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

November 2, 2011

Missouri Clean Water Commission Rulemaking Agenda

Issue: Status of Water Pollution Control and Financial Assistance Rulemaking

Background: The development of this Rulemaking Agenda provides the status and upcoming actions related for each rulemaking. Rulemaking amendments are needed to improve the clarity, specificity and effectiveness of Missouri's regulations. Some rulemakings are program development priorities due to federal and state requirements, while others are in need of clarification and revision. For further information contact the Water Protection Program rule coordinators: for the Water Pollution Control Branch, Carol Garey and, for the Financial Assistance Center, Pat Smith.

Recommended Action: None.

Suggested Motion Language: None.

List of Attachments:

- Missouri Clean Water Commission Rulemaking Agenda

Missouri Department of Natural Resources	Clean Water Commission Rulemaking Agenda November 2 , 2011 in progress	
	View the WPP Rulemaking Reports and schedules on the Department's *List of Rules in Development by Program* at http://www.dnr.mo.gov/asp/regs/list.asp?program=All. On the *Water Protection Program Rule Development* at http://www.dnr.mo.gov/env/wpp/rules/wpp-rule-dev.htm, see rules having Regulatory Impact Reports. Dates for stakeholder and advisory group meetings when scheduled may be viewed on the Missouri *Water Protection Forum* at http://www.dnr.mo.gov/env/wpp/cwforum/index.html.	
Water Protection Program, WPCB, Water Quality Monitoring & Assessment		**Status includes Next Significant Action**
10 CSR 20-7.015 *Effluent Regulations*	This rulemaking provides updates and revises a number of areas needing modification. The effluent regulation will be aligned with current federal regulations, see 122 part C, and include reference clarifications and E. coli limits development as well. This update will also align the program's permitting rule with the 2010 through 2012 triannual review of the Water Quality Standards.	Authorized by Department Feb., 2011 / Upcoming Interagency Review & RIR / In Progress
10 CSR 20-7.031 *Water Quality Standards*	The state is required to revise water quality standards once every three years. The 2010 through 2012 triennial review is expected to ensure that state standards reflect new scientific and technical information, meeting public concerns and Environmental Protecion Agency requirements.The pollutants addressed are point and nonpoint sources affecting aquatic life uses, drinking water souces and recreation in and on the water. T*he Missouri Foundation Coalition for the Environment filed a lawsuit Auguat 4, 2010 alleging Missouri has not assigned uses to most of its water bodies. The Associated Industries of Missouri submitted a petition for phenol and, Missouri Agri-businesses a petition for sulfate/clorides. The WPP filed these petitions with the Joint Committee on Administrative rules.*	Authorized March 2010 / RIR Public Comment closed August 12 / Sept. 7 Finding of Necessity / To be filed w/SOS Oct. 26, 2011 / Expected publication in ***Missouri Register*** Dec. 1, 2011 / Public Hearing Jan. 4, 2012. Public comment must be received by Jan. 18, 2012
WPCB Wastewater *Permits & Engineering*		
10 CSR 20-6.010 Construction and Operating Permits; Pesticide Exemption	This rulemaking modifies the pesticide application exemption in permit requirments, in view of the 6th Circuit US Court of Appeals ruling, vacating EPA's pesticide application exemption from the Clean Water Act, when applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Modifying the exemption is consistent with the federal regulation. A continuing authorities revision clarifies the term 'availability' used to define higher authority. The rule making also develops the continuing authority provisions.	Authorization Nov. 2010 / Interagency Review Mar. 2011 / July 13 *Finding of Necessity* / Emerency Amendment , (effective Oct. 31, 2011), and Proposed Amendment published in ***Missouri Register*** August 15, 2011 / Public Hearing November 2. Public Comments must be received by November 16, 2011.

10 CSR 20-6.030 ***Disposal of Wastewater in Residential Housing Developments***	This rulemaking clarifies the current regulation and supports onsite and decentralized wastewater treatment systems as long-term solutions as well. Residential developers must receive departmental approval for wastewater treatment for seven or more lots less than five acres in size, i.e. single family residences using waste water septic systems and, expansions of three or more lots, less than 5 acres in size. Multi- family developments, hotels and resorts, etc. require approval.	Authorization July, 2010 / Upcoming Interagency Review & RIR In Progress
10 CSR 20-6.100 ***General Pretreatment Regulation***	Streamlining the current rule provides control authorities and industrial users with flexibility, reducing technical and administrative requirements and, reducing or eliminating the discharge of harmful pollutants to sanitary sewers. This rulemaking maintains alignment with federal requirements and takes advantage of less restrictive monitoring requirements. Pretreatment refers to the discharge of industrial pollutants to a city's sewer system. Pollutants of concern are metals, toxic organic chemicals, cyanide, ammonia, biochemical oxygen demand, total suspended solids, oil and grease, pH, and others – depending on the industry.	Authorization July, 2010 / Interagency review / RIR Public Comments closed July 26 / Nov.2, New Rule & Recission Findings of Necessity / publication in *Mo Register* expected Dec., 15, 2011.
10 CSR 20-6.300 ***Concentrated Animal Feeding Operations***	In 2009 the US EPA Office of Water released a letter directed to the EPA Regional Offices regarding CAFO program implementation. The EPA makes clear their expectation that delegated States continue to make progress. The WPP rulemaking ensures state CAFO rules are consistent with the EPA, NPDES regulations. The U.S. EPA finalized revisions to the National Pollutant Discharge Elimination System (NPDES) Permit Regulations and Effluent Limitation Guidelines for CAFOs in 2008. The 2008 EPA rule action was in direct response to the 2005 Second Circuit Court of Appeals decision in ***Waterkeeper Alliance et al. v. EPA.***	Authorization & *Finding of Necessity* March 2010 / Interagency Review / RIR Public Comments accepted through September 19. Proposed Amendment published in ***Missouri Register*** August 15, 2011 / Public Hearing November 2. Public Comments must be received by November 16, 2011
10 CSR 20-8.300 ***Design Standards for Concentrated Feeding Operations***	This rulemaking is due to EPA changes to CAFO effluent limitation guidelines making it necessary to address state design standards. The new design rule amendment has minimum standards for CAFO manure management systems. An increasing number of wet weather events have forced some CAFO operators to take emergency land applications measures. The upcoming amendment addresses this problem by increasing the minimum design storage capacity of lagoons and increasing the required "reserve" volume in lagoons that receive storm water runoff.	Authorization Sept. 2010 / Interagency Review & RIR Public Comments accepted through February 14, 2010 / July 13 Finding of Necessity / Proposed Amendment published in ***Missouri Register*** August 15, 2011 / Public Hearing November 2. Public Comments must be received by November 16, 2011.
Financial Assistance Center (FAC) ***Wastewater Construction***		
10 CSR 20-8.020 Design of Small Sewage Works	To Be Determined	Under WPP Review / Upcoming Authorization

10 CSR 20-8.120 Design of Gravity Sewers	This amendment will update the rule, aligning it with current industry standards and practices. The proposed changes are based upon Chapter 30 of the 2004 version of the "Recommended Standards for Wastewater Facilities" (otherwise known as the 10 States Standards) developed by the Wastewater Committee of the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers. The 10 States Standards are considered national standards and used throughout the United States and Canada. Missouri is an active member of this committee.	Authorization Feb 2011 / *Finding of Necessity* May 4 / ***Missouri Register*** publication Aug. 1 / Public Hearing September 7, 2011. Public Comment closed Sept. 14 / Order of Rulemaking expected to be filed w/JCAR Nov., 4 2011 / To be filed Dec.6, 2011 w/SOS / ***Missouri Register*** publication expected Jan. 17, 2012 / *CSR* publication expected Jan. 30, effective Feb. 29, 2012.
Financial Assistance Center (FAC)		
	Upcoming Rulemakings	To Be Determined
Hazardous Waste Program (HWP)		
10 CSR 20, Chapters 10, 11, and 13 relating to Petroleum Storage Tanks	The department intends to move the existing tank rules from Title 10, Division 20 to the newly created Division 26 of the CSR. The rules to be moved may be found in Chapter 10 (UST Technical Regulations), Chapter 11 (UST Financial Responsibility regulations), and Chapter 13 (UST Administrative Penalties) of Title 10, Division 20 of the CSR.	Authorization Sept., 2010 / PSTIF Advisory Committee Oct. 2010 / Interagency Review & RIR comment received thru Mar. 14 / ***Missouri Register*** publication May 16 / Public Hearing June 16 / Order of Rulemaking to HWC August 18 for adoption / Filed Aug. 18 w/JCAR. To be filed Sept. 19 w/SOS / ***Missouri Register*** publication expected Nov. 1 / ***CSR*** publication expected Nov. 30, effective Dec. 30, 2011.