



**Missouri Department of Natural Resources
Water Protection Program**

**Draft
2006 Rulemaking Agenda**

Water Protection Program 2006 Rulemaking Agenda
Draft 12/14/05

Rule/Guidance	Description	Statutory Mandate?	Federal Mandate/ Primacy?	Past Deadline?	Commission Mandate?	Policy that Requires Rulemaking ?	Rec go forward in 2006?
Public Drinking Water							
Design Guide for Community Water Systems	The Design Guide reflects minimum standards and guidelines in regard to the preparation, submission, review, and approval of engineering reports and plans for the construction or major modification of community water systems.	No	No	Yes	No	No	
Long Term 2 Enhanced Surface Water Treatment Rule	EPA's Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) is intended to reduce disease incidence associated with <i>Cryptosporidium</i> and other pathogenic microorganisms in drinking water. The LT2ESWTR will apply to all systems that use surface water or ground water under the direct influence of surface water.	No	Yes	No	No	No	
Stage 2 Disinfectants/Disinfection By-Products Rule	EPA's rule proposes standards based on a locational running annual average: each sample point must comply with the standard as an annual average. Also requires systems to perform an IDSE.	No	Yes	No	No	No	
Ground Water Rule	EPA's final Ground Water Rule is expected to establish multiple barriers to protect against bacteria and viruses in drinking water from ground water sources and to establish a targeted strategy to identify ground water systems at high risk for fecal contamination.	No	Yes	No	No	No	
Continuing Education Requirement for Well Installation Contractors	Would require well drillers, pump installers, heat pump installers and monitoring well drillers to obtain continuing education as a condition for permit renewal.	No	No	No	No	No	
New Haven Special Well Drilling Area	Would impose stringent well drilling requirements in areas of contaminated groundwater as an institutional control to protect human health and the aquifer	No	No	No	Yes	No	
Weldon Spring Special Well Drilling Area	Would impose stringent well drilling requirements in areas of contaminated groundwater as an institutional control to protect human health and the aquifer	No	No	No	Yes	No	

Rule/Guidance	Description	Statutory Mandate?	Federal Mandate/ Primacy?	Past Deadline?	Commission Mandate?	Policy that Requires Rulemaking ?	Rec go forward in 2006?
Water Quality Monitoring and Assessment							
CSO Policy	Removes the effluent limitations on BOD and TSS for CSOs, and requires compliance with EPA's CSO Policy.	No	Yes	Yes	Yes	Yes	Yes
Anti-degradation Implementation Procedure	Establishes a procedure to implement the current rule on antidegradation. Will create a clear distinction between the three tiers of protection.	No	Yes	No	Yes	Yes	Yes
303(d) List	Each list of impaired waters prepared in accordance with Section 303(d) of the Clean Water Act must be promulgated into rule.	Yes	Yes	Yes	Yes	Yes	Yes
National Hydrologic Dataset	Reformats our water classification segments to match a nationally-used dataset for housing water quality information.	No	No	No	No	Yes	Yes
Criteria for Effluent Dominated Streams	Establishes separate water quality criteria for waters dominated by effluent.	No	No	No	No	Yes	No
<i>E. coli</i> Effluent Limits	Establishes standard effluent limits for <i>E. Coli</i> similar to the 400/1000 limits for fecal coliform	No	No	No	Yes	Yes	Yes
Detailed Procedure on Site-specific DO Criteria	Further provides detail on how to develop site-specific water quality criteria on dissolved oxygen for waters naturally low in dissolved oxygen.	No	Yes	No	No	Yes	No
Biological Criteria	Establishes a stronger connection between the variations in aquatic biological communities and the standards.	No	Yes	No	No	Yes	No
Nutrient Criteria for Lakes	Establishes numeric criteria for controlling the effects of nutrients on classified lakes.	No	Yes	No	No	Yes	Yes
Wetlands Classification and Criteria	Establishes a classified list of wetlands and associated water quality criteria to protect the beneficial uses of these waters.	No	Yes	No	Yes	Yes	Yes
Criteria for Protecting Unclassified Waters	Establishes a clear regulatory approach to ensuring the protection of beneficial uses on unclassified waters.	No	Yes	No	Yes	Yes	Yes
Drinking Water Use Designations	Updates the designated uses on classified waters to reflect existing uses of these waters for drinking water supply.	No	No	No	Yes	Yes	Yes

Rule/Guidance	Description	Statutory Mandate?	Federal Mandate/ Primacy?	Past Deadline?	Commission Mandate?	Policy that Requires Rulemaking ?	Rec go forward in 2006?
New UAAs on Whole Body Contact Recreation Use Designations	Revises the use designations on classified waters where analyses show uses are unattainable or partially attainable.	No	No	No	Yes	Yes	Yes
Wastewater Permits and Engineering							
RBCA	Make changes to allow for risk-based corrective actions. Will require amendments to 10 CSR 20-6.010(1)(B), 10 CSR 20-7.015(7) and 10 CSR 20-7.031(5).	Yes	No	Yes	Yes	No	
401 Water Quality Certification	Incorporate mitigation guidelines into regulation. This will require amending 10 CSR 20-6.060 or creating a new regulation (probably 10 CSR 20-6.065 Mitigation Requirements for Water Quality Certifications)	No	No	Yes	Yes	Yes	
Pesticides	Add exemption for permitting for application of pesticides provided it does not cause water quality violation. Will require amendment to 10 CSR 20-6.010.	No	No	No	No	Yes	
<22,500 gpd Exemption	Propose changes consistent with CWC directive on small lagoons and trickling filters? (less than 22,500 gpd). Will require amendments to 10 CSR 20-7.015(8). Will also better define water quality impact study for other lagoons.	No	No	No	Yes	No	
Water Quality Based Effluent Limits	Clearly identify when water quality based limits are required. Identify procedure for doing so. Add default effluent limits based on Eco Regions. Add effluent limits for small flows less than 22,500 gpd. Will require amendments to 10 CSR 20-7.015(8).	No	No	No	No	Yes	
Procedure for Temporary Variances to WQS	Propose to add the variance process into regulation.	Yes	No	No	No	Yes	
Procedure for WET Test	WET tests are referenced in regulation. However, no specific language exists.	No	No	No	No	Yes	
Financial Management Unit							
Administrative Hearing Commission	HB 824 (2005) moved authority to hear appeals from the DNR commissions to the Administrative Hearing Commission. Rule changes are needed to set procedures consistent with the new statutory requirements.						

Rule/Guidance	Description	Statutory Mandate?	Federal Mandate/ Primacy?	Past Deadline?	Commission Mandate?	Policy that Requires Rulemaking ?	Rec go forward in 2006?
Financial Assistance Center							
Priority Points (Wastewater and nonpoint source)	The current rule (10 CSR 20-4.010) was developed for prioritizing wastewater projects in the 1980's. As the funding programs have evolved, the priority system has not. A new priority system is needed that will prioritize not only wastewater projects but also non-point source pollution prevention projects.	No	No	No	Yes	No	
CWSRF General Assistance Regulation	The Clean Water State Revolving Fund regulation (10 CSR 20-4.040) was last updated in 1996. Since that time the CWSRF program has continued to evolve with an increased emphasis on protecting the environment while at the same time serving the needs of the public. The department has been criticized by the public and other state and federal funding agencies, for the amount of time taken from loan application receipt to loan closing. The intent of this rulemaking is to streamline the CWSRF funding process and reduce the requirements placed on those entities seeking funding.	No	No	No	No	No	
Watershed Protection Section							
Nonpoint Source Management Plan	While not a rule, this Plan spells out the priorities and goals for managing nonpoint source (NPS) water pollution. The Plan also specifies what activities can be funded with certain funds; e.g. ,319 grants, CWSRF NPS loans. This year the plan will undergo a complete revision.						