

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

**May 30, 2013**

**Present Via Telephone**

Sam Hunter, Chair, Missouri Clean Water Commission  
Wallis Warren, Missouri Clean Water Commission  
John Cowherd, Missouri Clean Water Commission  
Sam Leake, Missouri Clean Water Commission

Bonnie Keaton, Attorney at Law, Representing Casey Boaz  
Casey Boaz, Appellant

**Present Via Conference Room**

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

Logan Cole, Missouri Department of Natural Resources  
Mary Ann Sutter, Missouri Department of Natural Resources  
Jessica Blome, Attorney General's Office  
Chris Wieberg, Missouri Department of Natural Resources  
Stephanie Sidoti, Missouri Department of Natural Resources  
Nicholas Jain, Missouri Department of Natural Resources  
Miranda Loesch, Attorney General's Office

**CALL TO ORDER**

Chair Hunter called the teleconference meeting of the Missouri Clean Water Commission to order on May 30, 2013 at 1:10 p.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

Introductions of those attending at the Lewis and Clark State Office Building and those participating via telephone were made.

## ADMINISTRATIVE MATTERS

### Decision Regarding the Casey Boaz Variance Request

#### Agenda Item #1

Ms. Jessica Blome, Attorney General's Office, representing the Department and Ms. Bonnie Keaton representing Mr. Casey Boaz both presented their case before the Commission.

**Commissioner Cowherd made a motion to adopt the Administrative Hearing Commission's recommended decision granting Mr. Casey Boaz's permit variance to construct and maintain a drip wastewater treatment system to endure until a centralized wastewater system is available to collect wastewater generated at this property with the following conditions:**

- 1. The drip wastewater treatment system must be approved by the Howell County Department of Health and by the Missouri Department of Natural Resources Southeast Regional Office.**
- 2. Operation and Maintenance: Mr. Boaz shall abide by the following operation and maintenance conditions at all times in the future in order to ensure wastewater generated by the home on Lot 5 is adequately treated:**
  - a. No gardening activities other than those needed to establish and maintain a vegetative cover of grasses shall be permitted on the primary or reserve sites of the subsurface soil absorption field;**
  - b. No woody vegetation shall be permitted on the primary or reserve sites of the subsurface soil absorption field;**
  - c. No structures shall be permitted on the primary or reserve sites of the subsurface soil absorption field, including but not limited to, garden shed, swimming pool, swing set, etc;**
  - d. No vehicles shall be driven over the subsurface soil absorption field other than those needed for the maintenance of the vegetative cover;**
  - e. The owner of Lot 5 shall ensure that no deviation or changes to Lot 5 adversely affect the natural occurring soils, nature of use, estimated maximum daily flows received by the individual onsite wastewater treatment system, or the reported water supply without first securing written approval of the proposed changes from the Missouri Department of Natural Resources.**
  - f. Mr. Boaz shall provide an operation and maintenance manual for the drip wastewater treatment system referenced in paragraph 1 to the subsequent purchaser of Lot 5 of the Eagles Landing subdivision. The operation and maintenance manual shall also be filed with the Howell County Recorder of Deeds.**
  - g. The owner of the property (Mr Boaz or any future owners) should be required to follow the manufacturers' recommended care and maintenance as specified in the manual provided and keep a maintenance record of the system.**

3. **The conditions of this Variance shall bind Casey L. Boaz, his agents, successors, subsidiaries, affiliates, and lessees, as well as any person or entity that subsequently owns Lot 5 of the Eagles Landing Subdivision in the future. To ensure compliance with this requirement, Casey L. Boaz shall file and record this Variance with the Howell County Recorder of Deeds in the chain of title for Lot 5 of Eagles Landing within thirty (30) days of the CWC's issuance of this Variance. In addition, this Variance, once filed, shall operate as a deed restriction on Lot 5 requiring any purchaser of the property to connect the residence on Lot 5 to a centralized sewer system permitted by the Department within ninety (90) days of receipt of written notice of availability. Casey L. Boaz shall disclose to any purchaser of Lot 5 the Variance and the deed restriction.**

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

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

The final decision order will be mailed to Commissioners in attendance for signature.  
Commission Warren requested that the Commission be updated on progress of the case.

### **FUTURE MEETINGS**

Chair Hunter noted that July 18, 2013 is the next regular scheduled meeting of the Missouri Clean Water Commission to be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

### **ADJOURNMENT OF MEETING**

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

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

The meeting adjourned at 2:20 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "John Madras".

John Madras  
Director of Staff