



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 525		DATE: 3/1/2021	
COMMITTEE: Conservation and Natural Resources			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: ALAN WINDERS		PHONE NUMBER: 573-473-5322	
BUSINESS/ORGANIZATION NAME: AUDRAIN COUNTY COMMISSION		TITLE: COMMISSIONER	
ADDRESS: 101 NORTH JEFFERSON STREET			
CITY: MEXICO		STATE: MO	ZIP: 65265
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2021 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. DIENOFF		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
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EMAIL: arniedienoff@yahoo.com		ATTENDANCE: Written	SUBMIT DATE: 3/1/2021 5:23 PM

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I am in Support of this Bill. We need to Protect Our Waterways and Our Clean-Water Resources!



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DARREN BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: CITY OF VANDALIA		TITLE: CITY ADMINISTRATOR	
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CITY: VANDALIA		STATE: MO	ZIP: 63382
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2021 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JUDY COOVERT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
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CITY:		STATE:	ZIP:
EMAIL: jcoovert@wildblue.net		ATTENDANCE: Written	SUBMIT DATE: 2/27/2021 2:42 PM
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: STEVE HOBBS		PHONE NUMBER: 573-473-5822	
BUSINESS/ORGANIZATION NAME: AUDRAIN COUNTY COMMISSION		TITLE: PRESIDING COMMISSIONER	
ADDRESS: 101 NORTH JEFFERSON STREET			
CITY: MEXICO		STATE: MO	ZIP: 65265
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2021 12:00 AM	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JAY HOSKINS		PHONE NUMBER: 636-346-7961	
BUSINESS/ORGANIZATION NAME: MISSOURI WATER ENVIRONMENT ASSOCIATION		TITLE: CHAIR, GOVERNMENT AFFAIRS COMMITTEE	
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CITY: ST. LOUIS		STATE: MO	ZIP: 63147
EMAIL: jshosk@stlmsd.com	ATTENDANCE: Written	SUBMIT DATE: 3/1/2021 1:19 PM	
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Ladies and Gentlemen of the Committee, My name is Jay Hoskins, and I am here to represent the Missouri Water Environment Association (MWEA) as Chair of their Government Affairs Committee. MWEA is a non-profit organization dedicated to the preservation and enhancement of water quality and water resources, and the relationship of these resources to the total environment. The MWEA advances technical information, increases public understanding, and promotes sound policy. MWEA strives to be Missouri's premier organization for water resources. MWEA represents a diverse membership of nearly 1000 water environment professionals from the public and private sectors. MWEA opposes this bill and we respectfully ask the committee members to vote no. Water quality standards are intended to protect aquatic life and public health. Use Attainability Analyses are, by law, water quality standards that must be approved by the U.S. EPA. The Department of Natural Resources can determine and perform a use attainability analysis when necessary, without this bill. This bill could have serious unintended consequences for our members who work in communities north of the Missouri River, because it may inadvertently trigger an EPA takeover of NPDES permit reissuances. At a minimum, the measures proposed within HB525 would unnecessarily require the Department of Natural Resources (DNR) to spend significant resources. Requiring the State to perform a use attainability analysis (whether needed or not) creates unnecessary bureaucracy and wastes valuable resources. This bill would take away resources that could be used to provide necessary water quality studies such as flow monitoring, site-specific water modeling, and technical assistance. These types of services provided by DNR allow for state-specific regulatory decisions to be made, ensuring that Missouri's water regulations are tailored to protect our unique ecoregions. We appreciate that this proposed legislation has been drafted to ensure that small communities in northern Missouri are regulated appropriately. However, we urge the communities that are impacted by inappropriate, impractical, or unaffordable regulations to reach out to the DNR and ask for compliance assistance. MWEA has supported DNR's efforts during the current administration to work with communities on affordability and compliance issues. DNR's team works hard to find affordable and practical solutions to each individual issue that communities bring forward. As such, MWEA asks the committee to vote no on this bill. If you have any questions, I can be reached at 636-346-7961 or jshosk@stlmsd.com. Thank you. Jay Hoskins, P.E. Government Affairs Committee Chair Missouri Water Environmental Association



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MICHAEL BERG		PHONE NUMBER: 314-644-1011	
REPRESENTING: SIERRA CLUB MISSOURI CHAPTER		TITLE: SIERRA CLUB MISSOURI CHAPTER POLITICAL DIRECTOR	
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Chair Pietzman and members of the Missouri House Committee on Conservation and Natural Resources, The Sierra Club Missouri Chapter opposes House Bill 525. The bill appears to be focused on protecting the older municipal wastewater facilities (lagoon systems) in Northern Missouri from having to comply with the new federally mandated nitrogen (ammonia) standards for National Pollutant Discharge Elimination System (NPDES) permitted facilities. The bill would require DNR to perform a use attainability analysis (UAA) before issuing or renewing a NPDES permit with lowered nitrogen limits as required by changes to the standards made in 2005. The UAA is typically something that the permit applicant pays for during the development of the permit application. This bill appears to shift that responsibility to DNR which according to the fiscal note could cost DNR \$13 million per year, which would severely negatively affect DNR's ability to function, conceivably to the point of forcing the EPA to step in. By forcing the DNR to do the analysis it would also take work away from private sector consulting firms. Nitrogen (ammonia) is one of the most pervasive pollutants in Missouri waters and this bill would essentially block the new nitrogen limit requirements initiated by the federal government through EPA regulation and delegated to Missouri DNR. The measure seems to run counter to the nearly constant complaint from permitted entities that the permit issuance and renewal process already takes too long. Another potential danger of this bill could be called a fairness issue. Other permitted facilities located outside of northern Missouri could potentially argue for equal treatment thereby causing a collapse of the NPDES system of pollution control for municipal and industrial facilities required to have discharge permits. Missouri continues to use an inadequate standard for ammonia. The EPA published revised criteria for ammonia in 2013. DNR was already in the process of updating the standards at the time and did not include the EPA's revised standards. The current revision underway now does not update these criteria either. Any UAA should be based on the EPA's 2013 ammonia criteria, since that is what will be in place eventually, and there is no need to do this exercise twice. The outcome would likely be the same regardless since the most direct way to meet either criteria is to eliminate a discharge altogether and use a land application system in its place.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: PAUL CALAMITA		PHONE NUMBER: 804-716-9021	
REPRESENTING: ASSOCIATION OF MISSOURI CLEANWATER AGENCIES		TITLE: GENERAL COUNSEL	
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EMAIL: paul@aqualaw.com	ATTENDANCE: Written	SUBMIT DATE: 3/1/2021 4:14 PM	
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Statement of the Association of Missouri Cleanwater Agencies on HB 525 March 1, 2021 The Association of Missouri Cleanwater Agencies (AMCA) comprises public water, sewer, and stormwater utilities statewide. Our members support appropriate environmental requirements which allow us to provide affordable and cost-effective public utility service to residents statewide. House Bill 525 is well-intentioned in that it would require the Department of Natural Resources to perform a use attainability analysis to support any existing or proposed designated use which will trigger ammonia effluent limitations or conditions for dischargers into waters North of the Missouri River. We think this requirement could work as to any future changes in designated uses because the UAA could be performed as part of the rulemaking to adopt that use change. However, the requirement is unworkable (and unnecessary – and in fact, counterproductive) as to existing use designations that trigger effluent limitations for ammonia. We note that dischargers are free to propose discharger-specific use attainability analyses/variances to DNR for consideration. These discharger-specific UAAs are the narrowest, most focused tools for providing regulatory relief (as compared to a site-specific standard which applies to all dischargers to that water body segment rather than a single, discharger-specific variance). Thus, any discharger can propose a variance to be considered now by DNR. DNR has performed a number of such UAAs/variances for permittees including several recent ones for zinc. DNR imposes effluent limits for ammonia based upon discharger specific variables such as pH and temperature of both the effluent (and where mixing is permitted, the receiving stream). For ammonia in particular, effluent limits are already substantially tailored to individual dischargers and their receiving water segment. The inability of a discharger to afford to comply with such a properly calculated effluent limit could be addressed through (1) State/federal grants or grant equivalents (no interest; zero interest loans), (2) an extended compliance schedule, or (3) a discharger-specific variance/UAA. What we can't have is a prohibition on DNR imposing ammonia effluent limits which are required under federal law. That will lead to the federal government revoking DNR's delegation to issue permits North of the Missouri River which federal law requires to have ammonia limits. This withdrawal of delegation has happened before due to unintended consequences from State legislation. I am personally aware of just such an event affecting approximately 50 permits in South Carolina about 10 years ago. The Missouri Legislature must ensure a similar federal takeover does not occur as a result of this bill. To protect dischargers from an EPA takeover of NPDES permit issuance north of the Missouri River, if HB 525 is to pass, it must include a provision which allows a discharger to waive the requirement that DNR first conduct a UAA before imposing an effluent limit/condition for ammonia in their NPDES permit. That way, if DNR does not impose an ammonia limit because they have not completed the UAA and EPA objects to a permit without such a limit and threatens to take over the issuance of that permit, the permittee can either litigate or waive the UAA requirement and accept

ammonia limits in its DNR-issued permit. Notably, there is another unintended consequence of the prohibition on DNR from issuing permits with ammonia limits until it performs a UAA. If DNR has not completed a required UAA, it will be forced to sit on permit renewals for the water in question. The permits will expire and be administratively extended. However, such permits can't be modified. Thus, DNR won't be able to renew the permit until the UAA is done and the dischargers (especially industries trying to change/expand product lines) may not have the time to wait. Thus, we think a better approach is simply to require DNR to perform a UAA for receiving waters where there is a legitimate question about whether the designated use driving the requirement to impose ammonia effluent limits is attainable. Where the UAA finds that a lesser (subcategory) of use is warranted because the full use is not attainable, DNR can then adopt that UAA and implement it accordingly in permits. As regulated dischargers we find HB 525 to be well-intentioned and greatly appreciate the concern against over-regulation regarding challenging ammonia limits. After all, AMCA members spend public dollars complying with State requirements so we like to see that those requirements are scientifically necessary. However, we think there are existing regulatory tools which permittees and DNR can use to address isolated ammonia permit limit issues. These tools (especially discharger-specific variances) won't bring the significant unintended consequences that we fear will occur from HB 525 as currently written. Thank you for considering these comments. Please don't hesitate to contact me with any questions. Paul Calamita
General Counsel
Association of Missouri Cleanwater
Agencies
Paul@AquaLaw.com###



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: CHRIS WIEBERG		PHONE NUMBER: 573-522-9912	
BUSINESS/ORGANIZATION NAME: MISSOURI DEPARTMENT OF NATURAL RESOURCES		TITLE: DIRECTOR WATER PROTECTION PROGRAM	
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CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2021 12:00 AM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RICH GERMINDER		PHONE NUMBER: 573-522-5051	
REPRESENTING: MISSOURI DEPARTMENT OF NATURAL RESOURCES		TITLE:	
ADDRESS: P.O. BOX 176			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 3/1/2021 12:00 AM	
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: TIM REMOLE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
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