

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

Department of Natural Resources
East Elm Street Conference Center
Bennett Springs/Roaring River Conference Rooms
1730 East Elm Street
Jefferson City, MO 65102

September 8, 2010

CLOSED SESSION – Convene 8:30 a.m.

The Missouri Clean Water Commission will go into closed session to discuss legal actions, causes of action or litigation and confidential or privileged matters under Section 610.021(1), RSMo.

OPEN SESSION – Convene 9:00 a.m.

- Call to Order/Introductions

Administrative Matters

1. Approval of the July 7, 2010 Missouri Clean Water Commission Meeting Minutes

Recommended Action: The Missouri Clean Water Commission to vote and approve minutes.

2. **Proposed 2010 303(d) List**
John Ford, Watershed Protection Section

Recommended Action: The Department recommends the Commission approve the proposed list as is or with any changes they deem necessary.

3. **Proposed Methodology for the Development of the 2012 Section 303(d) List in Missouri**
John Ford, Watershed Protection Section

Recommended Action: The Department recommends that the Commission approve Attachment Two, the clean copy of the proposed 2012 303(d) Listing Methodology Document as is, or with any changes deemed necessary by the Commission.

4. **2011 State Revolving Fund Intended Use Plan**
Doug Garrett, Financial Assistance Center

Recommended Action: The Program recommends that the Commission approve the State Fiscal Year 2011 Clean Water State Revolving Fund Intended Use Plan as revised.

5. **Administrative Hearing Commission's Recommended Decision for the City of Jasper, Appeal No. 08-1077 CWC**
Jennifer Frazier, Attorney General's Office

Recommended Action: The Program recommends that the Commission adopt the Administrative Hearing Commission's recommendation that the permit issued by staff correctly required a Class C certified operator.

6. **10 CSR 20-8.110 Engineering – Reports, Plans and Specifications**
Emily Lyon, Financial Assistance Center

Recommended Action: Staff recommend approval of the Commission to proceed with filing the proposed rulemaking amendment.

7. **Amendment to 10 CSR 20-7.031, Water Quality Standards, Proposed "Fishable/Swimmable" Rule Language**
John Hoke, Watershed Protection Section

Recommended Action: Information only.

8. **Targeted 2008-2009 Section 319 Nonpoint Source Grant Project Ranking**
Colleen Meredith, Watershed Protection Section

Recommended Action: Information only.

Variances

9. Empire District Asbury Plant Variance Request CWC-V-1-10

John Rustige, Permits and Engineering

Recommended Action: Staff recommends approval of the request with the following conditions:

- 1) By October 16, 2010, Empire District shall submit to the Department a Quality Assurance Project Plan (QAPP) for the collection of data and detailed method for developing site-specific water quality criteria for sulfates and chlorides in Blackberry Creek. The Department shall review this QAPP within sixty days of receipt of the report and make a determination on whether to proceed with the formal development of site-specific water quality criteria. Empire District shall continue to conduct Whole Effluent Toxicity testing as required in their permit.
- 2) If the Department determines that the development of site-specific criteria is feasible, the Department shall inform Empire District and provide comments on the QAPP and provide direction necessary for Empire District to complete a study. Empire District shall complete the study by March 31, 2011. If approved by the U.S. Environmental Protection Agency and the Department this information will be included in the next triennial review of Water Quality Standards. These standards shall be incorporated into the planned rulemaking effort, which is scheduled for formal proposal on March 12, 2012, and effective on December 31, 2012. Upon the effective date, Empire District is required to meet the applicable Water Quality Standards, and this variance will be terminated.
- 3) If the Department determines that the development of a site-specific water quality criteria is not feasible, the Department shall notify Empire District, and the Asbury Plant will be required to meet the applicable Water Quality Standards for sulfates plus chlorides (10 CSR 20-7.031(4)(L)) by October 31, 2013. This deadline provides three years to meet the effluent limits from the time that the Department makes the site-specific water quality criteria feasibility determination.

Staff Updates

10. Permits and Water Quality Review Sheet Update

Refaat Mefrakis, Permits and Engineering

Recommended Action: Information only.

11. Financial Assistance Center Update

Joe Boland, Financial Assistance Center

Recommended Action: Information only.

12. Rulemaking Cost Statements

- **10 CSR 20-6.300 Concentrated Animal Feeding Operations**
- **10 CSR 20-7.031 Water Quality Standards, Anti-degradation Implementation Procedure**

Carol Garey, Water Protection Program

Recommended Action: Information only

Standing Items

- **Legal Report**

Jennifer Frazier, Attorney General's Office

Recommended Action: Information only.

- **Director's Update**

- Underground Storage Tank Regulations Update
Scott Totten, Acting Director, Water Protection Program

Recommended Action: Information only.

Presentation

- **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

Recommended Action: Information only.

- **Missouri Clean Water Commission Meetings**

- November 3, 2010 Commission meeting Department of Natural Resources, East Elm Street Conference Center, 1730 East Elm Street, Jefferson City, MO 65102.
- January 5, 2011 Commission meeting, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65102.
- March 2, 2011 Commission meeting, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65102.
- May 4, 2011 Commission meeting, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65102.
- July 6, 2011 Commission meeting, Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO 65102
- September 7, 2011 Commission meeting location to be determined.
- November 2, 2011 Commission meeting location to be determined.

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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