



October 19, 2017

Missouri Department of Natural Resources
Attn: Red Tape Reduction
P.O. Box 176
Jefferson City, MO 65102

Subject: Red Tape Reduction Comments on Water Protection Program Rules

To whom it may concern:

Please find below REGFORM's comments on current Water Protection Program regulations for the Red Tape Reduction process.

REGFORM is a statewide association of regulated entities representing manufacturing, mining, electric utility, chemical and other business interests and higher education institutions on environmental regulatory matters in Missouri. Our membership is diverse and touches almost all major aspects of Missouri's economy.

We appreciate the Department taking on this significant effort to identify and eliminate unnecessary, burdensome, and ineffective rules that do little to protect or improve public health and the environment.

Thank you for considering these comments. Please do not hesitate to contact me if you have any questions or need clarification.

1. **Wastewater permit renewal application deadline disallows operating on an expired permit.**
The Missouri deadline to submit a wastewater permit application or renewal application is more stringent than Federal regulations. Under 40 CFR §122.21(d)(2), a facility with an existing wastewater permit must submit a renewal application 180 days before the existing permit expires, except if the authorized state, or US EPA, grants the facility a later deadline. Missouri regulations, however, do not allow MDNR to grant a facility a new deadline. The 180 day deadline is worded such that the MDNR must receive the application. The Federal regulations only require the facility to submit within 180 days. See 10 CSR 20-6.010(5)(C). The permit renewal application deadline is important because once a facility meets the deadline, the facility is allowed to continue to operate under the terms and conditions of the existing wastewater

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permit, until new permit is issued, even if the new permit is issued many months after existing permit expires. Missouri's more strict rule is a problem because if MDNR does not receive an administratively complete permit renewal application 180 days before the facility's current permit expires, then the facility must, under a strict reading of the rule, discontinue all wastewater discharges (*i.e.*, shut down all operations) when the permit expires and cannot resume discharging until a new permit is issued. We request that the State rule be amended to provide the same flexibility given in Federal regulations.

2. **pH.**

10 CSR 20-7.031(5)(C) establishes Water Quality Criteria for pH with a range not to go outside 6.5 to 9.0 standard pH units. The Federal effluent limit is 6.0 to 9.0. Other Missouri regulations use 6.0 to 9.0. Even some potable water suppliers provide drinking water outside this range. These demonstrate that a 6.0 to 9.0 range is protective. A range to 6.5 to 9.0 is overly restrictive. We request that the rule be amended to replace 6.5 with 6.0 in 10 CSR 20-7.031(5)(C).

3. **Metals in Stormwater.**

We request that Table A and related sections of the regulation 10 CSR 20-7.031 be amended to allow variances from the metals standards when stormwater runoff from unpaved surfaces due to naturally occurring high background soil levels of metals (Al, As, Fe, etc.) causes any exceedances of the published standards. It is not reasonable to expect a facility to meet a limit for a metal that was not introduced by an industrial process. In many of these instances, the facility may not ever be able to do anything to avoid exceeding the limit.

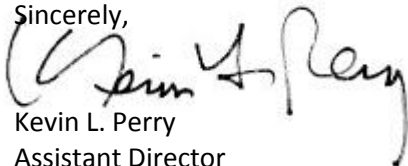
4. **eDMR.**

Sources should not be required to submit eDMR data both electronically and by separate DMR form.

Thank you for considering our comments and requests.

Do not hesitate to contact me at (573) 680-5069, or via email at kperry@regform.org, should you have any questions.

Sincerely,



Kevin L. Perry
Assistant Director

c: R. Walker, REGFORM, Executive Director
REGFORM members