



Missouri
Department of
Natural Resources

Section 303(d) Listing Methodology Workgroup

Minutes of December 17, 2007 Meeting

The meeting took place in Room 315 of the Governor Office Building, Jefferson City from 10 a.m. to 1 p.m. In attendance were: Buffy Santel (Metropolitan Sewer District of St. Louis), Mary West (Missouri Public Utilities Alliance), Jonathan Garoutte (Missouri Department of Health and Senior Services), Robert Brundage (Newman, Comley and Ruth), Michael McKee (Missouri Department of Conservation), Dan Sherburne (Missouri Coalition for the Environment), Ken Midkiff (Sierra Club), Ed Galbraith, Rob Morrison, Phil Schroeder, Lindsay Tempinson, Rich Burdge and John Ford (Missouri Department of Natural Resources).

The purpose of the meeting was to give stakeholders a chance to review, discuss and provide comments to a recent wording change in the proposed 2008 Listing Methodology Document. This change was the result of a request by the Missouri Clean Water Commission, at their November 7 meeting, that the Department of Natural Resources meet with concerned stakeholders to resolve the issue of numeric translators of narrative criteria. This meeting occurred December 3 and resulted in a decision on a general approach as to how that wording change would be made. This wording change was made by the department and forwarded to all 303(d) stakeholders on our email list on December 6.

Dan Sherburne noted he and other interested stakeholders were not apprised of the December 3 meeting and were thus denied the opportunity to be fully involved in the public participation process. Rob Morrison replied that the purpose of the December 3 meeting was only to discuss and come to an agreement with stakeholders that gave testimony at the November 7 commission meeting on a general approach for a wording change. He noted that the actual wording change would be brought before all the stakeholders at the current (Dec. 17) meeting for review, comment and edits if needed. [The department also sent an email (with the wording change) Dec. 6 to all stakeholders on the email list, that solicited comments from those not able to attend the December 17 meeting. JF]

The group then discussed the proposed wording changes and made some further wording changes that did not alter the intent of the document but provided some clarification. No one at the meeting expressed disapproval with the basic change in the LMD which was to use numeric translators of narrative criteria as “numeric thresholds” above which a weight of evidence analysis would be required. This weight of evidence analysis, not the numeric threshold itself, would determine whether or not the waterbody in question would be judged to be impaired.

Dan Sherburne also noted his objection to the use of the frequency and duration assumptions for water quality criteria in the LMD where these same frequency and durations are not explicitly given in state water quality standards (10 CSR 20-7.031). Rob Morrison replied that state water quality standards give the criteria themselves but do not describe the entire data review and assessment process found in the LMD, and that without this process, the 303(d) list, a requirement of the Federal Clean Water Act, could not be developed.

At the close of the meeting the department promised to make the final wording changes to the LMD available on our website and by email to all stakeholders. The group was reminded that the department plans to seek approval of this version of the LMD and its Regulatory Impact Report at the January 9, 2008 Clean Water Commission meeting.