



# DEPARTMENT OF NATURAL RESOURCES

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October 30, 2007

The Honorable Walt Bivens  
Missouri State Representative  
Chairman, Joint Committee on Restructuring Fees  
of the Clean Water and Stormwater Programs  
State Capitol Building, Room 200B  
Jefferson City, Missouri 65012

Dear Representative Bivens:

First of all, thank you for taking the leadership of the Joint Committee on Restructuring Fees of the Clean Water and Stormwater Programs. During the Committee's initial hearing on October 9, 2007 a number of questions and issues were raised both by Committee members as well as stakeholders. We are hopeful that the following answers will address those concerns.

**Why are both St. Louis (MSD) and St. Louis County on the Municipal Separate Stormwater Sewer System (MS4) List – aren't they the same thing?** Federal law establishes population thresholds for participation in the MS4 permit program<sup>1</sup>. Each political jurisdiction in St. Louis County that meets the criteria must have an MS4 permit. In addition St. Louis County itself must have an MS4 permit for unincorporated areas that meet the criteria. Metropolitan Sewer District (MSD) is the permitted MS4 authority for St. Louis City and is also co-permittee with St. Louis County and each MS4 jurisdiction in the county. While MSD serves as a coordinating "authority" for all regulated MS4s in St. Louis City and county, each local jurisdiction has permit responsibilities. For example, each is responsible for the illicit discharge detection and elimination (IDDE) program in open conveyances, stormwater management for municipal operations and programs for construction and post-construction site runoff management. Each jurisdiction must pass its own local ordinances, implement its own policies and procedures, keep records, conduct training and inspections, and other measures as needed to implement the MS4 program.

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<sup>1</sup> Generally, the federal standard is total population of 10,000 or more and a population density of at least 1000 per square mile. In addition, jurisdictions that are located within an urbanized area are automatically designated as regulated MS4s unless the stormwater is designed to discharge to a sanitary sewer. Communities with total population of less than 1000 that are within an urbanized area may also be exempted.

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In addition to its role as coordinator among all jurisdictions, MSD delivers most of the public education and runs the IDDE program for the closed storm sewer system. MSD has developed its own stormwater management program for MSD operations.

**What is the status of whole body contact on Hinkson Creek? Does designation change for different segments?** All of the classified stretch of Hinkson Creek (24.0 miles) is designated to whole body contact recreation. The classification starts a couple miles south of Hallsville.

**What is the list of waters with contested whole body contact use attainability analyses?**  
See enclosure.

**Did the Environmental Protection Agency (EPA) visit contested waters?** Yes, but the methodology they used to determine depth was a different method than that used by the department. The department made visual estimations from bridge crossings, while EPA walked the streams and measured the depths at occasional cross-sections. The department's protocol was designed to rely on a combination of general observations, depth estimations and best professional judgement. EPA's designations were based solely on the depths measured within the stream.

**How much work will antidegradation add?** To implement the federal antidegradation provisions in Missouri will, in some cases involve increased monitoring and study by permit applicants. The procedure may require more up-front data collection and analysis to determine the existing water quality and how much the new discharge would degrade water quality. There will be greater emphasis on exploring various design alternatives analysis than in the past. The applicant will have to consider no discharge alternatives, different treatment technologies as well as the economic and environmental impacts of all of those possibilities. Finally the procedure requires documentation of the socioeconomic value of the project to justify degradation of waters. We are currently developing costs estimates for the rulemaking but we estimate that the cost for compliance will range somewhere between about \$10,000 and \$100,000.

The Antidegradation Implementation Procedure will also require more work by the department. For each antidegradation review required of the applicant, the department must verify the completeness and accuracy of the applicant's work and incorporate the findings of that review when determining permit effluent limitations. The permit work requires an Engineer, Level III, with expertise in alternative technology analysis and engineering economics in the Permitting and Engineering Section of the Water Pollution Control Branch. The estimated annual cost to the state to employ a full time person in the department for this work is \$98,000 when including expense and equipment, fringe benefits and indirect costs.

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**What are needs (requirements?) related to Concentrated Animal Feeding Operation (CAFO) nutrients?** Applicants for new facilities must perform an analysis of the available land area and crops to ensure that there is enough near-by land to properly utilize all of the manure produced by the proposed operation. For the majority of permits, the department calculates manure application rates based on the available nitrogen in the manure and the nitrogen needs of the crop. For larger operations, the department also calculates phosphorus rates.

New EPA requirements will soon require comprehensive nutrient management plans that require phosphorus calculation on all permits. The current practice of permitting low rates of manure application without testing the manure and soils will no longer be allowed. Some operations will need to find more spreading acres on which to spread manure so that the nutrients will be spread at lower rates. We expect final revisions to these requirements from EPA in January 2008.

It is important to note that manure that is sold or given to someone other than the permittee is not subject to these requirements. The department does not have a record of the ultimate location of the manure sold or given to a third party, nor are the recipients required to have nutrient management plans. Regardless, anyone who causes pollution by over-applying manure is in violation of the Clean Water Law.

**What is the level of experience of permit staff?**

Currently, 43% of clean water permit staff have less than two years experience. 67% have less than five years. Only 14% have ten or more years of experience.

**How many Full Time Employees (FTEs) does the department want as part of this?** To accomplish the work the department would need the financial equivalent of 20 department FTE's. As to whether they were department staff or contract staff, the department recognizes the need to consider alternatives. Use of contract staff may change the estimates based on the cost of using contract staff versus state employees.

Again thank you for you dedication to this issue. Please do not hesitate to contact me with any question or concern you may have at Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102 or telephone (573) 751-3195. You should also feel free to contact Mr. Edward Galbraith, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102 or telephone (573) 751-6721.

Sincerely

DEPARTMENT OF NATURAL RESOURCES

(Original signed by H. Floyd Gilzow)

H. Floyd Gilzow  
Deputy Director for Policy

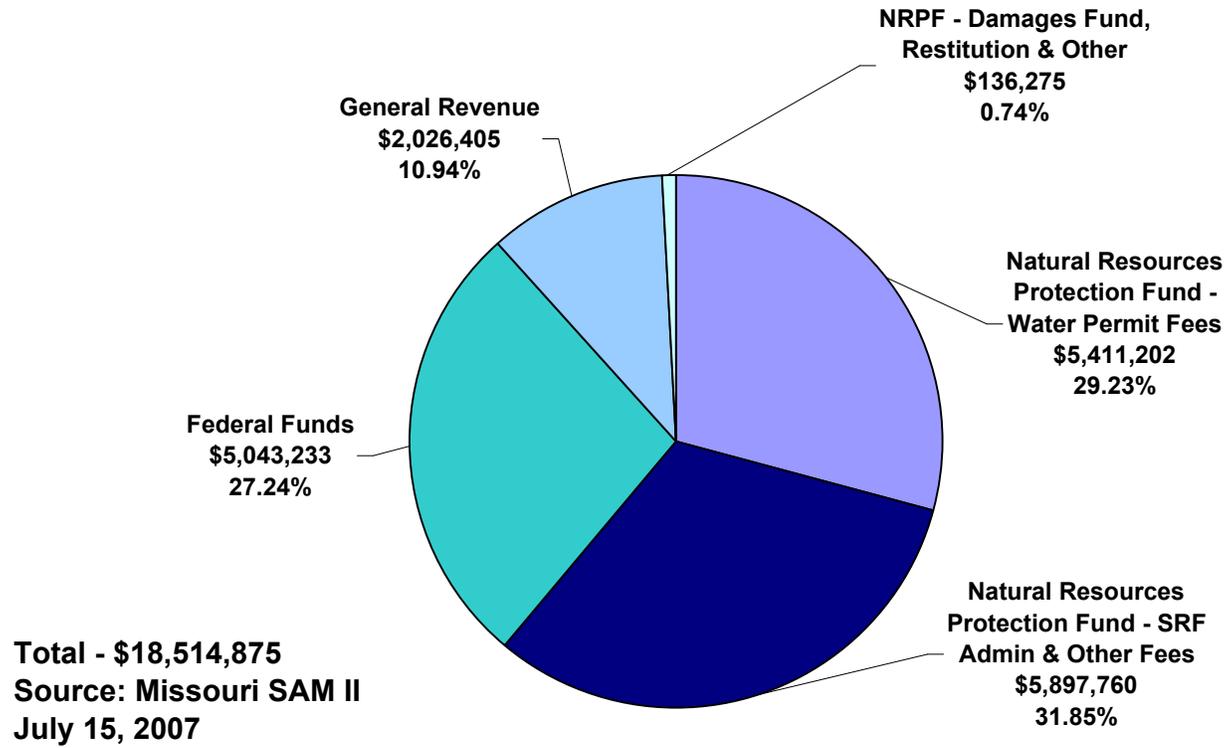
Enclosure

Clean Water Effort FY 2007

Revenues

All Fund Sources

General Revenue, Federal Funds, Natural Resources Protection Fund, Other



Clean Water Effort - FY 2007

Revenues

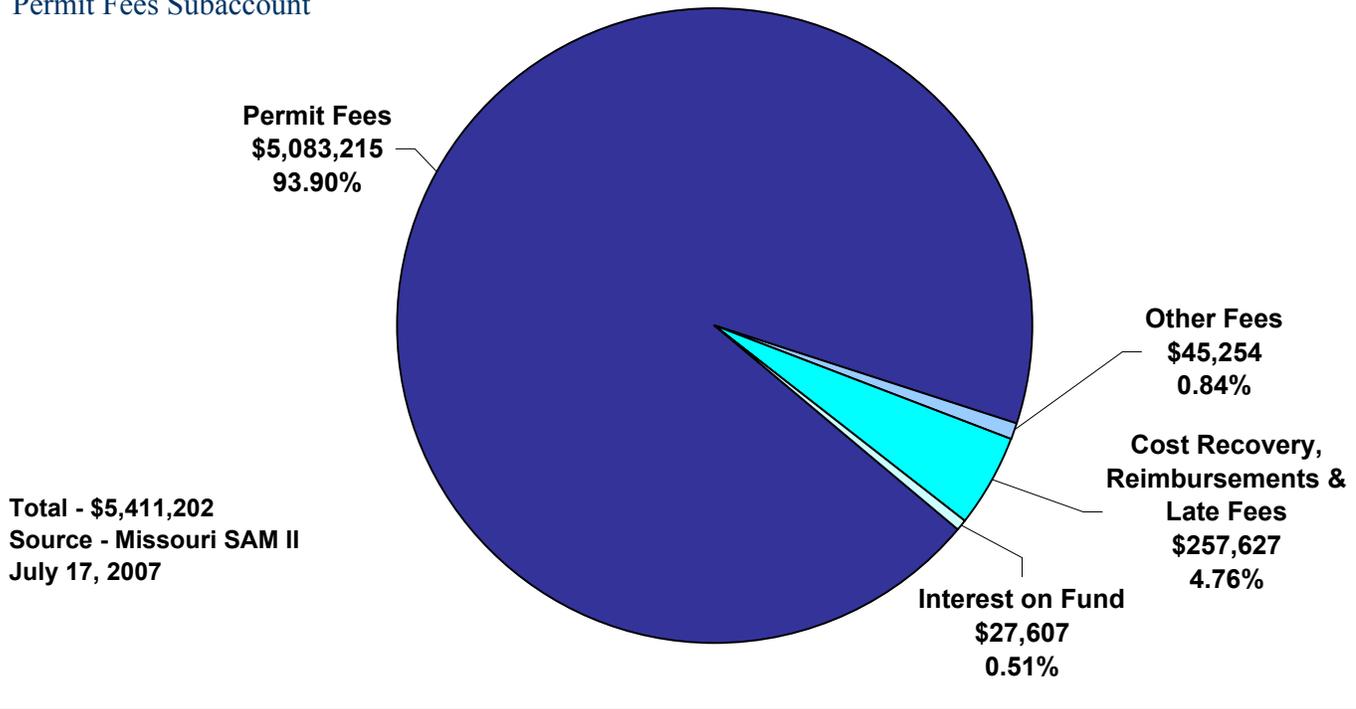
All Fund Sources by Type

Source: Missouri SAM II

July 17, 2007

Fund Source	Amount
Natural Resources Protection Fund - Water Permit Fees	\$5,411,202
Natural Resources Protection Fund - SRF Admin & Other Fees	\$5,897,760
Federal Funds	\$5,043,233
General Revenue	\$2,026,405
NRPF - Damages Fund, Restitution & Other	\$136,275
<b>Total Revenues</b>	<b>\$18,514,875</b>

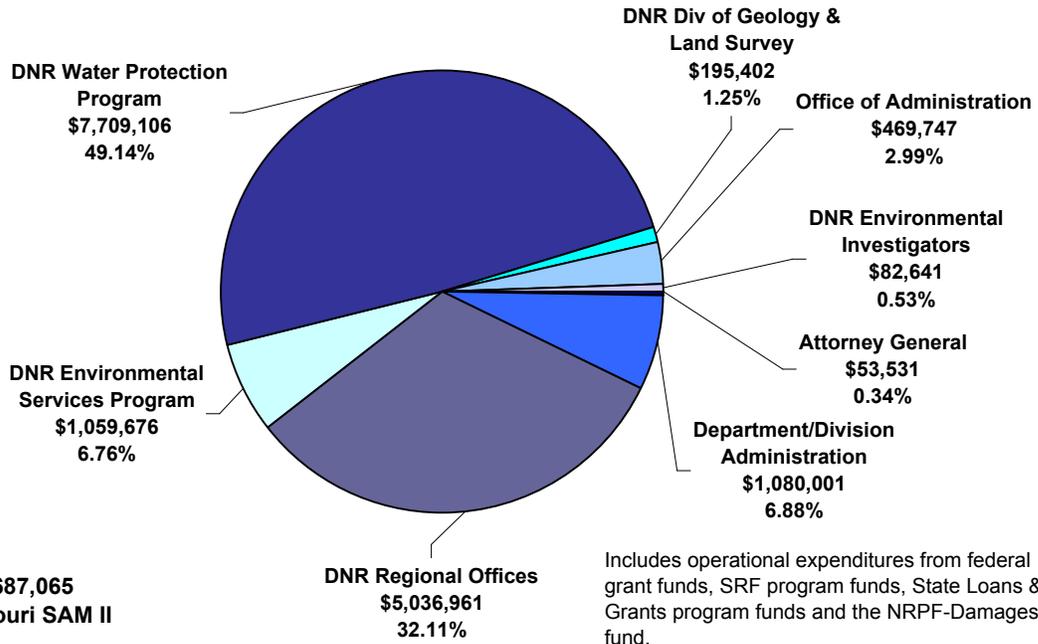
Clean Water Effort FY 2007  
 Revenues  
 Natural Resources Protection Fund (0568)  
 Permit Fees Subaccount



**Clean Water Effort - FY 2007**  
**Revenues**  
**Natural Resources Protection Fund (0568)**  
**Permit Fees Subaccount**  
**Source: Missouri SAM II**  
**July 17, 2007**

Revenue Type	Amount
Permit Fees	\$5,083,215
Other Fees	\$45,254
Cost Recovery, Reimbursements & Late Fees	\$257,627
Interest on Fund	\$27,607
<b>Total</b>	<b>\$5,411,202</b>

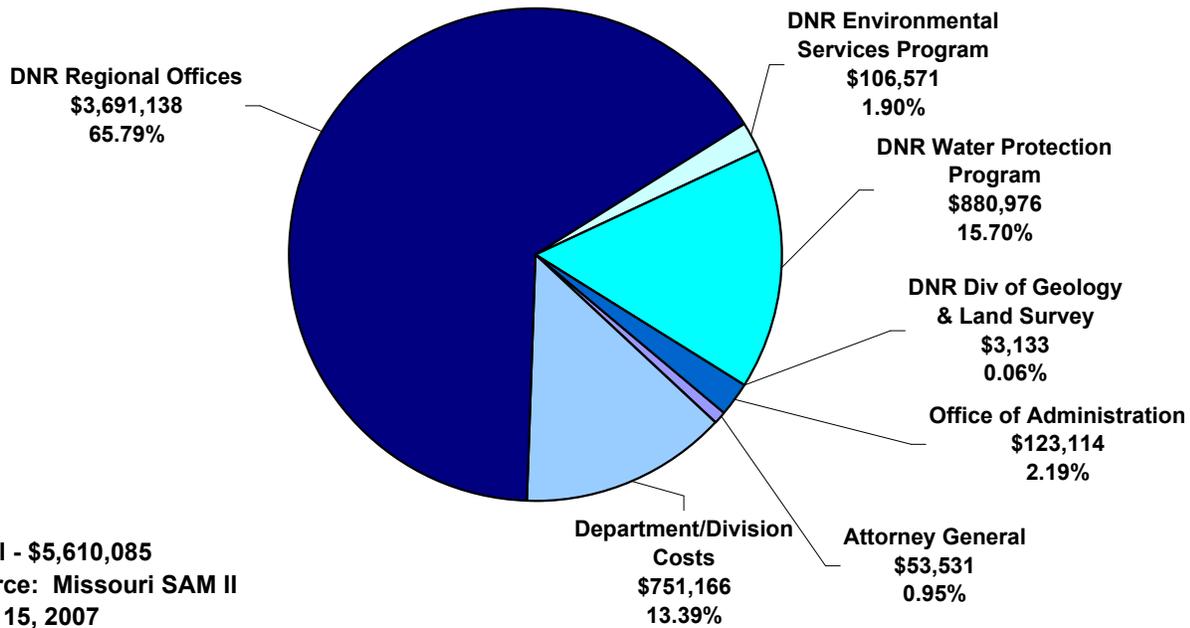
**Clean Water Effort FY 2007  
Expenditures by Organization  
All Fund Sources  
General Revenue, Federal Funds, Natural Resources Protection Fund, Other**



**Clean Water Effort - FY 2007  
Expenditures by Organization  
All Fund Sources  
General Revenue, Federal Grant Funds, Natural Resources Protection - Water Permit Fees Fund & NRPF-Damages Fund  
Source - Missouri SAM II  
July 15, 2007**

Organization	General Revenue	Federal Funds	NRPF Water Permit Fees	Other Funds	TOTAL
Attorney General	\$0	\$0	\$53,531		\$53,531
Department/Division Administration	\$0	\$0	\$1,080,001		\$1,080,001
DNR Regional Offices	\$690,914	\$354,649	\$3,991,398		\$5,036,961
DNR Environmental Services Program	\$24,928	\$920,805	\$106,571	\$7,372	\$1,059,676
DNR Water Protection Program	\$1,307,663	\$3,327,361	\$2,945,178	\$128,903	\$7,709,106
DNR Div of Geology & Land Survey	\$64	\$188,616	\$6,722		\$195,402
Office of Administration	\$1,152	\$170,845	\$297,750		\$469,747
DNR Environmental Investigators	\$1,684	\$80,957	\$0		\$82,641
<b>Totals</b>	<b>\$2,026,405</b>	<b>\$5,043,233</b>	<b>\$8,481,152</b>	<b>\$136,275</b>	<b>\$15,687,065</b>

**Clean Water Effort FY 2007  
Expenditures by Organization  
Natural Resources Protection Fund (0568)  
Permit Fees Subaccount**



**Clean Water Effort - FY 2007  
Expenditures by Organization  
Natural Resources Protection Fund (0568)  
Permit Fees Subaccount  
Source: Missouri SAM II  
July 15, 2007**

Organization	Amount
Attorney General	\$53,531
Department of Natural Resources	\$751,166
Regional Offices	\$3,691,138
Environmental Services Program	\$106,571
Water Protection Program	\$880,976
Div of Geology & Land Survey	\$3,589
Office of Administration	\$123,114
Environmental Investigators	\$0
<b>Total</b>	<b>\$5,610,085</b>

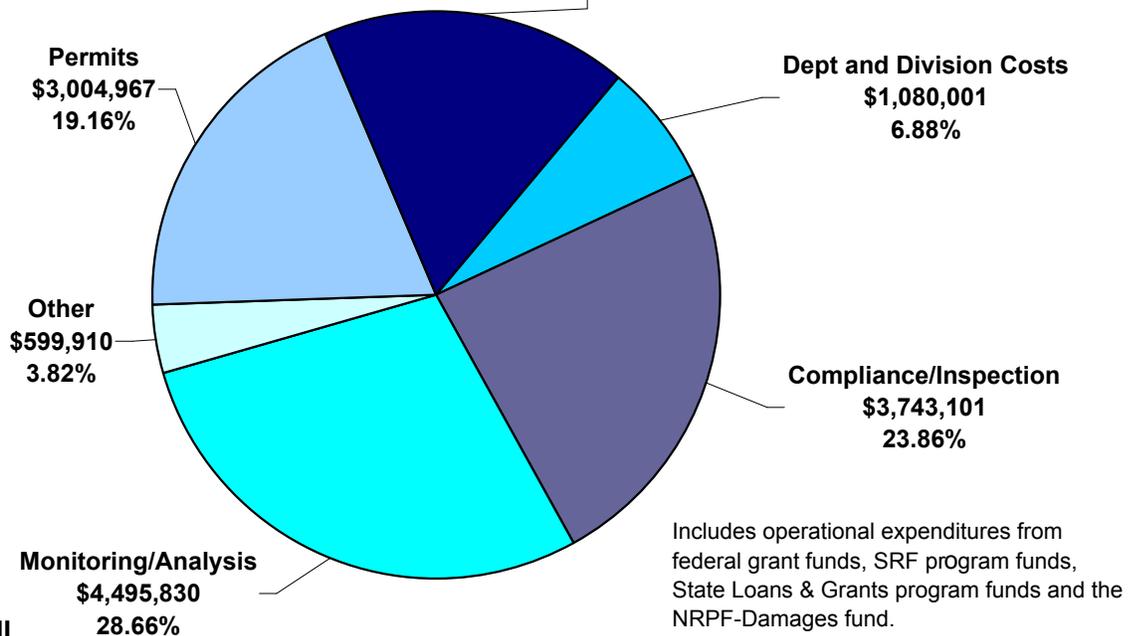
**Clean Water Effort FY 2007**

**Expenditures by Activity**

**All Fund Sources**

General Revenue, Federal Funds, Natural Resources Protection Funds, SRF & State Grant/Loan

Activities  
\$2,763,257  
17.61%



**TOTAL - \$15,687,065**  
**Source: Missouri SAM II**  
**July 15, 2007**

**Clean Water Effort - FY 2007**

**Expenditures by Activity**

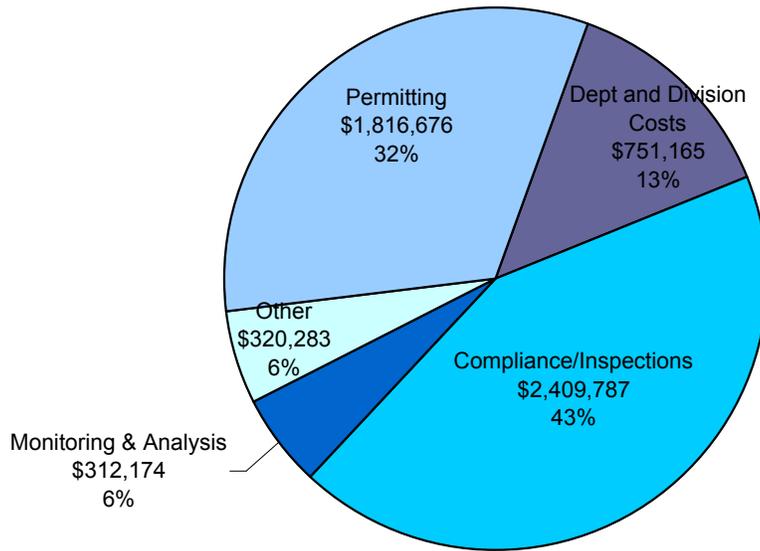
**All Fund Sources**

Source - Missouri SAM II

July 15, 2007

Activity	General Revenue	Federal Funds	NRPD Water Permit Fees	Other Funds	TOTAL
Dept and Division Costs	\$0	\$0	\$1,080,001		\$1,080,001
Compliance & Inspections	\$517,478	\$815,836	\$2,409,787		\$3,743,101
Monitoring & Analysis	\$1,210,958	\$2,841,151	\$312,174	\$131,547	\$4,495,830
Other	\$6,357	\$268,543	\$320,283	\$4,728	\$599,910
Permitting	\$172,199	\$1,016,091	\$1,816,676		\$3,004,967
SRF & State Grant & Loan Programs	\$119,413	\$101,612	\$2,542,232		\$2,763,257
<b>Totals</b>	<b>\$2,026,405</b>	<b>\$5,043,233</b>	<b>\$8,481,152</b>	<b>\$136,275</b>	<b>\$15,687,065</b>

**Clean Water Effort FY 2007**  
**Expenditures by Activity**  
**Natural Resources Protection Fund (0568)**  
**Water Permit Fees Subaccount**



**TOTAL - \$5,610,085**  
**Source: Missouri SAM II**  
**July 15, 2007**

Includes operational expenditures from federal grant funds, SRF program funds, State Loans & Grants program funds and the NRPD-Damages fund.

**Clean Water Effort - FY 2007**  
**Expenditures by Activity**  
**Natural Resources Protection Fund (0568)**  
**Permit Fees Subaccount**  
**Source: Missouri SAM II**  
**July 15, 2007**

<b>Activity</b>	<b>Permit Fees</b>
Dept and Division Costs	\$751,165
Compliance & Inspections	\$2,409,787
Monitoring & Analysis	\$312,174
Other	\$320,283
Permitting	\$1,816,676
<b>Totals</b>	<b>\$5,610,085</b>

**Summary of 99 Water Bodies from EPA's October 31, 2006 Determination**

<b>WBID#</b>	<b>Water Body Name</b>	<b>County</b>	<b>Class</b>
2035	BACHELOR CR.	Franklin	C
0622	BARBER CR.	Sullivan & Putnam	C
0867	BASIN FK.	Pettis	C
1470	BELL CR.	Pulaski	C
1746	BIG BOTTOM CR.	Ste. Genevieve	C
1276	BIG DEER CR.	Bates	C
0441	BIG MUDDY CR.	Daviess	C
1608	BIGELOW'S CR.	St. Charles	C
0034	BIRKHEAD BR.	Lincoln	C
3147	BLUE DITCH	Scott	C
0993	BLYTHES CR.	Moniteau & Miller	P
1301	BONES BR.	Bates	C
0859	BRUSHY CR.	Pettis	P
1865	BURGHER BR.	Phelps	C
1028	CALLAHAN CR.	Boone	C
2389	CARNEY CR.	Barry	C
0729	CASON BR.	Callaway	C
1000	CLARK FK.	Cole	C
1631	CLEAR CR.2	Montgomery	C
3303	COLE CAMP CR.	Benton	C
0721	COLLIER CR.	Callaway	C
0132	COON CR.	Monroe & Randolph	C
0187	COON CR.	Montgomery	C
0707	COW CR.	Callaway	C
0253	DAVIS CR. DITCH	Holt	C
0320	DICKS CR.	Platte	C
3094	DITCH #8	New Madrid & Stoddard	C
1298	DOUBLE BR.	Bates	C
1688	DUBOIS CR.	Franklin	C
0811	E. BRUSH CR.	Moniteau	C
0608	E. FK. LOCUST CR.	Sullivan	P
1518	E. FK. ROUBIDOUX CR.	Texas	C
0287	ELKHORN CR.	Nodaway	C
0804	FACTORY CR.	Moniteau	C
3657	FOUNTAIN FARM BR.	Washington	C
0883	GABRIEL CR.	Morgan	C
1307	GILLUM CR.	Bates	C
0807	HALDIMAN BR.	Moniteau	C
0588	HICKORY CR.	Grundy	C
1011	HOMINY CR.	Boone	C
1002	HONEY CR.	Cole	C
3413	HORSESHOE CR.	Jackson & Lafayette	C
1591	INDIAN CR.	Texas	C
1018	KELLEY BR.	Boone	C
1303	KNOB CR.	Bates	C
1864	L. DRY FK.	Phelps	C
0863	L. SHAVER CR.	Pettis	C
0328	L. THIRD FK PLATTE R.	De Kalb	C
3113	LATERAL DITCH #2	Dunklin	C

WBID#	Water Body Name	County	Class
2980	LICK CR. DITCH	Stoddard	C
0602	LONG BRANCH	Linn	C
3032	MAIN DITCH #8	Pemiscot	C
1709	MALINE CR.	St. Louis City & St. Louis	C
3617	MINERAL SPRING HOLLOW	Texas	C
0898	MUDDY CR.	Saline	C
0557	MUDDY CR.	Grundy & Mercer	P
0391	MUDDY FK.	Clay	C
0065	N. FK. M. FABIUS R.	Scotland & Schuyler	C
1010	N. FK. GRINDSTONE CR.	Boone	C
0083	NORTH R.	Shelby & Knox	C
3572	OWL CR.	Platte	C
0521	PANTHER CR.	Caldwell	C
1295	PANTHER CR.	Bates	C
0176	PARIS BRANCH	Lincoln	C
2058	PLEASANT VALLEY CR.	Crawford	C
1648	QUICK CR.	Montgomery	C
0586	RACCOON CR.	Grundy	C
0520	RATTLESNAKE CR.	Livingston	C
0715	RICHLAND CR.	Callaway	C
0829	RISING CR.	Cole	C
1711	RIVER DES PERES	St. Louis City	C
2123	RUBENEAU BR.	Washington	C
1032	SANFORD CR.	Cole	C
0860	SEWER BR.	Pettis	C
3624	SLABTOWN BR.	Texas	C
1679	SLAUGHTER BR.	Franklin	C
1870	SPRING BR.	Dent	P
1029	SUGAR BR.	Boone	P
1030	SUGAR BR.	Boone	C
0327	THIRD FK. PLATTE R.	Buchanan & Gentry	C
2130	THREE HILL CR.	St. Francois	C
0316	TODD CR.	Platte	C
1530	TRIB. L. BEAVER CR.	Phelps	C
2121	TRIB. SHIBBOLETH CR.	Washington	C
3294	TRIB. TO BIRD BRANCH	Benton	C
1690	TRIB. TO BROWNS BR.	Franklin	C
1687	TRIB. TO BUSCH CR.	Franklin	C
0133	TRIB. TO COON CR.	Randolph	C
3509	TRIB. TO FLAT CR.2	Pettis	C
1694	TRIB. TO LABADIE CR.	Franklin	P
2126	TRIB. TO MILL CR.	Washington	C
3359	TRIB. TO RED OAK CR. (listed as Soap Cr. in MO WQS)	Gasconade	C
0956	TRIB. TO WILLOW FK.	Moniteau	C
0500	TRIB. W. FK. LOST CR2	De Kalb	C
2985	TURKEY CR.	Stoddard	C
0505	WAMSLEY CR.	De Kalb	C
0556	W. FK. HONEY CR.	Grundy & Mercer	C
0482	WILDCAT CR.	Gentry & Nodaway	C
0319	WILKERSON CR.	Clay	C

**MS4 Permittees/Co-permittees with St. Louis Urbanized Area and Nearby**

<b>Permit #</b>	<b>Permitted Entity</b>	<b>County</b>	<b>Co-permittee of</b>
<b>MOR040005</b>	<b>St. Louis (MSD)</b>	<b>St. Louis</b>	<b>w/60 co-permittees</b>
MOFEES4001	Ballwin	St. Louis	Co-MSD
MOFEES4002	Bellefontaine Neighbors	St. Louis	Co-MSD
MOFEES4003	Bel-Nor, Village Of	St. Louis	Co-MSD
MOFEES4004	Bel-Ridge, Village Of	St. Louis	Co-MSD
MOFEES4005	Berkeley	St. Louis	Co-MSD
MOFEES4006	Black Jack	St. Louis	Co-MSD
MOFEES4007	Breckenridge Hills	St. Louis	Co-MSD
MOFEES4008	Brentwood	St. Louis	Co-MSD
MOFEES4009	Bridgeton	St. Louis	Co-MSD
MOFEES4010	Calverton Park, Village of	St. Louis	Co-MSD
MOFEES4011	Charlack	St. Louis	Co-MSD
MOFEES4012	Chesterfield	St. Louis	Co-MSD
MOFEES4013	Clarkson Valley	St. Louis	Co-MSD
MOFEES4014	Clayton	St. Louis	Co-MSD
MOFEES4015	Cool Valley	St. Louis	Co-MSD
MOFEES4016	Crestwood	St. Louis	Co-MSD
MOFEES4017	Creve Coeur	St. Louis	Co-MSD
MOFEES4018	Dellwood	St. Louis	Co-MSD
MOFEES4019	Des Peres	St. Louis	Co-MSD
MOFEES4020	Ellisville	St. Louis	Co-MSD
MOFEES4021	Fenton	St. Louis	Co-MSD
MOFEES4022	Ferguson	St. Louis	Co-MSD
MOFEES4023	Florissant	St. Louis	Co-MSD
MOFEES4024	Frontenac	St. Louis	Co-MSD
MOFEES4025	Glendale	St. Louis	Co-MSD
MOFEES4026	Green Park	St. Louis	Co-MSD
MOFEES4027	Hanley Hills, Village Of	St. Louis	Co-MSD
MOFEES4028	Hazelwood	St. Louis	Co-MSD
MOFEES4029	Jennings	St. Louis	Co-MSD
MOFEES4030	Kirkwood	St. Louis	Co-MSD
MOFEES4031	Ladue	St. Louis	Co-MSD
MOFEES4032	Lakeshire	St. Louis	Co-MSD
MOFEES4033	Manchester	St. Louis	Co-MSD
MOFEES4034	Marlborough, Village Of	St. Louis	Co-MSD
MOFEES4035	Maryland Heights	St. Louis	Co-MSD
MOFEES4036	Moline Acres	St. Louis	Co-MSD
MOFEES4037	Normandy	St. Louis	Co-MSD
MOFEES4038	Northwoods	St. Louis	Co-MSD
MOFEES4039	Norwood Court, Town Of	St. Louis	Co-MSD
MOFEES4040	Oakland	St. Louis	Co-MSD
MOFEES4041	Olivette	St. Louis	Co-MSD
MOFEES4042	Overland	St. Louis	Co-MSD
MOFEES4043	Pagedale	St. Louis	Co-MSD
MOFEES4044	Richmond Heights	St. Louis	Co-MSD
MOFEES4045	Riverview, Village Of	St. Louis	Co-MSD
MOFEES4046	Rock Hill	St. Louis	Co-MSD

MOFEES4050	Shrewsbury	St. Louis	Co-MSD
MOFEES4047	St. Ann	St. Louis	Co-MSD
MOFEES4048	St. George	St. Louis	Co-MSD
MOFEES4049	St. John	St. Louis	Co-MSD
MOFEES4060	St. Louis County	St. Louis	Co-MSD
MOFEES4051	Sunset Hills	St. Louis	Co-MSD
MOFEES4052	Town And Country	St. Louis	Co-MSD
MOFEES4053	Valley Park	St. Louis	Co-MSD
MOFEES4054	Vinita Park	St. Louis	Co-MSD
MOFEES4055	Warson Woods	St. Louis	Co-MSD
MOFEES4056	Webster Groves	St. Louis	Co-MSD
MOFEES4057	Wildwood	St. Louis	Co-MSD
MOFEES4058	Winchester	St. Louis	Co-MSD
MOFEES4059	Woodson Terrace	St. Louis	Co-MSD

*Source: MoDNR Water Protection Program, October 25, 2007*