



**MINUTES OF THE  
MISSOURI CLEAN WATER COMMISSION MEETING  
Elm Street Conference Center  
1730 East Elm Street  
Jefferson City, Missouri  
July 22, 2019**

**Present at the Elm Street Conference Center**

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  
Kurt Boeckmann, Missouri Department of Natural Resources, Jefferson City, Missouri  
Andy Bowman, Missouri Rural Water Association, Ashland, Missouri  
Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri  
David Carani, HDR, St. Louis, Missouri  
Joe Clayton, Missouri Department of Natural Resources, Jefferson City, Missouri  
Mary Culler, Stream Teams United, Shelbyville, Missouri  
Jane Davis, Missouri Department of Natural Resources, Jefferson City, Missouri  
Angela Falls, Missouri Department of Natural Resources, Jefferson City, Missouri  
Chuck Gross, Duckett Creek Sewer District, O'Fallon, Missouri  
Bob Hembrook, Northeast Public Sewer District, Fenton, Missouri  
David Hertzberg, City of Joplin, Joplin, Missouri  
John Hoke, Missouri Department of Natural Resources, Jefferson City, Missouri  
Ramona Huckstep, Missouri Municipal League, Jefferson City, MO  
Hannah Humphrey, Missouri Department of Natural Resources, Jefferson City, Missouri  
Joe Hunt, Missouri Department of Natural Resources, Jefferson City, Missouri  
Errin Kemper, City of Springfield, Springfield, Missouri  
Refaat Mefrakis, Missouri Department of Natural Resources, Jefferson City, Missouri  
Dave Michaelson, Missouri Department of Natural Resources, Jefferson City, Missouri  
Lynn Milberg, Missouri Department of Natural Resources, Jefferson City, Missouri  
Jan Millington, City of Springfield, Springfield, Missouri  
David P. Nelson, Kansas City Water, Kansas City, Missouri

Randy Norden, Missouri Rural Water Association, Ashland, Missouri  
Chris Parker, City of Joplin, Joplin, Missouri  
Kevin Perry, Regulatory Environmental Group for Missouri, Jefferson City, Missouri  
Jason Peterein, Metropolitan Sewer District, St. Louis, Missouri  
Joel Reschly, Missouri Department of Natural Resources, Jefferson City, Missouri  
Justin Sherwood, Missouri Department of Natural Resources, Jefferson City, Missouri  
Trent Stober, HDR, Columbia, Missouri  
Gary Webber, Missouri Rural Water Association, Ashland, Missouri

### **CALL TO ORDER**

Chair McCarty called the meeting of the Missouri Clean Water Commission (CWC) to order on July 22, 2019, at 10:03 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 April 29, 2019, Open Session Minutes** **Agenda Item B-1**

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

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

### **DNR Reports and Updates**

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

- Chris Wieberg, Director, Water Protection Program, reported the following to the Commission:
- Missouri Water Resources Plan Meeting; provided an update on the meeting that he attended and where work is on the plan. Plan to have it finalized in November of 2019. Chair McCarty asked for a copy of the presentation to be sent to the Commission members. The next meeting is scheduled for November 6, 2019, and Commission members are welcome to attend.
  - Regionalization/Consolidation Grant Opportunities; public notice period ended in early July, currently public comments are being incorporated, hope to have the

revised Intended Use Plan before the Commission in April of 2020. This is a pilot project in this area so the Department is learning a lot as we move through the process because we don't have any guidance on how to proceed forward. The Department anticipates having to make adjustments as we move forward. The Department will also be designing and publishing a fact sheet regarding opportunities. The Department is also developing a Map Viewer.

- Nutrient Trading and the Nutrient Trading Clearinghouse; provided an updated on the approval, progress of work and the set-up of a clearinghouse. Department has an upcoming meeting that will be used to map out the process of how we would implement the program. Stakeholder engagement will follow the mapping process.
- Water Quality Standards; package was submitted in April 2018 and the Department is waiting on a response from EPA. Hoping to receive a response by late August.
- Permits Reports; 564 permit renewals, permits backlog has been reduced to less than 200 as compared to the backlog of almost 2,000 in February of 2017. Permits has been working very hard to reduce the backlog, the goal is to reach a backlog of zero by the end of the year.

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

#### **Adoption of Amendment to the 1978 St. Louis, Missouri Water Quality Management 208 Plan Agenda Item E1**

Refaat Mefrakis, Missouri Department of Natural Resources, Engineering Section, presented a proposed amendment to the St. Louis Water Quality Management 208 Plan. Amendment was initially presented to the Commission in April 2019. The plan was put out for public comment and no comments were received.

Commissioner Reece commented that Metropolitan Sewer District report was very well written and that they Department and MSD should be recognized for their hard work.

**Commissioner Reece made a motion to approve the amendment as proposed. Commissioner Rowland seconded the motion. The motion passed with a roll call vote:**

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

#### **Approval of Amendment to the 2020 Listing Methodology Document Agenda Item E2**

John Hoke, Missouri Department of Natural Resources, Watershed Protection Section, presented an amendment to the 2020 Listing Methodology Document (LMD). The LMD is a document that the Department uses to assess impaired waters in the state. It is revised every two years. The document

was put on public notice and comments were received. The comments received from the public and changes made to the LMD were included in the Commission packet.

Commissioner Reece asked if the new document had been submitted to EPA. John Hoke answered that yes, it has been submitted, but it has not been approved yet.

Errin Kempker, City of Springfield, Missouri, stated that the city submitted comments regarding the importance of the LMD for the City of Springfield. The city thinks the changes add a lot of transparency to the LMD. The do not feel that the proposed changes will have any negative impacts on water quality. Commissioner Reece asked Errin what changes they would like to see in the future. Errin responded that he was not prepared to answer with the exact details at this time.

Mary Cullers, Executive Director of Stream Teams United, provided comments on the LMD. When the initial document was approved by the Commission in July of 2018 it was understood that the document would be amended to include Nutrient Criteria for Missouri lakes. She stated that she has read the document as it stands today vs. what was approved by the Commission in July of 2018. Stream Teams United submitted comments objecting to the removal of Step 10 and the insertion of Step 7, this comment was not addressed in the final draft.

Ms. Culler stated that in the Department's response to their comment, and the 7 other commenters, related to comments about the changes to page 32 and 33, the Department states that "the Department maintains the policy decision to modify the 13-step process". This response indicates that the Department is creating policy within the assessment document. She does not believe that an assessment document is the appropriate place to create policy. The result is a dilution of the accuracy of the assessment.

John Hoke responded that Step 10 talked about land use in the original document and was moved to Step 7 in the revised document, and addresses the issue of land use sooner. This allows the Department to look at a more refined area. The Department does check for stressors in the assessment process and will not compare to a stream in the same area if the use is not similar.

Robert Brundage, Newman, Comley & Ruth, testified at an earlier Commission meeting about his concerns about the 13-step process. Step 10 has now been moved to Step 7 with a slight revision of the language. The purpose of this change is to try and look at and choose candidate reference streams that have similar land use. This changes also increases the transparency of the entire process and is a big improvement.

Trent Stober, HDR, attending in support of the City of Springfield and Metropolitan Sewer District, stated that this is the tenth version of this document that started with 18 pages and has evolved into over 110 pages. It offers opportunity for continuous improvement and evaluation.

Commissioner McCarty asked if the Department had criteria for the next tier of streams.

Chris Wieberg responded that we do not have a regulatory comparison to compare to when it comes to biology, and that is what started this discussion. Chris also provided an update on how the table was created and the process that was involved in getting there. Checks and balances in place to evaluate streams.

**Commissioner Coday made a motion to approve the amendment as proposed. Commissioner Reece seconded the motion. The motion was passed with a roll call vote.**

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

Commissioner Reece asked if this would now go out for public comment, or if this was the end of the process. John Hoke explained that this is the last step of this list, and that the next revision would be the 2020 list, which the Department hopes to have before the Commission at the April 2020 meeting.

## **Appeals and Variance Requests**

### **City of Joplin Water Quality Variance (informational purposes only)** **Agenda Item G1**

Angela Falls, Missouri Department of Natural Resources, Watershed Protection Section, gave an update on the Water Quality Variance request that the Department is currently working on with the City of Joplin, Missouri.

The variance request will go out for a 30-day public comment period following the Commission meeting. Once that closes any comments will be reviewed and responded to. The Department hopes to have the variance ready to present to the Commission at the October 2019 meeting for approval.

Joplin has asked for a variance in the zinc requirements as stated to protect aquatic life. They are having difficulty staying within the allowable limits due to historical mining in the area, and the use of tailings in their sewer lines. The City of Joplin has also developed a zinc reduction plan.

Commissioner Reece commented that although the City of Joplin is not completely in compliance, he has watched the city do a lot of clean-up through EPA funding in that area and commends the City of Joplin for their continued efforts in the process.

David Hertzberg, Public Works Director for the City of Joplin, thanked the Department for all its help with the variance over the past several years.

Chair McCarty asked what the future steps would be. Chris explained that this is the first of many variances that would be coming before the Commission and also gave a quick outline of the variance request process.

## Open Comment Session

Tim Duggan, Missouri Attorney General's Office, gave a brief update to the Commission regarding House Bill 1317 challenges, which outlines how Commission members are selected. Mr. Duggan also provided an update on the Hickory Neighbors United case, which is currently before the Missouri Supreme Court.

Randy Norden, Missouri Rural Water Association, invited the members of the Commission and all those in attendance to join the tour of several local wastewater facilities following adjournment of the Commission meeting. Part of the tour will include a short video presentation prepared by Missouri Rural Water Association that highlights their "Fix This First" initiative.

## Future Meeting Dates

### Missouri Clean Water Commission Meetings

#### Agenda Item I

- October 9, 2019, Elm Street Conference Center
- 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 11:44 a.m.**

#### **For more information contact:**

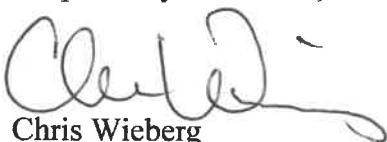
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Respectfully Submitted,



Chris Wieberg  
Director of Staff