

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

April 2, 2014

Present

Todd Parnell, Chair, 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
Buddy Bennett, Missouri Clean Water Commission
John Cowherd, Missouri Clean Water Commission
John Madras, Director of Staff, Missouri Clean Water Commission
Daren Eppley, Legal Counsel, Missouri Clean Water Commission
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Brenda Bardwell, Missouri Department of Natural Resources, Jefferson City, Missouri
Kurt Boeckmann, Missouri Department of Natural Resources, Jefferson City, Missouri
Michael Bollinger, Ameren, St. Louis, Missouri
John Carter, Geo Engineers, Springfield, Missouri
David Casaletto, Ozarks Clean Water Company, Kimberling City, Missouri
Andrew Combs, Missouri Department of Natural Resources, Jefferson City, Missouri
Mohsen Dkhili, Missouri Department of Natural Resources, Jefferson City, Missouri
Jeffrey Doss, CMT, St. Louis, Missouri
Joe Engeln, Missouri Department of Natural Resources, Jefferson City, Missouri
John Ford, Jefferson City, Missouri
Doug Garrett, Missouri Department of Natural Resources, Jefferson City, Missouri
Curtis Gateley, Missouri Department of Natural Resources, Jefferson City, Missouri
Jodi Gerling, Missouri Department of Natural Resources, Jefferson City, Missouri
Floyd Gilzow, Missouri Public Utility Alliance, Jefferson City, Missouri
Brian Hess, City of Liberty, Liberty, Missouri
Jennifer Hoggatt, Missouri Department of Natural Resources, Jefferson City, Missouri
Chris Klenklen, Missouri Department of Agriculture, Jefferson City, Missouri
Jan Millington, City of Springfield, Springfield, Missouri
Leanne Tippet Mosby, Missouri Department of Natural Resources, Jefferson City, Missouri
David Nelson, Kansas City, Missouri
Susan Nelson, Kansas City, Missouri
Traci Newberry, Missouri Department of Natural Resources, Jefferson City, Missouri

Trish Rielly, Missouri Department of Natural Resources, Jefferson City, Missouri
Amanda Sappington, Missouri Department of Natural Resources, Jefferson City, Missouri
David Shorr, Jefferson City, Missouri
Kevin Smith, Missouri Department of Natural Resources, Jefferson City, Missouri
Lorisa Smith, Missouri Department of Natural Resources, Jefferson City, Missouri
Jeff Starr, Missouri Department of Natural Resources, Jefferson City, Missouri
Darrick Steen, Barr Engineering, Jefferson City, Missouri
Trent Stober, HDR, Columbia, Missouri
Robert Voss, Missouri Department of Natural Resources, Jefferson City, Missouri
Stephanie Wilson, Macon Municipal Utilities, Macon, Missouri

CALL TO ORDER

Chair Parnell called the meeting of the Missouri Clean Water Commission to order on April 2, 2014 at 10:00 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

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

Message from the Director – Leanne Tippett Mosby, Director of the Division of Environmental Quality, addressed the Commission in Department Director Pauley’s place, as she was unable to attend the meeting. Ms. Mosby explained several on-going projects within the Department, including the hazardous waste locator system, Our Missouri Waters, and Community Services. She noted that the Department was working with the Environmental Finance Center at Wichita State University to examine local government financial capability in light of new requirements communities will be facing. She also noted that the Department was examining a multi-discharger variance that may be able to address situations of communities that are unable to finance improvements. Ms. Mosby stated the development of a Missouri Nutrient Reduction Strategy was proceeding and committees were being formed to represent the various sectors and determine reductions each can make.

Commissioners expressed interest in the reduction strategy and requested to be advised of future meetings on the strategy development as well as relevant kitchen cabinet meetings.

A discussion also took place on the proposed Waters of the United States definition. The Commission requested that the Department notify them when the rule was published and the deadline to submit comment should they wish to offer a comment.

ADMINISTRATIVE MATTERS

Approval of the January 8, 2014 Missouri Clean Water Commission Meeting Minutes
Agenda Item #1

Commissioner Wood made a motion to approve the January 8, 2014 meeting minutes as presented. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

Commissioner Cowherd: Yes
Commissioner Wood: Yes
Commissioner Bennett: Abstained
Commissioner McCarty: Yes
Commissioner Warren: Abstained
Commissioner Leake: Yes
Chair Parnell: Yes

2014 303(d) Impaired Waters List
Agenda Item #2

Trish Rielly, Watershed Protection Section presented the proposed 2014 303(d) list of impaired waters for the Commission's approval including a revised recommendation for Beaver Branch, Jordon Creek, Pearson Creek and Wilson Creek. The Commissioners asked a few clarifying questions regarding the impaired waters list and responses to stakeholder comments.

Trent Stober, HDR and Robert Brundage, Newman, Comley, and Ruth provided comments in support of the Department's decision to make changes to the proposed impaired waters list in response to public comments. Mr. Stober and Mr. Brundage also noted that the stakeholders felt it important that in the future the Commission hold the 303(d) public hearing instead of hiring a hearing officer. Mr. Brundage also suggested two policy changes for the future regarding delaying the development of Total Maximum Dailey Loads until a pollutant has been identified, and for the Department to quantify how habitat issues contribute to an impairment.

Commissioner Wood made a motion to approve the 2014 303(d) Impaired Waters List. Commissioner Warren 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: Yes
Chair Parnell: Yes

Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan Revisions
Agenda Item #3

Doug Garrett, Financial Assistance Center, presented the Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan revisions. Mr. Garrett recommended the Intended Use Plan be amended as follows:

- Increase the Pierce City, C295696-01 project's total eligible project costs from \$807,688 to \$991,375 for an increase of \$183,687. This increase is in response to the new water quality criteria for the protection of aquatic life from the effects of ammonia toxicity.
- Place the Jefferson City, C295401-07 project on the Fundable Contingency List as they had submitted a complete facility plan thus meeting the readiness to proceed criteria previously adopted by the Commission.
- Increase the new Small Community Engineering Assistance Program from \$500,000 to \$2,500,000 due to an overwhelming response to the program. Funding would come from the State Revolving Fund administration fees.
- Allocate \$2,500,000 to fund the Rural Sewer Grant Program utilizing State Revolving Fund administration fees. The Rural Sewer Grant Program is an existing program which has been previously funded by State Water Pollution Control Bond Funds authorized by Missouri Constitution, Article III, Sections 37(e) and (g). These grants will be awarded in accordance with State Regulation 10 CSR 20-4.030.

Commissioner Warren made a motion to approve the Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan revisions as presented. Commissioner Cowherd 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:	Yes
Commissioner Wood:	Yes
Chair Parnell:	Yes

Clean Water State Revolving Fund – Design-Build
Agenda Item #4

Doug Garrett, Financial Assistance Center provided information regarding the use of the design-build method of procurement for wastewater treatment plant construction activities. Mr. Garrett noted that the city of Liberty had proposed using a performance based design-build method of construction for the proposed 5.1 MGD wastewater treatment facility. He noted the city had evaluated three potential design-build processes; Bridging Based, Progressive, and Performance Based. Based on their evaluation, the city would be pursuing the Performance Based method.

Mr. Garrett explained the Performance Based Design-Build method focuses on accountability. The city would establish a performance matrix and the resulting design-build contract would be performance based. The design-build team would be accountable for the performance of the project. The city would utilize a request for qualifications/request for proposals process to retain the services of a design-build team. He noted that it was anticipated that a contract would be awarded in September 2014.

Mr. Garrett stated that the city of Liberty had expressed their desire to finance their project through the Clean Water State Revolving Fund (CWSRF), however, current regulations require that engineering services be procured separately from construction services. He noted that staff anticipates the city may request a variance from the regulations to allow the city to utilize the performance based design-build process and be eligible to receive CWSRF funding. This opportunity would enable staff to become better acquainted with the design-build process and potentially allow for this method of procurement on future projects. If the design-build process is productive, staff may propose a rule change to allow it routinely for certain projects. No action taken by the Commission.

Commission Operating Procedures **Agenda Item #5**

John Madras, Director of the Water Protection Program presented draft procedures for the Commission's consideration. The Commission reviewed the procedures and inquired on rulemaking policies and other aspects. The Commission decided to review the procedures further and take them up again at the July 9, 2014 meeting.

Floyd Gilzow, Missouri Public Utility Alliance commented in support of the Commission adopting procedures/guidelines. He noted two areas that he would encourage and challenge the Commission to review thoroughly 1) RSMo 644.026 – Authority and Powers and 2) page ten of the proposed procedures where it states “Members should facilitate open communication between the regulated community, interested groups, the general public and the department.”

2014 Top 10 **Agenda Item #6**

John Madras, Director of the Water Protection Program presented the 2014 Top 10 list. The Commission received staff input on priority items for the next 18 months, and focused on three areas: 1) There is an interest in training, specifically visiting various facilities for better understanding the processes and challenges of systems. While most Commissioners had toured wastewater treatment facilities, specific aspects like combined sewer overflows or innovative technologies, Concentrated Animal Feeding Operations, or different types of projects such as Jameson Island, would deepen their understanding; 2) A planning session could further work through a vision of water for Missouri with specific goals, and this may extend beyond clean water topics similarly to the session in May, 2012; and 3) Water quality standards form the basis for many aspects of water quality, and their revision is a significant undertaking. The Commission will take this back up at the July 9, 2014 meeting.

PRESENTATIONS

Director's Report

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

- Clean water fees: the rule was completed in November and since there was no objection from the General Assembly within the allowed time, the new fee structure goes into effect January, 2015. Fee collection work for existing fees continues, with most of the 1200 people with fees due in July and August paying them, and 31 remaining to pay.
- The Department received a request to conduct rulemaking on the water quality certification for nationwide permits. The response is due in a month and staff will advise the Commission of the response.
- There are several bills of interest in the General Assembly including SB 968, an omnibus environmental proposal, SB 664 and HB 1074, which would require watershed studies for new permit requirements, SB 914, related to shallow water habitat projects, and SCR 25, related to groundwater monitoring at coal ash ponds and landfills.
- The Ag Chem general permit is being renewed for a short term, during which the Ag Chem rule may be revised and some facilities may no longer be required to obtain permits.
- There may be a need for a special Commission meeting to timely process an appeal heard by the Administrative Hearings Commission yesterday.
- The July meeting may have topics related to the Listing Methodology Document for the 2016 impaired waters list, an update on Our Missouri Waters, the city of Fulton variance, an Intended Use Plan Hearing, Operating Procedures and Priority Actions.

No action taken by the Commission.

Public Comment and Correspondence

Two individuals addressed the Commission, including:

- Robert Brundage of Newman, Comley, and Ruth P.C. expressed interest in the sulfate and chloride standards changes proceeding as quickly as possible.
- David Casaletto of Ozarks Clean Water Company requested the general permit for small domestic facilities waive ammonia control for facilities less than 10,000 gallons per day, and asked that the design standards be revised to include ammonia treatment technology.

No action was taken by the Commission.

Future Meetings

The Commission noted that the next Commission meeting would be held on July 9, 2014 at the Lewis and Clark State Office Building in Jefferson City beginning at 10:00 a.m.

ADJOURNMENT OF MEETING

Chair Parnell adjourned the meeting at 1:20 p.m.

Respectfully Submitted,

John Madras

John Madras
Director of Staff

