

1 BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
 MISSOURI CLEAN WATER COMMISSION

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3

PUBLIC HEARING

Draft 2018 303(d) Listing Methodology Document

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January 6, 2016

Lewis and Clark State Office Building

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1101 Riverside Drive

Jefferson City, MO 65102

10

11 Before:

12 Todd Parnell - Chair

Buddy Bennett - Vice Chair

13 John Cowherd - Commissioner

Samuel Leake - Commissioner

14 Ashley McCarty - Commissioner

Wallis Warren - Commission

15

16 THE COURT REPORTER:

17 Jenna Petree

MIDWEST LITIGATION SERVICES

18 2511 Broadway Bluffs

Columbia, MO 65201

19 573-449-0561

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1 PROCEEDINGS

2 We'll move into Agenda Item 2, which is the
3 draft 2018 303(d) Listing Methodology document of the
4 public hearing. The opening statement is that the
5 Commission will begin the public hearing on the proposed
6 2018 Listing Methodology Document. The purpose of this
7 public hearing is to provide the Department an opportunity
8 to present testimony and to provide both the Department and
9 the public the opportunity to comment on proposed listing
10 methodology.

11 This public hearing is not a forum for debate
12 or resolution of issues. The Commission asked that those
13 commenting limit their testimony to five minutes, not
14 repeat the comments that others have already made. The
15 Commission will first hear testimony from the Department.
16 Following the Department's testimony, the Commission will
17 give the public an opportunity to comment. We ask that all
18 individuals present fill out an attendance card so that our
19 records are complete. If you wish to present verbal
20 testimony, please indicate that on your attendance card.
21 When you come forward to present testimony, please speak
22 into the microphone and begin by identifying yourself to
23 the court reporter.

24 Following the public hearing today, the
25 Commission will review the testimony presented and make

1 appropriate modifications to the proposed documents. The
2 Commission plans to take final action at the April 1, 2016
3 meeting.

4 The court reporter will now swear in anyone
5 wishing to testify at this public hearing before the Clean
6 Water Commission today. All those wishing to comment,
7 please stand.

8 The following individuals, TRISH RIELLY, LESLIE HOLLOWAY,
9 JAY HOSKINS, ROBERT BRUNDAGE were duly sworn and provided
10 the following testimony:

11 CHAIRMAN PARNELL: Thank you. All right.
12 Trish, you're back up.

13 MS. RIELLY: Good morning again. Again, my
14 name is Trish Rielly. I'm currently the supervisor of the
15 Monitoring and Assessment Unit within the Watershed
16 Protection Section of the Water Protection Program. Today
17 I will be providing information on the draft 2018 Listing
18 Methodology that is currently posted on the Department's
19 website for public comment.

20 As background, the Listing Methodology is a
21 document that describes how the Department will use water
22 quality data to determine if waters of the state are
23 impaired. Department staff meet with stackholders and
24 other interested members of the public once every two years
25 to revise this document as needed.

1 The proposed 2018 Listing Methodology was
2 placed on public notice on October 1, 2015, which runs
3 concurrently with the public notice of the draft 2016
4 303(d) List, and continues through January 31 of 2016.

5 The Department held two public availability
6 meetings held November 3rd and December 1st of 2015, and a
7 biological workgroup meeting was held November 8th of 2015.
8 A list of attendees and a summary of the meeting
9 discussions can be found on the Department's website.

10 To date, the Department has received one
11 written comment on the draft listing methodology. This
12 comment was received from the USEPA Region 7. Again, all
13 written comments will be continued to be received through
14 the end of this month, January 31, 2016. All public
15 comments, along with the Department's responses, will
16 become part of the public administrative record and posted
17 to the Department's website.

18 Going over a summary of changes from the 2016
19 Listing Methodology. I need to note on the draft 2018
20 Listing Methodology that was posted on the web page, there
21 is a numbering -- a page numbering error. The document is
22 actually 60 pages in length instead of 62 pages. The word
23 processing software automatically counted other pages, such
24 as the title page and the table of contents in the total
25 count. This will be corrected in the final version that

1 will eventually be posted.

2 A majority of the revisions that were made to
3 the 2016 Listing Methodology that was approved by the
4 Commission in July of 2014 related to reformatting the
5 document, in addition to clarifying -- the addition of
6 clarifying statements or information relating to a
7 biological assessments. Minor comments were also made to
8 the tables. Specific updates: There were several places
9 in the document where language was added or modified, but
10 only for the purpose of clarification and did not represent
11 any modification of the assessment process. The document
12 was reformatted to consolidate similar information within
13 the appropriate sections of the document. For example,
14 Appendix D and E of the 2016 Listing Methodology were moved
15 to Section II D on page 18 of the draft 2018 Listing
16 Methodology. While Tables B-1 and B-2 in the 2016 Listing
17 Methodology were combined to create a foldout table as
18 Appendix D in the draft 2018 methodology -- Listing
19 Methodology. The designated use for Human Health for fish
20 consumption was added to Appendix B table in the draft
21 Listing Methodology. Missouri's data solicitation process
22 was added under the Identification of All Existing and
23 Readily Available Water Quality Data Sources section.
24 Clarification was added that chronic pH will be used in the
25 2018 Listing Methodology only if the criteria appears in

1 the Code of State Regulations and is approved by USEPA.
2 And then clarification was added explaining how the
3 assessment of hardness based metals will be conducted when
4 samples are fewer or greater than eight samples.

5 Again, the recommendation -- the purpose of
6 today's hearing was to introduce the draft 2018 Listing
7 Methodology and to allow the public to provide comments.
8 The Department will request the Commission's approval at
9 the April Commission meeting. Information that's available
10 on the Department's website includes: The draft 2018
11 303(d) Listing Methodology Document where all the additions
12 and/or updates that were made to this document are noted in
13 comments within that document; meeting discussion summaries
14 of the Public Availability Meetings that were held on
15 November 3rd and December 1st of 2015 in the biological
16 workgroup meeting that was held in 2008. Did I say 2008?
17 I didn't mean 2008, I meant November 8th. That's all I
18 have.

19 CHAIRMAN PARNELL: Any questions
20 Commissioners? Thank you, Trish. Leslie, you're back up
21 again. Missouri Farm Bureau.

22 MS. RIELLY: Thank you, Mr. Chairman. I
23 really don't have anything to add to the comments that I
24 already made, but I would just call your attention to the
25 summary of the public meeting discuss, which I thought was

1 pretty thorough. Thank you.

2 CHAIRMAN PARNELL: Thank you. Mr. Brundage,
3 MCR.

4 MR. BRUNDAGE: Good morning, Commissioners.
5 I'm going to submit some written comments on this before
6 the deadline. But I have participated in the process all
7 along and made several comments and attended the
8 bio-assessment meeting. I want point out for the record
9 that I appreciate that this Commission is holding this
10 hearing today. If you recall, I don't know, a year and
11 half ago or whatever it was, the Commission chose not to
12 personally hear the comments of stakeholders and now you
13 have. There are fewer issues this time around, but still
14 they are important nonetheless. One of the comments that I
15 will be making and one of the things that I have been
16 discussing with the Department is how you assess the really
17 small streams when most of the criteria have been developed
18 for the larger streams and bio that lives in those streams.
19 So, that continues to be an important issue. The last time
20 around I made comments to you on your approval date and I
21 think the Department is in the process of addressing some
22 of those, so those will be coming up to you. So other than
23 that, I don't have any other comments today, but it's good
24 to be here and good to see you all and happy new year.

25 CHAIRMAN PARNELL: Any questions? Thank you.

1 Closing statement, the Commission will accept comments on
2 the proposed document until 5 -- Oh, I'm sorry. Were you
3 sworn in?

4 MR. HOSKINS: Yes. My name is Jay Hoskins.
5 I'm with the Metropolitan St. Louis Sewer District. I was
6 asked to deliver comments from the Association of Missouri
7 Clean Water Agencies for the public record and Chew and
8 Parnell on behalf of Amsung. Thank you.

9 CHAIRMAN PARNELL: Any others? The Commission
10 will accept comments on the proposed document until 5:00
11 p.m. January 31, 2016. Comments can be submitted to the
12 Department's Water Protection Program by mail to the
13 Department's Water Protection Program, Attention: Trish
14 Rielly, PO Box 176, Jefferson City, Missouri 65102-0176;
15 e-mail directly to trish.rielly@dnr.mo.gov; hand-deliver to
16 the receptionist at the Lewis and Clark State Office
17 Building 1101 Riverside, Jefferson City, mark comments with
18 "Attention To Trish Rielly, Water Protection Program." On
19 behalf of the Commission, I thank everybody who has
20 participated in this process. This hearing is now closed
21 as well.

22 (Hearing concluded at 10:35 a.m.)

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<p>A</p> <p>ability 9:6 accept 8:1,10 action 3:2 9:9,13 add 6:23 added 5:9,20,22 5:24 6:2 addition 5:5,5 additions 6:11 addressing 7:21 administrative 4:16 Agencies 8:7 Agenda 2:2 ago 7:11 allow 6:7 Amsung 8:8 and/or 6:12 appears 5:25 9:5 Appendix 5:14 5:18,20 appreciate 7:9 appropriate 3:1 5:13 approval 6:8 7:20 approved 5:3 6:1 April 3:2 6:9 Ashley 1:14 asked 2:12 8:6 assess 7:16 assessment 3:15 5:11 6:3 assessments 5:7 Association 8:6 attendance 2:18 2:20 attended 7:7 attendees 4:8 attention 6:24 8:13,18 attorney 9:11 automatically 4:23 availability 4:5 6:14</p>	<p>available 5:23 6:9 a.m 8:22</p> <hr/> <p>B</p> <p>B 5:20 back 3:12 6:20 background 3:20 based 6:3 behalf 8:8,19 Bennett 1:12 best 9:6 bio 7:18 biological 4:7 5:7 6:15 bio-assessment 7:8 Bluffs 1:18 Box 8:14 Broadway 1:18 Brundage 3:9 7:2,4 Buddy 1:12 Building 1:8 8:17 Bureau 6:21 B-1 5:16 B-2 5:16</p> <hr/> <p>C</p> <p>call 6:24 card 2:18,20 CERTIFICATE 9:1 certify 9:4 Chair 1:12,12 Chairman 3:11 6:19,22 7:2,25 8:9 changes 4:18 Chew 8:7 chose 7:11 chronic 5:24 City 1:9 8:14,17 clarification 5:10 5:24 6:2 clarifying 5:5,6</p>	<p>Clark 1:8 8:16 Clean 1:1 3:5 8:7 closed 8:20 Closing 8:1 Code 6:1 COLE 9:3 Columbia 1:18 combined 5:17 come 2:21 coming 7:22 comment 2:9,17 3:6,19 4:11,12 commenting 2:13 comments 2:14 4:13,15 5:7 6:7 6:13,23 7:5,7 7:12,14,20,23 8:1,6,10,11,17 Commission 1:1 1:14 2:5,12,15 2:16,25 3:2,6 5:4 6:9 7:9,11 8:1,9,19 Commissioner 1:13,13,14 Commissioners 6:20 7:4 Commission's 6:8 complete 2:19 concluded 8:22 concurrently 4:3 conducted 6:3 consolidate 5:12 consumption 5:20 contents 4:24 continued 4:13 continues 4:4 7:19 corrected 4:25 counsel 9:8,11 count 4:25 counted 4:23 COUNTY 9:3 court 1:16 2:23</p>	<p>3:4 9:16 Cowherd 1:13 create 5:17 criteria 5:25 7:17 currently 3:14,18</p> <hr/> <p>D</p> <p>D 5:14,15,18 data 3:22 5:21,23 date 4:10 7:20 deadline 7:6 debate 2:11 December 4:6 6:15 deliver 8:6 Department 1:1 2:7,8,15 3:21 3:23 4:5,10 6:8 7:16,21 Department's 2:16 3:18 4:9 4:15,17 6:10 8:12,13 deposition 9:5,9 describes 3:21 designated 5:19 determine 3:22 developed 7:17 direction 9:7 directly 8:15 discuss 6:25 discussing 7:16 discussion 6:13 discussions 4:9 District 8:5 document 1:3 2:3 2:6 3:21,25 4:21 5:5,9,11 5:13 6:11,12,13 8:2,10 documents 3:1 draft 1:3 2:3 3:17 4:3,11,19 5:15 5:18,20 6:6,10 Drive 1:9 duly 3:9</p>	<p>E</p> <p>E 5:14 eight 6:4 employed 9:8,11 employee 9:10 error 4:21 eventually 5:1 everybody 8:19 example 5:13 Existing 5:22 explaining 6:2 e-mail 8:15</p> <hr/> <p>F</p> <p>Farm 6:21 fewer 6:4 7:13 fill 2:18 final 3:2 4:25 financially 9:12 first 2:15 fish 5:19 five 2:13 foldout 5:17 following 2:16,24 3:8,10 foregoing 9:5 forum 2:11 forward 2:21 found 4:9 further 9:10</p> <hr/> <p>G</p> <p>give 2:17 going 4:18 7:5 good 3:13 7:4,23 7:24 greater 6:4</p> <hr/> <p>H</p> <p>half 7:11 hand-deliver 8:15 happy 7:24 hardness 6:3 Health 5:19 hear 2:15 7:12</p>
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<p>hearing 1:3 2:4,5 2:7,11,24 3:5 6:6 7:10 8:20 8:22 held 4:5,6,7 6:14 6:16 holding 7:9 HOLLOWAY 3:8 Hoskins 3:9 8:4,4 Human 5:19</p> <hr/> <p style="text-align: center;">I</p> <p>Identification 5:22 identifying 2:22 II 5:15 impaired 3:23 important 7:14 7:19 includes 6:10 indicate 2:20 individuals 2:18 3:8 information 3:17 5:6,12 6:9 interested 3:24 9:12 introduce 6:6 issue 7:19 issues 2:12 7:13 Item 2:2</p> <hr/> <p style="text-align: center;">J</p> <p>January 1:8 4:4 4:14 8:11 Jay 3:9 8:4 Jefferson 1:9 8:14,17 Jenna 1:17 9:4 John 1:13 July 5:4</p> <hr/> <p style="text-align: center;">K</p> <p>know 7:10</p> <hr/> <p style="text-align: center;">L</p>	<p>language 5:9 larger 7:18 Leake 1:13 length 4:22 Leslie 3:8 6:20 Lewis 1:8 8:16 limit 2:13 list 4:4,8 listing 1:3 2:3,6,9 3:17,20 4:1,11 4:19,20 5:3,14 5:15,16,18,21 5:25 6:6,11 LITIGATION 1:17 lives 7:18 Louis 8:5</p> <hr/> <p style="text-align: center;">M</p> <p>mail 8:12 majority 5:2 making 7:15 mark 8:17 McCarty 1:14 MCR 7:3 mean 6:17 meant 6:17 meet 3:23 meeting 3:3 4:7,8 6:9,13,16,25 7:8 meetings 4:6 6:14 members 3:24 metals 6:3 methodology 1:3 2:3,6,10 3:18 3:20 4:1,11,19 4:20 5:3,14,16 5:17,18,19,21 5:25 6:7,11 Metropolitan 8:5 microphone 2:22 MIDWEST 1:17 Minor 5:7 minutes 2:13</p>	<p>Missouri 1:1,1 6:21 8:6,14 9:2 Missouri's 5:21 MO 1:9,18 modification 5:11 modifications 3:1 modified 5:9 Monitoring 3:15 month 4:14 morning 3:13 7:4 move 2:2 moved 5:14</p> <hr/> <p style="text-align: center;">N</p> <p>name 3:14 8:4 NATURAL 1:1 need 4:19 needed 3:25 neither 9:8 new 7:24 note 4:19 noted 6:12 notice 4:2,3 November 4:6,7 6:15,17 numbering 4:21 4:21</p> <hr/> <p style="text-align: center;">O</p> <p>October 4:2 Office 1:8 8:16 Oh 8:2 once 3:24 opening 2:4 opportunity 2:7 2:9,17 outcome 9:12</p> <hr/> <p style="text-align: center;">P</p> <p>page 4:20,21,24 5:15 pages 4:22,22,23 Parnell 1:12 3:11 6:19 7:2,25 8:8</p>	<p>8:9 part 4:16 participated 7:6 8:20 parties 9:9,11 personally 7:12 Petree 1:17 9:4 pH 5:24 placed 4:2 places 5:8 plans 3:2 please 2:20,21 3:7 PO 8:14 point 7:8 posted 3:18 4:16 4:20 5:1 present 2:8,18,19 2:21 presented 2:25 pretty 7:1 PROCEEDIN... 2:1 process 5:11,21 7:6,21 8:20 processing 4:23 Program 3:16 8:12,13,18 proposed 2:5,9 3:1 4:1 8:2,10 Protection 3:16 3:16 8:12,13,18 provide 2:7,8 6:7 provided 3:9 providing 3:17 public 1:3 2:4,5,7 2:9,11,17,24 3:5,19,24 4:2,3 4:5,14,16 6:7 6:14,25 8:7 purpose 2:6 5:10 6:5 p.m 8:11</p> <hr/> <p style="text-align: center;">Q</p> <p>quality 3:22 5:23</p>	<p>questions 6:19 7:25</p> <hr/> <p style="text-align: center;">R</p> <p>Readily 5:23 really 6:23 7:16 recall 7:10 received 4:10,12 4:13 receptionist 8:16 recommendation 6:5 record 4:16 7:8 8:7 records 2:19 reduced 9:7 reformatted 5:12 reformatting 5:4 Region 4:12 Regulations 6:1 related 5:4 9:8 relating 5:6 relative 9:10 repeat 2:14 reporter 1:16 2:23 3:4 9:1,16 represent 5:10 request 6:8 resolution 2:12 RESOURCES 1:1 responses 4:15 review 2:25 revise 3:25 revisions 5:2 Rielly 3:8,13,14 6:22 8:14,18 right 3:11 Riverside 1:9 8:17 ROBERT 3:9 runs 4:2</p> <hr/> <p style="text-align: center;">S</p> <p>samples 6:4,4 Samuel 1:13</p>
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<p>section 3:16 5:15 5:23 sections 5:13 see 7:24 SERVICES 1:17 Sewer 8:5 similar 5:12 small 7:17 software 4:23 solicitation 5:21 sorry 8:2 Sources 5:23 speak 2:21 Specific 5:8 ss 9:2 St 8:5 stackholders 3:23 staff 3:23 stakeholders 7:12 stand 3:7 state 1:8 3:22 6:1 8:16 9:2 statement 2:4 8:1 statements 5:6 streams 7:17,18 7:18 submit 7:5 submitted 8:11 summaries 6:13 summary 4:8,18 6:25 supervisor 3:14 swear 3:4 sworn 3:9 8:3</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 4:24 5:17 5:20 tables 5:8,16 take 3:2 taken 9:6,9 testify 3:5 testimony 2:8,13 2:15,16,20,21</p>	<p>2:25 3:10 9:5 thank 3:11 6:20 6:22 7:1,2,25 8:8,19 thereto 9:11 things 7:15 think 7:21 thorough 7:1 thought 6:25 time 7:13,19 title 4:24 today 2:24 3:6,16 7:10,23 today's 6:6 Todd 1:12 total 4:24 Trish 3:8,12,14 6:20 8:13,18 trish.rielly@d... 8:15 two 3:24 4:5 typewriting 9:7</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Unit 3:15 updates 5:8 6:12 use 3:21 5:19 USEPA 4:12 6:1</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>verbal 2:19 version 4:25 Vice 1:12</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Wallis 1:14 want 7:8 Warren 1:14 water 1:1 3:6,16 3:21 5:23 8:7 8:12,13,18 waters 3:22 Watershed 3:15 web 4:20 website 3:19 4:9 4:17 6:10</p>	<p>We'll 2:2 wish 2:19 wishing 3:5,6 witness 9:5 word 4:22 workgroup 4:7 6:16 written 4:11,13 7:5</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 7:10,24 years 3:24</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 3:2 4:2 1st 4:6 6:15 10:35 8:22 1101 1:9 8:17 176 8:14 18 5:15</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 2:2 2008 6:16,16,17 2014 5:4 2015 4:2,6,7 6:15 2016 1:8 3:2 4:3 4:4,14,18 5:3 5:14,16 8:11 2018 1:3 2:3,6 3:17 4:1,19 5:15,18,25 6:6 6:10 2511 1:18</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3rd 4:6 6:15 303(d) 1:3 2:3 4:4 6:11 31 4:4,14 8:11</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 8:2 5:00 8:10 573-449-0561 1:19</p>	<hr/> <p style="text-align: center;">6</p> <hr/> <p>6 1:8 60 4:22 62 4:22 65102 1:9 65102-0176 8:14 65201 1:18</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 4:12</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8th 4:7 6:17</p>
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