
Rules of Department of Natural Resources

Division 20—Clean Water Commission

Chapter 6—Permits

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**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—dis-

ruption 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.

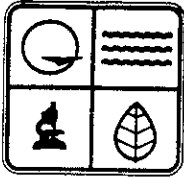
Op. Atty. Gen. No. 156, Wilson (8-18-76). The initial responsibility for issuing Clean Water Commission permits under section 204.051, RSMo Supp. 1975 rests with the director of the Department of Natural Resources acting in his/her capacity of administering Department of Natural Resources programs relating 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 |
| <p>The city requests authorization to conduct the necessary review and approval of sewer and interceptor lines within the sewer system tributary to the _____, <small>(NAME OF SEWAGE TREATMENT PLANT)</small></p> <p>which is operated under state issued operating permit no. MO - _____.</p> <p>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:</p> <p style="margin-left: 40px;">Attached to this application: <input type="checkbox"/></p> <p style="margin-left: 40px;">On file with the department: <input type="checkbox"/></p> | |
| 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

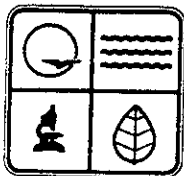
General permit fees shall be submitted together with application for General Permit Forms E and F. Persons with more than one (1) point source shall obtain a general permit for each point source or specific area. Where there are multiple releases from a single operating location, however, one (1) application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

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

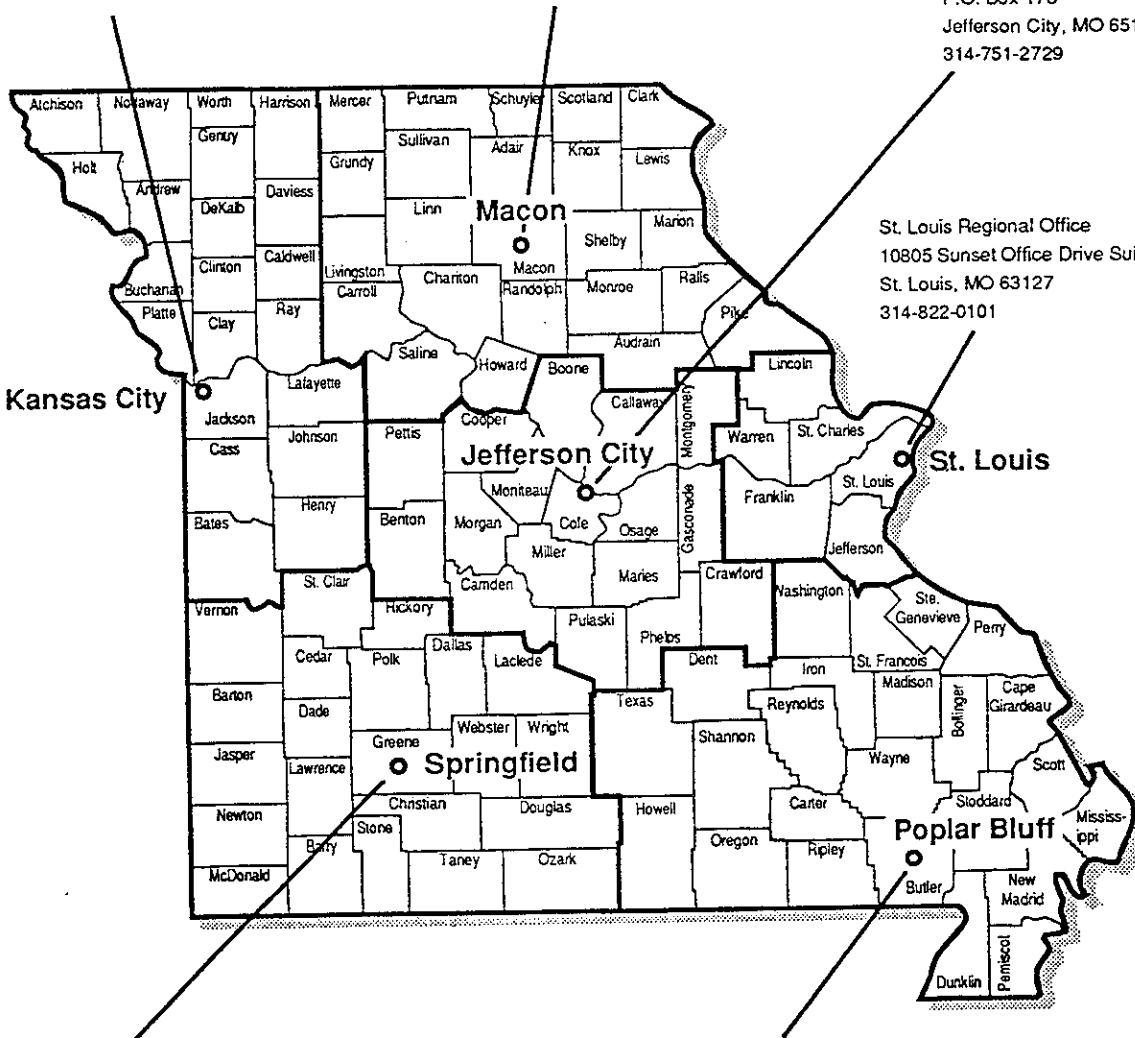
MISSOURI DEPARTMENT OF NATURAL RESOURCES DIVISION OF ENVIRONMENTAL QUALITY REGIONAL OFFICES

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 applica-

tion facilities, sludge disposal facilities, agricultural 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.*