

**Missouri Clean Water Commission Teleconference Meeting  
Missouri Department of Natural Resources  
Lewis and Clark State Office Building  
Sugar Loaf Conference Room  
1101 Riverside Drive  
Jefferson City, Missouri**

**January 20, 2010**

**Attendance Via Telephone**

Chair Ron Hardecke, Missouri Clean Water Commission  
Commissioner Sam Hunter, Missouri Clean Water Commission  
Commissioner Bill Easley, Missouri Clean Water Commission  
Commissioner Jan Tupper, Missouri Clean Water Commission  
Commissioner Sam Leake, Missouri Clean Water Commission  
Jennifer Frazier, Counsel, Missouri Clean Water Commission

Tim Ganz, Missouri American Water

**Attendance in Conference Room**

Scott Totten, Acting Director of Staff, Missouri Clean Water Commission  
Malinda Overhoff, Secretary to the Commission, Missouri Clean Water Commission

Lance Dorsey, Department of Natural Resources, Jefferson City, Missouri  
Joe Engeln, Department of Natural Resources, Jefferson City, Missouri  
Carrie Schulte, Department of Natural Resources, Jefferson City, Missouri  
Mike Wells, Department of Natural Resources, Jefferson City, Missouri

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Chair Hardecke called the meeting to order at 1:08 p.m. and asked Malinda Overhoff to call the role. Role taken.

CHAIR HARDECKE: Okay, for the Commissioners, I believe that Malinda has sent you a copy of the letters that we propose to send to EPA and to the Water and Science Technology Board and I would ask if there are any questions about the letters? At the last meeting we had just gotten the response letter from EPA and I felt like it would be

better if you had a chance to review that. I appreciate that you've taken the time to meet today as I think a prompt response is good in this case. In particular, I'll explain the reason we are sending the letter to Dr. Jacobs at the Water and Science Technology Board. I did call him to inquire about the agenda for the rest of the study groups and he indicated that the next and last meeting will be in February in Washington D.C. and there would be no opportunity for public comment. As I explained to him my concerns that EPA had not really commented on the points that were listed in the scope of work or as they refer to it on that sheet a Statement of Task, then I thought that EPA needed to weigh in on those issues and particularly the sediment and the nutrient issues. He suggested that we write a letter to him and he would share that with the committee at the next meeting so our concerns would be registered with the committee when they wrote the final report. The other letter is a response to Mr. Rice at Region 7, EPA.

COMMISSIONER EASLEY: This letter to Rice, are you also going to copy that to Jacobs?

CHAIR HARDECKE: Yes. I'm going to copy that letter and the letter we sent to EPA in November and their response letter to us December 16<sup>th</sup>. I thought that would be helpful to the committee and a follow up to our negotiations with the Corps back in 2007 and 2008 when the scope of work for the committee was put together the Commission was asked to put a list of concerns that they wanted addressed by the Committee. We did that and some of them were included and some weren't, but the ones I am referring to here were included in the final scope of work or Statement of Task, which is what I think is on the list. Did Malinda send a copy of that to everyone as well?

COMMISSIONER TUPPER: I got one.

COMMISSIONER HUNTER: Yes, I got one.

COMMISSIONER LEAKE: Yes.

COMMISSIONER EASLEY: Yes.

CHAIR HARDECKE: Okay. I feel like we need to follow up with our initial concerns and this is our opportunity to do that. Any other questions?

COMMISSIONER TUPPER: I like both letters Ron.

CHAIR HARDECKE: Okay.

COMMISSIONER EASLEY: On page two of your letter to William Rice there you refer to, 1<sup>st</sup> paragraph, you said in your letter of December 16<sup>th</sup> I think you should go ahead and complete the year because it's on the second page it could get separated.

CHAIR HARDECKE: That's a good idea.

COMMISSIONER EASLEY: So they know what year you're talking about.

CHAIR HARDECKE: Okay, thanks for catching that. I guess you can take care of that Malinda?

MS. OVERHOF: Yes.

COMMISSIONER TUPPER: In the last paragraphs on the letter to Rice we talk about 68 billion pounds but in the line above we talk about 34 million metric tons. Shouldn't we use the same unit?

CHAIR HARDECKE: Well the line above the 68 billion pounds is a conversion of the line before, I mean either way.

COMMISSIONER TUPPER: I think if we use metric tons -- I think typically that's the way you talk about dirt.

CHAIR HARDECKE: I think the reason it was converted there was to make the correlation to the fine to the construction company. Their fine was in terms of how many pounds they were polluting. That was the statement from EPA so that's why we converted it to the pounds instead of million metric tons. 34 million metric tons was the number we got from the Corps way back in 2007 and 2008.

COMMISSIONER TUPPER: Right, I knew where that came from but we're jumping back and forth kind of.

COMMISSIONER LEAKE: Could I suggest that we use the metric tons and in the second paragraph use the equivalent of the pounds? That way they'd both be there if you so like.

CHAIR HARDECKE: I thought that's the way this sentence read, the annual 34 million metric tons that the Corps construction will dump into the Missouri River equals 68 billion pounds of sediment.

COMMISSIONER EASLEY: Well I think it says it plain enough.

COMMISSIONER HUNTER: If you look at the 68 billion pounds and then jump to the paragraph above it says 8.67 million pounds so really you're talking about the same thing there.

CHAIR HARDECKE: So is this okay with everybody? Is it clear enough?

COMMISSIONER TUPPER: It's alright, I was just.... Seemed kind of inconsistent to me but .....

CHAIR HARDECKE: Do you see the conversion there?

COMMISSIONER TUPPER: Yes, not a big deal.

CHAIR HARDECKE: Okay.

MR. SCOTT TOTTEN: Chairman Hardecke?

CHAIR HARDECKE: Yes.

MR. TOTTEN: Scott Totten, I wanted to make sure that Jenny's comments to you via email to you this morning were received? I don't know if you got those or not?

CHAIR HARDECKE: No I hadn't gotten those yet.

MS. JENNIFER FRAZIER: Alright, I was just going to say the same thing Scott. I just had a couple very minor editorial things, a comma here or a word in the letter to Mr. Jacobs. So you might want to take a look at those, they are really extremely minor. If you could take a look at them, you can let Malinda know if you want to except those edits.

CHAIR HARDECKE: I did just find the email, I hadn't been back in the house to look at email since this morning.

MS. JENNIFER FRAZIER: My comments do not change the substance of the letter so I feel comfortable if you all want to go ahead----

CHAIR HARDECKE: No, I have it up here now and I think replacing the word restoration with recovery----

MS. FRAZIER: Yes you use that word at the end--- you call it recovery at the end of the letter so I was just trying to be consistent there.

CHAIR HARDECKE: Okay, that's fine, let me check back and see what we called it in our original letter, I tried to be consistent with that and with their response but I'm not sure if I caught everything. I don't think there is a big difference either way.

MS. FRAZIER: No I don't either.

CHAIR HARDECKE: In the December 16<sup>th</sup> letter from EPA they referred to it as the Corps restoration project, that's why I used that word.

MS. FRAIZER: I think these are just editorial things that should not affect the vote if you all want to take an action on these letters then we can finalize the wording.

CHAIR HARDECKE: Okay. Any other questions or comments?

COMMISSIONER HUNTER: Not from me.

COMMISSIONER TUPPER: Not me.

COMMISSIONER LEAKE: No.

**COMMISSIONER EASLEY: This is Bill Easley, I would move that we authorize Chair Hardecke to complete these letters and forward them to the two parties involved.**

**COMMISSIONER TUPPER: Second, Tupper.**

**CHAIR HARDECKE: Okay, Malinda would you take the vote please?**

**MS. OVERHOFF: Commissioner Easley?**

**COMMISSIONER EASLEY: Yes.**

**MS. OVERHOFF: Commissioner Tupper?**

**COMMISSIONER TUPPER: Yes.**

**MS. OVERHOFF: Commissioner Hunter?**

**COMMISSIONER HUNTER: Yes.**

**MS. OVERHOFF: Commissioner Leake?**

**COMMISSIONER LEAKE? Yes.**

**MS. OVERHOFF: Chair Hardecke?**

**CHAIR HARDECKE: Yes.** Okay thank you. Scott is there anything else that needs to be addressed today? Anything on the ARRA funding or anything like that?

**MR. TOTTEN:** No sir, we are working as fast as we can to get the money out the door.

**CHAIR HARDECKE:** Okay.

**COMMISSIONER LEAKE:** While we are on the line, do we have another conference call scheduled for later in the month or not?

**MS. OVERHOFF:** As of right now we have one scheduled for next Thursday, which I believe is the 28<sup>th</sup> of January at 2:00 p.m. I did talk to Joe Boland this morning and we may not need to have that meeting but we are going to leave it in place for now.

**COMMISSIONER LEAKE:** Alright.

COMMISSIONER HUNTER: Then you have another one in February scheduled right?

MS. OVERHOFF: Yes. The next one will be February 3<sup>rd</sup> at 2:30 p.m.

COMMISSIONER LEAKE: Okay.

COMMISSIONER EASLEY: And that is for the same purpose right?

MS. OVERHOFF: Correct.

COMMISSIONER LEAKE: I have that information at home but I'm in my office now and didn't have that to refer to.

CHAIR HARDECKE: Well, I want to thank each of you for calling in today and for those in the room there in Jeff City, thank you for participating and I guess that's all **I would entertain a motion to adjourn.**

**COMMISSIONER HUNTER: So moved.**

**COMMISSIONER EASLEY: Second.**

**COMMISSIONER TUPPER: Second.**

**CHAIR HARDECKE: Malinda take the vote please?**

**MS. OVERHOFF: Commissioner Tupper?**

**COMMISSIONER TUPPER: Yes.**

**MS. OVERHOFF: Commissioner Hunter?**

**COMMISSIONER HUNTER: Yes.**

**MS. OVERHOFF: Commissioner Leake?**

**COMMISSIONER LEAKE: Yes.**

**MS. OVERHOFF: Commissioner Easley?**

**COMMISSIONER EASLEY: Yes.**

**MS. OVERHOFF: Chair Hardecke?**

**CHAIR HARDECKE: Yes.** And Jenny I'll give you a call on those edits, okay?

MS. FRAZIER: That would be great.

CHAIR HARDECKE: Thank you.

COMMISSIONER LEAKE: Everyone have a nice day.

Meeting adjourned at 1:35 p.m.

Respectfully Submitted,

Scott B. Totten  
Acting Director of Staff