

MISSOURI CLEAN WATER COMMISSION MEETING
Capitol Plaza Hotel and Convention Center
415 West McCarty Street
Jefferson City, Missouri

July 8, 2015

Present

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

Mike Alesandrini, AECOM, St. Louis, Missouri
Joe Bachant, Holts Summit, Missouri
Kurt Boeckmann, Department of Natural Resources, Jefferson City, Missouri
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri
Andrea Collier, Department of Natural Resources, Jefferson City, Missouri
Eric Crawford, Department of Natural Resources, Jefferson City, Missouri
Joe Engeln, Department of Natural Resources, Jefferson City, Missouri
Jodi Gerling, Department of Natural Resources, Jefferson City, Missouri
Jennifer Hoggatt, Department of Natural Resources, Jefferson City, Missouri
John Hoke, Department of Natural Resources, Jefferson City, Missouri
Leslie Holloway, Missouri Farm Bureau, Jefferson City, Missouri
Shirley Kidwell, Citizen, Fulton, Missouri
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Jan Millington, City of Springfield, Springfield, Missouri
Traci Newberry, Department of Natural Resources, Jefferson City, Missouri
Sara Parker Pauley, Department of Natural Resources, Jefferson City, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
Jill Sellenriek, Fulton, Missouri
Jeff Starr, Department of Natural Resources, Jefferson City, Missouri
Darrick Steen, Barr Engineering, Jefferson City, Missouri
Scott Turk, City of Springfield, Springfield, Missouri
Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
Chris Wieberg, Department of Natural Resources, Jefferson City, Missouri
Jimmy Williams, Department of Agriculture, Jefferson City, Missouri
Stephen Wyse, Representing Frank Staton, Columbia, Missouri

CALL TO ORDER

Chair Parnell called the meeting of the Missouri Clean Water Commission to order on July 8, 2015 at 10:00 a.m., at the Capitol Plaza Hotel and Convention Center, 415 West McCarty Street, Jefferson City, Missouri.

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

ADMINISTRATIVE MATTERS

Approval of the April 1, 2015 Missouri Clean Water Commission Meeting Minutes Agenda Item #1

Commissioner Bennett made a motion to approve the April 1, 2015 meeting minutes as presented. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

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

Approval of the April 14, 2015 Missouri Clean Water Commission Closed Session Meeting Minutes Agenda Item #2

Commissioner McCarty made a motion to approve the April 14, 2015 closed session meeting minutes as presented. Commissioner Warren seconded the motion. The motion passed with a roll call vote:

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

Approval of the May 27, 2015 Missouri Clean Water Commission Meeting Closed Session Minutes

Agenda Item #3

Commissioner Warren made a motion to approve the May 27, 2015 closed session meeting minutes as presented. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

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

Approval of the June 10, 2015 Missouri Clean Water Commission Meeting Closed Session Minutes

Agenda Item #4

Commissioner Bennett made a motion to approve the June 10, 2015 closed session meeting minutes as presented. Commissioner McCarty seconded the motion. The motion passed with a roll call vote:

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

State Fiscal Year 2015 Clean Water State Revolving Fund Intended Use Plan Revisions

Agenda Item #5

Eric Crawford, Financial Assistance Center presented the State Fiscal Year 2015 Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) amendments. Mr. Crawford noted that the draft 2016 CWSRF IUP would be placed on public notice. He stated that if availability was approved by the Commission a public hearing would be scheduled for August 12, 2015 in the Jefferson City area. Mr. Crawford stated that if the public hearing took place on August 12th the department would bring the proposed 2016 CWSRF IUP for Commission approval at the October 7, 2015 meeting. No public comments were made.

Commissioner Leake made a motion the Commission approve the proposed changes to the Fiscal Year 2015 Clean Water State Revolving Fund Intended Use Plan and Priority List as proposed. The approval included 1) moving Windsor Place to the Priority Watershed Reserve fundable list with funding allocation unchanged at \$607,757 loan and \$607,758 grant, 2) moving Brashear from the Disadvantaged Community Reserve to the Priority Watershed Reserve fundable list with a decrease in grant allocation to the maximum allowed under the Priority Watershed Reserve - \$637,798 loan and \$637,797 grant and 3) increase Monett's grant allocation to utilize available grant funds to \$945,620 with \$3,884,740 in loan. Commissioner Wood seconded the motion. The motion passed with a roll call vote:

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

**Administrative Hearing Commission's Recommended Decision Regarding Frank W. Staton, Appeal Number 15-0191 CWC
Agenda Item #6**

Stephen Wyse, attorney for Frank Staton, requested the Commission to set aside the finding of the Administrative Hearing Commission stating there was not substantial evidence of contaminants for violation.

Commissioner Bennett made a motion the Commission adopt the Administrative Hearing Commission's recommendation to uphold the administrative penalty order issued to Station as assessed because he violated the Missouri Clean Water Law. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

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

A final order was signed by the Commission.

PRESENTATIONS

State Water Plan Update

Andrea Collier, Director, Water Resources Center presented an update on the State Water Plan, noting it had been delayed due to the lawsuits over the federal clean water rule. The Commission expressed interest in proceeding, noting the lawsuit is unrelated and may take years to resolve.

No action taken by the Commission.

Missouri Nutrient Reduction Strategy

Kurt Boeckmann, Department of Natural Resources' Director's Office, presented an update on the Missouri Nutrient Reduction Strategy. Mr. Boeckmann noted that the initial project was completed and that the work now would be moving into the implementation phase, including the consideration of pollutant trading, with the first meeting being scheduled for July 20, 2015 in Jefferson City.

No action taken by the Commission

Director's Report

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

- There are several appeals that may come before Commission, beyond the Staton appeal decided today. These include Callaway Farrowing, which is before the circuit court of Cole County, and for which the Commission and department are under a court order to take no action including receiving any further comment at today's meeting. Other appeals are the city of Trenton that is in negotiation toward a potential settlement, SRG Global, Inc, that has a July hearing, Boone County Regional Sewer District and Tom Scheppers that have September hearings, and Doe Run that has a January hearing.
- The FY16 Intended Use Plan will be placed on public notice and have a hearing, and should be ready for Commission action at the October meeting.
- There are several cases related to the payment of clean water fees. Three of these are solely fee issues will be referred to the Attorney General's Office. Twenty-three others have other environmental issues beyond fees and the department is pursuing resolution of all of their issues.
- The preparation of the water quality standards rule is proceeding and presently includes nutrient criteria for lakes, pH, hardness, downstream uses, many but not all updated 304(a) criteria, changes to losing streams (list to GIS layer), update on waters covered by beneficial use designations and edits. A later rulemaking will continue amending criteria that are not yet well developed.
- Several upcoming meetings include a discussion of small systems like sand filters on July 27 and the next Water Protection Forum August 6.

No action taken by the Commission.

Public Comment and Correspondence

- Robert Brundage, Newman, Comley, and Ruth, informed the Commission of his communication with the Environmental Protection Agency (EPA) regarding the chloride criteria, and expects the Commission may receive correspondence from EPA regarding this and other criteria.
- Phil Walsack, Missouri Public Utility Alliance, mentioned technical, managerial, financial (TMF) considerations related to drinking water systems and a survey related to TMF that had a poor response from the systems. Mr. Walsack also asked for the department to clarify for the Commission and the public on whether funding is still available under the Small Community Engineering Assistance Program (SCEAP). Mr. Walsack advocated for the importance of SCEAP grants and believes more communities should be taking advantage of this funding. Traci Newberry with the department responded that 47 grants totaling \$1,621,176 have been awarded, with another 20 applications in process totaling just under a \$1 million. A balance of \$1,024,654 is available for new applicants an additional funding may be allocated annually based on the availability of funds. The Commission asked several follow up questions including the size of communities that are eligible (10,000 population or less) and source of funding (CWSRF administration fees).
- Joe Bachant mentioned the importance of the educational role of the Commission and a need for more emphasis in that area rather than focusing on the contested cases and special interests that typically come before the Commission.

No action was taken by the Commission.

Future Meetings

The Commission noted that the next Commission meeting would be held on October 7, 2015 at 10:00 a.m. in the Branson area, specific location to be determined.

Closed Session

Commissioner Bennett made a motion the Commission go into closed session to discuss legal, confidential or privileged matters under Section 610.021(1), RSMo. Commissioner Wood seconded the motion. The motion passed with a roll call vote:

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

Commission went into closed session at 11:30 a.m.

**Commissioner Wood made a motion the Commission come out of closed session.
Commissioner Leake seconded the motion. The motion passed with a roll call vote:**
Commissioner Cowherd: Not in attendance
Commissioner Wood: Yes
Commissioner Bennett: Yes
Commissioner McCarty: Yes
Commissioner Warren: Yes
Commissioner Leake: Yes
Chair Parnell: Yes

Commission adjourned the closed session at 12:06 p.m.

ADJOURNMENT OF MEETING

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

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

Commission adjourned the open meeting at 12:10 a.m.

Respectfully Submitted,



John Madras
Director of Staff

