



DRAFT

NOTICE OF OPEN MEETING

The meeting will also be streamed live from the Department's website at:
dnr.mo.gov/videos/live.htm.

DEPARTMENT OF NATURAL RESOURCES HAZARDOUS WASTE PROGRAM HAZARDOUS WASTE MANAGEMENT COMMISSION AGENDA

June 21, 2012

**Department of Natural Resources, Hazardous Waste Program
Bennett Springs/Roaring River Conference Rooms
1730 E. Elm Street
Jefferson City, MO 65102**

Note: Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the commission assistant at (573) 751-2747 or writing to the Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the Hazardous Waste Program through Relay Missouri at 1-800-735-2966.

9:45 A.M. EXECUTIVE (CLOSED) SESSION

In accordance with Section 610.022 RSMo, this portion of the meeting may be closed by an affirmative vote of the Commission to discuss legal matters, causes of action or litigation as provided by Subsection 610.021(1). RSMo.

10:00 A.M. GENERAL (OPEN) SESSION

The General (Open) Session will begin promptly at 10:00 a.m., unless an Executive (Closed) Session has been requested; after which, the General Session will start as specified by the Commission's chairman.

Commissioner Roll Call

1. Pledge of Allegiance – Commissioners
2. Approval of Minutes – General (Open) Session, April 19, 2012 – Commissioners
3. Election of Officers – Commissioners
4. Updating Commission Operating Policies – Tim Eiken, Director's Office - HWP

Action Items:

5. Battery Storage Trailer Parking/Exide Resolution Follow-up – Kathy Flippin, Chief, Compliance and Enforcement Section - HWP
 - Buick Recycling Facility - Jim Lanzafame
 - US EPA presentation - Jim Aycock
 - Exide Technologies Resolution
 - Presentation of motion language - ````Kathy Flippin -

Information Only:

6. Legislative Update – Tim Eiken, Rule Coordinator – HWP
7. Rulemaking Update – Tim Eiken, Rule Coordinator – HWP
8. Tanks Financial Responsibility Direct Referral Update – Angela Oravetz, Compliance and Enforcement Section – HWP
9. Tanks Risk Based Corrective Action Rule Development Update – Leanne Tippett Mosby, Deputy Director - DNR
10. Legal Update – Kara Valentine, Commission Counsel
 - Administrative Hearing Commission Appeals Updates
 - Doe Run Appeal Settlement Update
11. Public Inquiries or Issues – Jim Belcher, Chief, BVCP, HWP
12. Other Business – Jim Belcher, Chief, BVCP, HWP
13. Future Meetings
 - Thursday, August 16, 2012 – to be held at the Bennett Springs/Roaring River Conference Rooms, 1730 E. Elm Street Conference Center, Jefferson City, MO

Adjournment

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE MANAGEMENT COMMISSION**

Meeting Date: June 21, 2012

ROLL CALL ROSTER

	In Person:	By Phone:	Absent
Chairman Jamie Frakes	_____	_____	_____
Vice-Chair Andrew Bracker	_____	_____	_____
Commissioner Elizabeth Aull	_____	_____	_____
Commissioner Michael Foresman	_____	_____	_____
Commissioner Charles Adams	_____	_____	_____
Commissioner Deron Sugg	_____	_____	_____

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 1**

Pledge of Allegiance

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
April 19, 2012; 10:00 A.M.
1730 E. Elm Street
Bennett Springs/Roaring River Conference Rooms
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 meeting was streamed live from the Department's website at: dnr.mo.gov/videos/live.htm.

COMMISSIONERS PRESENT IN PERSON

Commissioner Michael Foresman
Commissioner Elizabeth Aull
Commissioner Deron Sugg

COMMISSIONERS PRESENT BY PHONE

Vice-Chair Andrew Bracker
Commissioner Charles Adams

The phone line for the Commissioners calling in to today's meeting was opened at 9:45 a.m.

Commissioner Aull called the General Session to order at approximately 10:02 a.m.

1. PLEDGE OF ALLEGIANCE

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

A roll call was taken of the Commissioners. Commissioner Aull, Commissioner Foresman and Commissioner Sugg were present in person. Vice-Chairman Bracker and Commissioner Adams participated by telephone.

2. APPROVAL OF MINUTES

- Executive Session minutes from the February 16, 2012, meeting:
- General Session minutes from the February 16, 2012, meeting:

Commissioner Sugg made a motion to approve the February 16, 2012, Executive Session minutes. The motion was seconded by Commissioner Foresman. Commissioner Foresman made the motion to approve the February 16, 2012, General Session minutes. Commissioner Sugg seconded the motion.

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

Following the vote on the previous meeting's minutes, Commissioner Aull welcomed Ms. Sara Parker Pauley, Department Director, to the podium, to address the Commission. Ms. Pauley began by advising the Commission that she was happy to be able to take this opportunity to say "hello" to the Commissioners and to thank them for their service to Missouri citizens. She advised the Commission that in addition, she would like to provide them with information on several Department-wide initiatives that were being focused on, highlighting three current efforts.

She noted that the first initiative was the "Communication and Education Initiative," stating that the agency had become more aware of their need to engage stakeholders and that a heightened level of effort was being made to include these stakeholders in discussions regarding regulations and policy. She noted that this was being accomplished through different Forums and other stakeholder group meetings and that she had reengaged the Kitchen Cabinet process. She stated that the Kitchen Cabinet process was a mechanism to engage key stakeholders in high level policy discussions and decisions. Ms. Pauley went on to advise the Commission that these meetings have already begun with a meeting with representatives from the environmental community having been held several months ago, a meeting with representatives from the agricultural community held the previous week, a meeting scheduled with the municipal and county government representatives in May and a meeting with representatives from business and industry slated for the summer. She noted that the Department intended to hold follow-up meetings with these groups approximately twice each year to keep the dialogue open.

Ms. Parker then addressed the second initiative the Department was working on, the "Enhancing Science and Technology" initiative, which would be working towards a heightened use of technology. Ms. Parker noted that the different divisions and programs within the Department were the holder and users of enormous amounts of data and that this initiative would work towards ways to better use and share this data within the Department, with stakeholders and with the public in general. She noted that different program reviews had been initiated, such as the permitting process, to further efficiency within the agency. She stated that as revenues decline, it was more imperative than ever that efficiency be a major focus.

Lastly Ms. Pauley noted that the third initiative she wished to share with the Commission was the "Our Missouri Waters" initiative. She stated that this initiative encompassed different watershed issues, noting the need to prioritize environmental issues within watershed areas, focusing on funding and technical assistance.

Ms. Pauley advised the Commissioners that she would try to provide periodic updates and again thanked them for their commitment to the state.

The Commission was provided an opportunity to ask questions. No questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission.

3. RULEMAKING UPDATE

Mr. Tim Eiken, Director's Office, Hazardous Waste Program, addressed the Commission and provided a brief update on the Department's current rule related efforts. He noted that there were three items he would be presenting to the Commission today, beginning with the current rule package, which includes the Packaging, Marking and Labeling package and the Satellite Accumulation package. He noted that the draft rule language had been prepared, which had been drafted with input from stakeholders through the forum process, and had received initial approval to proceed with the process. Following this approval, the Department was working on the Regulatory Impact Report prior to it being heard by the Commission for the Finding of Necessity for concurrence that the rules were necessary, which was anticipated at the June meeting. In addition, he noted, the Department was in the process of updating the incorporation by federal reference of rules that have come out since July 2010. He advised that this would include the two noted previously and any others that had come up since the last update. Mr. Eiken stated that the current schedule showed that in addition to the Finding of Necessity at the June meeting, a public meeting should be scheduled for August, with the public hearing at the October meeting, the final decision at the December meeting and the rules becoming effective in April 2013.

Mr. Eiken went on to advise the Commission that the Department was also working with the Environmental Protection Agency on the rule package that had been submitted previous to this one, for which we had requested authorization. He noted that the EPA was working on the authorization and that the Department had been responding to their consultants' questions and anticipated the final publication shortly.

And finally, Mr. Eiken provided the Commission updated information on a rule that had been adopted in December 2011, the Academic Lab Rule, noting that it provided for an alternate set of management practices for generator standards at laboratories associated with an academic setting. He advised that there had been a lot of interest in the rule and that the Department had received questions as to whether the rule was in effect yet and whether it was effective. He also noted that Washington University and the University of Missouri-St. Louis had expressed interest in the rule provisions. Mr. Eiken advised that the EPA maintained a website which listed the different states that have adopted this type of standard and that Missouri was being added to the list of states that have this type of rule in place. He noted that in the near future that schools would be given the option to submit a request to opt in and that this would give them additional flexibility in how they managed their waste.

The Commission was provided an opportunity to ask questions. No questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission.

4. BATTERY STORAGE UPDATE

Ms. Darleen Groner – Permits Section, HWP, addressed the Commission and began by providing the Commission with copies of photographs taken during the October 2009 inspection of the Exide facility. She noted that her presentation was an update on battery storage and the states “24 hour” rule, which had been requested by the Commission during their December 2011 meeting. Ms. Groner provided the Commission with a description of a “battery” with regards to the federal regulations. She noted that the description stated that a “battery” was defined as “intact, unbroken batteries, from which the electrolyte had been removed.” She noted that the key words were “intact and unbroken.” Ms. Groner explained that there were several other sources, in addition to the regulation, that operators could go to that provided information on battery storage and handling, such as RCRA Online. She advised the Commission that this source provided the EPA’s clarifications on battery storage issues through letters and Q&A postings and memorandums, which further clarified the federal rules and regulations. Ms. Groner further noted that in this resource was an EPA letter, dated May 30, 1997, which stated that the regulation was only intended to exempt those operators that generate, transport or collect spent, intact batteries; and if broken, the batteries would have to be managed as a hazardous waste. She also noted that in October 2011 the US EPA published a compendium that stated that only intact batteries, prior to reclamation, are exempt from regulatory controls. If they are cracked, uncapped or broken, they must be managed as a hazardous waste, which means they need to be over-packed, properly packaged, marked and labeled and properly manifested.

Ms. Groner then provided the Commission with a brief overview of the AHC’s decision on Exide’s appeal, noting that under 40 CFR 266, a reclaimer needs a permit for storage of unprocessed batteries. She went on to note that under the state’s “24 hour” rule, the reclaimer of a hazardous waste from an offsite source, had 24 hours to process the shipments or put the contents in to a permitted storage area. Under the regulations, Missouri has interpreted this to mean, intact, unbroken batteries. Ms. Groner then referred to an April 3, 2009, memo from the Department of Transportation, which had been provided to the Commission as Attachment I. She noted that this memorandum had been sent out to all battery recyclers and that it reiterated that batteries must be intact or unbroken or they were not exempt from their requirements. DOT noted in the memo that this was in response to an “ongoing trend towards serious safety violations,” with a reference to non-compliance and a lack of documentation regarding the transportation of spent batteries.

Ms. Groner noted that Exide’s own requirements state that the batteries must be intact and unbroken to comply with exemptions to regulations regarding transport of hazardous waste. She advised that Exide had stated that they had been receiving trailers that contain non-conforming batteries and that they now have to reject those trailers. She advised that although this had been stated, the Department had found no documentation supporting the assertion that trailers were being rejected or as to why they were rejecting trailers, or how many had been rejected since the conditions of the permit had been upheld.

Ms. Groner went on to discuss the 1998 Enforcement Discretion agreement. She noted that this agreement had allowed Exide to store trailers up to seven (7) days before they had to be unloaded. She advised that this was part of past management practices and that Exide had been advised, during the permit renewal process, that this agreement would no longer be an option as it did not comply with federal requirements and that the trailer storage area would have to be added to the permit. She went on to advise that the permit does not and did not require that Exide turn away non-conforming loads of batteries, it only requires that they adequately pack and store those non-conforming loads in accordance with the regulations. She noted that during the inspection leading up to the 1998 agreement, no broken batteries were found and the agreement was only inclusive of trailers that were already in compliance. Ms. Groner advised the Commission that Exide has a wet containment area, and would only have to properly package any non-conforming batteries and they could be stored there within the requirements of the permit. Exide had been advised that the state's regulations could not be less stringent than the federal requirements. She noted that at the same meeting Exide had advised that they would be contacting the EPA to determine if the state's interpretation was the same as EPA's. At a follow-up conversation, Exide had advised the state that they would not be contacting EPA.

Commissioner Foresman inquired if the Department had been to the Exide facility for an inspection since 2009. Ms. Groner noted that the most recent inspection had been in January of 2012. He inquired as to what the status was during the January inspection and was advised that no violations were found at that time, that no trailers were on the lot, they were coming in and being unloaded as they arrived.

In response to the Commission's 2011 request for the Department to look in to working with Exide regarding this issue, Ms. Groner noted that several options had been discussed with Exide to resolve the issue. These options included managing the batteries as they are received, contracts with haulers, providing of DOT compliant containers, not accepting shipments on weekends or holidays, and offering assistance to Exide with compliance issues. Off-site staging had also been discussed but it was noted that non-conforming batteries could still result in a violation. Ms. Groner noted that the Department does not condone the turning away of trailers with non-conforming batteries; that they really wanted them to manage them appropriately or process them immediately. She stated that the issue had been discussed with other like businesses who do not seem to have the same issues that Exide has with the permit restrictions. Ms. Groner stated that the Department had concluded that changing the "24 hour" rule does not solve the problem of non-conforming shipments and that, if they are received, we have recommended processing them immediately or properly storing them.

Ms. Groner offered to the Commission to have a representative from the EPA, from the Doe Run facility and from DOT at the June meeting to respond to any questions the Commission may have.

Commissioner Foresman noted that the Commission's dilemma was those who ship non-conforming loads, those trailers that park in public areas where there could be adverse impacts

to the public. He stated that the regulations are complex, but that the Commission needed to determine if there was anything they could do to address the environmental issue. Ms. Groner responded that outside of DOT doing a “big sweep” on those types of transporters, she was not sure what could be done.

Commissioner Foresman then inquired as to how or if Exide could be allowed to receive non-conforming loads in a contained area over the weekend, to alleviate the environmental issues. Ms. Groner suggested penalizing the shipper if it was obvious that they knew the loads did not conform, and advised she would look in to other options. Mr. Foresman noted that keeping the trailers at an off-site location only created a potential for a bigger environmental issue. Ms. Groner responded that the EPA had stated that off-site staging would be less stringent, therefore in violation of the regulations. She suggested that additional efforts could be made by the recycler to discourage their shippers from bringing in loads that contain broken batteries; they could be penalized, etc. To allow for on-site staging for more than the 24 hours would make it less stringent than EPA’s requirements, although the possibility exists that an area could be designed that accepts liquids. Commissioner Foresman noted that the Department needed to get a ruling from EPA on the issue, other than “it might be a violation.” He advised that the Department needed to put a rule together to have it looked at as a legal review to ensure all the possibilities are adequately addressed.

Commissioner Aull asked a question of Doe Run’s representative, Mr. Province. She inquired as to how loads were scheduled for processing at their facility. She inquired if appointments were made for deliveries. Mr. Province responded that deliveries to his facility were scheduled in advance. Ms. Aull inquired if appointments were rescheduled if the hauler could not make the appointment time, to which he advised they were.

Commissioner Sugg inquired as to whether the Department had received the information on the EPA’s position in writing, to which Ms. Groner responded that it was received in an e-mail. Mr. Sugg went on to address Mr. John Doyle and inquired as to any significant differences between the Doe Run facility and the Exide facility. Mr. Doyle responded that the Doe Run Buick Recycling facility was considerably larger. Mr. Sugg inquired as to whether this difference in size influenced any significant differences in their operating schedules. Mr. Doyle responded by clarifying the Buick facilities receiving schedule.

The Commission was provided further opportunity to ask questions. No additional questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission.

5. EXIDE TECHNOLOGIES – SPENT BATTERIES TRAILER PARKING ISSUES

Mr. Jim Price, Spencer Fane Britt & Browne, counsel for Exide, addressed the Commission and began with a brief review of how trailers come in to the Buick plant. He noted that Exide's process was similar to the Buick facilities' process. He notes that the batteries arrive at Buick, they wait outside the processing facilities, but it is outside the processing area. The trailers come in, if it is not time for that trailer's scheduled appointment time then they wait in the trailer parking area until it is their time. Mr. Price noted that if the Department had no problems with the way Buick utilized their trailer parking area, then he felt that Exide could work within those guidelines and could just de-permit their trailer parking area.

Commissioner Foresman inquired as to when the trailers were opened; if they were only opened when the trailer reached the receiving area or prior to that? Mr. Price responded that he believed that trailers were only subject to being opened when they are "received," and his interpretation is that occurs when the trailers reached the receiving area and the hauler turned in their paperwork, bill of lading, etc., and begins unloading. Commissioner Foresman asked Mr. Province to respond for Buick's process and the process was discussed.

Mr. Price pointed out that neither Exide nor Buick look in the trailers prior to receiving them and neither would be aware of non-conforming loads up to that point. He advised the Commission that both facilities appeared to follow basically the same process.

Mr. Price went on to advise the Commission that Exide was asking the Commission to direct the Department to initiate a rulemaking to try to resolve these issues. He stated that he was in agreement with Commissioner Foresman that the only way there would be a definitive answer would be to have the Department begin the rulemaking process so the EPA could review all the specifics surrounding the issue and make a ruling on it.

In response to the Department's noting that Exide had decided not to contact the EPA, Mr. Price advised the Commission that after speaking to several people regarding the issue, that it was not clear how Exide could come to a true resolution with EPA on this issue as this was not an EPA program, it had been delegated to the states to develop working regulations within their guidelines. He also noted that it would be inappropriate for Exide to ask the Commission to make a ruling that goes against clearly stated EPA guidelines.

Mr. Price went on to propose that the Commission direct the Department to work on a definition of "received." He stated that their position is that until they are ready to be unloaded, the trailers are the responsibility of the shipping company and a battery is not received until then. He noted that this would clarify that the liability stays with the transporter, and not Exide, until that point. Mr. Price stated that this would not be inconsistent with recent EPA rulings and provided the Commission with a copy of an EPA decision out of Puerto Rico. He noted that the EPA stated in this ruling, that trailers could be held up to 10 days before they were unloaded as they were not deemed "received" until that point.

Mr. Price provided copies to the Commissioners of a Resolution that Exide was proposing, requesting the Commission direct the Department to begin a rulemaking, and suggested rule language changes to the existing regulations. The Commission posed questions to Mr. Price regarding an earlier statement, with regards to Exide separating their trailer parking area from their permitted area. Mr. Price advised that this separation could be done through a permit modification, but that Exide really did not want to look at an off-site parking area. A discussion was had regarding the difference between Exide's and Buick's trailer parking area and what de-permitting Exide's parking area would accomplish. Mr. Province was questioned by the Commission regarding Buick's trailer parking area and it was determined that their parking area was part of their permitted area, but was not part of their permitted storage area, whereas Exide's was. The issue of when the trailers were considered "received" at each of the facilities was also discussed, with Commissioner Foresman noting that it appears to be a shipper issue, if there were non-conforming batteries, and not Exide or Buick's.

Commissioner Aull suggested that the Commissioners needed to see how the two plants were laid out, to see the similarities and the differences. Mr. David Lamb, Director, Hazardous Waste Program advised the Commission that Department would provide the information from the permits. He went on to note that he requested the Commission consider some information, as they deliberated on the information that had been provided, that the Department could not condone the acceptance of non-conforming loads. He stated that it would be condoning illegal transportation of hazardous waste and was a violation of DOT regulations. He advised the Commission that broken batteries needed to be hauled by a licensed transporter, with the waste manifested accordingly.

Commissioner Sugg inquired as to what was preventing Exide from having stricter schedules or scheduling shipments or from having specific requirements for shippers. Mr. Price responded that Exide has distributed information to its haulers. He noted that there was a difference between what could be required from independent or contracted haulers. He also stated that Exide was a smaller facility than Buick, having only two bays, and has been working towards improvements.

Mr. John Doyle addressed the Commission and clarified that the trailers that were coming in to Exide were not just trailers that are brought in and dropped off. The majority of trailers that are left at the plant are either Exide trailers or contracted trailers. The others predominantly have a driver that stays with the shipment.

Commissioner Aull inquired as to what percentage of haulers were independent. Mr. Doyle was unable to provide that information.

Mr. Price discussed the Resolution he had provided to the Commissioners, noting that it was just a place to start, that he did not believe that EPA would have issue at the end of the discussion. He stated that he believed that this is what EPA was doing elsewhere.

Commissioner Sugg inquired as to whether Mr. Price had any other information or documentation, other than the citing from Puerto Rico, where EPA has different guidelines than what had been presented by the Department. He responded that he did not. Mr. Price went on to advise the Commission that Exide, in response to information from the Commission at an earlier meeting, was looking in to the possibility of a variance, although they were not sure at this time if a variance would meet their needs, or if they would qualify for a variance under the current standards for getting one granted.

The Commission was provided further opportunity to ask questions. No additional questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission. The Resolution was provided for the Commission to review, and may be acted on at a future date.

A break was called for at 11:20 a.m.

The meeting was reconvened at 11:35 a.m.

Commissioner Aull addressed Ms. Groner and requested that she contact the EPA and have them provide some specific information regarding the Puerto Rico decision that Mr. Price had referenced. Ms. Groner inquired as to whether the Commission would like to have a representative from the EPA at the next meeting to respond to any questions that the Commission may have. Commissioner Aull responded that having someone from EPA would be acceptable if Ms. Groner, the EPA and Mr. David Lamb thought it would be appropriate. Commissioner Aull also asked Ms. Groner to provide the Commission with maps/aerial photos of the two recycling facilities' parking areas so the Commission could compare the two. She noted that the Commission would like to come to some kind of conclusion on this issue. No other questions or comments were posed by the Commission at this time.

6. TANKS RISK BASED CORRECTIVE ACTION RULE DEVELOPMENT UPDATE

Ms. Leanne Tippett Mosby, Deputy Department Director, addressed the Commission and provided them with a copy of 10 CSR 26-2, regarding Petroleum and Hazardous Substances in Underground Storage Tanks. He noted that she was here today to provide the Commission a brief update on the Tanks RBCA rulemaking effort; but that she wanted to first touch on an issue that had been brought up at the last meeting, where there had appeared to have been some confusion on how the Department viewed the 2004 guidance with respect to the current rulemaking effort. She requested the Commission review the information provided and noted that the rule was clear. She directed their attention to #3, which stated that the "owner and operator shall" follow the rule and advised that it provided the option of using the 2004 guidance or another Department approved written procedure.

Following this clarification, Ms. Tippet Mosby proceeded to update the Commission on the current Tanks RBCA rulemaking effort. She reported that there had been five (5) stakeholder meetings scheduled in 2012; on April 27, June 15, August 15, October 10 and November 14. She advised that these meetings were scheduled to provide the Department and stakeholders an opportunity to go over necessary changes and make input. Ms. Tippet Mosby noted the guidance document, since its inception, was a living document that would be changing as science and technology changed. She noted that the document was not perfect, but that was why there were procedures in place to amend or revise as needed.

Ms. Tippet Mosby noted that the need for updates and revisions had been made very clear from discussions the Department had been having and from disagreements with the Petroleum Storage Tank Insurance Fund (PSTIF). She advised that the current efforts were towards producing a document that was as clear, accurate and usable as possible. She went on to state that due to the conflicts with PSTIF and the Missouri Petroleum Marketers & Convenience Store Association (MPCA), any agreements would be reflected in the revised guidance.

Commissioner Aull inquired if there were any more questions, to which there were none. Prior to Ms. Kara Valentine addressing the Commission, Mr. Lamb noted that Mr. Ron Leone, President, MPCA, had requested to address the Commission.

Mr. Leone took the podium and directed the Commissioners' attention to a two page memo that had provided. He advised the Commission that he was here today to ask the Commission to take action, and was asking the Commission to make a motion to direct the Department to begin to develop a rule that would delete the sunset date on the current RBCA rules. He stated that there were current RBCA rules already on the books and those had been working up to this date, and that there were no emergencies that necessitated changes to the current rule. He went on to note that the Department had and does have ability to revisit any site through the provisions of the "No Further Action" letter that is issued to a site following cleanup. He stated that he was asking for a motion to settle the RBCA issue immediately and advised the Commission that he had drafted suggested motion language for their consideration. Mr. Leone read his motion language to the Commission.

The Commission was given an opportunity to pose questions. Commissioner Bracker began by inquiring to Ms. Tippet Mosby as to what the Department's response to the sunset date of December 31st of this year and how it would be best addressed. Ms. Tippet Mosby advised that the sunset date was put in to the rule at the request of PSTIF. She noted that PSTIF had suggested some language that the Department was not comfortable with and that the Department had countered with some language that had ended up in the rule that included the sunset date. The sunset date was put in the language based on the schedule at that time to complete the rulemaking effort. She advised that the guidance had been in place since 2004 and regardless of whether the rule sunsets, the guidance will still be in place and would still require owners and operators to follow the guidance or use some other written procedures that are approved by the Department. Ms. Tippet Mosby noted that she believed deleting the sunset date was unnecessary and that there was also the issue that if a rule is opened up to

address one issue then any additional issues cannot be addressed until that issue is resolved and the rule is closed and reopened for each individual issue.

Commissioner Bracker advised that he had a question as a follow-up to the February meeting. He noted that the Commission had authorized a delay in the rulemaking process as a result of the Department's waiting on the federal Vapor Intrusion (VI) guidance. He inquired of Ms. Tippet Mosby if the Department was monitoring the federal process or did she anticipate further delays. Ms. Tippet Mosby responded that the draft VI guidance had been released to the workgroup in March and it was still on schedule to be final by November 2012. She noted that the guidance was a result of an Inspector General audit that "dinged" EPA for not having the guidance in place. Ms. Tippet Mosby went on to advise the Commission that vapor intrusion was an area that revisions were necessary and that even PSTIF had brought the need to revisit the vapor intrusion issue early in the stakeholder process. She noted that the Department was proposing to reconvene the Ad Hoc vapor intrusion workgroup to focus on the changes needed. Commissioner Bracker noted that this was the information they were wanting to here. Commissioner Aull inquired as to when the final vapor intrusion rule would be available to which Ms. Mosby noted that it was guidance, not a rule, and that it was expected by November 2012. Commissioner Aull also inquired as to whether the Commission could anticipate an update on the VI guidance at their December meeting. Ms. Tippet Mosby responded that there would be updates given at each Commission meeting and that the draft rule with the VI guidance input was anticipated by February 2013. No further questions were posed to Ms. Tippet Mosby at this time.

Ms. Carol Eighmey, Executive Director, PSTIF, requested permission to speak to the Commission. Ms. Eighmey approached the podium and noted that she wanted to make a slight clarification to information provided by Ms. Tippet Mosby. Ms. Eighmey stated that PSTIF had worked with the Department approximately a year ago and the rules were a compromise that was reached. She stated that PSTIF did not ask for the sunset date, the Department had; but the language that was developed was acceptable to the parties mentioned.

The Commission was provided further opportunity to ask questions. No additional questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission.

7. SUNSHINE LAW UPDATE

Ms. Kara Valentine, Commission Counsel, addressed the Commission and noted that it had been awhile since an update had been brought to the Commission regarding the requirements of the Sunshine Law. She advised that small changes are made by the legislature on a fairly regular basis and that two of the Attorney General's office staff had prepared an update regarding the current requirements of the Sunshine Law. Ms. Valentine introduced Brenda Siegler and Peggy Landwehr, Missouri Attorney General's Office, who provided the Commission with a handout and PowerPoint presentation on highlights from the Sunshine

Law, noting what constitutes a Public Meeting and how the Sunshine Law effects the Commission. Ms. Siegler went over the origins of the Sunshine Law, definitions, related laws, compliance policies, public policy, an overview of who and what kinds of activities were covered by the law, required notices, when and where meetings can be held, documentation required of activities at a covered meeting, closed meetings, what constitutes an open record, best practices for recordkeeping, responsibilities for responses to records requests, public meeting notices, exceptions, closed record guidelines, fees for record request responses and liabilities for violations. Ms. Siegler went on to provide information on how e-mails should be classified, noting that any e-mail sent by one entity or Commissioner, to all Commissioners, regarding any issue, was subject to an open records request and must be added to the public record.

Following Ms. Siegler's presentation, Ms. Valentine introduced Ms. Rhonda Loveall to the Commission, noting that she was the Custodian of Records for the Hazardous Waste Program and the Solid Waste Management Program, and that requests for records were processed thru her office.

The Commission was provided an opportunity to ask questions. No questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission.

8. QUARTERLY REPORT

Mr. Larry Archer, Public Information Officer, Division of Environmental Quality, addressed the Commission and presented the current Quarterly Report, covering the period of October through December 2011. Mr. Archer discussed some of the highlights of the report and provided an opportunity for the Commission to ask questions. No questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission.

9. LEGAL UPDATE

Ms. Kara Valentine, Commission Counsel, provided the Commission with an update on legal issues that may be of interest to the Commission. She began with noting that there was one pending appeal before the Administrative Hearing Commission, by the Buick Recycling facility. She advised that there was one remaining issue that she believed was being resolved. She went on to note that there were a couple of enforcement cases that may be of interest to the Commission. She began with advising the Commission that there had been a settlement reached with WalMart, from violations from 2008. She noted that the settlement was for approximately \$3,000,000. She outlined the issues surrounding the violations, noting that

they stemmed from 3 main violations. Those violations included failure to determine the hazardous waste status of the material in question, the failure to use an authorized hazardous waste transporter or disposal facility; and, as a generator, that they had failed to demonstrate that the products were being recycled. She stated that the settlement agreement included a civil penalty of \$214,000, that the Department would be receiving reimbursement for costs of \$4,000, and that there was an agreement reached on a Supplemental Environmental Project (SEP) for \$1,050,000. This SEP would involve pesticide collection events spread out in rural areas across the state. These events would have to be held within 12 months of the settlement agreement. She also advised that there was still an ongoing Federal investigation regarding similar offenses that Missouri is still involved in.

Vice Chairman Bracker complimented Ms. Valentine on the presentation and advised that he appreciated the efforts towards the SEP.

Ms. Valentine went on to note that there had been an Environmental Protection Agency settlement regarding Cosmo Plex, a company in Hannibal that produced rubber hoses and belts. She noted the violations involved a failure to report chemical releases and violations of the Toxic Release Inventory requirements and that an \$80,000 penalty had been imposed. The Commission was advised that although this was a hazardous waste violation, the company had been prosecuted under the EPCRA law, which is only enforceable by the EPA.

Ms. Valentine then advised the Commission that a settlement agreement had been filed the previous day in federal court regarding the Sweetwater site. She noted that Sweetwater was a subsidiary of the Doe Run mine and mills and that the original lawsuit had been filed by an adjacent landowner, regarding contamination of his property by the Sweetwater mine activities. She explained that after numerous court hearings and depositions of Department staff, the state had intervened in 2008 and had gotten the case in to mediation. In the settlement agreement Doe Run had agreed to setting aside \$8,000,000 for cleanup costs. An additional \$35,000 was to be used to sponsor Science Camps for children, approximately \$30,000 was slated for the remediation costs and the Hazardous Waste Program would receive up to \$15,000 for oversight of the cleanup activities. Ms. Valentine went on to explain that Doe Run was not required to start the cleanup until mining operations ended, which were on a 20 year lease. But, she noted, there had been "hot spots" located that Doe Run had agreed to clean up prior to the end of mining operations. In addition, Doe Run agreed to get ISO certification at the Sweetwater site.

Ms. Valentine asked the Commission if any of them had any experience with ISO certification and whether it was a benefit. She asked for any input they may have on the subject.

Ms. Valentine directed the Commission's attention to a press release on the Sweetwater case and advised that it was just the preliminary release, that the AGO's office would be releasing an addition press statement giving credit to DNR for their involvement in the settlement.

Ms. Valentine provided an opportunity for the Commission to ask questions. No questions were posed by the Commission.

This was provided as information only and required no action on the part of the Commission.

Prior to the next agenda item Commissioner Aull advised the audience that for future meetings any items that are to be presented to the Commission must be provided to the Commission Assistant at least 24 hours prior to the meeting and that other deadlines would be discussed.

10. PUBLIC INQUIRIES OR ISSUES

Mr. David Lamb, Director, Hazardous Waste Program, addressed the Commission and advised that the Department had received no public requests to speak before the Commission.

11. OTHER BUSINESS

Mr. David Lamb, Director, Hazardous Waste Program, addressed the Commission and provided a brief update on several issues the Commission may have interest in. He began with an update on recent legislative action that had potential to affect the Department. Mr. Lamb advised the Commission that the main issue he wished to advise them on was the “No Stricter Than” language in House Bill (HB) 1752. He noted that the current language would limit the Commission’s authority and would prevent them from promulgating any rules that were stricter than federal rules. He noted that if an issue were not covered by RCRA then the Commission would not be able to do anything about it. He advised the Commission that the Department had been working to draft revised language that would at least remove the unintended consequences of the current language and that they were working with the sponsors to find revised language that would be acceptable.

Mr. Lamb went on to review HB 1135 which would require that administrative rules expire every 10 years and would require the Department go back and re-promulgate these rules each time. He noted that Senate Bill (SB) 469 was the alternative that would provide for the Department filing a report every 5 years that support continuing the rule as is or providing for changes.

Mr. Lamb advised that SB 838 had language that could potentially affect a portion of the Brownfields program, with provisions for receiving a cleanup letter for portions of contaminated sites. He noted that this bill had also contained language regarding access to PSTIF funding but that he thought that language may have been removed in the newest version. SB 645 was reported as an effort to extend the timeframes of action by the Administrative Hearing Committee. And, SB 480, which concerned the shipment of radioactive waste in the state, would repeal the current fee structure imposed by the Department. He stated that the Department believed this would create a loss of \$282,000 in fees which were slated for training first responders and providing escort fees for shipments through the state.

Mr. Lamb provided the Commission with a brief overview of the current budget noting that the Program had taken a reduction of \$237,000, which equaled 5.76 FTE. He noted that this was being addressed through vacant position, even though some of these were key positions. Mr. Lamb also discussed the loss of flexibility in the budget due to the loss of E appropriations.

The Tanks Conference was discussed next as Mr. Lamb relayed how successful the conference had been and noted that it was a cooperative effort between the PSTIF, the Department of Agriculture and the Department. He advised that there were approximately 600 attendees, with the Department playing a prominent role. He also advised the Commission that the Missouri Waste Control Coalition conference at the Lake of the Ozarks was scheduled for June 17-19 and was being planned at this time. He noted that staff from DEQ, SWMP and other programs would be participating and presenting.

Mr. Lamb advised the Commission that he would not be present for the June 2012, meeting, and that Mr. Jim Belcher would be working with the Commission during that meeting.

This was provided as information only and required no action on the part of the Commission.

12. FUTURE MEETINGS

Commissioner Aull noted that the next meeting was scheduled for June 21, 2012, and would be held in the Bennett Springs/Roaring River Conference Rooms at the 1730 E. Elm Street building. It was noted that Mr. David Lamb would not be present at the June meeting. Commissioner Aull called for a motion to adjourn. The motion to adjourn was made by Commissioner Sugg and was seconded by Commissioner Foresman.

Commissioner Aull adjourned the meeting at 12:44 p.m.

Respectfully Submitted,

Debra D. Dobson, Commission Assistant

APPROVED

James Frakes, Chairman

Date

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 3**

Chairman and Vice Chairman Nominations and Elections

Information:

The Hazardous Waste Management Commission Operating Policy (Refer to Section I, Commission Structure, Officers), adopted by the Commission in April 2004, states that:

- The members shall annually select from among themselves a chairman and a vice chairman.
- The members shall annually select amongst themselves a chairman and a vice-chairman during the second calendar meeting of each calendar year. As a suggestion, it is recommended that the chairmanship/vice-chairmanship be rotated amongst willing candidates at least every two years.

Recommended Action:

Commission to select a chairman and vice-chairman.

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 4**

Updating Commission Operating Policies

Information:

- A joint committee developed a set of Commission operating policies in mid-2004. The Hazardous Waste Management Commission adopted these policies in September 2004, following slight modifications to make them Commission specific.
- There have been no review/updates to the policies since that date.

Recommended Action:

Commission to review the current operating policies and make recommendations for edits, deletions, etc.

Presented by:

Tim Eiken, Rules Coordinator, HWP

**Department of Natural Resources
Hazardous Waste Management Commission Operating Policies
September 30, 2004**

Final – September 30, 2004

Table of Contents

Purpose

Commission Structure

1. Authority and powers
2. Members
3. Officers
4. Staff
5. Meetings
6. Agendas
7. Conduct of meetings

Records and Information

1. Meeting materials
2. Minutes
3. Records

Roles and Responsibilities

1. Commission Members
2. Director of the Department of Natural Resources
3. Program Director
4. Commission Secretary and Program Staff
5. Department of Natural Resources Legal Counsel
6. Attorney General's Office

Appeal Hearings and Decisions

1. Appeal Hearings
2. Decision after Hearing

Final – September 30, 2004

Communications

1. Open Communication
2. Commission Contact
3. Commission webpage

Compliance with other Laws

1. Missouri's Sunshine Law
2. Personal Finance Disclosure
3. Conflict of Interest
4. Administrative Procedures

Appendices

- Appendix 1. Regulatory Impact Report
Appendix 2. Training for Commissioners

Purpose

Environmental statutes and regulations of the State of Missouri embody the goals of the people for protection of the environment and public health in a balanced manner consistent with economic growth. To achieve these goals, laws describe and assign powers and duties to the Department of Natural Resources and the environmental commissions and boards.

The operating policy set forth herein is intended to be adopted by the members of the Missouri Hazardous Waste Management Commission. The purpose of this policy is to promote a higher level of commission competence and independence, transparency and clarity in action, and predictability and consistency in processes, thus enhancing public trust and commission accountability. Throughout this document the term “commission” is understood to mean the Missouri Hazardous Waste Management Commission.

This document establishes an element of policy uniformity with the other boards and commissions in the Department of Natural Resources. The commission will modify this policy as necessary to conform with any changes to the statutes that give the commission its authority. This policy does not have the force and effect of law, and is not intended to set legally binding procedural rules

Commission Structure

1. Authority and Powers

The Hazardous Waste Management Commission was established in 1977 by section 260.365 RSMo. The commission oversees the implementation of laws and regulations that provide for the safe management of hazardous wastes and substances to protect human health and the environment. Responsibilities carried out by the commission include:

- Categorizing hazardous waste
 - Designating which wastes may be disposed of through alternate technologies;
 - Regulating storage, treatment, disposal, transportation, containerization and labeling of hazardous waste
 - Regulating the issuance of licenses and permits
 - Granting variance requests
 - Conducting hearings and rulemaking
 - Deciding appeals and issuing orders
 - Promoting recycling, reuse and reduction of hazardous wastes
 - Updating a state hazardous waste management plan
- The commission has the power to acquire information and services useful for carrying out its responsibilities through obtaining independent technical or other professional support.

2. Members

The commission shall have seven members who are appointed by the Governor and confirmed by the Missouri Senate.

No more than four members shall belong to the same political party.

All members shall be representative of the general interest of the public and shall have an interest in and knowledge of waste management and its effects on human health and the environment.

- Three members, respectively, shall have knowledge of and may be employed in:
 - Agriculture
 - The waste generating industry
 - The waste management industry.

Members shall serve for four years and until their successors are selected and qualified. There is no limitation on the number of terms any appointed member may serve.

Final – September 30, 2004

Members shall be reimbursed for travel and other reasonable and necessary expenses incurred in the performance of their duties and shall receive fifty dollars per day for each day spent in performance of their duties at regular commission meetings.

A member may resign from the commission with written notice to the chair or applicable program director.

Any commission member absent from four consecutive regular commission meetings for any cause shall be deemed to have resigned.

The governor may remove any appointed member for cause.

- The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy.

3. Officers

- The members shall annually select from among themselves a chairman and a vice chairman.
- The members shall annually select amongst themselves a chairman and a vice-chairman during the second calendar meeting of each calendar year. As a suggestion, it is recommended that the chairmanship/vice-chairmanship be rotated amongst willing candidates at least every two years.

4. Staff

- The Hazardous Waste Management Program provides the commission all necessary professional and administrative support the commission may require to carry out its powers and duties.
- The Attorney General's Office provides legal advice to the commission and acts as attorney for the commission

5. Meetings

The commission shall routinely meet at least four times a year, at times and places determined by the chair in consultation with staff and members of the commission. The commission intends to vary meeting locations and times to offer more opportunity for interested persons to attend.

The commission may hold special meetings as necessary to the timely performance of commission responsibilities. Special meetings may be called by three members upon written notice to each member of the commission.

Issues may arise from time to time that are of interest to other commissions. In such instances, the commission may hold a joint meeting to discuss topics of mutual interest. Joint meetings may be called by the chairmen of the two commissions in consultation with each program director.

The commission may, from time to time, tour facilities or locations of interest. Tours will have an agenda as with any other meeting. Consideration must be given to providing access to the public during the tour.

The commission may hold working meetings, at which no decisions are made, to discuss topics pertaining to the commission.

Pursuant to the Missouri Sunshine Law, all meetings of the commission at which a quorum of the commission is present, other than social gatherings, shall be meetings open to the public.

The commission may hold closed sessions or meetings only in accordance with the procedures and exceptions provided in the Missouri Sunshine Law. The motion to close the meeting shall cite the specific statutory exception or exceptions under which the closed meeting is being held. The number of staff attending the closed meeting will be limited, the time spent in a closed meeting will be as brief as necessary and the discussion shall be limited to only the specific topic or topics for which the meeting was closed. Roll call votes will be taken to close a meeting.

After a closed meeting the commission should return to open session. The chair should state the general topic of the discussion held during the closed session.

6. Agendas

An agenda is a tool to organize a meeting, to notify members, staff, and any interested parties about topics to be discussed, and to assist in the orderly conduct of a meeting.

The agenda for each commission meeting will contain the following:

- Name of the commission

- Meeting time, date and location

- Notice that members of the public may ask to address any agenda item at the time it is discussed, together with instructions for signing a form or card to speak to an agenda item.

- A standing item to allow for public comment on any topic

- Items for consideration, brief, but clear as to the topic

- Anticipated action for each item such as: decision, no action-information only or further direction sought

- An item to discuss or set future agendas

- An item for future meetings

Final – September 30, 2004

If a meeting is to contain a closed session in accordance with the Sunshine Law, a statement of when the closed session will be held and when the open session will be held, whenever possible

Contact information for the commission and program, referencing how copies of materials provided to commission members in preparation for the meeting may be requested

Other agenda items as appropriate, such as legislative updates

Contact information for those with disabilities

Where possible, preliminary agendas should be developed and provided, with the statement that the agenda is preliminary and subject to change.

Agenda items shall generally be determined by the program director in consultation with the commission chair. Any commissioner or the public may request that an item be brought before the commission. Such requests should be received at least fourteen days before a meeting.

Agendas for any meeting will be posted according to the provisions of the Sunshine Law as well as posting on department and Office of Administration (if available) websites. Agendas will be routinely provided to stakeholders who have requested to be placed on a mailing list, or to anyone requesting an agenda.

7. Conduct of Meetings

Roberts Rules of Order will be followed for the orderly conduct of commission business and actions.

The work of the commission will be conducted with respect and courtesy toward the staff, interested parties and the public. Decision-making will reflect independence and impartiality.

Four of the members of the commission must appear in person or by electronic conference to constitute a quorum for the conduct of business. If there is no quorum, members may conduct a working meeting.

If a quorum is present, the affirmative vote of the majority of the members entitled to vote on the subject shall be the act of the commission.

The commission welcomes information and views from all interested parties regarding the work of the commission. Members of the public shall be afforded the opportunity to comment on any agenda item at the time it is addressed and may be asked to sign a form or card to address the particular item.

If it has been decided before the meeting how much time will be allowed for public comment (for example, 3 minutes per person) and how the order of speakers will be determined, that information should be placed on the agenda. The procedures for public comment should be announced by the chair.

Records and Information

1. Meeting Materials

Materials that are provided to commission members for any meeting will also be made available to the public on request, unless the material relates to a closed meeting topic under the Sunshine Law. Materials can be made available either as hard copies or by electronic means.

Effort should be made to make the meeting materials available, especially those that will be relied upon for the meeting.

2. Minutes

The commission secretary will maintain minutes of commission meetings and draft minutes shall become final upon approval at a subsequent commission meeting.

3. Records

The commission shall maintain the types of records listed below. Except for records closed in accordance with the Sunshine Law, the records shall be made available to the general public, by the commission webpage if possible. In addition, citizens can obtain copies of records upon request to the commission's custodian of records and payment of appropriate fees.

Policies

Meeting dates, times, places and agendas

Minutes

Meetings packet materials and handouts

Rulemaking reports

Regulatory Impact Reports

Instruction on participation and submission of information

Commission member contact information

Other materials utilized by the commission

Roles and Responsibilities

1. Commission Members

Each commission member represents the interest of the general public and the concerns for which he/she was appointed. Members also provide representation to facilitate open communication between the regulated community, interested groups, the general public and the department.

The authority of the commission rests in the commission as a whole, not in individual members. Members shall faithfully carry out the powers and duties placed upon them by law, which may include:

- Establishing policy and direction for the program.
- Rule-making in accordance with the laws and policies governing rule-making.
- Performing a quasi-judicial function with respect to decisions on appeals.

Each commissioner is expected to attend training events in accordance with the Training Policy contained in Appendix 2.

Each commissioner is expected to fully review the materials provided prior to each meeting.

2. Director of the Department of Natural Resources

- By statute, the director of the Department of Natural Resources is directed to execute policies established by the commission and is subject to commission decisions as to all substantive and procedural rules. Department decisions are subject to appeal to the commission. The director is also responsible for recommending policies to the commission to achieve effective and coordinated environmental control.

3. Hazardous Waste Program Director

- The Hazardous Waste Program Director is directly responsible to the commission and has primary responsibility for commission support and for implementation of commission decisions. The program director's responsibilities include preparing and disseminating meeting agendas and supporting materials, issuing notices, arranging logistics for commission meetings, and coordinating staff presentations, analyses and rule development.
- According to Chapter 640, the program director is approved and may be removed or reassigned by the commission through a written request to the department director.

4. Commission Secretary and Program Staff

Final – September 30, 2004

- The commission secretary and program staff assist the program director. Program staff are appointed by the department director and are required to provide optimum service, efficiency and economy. Commissions should discuss any staff issues first with the program director.

5. Department of Natural Resources Legal Counsel

- The department's or division's legal counsel provides advice and assistance to the director, divisions and programs, and commissions as necessary

6. Attorney General's Office

- An assistant attorney general is assigned to provide legal counsel to the commission. The Office of the Attorney General represents the department in appeals. The Office of the Attorney General represents the State at the relation of the commission in matters referred by the commission or in suits brought against the commission. An assistant attorney general addressing the commission should state who he or she is representing (the department, the commission or the State).

Appeal Hearings and Decisions

1. Appeal Hearings

For any agency decision that has been appealed to the commission, the commission may request the Administrative Hearing Commission to provide a hearing officer to conduct the hearing and handle all preliminary and discovery matters in accordance with applicable statutes, rules and procedures.

The Memorandum of Understanding shall govern remuneration and other arrangements for the services of the Administrative Hearing Commission.

2. Decision after Hearing

Following a hearing on an appeal, the hearing officer will provide the appeal record, findings of fact and conclusions of law, and recommendations to the commission. The commission shall hold a meeting as expeditiously as possible to decide the appeal.

The commission shall provide a reasonable time for oral argument upon the request of any party.

The decision of the commission on the appeal shall be based only on the facts and evidence in the hearing record. The commission shall issue a written decision including findings of facts and conclusions of law.

Appeal from a final decision of the commission may be filed in the manner provided by law.

A record of the decision in the appeal shall be preserved as provided by law and shall be available to the public.

Communications

1. Open Communication

Commission members will strive to solicit balanced viewpoints on significant issues. Members will be aware that hearing views from just one source (such as department staff, industry or environmental groups) may not adequately present the whole issue.

On rule-makings that are expected to be significant or controversial, the commissioners will encourage early input and involvement from all interested stakeholders, since waiting for the public hearing may be too late in the process to fully consider competing viewpoints.

Commissions serve both a quasi-legislative and quasi-judicial role. Commission members will be open to all comments in the quasi-legislative role, such as comments related to rulemaking.

In their quasi-judicial role, commissioners will avoid any ex parte communications on pending appeals with litigants to the dispute, including department staff, as well as any other persons who may have an interest in the pending appeal.

2. Commission Contact

Each commission shall provide a means for public contact, generally including a phone number, address and email address.

3. Commission Webpage

The department will maintain a board and commission webpage that provides information on each commission and its members, contact information regarding the commission and its members and meeting agendas. Commissions are strongly encouraged to also post meeting minutes, public notices or other materials to provide for public access.

Compliance with other Laws

1. Missouri's Sunshine Law

Final – September 30, 2004

- All activities of the commission shall be carried out in strict accordance with the Missouri Sunshine Law, RSMo Chapter 610. The commission honors the letter and the spirit of the Sunshine Law.

2. Personal Finance Disclosure

- Each commissioner shall annually file a Personal Finance Disclosure Statement in accordance with RSMo Chapter 105.

3. Conflict of Interest

Commissioners shall comply with all applicable statutory requirements regarding conflict of interest, including RSMo Chapter 105

- In the quasi-judicial role, commissioners recognize that they are acting as judges in appeals to the commission. In this capacity, members will strive to remain fair, independent, and open-minded. Commissioners will avoid both actual and perceived conflicts of interest in their quasi-judicial role.
- If a commissioner publicly takes or expresses a position on an issue that later comes before the commission on an appeal, the commissioner will recuse himself on the record from any discussion, deliberation, or decision making on the issue.

4. Administrative Procedures

- The commission shall comply with the rule-making and other applicable requirements of the Missouri Administrative Procedures Law, RSMo Chapter 536.

Boards and Commission's Operating Policies
Appendix 1
Regulatory Impact Report
Requirements and Content



Missouri Department of Natural Resources

Final – September 30, 2004

**Missouri Department of Natural Resources
Directions for the Regulatory Impact Report
September 2004**

Endorsed by Commission Core Workgroup January 9, 2004 and September 24, 2004 as revised

The Regulatory Impact Report (RIR) is a means to provide to the public and interested parties information on some rule development within the Department of Natural Resources. It is a summary of the information, discussion, input and rationale used by the department in rulemaking that prescribes environmental standards or conditions.

The goal of this RIR is to ensure accountability, consistency and transparency in the process for those specific rulemakings. Distribution of the RIR will make this information readily available to a wide audience in a timely manner.

Rulemaking that meets the criteria in 536.025.1 RSMo as emergency rules may be promulgated without following the standard rulemaking process if approved by the department director. In this situation, the questions pertinent to 640.015 RSMo must be completed within 180 days of adoption of the rule.

References

640.015, RSMo Department of Natural Resources

An excerpt:

640.015. 1. All provisions of the law to the contrary notwithstanding, all rules that prescribe environmental conditions or standards promulgated by the department of natural resources, a board or a commission, pursuant to authorities granted in this chapter and chapters 260, 278, 319, 444, 643, and 644, RSMo, the hazardous waste management commission in chapter 260, RSMo, the state soil and water districts commission in chapter 278, RSMo, the land reclamation commission in chapter 444, RSMo, the safe drinking water commission in this chapter, the air conservation commission in chapter 643, RSMo, and the clean water commission in chapter 644, RSMo, shall cite the specific section of law or legal authority. The rule shall also be based on the regulatory impact report provided in this section.

Definitions

Rulemaking: Any action by the department to add, amend or rescind a rule in the Code of State Regulations.

Promulgate: For the purposes of the department's rulemaking, the filing of a proposed rulemaking with the Secretary of State for publication in the Missouri Register.

Final – September 30, 2004

Complete or Completed Regulatory Impact Report: The finished Regulatory Impact Report signed by the division director. The RIR is completed before it is submitted to the Secretary of State with the proposed rule.

Draft rule or rulemaking: A rule that is in the development stage within the department.

Proposed rule or rulemaking: A rulemaking that has been filed with the Secretary of State.

Applicability

The Regulatory Impact Report is required for any rulemaking that meets the requirements of 640.015 RSMo; that is, one that prescribes environmental standards or conditions.

The following guidance describes what divisions or programs will typically have to complete a Regulatory Impact Report and which may not. *If you have any questions – please talk with your legal counsel.*

Regulatory Impact Report	No Regulatory Impact Report
Rulemakings impacted by the requirements for Regulatory Impact Report (640.015 RSMo)	Rulemakings that do not meet requirements for Regulatory Impact Report
Summary of who must complete a Regulatory Impact Report based on 640.015 RSMo	Summary of who may not need to complete the Regulatory Impact Report based on 640.015 RSMo
<ul style="list-style-type: none"> ▪ Any rulemaking prescribing environmental conditions or standards ▪ Hazardous Waste Commission ▪ Soil and Water Districts Commission ▪ Safe Drinking Water Commission ▪ Land Reclamation Commission ▪ Air Conservation Commission ▪ Clean Water Commission ▪ Geologic Survey Program ▪ Water Resources Program ▪ Solid Waste Management Program ▪ Environmental Services Program ▪ Energy Center ▪ EI ERA ▪ PSTIF 	<ul style="list-style-type: none"> ▪ Division of State Parks ▪ State Historic Preservation Office ▪ Division of Administrative Support ▪ Communication and Education Office ▪ Any divisional administrative programs ▪ Land Survey Program ▪ Environmental Assistance Office
References: Chapter 260 – EI ERA, SWMP, HWP, EC Chapter 278 – SWCP Chapter 319 – PSTIF Chapter 444 – LRP Chapter 643 – APCP Chapter 644 – WPP Chapter 640 – DNR	

Drafting the Regulatory Impact Report

The length of the RIR will vary widely, depending on the complexity and scope for the rulemaking. For some rulemaking proposals, a detailed RIR with numerous technical and scientific references, explanations, stakeholder meeting notes or recommendations will be warranted. Other rulemakings may require a simple RIR of two to three pages. Supporting documents should be made available via references, hypertext links, embedded PDF files or paper copies on file as appropriate for the rulemaking.

Peer reviewed and published data or scientific information and references

640.015 RSMo requires the use of available peer-reviewed science and an explanation of that scientific information used that has not undergone peer review. In order to meet the requirements of 640.015 RSMo the following process is to be used to delineate the scientific support of any new rulemaking or amended rule/regulation. The purpose of these guidelines is to address any questions that arise about the scientific support for any proposed rulemaking.

All scientific information used in the creation of the rulemaking is to be documented. This includes any information introduced into the process by department staff or brought to our attention by stakeholders during the rulemaking process. The information listed below shall be compiled and provided to the public upon request. This documentation shall be submitted following the standardized format presented below in order to allow a careful examination of the record.

1. Peer-reviewed publications – journal articles (whether paper or electronic), proceedings, books, and government reports that have undergone scientific peer-review. This would include internally produced reports that have undergone peer review under the process formally approved by the department director
2. Non peer-reviewed publications – This would include reports from university, government, consulting firms or other researchers, manuscripts submitted, but not yet reviewed, and internally generated reports, memos and letters. It includes all documents that do not meet the criteria for peer-reviewed publications established above.
3. Raw data – This would include data collected by the department staff or external groups that has not been published in a report, but is still useful in explaining the reason for a particular regulation or section thereof. For all raw data, the Quality Assurance Performance Plan should be available.

At the beginning of the peer-review section, list all the documents included in that section. If peer reviewed data is not reasonably available, provide an explanation of why it is not available.

For the other two sections, list all the documents and then a short explanation of how and why that information was used in creating the proposed rulemaking. For those documents that exist on-line, the complete URL for the document can be supplied.

This documentation of the record, as noted in the paragraph directly above shall be included in the submission of the rulemaking to the Secretary of State's Office and the Joint Committee on Administrative Rules. If it were not included the proposed rulemaking as filed would be subject to challenge and voiding.

Providing the draft rulemaking to the Departments of Health and Senior Services, Economic Development, Conservation and Agriculture and Governor's Office

According to Executive Order 02-05 any rulemaking by the department regarding environmental quality, human health, or economic and rural development must be provided to the Departments of Health and Senior Services, Economic Development, Conservation and Agriculture and the Governor's Office for a 30 day review time before the proposed rule is filed with the Secretary of State. The Regulatory Impact Report may be provided with the draft rule, at the decision of the division. This interagency review time may coincide with the required 60-day public comment period for the Regulatory Impact Report (see next section).

Distribution of the Complete Regulatory Impact Report

The complete Regulatory Impact Report, signed by the division director and legal counsel, is provided with the other rulemaking information to the department director for approval to proceed. The Orange Folder process is used.

The complete RIR is then placed on the department's or program's web site, and conspicuously labeled as a new addition on the Regulatory Agenda page. Paper copies will be sent to those requesting copies at the same time.

The department, board or commission also publishes in at least one newspaper of general circulation with an average circulation of 20,000 or more, a notice of availability of the Regulatory Impact Report. The public shall have at least 60 days to comment. All comments and responses to significant comments shall be posted before the proposed rule is filed with the Secretary of State.

Filing of the Regulatory Impact Report and Proposed Rule

A program may change wording in the draft rulemaking based on comments received on the Regulatory Impact Report and input from boards, commissions or others.

The complete Regulatory Impact Report shall be filed with the Joint Committee on Administrative Rules concurrently with the filing of the proposed rule with the Secretary of State.

Missouri Department of Natural Resource
Regulatory Impact Report
For
Proposed (*new rule, amendment, rescission of rule number*)

Information in italics is there to help you answer the question. The information in italics is deleted when the Report is prepared.

Division/Program _____

Rule number (*if known*) _____ Rule title _____

Type of rule (*Select one: New, Amendment, Rescission*)

Nature of the rule (*Select as many as apply: Affects environmental conditions, Prescribes environmental standards, Administrative, Other conditions*)

Submitted by

Program Director

Date

Approval of the Completed Regulatory Impact Report

Legal Counsel

Date

Division Director

Date

Final – September 30, 2004

Missouri Department of Natural Resource
Regulatory Impact Report
For
Proposed (*new rule, amendment, rescission of rule number*)

1. Does the rulemaking adopt rules from the US Environmental Protection Agency or rules from other applicable federal agencies without variance?

If Yes, a RIR is not needed.

If No, the remaining questions must be answered.

Please provide the following requested information. Each item must be addressed.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.
3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.
4. A description of the environmental and economic costs and benefits of the proposed rule.
5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.
6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.
7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.
8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.
9. An analysis of both short-term and long-term consequences of the proposed rule.
10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.
11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information

Final – September 30, 2004

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.
13. A description of any significant countervailing risks that may be caused by the proposed rule
14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.
15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State
16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Boards and Commission's Operating Policies

Appendix 2

Training for Commissioners

Adopted by the Commissioners' Core Workgroup
February 27, 2004

Premise: Comprehensive knowledge and understanding of the commissioner's responsibilities and roles, as well as of the substantive laws and regulations governing each commissioner's respective program, is key to competent and consistent performance of commissioners.

1. New Commissioner Information

Upon appointment, each new commission/board member shall receive orientation from their respective commission/board and, at a minimum, a notebook containing copies of the following:

- a. The commission's/board's operating policies.
- b. The statutes and regulations governing the respective program and its authority, summarized as appropriate because of volume, including roles and responsibilities of the Staff Director and the Commission/Board.
- c. The Sunshine Law.
- d. The financial disclosure and conflict of interest statutes (Ethics Commission).
- e. Department of Natural Resources general information, including mission, list of commissions/boards, Department budget and organizational chart.
- f. Description of commissioner's quasi-judicial role (where appropriate).
- g. General overview of the rule-making process (where appropriate).
- h. A summary of the state revolving fund and the bond process (where appropriate).

2. Training (offered once a year)

Within 12 months following appointment, all new commission/board members shall attend a standardized training module. Other commission/board members are encouraged to attend one of the standardized training opportunities. Training modules may provide in-depth presentations on the subjects listed below:

- a. Rulemaking process, including Regulatory Impact Report (RIR).
- b. MoDNR Budget.
- c. Quasi-judicial role.
- d. Policies.

Final – September 30, 2004

- e. Services of the Attorney General's Office.
- f. Sunshine Law.
- g. Financial disclosure laws and conflicts of interest.
- h. Authority of commissions/boards.
- i. Organizational structure.
- j. Permits process.

Alternate means (electronic, etc.) of training will be provided for new members unable to physically attend a comprehensive training session.

3. Commissioners Conference (to be held every two years)

All commission/board members will be expected to attend a biennial one-day conference that will provide:

- a. Updated training refresher sessions (one-half day).
- b. Issues seminar in break-out sessions (one-half day). The Department, environmental groups, business/industry groups, legislators and other interested parties will be invited to give presentations on relevant issues pertinent to the commissions/boards.

4. Training Providers

Planning for the training events will be managed by the Outreach and Assistance Center in consultation with commission/board chairs, representative Division and Program Directors, and external constituencies. Presentations of the various topics at the training sessions will be provided, as appropriate, by:

- a. The Director's Office and Outreach and Assistance Center.
- b. Program staff.
- c. The Attorney General's Office.
- d. The Ethics Commission.
- e. Environmental groups.
- f. Business/industry groups.
- g. Agencies or groups representing the general public.
- h. The Environmental Protection Agency (EPA).
- i. Other federal or state agencies.
- j. Environmental Improvement and Energy Resources Authority (EIERA).

5. Training Costs

- a. Training and incidental tasks by MoDNR and other state personnel will be provided by existing personnel as part of their work assignments.

Final – September 30, 2004

- b. Costs of information notebooks, incidentals, travel, meals and lodging will be borne by each respective program for its commission/board member.
- c. Logistic costs of meeting place and incidentals will be borne by the Department.
- d. Members of the public attending the training shall

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 5**

Battery Storage Trailer Parking/Exide Resolution Follow-up

Information:

Exide Technologies, Inc. (Exide) receives and processes spent lead acid batteries at their Canon Hollow Recycling Center. The issue being discussed involves ways that Exide can avoid having violations by accepting shipments of liquid-containing batteries that are damaged and leaking from suppliers.

The Hazardous Waste Management Commission has heard testimony from Exide Technologies, Inc., or their representatives, and from Department and other representatives, at their October 2011, December 2011 and the April 2012, meetings, regarding these issues.

At the April 2012, meeting, Exide Technologies provided a Resolution to the Commission, outlining a process they believe addresses the issue. This Resolution calls for amendments to the current regulations (language attached). Exide proposed that the date of “receipt” be when the unloading of the trailer begins rather than the actual date of delivery. Exide also proposed allowing facilities to store hazardous waste in an unpermitted area for up to seven days. The Commission requested that the Department obtain a letter from the U.S. Environmental Protection Agency (EPA) on this request. A copy of this letter is provided.

EPA and the Department reviewed Exide’s proposal. Both have concluded that the proposed changes cannot be accepted as they would make the state’s program less stringent than the federal, which the state cannot do under its authorization from EPA. The state and EPA could not allow hazardous waste to be stored in leaking, damaged containers for seven days as this would be contrary to federal and state requirements and the facility’s permit. Such batteries must be managed properly upon receipt by the facility (i.e., removed from the container storage area and processed immediately). The Spent Battery Trailer Parking Area is a permitted unit. Missouri’s rule allowing waste to be stored or managed in an unpermitted unit for up to 24 hours (with the exception of railcars) could not be extended for more days as this would also be less stringent than two chapters of federal requirements (40 CFR Part 266 and the universal waste regulations of 40 CFR Part 273).

Presented by:

Kathy Flippin, Chief, Compliance and Enforcement Section, HWP

Recommended Action:

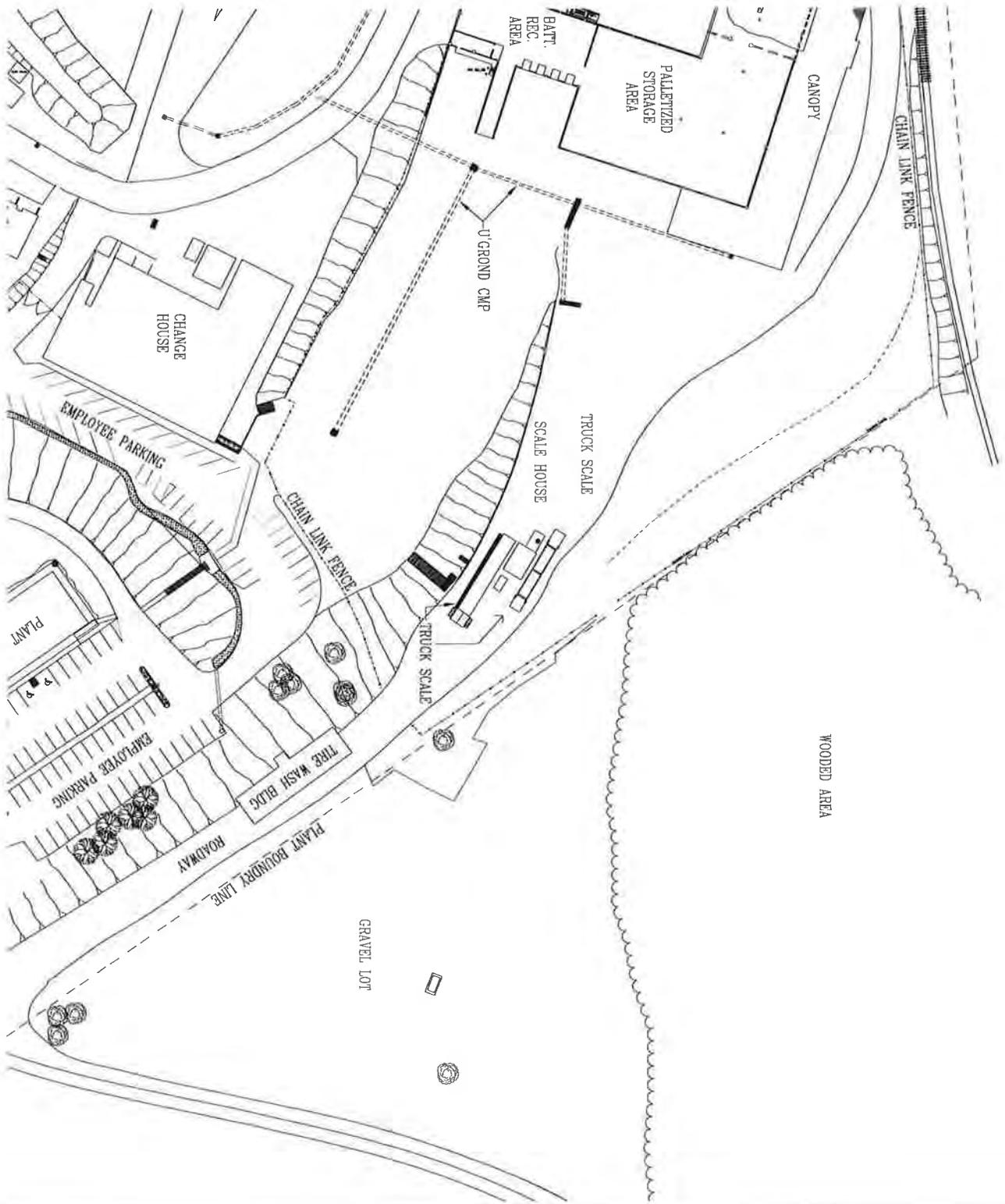
The Commission hereby makes the following ruling on the issue: (over)

The Suggested Motion Language(s):

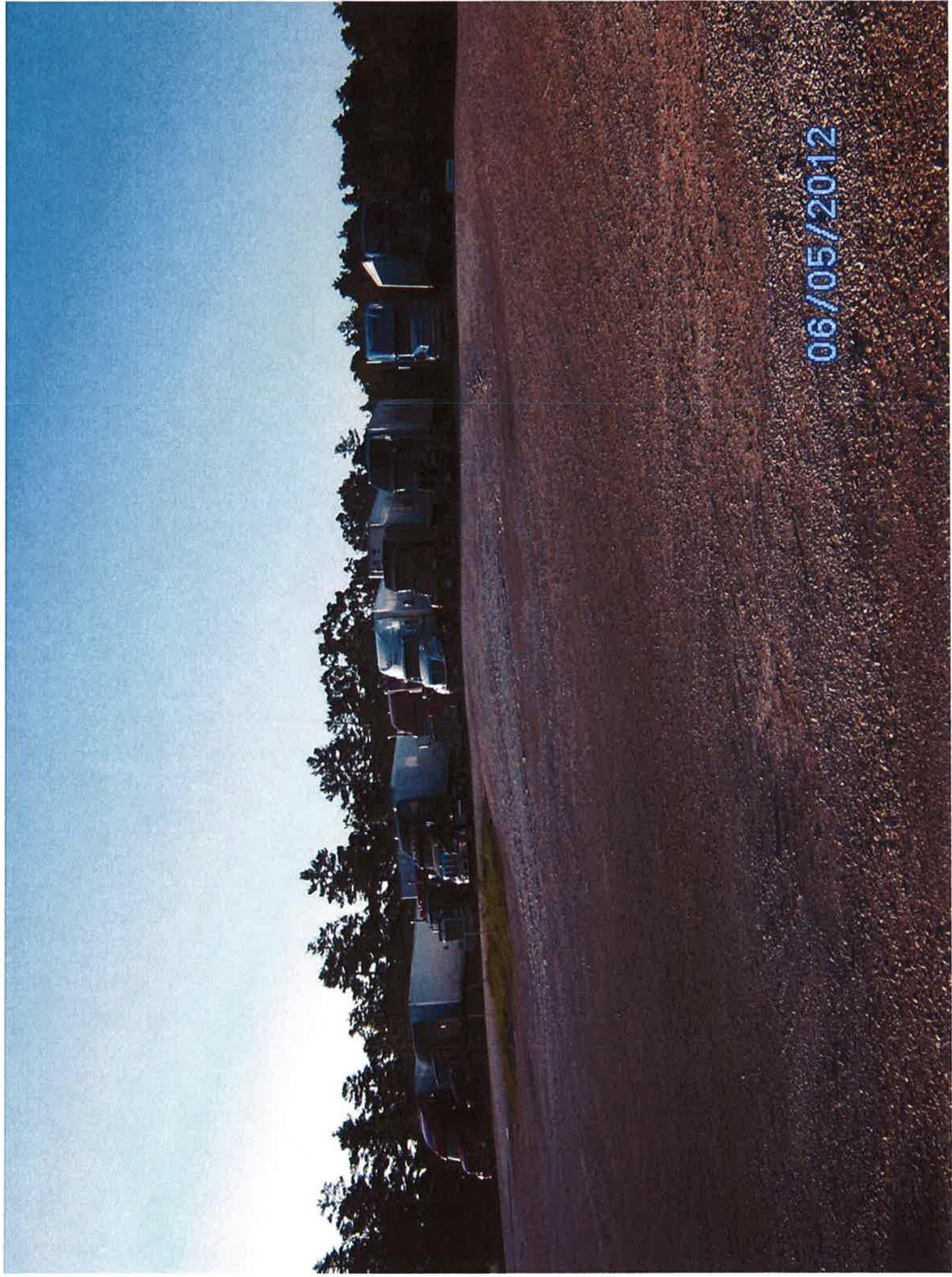
“I move that the Commission, having heard testimony and reviewed data provided by all parties having presented before this Commission, direct the Department to continue to enforce the current state regulations and the conditions of the Exide facility permit and not develop modified regulations as suggested by the Exide resolution presented to the Commission on April 19, 2012.”

Or

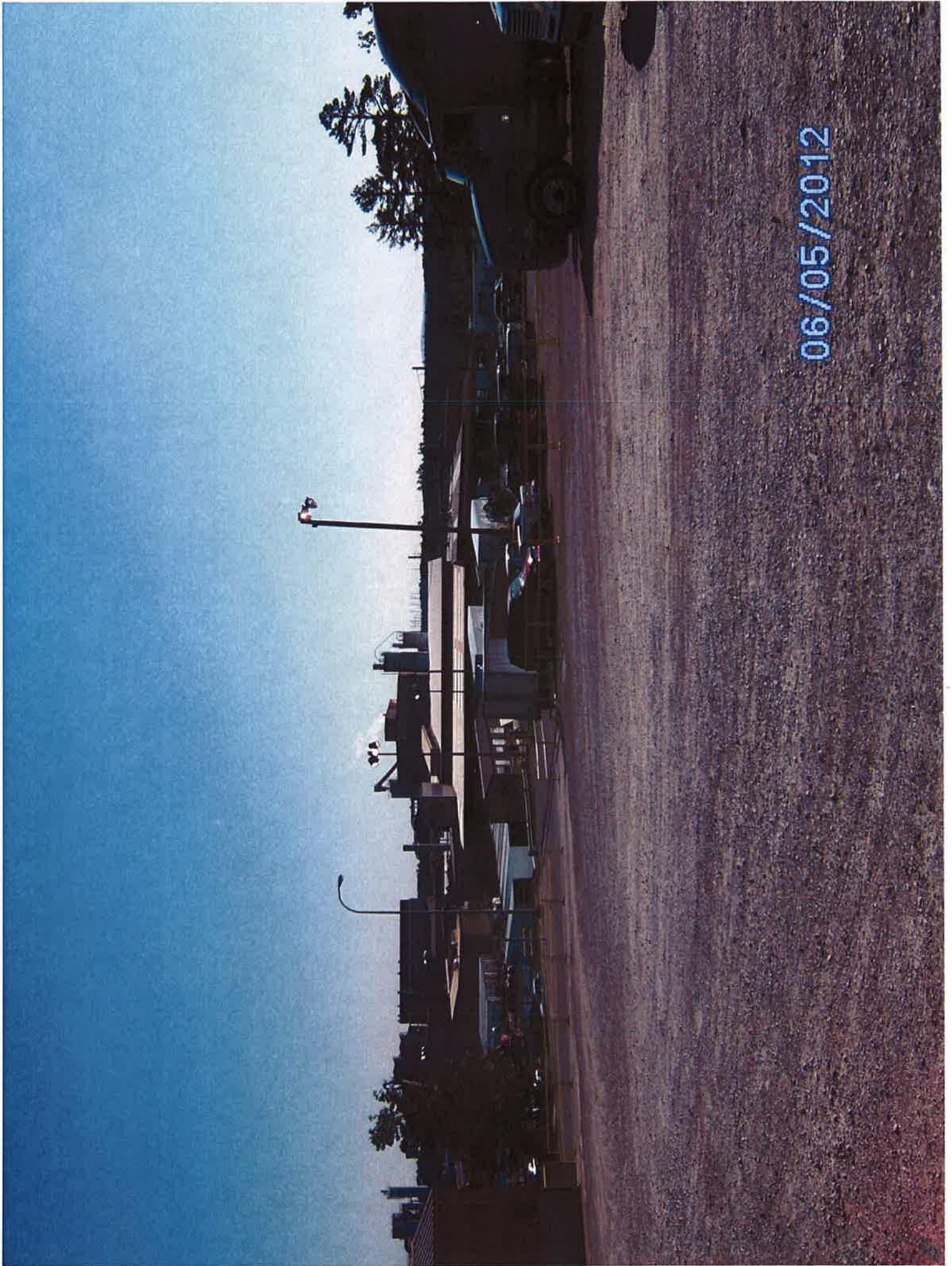
“I move that the Commission, having heard testimony and reviewed the data provided by all parties having presented before this Commission, direct the Department to develop, present, and propose a package of regulations substantially in the form of those presented in the Exide resolution that was provided to the Commission on April 19, 2012, in compliance with the public notice, comment, and other requirements for adopting regulations under the Missouri Hazardous Waste Management Law.”



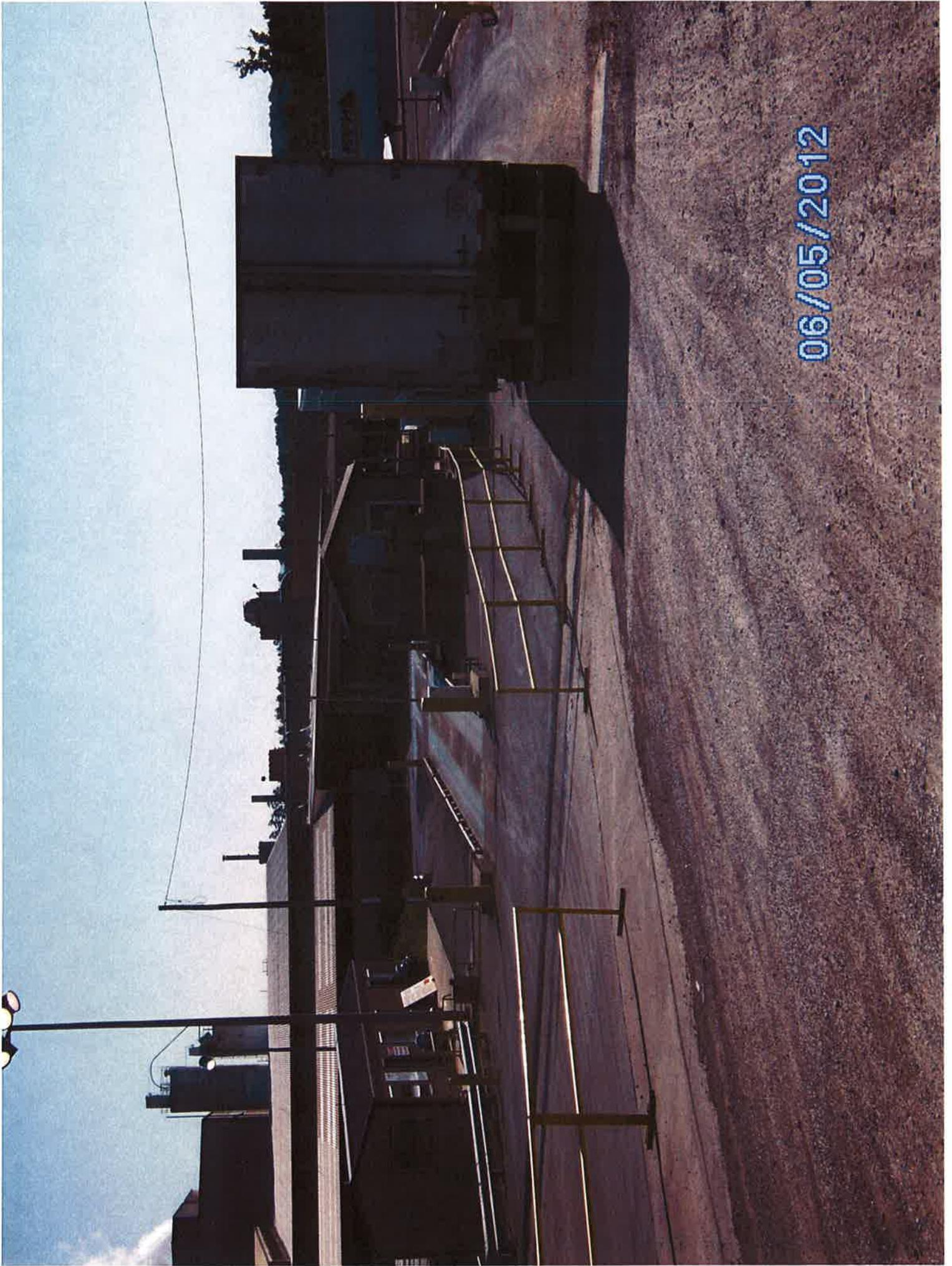
SCALES



06/05/2012



06/05/2012



06/05/2012





06/05/2012

210

210



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUN 06 2012

Ms. Darleen Groner, P.E.
Operating Facilities Unit Chief
Permits Section-Hazardous Waste Program
Air and Land Protection Division
Missouri Department of Natural Resources
P. O. Box 176
Jefferson City, Missouri 65102-0176

RE: Exide Technologies request for a regulatory change to the Missouri Hazardous Waste Commission April 19, 2012
RCRA ID Number: MOD030712822

Dear Ms. Groner:

The purpose of this letter is to confirm that the Environmental Protection Agency, Region 7 (EPA) has reviewed the proposed regulatory changes requested by Exide Technologies from the Missouri Hazardous Waste Commission, and believe that portions of the proposal are less stringent than the Federal Regulations and therefore should not become part of Missouri's hazardous waste program.

The suggested revisions would allow permitted facilities that reclaim spent lead-acid batteries under 40 C.F.R. Part 266, Subpart G and facilities serving as "destination" facilities for spent batteries under the universal waste rules of 40 C.F.R. Part 273 to store shipments of waste, even shipments of leaking batteries, for up to seven days without proper management. Permitted facilities that reclaim lead-acid batteries other than through regeneration under Part 266, and who store the batteries prior to reclamation must comply with the requirements for storage of waste in containers set forth in 40 C.F.R. Part 264, Subpart I, and universal waste destination facilities must comply with the requirements of Part 273 applicable to handling of lead-acid batteries.

It must be noted that under either scenario (i.e., whether the facility is a permitted hazardous waste facility subject to the requirements of 40 C.F.R. Part 264, Subpart I, or a universal waste destination facility subject to the requirements for the handling of universal waste batteries under 40 C.F.R. Part 273), the federal rules and their current Missouri equivalents require that hazardous waste must be properly managed in containers from the time the waste is received at the facility. The universal waste rules also specify that leaking batteries must be containerized or otherwise managed to prevent releases of any component of a battery to the environment. Again, neither set of federal regulations currently allow a facility to store leaking batteries for up to seven days after receipt before properly managing them.

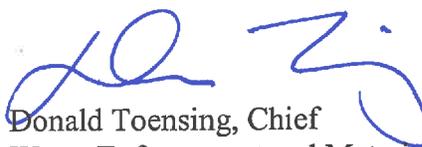
Exide applied for and received a permit under Missouri's Resource Conservation and Recovery Act (RCRA) program to store and process hazardous waste; under that permit, incoming batteries that are damaged and leaking are containers of hazardous waste, and must be managed properly upon receipt by the facility (i.e., damaged batteries must be "removed from the container storage area and processed immediately"). Exide frequently receives shipments of damaged batteries and stores them in the permitted unit designated as the Spent Battery Trailer Parking Area. The suggested changes would allow Exide to determine when it has "received" the wastes (i.e., when unloading of the trailer begins, rather than the actual date of delivery). Again, the problem with this provision is that it would allow hazardous waste in leaking, damaged containers to be improperly managed at the facility for up to seven days in a permitted unit, which is contrary to federal requirements (and the requirements of Exide's permit).

The proposed changes to Missouri's 10 CSR 25-7.264(2)(A)(3) would make the disparity in the protectiveness of the state program compared to the federal program even more pronounced. This provision, which is not a federal rule but is a rule in Missouri's authorized program, allows waste to be stored or managed in an *unpermitted* unit for up to 24 hours, with the exception of rail cars. The proposed revision would also exempt both categories of lead-acid battery handlers (those regulated under Part 266 and those regulated under Part 273). While Exide currently stores incoming trailers in a permitted unit (the Spent Battery Trailer Parking Area), the proposed revision to this rule would allow facilities to store hazardous waste without a permit, in an unpermitted area, for up to seven days.

The EPA considers the transportation of waste to be complete when a waste arrives at the designated facility, as set forth in the enclosed copies of two letters that have been posted on the EPA's RCRA Online webpage. The provision in the suggested revisions to the Missouri rules which allow the facility to decide when it has "received" the shipment up to seven days after delivery to a facility is directly contrary to the federal interpretation regarding when "receipt" of a shipment of hazardous waste is completed.

If you have any questions or comments regarding the content of this letter, please contact James Aycock at (913) 551-7887.

Sincerely,



Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

cc: Mr. Richard Nussbaum, Permits Unit Chief
Missouri Department Natural Resources Hazardous Waste Program (w/enclosures)

Mr. Dennis Hansen, Hazardous Waste Unit Chief
Missouri Department of Natural Resources Hazardous Waste Program (w/enclosures)

9461.1988(01)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 31 1988

Richard A. Svanda, P.E.
Director, Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155

Dear Mr. Svanda:

This is in response to your July 20 , 1988, letter to Jeffery Denit, concerning regulation of hazardous waste recyclers.

The responses to your questions are attached. Please note that the responses address the Federal regulations for generators of over 100 kilograms of hazardous waste, or 1 kilogram of acute hazardous waste. Most of the generators that responded to the July 1987 survey conducted by the EPA Small Business Ombudsman, referenced in your letter, were actually conditionally exempt generators under 40 CFR Section 261.5. As you know, regulation of this conditionally exempt waste, including regulation of recyclers who accept such waste, is a State matter.

Please contact Michael Petruska at (202) 475-9888 if you have any questions on this response.

Sincerely,

Original Document signed

Sylvia K. Lowrance
Director
Office of Solid Waste

Attachment

RO 11365

ATTACHMENT

1.

Q: Can incoming listed hazardous wastes be stored at [a recycling] site for up to ten days and then be moved [on the same site] to the recycling process, where recycling begins immediately? What distinction is drawn between a transfer facility located on contiguous versus con-contiguous property in relation to the recycling operation?

A: The transfer facility provisions of 40 CFR Section 263.12 apply to holding of waste in the normal course of transportation. Arrival of the waste at the designated facility constitutes completion of the transportation phase, so the 10 day limit is not applicable at the recycling facility. If waste is off-loaded from vehicles directly in recycling equipment at the facility, however, this off-loading area is not a storage facility. Each recycling facility has to be evaluated on a case-by-case basis to determine whether storage is in fact occurring.

The distinction which is drawn between a contiguous transfer facility and a non-contiguous one is best described by stating that the Section 263.12 regulation was promulgated to account for normal transportation practices. A transporter who ships to a piece of property contiguous to a recycling facility has technically completed the transportation phase if no further "transportation" (as defined in Section 260.10--movement by air, rail, highway, or water) is to be conducted. Thus, a piece of property contiguous to a recycling facility must meet the definition of a designated facility. A piece of property that is not contiguous to the recycling facility technically could be a transfer facility provided further movement by air, highway, rail, or water will occur. There is potential for a transporter to deliver hazardous waste to a site close to the recycling facility, and still qualify for the transfer facility exemption; however, in an enforcement situation, this activity may not qualify for the exemption, which was intended to cover situations of limited in-transit storage.

2.

Q: Is this (Question #1) a transfer facility as defined in Section 260.10?

A: As explained above, designated facilities cannot have transfer facilities on their property. The recycling facility may or may not need a RCRA storage permit, depending on the factual situation at the facility.

3.

Q: How should the definition of "storage" be interpreted? Is there a specific time limit on storage for this situation?

A: The Agency has interpreted conveyance into a recycling unit as not regulated, while holding of hazardous waste for a matter of a few hours is a site-specific determination, and may or may not constitute storage. Each recycling facility that attempts to claim an exemption for their storage activities will have to be evaluated individually, and the owner or operator must maintain all supporting documentation under Section 261.2(f).

4.

Q: What has been the EPA's and other State's practice for addressing this issue for containerized hazardous wastes?

A: Based on discussions with four authorized States, three of four stated that any storage prior to recycling is regulated. One stated that a recent policy was developed in which hazardous waste received from off-site and placed into the recycling unit by nightfall of the calendar day it was received at the facility would not be considered stored.

5.

Q: Would such facility be exempt from the hazardous waste permitting requirements (i.e., can the facility operate

under transporter, transfer facility and generator requirements)?

A: Such a facility could not operate under transporter and transfer facility requirements, although they may qualify as a designated facility under Section 260.10 if they recycle without prior storage. As explained above, however, holding of drums for a few hours may not be storage. Further, the facility could be constructed so that the conveyance to the recycling unit is the only holding which occurs prior to recycling, so that there would be no RCRA storage area.

6.

Q: If a hazardous storage permit is required, this type of operation will most likely not continue, and new prospective recycling operations will be discouraged from starting. What other methods of encouraging recycling of hazardous waste could you suggest?

A: EPA is currently evaluating how its regulatory structure affects recycling. You should note that a number of exclusions (i.e., Sections 261.2(e), 261.4(a)(6), (a)(7), (a)(8)), exemptions (i.e., Section 261.6 (a)(3)), and variances (i.e., Section 260.30) are available for recyclable materials. We are considering whether additional such mechanisms should be established, and whether some broader mechanism, such as a special recycler permit (perhaps similar to the one created by Congress for used oil under RCRA Section 3014(d)) might be appropriate.

You should be aware that a number of recycling facilities that provide storage of hazardous waste on site prior to recycling the waste have complained that their competitors are circumventing the spirit of our regulations by recycling directly from the transportation vehicle and not obtaining a RCRA storage permit. They have encouraged EPA to modify the regulations to state that such practices constitute storage and should be fully regulated under RCRA.

9461.1990(02)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

OCT 30 1990

MEMORANDUM

SUBJECT: Transfer Facility Regulation Interpretation

FROM: Sylvia Lowrance, Director
Office of Solid Waste

TO: David Ullrich, Acting Director
Waste Management Division (5H-12)

Thank you for your memorandum of July 19, 1990, requesting an interpretation of the regulations pertaining to "transfer facilities" in relation to designated facilities and permitted and interim status facilities.

The first issue you raise concerns whether a permitted or interim status treatment and storage facility can function as a transfer facility and temporarily store hazardous waste destined for another facility (the designated facility) for processing. The answer to this question depends on whether the transfer facility is also the "designated facility" indicated on the manifest. A permitted or interim status facility that has not been designated on the manifest as the "designated facility" may serve as a transfer facility for shipments of waste awaiting further transportation to the designated facility. The limiting conditions are the definition of "transfer facility" itself (Section 260.10) and the provisions of Section 263.12, i.e., storage not to exceed 10 days, and containers must meet DOT requirements. A permitted or interim status treatment and storage facility that is the "designated facility" for a particular shipment of waste cannot function as a transfer facility with respect to that waste. "Designated facility" is defined in 260.10 as a hazardous waste treatment, storage, or disposal facility that is permitted or has interim status, that is regulated under 40 CFR 261.6(c)(2) or Subpart F of 40 CFR Part 266, or another facility allowed by the receiving State to accept such waste and that has been designated on the manifest by the generator pursuant to 40 CFR 262.20. [See 55 FR 2353, January 23, 1990 for recent EPA statement on the designated facility issue.]

The term "transfer facility" is defined in 40 CFR 260.10 as "any

transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation." The key part of this definition is the phrase "during the normal course of transportation." Arrival of a manifested shipment of waste at the "designated facility" constitutes completion of the transportation phase, such that the transfer facility provisions will no longer apply. That is, the manifested shipment cannot be stored for 10 days or less under 40 CFR 263.12 once it arrives at the designated facility. This issue is discussed in the attached letter dated August 31, 1988 from Sylvia Lowrance, Director of the Office of Solid Waste, to Richard Svanda, of the Minnesota Pollution Control Agency.

The second issue you address is the consolidation of wastes by a transporter at a transfer facility. Wastes are routinely combined at transfer facilities; often containerized waste is transferred to a tanker truck. However, you are correct that the December 31, 1980 Federal Register as well as subsequent notices on the topic of transportation do not place any additional requirements on transporters that consolidate wastes at transfer facilities.

There are no EPA Federal standards or requirements that apply specifically to transfer facilities other than the storage time limitation of 10 days and other provisions of 263.12. There have not been any new policy or guidance documents on the topic of transfer facilities since the regulations were promulgated. However, you should note that transporters who store hazardous waste at transfer facilities must comply with all applicable requirements of the transporter regulations of Part 263 (e.g., Subpart C, Hazardous Waste discharges).

Under certain circumstances, transporters are required to comply with the requirements that apply to generators of hazardous waste. A transporter who mixes hazardous wastes of different Department of Transportation (DOT) shipping descriptions by consolidating them into a single container must comply with 40 CFR Part 262, Standards Applicable to Generators of Hazardous Waste (40 CFR 263.10(c)(2)). The Agency does not intend to encourage transporters to combine wastes of different DOT descriptions. On the contrary, the imposition of the generator requirements should provide sufficient cause for the transporter to avoid such waste combinations whenever possible. The transporter who mixes hazardous wastes of different DOT descriptions is obligated to remanifest the waste. For example, a change in the DOT "proper shipping name" or hazard class would require the completion of a new manifest.

The act of combining wastes may also result in changes in containers. Therefore, the container designations on the manifest would need to be changed as well. In a situation involving only one or two minor changes, such as container changes, the original manifest could be marked to reflect the changes. In other cases such as the situation mentioned above involving a change in shipping description, a new manifest would have to be initiated. In any case, whether a new manifest is initiated or not, the waste may only be delivered to the designated receiving facility as indicated on the original manifest by the original generator of the waste. In other words, transporters would not be able to combine waste (resulting in a DOT description change), and remanifest the waste to a designated facility that was not indicated on the original manifest by the original generator as the designated facility.

In regard to the compatibility of wastes being mixed, I refer you to the document entitled "A Method for Determining the Compatibility of Hazardous Wastes," order number 600/2-80/076, available from EPA's Office of Research and Development ((513) 569-7562). An individual consolidating wastes in containers should also refer to Appendix V of 40 CFR Part 264. This appendix groups materials according to their potential incompatibility.

With respect to your questions regarding notification, several issues require clarification. Under Subpart D of 40 CFR 266, facilities which qualify as marketers or burners are required to notify the Agency of their hazardous waste fuel activities, even if they had previously obtained an EPA identification number. See 40 CFR 266.34(b) and 266.35(b), respectively. Marketers are defined as generators who market hazardous waste fuel directly to a burner, persons who receive hazardous waste from generators and produce, process, or blend hazardous waste fuel and persons who distribute but do not process or blend hazardous waste fuel. If the service centers fall into any of these categories, they are considered marketers of hazardous waste fuel and are required to renotify to identify their hazardous waste fuel activities.

You are correct that the EPA identification number is location-specific. Under 40 CFR 263.11, a transporter is prohibited from transporting hazardous wastes without having received an EPA identification number. Currently, this number is assigned to the transportation company as a whole; all of the individual transporters (trucks) in a given shipping company have the same EPA ID number, the number that the transportation company was issued and which is issued to the company's headquarters location.

Your final question concerns the identification number that should appear on

the manifest accompanying the waste at the transfer facility. Regardless of whether the transfer facility is acting as a transfer facility or a regulated storage facility, the identification numbers appearing on the manifest would be the EPA identification numbers associated with the generator of the waste, all the transporters who transport the waste, and the designated facility.

In the situation you describe, in which one company transports waste to and from a transfer facility it operates, and the waste remains under the control of the transporter, no separate EPA ID number need be entered on the manifest specific to the transfer facility. However, you should note that waste must remain under the control of a transporter as designated on the manifest while at a transfer facility. As described in detail in the regulations, a transporter may only deliver wastes to: (1) the designated facility listed on the manifest, (2) an alternate designated facility, (3) the next designated transporter or, (4) a place outside the United States designated by the generator (40 CFR 263.21). Until the signature of the designated facility or subsequent transporter is obtained, the waste is considered to be in the custody of the transporter who last signed the manifest (45 FR 12739; February 26, 1980).

As mentioned briefly above, transporters must comply with the generator standards of 40 CFR Part 262 when they mix wastes of different DOT descriptions (40 CFR 263.10(c)(2)). They must remanifest the waste to accurately reflect the composition of the waste. Although they may indicate on the manifest in box 15 the name of the original generator(s) of the combined waste, they must represent themselves as the generator of the new waste. Although by creating or generating a new waste they have taken on some of the generator requirements, the transporter should continue to manifest the waste to the designated facility as indicated on the original manifest by the original generator.

I realize that this letter contains an abundance of information. If you would like to discuss any of the topics further, please have your staff contact Emily Roth of my staff at FTS 382-3098.

Attachment



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

VIA ELECTRONIC MAIL AND U.S. MAIL

June 4, 2012

Mr. James T. Price
Spencer Fane Britt & Browne
1000 Walnut Street, Suite 1400
Kansas City, MO 64106

RE: Exide Technologies, Inc. Resolution Before the Hazardous Waste Management Commission.

Dear Mr. Price:

In response to your Resolution to the Hazardous Waste Management Commission, received at their April 19, 2012, meeting, Exide Technologies, Inc. will be included on the agenda for the June 21, 2012, meeting of the Hazardous Waste Management Commission (Commission).

The open meeting will begin at 10:00 a.m., unless an Executive (Closed) Session is requested as per Section 610.022, RSMo, to which the meeting may be closed by an affirmative vote of the Commission to discuss legal matters, causes of action or litigation as provided by Subsection 610.021(1), RSMo. The open meeting will be held at the Missouri Department of Natural Resources' Hazardous Waste Program Conference Center, Bennett Springs / Roaring River Room, located at 1730 East Elm Street, Jefferson City, Missouri.

Although your attendance is not required, the Commission anticipates making a ruling on the information that has been received and presented. A copy of the draft agenda is enclosed for your convenience. If you find that you no longer wish to have this issue heard or decided on by the Commission, please notify me as soon as possible so that the agenda may be revised for the June meeting.

If you have questions, please contact me at 573-751-2747, or in writing to the Hazardous Waste Program, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

HAZARDOUS WASTE MANAGEMENT COMMISSION

A handwritten signature in blue ink that reads 'Debra D. Dobson'.

Debra D. Dobson
Commission Assistant

DDD

Enclosures: Draft Agenda

c: Hazardous Waste Management Commission
Mr. David J. Lamb, Director, Hazardous Waste Program

BEFORE THE MISSOURI HAZARDOUS WASTE MANAGEMENT COMMISSION

RESOLUTION

This matter comes before the Hazardous Waste Management Commission this 19th day of April, 2012.

WHEREAS, at meetings of the Commission on October 20, December 15, 2011 and today this Commission heard presentations by Exide Technologies and the Department of Natural Resources regarding the handling of spent lead-acid batteries on trailers at the Exide Technologies Canon Hollow Recycling Center battery reclamation facility in Missouri, and possibly others;

WHEREAS, the Commission has heard extensive presentations and has reviewed sworn testimony about these matters, including information that in certain instances the Exide facility has turned away trailer loads of spent lead-acid batteries that do not conform to DOT shipping requirements or to certain interpretations of Missouri Hazardous Waste Management regulations as applied by MDNR for fear that such trailers kept on-site could lead to MDNR citations for violating hazardous waste regulations or permit conditions;

WHEREAS, it is the judgment of this Commission after considering the testimony and presentations that such nonconforming deliveries can be better managed at the reclamation facilities than on Missouri roads and that it is safer and more environmentally sound to allow such deliveries to remain at the reclamation facilities for up to seven days awaiting processing than to turn them away so that they reenter Missouri streets, roads, bridges, truckstops, and rest areas where they could present an even greater danger;

NOW, THEREFORE, in consideration of these matters, the Commission resolves as follows: The Missouri Department of Natural Resources is hereby directed to develop, present, and propose a package of regulations substantially in the form of those attached hereto in compliance with public notice, comment, and other requirements for adopting regulations under the Missouri Hazardous Waste Management Law.

IT IS SO RESOLVED.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Chairman

Date

Proposed Revisions to Missouri 24-hour Rule

10 CSR 25-7.264(2)(A)3.

Hazardous waste which must be managed in a permitted unit (for example, waste generated on-site and stored beyond the time frames allowed without a permit pursuant to 10 CSR 25-5.262, waste received from off-site, certain hazardous waste fuels, etc.) shall not be stored or managed outside an area or unit which does not have a permit or interim status for that waste for a period which exceeds twenty-four (24) hours. This provision shall not apply to: (1) railcars held for the period allowed by, and managed in accordance with, 10 CSR 25-7.264(3) of this regulation; (2) reclamation facilities managing spent lead-acid batteries in accordance with 10 CSR 25-7.266(2)(G) (Spent Lead-Acid Batteries Being Reclaimed); and (3) destination facilities managing universal waste lead-acid batteries in accordance with 10 CSR 25-16.273(2)(E) (Standards for Destination Facilities). (Comment: The purpose of this paragraph is to allow necessary movement of hazardous waste into, out of, and through facilities, and not evade permit requirements.)

Exhibit E

Proposed Revisions to Missouri Spent Lead-Acid Battery Regulations

10 CSR 25-7.266(2)(G).

(G)Spent Lead-Acid Batteries Being Reclaimed. In addition to the requirements in 40 CFR part 266 subpart G a person who reclaims materials from spent lead-acid batteries shall obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020. In addition, the reclamation facility must either process or store spent lead-acid batteries within 24 hours of Reclamation Facility Receipt. For purposes of this subsection, "Reclamation Facility Receipt" occurs when a reclamation facility removes spent lead-acid batteries from a delivery trailer for storage or for direct introduction into the recycling process. Reclamation Facility Receipt shall occur no more than seven (7) days following the arrival of the delivery trailer at the reclamation facility.

1. Owners or operators of facilities that store spent batteries before reclaiming them are subject to the following requirements:

A.Notification requirements under section 3010 of RCRA;

B.All applicable provisions in subparts A, B (but not 40 CFR 264.13 (waste analysis)), C, D, E (but not 264.71 or 264.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of 40 CFR part 264, as incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(A) through 10 CSR 25-7.264(2)(L);

C.All applicable provisions in subparts A, B (but not 40 CFR 265.13 (waste analysis)), C, D, E (but not 265.71 or 265.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of 40 CFR part 265, as incorporated by

reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(A) through 10 CSR 25-7.265(2)(L);

D.All applicable provisions in parts 270 and 124 of the CFR, as incorporated by reference in 10 CSR 25-7.270 and 10 CSR 25-8.124. (Note: The language printed at 10 CSR 25-7.266(2)(g)1.A.-D. above was originally incorporated by reference from 40 CFR 266.80(b), 1994 edition. The language is reprinted here because it was mistakenly omitted from subsequent editions of the *Code of Federal Regulations*.)

Proposed Revisions to Missouri Universal Waste Rules

10 CSR 25-16.273(2)(A) 2. and 10 CSR 25-16.273(2)(E)

(2)(A) General. In addition to the requirements in 40 CFR part 273 subpart A, the following regulations also apply:

1. *(Reserved)*
2. Applicability – batteries.

A. The additional state specific requirements described in this rule do not apply to batteries as described in 40 CFR ~~273.2~~273.2, except with respect to destination facilities that recycle universal waste lead-acid batteries as set forth in subsection (E) below:

* * *

(2)(E) Standards for Destination Facilities. In addition to the requirements in 40 CFR part 273 subpart E, the following regulations also apply:

1. A universal waste destination facility that is also a permitted or interim status hazardous waste storage, treatment, or disposal facility must manage all universal wastes in an area which is separate from the permitted area or the waste loses its identity as universal waste and must be managed in compliance with the facility's permit or interim status;

2. A universal waste destination facility may be a Missouri-certified resource recovery facility if operating in compliance with the requirements for the universal waste in question and the standards of an R2 resource recovery facility as described in 10 CSR 25-9.020(3)(A)3.

3. A universal waste destination facility that recycles universal waste lead-acid batteries must either process or store universal waste lead-acid batteries within 24 hours of Destination Facility Receipt. For purposes of this subsection, "Destination Facility Receipt" occurs when a reclamation facility removes universal waste lead-acid batteries from a delivery trailer for

storage or for direct introduction into the recycling process. Destination Facility Receipt shall occur no more than seven (7) days following the arrival of the delivery trailer at the destination facility.

**Missouri Department of Natural Resources
Hazardous Waste Management Commission
Certification of Decision**

“I move that the Commission, having heard testimony and reviewed data provided by all parties having presented before this Commission, direct the Department to continue to enforce the current state regulations and the conditions of the Exide facility permit and not develop modified regulations as suggested by the Exide resolution presented to the Commission on April 19, 2012.”

DATE: June 21, 2011

Jamie Frakes, Commissioner

Elizabeth Aull, Commissioner

Andrew Bracker, Commissioner

Michael Foresman, Commissioner

Deron Sugg, Commissioner

Charles Adams, Commission

**Missouri Department of Natural Resources
Hazardous Waste Management Commission
Certification of Decision**

“I move that the Commission, having heard testimony and reviewed the data provided by all parties having presented before this Commission, direct the Department to develop, present, and propose a package of regulations substantially in the form of those presented in the Exide resolution that was provided to the Commission on April 19, 2012, in compliance with the public notice, comment, and other requirements for adopting regulations under the Missouri Hazardous Waste Management Law.”

DATE: June 21, 2011

Jamie Frakes, Commissioner

Elizabeth Aull, Commissioner

Andrew Bracker, Commissioner

Michael Foresman, Commissioner

Deron Sugg, Commissioner

Charles Adams, Commission

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 6**

Legislative Update

Issue

Department staff will update the Commission on legislation passed by the 2012 General Assembly that affects the role and work of the Commission. Topics of discussion include HB 1251 which, among other provisions related to the Department of Natural Resources, limited the authority of the Commission to adopt hazardous waste rules in certain subject areas that are stricter than rules adopted by the United States Environmental Protection Agency. The bill also made changes to the method by which fees charged to shippers of radioactive waste through the state of Missouri are calculated.

Recommended Action:

Information Only.

Presented by:

Tim Eiken, Rules Coordinator, HWP

Missouri Hazardous Waste Management Commission Meeting

June 21, 2012
Agenda Item # 7

Rulemaking Update

Recommended Action:

Information Only.

Presented by:

Tim Eiken, Rules Coordinator, HWP

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 8**

Tanks Financial Responsibility (FR) Direct Referral Update

Issue:

This is an update on the current status of the Hazardous Waste Program's (HWP's) expedited enforcement process for sites without a financial responsibility (FR) mechanism to cleanup releases from underground storage tanks (USTs).

Information:

- On August 21, 2008, the Commission approved an expedited process whereby the HWP director may refer sites that do not have FR to the Attorney General's Office (AGO) for enforcement action and civil penalties. The Commission voted for the expedited process to begin on November 1, 2008.
- Missouri law and regulation requires tank owners and operators to maintain FR so that they will have funds to take corrective action and compensate third parties for bodily injury and property damage if they have petroleum releases from their USTs.
- The Compliance and Enforcement Section (CES) assumed all the tasks and responsibilities of ensuring compliance with FR on January 1, 2012, as the result of some reorganization in the Program.
- The process remains the same:
 - A. The registered owner/operator receives a letter 60 days before their FR mechanism lapses.
 - B. If the FR mechanism lapses, the registered owner/operator receives a Notice of Violation (NOV).
 - C. If the tank owner/operator does not respond to the NOV and/or does not obtain FR, then an "enforcement case" begins.
 1. The responsible party receives a telephone call to inform them of the Department's intention to refer the case to the AGO and documents the call.
 2. During the telephone call, the responsible party is notified that the Department will calculate a negotiable civil penalty for non-compliance.
 3. If the facility has not demonstrated compliance after 15 days, a referral is prepared for the program director's signature and the case is referred to the AGO.
 4. If the facility returns to compliance within the 15 days, then a penalty negotiation letter is sent to the responsible party. Most often, an Administrative Order on Consent is signed by all parties.

- The expedited program remains successful at prompting compliance. As of April 30, 2012, of the 3,272 regulated active tank sites in Missouri, 2,601 currently have coverage from the Missouri Petroleum Storage Tank Insurance Fund (PSTIF), 567 facilities have acceptable coverage other than PSTIF, 61 are exempt from FR requirements, and only 43 sites have unknown coverage.
- As of the May 3, 2012, report, of the sites with unknown FR coverage, 3 were recently cited with NOVs by the CES, 11 are being prepared for referral to the AGO by the CES, and 22 have been referred to the AGO for legal action.
- During this state fiscal year, the CES reached settlement agreements with eight sites for FR compliance. Seven of these sites agreed to penalties of \$41,500 with varying amounts suspended based on the length of time in non-compliance. Three penalties were for \$10,000, two were for \$3,000, and two were for \$2,750.

Recommended Action:

Information only

Presented by:

Angela Oravetz, Environmental Specialist, Tanks Compliance and Enforcement Unit, CES,
HWP

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 9**

Tanks Risk Based Corrective Action (RBCA) Rulemaking Update

Information:

Update on the Tanks Risk Based Corrective Action Rulemaking

Recommended Action:

Information Only.

Presented by:

Leanne Tippet Mosby – Deputy Director – Department of Natural Resources

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 10**

**Administrative Hearing Commission Appeals
Status Update-Information Only**

Issue:

Buick Resource Recycling Facility appeal status update.

Information:

- The Notice of Appeal and Motion to Stay was filed on March 18, 2010.
- The Department and Buick Resource Recycling Facility filed a joint motion for cancellation of appeal hearing on December 6, 2011, and the Administrative Hearing Commission approved the motion on December 7, 2011.
- A Settlement Agreement has been signed by 2 of the parties. The Agreement requires Buick to withdraw its pending AHC appeal within 7 business days of final signatures.

Presented by:

Kara Valentine, Commission Counsel – Missouri Attorney General's Office

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 11**

Public Inquiries or Issues

Recommended Action:

Information Only.

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 12**

Other Business

Recommended Action:

Information Only.

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**June 21, 2012
Agenda Item # 13**

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
Thursday, August 16, 2012	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, October 18, 2012	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, December 20, 2012	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, February 15, 2013	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, April 18, 2013	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, June 20, 2013	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

Recommended Action:

Information Only.