

**DRAFT
MINUTES OF THE
MISSOURI CLEAN WATER COMMISSION MEETING
Department of Natural Resources
Lewis and Clark State Office Building
LaCharrette/Nightingale Creek
Jefferson City, MO 65102**

March 9, 2012

Present

Sam Hunter, Chair, Missouri Clean Water Commission
Todd Parnell, Vice-Chair, Missouri Clean Water Commission – Via Telephone
Sam Leake, Missouri Clean Water Commission
Dennis Wood, Missouri Clean Water Commission
Wallis Warren, Missouri Clean Water Commission
John Cowherd, Missouri Clean Water Commission
Buddy Bennett, Missouri Clean Water Commission
John Madras, Director of Staff, Missouri Clean Water Commission
Jennifer Frazier, Counsel, Missouri Clean Water Commission
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Alison Anderson, Department of Natural Resources, Jefferson City, Missouri
Bob Angelo, Environmental Protection Agency, Kansas City, Kansas
Larry Backes, City of Chamois, Chamois, Missouri
Melissa Bagley, Environmental Protection Agency, Kansas City, Kansas
Karen Bataille, Missouri Department of Conservation, Columbia, Missouri
Dorris Bender, City of Independence, Independence, Missouri
Michael Bollinger, Ameren, St. Louis, Missouri
Joe Boland, EI ERA, Jefferson City, Missouri
Kurt Bordewick, City of Kansas City, Kansas City, Missouri
Robert Brundage, Newman, Comley & Ruth P.C., Jefferson City, Missouri
Jennifer Burns, AE CI, Springfield, Missouri
Mary West-Calcagno, Jacobs Engineering, St. Louis, Missouri
Hillary Clark, Department of Natural Resources, Jefferson City, Missouri
Rebecca Cripe, Department of Natural Resources, Jefferson City, Missouri
Aimee Davenport, Lathrop & Gage, Jefferson City, Missouri
John DeLashmit, Environmental Protection Agency, Kansas City, Kansas
Joe Engeln, Department of Natural Resources, Jefferson City, Missouri
Karen Flournoy, Environmental Protection Agency, Kansas City, Kansas
Dave Fraley, City Utilities, Springfield, Missouri
Ed Galbraith, Barr Engineering, Jefferson City, Missouri
Carol K. Garey, Department of Natural Resources, Jefferson City, Missouri
Doug Garrett, Department of Natural Resources, Jefferson City, Missouri

John Hoke, Department of Natural Resources, Jefferson City, Missouri
Leslie Holloway, Missouri Farm Bureau, Jefferson City, Missouri
Jane Hood, City of St Joseph, Missouri
Kirk Juranas, City of Springfield, Missouri
Danny Kirsch, City of Chamois, Missouri
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Randy Lyman, City of Springfield, Missouri
Frank Martin, Hallsville, Missouri
Jack McManus, Attorney General's Office, Jefferson City, Missouri
Jeff Medows, CM Archer Group, P.C., St. James, Missouri
Steve Meyer, City of Springfield, Missouri
Leasue Meyers, Department of Natural Resources, Jefferson City, Missouri
Jan Millington, City of Springfield, Missouri
Rob Morrison, Barr Engineering, Jefferson City, Missouri
Terry Nelson, Department of Natural Resources, Jefferson City, Missouri
Traci Newberry, Department of Natural Resources, Jefferson City, Missouri
Don Nikodim, Missouri Pork Association, Columbia, Missouri
Rebecca O'Hearn, Missouri Department of Conservation, Columbia, Missouri
Earl Pabst, Flotron & McIntosh, Jefferson City, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
David Potthast, Department of Natural Resources, Jefferson City, Missouri
Kristin Perry, Bowling Green, Missouri
Tom Ratermann, Boone County Regional Sewer District, Columbia, Missouri
Tim Rickabaugh, USDA – Rural Development, Columbia, Missouri
Tonya Roth, Department of Natural Resources, Jefferson City, Missouri
John Rustige, Department of Natural Resources, Jefferson City, Missouri
Thomas Smith, Newman, Comley & Ruth, Jefferson City, Missouri
Jeff Starr, Department of Natural Resources, Jefferson City, Missouri
Darrick Steen, Department of Natural Resources, Jefferson City, Missouri
Trent Stober, Geosyntec, Columbia, Missouri
Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
Sunny Wellesley, Environmental Protection Agency, Kansas City, Kansas
Julie Westhoff, Kennedy/Jenks Consultants, Mission, Kansas
Kristol Whatley, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Amberly Woods, MDC-Intern, Columbia, Missouri

CALL TO ORDER

Chair Hunter called the meeting of the Missouri Clean Water Commission to order on March 9, 2012 at 9:00 a.m., at the Department of Natural Resources' Lewis and Clark State Office Building located at 1101 Riverside Drive, Jefferson City, Missouri.

Chair Hunter made introductions of the Commissioners, Staff Director, Legal Counsel, and Commission Secretary.

ADMINISTRATIVE MATTERS

Public Hearing – State Revolving Fund Intended Use Plan **Agenda Item #1**

The Commission held a public hearing to receive public comment on Draft State Fiscal Year 2013 Clean Water State Revolving Fund (CWSRF) Intended Use Plan and Priority List (IUP).

Doug Garrett, Financial Assistance Center presented testimony on behalf of the Department. Mr. Garrett presented background information relative to the development of the draft Intended Use Plan and noted that the draft IUP as presented included the federal funding received from the federal Clean Water State Revolving Fund appropriations for 2010, 2011 and 2012. He also pointed out the inclusion of funding in support of the Department's Our Missouri Watersheds initiative. In addition Mr. Garrett noted that the proposed fundable project lists may change as a result of April bond elections.

Public presenting testimony:

Tom Ratermann, Boone County Regional Sewer District
Phil Walsack, Missouri Public Utility Alliance
Larry Backes, City of Chamois, Missouri

It was noted that written comments will be accepted until March 16, 2012 and that the Commission plans to take action on the final State Fiscal Year 2013 Intended Use Plan at its May 2, 2012 meeting.

A Court Reporter from Midwest Litigation was in attendance and the official hearing transcript is attached.

No action taken by the Commission.

Public Hearing – Draft 2012 303(d) List **Agenda Item #2**

John Ford, Watershed Protection Section presented the 303(d) list and discussed the public participation process for it, comments received from the public and Department responses. Leslie Holloway of the Missouri Farm Bureau noted her appreciation for changes made to the list based on comments she had supplied. Robert Brundage of Newman, Comley and Ruth PC said that he would provide all comments in writing.

It was noted that written comments will be accepted until March 16, 2012 and that the Commission plans to take action on the Draft 2012 303(d) List at its May 2, 2012 meeting.

A Court Reporter from Midwest Litigation was in attendance and the official hearing transcript is attached.

No action taken by the Commission.

Public Hearing – Draft 2014 303(d) Listing Methodology Document
Agenda Item #3

John Ford, Watershed Protection Section presented the document, noted proposed changes from the 2012 Listing Methodology Document, and discussed comments and Department responses on the proposed changes. Trent Stober of Geosyntec Inc. noted that the assessment of biological data needed to compare streams of similar size and that development of an appropriate tiered aquatic life designated use system could be beneficial in this regard.

It was noted that written comments will be accepted until March 16, 2012 and that the Commission plans to take action on the Draft 2014 303(d) Listing Methodology Document at its May 2, 2012 meeting.

A Court Reporter from Midwest Litigation was in attendance and the official hearing transcript is attached.

No action taken by the Commission.

Approval of the January 4, 2012 Missouri Clean Water Commission Meeting Minutes
Agenda Item #4

Phil Walsack, Missouri Public Utility Alliance noted that in the January 4, 2012 Water Quality Standards hearing transcript the names Trent Stober, John Lodderhose, and Lorin Crandall were misspelled and asked for correction to the transcript.

Commissioner Leake made a motion to approve the January 4, 2012 meeting minutes with the corrections of the spelling of names for Trent Stober, John Lodderhose, and Lorin Crandall in the transcript. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

Commissioner Cowherd:	Abstain
Commissioner Wood:	Yes
Commissioner Bennett:	Abstain
Commissioner Parnell:	Yes
Commissioner Warren:	Yes
Commissioner Leake:	Yes
Chair Hunter:	Yes

10 CSR 20-7.031 Water Quality Standards Regulations

Agenda Item #5

Leanne Tippett Mosby, Deputy Director of the Department of Natural Resources presented the Department's recommendation to the Commission that the Order of Rulemaking for 10 CSR 20-7.031 (Water Quality Standards) not move forward at this time to allow for more discussion with the stakeholders. John Hoke, Watershed Protection Section responded to questions of the Commission and stakeholders.

The Commission received comments from:

Leslie Holloway, Missouri Farm Bureau
Ed Galbraith, Barr Engineering
Robert Brundage, Newman, Comley and Ruth
Trent Stober, Geosyntec Consultants
Aimee Davenport, Lathrop & Gage
Phil Walsack, Missouri Public Utility Alliance
Kevin Perry, REGFORM
Mary West-Calcano, Jacobs Engineering
Karen Flournoy, Environmental Protection Agency
Tom Ratermann, Boone County Sewer District
Karen Bataille, Missouri Department of Conservation
Michael Bollinger, Ameren
John Lodderhose, Metropolitan St. Louis Sewer District

Commissioner Leake made a motion to adopt the six proposals put before the Commission as Exhibit 1 (attached) and then discuss and vote on the remaining portion of the rule.

Commissioner Warren seconded the motion. The motion passed with a roll call vote:

Commissioner Wood:	No
Commissioner Bennett:	Yes
Commissioner Parnell:	Yes
Commissioner Warren:	Yes
Commissioner Leake:	Yes
Commissioner Cowherd:	Yes
Chair Hunter:	Yes

Commissioner Parnell made a motion to adopt the remaining proposed rule as amended by Exhibit 2 (attached) including stream classification. Commissioner Warren seconded the motion. After further discussion Commissioner Warren withdrew the second and the motion died.

Commissioner Wood made a motion that the Water Quality Standard rule not move forward on the remaining portion and request staff to have the Regulatory Impact Report ready for the 60 day public comment period by September 1, 2012. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

Commissioner Parnell: Yes
Commissioner Warren: No
Commissioner Leake: Yes
Commissioner Cowherd: Yes
Commissioner Wood: Yes
Commissioner Bennett: Yes
Chair Hunter: Yes

Small Borrower Loan for Rhineland
Agenda Item #6

Traci Newberry, Financial Assistance Center presented the small borrower loan for the Village of Rhineland to upgrade their wastewater treatment facility.

Commissioner Cowherd made a motion to approve the small borrower loan for the Village of Rhineland. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

Commissioner Warren: Yes
Commissioner Leake: Stepped out of the room
Commissioner Cowherd: Yes
Commissioner Wood: Yes
Commissioner Bennett: Yes
Commissioner Parnell: No longer in attendance
Chair Hunter: Yes

Small Borrower Loan for Pleasant Hope
Agenda Item #7

Traci Newberry, Financial Assistance Center presented the small borrower loan for the City of Pleasant Hope to upgrade their wastewater treatment facility.

Commissioner Cowherd made a motion to approve the small borrower loan for the City of Pleasant Hope. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

Commissioner Leake: Stepped out of the room
Commissioner Cowherd: Yes
Commissioner Wood: Yes
Commissioner Bennett: Yes
Commissioner Parnell: No longer in attendance
Commissioner Warren: Yes
Chair Hunter: Yes

Antidegradation Procedures

Agenda Item #8

Leasue Meyers, Engineering Section, presented the Antidegradation Procedures. Ms. Meyers stated that the Commission adopted the Antidegradation Implementation Procedures on May 7, 2008 and the procedures were formally submitted to the Environmental Protection Agency (EPA) as part of Missouri's Water Quality Standards. She noted that in a letter dated July 2, 2009, EPA provided a determination that the Antidegradation Procedures as submitted were not approvable, due to the United States Sixth Circuit Court of Appeals decision of September 23, 2008 in the Kentucky Waterways vs. Johnson case. In the Court of Appeals decision, the Court emphasized EPA must consider individual and cumulative impacts of de minimis exemptions. Ms. Meyers noted that EPA's July 2, 2009 letter stated Missouri did not provide appropriate technical justification for the cumulative de minimis cap of 20%; however EPA would support the adoption of a 10% cumulative cap. She stated that the Department is proposing to revise the Antidegradation Implementation Procedures solely to change the 20% cumulative cap to 10%. Ms Meyers added that the procedures would be public noticed and brought before the Commission at the May 2, 2012 meeting.

Trent Stober, Geosyntec Consultants, noted his support of the Department on the Antidegradation Procedures.

No action taken by the Commission.

ENFORCEMENT

Hillier Asphalt, LLC, MO-G490834, Vernon County – Referral to the Attorney General's Office **Agenda Item #9**

The Department and Hillier Asphalt, LLC reached an agreement before the date of the meeting. The recommendation to refer the case was withdrawn.

No action taken by the Commission.

Outstanding Missouri Operating Permit Fees **Agenda Item #10**

Debbie Bruns, Fiscal Management Section presented the Outstanding Missouri Operating Permit Fees. Ms. Bruns recommended ten facilities be referred to the Missouri Attorney General's office for collection of outstanding fees – one from July 2011, five from September 2011, and four from August 2011. The facilities listed for referral were: Red Oak Estates, Secluded Forest Subdivision Wastewater Treatment Facility, Sennawood Village, Splitrail Subdivision, Bilt Best Products, Action Products Co., Shawnee Bend Asphalt and Quarry, Splash Universe, Schrader's Salvage, Mike's Auto Body and Rebuild

Commissioner Cowherd made a motion to refer the presented ten facilities to the Missouri Attorney General's Office for appropriate legal action in order to collect delinquent permit fees, compel

compliance for any other violation of the Missouri Clean Water Law and Clean Water Commission regulations, pursue a civil penalty, and/or seek any other appropriate form of relief. Commissioner Bennett seconded the motion. The motion passed with a roll call vote:

Commissioner Wood: Yes
Commissioner Bennett: Yes
Commissioner Parnell: No longer in attendance
Commissioner Warren: Yes
Commissioner Leake: Yes
Commissioner Cowherd: Yes
Chair Hunter: Yes

STANDING ITEMS

Permits and Water Quality Review Sheet Update

Agenda Item #11

John Rustige, Permits and Engineering Section presented an update on the permit centralization. No action taken by the Commission.

Status of Rulemaking

Agenda Item #12

Carol Garey, Water Protection Program presented an update on rulemaking. No action was taken by the Commission.

PRESENTATIONS

Our Missouri Waters

Darrick Steen, Department of Natural Resources' Office of the Director, gave a presentation entitled Our Missouri Waters. Our Missouri Waters is an innovative statewide water policy initiative that will provide a coordinated and holistic approach to watershed management. No action taken by the Commission.

Director's Report

John Madras, Director, Water Protection Program, read into the Commission record the resolutions signed by the Commission recognizing Jan Tupper and Bill Easley, former Commissioners, for their years of service to the Commission.

Public Comment and Correspondence

Kristin Perry, attorney for Frank Martin, asked the Commission to take action on the matter of the condemnation of farmland for land application of Hallsville’s treated wastewater effluent. She alleges the court order requires the city to condemn the property and therefore threatens the viability of all of the other existing and future municipal land application systems. John Madras, Director, Water Protection Program stated staff would research the matter. No action taken by the Commission.

Phil Walsack, Missouri Public Utility Alliance, noted his agreement with Ms. Perry regarding the viability of all of the other existing and future municipal land application systems.

Mr. Walsack also stated that we will not know the affordability of the Effluent Rule for many years to come.

In addition, Mr. Walsack stated he will continue to participate in the Water Quality Standard rulemaking.

ADJOURNMENT OF MEETING

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

Commissioner Bennett:	Yes
Commissioner Parnell:	No longer in attendance
Commissioner Warren:	Yes
Commissioner Leake:	Yes
Commissioner Cowherd:	No longer in attendance
Commissioner Wood:	No longer in attendance
Chair Hunter:	Yes

The meeting adjourned at 5:30 p.m.

Respectfully Submitted,



John Madras
Director of Staff

March 9, 2012

Motion v2

Presented to CWC
by Ed Galbraith
3-9-12 : Robert
Bourdaige

I move that the Missouri Clean Water Commission adopt the following proposed amendments to 10 CSR 20-7.031 as published in the December 1, 2011 *Missouri Register*:

1. Proposed amendment to the sulfate and chloride criteria found in 10 CSR 20-7.031(5)(L) and Table A2 (Mo. Reg. pgs. 2528 and 2563-2564, Dec. 1, 2011); and
2. Proposed amendments to the phenol criteria found in Table A1 (Mo. Reg. pgs. 2551 and 2560, Dec. 1, 2011); and
3. Proposed dissolved oxygen criteria for Main Ditch found in Table K (Mo. Reg. pg. 2671, Dec. 1, 2011); and
4. Proposed amendment to the Schedule of Compliance section found in 10 CSR 20-7.031(11) (Mo. Reg. pg. 2531, Dec. 1, 2011); and
5. Proposed amendment to the losing stream designation for Dry Fork found in Table J (Mo. Reg. pg. 2564, Dec. 1, 2011, MDNR Response to Comments, pgs. 265-266); and
6. Proposed amendment to the use designations for streams criteria found in Table H (Mo. Reg. Table H, pgs. 2580-2669, Dec. 1, 2011).

1. MOTION (on P. 2525): I move that (2)(H) be changed to read as follows:

"Use attainability analyses intended for aquatic life shall be performed in accordance with guidance developed by the department and approved by the Commission. Except for water bodies in Tables G and H, the designated uses described in (2)(A) shall become effective upon the commission approving the guidance."

2. MOTION (p. 2525): I move that (2)(A) be amended as follows:

"3. All rivers and streams which maintain permanent pools (i.e., non-Class E) and are spatially represented by the one to one hundred thousand (1:100,000) scale National Hydrography Dataset (NHD); and

4. All lakes and reservoirs that spatially intersect ~~or are connected~~ to the flowlines of rivers and streams identified in (2)(A)3;"

3. MOTION (p. 2525): I move that the following be added at the end of (2)(A):

"The designated uses of this subsection are not presumed to apply to the systems, conveyances, technologies and BMPs in (1)(Z) 1 and 2."

4. MOTION (p. 2525): I move that the following be added as (2)(J):

"Rivers and streams represented by the 1:100,000 scale NHD are presumed to have permanent flow or permanent pools; this presumption is rebuttable subject to verification based on the 'Final Guidelines for Water Body Classification,' approved by the Clean Water Commission in 2005, or later version if approved by the commission. Those guidelines shall also be used in assessing any stream outside of the 1:100,000 scale NHD to determine whether it supports permanent flow or permanent pools."

5. MOTION (p. 2524): I move that "Missouri Metallic Minerals Law" be added to the list in (1)(Z)1.

6. MOTION (p. 2523): I move that the definition of Biocriteria in (1) be amended as follows:

"Biocriteria. The biological integrity of waters, as measured by lists or numeric diversity indices of benthic invertebrates ~~or fish, algae or other appropriate biological indicators~~, shall not be significantly different from reference waters. Waters shall be compared to reference waters within an ecoregion of similar size habitat quality and within an order of magnitude in watershed area ~~within an ecoregion~~. Reference water locations are listed in Table 1."

I N D E X

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14	(No exhibits were marked.)	
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1 BEFORE THE MISSOURI CLEAN WATER COMMISSION
2 STATE OF MISSOURI

3 In Re:)
)
4 State Revolving Fund)
 Intended Use Plan)
5

6
7 PUBLIC HEARING
8 TRANSCRIPT OF PROCEEDINGS
9 Friday, March 9, 2012
10 9:00 a.m.
11 Department of Natural Resources
12 Lewis & Clark State Office Building
13 1101 Riverside Drive
14 Jefferson City, MO 65102
15

16 COMMISSIONERS PRESENT:
17 Mr. Samuel Hunter, Chairman
18 Mr. Dennis Wood
19 Mr. Wallis Warren
20 Mr. Buddy Bennett
21 Mr. John Cowherd
22 Mr. Samuel Leake
23 Mr. Todd Parnell, via Telephone

24 Court Reporter:
25 Ms. Monnie S. Mealy, CCR, CSR, RPR
 Midwest Litigation Services
 3432 W. Truman Boulevard
 Jefferson City, MO 65109
 (573) 636-7551

1 P R O C E E D I N G S

2 COMMISSIONER HUNTER: The first item on the
3 agenda today is a public hearing for the State Revolving
4 Fund Intended Use Plan presented by Doug Garrett from the
5 Financial Assistance Center.

6 The Commission will begin the public hearing on
7 the Clean Water State Revolving Fund Intended Use Plan and
8 Priority List for State fiscal year 2013.

9 The purpose of this public hearing is to provide
10 the Department opportunity to present testimony and to
11 provide both the Department and the public the opportunity
12 to comment on the Intended Use Plan for State fiscal year
13 2013.

14 This public hearing is not a forum for debate or
15 resolution of issues. The Commission asks that those
16 commenting limit their testimony to five minutes and not
17 repeat comments that others have already made.

18 The Commission will first hear testimony from
19 the Department. Following the Department's testimony, the
20 Commission will give the public an opportunity to comment.

21 We ask that all individuals present fill out an
22 attendance card so our records are complete. I might add,
23 if you could, for my benefit, please make them legible,
24 too, please. If you wish to present verbal testimony,
25 please indicate that on your -- please indicate that on

1 your attendance card.

2 When you come forward to present testimony,
3 please speak into the microphone and begin by identifying
4 yourself to the court reporter.

5 Following the public hearing today, the
6 Commission will review testimony presented and make
7 appropriate modifications to the proposal.

8 The Commission plans to take final action at the
9 May 2nd, 2012, meeting. The court reporter will now swear
10 in anyone wishing to testify at this public hearing before
11 the Clean Water Commission today. Will all those wishing
12 to comment please stand?

13 DOUGLAS GARRETT, TOM RATERMANN, PHIL WALSACK, LARRY BACKES
14 being first duly sworn to testify the truth, the whole
15 truth, and nothing but the truth, testified as follows:

16 TESTIMONY OF DOUG GARRETT

17 MR. GARRETT: Good morning, Commissioners.
18 My name is Douglas Garrett. I'm the acting Director of
19 the Water Protection Program's Financial Assistance
20 Center.

21 On February 7th, we placed the draft 2013 Clean
22 Water State Revolving Fund Intended Use Plan on public
23 notice. We provided our copies of the draft plan to those
24 communities that apply for funding, and we also mailed
25 memos to other interested parties that were asked

1 availability as well as posted the public notice and the
2 draft IUP on the Department's web site.

3 We -- after this hearing, we will continue to
4 accept written comments until the close of business on
5 March 16th.

6 In this IUP, there are a couple of items I'd
7 like to call your attention to. The IUP does contain
8 Federal funding for -- from Federal fiscal years 2010 to
9 2011 and an estimated 2012 Federal capitalization grant
10 funding.

11 Just two days ago, we did receive initial
12 guidance from the Environmental Protection Agency on the
13 2012 allotment to the State. There is a slight change in
14 what we anticipated for funding, slight being
15 approximately \$200,000. So we will certainly be updating
16 the IUP to reflect that.

17 The -- one of the other things I'd like to -- to
18 point out, specifically, the Federal 2012 appropriation
19 language included a requirement that the State Revolving
20 Fund projects that we do fund include Davis Bacon Act
21 requirements for Federal wage rates.

22 We have already implemented that, and we also
23 mentioned that in the IUP, we draw the attention of the
24 applicants and the consulting communities to that.

25 In your packet, on page 32, within the IUP --

1 and for those that have hard copies in the audience, it
2 will be page 22. There is a discussion of the
3 Department's or Missouri Waters Initiative.

4 We will be directing funding to the three water
5 sheds where the initiative is taking place and hope to
6 provide that funding to the entities in those water sheds
7 as they progress with their projects.

8 And the -- at present, we have one community
9 that we have slated for funding, which is indicated on
10 page 27 of the hard copy, page 37 in the Commission's
11 packet. And that's the City of Hillsboro.

12 We have several others that are in the other
13 water sheds that we'll be working on projects, and we hope
14 to get those communities funded as quickly as possible.

15 One of the main components of the IUP that we
16 looked at when evaluating projects is the ratis proceed.
17 Ratis proceed includes having basically a complete each
18 year report submitted as well as having a bond issue
19 passed.

20 Those communities are eligible to be placed on
21 the list and fundable contingency list if we run out of
22 funds and are presented -- between now and the May
23 Commission meeting, specifically in April, we anticipate
24 the communities to have bond elections that may already
25 have engineer reports submitted to the Department.

1 If those communities are successful in passing
2 their bond issues, as soon as we receive notification of
3 that, we will move those projects up and place them in the
4 appropriate prior report order.

5 We have received two comments to date. We
6 received one from the City of Platte City who has a
7 project on the fundable carry-over list. They have
8 indicated that they desire to withdraw their application
9 at this time.

10 Other than that, we did receive a comment from
11 an engineering firm regarding the Federal fiscal year '11
12 capitalization grant and how those funds were going to be
13 distributed in the IUP.

14 We agree with their comment that the IUP does
15 not adequately address how those funds are going to be
16 distributed. So we will be correcting that and adding
17 additional narrative.

18 Last, but not least, one of the requirements
19 that EPA and Congress have imposed against the SRF program
20 is to set aside funds for what they call a Green Project
21 Reserve.

22 We amended our application several years ago in
23 hopes of capturing that. We've had discussions as our
24 review engineers are looking at the projects with
25 consultants to try to identify components of projects that

1 would meet EPA's criteria for -- for being green.

2 We continue to do that, and we hope that -- that
3 communities will take advantage of including items that
4 could be considered green. When I say that, that's not
5 only storm water, but we also look at energy efficiency
6 and innovative practices. That concludes my testimony at
7 this time.

8 COMMISSIONER HUNTER: Thank you, Doug. We have
9 comment cards. The first is from Larry Backes of the City
10 of Chamois.

11 TESTIMONY OF LARRY BACKES

12 MR. BACKES: Yes. My name is Larry Backes. I'm
13 the City Clerk at the City of Chamois. The City of
14 Chamois is being -- is facing a schedule compliance for
15 disinfection of our lagoon effluent before we just start
16 into the Missouri River.

17 Our proposed project includes the addition of
18 seasonal land application of the lagoons' effluent to
19 nearby farm land. The project also involves some repair
20 and rehabilitation within the City's collection system.

21 The City is currently on the SRF fundable
22 contingency list, but was not included in the
23 disadvantaged community reserve, excuse me, in the
24 Intended Use Plan because at the time IUP was drafted the
25 project's water quality and degradation review was not yet

1 completed.

2 The water quality and degradation review is now
3 complete, and the project is fundable. It is the City's
4 understanding that there is approximately \$500,000 of
5 disadvantaged community grant funds not yet committed to
6 this draft IUP.

7 Our project meets all of the eligibility
8 criteria for these funds and scored more priority points
9 than the other two projects that are being funded in the
10 current draft.

11 In combination -- in combination with grant
12 funding from CBG and with the receipt of grant and loan
13 through the SRF disadvantaged community reserve, the City
14 will be able to move forward with the project and meet our
15 scheduled compliance.

16 Without the disadvantaged community funding, the
17 City will not have the funding needed to complete this
18 project. The City respectfully requests to be added to
19 the disadvantaged community reserve.

20 We have passed water and bond -- water and
21 wastewater bond issue for the loan portion of the project.
22 Our -- we intend to raise our sewer rates to 2 percent of
23 median household income to repay the loan.

24 We really -- we really feel -- feel strongly
25 about our project. We -- we want to be proactive on this.

1 Right now, all we have to do is meet the disinfection, but
2 we feel that -- that by land application, we can get a lot
3 of these nutrients out of the Missouri River.

4 And without you -- you guys' help, we can't --
5 we can't do that. We're going to have to do something
6 else. So we really appreciate what you can do for us.
7 Thank you.

8 COMMISSIONER HUNTER: Thank you, Larry. Next
9 commenter, Tom Ratermann from the Boone County Regional
10 Sewer District.

11 TESTIMONY OF TOM RATERMANN

12 MR. RATERMANN: Good morning. My name is Tom
13 Ratermann. I'm the General Manager of the Boone County
14 Regional Sewer District with offices and shops at 1314
15 North 7th Street, Columbia, Missouri.

16 In this Intended Use Plan, six of the sewer
17 district's projects have been moved from the planning list
18 to the fundable contingency list. And we really want to
19 thank you for doing that. It's very important to the
20 sewer district that we receive SRF financing.

21 These six projects total about \$20 million. And
22 all our rate studies are predicated on acquiring the State
23 revolving fund loan financing.

24 In 2006, our rates were about \$22 a month.
25 Currently, our rates are about \$45 a month. And our rate

1 studies project that by 2016, our rates will be about \$60
2 a month. And our rates would be much higher if we had to
3 get conventional financing.

4 We do ask that three projects on the planning
5 list be moved to the fundable contingency list. Facility
6 plans have been submitted for all three of those projects
7 and voter approved revenue bond authority was passed.

8 Boone County voters passed 3.8 million in 1997,
9 3.85 million in 2003 and 21 million in 2008. And if you
10 had any questions, I'd be glad to try and answer them.
11 And thank you for your time.

12 COMMISSIONER HUNTER: Thank you, Tom. The next
13 commenter is Phil Walsack from the Missouri Public Utility
14 Alliance.

15 TESTIMONY OF PHIL WALSACK

16 MR. WALSACK: Good morning Commissioners, Phil
17 Walsack from Missouri Public Utility Alliance. Good to
18 see you this morning.

19 I have one quick comment that is centered on
20 page 23 of the Intended Use Plan. In the very near future
21 -- let me back up. We support the Department's decision
22 to use a water shed approach. We believe this is a good
23 approach, a proper approach and an appropriate approach.

24 We would like the Department to consider that in
25 the very near future, cities who are in the water sheds of

1 the Spring River, the Big River and the Lower Grand may
2 come with multiple proposals. And we are interested in
3 how the Department will prioritize projects, multiple
4 municipal projects that are submitted under, for example,
5 the Spring River. How will the Department know that there
6 are five projects in the Spring River and not all of them
7 can get funded at the same time?

8 We're wanting the Department to think about how
9 that would -- how those priorities are going to be
10 separated between those communities when multiple
11 communities submit for a SRF water shed.

12 That concludes my comments for this hearing.
13 Thank you.

14 COMMISSIONER WARREN: Phil, just a quick
15 question.

16 MR. WALSHACK: Yes, Mr. Warren.

17 COMMISSIONER WARREN: Do you have
18 recommendations or suggestions for the Department?

19 MR. WALSHACK: Yes, we would. I notice that the
20 IUP doesn't discuss how we would later prioritize certain
21 communities, all of which wanting to get funding,
22 particularly in the spring river area.

23 There's a lot of communities in that area, and
24 we see a lot of projects that may want to come forward now
25 that the water shed initiative has been proposed. So --

1 and that water shed needs a lot of assistance.

2 So we're interested in how we're going to do
3 that when lots of projects come forward. So we would --
4 we would love the opportunity to propose suggestions.

5 COMMISSIONER WARREN: Thank you.

6 MR. WALSHACK: Thank you, commissioner.

7 COMMISSIONER HUNTER: Thank you, Phil.

8 MR. WALSHACK: You're welcome.

9 COMMISSIONER HUNTER: Our next commenter is
10 Leslie Holloway, Missouri Farm Bureau.

11 MS. HOLLOWAY: I don't think I was on this item.

12 COMMISSIONER HUNTER: Okay.

13 MS. HOLLOWAY: Thank you.

14 COMMISSIONER HUNTER: Okay. Thank you. Do we
15 have anyone else that wishes to speak? Doug, do you have
16 anything else?

17 MR. GARRETT: No, sir.

18 COMMISSIONER HUNTER: The Commission will
19 receive written testimony on this proposal until 5 p.m. on
20 March 16th, 2012.

21 You may submit this written testimony to
22 Mr. Jeff Starr, Water Protection Program, P.O. Box 176,
23 Jefferson City, Missouri, 65102, prior to that deadline.

24 The Commission accept comments on this proposal
25 until 5 p.m., March 16th, 2012. Comments can be submitted

1 to the Department's Water Protection Program by mail to
2 the Department's Water Protection Program, Attention Jeff
3 Starr, P.O. Box 176, Jefferson City, Missouri, 65102-0176.

4 E-mail with the subject line Intended Use Plan
5 Comments and direct to Jeff Starr, jeff.starr@dnr.mo.gov
6 or hand delivered to the receptionist at the Lewis & Clark
7 State Office Building, 1101 Riverside, Jefferson City.
8 Mark comments with attention to Jeff Starr, Water
9 Protection Program.

10 On behalf of the Commission, I thank everyone
11 who has participated in this process. This hearing is now
12 closed.

13 (The proceedings were concluded at 9:20 a.m. on
14 March 9, 2012.)

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)
4) ss.
5 COUNTY OF OSAGE)

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7 I, Monnie S. Mealy, Certified Shorthand Reporter,
8 Certified Court Reporter #0538, and Registered
9 Professional Reporter, and Notary Public, within and for
10 the State of Missouri, do hereby certify that I was
11 personally present at the proceedings as set forth in the
12 caption sheet hereof; that I then and there took down in
13 stenotype the proceedings had at said time and was
14 thereafter transcribed by me, and is fully and accurately
15 set forth in the preceding pages.

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Monnie S. Mealy, CSR, CCR #0539

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Registered Professional Reporter

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BEFORE THE MISSOURI CLEAN WATER COMMISSION
STATE OF MISSOURI

In Re:)
Draft 2012 303(d) List)

PUBLIC HEARING
TRANSCRIPT OF PROCEEDINGS
TAKEN ON BEHALF OF MISSOURI CLEAN WATER COMMISSION
MARCH 9, 2012

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1 BEFORE THE MISSOURI CLEAN WATER COMMISSION
2 STATE OF MISSOURI

3 In Re:)
)
4 Draft 2012 303(d) List)

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PUBLIC HEARING

7

TRANSCRIPT OF PROCEEDINGS

8

Friday, March 9, 2012

9

9:20 a.m.

10

Department of Natural Resources

11

Lewis & Clark State Office Building

12

1101 Riverside Drive

13

Jefferson City, MO 65102

14

15

COMMISSIONERS PRESENT:

16

- Mr. Samuel Hunter, Chairman
- Mr. Dennis Wood
- Mr. Wallis Warren
- Mr. Buddy Bennett
- Mr. John Cowherd
- Mr. Samuel Leake
- Mr. Todd Parnell, via Telephone

20

21

Court Reporter:

22

Ms. Monnie S. Mealy, CCR, CSR, RPR
Midwest Litigation Services
3432 W. Truman Boulevard
Jefferson City, MO 65109
(573) 636-7551

23

24

25

1 PROCEEDINGS

2 COMMISSIONER HUNTER: We'll move to Item No. 2.

3 This concerns the proposed Missouri 2012 Section 303(d)
4 List. The Commission will begin the public hearing on the
5 proposed 2012 303(d) List of Impaired Waters.6 The purpose of this hearing is to provide --
7 provide the Department and the public opportunity to
8 present testimony or comments on the proposed list.9 This public hearing is not a forum for debate or
10 resolution of issues. The Commission asks that those
11 commenting limit their testimony to five minutes and not
12 repeat comments that others have already made.13 The Commission will first hear testimony from
14 the Department. Following the Department's testimony, the
15 Commission will give the public an opportunity to comment.16 We ask that all individuals present -- present
17 fill out an attendance card so our records are complete.
18 If you wish to present verbal testimony, please indicate
19 that on your attendance card.20 When you come forward to present testimony,
21 please speak into the microphone and begin by identifying
22 yourself to the court reporter.23 Following the public hearing today, the
24 Commission will review testimony presented and make
25 appropriate modifications to the proposed 2012 303(d)

1 List.

2 The Commission plans to take final action on the
3 list at the May 2nd, 2012, meeting. The court reporter
4 will now swear in anyone wishing to testify at this public
5 hearing before the Clean Water Commission today. Will all
6 those wishing to comment please stand?

7 LESLIE HOLLOWAY, ROBERT BRUNDAGE, JOHN FORD,
8 being first duly sworn to testify the truth, the whole
9 truth, and nothing but the truth, testified as follows:

10 TESTIMONY OF JOHN FORD

11 COMMISSIONER HUNTER: Okay, John.

12 MR. FORD: Thank you. Good morning,
13 Commissioners. My name is John Ford. I work at the Water
14 Shed Protection section of the Water Protection Program.

15 I'm here today to introduce the proposed 2012
16 Missouri 303(d) List. The Federal Water Pollution Control
17 Act, Section 303(d) requires states to bi-annually submit
18 to the U.S. Environmental Protection Agency a list of
19 impaired waters for which adequate pollution controls have
20 not yet been required.

21 The listing methodology for this list was
22 approved by the Commission on September 8th, 2010. The
23 Department then developed in internal review a proposed
24 303(d) list by last November. This list was placed on
25 public notice from November 28th of 2011 and will be on

1 the list until March 16, 2012.

2 In addition to this hearing, the Department has
3 held two public meetings on December 13th and February
4 10th for the purpose of discussing the proposed list and
5 the proposed 2014 listing methodology document.

6 As a result of the comments received at this
7 time, six water body pollutant pairs are proposed for
8 removal from the public use list, and these are shown on
9 page 95 of your packet.

10 The proposed list, which is on this as Table 1
11 which begins on page 97 of your packet, is composed of 350
12 water body pollutant pairs. Eighty-one of these are new
13 to the list in 2012.

14 The remaining 269 are carried over from the EPA
15 approved 2010 list. Fifty-five water body pollutant pairs
16 from the 2010 list are being proposed for delisting.
17 These appear on page 105 as Table 2.

18 The last listing this table, which appears on
19 page 106, was a tributary to Wolf Creek. And that listing
20 is actually on the 303(d) list. Data shows that 22 of
21 these 55 waters proposed for delisting now meet State
22 water quality standards.

23 Fifteen were listed in there. TMDLs were
24 completed on additional time. Permits in lieu of TMDL on
25 2 and 6 were listed for other reasons.

1 The most common pollutant categories on the
2 proposed list are; first, bacteria, 103 listings; low
3 levels of oxygen, 68; heavy metals in waters or sediment,
4 62; fish tissue, 36; and biological impairments based on
5 biomonetry data of 27.

6 The five most common pollutant sources are:
7 First, unknown, 94; rural non-point source, 69; mining,
8 55; urban run-off, 49; and atmospheric deposition, 36.

9 The Department has received four letters or
10 e-mails providing comments on the proposed list and has
11 responded in writing to those. We have also received oral
12 questions and comments at the two public meetings.

13 Copies of these letters, Department responses
14 and the minutes from the two public meetings appear
15 beginning on page 107 of your packet. And the two most
16 recent letters we've received in our responses are in your
17 packet.

18 Most of the comments pertain to the
19 appropriateness of specific listings, and two of these
20 resulted in removal of water body pollutant pairs from the
21 list due to assessment errors by the Department and one
22 other comment concerning the choice of words used to
23 define these pollutants.

24 This is the end of my prepared statement. If
25 you have any questions, I'll be happy to try and answer

1 them.

2 COMMISSIONER HUNTER: Thank you, John. We have
3 two commenters on this item. The first is Leslie Holloway
4 from Missouri Farm Bureau.

5 TESTIMONY OF LESLIE HOLLOWAY

6 MS. HOLLOWAY: Mr. Chairman, members of the
7 Commission, Leslie Holloway representing Missouri Farm
8 Bureau. I really just briefly wanted to come up and state
9 our appreciation for Mr. Ford and the Department looking
10 again at some of the suggestions that we had made relative
11 to some water bodies.

12 And he made -- John made reference in his
13 presentation about some changes in the definitions and the
14 descriptions of sources of contaminants. In particular,
15 there had been some references to agriculture where our
16 suggestion had been that perhaps rural non-point source
17 would be more appropriate because, actually, the
18 documentation did not relate specifically to agriculture,
19 but it was just the fact that those particular water sheds
20 were in rural areas that, in some cases, there was
21 reference made to agriculture.

22 So in order to be consistent with some of the
23 other listings, we suggested using the rural non-point
24 source terminology in order to be more accurate. So we
25 appreciate that consideration. Thank you.

1 COMMISSIONER HUNTER: Any questions by the
2 Commission? Thank you, Leslie.

3 MS. HOLLOWAY: Thank you.

4 COMMISSIONER HUNTER: Next is Robert Brundage,
5 Newman, Comley & Ruth, PC.

6 MR. BRUNDAGE: Mr. Chairman, members of the
7 Commission, I think I'm going to submit my comments in
8 writing. So I'll just -- for the sake of brevity, we'll
9 just do that today. Okay? Thank you.

10 And the same on the next agenda item, 2014 list
11 and methodology. Even though I submitted a card.

12 COMMISSIONER HUNT: Okay. Thank you, Robert.
13 Any other persons that would like to comment today? The
14 Commission will receive written testimony on the proposed
15 2012 Section 303(d) List until 5 p.m. on March 16th, 2012.

16 You may submit this written testimony to
17 Mr. John Ford, Missouri Department of Natural Resources
18 Water Protection Program, P.O. Box 176, Jefferson City,
19 Missouri, 65102, prior to that deadline.

20 On behalf of the Commission, I thank everyone
21 who has participated in this process. This hearing is now
22 closed.

23 (Proceedings were concluded at 9:35 a.m.)

24

25

1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)
)ss.
4 COUNTY OF OSAGE)

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6 I, Monnie S. Mealy, Certified Shorthand Reporter,
7 Certified Court Reporter #0538, and Registered
8 Professional Reporter, and Notary Public, within and for
9 the State of Missouri, do hereby certify that I was
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BEFORE THE MISSOURI CLEAN WATER COMMISSION
STATE OF MISSOURI

In Re:)
)
Draft 2014 303(d) Listing)
Methodology Document)

PUBLIC HEARING
TRANSCRIPT OF PROCEEDINGS
TAKEN ON BEHALF OF MISSOURI CLEAN WATER COMMISSION
MARCH 9, 2012

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1 P R O C E E D I N G S

2 COMMISSIONER HUNTER: Next, we move to Item 3 on the
3 agenda. This is -- this is a public hearing on the Draft
4 2014 303(d) Listing Methodology document.

5 The Commission will begin the public hearing on
6 the proposed 2014 303(d) Listing Methodology document.
7 The purpose of this hearing is to provide the Department
8 and the public an opportunity to present testimony or
9 comments on the proposed 2014 Listing Methodology
10 document.

11 This public hearing is not a forum for debate or
12 resolution of issues. The Commission asks that those
13 commenting limit their testimony to five minutes and not
14 repeat comments that others have already made.

15 The Commission will first hear testimony from
16 the Department. Following the Department's testimony, the
17 Commission will give the public an opportunity to comment.

18 We ask that all individuals present fill out an
19 attendance card so that our records are complete. If you
20 wish to present verbal testimony, please indicate that on
21 your attendance card.

22 When you come forward to present testimony,
23 please speak into the microphone and begin by identifying
24 yourself to the court reporter.

25 Following the public hearing today, the

1 Commission will review testimony presented and make
2 appropriate modifications to the Proposed 2014 Listing
3 Methodology document. The Commission plans to take final
4 action on this document at the May 2nd, 2012 meeting.

5 The court reporter will now swear in anyone
6 wishing to testify at this public hearing before the Clean
7 Water Commission today. Will all those wishing to comment
8 please stand?

9 JOHN FORD, TRENT STOBER, JOHN HOKE,
10 being first duly sworn to testify the truth, the whole
11 truth, and nothing but the truth, testified as follows:

12 TESTIMONY OF JOHN FORD

13 MR. FORD: Good morning, Commissioners. John
14 Ford, Water Protection -- Water Shed Protection Section.
15 I'm here today to introduce the proposed 2014 Listing
16 Methodology document.

17 This document describes how the Department will
18 use water quality data to determine if waters of the state
19 are impaired.

20 Department Staff meet with stakeholders and
21 other interested members of the public approximately every
22 two years to revise this document as needed.

23 The document we are introducing today, when
24 approved by the Commission, will be the basis for the
25 development of the 2014 303(d) list. The Department has a

1 public participation process for revision of this document
2 that runs concurrently with the public notice for the
3 303(d) list.

4 All comments received on the proposed 2014
5 Listing Methodology document to date are either in the
6 minutes from public meetings or through letters of e-mail
7 correspondence are shown beginning on page 123 of your
8 packet. The proposed 2014 listing methodology document
9 begins on page 135.

10 Deletions from the 2012 document approved by the
11 Commission are shown as strike-outs and the new text is
12 underlined.

13 There was only one major change from the 2012
14 listing methodology. Most lakes in the state are no
15 longer assessed in compliance with nutrient criteria
16 now that USEPA has disapproved those criteria, effectively
17 removing them from the State water quality standards.

18 There are three smaller, substantive changes.
19 The first is that the document describes a specific method
20 for assessing fish community data collected by the
21 Missouri Department of Conservation.

22 The second is that the sediment PEC quotient,
23 the numbers used to assess toxicity of sediments, has been
24 increased from 0.5 to 0.75 making it consistent with the
25 way PEC values are used with individual pollutants.

1 Thirdly, an oversight was corrected by including
2 the assessment method for the ground water protection use
3 for bacteria. There are also several places in the
4 document where language has been added or modified, but
5 only for the purpose of clarification and do not represent
6 any modification of the assessment process.

7 The Department at this time of this writing has
8 received only two written comments related to the 2014
9 Listing Methodology. Both of these pertain to the values
10 used to evaluate sediment toxicity.

11 Two listing methodology issues, the assessment
12 of sediment toxicity and assessment of biological data,
13 were discussed at the February 10 public meeting. Minutes
14 of this meeting are attached in your packet.

15 After receiving these comments on sediment
16 toxicity and after reading recent papers on sediment
17 toxicity studies in Missouri streams, the Department is
18 recommending no changes to the values used in the 2012
19 Listing Methodology because these values tend to show a
20 higher level of accuracy of predicting the presence or
21 absence of toxicity than the other criteria.

22 The second major issue discussed at the public
23 meeting was how to assess biological data that may show
24 non-representative results due to atypical conditions at
25 the time this data was collected.

1 Current listing methodology includes provisions
2 that acknowledge that data used in the assessment should
3 be representative of typical conditions. The Department
4 does not believe that this concern requires changes to the
5 listing methodology but will require due diligence from
6 Department staff to ensure that any biological data that
7 we use is representative of typical conditions.

8 This is the end of my prepared statement.

9 COMMISSIONER HUNTER: Okay. Commissioners have
10 questions for John Ford?

11 COMMISSIONER COWHERD: What are we doing about
12 lakes? Are they being assessed by EPA at this point?

13 MR. FORD: I think what's going to happen, and
14 Mr. Hoke can probably talk to you a little bit more on
15 this, is that we're kind of at an impasse until we get
16 with the stakeholders again and propose a new set of
17 criteria and get those promulgated in our rules. So we're
18 not planning to do anything in the assessment process with
19 those particular things until we have new standards.

20 COMMISSIONER COWHERD: And that will take how
21 long?

22 MR. HOKE: That schedule is to be determined.

23 COMMISSIONER COWHERD: Okay. Thank you.

24 COMMISSIONER HUNTER: Thank you, John. John
25 Hoke, do you have -- no?

1 MR. HOKE: No.

2 COMMISSIONER HUNTER: All right. We have one
3 person who would like to present a statement. That's
4 Trent Stober from GeoSyntec.

5 TESTIMONY OF TRENT STOBER

6 MR. STOBER: Good morning, Chairman,
7 Commissioners. My name is Trent Stober with GeoSyntec
8 Consultants in Columbia, Missouri.

9 I would like to first start by saying we
10 appreciate the opportunity to -- to comment on this and
11 work with the Department for now several iterations of the
12 303(d) Listing Methodology.

13 I -- I truly do believe that our state has some
14 of the -- one of the most diligent with respect to
15 evaluating the water quality data that are available and
16 trying to make an appropriate decision and not moving
17 forward on a lot of inappropriate impairment decisions.

18 The -- the main high level point that I would
19 like to bring up that John sort of alluded to is with
20 respect to the biological data that we used to assess
21 whether a stream is considered impaired or not.

22 The -- several of the previous impairments and
23 -- and I think there was a concern going forward.
24 In the way that we compare various streams that are
25 potentially dissimilar with biological data, we have to

1 evaluate, really, comparing the streams that are apples to
2 apples rather than apples to oranges.

3 And -- and if we're not careful in those
4 regards, we can come up with a -- a difficult situation
5 where we made an impairment decision that set a biological
6 target that just will never be met by, in this case, the
7 orange.

8 So we will provide all these comments in written
9 format to -- to provide the Department. We just wanted to
10 take this opportunity to talk about that with you.

11 But I think one of the things that -- that this
12 issue highlights is the need for the State to develop an
13 appropriate aquatic life use system.

14 We've talked about in many cases and I think it
15 highlighted by some of the issues that we'll talk about
16 later today with respect to classified streams.

17 And I think it's incumbent upon all of us to
18 provide the State resources and the -- and to help out
19 with the effort to develop those -- those use systems.

20 So with that, I'll open it up for any questions.
21 Thank you.

22 COMMISSIONER HUNTER: Thank you, Trent. Is
23 there anyone else here that would like to comment today?
24 The Commission will receive written testimony on the
25 proposed 2014 Listing Methodology document until 5 p.m. on

1 March 16th, 2012.

2 You may submit this written testimony to
3 Mr. John Ford, Missouri Department of Natural Resources
4 Water Protection Program, P.O. Box 176, Jefferson City,
5 Missouri, 65102, prior to that deadline.

6 On behalf of the Commission, I thank everyone
7 who has participated in this process. This hearing is now
8 closed.

9 (Proceedings concluded at 9:45 a.m.)

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