

**MISSOURI DEPARTMENT OF NATURAL RESOURCES /  
ACEC/MISSOURI LIAISON COMMITTEE**

**MINUTES**

**August 5, 2020  
via Zoom Meeting**

On Wednesday, August 5, 2020, ACEC Missouri held their regular Liaison Committee Meeting virtually with representatives of the Missouri Department of Natural Resources. The notes below follow the agenda and summarize the key points of discussion from the meeting.

**ATTENDEES:**

**MDNR:**

Tim Bull  
Joan Doerhoff  
Scott Huckstep  
Mike Irwin  
Kyra Moore  
Shawn Muenks

**ACEC/MO:**

Chris Bergmann  
Mark Bross  
Chris Burns, Cmte. Chair  
Tom Gredell  
Steve Hicks  
Rob Morrison  
Brian Porter  
Dennis Stith  
Bruce Wylie, ACEC/MO President  
Vicki LaRose, ACEC/MO Chair

**DISCUSSION ITEMS:**

**1. MDNR Staff Changes & Numbers by Program (Attrition, Layoffs or Furloughs). Also, Overall Funding Outlook for MDNR in Current Fiscal Year.**

Refaat Mefrakas moved to the Waste Management Program; Cindy Lepage has taken his place as Section Chief of the Engineering section; Darleen Groner retired on July 1<sup>st</sup> and haven't filled her position yet; and Stacia Bax moved from Water Program Permit Section to the Financial Assistance Center. MDNR has been fortunate and have not had layoffs or furloughs due to COVID. State has a hiring freeze, but they are allowing departments to fill some positions. The MDNR's Division of Environmental Quality (DEQ) is filling several positions. DEQ has about 730 full-time positions and have roughly 85 vacancies. The majority of DEQ's revenue doesn't come from General Revenue - only ~ 7% of the division's operational budget is G.R. The rest is federal funds and fees. For overall funding outlook, they are being cautious on expenditures as they anticipate revenue challenges in the future.

**2. How MDNR has been Impacted by COVID-19; State or MDNR COVID-19 Procedures; and Number or Percent of Staff Working Remotely.**

The state as a whole is doing a daily health report broken up by groups by program and by office. That report shows how many staff are working in the office and working remotely, as well as what level they are operating at. After the first couple of months, DEQ is settled in and are performing normal functions. 70% of their division staff are mostly working remotely but 50% of all staff are working remotely. Their offices are open, but they are only allowing people in by appointment. They are encouraging staff to continue working remotely if possible. They are continuing to do inspections, but they are not doing any

unannounced inspections. It was a challenge for IT to set everyone up to work remotely, but they had everyone set up within a few weeks. Don't have a timeline of when they plan to get back in the office. As far as impact on staff responsiveness during this difficult time, they are doing things as close to pre-COVID as possible. They don't believe it will go back to the old normal but a hybrid. They are discussing future option of staff working in the office and remotely. MDNR believes there will be a long-term impact from COVID over the next several years. MDNR has a regulatory relief portal for temporary relief if someone needs it. ACECMO members commented that responses from DNR staff has been very good with community.

3. **How to Make Submittals and Pay Fees.**

Every MDNR program office has a process to address mail and phones so submittals and fee payments will be the same as pre-COVID.

4. **For Meetings with Staff, is there a Meeting Preference (audio/video)? Is there a Preferred Video Conference Platform?**

The state of Missouri has licenses to use Cisco Webex video platform. They can also participate in Zoom and Microsoft Teams, but they can't host meetings through those platforms.

5. **Status of MDNR Program Fee Increases (Air for certain, but not sure what other programs have pending fee proposals).**

The Air fee increases are moving forward, and the Air Commission gave the program approval to start rulemaking. Public hearing for the air fees is scheduled for the commission meeting on September 24th, which would make adoption in November. Public Drinking Water Program has worked extensively on new fees. Their public hearing is September 18th, with a scheduled adoption in November. The MDNR intends to file both fee rules with the Joint Committee on Administrative Rules. Rules by December 1st. After approval, the fees would become effective in January 2022. Statute has quite a lengthy time for legislative review. Went through the process of increasing hazardous waste fees but it was stopped by the legislature but the MDNR is working on options.

6. **PISTIF/LUST/VCP/Superfund MRBCA program and regulations update.**

EPA is still in discussions about the legal defense costs and other issues to ensure the state is meeting its responsibility. Tanks are dealing with plume stability training. Tanks hired Joe Ricker to do some guidance and develop training on plume stability analysis, which should include some web training this fall. In the VCP, the next step after the draft guidance is putting that out for comment.

7. **SRF Updates / Status.**

Clean Water Intended Use Plan (IUP) went out on public notice last week and the public hearing was on August 19th and MDNR accepted comments until August 31st. The Drinking Water IUP will go out on public notice soon. Drinking Water IUP meeting was scheduled for August 27th and both IUPs will be presented to the commissions for approval in October. Changes to the SRF program will be effective contingent upon commission approval. Both SRFs will offer 30-year loans with a slight interest increase when the length of the loan is justified to provide affordable rates. The drinking water IUP will now offer grant funding for both small disadvantaged communities for their projects and for any size public system to connect with small disadvantaged communities. Drinking Water grants are usually 75% grant and 25% loan. The Clean Water SRF will continue to offer 50% grants to communities with populations under 10,000. Clean Water SRF also has some new and exciting water quality incentive grants included in the draft Clean Water IUP for any of the following components: flood mitigation infrastructure; wastewater

treatment improvements by municipalities serving citizens enrolled in a rate assistance program; wastewater treatment plant upgrades needed to comply with new permit limits; wastewater treatment plant improvements intended to provide renewable energy generation; measures to manage, reduce, treat, or recapture stormwater; costs for Inflow and Infiltration rehabilitation; and costs for sewer extensions to eliminate a permanent facility or serve homes. These grants will be available to any size community. MDNR has the Clean Water State Revolving Fund Regionalization Incentive Grant and will solicit applications from October 1st through December 31st. There is a stakeholder meeting scheduled for September 1st to discuss proposed revisions to the Clean Water SRF Regionalization Incentive Grant guidance.

8. **Status of 2019 / Early 2020 Rule Revision Initiatives. For Instance, Solid Waste CCR Rules and Chapters 2, 3 and 5 rewrites.**

- Solid Waste Rulemaking – Chapter 3 – Sanitary Demolition Special Waste Landfill Design Regulations: Following the promulgation of 10 CSR 80-3.010 as part of the Red Tape Reduction initiative, several stakeholders requested that MDNR clarify some provisions in the revised rule. Several stakeholder meetings were held with good input from everyone. The proposed draft rule has been sent for management review. Once management gives the greenlight, they will share on base camp website for everyone to view and host at least two additional stakeholder meetings to solicit comments. When all comments have been addressed, MDNR will file the formal rulemaking amendment with the Secretary of State. Hope to have that done by early 2021.
- Chapter 2 Definitions: MDNR initially planned to amend this regulation as part of the CCR rulemaking which has since been put on hold. These regulations are tied to Chapter 3 so MDNR plans to amend these rules concurrently.
- Chapter 5 – Transfer Station Rule: Will work on after Chapter 2 & 3 are rolled out.
- Chapter 7 – Infectious Rule: The Department drafted an emergency amendment in anticipation of potentially needing it to help with COVID response (for pharmacies doing COVID testing so they could streamline their shipping and reporting requirements). This is under internal review.
- Construction updates on the Sanitary Landfill side: Have seen the most construction this year since 2018. They have 7 landfills building new cells. Still don't know what the COVID impact will be as far as waste streams. Seems to be more curbside household pickup with people working from home more and a little less on the industrial waste side. As far as volumes, it's a balance between increase household and reduced industrial waste.

9. **Update on WOTUS.**

The Navigable Waters Protection Rule went into effect on June 22. Regarding Department Section 402 (NPDES) permits, MDNR revised Missouri's Water Quality Standards in 2014 to designate uses of an additional 90,000 miles of stream, bringing the total to 115,000 miles. This expansion of stream miles has insulated Missouri NPDES permits from changes to Water of the U.S. Definitions from the Navigable Waters Protection Rule because we have our own state levels of protections. There have been some substantial changes for the U.S. Army Corps of Engineers, Section 404 (permitting) and Section 401 (certification for projects). The Corps has been issuing many more No Permit Required letters. Section 404 permits are no longer required for ephemeral streams and many adjacent wetlands. Missouri maintains jurisdictional waters of the state, which includes all river, streams, and other surface waters across property boundaries. Missouri doesn't currently designate uses to wetlands in the Water Quality Standards. They've been working to change that beginning with collecting wetland data. The federal agencies make

jurisdictional WOTUS determinations but because of the revised WOTUS definitions, MDNR feels obligated to offer guidance to stakeholders.

10. **Update on Status of Water Program Fees and Timeline for Implementation.**  
Earlier this year MDNR initiated discussions with stakeholders, via the Clean Water Forum, on clean water fees. All of these discussions and some presentations are on MDNR's Clean Water Forum website. There were about 6 stakeholder meetings scheduled throughout the summer and early this fall, however, all those meetings have been cancelled and any further discussion of clean water fees is postponed until 2021. Not sure when these discussions will begin again. Updates will be posted on the Clean Water Website and will be emailed out.
11. **Update on Wet Weather Management Rule or "Blending."**  
EPA in 2018 announced it was going to start rulemaking on adjusting the management and treatment of peak flows. They held a public input period from August-October of 2018 seeking input from everyone. They also ran several listening sessions on the subject. There hasn't been any further action on the proposed rulemaking. MDNR's Water Protection Program touched base with EPA and there hasn't been any movement on it as far as Region 7 is aware. The Association of Clean Water Administrators (ACWA) sent a letter to EPA as part of the input period. A lot of the information they gathered, including the letter, can be found on ACWA's website. In Missouri, blending is authorized under certain circumstances and there are additional permit requirements that go with that.
12. **Other Topics**  
MDNR is doing a lot of online training and they see that continuing. Their Infrastructure Financing Marketing Workshops will be held as webinars on September 9th and 16th in the afternoon. Agendas are being finalized now. Their Solid Waste Technician Certification Course will be held virtually on August 18-19.
13. **Word of the Day:** Petrichor.