

THE WONDERFUL WORLD OF WATER

by League Staff



Editor's Note: This Environmental Review column provides information such as new environmental regulations and programs coming down the pike, and how they may impact your municipality. Providing citizens with clean drinking water and properly treating wastewater and stormwater are among the larger operations Missouri municipal governments manage. Due to the significant role these utilities play in municipal operations, the Missouri Municipal League (MML) staff has devoted many hours attending state and federal environmental meetings.

The League is working to increase the representation of municipal interests on these important environmental issues.

WORKGROUPS

Over the past several years, League staff has attended numerous Missouri Department of Natural Resources (DNR) meetings, environmental conferences and strategy sessions. DNR has been holding Water Protection Forum meetings that began

in 2005 on a quarterly basis. These meetings provide DNR staff with an opportunity to discuss new programs and proposals with interested parties. Groups in attendance at these meetings include municipal officials, as well as representatives of the Missouri Public Utility Alliance, Missouri Rural Water Association, Association of Missouri Cleanwater Agencies, sewer and water districts. Other groups include the Farm Bureau, environmental groups such as the Missouri Coalition for the Environment and industry representatives. Sub-groups of the water protection forum have delved into greater detail on specific topics. Some of the advisory groups include:

- Affordability Subcommittee;
- Nonpoint Source Management Plan Revisions;
- Nutrient Criteria Development Stakeholder Workgroup;
- Nutrient Trading Workgroup;
- Metropolitan Separate Storm

Sewers System (MS4s);

- Section 401 Water Quality Certification Rulemaking Subcommittee;
- Water Quality Standards Workgroup; and
- Ammonia Standards/Multi-Discharger Variance Workgroup.

Throughout the year, the Missouri Department of Natural Resources (DNR) director also hosts Kitchen Cabinet meetings for various groups including local government. The purpose is to offer forums for open and candid dialogue on issues common to many groups including local government, agriculture, environment and business/industry. DNR's main goal is to gain insights and input on Missouri's challenges and opportunities from their partners. The meetings provide an opportunity for the Department to share some of their key initiatives and discuss how organizations can become involved.

This fall, DNR began implementing an approach referred to as E3 – Enhancing Effectiveness and Efficiency. MML staff and other stakeholders who work with the Water Protection Program were involved in a meeting that identified target areas on which to focus improvement efforts. Teams have been formed to work on several of the projects that will be longer term, while other ideas have already been implemented, including improvements to posting boil order notices on the Department’s website.

In addition to this group, there are other groups that meet as needed and cover a broad spectrum of other environmental related topics including air issues, electronics recovery, hazardous waste and solid waste. There are numerous commission meetings that are held throughout the year for the various environmental issues.

League staff regularly attend these meetings. Information, including a calendar, can be found at <http://dnr.mo.gov/env/wpp/cwforum/>.

UPDATES

Here is an update on a few of the workgroups where League staff participate.

Affordability Subcommittee:

League staff were asked to sit on an advisory group to assist with DNR’s new community services program. The community services program seeks to accomplish three goals:

- Improve DNR’s responsiveness to local governments;
- Improve local environmental knowledge; and
- Proactively assist communities with compliance and capacity planning.

In September 2015, DNR invited 30 small Missouri communities to participate in a pilot planning assistance effort intended to help communities with developing a comprehensive plan to address current and future infrastructure needs with an emphasis on drinking water and wastewater treatment. DNR staff, along with partner organizations, are now working alongside community leaders across the state to evaluate their needs and make informed, common-sense decisions

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about environmental protection for their communities. DNR community services coordinators in each region (Kansas City, St. Louis, Northeast, Southeast, and Southwest) are available anytime to help local governments seek assistance on specific environmental issues. For more information or to find a coordinator serving your area, visit www.dnr.mo.gov/assistance.

Nonpoint Source Management Plan Revisions:

Section 319 of the Clean Water Act establishes a national program to address pollution from stormwater runoff that is technically known as nonpoint sources of water pollution. Nonpoint sources of water pollution are the leading causes of water quality degradation in the United States. Section 319(h) of the Clean Water Act specifically authorizes the U.S. Environmental Protection Agency to award grants to states with approved Nonpoint Source Management Program Plans. As required by Section 319(h), each state’s Nonpoint Source Management Program Plan describes the state program for nonpoint source management and serves as the basis for how funds are spent in addressing nonpoint source pollution. This document is revised every five years to reflect current

conditions. This plan is in effect until 2019.

Nutrient Criteria Development Stakeholder Workgroup:

Developing the nutrient criteria that will protect the waters of the state requires significant analysis of water quality data. This workgroup was created to set nutrient criteria for lakes and reservoirs. Once that task is completed the group will then work on nutrient criteria for rivers and streams. This is a large task that involves many groups and disciplines within the water community. This technical group is working to develop criteria that will be scientifically defensible and sufficiently protective of the waters of the state.

Water Pollutant Trading:

DNR has been looking at ways to set up a water pollutant trading program ahead of the imposition of new water quality standards for nitrogen and phosphorus (and other possible factors). Small water treatment facilities may have no means for meeting these standards without exorbitantly expensive plant upgrades. Communities faced with expensive upgrades may find it more cost effective

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to purchase water quality credits. The programs being explored provide that credits may be sold by larger treatment facilities that are already exceeding their water quality standards for that portion of pollutant removal above their requirement. Farmers might also generate credits through land management practices that reduce water pollution. Further, DNR is proposing that projects funded by the existing soil and water soil conservation program's statewide sales tax could be utilized for credits. Under this proposal, municipalities could reimburse DNR for the projects funded by the soil and conservation sales tax and in return, receive water pollution credits that would count towards the municipalities water pollution requirements. HB 2490, (Korman) introduced this legislative session, would provide DNR with the authority to create a water pollutant trading

program. A working draft proposal is expected by the end of April and may be open for public comments in June. The program may be presented at the July Clean Water Commission meeting.

Metropolitan Separate Storm Sewers System (MS4s):

More than 150 Missouri municipalities have been designated regulated municipal separate storm sewer systems (MS4's) under phase 2 of the EPA's stormwater rules. Designation as an MS4 is generally determined by population. Municipalities with populations between 10,000 and 100,000 are considered phase 2 MS4s, as are those with a population between 1,000 and 10,000 if within an urbanized area as defined by the U.S. Census. As regulated MS4's

,these municipalities are expected to comply with the six stormwater water management requirements: 1) public education and outreach; 2) public involvement and participation; 3) illicit discharge detection and elimination; 4) construction site runoff control; 5) post-construction runoff control; 6) pollution prevention and good housekeeping for municipal operations. More information about MS4 regulation can be found on DNR's website at: <http://dnr.mo.gov/env/wpp/stormwater/index.html>. The EPA has created a Green Infrastructure Wizard: <http://www2.epa.gov/communityhealth/green-infrastructure-wizard>.

DNR held a meeting to allow input on the draft Small Phase II MS4 Master General Permit on Dec. 4, 2015. Stakeholders had many suggestions for amending the permit; the main issue for municipalities was removing Section 5.1 that would impose qualitative monitoring. The new draft permit did make this concession. The public comment period on the draft permit is expected to begin soon.

Section 401 Water Quality Certification Rulemaking Subcommittee:

Issues related to the Section 401 water quality certification rulemaking are currently being addressed by DNR. They will be updating the Clean Water Action Section 401 Water Quality Certification of Section 404 Nationwide Permits.

Water Quality Standards Workgroup:

This group assists DNR in developing and refining appropriate water quality standards for the protection of streams, lakes and wetlands that are waters of the state. The group is helping to identify and designate existing and attainable

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beneficial uses in and on these waters, and will also help revise and establish the criteria for protecting those uses. The new criteria should better reflect the most recent understanding of the science and the regulatory obligations extending to Missouri's waters. Missouri's water quality standards are reviewed and modified every three years. The group met in early December 2015, to clarify some definitions and revise general criteria of the regulations.

Ammonia Standards/Multi-Discharger Variance Workgroup:

On Aug. 22, 2013, the U.S. Environmental Protection Agency finalized new water quality criteria for ammonia based on toxicity to mussels and gill-bearing snails. Compliance with the ammonia standards is generally not possible for smaller municipal treatment plants that use traditional lagoon systems. Missouri already has an ammonia standard for fish that is difficult for lagoon systems to remain in compliance. Generally, the only alternatives for meeting the new ammonia standards require expensive options such as land application or construction of a mechanical plant. DNR has created a fact sheet for small communities to use in evaluating alternatives for meeting ammonia water quality: <http://dnr.mo.gov/pubs/pub2587.htm>.

Given the enormously expensive potential impact of complying with the ammonia regulation, DNR has requested that the EPA provide variances for qualifying Missouri municipalities to grant them temporary relief from complying with the ammonia standards. If approved, the variances would be temporary in nature (probably five years) and the granting of the variance would be strongly dependent on the economic health of the community. □




Over the past several years, League staff has attended numerous Missouri Department of Natural Resources (DNR) meetings, environmental conferences and strategy sessions. Pictured (l-r) are: Phil Walsack, Missouri Public Utility Alliance; Traci Newberry, Eric Crawford, and Hannah Humphrey, Department of Natural Resources; and Ramona Huckstep, Missouri Municipal League.

There are a number of opportunities for MML staff to provide input into the state rulemaking process with regard to environmental issues. If you have any questions or suggestions as staff work to represent the many municipalities and their issues, please let us know. Also, we would like your feedback on the information provided in this column. What environmental topics are of concern to you and your municipality? What examples do you have of environmental issues or successes in your municipality? Contact Ramona Huckstep or Stuart Haynes at the League at Rhuckstep@mocities.com or Shaynes@mocities.com. We want to represent our members in the best way possible.