

MISSOURI DEPARTMENT OF NATURAL RESOURCES / ACEC/MISSOURI LIAISON COMMITTEE



MINUTES November 29, 2023



On Wednesday, November 29, 2023, MDNR hosted the liaison committee meeting in their office, but it was also held via Zoom. In attendance were the committee members listed below.

ATTENDEES:

MDNR:

Scott Adams, Water Protection Program
John Hoke, Director, Water Protection Program
David Lamb, Chief, Public Drinking Water Branch
Kyra Moore, Director, Div. of Environ. Quality
Sara Pringer, Director, Financial Assistance Center

ACEC/MO:

Tom Gredell, GREDELL Engineering
Steve Hicks, S.H. Smith & Co.
Tony O'Malley, Lamp Rynearson
Karen Rieken, Terracon
Dawn Danison, Staff

DISCUSSION ITEMS:

Impact of the Sackett/WOTUS Rule – No changes have occurred in Missouri since the Sackett court decision. Missouri has its own definition of WOTUS in statutes. Some bills to modify this were pre-filed.

Lead & Copper Rule – Lead service line (LSL) inventories by utilities are due by October 2024. LCR update is expected soon from EPA but will not impact the inventory deadline. See the MDNR webpage and ask for Technical Assistance with the proposed rule changes.

DW PFAS NPDWR MCL:

- 4.0 PPT (ng/l) & Health Index Approach
- 120K of comments received.
- EPA rule will likely finalize early in 2024. Compliance deadline in 3 years.
- State will go through its rulemaking process after EPA rule is finalized.
- Capacity in qualified labs is an issue as UCMR testing is on-going too.
- ≤ 10,000 population sampling since January.
- 10 systems above the proposed limit
- Meeting on 12/6/2023 to hear year-end summaries from the eight PFAS sub-workgroups.
- WW PFAS - Will discuss language for municipalities.
- Biosolids - hazardous or not? Will not be able to be land applied if deemed hazardous waste.

REGFORM – virtual meeting on 12/5/2023 – Will discuss the regulatory landscape of EJ, Air Quality, PFAS, WOTUS, etc.

Vinyl Chloride – State Representative from St. Charles area had proposed legislation that would have lowered the MCL. Legislation did not pass. 2 ppb remains the MCL. Advances in test equipment will be required if limit is set below 1 ppb. No detection in Missouri finished water since 2012.

Total Nitrogen & Phosphorus MSOP Requirements Revision to Effluent Limitations 10 CSR 20-7.015) Takes effect 10/31/2023.

- ≥ 15 MGD – compliance by 1/1/2029
- ≥ 1 MGD up to ≤ 15 MGD – compliance by 1/1/2033
- Industrial – compliance by 1/1/2034

Developing nutrient training framework. Point sources may trade credits for overall compliance.

Gulf of Mexico Hypoxia Program – funding advanced to reduce excess nutrients in the region.

Total Nitrogen Rule – Complex 8-10 yr. in development. If TMDL is established such as in the James River Basin, there may be trading limits allowed basin-wide.

Approximately 13 facilities with TN limits in their effluent permits.

Mussel and aquatic life toxicity – maybe not in big rivers.

Ammonia variance for lagoon systems may be revisited. Probably 4-6 years out for a rule. By then Phosphorus control improvements should be in place.

Proposed Amendment 10 CSR 20-08.130 Pump Stations – Recent hearing may extend the Public Notice comment period. Scott Adams stated the “reasonable retention storage” requirements will not be for WW pump stations with a permanent generator or second electrical service. Engineers will need to define how quickly these back-up power sources can activate. Are alternate pumps in place? Two hours minimum up to four hours holding capacity at the WWTF.

Sara Pringer gave an update on SRF Funding. The House of Representatives passed on November 6th an Appropriation Bill that deducts specific project earmarks from the EPA SRF appropriations for both CW and DW programs. This would result in drastic cuts in expected SRF appropriations. No action on this in the US Senate. While the Bi-partisan Infrastructure Legislation (BIL) provides help for 3 years, they may have to take away all grant funds. Also, administrative fees may have to increase if appropriations are cut. After Senate passing its appropriation bill, differences will be resolved in conference. Much lobbying is needed and on-going.

- CW – House version appropriation down from \$44M to \$1.7M. Senate version \$35M
- DW - House version appropriation down from \$19.3M to \$612,000. Senate version \$13M

The EPA will manage projects funded by earmark, but the process is not established.

Solid Waste:

- Chris Nagel, longtime Waste Management Program Director left the department for the Department of Conservation. Charlene Fitch, P.E., was promoted to Program Director August 1st.
- Coal Combustion Rule on residuals is delayed but still under development.
- Landfill legislation is being discussed in the MO legislature. Proposed landfill at Sedalia and on the south edge of Kansas City are controversial.
- Chapter 3 regulating landfills still needs to be updated.

Dry Cleaner Regulations are being enforced which follows the proposed rule. When will the rule be finalized?

Energy Issues: No report.

MDNR Stakeholder Forum will meet 11/30/2023. Missy Newman does the stakeholder invites for the meetings. Public Notice is on the website.

Other staff updates:

- Emily Wilbur, P.E. moved from DEQ to become the Director of the Division of Energy in September.
- Larry Lehman moved from DEQ Environmental Remediation Program to take Emily's place as Deputy Director of DEQ.
- A new Land Reclamation Director is needed.
- MDNR is working hard to fill open staff positions using hiring events. DEQ has 650 staff members. 50% have less than 5 years of experience. 30% have less than 3 years of experience.

WW Regulation training is being held at 5 locations around the State.

Steve Hicks, ACEC/MO asked what members could do to lobby for adequate SRF funding.

Other Topics:

- No other topics.

Next Meeting

- The next meeting is scheduled for March 20, 2024.