

DRAFT
MINUTES OF THE
MISSOURI CLEAN WATER COMMISSION MEETING
Roaring River State Park
24667 State Highway 112
Cassville, Missouri 65625

July 11, 2012

Present

Sam Hunter, Chair, Missouri Clean Water Commission
Todd Parnell, Vice-Chair, Missouri Clean Water Commission
Dennis Wood, Missouri Clean Water Commission
Wallis Warren, Missouri Clean Water Commission
John Cowherd, Missouri Clean Water Commission
Buddy Bennett, Missouri Clean Water Commission
John Madras, Director of Staff, Missouri Clean Water Commission
Jennifer Frazier, Counsel, Missouri Clean Water Commission
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Karen Bataille, Missouri Department of Conservation, Columbia, Missouri
Stacia Bax, Missouri Department of Natural Resources, Jefferson City, Missouri
Janelle Bowcock, AECI, Springfield, Missouri
Jonathan Blodgett, Department of Natural Resources, Springfield, Missouri
Gopala Borchelt, Table Rock Lake Water Quality Inc., Kimberling City, Missouri
Renee Bungart, Missouri Department of Natural Resources, Jefferson City, Missouri
Jennifer Burns, AECI, Springfield, Missouri
James D. Burtin, Schulte Engineering, Lake Ozark, Missouri
David Casaletto, Ozarks Water Watch, Kimberling City, Missouri
Roger Corbin, City of Sunrise Beach, Sunrise Beach, Missouri
Joe Earnet, Simmons Foods, Siloam Springs, Arkansas
Joe Engeln, Missouri Department of Natural Resources, Jefferson City, Missouri
Ronna Haxby, Ozarks Water Watch, Kimberling City, Missouri
Marc Kaiser, Perry Agricultural Lab Inc., Bowling Green, Missouri
Meagan Kaiser, Perry Agricultural Lab Inc., Bowling Green, Missouri
Chris Klenklen, Missouri Department of Agriculture, Jefferson City, Missouri
Jim Macy, Missouri Department of Natural Resources, Jefferson City, Missouri
Ashley McCarty, Self, Novinger, Missouri
Steve Meyer, City of Springfield, Springfield, Missouri
Ken Midkiff, Sierra Club, Columbia, Missouri
Jan Millington, City of Springfield, Springfield
Chris Ray, Missouri Department of Natural Resources, Springfield, Missouri
Alan Reinkemeyer, Missouri Department of Natural Resources, Jefferson City, Missouri
Brent Ross, AECI, Springfield, Missouri
John Rustige, Missouri Department of Natural Resources, Jefferson City, Missouri

Brent Stewart, Assn. of Missouri Electric Cooperatives, Jefferson City, Missouri
Jim Strafuss, Taney County Commission, Branson, Missouri
Ross Summers, Branson Chamber of Commerce, Branson, Missouri
Tanya Turner, Missouri Department of Natural Resources, Springfield, Missouri
Roger Walker, REGFORM, Jefferson City, Missouri
Phil Walsack, MPUA, Columbia, Missouri
Julie Westhoff, Kennedy/Jenks Consultants, Mission, Kansas
Tina White, Missouri Department of Natural Resources, Springfield, Missouri
Zach White, U.S. Army Corps of Engineers, Kansas City, Kansas

CALL TO ORDER

Chair Hunter called the meeting of the Missouri Clean Water Commission to order on July 11, 2012 at 9:30 a.m., at the Roaring River State Park, 24667 State Highway 112, Cassville, Missouri.

Chair Hunter made introductions of the Commissioners, Staff Director, Legal Counsel, and Commission Secretary.

ADMINISTRATIVE MATTERS

Approval of the May 2, 2012 Missouri Clean Water Commission Meeting Minutes **Agenda Item #1**

Commissioner Cowherd made a motion to approve the May 2, 2012 meeting minutes as submitted. Commissioner Wood seconded the motion. The motion passed with a roll call vote:

Commissioner Cowherd:	Yes
Commissioner Wood:	Yes
Commissioner Bennett:	Yes
Commissioner Parnell:	Yes
Commissioner Warren:	Yes
Commissioner Leake:	Not in attendance
Chair Hunter:	Yes

Approval of the June 11, 2012 Missouri Clean Water Commission Meeting Minutes
Agenda Item #2

Commissioner Bennett made a motion to approve the June 11, 2012 meeting minutes as submitted. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:

Commissioner Wood: Yes
Commissioner Bennett: Yes
Commissioner Parnell: Yes
Commissioner Warren: Yes
Commissioner Leake: Not in attendance
Commissioner Cowherd: Yes
Chair Hunter: Yes

Proposed Rescission and the New Proposed Rule 10 CSR 20-6.100 General Pretreatment Regulations
Agenda Item #3

John Rustige, Engineering Section, presented the Proposed Rescission and the New Proposed Rule 10 CSR 20-6.100 General Pretreatment Regulation. Mr. Rustige stated that the purpose of the regulation was to provide a mechanism for treatment plant operators to handle and address pollutants that may cause operational upsets or result in pollutants that pass through into the discharge of the Publicly Owned Treatment Works (POTW). He stated that on October 12, 2005, the U.S. Environmental Protection Agency adopted modifications to the federal pretreatment regulations. He noted that some elements of the revised federal regulations were more restrictive and other elements serve to reduce the regulatory burden on both the POTWs and the regulated industries. Mr. Rustige noted that the City of Springfield, the City of Independence, and the St. Louis Metropolitan Sewer District provided comments in support of the rulemaking, and offered a few suggestions and many of the suggestions were incorporated into the rule. Mr. Rustige stated that it was anticipated that these Orders of Rulemaking would be published in the Code of State Regulations on September 30, 2012, with the rule being effective on October 30, 2012.

Commissioner Warren made a motion to adopt the Orders of Rulemaking for 10 CSR 20-6.100 General Pretreatment Regulation, to be filed by the Department with the Joint Committee on Administrative Rules and the Secretary of State. Commissioner Parnell seconded the motion. The motion passed with a roll call vote:

Commissioner Bennett: Yes
Commissioner Parnell: Yes
Commissioner Warren: Yes
Commissioner Leake: Not in attendance
Commissioner Cowherd: Yes
Commissioner Wood: Yes
Chair Hunter: Yes

Jameson Island Project
Agenda Item #4

John Madras, Director, Water Protection Program presented the Jameson Island Project. Mr. Madras noted that the Department had received a request for a Water Quality Certification from the U.S. Army Corps of Engineers and the Department is asking for direction from the Commission on how the Department should proceed.

Meagan Kaiser, Perry Agricultural Lab Inc. spoke in opposition of the Jameson Island project and requested that the Department and Commission protect Missouri's soil.

Zach White, U.S. Army Corps of Engineers, reiterated that the material was once a part of the Missouri River and the Corps' project is reintroducing the material back to the river.

Commissioner Wood made a motion the Commission direct the staff, in working with the U.S. Army Corps of Engineers, to come up with a proposed 401 certification consistent with the principles set forth by the Director of the Water Protection Program in his comments at the June 11, 2012 public meeting. The Commission directs the staff to report back to the Commission at its next meeting for a determination as to whether or not the proposed 401 certification is consistent with those principles. I further move that the Commission extend the deadline for issuing the 401 certification for 60 days. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:

Commissioner Parnell:	Yes
Commissioner Warren:	Yes
Commissioner Leake:	Not in attendance
Commissioner Cowherd:	Yes
Commissioner Wood:	Yes
Commissioner Bennett:	Yes
Chair Hunter:	Yes

State Revolving Loan Fund Transfer
Agenda Item #5

Jim Macy, Financial Assistance Center, presented the State Revolving Loan Fund transfer as an informational item. He noted the proposed plan was to transfer \$18.5 million from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund. Mr. Macy stated that the changes to the Intended Use Plan and the proposed cross capitalization would be brought before the Commission at the September 5, 2012 Commission meeting. No Action was taken by the Commission.

ENFORCEMENT

Outstanding Missouri Operating Permit Fees **Agenda Item #6**

John Madras, Director, Water Protection Program, presented the Outstanding Missouri Operating Permit Fees. Mr. Madras stated that 15 cases were being presented to the Commission for referral to the Attorney General's Office for appropriate legal action in order to collect delinquent permit fees. The cases referred were: Labadie Creek Treatment, Heritage Acres Foods, LLC, Good Humor – Breyers Ice, Bayview Estates No 1, 94 North Citgo, Engines Plus Inc., Doniphan Municipal Wastewater, Great Western Motel Wastewater Treatment Facility, East Highway 42 Business Park, Guehne Investments Wastewater Treatment Facility, Emory Creek, Eagle View Lots 3 and 4, Nelson Stone, Van Buren Stone Co Inc., and Jeff Proffitt Excavating.

Commissioner Cowherd made a motion to refer these new cases to the Attorney General's Office for appropriate legal action in order to collect delinquent permits fees, compel compliance for any other violation of Missouri Clean Water Law and Clean Water Commission regulations, pursue a civil penalty, and/or seek any other appropriate form of relief. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

Commissioner Warren:	Yes
Commissioner Leake:	Not in attendance
Commissioner Cowherd:	Yes
Commissioner Wood:	Yes
Commissioner Bennett:	Yes
Commissioner Parnell:	Yes
Chair Hunter:	Yes

PRESENTATIONS

Director's Report

John Madras, Director, Water Protection Program noted the following items:

- The water quality standards rule changes adopted by the Commission became effective June 30. The remaining parts of the standards, most notably stream classification, are being developed through a continuing series of stakeholder meetings. In addition, these standards will include revisions to nutrient standards for lakes, which were disapproved by the Environmental Protection Agency.
- The effluent regulation changes are related to the water quality standards changes and will proceed on the same schedule. The regulatory impact report will be completed by September 1, as directed by the Commission.

- Land disturbance general permits are now available through the Department's ePermitting system. This allows applicants for these permits to obtain permits directly through an on-line system in a matter of minutes. The Department will be exploring other permits or permit functions that may achieve similar efficiencies through similar systems. In addition the Department may develop a system for receiving discharge monitoring reports electronically.
- The Department's permitting function has been reorganized so that all permits will be issued from the program. This will address consistency and timing matters for permitting, as well as allowing field staff to focus more of their efforts on compliance assistance.

Director Sara Parker Pauley welcomed the Commission to the Roaring River State Park and announced the Regional Forum Meeting was being held in the afternoon from 3:00 – 6:00 p.m. at the Drury University in Springfield.

Public Comment

Phil Walsack of the Missouri Public Utility Alliance presented "Is there an Outfall#002 in Parsons Kansas? A Review of a Federal Order" to the Commission.

Roger Corwin, City of Sunrise Beach and Jim Burton, Schulte Engineering, expressed to the Commission an interest in State Revolving Loan funding.

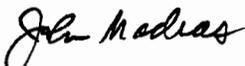
ADJOURNMENT OF MEETING

Commissioner Bennett made a motion to adjourn the meeting. Commissioner Wood seconded the motion. The motion passed unanimously with a roll call vote:

Commissioner Leake:	Not in attendance
Commissioner Cowherd	Yes
Commissioner Wood:	Yes
Commissioner Bennett:	Yes
Commissioner Parnell:	Yes
Commissioner Warren:	Yes
Chair Hunter:	Yes

The meeting adjourned at 11:05 a.m.

Respectfully Submitted,


 John Madras
 Director of Staff