

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
June 11, 2015; 10:00 A.M.
1730 E. Elm Street
Roaring River Conference Room
Jefferson City, MO 65102

(Note: The minutes taken at Hazardous Waste Management Commission proceedings are just that, minutes, and are not verbatim records of the meeting. Consequently, the minutes are not intended to be and are not a word-for-word transcription.)

The Commissioners participated by teleconference and the meeting was open to the public at the 1730 E. Elm Street Conference Center. The meeting was videoed and will be available on the Commission's web page.

The phone line was opened at approximately 9:40 a.m. for Commissioners calling in to today's meeting.

COMMISSIONERS PRESENT BY PHONE

Commissioner Michael Foresman
Commissioner Mark Jordan
Chairman Charles Adams
Vice Chairman Elizabeth Aull
Commissioner Andrew Bracker

A roll call was taken with Chairman Adams, Vice-Chairman Aull, Commissioner Bracker, Commissioner Foresman and Commissioner Jordan acknowledging their participation in today's meeting.

1. PLEDGE OF ALLEGIANCE

Chairman Adams led the Pledge of Allegiance, and it was recited by the Hazardous Waste Management Commission (Commission) and guests.

2. FINDING OF NECESSITY

Mr. Tim Eiken, Rule Coordinator, HWP, addressed the Commission and provided a PowerPoint presentation on the Department's request to move forward with a proposed rulemaking on changes to the generator fee structure. Mr. Eiken began with the statutory background for the proposed changes, noting that Sections 260.380.1(10)(d) and 260.475.8 provide authority to the Department to propose changes to the fee structure. He also noted that the statutes require stakeholder input, and that the Commission approve the Department to move forward with the proposed rule by a 2/3 majority vote or 5 of 7 commissioners. He went on to advise that the Finding of Necessity was required by section 536.016 RSMo for all rules, that the rule must be necessary to carry out purposes of statute, and that the rulemaking must be based upon reasonably available empirical data and assessment of the effectiveness and cost of the rules.

He advised that 536.016.1 stated that “Any state agency shall propose rules based upon substantial evidence on the record and a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority.” He also noted that the Department’s rulemaking procedures are documented in the Administrative Rulemakings Policy and Guidance Manual, and that the procedures include documentation of all aspects of need for new, amended or rescinded rules, as well as public participation and other aspects.

Mr. Eiken then advised the Commission of why the amendment was necessary, noting it was necessary to implement changes to the hazardous waste fee structure recommended by the hazardous waste fee stakeholder workgroup. He noted that this included changes to the generator registration and renewal fee, in-state waste fee, and the land disposal fee. He stated that the portion of 10 CSR 25-12.010 relating to each fee must be amended to reflect changes to the rates, in addition to other changes proposed to the fee structure; including the charge of the per ton rate for any partial ton of waste for all fees and the new tiered generator registration and renewal fee to be collected for calendar year 2017.

Mr. Eiken went on to state that this proposal was developed through the stakeholder process and that five stakeholder meetings were held – beginning in November 2014. He noted that the Department provided information about budget, revenues, and expenditures; about how the fee structure compared to other states; and that the stakeholders provided input about impact of fees. He also noted that a fee calculator was developed and presented to show impact of various proposals; and that a live calculator was used for fee stakeholder meetings along with a spreadsheet that showed a detailed breakdown of the impact to individual generators. Mr. Eiken also advised the Commission that prior to meetings and between meetings, information was posted to the Department’s webpage. He noted that the stakeholder meetings were conducted using Adobe Connect for presentations and that a conference line was available for audio. Notices were sent out to various email groups prior to each meeting and that an initial notice of this process was included in the generator fee mailing in November 2014.

Mr. Eiken stated that the basis for this Finding of Necessity was as follows: the hazardous waste fees have not been adjusted since 2005; Sections 260.380.1(10)(d) and 260.475.8 provided authority to do a comprehensive review; the Department’s fee workgroup efforts focused on trying to obtain agreement on a reasonable fee increase; the Department projects a funding shortfall and proposed changes would address a portion of the shortfall; and that subsequent to the stakeholder process, the EPA was projecting significant cuts in grant funding which would impact the Department’s funding for Resource Conservation and Recovery Act activities.

Mr. Eiken then explained the fee proposal, noting that hazardous waste generator registration and renewal fee would increase from \$100 for all generators to \$150 for conditionally-exempt and small quantity generators and \$500 for large quantity generators. He noted that this would also include an exclusion that would allow multiple sites in close proximity operated by a single entity to pay a single large quantity generator registration and renewal fee. He explained that the in-state fee for hazardous waste generated in Missouri would

change from \$5 per ton to \$6.10 per ton, and that the minimum amount for in-state fee would increase from \$150 to \$200 and the minimum was to be applied to the first ton of waste. He noted that the maximum amount for in-state fee would increase from \$52,000 to \$57,000, and that the land disposal fee for hazardous waste land disposed in Missouri would increase from \$25 per ton to \$29.50 per ton or partial ton. He stated that the proposal projected to generate approximately \$500K in additional revenue to Hazardous Waste Fund.

Mr. Eiken ended his formal presentation by providing the Commission with an outline of the evidence that supported the Department's request, noting that this included meeting summaries, presentations, and other information for the fee stakeholder workgroup; in addition to financial information documenting revenues, expenditures, and the projected shortfall, along with stakeholder comments and input.

An opportunity was provided for the Commission to pose any questions. None were asked.

Chairman Adams advised that he would entertain a motion on the request before them.

Commissioner Foresman made the following motion: *"I move that the Commission approve the Department's request to file a proposed amendment to 10 CSR 25-12.010, to change the hazardous waste fee structure, and further find that this rule is necessary to carry out the purposes of the Revised Statutes of Missouri."* Commissioner Aull seconded the motion.

A vote was taken with Commissioners Adams, Foresman, Aull and Bracker voting "yes." Commissioner Jordan voted "no." Chairman Adams noted that a majority vote had been affirmative and that the motion had passed.

3. PUBLIC INQUIRIES

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission and noted that there were no public attendees at today's meeting.

4. OTHER BUSINESS

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission and advised the Commissioners that the public hearing on the "No Stricter Than" rule package was scheduled for the regularly scheduled Commission meeting on June 18, 2015, and that the Department's testimony covered a large amount of material and would take close to an hour to get through.

No other questions were posed by the Commission. This was provided as information only and required no action on the part of the Commission.

5. FUTURE MEETINGS

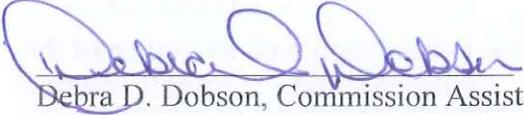
The next meeting of the Hazardous Waste Management Commission will be held on Thursday, June 18, 2015, at the 1730 E. Elm Street Conference Center.

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Commissioner Foresman made the motion to adjourn the meeting at 12:37 p.m. The motion was seconded by Commissioner Aull.

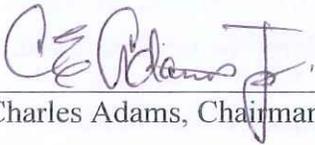
A vote was taken; all were in favor, none opposed. Motion carried.

Respectfully Submitted,



Debra D. Dobson, Commission Assistant

APPROVED



Charles Adams, Chairman

20 Aug 15

Date