

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

August 21, 2013

Present

Sam Hunter, Chair, Missouri Clean Water Commission
Dennis Wood, Missouri Clean Water Commission
Wallis Warren, Missouri Clean Water Commission
Sam Leake, Missouri Clean Water Commission
Buddy Bennett, Missouri Clean Water Commission
Todd Parnell, Missouri Clean Water Commission – via telephone
John Cowherd, Missouri Clean Water Commission – via telephone
John Madras, Director of Staff, Missouri Clean Water Commission
Don Willoh, Legal Counsel, Missouri Clean Water Commission
Malinda Steenbergen, Secretary, Missouri Clean Water Commission

Jay Atkins, Missouri Department of Natural Resources
Brenda Bardwell, Missouri Department of Natural Resources, Jefferson City, Missouri
Karen Bataille, Missouri Department of Conservation, Columbia, Missouri
Susan Bloomer, Missouri Department of Natural Resources, Jefferson City, Missouri
Robert J. Brundage, Newman, Comley & Ruth P.C., Jefferson City, Missouri
John Bryan, Missouri Poultry Federation, Jefferson City, Missouri
Doug Garrett, Missouri Department of Natural Resources, Jefferson City, Missouri
Jodi Gerling, Missouri Department of Natural Resources, Jefferson City, Missouri
Leslie Holloway, Missouri Farm Bureau, Jefferson City, Missouri
Michael Klender, Kansas City Missouri Water Services Department, Kansas City, Missouri
Michael Kruse, Missouri Department of Natural Resources, Jefferson City, Missouri
John Lodderhose, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Abby Lynn, Missouri Corn Growers Association, Jefferson City, Missouri
Jim Macy, Missouri Department of Natural Resources, Jefferson City, Missouri
Refaat Mefrakis, Missouri Department of Natural Resources, Jefferson City, Missouri
Marty Miller, Missouri Department of Natural Resources, Jefferson City, Missouri
Jan Millington, City of Springfield, Springfield, Missouri
Leanne Tippet Mosby, Missouri Department of Natural Resources, Jefferson City, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
Trent Stober, HDR, Columbia, Missouri
Phil Walsack, Missouri Public Utility Alliance, Columbia, Missouri
Kristol Whatley, Metropolitan St. Louis Sewer District, St. Louis, Missouri
Chris Wieberg, Missouri Department of Natural Resources, Jefferson City, Missouri

CALL TO ORDER

Chair Hunter called the meeting of the Missouri Clean Water Commission to order on August 21, 2013 at 9:00 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, Missouri.

Chair Hunter made introductions of the Commissioners, Staff Director, Legal Counsel, and the Commission Secretary.

ADMINISTRATIVE MATTERS

Approval of the July 18, 2013 Missouri Clean Water Commission Meeting Minutes **Agenda Item #1**

Phil Walsack, Missouri Public Utility Alliance, proposed the following three corrections to the minutes.

- Page 5 under the Proposed Clean Water Fee Structure section, third to the last sentence of the paragraph change “Utilities” to “Utility”.
- Page 5 under Director’s Report section, the second bullet point, last sentence change “let” to “led”.
- Page 6 under the Public Comment section, the third bullet point take out the word “and” and replace it with “a comma”.

Doug Garrett, Financial Assistance Center proposed the following corrections to the official transcript for the Public Hearing for the Fiscal Year 2014 Clean Water State Revolving Fund Intended Use Plan:

- Page 5, Line 22, should read “Clean Water State Revolving Fund Intended Use Plan.”
- Page 6, line 13, change “for” to “four”.
- Page 6, line 14, change “entire State of Missouri” to “outstate Missouri”
- Page 6, line 19, change “to address CS, those issues” to “CSO issues”
- Page 6, line 25, change “filings” to “funding”
- Page 7, line 19, change to read “payments and have EIARA issue \$130 million in bonds which”
- Page 7, line 24, change “or raise” to “for readiness”
- Page 8, line 1, change “East Linn” to “East Lynne”
- Page 8, line 2, change “meeting raise proceed” to “readiness to proceed”
- Page 8, line 18, change “spring” to “stream”
- Page 8, line 20, change “keep information” to “keep the commission”
- Page 11, line 15, change “MFA royal” to MFA Oil”
- Page 11, line 25, change “ ’10 Use Plan” to “Intended Use Plan”
- Page 12, line 12, change “Jeff Scott Starr” to “Jeff Starr”

Commissioner Benett made a motion to approve the July 18, 2013 meeting minutes with the corrections proposed by Mr. Walsack and the corrections to the official transcript proposed by Mr. Garrett. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

Commissioner Cowherd: Yes
Commissioner Wood: Yes
Commissioner Bennett: Abstain
Commissioner Parnell: Yes
Commissioner Warren: Yes
Commissioner Leake: Yes
Chair Hunter: Yes

Proposed Clean Water Fee Structure
Agenda Item #2

John Madras, Director of the Water Protection Program presented the Proposed Clean Water Fee Structure recommending the Commission direct staff to proceed to rulemaking pursuant to Section 644.057, RSMo. The following three public commenters spoke on the proposal to promulgate the proposed fee structure.

Leslie Holloway, Missouri Farm Bureau
Phil Walsack, Missouri Public Utility Alliance
Robert Brundage, Newman, Comley & Ruth P.C.

Commissioner Wood made a motion the Commission proceed to establish the proposed clean water fees structure in rule by amending 10 CSR 20-6.011. This rule amendment may also contain other changes as appropriate to facilitate the operations of the Department's clean water responsibilities. I further move the Department continue to address comments related to the fee structure that have been identified through this stakeholder process, including but not limited to, costs of activities related to the types and sizes of facilities, further opportunities for efficiency changes and cost reductions, the scope of activities required by federal or state law, and the limitation placed upon the fee structure by statute. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

Commissioner Wood: Yes
Commissioner Bennett: Yes
Commissioner Parnell: Yes
Commissioner Warren: Yes
Commissioner Leake: Yes
Commissioner Cowherd: Yes
Chair Hunter: Yes

The Commissioners approved the Finding of Necessity for Rulemaking for 10 CSR 20-6.011.

PRESENTATIONS

Director's Report

John Madras, Director, Water Protection Program reported the following items:

- The completion of the electronic discharge monitoring report system;
- The status of rule amendments in progress; and
- The upcoming Water Protection Forum meeting scheduled for August 28, 2013.

No action taken by the Commission.

Public Comment and Correspondence

Several individuals addressed the Commission, including:

- Kevin Perry, REGFORM, regarding REGFORM's support of the water quality standards rule and opportunities to further improve the rule as it proceeds.
- Phil Walsack, Missouri Public Utility Alliance, regarding the Iowa League of Cities vs. the Environmental Protection Agency case and municipal interest in blending within wastewater treatment facilities.
- Robert Brundage, Newman, Comley & Ruth P.C., regarding his support for the water quality standards rule, with a use attainability analysis protocol, and his interest in touring the Department's Environmental Services laboratory.

Chair Hunter requested an update on the Casey Boaz appeal and variance case. Don Willoh reported that Ms. Bonnie Keaton, attorney representing Mr. Boaz, had filed a court challenge in the Howell County Court of Appeals but had dismissed the challenge. Mr. Willoh stated the case was now closed.

No action was taken by the Commission.

Future Meetings

Chair Hunter noted that the next Missouri Clean Water Commission meeting would be held September 11, 2013 at the Lewis and Clark State Office Building, Jefferson City, Missouri. Commissioner Leake, Commissioner Cowherd, and Chair Hunter stated they would not be in attendance. Commissioner Wood noted he was unsure of his availability and would notify the Commission Secretary of his availability following the meeting.

ADJOURNMENT OF MEETING

Commissioner Bennett made a motion to adjourn the meeting. Commissioner Leake seconded the motion. The motion passed with a roll call vote:

Commissioner Bennett: Yes
Commissioner Parnell: Yes
Commissioner Warren: Yes
Commissioner Leake: Yes
Commissioner Cowherd Yes
Commissioner Wood: Yes
Chair Hunter: Yes

The meeting adjourned at 10:30 a.m.

Respectfully Submitted,



John Madras
Director of Staff

