



## **Notice of Open Meeting Safe Drinking Water Commission**

The health and safety of all visitors to state office buildings are priority. Due to concerns regarding the novel coronavirus, or COVID-19, and restrictions on access to state buildings, this meeting will be limited to remote participation as outlined below.

Options for remote participation:

- Watch the meeting live: Livestream: <https://dnr.mo.gov/videos/live.htm>
- Listen and/or talk during open session: 1-877-749-7113 / Participant PIN: 51724
- Note: If you are watching the livestream and call-in, there is a slight delay and there may be audio feedback issues if you do both. Please mute your phone unless you are presenting. In addition, please, do not put your phone on hold.

To review minutes from previous meetings and learn about agenda items, please refer to the Department website at [Safe Drinking Water Commission](#).

### **AGENDA**

**Conference Call Meeting**  
**1-877-749-7113 / Participant PIN: 51724**  
**July 10, 2020**  
**10 a.m.**

- |  |            |
|--|------------|
| <b>A. Call to Order and Introductions</b>  | Liz Grove  |
| <b>B. Recommended for adoption and actions to be voted on</b><br>(Approval needed) |            |
| Request to file proposed rule amendments to 10 CSR 60-16                           | David Lamb |
| <b>C. Meeting Adjournment</b><br>(Approval Needed)                                 | Liz Grove  |

People requiring special services at the meeting can make arrangements by calling 1-800-361-4827 or 573-751-0124. Hearing- and speech-impaired individuals may contact the department through Relay Missouri, 1-800-735-2966.

## **Safe Drinking Water Commission**

Department of Natural Resources  
Division of Environmental Quality  
Water Protection Program  
Public Drinking Water Branch

**July 10, 2020**  
**Conference Call Meeting**

Agenda Item #A  
**Call to Order and Introductions**

**Issue:**

Meeting to be called to order and roll call taken. All in attendance to make introductions.

**Presented by:**

Liz Grove, Chair

## **Safe Drinking Water Commission**

Department of Natural Resources  
Division of Environmental Quality  
Water Protection Program  
Public Drinking Water Branch

**July 10, 2020**

Agenda Item #B

### **Request to File Proposed Rule Amendments to 10 CSR 60-16**

#### **Issue:**

Commissioners to vote on the Department's request to file proposed rules to amend 10 CSR 60-16. The proposed rule revisions are consistent with the consensus proposal reached by stakeholders participating in the Department's recent fee workgroup meetings. A 2/3 majority of commissioners must approve the proposal for the Department to proceed with filing the proposed rules to initiate the rulemaking process.

#### **Recommended Action**

The Public Drinking Water Branch recommends that the Commission vote to approve the Department to file the proposed rules to amend 10 CSR 60-16 consistent with the consensus proposal developed by stakeholders participating in the Department's fee workgroup meetings.

#### **Suggested Motion Language**

Chair Grove, I move that the Commission approve the Department to file the proposed rule amendments to 10 CSR 60-16 to initiate the rulemaking process in order to codify the consensus proposal developed by the fee stakeholder workgroup.

#### **Attachments:**

Draft Rule Text

#### **Presented by:**

David J. Lamb, Chief, Public Drinking Water Branch

**Title 10—DEPARTMENT OF  
NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 16—Drinking Water Fees**

**PROPOSED AMENDMENT**

**10 CSR 60-16.010 Levy and Collection of the Missouri Primacy Fee.** The department is amending the purpose statement, amending the fee structure in subsection (2)(A), adding subsection (2)(B), renumbering and amending subsections (2)(C) and (2)(D), and amending subsection (3)(B) and section (4).

*PURPOSE: This amendment revises the amount of the annual Missouri primacy fee and describes the method for collection and delinquent payment of the fee. Section 640.100, RSMo, gives the Missouri Department of Natural Resources the authority to conduct a comprehensive review of this fee and to develop a proposed fee structure based on stakeholder involvement. The proposed amendment was developed by a drinking water stakeholder group.*

*PURPOSE: This rule levies and sets the amount of the Missouri primacy fee and describes the method of collection and delinquent payment. **The fees established in Section 640.100.5(2) and (3), RSMo, are effective through December 31, 2021. The fee structure in this rule becomes effective on January 1, 2022.***

(1) This rule applies only to community water systems.

(2) This rule levies and imposes the Missouri primacy fee authorized by 640.100[(5)].5(2) and (3), RSMo. Nothing in this rule in any way affects the obligation of a customer to pay the Missouri [P]primacy [F]fee.

(A) The annual Missouri primacy fee per customer service connection for unmetered customers and customers with meters not greater than one inch (1") in size shall be based upon the number of service connections in the water system serving that customer as of September 1 of each annual fee period as follows:

<i>[1—1000 connections</i>	<i>\$3.24</i>
<i>1001—4000 connections</i>	<i>\$3.00</i>
<i>4001—7000 connections</i>	<i>\$2.76</i>
<i>7001—10,000 connections</i>	<i>\$2.40</i>
<i>10,001—20,000 connections</i>	<i>\$2.16</i>
<i>20,001—35,000 connections</i>	<i>\$1.92</i>
<i>35,001—50,000 connections</i>	<i>\$1.56</i>
<i>50,001—100,000 connections</i>	<i>\$1.32</i>
<i>More than 100,000 connections</i>	<i>\$1.08]</i>

<b>11 – 10,000 connections</b>	<b>\$5.28</b>
<b>10,001 – 50,000 connections</b>	<b>\$4.80</b>
<b>50,001 – 100,000 connections</b>	<b>\$4.20</b>
<b>Greater than 100,000 connections</b>	<b>\$3.48</b>

**(B) The annual Missouri primacy fee per service connection for unmetered customers and customers with meters not greater than one inch (1") in size for community water systems with ten (10) or fewer connections shall be \$50 divided by the number of connections in the water system.**

*[(B)]* **(C)** The annual primacy fee for customers having meters greater than one inch (>1"), but less than or equal to two inches ( $\leq 2$ " in size, shall be *[seven dollars and forty-four cents (\$7.44)]* **twenty-one dollars (\$21)**; for customers with meters greater than two inches (>2"), but less than or equal to equal to four inches ( $\leq 4$ " in size, shall be *[forty-one dollars and sixteen cents (\$41.16)]* **one hundred and two dollars (\$102)**; and for customers with meters greater than four inches (>4") in size shall be *[eighty-two dollars and forty-four cents (\$82.44)]* **one hundred ninety-eight dollars (\$198).**

*[(C)]* **(D)** Customers served by multiple connections shall pay an annual primacy fee based on the rates listed in *[subsection (2)(B)]* **this section** for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars (\$500) per year.

### (3) Fee Period and Collection.

**(A)** The annual fee period is September 1 through August 31 of each calendar year, unless an alternate schedule *[was]* **has been** approved by the department.

**(B) If any community water system seeks to change its collection period for the next collection year, it shall submit an alternate fee-period schedule in writing to the department by January 1, identifying whether the fees will be collected monthly, quarterly, or annually. The system's new schedule shall be effective upon the department's approval.**

*[(B) If a service connection has no customer of record for all of the annual fee period, no fee will be collected with respect to that service connection. If the service connection has a customer of record for any part of the annual fee period, or alternate schedule approved by the department, the fee will be pro-rated to reflect time of service.]*

**(4) Remitting Fees to the State.** A community water system shall be responsible for remitting to the department the **number of active connections and amount collected from its customers no later than sixty (60) days following the end of the annual fee period for systems on an annual collection schedule or within sixty (60) days following the end of each fee-period fiscal quarter if the system is on a monthly or quarterly collection schedule. Fee-period fiscal quarters end on November 30, February 28, May 31, and August 31.**

*AUTHORITY: section 640.100, RSMo 2016.\* Emergency rule filed Dec. 14, 1992, effective Dec. 24, 1992, expired April 22, 1993. Original rule filed Dec. 14, 1992, effective Aug. 9, 1993. Amended: Filed April 13, 2018, effective Dec. 30, 2018. Amended: Filed: July 10, 2020.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions nine thousand, six hundred sixty-three and thirty-six cents (\$9,663.36) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities six million four hundred thirty-two thousand, five hundred seventy-nine dollars and twelve cents (\$6,432,579.12) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 10:00 a.m., September 18, 2020. Due to recent concerns*

*regarding the novel coronavirus, or COVID-19, the public hearing will be held with live video streaming available at <https://dnr.mo.gov/videos/live.htm> and by conference phone line at 877-749-7113, participant code 51724. Persons that wish to give testimony at the hearing and to be sworn in by the court reporter over the phone must register with [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov) or by phone at 573-526-2957. Opportunity to be sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. A recording of the public hearing will be available at <https://dnr.mo.gov/env/wpp/stakeholders/index.htm>. Interested persons may submit a statement in support of or in opposition to this proposed amendment until 5:00 p.m., September 25, 2020. Send online comments via the proposed rule web page at <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN>, email comments to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov), or written comments to Public Drinking Water Branch Rule Coordinator, Missouri Department of Natural Resources' Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 60—Safe Drinking Water Commission**  
**Chapter 16—Drinking Water Fees**

**PROPOSED AMENDMENT**

**10 CSR 60-16.020 Laboratory Certification Fee.** The department is amending the purpose statement and section (1) and adding section (2).

*PURPOSE: This amendment revises the fees for certification of laboratories that conduct chemical and bacteriological testing of public drinking water. The proposed amendment was developed by a drinking water stakeholder group.*

*PURPOSE: This rule establishes fees for certification of laboratories [to]that conduct chemical and bacteriological testing of drinking water.*

**(1) Laboratories seeking [The following laboratory] certification [fees shall be paid before a certification will be issued] for chemical testing of drinking water [under 10 CSR 60-5.020] shall pay the following fees as applicable: [ Fees are listed below.]**

**In-state Laboratory Audit Fee            \$2,500 once every three- (3-) year certification cycle**

Three- (3-) year Certification Fee  
    Organic Chemicals            \$2,700  
    Inorganic Chemicals        \$1,500

**(2) Laboratories, except those owned by a political subdivision as defined by section 70.210, RSMo, seeking certification for bacteriological testing of drinking water shall pay the following fees as applicable beginning January 1, 2022:**

**In-state Laboratory Audit Fee        \$500 once every three- (3-) year certification cycle**  
**Three- (3-) year Certification Fee    \$500**

*AUTHORITY: section 640.100, RSMo 2016.\* Original rule filed Dec. 14, 1992, effective Aug. 9, 1993. Amended: Filed April 13, 2018, effective Dec. 30, 2018. Amended: Filed: July 10, 2020.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities ten thousand one hundred sixty-six dollars and sixty-seven cents (\$10,166.67) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 10:00 a.m., September 18, 2020. Due to recent concerns regarding the novel coronavirus, or COVID-19, the public hearing will be held with live video streaming available at <https://dnr.mo.gov/videos/live.htm> and by conference phone line at 877-749-7113, participant code 51724. Persons that wish to give testimony at the hearing and to be sworn in by the court reporter over the phone must register with [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov) or by phone at 573-526-2957. Opportunity to be*

*sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. A recording of the public hearing will be available at <https://dnr.mo.gov/env/wpp/stakeholders/index.htm>. Interested persons may submit a statement in support of or in opposition to this proposed amendment until 5:00 p.m., September 25, 2020. Send online comments via the proposed rule web page at <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN>, email comments to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov), or written comments to Public Drinking Water Branch Rule Coordinator, Missouri Department of Natural Resources' Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 60—Safe Drinking Water Commission**  
**Chapter 16—Drinking Water Fees**

**PROPOSED AMENDMENT**

**10 CSR 60-16.030 Laboratory Services and Program Administration Fees.** The department is amending the purpose statement and sections (1) and (2), removing section (3), and amending subsections (3)(A), (3)(B), and (3)(C) and moving those subsections to section (2).

*PURPOSE: This amendment revises the fee structure for laboratory services and program administration fees for public water systems in Missouri and clearly states those systems that are exempt from the rule. Section 640.100, RSMo, gives the Missouri Department of Natural Resources the authority to conduct a comprehensive review of this fee and to develop a proposed fee structure based on stakeholder involvement. The proposed amendment was developed by a drinking water stakeholder group.*

*PURPOSE: This rule levies and sets the amount of the annual laboratory services and program administration fees and describes the method of remitting the fee to the department. **The fees established in Section 640.100.3, RSMo, are effective through December 31, 2021. The fee structure in this rule becomes effective on January 1, 2022.***

(1) This rule applies to all public water systems **except those owned by a political subdivision as defined by section 70.210, RSMo.**

(2) This rule establishes the laboratory services and program administration fees authorized by section 640.100.3, RSMo, *[The fees cover the reasonable costs of laboratory services, both within the Department of Natural Resources and the Department of Health and Senior Services, and program administration, not to exceed the statutory limits of two hundred dollars (\$200) for a supplier servicing less than four thousand one hundred (4100) service connections, three hundred dollars (\$300) for a supplier servicing less than seven thousand six hundred (7600) service connections, five hundred dollars (\$500) for a supplier servicing seven thousand six hundred (7600) or more service connections, and five hundred dollars (\$500) for a supplier that uses surface water.]* **at the following amounts:**

*[(3) The laboratory services and program administration fees are established at the following amounts. The fees are based on the estimated annual costs for laboratory services and program administration incurred by the state per public water system not to exceed the statutory limits shown in section (2) of this rule.]*

(A) **The [A]annual fee[s] for a transient noncommunity water system[—] is one hundred and fifty dollars (\$150).**

	<i>[Laboratory Services and Program Administration Fees \$100]</i>
<i>[Number of Service Connections (any)]</i>	

(B) Annual fees for all secondary public water systems and for public water systems, except transient noncommunity water systems, that use groundwater, including groundwater under the direct influence of surface water—

<b>Number of Service Connections</b>	<b>Laboratory Services and Program Administration Fees</b>
<i>[less than 4100</i>	<i>\$200]</i>
<i>[4100 to 7599</i>	<i>\$300]</i>
<b>Less than 7,600</b>	<b>\$300</b>
<b>7,600 or more</b>	<b>\$500</b>

(C) The *[A]* annual fee[s] for public water systems, except transient noncommunity water systems, that use surface water, including systems using both surface water and groundwater[—], is **seven hundred and fifty dollars (\$750)**.

<i>[Number of Service Connections</i>	<i>[Laboratory Services and Program Administration Fees</i>
<i>(any)]</i>	<i>\$500]</i>

*AUTHORITY: section 640.100, RSMo 2016. \* Original rule filed April 14, 1994, effective Nov. 30, 1994. Amended: Filed April 13, 2018, effective Dec. 30, 2018. Amended: Filed: July 8, 2020.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities one hundred thirty thousand four hundred dollars (\$130,400) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 10:00 a.m., September 18, 2020. Due to recent concerns regarding the novel coronavirus, or COVID-19, the public hearing will be held with live video streaming available at <https://dnr.mo.gov/videos/live.htm> and by conference phone line at 877-749-7113, participant code 51724. Persons that wish to give testimony at the hearing and to be sworn in by the court reporter over the phone must register with [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov) or by phone at 573-526-2957. Opportunity to be sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. A recording of the public hearing will be available at <https://dnr.mo.gov/env/wpp/stakeholders/index.htm>. Interested persons may submit a statement in support of or in opposition to this proposed amendment until 5:00 p.m., September 25, 2020. Send online comments via the proposed rule web page at <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN>, email comments to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov), or written comments to Public Drinking Water Branch Rule Coordinator,*

*Missouri Department of Natural Resources' Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 16—Drinking Water Fees**

**PROPOSED RULE**

**10 CSR 60-16.040 Operator Certification Fees**

*PURPOSE: This rule sets forth the drinking water operator certification fee structure for activities under 10 CSR 60. The proposed rule was developed by a drinking water stakeholder group.*

***PURPOSE: This rule sets forth the drinking water operator certification fee structure for activities under 10 CSR 60.***

- (1) All applications for drinking water operator certification must meet the requirements of 10 CSR 60-14.020. The following fees shall be assessed for drinking water operator certification beginning January 1, 2022:**
  - (A) The application fee for the certification examination is fifty dollars (\$50). Each retake of the exam is fifty dollars (\$50).**
  - (B) The application fee for certification by reciprocity is seventy-five dollars (\$75).**
  - (C) The fee to renew each certificate is sixty dollars (\$60). Certificates must be renewed every three (3) years.**
  - (D) A late fee of thirty-seven dollars and fifty cents (\$37.50) per month, up to a total of seventy-five dollars (\$75), is assessed for any certificate renewed after the expiration date.**
- (2) All certification and examination fees submitted are nonrefundable and nontransferrable.**

***AUTHORITY: section 640.100, RSMo 2016.\* Original rule filed: July 8, 2020. Effective: January 1, 2022.***

***PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.***

***PRIVATE COST: This proposed rule will cost private entities forty-two thousand seventy-five dollars (\$42,075) in the aggregate.***

***NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 10:00 a.m., September 18, 2020. Due to recent concerns regarding the novel coronavirus, or COVID-19, the public hearing will be held with live video streaming available at <https://dnr.mo.gov/videos/live.htm> and by conference phone line at 877-749-7113, participant code 51724. Persons that wish to give testimony at the hearing and to be***

*sworn in by the court reporter over the phone must register with [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov) or by phone at 573-526-2957. Opportunity to be sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. A recording of the public hearing will be available at <https://dnr.mo.gov/env/wpp/stakeholders/index.htm>. Interested persons may submit a statement in support of or in opposition to this proposed amendment until 5:00 p.m., September 25, 2020. Send online comments via the proposed rule web page at <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN>, email comments to [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov), or written comments to Public Drinking Water Branch Rule Coordinator, Missouri Department of Natural Resources' Water Protection Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Safe Drinking Water Commission**

Department of Natural Resources  
Division of Environmental Quality  
Water Protection Program  
Public Drinking Water Branch

**July 10, 2020**  
**Conference Call Meeting**

Agenda Item # C  
**Meeting Adjournment**

**Issue:**

Routine conclusion of Commission business.

**Recommended Action:**

Commissioners vote to adjourn the meeting

**Suggested Motion Language:**

Chair Grove, I move this meeting of the Safe Drinking Water Commission be adjourned.

**Presented by:**

Liz Grove, Chair, SDWC