

MISSOURI CLEAN WATER COMMISSION MEETING
Chateau on the Lake Resort
415 N. State Hwy. 265
Branson, Missouri

October 7, 2015

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
Wallis Warren, Missouri Clean Water Commission
John Cowherd, Missouri Clean Water Commission
John Madras, Director of Staff, Missouri Clean Water Commission
Thais Folta, Legal Counsel, Missouri Clean Water Commission
Malinda Overhoff, Secretary, Missouri Clean Water Commission

Brad Allbritton, Taney County Regional Sewer District, Forsyth, Missouri
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri
David Casaletto, Ozarks Clean Water Company, Galena, Missouri
Logan Cole, Department of Natural Resources, Jefferson City, Missouri
Jonathan Coxie, Taney County Regional Sewer District, Hollister, Missouri
Eric Crawford, Department of Natural Resources, Jefferson City, Missouri
Steve Grzyb, Eureka, Missouri
Travis Heier, HDR, Springfield, Missouri
Ross Kidwell, Citizen, Fulton, Missouri
Shirley Kidwell, Citizen, Fulton, Missouri
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Refaat Mefrakis, Department of Natural Resources, Jefferson City, Missouri
Cyrus E. Murray, White River Electric Coop, Branson, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
John Rustige, Department of Natural Resources, Jefferson City, Missouri
Jeff Starr, Department of Natural Resources, Jefferson City, Missouri
Trent Stober, HDR, Columbia, Missouri
David Stokely, Senator McCaskill's Office, Springfield, Missouri
Chris Wieberg, Department of Natural Resources, Jefferson City, Missouri

CALL TO ORDER

Chair Parnell called the meeting of the Missouri Clean Water Commission to order on October 7, 2015 at 10:00 a.m., at the Chateau on the Lake Resort, 415 N. State Hwy. 265, Branson, Missouri.

Chair Parnell introduced the Commissioners, Staff Director, Legal Counsel, and the Commission Secretary.

ADMINISTRATIVE MATTERS

Approval of the July 8, 2015 Missouri Clean Water Commission Meeting Minutes Agenda Item #1

Commissioner Leake made a motion to approve the July 8, 2015 meeting minutes as presented. Commissioner Wood seconded the motion. The motion passed with a roll call vote:

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

Approval of the July 8, 2015 Missouri Clean Water Commission Closed Session Meeting Minutes Agenda Item #2

Commissioner Cowherd made a motion to approve the July 8, 2015 closed session meeting minutes as presented. Commissioner McCarty seconded the motion. The motion passed with a roll call vote:

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

Approval of the August 12, 2015 Missouri Clean Water Commission Meeting Minutes

Agenda Item #3

Eric Crawford, Financial Assistance Center noted that the August 12, 2015 meeting minutes included an official hearing transcript that needed several corrections. Thais Folta, Commission Legal Counsel, stated that she would notify the hearing officer of the needed corrections and a revised official transcript would be issued. The August 12, 2015 Missouri Clean Water Commission meeting minutes will be on the January Commission agenda for the Commission's consideration. No action taken by the Commission.

State Fiscal Year 2016 Clean Water State Revolving Fund Intended Use Plan Revisions

Agenda Item #4

Eric Crawford, Financial Assistance Center presented the Fiscal Year 2016 Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP). Commissioners asked several questions for informational purposes about the IUP including the status of certain projects that the department did not fund during Fiscal Year 2015, green project reserve requirements, the new CWSRF Additional Subsidy Affordability Analysis policy, and the total amount of grant funds available under the 2016 IUP. No questions or comments were provided by members of the public.

Commissioner Leake made a motion to approve the Fiscal Year 2016 Clean Water State Revolving Fund Intended Use Plan and Priority List as presented. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

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

State Direct Loan for the City of Perry

Agenda Item #5

Eric Crawford, Financial Assistance Center presented the request for allocation of funding in the amount of \$165,000 for a state direct loan for the city of Perry. No question or comments were provided by members of the public.

Commissioner Cowherd made a motion to approve the allocation of funding in the amount of \$165,000 for a state direct loan for the city of Perry. Commissioner Wood seconded the motion. The motion passed with a roll call vote:

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

Multi-Discharge Variance Update
Agenda Item #6

Chris Wieberg, Operating Permits Section presented information regarding the framework for a multiple discharger variance (MDV) of ammonia for municipal lagoons. Mr. Wieberg stated the MDV framework was public noticed in July 2015 and the department had received comments. He noted the draft framework includes an overview of the variance components and justifications as well as a review of significant comments received during the July public notice. The Commission asked questions regarding the framework regarding permittee applicability and administration.

Robert Brundage, Newman, Comley, and Ruth thanked the department for the work they had done on the variance. He noted he submitted several comments to the department during the public comment period and wanted to bring one comment to the attention of the Commission regarding small communities with excessive inflow and infiltration, he stated he would like the department to reconsider this comment so as not to exclude small communities with excessive inflow and infiltration.

David Casaletto, Ozarks Clean Water Company, complemented the department and the Environmental Protection Agency for being on the cutting edge and being first in the nation to do a variance procedure such as this. He pointed out this variance is for lagoons only and he would like for recirculating sand filters to be considered for the variance. He also noted that this variance is for municipalities only and he would like private systems to be considered for the variance as they have the same type of issues. Mr. Casaletto would also like to see old systems grandfathered, and relook at how to permit new systems in the future for homeowners associations and developers.

PRESENTATIONS

Director's Report

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

- The department acknowledges and appreciates the Clean Marina tour conducted by the operators of the Table Rock Lake State Park Marina and the cruise on the Branson Belle showboat the day before the Commission meeting. The marina has excellent pollution control practices, starting with staff training and including practices that minimize the risks of spills and maximize the capacity to deal with them. The program extends to solid waste management, visitor education and constant vigilance for potential problems like zebra mussels. The cruise, courtesy of the Herschends, allowed Commissioners, staff and other visitors to interact informally. Commissioner Wood also publically thanked the Herschends for allowing us to be their guests on the Branson Belle.
- State Water Plan. There have been no significant developments in the plan since an email update a month ago. Commissioners noted this is one of their priorities and would like to be updated frequently as the plan proceeds.
- Water Quality Standards. The stakeholder group met earlier this week to review 304(a) criteria and lake nutrient criteria. Commissioners expressed much interest in this as it is

also one of their priorities. They would also like to be updated on standards development frequently.

- Appeals. There are a number of appeals going through the Administrative Hearing Commission and may come before the Clean Water Commission for final decisions. There are a couple appeals of administrative orders in addition to appeals of permit conditions or decisions. The timing of some of these may suggest additional Commission meetings given deadlines for Commission action.
- Impaired waters list. The proposed 303(d) list for 2016 and the listing methodology for 2018 are on public notice. They will come before the Commission for a hearing at the January meeting and decisions at the April meeting.
- Trading. Following the completion of the nutrient reduction strategy, there has been interest in a pollutant trading protocol. There are monthly meetings to develop a trading system and these will progress for the next five months.
- Rules. Commissioners expressed interest in rulemakings that will come before them, and asked for a compilation of rules in development at the January meeting.

No action taken by the Commission.

Public Comment and Correspondence

- Trent Stober, HDR. Mr. Stober recounted the development of nutrient standards that has occurred over the last decade, and described some of the aspects that are integral to workable criteria.
- Brad Allbritton, Administrator of the Taney County Sewer District, gave a presentation about the district's intention to seek designation as a level II Continuing Authority from the Clean Water Commission in the near future. Currently the district operates several collection systems and is planning on engaging in the treatment side of the system as they proceed with the request to become a level II authority. The district is well funded and it should not have issues with meeting current water quality requirements. Sewer districts are encouraged to become a higher authority in an effort to eliminate many systems with non-compliance history in the service area. He provided copies of a presentation for more information.
- Robert Brundage, Newman, Comley and Ruth. Mr. Brundage provided a counterpoint discussion on standards, noting he had been excluded from technical meetings and informal issues he had raised were not taken up at the October 5th meeting.
- Kevin Perry, REGFORM. Mr. Perry thanked Commissioner McCarty and the department staff for their involvement and contributions at the REGFORM Missouri Water Seminar that was held on September 10th and 11th.

No action was taken by the Commission.

Closing remarks

Chair Parnell requested Thais Folta, Commission Legal Counsel, give an update on the Calloway Farrowing litigation. Ms. Folta reported that department staff was to be deposed later in the month and that she would return to court early November where a hearing date would be determined.

Chair Parnell stated that it was the Commission's consensus that the department was not keeping the Commission as informed on ongoing issues and they would like to be. He noted that the three priorities currently for the Commission were 1) finishing up the Water Quality Standards, 2) to move forward on the Water Plan, and 3) to educate themselves to what the constituents do. The Commission would like regular updates and next steps for each.

Commissioner Warren requested the department to start compiling meeting summaries from the stakeholder meetings and distribute to the Commission. Commissioner McCarty stated that she would like to know how the Commission could be more helpful to department and the stakeholders. She suggested that the department provide a list of ongoing topics to the Commission and then each Commissioner take a topic of interest and become the "expert" on that subject to report back to the other Commissioners.

ADJOURNMENT OF MEETING

Commissioner Leake made a motion the Commission adjourn the meeting. Commissioner Wood 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:	Not in attendance
Commissioner McCarty:	Yes
Chair Parnell:	Yes

Commission adjourned the open meeting at 12:26 p.m.

Respectfully Submitted,



John Madras
Director of Staff