

**DRAFT  
MINUTES OF THE  
MISSOURI CLEAN WATER COMMISSION MEETING  
Department of Natural Resources  
1730 East Elm Street  
Jefferson City, Missouri**

**February 17, 2016**

**Present**

Buddy Bennett, Chair, Missouri Clean Water Commission  
Ashley McCarty, Missouri Clean Water Commission  
Todd Parnell, Missouri Clean Water Commission  
Wallis Warren, Missouri Clean Water Commission  
John Cowherd, Missouri Clean Water Commission  
Dennis Wood, Missouri Clean Water Commission  
John Madras, Director of Staff, Missouri Clean Water Commission  
Thais Folta, Legal Counsel, Missouri Clean Water Commission  
Malinda Overhoff, Secretary, Missouri Clean Water Commission

Joseph Bachant, Citizen, Holts Summit, Missouri  
Kurt Boeckman, Department of Natural Resources, Jefferson City, Missouri  
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri  
Greg Caldwell, Department of Natural Resources, Jefferson City, Missouri  
Laura Eggeman, Columbia, Missouri  
Sylvia Glenn, Citizen, Fulton, Missouri  
Ted Hirschinger, Citizen, Fulton, Missouri  
John Hoke, Department of Natural Resources, Jefferson City, Missouri  
Stephen G. Jeffery, Hickory Neighbors United, Chesterfield, Missouri  
Jeff Jones, Citizen, Fulton, Missouri  
Carrol Key, Hickory Neighbors United, Trenton, Missouri  
David Key, Hickory Neighbors United, Trenton, Missouri  
Freddie Key, Hickory Neighbors United, Trenton, Missouri  
Shirley Kidwell, Citizen, Fulton, Missouri  
Margot McMillen, Citizen, Fulton, Missouri  
Shawn Nichols, Missouri American Water, Creve Coeur, Missouri  
Linda M. Offineer, Citizen, Fulton, Missouri  
Kevin Perry, REGFORM, Jefferson City, Missouri  
Dommzetta Prewitt, Citizen, Trenton, Missouri  
Cheri Reisch, City of Hallsville, Hallsville, Missouri  
Cathy Rice, Citizen, Trenton, Missouri  
Dean E. Rice, Hickory Neighbors United, Trenton, Missouri

John Rice, Hickory Neighbors United, Trenton, Missouri  
Lee Ann Seary, Hickory Neighbors United, Trenton, Missouri  
Rex Seary, Hickory Neighbors United, Trenton, Missouri  
Jill Sellenriek, Citizen, Fulton, Missouri  
Rebecca Smith, Citizen, Columbia, Missouri  
Alicia Embley Turner, Newman, Comley and Ruth, Jefferson City, Missouri  
Roger Walker, REGFORM, Columbia, Missouri  
Beth Wheeler, Citizen, Jameson, Missouri  
Chris Wieberg, Department of Natural Resources, Jefferson City, Missouri  
James Williams, Hickory Neighbors United, Trenton, Missouri  
Max Williams, Hickory Neighbors United, Jamesport, Missouri

### **CALL TO ORDER**

Chair Parnell called the meeting of the Missouri Clean Water Commission to order on February 17, 2016 at 10:07 a.m., at the Department of Natural Resources, 1730 East Elm Street, Jefferson City, Missouri.

Chair Parnell introduced the Commissioners, Staff Director, Legal Counsel, and the Commission Secretary.

Chair Parnell presented a resolution to Malinda Overhoff, Secretary to the Commission for her service to the Commission and the Department.

### **ADMINISTRATIVE MATTERS**

#### **Election of Missouri Clean Water Commission Officers**

##### **Agenda Item #1**

**Commissioner Wood nominated Commissioner Bennett to serve as Chair of the Commission for 2016 and Commissioner Warren nominated Commissioner McCarty to serve as Chair of the Commission for 2016. A vote was taken:**

<b>Commissioner Bennett:</b>	<b>Commissioner Buddy Bennett</b>
<b>Commissioner McCarty:</b>	<b>Commissioner Ashley McCarty</b>
<b>Commissioner Warren:</b>	<b>Commissioner Buddy Bennett</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>Commissioner Buddy Bennett</b>
<b>Commissioner Wood:</b>	<b>Commissioner Buddy Bennett</b>
<b>Chair Parnell:</b>	<b>Commissioner Buddy Bennett</b>

**Vote passed, Commissioner Buddy Bennett will serve as Chair for the Commission for 2016. Per motion made and passed at the January 6, 2016 Commission meeting Commissioner Ashley McCarty will serve as Vice-Chair for 2016.**

**Approval of the December 29, 2015 Missouri Clean Water Commission Closed Meeting Minutes**

**Agenda Item #2**

**Commissioner Parnell made a motion to approve the December 29, 2015 closed session meeting minutes as presented. Commissioner Warren seconded the motion. The motion passed with a roll call vote:**

**Commissioner Warren: Yes**  
**Commissioner Leake: Not in attendance**  
**Commissioner Cowherd: Yes**  
**Commissioner Wood: Yes**  
**Commissioner Parnell: Yes**  
**Commissioner McCarty: Yes**  
**Chair Bennett: Yes**

**Approval of the January 6, 2016 Missouri Clean Water Commission Meeting Minutes**

**Agenda Item #3**

**Commissioner McCarty made a motion to approve the January 6, 2016 meeting minutes as presented. Commissioner Warren seconded the motion. The motion passed with a roll call vote:**

**Commissioner Leake: Not in attendance**  
**Commissioner Cowherd: Yes**  
**Commissioner Wood: Abstain**  
**Commissioner Parnell: Yes**  
**Commissioner McCarty: Yes**  
**Commissioner Warren: Yes**  
**Chair Bennett: Yes**

**Administrative Hearing Commission's Recommended Decision Regarding Trenton Farms Appeal**

**Agenda Item #4**

The Commission heard the Administrative Hearing Commission's recommended decision regarding the Trenton Farms Appeal. This is a proposed Concentrated Animal Feeding Operation (CAFO) facility in Grundy County. The Commission heard from the attorneys of the parties involved in the Trenton Farms Appeal. Tim Duggan representing the Department of Natural Resources, Stephen Jeffery representing Hickory Neighbors United, and Robert Brundage representing Trenton Farms.

**Commission Parnell made a motion for the Missouri Clean Water Commission to go into closed session pursuant to Section 610.021(1), RSMo, to discuss matters identified in that provision, which include legal actions, causes of action or litigation and confidential or privileged matters. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote.**

<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner McCarty:</b>	<b>No</b>
<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Chair Bennett:</b>	<b>Yes</b>

**Commissioner Wood made a motion the Commission come out of closed session. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:**

<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner McCarty:</b>	<b>Yes</b>
<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Chair Bennett:</b>	<b>Yes</b>

**Commissioner Cowherd made a motion the Commission accept the Administrative Commission's recommended decision. Commissioner McCarty seconded the motion. The motion failed with a roll call vote.**

<b>Commissioner McCarty:</b>	<b>Yes</b>
<b>Commissioner Warren:</b>	<b>No</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>No</b>
<b>Commissioner Parnell:</b>	<b>No</b>
<b>Chair Bennett:</b>	<b>No</b>

**Commissioner Parnell made a motion the Commission reject the Administrative Commission's recommended decision based on concerns regarding the floodplain and continuing authority. Commissioner Warren seconded the motion. The motion passed with a roll call vote.**

<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>No</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner McCarty:</b>	<b>No</b>
<b>Chair Bennett:</b>	<b>Yes</b>

**The Commissioners will prepare a final order for their rationale for the decision since it differs from the recommendation from the Administrative Hearing Commission.**

Commissioner Warren expressed her appreciate to everyone in the audience for their interest and attendance at the meeting.

Robert Brundage, Newman, Comley and Ruth, requested clarification on who would be writing the final order. Thais Folta, legal counsel to the Commission explained she would be sending a blank template of an order to the Commission and the Commission would be writing the order.

Kevin Perry, REGFORM, asked for clarification of what this vote means for the status of the permit. The Commission and legal counsel responded that this permit is rejected and cannot be issued until the Commission's concerns regarding the floodplain and continuing authority are addressed.

## **PRESENTATIONS**

### **Director's Report**

John Madras, Director, Water Protection Program reported the following to the Commission:

- 1) State Water Plan update will be presented at the April Commission meeting;
- 2) Nutrient loss reduction is on a July timeframe;
- 3) E3 projects – 6 going ongoing projects;
- 4) Rule hearings would be heard at the April meeting.

No action taken by the Commission.

### **Public Comment and Correspondence**

No public comments. No action was taken by the Commission.

**ADJOURNMENT OF MEETING**

**Commissioner Wood made a motion the Commission adjourn the meeting. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote.**

<b>Commissioner Leake:</b>	<b>Not in attendance</b>
<b>Commissioner Cowherd:</b>	<b>Yes</b>
<b>Commissioner Wood:</b>	<b>Yes</b>
<b>Commissioner Parnell:</b>	<b>Yes</b>
<b>Commissioner McCarty:</b>	<b>Yes</b>
<b>Commissioner Warren:</b>	<b>Yes</b>
<b>Chair Bennett:</b>	<b>Yes</b>

**Commission adjourned the open meeting at 2:35 p.m.**

Respectfully Submitted,



John Madras  
Director of Staff