

# **REGFORM**

**REGULATORY ENVIRONMENTAL  
GROUP FOR MISSOURI**

December 10, 2013

Mr. Todd Parnell  
Chairman  
Missouri Clean Water Commission  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102

**Subject: Top Ten List for CWC Strategic Planning**

Dear Chairman Parnell and Commissioners:

At the November 6, 2013 meeting of the Clean Water Commission, you invited stakeholders to identify a list of "Top Ten" items that the Commission could consider as a strategic focus during 2014 and beyond.

We appreciate this invitation. We offer the following items for your consideration:

- Let's resolve the chloride/sulfates standard now. We can fix it now without interrupting future WQS rulemakings.
- Let's undertake a genuine effort to prioritize the work of the WPP. Missouri issues more water permits than nearly any other state in the U.S. Some activities simply do not have the same level of importance and should be further evaluated. We made a solid start last year by adopting exemptions for construction permits for certain industrial sources but we can do better to identify, assess and weed out work areas that provide little or no value to environmental protection. Our financial viability depends on this honest evaluation of what's important. A reasonable resource management approach is used by other Missouri state agencies.
- Let's work quickly and efficiently with facilities and communities to remove those water bodies that are not fishable/swimmable out of the data set using a transparent process that is clear and predictable.
- Let's stop using the 0.5% admin fee. And let's be clear about the use of 319 grant money. Is it being used to support the on-going operation of the WPP as we suspect?

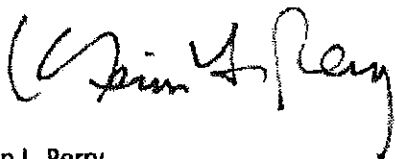
December 10, 2013

Page 2

- Let's finally do something about staff pay. Let's not throw up our arms and say "we can't solve that." Let's not give up simply because it's an OA issue. We will live with the negative impacts of low staff pay for decades into the future if we don't start now and persist in finding a remedy.
- Let's clearly shift all aspects of operation so that the Water Protection Program is undoubtedly a Missouri program, which needs Missouri fees, not a U.S. EPA client. Missouri should not be paying simply to help staff the U.S. EPA program.
- Let's undertake a thorough review of the permits and facilities that are affected by the *Iowa League of Cities v. U.S. EPA* decision. If we relieve these entities of burdens rejected by the Court, Missourians can save millions of dollars. Those dollars can be put to better use in our communities.
- Let's revisit the current WET testing provisions and rules. We can start with the testing of species. U.S. EPA does not limit facilities to two species but MDNR does. Let's not impose chronic testing in every instance. And finally, let's take the pass/fail trigger out of the acute testing. This is an area of regulation that cries out for more flexibility.
- Let's adopt a reasonable approach to numeric nutrient limits. Throw off the "looks like science" approach that was used last time to arrive at unattainable numbers. While we're at it, let's end the practice of setting any standard that can't be measured or can't technically be achieved.
- Let's schedule and complete several plant tours so Commissioners can see and understand first-hand what it's like to operate a waste water treatment facility. And further, let's make a consistent effort to train and educate our citizen commissioners in addition to plant tours.
- Our members are reporting that their permit renewals are taking longer. Let's renew the effort to get more timely reviews. Even though the "old" permit remains in effect, delaying permits makes facilities vulnerable to the most recent, and costly, changes.

Thank you for considering our comments. We look forward to working with you and staff as we move forward to improve Water Protection in the state of Missouri.

Sincerely,



Kevin L. Perry  
Assistant Director

c: Roger Walker, Executive Director, REGFORM  
REGFORM Members