

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

April 24, 2013

Present

Sam Hunter, Chair, Missouri Clean Water Commission
Dennis Wood, Missouri Clean Water Commission
Wallis Warren, Missouri Clean Water Commission
Sam Leake, Missouri Clean Water Commission
Buddy Bennett, Missouri Clean Water Commission
John Cowherd, Missouri Clean Water Commission
John Madras, Director of Staff, Missouri Clean Water Commission
Don Willoh, Legal Counsel, Missouri Clean Water Commission
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Mike Alesandrini, URS Corp., St. Louis, Missouri
Karen Bataille, Missouri Department of Conservation, Columbia, Missouri
Joe Boland, EI ERA, Jefferson City, Missouri
Robert Brundage, Newman, Comley & Ruth P.C., Jefferson City, Missouri
Doug Garrett, Missouri Department of Natural Resources, Jefferson City, Missouri
Jodi Gerling, Missouri Department of Natural Resources, Jefferson City, Missouri
John Hoke, Missouri Department of Natural Resources, Jefferson City, Missouri
Bonnie Keaton, Attorney Representing Boaz, Jefferson City, Missouri
Jim Macy, Missouri Department of Natural Resources, Jefferson City, Missouri
Terry Nelson, Missouri Department of Natural Resources, Jefferson City, Missouri
Traci Newberry, Missouri Department of Natural Resources, Jefferson City, Missouri
David Potthast, Missouri Department of Natural Resources, Jefferson City, Missouri
Pat Smith, Missouri Department of Natural Resources, Jefferson City, Missouri
Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
Mark White, MCGA, Jefferson City, Missouri
Chris Wieberg, Missouri Department of Natural Resources, Jefferson City, Missouri

CALL TO ORDER

Chair Hunter called the meeting of the Missouri Clean Water Commission to order on April 24, 2013 at 9:00 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

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

ADMINISTRATIVE MATTERS

Approval of the January 9, 2013 Missouri Clean Water Commission Meeting Minutes Agenda Item #1

Commissioner Cowherd made a motion to approve the January 9, 2013 meeting minutes. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

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

Approval of the April 4, 2013 Missouri Clean Water Commission Teleconference Meeting Minutes Agenda Item #2

Commissioner Wood made a motion to approve the April 4, 2013 meeting minutes. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

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

State Fiscal Year 2013 and 2014 Clean Water State Revolving Fund Intended Use Plans
Agenda Item #3

Doug Garrett, Financial Assistance Center, presented the State Fiscal Year 2013 and 2014 Clean Water State Revolving Fund Intended Use Plans proposed effective date changes. Mr. Garrett noted that the Clean Water State Revolving Fund (CWSRF) program is at a crossroads and that the continued success of the program is dependent on how the Department will allocate funding in the future to address the wastewater infrastructure needs throughout the state. He stated that with the uncertainty of future federal funding the allocation of available CWSRF funding will come under greater scrutiny.

Mr. Garrett noted that historically, the CWSRF Intended Use Plan had been prepared, and after public comment, been adopted by the Commission with an effective date of July 1. This schedule allowed the CWSRF program to run concurrently with the state fiscal year. However, due to the economic uncertainty of the last several years, it has become evident that the financial information necessary to prepare the Intended Use Plan would not be available in time to prepare the Plan as in the past. Upon careful review of federal and state processes, it has been determined that preparing the Intended Use Plan on a schedule that coincides with the federal fiscal year would be beneficial to the CWSRF program and applicants.

Commissioner Cowherd made a motion to extend the effective date of the State Fiscal Year 2013 Clean Water State Revolving Fund Intended Use Plan until the adoption and implementation of the State Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan and that, beginning with the State Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan all future plans run concurrently with the federal fiscal year. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

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

Small Borrower Loan for Grandin
Agenda Item #4

Traci Newberry, Financial Assistance Center, presented the city of Grandin's request for \$95,670 in small borrower funds to add ultraviolet disinfection to their existing treatment facility.

Commissioner Warren made a motion to approve the small borrower loan of \$95,670 for the city of Grandin. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote.

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

Small Borrower Loan for Camden County Public Water Supply District #5
Agenda Item #5

Traci Newberry, Financial Assistance Center, presented the Public Water Supply District #5 of Camden County's request for \$100,000 in small borrower funds as part of a funding package to help fund an extension to connect Mission Hills subdivision to the treatment system at Clearwater Condominiums. Ms. Newberry noted this would allow the Mission Hills subdivision to eliminate their individual on-site systems.

Commissioner Cowherd made a motion to approve the small borrower loan of \$100,000 for the Public Water Supply District #5 of Camden County. Commissioner Warren seconded the motion. The motion passed with a roll call vote.

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

PRESENTATIONS

Director's Report

John Madras, Director, Water Protection Program noted the following items:

- Status of shallow water habitat projects: The Corps has not started work at Jameson Island. They are also preparing other Missouri River projects at Benedictine Bottoms in Kansas and Indian Cave State Park in Nebraska.
- The Department is reviewing 16 cases of past due clean water fees for referral to the Attorney General's Office. They have been notified of their status and staff is determining if there are other violations beyond nonpayment of fees that also need to be addressed.
- The Commission has an active variance case involving Casey Boaz. This was heard by the Administrative Hearings Commission. The attorneys are considering a settlement and if the parties fail to reach a settlement, the matter will come before the Commission.
- The Commission may be involved in determining clean water fees. House Bill 881 would place the responsibility for establishing fees by rule with the Commission, and this would need to occur quickly since they need to be promulgated by the end of 2013, with the General Assembly acting in an oversight role.
- The water quality standards regulation and effluent regulation have been placed on interagency review. They should be filed with the Secretary of State's Office by May 15 and would be heard by the Commission on July 18. The permit and stormwater regulations are under review before starting the formal rulemaking process.

No action was taken by the Commission.

Public Comment

Several individuals addressed the Commission, including:

- Bonnie Keaton, attorney representing Casey Boaz's in his variance appeal, regarding concerns on the time frame from when the Administrative Hearing Commission makes a recommended decision to when it is taken before the Missouri Clean Water Commission.
- Phil Walsack, Missouri Public Utility Alliance, regarding his concerns on the costs of the Water Quality Standards Regulations; and the clean water fees.
- Robert Brundage, Newman, Comley and Ruth, P.C., regarding the clean water fees.

No action was taken by the Commission.

Future Meetings

Chair Hunter announced that the July 10, 2013 meeting date had been moved to July 18, 2013 at the Lewis and Clark State Office Building in Jefferson City.

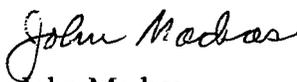
ADJOURNMENT OF MEETING

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

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

The meeting adjourned at 10:10 a.m.

Respectfully Submitted,



John Madras
Director of Staff