

Affected Rule: **Amendment** Rule Number: **10 CSR 25 –7.264** Rule Title: Health Profiles

1. What is the purpose of this rulemaking?

All hazardous waste permitted treatment and operating disposal facilities are required to submit health profiles with their permit applications. The Department of Natural Resources (DNR) shares the submitted health profiles with the Department of Health and Senior Services (DHSS). DHSS reviews and evaluates the profiles and provides information back to the Department of Natural Resources.

The regulations state the profiles “shall include efforts to identify any serious illnesses, the rate of which exceeds the state average for the illnesses, which might be attributable to environmental contamination.” The requirements are outlined in Missouri’s hazardous waste law and regulations. Both DNR and DHSS have been reviewing the health profile requirements and are contemplating either changing or rescinding the current health profile regulations. Both departments have identified areas in which they feel the information submitted in the health profiles could be improved. Staff who work closely with reviewing the profiles do not believe that the information required by the current regulations accurately determines the exposed population and achieves the goals originally envisioned when the legislature passed the law.

2. Why is the rulemaking being proposed now?

DNR and DHSS staff have discussed the need for these changes for years. Most recently, the topic of Health Profiles was discussed at the Hazardous Waste Forums held by the department to solicit input from regulated entities and the public on regulations that need to be reevaluated. The forums were held on May 10, 2007, October 23, 2007, and April 8, 2009. Based on discussions at these forums, a consensus was reached that the Health Profiles could be improved and that DNR would initiate the rulemaking process to do so.

3. Will the rulemaking incorporate any document by reference, rather than state the language within the rulemaking? **Yes**

Does this rulemaking prescribe environmental standards, limits or conditions and is a Regulatory Impact Report required for this rulemaking? **Yes**

4. What authority does DNR have to carry out this rulemaking?

260.395.7(5) RSMo requires treatment and disposal facilities to submit with their application a profile of the environmental characteristics of the area.

5. What does the rulemaking require and how does it produce benefits?

We expect the benefits from this rulemaking to be that requirements for preparing health profiles will be refined so that the information contains more relevant and accurate data that will assist both DNR and DHSS in determining the actual health impacts that may be attributed to permitted facilities. Currently the information submitted by facilities does not provide accurate enough information due to the type of information required and the geographical location of the permitted facilities.

6. Who is most likely affected by the rulemaking?

Permitted treatment and operating disposal facilities. This includes 4 incinerators, 3 cement kilns, 2 hazardous waste landfills, and 3 miscellaneous treatment facilities.

7. What impact will the rulemaking have on small businesses? (A small business is defined by statute as a for-profit enterprise with fewer than 100 full or part-time employees.)

8. What are the probable costs for the department or any other public agency in the implementation and enforcement of the rulemaking?

The requirement to submit health profiles will remain in Missouri law, so DNR and DHSS will continue to review profiles submitted with permit applications.

9. What is the anticipated effect of the rulemaking on state revenue?

None

10. Who was/will be involved in developing the rulemaking?

The department has formed a Health Profile workgroup. The workgroup has met three times, February 27, 2008, May 22, 2008, and April 8, 2009. Workgroup members have been involved in reviewing the current version of the rules, identifying areas that need improvement, and discussing specific changes to the language of the regulation. The department will continue to solicit input from workgroup members, hold workgroup meetings, and circulate draft rule documents throughout the rule development process. Participants in the Hazardous Waste Forum have also been involved in the rule development process and this topic will remain on the agenda for the forum throughout the process.

11. How has/will the development of the rulemaking been/be shared with interested parties and the public at large?

In addition to discussing the need for changes to the rule in the workgroup meetings and at the Hazardous Waste Forums, the department has established a website for the Health Profile Workgroup that provides all interested individuals the ability to contact the department regarding the rulemaking process. We'll continue to update the site with current information as we move through the rulemaking process. The website is:

<http://www.dnr.mo.gov/env/hwp/hprofile/profilewkgrp.htm>

12. Who may I contact to either ask questions or provide input on this rulemaking?

More information on the rulemaking workgroup contact Darleen Groner, P.E., at 573-751-3259 or 800-361-4827, or by [e-mail](#).

13. What is the expected calendar for this rulemaking, particularly the dates for the comment period and public hearing?

YEAR	DATES	Administrative Rulemaking	Emergency Rulemaking
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	July 3, 2009	Interagency Review	
	July 24, 2009	Department Approval	
	November 2, 2009	File Proposed Rulemaking	
	December 1, 2009	Proposed Rulemaking published in Mo Register	
	February 2010	Public Hearing	
	February 2010	Close of Comment Period	
	April 2010	File with JCAR	
	May 2010	File Order of Rulemaking	
	June 15, 2010	Order of Rulemaking published in Mo Register	
	June 30, 2010	New Rules published in Code of State Regulations	
	July 30, 2010	Rules become effective	