



**MINUTES OF THE  
MISSOURI CLEAN WATER COMMISSION MEETING  
Elm Street Conference Center  
1730 East Elm Street  
Jefferson City, Missouri  
October 9, 2019**

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

Ashley McCarty, Chair, Missouri Clean Water Commission  
Patricia Thomas, Vice-Chair, Missouri Clean Water Commission  
Stan Coday, Missouri Clean Water Commission  
Tim Duggan, Legal Counsel, Missouri Clean Water Commission  
John Reece, Missouri Clean Water Commission  
Allen Rowland, Missouri Clean Water Commission  
Krista Welschmeyer, Secretary, Missouri Clean Water Commission  
Chris Wieberg, Director of Staff, Missouri Clean Water Commission

Michael Abbott, Missouri Department of Natural Resources, Jefferson City, Missouri  
Van Beydler, Missouri Department of Natural Resources, Jefferson City, Missouri  
Joe Boland, Environmental Improvement and Energy Resource Authority, Jefferson City, MO  
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri  
Eric Crawford, Missouri Public Utility Alliance, Columbia, MO  
Sharon Davenport, Missouri Department of Natural Resources, Jefferson City, Missouri  
Jane Davis, Missouri Department of Natural Resources, Jefferson City, Missouri  
Joan Doerhoff, Department of Natural Resources, Jefferson City, Missouri  
Angela Falls, Missouri Department of Natural Resources, Jefferson City, Missouri  
Chuck Gross, Duckett Creek, O'Fallon, MO  
Darlene Helmig, Missouri Department of Natural Resources, Jefferson City, Missouri  
Lacey Hirschvogel, Missouri Public Utility Alliance, Columbia, MO  
John Hoke, Missouri Department of Natural Resources, Jefferson City, Missouri  
Leslie Holloway, Missouri Farm Bureau, Jefferson City, MO  
Jay Hoskins, Metropolitan Sewer District, St. Louis, Missouri  
Donald Jones, Missouri Rural Water Association, Poplar Bluff, Missouri  
Traci Lichtenberg, Missouri American Water, St. Louis, Missouri  
Bill McBrayer, Citizen, Hickory County, MO  
Cheryl Marcum, Citizen, Cedar County, Stockton, MO  
Refaat Mefrakis, Missouri Department of Natural Resources, Jefferson City, Missouri  
Randy Norden, Missouri Rural Water Association, Ashland, Missouri  
Kevin Perry, REGFORM, Jefferson City, MO

Norb Plassmeyer, Citizen, Jefferson City, MO  
Joel Reschly, Missouri Department of Natural Resources, Jefferson City, Missouri  
Kristi Savage-Clarke, Missouri Department of Natural Resources, Jefferson City, Missouri

## **CALL TO ORDER**

Chair McCarty called the meeting of the Missouri Clean Water Commission (CWC) to order on October 9, 2019, at 10:04 a.m., at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO.

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

## **Approval of Minutes**

### **Approval of the July 22, 2019, Open Session Minutes** **Agenda Item B-1**

Commissioner Coday made a motion to approve the minutes as amended. Commissioner Reece seconded the motion. The motion passed with a roll call vote:

Commissioner Coday:	Yes
Commissioner Reece:	Yes
Commissioner Rowland:	Yes
Vice Chair Thomas:	Yes
Chair McCarty:	Yes

## **DNR Reports and Updates**

### **Director's Update** **Agenda Item C**

Chris Wieberg, Director, Water Protection Program, reported the following to the Commission:

Director Wieberg indicated that the agenda for today is amended from the one that was sent to the commission members. The item that was amended was the City of Joplin variance due to an unanticipated EPA comment that required further evaluation. The Water Protection Program anticipates that the item will be back on the agenda at the next Commission meeting. Director Wieberg then briefed the Commission on the issued permits report for 2019, pointing out that there has been an increase in the number of permit actions associated with the renewal of general permits. Director Wieberg also briefed the commission on a decision letter from USEPA Region 7 regarding the 2018 submittal of Water Quality Standards. Director Wieberg indicated that Angela Falls will be giving an update later in the meeting regarding this topic. Director Wieberg then briefed the commission on upcoming clean water fee rulemaking discussions that will start in 2020. The Program has already

started the process with the first meeting to be held in February of 2020. Director Wieberg then gave the commission an update regarding the Water Program's partnership with the Soil and Water Conservation Program on the development of the Nutrient Trading Clearinghouse. A grant application has been submitted to EPA for funding to help with implementation of the clearinghouse. Finally, Director Wieberg updated the commission on a rulemaking effort lead by USEPA on 401 Certifications and that this rule is currently out for public comment.

### **Commissioner Update**

Commissioner Allen Rowland provide a brief update regarding his participation in a recent Upper Mississippi River Basin Association Meeting as a representative of the Missouri Clean Water Commission.

## **Public Hearing**

### **10 CSR 20-6.020 – Public Participation, Hearings, and Notice** **Agenda Item D**

A court reporter swore in those wishing to testify.

Michael Abbott, Water Pollution Control Branch, Chief of Operating Permits, presented testimony on the proposed rule amendment 10 CSR 20-6.020 regarding public participation, hearings, and notice to governmental agencies.

Public Notice on the proposed amendment started September 3, 2019, and ends November 12, 2019. It was published in the Missouri Register on September 3, 2019.

10 CSR 20-6.020 is an administrative rule. The current rule adds 3 days to a 30-day period for appeals of conditions in issued permits when the service of notice is accomplished by mail, which is not in alignment with the statute which only allows 30 days.

Chair McCarty asked if anyone wished to testify on the amendment however no one came forward.

Commissioner Reece asked about the extension of the three days to clarify his understanding of the amendment.

Michael Abbott explained that the amendment is being proposed to remove the additional 3 days that the regulation currently allows stating the statute only allows for thirty days.

Chair McCarty closed the hearing.

**Recommended for Adoption and Actions to be Voted On**

**2020 Clean Water State Revolving Fund Intended Use Plan (IUP) Approval**

**Agenda Item E1**

Hannah Humphrey, Director of the Financial Assistance Center, presented the 2020 Clean Water State Revolving Fund IUP. The Draft Fiscal Year 2020 Clean Water State Revolving Fund Intended Use Plan, Project Priority List, and Priority Point Criteria (IUP) was placed on public notice July 22, 2019. A public hearing was held on August 21, 2019, and the comment period subsequently closed on August 28, 2019. Comments were received from the public and responded to by the Department. Available funds have been allocated, and after all applications within a given group are satisfied, any remaining funds from a specific group have been distributed as necessary to fund other projects that are ready to proceed in other categories.

Eric Crawford, Missouri Public Utility Alliance (MPUA), provided comments to the Commission regarding the IUP. MPUA feels that it is important to get these additional subsidization opportunities out to communities. They have heard from members who are starting to come up against affordability thresholds. MPUA is looking forward to the stakeholder opportunities and to expand on their written comments. MPUA is advocating to expand the eligibilities so more communities would be eligible for these funding opportunities.

Commissioner Reece made a motion to approve the 2020 Clean Water State Revolving Intended Use Plan as presented. Commissioner Rowland seconded the motion. The motion passed with a roll call vote:

Commissioner Reece:	Yes
Commissioner Rowland:	Yes
Commissioner Coday:	Yes
Vice Chair Thomas:	Yes
Chair McCarty:	Yes

**New Business**

**Update on EPA approval of the 2018 Water Quality Standards**

**Agenda Item F1**

John Hoke, Missouri Department of Natural Resources, presented an update on the EPA approval of the 2018 Water Quality Standards (WQS). The Department submitted new and revised WQS to the U.S. Environmental Protection Agency (EPA) for approval. The EPA approved the numeric nutrient criteria for lakes section of the rule and other substantive revisions. EPA continues to review additional revisions of the rule pertaining to additional clarifying information.

Leslie Holloway, Missouri Farm Bureau, provided comments on part of the EPA approval letter regarding the segment length of impaired streams.

**Update on the 2019/2020 Water Quality Standards Triennial Review**

## Agenda Item F2

Angela Falls, Missouri Department of Natural Resources, presented an update on the 2019/2020 Water Quality Standards Triennial Review.

States are required by federal regulation to review their WQS at least once every 3 years and modify them as appropriate. The Department mapped out a rulemaking schedule, with the rule being finalized at the beginning of 2021. The Department first began this process by seeking input from the public through surveys, public meetings, and a Notice of Intent for the triennial review. The Department then held 4 WQS Workgroup meetings from July to September. The Department is proposing the following for this rule:

- Revisions to aluminum and acute cadmium criteria
- Addition of variances for 3 municipalities: Joplin, Salem, and Bolivar
- Reinstate site-specific dissolved oxygen criteria for Sni-a-bar Creek
- Revisions to chloride plus sulfate language
- Revisions to losing stream language
- Revisions to the Missouri Use Designation Dataset (MUDD)
- Other minor edits

The Regulatory Impact Report (RIR) is currently being drafted prior to approval by the Department Director. The draft RIR will be on public notice later this year. The proposed rule is planned to be published in April 2020. The public hearing for the rule will be held in the summer of next year with adoption planned late next year.

## **Update on the Regionalization Incentive Grant**

### Agenda Item F3

Hannah Humphrey, Missouri Department of Natural Resources, provided an update on the Regionalization Incentive Grant.

## Appeals and Variance Requests

### Open Comment Session

Jay Hoskins, Metropolitan Sewer District, St. Louis, Missouri, representing Missouri Water Environmental Association at this meeting the asked that the Department develop a good cost-of-service breakdown to be presented to stakeholders during the fee discussion process. The regulated community would like to see what it costs to run the program by specific sectors and the revenues that are brought in to support those programs.

Mr. Hoskins also commented on the importance of funding the State Revolving Fund and that they will continue to advocate for the funding of the SRF Program. Mr. Hoskins also announced that there was a meeting in Kansas City yesterday with EPA, Missouri Water Association, Kansas Water Association, Iowa Water Association, and the state natural resource agencies to discuss a variety of issues, including the possibility of a federal Peak Wet Weather Rule. Lastly, Mr. Hoskins commented on the issue of Significant Non-Compliance and how the issue will develop in the future and the pending federal PFAS legislation.

Kevin Perry, REGFORM, thanked Chris Wieberg and the Water Protection Program for all the presentations at the Water Seminar. He also thanked Chair McCarty for her attendance.

Tim Duggan, Legal Counsel, Missouri Clean Water Commission, provided an update to the Commission. Hickory Neighbors – Trenton Farms has been argued before the Supreme Court. The briefs are in for Renner Farm. This issue is an almost identical issue to Hickory Neighbors, except that it is focused only on the constitutional challenge. Renner Farm has not been set for oral arguments.

The Opponents of Copper County CAFOS vs. the PVC (Tipton East) case remains on hold until the Supreme Court decides the Hickory Neighbors case because one of the points on appeal in the Tipton East case is identical.

The Special Litigation Unit is representing the Clean Water Commission regarding challenges to Senate Bill 391.

### Future Meeting Dates

#### **Missouri Clean Water Commission Meetings**

##### **Agenda Item I**

- January 9, 2020, Lewis and Clark State Office Building
- April 2, 2020, Lewis and Clark State Office Building
- July 8, 2020, Lewis and Clark State Office Building
- October 7, 2020, Lewis and Clark State Office Building

**Closed Session**

There was no closed session during this Clean Water Commission meeting.

**Meeting Adjournment**

**Chair McCarty adjourned the open meeting at 11:59 a.m.**

**For more information contact:**

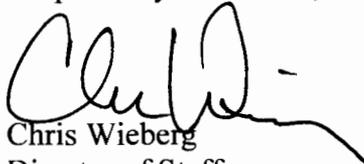
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Respectfully Submitted,



Chris Wieberg  
Director of Staff