



Missouri  
Department of  
Natural Resources

### **Minutes of Stakeholder Meeting Dec. 3, 2007**

At the Clean Water Commission meeting on November 7, 2007, several stakeholders requested the Commission not to approve the 2008 303(d) Listing Methodology Document (LMD). Their major concern was that the document used numeric translators of narrative water quality standards. These numeric translators do not appear within the state water quality standards, 10 CSR 20-7.031, but their presence in the LMD might result in a judicial ruling that they are in fact numeric state water quality standards. This judicial ruling would circumvent the normal public participation process that accompanies any state rulemaking.

At the hearing, the commission directed the department to meet with these stakeholders and see if modifications could be made to the LMD to address these concerns.

This meeting was held on Dec. 3, 2007 in the offices of MEC Water Resources Inc. in Columbia. In attendance were: Mary West, Missouri Utilities Alliance; Roger Walker, Regform; Robert Brundage, Newman, Comley and Ruth Attorneys; Trent Stober, Randy Crawford, Chris Zell of MEC Water Resources; John Carter, Doe Run Corporation; Rob Morrison, Phil Schroeder, John Ford, Randy Sarver and Tim Rielly of the Department of Natural Resources. Rebecca Landewe of Region VII USEPA participated by telephone.

Several options were discussed. The group agreed that the best option, given the tight schedule for getting the LMD approved and getting the 2008 list to EPA, was to retain the numeric translators in the document, but to use them not as absolute numbers but as 'screening values'. Whenever these screening values are exceeded, waters are not automatically judged to be impaired but will undergo a 'weight of evidence' analysis that will use all available data of any type (physical, chemical or biological). This analysis will be produced as a document that will show all the pertinent data, the department's use attainment decision and the rationale for this decision. This document must be available for public review at the time the first draft of the 2008 LMD is placed on public notice.

The department agreed to inform all 303d stakeholders on our email list of today's meeting and to forward a copy of the revised LMD as soon as it is available. The department noted it will hold a public meeting on Dec. 10, 2007 in the Lewis and Clark State Office Building in Jefferson City, to discuss these revisions to the LMD.

Note: The December 10 Public Meeting was cancelled due to the ice storm and power outage at the Lewis and Clark State Office Building. This meeting has been rescheduled for Monday, December 17, 10:00 – 3:00 in **Room 315 of the Governor Office Building** (the old Governor Hotel), at 200 Madison Street, in Jefferson City.