BEFORE THE MISSOURI CLEAN WATER COMMISSION
STATE OF MISSOURI

PUBLIC HEARING
IN RE: PROPOSED AMENDMENT TO 10 CSR 20-6.010
CONSTRUCTION AND OPERATING PERMITS

JULY 1, 2009
9:00 a.m.

Department of Natural Resources
Drury Lodge
104 Vantage Drive
Cape Girardeau, Missouri 63701

COMMISSIONERS PRESENT:
Mr. Ron Hardecke, Chair
Mr. Sam Hunter
Mr. Jan Tupper
Mr. William Easley, Jr.
Mr. Frank Shorney

REPORTED BY:
Wanda L. Greenlee, CCR
Missouri CCR #1188
Midwest Litigation Services
711 North Eleventh Street
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TRANSCRIPT OF PROCEEDINGS

CHAIRMAN HARDECKE: We'll begin with Tab 1, which is a public hearing on the proposed rulemaking, 10 CSR 20-6.010, Construction and Operating Permits.

The Commission will begin the public hearing on the proposed amendments of 10 CSR 20-6.010, Construction and Operating Permits. These rule changes were published for public comment in the Missouri Register, Volume 34, No. 8, on April 15, 2008.

The purpose of this public hearing is to provide the Department the opportunity to present testimony, and to provide an opportunity for the public to provide comments on this proposed rulemaking.

The public hearing is not a forum for debate or resolution of issues. The Commission asks that those commenting limit their testimony to five minutes, and not to repeat that -- not repeat comments that have already been made.

The Commission will first hear testimony from the Department. Following the Department's testimony, the Commission will give the public an opportunity to comment.

We ask that all individuals present fill out an attendance card so our records are complete. If you wish to present verbal testimony, please indicate that
on your attendance card.

The Commission is holding this hearing to assist the public in commenting on proposed rulemaking. The public comment period will close on July 8th, 2009 at 5:00 p.m.

When you come forward to present testimony, please speak into the microphone and begin by identifying yourself to the court reporter.

I'd ask the court reporter to swear in those wishing to give testimony. All those please stand.

(WHEREIN, witnesses sworn.)

CHAIRMAN HARDECKE: Okay. John Rustige is going to present for the Department.

MR. RUSTIGE: Good morning, Commissioners.

CHAIRMAN HARDECKE: Good morning.

MR. RUSTIGE: My name is John Rustige. I serve as the Chief of the Wastewater Engineering Unit in the Permits and Engineering section. My work address is P.O. Box 176, Jefferson City, Missouri 65102. I'm here to present a minor revision to 10 CSR 20-6.010, Construction and Operating Permits. The proposed revision was published in the Missouri Register on April 15th.

The purpose of the amendment is to provide a mechanism to transfer the ownership of a construction permit. Under the current rule, a new owner has to submit
a completely new construction permit application. With
the amendment, the process would simply require both
parties to agree to the transfer by submitting a properly
executed transfer application.

The new -- the new permit owner would also
have to demonstrate that they'll serve in continuing
authority for the operation and ongoing maintenance of the
facility, and that they assume responsibility for
complying with the terms and conditions of the permit.

As I said, it's a simple amendment. I'd be
happy to take any questions.

CHAIRMAN HARDECKE: Any questions?

MR. HUNTER: No.

CHAIRMAN HARDECKE: Okay. Thank you.

MR. RUSTIGE: Thank you.

CHAIRMAN HARDECKE: I have Robert Brundage.

MR. BRUNDAGE: Good morning, Commissioners.

My name is Robert Brundage. I'm from the law firm Newman,
Comley & Ruth in Jefferson City, and I'm here today
testifying on behalf of the Missouri Agribusiness
Association.

I think it was maybe several years ago I
submitted a letter to the Commission suggesting that this
regulation change be made, because through the years I've
come across several situations where people with
construction permits who are wanting to either transfer it
to a different company -- like, a company that they own,
or to somebody else, and they simply couldn't do it. And
it really didn't make any sense that somebody else would
have to go through the entire construction process again.

And I want to thank the Department of
Natural Resources for bringing this before the Commission,
and I fully support it. And that concludes my testimony.

CHAIRMAN HARDEcke: Thank you, Robert.

That's all the cards we have. So unless there's someone
else that desires to speak?

The Commission will receive written
testimony on these proposed rule changes until 5:00 p.m.
on July 8th, 2009. You may submit this written testimony
to John Rustige, Missouri Department of Natural Resources,
Water Protection Program, P.O. Box 176, Jefferson City,
Missouri, prior to that deadline.

On behalf of the Commission, I thank
everyone that has participated in this process. This
hearing is now closed.

(The proceedings were concluded at
9:10 a.m. on July 1, 2009.)
CERTIFICATE

STATE OF MISSOURI )

) ss.

COUNTY OF JEFFERSON )

I, Wanda L. Greenlee, a Certified Court Reporter, CCR No. 1188, do hereby certify that the witness whose testimony appears in the foregoing proceeding was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

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Wanda L. Greenlee, CCR

My commission expires May 3, 2010