

Missouri Clean Water Commission
P.O. Box 176, Jefferson City, Missouri 65102

Notice of Open Meeting
Missouri Clean Water Commission

People with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Commission secretary at (573) 751-6721, the division's toll-free number at 1-800-361-4827, or by writing two weeks in advance of the meeting to: Department of Natural Resources, Clean Water Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired individuals may contact the program through Relay Missouri at 1-800-735-2966.

AGENDA

MISSOURI CLEAN WATER COMMISSION MEETING

Renaissance St. Louis Grand and Suites
800 Washington Avenue
St. Louis, MO 63101
(314) 621-9600

January 6, 2010

Convene 9:00 a.m.

General Session (Open)

- Call to Order/Introductions

<p>Administrative Matters</p>

1. Election of Clean Water Commission Officers
Section 644.021 of the Missouri Clean Water Law requires election of a Chair and Vice-Chair at yearly intervals.

Recommended Action: The Commission to vote and elect officers.

2. Public Hearing – Proposed Amendment to 10 CSR 20-7.015 Effluent Regulations
John Rustige, Permits and Engineering

Recommended Action: Hearing only.

3. Approval of the November 4, 2009 Missouri Clean Water Commission Meeting Minutes

Recommended Action: The Commission to vote and approve minutes.

4. Approval of the December 2, 2009 Missouri Clean Water Commission Teleconference Meeting Minutes

Recommended Action: The Commission to vote and approve minutes.

5. Transform Missouri Intended Use Plan
Joe Boland, Financial Assistance Center

Recommended Action: To be determined.

6. State Fiscal Year 2010 Clean Water State Revolving Fund Intended use Plan
Joe Boland, Financial Assistance Center

Recommended Action: The Department recommends that the Commission approve the State Fiscal Year 2010 Clean Water State Revolving Fund Intended Use Plan as revised.

7. Boone County Sewer District and City of Columbia Regional Level 2 Continuing Authority Request
Refaat Mefrakis, Permits and Engineering
Tom Ratermann, Boone County Regional Sewer District
Steve Hunt, City of Columbia
David Shorr, Lathrop and Gage

Recommended Action: Staff recommends that the Missouri Clean Water Commission designate in accordance with 10 CSR 20-6.010(3)(C), the Boone County Regional Sewer District and the City of Columbia, Missouri as continuing authorities providing sewage collection and treatment service on a regional basis in Boone County pursuant to 10 CSR 20-6.010(3)(B)2. Under this designation, the City will provide regional services inside the City's corporate limits and in any subsequently annexed areas. The District will provide regional services in the unincorporated areas of Boone County as they exist at the date of this Commission's approval.

8. Administrative Hearing Commission's Recommended Decision Regarding Missouri Agribusiness Association, Missouri Dairy Association and Missouri Pork Producers Associate Appeal No. 07-0330-CWC
Jennifer Frazier, Attorney General's Office

Recommended Action: The Department recommends the Commission adopt the Administrative Hearing Commission's recommended decision to dismiss the petitioners appeal.

Variances

9. Kids Across America Kanakuk Kamps – CWC-V-1-09 Variance Request
Richard Laux, Permit and Engineering

Recommended Action: Staff recommends that the Commission deny the variance request due to the following factors:

- 1) Cost of regulating, inspecting, sampling, etc. for a “seasonal facility” are quite similar to the cost associated with “year around” facilities. The variance statute (644.061 RSMo) does not allow a variance for seasonal facilities.
 - 2) The current permit fees are not covering the costs associated with Department regulatory activities.
 - 3) The application does not provide information as to whether the current fees “result in unreasonable cost without comparable public benefit.”
10. The Empire District Electric Company; Asbury Power Plant – CWC-V-10-04 Variance Request
Richard Laux, Permit and Engineering

Recommended Action: Information only.

Enforcement

11. Terre Du Lac Wastewater Treatment Facilities-Oxidation Ditch, MO-0095311, North Lagoon, MO-0035700, and South Lagoon, MO-0057312, St. Francois County – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends the Missouri Clean Water Commission refer Terre Du Lac Utilities Corporation to the Missouri Attorney Generals office for appropriate legal action in order to compel compliance, pursue a civil penalty, and seek any other appropriate form of relief.

12. City of Carterville, Jasper County, MO-R040085 - Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends that the Commission refer this matter to the Attorney General’s Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and/or seek any other appropriate form of relief.

13. Village of Duquesne, Jasper County, MO-R040051 – Referral to the Attorney General’s Office
Kevin Mohammadi, Compliance and Enforcement

Recommended Action: The Water Protection Program recommends that the Commission refer this matter to the Attorney General’s Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and/or seek any other appropriate form of relief.

Staff Updates

14. Permits and Water Quality Review Sheet Update
Refaat Mefrakis, Permits and Engineering

Recommended Action: Information only.

15. Financial Assistance Center Update
Joe Boland, Financial Assistance Center

Recommended Action: Information only.

Standing Items

- Legal Report
Jennifer Frazier, Attorney General’s Office

- Director’s Update
Scott Totten, Acting Director, Water Protection Program

Recommended Action: Information only.

Presentation

- Municipal Separate Storm Sewer Systems (MS4) Presentation
Ruth Wallace, Permits and Engineering

Recommended Action: Information only.

- Program Funding Overview and Clean Water Fees Presentation
Debbie Bruns, Fiscal Management Unit
Scott B. Totten, Acting Director, Water Protection Program
Leanne Tippett Mosby, Acting Director, Division of Environmental Quality

Recommended Action: Information only.

- Public Comment and Correspondence - This standing item provides an opportunity for comments on any issue pertinent to the Commission's role and responsibilities. The Commission encourages any and all interested persons to express their comments and concerns.
General Public
 - Castlewood State Park Keifer Creek
John Ford, Water Quality Monitoring and Assessment
Steve Seyer, Orotechnologies
Tom Siegel, St. Louis Regional Office
 - Potential Subdivision Variance Request
Refaat Mefrakis, Permits and Engineering
Sonya Wells, Citizen
 - Permit Shield Legislation
Refaat Mefrakis, Permits and Engineering
Robert Brundage, Newman, Comley and Ruth, P.C.

Recommended Action: Information only.

- Missouri Clean Water Commission Meetings
 - March 3, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
 - May 5, 2010 Commission meeting Department of Natural Resources, East Elm Street conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
 - July 7, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
 - September 8, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
 - November 3, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.

Recommended Action: Information only.

Closed Meeting - The Clean Water Commission may go into closed session at this meeting if such action is approved by a majority vote of the Commission members who constitute a quorum, to discuss legal, confidential or privileged matters under Section 610.021(1), RSMo (Supp. 1995); personnel actions under Section 610.021(3), RSMo (Supp. 1995); personnel records or applications under Section 610.021(13), RSMo (Supp. 1995) or records under Section 610.021(14), RSMo (Supp. 1995) which are otherwise protected from disclosure by law.

Target Adjournment: 3:00 p.m.

For more information contact:

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