

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

April 6, 2016

Present

Ashley McCarty, Vice Chair, Missouri Clean Water Commission
Todd Parnell, 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
Thais Folta, Legal Counsel, Missouri Clean Water Commission
Chelsey Bodenstab, Secretary, Missouri Clean Water Commission
Linda Mebruer, Secretary, Missouri Clean Water Commission

Mike Alesandrine, AECOM, St. Louis, Missouri
Bob Angelo, Environmental Protection Agency, Lenexa, Kansas
Melissa Bagley, Environmental Protection Agency, Lenexa, Kansas
Stacia Bax, Department of Natural Resources, Jefferson City, Missouri
Michael Bollinger, Ameren, St. Louis, Missouri
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri
Tim Bull, Department of Natural Resources, Jefferson City, Missouri
John Carter, Geo Engineers, Springfield, Missouri
David Casaletto, Ozark Water Watch, Kimberling City, Missouri
Chris Chinn, Citizen, Clarence, Missouri
Eric Crawford, Department of Natural Resources, Jefferson City, Missouri
John Delashmit, Environmental Protection Agency, Lenexa, Kansas
Joe Engeln, Department of Natural Resources, Jefferson City, Missouri
Jerry Foster, JBS Live Pork, Jefferson City, Missouri
Ed Galbraith, Barr Engineering, Jefferson City, Missouri
Carol Garey, Department of Natural Resources, Jefferson City, Missouri
Robert Henige, Department of Natural Resources, Jefferson City, Missouri
Susan Higgins, Department of Natural Resources, Jefferson City, Missouri
John Hoke, Department of Natural Resources, Jefferson City, Missouri
Leslie Holloway, Missouri Farm Bureau, Jefferson City, Missouri
Errin Kemper, City of Springfield, Springfield, Missouri
Shirley Kidwell, Citizen, Fulton, Missouri
John Lodderhose, St. Louis MSD, St. Louis Missouri
Collin Mackey, Department of Natural Resources, Jefferson City, Missouri
Ray McCarty, Associated Industries of Missouri, Jefferson City, Missouri
Steve McIntosh, Department of Natural Resources, Jefferson City, Missouri

Refaat Mefrakis, Department of Natural Resources, Jefferson City, Missouri
Jan Millington, City of Springfield, Springfield, Missouri
Shawn Nichols, Missouri American Water, Jefferson City, Missouri
Don Nikodim, MO Pork Association, Columbia, Missouri
Linda Offineer, FORAGE, Fulton, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
Cathy Rice, Hickory Neighbors United, Trenton, Missouri
Dean Rice, Hickory Neighbors United, Trenton, Missouri
John Rice, Grundy Co. SWCD, Trenton, Missouri
Laura Richardson, Department of Natural Resources, Jefferson City, Missouri
Trish Rielly, Department of Natural Resources, Jefferson City, Missouri
Jill Sellenriek, Fulton, Missouri
Darrick Steen, Missouri Soybeans, Jefferson City, Missouri
Trent Stober, HDR, Columbia, Missouri
Elliot Usher, Attorney General's Office, Jefferson City, Missouri
Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
Chris Wieberg, Department of Natural Resources, Jefferson City, Missouri
Courtney Zimmerman, Department of Natural Resources, Jefferson City, Missouri

CALL TO ORDER

Vice Chair McCarty called the meeting of the Missouri Clean Water Commission to order on April 6, 2016 at 10:00 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

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

ADMINISTRATIVE MATTERS

Proposed Amendment to 10 CSR 20-6.300 Concentrated Animal Feeding Operations Regulations – Public Hearing **Agenda Item #1**

The Commission held a hearing on the Proposed Amendment to 10 CSR 20-6.300 Concentrated Animal Feeding Operations Regulations. The hearing was to introduce and provide an opportunity for the public to comment on the proposed amendment. Greg Caldwell, Water Protection Program, provided background, a summary of public comments received to date, and a summary of changes and updates to the proposed amendment on behalf of the department. Leslie Holloway, Missouri Farm Bureau, Robert Brundage, Newman, Comley and Ruth, P.C. and Darrick Steen, Missouri Soybeans provided detailed comments on the proposed amendment. No action taken by the Commission.

**Proposed Amendment to 10 CSR 20-8.300 Manure Storage Design Regulations –
Public Hearing
Agenda Item #2**

The Commission held a hearing on Proposed Amendment to 10 CSR 20-8 Manure Storage Design Regulations. The hearing was to introduce and provide an opportunity for the public to comment on the LMD. Diane Reinhardt, Water Protection Program, provided background, a summary of public comments received to date, and a summary of changes and updates to the draft document on behalf of the department. Leslie Holloway, Missouri Farm Bureau declined her request to comment. Robert Brundage, Newman, Comley and Ruth, P.C., and Darrick Steen, Missouri Corn Growers Association, Missouri Soybean Growers Association, provided oral and written comments, respectively, on the proposed amendment. No action taken by the Commission.

**Approval of the February 17, 2016 Missouri Clean Water Commission Meeting
Minutes
Agenda Item #3**

Commissioner Wood made a motion to approve the February 17, 2016 meeting minutes as presented. Commissioner Warren 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: Not in attendance**

**Approval of the February 17, 2016 Missouri Clean Water Commission Closed Meeting
Minutes
Agenda #4**

Commissioner Parnell made a motion to approve the February 17, 2016 meeting closed minutes as presented. Commissioner Warren 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: Not in attendance**

Draft 2016 303(d) Impaired Waters List
Agenda Item #5

The Commission held a hearing on the draft 2016 303(d) List at the January 6, 2016 meeting. Trish Rielly, Water Protection Program, provided background, a summary of public comments received to date, and a summary of changes and updates to the draft document on behalf of the department. Leslie Holloway, Missouri Farm Bureau provided detailed comments on the draft 303(d) List. Errin Kemper, City of Springfield, provided detailed comments on the draft 303(d) List.

Commissioner Wood made a motion to approve the Draft 2016 303(d) Impaired Waters List as presented. Commissioner Warren 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: Not in attendance

Draft 2018 303(d) Listing Methodology Document
Agenda Item #6

The Commission held a hearing on the draft 2018 303(d) Listing Methodology Document at the January 6, 2016 meeting. Trish Rielly, Water Protection Program provided background, a summary of public comments received to date, and a summary of changes and updates to the draft document on behalf of the department. Leslie Holloway, Missouri Farm Bureau, provided detailed comments on the draft Listing Methodology Document. Robert Brundage, Missouri Pork Producers Association (Missouri Agriculture Business Association) provided oral and written detailed comments on the draft Listing Methodology Document and requested language be added. John Hoke and John Madras, Water Protection Program, responded to Mr. Brundage's comments on the addition of language.

Commissioner Wood made a motion to approve the Draft 2018 303(d) Listing Methodology Documents as presented. Commissioner Parnell 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
Chari Bennett: Not in attendance

Water Quality Standards and Antidegradation
Agenda Item #7

John Hoke, Water Protection Program, provided updates on the progress of water quality standards rule and the antidegradation provision. Since the January, 2016 meeting, there have been no stakeholder workgroup meetings on the current water quality standards package. The Regulatory Impact Report is complete and undergoing legal review; the next step in the rule process is to place the RIR on public notice.

A revised Antidegradation Implementation Procedure has been placed on public notice and the public comment period ends on April 22, 2016. The revisions consist of bio-accumulative pollutants, those pollutants that bio-accumulate or bio-magnify in the food chain. The Antidegradation Implementation Procedure looks at facilities and their potential impact, and determines if there would be significant degradation on a pollutant by pollutant basis. The department plans to bring the Antidegradation Implementation Procedure forth for approval by the Commission at the July 13, 2016 meeting. No action taken by the Commission.

State Water Plan
Agenda Item #8

Steve McIntosh of the Water Resources Program presented the status of work on the state water plan. He noted the plan had a detailed scope of work and would be modified as needed as the project moved forward. He stated that funding for the plan, in part, was from the Corps of Engineers. Phase II has begun and Director Sara Pauley and Colonel Sexton signed the new agreement for \$747,600. Phase II will look at the demographic and trends of the populations and water demands across the state, including the environmental, recreational, and navigation. It will establish technical work groups including water quality, aquatic species, environmental flows, agricultural demands and infrastructure, and will establish stakeholder involvement including water commissions and inter-agency task forces. No action taken by the Commission.

Director's Report

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

- The next steps for impaired waters are to establish priorities and a schedule, and the department will proceed with these. At the same time the department is exploring an innovative approach to addressing impairments. Chris Wieberg provided a brief discussion of the Clean Water 4.0 project.
- The department is continuing E3 projects for both clean water and drinking water, and staff routinely provide updates on projects at the water protection forum.
- The Corps of Engineers' St. John's Bayou/New Madrid Floodway is continuing development and the department can provide information to the Commission as needed.
- The department is continuing the development of a water quality trading framework, and the document may be available later this spring in time to be presented to the Commission in July and perhaps request Commission approval in October.
- There are several rules in development, including 10CSR20-6.010 which contains the continuing authority provisions that received public comment. The department will reconvene the workgroup to work through these questions. Leanne Tippett Mosby suggested that applicants consult their legal counsel and perhaps the departments' legal counsel

regarding confidential material in applications because we do not want the applicant to submit anything considered confidential if there is not a provision under the Sunshine Law that would allow us to maintain the confidentiality.

Public Comment and Correspondence

Chris Chinn, hog farmer, and Leslie Holloway Missouri Farm Bureau, commented on decision made by the Commission relative to the Trenton Farms permit appeal decision and how family farms are affected. They requested the Commission reconsider their decision.

Ray McCarty, Associated Industries, commented on Trenton Farms decision and additional financial information having to be provided. He requested the Commission reconsider their decision on the entity is in good standing with the Secretary of State's Office.

Don Nikodim, Missouri Pork Association, commented on the Trenton Farms decision and stated that it has implications that are unknown at this time. He mentioned the CAFO Indemnity Fund and requested reversal of the Committees decision.

Robert Brundage, representing the Missouri Pork Association and the Missouri Agriculture Business Association, commented on Trenton Farms decision and the impact of permit renewals and the unknown implications involved. He stated that the Missouri Clean Water Law has no statutory provisions to require any businesses to show any of their financial information; or to provide any funds, bonds, or insurance.

Kevin Perry, REGFORM, commented on Trenton Farms decision and the lack of clarification and applicability. He requested the Committee put the requirement of continuing authority on hold.

Shirley Kidwell, Citizen of Fulton, commented on the Trenton Farm decision.

Darrick Steen, Missouri Corn Growers Association and Missouri Soybean Association, commented on the Trenton Farms decision, focusing on the continuing authority provisions. He asked that the Commission revise the decision or make a new decision with regards to the continuing authority provision.

Phil Walsack, commented on the Trenton Farms decision, specifically modernization of continuing authority.

No action was taken by the Commission.

ADJOURNMENT OF MEETING

Commissioner Leake made a motion the Commission adjourn the meeting. Commissioner Parnell seconded the motion. The motion passed with a roll call vote.

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

Commission adjourned the open meeting at 2:00 p.m.

Respectfully Submitted,



John Madras
Director of Staff

