

**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**

May 4, 2011

Present

Ron Hardecke, Chair, Missouri Clean Water Commission
William A. Easley, Jr., Missouri Clean Water Commission
Sam Leake, Missouri Clean Water Commission (Via phone during action items)
Jan Tupper, 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

Melissa Bagley, Environmental Protection Agency, Region 7, Kansas City, Kansas
Brittany Burrientos, Newman, Comley and Ruth, Jefferson City, Missouri
Karen Bataille, MDC, Columbia, Missouri
Joe Boland, Department of Natural Resources, Jefferson City, Missouri
Robert Brundage, Newman, Comley and Ruth, Jefferson City, Missouri
Mary West Calcagno, Jacobs Engineering, St. Louis, Missouri
Emily Carpenter, Department of Natural Resources, Jefferson City, Missouri
John Carter, Doe Run, Viburnum, Missouri
R. Coffing, Missouri Stream Team, Catawissa, Missouri
John DeLashmit, Environmental Protection Agency, Region 7, Kansas City, Kansas
Becky Cripe, Department of Natural Resources, Jefferson City, Missouri
Dave Fraley, City Utilities of Springfield, Springfield, Missouri
Ed Galbraith, Barr Engineering, Jefferson City, Missouri
Carol 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
Ann Lavaty, Environmental Protection Agency, Region 7, Kansas City, Kansas
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Colleen Meredith, Department of Natural Resources, Jefferson City, Missouri
Claire Meyners, LaBarque Watershed Stream Team Association, Eureka, Missouri
Kevin Mohammadi, Department of Natural Resources, Jefferson City, Missouri
Leanne Tippet Mosby, Department of Natural Resources, Jefferson City, Missouri
Terry Nelson, Department of Natural Resources, Jefferson City, Missouri
Mark Osborn, Department of Natural Resources, Jefferson City, Missouri
John Rustige, Department of Natural Resources, Jefferson City, Missouri
Pat Smith, Department of Natural Resources, Jefferson City, Missouri

Darrick Steen, Department of Natural Resources, Jefferson City, Missouri
Trent Stober, Geosyntec, Columbia, Missouri
Kavan L. Stull, Empire District Electric Company, Joplin, Missouri
Scott Totten, Department of Natural Resources, Jefferson City, Missouri
Steve Townley, EIERA, Jefferson City, Missouri
Phil Walsack, MPUA, Columbia, Missouri
Sunny Wellesley, Environmental Protection Agency, Kansas City, Kansas
Wallis W. Warren, Ozark Fly Fishers, Beaufort, Missouri

CALL TO ORDER

Chair Hardecke called the meeting to order on May 4, 2011 at 9:05 a.m., at the Department of Natural Resources' Lewis and Clark State Office Building located at 1101 Riverside Drive, Jefferson City, Missouri.

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

ADMINISTRATIVE MATTERS

Approval of the March 2, 2011 Missouri Clean Water Commission Meeting Minutes **Agenda Item #1**

Commissioner Easley made a motion to approve the March 2, 2011 meeting minutes as submitted. Commissioner Tupper seconded the motion. The motion passed with a roll call vote:

Commissioner Easley:	Yes
Commissioner Tupper:	Yes
Commissioner Leake:	Yes
Chair Hardecke:	Yes

Approval of the State Fiscal Year 2012 Clean Water State Revolving Fund Intended Use Plan

Agenda Item #2

Doug Garrett, Financial Assistance Center presented the final proposed State Fiscal Year 2012 Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP). The project fundable lists had been revised since the draft IUP was published in January to reflect those projects meeting the Commission's readiness-to-proceed criteria. Changes presented to the Commission were as follows:

- Updated the description of the loan program. Going from the leveraged loan program to the hybrid cash flow model loan program. The Environmental Protection Agency (EPA) had requested that this language be added for clarification.
- Federal Fiscal Year 2011 Federal Budget was passed by Congress. No indication from EPA on Missouri allotment. Anticipate that the allotment will be more than the \$18.5 Million that is shown for the anticipated 2011 Capitalization Grant. Staff will report the amounts at the July Commission meeting.
- Metropolitan St. Louis Sewer District (MSD) Argonne and Upper Maline Sanitary Sewer Projects were removed from the Fundable List at the district's request.
- Jefferson City and Cape Girardeau were added to the Fundable List as they have met the readiness to proceed criteria.
- Cape Girardeau requested their project be phased. They are building a new wastewater treatment plant at an estimated project cost of \$72 Million. However, due to insufficient funding we had to reduce their requested amount to \$25 Million. The balance of their request is shown on the Fundable Contingency list. Cape Girardeau had originally requested a \$60 Million/\$12 Million split but not able to do that.
- As a result of adding Cape Girardeau and Jefferson City projects to the Fundable List, the following projects were moved to the Fundable Contingency List:
 - Columbia Upper Hinkson Outfall and North Grindstone Outfall projects;
 - Northeast Public Sewer District Lower Saline Creek, Saline Creek, and Upper Saline Creek projects.
- The following projects met readiness to proceed and were added to the Fundable Contingency List:
 - Platte City
 - Hillsboro
 - Perry
 - Louisiana
- Removed the MSD Fillmore Combined Sewer Overflow project from the Planning List as requested by the district.

Commissioner Tupper made a motion to approve the State Fiscal Year 2012 Clean Water State Revolving Fund Intended Use Plan as presented. Commissioner Easley seconded the motion. The motion passed with a roll call vote:

Commissioner Tupper:	Yes
Commissioner Leake:	Yes
Commissioner Easley:	Yes
Chair Hardecke:	Yes

Finding of Necessity for the Proposed Rule Amendment to 10 CSR 20-8.120, Design of Gravity Sewers
Agenda Item #3

Emily Carpenter, Financial Assistance Center presented the Findings of Necessity for 10 CSR 20-8.120, Design of Gravity Sewers. This rulemaking is to adopt and update the regulations to the 10 State Standards. Ms. Carpenter noted the Design of Gravity Sewers has not changed over the past 30 years so the changes are basically to clean up and clarify the language of the rule. The rulemaking is administrative in nature and does not require a Regulatory Impact Report and no costs are expected so no fiscal notes have been done. Department anticipates filing the rule prior to July 1, 2011. The amended rule will be published in the Missouri Register on August 1, 2011. A public hearing on the proposed rule will take place at the September 7, 2011 Clean Water Commission meeting.

Commissioner Tupper made a motion to sign the Finding of Necessity for 10 CSR 20-8.120. Commissioner Easley seconded the motion. The motion passed with a roll call vote and the Finding of Necessity was signed by the Commission.

Commissioner Leake:	Yes
Commissioner Easley:	Yes
Commissioner Tupper:	Yes
Chair Hardecke:	Yes

Regulatory Impact Report on Proposed Revisions to Water Quality Standards 10 CSR 20-7.031
Agenda Item #4

John Hoke, Watershed Protection Section provided updates on the status of the Regulatory Impact Report (RIR) associated with the draft Water Quality Standards (WQS) rule at 10 CSR 20-7.031. Copies of the draft WQS were provided to the Commission, including revisions to criteria tables found in rule. While the RIR itself has not been completed or been through the Department's administrative process, Mr. Hoke presented information on the fourteen individual items considered for the rulemaking and their anticipated impact. Information provided:

- **Clean Water Act Section 101(a) use designations [10 CSR 20-7.031(2)(A) – (J)]:**
With this rulemaking, the Department is applying “fishable/swimmable” use designations to currently unclassified waters of the state as required by Section 101(a) of the federal Clean Water Act. This action is in response to a September 8, 2000 letter from the U.S. Environmental Protection Agency (EPA) notifying the Department of the deficiency in the state Water Quality Standards. This action is also in response to a Missouri Coalition for the Environment lawsuit against EPA to establish “fishable/swimmable” use designations in the state. The centerpiece of the current proposal is to designate all perennial rivers and streams and intermittent streams with permanent pools, and all waters spatially represented by the 1:100,000 scale National Hydrography Dataset (NHD), for warm-water aquatic community, human health protection, whole body contact recreation category B, secondary contact recreation, livestock and wildlife protection, irrigation and aesthetic uses. The Department will maintain a geospatial

dataset and associated list of water bodies that receive these designations and present them to the Clean Water Commission for approval and promulgation into rule. Work with stakeholders to develop an aquatic life Use Attainability Analysis protocol to move waters into and out of aquatic community designations. Due to the addition of a new section (2) “Designation of Uses” to the rule, subsequent sections and references in the rule were updated. The scheme of classified waters, those current waters that have protection of aquatic life and whole body contact uses, there are approximately 25,025.9 miles of waters that have this designation. By moving to the 1:100 K NHD it is estimated that 109,870.8 miles of waters would receive that designation. By staff’s calculations 1,342 facilities would be affected by this designation, primarily due to the addition of whole body contact and that disinfection would be required of those facilities. The addition of aquatic life protection uses will not result in any difference in permitting requirements for facilities because they currently are permitted for chronic toxicity protection so no difference in business process or protection would be needed for that designation. Of the 1,342 domestic facilities that may be required to disinfect 425 are public facilities and 917 are private facilities. The estimated cost for installation of disinfection and for the first year operation, maintenance and testing for this part of the rule is estimated at \$95,007,939.

- **Clean Water Act Section 101(a) use designation definitions [10 CSR 20-7.031(1)(G)]:**
To better reflect the requirements of the federal Clean Water Act, designated use definitions have been revised to more accurately capture protection of aquatic communities (fish and invertebrates) rather than fisheries. Additional clarification was made to the cold-water aquatic community designations to allow for protection of naturally reproducing salmonids (trout) populations in the state and to take advantage of the proposed expanded dissolved oxygen criteria. Additional clarification was also made to the previously named “limited warm water fishery”, now named “modified aquatic community”, to more closely tie the use designation to aquatic community attainability through use attainability analyses rather than geology and physiography. This new use designation will help to adequately describe waters that may not qualify for diverse and robust warm water, cold water, cool water community streams. New use designations were added to the rule at the request of the Missouri Department of Conservation for exceptional aquatic community protection (e.g., threatened and endangered species) and by the Department for aesthetics which will allow for better implementation of the general criteria found in rule. Since this is a revision to the language, no cost anticipated. Anticipated benefit to the regulated community.
- **Clarification of “Early Life Stages” definition [10 CSR 20-7.031(1)(H)]:**
Minor revisions were made to the rule language to better clarify the early life stages of aquatic organisms. The Department is collaborating with the Missouri Department of Conservation to develop an aquatic community approach to determine when early life stages are present and absent when applying numeric water quality criteria for dissolved oxygen (Table A3) and chronic ammonia (Tables B2 and B3). Since this is a clarification of the rule no cost anticipated.

- **Addition of variance authorizing provisions [10 CSR 20-7.031(12)]:**
 Rule language has been added to the water quality standards that provide the basis for recommending variances to water quality standards when standards are not achievable through traditional permitting approaches. These changes should streamline and improve the efficiency and effectiveness of the variance process. No cost is anticipated, permitted facilities expected to benefit.
- **New or revised Clean Water Act Section 304(a) numeric water quality criteria [10 CSR 20-7.031, Tables A1, A2, and A3]:**
 As required by Section 304(a) of the federal Clean Water Act, the Department reviewed and incorporated the latest version of federally developed water quality criteria. These revisions resulted in the addition of new criteria for the protection of aquatic life, human health protection, and drinking water supply. Changes in the layout and format of the existing water quality criteria table (Table A) were needed in order to accommodate the Section 304(a) criteria revisions. It is difficult to determine costs since effluent quality of facilities are not known.
- **Revised numeric water quality criteria for phenol [10 CSR 20-7.031, Table A1]:**
 In response to an October 12, 2010 petition to the Missouri Clean Water Commission by the Associated Industries of Missouri, the Department is proposing revised numeric water quality criteria for phenol. The new phenol criteria are based upon established toxicity and criteria development methodologies developed by EPA in “Revised National Recommended Water Quality Criteria for the Protection of Human Health: Final Criteria for Acrolein and Phenol” (EPA 822-F-09-001) and “Quality Criteria for Water – 1986” (EPA 440-5-86-001). The new phenol criteria can be found in Table A1 of the proposed rule and should satisfactorily address the petition before the Commission. Twenty facilities will be affected. These criteria go up so reduction in costs for treatment expected.
- **Revised numeric water quality criteria for sulfates and chlorides [10 CSR 20-7.031, Table A2]:**
 In response to a February 5, 2010 petition to the Missouri Clean Water Commission by the Missouri Agribusiness Association, the Department is proposing revised numeric water quality criteria for sulfates and chlorides. The new sulfates and chlorides criteria are based upon new toxicity and criteria development methodologies as recently promulgated and approved in the State of Iowa by EPA. The new sulfates and chlorides criteria can be found in Table A2 of the proposed rule and should satisfactorily address the petition before the Commission. Revised chloride criteria should affect two site specific permits, 19 general permits and 30 stormwater permits. Revisions for sulfate should affect five site specific permits, no general permits and no stormwater permits. Because it is a higher criteria, a reduction in costs expected.

- **Designation of LaBarque Creek, Jefferson County as an Outstanding State Resource Water [10 CSR 20-7.031, Table E]:**

In response to a November 3, 2010 presentation by Friends of LaBarque Creek before the Missouri Clean Water Commission, the Department reviewed all readily available data and information to determine whether LaBarque Creek in Jefferson County qualifies for designation as an Outstanding State Resource Water (OSRW) per 10 CSR 20-7.031(8). The Department has determined that LaBarque Creek in Jefferson County qualifies for the OSRW designation and has proposed a 5.5 mile segment for inclusion in Table E of the rule. A public meeting regarding the OSRW designation will be held within the LaBarque Creek watershed during the rulemaking process to gather comments on the proposal.

- **Revised numeric water quality criteria for dissolved oxygen [10 CSR 20-7.031, Table A3]:**

The Department is proposing additional dissolved oxygen criteria for the protection of aquatic communities. The new dissolved oxygen criteria are based upon established criteria and methodologies developed by EPA and found in the federal Section 304(a) guidance “Ambient Water Quality Criteria for Dissolved Oxygen” (EPA 440-5-86-003). The criteria being proposed are similar to those promulgated in other states and will provide the Department flexibility in implementing and assessing the criteria for protection of aquatic communities. The new dissolved oxygen criteria can be found in Table A3 of the proposed rule. Increased flexibility for Department for assessment and compliance reduced 303(d) list errors.

- **Addition of Missouri Department of Conservation Lakes [10 CSR 20-7.031, Table G]:**

At the request of the Missouri Department of Conservation (MDC), eight lakes managed by the Department of Conservation were added to the classified lakes table (Table G) in rule. The addition of these lakes to Table G will ensure appropriate protection of these waters in rule. Many of these lakes are small so it is not anticipated they will be affected by the nutrient criteria for lakes that are currently found in state rule. No anticipated costs.

- **Changes to the designation of Whole Body Contact Recreation and Secondary Contact Recreation as a result of Use Attainability Analyses [10 CSR 20-7.031, Table H]:**

These changes will make the use designations consistent with the waters' ability (or inability) to support Whole Body Contact Recreation (WBCR) or Secondary Contact Recreation (SCR) as determined through the review of Use Attainability Analyses (UAAs). This action includes adding WBC use to 23 stream segments where this use is attainable, designating SCR to 221 stream segments where existing SCR uses were observed, and removing the WBCR use on 111 stream segments where this use is unattainable.

- **Revised delineation and mileages of water body segments [10 CSR 20-7.031, Table G and Table H]:**

Further improvements in the delineation of the start and end points of water segments using more accurate Geographic Information System (GIS) data has been incorporated in Tables G and H of the water quality standards. These improvements will ensure accurate information and data are applied to existing water body segments and those proposed as part of the Clean Water Act Section 101(a) use designations. This is an administrative change. No cost is anticipated.

- **Responding to EPA's October 29, 2009 decision on the Mississippi River [10 CSR 20-7.031, Table H]:**

With this rulemaking, the Department is responding to EPA's October 29, 2009 decision that new or revised standards (i.e., standards supporting whole body contact recreation) are necessary to meet the requirements of the federal Clean Water Act for the 28.6-mile segment of the Mississippi River from North Riverfront Park to the confluence with the Meramec River. The Department reviewed all readily available and applicable data and information, including use attainability analyses, water quality studies, and the EPA and Department administrative records on the subject. After reviewing the central and supplemental information and data, the Department is preliminarily recommending that Secondary Contact Recreation (SCR) remain as the designated use for the 28.6-mile segment of the Mississippi River from North Riverfront Park to the confluence with the Meramec River, with the added provision in rule that bacteria criteria sufficient to support the WBC-B use be applied to the water body. The above recommendation is captured at 10 CSR 20-7.031(5)(C) and Table H in rule and should satisfactorily address EPA's decision on the issue. This is a preliminary designation. The Department has been in discussions with the Metropolitan St. Louis Sewer District and has communicated to them that there are opportunities to present more data and information that potentially could modify this decision.

- **Correction of Typographical Errors:**

These changes correct several typographical errors discovered after the effective date of the last revisions to the water quality standards in 2009. No cost anticipated.

The Commissioners had clarifying questions on the scope and extent of impact on "fishable/swimmable" use designations for currently unclassified waters, federal water quality criteria revisions, and designation of LaBarque Creek as an outstanding state resource water. Stakeholders provided comments supporting the Department's progress on the rule, and stressed that continued input and involvement from stakeholders on the draft rule and implementation procedures was needed; and suggested having a public hearing at the July Clean Water Commission meeting. The stakeholders providing comment were as follows:

John Lodderhose, Metropolitan St. Louis Sewer District
Ed Galbraith, Barr Engineering
Robert Brundage, Newman, Comley and Ruth
Mary West Caleagno, Jacobs Engineering
Phil Walsack, Missouri Public Utility Alliance

The Department agreed that input and involvement by stakeholders is important and will be done as the rulemaking moves forward. No action taken by the Commission.

Nutrient Criteria Implementation Procedure **Agenda Item #5**

Mark Osborn, Watershed Protection Section gave a brief description of the proposed implementation procedure for nutrient criteria in lakes. The Water Protection Program drafted a procedure for the implementation of nutrient criteria for lakes (10 CSR 20-7.031(4)(N)). The rule for nutrients in lakes became effective on October 30, 2009. In order to ensure consistent application of this procedure, its requirements will be proposed for inclusion in the effluent regulation during the next rule making period.

This revision promulgated limits for total nitrogen, total phosphorus, and chlorophyll in the State's lakes and reservoirs. It is a complex regulation and reflects regional and hydrologic variations affecting the normal background nutrient concentrations that would occur in a lake or reservoir, even without human disturbance. For point sources that may contribute to nutrient loading, the appropriate degree of regulation is highly dependent not only on the magnitude of the discharge, but also on its location within the lake's watershed.

The Implementation Procedure is intended to specifically address permitted point source dischargers that are within the watersheds of lakes affected by the rule. It is recognized that, in many cases, substantial contributors to nutrient impairment are non-point sources, both in rural and urban settings. The Program will seek remediation of such impacts with incentives for Best Management Practices and other tools, in cooperation with other agencies, and the eventual development of a water quality trading program.

This procedure focuses on how the Program will work with point source dischargers. Nutrient monitoring for all facilities that are within lake watersheds will be added as a condition at the time of renewal. Small, non-commercial facilities with design flows of less than 100,000 gallons per day may choose default values to represent their contribution. New or expanding facilities will have specified options following antidegradation review, depending on whether the lake in question is listed as impaired for nutrients.

For lakes that are listed as impaired, facilities within their watersheds may be required to meet nutrient limits in their discharges. What these limits are will depend on the discharge size and location, and will be based on the waste load allocation that is calculated as a part of the lake's total maximum daily load.

There are some lakes in which nutrient impairment is suspected from available data, but there is not sufficient data from which to perform an assessment that would be in compliance with the rule. In these cases, the Program will strive to collect additional data to reach a decision.

The Program feels it is imperative that the nutrient rule be implemented in a consistent manner and is proposing to include the guidelines described in the implementation document as a part of the effluent regulation when that rule is open for revision. This document is a draft, and we will welcome comments for further revision and improvement.

Trent Stober, Geosyntec commented that he agreed that something of this magnitude does need to go into the Effluent Regulations versus a policy. However, he noted that there are several issues within the policy that need to be vetted out through a stakeholder group.

Commissioners had clarifying questions on the tables that were provided.

ENFORCEMENT

Mark Twain Landing Wastewater Treatment Facility – Referral to the Attorney General's Office

Agenda Item #6

Kevin Mohammadi, Compliance and Enforcement Section presented Mark Twain Landing Wastewater Treatment Facility and proposed that the Commission refer the case to the Attorney General's Office contingent upon a 30 day period for the parties involved to reach an agreement.

Commissioner Easley made a motion to 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. Commissioner Tupper seconded the motion.

Commissioner Easley amended the motion to refer this matter to the Attorney General's Office contingent upon a 30 day period for the parties involved to reach an agreement. If an agreement is not reached within 30 days the case would then be referred for appropriate legal action in order to compel compliance, pursue a civil penalty and/or seek any other appropriate form of relief. Commissioner Tupper accepted and seconded the amended motion. The motion passed with a roll call vote:

Commissioner Leake:	Yes
Commissioner Easley:	Yes
Commissioner Tupper:	Yes
Chair Hardecke:	Yes

STAFF UPDATES

Permits and Water Quality Review Sheet Update

Agenda Item #7

Darrick Steen, Permits and Engineering Section presented an update on permit performance and the status of the Pesticide Permit and Pesticide regulations. Mr. Steen also presented an update on the Phase II Concentrated Animal Feeding Operation (CAFO) rulemaking which will be presented to the Commission at the July Commission meeting. Mr. Steen noted that this is two separate rulemakings the first being the permit rule 6.300 permit requirements and the second the engineering design rule. No action was taken by the Commission.

Financial Assistance Center Update

Agenda Item #8

Joe Boland, Financial Assistance Center presented updates to the Commission on the following:

- The \$50 Million Bond Sale
- Federal Budget Outlook
- ARRA Projects
- Fiscal 2012 State Appropriations

No action taken by the Commission.

Status of Rulemaking

Agenda Item #9

Carol Garey, Rule Coordinator of the Water Pollution Control Branch of the Water Protection Program, presented an update on rulemaking indicating regulatory development priorities and the next significant rulemaking action. No action was taken by the Commission.

STANDING ITEMS

Legal Report

Jennifer Frazier, Legal Counsel to the Commission did not have any items to report to the Commission. No action was taken by the Commission.

Director's Update

John Madras, Director, Water Protection Program, provided comments and updates on the following items:

- Water Protection Forum meetings have been taking place monthly over the past six months with the stakeholders. These meetings will continue as well as subcommittee meetings to discuss specific items that have been identified during the Forum meetings that need additional attention. The next Water Protection Forum meeting is scheduled for June 9, 2011. Subcommittee meetings on specific topics have been scheduled as follows:
 - Whole Effluent Toxicity Testing was held May 3, 2011
 - Effluent Regulations scheduled for May 12, 2011
 - Pesticide Permit Rule scheduled for June 7, 2011
- The Department is working on a Watershed Evaluation Tool which is a response to watershed scale techniques. It is Department-wide, and not focused just on the Water Protection Program.
- The Environmental Protection Agency (EPA) announced a decision on the 303(d) List. The recommendation can be found on the EPA's Web site.
- Water Pollution Control Permit Fee Bill. The main bill is House Bill 89 which was voted out of the Senate Committee last week as a Senate Committee substitute which essentially becomes an environmental omnibus bill. It started out with one item and another item was added in the House. At this point the bill summary is seven pages long.

No action was taken by the Commission.

PRESENTATIONS

Public Comment and Correspondence

Leanne Tippett Mosby, Division of Environmental Quality provided comments and updates on the following items:

- Litigation on the Missouri Coalition for the Environment versus the Environmental Protection Agency. In order to meet the deadline to file cross motions for Summary Judgments that was done May 3rd. Ms. Mosby provided copies to the Commission. The Department will be reviewing these documents and will keep the Commission informed as the lawsuit proceeds.
- Water Pollution Control Permit Fee Bill. She reported that Senator Lager has been working very closely with the Department and the Department is fine with the provisions in the bill. Ms. Mosby noted the Department's appreciation of the stakeholders who have been contacting the legislators showing support of the fee bill.
- Water Protection Forum. Ms. Mosby thanked not only the staff but also the stakeholders who have been embracing this project and willing to come together and discuss these important issues and work through them together.

- Acknowledged the severe flooding that is happening in the southern half of the state and on behalf of the Department noted our hearts go out to those affected. Ms. Mosby thanked the staff for stepping up to the plate in these times of disasters to help the public to find alternative water sources and helping them get the plants back up and running. She is very proud of the staff for stepping up time and time again in these disastrous times for our citizens.

Phil Walsack, Missouri Utility Alliance, provided an informational update on the Environmental Protection Agency's budget.

No action was taken by the Commission.

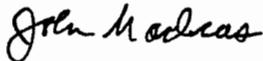
ADJOURNMENT OF MEETING

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

Commissioner Easley: Yes
Commissioner Tupper: Yes
Chair Hardecke: Yes

The meeting adjourned at 11:30 a.m.

Respectfully Submitted,



John Madras
Director of Staff

