

Missouri Clean Water Commission

January 7, 2009

**Department of Natural Resources
Lewis and Clark State Office Building
LaCharrette/Nightingale Creek
Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri**

Missouri Clean Water Commission
P.O. Box 176, Jefferson City, Missouri 65102

Notice of Open Meeting
Missouri Clean Water Commission

People with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Commission secretary at (573) 751-6721, the division's toll-free number at 1-800-361-4827, or by writing two weeks in advance of the meeting to: Department of Natural Resources, Clean Water Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired individuals may contact the program through Relay Missouri at 1-800-735-2966.

AGENDA

MISSOURI CLEAN WATER COMMISSION MEETING

Department of Natural Resources
Lewis and Clark State Office Building
LaCharrette/Nightingale Creek Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri 65102

January 7, 2009

Convene 9:00 a.m.

General Session (Open)

- Call to Order/Introductions

Administrative Matters

1. Public Hearing – Proposed 2008 303(d) List
John Ford, Water Quality Monitoring and Assessment

Recommended Action: Hearing only. No action from the Commission is requested at this time. The department will consider all comments received during the public comment period, including those made during this hearing, and bring a final recommendation for the 2008 303(d) list to the Commission on March 4, 2009.

2. Public Hearing – 10 CSR 20-7.050 Methodology for Development of Impaired Waters List
John Ford, Water Quality Monitoring and Assessment

Recommended Action: Hearing only. No action is requested. The department will consider all comments received during the public comment period, including those made during this hearing, and will bring a final recommendation for an Order of Rulemaking to the commission on March 4, 2009.

3. Approval of the November 5, 2008 Clean Water Commission Meeting Minutes
Recommended Action: The Commission to vote and approve minutes.
4. Approval of the November 20, 2008 Clean Water Commission Teleconference Meeting Minutes
Recommended Action: The Commission to vote and approve minutes.
5. Dismissal of Exide Technologies, Inc., Canon Hollow Plant, Forest City, Missouri
Appeal No. 368.
Shelley Woods, Attorney General's Office
Recommended Action: Grant the Motion to Dismiss.
6. Dennis Gessling Permit Appeal – Administrative Hearing Commission's Order Recommending Dismissal
Marty Miller, Division of Environmental Quality
Recommended Action: Staff recommends the Commission adopt the Administrative Hearing Commission's Order and dismiss appeal.
7. 10 CSR 20-6.010 Construction and Operating Permits Proposed Rule – Construction Permit Transfer
John Rustige, Permits and Engineering
Recommended Action: Staff recommends the Commission approve the department to file the Proposed Rulemaking Amendment to the Department's Construction and Operating Permits regulation with the Joint Committee on Administrative Rules and the Secretary of State's Office.
8. 10 CSR 20-6.200 Storm Water Regulations Proposed Rule – MS4 Definitions
John Rustige, Permits and Engineering
Recommended Action: Staff recommends the Commission approve the department to file the Proposed Rulemaking Amendment to the department's Storm Water Regulations with the Joint Committee on Administrative Rules and the Secretary of State's Office.
9. 10 CSR 20-7.015 Effluent Regulations Regulatory Impact Report
John Rustige, Permits and Engineering
Recommended Action: The department requests the Commission's approval to proceed with the public notice of the Regulatory Impact Report for 10 CSR 20-7.015.
10. 10 CSR 20-7.031 Water Quality Standards Proposed Rule
Phil Schroeder, Water Quality Monitoring and Assessment
Recommended Action: The department requests the Commission's approval to file a Proposed Amendment to the Water Quality Standards 10 CSR 20-7.031 as proposed by department staff (or as further modified by the Commission).

11. Chapter 10, 11, 13 Underground Storage Tank and Chapter 15 Aboveground Storage Tank Rules
Tim Chibnall, Hazardous Waste Program

Recommended Action: Staff recommends the Commission concur with the department's proposal to move rules pertaining to underground and above ground storage tanks to new Division 26 in the Code of State Regulations.

12. 10 CSR 20.4.061 Storm Water Grant and Loan Regulation
Joe Boland, Financial Assistance Center

Recommended Action: Information only.

13. Small Borrower Loan for Hartville
Joe Boland, Financial Assistance Center

Recommended Action: Staff recommends the Commission approve the proposed small borrower loan increase to the city of Hartville

14. State Revolving Fund Change in Anticipated Funding
Doug Garrett, Financial Assistance Center

Recommended Action: Staff recommends that the commission approve amending the State Fiscal Year 2009 Intended Use Plan (IUP). Amending the IUP at this time will allow staff to request the Environmental Protection Agency to award the 2008 and 2009 Capitalization Grants.

15. State Revolving Fund Project List Revisions
Doug Garrett, Financial Assistance Center

Recommended Action:

- Staff recommends the Commission approve moving the Calvey Creek Sewer District's Crestview Area project from the Planning list to the Carryover Fundable list.
- Staff recommends the Commission approve moving the El Dorado Springs project from the Contingency List to the Fundable List.
- Staff recommends the Commission approve moving the Reeds Spring project from the Planning List to the Fundable List.
- Staff recommends the Commission approve increasing the eligible project amount for the city of Warrensburg from \$4,611,000 to \$8,550,000.

16. Concentrated Animal Feeding Operation (CAFO) Nutrient Management Technical Standard
Darrick Steen, Permits and Engineering

Recommended Action: Informational Only. The purpose of this discussion is to provide commission members background and briefing on this document in advance of anticipated approval. The department will pursue formal approval from the commission later in February. This discussion will provide additional opportunity for the public to provide comment to the commission on the document, and allow time for the department to make any changes resulting from the discussion.

Enforcement

17. J. Becker Development, LLC (Lake Carmel), NP-0002320, Cole County – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends that the Missouri Clean Water Commission request the Missouri Attorney General to institute a civil action against Mr. Becker on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require compliance with the Missouri Clean Water Law and civil penalties for past violations and to obtain any relief deemed appropriate by the Office of the Attorney General.

18. Stinnett Grease Service, LLC, NP-002342, St. Charles County – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission request the Missouri Attorney General to institute appropriate legal action against Stinnett Grease Service, LLC and Mr. Zane Stinnett on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require compliance with the Missouri Clean Water Law, payment of civil penalties for past violations and any relief deemed appropriate by the Attorney General’s Office.

19. Ralph and Linda Walker, Walkers Salvage, NP-0002322, Lawrence County – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission request the Attorney General take appropriate legal action against Mr. Ralph Walker and Ms. Linda Walker on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require payment of civil penalties for past violations, compliance with the Missouri Clean Water Law and any relief deemed appropriate by the Attorney General’s Office.

20. St. James Estates, L.L.C., Mr. Joseph Kortkamp, and Mr. Thomas Kortkamp, MO-R106937, Lincoln County – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission request the Missouri Attorney General to institute appropriate legal action against St. James Estates, LLC, Mr. Joseph Kortkamp, and Mr. Thomas Kortkamp, on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require payment of civil penalties for past violations and any relief deemed appropriate by the Attorney General’s Office.

21. Dixie Country Acres, Marcellous and Dana Kronk, Callaway County, MO-R10B321 – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission request the Missouri Attorney General to institute appropriate legal action against Mr. and Mrs. Kronk on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require Mr. and Mrs. Kronk to stabilize the property and pay civil penalties for past violations.

22. Mr. Mark Edgar and Dequire Subdivision, MO-0055034, Madison County – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission request the Missouri Attorney General to institute appropriate legal action against Mr. Mark Edgar and the property owners connected to the lagoon, on behalf of the Missouri Clean Water Commission and the department, requiring Mr. Edgar and the property owners to comply with the Missouri Clean Water Law; pay a civil penalty for past violations; and any relief deemed appropriate by the Attorney General’s Office.

23. Wheeler Estates Subdivision, NP-0002389, Dunklin County - Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission request the Missouri Attorney General to institute appropriate legal action against Mr. Wheeler on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require Mr. Wheeler to immediately discontinuing any further development in Wheeler Estates Subdivision until a central wastewater treatment facility is available, construct a department approved central wastewater treatment system for the subdivision and pay civil penalties for past violations.

24. Indian Ridge Resort, Inc., Stone County, MO-R109N01 – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends that the Missouri Clean Water Commission request the Missouri Attorney General to institute a civil action against Indian Ridge Resort Inc on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require Indian Ridge Resort Inc. to stabilize the property and pay civil penalties for past violations.

25. Urbana Stockyards, NP-0002300, Dallas County – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission request the Missouri Attorney General to institute appropriate legal action against Ms. Knight on behalf of the Missouri Clean Water Commission and the Missouri Department of Natural Resources to require Ms. Knight to obtain an engineering evaluation of the site’s stormwater flows with recommendations for developing and implementing a stormwater and waste management plan for the site and pay civil penalties for past violations.

Staff Updates

26. Permits and Water Quality Review Sheet Update
Refaat Mefrakis, Permits and Engineering

Recommended Action: Information only.

27. Financial Assistance Center Update
Joe Boland, Financial Assistance Center

Recommended Action: Information only.

Standing Items

- Legal Report
Mary Bryan, Attorney General’s Office
- Director’s Update
Edward Galbraith, Director, Water Protection Program

Recommended Action: Information only.

Presentation

- Total Maximum Daily Load Development and Implementation
John Hoke, Water Quality Monitoring and Assessment

Recommended Action: Information only.

- **Public Comment and Correspondence** - This standing item provides an opportunity for comments on any issue pertinent to the Commission's role and responsibilities. The Commission encourages any and all interested persons to express their comments and concerns.
General Public

Recommended Action: Information only.

- **Future Missouri Clean Water Commission Meetings**
 - March 4, 2009 Commission meeting location Quality Inn and Suites, Highway 36, 120 Lindsey Drive, Hannibal, Missouri.
 - May 6, 2009 Commission meeting location Department of Natural Resources, Lewis and Clark State Office Building, La Charrette/Nightingale Creek Conference Rooms, 1101 Riverside Drive, Jefferson City, Missouri.
 - July 1, 2009 Commission meeting location Drury Lodge, 104 South Vantage Drive, Cape Girardeau, Missouri.
 - September 2, 2009 Commission meeting location University Plaza Hotel and Convention Center, 333 John Q Hammons Parkway, Springfield, Missouri.
 - November 4, 2009 Commission meeting location to be determined.

Recommended Action: Information only.

Closed Meeting - The Clean Water Commission may go into closed session at this meeting if such action is approved by a majority vote of the Commission members who constitute a quorum, to discuss legal, confidential or privileged matters under Section 610.021(1), RSMo (Supp. 1995); personnel actions under Section 610.021(3), RSMo (Supp. 1995); personnel records or applications under Section 610.021(13), RSMo (Supp. 1995) or records under Section 610.021(14), RSMo (Supp. 1995) which are otherwise protected from disclosure by law.

Target Adjournment: 3:00 p.m.

For more information contact:

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**Staff Action Items Follow-up Summary
From November 5, 2008 Missouri Clean Water Commission Meeting**

- 1) General State Revolving Fund Presentation. (Possible workshop in May, 2009)
- 2) Presentation on Total Maximum Daily Load Development and Implementation.

