality impacts. At a minimum, the description of impacts shall include a description of whether the water bodies receiving discharges have been:

(I) Assessed and reported in Section 305(b) reports submitted by the state, the basis for the assessment (evaluated or monitored), a summary of designated use support and attainment of Clean Water Act (CWA) goals (fishable and swimable waters) and causes of nonsupport of designated uses;

(II) Listed under Section 304(l) of the CWA that is not expected to meet water quality standards or water quality goals;

(III) Listed in state Nonpoint Source Assessments required by Section 319(a) of the CWA that, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards due to storm sewers, construction, highway maintenance and runoff from municipal landfills and municipal sludge adding significant pollution (or contributing to a violation of water quality standards);

(IV) Identified and classified according to eutrophic condition of publicly-owned lakes listed in state reports required under Section 314(a) of the CWA including the following: A description of those publicly-owned lakes for which uses are known to be impaired; a description of procedures, processes and methods to control the discharge of pollutants from municipal separate storm sewers into those lakes and a description of methods and procedures to restore the quality of those lakes;

(V) Recognized by the applicant as highly valued or sensitive waters;

(VI) Defined by the state or United States Fish and Wildlife Service's National Wetlands Inventory as wetlands; and

(VII) Found to have pollutants in bottom sediments, fish tissue or biosurvey data.

D. Field screening. Results of a field screening analysis for illicit connections and illegal dumping for either selected field screening points or major outfalls covered in the permit application. At a minimum, a screening analysis shall include a narrative description, for either each field screening point or major outfall, of visual observations made during dry weather periods. If any flow is observed, two (2) grab samples shall be collected during a twenty-four (24)-hour period with a minimum period of four (4) hours between samples. For all these samples, a narrative description of the color, odor, turbidity, presence of an oil sheen or surface scum as well as any other relevant observations regarding the potential presence of nonstorm water discharges or illegal dumping shall be provided. In addition, a narrative description of the results of a field analysis using suitable methods to estimate pH, total chlorine, total copper, total phenol and detergents (or surfactants) shall be provided along with a description of the flow rate. Where the field analysis does not involve analytical methods approved under 10 CSR 20-7.015, the applicant shall provide a description of the method used, including the name of the manufacturer of the test method along with the range and accuracy of the test. Field

screening points shall be major outfalls, other outfall points, manholes, junctions of storm drainage ditches etc., located throughout the storm sewer system by one (1) of the following two (2) methods:

(I) Field screening points shall be located randomly throughout the storm sewer system by placing a grid over a drainage system map and identifying those cells of the grid which contain a segment of the storm sewer system or major outfall. For the use of this method, the field screening points shall be established using the following guidelines and criteria:

(a) A grid system consisting of perpendicular north-south and east-west lines spaced one-quarter (1/4) mile apart shall be overlaid on a map of the municipal storm sewer system creating a series of cells;

(b) All cells that contain a segment of the storm sewer system shall be identified. One (1) field screening point shall be selected in each cell (not to exceed the number required in subpart (4)(A)4.D.(I)(f)). Major outfalls may be used as field screening points;

(c) Field screening points should be located downstream of any sources of suspected illegal or illicit activity;

(d) Field screening points shall be located to the degree practicable at the farthest manhole or other accessible location downstream in the system within each cell. However, safety of personnel and accessibility of the location should be considered in making this determination;

(e) Hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area and land-use types;

(f) For medium municipal separate storm sewer systems, no more than two hundred fifty (250) cells need to have identified field screening points. In large municipal separate storm sewer systems, no more than five hundred (500) cells need to have identified field screening points. Cells established by the grid that contain no storm sewer segments will be eliminated from consideration. If fewer than two hundred fifty (250) cells in medium municipal sewers are created, and fewer than five hundred (500) in large systems are created by the overlay on the municipal sewer map, then all those cells which contain a segment of the sewer system shall be subject to field screening unless access to the separate storm sewer system is impossible; and

(g) Large or medium municipal separate storm sewer systems which are unable to utilize the procedures described in part (4)(A)4.D.(I) of this rule because a sufficiently detailed map of the separate storm sewer systems is unavailable shall field screen no more than five hundred (500) or two hundred fifty (250) major outfalls respectively (or all major outfalls in the system, if fewer). In these circumstances, the applicant shall establish a grid system consisting of north-south and east-west lines spaced one-quarter (1/4) mile apart as an overlay to the boundaries of the municipal storm sewer system, thereby creating a series of cells. The applicant will then select major outfalls in as many cells as possible until at least five hundred (500) major outfalls (large municipalities) or two hundred fifty (250) major outfalls (medium municipalities) are selected. A field screening analysis shall be undertaken at these major outfalls; or

(II) Field screening points shall be located throughout the storm sewer system by the establishment of watersheds for both conduit and open drainage conveyance systems. The drainage system shall be indicated on a drainage system map along with the identification of the appropriate watershed boundaries. For the use of this method, the applicant, with the approval of the director, may develop the runoff characteristics of each land area contributing to a sampling point by utilizing best engineering judgment and current hydrologic analysis methodologies. The proposal shall be submitted to the department as an attachment to the Part 1 storm water permit application required by this regulation.

E. Characterization plan. Information and a proposed program to meet the requirements of paragraph (4)(B)3. of this rule. The description shall include the location of outfalls or field screening points appropriate for representative data collection under paragraph (4)(B)3. of this rule, a description of why the outfall or field screening point is representative, the seasons during which sampling is intended and a description of the sampling equipment. The proposed location of outfalls or field screening points for sampling should reflect water quality concerns to the extent practicable;

5. Management programs.

A. A description of the existing management programs to control pollutants from the municipal separate storm sewer system. The description shall provide information on existing structural and source controls, including operation and maintenance measures for structural controls that are currently being implemented. These controls may include, but are not limited to, procedures to control pollution resulting from construction activities, flood plain management controls, wetland protection measures, BMPs for new subdivisions and emergency spill response programs. The description may address controls established under state law as well as local requirements.

B. A description of the existing program to identify illicit connections to the municipal storm sewer system. The description should include inspection procedures and methods for detecting and preventing illicit discharges and describe areas where this program has been implemented; and

6. Fiscal resources. A description of the financial resources currently available to the municipality to complete Part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets and sources of funds for storm water programs; and

(B) Part 2 of the application shall consist of—

1. Adequate legal authority. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the applicant(s), at a minimum, to—

A. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

B. Prohibit through ordinance, order or similar means illicit discharges to the municipal separate storm sewer;

C. Control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water;

D. Control through interagency agreements among copetitioners the contribution of pollutants from one (1) portion of the municipal system to another portion of the municipal system;

E. Require compliance with terms and conditions in ordinances, permits, contracts or orders; and

F. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer;

2. Source identification. The location of any major outfall that discharges to waters of

the state that was not reported under paragraph (4)(A)3. of this rule. Provide an inventory and a description (such as SIC codes) which best reflect the principal products or services provided by each facility which may discharge storm water associated with industrial activities to the municipal separate storm sewer;

3. Characterization data. When quantitative data for a pollutant are required under subparagraph (4)(B)3.A. of this rule, the applicant must collect a sample of effluent in accordance with 40 CFR 122.21(g)(7) and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR, Part 136. When no analytical method is approved, the applicant may use any suitable method, but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application including:

A. Quantitative data from representative outfalls or field screening points designated by the director (based on information received in Part 1 of the application, the director shall designate between five (5) and ten (10) outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system or, where there are less than five (5) outfalls covered in the application, the director shall designate all outfalls or field screening points) developed as follows:

(I) For each outfall or field screening point designated under this part, samples shall be collected of storm water discharges from three (3) storm events occurring at least one (1) month apart;

(II) A narrative description shall be provided of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than one-tenth inch (0.1") rainfall) storm event;

(III) For samples collected and described under parts (4)(B)3.A.(I) and (II) of this rule, quantitative data shall be provided for the organic pollutants listed in Table II; the pollutants listed in Table III (toxic metals, cyanide and total phenols) of Appendix D of 40 CFR, Part 122 and for the following pollutants:

(a) TSS;
(b) Total dissolved solids (TDS);
(c) COD;
(d) (BOD_5);
(e) Oil and grease;
(f) Fecal coliform;
(g) Fecal streptococcus;
(h) pH;
(i) Total Kjeldahl nitrogen;
(j) Nitrate plus nitrite;
(k) Dissolved phosphorus;
(l) Total ammonia plus organic nitrogen; and
(m) Total phosphorus; and

(IV) Additional limited quantitative data required by the director for determining permit conditions. The director may require that quantitative data shall be provided for additional parameters and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to ensure representativeness;

B. Estimates of the annual pollutant load of the cumulative discharges to waters of the state from all identified municipal outfalls or field screening points and the event mean concentration of the cumulative discharges to waters of the state from all identified municipal outfalls or field screening points during a storm event as described under paragraphs (4)(A)3. and (4)(B)2. for BOD_5, COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead and zinc. Estimates shall be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modeling, data analysis and calculation methods;

C. A proposed schedule to provide estimates for each major outfall or field screening point identified in either paragraph (4)(A)3. or (4)(B)2. of this rule of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under subparagraph (4)(B)3.A. of this rule; and

D. A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled and a description of sampling equipment;

4. Proposed management program. A proposed management program covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination to reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and system, design and engineering methods and other provisions which are appropriate. The program also shall include a description of staff and equipment available to implement the program. Separate proposed programs may be submitted by each copetitioner. Proposed programs may impose controls on a system-wide basis, a watershed basis, a jurisdiction basis or on individual outfalls. Proposed programs will be considered by the director when developing permit conditions to reduce pollutants in discharges to the maximum extent practicable. Proposed management programs shall describe priorities for implementing controls. These programs shall be based on—

A. A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing the controls. At a minimum, the description shall include:

(I) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers;

(II) A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. The plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed;

(III) A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities;

(IV) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible;

(V) A description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste which shall identify priorities and procedures for inspections and establishing and implementing control measures for the discharges. This program can be coordinated

with the program developed under subparagraph (4)(B)4.D. of this rule; and

(VI) A description of a program to reduce to the maximum extent practicable pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors and controls for application in public right-of-ways and at municipal facilities;

B. A description of a program, including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate state operating permit) illicit discharges and improper disposal into the storm sewer. The proposed program shall include:

(I) A description of a program including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system. This program description shall address all types of illicit discharges, however the following categories of nonstorm water discharges or flows shall be addressed where the discharges are identified by the municipality as sources of pollutants to waters of the state: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration to separate storm sewers, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges and street wash water. Program descriptions shall address discharges or flows from fire fighting only where the discharges or flows are identified as significant sources of pollutants to waters of the state;

(II) A description of procedures to conduct ongoing field screening activities during the life of the permit, including areas or locations that will be evaluated by field screens;

(III) A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of nonstorm water. These procedures may include: sampling procedures for constituents such as fecal coliform, fecal streptococcus, surfactants (MBAS), residual chlorine, fluorides and potassium; and testing with fluorometric dyes or conducting in-storm sewer inspections where safety and other considerations allow. The description shall include the location of storm sewers that have been identified for the evaluation;

(IV) A description of procedures to prevent, contain and respond to spills that may discharge into the municipal separate storm sewer;

(V) A description of a program to promote, publicize and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers;

(VI) A description of educational activities, public information activities and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

(VII) A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary;

C. A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to Section 313 of Title III of SARA and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall—

(I) Identify priorities and procedures for inspections and establishing and implementing control measures for the discharges; and

(II) Describe a monitoring program for storm water discharges associated with the industrial facilities identified in this part to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing state operating permit for a facility; oil and grease, COD, pH, BOD_5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen and any information on parameters that are believed to be present listed on the Clean Water Commission Application Form 105D; and

D. A description of a program to implement and maintain structural and nonstructural best management practices to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system which shall include:

(I) A description of procedures for site planning which incorporate consideration of potential water quality impacts;

(II) A description of requirements for nonstructural and structural BMPs;

(III) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography and the characteristics of soils and receiving water quality; and

(IV) A description of appropriate educational and training measures for construction site operators;

5. Assessment of controls. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment also shall identify known impacts of storm water controls on groundwater;

6. Fiscal analysis. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under paragraphs (4)(B)3. and 4. of this rule. The analysis shall include a description of the source of funds that is proposed to meet the necessary expenditures, including legal restrictions on the use of the funds;

7. Where more than one (1) legal entity submits an application, the application shall contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination;

8. Where requirements under paragraphs (4)(A)3. and 4. and (4)(B)2. and 3. of this rule are not practicable or are not applicable, the director may exclude any operator of a discharge from a municipal separate storm sewer which is designated under paragraph (1)(C)10. or 14. of this rule from these requirements. The director shall not exclude Independence, Kansas City, Springfield and St. Louis from any of the permit application requirements under this paragraph, except where authorized under section (4) of this rule;

9. Petitions.

A. Any operator of a municipal separate storm sewer system may petition the director to require a separate state operating permit for any discharge into the municipal separate storm sewer system.

B. Any person may petition the director to require a state operating permit for a discharge which is composed entirely of storm water which contributes to a violation of a water quality standard or is a significant

contributor of pollutants to waters of the state.

C. The owner or operator, or both, of a municipal separate storm sewer system may petition the director to reduce the census estimates of the population served by the separate system to account for storm water discharged to combined sewers that is treated in a publicly-owned treatment works. In municipalities in which combined sewers are operated, the census estimates of population may be reduced proportional to the fraction of the length of combined sewers over the sum of the length of combined sewers and municipal separate storm sewers and an applicant has submitted the state operating permit number associated with each discharge point and a map indicating areas served by combined sewers and the location of any combined sewer overflow discharge point.

D. Any person may petition the director for the designation of a large or medium municipal separate storm sewer system as defined by paragraph (1)(C)10. or 14. of this rule.

E. The director shall make a final determination on any petition received under subparagraph (4)(B)9.C. within ninety (90) days after receiving the petition; and

10. Municipal separate storm sewer system reports. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the director under paragraph (1)(C)10. or 14. must submit an annual report by the anniversary of the date of the issuance of the permit for the system. The report shall include:

A. The status of implementing the components of the storm water management program that are established as permit conditions;

B. Proposed changes to the storm water management programs that are established as permit conditions;

C. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application;

D. A summary of data, including monitoring data, that is accumulated throughout the reporting year;

E. Annual expenditures during reporting period and budget for year following each annual report;

F. A summary describing the number and nature of enforcement actions, inspections and public education programs; and

G. Identifications of water quality improvements or degradation.

(5) Permit Requirements.

(A) The director may issue a general permit for storm water discharges in accordance with the following:

1. The general permit shall be written to cover a category of discharges described in the permit except those covered by individual permits within a geographic area. The area shall correspond to existing geographic or political boundaries, such as—

A. Designated planning areas under Sections 208 and 303 of the Federal Clean Water Act;

B. City, county or state political boundaries or special sewer districts chartered by the state;

C. State highway systems; and

D. Any other appropriate division or combination of boundaries;

2. The general permit shall be written to regulate a category of point sources if the sources all—

A. Involve the same or substantially similar types of operations;

B. Discharge the same types of wastes;

C. Require the same operating conditions;

D. Require the same or similar monitoring; and

E. In the opinion of the director, are more appropriately controlled under a general permit than under individual permits;

3. General permits may be issued, modified, revoked and reissued or terminated in accordance with applicable requirements of this rule and the permit. To be included under a general permit, a permittee must submit an application on forms supplied by the department;

4. The director may require any person authorized by a general permit to apply for and obtain an individual operating permit. Any interested person may petition the director to require a permittee to apply for an individual permit. Cases where an individual operating permit may be required include, but are not limited to the following:

A. Effluent limitation guidelines are promulgated for point sources covered by a general state operating permit;

B. The discharge(s) is a significant contributor of pollutants. In making this determination, the director may consider the following factors:

(I) The location of the discharge with respect to waters of the state;

(II) The size of the discharge;

(III) The quantity and nature of the pollutants discharged to waters of the state; and

(IV) Other relevant factors;

C. The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving stream;

D. The discharger is not in compliance with the conditions of the general operating permit; or

E. A water quality management plan containing requirements applicable to point sources is approved;

5. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application with reasons supporting the request to the director. The request shall be granted by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request.

A. When an individual operating permit is issued to an owner or operator otherwise subject to a general operating permit, the applicability of the general permit to the individual operating permittee is automatically terminated on the effective date of the individual permit.

B. A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked and that it be issued a general permit. Upon revocation of the individual permit and issuance of the general permit to the permittee, the general permit shall apply to the source. The source shall be included under the general permit only if it meets all the requirements for coverage under the general permit;

6. Petitions may be submitted to the director requesting the development of a general permit for a group of facilities or activities meeting the criteria listed in paragraph (5)(A)1.

A. Information required in a petition must include:

(I) A full description of the group including names, addresses and locations and the industrial activities conducted by group members;

(II) Any significant materials stored, used, loaded, unloaded, treated or disposed outdoors at these facilities;

(III) The existence and permit status of any other wastewater discharges from the group;

(IV) Analytical data which exists for any group members' storm water runoff;

(V) A summary of the history of spills, leaks and complaints relating to significant materials used, stored, treated or disposed of on these facilities; and

(VI) Management practices used to prevent or minimize materials contacting storm water.

B. Within ninety (90) days of receipt of the petition, the director shall notify applicant that—

(I) A general permit will be developed;

(II) A general permit will not be developed and reason; or

(III) Further information is required to make a decision; and

C. If the director has indicated that a general permit will be developed for specific facilities/activities, application for general permit as indicated in 10 CSR 20-6.010(13) may be submitted in lieu of an individual industrial storm water runoff permit application.

7. General permits shall contain BMP requirements and/or monitoring and reporting requirements to keep the storm water from becoming contaminated;

8. A general permit will be issued to cover the geographical area of any city or county government that has a land disturbance program in place that has been approved by the department. The general permit will require that the person(s) disturbing the land comply with the conditions of the locally-approved land disturbance program. Permittees who wish to be covered by this general permit and who comply with the locally-approved program must submit a state general permit and a one hundred fifty dollar ($150) permit fee to the department. Receipt of the application and fee shall fulfill the state permit requirements for the applicant. In the event the approval of the land disturbance program is withdrawn by the department, all activities started after the withdrawal must be permitted under either a site specific permit or a statewide general permit that covers the activity if one exists; and

9. A general permit will be issued to cover the geographical area of any city, county or state government agency that performs or contracts for land disturbance activities, if the agency has a storm water control program approved by the department. The general permit will be issued for all activities that are conducted within the geographic area under contract by, or performed by, the city, county or state agency. The applicant will need only to secure one (1) general permit for all activities that occur during the life of the permit. In the event the approval of the land disturbance program is withdrawn by the department, all activities started after the withdrawal must be permitted under either a site specific permit or a statewide general permit that covers the activity if one exists.

(B) Site specific industrial permits issued pursuant to this rule shall contain the following:

1. Identification of the permit holder; and

2. Effluent limitation if necessary to protect waters of the state. The limitation shall be based on one (1) or more of the following:

A. The application and information filed by the permittee;

B. Effluent guidelines promulgated by the department or Environmental Protection Agency for the facility;

C. Best professional judgment of the permit writer;

D. A water quality determination made by the department; or

E. BMP requirements that are proposed in city-wide management programs;

3. Monitoring and reporting requirements; and

4. A schedule of compliance and interim limitations allowing up to three (3) years from permit issuance to gain compliance with the effluent limitation.

(C) Site specific permits for system-wide or jurisdiction-wide separate storm sewers shall contain the following:

1. Identification of the permit holder;

2. BMP requirements that are proposed and approved in the city-wide management program; and

3. Monitoring and reporting requirements.

(D) Terms and Conditions of Permits.

1. All storm water discharges shall be consistent with the terms and conditions of the storm water permits.

2. For the purpose of inspecting, monitoring or sampling the point source, water contaminant source or storm water treatment facility for compliance with the Clean Water Law and these rules, the owner or operator of the land disturbance site shall allow authorized representatives of the department upon presentation of credentials and at reasonable times to—

A. Enter upon the premises in which a point source, water contaminant source or storm water treatment facility is located, or in which any records are required to be kept under terms and conditions of the storm water permit;

B. Have access to or copy any records required to be kept under terms and conditions of the storm water permit;

C. Inspect any monitoring equipment or monitoring method required in the storm water permit;

D. Inspect any collection, treatment or land application facility covered under the storm water permit; and

E. Sample any storm water at any point in the collection system or treatment process.

3. Any expansions or modifications which will result in new or different characteristics must be reported sixty (60) days before the storm water modification begins. Notification may be accomplished by application for a new storm water permit, or if the change will not significantly alter limitations specified in the permit, by submission of notice to the department of the change.

4. All reports required by the department shall be signed by a person designated in 10 CSR 20-6.010 or a duly authorized representative under 10 CSR 20-6.010.

5. Other terms and conditions shall be incorporated into the storm water permits if the department determines they are necessary to assure compliance with the Clean Water Law and regulations.

AUTHORITY: sections 644.026, RSMo Supp. 1990 and 644.036, RSMo 1986. Original rule filed July 15, 1991, effective Oct. 1, 1992.*

**Original authority: 644.026, RSMo 1972, amended 1973, 1987 and 644.036, RSMo 1972, amended 1973.*

INSTRUCTIONS FOR FILLING OUT APPLICATION FOR DISCHARGE PERMIT FORM D - PRIMARY INDUSTRIES

All blanks must be filled in when the application is submitted to the Missouri Department of Natural Resources - Division of Environmental Quality, P.O. Box 176, Jefferson City, MO 65102. The form must be signed as indicated.

This application is to be completed only for wastewater facilities from which there is a discharge. Include any facility which it is possible to discharge from even if normally there is no discharge. If this form is not adequate for you to describe your existing operation, then sufficient information should be attached so that an evaluation of the discharge can be made.

1.00 Name of Facility - By what title or name is this facility known locally?

1.10 & 1.20 Self-explanatory

1.30 GENERAL INSTRUCTIONS. For some pollutants, you may be required to mark "X" in the "Testing Required" column (column 2-a) and test (sample and analyze) and report the levels of the pollutants in your discharge whether or not you expect them to be present in your discharge. For all others, you must mark "X" in either the "Believe Present" column or the "Believe Absent" column (column 2-b or 2-c) based on your best estimate, and test for those which you believe to be present.

Base your determination that a pollutant is present in or absent from your discharge on your knowledge of your raw materials, maintenance chemicals, intermediate and final products and byproducts, and any previous analyses known to you of your effluent or of any similar effluent. (For example, if you manufacture pesticides, you should expect those pesticides to be present in contaminated stormwater runoff.) If you would expect a pollutant to be present solely as a result of its presence in your intake water, you must mark "Believe Present" but you are not required to analyze for that pollutant. Instead, mark an "X" in the "Intake" column.

REPORTING. All levels must be reported as concentration and as total mass. You may report some or all of the required data by attaching separate sheets of paper instead of filling out Table II if the separate sheets contain all the required information in a format which is consistent with Table II in spacing and in identification of pollutants and columns. (For example, the data system used in your GC/MS analysis may be able to print data in the proper format.) Use the following abbreviations in the columns headed "Units". (column 4)

CONCENTRATION	MASS
ppm.....parts per million	lbs.....pounds
mg/l.....milligrams per liter	ton.....tons (English tons)
ppb.....parts per billion	mg.....milligrams
ug/l.....micrograms per liter	g.....grams
	kg.....kilgrams
	T.....tonnes (metric tons)

If you measure only one daily value, complete only the "Maximum Daily Values" columns and insert "1" into the "Number of Analyses" columns (columns 3-a and 3-d). Missouri Department of Natural Resources may require you to conduct additional analyses to further characterize your discharges.

For composite samples, the daily value is the total mass or average concentration found in a composite sample taken over the operating hours of the facility during a 24 hour period; for grab samples, the daily value is the arithmetic or flow-weighted total mass or average concentration found in a series of at least four grab samples taken over the operating hours of the facility during a 24 hour period.

If you measure more than one daily value for a pollutant, determine the average of all values within the last year and report the concentration and mass under the "Long Term Average Values" column (column 3-c), and the total number of daily values under the "Number of Analyses" column (column 3-d). Also, determine the average of all daily values taken during each calendar month, and report the highest average under the "Maximum 30 Day Value" column (column 3-b).

SAMPLING. The collection of the samples for the reported analysis should be supervised by a person experienced in performing sampling of industrial wastewater. You may contact your Missouri Department of Natural Resources' Regional Office for detailed guidance on sampling techniques and for answers to specific questions. Any specific requirements contained in the applicable analytical methods should be followed for sample containers, sample preservation, holding times, the collection of duplicate samples, etc. The time when you sample should be representative of your normal operation, to the extent feasible, with all processes which contribute wastewater in normal operation, and with your treatment system operating properly with no system upsets. Samples should be collected from the center of the flow channel, where turbulence is at a maximum, at a site specified in your present permit, or at any site adequate for the collection of a representative sample.

Grab and composite samples are defined as follows:

GRAB SAMPLE. An individual sample of at least 100 milliliters collected at a randomly selected time over a period not exceeding 15 minutes.

COMPOSITE SAMPLE. A combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24 hour period. For volatile pollutants, aliquots must be combined in the laboratory immediately before analysis. The composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

ANALYSIS. You must use test methods promulgated in 40 CFR Part 136; however, if none has been promulgated for a particular pollutant, you may use any suitable method for measuring the level of the pollutant in your discharge provided that you submit a description of the method or a reference to a published method. Your description should include the sample holding times, preservation techniques, and the quality control measures which you used.

If you have two or more substantially indentical outfalls, you may request permission from the Department of Missouri Natural Resources to sample and analyze only one outfall and submit the results of the analysis for other substantially identical outfalls. If your request is granted by the Missouri Department of Natural Resources, on a separate sheet attached to the application form identify which outfall you did test, and describe why the outfalls which you did not test are substantially identical to the outfall which you did test.

REPORTING OF INTAKE DATA. You are not required to report data under the "Intake" columns unless you wish to demonstrate your eligibility for a "net" effluent limitation for one or more pollutants, that is, an effluent limitation adjusted by subtracting the average level of the pollutant(s) present in your intake water. NPDES regulations allow net limitations only in certain circumstances. To demonstrate your eligibility, under the "Intake" columns report the average of the results of analyses on your intake water (if your water is treated before use, test the water after it is treated), and attach a separate sheet containing the following for each pollutant:

1. A statement that the intake water is drawn from the body of water into which the discharge is made. (Otherwise, you are not eligible for net limitations.)

2. A statement of the extent to which the level of the pollutant is reduced by treatment of your wastewater. (Your limitations will be adjusted only to the extent that the pollutant is not removed.)

3. When applicable (for example, when the pollutant represents a class of compounds), a demonstration of the extent to which the pollutants in the intake vary physically, chemically, or biologically from the pollutants contained in your discharge. (Your limitations will be adjusted only to the extent that the intake pollutants do not vary from the discharged pollutants.)

SPECIFIC INSTRUCTIONS. Table A lists the 34 "primary" industry categories in the left-hand column. For each outfall, if any of your processes which contribute wastewater falls into one of those categories, you must mark "X" in "Testing Required" column (column 2-a) and test for: (A) All of the toxic metals, cyanide, and total phenols; and (B) The organic toxic pollutants contained in the gas chromotography/mass spectrometry (GS/MS) fractions indicated in Table A as applicable to your category, unless you qualify as a small business (see below). The organic toxic pollutants are listed by GC/MS fractions in Table II in 1.30. For example, the Organic Chemicals Industry has an "X" in all four fractions; therefore, applicants in this category must test for all organic toxic pollutants in 1.30. If you are applying for a permit for a privately owned treatment works, determine your testing requirements on the basis of the industry categories of your contributors. When you determine which industry category you are in to find your testing requirements, you are not determining your category for any other purpose and you are not giving up your right to challenge your inclusion in that category (for example, for deciding whether an effluent guideline is applicable) before your permit is issued.

TABLE A - TESTING REQUIREMENTS FOR ORGANIC TOXIC POLLUTANTS INDUSTRY CATEGORY

INDUSTRY CATEGORY	GC/MS FRACTION			
	Volatile	Acid	Base/Neutral	Pesticide
Adhesives and sealants.....	X	X	X	-
Aluminum forming.....	X	X	X	-
Auto and other laundries.....	X	X	X	X
Battery manufacturing.....	X	-	X	-
Coal mining.....	X	X	X	X
Coil coating.....	X	X	X	-
Copper forming.....	X	X	X	-
Electric and electronic compounds..	X	X	X	X
Electroplating.....	X	X	X	-
Explosives manufacturing.....	X	X	X	-

INDUSTRY CATEGORY	GC/MS FRACTION			
	Volatile	Acid	Base/Neutral	Pesticide
Foundries	X	X	X	-
Gum and wood chemicals	X	X	X	X
Inorganic chemicals manufacturing	X	X	X	-
Iron and steel manufacturing	X	X	X	-
Leather tanning and finishing	X	X	X	X
Mechanical products manufacturing	X	X	X	-
Nonferrous metals manufacturing	X	X	X	X
Ore Mining	X	X	X	X
Organic chemicals manufacturing	X	X	X	X
Paint and ink formulation	X	X	X	X
Pesticides	X	X	X	X
Petroleum refining	X	X	X	X
Pharmaceutical preparations	X	X	X	-
Photographic equipment and supplies	X	X	X	X
Plastic & synthetic materials manufacturing	X	X	X	X
Plastic processing	X	-	-	-
Porcelain enameling	X	-	X	X
Printing and publishing	X	X	X	X
Pulp and paperboard mills	X	X	X	X
Rubber processing	X	X	X	-
Soap and detergent manufacturing	X	X	X	-
Steam electric power plants	X	X	X	-
Textile mills	X	X	X	X
Timber products	X	X	X	X

' The pollutants in each fraction are listed in Item 1.30
X = Testing required
- = Testing not required.

For all other cases (non-process wastewater outfalls, and non-required GC/MS fractions), you must mark "X" in either the "Believed Present" column (column 2-b) or the "Believed Absent" column (column 2-c) for each pollutant, and test for those you believe present (those marked "X" in column 2-b. If you qualify as a small business (see below) you are exempt from testing for the organic toxic pollutants, listed in Table II. For pollutants in intake water, see discussion above. The "Long Term Average Values" column (column 3-b) are not compulsory but should be filled out if data is available.

Use composite samples for all pollutants in this Part, except use grab samples for total phenols and cyanide.

You are required to mark "Testing Required" for dioxin if you use or manufacture one of the following compounds:
A. 2,4,5-trichlorophenoxy acetic acid (2,4,5-T);
B. 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP);
C. 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon);
D. O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel);
E. 2,4,5-trichlorophenol (TCP); or
F. Hexachlorophene (HCP).

If you mark "Testing Required" or "Believe Present," you must perform a screening analysis for dioxins, using gas chromotography with an electron capture detector. A TCDD standard for quantification is not required. Describe the results of this analysis in the space provided; for example, "no measureable baseline deflection at

the retention time of TCDD" or "a measurable peak within the tolerances of the retention time of TCDD." The permitting authority may require you to perform a quantitative analysis if you report a positive result.

The Effluent Guidelines Division of EPA has collected and analyzed samples from some plants for the pollutants listed in Part C in the course of its BAT guidelines development program. If your effluents were sampled and analyzed as part of this program in the last three years, you may use this data to answer provided that the Missouri Department of Natural Resources approves, and provided that no process change or change in raw materials or operating practices has occurred since the samples were taken that would make the analyses unrepresentative of your current discharge.

SMALL BUSINESS EXEMPTION. If you qualify as a "small business" you are exempt from the reporting requirements for the organic toxic pollutants, listed in Table II. If your facility is a coal mine, and if your probable total annual production is less than 100,000 tons per year, you may submit past production data or estimated future production (such as a schedule of estimated total production under 30 CFR Section 795.14(c)) instead of conducting analysis for the organic toxic pollutants. If your facility is not a coal mine, and if your gross total annual sales for the most recent three years average less than $100,000 per year (in second quarter 1980 dollars), you may submit sales data for those years instead of conducting analyses for the organic toxic pollutants.

The production or sales data must be for the facility which is the source of the discharge. The data should not be limited to production or sales for the process or processes which contribute to the discharge, unless those are the only processes at your facility. For sales data, in situations involving intra-corporate transfers of goods and services, the transfer price per unit should approximate market prices for those goods and services as closely as possible. Sales figures for years after 1980 should be indexed to the second quarter of 1980 by using the gross national produce price deflator (second quarter of 1980 = 100). This index is available in "National Income and Product Accounts of the United States" (Department of Commerce, Bureau of Economic Analysis).

2.00 A. You may not claim this information as confidential; however, you do not have to distinguish between use or production of the pollutants or list the amounts. Under NPDES regulations your permit will contain limits to control all pollutants you report in answer to this question, as well as all pollutants reported in item 1.30 - 2.00 B at levels exceeding the technology-based limits appropriate to your facility. Your permit will also require you to report to Missouri Department of Natural Resoruces if you in the future begin or expect that you will begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which you did not report here, and your permit may be modified at that time if necessary to control that pollutant.

B. For this item, consider only those variations which may result in concentrations of pollutants in effluents which may exceed two times the maximum values you reported in 1.30. These variations may be part of your routine operations, or part of your regular cleaning cycles.

Under NPDES regulations your permit will contain limits to control any pollutant you report in answer to this question at levels exceeding the technology-based limits apropriate to your facility. Your permit will also require you to report to the Missouri Department of Natural Resources if you know or have reason to believe that any activity has occurred or will occur which would make your discharge of any toxic pollutant five times the maximum values reported in 1.30 or in this item, and your permit may be modified at that time if necessary to control the pollutant.

Do not consider variations which are the result of bypasses or upsets. Increased levels of pollutants which are discharged as a result of bypasses or upsets are regulated separately under NPDES regulations.

C. Examples of the types of variations to be described here include:
Changes in raw or intermediate materials;
Changes in process equipment or materials;
Changes in product lines;
Significant chemical reactions between pollutants in waste streams; and
Significant variation in removal efficiencies of pollution control equipment.

You may indicate other types of variations as well, except those which are the result of bypasses or upsets. Missouri Department of Natural Resources may require you to further investigate or document variations you report here.

Base your prediction of expected levels of these pollutants upon your knowledge of your processes, raw materials, past and projected product ranges, etc., or upon any testing conducted upon your effluents which indicates the range of variability that can be expected in your effluent over the next five years.

EXAMPLE. Outfall 001 discharges water used to clean six 500 gallon tanks. These tanks are used for formulation of dispersions of synthetic resins in water (adhesives). Use of toxic pollutants which can be expected in the next 5 years is:

1. Copper acetate inhibitor, ½ lb. per tank;

2. Dibutyl phthalate, 50 lbs. per tank;

3. Toulene, 5 lbs. per tank; and

4. Antimony oxide, 1 lb. per tank.

Based on normal cleaning an average of 1% and a maximum of 3% of the contents of each tank is collected and discharged once every two weeks in the 150 gallons of water used for cleaning. Treatment (pH adjustment, flocculation, filtration) removes 85% of metals and 50% of organic compounds.

3.00 Self-explanatory

4.00 The Federal Clean Water Act provides for severe penalties for submitting false information on this application form.

Section 309(c)(2) of the Federal Clean Water Act provides that "Any person who knowingly makes any false statement, representation, or certification in any application .... shall upon conviction, be punished by a fine of no more than $10,000 or by imprisonment for not more than six months, or both."

STATE REGULATIONS REQUIRE THE CERTIFICATION TO BE SIGNED AS FOLLOWS:

A. For a corporation, by a officer of at least the level of plant manager;

B. For a partnership or sole proprietorship, by a general partner or the proprietor; or

C. For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking public official.

FOR AGENCY USE ONLY
APPLICATION NUMBER
MO -
DATE RECEIVED

FORM D - APPLICATION FOR DISCHARGE PERMIT - PRIMARY INDUSTRIES

DO NOT ATTEMPT TO COMPLETE THIS FORM BEFORE READING THE ACCOMPANYING INSTRUCTIONS

MISSOURI DEPARTMENT OF NATURAL RESOURCES - DIVISION OF ENVIRONMENTAL QUALITY
P. O. Box 176
Jefferson City, Missouri 65102

1.00 NAME OF FACILITY _____

1.10 This facility is now in operation under Missouri Operating Permit Number _____

1.20 This is a new facility and was constructed under Missouri Construction Permit Number _____. (Complete only if this facility does not have an operating permit).

This form is to be filled out in addition to forms A & C "Application for Discharge Permit" for the Primary Industries listed below:

INDUSTRY CATEGORY

Adhesives and sealants
Aluminum forming
Auto and other laundries
Battery manufacturing
Coal mining
Coil coating
Copper forming
Electric and electronic compounds
Electoplating
Explosives manufacturing
Foundries
Gum and wood chemicals
Inorganic chemicals manufacturing
Iron and steel manufacturing
Leather tanning and finishing
Mechanical products manufacturing
Nonferrous metals manufacturing
Ore mining
Organic chemicals manufacturing
Paint and ink formulation
Pesticides
Petroleum refining
Pharmaceutical preparations
Photographic equipment and supplies
Plastic & synthetic materials manufacturing
Plastic processing
Porcelain enameling
Printing and publishing
Pulp and paperboard mills
Rubber processing
Soap and detergent manufacturing
Steam electric power plants
Textile mills
Timber products processing

APPLICATION FOR DISCHARGE PERMIT
Form D — Primary Industries

TABLE II

NPDES # *(If Assigned)*	OUTFALL NUMBER

1.30 If you are a primary industry and this outfall contains process wastewater, refer to Table A in the instructions to determine which of the GC/MS fractions you must test for. Mark "X" in column 2-a for all such GC/MS fractions that apply to your industry and for ALL toxic metals, cyanides, and total phenols. Mark "X" in column 2-b for each pollutant you know or have reason to believe is present. Mark "X" in column 2-c for each pollutant you believe to be absent. If you mark either columns 2-a or 2-b for any pollutant, you must provide the results of at least one analysis for that pollutant. Note that there are seven pages to this part, please review each carefully. Complete one table *(all seven pages)* for each outfall. See instructions for additional details and requirements.

1. POLLUTANT AND CAS NUMBER *(if available)*	2. MARK 'X'			3. EFFLUENT						4. UNITS			5. INTAKE *(optional)*		
	a. TESTING REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE		b. MAXIMUM 30 DAY VALUE *(if available)*		c. LONG TERM AVRG. VALUE *(if available)*		d. NO. OF ANALYSES	a. CONCENTRATION	b. MASS	a. LONG TERM AVERAGE VALUE		b. NO. OF ANALYSES
				(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
METALS, CYANIDE, AND TOTAL PHENOLS															
1M Antimony Total (7440-36-0)															
2M Arsenic Total (7440-38-2)															
3M Beryllium Total (7440-41-7)															
4M Cadmium Total (7440-43-9)															
5M Chromium Total (7440-47-3)															
6M Copper Total (7550-50-8)															
7M Lead, Total (7439-97-6)															
8M Mercury, Total (7439-97-6)															
9M Nickel, Total (7440-02-0)															
10M Selenium, Total (7782-49-2)															
11M Silver, Total (7440-22-4)															
12M Thallium, Total (7440-28-0)															
13M Zinc Total (7440-66-6)															
14M Cyanide, Total (57-12-5)															
15M Phenols Total															
DIOXIN															
2,3,7,8 Tetrachlorodibenzo P Dioxin (1764-01-6)				DESCRIBE RESULTS											

CONTINUE ON REVERSE

CONTINUED FROM THE FRONT

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK 'X'			3. EFFLUENT							4. UNITS		5. INTAKE (optional)		
	a. TESTING REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	a. MAXIMUM DAILY VALUE		b. MAXIMUM 30 DAY VALUE (if available)		c. LONG TERM AVRG. VALUE (if available)		d. NO. OF ANALYSES	a. CONCENTRATION	b. MASS	a. LONG TERM AVERAGE VALUE		b. NO. OF ANALYSES
				(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS	(1) CONCENTRATION	(2) MASS				(1) CONCENTRATION	(2) MASS	
GC/MS FRACTION — VOLATILE COMPOUNDS															
1V Acrolein (107-02-8)															
2V Acrylonitrile (107-13-1)															
3V Benzene (71-43-2)															
4V Bis (*Chloromethyl*) Ether (542-88-1)															
5V Bromoform (75-25-2)															
6V Carbon Tetrachloride (56-23-5)															
7V Chlorobenzene (108-90-7)															
8V Chlorodibromomethane (124-48-1)															
9V Chloroethane (75-00-3)															
10V 2-Chloroethylvinyl Ether (110-75-8)															
11V Chloroform (67-66-3)															
12V Dichlorobromomethane (75-27-4)															
13V Dichlorodifluoromethane (75-71-8)															
14V 1,1-Dichloroethane (75-34-3)															
15V 1,2-Dichloroethane (107-06-2)															
16V 1,1-Dichloroethylene (75-35-4)															
17V 1,2-Dichloropropane (78-87-5)															
18V 1,2-Dichloropropylene (542-75-6)															
19V Ethylbenzene (100-41-4)															
20V Methyl Bromide (74-83-9)															
21V Methyl Chloride (74-87-3)															

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CONTINUE ON PAGE 4

CONTINUED FROM PAGE 3

NPDES # *(If assigned)* | OUTFALL NUMBER

1. POLLUTANT AND CAS NUMBER *(If available)*	2. MARK "X" a. TESTING REQUIRED	b. BELIEVED PRESENT	c. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	(2) MASS	b. MAXIMUM 30 DAY VALUE *(if available)* (1) CONCENTRATION	(2) MASS	c. LONG TERM AVRG VALUE *(if available)* (1) CONCENTRATION	(2) MASS	d. NO OF ANALYSES	4. UNITS a. CONCENTRATION	b. MASS	5. INTAKE *(optional)* a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	(2) MASS	b. NO OF ANALYSES
GC/MS FRACTION — VOLATILE COMPOUNDS *(continued)*															
22V METHYLENE Chloride (75-09-2)															
23V 1,1,2,2-Tetrachloroethane (79-34-5)															
24V Tetrachloroethylene (127-18-4)															
25V Toluene (108-88-3)															
26V 1,2-Trans-Dichloroethylene (156-60-5)															
27V 1,1,1-Trichloroethane (71-55-6)															
28V 1,1,2-Trichloroethane (79-00-5)															
29V Trichloroethylene (79-01-6)															
30V Trichlorofluoromethane (75-69-4)															
31V Vinyl Chloride (75-01-4)															
GC/MS FRACTION — ACID COMPOUNDS															
1A 2-Chlorophenol (95-57-8)															
2A 2,4-Dichlorophenol (120-83-2)															
3A 2,4-Dimethylphenol (105-67-9)															
4A 4,6-Dinitro-O-Cresol (534-52-1)															
5A 2,4-Dinitrophenol (51-28-5)															
6A 2-Nitrophenol (88-75-5)															
7A 4-Nitrophenol (100-02-7)															
8A P-Chloro-M-Cresol (59-50-7)															
9A Pentachlorophenol (87-86-5)															
10A Phenol (108-95-2)															
11A 2,4,6-Trichlorophenol (88-06-2)															

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CONTINUE ON REVERSE

CONTINUED FROM THE FRONT

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK 'X' a. TESTING REQUIRED	2. MARK 'X' b. BELIEVED PRESENT	2. MARK 'X' c. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	3. EFFLUENT a. MAXIMUM DAILY VALUE (2) MASS	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (2) MASS	3. EFFLUENT d. NO. OF ANALYSES	4. UNITS a. CONCENTRATION	4. UNITS b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) MASS	5. INTAKE (optional) b. NO. OF ANALYSES
GC/MS FRACTION — BASE/NEUTRAL COMPOUNDS															
1B. Acenaphthene (83-32-9)															
2B. Acenaphtylene (208-96-8)															
3B. Anthracene (120-12-7)															
4B. Benzidine (92-87-5)															
5B. Benzo *(a)* Anthracene (56-55-3)															
6B. Benzo *(a)* Pyrene (50-32-8)															
7B. 3,4-Benzo-fluoranthene (205-99-2)															
8B. Benzo *(ghi)* Perylene (191-24-2)															
9B. Benzo *(k)* Fluoranthene (207-08-9)															
10B. Bis *(2-Chloro-ethoxy)* Methane (111-91-1)															
11B. Bis *(2-Chloro-ethyl)* Ether (111-44-4)															
12B. Bis *(2-Chloro-. isopropyl)* Ether (39638-32-9)															
13B. Bis *(2-Ethyl-hexyl)* Phthalate (117-81-7)															
14B. 4-Bromo-phenyl Phenyl Ether (101-55-3)															
15B. Butyl Benzyl Phthalate (85-68-7)															
16B. 2-Chloro-naphthalene (91-58-7)															
17B. 4-Chloro-phenyl Phenyl Ether (7005-72-3)															
18B. Chrysene (218-01-9)															
19B. Dibenzo *(a h)* Anthracene (53-70-3)															
20B. 1,2-Dichloro-benzene (95-50-1)															
21B. 1,3-Dichloro-benzene (541-73-1)															

NPDES # *(If Assigned)* | OUTFALL NUMBER

CONTINUED FROM PAGE 5

1. POLLUTANT AND CAS NUMBER *(If available)*	2. MARK "X" a TESTING REQUIRED	b BELIEVED PRESENT	c BELIEVED ABSENT	3. EFFLUENT a MAXIMUM DAILY VALUE (1) CONCENTRATION	(2) MASS	b MAXIMUM 30 DAY VALUE *(if available)* (1) CONCENTRATION	(2) MASS	c LONG TERM AVRG VALUE *(if available)* (1) CONCENTRATION	(2) MASS	d NO OF ANALYSES	4. UNITS a CONCENTRATION	b MASS	5. INTAKE *(optional)* a LONG TERM AVERAGE VALUE (1) CONCENTRATION	(2) MASS	b NO OF ANALYSES
GC/MS FRACTION — BASE/NEUTRAL COMPOUNDS *(continued)*															
22B 1,4-Dichlorobenzene (106-46-7)															
23B 3,3'-Dichlorobenzidine (91-94-1)															
24B Diethyl Phthalate (84-66-2)															
25B Dimethyl Phthalate (131-11-3)															
26B Di-N-Butyl Phthalate (84-74-2)															
27B 2,4-Dinitrotoluene (121-14-2)															
28B 2,6-Dinitrotoluene (606-20-2)															
29B Di-N-Octyl Phthalate (117-84-0)															
30B 1,2-Diphenylhydrazine (as *Azobenzene*) (122-66-7)															
31B Fluoranthene (206-44-0)															
32B Fluorene (86-73-7)															
33B Hexachlorobenzene (118-71-1)															
34B Hexachlorobutadiene (87-68-3)															
35B Hexachlorocyclopentadiene (77-47-4)															
36B Hexachloroethane (67-72-1)															
37B Indeno (1,2,3-c,d) Pyrene (193-39-5)															
38B Isophorone (78-59-1)															
39B Naphthalene (91-20-3)															
40B Nitrobenzene (98-95-3)															
41B N-Nitrosodimethylamine (62-75-9)															
42B N-Nitrosodi-N-Propylamine (621-64-7)															

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CONTINUE ON REVERSE

CONTINUED FROM THE FRONT

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK 'X' a. TESTING REQUIRED	2. MARK 'X' b. BELIEVED PRESENT	2. MARK 'X' c. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	3. EFFLUENT a. MAXIMUM DAILY VALUE (2) MASS	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (2) MASS	3. EFFLUENT d. NO. OF ANALYSES	4. UNITS a. CONCENTRATION	4. UNITS b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) MASS	5. INTAKE (optional) b. NO. OF ANALYSES
GC/MS FRACTION — BASE/NEUTRAL COMPOUNDS *(continued)*															
43B. N-Nitrosodiphenylamine (86-30-6)															
44B. Phenanthrene (85-01-8)															
45B. Pyrene (129-00-0)															
46B. 1,2,4-Trichlorobenzene (120-82-1)															
GC/MS FRACTION — PESTICIDES															
1P. Aldrin (309-00-2)															
2P. α-BHC (319-84-6)															
3P. β-BHC (319-85-7)															
4P. γ-BHC (58-89-9)															
5P. δ-BHC (319-86-8)															
6P. Chlordane (57-74-9)															
7P. 4,4'-DDT (50-29-3)															
8P. 4,4'-DDE (72-55-9)															
9P. 4,4'-DDD (72-54-8)															
10P. Dieldrin (60-57-1)															
11P. α-Endosulfan (115-29-7)															
12P. β-Endosulfan (115-29-7)															
13P. Endosulfan Sulfate (1031-07-8)															
14P. Endrin (72-20-8)															
15P. Endrin Aldehyde (7421-93-4)															
16P. Heptachlor (76-44-8)															

CONTINUE ON PAGE 8

CONTINUED FROM PAGE 7

NPDES # (If assigned)	OUTFALL NUMBER

1. POLLUTANT AND CAS NUMBER (if available)	2. MARK 'X' a. TESTING REQUIRED	2. MARK 'X' b. BELIEVED PRESENT	2. MARK 'X' c. BELIEVED ABSENT	3. EFFLUENT a. MAXIMUM DAILY VALUE (1) CONCENTRATION	3. EFFLUENT a. MAXIMUM DAILY VALUE (2) MASS	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (1) CONCENTRATION	3. EFFLUENT b. MAXIMUM 30 DAY VALUE (if available) (2) MASS	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (1) CONCENTRATION	3. EFFLUENT c. LONG TERM AVRG. VALUE (if available) (2) MASS	3. EFFLUENT d. NO OF ANALYSES	4. UNITS a. CONCENTRATION	4. UNITS b. MASS	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (1) CONCENTRATION	5. INTAKE (optional) a. LONG TERM AVERAGE VALUE (2) MASS	5. INTAKE (optional) b. NO OF ANALYSES
GC/MS FRACTION — PESTICIDES *(continued)*															
17P Heptachlor Epoxide (1024-57-3)															
18P PCB-1242 (53469-21-9)															
19P PCB-1254 (11097-69-1)															
20P PCB-1221 (11104-28-2)															
21P PCB-1232 (11141-16-5)															
22P PCB-1248 (12672-29-6)															
23P PCB-1260 (11096-82-5)															
24P PCB-1016 (12674-11-2)															
25P Toxaphene (8001-35-2)															

2.00 POTENTIAL DISCHARGES NOT COVERED BY ANALYSIS

A Is any pollutant listed in Item 1.30 a substance or a component of a substance which you do or expect that you will over the next 5 years use or manufacture as an intermediate or final product or byproduct?

☐ **YES** *(list all such pollutants below)* ☐ **NO** *(to to B)*

B Are your operations such that your raw materials, processes, or products can reasonably be expected to vary so that your discharges of pollutants may during the next 5 years exceed two times the maximum values reported in Item 1.30?

☐ **YES** *(complete C below)* ☐ **NO** *(go to Section 3.00)*

C If you answered "Yes" to Item B, explain below and describe in detail the sources and expected levels of such pollutants which you anticipate will be discharged from each outfall over the next 5 years, to the best of your ability at this time. Continue on additional sheets if you need more space

3.00 CONTRACT ANALYSIS INFORMATION

Were any of the analyses reported in 1.30 performed by a contract laboratory or consulting firm?

☐ **YES** *(list the name, address, and telephone number of, and analyzed by, each such laboratory or firm below)* ☐ **NO** *(go to 4.00)*

A. NAME	B. ADDRESS	C. TELEPHONE (area code & no.)	D. POLLUTANTS ANALYZED (list)

4.00 CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. PHONE NO. (area code & no.)
C. SIGNATURE	D. DATE SIGNED

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10 CSR 20-6.300 Concentrated Animal Feeding Operations

PURPOSE: This rule sets forth the permitting and other requirements for concentrated animal feeding operations. Minimum federal requirements are incorporated and additional state requirements are included to provide increased environmental protection of sensitive watersheds. This rule consolidates requirements for animal feeding operations from other Chapter 6 rules. Section (5) of this rule contains the letter of approval application procedures which were previously under sections (4)–(10) of 10 CSR 20-6.015.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Definitions.

(A) Definitions as set forth in the Missouri Clean Water Law, Chapter 644, Concentrated Animal Feeding Operation (Hog Bill) Section 640.700–640.758, RSMo, and 10 CSR 20-2.010 shall apply to those terms when used in this rule.

(B) Other applicable definitions are incorporated as follows:

1. Abandoned property—Real property previously used for, or which has the potential to be used for, agricultural purposes which has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and has been vacant for a period of not less than three (3) years;

2. Animal—Domestic animals, fowls or other types of livestock except for aquatic animals;

3. Animal unit—A unit of measurement to compare various animal types at a concentrated animal feeding operation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 nursery pigs weighing less than 55 pounds; 10 sheep; 30 chicken laying hens; 60 chicken layer pullets; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units at each operating location are determined by adding the animal units for each animal type;

4. Animal unit equivalent—An equivalent animal type and weight that has a similar amount of manure produced as one of the listed animal unit categories. This also applies to other animal types which are not specifically listed;

5. Catastrophic storm—A precipitation event of twenty-four (24)-hour duration that exceeds the twenty-five (25)-year, twenty-four (24)-hour storm event;

6. Chronic storm event—A precipitation event with a duration of more than twenty-four (24) hours that exceeds the one-in-ten (1-in-10) year return frequency. Includes ten (10)-year, ten (10)-day storm, ten (10)-year, three hundred sixty-five (365)-day storm and the ten (10)-year, three hundred sixty-five (365)-day rainfall minus evaporation or equivalent rainfall events as defined by the National Oceanic and Atmospheric Administration;

7. Class I and II operation. The class is a size category based on the design capacity of animal units or animal unit equivalents at an operating location. Class I includes the subsets of Class IA, IB and IC. Operations that are smaller than the Class II category are unclassified. Class by animal units is presented in the following chart:

1 Animal Unit =

1.0	Beef feeder or slaughter animal	2.5	Swine weighing over 55 lbs.	30	Chicken laying hens
0.5	Horse	15	Swine weighing less than 55 lbs.	60	Chicken layer pullets
0.7	Dairy cow	10	Sheep	55	Turkeys
				100	Broiler chickens

Animal Class Category

	Class IA 7,000 AUs*	**Class IB 3,000 to 6,999 AUs**	**Class IC 1,000 to 2,999 AUs**	**Class II 300 to 999 AUs**
Beef feeder or slaughter animal	7,000	3,000 to 6,999	1,000 to 2,999	300 to 999
Horse	3,500	1,500 to 3,499	500 to 1,499	150 to 499
Dairy cow	4,900	2,100 to 4,899	700 to 2,099	200 to 699
Swine weighing over 55 lbs.	17,500	7,500 to 17,499	2,500 to 7,499	750 to 2,499
Swine weighing under 55 lbs.	105,000	45,000 to 104,999	15,000 to 44,999	4,500 to 14,999
Sheep	70,000	30,000 to 69,999	10,000 to 29,999	3,000 to 9,999
Chicken laying hens	210,000	90,000 to 209,999	30,000 to 89,999	9,000 to 29,999
Chicken layer pullets	420,000	180,000 to 419,999	60,000 to 179,999	18,000 to 59,999
Turkeys	385,000	165,000 to 384,999	55,000 to 164,999	16,500 to 54,999
Broiler chickens	700,000	300,000 to 699,999	100,000 to 299,999	30,000 to 99,999

*Animal Units (AUs)

8. Concentrated animal feeding operation. An operating location where animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12)-month period, and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area and meets one (1) of the following criteria:

A. Class I operation; or

B. Class II operation that discharges through a man-made conveyance or where pollutants are discharged directly into waters of the state which originate outside of and pass over, across or through the operation or otherwise come into direct contact with the animals confined in the operation;

9. Critical watersheds—defined as the following:

A. Watersheds for public drinking water lakes (L1 lakes defined in 10 CSR 20-7.031 and identified in Table G);

B. Watersheds located upstream away from the dam from all drinking water intake structures on lakes including the watershed of Table Rock Lake;

C. Areas in the watershed and within five (5) miles upstream of any stream or river drinking water intake structure, other than those intake structures on the Missouri and Mississippi Rivers; and

D. Watersheds of the Current (headwaters to Northern Ripley County Line), Eleven Point (headwaters to Hwy. 142) and Jacks Fork (headwaters to mouth) Rivers;

10. Dry litter—A waste management system where the animals are confined on a floor that is covered with wood chips, rice hulls or similar materials and the resulting litter/manure mixture has at least fifty percent (50%) dry matter and is not exposed to precipitation or storm water runoff during storage;

11. Facility—Any Class IA concentrate animal feeding operation which uses a flush system;

12. Flush system—Any animal waste moving or removing system utilizing liquid as the primary moving and removal force from animal containment buildings, as opposed to a primarily mechanical or automatic device;

13. Man-made conveyance—A device constructed by man and used for the purpose of transporting wastes, wastewater or storm water into waters of the state. This includes, but is not limited to, ditches, pipes, gutters, emergency overflow structures, grass waterways, constructed wetland treatment systems, overland flow treatment systems or similar systems. It also includes the improper land application of process wastes so as to allow runoff of applied wastewater during land application;

14. Mechanical or automatic device—A method or mechanical invention to remove animal wastes, such as screw augers, scrappers, etc., that does not use liquid as the primary removal force;

15. No-discharge operation—An operation designed, constructed and operated to meet each of the following conditions:

A. To hold or irrigate, or otherwise dispose without discharge to surface or subsurface waters of the state, all process wastes and associated storm water flows except for discharges that are caused by catastrophic storm events;

B. Process wastes are not land applied during frozen, snow covered or saturated soil conditions; and

C. Basins are sealed in accordance with 10 CSR 20-8;

16. Occupied residence—A dwelling place for people which is inhabited at least fifty percent (50%) of the year;

17. One-in-ten (1-in-10) year precipitation—The wettest precipitation expected once every ten (10) years for a three hundred sixty-five (365)-day period, based on at least thirty (30) years of records from the National Climatic Data Center;

18. Operating location—All contiguous lands owned, operated or controlled by one (1) person or by two (2) or more persons jointly or as tenants in common or noncontiguous lands if they use a common area for the disposal of wastes. State and county roads are not considered property boundaries for purposes of this rule;

19. Process wastes—Process waste includes manure, wastewater and any precipitation which comes into contact with any manure, litter or bedding or any other raw material or intermediate or final material or product used in the production of animals or direct products. It includes spillage or overflow from animal watering systems; washing, cleaning or flushing of pens, barns, manure pits or other associated animal operations; washing or spray cooling of animals; dust control; storm water runoff from animal confinement areas and loading and unloading areas; storm water runoff from deposits of airborne dust from building ventilation systems or spillage of feed or manure; discharges from land application fields that occur during land application; and storm water runoff from land application fields if wastes are applied during frozen, snow covered or saturated soil conditions or if application rates exceed the maximum nitrogen utilization of the vegetation grown;

20. Public building—A building open to and used routinely by the public for public purposes;

21. Wet handling system—Wet handling system is the handling of manure that contains less than fifty percent (50%) dry matter or has free draining liquids. Wet handling includes the storage of dry manure or dry litter so that it is exposed to rainfall or storm water runoff. Wet handling system also includes all gravity outfall lines, recycle pump stations, recycle force mains and appurtenances.

(2) General.

(A) All persons who build, erect, alter, replace, operate, use or maintain operations for generation, storage, treatment, use or disposal of process wastes from concentrated animal feeding operations shall obtain permits as follows:

1. Class I concentrated animal feeding operations;

2. Class II concentrated animal feeding operations which discharge through a man-made conveyance; or

3. An operation designated on a case-by-case basis under subsection (2)(C) of this rule.

(B) Exemptions.

1. Small scale pilot projects or demonstration projects for beneficial use that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority, provided the facilities are three hundred (300) animal units or smaller. The department may extend the permit exemption for up to one (1) additional year after review of the first year's results. A permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation.

2. A permit is not required for animal feeding operations of less than three hundred (300) animal units when the operation utilizes applicable best management practices approved by the department.

3. Permits are not required for the composting of dead animals at Class IC or smaller operations when—

A. The compost operation and raw materials storage are located in enclosed buildings with impermeable floors; or

B. The unroofed compost area covers less than five thousand (5,000) square feet and is underlain with an impermeable floor, and raw materials are covered by a tarp or impermeable cover.

4. Permits are not required for storage buildings for dry litter, compost or similar

materials, if the storage structure is roofed and has impermeable floors.

5. Minor piping changes and other minor modifications as determined by the department.

6. Livestock markets are exempt from the provisions of 10 CSR 20-6.300(5).

(C) Nothing shall prevent the department from taking reasonable action to assure that operations do not discharge into waters of the state, including requiring permits or letters of approval for operations normally exempted under this rule. Permits or letters of approval may be required where necessary to protect the environment, including the following:

1. To correct noncompliance;

2. When the department has determined that construction or operating practices are not adequate to ensure the operation will be operated in a no-discharge manner;

3. The department determines from an on-site visit that permits are necessary to require special design, operating controls or monitoring and reporting requirements of site-specific conditions such as groundwater effects, surface runoff, waste or wastewater characteristics, topography, geology, watershed factors or land application loading rates;

4. When an unauthorized discharge has occurred or has the potential to occur;

5. When a discharge results in violation of water quality standards under 10 CSR 20-7.031; or

6. Other relevant factors.

(D) Critical Watersheds.

1. Class IA concentrated animal feeding operations (both new and those operations that wish to expand to Class IA size) are prohibited from the identified watersheds of the Current, Jacks Fork and Eleven Point Rivers (10 CSR 20-6.300(1)(B)9.D.).

2. Class IA concentrated animal feeding operations, located in critical watersheds defined in 10 CSR 20-6.300(1)(B)9.A.–C. shall submit a spill prevention plan for department approval. New and expanding operations shall submit with the permit application.

(E) Design Standards.

1. Process wastewater systems shall be designed in accordance with the design standards rule under 10 CSR 20-8; and

2. Effluent limitations for feedlots under 40 CFR 412 are hereby incorporated by reference. Other limitations shall be in accordance with 10 CSR 20-7.015(9)(G). Effluent limits for subsurface waters shall be in accordance with 10 CSR 20-7.015(7).

(3) Permits.

(A) Permits required by this regulation shall be issued in accordance with 10 CSR 20-6.010, 10 CSR 20-6.011, 10 CSR 20-6.015, 10 CSR 20-6.020 and 10 CSR 20-6.200.

(B) Applications for permits shall include a professional engineer's seal affixed to all engineering plans and engineering certifications.

(C) Class IA concentrated animal feeding operations that use wet handling systems shall be required to comply with the following minimum permit related requirements:

1. Applications for permits shall include a list of mailing addresses for all adjacent property owners and applicable planning and zoning agencies;

2. Permittee shall retain the services of a full-time resident engineer during lagoon seal construction and compaction tests for inspection and certification;

3. Barrel tests to determine lagoon leakage rates shall be conducted on all newly constructed lagoons which have not yet received operating permits. Barrel tests shall be conducted in accordance with 10 CSR 20-8.020(16)(B);

4. The department shall be notified at least seven (7) days prior to the compaction and barrel testing dates to allow observation of the tests;

5. Permits shall require operational monitoring and reporting, including nutrient levels in wastewater that is land applied; information on land application sites including dates wastewater or manure is applied, application rates per acre, application rates per hour, field slopes, locations, vegetation grown, crop yields, soil moisture and rainfall received; water level measurements in storage structures; operation of land application equipment and other pertinent information;

6. Permits shall require environmental monitoring and reporting, including nitrogen, phosphorus and potassium levels in soils; wastewater discharges that occur; storm water runoff from the property; in-stream monitoring of any waters of the state that adjoin or pass through the property; and groundwater monitoring wells, if determined to be necessary; and

7. Permits shall include a reopener clause to allow modification of the permit should future environmental data determine such is needed.

(D) As the department does not examine structural features of design or the efficiency of mechanical equipment, the issuance of a permit does not include approval of these features.

(4) Closure of Waste Storage Structures.

(A) Facilities that cease operation, or plan to close lagoons and other waste storage structures, shall comply with the requirements in this section:

1. Class I concentrated animal feeding operations which cease operation shall continue to maintain a valid operating permit or until all lagoons and waste storage structures are properly closed according to a closure plan approved by the department; and

2. Other concentrated animal feeding operations that cease operation shall either close the waste storage structures in accordance with the closure requirements in subsection (4)(B) of this rule or shall continue to maintain all storage structures so that there is not a discharge to waters of the state.

(B) Closure Requirements.

1. Lagoons and waste storage structures shall be closed by removal and land application of all wastewater and sludge;

2. The removed wastewater and sludge shall be land applied at agricultural rates for fertilizer not to exceed the maximum nutrient utilization of the land application site and vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state; and

3. After removal and proper land application of wastewater and sludge, the earthen basins may be demolished by removing the berms, grading and revegetation of the site so as to provide erosion control, or the basin may be left in place for future use as a farm pond or similar uses.

(5) Requirements Under Sections 640.700–640.758, RSMo Supp. 1996.

(A) Buffer Distances.

1. All Class I concentrated animal feeding operations shall maintain a buffer distance between the nearest animal containment building or waste holding basin and any existing public building or occupied residence. The public building or occupied residence will be considered existing if it is being used prior to the start of the neighbor notice requirements of subsection (B) of this section or thirty (30) days prior to construction permit application, whichever is later. Buffer distances shall be—

A. One thousand feet (1,000') for concentrated animal feeding operations between 1,000 and 2,999 animal units (Class IC operations);

B. Two thousand feet (2,000') for concentrated animal feeding operations between 3,000 and 6,999 animal units (Class IB operations); and

C. Three thousand feet (3,000') for concentrated animal feeding operations equal to or greater than 7,000 animal units (Class IA).

2. Existing concentrated animal feeding operations are exempt from buffer distance requirements if they meet all of the following criteria:

A. Have been in existence prior to June 25, 1996;

B. Have been in continuous operation since June 25, 1996. Operations are continuous provided they have not been left vacant for longer than any eighteen (18)-month period at any one (1) time; and

C. The operation does not expand to a larger classification size.

3. When existing animal feeding operations or concentrated animal feeding operations expand to a larger class size, the setback distances shall not apply to the portion of the operation in existence as of June 25, 1996.

4. Buffer distances are not applicable to residences owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained from the owner of that residence. When shorter setback distances are proposed by the operation and allowed by the department, the written agreement for the shorter setback distance shall be recorded with the county recorder and filed in the chain of title for the property of the landowner agreeing to the shorter distance buffer.

(B) Neighbor Notice Requirements for Construction Permits.

1. Prior to filing an application for a construction permit with the department, all Class I concentrated animal feeding operations shall provide the following information to all the parties listed in paragraph (5)(B)2. of this section:

A. The number of animals designed for the operation;

B. The waste handling plan and general layout of the operation;

C. The location and number of acres of the operation;

D. Name, address and telephone number of registered agent;

E. Notice that the department will accept written comments for a thirty (30)-day period. The thirty (30)-day notice period will begin on the day the construction permit application is received by the department;

F. The scheduled date the operation intends to submit a construction permit to the department; and

G. The address of the department office receiving comments.

2. The neighbor notice shall be provided to the following:

A. The department's Water Pollution Control Program;

B. The county governing body; and

C. All adjoining owners of property located within one and one-half (1 1/2) times the buffer distances specified in subsection (5)(A). Distances are to be measured from the nearest animal confinement building or waste holding basin to the adjoining property line.

3. The construction permit applicant shall submit to the department proof the above notification has been sent.

4. All concentrated animal feeding operations shall submit to the department a map, approximate scale of 1" = 1,000', or a two (2) times enlarged copy of a United States Geological Survey 7.5 minute quadrangle map. The map shall show the operation layout, buffer distances and property owners within one and one-half (1 1/2) times the buffer distance.

5. The neighbor notice will expire if a construction permit application has not been received by the department within twelve (12) months of initiating the neighbor notice requirements.

(C) Class IA Requirements.

1. The owner or operator of any Class IA concentrated animal feeding operation utilizing flush wet handling systems shall employ one (1) or more persons who shall visually inspect the animal waste wet handling facility and holding basins. Visual inspections shall be made at least every twelve (12) hours with a deviation from the twelve (12)-hour requirement not to exceed three (3) hours. The inspections shall focus on the structural integrity of the collection system and containment structures along with any unauthorized discharges from the flush and wet handling systems. Records shall be maintained by the facility for a minimum of three (3) years on forms approved by the department.

2. All Class IA concentrated animal feeding operations utilizing flush systems shall have an electronic or mechanical shut-off in the event of pipe stoppage or backflow. For new facilities, the shut-off shall be included as part of the construction permit application.

3. Secondary containment structure.

A. All Class IA concentrated animal feeding operations utilizing flush systems shall have a containment structure(s) or earthen dam(s).

B. The containment structure(s) or earthen dam(s) shall be sized to contain a minimum volume equal to the maximum capacity of flushing in any twenty-four (24)-hour period from all gravity outfall lines, recycle pump stations and recycle force mains.

C. Construction permit(s) shall be required for the design and construction of the containment structures for all new facilities.

4. Any unauthorized discharges by a Class IA concentrated animal feeding operation from a flush or wet handling system that cross the property line of the facility, or enter the waters of the state, shall be reported to the department and to all adjoining property owners of the facility within twenty-four (24) hours.

(D) Concentrated Animal Feeding Operation Indemnity Fund.

1. Class IA concentrated animal feeding operations utilizing flush systems, shall pay an annual fee of ten cents (10¢) per animal unit to the department for deposit in the Concentrated Animal Feeding Operation Indemnity Fund.

2. The annual fee shall be based upon the animal unit permitted capacity of the facility.

3. The annual fee shall be collected each year for ten (10) years on the anniversary date of the operating permit. For facilities permitted after June 25, 1996, the annual fee shall commence on the first anniversary of the operating permit. The annual fee for facilities permitted prior to June 25, 1996, shall commence on the first full year anniversary of the permit following June 25, 1996.

4. In the event the department determines that a Class IA facility has been successfully closed by the owner or operator, all moneys paid by such operation into the Concentrated Animal Feeding Operation Indemnity Fund shall be returned to the operation. In no event, however, shall this refund exceed the unencumbered balance in the Concentrated Animal Feeding Operation Indemnity Fund.

5. The fees referenced in subsection (5)(D) shall be paid by a check or money order and made payable to the State of Missouri, Concentrated Animal Feeding Operation Indemnity Fund. In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency.

6. Fees shall be submitted to: Department of Natural Resources, Water Pollution Control Program, Permit Section, P.O. Box 176, Jefferson City, MO 65102.

7. Each payment shall identify the following: state operating permit number, payment period and permittee's name and address. Persons who own or operate more than one (1) operation may submit one (1)

check to cover all annual fees, but are responsible for submitting the appropriate information to allow proper credit for each permit file account.

8. Annual fees are the responsibility of the permittee. Failure to receive a billing notice is not an excuse for failure to remit the fees.

(6) Letters of Approval.

(A) General Requirements.

1. Animal feeding operations that are not otherwise required to obtain a permit under this rule, may apply for a letter of approval on a voluntary basis.

2. As the department does not examine structural features of design or the efficiency of mechanical equipment, the issuance of a letter of approval does not include approval of these features.

(B) Letters of approval shall require the following:

1. The facility shall be constructed and operated so that the wastewater or wastewater treatment residuals will be land applied to provide beneficial use in agriculture or silviculture;

2. Class II facilities, applying for the letter of approval shall be designed, constructed and operated so as not to discharge through a man-made conveyance; except for those caused by rainfall events exceeding the twenty-five (25)-year, twenty-four (24)-hour rainfall event; and

3. Facilities smaller than Class II applying for the letter of approval shall use best management practices approved by the department.

(C) The letter of approval may be modified or revoked for causes including, but not limited to, the following:

1. Violation of any term or condition of the letter of approval;

2. A misrepresentation or failure to fully disclose all relevant facts in obtaining a letter of approval;

3. A change in the operation, size or capacity of the approved facility; or

4. A change in the agreement between the operating authority and the landowner(s).

(D) When an operating permit is required under this rule or under 10 CSR 20-6.010 for any activity, no-discharge facilities at the same operating location shall be incorporated into the operating permit and a letter of approval shall not be issued.

(E) Applications for Letters of Approval.

1. An application for, or renewal of, a construction letter of approval or operating letter of approval shall be made on forms provided by the department. The applications may be supplemented with copies of information submitted for other federal or state permits.

2. All applications must be signed as follows:

A. The chief executive officer of a corporation or by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by an individual having overall responsibility for environmental matters at the facility;

B. A general partner or the proprietor, respectively, of a partnership or sole proprietorship; or

C. A principal executive officer of a municipal, state, federal or other public facility or an individual having overall responsibility for environmental matters at the facility.

3. Incomplete applications.

A. When an application is incomplete or otherwise deficient, the applicant shall be notified of the deficiency and given a requested response time to complete the application. Processing of the incomplete application will be discontinued until the applicant has corrected all deficiencies.

B. In the event the department does not receive a response within sixty (60) days after the applicant has been notified of an incomplete application, the application will be closed and returned to the applicant. The applicant shall submit a complete new application in order to receive further consideration of the proposal.

4. The department will act by either issuing or denying the construction or operating letter of approval application within ninety (90) days of receipt of a complete application. Reasons for a denial shall be given to the applicant in writing.

5. In the event the department fails to act within ninety (90) days of receipt of a complete application by either issuing or denying a letter of approval, the applicant may proceed with construction. However, changes may be necessary by the department to the design and proposed operation of the facility prior to issuing an operating letter of approval.

6. Continuing authorities for letters of approval.

A. All applicants for construction or operating letters of approval shall show as part of their application that a permanent entity exists which will serve as the continuing authority for the operation, maintenance and modernization of the facility for which the application is made. Construction and operating letters of approval shall not be issued unless the applicant provides the proof to the department and the continuing authority has submitted a statement indicating acceptance of the facility.

B. Continuing authorities which can be issued letters of approval to collect and/or treat or dispose of process wastes under this regulation are listed under 10 CSR 20-6.010.

(F) Construction Letters of Approval.

1. Applications for construction letters of approval shall be made on a form provided by the department at least ninety (90) days before the planned start of construction.

2. A separate application shall be submitted for each facility intended for treatment or disposal of process wastes. However, one (1) application may cover all facilities where there are multiple facilities at a single operating location.

3. An application shall consist of the following items:

A. An application form;

B. An engineering report along with plans and specifications shall be submitted governing the design of the waste handling system. All shall be affixed with a professional engineer's seal;

C. An operation and maintenance plan for collection, storage and land application of process wastes; and

D. Other information necessary to determine compliance with the Missouri Clean Water Law and these regulations as required by the department.

4. Expiration of construction letters of approval.

A. Construction letters of approval shall expire one (1) year from the date of issuance unless the owner or authorized representative applies for an extension. An applicant for the extension shall show that there have been no substantial changes in the original project and file for extension thirty (30) days prior to expiration of the approval. Only one (1) extension will be given.

B. When a construction approval is issued for a project for which the construction period is known in advance to require longer than one (1) year from the date of issuance, the department may issue an approval allowing a period of time greater than one (1) year upon a showing by the applicant that the period of time is necessary and that no substantial changes in the project will be made without notifying the department. If there are substantial changes, the department may require the applicant to apply for a new construction letter of approval.

C. Construction letters of approval may be issued for a period of less than one (1) year when appropriate.

(G) Operating Letters of Approval.

1. One (1) operating application shall be submitted to cover all nondischarging facilities at a single operating location.

2. Applications for an operating letter of approval shall be made on a form provided by the department and should be filed immediately after the project has been completed. The department shall require that a professional engineer affix his/her seal and certify in writing that the project has been completed in accordance with its approved plans and specifications or submit engineering certification of as-built plans and specifications and other supporting documents listed in subsection (6)(F).

3. Obtaining a letter of approval from the department shall not relieve the operator of any requirement to comply with any local or federal laws or regulations.

4. The operating letter of approval will normally be issued to the owner for the life of the facility or until ownership changes. The approval may be issued for a shorter period when appropriate.

5. The owner shall advise the department when ownership changes, when the facility is closed or when other significant changes are made to the facility that would require updating of the approval.

(H) Transfer of Letters of Approval.

1. Unless a permit is required under section (2), an operating letter of approval may be transferred upon submission to the department of an application to transfer signed by a new owner or other continuing authority or responsible party.

2. The letter of approval shall automatically terminate if a transfer application is not submitted within ninety (90) days after the ownership change.

3. Within sixty (60) days of receipt of a transfer application, the department shall notify the new applicant that the letter of approval is transferred or revoked. If the department fails to notify within this time frame, the new applicant will be considered the new owner or responsible party.

4. Construction letters of approval are not transferable. If ownership of a facility under construction changes, the new owner shall apply for a new construction letter of approval following the procedures in subsection (6)(F).

(I) Terms and Conditions of Letters of Approval.

1. All waste, wastewater, sludge, residuals and by-products shall be handled and disposed so that there is no discharge to waters of the state except for surface discharges from nonpoint sources which use approved best management practices. There shall be no discharges to subsurface waters.

2. An animal feeding operation for which an operating letter of approval has been issued shall not discharge to waters of the state except for a discharge caused by rainfall events exceeding the twenty-five (25)-year, twenty-four (24)-hour rainfall event. If an unauthorized discharge occurs, the letter of approval is void. The owner must immediately eliminate any discharge to waters of the state and any substantial threat of future discharges or shall apply for an operating permit.

3. The operating letter of approval shall automatically become invalid upon the issuance of an operating permit.

4. The letter of approval may be modified, reissued or terminated upon notification from the department as necessary to protect waters of the state or to assure compliance with the Missouri Clean Water Law.

5. The letter of approval shall require that the facility be designed and operated to provide a beneficial use in accordance with subsection (6)(B).

6. The letter of approval pertains only to the Missouri Clean Water Law and regulations. It does not apply to other laws and regulations.

7. For the purpose of inspecting, monitoring or sampling the treatment or disposal facility for compliance with the Clean Water Law and these regulations, the owner or operator of the letter of approval facility shall allow authorized representatives of the department, upon presentation of credentials and at reasonable times to—

A. Enter upon the premises in which a treatment or disposal facility is located or in which any records are required to be kept under terms and conditions of the letter of approval;

B. Have access to or copy any records required to be kept under terms and conditions of the letter of approval;

C. Inspect any monitoring equipment or monitoring method required in the letter of approval;

D. Inspect any collection, treatment or land application facility covered under the letter of approval; and

E. Sample any waste, wastewater, sludge, residuals or by-products at any point in the collection system or treatment process.

8. Facility expansions, production increases or process modifications which will result in new or different process waste characteristics must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new letter of approval, or if the change will not significantly alter disposal limitations specified in the letter of approval, by submission of notice of the change to the department.

9. Solid wastes or hazardous waste shall not be introduced into the facility or otherwise land applied or disposed except in accordance with the Missouri Solid Waste Management Law and regulations under 10 CSR 80 and the Missouri Hazardous Waste Management Law and regulations under 10 CSR 25.

10. All reports required by the department shall be signed by a person designated in this rule or a duly authorized representative as follows:

A. The signature authorization may be delegated if the representative so authorized is responsible for the overall operation of the facility and the authorization is made in writing by a person designated in subsection (6)(E) of this rule and is submitted to the department; and

B. Any changes in the written authorization which occur after the issuance of a letter of approval shall be reported to the department by submitting a new written authorization which meets the requirements of paragraph (6)(I)12.

11. New confinement operations shall comply with the design standards in subsection (2)(C) of this rule; and

12. Other terms and conditions may be incorporated into letters of approval if the department determines they are necessary to assure compliance with the Clean Water Law and regulations.

AUTHORITY: sections 640.710 and 644.026, RSMo Supp. 1997. Original rule filed June 1, 1995, effective Jan. 30, 1996. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed July 9, 1998, effective March 30, 1999.*

**Original authority 640.710, RSMo 1996 and 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995.*

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY
WATER POLLUTION CONTROL PROGRAM
P.O. BOX 176
JEFFERSON CITY, MO 65102

FORM F - APPLICATION FOR APPROVAL OR PERMIT FOR CONCENTRATED ANIMAL FEEDING OPERATION

FOR AGENCY USE ONLY	
APPLICATION NUMBER	
CHECK NO.	FEE SUBMITTED

TYPE APPLIED FOR		(CHECK ALL THAT APPLY)			
CONSTRUCTION	☐	LETTER OF APPROVAL	☐	NEW PERMIT	☐
OPERATING	☐	GENERAL PERMIT	☐	PERMIT RENEWAL	☐
OWNERSHIP TRANSFER	☐	SITE-SPECIFIC PERMIT	☐	NEW FACILITY	☐
				FACILTY MODIFICATION	☐

CONSTRUCTION APPLICATION: Complete part I of this form.
OPERATING APPLICATION: Complete parts I and II of this form. **OWNERSHIP TRANSFER:** Complete part I of this form.

PART I — APPLICANT INFORMATION

1. FACILITY NAME:		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE
2. FACILITY LOCATION 1/4, 1/4, Sec. Twp. Rge County			
3. OWNER		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE
4. OPERATING AUTHORITY NAME		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP CODE

5. CURRENT APPROVAL OR PERMIT NUMBERS

6. BRIEF DESCRIPTION OF FACILITIES

7. ATTACH ALL PERTINENT INFORMATION (SEE INSTRUCTIONS):

8. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THE APPLICATION AND ATTACHMENTS, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUCH INFORMATION IS TRUE, COMPLETE, AND ACCURATE.

PRINT NAME	APPLICANT'S SIGNATURE	DATE

PART II — ENGINEERING CERTIFICATION

1. CONSTRUCTED UNDER CONSTRUCTION PERMIT OR APPROVAL NO. _____
(WRITE "NONE" IF CONSTRUCTION APPROVAL WAS NOT OBTAINED)

2. IF THE ANSWER TO ITEM 1 IS "NONE," COMPLETE ITEM 7 ON PART ONE.

3. IF THE FACILITY CONSTRUCTED IS DIFFERENT FROM THE CONSTRUCTION APPROVAL, ATTACH "AS-BUILT" PLANS, INDICATE CHANGED PORTIONS, AND EXPLAIN THE REASONS FOR THE CHANGES.

4. **CERTIFICATION:**

I, THE PROJECT ENGINEER ON THE ABOVE-DESCRIBED FACILITIES, HEREBY CERTIFY THAT I HAVE INSPECTED THESE FACILITIES AND FIND THEM TO BE CONSTRUCTED ESSENTIALLY IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND RECOMMEND THEIR ACCEPTANCE AND APPROVAL BY THE MISSOURI CLEAN WATER COMMISSION. THIS CERTIFICATION INCLUDES THE FOLLOWING ITEMS:

A. LAGOONS OR STORAGE BASINS SEALED AND FIELD TESTED IN ACCORDANCE WITH GEOLOGIC REPORT AND DEPARTMENT OF NATURAL RESOURCES' REGULATIONS;
B. LAGOONS AND STORAGE BASINS FILLED WITH FRESH WATER TO MINIMUM OPERATING WATER LEVEL, AND BERMS SEEDED AND MULCHED;
C. WATER-LEVEL-MEASUREMENT GAUGES INSTALLED.
D. LAND-APPLICATION SYSTEM INSTALLED AND FIELD TESTED OR RENTAL AGREEMENTS SIGNED;
E. OPERATING MANUAL AND RECORD-KEEPING SYSTEM DEVELOPED AND TRAINING PROVIDED TO OWNER AND OPERATOR.
F. OTHER CONDITIONS CONTAINED IN THE CONSTRUCTION APPROVAL OR PERMIT.

PROJECT ENGINEER'S SIGNATURE ▶		DATE

MO 780-0725 (9-94)

INSTRUCTIONS FOR APPLICATION FORM F FOR CONCENTRATED ANIMAL FEEDING OPERATION

Submit applications to the address shown on the application form to: Attention Engineering Section, if construction application; or Attention Permit Section, if operating application.

A. CONSTRUCTION LETTER OF APPROVAL OR CONSTRUCTION PERMIT

Refer to 10 CSR 20-8.020 and Manual 121 Design Guidelines. Submit the following information:

1. Application Form F.
2. Permit Fee: construction fee is $500. There is no fee for a construction letter of approval.
3. If Class IA Facility and certain Class IB facilities, submit application Form E and G for storm water land disturbance permit and $150 permit fee or provide statement that permit application has been submitted separately and give date submitted. Contact the department for additional information.
4. If applying for a site-specific operating permit, submit mailing list for all adjacent property owners.
5. Name and address of any local planning and zoning authority.
6. Narrative Summary of the Project Design.
7. Location Map: Topographic map showing buildings, lagoons, land application sites, property boundary and general features.
8. General layout drawings.
9. Operation and Maintenance Plan.
10. Geologic Report by the Division of Geology and Land Survey.
11. Soils Report.
12. Design Worksheets.
13. Construction Plan Drawings and Specifications.
14. Other relevant information, as needed.

B. OPERATING PERMIT: GENERAL PERMIT OR SITE-SPECIFIC PERMIT

If you are applying to transfer from an operating Letter of Approval to a General Permit, complete items 1, 2 and 3. For other applications complete all applicable items, as follows:

1. Application Form F.
2. Permit fee: There is no fee for a letter of approval. General permit fee is $150.00 for life of the permit (up to 5 years). For a new (first time) site-specific permit, the permit fee ranges from $1500 to $3500, based on the number of animals; contact the department or refer to 10 CSR 20-6.011 for the appropriate permit fee. If you are applying for renewal of a site-specific permit, do not submit a permit fee; your permit fee will be billed to you on an annual basis.
3. For new facilities submit engineering certification for construction completed under a construction approval or construction permit. Submit as-built engineering plans, if construction approval/permit was not obtained.
4. Submit Items 6 through 14 listed under Section A of these instructions, if any of this information is **NOT** already on file with the construction application.
5. If applying for a site-specific operating permit, submit a current mailing list for all adjacent property owners.
6. Name and address of any local planning and zoning authority.
7. Other relevant information, as needed.

C. TRANSFER OF OWNERSHIP

A construction Approval or Permit may **not** be transferred. An operating Approval or Permit may be transferred to a new owner if there have been no significant changes in the facility. To request a transfer, the new owner shall check the ownership transfer request block at the top of this application form and complete Part I. Signature of the transfer application will be the new owner's certification that he has read and understands the operating requirements of the facility and that the wastewater loading and facility operation is substantially unchanged.

D. ENGINEERING CERTIFICATION

Part II, Item 4 of the application form contains a list of items that must be inspected and certified as completed in order to obtain a Letter of Approval for operation or an operating permit.

Exception: Partial certification or certification by subcontractors shall be attached to the application if consideration of these is requested due to special circumstances. Justification for exceptions must be provided and substantiated by as-built plans and operating manuals.

MO 780-0725 (9-94)