



**APPROVED MINUTES OF THE  
MISSOURI CLEAN WATER COMMISSION MEETING  
Lewis and Clark State Office Building  
1101 Riverside Drive  
Jefferson City, Missouri  
September 21, 2018**

**Present via Teleconference**

Ashley McCarty, Chair, Missouri Clean Water Commission

**Present at the Lewis and Clark State Office Building**

John Reece, Missouri Clean Water Commission

Stan Coday, Missouri Clean Water Commission

Patricia Thomas, Missouri Clean Water Commission

Allen Rowland, Missouri Clean Water Commission

Chris Wieberg, Director of Staff, Missouri Clean Water Commission

Tim Duggan, Legal Counsel, Missouri Clean Water Commission

Chelsey Distler, Acting Secretary, Missouri Clean Water Commission

Joe Boland, Environmental Improvement and Energy Resources Authority, Jefferson City, Missouri

Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri

David Carini, HDR, Kansas City, Missouri

Sharon Davenport, Missouri Department of Natural Resources, Jefferson City, Missouri

Sherry Fry, Missouri Department of Natural Resources, Jefferson City, Missouri

Liz Grove, Missouri Rural Water Association, Ashland, Missouri

Jeanne Henson, Citizen, Jamestown, Missouri

Darlene Helmig, Missouri Department of Natural Resources, Jefferson City, Missouri

Lacey Hirschvogel, Missouri Public Utility Alliance, Columbia, Missouri

Ramona Huckstep, Missouri Municipal League, Jefferson City, Missouri

Hannah Humphrey, Missouri Department of Natural Resources, Jefferson City, Missouri

Sherri Irving, Kansas City Water & Light, Kansas City, Missouri

Chris Klenklen, Missouri Department of Agriculture, Jefferson City, Missouri

Ewell Lawson, Missouri Public Utility Alliance, Columbia, Missouri

Cindy LePage, Missouri Department of Natural Resources, Jefferson City, Missouri

Dave Michaelson, Missouri Department of Natural Resources, Jefferson City, Missouri

Leasue Meyers, Missouri Department of Natural Resources, Jefferson City, Missouri

Holly Neill, The Nature Conservancy, Springfield, Missouri

Randy Norden, Missouri Rural Water Association, Ashland, Missouri

Kevin Perry, REGFORM, Jefferson City, Missouri

Joel Reschly, Missouri Department of Natural Resources, Jefferson City, Missouri

Trent Stober, HDR, Kansas City, Missouri

## CALL TO ORDER

Vice-Chair Hurst called the meeting of the Missouri Clean Water Commission (CWC) to order on September 21, 2018, at 9:04 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO.

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

### Administrative Matters

#### **Clean Water Commission Rule Amendment 10 CSR 20.2.010, Definitions, Adoption** **Agenda Item 1**

Leasue Meyers provided comments to the Commission regarding the revision of the definitions in 10 CSR 20.2.020. The Department recommends that the Commission adopt the order of rulemaking as proposed.

Robert Brundage, Newman, Comley and Ruth provided comments to the Commission recognizing the work that was done by staff submitting comments on the proposed changes.

**Commissioner Reece made a motion to adopt the rules as proposed. Commissioner Thomas seconded the motion. The motion passed with a roll call vote:**

<b>Commissioner Coday:</b>	<b>Yes</b>
<b>Commissioner Thomas:</b>	<b>Yes</b>
<b>Commissioner Reece:</b>	<b>Yes</b>
<b>Commissioner Rowland:</b>	<b>Yes</b>
<b>Vice-Chair Hurst:</b>	<b>Yes</b>
<b>Chair McCarty:</b>	<b>Yes</b>

#### **Application for a \$500,000 grant from the Clean Water State Revolving Fund from the Missouri Public Utility Alliance – Resource Services Corporation** **Agenda Item 2**

Hannah Humphrey provided comments to the Commission briefing them on an application for a grant from the Clean Water State Revolving Fund (CWSRF). CWSRF funds are now allowed to be granted to a non-profit entity for assistance. This grant application for funds to provide technical assistance and planning resources for small and medium sized treatment works was accompanied by a request that the Commission assign special priority to this application and override the priority point system that is typically utilized to assign points for CWSRF projects in our annual Intended Use Plan (IUP). The application has been reviewed by the Department for alignment with the Department's priorities, including increased use of the CWSRF. The Department has engaged in initial discussions with MPUA-RSC on a potential scope of work that focuses on planning that leads to SRF projects, but at this time we do not have yet have approval from Department leadership regarding the grant, the concept, and the scope of work. Any funding would need to be submitted for approval through the Commission in the IUP.

Commissioner Reece stated that he had had several concerns over the grant by had spoken to Mr. Ewell Lawson by phone, who had called him the prior day, regarding his concerns and Mr. Lawson answered most of his concerns about the application. Commissioner Reece stated there are issues he has with regard to how much assistance will be given typically preliminary engineering reports are performed by a registered professional engineer. Mr. Ewell Lawson assured Commissioner Reece that Missouri Public Utility Alliance (MPUA) does have staff who are registered and would suffice in this requirement. Commissioner Reece was also concerned if there would be a requirement for the entities receiving funding to join MPUA before special assistance would be provided. Mr. Lawson assured him that this would not be a requirement.

Chair McCarty asked what the consideration was in determining the cut-off for city size at population 50,000. Mr. Lawson provided an answer to her question and indicated the cut off would probably change to 20,000. Commission McCarty also asked if proposed services that include “water and energy efficiencies” is defined in the application as overall energy efficiencies for the city that would not fall under SRF for clean water, or energy efficiencies as they relate to wastewater treatment facilities. Mr. Lawson stated that the Congressional directive and EPA regulations do identify these SRF monies to be used for energy efficiency as it relates to water and sewer. He discussed the fact that a small city’s largest energy load may be the wastewater plant and improving efficiency may improve sustainability. Chair McCarty asked if outreach has been considered for cities that desperately need help but are not MPUA members. Mr. Lawson indicated that MPUA feels they have a handle on the needs but does need to develop an approach to encourage cities to utilize SRF monies. Commissioner Reece asked what kind of program MPUA has in place to provide outreach to cities, such as attending council meetings. Mr. Lawson indicated that MPUA performs this type of work and that the assistance would become another tool they can talk to cities about. Mr. Reece asked if they are not a member if they will still attend meetings. Mr. Lawson indicated that yes, MPUA does meet with nonmembers. Commissioner Reece asked if a city needed assistance if the Department would send MPUA or Department staff. Mr. Wieberg indicated we are working on a referral component to the scope of work. Commissioner Reece asked what kind of dues structure would be required. Mr. Lawson indicated there will be no dues for grant services. Commissioner Reece asked what are MPUA’s dues are currently. Mr. Lawson stated that there is a minimum of \$280 with a multiplier on utility revenue and number of meters. Mr. Reece asked what an average small city’s dues would run Mr. Lawson answered.

Mr. Randy Norden provided comments to the Commission regarding the grant application on behalf of the Missouri Rural Water Association (MRWA). MRWA has concerns about the request for special consideration of the application. The MRWA also feels that the funding should be well structured and provided for in the IUP, and that approving this process outside the IUP would set a precedent for the Commission in the future where they are overwhelmed with many non-profits following suit with applications for work that may not be desirable. Mr. Norden also commented that the FY2019 SRF IUP does not appear to have a points system to evaluate these applications and does not list technical assistance projects as eligible projects. MRWA would like the Commission develop a clear application process that is both clear and transparent and allows nonprofits to compete for public funds.

Commissioner Reece stated that the Department has the authority to review any issue with the application and to approve or disapprove the application and Department has the final say in the matter so a point systems would not be that effective or required to approve an application. Mr. Norden stated he there is nothing illegal about it, and is pointing out that the FY2019 draft IUP includes no priority point system for the performance of an evaluation of a grant for planning and assistance. MRWA believes the Commission would better served if the process were opened up

with a public notice so any interested entities would submit an application. Commissioner Reece asked Mr. Wieberg to provide his thoughts. Mr. Wieberg indicated that the application is a new situation for the Department, and his applicability is new for the SRF. We could prepare an RFP for applications we could do that, but are reviewing the application and welcome guidance from the Commission. Commissioner Reece stated that the application needs work. Commissioner Thomas asked if it is Mr. Norden's testimony that because someone thought outside the box and applied for a grant that he doesn't think they should receive it? Mr. Norden indicated he is not opposed to thinking outside the box, but rather that public funds that would be applied to the grant may be better served if the opportunity was offered to all entities to apply. Also, once the precedent is set that planning funds are provided from construction funds outside the priority point process, it may open the Commission up to become overwhelmed. Also. It appears to be no IUP priority points activity applied to the consideration of the grant and provide the best service.

Ramona Huckstep, on behalf of the Missouri Municipal League, made comments to the Commission that a partnership with whoever receives these funds would be very valuable to many small communities.

Commissioner Hurst commented on the importance of being able to get these resources to small communities. He also encouraged MPUA and the Department to consider means of oversight for the use of the funds and the implementation of the program. Commissioner Thomas noted that she agrees these services for small communities are important, and noted that an RFP can be important but that when an RFP is set by a Department they can stifle things and sometimes out of the box growth or new ideas because they don't fit within the RFP. She appreciates the flexibility now and urges caution about everything being an RFP.

## Presentations

### Director's Update

- Welcome to Commissioner Rowland
- Work session to discuss the Listing Methodology Document
- Upcoming October 18 Commission meeting

### Public Comment and Correspondence

Kevin Perry, REFORM, provided comments to the Commission to say thanks to the staff and Department for the support in putting together the Missouri Water Seminar.

## ADJOURNMENT OF MEETING

**Commissioner Thomas moved the Commission adjourn the meeting. Commissioner Reece seconded the motion. The motion passed with a roll call vote.**

<b>Commissioner Thomas:</b>	<b>Yes</b>
<b>Commissioner Reece:</b>	<b>Yes</b>
<b>Commissioner Rowland:</b>	<b>Yes</b>
<b>Commissioner Coday:</b>	<b>Yes</b>
<b>Vice Chair Hurst:</b>	<b>Yes</b>

**Chair McCarty:**                      **Yes**

**Commission adjourned the open meeting at 10:02 a.m.**

**For more information contact:**

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Chris Wieberg", with a long horizontal flourish extending to the right.

Chris Wieberg  
Director of Staff