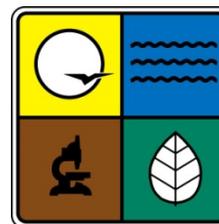


Hazardous Waste Forum

House Bill 28/650 Legislative Update

June 13, 2013



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

House Bill 28/650 Summary

- Omnibus bills for Department of Natural Resources
- Contains multiple subjects including fees for the Air, Water, Land Reclamation and Hazardous Waste Programs
- Passed by General Assembly
- HB28 was delivered to the Governor on May 22nd
- HB650 was delivered on May 30th
- Governor has until July 14th to decide whether to sign the bills

HB 28/650 Hazardous Waste Provisions

- Extends for five years the battery fee and the hazardous waste generator fees
- Gives the Department the authority to conduct a comprehensive review of the hazardous waste fee structure
- Adds a representative of the petroleum retail industry to Hazardous Waste Management Commission
- Streamlines some of the requirements of the hazardous waste permitting process

HB28/650 Department-wide Provision Affecting the Hazardous Waste Program

- Adds a requirement for the Department to develop a list of all documents produced for external dissemination, excluding permits, that are used to implement enforcement actions or penalties, and to provide that list to the Joint Committee on Administrative Rules (JCAR).

HB 28/650 Overview – Fee Extension

- Fees extended to December 31, 2018 include:
 - 50 cent fee on retail sale of lead-acid batteries
(Section 260.262 RSMo)
 - \$100 Generator registration and renewal fees
(Section 260.380 RSMo)
 - \$5 per ton and the \$2 per ton In-state and Out-of-state generator tonnage fees
(Section 260.380 RSMo)
 - \$25 per ton Hazardous waste land disposal fee
(Section 260.475 RSMo)

HB 28/650 Overview – Fee Structure Change Process

- Bill gives the Department the authority to conduct a comprehensive review of the fee structure
- The comprehensive review must include a stakeholder process involving representatives from cement kilns, chemical companies, large and small generators, and any other interested parties
- Changes, with stakeholder agreement, to be presented to the Hazardous Waste Management Commission for approval
- Must be approved by 2/3 majority

HB 28/650 Overview – Fee Structure Change Process

- If approved, proposed changes would be filed as rule amendments
- Proposed changes must be promulgated and published no later than October 1st of the same year
- Orders of Rulemaking for proposed changes must be filed with JCAR no later than December 1st
- If not disapproved by General Assembly, changes would go into effect January 1st of next odd-numbered year and would replace the fee structure outlined in the statute

HB 28/650 Overview – Commission Structure

- Addition of representative of petroleum retail industry to Hazardous Waste Management Commission
- Petroleum retail representative would replace one of the existing four public spots on the commission
- The petroleum retail representative would be added to the other industry representatives on the commission which include agriculture, the waste generating industry and the waste management industry

HB28/650 Overview - Permit Streamlining Provisions

- Repeals post-closure permit requirement
- Repeals five year permit reviews at operating hazardous waste land disposal facilities
- Repeals health, environmental and economic profiles at hazardous waste treatment and disposal facilities
- Repeals transportation route and emergency response evaluations at new hazardous waste treatment, disposal and resource recovery facilities
- Repeals habitual violator reviews

HB28/650 Overview – Guidance Document Enforceability

- Department required to submit annual list to JCAR of all documents produced for external dissemination, excluding permits, that the Department utilizes to implement enforcement actions
- The purpose of which is to identify if the documents implement, interpret or prescribe law or policy that should be subject to the rulemaking process

HB28/650 Overview – Guidance Document Enforceability

- All documents excluding permits and rules, produced by the Department for external dissemination must include
 - The name of the Department
 - The name of the Division of the Department
 - The name of the Director of the Division
 - The calendar date on which the document was produced, and
 - A disclosure statement stating that “Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under Chapter 536 or authorized by statute.”

Questions and discussion

