

Missouri Clean Water Commission  
P.O. Box 176, Jefferson City, Missouri 65102

**Notice of Open Meeting**  
**Missouri Clean Water Commission**

People with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Commission secretary at (573) 751-6721, the division's toll-free number at 1-800-361-4827, or by writing two weeks in advance of the meeting to: Department of Natural Resources, Clean Water Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired individuals may contact the program through Relay Missouri at 1-800-735-2966.

**AMENDED**  
**AGENDA**

**MISSOURI CLEAN WATER COMMISSION MEETING**

**Department of Natural Resources**  
**East Elm Street Conference Center**  
**Bennett Springs/Roaring River Conference Rooms**  
**1730 East Elm Street**  
**Jefferson City, MO 65102**

**March 3, 2010**

**CLOSED SESSION – Convene 8:30 a.m.**

The Missouri Clean Water Commission will go into closed session to discuss legal actions, causes of action or litigation and confidential or privileged matters under Section 610.021(1), RSMo.

**OPEN SESSION – Convene 9:00 a.m.**

- Call to Order/Introductions

**Administrative Matters**

**1. Approval of the January 6, 2010 Missouri Clean Water Commission Meeting Minutes**

**Recommended Action:** The Missouri Clean Water Commission to vote and approve minutes.

**2. Approval of the January 20, 2010 Missouri Clean Water Commission Teleconference Meeting Minutes**

**Recommended Action:** The Missouri Clean Water Commission to vote and approve minutes.

**3. Administrative Hearing Commission's Recommended Decision Regarding Missouri Agribusiness Association, Missouri Dairy Association and Missouri Pork Producers Association Appeal No. 07-0330-CWC**  
Jennifer Frazier, Attorney General's Office

**Recommended Action:** The Department recommends the Missouri Clean Water Commission adopt the Administrative Hearing Commission's recommended decision to dismiss the petitioners appeal.

**4. Order of Rulemaking for 10 CSR 20-7.015 Effluent Regulations**  
John Rustige, Permits and Engineering

**Recommended Action:** Staff recommends the Missouri Clean Water Commission adopt the Order of Rulemaking amending 10 CSR 20-7.015.

**5. Amendment to 10 CSR 20-8.110 Engineering – Reports, Plans and Specifications Finding of Necessity**  
Emily Lyon, Financial Assistance Center

**Recommended Action:** Staff recommends the Missouri Clean Water Commission find that an amendment to 10 CSR 20-8.110, Engineering – Reports, Plans and Specifications, is necessary to carry out the purposes of *Section 644.021, RSMo* and *Section 644.026, 2000*.

**6. Amendment to 10 CSR 20-6.300 Concentrated Animal Feeding Operations Finding of Necessity**

**Recommended Action:** Staff recommends the Missouri Clean Water Commission find that an amendment to 10 CSR 20-6.300, Concentrated Animal Feeding Operations is necessary to carry out the purposes of *Section 644.021, RSMo*. and *Section 644.026, 2000*.

**7. Amendment to 10 CSR 20-7.031 Water Quality Standards Finding of Necessity**

**Recommended Action:** Staff recommends the Missouri Clean Water Commission find that an amendment to 10 CSR 20-7.031, Water Quality Standards is necessary to carry out the purposes of *Section 644.026, 2000*.

8. **Petition Requesting Revision to Chloride and Sulfate Water Quality Standards**  
Brittany A. Barrientos, Newman, Comley & Ruth P.C.

**Recommended Action:** Information only.

## Variations

9. **Center Creek Wastewater Treatment Plant -Variance Request**  
Richard Laux, Permit and Engineering

**Recommended Action:** Staff recommends preliminary approval of the request with the following conditions:

1. Staff recommends that the Commission require the Center Creek Board to conduct a complete “industrial waste survey” and “headworks analysis” (as defined by EPA) to be certain of all industrial and large commercial sources of zinc into the collection system. It is recommended that such surveys and analysis be conducted within a year of approval of the variance.
2. Staff notes the application clearly indicates the source of the zinc is from I&I due to the mining wastes in the area. Staff therefore recommends that the Commission require the Center Creek Board to provide an I&I reduction plan which would include at a minimum: funding sources and annual budget for I&I reduction measures: annual goals for mile of sewers repaired, smoke tested, lined or otherwise having I&I eliminated; and calculations of percentage of I&I eliminated on a semi-annual basis. The Center Creek Board agrees to submit the I&I reduction plan for Department review and approval within one year of the approval of the variance. The I&I reduction plan and its implementation will be included in the state operating permit and the Center Creek Board agrees not to appeal their permit based on this condition.
3. Staff recommends the Commission require all future sewer construction by the Center Creek Board to be conducted without the use of tailings or other mining wastes as “bedding material” or any other use where contamination could occur.
4. Staff recommends that the variance be approved for a five year period with the conditions noted above.

## Enforcement

10. **Hidden Valley Estates, MO-0099325, Stone County – Referral to the Attorney General’s Office**  
Kevin Mohammadi, Compliance and Enforcement

**Recommended Action:** The Water Protection Program recommends the Missouri Clean Water Commission refer American Equities, Inc. and any other responsible parties to the Missouri Attorney General’s office for appropriate legal action in order to compel compliance, pursue a civil penalty, and seek any other appropriate form of relief.

11. **Harris Land Development, LLC, MO-R109X58 and MO-R109N27, Pulaski County - Referral to the Attorney General's Office**  
Kevin Mohammadi, Compliance and Enforcement

**Recommended Action:** The Water Protection Program recommends the Missouri Clean Water Commission refer Harris Land Development to the Missouri Attorney General's Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and seek any other appropriate form of relief.

12. **Gilbane Rebuilders, Kent Gilbane: Owner, MO-0128287, Boone County, Gilbane Mobile Home Park, Kent Gilbane: Owner, Boone County – Referral to the Attorney General's Office**  
Kevin Mohammadi, Compliance and Enforcement

**Recommended Action:** The Water Protection Program recommends that the Missouri Clean Water Commission refer this matter to the Attorney General's Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and/or seek any other appropriate form of relief.

13. **Midwest Truck Stop, Harvey Davis: Owner, NP-0000511, Texas County – Referral to the Attorney General's Office**  
Kevin Mohammadi, Compliance and Enforcement

**Recommended Action:** The Water Protection Program recommends that the Missouri Clean Water Commission refer this matter to the Attorney General's Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and/or seek any other appropriate form of relief.

14. **Park Place Neosho, Ken and Angie Thomure: Owner, MO-0116505, Newton County – Referral to the Attorney General's Office**  
Kevin Mohammadi, Compliance and Enforcement

**Recommended Action:** The Water Protection Program recommends that the Missouri Clean Water Commission refer this matter to the Attorney General's Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and/or seek any other appropriate form of relief.

## Staff Updates

15. **Permits and Water Quality Review Sheet Update**  
Refaat Mefrakis, Permits and Engineering

**Recommended Action:** Information only.

16. **Financial Assistance Center Update**  
Joe Boland, Financial Assistance Center

**Recommended Action:** Information only.

## Standing Items

- **Legal Report**  
Jennifer Frazier, Attorney General's Office
- **Director's Update**  
Scott Totten, Acting Director, Water Protection Program

**Recommended Action:** Information only.

## Presentation

- **A Wet Weather Outfall in Kansas: Appurtenances by Another Name?**  
Philip Walsack, Missouri Public Utility Alliance (MPUA)
- **Public Comment and Correspondence** - This standing item provides an opportunity for comments on any issue pertinent to the Commission's role and responsibilities. The Commission encourages any and all interested persons to express their comments and concerns.  
General Public
- **Missouri Clean Water Commission Meetings**
  - May 5, 2010 Commission meeting Department of Natural Resources, East Elm Street conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
  - July 7, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
  - September 8, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
  - November 3, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.

**Recommended Action:** Information only.

Closed Meeting - The Clean Water Commission may go into closed session at this meeting if such action is approved by a majority vote of the Commission members who constitute a quorum, to discuss legal, confidential or privileged matters under Section 610.021(1), RSMo (Supp. 1995); personnel actions under Section 610.021(3), RSMo (Supp. 1995); personnel records or applications under Section 610.021(13), RSMo (Supp. 1995) or records under Section 610.021(14), RSMo (Supp. 1995) which are otherwise protected from disclosure by law.

**Target Adjournment: 3:00 p.m.**

**For more information contact:**

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