

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

Administrative Rules Outlook for 2014 and Beyond

Issue: Rules of the Clean Water Commission will be in various stages of development and promulgation in 2014. At this time the Department is presenting a snapshot of the rules that are under development and may come before the Commission in 2014 or the following years.

Background: The attached descriptions provide information on the rules that are under development and may be formally proposed over time. The Department welcomes comments on any rule at any time. Rule changes will go through the formal process of proposal in the Missouri Register followed by hearing and decision by the Commission. A fuller description of the rules and changes proposed for them will be included in the presentations in the formal process, as well as in discussion in the Water Protection Forum and other venues before the formal proposals are filed. In addition, House Bill 1135 (2012) provides for all administrative agencies to review all of their rules on a rotating basis. To the extent changes in rules become apparent from this review, appropriate changes may be proposed to these or other rules.

Recommended Action: Information only.

Suggested Motion: None.

Attachments:

- Description of rules under development in 2014.

Clean Water Rules in Development in 2014

Chapter 4

- 10 CSR 20-4.010 - Construction Grant and Loan Priority System

Staff contact: Doug Garrett

Primary focus will be to address priority for the targeted watersheds.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.040 - State Revolving Fund General Assistance Regulation

Staff contact: Doug Garrett

Overall update of the State Revolving Fund regulations. Issues known at this time include audit requirements, design/build requirements, and TMF requirements.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.020 State Match Program

Proposed Rescission

Staff contact: Pat Smith

This program provided a state match to those entities receiving an Environmental Protection Agency Construction Grant. Funding for this program ended in 1987.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.021 State Construction Grant Program

Proposed Rescission

Staff contact: Pat Smith

This program was replaced by the State Forty Percent Construction Grant Program 10 CSR 20-4.023 in 1990.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.022 Industrial Development Program

Proposed Rescission

Staff contact: Pat Smith

This program provided grant funds to communities for the construction of pre-treatment facilities.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.043 Hardship Grant Program

Proposed Rescission

Staff contact: Pat Smith

This program was developed in order to secure available federal funding for disadvantaged communities. Congress has not appropriated funding for this program since the initial appropriation in the late 1990's.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.049 State Match to State Revolving Fund Loan Program

Proposed Rescission

Staff contact: Pat Smith

This was a short term grant program to entice public entities to apply for Clean Water State Revolving Loan (CWSRF) funds when the CWSRF was initially implemented.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.050 - Environmental Review

Staff contact: Byron Shaw

State Environmental Review Process (NEPA compliance) current regulation does not allow the Department to accept NEPA reviews completed by our funding partners (USDA Rural Development or the Community Development Block Grant Program).

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.060 Storm Water Assistance Regulation

Proposed Rescission

Staff contact: Pat Smith

This regulation and program are obsolete. Financial assistance for storm water projects may be funded under 10 CSR 20-4.061, Storm Water Grant and Loan Program, when the state legislature authorizes and appropriates the necessary funding.

Schedule: Start 2014; Rule effective date anticipated 2016

- 10 CSR 20-4.070 Sales Tax Exemption

Proposed Rescission

Staff contact: Pat Smith

This program is now administered by the Missouri Department of Revenue.

Schedule: Start 2014; Rule effective date anticipated 2016

Chapter 6

- 10 CSR 20-6.010 Permits

Staff contact: Leasue Meyers

Update to address continuing authority, permit exemptions, construction permits, schedules of compliances and other changes.

Schedule: Start date: in progress; Rule effective date anticipated 2015

- 10 CSR 20-6.011 Fees

Staff contact: John Madras

Update for clean water fees to become effective January 1, 2017.

Schedule: Start date: 2014; Rule effective date anticipated 2016

- 10 CSR 20-6.030 Disposal of Wastewater in Residential Housing Developments

Staff contact: Charles Harwood

The purpose of the residential housing rule is to protect the environment and public health by establishing requirements for developers of residential housing to determine an acceptable method of wastewater treatment prior to development and encourage sustainable planning. Noteworthy modifications to the rule include the minimum number of lots (units) necessary before a development is required to receive written approval, ensure definitions within the rule are consistent with and based upon accepted peer-reviewed and technical publications, clarify the current requirements and support the accepted science and methodology, promote the adoption of EPA's Voluntary National Guidelines for Management of Onsite and Clustered Wastewater Treatment Systems, and allow for the implementation of management strategies between the department and other state and local agencies.

Schedule: Start date: 2014; Rule effective date anticipated 2015

- 10 CSR 20-6.060 Water Quality Certification

Staff contact: Stacia Bax

Update for new procedures and standards.

Schedule: Start date: 2014; Rule effective date anticipated 2015

- 10 CSR 20-6.200 Storm Water Regulations

Staff contact: Ruth Wallace

The purpose of this amendment is to:

- a. Correct language to clarify federal waiver provisions for small municipal separate storm sewer systems (MS4s) per federal regulation,
- b. Modify language to clarify the department's use of federal criteria for MS4s with populations of 10,000 or more outside of urbanized areas,
- c. Add language to include federal narrative effluent limitations now effective,
- d. Modify language to clarify federal requirements for small regulated MS4s,
- e. Modify language to clarify the provision for establishing pollutant benchmarks in site-specific industrial stormwater permits and to clarify requirements for written stormwater pollution prevention plans in these site-specific industrial stormwater permits, and
- f. Respond to changes in the EPA stormwater proposed rule update expected sometime in the future. The date cannot be determined until issues with the federal rulemaking are resolved.

Schedule: Start date: Potentially 2014 depending upon federal rulemaking; Rule effective date to be determined

- 10 CSR 20-6.300 Concentrated Animal Feeding Operations

Staff contact: Amanda Sappington

The rule would be revised to incorporate changes necessary as a result of House Bill 28, most notably construction permits are no longer required unless a facility is constructing an earthen storage structure, and other changes to administer the permitting responsibilities consistently with federal law.

Schedule: Start date: Already underway; Rule effective date anticipated 2016

Chapter 7

- 10 CSR 20-7.015 Effluent Regulations

Staff contact: To be determined

This rule may be modified to implement changes in water quality standards, such as the phasing of new requirements, or other needs.

Schedule: Dates similar to water quality standards rule below

- 10 CSR 20-7.031 Water Quality Standards

Staff contact: John Hoke

Pursuant to 40 CFR 131.20, the department will initiate a formal triennial review of the state's water quality standards in CY 2014. Topics to be considered during this rulemaking include adoption of new water quality criteria (e.g., ammonia, bacteria, other criteria in Table A, and nutrient criteria for streams), addressing EPA disapproved items (e.g., nutrient criteria for lakes), establishing natural condition provisions, incorporating use attainability analyses, applying designated uses to wetlands on public lands, and other revisions that improve the clarity and effectiveness of the rule.

Schedule: Start: upon completion of present amendment in 2014; anticipated completion 2015.

Chapter 8

- 10 CSR 20-8.140 Sewage Treatment Works

Staff contact: Byron Shaw

The amendment will reflect the 2004 10 States Standards, which are considered national standards and used throughout the United States and Canada.

Schedule: Start: Present a draft rule to stakeholders in November 2014; Anticipated completion May 2016.

- 10 CSR 20-8.190 Disinfection

Staff contact: Byron Shaw

The amendment will reflect the 2004 10 States Standards. The current rule discusses only chlorine and ozone as a means of wastewater disinfection. The proposed rule revisions will provide consistency between Public Drinking Water guidelines regarding chlorine housing and safety, and the addition of rules for ultraviolet radiation (UV) and peracetic acid (PAA). This amendment will align the rule with current industry standards and practices.

Schedule: Start: Present a draft rule to stakeholders in March 2014; Anticipated completion is October 2015.

- 10 CSR 20-8.180 Biological Treatment

Staff contact: Byron Shaw

The proposed rule revisions will include clarifying the language, incorporating the 10 States Standards, and the addition of rules for additional treatment technologies. This amendment will align the rule with current industry standards and practices.

Schedule: Start: Present a draft rule to stakeholders in December 2014; anticipated completion is July 2016.

- 10 CSR 20-8.300 Manure Storage Design Regulations

Staff contact: Refaat Mefrakis

This rulemaking removes the construction permit requirement for Concentrated Feeding Operations. The existing specific design criteria for the construction of manure management systems will not change. The requirement for a construction permit will remain for the construction of an earthen basin in accordance with the Missouri Revised Statutes 644.051.1 as revised.

Schedule: Start: 2014; anticipated completion 2015.

- 10 CSR 20-8.500 Secondary Containment for Agrichemical Facilities

Staff contact: Refaat Mefrakis

This rulemaking removes the construction permit requirement for agrichemical facilities in accordance with Missouri Revised Statutes 644.051.1 as revised in 2013. The existing specific design criteria for the construction of agrichemical facilities will not change.

Schedule: Start: 2014; anticipated completion 2015.

Chapter 9

- 10 CSR 20-9.010 Wastewater Treatment Systems Operation Scope Monitoring

Staff contact: Darlene Helmig

This is an overall update of the regulation, which was most recently updated in 1977. Issues known at this time include modifying the daily operational monitoring requirements, and modifying the language to more clearly identify which WWTFs the rule applies to.

Schedule: Start: 2014; Anticipated completion May 2016.

- 10 CSR 20-9.020 Classification of Wastewater Treatment Systems

Staff contact: Darlene Helmig

This is an overall update of the regulation, which was most recently updated in 1977. Issues known at this time include updating how wastewater treatment facilities are classified to include technologies that are not currently in the points system, and modifying the language to more clearly identify which WWTFs are required to have operators.

Schedule: Start: 2014; Anticipated completion May 2016.

- 10 CSR 20-9.030 Certification of Wastewater Operators

Staff contact: Darlene Helmig

This is an overall update of the regulation, which was most recently updated in 1992. Issues known at this time include updating examination, renewal and reciprocity fee information to reflect what is provided in statute, and overall revision of language to be more consistent with drinking water treatment and distribution certificate requirements. Many operators hold more than one type of certification and having the regulations read similarly would be beneficial.

Schedule: Start: 2014; Anticipated completion May 2016.

- 10 CSR 20-9.040 Renewal Training

Staff contact: Darlene Helmig

This is an overall update of the regulation, which was most recently updated in 1992. Issues known at this time include overall revision of language to be more consistent with drinking water treatment and distribution certificate requirements. Many operators hold more than one type of certification and having the regulations read similarly would be beneficial.

Schedule: Start: 2014; Anticipated completion May 2016.

