

MISSOURI DEPARTMENT OF NATURAL RESOURCES /
ACEC/MISSOURI LIAISON COMMITTEE



MINUTES
May 11, 2022
via Zoom



On Wednesday, May 11, 2022, ACEC Missouri held their regular Liaison Committee Meeting virtually with representatives of the Missouri Department of Natural Resources. In attendance were the committee members listed below.

ATTENDEES:

MDNR:

Art Goodin
David Lamb
Kyra Moore
Chris Nagel
Sara Pringer
Chris Wieberg

ACEC/MO:

Mark Bross
Tom Gredell
Rob Morrison, Cmte. Chair
Karen Rieken (*for Brian Porter*)
Anna Saindon
Dennis Stith
Morgan Mundell, President
Dawn Hill, Staff

DISCUSSION ITEMS:

1. **Introductions.**

2. **Status of APRA Funding Through DNR to Communities.**

Appropriated 410 million for water infrastructural projects. They will take the 410 million and stand up four separate grant programs:

Drinking Water Grant Program will get 125 million
Wastewater Grant Program will get 125 million
Stormwater Grant Program will get 150 million
Lead Service Inventory Grant Program will get 10 million

This will be for infrastructure work only and must be put towards needed and necessary projects. The lead inventory can go towards inventories that aren't infrastructure funding. The legislation passed a required match but didn't specify how much match. The department decided to allow even a one-dollar match that will be the minimum requirement. All applications will open Monday for 60 days to apply for each grant program. Then there will be a 90-day scoring process. In mid-October they will know which scored the highest and which ones they can offer funding to.

3. **PFAS – will MDNR be doing any testing in the next 1-3 years for community water systems?**

The unregulated contaminant monitoring rule (UCMR) #5 is going to require some national monitoring for 29 PFAS compounds and lithium for all drinking water systems greater than

3300 in population. Sampling will begin in 2023 and will be finished in 2024. In addition to this sampling the department has also initiated an effort to perform additional PFAS occurrence monitoring utilizing some grant funds they got from the EPA performance partnership grant. Looking to conduct that sampling in three different phases. The first phase includes systems between 2,000-3,300 in population, the second phase includes systems between 1,000-1,999 population, and the third phase includes systems that are less than 1,000 in population. They sent out 70 kits to the 2,000-3,300 range and results are starting to come in. The next phase will happen in June and the third phase later this summer/early fall. They are hoping to sample most of the community. Using 1 method instead of 2 accessing 18 compounds vs 29 allows them to get more systems and baseline data. They are working on a webpage with a map so the public can review the results of this study. This is a voluntary program that gives the baseline of your system. There's funding opportunities for systems that are aware they have issues and they will be able to apply for grant funding to help with treatment and other things. In order to take advantage of this funding you need to know if you have a problem with your system or not. Initial results will be a screening test, if they get a positive the first response is to send a regional team out to take a confirmation sample and they will do a more full-blown sample analysis for that system.

Wastewater & Biosolids EPA has a PFOS road map that addresses their game plan. Last week EPA put out on public notice a draft recommended freshwater aquatic life water quality criteria for PFAS/PFOS, take a look at them on the web. Also on the road map is an intent to evaluate and revise part 503 of the federal regulation, which deals with sludges. EPA has acknowledged part 503 is well overdue in terms of being re-evaluated. Part 503 and sludge is a later conversation in the road map probably looking at 3 years out. Human health criteria and drinking water will take front and center stage.

4. **MDNR Regulatory Update (drinking and wastewater).**

The state doesn't currently have any regulations in development. EPA finalized the Lead/Copper rule in December of 2021 and established a compliance date of October 16, 2024. EPA is planning to revise it again and it will be called the Lead/Copper Rule Improvements. It will address three main things: removal of all lead service lines, tap sampling requirements, and simplifying the rule by evaluating whether the new trigger level and action levels can be combined. The new rule is going to be proposed in the summer of 2023 and finalized by October 16, 2024. One item that's not going to change is the requirements for initial lead surface line inventory they are still due by October 14, 2024. We are a long ways off on the Lead/Copper rule as they are waiting on EPA to finalize their guidance. Other rulemakings that EPA is working on is a revision to the consumer confidence report rule, and a rule related to consolidation assessment which would give the department authority to require assessments for systems that are failing. Those are expected to come out in the spring of 2023 and be finalized in 2024.

10 CSR 20-6.010 Permit application rule working on an amendment to allow for electronic construction permit applications. Regulatory impact report was out on 60 days' notice a month ago and came off with no comments an amendment will be on public notice in July.

10 CSR 20-6.030 Disposal of wastewater and residential housing development. Widespread of noncompliance of people following that rule, and they are proposing an alternative method of wastewater disposal.

10 CSR 20-6.200 Stormwater regulation is to establish the ability for MS4 communities to obtain approval from DNR to setup a qualified local program for land disturbance permitting. This amendment would allow MS4 to get approval to run that program and not

get DNR permits.

RIR was on public notice for 60 days, no comments were received so moving forward with an amendment to be on public notice by the end of July. Implemented by application process, letter of approval issued for MS4. MS4 will be authorized to implement that program.

10 CSR 20-8.130 Pump Station Design Criteria allows more standardized process of having approved alternatives. It's still in the early stages.

10 CSR 20-8.200 Wastewater Lagoons and Wastewater Irrigational it's to clarify applicability of the rule of lagoons and earth basins, making sure that those structures don't have issues with design and cause them to leak to subsurface. Received some comments, had a stakeholder meeting. Regulatory impact report out on public notice and comes off May 16.

5. **MDNR's Proposed Phosphorous Rule.**

10 CSR 20-7.051 working to develop a rulemaking that sets total phosphorus target for point sources 1 MGD and greater and/or industrial facility classified as a major. They've put together some rulemaking text, go out and google: MO nutrient loss production strategy it will take you there.

6. **SRF Update.**

Bipartisan infrastructural law is providing additional funding to DNR new forms of capitalization grants they've never received before, they are going through that now working on upcoming plans, laying out funding sources, and seeing how much is available. One change for this year DNR has to have enough in projects on their IUP to be able to apply for the same dollar amount in capitalization grants. No problem this year, they received record amounts for projects on the clean water and drinking water sides. They will apply for new pots of funding. There are two pots of funding that they can't apply for the full amount this year. Emerging contaminants (drinking water) will do a special solicitation after October to solicit additional projects for emerging contaminants. They just ran out of time. The Lead service line replacement projects haven't been identified yet they are offering up APRP funding to do inventory's so that should drum up projects on the Lead service line replacement side. They plan to apply for funding and fund those with the next intended use plan. Additional money they are getting in total for 2022 capitalization grants they will apply for and receive in October. Clean water will apply for 84.4 million in new money and drinking water will apply for 114 million. They are working on drafting the intended use plan now and it will be out for public notice in July.

7. **Legislative Update.**

Watching APRP closely and fortunate to get what we asked for. It's been an unproductive session and not a lot has impacted DNR.

8. **Update on Solid Waste.**

2 key vacancies a Solid waste Facility Unit Chief for the Compliance and Enforcement Section they are interviewing right now, and a Permits Unit Chief, the interviews are about to wrap up for this position. The demand for recycling is going up especially in paper and plastics. In market development with general solid waste recyclables and scrap tire materials. Districts are working to help build demand for recycled material. They are in phase 6 of landfill assessment just trying to access the condition. They are in the third year of the native plant species with the City of Fulton Sanitary Landfill doing some remediation of the disturbed areas on former landfill property. By planting native plant species, grasses,

and native flowers it's starting to go well as it takes time to get it to take off. Working with EPA, City of St. Louis, and the St. Louis Community College on a deconstruction project. It was initiated through the metropolitan sewer district, they had a settlement where they were trying to establish additional green space to help improve infiltration in their coverage area. They were providing a good sum of money to the city to raise a number of delapidated structures. Also working with the University of Missouri and Dr. Clark on a scrap tire and plastics project using scrap tires and plastic as a polymer replacement in modifying asphalt. Capital materials is interested in this. If they like this, they may help drive the demand for this recycled material in this asphalt.

10 CSR 80-3.010 Landfill Rule

10 CSR 80-2.010 Definitions Rule

Made some changes to these rules 4-5 years ago and have since had stakeholder's meetings come up with ideas and improvements basically to update the regs to where they are more represented of modern-day landfill operations. In the process to try and incorporate rules all into one version that shows all comments and changes. Hoping to see that later this summer. One negative thing is the air space in central Missouri is starting to get a little tight and it's an area they will focus on in the future as it's creeping up on the 10-12-year limit.

9. **Update on Energy Issues.**

No updates if there's anything you're interested in let Kyra know and she can get information.

10. **Update on WOTUS.**

A decision was made, rulemaking took place to roll WOTUS back to pre-2015. They have re-adjusted how they do work consistent with how they did work pre-2015. WOTUS is back pre-Obama. Regional round tables going on in May and June at the Kansas Livestock Association you can view on a livestream, but you must be in person to comment.