



Rules of
Department of Natural Resources
Division 20—Clean Water Commission
Chapter 2—Definitions

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 2—Definitions**

10 CSR 20-2.010 Definitions

PURPOSE: This rule sets forth the definitions of terms used in the Missouri Clean Water Law and all regulations passed pursuant to it.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

- (1) "Abandoned well," as defined in section 256.603, RSMo.
- (2) "Agrichemical," any pesticide or fertilizer but does not include anhydrous ammonia fertilizer material.
- (3) "Agrichemical facility," any site, with the exception of chemical production facilities, where bulk pesticides or fertilizers, excluding anhydrous ammonia fertilizer, are stored in non-mobile containers or dedicated containers and are being mixed, applied, repackaged, or transferred between containers for more than thirty (30) consecutive days per year.
- (4) "Application," the application form supplied by the department, the filing fee, if applicable, and other supporting documents if requested.
- (5) "Appurtenances," valves, pumps, fittings, pipes, hoses, plumbing, or metering devices connected to sewers, basins, tanks, storage vessels, treatment units, and discharge or delivery structures, or used for transferring products or wastes.
- (6) "Aquaculture facility," as defined by section 644.016(1), RSMo.
- (7) "Aquifer," a subsurface water-bearing bed or stratum which stores or transmits water in recoverable quantities that is presently being utilized or could be utilized as a water source for private or public use. It does not include water in the vadose zone. For purpose of the effluent regulation, sandy or gravelly alluvial soils in or on the floodplains of intermittent streams are not an aquifer.
- (8) "Blending," the practice of diverting wet-weather flows around any treatment unit and recombining those flows within the treatment facility, while providing primary and secondary or biological treatment up to the available capacity, consistent with all applicable effluent limits and conditions. See bypass, section (11) of this rule.
- (9) "Bulk fertilizer," any liquid or dry fertilizer which is transported or stored in undivided quantities of greater than five hundred (500) gallons measure or five thousand (5,000) pounds net dry weight respectively.
- (10) "Bulk pesticide," any registered pesticide which is transported or stored in an individual container in undivided quantities greater than fifty-six (56) gallons liquid measure or one hundred (100) pounds dry weight respectively.
- (11) "Bulk repackaging," the transfer of a registered pesticide from one (1) container to another in an unaltered state in preparation for sale to or distribution for use by another person.
- (12) "Bypass," as defined by 40 CFR part 122 subpart C, October 22, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, is incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Blending is not a bypass.
- (13) "Clean Water Act," the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) (P.L. 92- 500) as amended in 1977, (P.L. 95-217), 1978 (P.L. 95-576), 1980 (P.L. 96-483), and in 1981 (P.L. 97-117), 33 U.S.C. 1251 et seq, as published by the Office of the Law Revision Counsel, U.S. House of Representatives, H2-308 Ford House Office Building, Washington, DC 20515, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.
- (14) "Commission," as defined by section 644.016(2), RSMo.
- (15) "Common promotional plan," a plan, undertaken by one (1) or more persons, to offer individual lots or residential housing units within a residential housing development for sale or lease; where land or residential housing units are offered for sale or lease by a person or group of persons acting in concert, and the land is contiguous or is known, designated, or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots or residential housing units covered by each individual offering, as being offered for sale or lease as part of a common promotional plan. State and county roads are not considered property boundaries.
- (16) "Composite sample," a combination of individual samples collected over a designated period of time.
- (17) "Conference, conciliation, and persuasion," as defined by section 644.016(3), RSMo.
- (18) "Construction," any activities including, but not limited to, the erection, installation, or significant modification of any dwelling, structure, building, sewer system, water contaminant source, or point source. Construction commences with any preparatory activity including, but not limited to, trenching, excavation for any building in a subdivision, or for a wastewater treatment facility, demolition of existing wastewater treatment facility structures or change in the wastewater treatment facility operation necessary to allow modification, but not to include interior remodeling of single-family residences or commercial buildings which will not result in a substantial change in wastewater volume, nature, or strength of the discharge therefrom.
- (19) "Continuing authority," is a person, as defined in 644.016(15), RSMo, that is either an area wide management authority or owns and/or operates a point source, treatment facility, or a sewer collection system.
- (20) "Daily maximum," an effluent limitation that specifies the total mass or average concentration of pollutants that may be discharged in a calendar day.
- (21) "Dedicated agrichemical container," a container effectively designed and constructed to hold a specific agrichemical and to be reused, repackaged, or refilled.
- (22) "Department," as defined by section 644.016(4), RSMo.



- (23) “Developer,” any person or group of persons who directly or indirectly, sells or leases or offers to sell or lease, any lots, residential housing units, or recreational camping sites, but not to include any licensed broker or licensed salesman who is not a shareholder, director, officer, or employee of a developer and who has no legal or equitable interest in the land.
- (24) “Director,” as defined by section 644.016(5), RSMo.
- (25) “Discharge,” as defined by section 644.016(6), RSMo.
- (26) “Domestic wastewater,” wastewater (i.e., human sewage) originating primarily from the sanitary conveniences of residences, commercial buildings, factories, and institutions, including any water which may have infiltrated the sewers. Domestic wastewater excludes stormwater, animal waste, process waste, and other similar waste.
- (27) “Effluent,” any wastewater or other substance flowing out of or released from a point source, water contaminant source, or wastewater treatment facility.
- (28) “Effluent Control Regulations,” as defined by section 644.016(7), RSMo.
- (29) “Effluent limitation segment,” any segment of water where the water quality meets and will continue to meet water quality standards or where the water quality will meet water quality standards after the application of effluent limitation guidelines.
- (30) “Engineer,” as defined by section 327.011(13), RSMo.
- (31) “Environmental Protection Agency (EPA),” the United States Environmental Protection Agency.
- (32) “Fertilizer,” as defined by section 266.291, RSMo.
- (33) “Filing fee,” a credit card, check, money order, or bank draft payable to the state of Missouri as filing fee for a construction permit, an operating permit, or a variance.
- (34) “General permit,” as defined by section 644.016(8), RSMo.
- (35) “General permit template,” as defined by section 644.016(9), RSMo.
- (36) “Grab sample,” any individual sample collected without compositing or adding other samples.
- (37) “Human sewage,” as defined in section 644.016(10), RSMo.
- (38) “Innovative technology,” new and generally unproven technology in the type or method of its application that bench testing or theory suggests has environmental, efficiency, and cost benefits beyond standard technologies.
- (39) “Lagoon,” an earthen basin or lined basin used for biological treatment of wastewater, usually designed for biochemical oxygen demand (BOD) removal and settling of solids. Lagoons can be designed as flow-through, controlled discharge, no-discharge systems, or for storage.
- (40) “Losing streams,” a stream which distributes thirty percent (30%) or more of its flow during low flow conditions through natural processes. Losing streams are identified in the digital geospatial dataset ‘LOSING STREAM’ developed by the Missouri Department of Natural Resources, Missouri Geological Survey; additional streams may be determined to be losing by the department.
- (41) “Lot,” any portion, piece, division, unit, or undivided interest in real estate, if the interest includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity.
- (42) “Minor Violation,” as defined by section 644.016(12), RSMo.
- (43) “Missouri Clean Water Law,” as defined by sections 644.006 through 644.141, RSMo.
- (44) “Mobile container,” a container designed and used for transporting agrichemicals that meet the United States Department of Transportation standards for the product being transported.
- (45) “Monthly average,” the total mass or concentration of all daily discharges sampled during a calendar month divided by the number of daily discharges sampled or measured during that month.
- (46) “Municipality,” an incorporated city, town, or village (including an intermunicipal agency of two (2) or more of the foregoing entities).
- (47) “National Pollutant Discharge Elimination System (NPDES),” as defined in the Clean Water Act. See Clean Water Act, section (12) of this rule.
- (A) NPDES permit. Any permit issued by either the EPA or the state of Missouri under authorization by EPA which fulfills the NPDES requirements as set forth in the Clean Water Act.
- (B) NPDES application. Any application on a form supplied by the department, submitted for an NPDES permit.
- (48) “New discharger,” any building, structure, facility or installation—
- (A) Which on October 18, 1972, has never discharged pollutants;
- (B) Which has never received a finally effective NPDES permit;
- (C) From which there is or may be a new or additional discharge of pollutants; and
- (D) Which does not fall within the definition of new source.
- (49) “New source,” as defined by 40 CFR part 122 subpart A, June 29, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.
- (50) “No-discharge,” a facility designed, constructed, and operated to hold or irrigate, or otherwise dispose without discharge to surface or subsurface waters of the state, all process wastes and associated stormwater flows except for discharges that are caused by catastrophic and chronic storm events; any basin is sealed in accordance with 10 CSR 20-8, Minimum Design Standards; and no subsurface releases exist in violation of 10 CSR 20-7.015, Effluent Regulations, or section 577.155, RSMo.
- (51) “Non-mobile container,” a stationary container designed to be incapable of movement once installed; not defined as mobile.
- (52) “Operating location,” all contiguous lands owned, operated, or controlled by one (1) or more persons jointly or as tenants in common.
- (53) “Operation and maintenance,” activities to assure the dependable and economical function of wastewater and stormwater systems.
- (A) Maintenance. Preservation of functional integrity and efficiency of equipment and structures. The proper keeping of all aspects of a collection system and wastewater treatment facility and appurtenances thereto, that



pertain to safety, in a state of repair and working order as necessary to comply with the Missouri Clean Water Law and any permit issued thereunder and to protect public health and safety. This includes preventive maintenance, corrective maintenance, and replacement of equipment as needed.

(B) Operation. Control of the unit processes and equipment which make up the wastewater treatment facility. This includes financial and personnel management, records, laboratory control, process control, safety, and emergency operation planning.

(54) "Operational area," an area(s) at an agrichemical facility where agrichemicals are transferred, loaded, unloaded, mixed, repackaged, refilled, or where agrichemicals are cleaned, washed, or rinsed from containers or equipment that is used in application, handling, storage, or transportation.

(55) "Operational containment area," any structure or system effectively designed and constructed to intercept and contain discharges, including container or equipment wash water, rinsates and precipitation, and to prevent escape, runoff, or leaking from the operational area.

(56) "Permit by rule," as defined by section 644.016(13), RSMo.

(57) "Permit holders or applicants for a permit," as defined by section 644.016(14), RSMo.

(58) "Person," as defined by section 644.016(15), RSMo.

(59) "Pesticide," as defined by section 281.020(18), RSMo.

(60) "Point source," as defined by section 644.016(16), RSMo.

(61) "Pollutant," as defined by 40 CFR part 122 subpart A, June 29, 2015, as published by the EPA Docket Center, EPA West 1301 Constitution Avenue NW., Washington, DC 20004, is incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

(62) "Pollution," as defined by section 644.016(17), RSMo.

(63) "Pretreatment regulations," as defined by section 644.016(18), RSMo.

(64) "Primary containment," the storage of an agrichemical in either its original contain-

er or other suitable container, including dedicated containers, effectively designed and constructed to contain the product that may be stored there.

(65) "Publicly owned treatment works (POTW)," wastewater treatment facility and collection system which conveys wastewater to the POTW owned by the state, a municipality, a political subdivision or a sewer district defined by Chapters 644, 249, and 250, RSMo, 2016.

(66) "Regional administrator," regional administrator of the Environmental Protection Agency's regional office for the region in which the state of Missouri is located.

(67) "Release," to discharge directly or indirectly to waters of the state, or to place, cause, or permit to be placed, any water contaminant in any location where it is reasonably certain to enter waters of the state. For agrichemical facilities, this includes any spill, leak, deposit, dumping, or emptying of an agrichemical, process wastewater, or collected precipitation from a secondary containment area or operational containment area. Release does not include the lawful transfer, loading, unloading, repackaging, refilling, distribution, use, or application of an agrichemical, agrichemical process wastewater, or related collected precipitation.

(68) "Residence," any structure, dwelling, unit, or shelter which is intended or used for human habitation as a permanent, vacation, or recreational home or building. They may be detached or part of one (1) or more attached units.

(A) "Multiple-family," residential housing units that share the same structure, dwelling, unit, shelter, or common wall with or without a common social area that includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity; they may include, but are not limited to, duplexes, condominiums, townhouses, apartments, hotels, motels, hospitals, dormitories, boarding schools, group homes, barracks, etc.

(B) "Single-family," an individual structure, dwelling, unit, or shelter constructed for the purpose of human habitation, with one (1) or more rooms occupied or intended for occupancy by one (1) family for cooking, sanitary, and sleeping purposes that includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity; they do not include multiple-family residences.

(69) "Residential housing development," as defined by section 644.016(19), RSMo.

(70) "Rinsate," any water containing contaminant that have been washed off or rinsed from containers, application equipment, handling or storage areas, or transportation equipment, including but not limited to: industrial chemicals, agrichemicals, or concrete.

(71) "Secondary containment," any structure effectively designed and constructed to contain one (1) or more primary storage containers to collect any leaks or spills in the event of loss of integrity or primary container failure.

(72) "Separate storm sewer," conveyance or systems of conveyances primarily used for conducting and conveying storm water runoff and located in an urbanized area or designated by the department as a separate storm sewer due to its size, its location, the quantity and nature of pollutants reaching the waters of the state, and other relevant factors.

(73) "Service area population," the population to be served by a wastewater treatment facility.

(74) "Service connection," the connection point of the service line and the sanitary sewer system which is operated and maintained by one (1) of the continuing authorities listed in 10 CSR 20- 6.010(3)(B).

(75) "Seven- (7-) day Q10 stream flow," the lowest average flow that occurs for seven (7) consecutive days that has a probable recurrence interval of once every ten (10) years.

(76) "Sewer extension," sewer systems which are added to existing sewers and wastewater treatment facilities.

(77) "Sewer system," as defined by section 644.016(20), RSMo.

(78) "Single family residence wastewater treatment facility," any method or system for the treatment of domestic wastewater from a single-family residence.

(79) "Site-specific permit," as defined by section 644.016(22), RSMo.

(80) "Small rural community," a community of less than ten thousand (10,000) population and not located in whole or in part, in an area of St. Louis County or City encircled by Interstate Route 270, or in an area of Jackson,



Clay, or Platte Counties encircled by State Route 150 and 291 and Interstate Routes 29 and 635.

(81) “Soil Scientist,” as defined by section 701.040.1.(2)(e), RSMo.

(82) “Stream,” a defined watercourse which carries water either continuously or intermittently and which is not entirely confined or located completely upon land owned, leased, or otherwise controlled by one (1) person.

(83) “Test hole,” a hole which has been drilled, bored, augered, or otherwise excavated in the exploration for mineral commodities or for obtaining geologic data. Test holes that penetrate only the residuum or unconsolidated materials and which do not enter a geologic unit, are deemed to be an aquifer, exempt from this definition.

(84) “Treatment facilities,” as defined by section 644.016(23), RSMo.

(85) “User charge,” a charge levied on users of a wastewater treatment facility for the user’s share of the costs of operation, maintenance, and replacement of the collection system and wastewater treatment facility.

(86) “Waste load allocation,” the amount of pollutants each discharger is allowed by the department to release into a given stream after the department has determined the total amount of pollutants that may be discharged into that stream without endangering its water quality.

(87) “Wastewater,” water or other liquids which carry or contain pollutants or water contaminants from any source.

(88) “Water contaminant,” as defined by section 644.016(24), RSMo.

(89) “Water contaminant source,” as defined by section 644.016(25), RSMo.

(90) “Waters of the state,” as defined by section 644.016(27), RSMo.

(91) “Water quality limited segment,” a segment where water quality does not meet and/or is not expected to meet applicable water quality standards even after the application of effluent limitations.

(92) “Weekly average,” the total mass or concentration of all daily discharges sampled during any calendar week divided by the number of daily discharges sampled or mea-

sured during that week.

AUTHORITY: section 644.026, RSMo 2016. Original rule filed June 6, 1974, effective June 16, 1974. Rescinded: Filed Oct. 12, 1979, effective July 10, 1980. Readopted: Filed Feb. 4, 1980, effective July 11, 1980. Amended: Filed Nov. 10, 1982, effective May 12, 1983. Amended: Filed Oct. 13, 1983, effective May 15, 1984. Amended: Filed July 15, 1991, effective Jan. 13, 1992. Amended: Filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed Nov. 14, 1995, effective July 30, 1996. Amended: Filed April 24, 2018, effective Jan. 30, 2019.*

**Original authority: 644.026, RSMo 1972, amended 1973, 1987, 1993, 1995, 2000, 2012, 2014.*