

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY AND  
OTHER SELECTED NATURAL RESOURCES FOR THE  
STATE OF MISSOURI

PREPARED FOR  
OZARKS REGIONAL COMMISSION  
AND THE  
U.S. GEOLOGICAL SURVEY

BY RADIAN CORPORATION

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## SECTION I. INTRODUCTION

This handbook has been compiled to assist applicants in complying with Missouri environmental and land use regulatory programs. The handbook presents the requirements for permitting industrial projects and particularly those activities associated with energy development. Only state programs are described, although the relationship between a state program and a parallel federal program is addressed, where appropriate. Also, only environmental protection regulatory programs are described in the handbook. Other programs, such as health and safety requirements, taxes, or zoning, which may affect a proposed activity were excluded.

The information presented is not intended to cover all aspects of the state regulatory process but is designed to provide basic procedural and information requirements and to identify programs and responsible authorities. Applicability of a program(s) to a particular activity will require confirmation by the appropriate agency(s). Also, because regulatory programs are frequently being revised, applicants should contact each agency for the latest compliance requirements.

The information presented in this handbook was obtained through review of state laws and regulations and supplemented by personal interviews with agency officials. The information is divided into the following sections:

- State Environmental Policy and Administrative Procedures
- Resource Extraction
- Land Use Regulation

- Local Regulatory Policy
- Environmental Quality Management
- Social/Ecological Preservation



## SECTION II. STATE ENVIRONMENTAL POLICY AND ADMINISTRATIVE PROCEDURES

### Chapter I. STATE POLICY AND PROCEDURES

#### PART A. State Environmental Policy Statutes

There is no state statutory authority or procedures in Missouri equivalent to those established at the federal level in the National Environmental Policy Act (NEPA), P.L. 91-190. Similarly, there are no authorities establishing a state clearinghouse or one-stop permitting process for environmental and land use regulatory functions. The Governor's Office does, however, receive NEPA-mandated environmental impact statements and other environmental assessment documents and distributes these documents for review and comment to state agencies as appropriate.

#### PART B. The Missouri Department of Natural Resources

Although there is no state regulatory clearinghouse or one-stop permitting process, considerable coordination does take place among many regulatory programs by virtue of their consolidation within the Department of Natural Resources. Of the state regulatory programs discussed in the following chapters, only those relating to the construction of private water supply wells and the protection of rare and endangered species fall outside the jurisdiction of the Department of Natural Resources. Further strengthening the ability to effectively coordinate state permitting procedures is the fact that most of the Department of Natural Resources' Environmental Control Programs are consolidated into the Division of Environmental Quality (DEQ). Regulatory programs under DEQ jurisdiction are discussed in the following chapters include land reclamation, surface mining, air pollution control, water pollution control, public drinking water supply, solid and hazardous waste management, floodplain management, and wetlands. It is DEQ policy to coordinate permit review among these programs when appropriate.

PART C.            Administrative Procedure and Review

Chapter 536 of the Revised Statutes of Missouri (RSMo.) prescribes the statutory rights of individuals and corporations aggrieved by a final administrative decision of a state agency in a contested case. Sections 536.100 through 536.140 provide that "any person who has exhausted all administrative remedies provided by law...shall be entitled to judicial review...unless some other provision for judicial review is provided by statute..." Further, "unreasonable delay on the part of any agency in deciding any contested case shall be grounds for an order of the court either compelling action by the agency or removing the case to the court for decision."

Proceedings for judicial review of a contested agency action are initiated by filing a petition within 30 days after the mailing or delivery of the notice of the agency's final decision. Venue in such cases may, at the plaintiff's option, be held in the circuit court of Cole County, in the county of the plaintiff's residence, or, in the case of a corporation being the aggrieved party, in the county of registered office or business office. Pending final disposition of the contested case, the circuit court may stay or require the agency to stay the enforcement of its order.

Following the filing of a petition for review and within 30 days of such filing, the record before the agency is to be filed before the reviewing court. The court then considers the case, without jury, and renders a judgement affirming, reversing, or modifying the agency's order. Additionally, the court may order the agency to reconsider the case in light of its opinion and judgment. Judgments of the court in contested cases may then be appealed as in other civil cases.

### SECTION III. RESOURCE EXTRACTION

#### CHAPTER 2. ENERGY RESOURCES

Regulatory jurisdiction for activities relating to the extraction of energy resources is shared by the Missouri Land Reclamation Commission and the Oil and Gas Council. The Land Reclamation Commission has responsibility for all surface coal mining operations in the state and issues permits for such operations. Administrative support personnel for the Land Reclamation Commission is provided by the Department of Natural Resources, Division of Environmental Quality, Land Reclamation Program. The Oil and Gas Council exercises regulatory authority over oil and gas production and issues permits to drill, deepen, or plug back wells. The Division of Geology and Land Survey serves as an administrative staff to the Oil and Gas Council. Part A (below) discusses regulatory requirements relating to the surface mining of coal. Parts B and C (below) discuss Oil and Gas Council responsibilities pertinent to the regulation of oil and gas production.

#### PART A. Surface Mining of Coal

##### 1. Authorizing Statute

Sections 444.500 through 444.755, RSMo., 1975.

Sections 444.800 through 444.940, RSMo., 1979.

##### 2. Title of Regulation

Title 10-Department of Natural Resources, Code of State Regulations, Division 40--Land Reclamation Commission, Chapters 2 (Interim Rules) and 3 through 8 (Permanent Rules).

### 3. Summary of Permit Process

#### a. Applicability

All commercial surface coal mining operations.

#### b. General Requirements

A permit is required from the Land Reclamation Commission to conduct a surface coal mining operation or to engage in exploration activities.

#### c. Submittal Requirements

Application for a permit must identify the land to be mined, the landowner(s), and others with an interest in the land. Other submittal requirements include information on environmental resources, geophysical/geological information, and an operation and reclamation plan prepared in accordance with minimum requirements. Once the Land Reclamation Commission approves a permit, the permittee must file a performance bond with the commission prior to beginning operations. The performance bond is required to ensure that proper reclamation operations are completed.

#### d. Public Hearing

Public hearings on an application may be held if requested by an affected party.

#### e. Time Requirements

Applicants for a permit must publish a notice of application filing at least once weekly for four consecutive weeks in a

newspaper of general circulation in each county where the proposed mining operation is to take place. Interested parties are then given 60 days from the date of the first published notice to request a public hearing on the permit application. At the close of the 60-day public comment period, the Land Reclamation Commission establishes a time and place for a hearing (if requested). If a public hearing is not held, the process takes a minimum of 90 days from receipt of a complete application to permit issuance. Permits are valid for one to five years.

f. Fees

A fee of \$100.00 is required for each surface coal mining permit. Additionally, a fee of \$35.00 per acre mined is assessed.

g. Appeals Process

If a decision on an application for a permit is protested, an administrative hearing may be requested. Appeals are made directly to a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Land Reclamation Program  
P.O. Box 1368  
Jefferson City, Missouri 65101  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

The Land Reclamation Commission has exclusive jurisdiction for the regulation of surface coal mining and reclamation operations within

the state. However, a number of other state programs and federal agencies are routinely contacted concerning applications for permits. Other state programs and agencies contacted include the Water Pollution Control Program (a National Pollutant Discharge Elimination System permit may be required); the Division of Parks and Recreation, the Division of Labor Standards, and the Missouri Department of Conservation. Federal agencies typically contacted include the Office of Surface Mining, the Soil Conservation Service, and the U.S. Fish and Wildlife Service. Other federal agencies may be contacted where appropriate.

PART B.        Oil and Gas Well Permits

1.    Authorizing Statute

Chapter 259, RSMo., 1976.

2.    Title of Regulations

Title 10—Department of Natural Resources, Code of State Regulations, Division 50--Oil and Gas Council, Chapters 1 through 5 (Rules and Regulations of the Missouri Oil and Gas Council).

3.    Summary of Permit Process

a.    Applicability

Any request to drill, deepen, plug-back, recompleat, reenter, or add a new completion oil or gas well.

b.    General Requirements

Prior to commencing operations, a permit must be obtained from the Division of Geology and Land Survey to drill a new oil or gas

well or to rework an existing well. A statewide spacing rule has been adopted which establishes requirements for, and limitations on, the spacing and density of wells. The Oil and Gas Council and the Division of Geology and Land Survey may grant exceptions and exemptions.

c. Submittal Requirements

Anyone engaged in any oil or gas operation in the State of Missouri must file an organization report (Form OGC-1) with the Division of Geology and Land Survey. Persons seeking a permit must file an application (Form OGC-3), a plat (Form OGC-4), and bond (Form OGC-2) with the Division of Geology and Land Survey. The regulations also provide for the submittal of samples, logs, and completion reports (Form OGC-9); and, a monthly report of disposal of produced water (Form OGC-10).

d. Public Hearings

There is no provision for a public hearing on applications for an oil and gas well permit.

e. Time Requirements

Upon receipt of an application for permit, the Division of Geology and Land Survey has 15 days in which to review the application and either issue or deny the permit. Operations to drill a single well must commence within 180 days after the date of permit issuance.

f. Fees

No fees are required with an application for a permit. However, bonding is required of an operator before commencing oil or gas drilling operations.

g. Appeals Process

Upon denial of a permit, the applicant may appeal within 30 days of the notice of denial to the Oil and Gas Council. After a public hearing, the Council either issues the permit or affirms the denial. Following denial, the applicant may appeal to a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Geology and Land Survey  
P. O. Box 250  
Rolla, Missouri  
Telephone: (314) 362-175

5. Relation to Other State and Federal Programs

None identified.

PART C. Plugging Abandoned or Nonproducing Wells

I. Authorizing Statute

Chapter 259, RSMo., 1976.



## 2. Title of Regulation

Title 10--Department of Natural Resources, Code of State Regulations, Division 50--Oil and Gas Council, Chapters 1 through 5 (Rules and Regulations of the Missouri Oil and Gas Council).

## 3. Summary of Requirements

### a. Applicability

Any dry or abandoned well or one that has ceased to produce.

### b. General Requirements

Before commencing abandonment work on any well, the operator must file a notice of intent to abandon with the Division of Geology and Land Survey (Form OGC-6). If operations at a well cease and are not recommenced within six months, the well is deemed to be permanently abandoned and must be plugged. Plugging is to be conducted in such a manner as to permanently confine all oil, gas, and water in the separate strata originally containing them. In lieu of prior notice and approval, the operator may elect to plug a well from total depth to within plow depth of the surface with cement slurry.

### c. Submittal Requirements

The notice of intent to abandon a well must include details of the proposed abandonment procedure and whether any logging tool containing a radioactive source is being abandoned. Within 30 days after completing abandonment operations, the prescribed plugging record (Form OGC-7) is to be completed and submitted to the Division of Geology and Land Survey. Operators opting to

not give prior notice of abandonment, are to submit Form OGC-7 within 48 hours after completion of the prescribed operations.

d. Public Hearings

There is no provision for public hearings on well abandonment.

e. Time Requirements

See Submittal Requirements (above).

f. Fees

There are no fees required.

g. Appeals Process

Not applicable.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Geology and Land Survey  
P. O. Box 250  
Rolla, Missouri  
Telephone: (314) 362-1752

5. Relation to Other State and Federal Programs

None identified.

### CHAPTER 3. METALLIFEROUS MINING

There are no permitting or other regulatory requirements specific to metalliferous mining operations in the State of Missouri. However, the environmental impacts of such mining may fall within the jurisdiction of one or more of the Department of Natural Resources' regulatory programs. For example, if a metalliferous mining operation is expected to have a significant air quality impact, then the Division of Environmental Quality's Air Pollution Control Program may require the operation to be permitted and comply with specified emission standards (see Chapter 7-Air Quality Standards and Regulations). Similarly, if it is anticipated that a mining operation will generate waste discharges to public waters, then the Water Pollution Control Program will require the owner or operator to obtain a National Pollutant Discharge Elimination System waste discharge permit (see Chapter 8--Water Quality Standards and Regulations).

## CHAPTER 4. CONSTRUCTION MATERIALS

In addition to regulating surface coal mining operations, the Department of Natural Resources' Land Reclamation Program has regulatory jurisdiction over the removal of certain construction materials. Part A (below) describes the permit requirements associated with surface mining of limestone, sand, gravel, or clay. Part B (below) discusses permitting requirements for surface mining operations removing barite and tar sands. As with metalliferous mining operations, these and other surface mining operations removing construction materials may be required to obtain permits for specific environmental impacts (e.g., air and water quality, waste management, etc.).

### PART A. Surface Mining of Limestone, Sand, Gravel, or Clay

#### 1. Authorizing Statute

Sections 444.760 through 444.786, RSMo., 1971.

#### 2. Title of Regulations

House Bill 519 (1971).

#### 3. Summary of Permit Process

##### a. Applicability

All surface mining operations extracting limestone, sand, gravel, or clay.

##### b. General Requirements

A permit is required from the Land Reclamation Commission to engage in the surface mining of limestone, sand, gravel, or clay.

The regulations specify conditions which must be met by permit holders regarding land reclamation practices.

c. Submittal Requirements

Application for a permit must identify and describe the land and the estimated number of acres to be affected by the surface mining operation over the following 12-month period. Application must also include a statement that the applicant has the right and authority to conduct the operation. Applications are to be accompanied by a bond in the amount of \$500.00 per acre to be mined during the next 12 months.

d. Public Hearings

There is no provision for a public hearing on applications for permit. However, in the case of bond forfeiture, the operator will be allowed 30 days to request a hearing before the Land Reclamation Commission.

e. Time Requirements

Permits for a term of one-year are issued within 10 days after filing a completed application and the required bond.

f. Fees

A permit of \$50.00 plus \$17.50 per acre to be mined is assessed at the time the application is filed.

g. Appeals Process

Appeals are made to a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Land Reclamation Program  
P. O. Box 1368  
Jefferson City, Missouri 65101  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

Surface mining operations engaged in the removal of limestone, sand, gravel, or clay may require permits from other state environmental programs (e.g., air and water quality, waste management, etc.).

PART B. Surface Mining of Barite and Tar Sands

1. Authorizing Statute

Sections 444.500 through 444.755, RSMo., Supplemental 1980.

2. Title of Regulations

No regulations adopted.

3. Summary of Permit Process

a. Applicability

All surface mining operations extracting barite or tar sands (and certain coal mining operations commenced within six months after September 28, 1971).

b. General Requirements

A permit is required from the Land Reclamation Commission to engage in the surface mining of barite or tar sands. The law specifies conditions which must be met by permit holders regarding land reclamation practices.

c. Submittal Requirements

Application for a permit must identify and describe the land to be mined, include the names of all persons with any interest in the land, and include other pertinent data as may be required. Also, the applicant must prepare and submit a detailed site map, a water management (erosion control) plan, and a reclamation plan for the site. Before issuance of a permit, the applicant must file a bond of not less than \$300.00 per acre or more than \$700.00 per acre for tar sands and not less than \$200.00 per acre or more than \$500.00 per acre for barite.

d. Public Hearings

A public hearing on an application for a permit may be held upon request by an affected party.

e. Time Requirements

Within 30 days after the application is filed, the Land Reclamation Program will investigate the application and recommend to the Land Reclamation Commission whether the permit should be issued or denied. If the recommendation is to deny a permit or if the Commission denies the permit, the applicant is allowed 30 days to request a public hearing. The permit is issued for a term of one year.

f. Fees

A permit fee of \$50.00 plus \$17.50 per acre to be mined is assessed for each permit.

g. Appeals Process

In the case of a permit denial, the applicant may request a public hearing before the Land Reclamation Commission within 30 days of notice of the denial. If no request is filed within the 30-day period, the decision is final and applicant shall have no right of court review. Applicants receiving public hearing may appeal to a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Land Reclamation Program  
P. O. Box 1368  
Jefferson City, Missouri 65101  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

Surface mining operations engaged in the removal of barite and tar sands may require permits from other state programs (e.g., air and water quality, waste management, etc.).



## SECTION IV. LAND USE REGULATIONS

### CHAPTER 5 LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCES CONTROL ENABLING LAW

Within the State of Missouri, most land use controls are applied by local governments through the exercise of police powers granted by the state. Such powers, including the power to establish land use controls, require state enabling legislation authorizing local governments to pass and enforce ordinances which promote their general welfare.

In Missouri, Chapter 89 of the Revised Statutes of Missouri (RSMo.) establishes the powers of cities, towns, and villages to zone and plan to control land use and natural resource development. The major sections enabling zoning and planning for land use control are:

- Section 89.020. Authorizes the legislative body of all cities, towns, and villages to regulate and restrict subdivisions within their city limits.
- Section 89.030. Authorizes the local legislative body to zone for purposes of land use control.
- Section 89.070. Authorizes the creation of a local zoning commission and specifies its duties.
- Section 89.145. Authorizes constitutional charter cities of greater than 65,000 population to extend regulations governing zoning, planning, subdivisions, and building two miles outward into the surrounding areas of extraterritorial jurisdiction.
- Section 89.310. Authorizes municipalities to plan for future growth and appoint a local planning commission.

- Section 89.410. Authorizes the local planning commission to recommend and the local legislative body to adopt by ordinance regulations governing subdivisions within their jurisdiction.

Chapter 64 of the Revised Statutes of Missouri (RSMo.) establishes similar powers and authorities for land use regulation granted to cities and counties by state enabling laws, local government may also regulate certain land use and activities as public nuisances.

In addition to broad authorities for land use regulation granted to cities and counties by state enabling laws, local governments may also regulate certain land use and activities as public nuisances.

For further information contact:

Missouri Municipal League  
1913 Williams Street  
Jefferson City, Missouri 65101  
Telephone: (314) 635-9134

Other agencies/organizations offering assistance in the area of land use controls are:

Center for Resource Planning & Management  
Southwest Missouri State University  
Springfield, MO 65802  
Telephone: (417) 836-5800

University of Missouri Extension  
Department of Regional and Community Affairs  
7th Floor, Clark Hall  
University of Missouri - Columbia  
Columbia, MO 65211  
Telephone: (314) 882-3050

Missouri Association of Counties  
P. O. Box 234  
Jefferson City, MO 65102  
Telephone: (314) 634-2120

## CHAPTER 6. FLOODPLAIN MANAGEMENT

Although there are no state statutory authorities or regulations addressing floodplain management, the State of Missouri does participate in floodplain management activities through the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA). The Missouri state coordinator of the National Flood Insurance Program is in the Disaster Planning and Operations Office of the Department of Public Safety. However, through a cooperative agreement with the Disaster Planning and Operation Office, the Department of Natural Resources' Water Resources Planning Program performs most floodplain management and related activities.

The principal mechanism for state involvement in floodplain management is the FEMA state assistance program contract, which is administered by the Water Resources Planning Program. Three major activities are being conducted under the state assistance program contract:

- Collections of all available data on floodplains and flood insurance programs;
- Assembly of a computerized data retrieval system for floodplain and flood insurance information; and,
- Conduct of an educational program targeted at state agencies and regional planning organizations under authority of the Governor's Floodplain Management Executive Order (September 5, 1978).

Additionally, as an educational tool, the University of Missouri is preparing a physical floodplain management model.

Under the National Flood Insurance Program, local governments and counties may participate, provided that they carry out floodplain management measures to protect lives and reduce property loss. Although the program is administered at the local and county level, the Disaster Planning and Operations Office and the

Water Resources Planning Program provide assistance to local governments and counties in meeting the minimum federal requirements for participation in the National Flood Insurance Program. Presently, there are approximately 450 communities and 20 counties in Missouri participating in the program.

For further information contact:

Missouri Department of Public Safety  
Disaster Planning and Operations Office  
P. O. Box 116  
Jefferson City, Missouri 65102  
Telephone: (314) 751-2321

Missouri Department of Natural Resources  
Division of Environmental Quality  
Water Resources Planning Program  
P. O. Box 1368  
Jefferson City, Missouri 65101  
Telephone: (314) 751-3241

## SECTION V. ENVIRONMENTAL QUALITY MANAGEMENT

### CHAPTER 7. AIR QUALITY STANDARDS AND REGULATIONS

The Air Conservation Commission of the State of Missouri has responsibility for adopting policies and regulations for the protection of the State's air resources. Effectuating these policies and regulations is the responsibility of the Department of Natural Resources' Air Pollution Control Program. The rules adopted by the Air Conservation Commission contain two basic approaches to the control of air pollution: (1) a permitting procedure to provide for sufficient emission control of new and modified sources of pollutant emissions, and (2) pollutant emission limitations for existing sources. The air emission permit process is discussed in Part A (below) and the air emission limitations are discussed in Part B.

#### PART A. Construction Permit Process

##### 1. Authorizing Statute

Missouri Air Conservation Law,  
Chapter 203, RSMo., 1972.

##### 2. Title of Regulation

Title 10--Department of Natural Resources, Code of State Regulations, Division 10--Air Conservation Commission, Chapter 6--Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri.

### 3. Summary of Permit Process

#### a. Applicability

Construction of a new facility or modification of an existing facility from which significant quantities of contaminants may be emitted to the atmosphere.

#### b. General Requirements

A construction permit must be obtained from the Air Pollution Control Program before beginning construction on a new facility or undertaking major modification to an existing facility. Sources of pollutants are classified on the basis of annual emission rate and whether located within or outside of a nonattainment area. Permits are issued for four of the five contaminant source classifications (See Table I for a description of these source classifications). Each class must comply with requirements and emission standards specified for that classification. Generally speaking, the greater the pollutant emission rates the more extensive the permit review procedure. Additionally, modifications of existing sources which result in emissions that are less than the significance level must obtain a "de minimus" permit.

#### c. Submittal Requirements

Application for a permit to construct or modify an air contaminant source consists of two forms: an Application for Authority to Construct and an Emissions Inventory Questionnaire. In addition, each application must be accompanied by relevant site information including plans, descriptions, specifications and drawings depicting the design of the facility, the nature and amount of emissions of each pollutant, and the manner in which the facility will be operated and the pollutants controlled.

TABLE 1. SOURCE CLASS DESIGNATIONS

Source Type	Source Class	Description
Minor	A	The sum of potential emissions and fugitive emissions of any pollutant from the installation is less than the level listed as "deminimus" for that pollutant. No permit is required.
	B	The sum of potential emissions and fugitive emissions of any pollutant from the installation is greater than or equal to the level listed as "deminimus" for that pollutant, and potential emissions, excluding fugitive, of that pollutant are less than 100 tons per year.
	C	Potential emissions of any pollutant from the installation or source operation are 100 tons per year or more, and the installation or source operation is located within a non-attainment area for that pollutant.
Major	D	The installation is a "named installation" and has potential emissions of any pollutant of 100 tons per year or more, or the installation has potential emissions of any pollutant of 250 tons per year or more. In addition, the installation is not located in a non-attainment area for that pollutant.
	E	The installation is not a "named installation" and has potential emissions of any pollutant of less than 250 tons per year, but greater than or equal to 100 tons per year. In addition, the installation is not located in a non-attainment area for that pollutant.

Note: An installation can have different source class designations for different pollutants.



Additional information may be required by the Director of the Air Pollution Control Program. Notification of the anticipated date of startup and the actual date of startup must be provided.

d. Public Hearings

Public hearings on applications for construction permits are required for all Class C and D source permits. No public hearing is required for Class B and E source permits.

e. Time Requirements

For all source classifications, the Director of the Air Pollution Control Program is to notify the applicant of the amount of the required permit fee within 30 days after receipt of a complete application. Applicants must submit the requisite fee within 30 days of notice. For Class B and E sources, a final decision on an application for permit is made within 90 days after receipt of a complete application. The last date for final determination on Class C and D sources is 184 days after receipt of a complete application.

f. Fees

The permit fee structure is as follows: \$25.00 for incinerators; \$100.00 for rock quarries, concrete batch plants, and asphalt plants; \$110.00 for all Class B source installations; and a \$50.00 permit fee plus \$130.00 source operation fee is required for all Class C, D, and E source installations. An additional fee of \$75.00 is assessed on facilities locating in a National Ambient Air Quality Standard nonattainment area. "Deminimus" permits do not require a fee payment.

g. Appeals Process

Final decisions on applications for permit are appealable to the Air Conservation Commission within 30 days of the notice of final decision. If no formal appeal is made within the 30 day period, the decision will be final and not subject to judicial review. After all administrative remedies have been exhausted, the applicant may appeal to a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Air Pollution Control Program  
P. O. Box 1368  
Jefferson City, Missouri 6401  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

Facilities proposing to locate in a NAAQS attainment or unclassified areas must obtain a Prevention of Significant Deterioration (PSD) permit for the U.S. Environmental Protection Agency, Region VII (Kansas City). The Air Pollution Control Program has not received full delegation of PSD authority and as such, provides a concurrent review of PSD permit applications with construction permit applications.

PART B. Air Emissions Limitations

Existing air contaminant sources are required to comply with air pollutant emission limitations. Generally speaking, these limitations are at the level of Reasonably Available Control Technology (RACT). Additional information

regarding air pollutant emission limitations and pollution control technology can be obtained from the Air Pollution Control Program.

## CHAPTER 8. WATER QUALITY STANDARDS AND REGULATIONS

The Missouri Clean Water Commission has responsibility for establishing the goals, policies, standards and regulations for the control and abatement of water pollution. The Department of Natural Resources' Water Pollution Control Program provides for the implementation of the Clean Water Commission's Rules. In Missouri, the control of water pollution is accomplished through: (1) permitting requirements for the construction and operation of water pollution point sources; (2) effluent regulations and water quality standards; and (3) requirements prescribing minimum design criteria and operating standards for wastewater treatment systems. Parts A and B (below) describe the permit process for construction and operation of point sources of water pollution. Part C (below) discusses effluent regulations and water quality standards while Part D briefly discusses requirements governing the design and operation of wastewater treatment systems. It should be noted that the State of Missouri has received full delegation of authority from the U.S. Environmental Protection Agency for the National Pollutant Discharge Elimination System (NPDES) permit program (Section 402 of the Clean Water Act of 1977, P.L. 95-217).

### PART A. Construction Permits

1. Authorizing Statute  
Missouri Clean Water Law, Chapter 204, RSMo.,  
1972.1972.

2. Title of Regulation

Title 10--Department of Natural Resources. Code of State Regulations, Division 20--Clean Water Commission, Chapter 6--Permits.

### 3. Summary of Permit Process

#### a. Applicability

Construction, installation, or modification of any sewer system, water contaminant source, point source, or wastewater treatment facility which will discharge effluents to waters of the state.

#### b. General Requirements

A construction permit must be obtained from the Water Pollution Control Program before beginning construction, installation, or modification of a facility which will discharge effluents to waters of the state.

#### c. Submittal Requirements

An application for a construction permit must be submitted to the Water Pollution Control Program (ordinarily through the Department of Natural Resources' regional offices) at least 180 days before the date on which construction activities are to begin. The application consists of an application form plus an engineering report (when required) and detailed plans and specifications of the proposed facility. A filing fee must also be submitted at the time the application filed.

#### d. Public Hearing

Public hearings on construction permits are provided upon request by an affected party or if it is determined that there is significant public interest.

e. Time Requirements

Within 60 days after receipt of all documents and information necessary for a properly completed application the Water Pollution Control Program will either issue a notice of permit pending, issue the permit, or deny the permit. A notice of permit pending is a statement that the agency intends to issue the permit. Following notice of permit pending, affected parties are given 30 days in which to submit written comments or to request a public hearing. If a public hearing is requested, notice of the hearing is published in a newspaper of general circulation in the geographical area of the proposed discharge at least 30 days before the scheduled date of the hearing. All construction permits expire one year from the date of issuance unless the permittee applies for an extension.

f. Fees

A filing fee of \$25.00 must accompany an application for construction permit.

g. Appeals Process

An appeal hearing before the Clean Water Commission may be requested within 30 days of the final action of the agency. Further appeals must be taken to a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Water Pollution Control Program  
P. O. Box 1368  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

The Water Pollution Control Program routinely forwards a copy of draft construction permits to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Missouri Department of Conservation, and to any affected state for review and comment. In addition, the Department of Natural Resources' Division of Geology and Land Survey may conduct site evaluations.

PART B.        Operating Permits (National Pollutant Discharge  
Elimination System)

1. Authorizing Statute

Missouri Clean Water Law, Chapter 204, RSMo., 1972.

2. Title of Regulations

Title 10--Department of Natural Resources, Code of State Regulations, Division 20--Clean Water Commission, Chapter 6--Permits.

### 3. Summary of Permit Process

#### a. Applicability

Any contaminant source, point source, or wastewater treatment facility which discharges to waters of the state.

#### b. General Requirements

A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Water Pollution Control Program before any discharge to the waters of the state occurs. For major discharge sources, the Department of Natural Resources' regional offices perform preliminary permit review, while the central office provides final review and either issues or denies the permit. For non-major sources, the regional offices typically perform most of the work including permit issuance or denial. Each NPDES permit will specify the concentration and/or weight of each contaminant that may be discharged. Additionally, permits may contain schedules of compliance requiring the permittee to take specific steps to achieve compliance with applicable standards.

#### c. Submittal Requirements

Applications for an original NPDES permit for a facility that had a valid construction permit and a prior public notice must be submitted to the Water Pollution Control Program at least 30 but not more than 60 days before the facility begins to receive wastewater. Applications must specify the earliest date on which discharge is to begin. Applications for the renewal of NPDES permits or for NPDES permits for facilities that did not require construction permits must be submitted at least 180 days before the expiration date or the date when the facility begins to



receive wastewater. An engineer or responsible municipal official is required to certify in writing that the facility has been completed in accordance with approved plans and specifications.

d. Public Hearings

Public hearings on NPDES permits are provided upon request by an affected party or it if is determined that there is significant public interest.

e. Time Requirements

Within 30 days after receipt of a completed application for an original NPDES permit, the Water Pollution Control Program will either issue or deny the permit. Permits will either be issued or denied within 60 days of receipt of a completed application for permit renewal or for NPDES permits for facilities that did not require construction permits. The first NPDES permit issued to new sources and new dischargers will be issued for a period not to exceed one year unless all construction and compliance requirements have been met prior to the date of first discharge. When all construction has been completed on a new facility and for subsequent permits, the NPDES permit may be issued for a period not to exceed five years.

f. Fees

A filing fee of \$75.00 must accompany an application for NPDES permits.

g. Appeals Process

An appeal hearing before the Clean Water Commission may be requested within 30 days of the final action of the agency. Further appeals must be taken to a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Water Pollution Control Program  
P. O. Box 1368  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

The U.S. Environmental Protection Agency (Region VII-Kansas City) reviews all NPDES permit applications for major sources. The EPA administrator is given 30 days to object to a NPDES permit application. The Water Pollution Control Program will not issue a permit if such an objection is made. Copies of draft NPDES permits are routinely forwarded to the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Missouri Department of Conservation, and to any affected state for review and comment. The U.S. Army Corps of Engineers has veto authority over any NPDES permit for discharges into navigable waters.

PART C. Water Quality Standards

I. Authorizing Statute

Missouri Clean Water Law, Chapter 204, RSMo., 1972.

## 2. Title of Regulation

Title 10--Department of Natural Resources, Code of State Regulations, Division 20--Clean Water Commission, Chapter 7--Water Quality.

## 3. Summary of Standards

### a. Applicability

General water quality criteria have been established and are applicable to all waters of the state at all times. Specific water quality criteria have been adopted for three stream-flow classifications:

- 1) Class P--Streams that maintain permanent flow even in draught periods.
- 2) Class #P1--Standing-water reaches of Class P streams, including impoundments.
- 3) Class C--Streams that may cease to flow in dry periods, but maintain permanent pools which support aquatic life.

### b. General Requirements

The general water quality criteria applicable to all state waters require that streams and lakes be:

- (1) Free from substances that will cause the formation of putrescent or otherwise objectional bottom deposits.

- (2) Free from unsightly or deleterious amounts of oil, scum and floating debris.
- (3) Free from materials that cause color, odor, or other conditions in such a degree as to create a nuisance.
- (4) Free from substances or conditions that have a harmful effect on human, animal, or aquatic life.

c. Specific Requirements

Specific water quality criteria have been established for toxic substances, fecal coliform bacteria, temperature, pH, taste- and odor-producing substances, turbidity and color, solids, radioactive materials, dissolved oxygen, total dissolved gases, and sulfate and chloride levels.

d. Antidegradation Policy

Waters having an existing quality better than that required by the specific water quality criteria are to be maintained at existing quality levels. Exceptions to the antidegradation policy may be granted by the Clean Water Commission.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Water Pollution Control Program  
P. O. Box 1368  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

The water quality standards applicable to the waters of the State of Missouri were adopted by the Clean Water Commission in response to the federal Clean Water Act of 1977 (P.L. 95-217).

PART D.        Design and Operation of Wastewater Treatment  
Systems

1. Authorizing Statute

Missouri Clean Water Law, Chapter 204, RSMo., 1972.

2. Title of Regulation

Title 10—Department of Natural Resources, Code of State Regulations, Division 20—Clean Water Commission, Chapter 8—Waste Treatment Design, Chapter 9—Wastewater Treatment Systems Operations.

3. Summary of Requirements

a.    Applicability

The design, testing, operation and maintenance of wastewater treatment systems including sewers, sewage pumping stations, sewage treatment works, and wastewater treatment ponds.

b.    General Requirements

The regulations prescribe minimum criteria for the design, testing, operation and maintenance of wastewater treatment systems. Plans and specifications for wastewater treatment

systems must meet the minimum criteria and are subject to approval by the Construction Grants Program or the Water Pollution Control Program. Approval is also required for completed sewage works. The rules specify minimum requirements for laboratory testing to ensure adequate wastewater treatment systems operation and requirements for supervision of the operation of wastewater treatment systems by certified operators. Separate design criteria are specified for small sewage works having daily flows less than 22,500 gallons per day.

c. Submittal Requirements

For facilities receiving financial assistance under the federal Construction Grants Program, federal regulations describe requirements for the submittal of the facility plan. For non-grant projects, an engineering report and the project plans and specifications are to be submitted to the Water Pollution Control Program for review and approval.

d. Public Hearings

Not applicable.

e. Time Requirements

Plans and specifications should be submitted at least 60 days prior to the date on which agency action is desired, or in accordance with the NPDES permit processing schedule. Requirements for laboratory testing specify the frequency at which such tests are to be performed. Certificates for operators of wastewater treatment systems are issued for a term of one year.

f. Fees

There are no fees associated with the submittal of plans and specifications for wastewater treatment systems. New operator certificate and renewal fees are assessed in an amount sufficient to cover the cost of certification, renewal, and examination.

4. Administering Agency

Non-Grant Projects

Missouri Department of Natural Resources  
Division of Environmental Quality  
Water Pollution Control Program  
P. O. Box 1368  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3241

Grant Programs

Missouri Department of Natural Resources  
Division of Environmental Quality  
Construction Grants Program  
P. O. Box 1368  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

In addition to administering the federal Construction Grants Program (Section 201 of the Clean Water Act of 1977, P.M. 95-217), the Clean Water Commission and the Construction Grants Program administer a fifteen percent state bond fund matching grant

program for EPA-funded construction grant projects. The Construction Grants Program also administers the State Water and Sewer Grant Program, which provides approximately \$3 million annually to aid municipalities, water districts, and sewer districts with construction of water and wastewater systems. Also, the Missouri Division of Health has adopted guidelines (no regulations) for private (onsite) sewage disposal systems.



## CHAPTER 9 PUBLIC DRINKING WATER SUPPLY

The Public Drinking Water Program of the Missouri Department of Natural Resources is responsible for the regulation and control of public drinking water systems in the state. These responsibilities are twofold: (1) authority to approve plans and specifications for the construction or alteration of public drinking water systems, provide final approval of construction, and issue permits to dispense water to the public; and (2) designation of minimum acceptable operating and maintenance practices necessary to protect the public health. The regulations governing the design, construction, and permitting of system facilities are discussed in Part A (below). Minimum operating criteria are briefly discussed in Part B (below). Part C (below) describes the Missouri Division of Health's responsibilities relating to the construction of ground-water supply wells for individual water-supply systems.

PART A. Review and Approval of Plans and Specifications for the Construction or Alteration of Public Drinking Water Systems, Final Approval of Construction, Permits to Dispense Water to the Public

1. Authorizing Statute

Missouri Drinking Water Law, Chapter 640, RSMo., 1978.

2. Title of Regulation

"Missouri Public Drinking Water Regulations" Title 10--Department of Natural Resources, Code of State Regulations, Division 60--Public Drinking Water Program, Chapters 1 through 13.

### 3. Summary of Requirements

#### a. Applicability

All suppliers of drinking water that meet the definition of a "public water system" as specified in the regulations. Public water systems are classified as either community or noncommunity water systems.

#### b. General Requirements

All community water systems are required: (1) to obtain written authorization prior to construction, alteration, or extension of the system; (2) to obtain final approval of construction (unless construction is conducted under a supervised program); (3) to obtain a permit to dispense water to the public; (4) to meet all bacteriological, chemical, turbidity, and radiological maximum contaminant levels (MCL); and (5) to meet the 20 psi minimum system operating pressure. Noncommunity water systems are required: (1) to notify the Public Drinking Water Program of the intent to construct a new or expand an existing water system; (2) to obtain a permit to dispense water to the public; and (3) to present evidence of the ability to produce water meeting applicable maximum contaminant levels. The Department of Natural Resources has published guidelines for the design and construction of surface- and ground-water storage and distribution facilities.

#### c. Submittal Requirements

Engineering reports, plans and specifications must be submitted to the Public Drinking Water Program prior to beginning construction of a new community water system and before

making improvements to existing community water system. These plans and specifications must be prepared by a certified professional engineer. The results of all tests required by the state drinking water regulations must be submitted to the Public Drinking Water Program. Before allowing the use of public water supply impoundments for recreational purposes, the supplier must apply for approval from the Public Drinking Water Program. Should a community water system fail to comply with any drinking water regulation, the supplier must notify the Public Drinking Water Program of such failure.

d. Public Hearings

Before the Public Drinking Water Program can issue a variance, variance schedule, exemption, or exemption schedule, it must provide notice and opportunity for a public hearing on such actions.

e. Time Requirements

Upon receipt of the engineering reports, plans and specifications, the Public Drinking Water Program reviews and typically responds within 30 working days.

f. Fees

No fees are required by either the statute or the regulations.

g. Appeals Process

Any person aggrieved by an emergency order (Public Drinking Water Hazard Abatement Order) may appeal within 30 days after the issuance of the order to the circuit court of the

county in which the public water supply system is located or, if the public water supply system is located in more than one county, to the circuit court of any such county. The circuit court shall, within 10 days after the filing of the appeal, hear the cause and determine the same.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Public Drinking Water Program  
P. O. Box 1368  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

The Public Drinking Water Program has primary responsibility for state implementation of the drinking water portions of the federal Safe Drinking Water Act (P.L. 93-523). As part of its responsibility for protecting the quality of public drinking water supplies, the Public Drinking Water Program participates in the review of construction plans for water impoundments permitted by the U.S. Army Corps of Engineers. Additionally, Section 404 "Dredge and Fill" permits may be required for the placing of water intake structures in navigable waters. The program also provides state grants to public water and sewer districts.

PART B. Minimum Operating Criteria

I. Authorizing Statute

Missouri Drinking Water Law, Chapter 640, RSMo., 1978.

2. Title of Regulation

"Missouri Public Drinking Water Regulations" Title 10--Department of Natural Resources, Code of State Regulations, Division 60--Public Drinking Water Program, Chapters 1 through 13.

3. Summary of Minimum Operating Criteria

a. Applicability

All suppliers of drinking water that meet the definition of a "public water system" as specified in the regulations.

b. General Requirements

The regulations specify maximum contaminant levels (MCL) for public water systems and require the operator to collect and analyze water samples at specified frequencies to ensure compliance with the MCLs. All required analyses must be conducted according to prescribed procedures in laboratories certified by the Public Drinking Water Program.

c. Submittal Requirements

Reports of all required analyses and monitoring must be submitted to the Public Drinking Water Program except for operational analyses and analyses made by a state laboratory.

d. Public Hearings

Not applicable.

e. Time Requirements

Reports of all required analyses and monitoring must be submitted within 40 days of their completion. The regulations specify time requirements for maintaining public water system records.

f. Fees

No fees are required.

g. Appeals Process

Not applicable.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Public Drinking Water Program  
P. O. Box 1368  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

The Public Drinking Water Program has primary responsibility for state implementation of the drinking water portions of the federal Safe Drinking Water Act (P.L. 93-523). As part of its responsibility for protecting the quality of public drinking water supplies, the Public Drinking Water Program participates in the review of construction plans for water impoundments permitted by the U.S. Army Corps of Engineers. Additionally, Section 404 "Dredge and Fill" permits may be required for the placing of water intake

structures in navigable waters. The program also provides state grants to public water and sewer districts.

PART C.        Construction of Water Supply Wells

I.    Authorizing Statute

Chapter 192, RSMo., 1969.

2.    Title of Regulations

Title 13--Department of Social Services, Code of State Regulations, Division 50--Division of Health, Chapter 72--Construction of Water Supply Wells.

3.    Summary of Requirements

a.    Applicability

Private ground water wells.

b.    General Requirements

The regulations established design criteria for the drilling of low-yield wells and for the drilling of high-yield wells supplying water to private systems. Private wells for commercial purposes must meet bacteriological quality standards. Private wells are also required to be cased to specified depths.

c.    Submittal Requirements

For every well drilled, a report must be filed with the owner and the Division of Geology and Land Survey.

d. Public Hearings

Not applicable.

e. Time Requirements

Reports must be filed within 60 days of completion of a well.

g. Appeals Process

Not applicable.

4. Administering Agency

Department of Social Services  
Missouri Division of Health  
Bureau of Community Sanitation  
P. O. Box 570  
Jefferson City, Missouri 65102  
Telephone: (314) 751-3696

5. Relation to Other State and Federal Programs

The Division of Health, in cooperation with the Division of Geology and Land Survey, maintains a listing of water well drilling contractors and pump installers, along with pertinent information on each well drilled. The Division of Geology and Land Survey also provides technical guidance on appropriate well depths and design. The Division of Health also provides laboratory analyses for public drinking water supply systems and administers rules governing the construction and operation of public bathing places (swimming pools).



## CHAPTER 10. SOLID WASTE MANAGEMENT

The Missouri Solid Waste Management Law authorizes the Missouri Department of Natural Resources to administer the State Solid Waste Management Program. The Solid Waste Management Program performs a variety of administrative and technical functions relating to solid waste management including developing and adopting rules and regulations governing solid waste management systems; providing review and approval of engineering design plans and issuing permits for solid waste disposal areas and solid waste processing facilities; and developing and updating the state solid waste management plan. The following presents a discussion of the permitting requirements for solid waste disposal areas and processing facilities.

### 1. Authorizing Statute

Missouri Solid Waste Management Law, Chapter 260— Environmental Control-Solid Waste Disposal, RSMo., 1975.

### 2. Title of Regulation

Title 10—Department of Natural Resources, Code of State Regulations, Division 80—Solid Waste Management Program, Chapters 1 through 5.

### 3. Summary of Permit Process

#### a. Applicability

Operators of a solid waste disposal area or solid waste processing facility. No permits are required for the disposal of overburden, rock, tailing, matte, slag or other waste material resulting from mining, milling, or smelting.

b. General Requirements

All solid waste disposal areas and solid waste processing facilities are to be located, designed, and operated in accordance with the established rules and regulations. An operating permit must be obtained from the solid waste management program for each solid waste disposal area or solid waste processing facility. The Solid Waste Management Program issues four types of operating permits: sanitary landfills, demolition landfills, processing facilities, and special operating permits. A special operating permit is issued for solid waste disposal areas or solid waste processing facilities for the disposal of only special wastes. Special wastes are those that normally require handling other than that normally used for municipal solid wastes. For each type of solid waste operation, the regulations specify the solid wastes accepted and excluded; site selection requirements; design criteria; and other environmental control requirements.

c. Submittal Requirements

An application to operate a solid waste disposal area or solid waste processing facility must be completed and filed with the Solid Waste Management Program. Information requirements include general site information and technical/engineering plans and specifications. Supporting technical and engineering information requirements vary according to facility type, and other information may be required as requested.

d. Public Hearings

No public hearings are required prior to the issuance or denial of an operating permit for a solid waste disposal area or solid waste processing facility. However, it is customary to hold a non-

adversarial public meeting for fact finding purposes when interested parties request such a meeting.

e. Time Requirements

There are no time requirements prescribed for the issuance of operating permits for solid waste disposal areas or solid waste processing facilities. Typically, a final decision on whether to issue or deny an operating permit is made within 30-60 days after receipt of a completed application and all supporting information.

f. Fees

There are no fees associated with application for a permit to operate a solid waste disposal area or a solid waste processing facility.

g. Appeals Process

Any person aggrieved by the denial or revocation of an operating permit may request a public hearing within 30 days of notice of such action. A person shall be entitled to judicial review of a final decision in a state circuit court within 30 days of notice of the final administrative decision.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Solid Waste Management Program  
P. O. Box 1368  
Jefferson City, Missouri 65101  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

The regulations and procedures in effect in Missouri governing solid waste management are substantially equivalent to regulations promulgated by the U.S. Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976 (P.L. 94-580). Other state environmental regulations governing air and water quality may also require permits for solid waste disposal areas or solid waste processing facilities. The Division of Geology and Land Survey assists the Solid Waste Management Program by providing reviews of site plans and by conducting field evaluations.

## CHAPTER II. HAZARDOUS WASTE MANAGEMENT

The Missouri Hazardous Waste Commission has responsibility for establishing standards, rules, and regulations for the management of hazardous waste in the state. Administration of the Hazardous Waste Commission's rules is the responsibility of the Solid Waste Management Program within the Department of Natural Resources. All aspects of hazardous waste management are regulated including the generation, transportation, handling, storage, and disposal of hazardous wastes. The Missouri regulations are substantially equivalent to the federal hazardous waste regulations promulgated under the Resource Conservation and Recovery Act of 1976 (RCRA, P.L. 94-580). Under RCRA, the State of Missouri is authorized to issue interim status operating permits for hazardous waste management facilities. The requirements and procedures for obtaining such permits are discussed below.

### 1. Authorizing Statute

Missouri Hazardous Waste Management Law, Chapter 260--Environmental Control, RSMo., 1980.

### 2. Title of Regulation

Title 10--Department of Natural Resources, Code of State Regulations, Division 25--Hazardous Waste Management Commission, Chapters 1 through 8.

### 3. Summary of Permit Process

#### a. Applicability

Owners/operators of a hazardous waste treatment, storage, or disposal facility. No permit is required for certain facilities as specified in the regulations [10 CSR 25-7.011(1)].

b. General Requirements

All owners/operators of a hazardous waste management facility are required to obtain a hazardous waste facility permit from the Solid Waste Management Program. All hazardous waste management facilities are to be located, designed, constructed, operated, maintained, and closed in accordance with the established standards, rules, and regulations. The regulations provide general standards and specify specific standards for hazardous waste incinerators, landfills, storage facilities, surface impoundments and waste piles, and treatment facilities.

c. Submittal Requirements

Application for a hazardous waste facility permit to construct or operate a facility must be submitted to the Solid Waste Management Program. Information requirements include complete engineering plans and specifications for the facility, a list of the hazardous wastes, and an estimate of the annual quantity of the wastes to be treated, stored, or disposed. A contingency plan and operations manual, proof of financial responsibility, required fees, and a complete signed application form must also be submitted.

d. Public Hearings

A public hearing on a hazardous waste facility permit may be held upon written request by any interested person within 15 days of public notice for consideration. A public hearing is required on all permits for disposal facilities.

e. Time Requirements

By law, the Solid Waste Management Program is required to make a final decision as to whether to issue or deny a hazardous waste facility permit within 180 days of receipt of a completed application and all required information.

f. Fees

A fee of \$1,000 for disposal facilities and \$500 for all other facilities must be submitted with the application for a hazardous waste facility permit. For each year the permit is to be in effect beyond the first year, a fee of \$1,000 for disposal facilities and \$500 for all other facilities is assessed. Additional fees of two percent of gross receipts is assessed for hazardous waste landfills.

g. Appeals Process

Administrative decisions concerning hazardous waste management may be appealed to the Hazardous Waste Management Commission by any affected party within 30 days after final decision. An adversary public hearing will be held on the appeal not less than 30 days after public notice of such hearing. Following administrative appeal, judicial review may be sought in a state circuit court.

4. Administering Agency

Missouri Department of Natural Resources  
Division of Environmental Quality  
Solid Waste Management Program  
Post Office Box 1368  
Jefferson City, Missouri 65101  
Telephone: (314) 751-3241

5. Relation to Other State and Federal Programs

As noted previously, the Missouri hazardous waste management regulations are substantially equivalent to federal regulations promulgated by the U.S. Environmental Protection Agency pursuant to RCRA. Facilities that have achieved federal interim status or the equivalent under RCRA may submit proof of that status and receive state interim status for the facility. Other state environmental regulations governing air and water quality may also require permits for hazardous waste management facilities. The Division of Geology and Land Survey assists the Solid Waste Management Program by providing reviews of site plans and by conducting field evaluations.



## CHAPTER 12. NOISE REGULATION

There are no ambient noise regulations or standards in the State of Missouri. However, local governments may regulate noise levels within their jurisdiction through the application of public nuisance law or through the enactment of ordinances exercising state police powers under appropriate state enabling law. In addition, the Missouri Division of Health has established occupational noise standards and regulates some in-plant noise to protect worker health.

## SECTION VI. SOCIAL/ECOLOGICAL PRESERVATION

### CHAPTER 13. RARE AND ENDANGERED SPECIES

Article IV, Section 40 (a) of the Constitution of Missouri established the Missouri Conservation Commission and Department of Conservation and prescribes their responsibilities for the control, management, restoration, conservation, and regulation of the state's wildlife resource. These responsibilities include regulatory authority for the protection of rare and endangered species.

The Wildlife Code of Missouri (3 CSR 10-4.111 Endangered Species) states that:

(1) The importation, transportation, sale, purchase, taking or possession of any endangered species or wildlife, or hides or other parts thereof, or the sale or possession with intent to sell of any article made in whole or in part from the skin, hide or other parts of endangered species of wildlife is prohibited; provided, that this rule shall not apply to legally acquired wildlife held under permit or held by a public zoo or museum, to wildlife taken legally outside Missouri, or to articles manufactured before January 1, 1973.

Endangered species of wildlife include all those which appear on the U.S. Department of Interior's current United States List of Endangered Foreign Fish and Wildlife, the current United States List of Endangered Native Fish and Wildlife, and those native species designated as endangered in Missouri. Designation of native species endangered in Missouri is accomplished by rule filed with the Secretary of State.

The Wildlife Code of Missouri (3 CSR 10-9.605 Wildlife Collector's Permit) provides for the issuance of permits to collect, possess, mount, or preserve wildlife for scientific purpose only. Wildlife collector's permits may be issued to professionally qualified individuals for specific projects or to an authorized representative of a university, college, school, incorporated city, state, or federal agency, publically-owned zoo, or wildlife or research organization. Wildlife collector's permits specify the species and numbers to be collected, and collecting methods; and require that advance notice be given to the conservation agent or regional supervisor in the county or area where the collecting will take place.

Other regulatory responsibilities of the Department of Conservation relate to the protection of state streams and rivers for purposes of fish propagation. The Wildlife Code (3 CSR 252.150 Corporation Owning Dam) requires any person owning, operating, or using any dam across any river, stream, or creek in the state to provide for the free passage of fish through the construction of fishways or other suitable devices. The Wildlife Code (3 CSR 252.210 Contamination of Streams) also prohibits the discharge of substances into state waters that will injure, stupefy, or kill fish.

For further information contact:

Missouri Department of Conservation  
Post Office Box 180  
Jefferson City, Missouri 65102  
Telephone: (314) 751-4115

## CHAPTER 14. ARCHAEOLOGICAL AND HISTORICAL PRESERVATION

The Missouri Department of Natural Resources' Historic Preservation Program provides state participation in the review process established by the National Historic Preservation Act of 1966 (P.L. 89-665, as amended, 36 CRF 800). Under the Act, cultural resource assessment may be required prior to beginning construction on any project which is to be funded, assisted, or licensed by a federal agency. As required by the National Historic Preservation Act and other applicable statutes and regulations, the state assists in the determination of the need for cultural assessments, reviews the results of any required surveys, makes recommendations concerning National Register eligibility, recommends avoidance or mitigating activities when projects threaten a known cultural resource, and participates with the Advisory Council on Historic Preservation on compliance with applicable federal laws and regulations.

Further information contact:

Missouri Department of Natural Resources  
Historic Preservation Program  
Post Office Box 176  
Jefferson City, Missouri 65102  
Telephone: (314) 751-4096

## CHAPTER 15. WETLANDS

The control and protection of ecologically sensitive wetland areas in Missouri is accomplished through the state's involvement in the review of U.S. Army Corps of Engineers 404 dredge-and-fill permit applications. The Department of Natural Resources' Water Pollution Control Program and the Army Corps of Engineers issue a joint public notice of application for permit pending upon receipt of a completed 404 application. The public, including state agencies and local governments, is then provided 30 days in which to comment and/or request a public hearing on the application. Ordinarily, public hearings are only held when there is a substantial amount of comment from the public. Agency comments are usually addressed informally through meetings with the Army Corps of Engineers.

The Water Pollution Control Program's critical role in the 404 permit review process is in providing the required 401 water quality certification. These certifications state that the proposed dredge or fill activity will not violate applicable Water Quality Standards. Typically, the state's 401 water quality certification will stipulate conditions or mitigating actions to be followed by the prospective permittee. These conditions are then incorporated into the 404 permit issued by the Army Corps of Engineers. Ecologically sensitive wetland areas are often included in the area under consideration. As such, proposed activities that will damage or otherwise harm sensitive wetland areas will either not be permitted or their permits will be conditioned on the performance of specified mitigating actions.

For further information contact:

Missouri Department of Natural Resources  
Division of Environmental Quality  
Water Pollution Control Program  
P. O. Box 1368  
Jefferson City, Missouri  
Telephone: (314) 751-3241