

10 CSR 20-2.010 Definitions Stakeholder Meeting Summary

- Date: January 31, 2018
- Location: Gasconade Camp, Lewis & Clark State Office Building, Jefferson City, MO
- Time: 1 pm – 3 pm
- Discussion Leaders: Chris Wieberg, Refaat Mefrakis, & Leasue Meyers
- If you have questions, please contact Leasue at leasue.meyers@dnr.mo.gov

Intro & Red Tape Discussion

The existing 10 CSR 20-2 contained 8 restrictive words. Under Governor Greitens' Executive Order #3, each Department is to do a meaningful review of all restrictive words. As Chapter 2 is a definitions rule, the restrictive words were not necessary in the rule. The updated rule removed the 8 restrictive words and put references to statute in for 27 of the definitions.

Previous stakeholder meetings had focused on the addition of more definitions to support the revisions to 10 CSR 20-8, Design Guides. With the change in how 10 CSR 20-8, Minimum Design Standards were being drafted in rule and the development of the Department's Missouri Design Guide, the updating on 10 CSR 20-2.010 focused on the Red Tape Review and meeting the requirements of Executive Order #3.

The expected timeline for 10 CSR 20-2.010 Definitions to move forward is a public notice comment period this summer, a public hearing and adoption by the Clean Water Commission in the fall.

10 CSR 20-2.010 Rule Discussion

- Aquifer
 - The discussion focused on the definition in rule did not match the definition in 10 CSR 20-7.031 specifically the bolded language.
 - The discussion also brought up the fact within the Department there are different definitions for aquifer utilized.
 - **Action:** Remove the bolded language, so the definition matches the definition in 10 CSR 20-7.031.
- Blending
 - This is a new definition proposed.
 - The discussion focused on that the definition should match what is in 10 CSR 20-7.015 for blending.
 - **Action:** Definition updated to match the language in 10 CSR 20-7.015.

- Bypass
 - There was some discussion on what a bypass was in regards to blending and dilution, and where a bypass occurs.
 - There was a discussion to reference the federal regulation on bypassing, 40 CFR 122 Subpart C.
 - **Action:** The existing definition was deleted and was replaced with the reference to the federal definition in 40 CFR 122 Subpart C.
- Common Promotional Plan
 - There was discussion on tying the common promotional plan to the continuing authority and requiring centralized sewer for all lots in the system. The concern was based on issues being faced at different developments around the state that part of a development had centralized sewer but other parts did not. As the common promotional plan is just a plan and this is a definition rule, no requirements were being established and this was not the appropriate location for the discussion and concern.
 - **Action:** No action was taken. The concern was passed on to the rule author for 10 CSR 20-6.030, Residential Housing Rule.
- Losing Stream
 - There was discussion on how would someone know if a stream was designated losing if it was not in Table J. As Table J was removed and replaced with the geospatial 'LOSING_STREAM' dataset. If there was concern that a stream was designated losing but was not, there is a process for that to occur with Missouri Geological Survey and the Water Quality Standards group.
 - **Action:** No action taken.
- Minor Violation
 - This was newly proposed definition and reference to statute, 644.016(12), RSMo 2016.
 - There was question on what a minor violation was and if it was cited in an inspection report. There were questions on where it was used in the rule and if it should be removed from the chapter.
 - The term, minor violations are used in 10 CSR 20-3, Enforcement.
 - **Action:** The definition and reference to statute was maintained.
- New Source
 - There was discussion on the reference for new source being 2015 or 2016 and when was the last time the rule was amended, 40 CFR 122 Subpart A. There was discussion that the federal rules are reprinted every year in July.
 - **Action:** The rule was last updated in 2015 and the reference in the draft was correct, and was maintained.

- No-discharge
 - The definition of no-discharge referenced 10 CSR 20-8 Missouri Design Guides, which is an incorrect reference and should have been updated to Missouri Minimum Design Standards.
 - **Action:** The definition was updated to say 10 CSR 20-8, Minimum Design Standards.
- Operating Location
 - There was discussion on what operating location means in regards to Confined Animal Feeding Operations and for the Residential Housing Rule. The Department's factsheets for CAFO's reference the existing definition.
 - The proposed definition included adding more clarifying statements.
 - **Action:** The existing definition was retained with minor clarifications and the proposed language was removed.
- Permit by rule
 - It is referenced in statute, 644.016(13), RSMo.
 - The discussion focused on removing it as permit by rule was being proposed to be removed from 10 CSR 20-6.010 Construction and Operating Permits Rule. However, 10 CSR 20-6.011 would still reference permit by rule.
 - **Action:** The reference to the statute for permit by rule was maintained.
- Water Quality Standards
 - It was a proposed addition referencing the statute, 644.016(26), RSMo 2016.
 - Discussion focused on what is a water quality standard is much broader than what is in the state statute definition. For example the state statute does not include Antidegradation as part of the water quality standards, but the federal definition does.
 - **Action:** Removed from the draft rule as the state statute has a definition and the federal regulations have a definition as what are the water quality standards.
- Whole Body Contact Area
 - Stakeholders proposed removing the existing definition as there was concern the terminology was incorrect as it references a contact area rather than receiving stream.
 - **Action:** Removed from the draft rule.