

MISSOURI DEPARTMENT OF NATURAL RESOURCES / ACEC/MISSOURI LIAISON COMMITTEE



MINUTES July 26, 2023



On Wednesday, July 26, 2023, ACEC Missouri held their Liaison Committee Meeting via Zoom with representatives of the Missouri Department of Natural Resources. In attendance were the committee members listed below.

ATTENDEES:

MDNR:

David Lamb, Chief, Public Drinking Water Branch
Kyra Moore, Director, Div. of Environ. Quality
Sara Pringer, Director, Financial Assistance Center

ACEC/MO:

Elke Boyd, TWM
Tom Gredell, GREDELL Engrng.
Steve Hicks, S.H. Smith & Co.
Maria King, Lochmueller Group
Tony O'Malley, Lamp Rynearson
Karen Rieken, Terracon
Dawn Danison, Staff

DISCUSSION ITEMS:

Dave Lamb:

Drinking Water PFAS NPDWR MCL:

- 4.0 PPT (ng/l) & Health Index Approach.
- Public hearing on May 4, and Comment Period closed on May 30. More than 1K comments received.
- End of year for final EPA rule, then compliance required in 3 years.
- EPA rule first, then DNR rule making. Sampling will occur in 2027.

UCMR 5 Sampling:

- DNR currently sampling pop under 10K.
- UCMR approved lab is slow to report results, so far sampled 150 systems, and 9 systems above limit, 5 of those 9 with a compound(s) above proposed MCL Rule.

Water Program – 8 PFAS stakeholder subgroups have been meeting. On August 9th - 4 groups will report, the other 4 groups reported May 10th.

Tony O'Malley asked him to talk about Lead Service Line Inventory (LSLI).

Lead & Copper Rule (LCR) revisions will result in an Improved LCR being proposed around Sept. /Oct. time frame. Will implement Fall of 2024 to meet lead and copper rule revisions. Don't anticipate changing requirements.

Sara Pringer – May 4th solicited applications for design and inventory. Inventory Programs will be funded first. Replacement projects funded after inventory. LSL Fact Sheets are available for public education. Added funding package to IUP, 226 applications for \$2B in funding. All is in IUP. Working with applicants. \$49M can be put out right now. Unsuccessful applicants can be considered after DNR applies and receives another \$51M in September. Will receive annual grant funding through 2026. DNR has notified all applicants (successful and unsuccessful) for the first round of funding.

WOTUS Rule

Kyra Moore:

- Fed court reduced and DNR is anticipating less Section 401 Water Quality Certification permits because the EPA will be issuing less 404 permits.
- Reviewing with attorneys.
- Anticipating EPA revising rule to provide clarity.

Elke Boyd – Do you anticipate MO to revise “waters of state” to match federal “wotus” definition?

Kyra Moore – Waiting and seeing what comes out of this.

MCL Vinyl Chloride

Dave Lamb – None of the limit lowering passed the legislature this year. No changes so far.

Since bill didn't pass, won't lower. Repercussions if passed will be significant. The bill language had many requirements that were not clear, just gives MCL and interpretation needed to be clarified. Bill proposed limit which is a factor of 10 below current MCL and would be lower than the lab's detection limit. If you change the MCL, it changes clean up target levels for remediation and discharge limits for treated effluent.

When EPA does an MCL there are many reviews, but bill didn't do that.

Wouldn't be surprised if bill comes back up next year.

Safe Drinking Water Commission wasn't happy about revising limits through state legislation.

Total Nitrogen & Phosphorus: (MSOP Revision to Effluent Limitations 10 CSR 20-7.015)

Kyra Moore – Proposed changes to the regulations, approved at the CWC July meeting, will become effective 10/1. For facilities greater than 1MGD facilities compliance would be by 2029. Facilities greater than 15MGD would need to comply by 2034.

SRF Funding Update (Effect on 2024 SRF if House Appropriation Bill becomes law)

Sara Pringer – Missouri Clean Water SRF would only receive \$1.7M per year (down from \$44M) if proposed bill passes as-is in Congress. Only \$624K for Missouri Drinking Water SRF (down from \$19M). The current legislation as written takes Congressional earmark funding of projects directly out of the previous authorization in the IJJA legislation for SRF. These program funds also pay staff, so this would require a reduction in resources for these grants and less money for the IUP.

DNR provided a draft letter for ACEC to distribute that implores Congress Representatives to not support this legislation as written. The letter asks that individual earmark projects be funded in addition to the SRF appropriations in the IJJA.

Only 2 projects would be funded through 2024; 97% Cut in funding. Money won't go to communities in need, only to congressional earmarks.

David Lamb – EPA is working on revised consumer confidence report (CCR) rule; implement March of next year. Large systems will need to issue CCR twice per year.

EPA is restructuring the water system assessment rule; required by America's Water Infrastructure Act (AWIA). Systems are required to develop Risk and Resilience Assessments (RRAs) and Emergency Response Plans (ERP). The AWIA gives regulatory agencies authority for non-compliant systems that will require a consolidation analysis. Won't give authority to require consolidation with another compliant system.

After EPA enacts a new rule, states that has Primacy must develop their own rules within 2 years and require compliance by the end of the 3rd year. Several rules fall in a very close time period such as PFAS, Improved LCR, CCR, etc. Fairly large rule making process within a year. DNR requested an extension on the LCR rule so it can be on same schedule for the rule making.

State Rules:

- update “lead free” rule (to match EPA, will lower from 8% content to no more than 0.25% lead with respect to the wetted surfaces). Will need add'l language for enforcement provisions; current language doesn't provide for enforcement. Will have stakeholder meetings Sept./Oct.

- Evaluating changes to permitting rule internally for exemptions b/c of comments received. For example:
 - electronic submittal of Plans & Specs, no paper;
 - well const. standards – when an existing well that doesn't meet current construction standards is proposed to be used by a CWS or business (ex. Residential turned commercial; existing well meets res. but not comm. standards);
- Drinking Water System Cybersecurity protection to match EPA March 2023 memo. State to add to the sanitary survey process. AR & IA filed suit and until resolution there will be no implementation, meeting with public safety and EPA workshop on matter. EPA memo options for self- or third-party-assessment of cybersecurity, if DNR is to do assessment they do not have the staff, nor do public safety agencies have the staff to do this but they will train DNR staff. Leaning toward self- or third-party-assessment. EPA will work with anyone that needs it, free service to complete assessments with EPA consultants.

Nutrient Reduction Implementation, NPDES:

- *Kyra Moore* – Referencing implementing total phosphorus and total nitrogen limits in the James River basin. Will implement with next permit period for phosphorus (10/2024). Nitrogen in October of this year.
- *Elke Boyd* – The Multi-Discharge Variance is only for community systems on the ammonia limit. Can this be extended to apply to HOA's and private systems? Non-community systems don't have access to funding.
 - *Kyra Moore* will check with John Hoke. She doesn't think it will change.

Solid Waste: Tom Gredell asked when the Chapter 3 Landfill regulations will be updated.

- *Kyra Moore* – Chris Nagel, longtime Program Director has left the department for the Department of Conservation. No updates and if specific questions. She can take them down and ask later.
- Coal Combustion Rule changes are under development.

Energy Issues:

- *Kyra* wasn't sure what we were looking for. No updates. She can take down questions.
- *Tom Gredell* – Energy person spoke about grants, etc.

SRF Funding:

- *Sara Pringer* – No impacts on upcoming FY24 SRF spending (applications received up to March 2023), the potential cuts in the legislation under consideration apply beginning the following year (2025 IUP cycle). Otherwise, business as usual. DW IUP is on Public Notice until 8/14. CW Public Notice already ended.
- 100% grant funding is available for emerging contaminants, but few applications have been received; looking for a way to get the word out about this. Need to test and verify presence. Solutions that can be funded can be treatment, a new water source, or interconnect with a compliant system. They believe that systems don't want to let people know they are having problems (pfas, pfoa, manganese, harmful algal blooms (HABs), etc.)

Other Topics:

- No other topics.

Next Meeting:

The next meeting is scheduled for Wednesday, November 29, 2023, and will be held in-person and virtually.