

MWEA Government Affairs Committee Teleconference No. 03 Notes

Date: August 18, 2009
Prepared By: Waldo A. Margheim
Subject: Teleconference, August 4, 2009

1. The goals of the Government Affairs Committee are to disseminate and comment on water and wastewater related local, state, and national legislative and regulatory issues and foster positive relations with the EPA, MDNR, and MML.
2. The following people are members of the committee:

<u>CO-CHAIRS</u>	<u>Participated in Teleconference</u>
Jim Ross (JR), Bartlett & West, jim.ross@bartwest.com	X
Waldo Margheim (WM), GBA, wmargheim@gbateam.com	X
 <u>MEMBERS</u>	
Bruce Hattig (BH), Bartlett & West, bruce.hattig@bartwest.com	X
Mary West (MW), Jacobs, mary.west@jacobs.com	
Mike Pessina (MP), Olsson Associates, mpessina@oaconsulting.com	
Philip Walsack (PW), MPUA, pwalsack@mpua.org	X
Ed Galbraith (EG), Barr Engineering, egalbraith@barr.com	
Trent Strober (TS), MEC Water Resources, tstober@mecwater.com	
Dorris Bender (DB), Independence WPC, dbender@indepmo.org	X
Molly Pesce (MoP), Bartlett & West, molly.pesce@bartwest.com	X
Jim Rhodes (JRh), MDNR, jim.rhodes@dnr.mo.gov	X
Sean Deweese (SD), City of St. Joseph, Sdeweese@ci.st-joseph.mo.us	

INTERESTED PARTIES

Denise Burkett (DB), KCMO Water Services Dept., MWEA Watershed Management Committee Chair, denise_burkett@kcmo.org

Bob Davis (BD), KCMO Water Services Dept., robert_davis@kcmo.org

Christine Smith (CS), City of Independence, CSMITH@indepmo.org

3. The teleconference began at 2:00 pm.

4. The following items were discussed:

ITEM	DESCRIPTION	BALL-IN-COURT	EST. DATE OF RESOLUTION/COMPLETION
I.	LEGISLATIVE AND REGULATORY ISSUES MONITORING AND DISSEMINATION		
I.01.01	<p>(04/21/09) MW and MP both attended the MDNR Wet Weather Advisory Group meeting in Jefferson City on April 20th. MW indicated that MDNR is moving from compliance mode to enforcement mode. Discussion was also held regarding the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document that was presented at the meeting. MDNR is required to develop estimated costs for proposed regulations; however, this was not done for this proposed regulation. As a result, the Clean Water Commission told MDNR that the estimated costs did need to be prepared. This document is MDNR's response to the Clean Water Commission's request. It was decided to prepare a letter in response to this document that identifies how the proposed regulation will affect Missouri communities and how much. JR will spearhead the effort to prepare this response letter. Any committee members with comments should provide comments to JR by the close of business on April 27th. After drafting the letter, JR will communicate with the executive committee.</p> <p>(06/18/09) PW noted that MPUA prepared a letter in response to the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document. He has since updated the response letter by basing the median household income (MHI) data on the 2000 census data; PW will forward the revised data to JR. MW also provided oral comments to the Clean Water Commission regarding the document; MW will forward these comments to JR. JR will prepare a letter to the Clean Water Commission in response to the document based on MPUA's letter and MW's comments for consideration by the executive committee.</p> <p>(08/04/09) JR will follow-up with PW and MW in regards to the letter to the Clean Water Commission.</p>	JR	09/01/09
I.02.05	(06/18/09) WM reported that the WEF GA Committee is preparing letters to Congress on the Water Infrastructure Financing Act of 2009-S.1005 and the reauthorization of the Surface Transportation Act. The WEF GA Committee is encouraging MAs to consider providing their own	Closed	Closed

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	<p>letters to Congress regarding these two bills. WM will provide copies of the two letters to the committee for review. The committee will decide at the next meeting if we should draft similar letters from MWEA, with executive committee approval.</p> <p>(08/04/09) It was decided to not draft similar letters from MWEA regarding these two bills because it has taken too long for us to decide whether to draft the letters.</p>		
I.02.06	<p>(06/18/09) The next MDNR wet weather stakeholder group meeting is on August 24th. Several committee members are scheduled to attend this meeting and will report back to the committee at the subsequent teleconference.</p> <p>(08/04/09) Several committee members are scheduled to attend this meeting and will report back to the committee at the subsequent teleconference.</p>	Several	09/01/09
I.02.07	<p>(06/18/09) The next EPA Region 7 Meeting with the four state WEF Member Associations is currently being scheduled. This year's meeting is being sponsored and coordinated by IWPCA. WM will forward additional information to the committee as it becomes available.</p> <p>(08/04/09) WM has not heard anything further about this meeting, but will forward additional information to the committee as it becomes available.</p>	WM	09/01/09
I.03.01	<p>(08/04/09) A letter from Robert Brundage of Newman, Comley & Ruth, P.C. to the Clean Water Commission regarding permit shield legislation was discussed. The purpose of the letter is to seek support and endorsement to amend the Missouri Clean Water Law to include a permit shield provision which protects a permit holder from facing suits challenging the adequacy of its permit.</p>	Closed	Closed
I.03.02	<p>(08/04/09) It was reported that Leanne Tippet Mosby was named the new MDNR Water Protection Program Director. She will begin her new duties in mid-August and be responsible for the Water Pollution and Drinking Water Programs.</p>	Closed	Closed
I.03.03	<p>(08/04/09) A Water Classification Strawman was presented to the Stream Classification Workgroup on July 16th. DB attended the workgroup meeting and said the strawman regulation extends fishable/swimmable standards to all waters of the state and also provides use attainability analysis guidance. PW said that municipalities are woefully underrepresented in the discussion of this issue</p>	JR	09/01/09

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	and need to be aware of the potential ramifications. JR will discuss drafting an article regarding this issue with Randy Clarkson of Bartlett & West.		
I.03.04	(08/04/09) The <i>Draft Guidance on Preparing a Utility Analysis</i> (EPA, July 2009) that was provided to the wet weather stakeholder group by Curt Gateley, MDNR, was discussed. DB stated that Independence prepared review comments. PW was not sure if MPUA would provide a response since the document isn't really guidance but a model report. This document will be discussed further at future meetings as it becomes more widely distributed.	GA Comm.	09/01/09
II.	MWEA NEWSLETTER CONTRIBUTIONS		
II.01.01	(04/21/09) MoP, with TS's assistance, volunteered to draft an article for the Fall newsletter. Several potential topics were discussed. The article submission deadline to the Newsletter Committee chair is July 9, 2009. (06/18/09) JR and MoP intend to submit the letter to the Clean Water Commission being prepared in response to the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document (Item I.01.01) for publication in the next Newsletter. (08/04/09) JR did not submit the letter to the Clean Water Commission for publication in the Newsletter. JR and PW will work together to prepare the letter and submit it for publication in the next Newsletter by the October deadline.	JR, PW	10/09/09
II.02.01	(06/18/09) MP will prepare a Public Officials award nomination form for publication in the next issue of the Newsletter by the July 9th submittal deadline. (08/04/09) WM will follow-up with MP to see if he submitted the Public Officials award nomination form for publication in the next issue of the Newsletter.	WM	09/01/09
III.	WEBSITE DEVELOPMENT AND MAINTENANCE		
III.01.01	(04/21/09) WM discussed a GA committee website with Todd Bolte, MWEA Website Committee Chair. Todd has prepared a blank webpage for the committee. WM volunteered to begin developing and designing the GA committee webpage. JR also offered to provide assistance. (06/18/09) WM continues to develop and design the GA committee webpage. (08/04/09) WM continues to develop and design the GA committee webpage.	WM	10/01/09

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<p>IV. IV.01.01</p>	<p>ANNUAL CONFERENCE ACTIVITIES (04/21/09) WM stated that at the Annual Conference, responsibility for the Public Officials Award was delegated to the GA committee. MW said the criteria for this award is modeled after the same award presented by WEF (information is available on the WEF website). MP volunteered to obtain and review the criteria and prepare a nomination form, award description, and nomination deadline for the Newsletter. (06/18/09) MP obtained the Public Officials Award criteria from WEF. It was agreed to set a nomination deadline for February 1st and the award recipient selection by February 15th; MP will coordinate these dates with Clara Haenchen. (08/04/09) WM will follow-up with MP to see if he coordinated the Public Officials award nomination deadline with Clara Haenchen.</p>	MP	09/01/09
IV.02.01	<p>(06/18/09) Jeff Clarke is requesting papers for the MWEA Fall Technical Seminar to be held November 5th. Abstracts (three paragraph maximum) and author biographies are due by July 15th. MW explained that the seminar audience (about 160 people) is primarily comprised of operators and plant managers. There are two tracks of presentations; one for collection systems and the other for WWTP issues and other issues such as government affairs. PW agreed to submit an abstract on wet weather issues if his paper on I/I reduction is bumped from the collection systems track. JRh suggested an antidegradation case study paper. JRh will request that TS and Keith Forck, MDNR, jointly author a paper. EG suggested an MS4 post-construction program paper. EG will request that Ruth Wallace, MDNR, and Sheila Shockey, Shockey Consulting Services, jointly author a paper. (08/04/09) PW's paper on I/I reduction was accepted for the collection systems track; therefore, he is not submitting a paper for the GA track. Ruth Wallace and Sheila Shockey submitted an abstract regarding an MS4 post-construction program. JRh will follow-up with TS and Keith Forck to see if they submitted an abstract regarding an antidegradation case study.</p>	JRh	09/01/09
IV.02.02	<p>(06/18/09) WM will forward abstract submittal requirements and contacts for the November 5th MWEA Fall Technical Seminar to JRh and EG. (08/04/09) WM forwarded abstract submittal requirements and contacts for the November 5th MWEA Fall Technical Seminar to JRh and EG.</p>	Closed	Closed

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V.	MWEA MEETINGS		
V.03.01	(08/04/09) WM will prepare and submit the second quarter GA committee report to the MWEA President prior to the second quarter MWEA executive committee.	WM	07/31/09
V.03.02	(08/04/09) WM plans to attend the second quarter MWEA executive committee meeting on August 7th.	WM	08/07/09
VI.	RELATED GROUP COORDINATION AND COMMUNICATION		
VI.01.01	(04/21/09) WM will provide a link to the MDNR Water Protection Advisory Groups activities webpage (www.dnr.mo.gov/env/wpp/cwforum) on the GA committee webpage. (06/18/09) WM will provide a link to the MDNR Water Protection Advisory Groups activities webpage (www.dnr.mo.gov/env/wpp/cwforum) on the GA committee webpage. (08/04/09) WM provided a link to the MDNR Water Protection Advisory Groups activities webpage on the GA committee webpage.	Closed	Closed
VI.01.02	(04/21/09) Exhibiting and submitting an abstract for presentation at the Missouri Municipal League (MML) annual meeting (Oct. 4-7 at Tan-Tar-A) was discussed. Based on previous experience with the MML, it was decided to not focus efforts towards MML and not submit an abstract. However, it was decided to draft an article regarding the <i>Costs Associated with the Removal of Permit Limits that Allow Discharges of Partially-Treated Wastewater During Peak Wet-Weather Flows</i> document that was presented at the Wet Weather Advisory Group meeting and submit it to MML for publication consideration for their June/July Public Works Newsletter. JR will contact MML for submission guidelines and deadlines and draft an article. (06/18/09) JR reported that the submittal deadline for the MML June/July Public Works Newsletter is mid-April; thus, no article will be submitted this year for that issue. PW will consider submitting an abstract for the MML annual meeting. (08/04/09) PW is not sure if papers are still being accepted for the MML annual meeting. PW is still considering whether he will submit an abstract for this meeting.	PW	09/01/09
VI.01.06	(04/21/09) Advocating for smaller municipalities was discussed. It was decided to look into the Missouri Association of Councils of Government (MACOG) as a forum to advocate for smaller municipalities. WM will research dates and exhibit	GA Comm.	09/01/09

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	<p>costs for MACOG's annual meeting and newsletter article submission options.</p> <p>(06/18/09) WM contacted MACOG but has not received a response. WM will continue to follow-up with MACOG regarding dates and exhibit costs for MACOG's annual meeting and newsletter article submission options.</p> <p>(08/04/09) WM received information from MACOG. They have a fall meeting in October and they accept sponsorships (\$250 to \$450), but they do not have exhibitors. They do not publish a newsletter; but they occasionally post articles on their website. MACOG can send information to their members via email; this is a potential option for distributing any potential articles. It was decided to discuss this in more detail at a future meeting.</p>		
VI.02.01	<p>(06/18/09) MW suggested a plan to recommend adding a Stormwater committee at the next MWEA board meeting. This will be discussed at the next MWEA board meeting.</p> <p>(08/04/09) Discussion of adding a Stormwater committee will be discussed at the next MWEA board meeting.</p>	MW	08/07/09
VI.02.02	<p>(06/18/09) MW suggested a quarterly article in the MML <i>Missouri Municipal Review</i> written by the MWEA GA Committee. The articles should address wastewater issues affecting municipalities and would be intended to educate elected officials. BH will contact Katie Bradley, MML Editor (573-635-9134) and discuss this suggestion with her.</p> <p>(08/04/09) BH stated that MML publishes four newsletters per year; the fourth newsletter only goes to attorneys. The newsletter is typically about 40 pages with 1 to 4 page articles. They were open to the idea of a regular article regarding wastewater issues; but they were reserved and do not want the articles to be free advertising for engineers. JR suggested that a stimulus related article be submitted for publication. JR will discuss this idea with the MDNR SRF personnel.</p>	JR	09/01/09

5. The teleconference ended at 3:00 pm.