

**DRAFT
MINUTES OF THE
MISSOURI CLEAN WATER COMMISSION MEETING
Lewis and Clark State Office Building
1101 Riverside Drive
Jefferson City, Missouri**

January 9, 2013

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, Legal Counsel, Missouri Clean Water Commission
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Karen Bataille, Missouri Department of Conservation, Columbia, Missouri
Nicholas Bauer, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Stacia Bax, Missouri Department of Natural Resources, Jefferson City, Missouri
Joe Boland, EI ERA, Jefferson City, Missouri
Harry Bozoian, Missouri Department of Natural Resources, Jefferson City, Missouri
Robert Brundage, Newman, Comley & Ruth P.C., Jefferson City, Missouri
Debbie Bruns, Missouri Department of Natural Resources, Jefferson City, Missouri
Paul Calamita, Aqua Law, Richmond, Virginia
Adam Dorrell, Benton and Associates, Inc., Kirksville, Missouri
Ed Galbraith, Barr Engineering, Jefferson City, Missouri
Doug Garrett, Missouri Department of Natural Resources, Jefferson City, 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
Errin Kemper, City of Springfield, Springfield, Missouri
Erin Keys, Columbia Public Works, Columbia, Missouri
Ted Koenig, Missouri Department of Natural Resources, Jefferson City, Missouri
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Jim Macy, Missouri Department of Natural Resources, Jefferson City, Missouri
Steve Mahfood, The Nature Conservancy, Wildwood, Missouri
Robert Menees, Attorney General's Office, Jefferson City, Missouri
Steve Meyer, City of Springfield, Springfield, Missouri
Ken Midkiff, Sierra Club, Columbia, Missouri
Lynn Milberg, Missouri Department of Natural Resources, Jefferson City, Missouri
Jan Millington, City of Springfield, Springfield, Missouri
Meghan Morel, Aqua Law, Richmond, Virginia

Leanne Tippet Mosby, Missouri Department of Natural Resources, Jefferson City, Missouri
 Terry Nelson, Missouri Department of Natural Resources, Jefferson City, Missouri
 Traci Newberry, Missouri Department of Natural Resources, Jefferson City, Missouri
 Sara Parker Pauley, Missouri Department of Natural Resources, Jefferson City, Missouri
 Bob Perry, Bowling Green, Missouri
 Kevin Perry, REGFORM, Jefferson City, Missouri
 Richard Phelps, Michaels Cove HOA, Sunrise Beach, Missouri
 Dawayne Plumb, Miller Companies, Brumley, Missouri
 Stephanie Prevedel, Missouri Department of Natural Resources, Jefferson City, Missouri
 Trish Rielly, Missouri Department of Natural Resources, Jefferson City, Missouri
 Melissa Scheperle, Missouri Department of Transportation, Jefferson City, Missouri
 Brook Spear, Great Rivers Environmental Law Center, St. Louis, Missouri
 Brian Spencer, Miller Companies, Osage Beach, Missouri
 Jeff Starr, Missouri Department of Natural Resources, Jefferson City, Missouri
 Trent Stober, Geosyntec, Columbia, Missouri
 Mike Sutherland, Missouri State Parks Association, Jefferson City, Missouri
 Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
 Mary West-Calcano, Jacobs, St. Louis, Missouri
 Mark White, MCGA/ERC, Jefferson City, Missouri
 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 January 9, 2013 at 9:05 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

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

ADMINISTRATIVE MATTERS

Election of Missouri Clean Water Commission Officers
Agenda Item #1

Commissioner Cowherd made a motion nominating Commissioner Hunter as Chair of the Commission and Commissioner Parnell as Vice Chair of the Commission. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

Commissioner Bennett:	Yes
Commissioner Parnell:	Yes on Commissioner Hunter as Chair/Abstained on Commissioner Parnell as Vice Chair
Commissioner Warren:	Yes
Commissioner Leake:	Yes
Commissioner Cowherd:	Yes
Commissioner Wood:	Yes
Chair Hunter:	Yes on Commissioner Parnell as Vice Chair/Abstained on Commissioner Hunter as Chair

Approval of the November 7, 2012 Missouri Clean Water Commission Meeting Minutes
Agenda Item #2

Traci Newberry, Financial Assistance Center, noted a correction to the minutes changing Financial Services Center to Financial Assistance Center on agenda items two and three of the November 7, 2012 minutes.

Commissioner Leake made a motion to approve the November 7, 2012 meeting minutes with the noted corrections. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:

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

State Fiscal Year 2013 Clean Water State Revolving Fund Intended Use Plan Revisions
Agenda Item #3

Doug Garrett, Financial Assistance Center, presented the State Fiscal Year 2013 Clean Water State Revolving Fund Intended Use Plan revisions. Mr. Garrett proposed the following changes to the State Fiscal Year 2013 Clean Water State Revolving Fund Intended Use Plan:

- Move the Pulaski County Sewer District Number 1, Weeks Hollow project, C295320-06, from the Planning List to the Fundable Contingency list.
- Increase the eligible project costs for the city of Pierce City, C295696-01, from \$537,300 to \$807,688 with the appropriate increase in the grant and loan funds.
- Move the Village of Duquesne, from the Planning List to the Priority Watershed Reserve list with an eligible project cost of \$744,359.

Commissioner Warren made a motion the Commission approve the changes to the State Fiscal Year 2013 State Revolving Fund project lists as proposed. Commissioner Cowherd seconded the motion. The motion passed with a roll call vote:

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

Jameson Island Shallow Water Habitat Project
Agenda Item #4

John Madras, Director, Water Protection Program notified the Commission that the Department was withdrawing the draft water quality certification for the Jameson Island project through a letter dated January 8, 2013. The letter was distributed to the Commission and the representatives of the Corps of Engineers.

Commission Warren made a motion for the Commission to direct staff to issue the Water Quality Certification as presented in draft in the January 9, 2013 packet with the removal of the first condition. (First condition: Mechanical excavation shall be used to remove the soil above the ordinary high water mark to create the 75 foot channel bottom width, with the top 3 feet deposited beyond the chute meander belt area. The soil below the top 3 feet and above the ordinary high water mark shall be side cast within the meander area.) Commission Bennett seconded the motion and after discussion withdrew his second. Commissioner Parnell then seconded the motion.

Commissioner Bennett called the question.

Commissioner Cowherd: No
Commissioner Wood: No
Commissioner Bennett: Yes
Commissioner Parnell: No
Commissioner Warren: No
Commissioner Leake: Yes
Chair Hunter: Yes

The call to question failed. The Commission discussed further.

Commissioner Wood called the question.

Commissioner Wood: Yes
Commissioner Bennett: Yes
Commissioner Parnell: Yes
Commissioner Warren: No
Commissioner Leake: Yes
Commissioner Cowherd: Yes
Chair Hunter: Yes

The call to question passed. Roll call was made on the motion on the floor. Motion failed.

Commissioner Leake: No
Commissioner Cowherd: No
Commissioner Wood: No
Commissioner Bennett: Yes
Commissioner Parnell: Yes
Commissioner Warren: Yes
Chair Hunter: No

Members of the public spoke regarding this subject. Those that spoke were:

- Zach White, U.S. Army Corps of Engineers, Kansas City, Kansas
- Ken Midkiff, Sierra Club, Columbia, Missouri
- Bob Perry, Bowling Green, Missouri

Framework Description for Watershed Management in Missouri

Agenda Item #5

Trish Rielly, Watershed Protection Section, presented the Framework Description for Watershed Management in Missouri. No action was taken by the Commission.

Members of the public spoke regarding this subject. Those that spoke were:

- Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
- Kevin Perry, REGFORM, Jefferson City, Missouri
- Trent Stober, Geosyntec, Columbia, Missouri

ENFORCEMENT

Outstanding Missouri Operating Permit Fees

Agenda Item #6

Debbie Bruns, Fiscal Management Section, presented a recommendation to refer ten facilities to the Missouri Attorney General's office for collection of outstanding fees – six from July 2012 and four from August 2012. The facilities listed for referral were: Cedar Haven Resort, Mapaville Meadows Subdivision, C & S Auto Salvage, Steele Septic Service (two permits), Smith Bros Auto Sales & Service, Bradlin Hills Wastewater Treatment Facility, Boettcher Concrete Company, Eddie Twitchell, and Midwest Container Reconditioning.

Commissioner Parnell made a motion the Commission refer the new cases to the Attorney General's Office for appropriate legal action in order to collect delinquent permit fees, compel compliance for any other violation of Missouri Clean Water Law and Clean Water Commission regulations, pursue a civil penalty, and/or seek any other appropriate form of relief. 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

Commissioner Parnell requested staff to review the fee referral process and bring a proposal before the Commission with a de minimis dollar amount for the Commission to delegate approval to the Department to make this process more expedient. Jennifer Frazier, Legal Counsel noted she would confirm in the statutes the Commission's authority to delegate permit fee referrals to the Department.

PRESENTATIONS

Director's Report

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

- The report on the clean water fee structure and improved clean water services was submitted to the General Assembly December 31, 2012.
- Several administrative rules are in progress, most notably the water quality standards and effluent regulations which have a regulatory impact report on public notice through January 22, 2013.
- Reports on permitting activities and enforcement cases are provided to the Commission, and
- The Governor announced a plan to consolidate some of the Department's regulatory commissions, and staff will report details as they become available.

No action was taken by the Commission.

Public Comment

Several individuals addressed the Commission, including:

- Bryan Spencer, Miller Company, regarding sampling requirements for wastewater treatment facilities where he is involved,
- Robert Brundage, Newman, Comley and Ruth, P.C., regarding the report on clean water fees, Environmental Protection Agency action on the water quality standards approved by the Commission in 2012, and referral of cases to the Attorney General's Office,
- Steve Meyer, Springfield, regarding the Missouri Association of Cleanwater Agencies,
- Phil Walsack, Missouri Public Utility Alliance, regarding the report on clean water fees, and
- Kevin Perry, REGFORM, regarding the report on clean water fees.

Future Meetings

No comments.

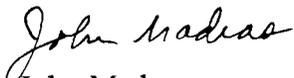
ADJOURNMENT OF MEETING

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

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

The meeting adjourned at 12:05 p.m.

Respectfully Submitted,


John Madras
Director of Staff

