

**MINUTES OF THE
MISSOURI CLEAN WATER COMMISSION MEETING
Lewis and Clark State Office Building
1101 Riverside Drive
Jefferson City, Missouri**

January 7, 2015

Present

Todd Parnell, Chair, Missouri Clean Water Commission
Dennis Wood, Missouri Clean Water Commission
Ashley McCarty, Missouri Clean Water Commission
Sam Leake, Missouri Clean Water Commission
Buddy Bennett, Missouri Clean Water Commission
John Cowherd, Missouri Clean Water Commission
John Madras, Director of Staff, Missouri Clean Water Commission
Daren Eppley, Legal Counsel, Missouri Clean Water Commission
Malinda Overhoff, Secretary, Missouri Clean Water Commission

Bob Angelo, Environmental Protection Agency, Lenexa, Kansas
Joseph Bachant, Citizen, Holts Summit, Missouri
Melissa Bagley, Environmental Protection Agency, Lenexa, Kansas
Karen Bataille, Missouri Department of Conservation, Columbia, Missouri
Kurt Boeckmann, Missouri Department of Natural Resources, Jefferson City, Missouri
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri
David Casaletto, Ozarks Clean Water Company, Kimberling City, Missouri
Eric Crawford, Department of Natural Resources, Jefferson City, Missouri
John DeLashmit, Environmental Protection Agency, Lenexa, Kansas
Joe Engeln, Department of Natural Resources, Jefferson City, Missouri
Doug Garrett, Department of Natural Resources, Jefferson City, Missouri
Jodi Gerling, Department of Natural Resources, Jefferson City, Missouri
Jennifer Hoggatt, Department of Natural Resources, Jefferson City, Missouri
John Hoke, Department of Natural Resources, Jefferson City, Missouri
Leslie Holloway, Missouri Farm Bureau, Jefferson City, Missouri
Shirley Kidwell, Citizen, Fulton, Missouri
Chris Klenklen, Missouri Department of Agriculture, Jefferson City, Missouri
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Margot McMillen, Citizen, Fulton, Missouri
Refaat Mefrakis, Department of Natural Resources, Jefferson City, Missouri
Colleen Meredith, Department of Natural Resources, Jefferson City, Missouri
Leanne Tippet Mosby, Department of Natural Resources, Jefferson City, Missouri
David Nelsen, Kansas City, Missouri

Traci Newberry, Department of Natural Resources, Jefferson City, Missouri
Todd Sampsell, Department of Natural Resources, Jefferson City, Missouri
Amanda Sappington, Department of Natural Resources, Jefferson City, Missouri
Sam Shekabarger, Citizen, Auxvasse, Missouri
Randy Simmons, Bartlett Grain Company, Kansas City, Missouri
Kevin Smith, Department of Natural Resources, Jefferson City, Missouri
Lorisa Smith, Department of Natural Resources, Jefferson City, Missouri
Jeff Starr, Department of Natural Resources, Jefferson City, Missouri
Darrick Steen, Barr Engineering, Jefferson City, Missouri
Trent Stober, HDR, Columbia, Missouri
Ken Tomlin, Department of Natural Resources, Jefferson City, Missouri
Roger Walker, REGFORM, Jefferson City, Missouri
Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
Julie Wheeler, Citizen, Fulton, Missouri
Chris Wieberg, Department of Natural Resources, Jefferson City, Missouri

CALL TO ORDER

Chair Parnell called the meeting of the Missouri Clean Water Commission to order on January 7, 2015 at 10:00 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

Chair Parnell introduced the Commissioners, Staff Director, Legal Counsel, and the Commission Secretary.

ADMINISTRATIVE MATTERS

Approval of the October 1, 2014 Missouri Clean Water Commission Meeting Minutes **Agenda Item #1**

Commissioner Leake made a motion to approve the October 1, 2014 meeting minutes as presented. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:

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

Approval of the November 13, 2014 Missouri Clean Water Commission Teleconference Meeting Minutes

Agenda Item #2

Commissioner Cowherd made a motion to approve the November 13, 2014 teleconference meeting minutes as presented. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

**Commissioner Wood: Abstain
Commissioner Bennett: Yes
Commissioner McCarty: Yes
Commissioner Warren: Not in attendance
Commissioner Leake: Yes
Commissioner Cowherd: Yes
Chair Parnell: Yes**

Election of Missouri Clean Water Commission Officers

Agenda Item #3

The Commission elected officers for 2015 as state law requires that the Commission select from among the members a chair and a vice-chair annually.

Commissioner Leake made a motion nominating Commissioner Parnell to remain Chair of the Commission. Commissioner McCarty seconded the motion. The motion passed with a roll call vote:

**Commissioner Bennett: Yes
Commissioner McCarty: Yes
Commissioner Warren: Not in attendance
Commissioner Leake: Yes
Commissioner Cowherd: Yes
Commissioner Wood: Yes
Chair Parnell: Abstain**

Commissioner McCarty made a motion nominating Commissioner Bennett as Vice-Chair of the Commission. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

**Commissioner McCarty: Yes
Commissioner Warren: Not in attendance
Commissioner Leake: Yes
Commissioner Cowherd: Yes
Commissioner Wood: Yes
Commissioner Bennett: Abstain
Chair Parnell: Yes**

State Fiscal Year 2015 Clean Water State Revolving Fund Intended Use Plan Revisions
Agenda Item #4

Doug Garrett, Financial Assistance Center presented proposed revisions to the State Fiscal Year 2015 Clean Water State Revolving Fund Intended Use Plan (IUP). Mr. Garrett noted that based on consultations with the Environmental Improvement and Energy Resources Authority (EIERA) it had been determined that an EIERA bond sale would be necessary to provide state match for the program. He stated that the Sources and Distribution of Funds tables were being revised to reflect the expected bond sale proceeds of \$27,500,000. Mr. Garrett stated that additional changes affecting loan applicants included St. Joseph, Blacksnake Creek Stormwater project reduced to \$10,000,000 for engineering planning and design costs; increased funding for Pulaski County Sewer District #1, Weeks Hollow Wastewater Treatment Plant project to \$6,894,500; increased funding for the city of Belton's wastewater treatment plant project to \$14,475,000; and added Moscow Mills to the IUP for \$2,252,845 for wastewater system improvements. Mr. Garrett noted that the Prairie Heights Reorganized Common Sewer District and city of Warrenton were removed from the IUP as they had secured other funding for their proposed projects.

Commissioner Bennett made a motion to approve the Fiscal Year 2015 Clean Water State Revolving Fund Intended Use Plan revisions as presented. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:

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

Small Borrower Loan for Whiteside
Agenda Item #5

Traci Newberry, Financial Assistance Center presented the village of Whiteside's request for a small borrower loan of \$100,000 to help fund the costs to install a centralized wastewater treatment and collection system. Ms. Newberry noted that the small borrower loan would partner with the Community Development Block Grant Program and the Missouri Development Finance Board to help finance the project and that the village was also eligible for a rural sewer grant to complete the funding package. Comments were raised by the Commission regarding user rates and affordability. The Commission also noted that an estimated \$500,000 of public funds would be used to help fund this small community project, which has an estimated population of 100, and there are many small communities such as this within the state of Missouri.

Commissioner Cowherd made a motion to approve the allocation of funding in the amount of \$100,000 for a small borrower loan for the village of Whiteside. Commissioner Bennett seconded the motion. The motion passed with a roll call vote:

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

Bartlett Waverly Variance Request CWC-V-2-14
Agenda Item #6

Amanda Sappington, Operating Permits Section presented the Bartlett Waverly variance request. The Commission reviewed the variance request, the staff recommendation and the facility's concurrence. Randy Simmons of Bartlett Country Elevators stated that Bartlett supports the Commission approving the variance as written. Robert Brundage, Newman, Comley, and Ruth representing Missouri Agribusiness Association noted they are also in support of the variance.

Commissioner Bennett made a motion to grant the variance with the conditions in the public noticed recommendation. The site specific permit will address requirements for groundwater monitoring should leakage be suspected and require that the permittee have provisions to transfer liquids from the containment area in case of a leak or failure of the tank, as well as resolve the issue of the need for continuous variances. Commissioner McCarty seconded the motion. The motion passed with a roll call vote:

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

Malinda Overhoff, Secretary to the Commission, noted that an order approving the variance would be prepared and mailed to the Commission for signature.

**Administrative Hearing Commission's Recommended Decision for Glover Permit Appeal
07-0543 CWC**

Agenda Item #7

John Madras, Director, Water Protection Program stated that the appeal of the permit was dismissed at the Administrative Hearing Commission yesterday (January 6, 2015) and that no action was necessary.

No action taken by the Commission.

PRESENTATIONS

Director's Report

- Nutrient Reduction Strategy - Joe Engeln, Department of Natural Resources' Director's Office reported the strategy had been completed and described several aspects of the strategy. Mr. Engeln noted that the next actions would be centered on nutrient trading, which was advocated by several people during the process.
- Strategic Plan – Department of Natural Resources' Director Sara Parker Pauley and Deputy Director Todd Sampsell described the status and plans for developing the strategic plan for water. It was noted that the framework for the plan may be assembled in the short term with involvement of the four board members from the water commissions.
- John Madras, Director, Water Protection Program reported the following to the Commission:
 - Water Quality Standards - Preparation of the next rule amendment continues, and includes consideration of the cadmium and lead criteria that were presented to the Commission in October. The Environmental Protection Agency addressed some use attainability analyses and sulfate and chloride criteria adopted in a 2012 rule amendment, accepting the use attainability analyses and providing scientific background on their denial of the sulfate and chloride criteria. Rulemaking preparation will continue and include a meeting on February 18.
 - Permit report - Staff provided the 2014 report of permits, including those issued by the program and the regional offices. While most permits were issued within the statutory deadlines, some permit renewals exceeded that time and these were partly due to synchronizing permit periods across watersheds.
 - Attorney General Office (AGO) report - Staff provided a spreadsheet of cases at the AGO.
 - Fee referrals. Four cases for nonpayment of fees were referred to the AGO. In addition, 24 fee cases also have other environmental issues, and staff are working on those cases.
 - Appeals - Information is provided on an appeal of a number of individuals in a subdivision, which the Administrative Hearing Commission offered a recommended decision for the Clean Water Commission. Commissioners may review this material and reach a decision on the matter at a future meeting. In

addition, there are third party appeals in the matter of Callaway Farrowing LLC, and a hearing is scheduled for February 10. This matter will receive attention by the Commission after the Administrative Hearing Commission makes a recommendation.

- Water Protection Forum - The next forum meeting is scheduled for February 5 and all are welcome.

No action taken by the Commission.

Public Comment and Correspondence

Several individuals addressed the Commission, including:

- Robert Brundage offered several comments, including 1) the Environmental Protection Agency's approval of standards took no position on the exclusion language in the rule, and questioned what this means, 2) the public notice of stream classification did not include some streams of interest and he questions whether this lack has implications for the rule (Daren Eppley agreed to opine on this), 3) he wants the cadmium and lead criteria to move quickly into the standards, 4) similarly now that there is an EPA decision on the chloride and sulfate criteria they can move quickly through rulemaking, 5) he is willing to coordinate a tour of any facility in which he is involved if the Commission desires, 6) he asked that the permit report be added to the web, and 7) he suggested a review of the referral process rather than have all of the cases referred directly to the AGO from the Department.
- Margo McMillen commented on the opportunity to request public meetings, changes in permit procedures and nutrient loadings, and provided information to the Commissioners.
- Joe Bachant asked the Commission to keep the longer term in mind in their decisions, noted the Missouri River is at risk and suggested the Department take better advantage of stream team capabilities and data. He offered to supply additional information to the Commission.
- Dave Casaletto noted he is interested in the concept of nutrient trading in the upper White River basin, and referenced the 2008 Memorandum of Agreement between Arkansas and Missouri.
- Phil Walsack offered several comments, including 1) an interest in receiving the permitting report noted above, 2) appreciation of Doug Garrett's report earlier and Sara Parker Pauley's interview of former directors at the Governor's Conference, 3) an interest in Karen Massey's role with the Environmental Finance Board and their recent correspondence, 4) an interest in the Continuing Planning Process, documents for which are on public notice, and 5) the continuing development of the federal definition of waters of the U.S., and correspondence related to the proposed rule.

No action was taken by the Commission.

Future Meetings

The Commission noted that the next Commission meeting would be held on April 1, 2015 at the Lewis and Clark State Office Building in Jefferson City beginning at 10:00 a.m.

Closed Session

Commissioner Wood made a motion to go into Closed Session to discuss legal, confidential or privileged matters under Section 610.021(1), RSMo. Commissioner Bennett seconded the motion. The motion passed with a roll call vote:

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

Commission made motion to go into closed session at 11:49 a.m., took break, and went into closed session at 12:05 p.m.

Commissioner Wood made a motion to come out of Closed Session. Commissioner Bennett seconded the motion. The motion passed with a roll call vote:

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

Commission came out of closed session at 12:50 p.m.

ADJOURNMENT OF MEETING

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

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

Meeting adjourned at 12:50 p.m.

Respectfully Submitted,



John Madras
Director of Staff