



**MINUTES OF THE  
MISSOURI CLEAN WATER COMMISSION MEETING  
Lewis and Clark State Office Building  
1101 Riverside Drive  
Jefferson City, Missouri**

**January 9, 2020**

**Present via Telephone**

Patricia Thomas, Missouri Clean Water Commission

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

Ashley McCarty, Chair, Missouri Clean Water Commission

Stan Coday, Missouri Clean Water Commission

John Reece, Missouri Clean Water Commission

Allen Rowland, Missouri Clean Water Commission

Ross Keeling, Acting Legal Counsel, Missouri Clean Water Commission

Chris Wieberg, Director of Staff, Missouri Clean Water Commission

Chelsey Distler, Acting Secretary, Missouri Clean Water Commission

Michael Abbott, Missouri Department of Natural Resources, Jefferson City, Missouri

Van Beydler, Missouri Department of Natural Resources, Jefferson City, Missouri

Robert Brundage, Newman, Comley, and Ruth, Jefferson City, Missouri

David Carani, Metropolitan Sewer District, St. Louis, Missouri

John Carter, Citizen, Rolla, Missouri

Joe Clayton, 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

David Hertzberg, City of Joplin, Joplin, Missouri

Lacey Hirschvogel, Missouri Public Utility Alliance, Columbia, Missouri

John Hoke, Missouri Department of Natural Resources, Jefferson City, Missouri

Jay Hoskins, Metropolitan Sewer District, St. Louis, Missouri

Hannah Humphrey, Missouri Department of Natural Resources, Jefferson City, Missouri

Melanie Hutton, Cooper County Public Health, Boonville, Missouri

Sherri Irving, KC Water, Kansas City, Missouri

Chris Klenklen, Missouri Department of Agriculture, Jefferson City, Missouri

Misty Lange, Missouri Department of Natural Resources, Jefferson City, Missouri

Jeff Meadows, Archer-Elgin Engineering, Rolla, Missouri

Collin Mackey Missouri Department of Natural Resources, Jefferson City, Missouri

Holly Neill, The Nature Conservancy, Springfield, Missouri  
Kevin Perry, REGFORM, Jefferson City, Missouri  
Joel Reschly, Missouri Department of Natural Resources, Jefferson City, Missouri  
Lisa Rodgers, Missouri Department of Natural Resources, Jefferson City, Missouri  
Darrick Steen, Missouri Corn Growers/Soybean Association, Jefferson City, Missouri  
Ray Walden, City of Salem, Salem, Missouri  
Philip Walsack, Burns & McDonnell, Joplin, 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 January 9, 2020, at 10:03 a.m., at the Lewis and Clark State Office Building, 1101 Riverside Drive, Jefferson City, MO.

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

### **Administrative Matters**

#### **Election of Missouri Clean Water Commission Chair**

##### **Agenda Item A-1**

**Commissioner Reece made a motion to elect Commissioner McCarty as Chair.  
Commissioner Rowland seconded the motion. The motion passed with a roll call vote:**

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

#### **Election of Missouri Clean Water Commission Vice-Chair**

##### **Agenda Item A-2**

**Commissioner Reece made a motion to elect Commissioner Thomas as Vice-Chair.  
Commissioner Coday seconded the motion. The motion passed with a roll call vote:**

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

## Approval of Minutes

### Approval of the October 9, 2019, Open Session Minutes

#### Agenda Item B-1

**Commissioner Reece made a motion to approve the minutes as presented. 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:

- In 2020 starting on February 10, the Water Protection Program (WPP) will hold seven meetings to discuss increases to clean water fees to address budget shortfalls. The concepts that Chris Wieberg would like to explore is reducing the amount of the State Revolving Fund (SRF) administration fee used to pay for operating expenses so that those dollars can be available to cover the state's portion of the SRF grant match. These expenses would need to be shifted to the clean water fees funding source; therefore, a fee increase would be necessary. At current spending and without shifts, projections show the administration fee going negative in future years so it is important that we address this issue during these discussions. Chris Wieberg has provided the CWC with the fee-meeting announcement so that they have the dates of the meetings and a link to the website where all of the fee related information will be posted for this effort.
- On December 3, 2019, the Missouri Coalition for the Environment filed a lawsuit in district court against U.S. Environmental Protection Agency (EPA) regarding their approval of Missouri's Numeric Criteria for Lakes. The Missouri Department of Natural Resources is currently discussing with the Attorney General's Office next steps for the State and Chris Wieberg plans to inform the CWC as decisions are reached. Parties not named in the lawsuit such as the Department and the CWC must indicate whether they wish to intervene by February 1, 2020. A copy of the lawsuit was provided to the CWC.
- On December 26, 2019, the Department received an approval letter from EPA regarding several items that remain outstanding as it pertained to the Water

Quality Standards package that was submitted to them in April 2018. The EPA approved 30 revisions to pollutant parameters, the Missouri Multiple Discharger Variance (MDV) Framework for Ammonia, and the revised definitions of waters of the State. Items that remain undecided are the Kirksville Variance and revisions to the pH criteria. The WPP is currently developing plans to reach out to potential MDV candidates to determine participations and to assist with application development. A copy of the approval letter and rationale was provided to the Commissioners.

- Much of 2019 was spent working to reduce permitting backlogs and the WPP currently stands at 214 permits in backlog status. Applications for new permits show 212 new general permits in 2019. A large portion of these were small domestic site-specific permits that were transferred to a new general permit. This small domestic general permit was a permit the WPP developed in order to streamline permit processing times where a group of facilities have like requirements. In 2019, there was an abnormally high general permit renewal year, which was indicated in the numbers. The report includes a new section titled "Total Terminations" given we processed a fair amount of terminations of permits that were not related to an application for termination. The 2019 permit report was provided to the CWC.
- On December 24, 2019, the Missouri Court of Appeals affirmed the Clean Water CWC decision regarding the Valley Oaks Concentrated Animal Feeding Operation permit appeal. Parties have made applications for attorney's fees with CWC. Since it appears all appeals will have occurred Chris Wieberg will be consulting with the CWC's counsel on when to include a decision item for attorney's fee on the CWC agenda. The CWC was provided a copy of the document.
- On January 7, the Cole County Circuit Court made a judgment on the CWC's decision regarding the Carla Malone Steck appeal. The CWC agreed with the Administrative Hearing Committee's (AHC) recommendation in favor of upholding the Department's decision. The court disagreed with both the AHC and the CWC. This judgment was received on January 8 and it is being reviewed by Chris Wieberg and will be discussed with the Department and CWC's counsel on the next steps. The CWC was provided a copy of the Judgment and the AHC's recommendation.
- In December 2019, the WPP held the first of several workgroup meetings to discuss revisions to the Antidegradation Implementation Procedure. The procedure establishes the process for Antidegradation for new or expanding discharges. As the WPP makes changes to water quality standards such as in the case of the numeric nutrient criteria for lake, we must also re-evaluate how those standard changes are addressed for new and expanded discharges. Conversations are planned to occur throughout 2020; however, dates have not been established yet.

**Public Hearing**

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

**10 CSR 20-6.020 – Public Participation, Hearings, and Notice to Governmental Agencies**

**Approval**

**Agenda Item E1**

Michael Abbott, Water Pollution Control Branch, Chief of Operating Permits, presented testimony on the Order of Rulemaking regarding the proposed rule amendment 10 CSR 20-6.020 Public Participation, Hearings and Notice to Governmental Agencies.

The rule amendment was on public notice from September 3, 2019, through November 12, 2019. A public hearing was held on October 9, 2019. No comments were received for this amendment.

10 CSR 20-6.020 is an administrative rule that does not prescribe any environmental conditions or criteria. The existing rule, 10 CSR 20-6.020(6)(C), allows an extra 3 days to the prescribed 30 day period for appeals of conditions in issued permits when the service of notice is accomplished by mail. The additional 3 days is not required by statute and has caused confusion.

The proposed rule amendment removes the allowance for three additional days, to avoid confusion and to establish consistency with other appealable decisions.

The Department recommended that the CWC adopt the order of rulemaking for 10 CSR-6.020.

**Commissioner Rowland made a motion to adopt the order of rulemaking for 10 CSR 20-6.020 Public Participation, Hearings, and Notice to Governmental Agencies as presented. Commissioner Reece 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>

**Fiscal Year 2020 Clean Water State Revolving Intended Use Plan Amendment**

**Agenda Item E2**

Joan Doerhoff, Department of Natural Resources, Financial Assistance Center, presented an amendment to the Fiscal Year 2020 Clean Water State Revolving Fund Intended Use Plan.

**Commissioner Coday made a motion to approve the amendment to the Fiscal Year 2020 Clean Water State Revolving Fund Intended Use Plan as proposed. Commissioner Reece 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**

**City of Ellsinore Small Borrower Loan**  
**Agenda Item E3**

Joan Doerhoff, Department of Natural Resources, Financial Assistance Center, provided comments for the Small Borrower Loan for the City of Ellsinore and requested the Commission approve the allocation of funding in the amount of \$100,000 for a Small Borrower loan to the City of Ellsinore.

**Commissioner Rowland made a motion to approve the allocation of funding in the amount of \$100,000 for a Small Borrower Loan for the City of Ellsinore. Commissioner Reece 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**

**Appeals and Variance Requests**

**Joplin Water Quality Standards Variance Approval**  
**Agenda Item G1**

Angela Falls, Missouri Department of Natural Resources, Watershed Protection Section, provided background information on water quality standards variances in general. She outlined the regulations that allow for variances and requirements for highest attainable conditions and pollutant minimization programs.

Angela Falls described the Joplin Turkey Creek Wastewater Treatment Plant. She explained that the City of Joplin, Missouri requested a water quality standards variance from the zinc criteria for the protection of aquatic life use and that the City is making the request due to the difficulty

to meet permit requirements because of historic mining in the area. She outlined the variance conditions including factor, term, highest attainable conditions, and pollutant minimization plan. Commissioner Rowland asked what the impacts of zinc in the water are to wildlife. Angela Falls explained the potential lethal impacts. Chris Wieberg added information on the impacts of growth and reproduction in aquatic species.

Commissioner Reece commented that the highest attainable conditions looked low and difficult to meet by a wastewater treatment facility. Angela Falls clarified that the highest attainable conditions are based on the facility's data, so it should produce effluent that can meet those conditions.

Commissioner Reece asked if they are adding treatment to the plant. Angela Falls explained that they are going to work on inflow and infiltration to stop it from entering the collection system.

Commissioner Coday commented on how there will still be zinc in the watershed even with this effort by Joplin. Angela Falls noted that the impairment to Turkey Creek will still exist, and that the variance is for the discharger specifically.

Chair McCarty pointed out a typo in the variance text.

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

Commissioner Reece asked David Herzberg about Joplin's inflow and infiltration effort. David Herzberg provided general information about their collection system.

**Commissioner Coday made a motion to approve the Joplin Water Quality Variance for Zinc 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>

Following the vote to approve, Commissioner Reece asked how often Joplin will have to report to the Department on their inflow and infiltration efforts. Angela Falls answered that the Department will require annual reporting.

**Bolivar Water Quality Standards Variance Approval**  
**Agenda Item G2**

Angela Falls, Missouri Department of Natural Resources, Watershed Protection Section, described the Bolivar Wastewater Treatment Facility. She explained that the City of Bolivar, Missouri requested a water quality standards variance from the total nitrogen, total phosphorus, and total biochemical oxygen demand criteria for the protection of aquatic life use. A Total Maximum Daily Load established these wasteload allocations due to the impairment in Piper

Creek. She outlined the variance conditions including factor, term, highest attainable conditions, and pollutant minimization plan.

Commissioner Reece asked if Bolivar is going to remove phosphorus by biological or chemical means. Angela Falls answered that they are looking at chemical addition to remove phosphorus. Commissioner Reece asked what Bolivar plans to do with the phosphorus laden sludge. Chris Wieberg answers that they land apply sludge and plan to continue that practice.

Commissioner Reece asks if HDR, who conducted the study, has anything to add. David Carani, HDR, adds additional information on the process for phosphorus treatment addition to the facility and beyond. Commissioner Reece asked for additional information on the excess flow to the plant. David Carani provided information about planned wet weather improvements.

Robert Brundage, Newman Comely and Ruth, adds that variances are revisited every five years and that gives flexibility to find the appropriate technology. Chris Wieberg adds that the five-year review is through an EPA process.

Commissioner Reece asked to verify that Bolivar would be required to report Inflow and Infiltration to the Department. Angela Falls verified that to be correct.

**Commissioner Rowland made a motion to approve the Bolivar Water Quality Variance as proposed. Commissioner Coday 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>

**Salem Water Quality Standards Variance Approval**  
**Agenda Item G3**

Angela Falls, Missouri Department of Natural Resources, Watershed Protection Section, described the Salem Wastewater Treatment Facility. She explained that the City of Salem, Missouri requested a water quality standards variance from the total nitrogen, total phosphorus, total suspended solids, and total carbonaceous biochemical oxygen demand criteria for the protection of aquatic life use. A Total Maximum Daily Load established these wasteload allocations due to the impairment in Spring Creek. She outlined the variance conditions including factor, term, highest attainable conditions, and pollutant minimization plan.

Commissioner Reece asked when the City of Salem would take bids on plant improvements. Jeff Meadows, CM Archer Engineers, answered that phase one of the project is already underway to install disinfection and to make structural improvements to the facility. He goes on to outline future improvements.

**Commissioner Reece made a motion to approve the Salem Water Quality Variance as proposed. 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**

### **Open Comment Session**

Phil Walsack, complement Chris Wieberg and staff on National Pollutant Discharge Elimination System Permits renewal and the speed with which they are coming out. This has been a long hard road to get the backlog dealt with. Phil Walsack noticed this week there are a plethora of permits on public notice after the holidays. This is a very daunting project. Phil Walsack also notes that ten and a half years ago we started this variance process. With the city of Web City's, and they discharge to something called the 201 center creek board wastewater treatment plant. It was denied, the variance was denied because there were no variance process yet. That is how the EPA treated that variance. Therefore, this has been a long road coming back. This was a long process to get the variance especially for heavy metals dealt with and Phil Walsack congratulated the staff and this board for getting this done. This is big a long difficult road. Thank you very much.

### **Future Meeting Dates**

#### **Missouri Clean Water Commission Meetings** **Agenda Item I**

- 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 11:28 a.m.**

**For more information contact:**

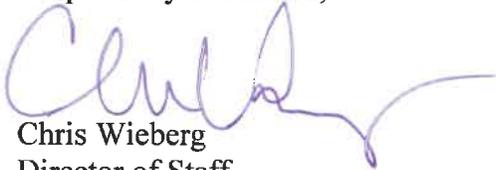
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Respectfully Submitted,



Chris Wieberg  
Director of Staff