

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

January 8, 2014

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
John Madras, Director of Staff, Missouri Clean Water Commission
Don Willoh, Legal Counsel, Missouri Clean Water Commission
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Brad Allbritton, Taney County Regional Sewer District, Forsyth, Missouri
Brenda Bardwell, Missouri Department of Natural Resources, Jefferson City, Missouri
Karen Bataille, Missouri Department of Conservation, Columbia, Missouri
Kurt Boeckmann, Missouri Department of Natural Resources, Jefferson City, Missouri
Michael Bollinger, Ameren, St. Louis, Missouri
Robert J. Brundage, Newman, Comley & Ruth P.C., Jefferson City, Missouri
Branden Coleman, HDR, Lee's Summit, Missouri
Eddie Coxie, Taney County Regional Sewer District, Forsyth, Missouri
Tim Ganz, Missouri American Water Company, Chesterfield, Missouri
Carol Garey, Missouri Department of Natural Resources, Jefferson City, Missouri
Doug Garrett, Missouri Department of Natural Resources, Jefferson City, Missouri
Curtis Gateley, Missouri Department of Natural Resources, Jefferson City, Missouri
Jodi Gerling, Missouri Department of Natural Resources, Jefferson City, Missouri
Greg Hayes, City of Fulton, Fulton, Missouri
Jennifer Hoggatt, Missouri Department of Natural Resources, Jefferson City, Missouri
John Hoke, Missouri Department of Natural Resources, Jefferson City, Missouri
Bryan Hopkins, Missouri Department of Natural Resources, Jefferson City, Missouri
Steve Hunt, City of Columbia, Missouri
William Johnson, City of Fulton, Fulton, Missouri
Ted Koenig, Missouri Department of Natural Resources, Jefferson City, Missouri
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Refaat Mefrakis, Missouri Department of Natural Resources, Jefferson City, Missouri
Steve Meyer, City of Springfield, Springfield, Missouri
Marty Miller, Missouri Department of Natural Resources, Jefferson City, Missouri
Jan Millington, City of Springfield, Springfield, Missouri
Leanne Tippett Mosby, Missouri Department of Natural Resources, Jefferson City, Missouri
Ryan Mueller, Missouri Department of Natural Resources, Jefferson City, Missouri

David Nelson, Kansas City, Missouri
 Traci Newberry, Missouri Department of Natural Resources, Jefferson City, Missouri
 Sara Parker Pauley, Missouri Department of Natural Resources, Jefferson City, Missouri
 Kevin Perry, REGFORM, Jefferson City, Missouri
 David Potthast, Missouri Department of Natural Resources, Jefferson City, Missouri
 Thomas Simmons, Missouri American Water, Chesterfield, Missouri
 Kevin Smith, Missouri Department of Natural Resources, Jefferson City, Missouri
 Lorisa Smith, Missouri Department of Natural Resources, Jefferson City, Missouri
 Jeff Starr, Missouri Department of Natural Resources, Jefferson City, Missouri
 Darrick Steen, Barr Engineering, Jefferson City, Missouri
 Trent Stober, HDR, Columbia, Missouri
 Ken Struempf, Missouri Department of Natural Resources, Jefferson City, Missouri
 Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
 Kristol Whatley, Metropolitan St. Louis Sewer District, St. Louis, Missouri
 Chris Wieberg, Missouri Department of Natural Resources, Jefferson City, Missouri
 Jimmy Williams, Agriculture, Jefferson City, Missouri
 Mark Young, Kansas City Water Services, Kansas City, Missouri

CALL TO ORDER

Chair Parnell called the meeting of the Missouri Clean Water Commission to order on January 8, 2014 at 10:00 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

Chair Parnell introduced the Commissioners.

ADMINISTRATIVE MATTERS

Election of Missouri Clean Water Commission Officers

Agenda Item #1

The Commission elected officers for 2014 as state law requires that the Commission select from among the members a chair and a vice-chair annually.

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

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

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

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

**Approval of the November 20, 2013 Missouri Clean Water Commission Meeting Minutes
Agenda Item #2**

Commissioner McCarty made a motion to approve the November 20, 2013 meeting minutes as presented. Commissioner Wood seconded the motion. The motion passed with a roll call vote:

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

**Small Borrower Loan for Prairie Home
Agenda Item #3**

Traci Newberry, Financial Assistance Center presented the small borrower loan for the city of Prairie Home. Ms. Newberry stated that the city of Prairie Home requested a small borrower loan of \$100,000 to fund the costs of the upgrades to their collection system and treatment facility.

Commissioner Wood made a motion to approve the small borrower loan of \$100,000 for the city of Prairie Home. 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: Not in attendance
Commissioner Wood: Yes
Commissioner Bennett: Not in attendance
Chair Parnell: Yes**

Small Borrower Loan for Caledonia
Agenda Item #4

Traci Newberry, Financial Assistance Center presented the small borrower loan for the village of Caledonia. Ms. Newberry stated that the village of Caledonia requested a small borrower loan of \$25,145 to help fund the costs of upgrades to their wastewater treatment facility to meet fecal coliform limits.

Commissioner Leake made a motion to approve the small borrower loan of \$25,145 for the village of Caledonia. Commissioner McCarty seconded the motion. The motion passed with a roll call vote:

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

Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan Revisions
Agenda Item #5

Doug Garrett, Financial Assistance Center presented proposed revisions to the Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan. Mr. Garrett recommended amending the Intended Use Plan project lists as follows:

- Remove the Kansas City Turkey Creek PS-C295588-19 and Birmingham Disinfection & Clarifiers-C295588-23 projects from the Fundable Carry-over list.
- Remove the Stanberry-C295708-01 project from the Planning list at the city's request.
- Move the Metropolitan St. Louis Sewer District, Public I/I Reduction Program – Phase II-C295023-36 project from the Fundable Contingency Projects list to the Large Metropolitan Areas & Districts Fundable Projects list with an eligible project cost of \$16,000,000. In accordance with 10 CSR 20-4.010, Construction Grant and Loan Priority System, the project priority points increased to 195.
- Add the city of Milan-C295723-01 project to the Public Entity & Satellite Community Partnerships list. This project is to eliminate the Auburn Hills Wastewater Treatment Plant and connect the subdivision to the Milan wastewater system. The eligible project cost is \$354,192. Auburn Hills is a disadvantaged area thus eligible for a 75% grant.
- Approve the city of St. Joseph's request for an increase of \$7,000,000 related to the city's ongoing Whitehead Creek project and an updated cost estimate for the pending Ammonia/Biosolids project-C295699-04, increasing the eligible project amount to \$56,000,000.

Phil Walsack, Missouri Public Utility Alliance noted that page 16 of the Intended Use Plan stated that there was a Small Community Technical Assistance Program which there is not. He requested this be corrected in the Intended Use Plan to say a Small Community Engineering Assistance Program.

Doug Garrett agreed and stated that these funds were set aside in anticipation of a program being developed to assist small communities with the development of engineering reports/facility plans. He noted since the adoption of the Intended Use Plan the program had been developed and implemented and is called the Small Community Engineering Assistance Program. Mr. Garrett stated that the tables on pages 16 and 51 did need to be amended to reflect the name change from Small Community Technical Assistance Program to Small Community Engineering Assistance Program.

Commissioner McCarty made a motion to approve the proposed changes to the Fiscal Year 2014 State Revolving Fund Project Lists as proposed with the additional change requested by Phil Walsack to change the name of the Small Community Technical Assistance Program to the Small Community Engineering Assistance Program. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

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

City of Fulton Variance Request CWC-V-2-13
Agenda Item #6

Chris Wieberg, Permits Section presented information regarding the city of Fulton's variance request. Mr. Wieberg noted that the city was requesting a variance from Total Maximum Daily Load (TMDL) Waste Load Allocations from the Stinson Creek TMDL. He explained that the next steps in the process would be to place the variance application, supporting documentation, and the Department's recommendation on public notice for 30 days. Mr. Wieberg stated that the variance request and Department's recommendation would be presented to the Commission at the April 2, 2014 Commission meeting. Several stakeholders also spoke on this subject as follows:

Trent Stober, HDR Engineering commented that it had been quite some time since there had been Water Quality variances and that variances are a very important tool. He answered the Commission's specific technical questions and explained technology specifics of the Fulton variance. Mr. Stober also noted that Commissioner Leake was correct that in the table provided in the Commission's briefing packets was incorrect in that it referenced the year 2026 and should have been 2035. He stated he would make those modifications and submit a revised table to staff.

Bill Johnson, city manager of Fulton, thanked the Department for their cooperation and for working with Fulton to come to a solution.

Phil Walsack, Missouri Public Utility Alliance, clarified that when the Stinson Creek TMDL was public noticed many citizens, including him, responded that it would not work. Mr. Walsack also responded in answer to the Commission's questions on whether this would open the flood gates for variances that in his opinion yes it certainly would.

Robert Brundage, Newman, Comley & Ruth P.C. gave the Commission some background on nutrient TMDLs and stated that in his opinion the reference approach for nutrient TMDLs is not appropriate and has caused a lot of problems and that the Commission would likely be seeing more of these in the future.

No action taken by the Commission.

Administrative Rules Outlook for 2014 and Beyond
Agenda Item #7

John Madras, Director of the Water Protection Program presented information on 27 administrative rules in development and classified them as rules that were no longer in use, rules that needed updating due to several factors (new technology, new criteria, and statutory changes), and rules that needed consistency with initiative and efficiency measures.

Phil Walsack, Missouri Public Utility Alliance commented that the ammonia standard would be a large undertaking and the Department should maintain a focus on permitting, inspection and enforcement work rather than expanding horizons through rules.

No action taken by the Commission.

Groundwater Strategy
Agenda Item #8

Chris Wieberg, Permits Section and Ryan Mueller, Water Resources Center provided presentations regarding future work to develop a groundwater strategy for the Water Protection Program and the Clean Water Commission. They noted that this strategy would define the Commission's and the program's role in groundwater protection in Missouri and that the strategy would focus on strengthening the coordination between the main Departmental programs responsible for groundwater protection work and defining best practices to address groundwater issues.

Kevin Perry, REGFORM asked if the staff were laying out groundwork for a new or expanded regulatory program. Mr. Wieberg responded that the Department was not proposing any regulatory changes at this time but trying to provide for a strategy that defines what the Department's role is as it relates to dealing with these types of issues given the regulations that are currently in place.

Phil Walsack, Missouri Public Utility Alliance noted that in Mr. Wieberg's presentation he stated that subsurface waters are waters of the state but that recently the federal government was proposing regulations that could possibly classify groundwater as a water of the United States in some instances.

No action taken by the Commission.

2013 Aquatic Life Protection Criteria for Ammonia

Agenda Item #9

John Madras, John Hoke, Chris Wieberg, and Refaat Mefrakis of the Water Protection Program presented an overview of the new criteria announced by the Environmental Protection Agency (EPA) in August 2013. Staff noted that these criteria are planned to be incorporated into the water quality standards during the upcoming review. Staff explained the process of adding the criteria to standards, the allowances that may be made in adoption and implementing the standards through permits, and technologies that are available for providing treatment to meet the standard. EPA provided a letter describing their willingness to work with the Department and stakeholders through the process of establishing the ammonia standard.

Phil Walsack, Missouri Public Utility Alliance; Robert Brundage, Newman, Comley & Ruth P.C.; and Steve Meyer, city of Springfield commented that the ammonia criteria should be deferred to a later standards revision.

No action taken by the Commission

Strategic Plan

Agenda Item #10

John Madras, Director of the Water Protection Program presented the concepts presented in the Commission's planning session from 2011 as background for the Commission reviewing major areas for focus in 2014. Leslie Holloway, Missouri Farm Bureau offered comments on the proposed impaired waters list and listing methodology document. No action taken by the Commission.

Commission Operating Procedures

Agenda Item #11

John Madras, Director of the Water Protection Program presented draft procedures for the Commission's consideration. Mr. Madras noted that such procedures had been developed by Commissioners from various environmental commissions in 2004, and other commissions had adopted them. The Commission noted they would review the procedures and maybe consider them for adoption at a future meeting.

2014 Top 10
Agenda Item #12

John Madras, Director of the Water Protection Program presented the 2014 Top 10 list to the Commission. The Commission deferred consideration of identifying their top priorities until the April 2, 2014 meeting so that additional information received at the meeting today could be incorporated into the chart and more Commissioners may be present for the discussion.

Phil Walsack, Missouri Public Utility Alliance commented that the Department should focus on permitting, inspection and enforcement, and his other priorities would be affordability, the ammonia criteria and visiting a wastewater lagoon. Robert Brundage, Newman, Comley & Ruth P.C. suggested the Commission visit regulated facilities. Kevin Perry, REGFORM suggested the focus be on permitting, inspection and enforcement, establish achievable goals as standards and maintain the program in Missouri rather than letting the Environmental Protection Agency do it.

PRESENTATIONS

Director's Report

John Madras, Director, Water Protection Program reported the following to the Commission:

- A summary of permitting activities for 2013.
- Referrals to the Attorney General's Office were proceeding routinely, at a rate of about ten cases per month including cases of nonpayment of fees.
- There are meetings in two weeks on Use Attainability Analyses as a follow up for the changes in water quality standards and the upcoming proposed changes to the permit regulation.

No action taken by the Commission.

Our Missouri Waters Update

Jennifer Hoggatt, Director's Office, Department of Natural Resources updated the Commission on the Our Missouri Waters initiative.

Phil Walsack, Missouri Public Utility Alliance noted that, as he has stated in past meetings, he wants to know how many assets there are, where they are, and what are the conditions; and then prioritize from there.

Robert Brundage, Newman Comley, & Ruth P.C. stated he has several concerns regarding the Our Missouri Waters initiative. First he would like to have the question answered what has been accomplished with the Our Missouri Waters initiative; secondly he would like to see a budget for the initiative; and thirdly Mr. Brundage would like the Department to confirm that the Our Missouri Waters initiative is not drawing away funds from the Water Protection Program's core functions and staff that are responsible for those core functions.

The Commission requested that the next Our Missouri Waters update include what accomplishments have been made, what problems have come out of discussions with the watersheds, and what are future goals.

Public Comment and Correspondence

Two individuals addressed the Commission, including:

- Tom Ratermann of the Boone County Regional Sewer District presented a report on the District's and city of Columbia's implementation of Tier 2 authority granted by the Commission several years ago.
- Robert Brundage, Newman, Comley & Ruth P.C. commented on proposed lake impairments due to nutrients. He suggested the standards for lakes should have been retracted since other lake standards had been disapproved by the Environmental Protection Agency. He commented further that he anticipated quick action on the Chloride standard but had not seen any action yet.

No action was taken by the Commission.

Future Meetings

The Commission noted that the next Commission meeting would be held on April 2, 2014 at the Lewis and Clark State Office Building in Jefferson City beginning at 10:00 a.m. Chair Parnell noted that at the April 2nd meeting discussion of the Commission's meeting start times would be reevaluated by the Commissioners.

ADJOURNMENT OF MEETING

Chair Parnell adjourned the meeting at 2:40 p.m.

Respectfully Submitted,



John Madras
Director of Staff

