

Missouri Clean Water Commission Meeting
Lewis and Clark State Office Building
LaCharrette/Nightingale Creek Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri

July 12, 2017

Approval of Minutes

Issue:

Commission to review the Open Session minutes from the April 5, 2017, Missouri Clean Water Commission meeting.

Recommended Action:

Commission to approve the Open Session minutes from the April 5, 2017, Missouri Clean Water Commission meeting.



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

April 5, 2017

Present

Buddy Bennett, Chair, Missouri Clean Water Commission
Ashley McCarty, Missouri Clean Water Commission
Dennis Wood, Missouri Clean Water Commission
Todd Parnell, Missouri Clean Water Commission
Wallis Warren, Missouri Clean Water Commission
Sam Leake, Missouri Clean Water Commission
David Lamb, Acting Director of Staff, Missouri Clean Water Commission
Tim Duggan, Legal Counsel, Missouri Clean Water Commission
Susan Borton, Secretary, Missouri Clean Water Commission

Mike Alesandrini, Leverage, French Village, Missouri
Bobby Anglen, Citizen, Goodman, Missouri
Joe Bachant, Citizen, Holts Summit, Missouri
David Barrett, Chapel Law Group, Jefferson City, Missouri
Kurt Boeckmann, Department of Natural Resources, Jefferson City, Missouri
Joe Boland, Environmental Improvement and Energy Resources Authority, Jefferson City, Missouri
Amy Beussink, United States Geological Survey (USGS), Rolla, Missouri
Michael F. Bollinger, Ameren, St. Louis, Missouri
Connie and Rick Brown, Citizens, Goodman, Missouri
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri
Tim Bull, Department of Natural Resources, Jefferson City, Missouri
Paul Calamita, Association of Missouri Cleanwater Agencies, Missouri
David Carani, HDR, Columbia, Missouri
Scott Carlson, Citizen, Fulton, Missouri
John Carter, Geo Engineers, Rolla, Missouri
David Casaletto, Ozarks Environmental Services, Kimberling City, Missouri
Jeannie Clapp, Citizen for Goodman, Neosho, Missouri
Eric Crawford, Department of Natural Resources, Jefferson City, Missouri
Becky Cripe, Department of Natural Resources, Jefferson City, Missouri
Aimee Davenport, Evans & Dixson Law Firm, Columbia, Missouri
Sharon Davenport, Department of Natural Resources, Jefferson City, Missouri
Cameron Eisterhold, Department of Natural Resources, Jefferson City, Missouri
Jake Faulkner, Department of Natural Resources, Jefferson City, Missouri

Steve Feeler, Department of Natural Resources, Jefferson City, Missouri
Dale Fischer, Citizen, Fulton, Missouri
Brandye Freeland, Missouri Army National Guard, Jefferson City, Missouri
Eric Fuchs, Missouri Rural Water Association, Mill Spring, Missouri
Jodi Gerling, Department of Natural Resources, Jefferson City, Missouri
Ted Hirschinger, Citizen, Fulton, Missouri
Lacey Hirschvogel, 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
Jay Hoskins, Metropolitan Sewer District, St. Louis, Missouri
Ramona Huckstep, Missouri Municipal League, Jefferson City, Missouri
Paul Jeffery, Citizen, Columbia, Missouri
Steve Jeffery, Jeffery Law Group, St. Louis, Missouri
Jeff Jones, Citizen, Fulton, Missouri
Vance Keaton, Citizen, Anderson, Missouri
Erren Kemper, City of Springfield, Springfield, Missouri
Erin Keys, City of Columbia, Columbia, Missouri
Ross Kidwell, Citizen, Fulton, Missouri
Shirley Kidwell, Citizen, Fulton, Missouri
Chris Klenklen, Department of Agriculture, Jefferson City, Missouri
Terry Leeds, Kansas City Water, Kansas City, Missouri
Hebin Lin, Department of Natural Resources, Jefferson City, Missouri
Forrest Lindsey, Department of Natural Resources, Jefferson City, Missouri
Cody Luebbering, Geosyntec Consultants, Jefferson City, Missouri
Margot McMillen, Citizen, Fulton, Missouri
Susan Myers, Metropolitan Sewer District, St. Louis, Missouri
Jan Millington, City of Springfield, Springfield, Missouri
Meghan Morel, Association of Missouri Cleanwater Agencies, Missouri
Nick Muenks, Geosyntec Consultants, Jefferson City, Missouri
Linda Offineer, Friends of Responsible Agriculture, Fulton, Missouri
Michael Offineer, Citizen, Fulton, Missouri
Samantha Ostmann, Department of Natural Resources, Jefferson City, Missouri
Jordan Paul, K Tre Holdings, Neosho, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
John Reece, Citizen, Lee's Summit, Missouri
Laura Richardson, Department of Natural Resources, Jefferson City, Missouri
John Rustige, Department of Natural Resources, Jefferson City, Missouri
Jill Sellenriek, Citizen, Fulton, Missouri
Brian Smith, Missouri Rural Crisis Center, Columbia, Missouri
Tim Snoke, Metropolitan Sewer District, St. Louis, Missouri
David Sorrell, City of Columbia, Columbia, Missouri
Darrick Steen, Missouri Corn Growers, Jefferson City, Missouri
Trent Stober, HDR, Columbia, Missouri
Kyle Stokes, Citizen, Columbia, Missouri
Karla Thompson, Citizen for Goodman, Plano, Texas
Katie Jo Wheeler, Department of Natural Resources, Jefferson City, Missouri
Chris Wieberg, Department of Natural Resources, Jefferson City, Missouri
Tammy Wilson, Department of Natural Resources, Jefferson City, Missouri

Gorden Wray, Department of Natural Resources, Jefferson City, Missouri
Courtney Zimmerman, Department of Natural Resources, Jefferson City, Missouri

CALL TO ORDER

Chair Bennett called the meeting of the Missouri Clean Water Commission (CWC) to order on April 5, 2017, at 10:10 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO.

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

Chair Bennett announced changes to the agenda. He stated that Items 3 and 4 would not be taken up on the advice of legal counsel due to issues pending on both items that prevent the Commission from voting. He did state that any comments regarding the RNR Farms would be taken during the Public Comments agenda item.

ADMINISTRATIVE MATTERS

Election of Missouri Clean Water Commission Officers

Agenda Item 1

Commissioner Parnell made a motion to leave the leadership in place until new Commissioners are appointed. 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 Parnell:	Yes
Vice Chair McCarty:	Yes
Chair Bennett:	Yes

Approval of the February 7, 2017, Missouri Clean Water Commission Teleconference

Meeting Minutes

Agenda Item 2

Commissioner Warren moved to approve the February 7, 2017, Teleconference meeting minutes as presented. Commissioner Wood seconded the motion. The motion passed with a roll call vote:

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

Clean Water State Revolving Fund Administrative Fee
Agenda Item 5

Eric Crawford, Financial Assistance Center, presented the Clean Water State Revolving Fund (CWSRF) Loan Administrative fee and recommended the Commission approve the implementation of a 0.5% annual loan administrative fee for all CWSRF direct loans closed on or after April 5, 2017. The Department further recommended that the Commission approve the Department to modify existing direct loans such that beginning on January 1, 2018, borrowers that had previously agreed to pay a 1.0% annual loan administrative fee will be reduced to a 0.5% annual loan administrative fee for the remainder of the existing terms. Commissioners Parnell and Warren asked questions regarding the implementation date. Tim Snoke, Metropolitan Sewer District, thanked the Commission for considering the issue and provided detailed comments. Paul Calamita, General Counsel for the Association of Missouri Cleanwater Agencies, also provided comments.

Vice-Chair McCarty made a motion to approve setting the Clean Water State Revolving Fund annual loan administrative fee to 0.5% effective April 5, 2017, for all new direct loans and effective January 1, 2018, reducing the annual loan administrative fee to 0.5% for existing direct loans currently paying 1.0%. The Department is directed to take the administrative actions to implement this change in the Fiscal Year 2017 Clean Water State Revolving Fund Intended Use Plan and to modify existing direct loan documents for borrower's currently being charged 1.0%. 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 Parnell: Yes
Vice Chair McCarty: Yes
Chair Bennett: Yes

Fiscal Year 2017 Clean Water State Revolving Fund Intended Use Plan Revisions
Agenda Item 6

Eric Crawford, Financial Assistance Center, provided revisions on the Fiscal Year 2017 Clean Water State Revolving Fund Intended Use Plan and recommended the Commission approve the changes to the Fiscal Year 2017 Clean Water State Revolving Fund Intended Use Plan as proposed.

Commissioner Warren made a motion to approve the changes to the Fiscal Year 2017 Clean Water State Revolving Fund Intended Use Plan as proposed. Commissioner Wood 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 Parnell: Yes
Vice Chair McCarty: Yes
Chair Bennett: Yes

Small Borrower Loan for the City of Linn Creek
Agenda Item 7

Eric Crawford, Financial Assistance Center, provided comments for the Small Borrower Loan for the city of Linn Creek and requested the Commission approve the allocation of funding in the amount of \$70,000 for a Small Borrower loan to the city of Linn Creek.

Commissioner Wood made a motion to approve the allocation of funding in the amount of \$70,000 for a Small Borrower loan to the city of Linn Creek. 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 Parnell: Yes
Vice Chair McCarty: Yes
Chair Bennett: Yes

Callaway Farrowing, LLC Appeal No. 14-1978 CWC and RNR Farms, LLC Permit Appeal No. 16-3308
Agenda Items 3 and 4

Commissioner Wood made a motion to table agenda items 3 and 4, Callaway Farrowing, LLC Appeal No. 14-1978 CWC and RNR Farms, LLC Permit Appeal No. 16-3308. 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 Parnell: Yes
Vice Chair McCarty: Yes
Chair Bennett: Yes

PRESENTATIONS

Antidegradation Alternatives Analysis
Agenda Item 9

John Rustige, Water Protection Program, provided background and information on the Department's Antidegradation Alternatives Analysis for Domestic Wastewater Facilities with Design Flows Less than 10,000 Gallons per Day. Based on a comprehensive review of previous antidegradation projects, staff developed a voluntary antidegradation review for small domestic wastewater systems with design flows of less than 10,000 gallons per day. This approach would allow applicants to forego the additional engineering services needed to conduct an analysis of treatment alternatives for their specific antidegradation submittal and instead utilize the alternatives analysis that has been prepared by staff. The analysis was placed on public notice on March 3, 2017, with the comment period to close on April 21, 2017.

No action was taken by the Commission.

Columbia Integrated Management Plan
Agenda Item 8

Lacey Hirschvogel, Water Protection Program, provided background on the Columbia Integrated Management Plan (IMP). The city of Columbia is developing an IMP to meet their critical infrastructure needs for improving their community waterways. The goal of the Our Columbia Waters Plan is to develop adaptable and affordable long-term recommendations that meet Columbia's wastewater and stormwater management needs and that address Clean Water Act obligations. David Sorrell, Assistant Director, city of Columbia Utilities Department, provided comments. Trent Stober, HDR, Inc. gave a short presentation and provided comments on the Columbia IMP.

No action was taken by the Commission.

Director's Update
Agenda Item 10

David J. Lamb, Acting Director, Water Protection Program, reported the following to the Commission:

- The departure of Todd Sampsel, Deputy Department Director; Marty Miller, General Counsel; and Tom Bastian, Communications Director, from the Department;
- He continues to serve as the Acting Director of the Water Protection Program, and Steve Feeler continues to serve as the Acting Division Director;
- The status of legislation including information on a number of bills related to water pollution issues and the rulemaking process. He also discussed the status of Executive Order 17-03 related to rulemaking;
- The status of several program related issues including the 303(d) Listing process, the status of several TMDLs that were out on public notice, the public notice process for the Multi-Discharger Variance, and changes to the permit process. He also provided an update on the status of fee collection efforts and enforcement actions taken to compel payment; and
- Reminded the Commissioners to complete their Personal Financial Disclosure forms before the May, 1, 2017, deadline.

Immediately following the Director's Update, Commissioner Parnell made a statement of his concern regarding the discontinuation of the State Water Plan; his point being to get it on public record. Chair Bennett provided comments as well. Commissioner Wood asked where the memo/decision came from. Mr. Lamb stated it was a decision from the new administration and the only correspondence he had seen was the email from the Water Resources Program indicating that work on the plan was being discontinued.

Public Comment and Correspondence
Agenda Item 11

Tim Duggan, Legal Counsel, Missouri Clean Water Commission, provided an explanation of how comments were going to be taken regarding the RNR Farms, LLC Permit Appeal No. 16-3308.

Jordan Paul, K Tre Holdings, introduced the group of citizens who traveled from Goodman, Missouri, on behalf of the petitioners of the permit appeal and stated that due to time constraints, only a few would speak. Connie Brown, citizen of Goodman, provided comments and shared her

concern regarding the Concentrated Animal Feeding Operation about to be put in Goodman. Bobby Anglen, citizen of Goodman; and Leslie Holloway, Missouri Farm Bureau, also provided comments.

No action was taken by the Commission.

Missouri Clean Water Commission Meetings

Agenda Item 12

- July 12, 2017, Lewis and Clark State Office Building
- October 4, 2017, Lewis and Clark State Office Building
- January 10, 2018, Lewis and Clark State Office Building

ADJOURNMENT OF MEETING

Commissioner Parnell moved the Commission adjourn the meeting. 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 Parnell:	Yes
Vice Chair McCarty:	Yes
Chair Bennett:	Yes

Commission adjourned the open meeting at 12:41 p.m.

Respectfully Submitted,

David J. Lamb
Acting Director of Staff