

**DRAFT**  
**MINUTES OF THE**  
**MISSOURI CLEAN WATER COMMISSION MEETING**  
**Capitol Plaza Hotel and Convention Center**  
**415 W. McCarty Street**  
**Jefferson City, Missouri**

**November 7, 2012**

**Present**

Sam Hunter, Chair, Missouri Clean Water Commission  
Todd Parnell, Vice-Chair, Missouri Clean Water Commission  
Dennis Wood, Missouri Clean Water Commission  
Wallis Warren, Missouri Clean Water Commission  
Sam Leake, Missouri Clean Water Commission  
Buddy Bennett, Missouri Clean Water Commission  
John Cowherd, Missouri Clean Water Commission  
John Madras, Director of Staff, Missouri Clean Water Commission  
Jennifer Frazier, Counsel, Missouri Clean Water Commission  
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Melissa Bagley, Environmental Protection Agency, Lenexa, Kansas  
Karen Bataille, Missouri Department of Conservation, Columbia, Missouri  
Stacia Bax, Missouri Department of Natural Resources, Jefferson City, Missouri  
Joe Boland, EIERA, Jefferson City, Missouri  
Robert Brundage, Newman, Comley & Ruth P.C., Jefferson City, Missouri  
Debbie Bruns, Missouri Department of Natural Resources, Jefferson City, Missouri  
David Casaletto, Ozarks Water Watch, Kimberling City, Missouri  
Jaehyun Chung, Columbia, Missouri  
Je Kook Chung, Columbia, Missouri  
Lorin Crandall, Missouri Coalition for the Environment, St. Louis, Missouri  
John DeLashmit, Environmental Protection Agency, Lenexa, Kansas  
Paul Dickerson, Missouri Department of Natural Resources, Jefferson City, Missouri  
Dan Engemann, Congressman Luetkemeyer's Office, Washington  
Alyse Festenstein, Washington University, St. Louis, Missouri  
Adam Field, Great Rivers Environmental Law Center, St. Louis, Missouri  
Susan Flader, Missouri Parks Association, Columbia, Missouri  
Karen Flournoy, Environmental Protection Agency, Lenexa, Kansas  
Ed Galbraith, Barr Engineering, Jefferson City, Missouri  
Peter Goode, Washington University/Missouri Coalition for the Environment, St. Louis,  
Missouri  
Ron Hardecke, Owensville, Missouri  
John Hoke, Missouri Department of Natural Resources, Jefferson City, Missouri

Leslie Holloway, Missouri Farm Bureau, Jefferson City, Missouri  
David Hoover, U.S. Army Corps of Engineers, Kansas City, Kansas  
Liz Hubertz, Missouri Coalition for the Environment, St. Louis, Missouri  
Shane Kinne, Missouri Corn Growers Association, Jefferson City, Missouri  
Donovan Larson, Jefferson County Water District C-1, Barnhart, Missouri  
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri  
Jim Macy, Missouri Department of Natural Resources, Jefferson City, Missouri  
Caitlin McCoy, Missouri Coalition for the Environment, St. Louis, Missouri  
Jack McManus, Attorney General's Office, Jefferson City, Missouri  
Refaat Mefrakis, Missouri Department of Natural Resources, Jefferson City, Missouri  
Steve Meyer, City of Springfield, Springfield, Missouri  
Traci Newberry, Missouri Department of Natural Resources, Jefferson City, Missouri  
Bob Perry, Bowling Green, Missouri  
Bob Perry IV, Perry Law Office, Bowling Green, Missouri  
Kevin Perry, REGFORM, Jefferson City, Missouri  
Kristin Perry, Bowling Green, Missouri  
John Rustige, Missouri Department of Natural Resources, Jefferson City, Missouri  
Brook Spear, Great Rivers Environmental Law Center, St. Louis, Missouri  
Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri  
Sunny Wellesley, Environmental Protection Agency, Lenexa, Kansas  
Kristol Whatley, Metropolitan St. Louis Sewer District, St. Louis, Missouri  
Mark White, ERC  
Zach White, U.S. Army Corps of Engineers, Kansas City, Kansas

## CALL TO ORDER

Chair Hunter called the meeting of the Missouri Clean Water Commission to order on November 7, 2012 at 9:10 a.m., at the Capitol Plaza Hotel and Convention Center, 415 W. McCarty Street, Jefferson City, Missouri.

Chair Hunter made introductions of the Commissioners, Staff Director, Legal Counsel, Commission Secretary, and Director Sara Parker Pauley.

## ADMINISTRATIVE MATTERS

### **Approval of the September 5, 2012 Missouri Clean Water Commission Meeting Minutes** **Agenda Item #1**

**Commissioner Leake made a motion to approve the September 5, 2012 meeting minutes as submitted. Commissioner Parnell seconded the motion. The motion passed with a roll call vote:**

**Commissioner Cowherd: Yes**  
**Commissioner Wood: Yes**  
**Commissioner Bennett: Yes**  
**Commissioner Parnell: Yes**  
**Commissioner Warren: Yes**  
**Commissioner Leake: Yes**  
**Chair Hunter: Yes**

### **Small Borrower Loan for Bunceton** **Agenda Item #2**

Traci Newberry, Financial Services Center, presented the proposed small borrower loan for the city of Bunceton to fund the costs of adding ultraviolet disinfection to the current wastewater treatment plant.

**Commissioner Cowherd made a motion the Commission approve the proposed small borrower loan to the city of Bunceton. Commissioner Warren seconded the motion. The motion passed with a roll call vote:**

**Commissioner Wood: Yes**  
**Commissioner Bennett: Yes**  
**Commissioner Parnell: Yes**  
**Commissioner Warren: Yes**  
**Commissioner Leake: Yes**  
**Commissioner Cowherd: Yes**  
**Chair Hunter: Yes**

**Small Borrower Loan for Spickard**  
**Agenda Item #3**

Traci Newberry, Financial Services Center, presented the proposed small borrower loan for the city of Spickard to fund the construction of chlorination/dechlorination disinfection facilities to their current wastewater treatment system.

**Commissioner Leake made a motion the Commission approve the proposed small borrower loan to the city of Spickard. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:**

**Commissioner Bennett:     Yes**  
**Commissioner Parnell:     Yes**  
**Commissioner Warren:     Yes**  
**Commissioner Leake:     Yes**  
**Commissioner Cowherd:    Yes**  
**Commissioner Wood:     Yes**  
**Chair Hunter:             Yes**

**Jameson Island Shallow Water Habitat Project**  
**Agenda Item #4**

John Madras, Director, Water Protection Program, stated that the Jameson Island Shallow Water Habitat project was a continuation of the matter that had been before the Commission several times this year. Mr. Madras reported that the Department had been working with the U.S. Army Corps of Engineers toward modifications of the project so that it would be consistent with the nine principles outlined by the Department at the June 11, 2012 public hearing. The Commission discussed the options and several members of the public spoke regarding this subject. Those that spoke were:

Bob Perry IV, Perry Law Office, Bowling Green, Missouri  
Bob Perry, Bowling Green, Missouri  
Kristin Perry, Bowling Green, Missouri  
Susan Flader, Missouri Parks Association, Columbia, Missouri  
Brook Spear, Great Rivers Environmental Law Center, St. Louis, Missouri  
Zach White, U.S. Army Corps of Engineers, Kansas City, Kansas  
Ron Hardecke, Owensville, Missouri  
Lorin Crandall, Missouri Coalition for the Environment, St. Louis, Missouri

**Chair Hunter made a motion the Commission allow staff to proceed with action on the Corps of Engineers request for water quality certification for the Jameson Island project consistent with the Corps PIR alternative number three. Further, staff shall use this same approach in evaluating future shallow water habitat projects. Finally, staff shall advise the Commission upon receipt of any future request for 401 water quality certification by the Corps for shallow water habitat projects so that the Commission may take appropriate action. Commissioner Leake seconded the motion. Motion did not pass with a roll call vote.**

<b>Commissioner Parnell:</b>	<b>No</b>
<b>Commissioner Warren:</b>	<b>No</b>
<b>Commissioner Leake:</b>	<b>Yes</b>
<b>Commissioner Cowherd:</b>	<b>No</b>
<b>Commissioner Wood:</b>	<b>No</b>
<b>Commissioner Bennett:</b>	<b>No</b>
<b>Chair Hunter:</b>	<b>Yes</b>

**Chair Hunter made a motion the Commission rescind its September 12, 2007 order, as modified on March 12, 2008, relating to U.S. Army Corps of Engineers' shallow water habitat construction projects and direct staff to public notice the water quality certification for the project for 30 days, consistent with the principles of staff outlined in the June 11, 2012 hearing and consistent with Missouri and federal law. Following the public notice, the draft certification would return to the Commission for final approval no sooner than January 9, 2013. Further, staff shall evaluate any future shallow water habitat projects on their specific characteristics on a case by case basis. Finally, staff shall advise the Commission upon receipt of any future requests by the Corps for 401 water quality certification for shallow water habitat projects. Commissioner Wood seconded the motion. The motion passed with a roll call vote:**

<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Yes</b>
<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Bennett:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Chair Hunter:</b>	<b>Yes</b>

## PRESENTATIONS

### Director's Report

John Madras, Director, Water Protection Program noted the following items:

- Several upcoming meetings:
  - The final clean water fees stakeholder meeting November 15, 2012;
  - A water protection forum December 10, 2012;
  - Small system wastewater treatment December 4, 2012; and
  - Permit rule, including continuing authority and construction permits December 5, 2012.
- Following the strategic planning session several changes were made to streamline Commission business such as eliminating routine topics from the Commission's agenda so the Commissioners could focus on priority issues. The Commission was informed of several on-going initiatives such as Our Missouri Waters and watershed-based management, as well as draft policies they may wish to consider.

No action was taken by the Commission.

### Public Comment

No comments.

### Future Meetings

Chair Hunter requested Malinda Steenbergen, Secretary to the Commission, find an alternate date for the Missouri Clean Water Commission meeting that is currently scheduled May 1, 2013.

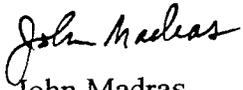
## ADJOURNMENT OF MEETING

**Commissioner Cowherd made a motion to adjourn the meeting. Commissioner Parnell seconded the motion. The motion passed unanimously with a roll call vote:**

<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Bennett:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Yes</b>
<b>Commissioner Cowherd</b>	<b>Yes</b>
<b>Chair Hunter:</b>	<b>Yes</b>

The meeting adjourned at 12:25 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "John Madras". The signature is written in a cursive style with a large initial "J".

John Madras  
Director of Staff

