

Missouri Clean Water Commission
Department of Natural Resources
Lewis and Clark State Office Building
LaCharrette/Nightingale Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri 65102

May 2, 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>Clean Water Commission Rulemaking Agenda May 2, 2012</p>	
	<p>View the WPP Rulemaking Reports and schedules on the Department's List of Rules in Development by Program at http://www.dnr.mo.gov/asp/regs/list.asp?program=All. On the Water Protection Program Rule Development at http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm, see rules having Regulatory Impact Reports. Dates for stakeholder and advisory group meetings when scheduled may be viewed on the Missouri Water Protection Forum at http://www.dnr.mo.gov/env/wpp/cwforum/index.html.</p>	
<p>Status includes Next Significant Action</p>		
<p>Authorized Feb., 2011 / Finding of Necessity May 2, 2012 / Upcoming Interagency Review / RIR to be published September of 2012</p>	<p>This rulemaking provides updates and revises a number of areas needing modification. The effluent regulation will be aligned with current federal regulations, see 122 part C, and include reference clarifications and E. coli limits development. This update will also continue to align the program's permitting rule through the 2013 triennial review of the Water Quality Standards.</p>	<p>10 CSR 20-7.015 <i>Effluent Regulations</i></p>
<p>Authorized March 2010 / RIR Public Comment closed. Sept. 7 Finding of Necessity / Published in Missouri Register Dec. 1, 2011 / Public Hearing Jan. 4, 2012. Comment closed Jan. 18, 2012 / Adoption of Order of Rulemaking / To be published May 15 / Rule Effective June 30, 2012</p>	<p>This rulemaking revises six selected areas of the Water Quality Standards regulation at 10 CSR 20-7.031. Petitions by Associated Industries of Missouri (AIM) and Missouri Agribusiness Association (Mo-Ag) revised water quality criteria for phenol (AIM) and sulfate and chloride (Mo-Ag) in Table A of the rule. A third petition by La Barque Creek Stream Team Association to designate La Barque Creek as an Outstanding State Resource Water was deferred to a future rulemaking. The WPP filed these petitions with the Joint Committee on Administrative Rules as required by statute. Additional revisions to the rule include updates to recreational designated uses in Table H, revised locational information for Dry Fork in Table J, and site-specific dissolved oxygen criteria for Main Ditch and Pike Creek in Table K. Revisions to the schedule of compliance language found in rule will offer the department and permittees additional flexibility in meeting federal and state clean water law requirements.</p>	<p>10 CSR 20-7.031 <i>Water Quality Standards</i></p>

<p>10 CSR 20-7.031 Water Quality Standards</p>	<p>The purpose of the rulemaking is to update Missouri's water quality standards to make them functionally equivalent to federal standards and to improve the clarity, specificity and effectiveness of the rule. Several of the revisions are department program development priorities, responses to decisions by the U.S. Environmental Protection Agency (EPA) and revisions as a result of petitions presented to the Commission. The main revisions to the rule include designation of "fishable/swimmable" uses to currently unclassified waters and numeric nutrient criteria for lakes and reservoirs.</p>	<p>Authorized April 2012 / Finding of Necessity May 2, 2012 / Upcoming Interagency Review / RIR to be published September of 2012, under CWC Directive</p>
<p>WPCB Wastewater Permits & Engineering</p>	<p>[REDACTED]</p>	<p>[REDACTED]</p>
<p>10 CSR 20-6.010 Construction and Operating Permits; Pesticide Exemption</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>Effective April 30, 2012</p>
<p>10 CSR 20-6.030 Disposal of Wastewater in Residential Housing Developments</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 & RIR In Progress</p>
<p>10 CSR 20-6.100 General Pretreatment Regulation</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 & Recission Finding Nov. 2 / Published <i>Mo Register</i> Dec., 15, 2011 / CWC meeting changed to March 9. Refined Proposed Rule, Recission & Fiscal Notes Jan. 31, 2012 / May 2 Public Hearing / Public comment through May 16 / Adoption anticipated July 11, 2012.</p>

<p>10 CSR 20-6.300 Concentrated Animal Feeding Operations</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>Effective April 30, 2012</p>
<p>10 CSR 20-8.300 Design Standards for Concentrated Feeding Operations</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>Effective April 30, 2012.</p>
<p>Statements of Costs</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>N/A</p>		
<p>Financial Assistance Center (FAC)</p>	<p>Upcoming Rulemakings</p>	<p>To Be Determined</p>

