

Missouri Clean Water Commission Meeting  
Department of Natural Resources  
Lewis and Clark State Office Building  
LaCharrette/Nightingale Creek Conference Rooms  
1101 Riverside Drive  
Jefferson City, Missouri

March 9, 2012

**Missouri Clean Water Commission Rulemaking Agenda**

**Issue:** Status of Water Pollution Control and Financial Assistance Rulemaking

**Background:** The development of this Rulemaking Agenda provides the status and upcoming actions related for each rulemaking. Rulemaking amendments are needed to improve the clarity, specificity and effectiveness of Missouri's regulations. Some rulemakings are program development priorities due to federal and state requirements, while others are in need of clarification and revision. For further information contact the Water Protection Program rule coordinators: for the Water Pollution Control Branch, Carol Garey and, for the Financial Assistance Center, Pat Smith.

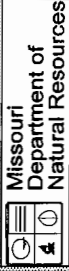
**Recommended Action:** None.

**Suggested Motion Language:** None.

**List of Attachments:**

- Missouri Clean Water Commission Rulemaking Agenda



 <p>Missouri Department of Natural Resources</p>	<p align="center"><b>Clean Water Commission Rulemaking Agenda</b> March 9, 2012</p>	<p><b>View the WPP Rulemaking Reports and schedules on the Department's List of Rules in Development by Program at <a href="http://www.dnr.mo.gov/asp/regs/list.asp?program=All">http://www.dnr.mo.gov/asp/regs/list.asp?program=All</a>. On the <i>Water Protection Program Rule Development</i> at <a href="http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm">http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm</a>, see rules having Regulatory Impact Reports. Dates for stakeholder and advisory group meetings when scheduled may be viewed on the <i>Missouri Water Protection Forum</i> at <a href="http://www.dnr.mo.gov/env/wpp/cwforum/index.html">http://www.dnr.mo.gov/env/wpp/cwforum/index.html</a>.</b></p>	<p align="center"><b>Status includes Next Significant Action</b></p>
<p><b>Water Protection Program, WPCB, Water Quality Monitoring &amp; Assessment</b></p>			
<p><b>10 CSR 20-7.015 Effluent Regulations</b></p>	<p>The state is required to revise water quality standards once every three years. The 2010 through 2012 triennial review is expected to ensure that state standards reflect new scientific and technical information, meeting public concerns and Environmental Protection Agency requirements. The pollutants addressed are point and nonpoint sources affecting aquatic life uses, drinking water sources and recreation in and on the water. <i>The Missouri Foundation Coalition for the Environment filed a lawsuit August 4, 2010 alleging Missouri has not assigned uses to most of its water bodies. The Associated Industries of Missouri submitted a petition for phenol and, Missouri Agri-businesses a petition for sulfate/chlorides. The WPP filed these petitions with the Joint Committee on Administrative rules.</i></p>	<p align="center">Authorized by Department Feb., 2011 / Upcoming Interagency Review &amp; RIR / In Progress</p>	
<p><b>10 CSR 20-7.031 Water Quality Standards</b></p>		<p>Authorized March 2010 / RIR Public Comment closed August 12 / Sept. 7 Finding of Necessity / To be filed w/SOS Oct. 26, 2011 / Expected publication in <i>Missouri Register</i> Dec. 1, 2011 / Public Hearing Jan. 4, 2012. End of Public comment Jan. 18, 2012 / Present Order of Rulemaking for Adoption March 9.</p>	<p align="center">Authorized March 2010 / RIR Public Comment closed August 12 / Sept. 7 Finding of Necessity / To be filed w/SOS Oct. 26, 2011 / Expected publication in <i>Missouri Register</i> Dec. 1, 2011 / Public Hearing Jan. 4, 2012. End of Public comment Jan. 18, 2012 / Present Order of Rulemaking for Adoption March 9.</p>
<p><b>WPCB Wastewater Permits &amp; Engineering</b></p>			

<p><b>10 CSR 20-6.010</b>  <b>Construction and Operating Permits; Pesticide Exemption</b></p>	<p>This rulemaking modifies the pesticide application exemption in permit requirements, in view of the 6th Circuit US Court of Appeals ruling, vacating EPA's pesticide application exemption from the Clean Water Act, when applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Modifying the exemption is consistent with the federal regulation. A continuing authorities revision clarifies the term 'availability' used to define higher authority. The rule making also develops the continuing authority provisions.</p>	<p>Authorized Nov. 2010 / IR Mar. 2011 / July 13 <i>Finding of Necessity</i> / Emergency Amendment, (effective Oct. 31, 2011), Published in <i>Missouri Register</i> August 15, 2011 / Public Hearing November 2. Present Order of Rulemaking Adopted Jan 4, 2012 / Filed w/ SOS Feb. 10 to be published Mar 15 / Effective April 30, 2012</p>
<p><b>10 CSR 20-6.030</b>  <b>Disposal of Wastewater in Residential Housing Developments</b></p>	<p>This rulemaking clarifies the current regulation and supports onsite and decentralized wastewater treatment systems as long-term solutions as well. Residential developers must receive departmental approval for wastewater treatment for seven or more lots less than five acres in size, i.e. single family residences using waste water septic systems and, expansions of three or more lots, less than 5 acres in size. Multi-family developments, hotels and resorts, etc. require approval.</p>	<p>Authorization July, 2010 / Upcoming Interagency Review &amp; RIR In Progress</p>
<p><b>10 CSR 20-6.100</b>  <b>General Pretreatment Regulation</b></p>	<p>Streamlining the current rule provides control authorities and industrial users with flexibility, reducing technical and administrative requirements and, reducing or eliminating the discharge of harmful pollutants to sanitary sewers. This rulemaking maintains alignment with federal requirements and takes advantage of less restrictive monitoring requirements. Pretreatment refers to the discharge of industrial pollutants to a city's sewer system. Pollutants of concern are metals, toxic organic chemicals, cyanide, ammonia, biochemical oxygen demand, total suspended solids, oil and grease, pH, and others – depending on the industry.</p>	<p>Authorized July, 2010 / IAR / RIR Public Comments closed July 26 / Rule &amp; Recission Finding Nov. 2 / Published <i>Mo Register</i> Dec., 15, 2011 / CWC meeting changed to March 9. Rfiled Proposed Rule, Recission &amp; Fiscal Notes Jan. 31, 2012 / SOS published new May 2 public hearing date on March 1 (from Mar. 7) / Extends public comment through May 16 / Adoption expected July</p>

<p><b>10 CSR 20-6.300</b> <i>Concentrated Animal Feeding Operations</i></p>	<p>In 2009 the US EPA Office of Water released a letter directed to the EPA Regional Offices regarding CAFO program implementation. The EPA makes clear their expectation that delegated States continue to make progress. The WPP rulemaking ensures state CAFO rules are consistent with the EPA, NPDES regulations. The U.S. EPA finalized revisions to the National Pollutant Discharge Elimination System (NPDES) Permit Regulations and Effluent Limitation Guidelines for CAFOs in 2008. The 2008 EPA rule action was in direct response to the 2005 Second Circuit Court of Appeals decision in <i>Waterkeeper Alliance et al. v. EPA</i>.</p>	<p>Authorized w/ <i>Finding of Necessity</i> Mar 2010 / IAR / RIR Public Comments closed September 19. Published in <i>Missouri Register</i> August 15, 2011 / Public Hearing Nov 2. / Order of Rulemaking Adopted Jan., 4, 2012. Filed w/ SOS Feb. 10 to be published Mar 15 / Effective April 30, 2012</p>
<p><b>10 CSR 20-8.300</b> <i>Design Standards for Concentrated Feeding Operations</i></p>	<p>This rulemaking is due to EPA changes to CAFO effluent limitation guidelines making it necessary to address state design standards. The new design rule amendment has minimum standards for CAFO manure management systems. An increasing number of wet weather events have forced some CAFO operators to take emergency land applications measures. The upcoming amendment addresses this problem by increasing the minimum design storage capacity of lagoons and increasing the required "reserve" volume in lagoons that receive storm water runoff.</p>	<p>Authorized Sept. 2010 / IAR / RIR Public Comments closed February 14, 2010 / July 13 Finding / Published in <i>Missouri Register</i> August 15, 2011 / Public Hearing November 2. Order of Rulemaking Adopted Jan., 4, 2012. Filed w/ SOS Feb. 10 to be published Mar 15 / Effective April 30, 2012</p>
<p><b>Statements of Costs</b></p>	<p>Statements of Cost are published in the <i>Missouri Register</i> when the total actual cost to the Department or other state agencies and political subdivisions exceeds the original public fiscal note by 10% or more.</p>	<p>FY2012</p>
<p><b>10 CSR 20-7.015</b> <i>Effluent Regulations</i></p>	<p>Outfalls allowing non-continuous wet weather discharges without receiving secondary treatment are no longer permitted. Costs to communities were estimated by calculating the effect of raising sewer rates. All sewer rates were not raised to 2.0 % of median household income. Confirmed with MPUA. Monitoring requirements for <i>E. coli</i> were less than estimated. The rule amendment was effective June 30, 2010.</p>	<p>POTW Fiscal Impact \$51.9M less than estimated</p>
<p>Financial Assistance Center (FAC)</p>	<p>Upcoming Rulemakings</p>	<p>To Be Determined</p>

