

Missouri Clean Water Commission
Department of Natural Resources
Lewis and Clark State Office Building
LaCharrette/Nightingale Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri
January 8, 2014

2014 Top Ten

Issue: The Commission wishes to exercise its authority in more global or strategic aspects of clean water. The change in focus of the Clean Water Commission would examine some of the larger questions of how the Commission may use its authority to influence major aspects of clean water in Missouri. This begins with the identification of areas that may be productively influenced by Commission involvement and action.

Background: At the November 6, 2013 Commission meeting, Chair Parnell expressed interested in examining major decision areas in which the Commission could focus its efforts rather than deal with the day to day matters that are typically on the agenda. While directing staff to examine what routine items could be managed within the Department, the Commission requested agenda items that examined the possibility of exercising their authority on more global clean water matters facing the state. The Commission requested those involved with management of the state's water, including but not limited to Commissioners, the Department, and stakeholders suggest areas in which the Commission could focus its energies in 2014. These topics could be the starting point for the Commission to organize their activities for this year and beyond.

Recommended Action: Information only.

Suggested Motion: None.

Attachments:

- Lists of Top Ten prepared by Commissioners, Staff and Stakeholders.

Clean Water Commission's Top Ten Lists

Chair Parnell

- 1) Focus on developing a long term vision for Missouri's waters.
- 2) Organizational structure in DNR that allows such focus.
- 3) Sustainable funding for CWC/DNR.

Clean Water Commission
Wallis W Warren

December 11, 2013

2014 Areas of Focus

Default classification for all waters not currently in dataset – most representative of Federal CWA's goals

Assign warm water classification to wetlands on public land as interim classification until criteria for more specific classification is obtained.

UAA protocol developed for ease of application to upgrade additional waters.

Develop strategy for nonpoint source nutrient reduction including BMP (ie: 4R Nutrient Stewardship) and adaptation of advanced technology as well as regulatory guidelines. This would also include accountability and waste management practices for CAFOs on a watershed scale.

Review of 'success stories' from municipalities that have implemented methods for wastewater treatment showing innovative and practical applications. Use as template for other communities to assist them in meeting requirements.

Concentrate on specific timelines for completion of rulemaking.

Provide sustainable funding for DNR to allow more efficiency, flexibility for organizational streamlining and implementation of programs.

Review of DNR and Commission's role regarding protection of groundwater quality/quantity including pipeline permitting and monitoring.

Review DNR and Commission's role regarding floodplain management and regulations.

TOP 10 SUGGESTIONS FOR DNR/CWC PLANNING/ACTION

December 9, 2013

1. **CLEAN WATER COMMISSION RULES/OPERATING PROCEDURES.**
2. **CWC FUNDING FOR LEGAL-TECHNICAL SUPPORT.**
3. **ATTENDANCE OF CWC IN STATEWIDE MEETINGS:ie MPUA, REGFORM, etc.**
4. **DNR STAFF VISITS STATEWIDE TO EXPLAIN EFFECTS OF NEW WATER QUALITY STANDARDS AND EFFLUENT REGULATIONS.**
5. **FUNDING FOR UPGRADES REQUIRED BY #4.**
6. **WORK SESSION WITH DNR STAFF TO STREAMLINE COMMUNICATIONS AND EXCHANGE OF IDEAS AND INFORMATION.**
7. **EXPEDITE RESOLVING ISSUES OF WATER QUALITY STANDARDS.**
8. **DNR/STAKEHOLDER SCHEDULE FOR NEW AMMONIA RULES.**
9. **REVIEW PHYSICAL SETUP OF CWC MEETINGS.ie ANGLE TABLES SO MEMBERS HAVE LINE OF SIGHT TO PRESIDENT. ALSO MEMBERS TO HEAR/UNDERSTAND CONVERSATIONS.**
10. **REVISE METHODS OF MEMBERS PAYING FOR LUNCH**

BUDDY L BENNETT
OAK GROVE

Water Protection Program Staff's Top Ten List

Water Protection Program 2014 Top Ten List

1. **Water Quality Standards** – complete 2013 revisions and initiate triennial review including updates of criteria since 2005 including toxics, disapproved items from earlier revisions, wetlands, and other aspects
2. **New Ammonia Criteria** – focus special attention on establishing how this will be implemented, including applicability, mixing zones, phase-in scheduling, technology considerations, affordability/integrated planning, promotion of land application and other aspects
3. **Electronic Technology Uses** – work toward automating an additional general permit or permit applications
4. **Community Services** – continue development of initiative to focus assistance to communities in Our Missouri Waters watersheds
5. **Total Maximum Daily Load Implementation** – there have been many TMDLs developed in the last 12 years, and we need to focus on how they are implemented through permits and/or watershed management plans.
6. **Nutrients** – participate in discussion on implementation of nutrient reductions following completion of nutrient reduction strategy in 2014

Stakeholder's Top Ten Lists

Clean Water Topics Noted at the December 3, 2013 Water Protection Forum

1. Low state salaries (Phil Walsack)
2. Floodplain regulations (Lorin Crandall)
3. Wetlands inventory (Lorin Crandall)
4. Cover crops and stream buffers (Lorin Crandall)
5. Nutrients – numeric criteria and reduction strategy (Lorin Crandall)
6. Affordability (Phil Walsack, Tom Raterman)
7. Geospacial population distribution (Phil Walsack)
8. SRF administration fee (Tom Raterman)
9. Flanigan South pipeline (Lorin Crandall)

Note: This Water Protection Forum broadcast is recording is at [http://www.youtube.com/watch?v=et4yOBcR720&feature=youtu.be;](http://www.youtube.com/watch?v=et4yOBcR720&feature=youtu.be)
This topic begins at time 1:34.



BCRSD

Boone County Regional Sewer District

Clean water for your future

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November 13, 2013

Department of Natural Resources
Division of Environmental Quality
Water Protection Program
John Madras
P.O. Box 176
Jefferson City, MO 65102

RE: Public Comment on Revisions to 10 CSR 20-6.011 Fees

Dear Mr. Madras:

The Boone County Regional Sewer District (BCRSD) is supportive of the increases in the Clean Water Fee Structure if this increase is accompanied by a decrease in the State Revolving Fund Administration Fee.

BCRSD has participated in most of the stakeholder meetings regarding the need for fee increases. Much information was shared by MDNR staff regarding the current funding for the Water Protection Program (WPP) including the subsidy from SRF Administration fees. The group agreed that the WPP should be self-supporting and the cost of services such as permitting, inspections and water quality monitoring should be covered by WPP fees.

The SRF Administration Fee was increased recently during the time of very lean budgets exacerbated by unwillingness by the legislature to renew and increase fees. Charging entities that participate in the SRF fund increased fees in order to fund the WPP means the SRF participants are paying to reduce costs for any entity seeking the services of the WPP. The same entities are now facing increased WPP fees without assurance that they will no longer be subsidizing permit fees for everyone else as well.

As the group worked to determine the fees needed to fund the program the question was often raised, "Will the SRF admin fees return to .5% and furthermore, will the loans that have been closed with the 1% admin fee be reduced to .5%?"

During the stakeholder meetings MDNR staff reported that the SRF Admin Fee is not a part of the Clean Water Fee structure and would be addressed under a separate policy. Our understanding was the SRF Admin Fee policy was being addressed in conjunction with this effort to make the WPP self-supporting. The BCRSD requests a copy of this policy. If the policy includes a reduction in the SRF Admin fee, the BCRSD can fully support an increase in the Clean Water Fee structure.

Yours truly,

BOONE COUNTY REGIONAL SEWER DISTRICT


By Lesley Oswald
Manager, Finance and Administration

C: BCRSD Board
Tom Ratermann, General Manager



ASSOCIATION OF MISSOURI
CLEANWATER AGENCIES

PRIORITY ISSUES FOR CLEAN WATER COMMISSION IN 2014

DECEMBER 2013

1. Finalize MS4 General Permit imposing appropriate requirements for small MS4 communities (ones that do not set them up to fail).
2. Develop realistic "reference" streams for urban waters with an urban biotic index so we are not unnecessarily and inappropriately comparing urban streams to isolated forested streams (thereby setting urban streams up to fail)
3. Finalize an equitable, affordable, and cost-effective Nutrient Reduction Strategy for the Gulf of Mexico which is based upon sound science
4. Develop equitable permit fees taking into consideration appropriate State General fund support, equity between sources and equity within sources
5. Minimize SRF admin/annual fees to levels necessary to support SRF administration
6. Ensure adequate DNR water program staff
7. Develop an appropriate approach to addressing nutrient enrichment of lakes and rivers/streams. Such criteria should focus on response variables which are tied to the applicable beneficial uses
8. Defer the adoption of the new national ammonia criteria so that a more searching review of the criteria can be performed with an eye toward customizing the criteria for application to Missouri waters
9. Ensure Missouri facilities have full access to cost-effective wet weather treatment options such as blending of peak wet weather flows.
10. Support integrated planning by localities to target environmental investments to community environmental priorities in an affordable manner.
11. Require reasonable TMDL Implementation Plan requirements, which feature iterative best management practices for MS4 permittees.

REGFORM

**REGULATORY ENVIRONMENTAL
GROUP FOR MISSOURI**

December 10, 2013

Mr. Todd Parnell
Chairman
Missouri Clean Water Commission
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Subject: Top Ten List for CWC Strategic Planning

Dear Chairman Parnell and Commissioners:

At the November 6, 2013 meeting of the Clean Water Commission, you invited stakeholders to identify a list of "Top Ten" items that the Commission could consider as a strategic focus during 2014 and beyond.

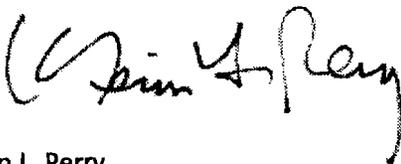
We appreciate this invitation. We offer the following items for your consideration:

- Let's resolve the chloride/sulfates standard now. We can fix it now without interrupting future WQS rulemakings.
- Let's undertake a genuine effort to prioritize the work of the WPP. Missouri issues more water permits than nearly any other state in the U.S. Some activities simply do not have the same level of importance and should be further evaluated. We made a solid start last year by adopting exemptions for construction permits for certain industrial sources but we can do better to identify, assess and weed out work areas that provide little or no value to environmental protection. Our financial viability depends on this honest evaluation of what's important. A reasonable resource management approach is used by other Missouri state agencies.
- Let's work quickly and efficiently with facilities and communities to remove those water bodies that are not fishable/swimmable out of the data set using a transparent process that is clear and predictable.
- Let's stop using the 0.5% admin fee. And let's be clear about the use of 319 grant money. Is it being used to support the on-going operation of the WPP as we suspect?

- Let's finally do something about staff pay. Let's not throw up our arms and say "we can't solve that." Let's not give up simply because it's an OA issue. We will live with the negative impacts of low staff pay for decades into the future if we don't start now and persist in finding a remedy.
- Let's clearly shift all aspects of operation so that the Water Protection Program is undoubtedly a Missouri program, which needs Missouri fees, not a U.S. EPA client. Missouri should not be paying simply to help staff the U.S. EPA program.
- Let's undertake a thorough review of the permits and facilities that are affected by the *Iowa League of Cities v. U.S. EPA* decision. If we relieve these entities of burdens rejected by the Court, Missourians can save millions of dollars. Those dollars can be put to better use in our communities.
- Let's revisit the current WET testing provisions and rules. We can start with the testing of species. U.S. EPA does not limit facilities to two species but MDNR does. Let's not impose chronic testing in every instance. And finally, let's take the pass/fail trigger out of the acute testing. This is an area of regulation that cries out for more flexibility.
- Let's adopt a reasonable approach to numeric nutrient limits. Throw off the "looks like science" approach that was used last time to arrive at unattainable numbers. While we're at it, let's end the practice of setting any standard that can't be measured or can't technically be achieved.
- Let's schedule and complete several plant tours so Commissioners can see and understand first-hand what it's like to operate a waste water treatment facility. And further, let's make a consistent effort to train and educate our citizen commissioners in addition to plant tours.
- Our members are reporting that their permit renewals are taking longer. Let's renew the effort to get more timely reviews. Even though the "old" permit remains in effect, delaying permits makes facilities vulnerable to the most recent, and costly, changes.

Thank you for considering our comments. We look forward to working with you and staff as we move forward to improve Water Protection in the state of Missouri.

Sincerely,



Kevin L. Perry
Assistant Director

c: Roger Walker, Executive Director, REGFORM
REGFORM Members

Steenbergen, Malinda

From: Madras, John
Sent: Tuesday, December 10, 2013 12:15 PM
To: Steenbergen, Malinda
Subject: FW: Stakeholder top 10 List for CWC priority issues

One of two lists. There were also some comments at the forum, and I could write those out as well.

From: Sara Edgar [mailto:sara.edgar@sierraclub.org]
Sent: Tuesday, December 10, 2013 11:15 AM
To: Madras, John
Subject: Stakeholder top 10 List for CWC priority issues

Mr. Madras,

Thank you for allowing input and considering stakeholder priorities. The Sierra Club is focused on a number of issues concerning water quality here in Missouri. Our top issues that we are concerned about and believe should be CWC priorities are:

1. Coal Combustion Waste (Coal Ash) Policy
 - Safe handling and storage as well as Effluent Limit Guidelines for coal ash waste sites
2. NPDES permits for power plants, especially the many long expired NPDES permits that need to be updated
3. Thermal pollution from power plants
4. Mercury pollution from power plants
5. Preservation of wetlands, especially along the Mississippi River including the New Madrid Floodway issue
6. Preservation of the Hellbender
7. Habitat Restoration along the Missouri River

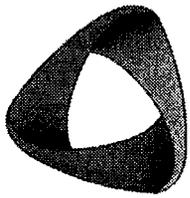
Thank you for your time and consideration.

Sara

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Sara Edgar, MSW
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MPUA

Missouri Public Utility Alliance

December 18, 2013

Missouri Clean Water Commission
c/o: John Madras, Director
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Re: 2014 "Top Ten" List

Dear Chairman Todd Parnell & Commissioners:

The Missouri Public Utility Alliance (MPUA) is a non-profit association of municipal governments that provides advocacy to its members. MPUA appreciates the opportunity to respond to a request by the Commission to compile a "Top Ten" list. We preface the composition of this list by stating the following. First, we would appreciate the opportunity to let you know our most pressing action item(s) for the Commission at your January 8, 2014 Clean Water Commission meeting. Second, we view the following list as those items that we deem important topics that Commission **should be concerned about and/or should consider becoming engaged in** during the coming year.

- A. Assist the Department by directing their focus to its "core functions". MPUA suggests that the core Departmental functions/priorities are NPDES permitting (including adequate water quality monitoring); inspection of facilities; and enforcement actions taken with non-compliers.
- B. Rate affordability dramatically effects community viability. Engage in a meaningful affordability finding process. Encourage the Department to use "full cost of service" evaluations when conducting affordability findings.
- C. Long-term demographic patterns are visible and need to become recognized as part of the Department's compliance toolbox. Small towns in Missouri are under increased pressure to comply with Federal & State rules / regulations that they see as unachievable,

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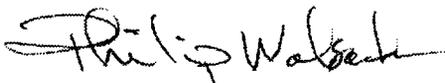
Missouri Association of Municipal Utilities
Missouri Joint Municipal Electric Utility Commission
Municipal Gas Commission of Missouri

unaffordable, and unnecessary. In time, this could cause an erosion of pollution-reducing gains or, in the worst case, a revolt against regulatory agencies' current "understanding and interpretation" of the Clean Water Act.

- D. The newly-released Federal Ammonia Criteria, if adopted by the State of Missouri, will cause hundreds of municipalities and hundreds of business with NPDES Permits to be incapable of compliance unless they completely "scrap & replace" their current wastewater treatment technology. This financial burden may be too much to bear.
- E. Gain an understanding that certain end-of-pipe effluent limits are beyond (i.e., lower than) the limits of technology. The proposed Federal Water Quality Standards Clarification Rule acknowledges that this change will be an example of "goals" that are not "practicable".
- F. Gain an appreciation of the fact that certain metal concentrations are deemed "safe" by the Safe Drinking Water Act, but are considered "toxic" under the Clean Water Act. Understand that the governmental regulatory agencies are instructing municipalities to reduce electric power consumption at their wastewater treatment facilities (thus reducing the effect of greenhouse gases on the atmosphere), while simultaneously requiring an increase in electric power consumption by demanding the reduction of certain pollutants in wastewater effluent (reducing ammonia to the projected levels will necessitate a massive increase in electric power consumption). Governmental insistence on "simultaneous compliance" is unachievable. In the end, it leads to the public's distrust of science performed by governmental agencies and its environmental compliance priorities.

The Missouri Public Utility Alliance would appreciate your engagement in these important issues and topics. If you have any questions or concerns about our list, please feel free to contact Phil Walsack or Floyd Gilzow at (573) 445-3279. We would be delighted to meet with each, and every, one of you.

Sincerely,



Philip Walsack
Manager of Environmental Services