

**MINUTES OF THE  
MISSOURI CLEAN WATER COMMISSION MEETING  
Roaring River State Park  
24667 State Highway 112  
Cassville, Missouri 65625**

**July 11, 2012**

**Present**

Sam Hunter, Chair, Missouri Clean Water Commission  
Todd Parnell, Vice-Chair, Missouri Clean Water Commission  
Dennis Wood, Missouri Clean Water Commission  
Wallis Warren, Missouri Clean Water Commission  
John Cowherd, Missouri Clean Water Commission  
Buddy Bennett, 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

Karen Bataille, Missouri Department of Conservation, Columbia, Missouri  
Stacia Bax, Missouri Department of Natural Resources, Jefferson City, Missouri  
Janelle Bowcock, AECl, Springfield, Missouri  
Jonathan Blodgett, Department of Natural Resources, Springfield, Missouri  
Gopala Borchelt, Table Rock Lake Water Quality Inc., Kimberling City, Missouri  
Renee Bungart, Missouri Department of Natural Resources, Jefferson City, Missouri  
Jennifer Burns, AECl, Springfield, Missouri  
James D. Burtin, Schulte Engineering, Lake Ozark, Missouri  
David Casaletto, Ozarks Water Watch, Kimberling City, Missouri  
Roger Corbin, City of Sunrise Beach, Sunrise Beach, Missouri  
Joe Earnet, Simmons Foods, Siloam Springs, Arkansas  
Joe Engeln, Missouri Department of Natural Resources, Jefferson City, Missouri  
Ronna Haxby, Ozarks Water Watch, Kimberling City, Missouri  
Marc Kaiser, Perry Agricultural Lab Inc., Bowling Green, Missouri  
Meagan Kaiser, Perry Agricultural Lab Inc., Bowling Green, Missouri  
Chris Klenklen, Missouri Department of Agriculture, Jefferson City, Missouri  
Jim Macy, Missouri Department of Natural Resources, Jefferson City, Missouri  
Ashley McCarty, Self, Novinger, Missouri  
Steve Meyer, City of Springfield, Springfield, Missouri  
Ken Midkiff, Sierra Club, Columbia, Missouri  
Jan Millington, City of Springfield, Springfield  
Chris Ray, Missouri Department of Natural Resources, Springfield, Missouri  
Alan Reinkemeyer, Missouri Department of Natural Resources, Jefferson City, Missouri  
Brent Ross, AECl, Springfield, Missouri  
John Rustige, Missouri Department of Natural Resources, Jefferson City, Missouri  
Brent Stewart, Assn. of Missouri Electric Cooperatives, Jefferson City, Missouri

Jim Strafuss, Taney County Commission, Branson, Missouri  
Ross Summers, Branson Chamber of Commerce, Branson, Missouri  
Tanya Turner, Missouri Department of Natural Resources, Springfield, Missouri  
Roger Walker, REGFORM, Jefferson City, Missouri  
Phil Walsack, MPUA, Columbia, Missouri  
Julie Westhoff, Kennedy/Jenks Consultants, Mission, Kansas  
Tina White, Missouri Department of Natural Resources, Springfield, Missouri  
Zach White, U.S. Army Corps of Engineers, Kansas City, Kansas

## CALL TO ORDER

Chair Hunter called the meeting of the Missouri Clean Water Commission to order on July 11, 2012 at 9:30 a.m., at the Roaring River State Park, 24667 State Highway 112, Cassville, Missouri.

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

## ADMINISTRATIVE MATTERS

### **Approval of the May 2, 2012 Missouri Clean Water Commission Meeting Minutes** **Agenda Item #1**

**Commissioner Cowherd made a motion to approve the May 2, 2012 meeting minutes as submitted. Commissioner Wood seconded the motion. The motion passed with a roll call vote:**

<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Bennett:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Chair Hunter:</b>	<b>Yes</b>

**Approval of the June 11, 2012 Missouri Clean Water Commission Meeting Minutes**  
**Agenda Item #2**

**Commissioner Bennett made a motion to approve the June 11, 2012 meeting minutes as submitted. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:**

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

**Proposed Rescission and the New Proposed Rule 10 CSR 20-6.100 General Pretreatment Regulations**  
**Agenda Item #3**

John Rustige, Engineering Section, presented the Proposed Rescission and the New Proposed Rule 10 CSR 20-6.100 General Pretreatment Regulation. Mr. Rustige stated that the purpose of the regulation was to provide a mechanism for treatment plant operators to handle and address pollutants that may cause operational upsets or result in pollutants that pass through into the discharge of the Publicly Owned Treatment Works (POTW). He stated that on October 12, 2005, the U.S. Environmental Protection Agency adopted modifications to the federal pretreatment regulations. He noted that some elements of the revised federal regulations were more restrictive and other elements serve to reduce the regulatory burden on both the POTWs and the regulated industries. Mr. Rustige noted that the City of Springfield, the City of Independence, and the St. Louis Metropolitan Sewer District provided comments in support of the rulemaking, and offered a few suggestions and many of the suggestions were incorporated into the rule. Mr. Rustige stated that it was anticipated that these Orders of Rulemaking would be published in the Code of State Regulations on September 30, 2012, with the rule being effective on October 30, 2012.

**Commissioner Warren made a motion to adopt the Orders of Rulemaking for 10 CSR 20-6.100 General Pretreatment Regulation, to be filed by the Department with the Joint Committee on Administrative Rules and the Secretary of State. Commissioner Parnell seconded the motion. The motion passed with a roll call vote:**

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

**Jameson Island Project**  
**Agenda Item #4**

John Madras, Director, Water Protection Program presented the Jameson Island Project. Mr. Madras noted that the Department had received a request for a Water Quality Certification from the U.S. Army Corps of Engineers and the Department is asking for direction from the Commission on how the Department should proceed.

Meagan Kaiser, Perry Agricultural Lab Inc. spoke in opposition of the Jameson Island project and requested that the Department and Commission protect Missouri's soil.

Zach White, U.S. Army Corps of Engineers, reiterated that the material was once a part of the Missouri River and the Corps' project is reintroducing the material back to the river.

**Commissioner Wood made a motion the Commission direct the staff, in working with the U.S. Army Corps of Engineers, to come up with a proposed 401 certification consistent with the principles set forth by the Director of the Water Protection Program in his comments at the June 11, 2012 public meeting. The Commission directs the staff to report back to the Commission at its next meeting for a determination as to whether or not the proposed 401 certification is consistent with those principles. I further move that the Commission extend the deadline for issuing the 401 certification for 60 days. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:**

<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Bennett:</b>	<b>Yes</b>
<b>Chair Hunter:</b>	<b>Yes</b>

**State Revolving Loan Fund Transfer**  
**Agenda Item #5**

Jim Macy, Financial Assistance Center, presented the State Revolving Loan Fund transfer as an informational item. He noted the proposed plan was to transfer \$18.5 million from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund. Mr. Macy stated that the changes to the Intended Use Plan and the proposed cross capitalization would be brought before the Commission at the September 5, 2012 Commission meeting. No Action was taken by the Commission.

## ENFORCEMENT

### **Outstanding Missouri Operating Permit Fees**

#### **Agenda Item #6**

John Madras, Director, Water Protection Program, presented the Outstanding Missouri Operating Permit Fees. Mr. Madras stated that 15 cases were being presented to the Commission for referral to the Attorney General's Office for appropriate legal action in order to collect delinquent permit fees. The cases referred were: Labadie Creek Treatment, Heritage Acres Foods, LLC, Good Humor – Breyers Ice, Bayview Estates No 1, 94 North Citgo, Engines Plus Inc., Doniphan Municipal Wastewater, Great Western Motel Wastewater Treatment Facility, East Highway 42 Business Park, Guehne Investments Wastewater Treatment Facility, Emory Creek, Eagle View Lots 3 and 4, Nelson Stone, Van Buren Stone Co Inc., and Jeff Proffitt Excavating.

**Commissioner Cowherd made a motion to refer these new cases to the Attorney General's Office for appropriate legal action in order to collect delinquent permits fees, compel compliance for any other violation of Missouri Clean Water Law and Clean Water Commission regulations, pursue a civil penalty, and/or seek any other appropriate form of relief. Commissioner Warren seconded the motion. The motion passed with a roll call vote:**

<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Bennett:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Chair Hunter:</b>	<b>Yes</b>

## PRESENTATIONS

### **Director's Report**

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

- The water quality standards rule changes adopted by the Commission became effective June 30. The remaining parts of the standards, most notably stream classification, are being developed through a continuing series of stakeholder meetings. In addition, these standards will include revisions to nutrient standards for lakes, which were disapproved by the Environmental Protection Agency.
- The effluent regulation changes are related to the water quality standards changes and will proceed on the same schedule. The regulatory impact report will be completed by September 1, as directed by the Commission.

- Land disturbance general permits are now available through the Department’s ePermitting system. This allows applicants for these permits to obtain permits directly through an on-line system in a matter of minutes. The Department will be exploring other permits or permit functions that may achieve similar efficiencies through similar systems. In addition the Department may develop a system for receiving discharge monitoring reports electronically.
- The Department’s permitting function has been reorganized so that all permits will be issued from the program. This will address consistency and timing matters for permitting, as well as allowing field staff to focus more of their efforts on compliance assistance.

Director Sara Parker Pauley welcomed the Commission to the Roaring River State Park and announced the Regional Forum Meeting was being held in the afternoon from 3:00 – 6:00 p.m. at the Drury University in Springfield.

**Public Comment**

Phil Walsack of the Missouri Public Utility Alliance presented “Is there an Outfall#002 in Parsons Kansas? A Review of a Federal Order” to the Commission.

Roger Corwin, City of Sunrise Beach and Jim Burton, Schulte Engineering, expressed to the Commission an interest in State Revolving Loan funding.

**ADJOURNMENT OF MEETING**

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

<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Bennett:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Chair Hunter:</b>	<b>Yes</b>

The meeting adjourned at 11:05 a.m.

Respectfully Submitted,



John Madras  
Director of Staff