

Chapter 6—Permits

10 CSR 20-6



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

10 CSR 20-6.010 Construction and Oper-
ating Permits

*PURPOSE: This rule sets forth the require-
ments and process of application for con-
struction and operating permits, and the
terms and conditions for the permits. This
rule also clarifies the requirements of the per-
mit program, improves its administration,
and brings the program in compliance with
the latest federal regulations, 44 FedReg
32.854 (1979).*

(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;
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, ground water monitoring wells, and heat pump wells;

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 the end of the demonstration period if the facility intends to continue operation, unless otherwise exempted under this rule or Chapter 6; and

9. The application of pesticides in order to control pests (e.g., any insect, rodent, nematode, fungus, weed, etc.) in a manner that is consistent with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Missouri Pesticide Use Act.

(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



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Division 20—Clean Water Commission

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 larger) 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

RESPONSE: No; however, it is unnecessary for Timber Creek to provide service in the proposed service area because PCRSD was organized, incorporated and specifically authorized to provide sanitary sewer collection and treatment services to the entire unincorporated area of Platte County, Missouri, including the proposed service area. ..

Figure 1: Monthly Sewer Rates

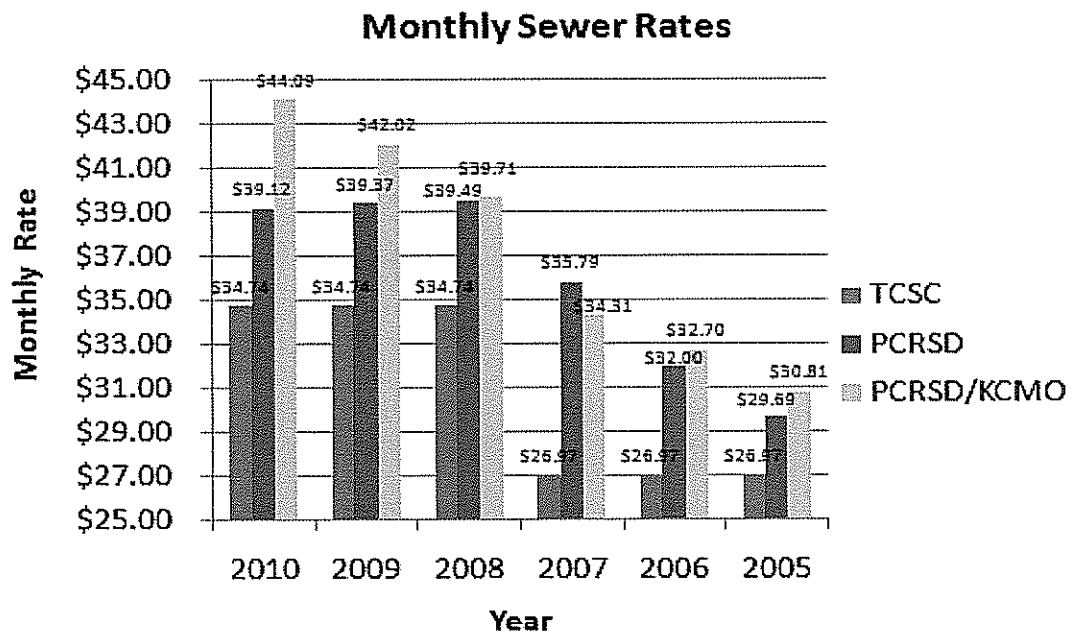


Table 1: Rate Comparison and Percentage Difference

Year	Timber Creek Monthly Rate	PCRSD Average Monthly Rate	Percentage Difference from Timber Creek	PCRSD/KCMO Average Monthly Rate	Percentage Difference from Timber Creek
2010	\$34.74	\$39.12	12.6%	\$44.09	26.9%
2009	\$34.74	\$39.37	13.3%	\$42.02	21.0%
2008	\$34.74	\$39.49	13.7%	\$39.71	14.3%
2007	\$26.97	\$35.79	32.7%	\$34.31	27.2%
2006	\$26.97	\$32.00	18.7%	\$32.70	21.3%
2005	\$26.97	\$29.69	10.1%	\$30.81	14.2%

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of)
Timber Creek Sewer Company for a) File No. SA-2010-0063
Certificate of Convenience and Necessity)

**RESPONSES OF PLATTE COUNTY REGIONAL SEWER DISTRICT TO
TIMBER CREEK SEWER COMPANY'S FIRST SET OF DATA REQUESTS**

Platte County Regional Sewer District ("PCRS"), pursuant to Commission Rule 4 CSR 240-2.090(2), hereby provides its Responses to the First Set of Data Requests submitted by Timber Creek Sewer Company ("Timber Creek"), subject to prior objections and its inability to answer within twenty days served on Timber Creek on November 9, 2009.

DATA REQUESTS / RESPONSES

14. Please document the sewer rates for PCRS residential customers for the past 5 years and if the rates differ by areas served, please document the rates for each area served for the past 5 years.

RESPONSE:

See attached sheets designated # 14.

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PCRSD
RATE COMPARISON OF PAST YEARS
Treated by PCRSD

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
DISTRICT BASE RATE	\$ 7.34	\$ 7.79	\$ 7.98	\$8.85	\$9.49	\$9.16
Proposed Rate per 1000 Gallons	\$ 1.66	\$ 2.01	\$ 2.45	\$2.89	\$2.93	\$3.31
AVERAGE MONTHLY RATE	\$ 15.69	\$ 17.01	\$ 20.74	\$22.84	\$24.32	\$24.07
MONTHLY BOND REPAYMENT (Treatment Plant Bonds)	\$14.00	\$15.00	\$15.05	\$15.05	\$15.05	\$15.05
<u>TOTAL AVERAGE USER CHARGE</u>	<u>\$ 29.69</u>	<u>\$ 32.00</u>	<u>\$ 35.79</u>	<u>\$ 39.45</u>	<u>\$ 39.37</u>	<u>\$ 39.12</u>
		7.2326%	10.5783%	9.2776%	-0.2032%	-0.6391%
Customer Average Water Usage per Month	5020	4590	5211	5380	5070	4510

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PCRSD
RATE COMPARISON OF PAST YEARS
Treated by KCMO

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
DISTRICT BASE RATE						
Rate per 1000 Gallons	\$ 7.34	\$ 7.79	\$ 7.98	\$8.85	\$9.49	\$9.16
	\$ 1.00	\$ 1.14	\$ 1.40	\$1.81	\$1.78	\$2.18
AVERAGE PCRSD MONTHLY RATE						
KCMO Charge for Treatment	\$ 17.48	\$ 18.54	\$ 19.49	\$21.12	\$23.52	\$25.11
<u>TOTAL AVERAGE USER CHARGE</u>	<u>\$ 30.81</u>	<u>\$ 32.70</u>	<u>\$ 34.31</u>	<u>\$ 39.71</u>	<u>\$ 42.02</u>	<u>\$ 44.09</u>
		5.7798%	4.6925%	13.5986%	5.4974%	4.6949%
Customer Average Water Usage per Month	5990	5590	4890	5390	5070	5054

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Schedule
DS-16

Kansas City Star

Kansas City Star, The (MO)

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December 11, 2009

KC official calls for sewer, water rate increases

Author: LYNN HORSLEY, The Kansas City Star

Section: News

Page: A4

Article Text:

Kansas City's water chief Thursday called for significant rate increases for at least the next five years to tackle a huge maintenance backlog.

Bernardo Garcia, director of the Water Services Department, told the City Council's Transportation and Infrastructure Committee that sewer rates should rise 15 percent annually and water rates 10 percent annually over the next five years. Those are needed, he said, to pay for \$3 billion worth of work to address old pipes, sewer overflows and thousands of leaks.

If the council endorses the multiyear increases, the average sewer and water charge for a residential customer will increase from about \$50 per month now to about \$88 per month by 2015.

We're fiscally challenged in the Water Department, said Garcia, who noted that reserves were down, water sales had dropped with recent rainy years and costs had escalated.

Despite the proposed rate increases, Garcia said the water and sewer rates should stay very competitive with or even lower than charges in adjacent cities. He said the recommended increases would be affordable and sustainable and would not discourage people or businesses from moving to Kansas City.

Kansas City is negotiating an agreement with the Environmental Protection Agency to deal with overflowing sewers in a program expected to cost \$2.4 billion over a few decades. Garcia said he hoped the 15 percent annual sewer rate increases would pay for it.

However, he said, if Kansas City must speed up its sewer upgrades, the city could be forced to raise money faster with annual sewer increases as high as 25 percent.

Garcia also gave the committee a detailed plan for how that money would be spent. In the next five years, he envisions spending \$244 million on 96 sewer projects and \$222 million on 136 water projects.

Committee members were generally receptive to Garcia's presentation and said they might even endorse multiyear rate increases, although they could not bind future councils to those decisions.

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