

## **Lake of the Ozarks Watershed Alliance (LOWA)**

October 21, 2008 General Public Meeting  
Porto Cima

### **Call to Order**

This public meeting for LOWA was called to order by Executive Director Donna Swall at 6:40 in the Porto Cima Clubhouse with a welcome and a round robin of introductions. About 25 people were present.

### **Concerned Citizens for Miller and Camden Counties**

Ted Windels and Mike Atkinson gave an overview and update with the quarry blasting issue next to the Osage Beach Wastewater Treatment Plant. The presentation was entitled, "Having a Blast with Magruder Limestone". LOWA has hosted a website for this non-profit group which can be accessed through [www.soslowa.org](http://www.soslowa.org). Lake of the Ozarks Regional Wastewater Treatment Plant no. 1 has 460 residents within one mile of the plant. Magruder Limestone, referred to as the quarry, bought land on two sides of the treatment plant and on top of sewer mains that carry over 1 million gallons per day of effluent under pressure. These 1100 lift stations run from TanTarA Estates to Lake Ozark. The quarry has started blasting next to Woodriver Road and people at the plant can see rocks fly in the air when blasting occurs. In addition, the treatment plant's monitoring equipment is affected during blasting.

In April of 2007, the quarry applied for a permit to blast and the DNR Land Reclamation Director Larry Coen recommended approval once the application was complete. They did not visit the site and Magruder did not include high voltage lines, sewage mains, or the water treatment plant on the application. Regulations require a company like the quarry to contact adjacent landowners of their intentions and Magruder drew a 50 foot inset around their borders so they would have no adjacent landowners. Notices that were to be put in local newspapers were put in newspapers servicing the other end of the county. When area citizens finally did hear about Magruder Limestone's purchase and intentions, the quarry company refused to meet with the citizens. So, the citizen's group managed to get a formal hearing before the Land Reclamation Commission (only the third time in the agency's history that such a hearing had been granted).

The citizen's concerns centered around dangers to public health and safety; at risk were all the people and businesses serviced by this wastewater treatment plant. Between October of 2007 and June of 2008, 7 meetings for the hearing were held. In June, 2008, the hearing officer recommended the application be approved with restrictions. Magruder has filed to have some of the restrictions rescinded. One such restriction was that the quarry could not mine the entire area at once – they must prove they can be "good neighbors" and then reapply for the rest. Another restriction was that the quarry cannot blast closer than 200 feet from the easement for the sewer main; the quarry wanted 150 feet.

In general, quarries may modify their blast plans and then send in the modifications (i.e., automatic approval of all modifications). The quarry is also supposed to record with a seismograph while blasting and that has not happened, nor was a baseline

seismograph reading for the area done before blasting began. Another unknown is, how deep are the sewer lines? Their plan, and restrictions, say they can't blast below that grade. Motions have been filed in Miller and Lincoln Counties and Magruder has started blasting. A temporary stay of the original permit was granted September 11, 2008 and the stay was continued on September 15. Magruder blasted on September 16 under a new land disturbance permit on which they changed "quarry" to "land development". Blasting was stopped September 25 though all other development operations were allowed. Some other issues include the fact that the permit application never was completed and completeness was the sole criterion for approval. Magruder was allowed to amend the application after initial approval. There have been no lease agreements with land owners, and the hearing officer used evidence that was not in the hearing record. The officer looked up some specifications on cast iron pipes on Wikipedia and entered that information into the Land Reclamation's formal hearing, which then was also used for the final formal hearing on the case. Legally, one cannot go outside the record like that and have that information be used as supporting evidence. Lastly, the proceedings have placed the burden of proof on the citizen's group instead of on the quarry company, as required by statute 444.773.4. Concerned Citizens is now waiting for a judicial review of the entire permit, testimony, etc. This case can be accessed through <http://dnr.missouri.gov/env/lrp/magruder.htm> and the case number is 08ML-CC00106 on Case.net. The decision is likely to be appealed to the Court of Appeals and the whole case could take years to resolve.

Some of the lift stations are upslope from the Lake of the Ozarks (LOZ) and when they start backing up, overflow can happen. These lines have been in the ground since 1984. What can citizens do? . Talk to your legislators and donate money for lawyer fees to: **Concerned Citizens of Camden and Miller Counties. PO Box 305 Osage Beach, MO 65065.** A phone number is: **573 280 4725.**

Director of MO DNR Childress says that he can do nothing about the approval of these kinds of quarry permits if the proper procedures have been followed. The system of regulations and applications is flawed and it is up to citizens to work with their representatives to change the process through legislation. Director Childress says that he has no role as a public advocate and that his role is to uphold regulations and statutes that are on the books. So, that means that it is up to people like the good people of LOWA to, first, donate some money to **Concerned Citizens**, they are working hard to protect all of us. And then, talk to our legislators and government officials at all levels, not only about this particular quarry issue, but also about what kind of legislation it would take to ensure that this sort of situation could be avoided in the future.

### **Water Quality – Scott Robinett, MO DNR, Lead scientist on 5 year *E coli* study at LOZ: 2008 Summary**

This year, 2008, completed the 2<sup>nd</sup> of a 5-year study testing for the presence of *E coli* bacteria in the coves of LOZ. One of the biggest differences between this year and last year was the amount of rain, from less than 5 inches in the 2007 sampling season to more than 26 inches of rain during the 2008 sampling season. There was even rain on some of the sampling days this year! Missouri adopted the EPA standard for the amount of *E coli* that can be present as 126 cells per 100 mL water as a geometric mean, and, as a

statistic, 8 illnesses out of 1000 can be attributable (on a national average) to *E coli*. The EPA also suggests a single sample maximum (not a geometric mean) of 235 cells per 100 mL of water at designated swimming areas. Missouri did not adopt this standard.

In this study, any time a sample showed more than 126 cells per 100 mL, then DNR people like Jennifer Hershberger go to that site and look for a possible source for the high count. In 2007, 8 samples from 4 coves exceeded the 126 count. Last year, 2007, was very dry and numbers do go up after heavy rains because rain washes bacteria into the water from the surrounding land. In 2008, 9 samples from 7 coves exceeded 126. In 2008, 29 coves and 108 sites from the toll bridge to mile marker 29.5 and up the Grand Glaize arm were monitored, as well as 2 coves from 2007 that had tested high repeatedly (neither of these coves tested high at all in 2008). 2007 saw a range in counts from less than 1 up to 1986 cells and 2008 saw a range in counts from less than 1 up to 1553 cells. 2007 tested 396 samples and 2008 tested 350 samples. This year, in 2008, no sites tested high repeatedly; each greater than 126 was a single incident. The geometric mean for the 2007 samples was 5 and that for 2008 was 7.6, reflecting the large amounts of rain early in the 2008 season.

When a sample comes in high, field workers go to that drainage area and inspect all of the permitted water treatment systems in that area. The Health Dept. is also aware and will work with single residences. Any citizen seeing water quality problems around LOZ can call Jennifer Hershberger with MO DNR, at 573-619-1857.

### **Committee Reports**

**LDP – Lake District Plan** – This is the long term watershed management plan for the 4-county Lake area that brings together the needs and vision for all stakeholders. With AmerenUE, the first of two soil erosion workshops for builders, developers, etc around the Lake area will be hosted by LOWA on Wednesday, October 22, 2008 at TanTarA. This will be in the format of a 4-hour seminar.

**Educational Outreach** – This Chair position is vacant. **LOWA needs an Educational Outreach Chair!** LOWA needs someone to organize people for working tables and booths and keep track of the various opportunities around LOZ to have booths. Also, LOWA needs someone to organize programs with the area schools, as well as someone to give presentations on various water quality and watershed subjects to schools, as well as area clubs, organizations, and NGO's. This whole committee needs several people with desire, energy, and time!

**Lake Safety** – Carroll Vogel, Coast Guard Auxiliary, Chair – When LOWA first formed, lake safety was the number one concern of the citizens around the Lake. So, one of the first programs put together by LOWA was the Designated Captain Program, where the driver of the boat can get free non-alcoholic beverages from participating establishments. Then the Lakes' Water Safety Council formed and partnered with LOWA on promoting and running the Designated Captain Program, along with a Boating Safety Campaign. Now, LOWA is handing the Designated Captain Program over to the Water Safety Council, who will now run that program along with their other programs, including their Boating Safety Campaign and a life-jacket campaign.

**Recycling – The Recycling Committee needs a Chair!** LOWA, in partnership with Laclede Industries, has received the first recycling grant for the west side of the Lake. Gravois Elementary South and the Hurricane Deck area will each have 1 big container 1 day per month for drop-off recyclable materials. These locations will be manned at all times and LOWA will have volunteers there. From Jan-Mar a container will be at each location one day per month, from April-Sept, two days per month, and from Oct-Dec, one day per month. The 2009 schedule with dates for each month will be published in December. LOWA will be working with the PTO's to help get the word out. A statistic: If 10 trucks pulled up with trash, and the trash got sorted, only 1 truck would go on to a landfill. The rest would be recyclable.

**Wastewater** – The Septic Pump-out Program for Camden County is completed and the one for Morgan County is almost complete. Miller and Benton Counties are now beginning. Discounts are being offered. The original goal of this 4-county program was to remove 150,000 gallons of septic tank sewage from around LOZ's shoreline. At the end of this program, a total of 250,000 would not be unreasonable to expect. If you have property with a septic tank in Miller or Benton Counties, please go to LOWA's website at [www.soslowa.org](http://www.soslowa.org) for an application and discounts.

**Stream Team** – Donna Swall is now officially the lead contact person for LOWA's Stream Team, having completed all parts of the Level I training successfully. Donna plans to begin monitoring the Lake and if that goes well, recruit Stream Teams all around the Lake. LOWA is looking for a good site along the lower Osage River to monitor for Stream Team, as well. If anyone is interested, please let Caroline Toole or Donna Swall know.

**Round Table** – Waste Watchers is in need of another trailer to deal with glass. If anyone has one that can be pulled to Lebanon from below Bagnell Dam that they can donate, please let Waste Watchers or LOWA know .

**Meeting was adjourned** at 8:30 pm.

These minutes respectfully submitted by C. King Toole, LOWA Recording Secretary.  
Approved by Donna Swall, LOWA Executive Director.