

Public Notice of Updated Regulatory Impact Report for
10 CSR 20-7.031, *Water Quality Standards*
Sept. 25, 2017 – Nov. 24, 2017

The Missouri Department of Natural Resources has published a Regulatory Impact Report on proposed revisions to Missouri rule 10 CSR 20-7.031, *Water Quality Standards*. The report is required at the beginning of the rulemaking process for rules prescribing environmental standards or conditions.

This report revises the report originally filed July 24, 2017. It has been revised to reflect key changes to the proposed rule, including removal of the drinking water use and reassignment of Truman Lake to the plains region. The report documents the environmental and economic costs and benefits associated with all the proposed changes.

Under Governor Greitens' leadership, all state agencies are working to reduce regulations or other government rules or processes that unnecessarily burden individuals and businesses while doing little to protect or improve public health, safety and our natural resources. Under Director Carol S. Comer, the department is committed to limiting regulation to only what is necessary to protect Missouri's environment, implement statutory mandates and maintain state control of programs.

The proposed changes to Missouri's Water Quality Standards and accompanying Regulatory Impact Report have been issued with these goals in mind. We welcome your comments to help ensure that our regulations provide required protections but do not add unneeded costs.

The most significant component is the revision of lake nutrient criteria that is required as the result of recent litigation against the U.S. Environmental Protection Agency. EPA is obligated to propose numeric nutrient water quality criteria for Missouri lakes by Dec. 15, 2017, if the state does not do so. The department has developed cost opinions of the impacts to public and private permittees both from these proposed nutrient criteria and from criteria that EPA would likely promulgate using federal ecoregional criteria for lakes. The department estimates its rule would require upgrades to remove nutrients at approximately 30 public and private wastewater treatment plants. Estimates of statewide costs to implement the proposed rule range from \$48.7 million to \$83.1 million, far less than the \$2.4 billion in upgrades the department estimates a federal rule could cost Missouri wastewater systems.

Other changes that are proposed in this draft include the following revisions:

Statutory requirements:

- Amends the definition of Waters of the State to match statutory changes enacted in 2015

Changes requested by stakeholders:

- Mixing zone requirements – allows greater latitude for mixing zones considerations for permittees
- pH criteria – clarifies the specific criteria for pH
- Hardness – changes the way hardness values are statistically derived

Changes in response to EPA actions:

- Antidegradation – addresses concerns by EPA regarding *de minimis* provisions in the existing rule
- Dissolved Oxygen Criteria – removes site-specific dissolved oxygen criteria that were previously disapproved by EPA

EPA 304(a) criteria:

- Table A adopts certain national criteria developed by EPA, but does not include changes to aluminum, acute cadmium, manganese, ammonia, and bacteria/pathogens, all of which are under further review. The department is required to update its criteria periodically to ensure that they conform to the most recent scientific data regarding the effects of these pollutants. With these revisions, the department estimates that the changes will create increased (less stringent) limits for 1,376 permits, and decreased (more stringent) limits for 477 permits. No change is expected for 4,839 permits.

Administrative/Rule Clean-up:

- Table J - Removes an outdated table of losing streams and replaces it with a geospatial database
- Missouri Use Designation Dataset – updates the data set used to implement Missouri’s use classification system

The department is providing a public comment period for public review and comment on this report through Nov. 24, 2017. A public comment period will also be provided on the proposed rule amendment during the rulemaking process.

The Regulatory Impact Report can be accessed online under the Proposed Rules, Rules in Development at dnr.mo.gov/proposed-rules. This report is also available on the Water Protection Program’s Rule Development website at dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm. Documents supporting development of the Regulatory Impact Report are available and linked on the Water Protection Program Rule Development website.

Written comments on the report will be accepted through 5 p.m. Friday, Nov. 24, 2017. Comments must be submitted either online at dnr.mo.gov/proposed-rules, or by mail, at department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176, Attn: WQS Coordinator. Contact information in all comments should include your name, email address and phone number.