



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

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**

August 15, 2013

**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, June 20, 2012 – Commissioners

Action Items

3. Public Hearing – Tanks Risk Based Corrective Action Rule – Tim Chibnall, Director's Office, HWP

Page Two

Information Only:

4. Rulemaking Update – Tim Eiken, Rule Coordinator, HWP
5. Financial Responsibility Quarterly Update – Mike Martin, Compliance and Enforcement
6. Radioactive Material Transportation Update – Jane Beetem, Director’s Office, DNR
7. Quarterly Report – Dee Goss, Public Information Officer, DEQ
8. Legal Update – Tim Blackwell, Office of the Attorney General
9. Public Inquiries or Issues – David J. Lamb, Director, HWP
10. Other Business – David J. Lamb, Director, HWP
11. Future Meetings
 - Thursday, October 17, 2013 – 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: August 15, 2013

ROLL CALL ROSTER

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

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 2**

Approval of Minutes

Issue:

Commission to review the General Session minutes from the June 20, 2013, Hazardous Waste Management Commission meeting.

Recommended Action:

Commission to approve the General Session minutes from the June 20, 2013, Hazardous Waste Management Commission meeting.

GENERAL

SESSION

MEETING

MINUTES

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
June 20, 2013; 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

Chairman Michael Foresman
Vice-Chairman Andrew Bracker
Commissioner Jamie Frakes
Commissioner Elizabeth Aull

Note: Mr. Bracker arrived at 10:07 a.m.

The phone line was opened at approximately 9:35 a.m. for Commissioners calling in to today's meeting.

COMMISSIONERS PRESENT BY PHONE

Commissioner Charles Adams
Commissioner Deron Sugg

Chairman Foresman called the General Session to order at approximately 10:03 a.m.

A roll call was taken with Chairman Foresman, Commissioner Aull, Commissioner Frakes, Commissioner Sugg and Commissioner Adams acknowledging their participation in today's meeting. Note: Vice-Chairman Bracker arrived after the roll call was taken.

1. PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF MINUTES

- General Session minutes from the April 18, 2013, meeting:

Commissioner Sugg made a motion to approve the version of the April 18, 2013, General Session minutes, that included the changes suggested by Ms. Carol Eighmey. Commissioner Aull seconded the motion.

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

Note: Because Vice-Chairman Bracker had not arrived by the time Agenda Item #3 – Officer Elections – had been reached – Agenda Item #4 was presented at this time.

4. E-CYCLE MISSOURI PROGRAM CHANGES

Anthony Pierce, Compliance and Enforcement Section, addressed the Commission and provided them with an update regarding changes that were being proposed to the current program to address issues that had been raised. He noted that the Missouri Retailers Association had responded negatively to the proposed changes, but that the recyclers throughout the state had supported the proposed changes. Mr. Pierce went on to note that one of the issues raised involved confidentiality of proprietary business information regarding the “downstream user” for recyclers, under the current voluntary registration process.

Mr. Pierce advised that the E-cycle Missouri Program was established to satisfy the education and outreach requirements of Section 260.1071 RSMo, which communicates the issues concerning electronic equipment recycling and provides a list of registered electronics recyclers for the public. He noted that over the past year and a half Department staff has fielded a number of complaints, concerns, and questions regarding e-cycle Mo participants, residents, businesses and municipalities and had discussed these in a previous Commission meeting. He went on to state that the Commission had requested that Department staff obtain e-cycle workgroup input on resolving these concerns, and that staff had subsequently gathered this feedback. Based on this input, staff had identified the key questions and worked out proposals to help alleviate some of the concerns. He noted that proposed revisions were posted to the e-cycle MO Web site and that the response was overwhelmingly in support of those proposed changes.

Mr. Pierce explained that one of the changes would provide for a “confidential” checkbox, so that information beyond identifying the recycler would remain confidential. He also reviewed the requirements of the different levels of registrations; noting that, although this is a voluntary program, continued violations would initiate removal of the business from the listing. He stated that under the proposed changes, the current Level 1 requirements would be going away, the current Level 2 requirements would split and create a Level 3, and that the proposed Level 3 requirements would require a closure plan. He advised that Level 3 would provide for financial assurance, and was to be created to make it easier on smaller businesses.

Commissioner Frakes inquired as to whether there was an option to complete this application and self-reporting on line. Mr. Pierce responded that it could be done on line following the first registration, as it required an original signature.

Commissioner Frakes then inquired as to how many registrants were from rural areas. Mr. Pierce advised that there were currently about 35 registered, mostly from the St. Louis area; but, they were trying to keep better track of providers in rural areas. He went on to describe the system that was to be put in place, noting that partnerships in rural areas were being developed.

Commissioner Frakes asked if rural county government outreach could help drive these efforts and Commissioner Aull asked if there was collaboration with the waste districts? Mr.

Pierce responded the grants were generally provided by these sources. He also noted that the primary grant reviewer would be the one checking to ensure the recipient had no violations. Mr. Pierce outlined several sites that were currently being worked on.

Chairman Foresman inquired as to whether the e-cycle program was established through the regulatory process or just drafted by the Department and put into place? Mr. Pierce responded that the program was developed from workgroup collaboration. Mr. Lamb also responded to the inquiry, noting that there was no e-cycle regulation and that the Department was implementing the statute, which has no funding provided with it, as best it could do.

Vice-Chairman Bracker addressed the Commission and advised that Kansas City had a very good experience with this type of program, through a business called Surplus Exchange. He noted that they provided a service to schools, etc. He also inquired if Mr. Pierce was familiar with E-Stewards? Mr. Pierce responded that he was familiar and that the Department's standards were developed in coordination with their standards.

Chairman Foresman inquired as to whether anyone else wished to comment on the matter before them. There were no further comments presented.

Vice-Chairman Bracker made the following motion:

I move that the Commission authorize the proposed changes to the E-Cycle Missouri Program and that the Department proceed with updating the procedures and implementing these changes."

Commissioner Aull seconded the motion.

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

As all commissioners were now present – the election of officers – Agenda Item # 3 - was addressed at this time.

3. ELECTION OF OFFICERS

Election of Chairman:

Commissioner Adams made the nomination for Mr. Foresman to be reelected to another term as Chairman. Commissioner Aull seconded the motion.

No other nominations were made.

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

Election of Vice-Chairman:

Commissioner Aull made the nomination for Mr. Bracker to remain as Vice-Chairman. Commissioner Frakes seconded the motion.

Chairman Foresman made the nomination for Mr. Sugg to become Vice-Chairman. Commissioner Bracker seconded the motion.

Commissioner Aull inquired if Mr. Bracker wished for his nomination to be withdrawn.

Commissioner Bracker advised that he believed it was a good practice to rotate this position.

A vote was taken on Mr. Sugg's nomination for Vice-Chairman; all were in favor, none opposed. Motion carried.

5. RULEMAKING UPDATE

Mr. Tim Chibnall, Director's Office, Hazardous Waste Program, addressed the Commission and advised that he would be providing an update to them on the Tanks Risk Based Corrective Action (RBCA) rulemaking. He noted that at the last Commission meeting, the Commission had approved the Department to proceed with a rulemaking effort to update three rules. He advised that these rules would incorporate by reference, the updated guidance for the RBCA process, and that it would eliminate the sunshine date in the current rule. He went on to state that the rules had been filed on June 17, 2013, and were to be published July 15, 2013. He noted that the Regulatory Impact Report (RIR) had been open to public notice through May 1, 2013, and that no comments had been received. He also noted that the Interagency Review had been completed, also with no comments received.

Mr. Chibnall advised that the Public Hearing on this rule package was scheduled for the August 15, 2013, Hazardous Waste Management Commission meeting, and that the public comment period on this stage would end on Aug 22, 2013. He reported that the rule package would then be presented to the Commission during the October 17, 2013, meeting, for final action; and, if approved, would become effective in February 2014.

Commissioner Bracker inquired as to whether the Department was tracking the development of the U.S. Environmental Protection Agency's (EPA) guidance on vapor intrusion. He asked if this rule package was going to be final prior to the release of their updated guidance so the Department would be able to amend this rule to be consistent and not have to open the rule up to amend?

Mr. Chibnall responded that it was unlikely that the EPA's guidance was going to be final in time to incorporate it into this rulemaking. He stated that although the comment periods on both of the EPA's vapor intrusion documents would end on June 24, 2013, the EPA had noted that there would be an "internal discussion" on the documents that would extend the time before release. He did advise that the EPA was currently indicating that the Petroleum Vapor Intrusion guidance would be released by the end of this year.

Mr. Chibnall went on to state that the Department was currently working with PSTIF on the request for proposals (RFP) bids for the Underground Storage Tank Operator's Training. He advised that the EPA had just accepted Missouri's plan for compliance with the 2005 EPA Act regarding the July 2017 requirement on secondary containment. He noted that the Department would be soon beginning the informal stakeholder outreach efforts on the upcoming operational underground storage tank rule changes, but that no formal rulemaking efforts would begin until 2014.

Mr. Chibnall then advised the Commission that Hazardous Waste Program staff had been in discussion with Exide regarding the battery storage issue that had been discussed over the past year. He noted that an option being reviewed was for Exide to submit a permit modification that would allow the batteries to be stored on trailers for a specified time, if safe storage requirements were met. Mr. Chibnall explained that an amendment to the current rule was not a viable option at this time as the current rules regarding battery storage were under review through the HB1251 compliance effort, and that they were most likely going to be revised when this review process was complete.

Chairman Foresman inquired as to the timing of the option for Exide. Mr. Lamb responded to this question and advised that it was still early in the process, that it was not a foregone conclusion that Exide would pursue the permitting route; but, that both parties were favorable to the option. Chairman Foresman stated that this needed to be worked on expeditiously.

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

6. LEGISLATIVE UPDATE

Mr. David Lamb, Director, Hazardous Waste Program addressed the Commission and provided them a PowerPoint presentation on the House Bill 28/650 legislation. Mr. Lamb noted that both bills were similar, and that both impact the Department and the program. He advised that both were omnibus bills for the Department of Natural Resources, and contained the fees for the Air, Water, Land Reclamation and Hazardous Waste programs. In addition to the provisions for extensions to the program's battery and hazardous waste generator fees, both of these bills also provided the Department with the authority to conduct a comprehensive review of the Hazardous Waste Program's fee structure, streamlined some of the requirements of the hazardous waste permitting process, and added a representative from the petroleum industry to the Hazardous Waste Management Commission.

Mr. Lamb advised that the bills added a requirement for the Department to develop a list of all documents produced for external dissemination, excluding permits, which are used to implement enforcement actions or penalties; and to provide this list to the Joint Committee on Administrative Rules (JCAR).

He also advised that these bills extended the program's fees, until December 31, 2018, on the retail sale of lead-acid batteries, the generator registration and renewal fees, the out of state tonnage fees and the hazardous waste land disposal fee.

Mr. Lamb explained that this legislation gave the Department the authority to conduct a comprehensive review of the fee structure, which would include stakeholder input. He advised that any changes could then be presented to the Commission for a two-thirds majority vote. Once approved by the Commission, these changes could be filed as rule amendments, but would be required to be promulgated and published no later than October 1st of the year they were proposed. He noted that the changes would have to be filed with JCAR by December 1st, and if not

disallowed by the General Assembly, they would go in to effect January 1st of the next odd-numbered year.

Mr. Lamb detailed the provision that would provide for a member from the petroleum retail industry to be added to the Commission; noting that this member would replace one of the current “public” member positions.

Mr. Lamb finished with a short overview of the permit streamlining process, noting that Mr. Rich Nussbaum would be providing them a more detailed overview; and provided more details to the provision regarding submission of guidance documents to JCAR, which were used to implement enforcement actions. He advised that the purpose of this provision was to identify those documents that prescribe law or policy that would be better served by being developed as a rule.

Commissioner Bracker advised that these bills troubled him, and that he did not remember hearing about them at the last meeting. Mr. Lamb responded that these bills had not existed at the time of the last meeting, that they had been developed since that time. Mr. Bracker expressed his congratulations to the Department on getting their fees passed and stated that he thought having a petroleum representative on the Commission was a good idea, but that he felt it should be added to, not replace one of the current positions.

Commissioner Frakes inquired as to who had introduced the changes. Mr. Lamb responded that he was unsure of who had proposed all of the changes; but, that some of them were Department initiatives. He stated that the fee extensions and permitting portions were Department initiatives and the rest were legislative initiatives, lobbyist influences, etc.

Mr. Rich Nussbaum, Chief, Permits Section, addressed the Commission next and provided a more detailed overview of the permit streamlining process provision to the legislation. Mr. Nussbaum provided the Commission with a PowerPoint presentation and noted that the changes conformed to current EPA requirements, and it aligned Missouri with other states’ programs. He advised the Commission that the original proposal was developed by the HWP Permits Section and proposed by DNR. He advised that the proposed changes predicated on over 20 years of staff experience in implementing requirements and ongoing evolution of regulatory program elements and that the changes included in HB 28 & HB 650 were as originally proposed, without modification. Mr. Nussbaum noted that the permit streamlining provisions are identical in both bills and that the permit streamlining provisions have a relationship to HB 1251 passed during 2012 session, which became effective on August 28, 2012. He went on to state that Section 260.373.1 of bill stated that HWMC shall not promulgate rules stricter than EPA rules in certain areas and that in addition to limits on future rules being no stricter than EPA rules, the Department must identify existing hazardous waste rules that are inconsistent and file amendments to repeal these inconsistencies.

Mr. Nussbaum explained that through the Hazardous Waste Forum, the Department has been reviewing affected rules in Chapters 3, 4, 5, and 7; noting that the Hazardous Waste Forum includes both Department staff and hazardous waste stakeholders, which includes environmental health and safety staff from laboratories, universities, permitted facilities, hazardous waste transporters, retailers and local/state emergency responders

He noted that additional permit related rules can be removed pursuant to HB1251 as the underlying statutory basis is repealed and that additional changes will directly affect 10 CSR 25, Chapter 7. He advised that changes become applicable pursuant to HB 1251 requirements since the underlying state statutory basis will disappear and that references in other chapters may be affected and will need to be checked.

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

Chairman Foresman called for a 10 minute break at 11:07 a.m.

Chairman Foresman called the meeting back to order at 11:18 a.m.

7. TANKS OVERVIEW

Mr. Ken Koon, Chief, Tanks Section, addressed the Commission and provided them with a short overview of current Tanks Section activities. Mr. Koon began with noting that the Missouri Waste Control Coalition conference was scheduled for June 30-July 2, and would provide sessions on plume stability and the groundwater monitoring rule. He also noted that staff would be doing outreach regarding the Tanks rulemaking and that the conference was an excellent venue for networking with other consultants and experts. Mr. Koon went on to provide the Commission with information on the National Tanks Conference, scheduled for Denver, CO, in September. He advised that the conference would provide workshops on cleanup, characterization, LNAPL assessments and vapor intrusion issues.

Mr. Koon then provided the Commission with an overview of the Program's Tanks efforts. He noted that they were currently tracking 842 out of use tanks at 280 facilities, with some not out of use for over 12 months. He advised that those out of use for over 12 months were in need of site assessments and that this may create enforcement issues. He also advised that as the tanks were pulled, that this may also create new release numbers. Mr. Koon advised the Commissioners that the May totals showed 31, 221 permanently closed underground storage tanks (UST), 3231 facilities, and 1116 cleanups at 880 UST's and 191 aboveground storage tanks (AST). He noted that 29 sites had both UST's and AST's, with 16 of them being investigated for source contamination.

Mr. Koon went on to advise that the Tanks Section was currently working with the PSTIF on a \$43,000 project related to abandoned sites that should be finished by the end of June. He stated that they were also working on a \$94,000 project with the EPA, the Route 66 cleanup, focusing on abandoned tanks. He noted that one staff member was dedicated to this project.

Mr. Koon stated that staff was also reviewing where projects had stalled and that additional tanks may be located. He noted that the Division of Geology and Land Survey had been asked to assist with risk assessments to assist with some of these sites.

Mr. Koon then provided the Commission with a PowerPoint presentation on a St. Louis development project, which was in coordination with Tanks and Brownfields programs. He provided the Commission with aerial photographs of 3 different locations in the St. Louis area

and advised that the project was in the planning stage at this time and they were looking at a series of site visits and workshops. He noted that the goal was to restore these sites to their best beneficial reuse and that in April and May 2013, meetings had been held in these neighborhoods by the EPA contractor to see what the local citizenry had in mind for the reuse. Suggestions received included restaurants or small eateries, mixed retail/residential (lofts), walking areas, community garden areas or combination of both. He noted that the next steps were to hold additional meeting in the communities after the contamination was evaluated. He also noted that zoning laws and funding may be a barrier, but discussion would be held to discuss possible uses. He stated that at least two of the locations had contamination levels above what would be allowable for residential use.

Chairman Foresman inquired as to who held the titles to the properties. Mr. Koon responded that the municipalities did, as they were abandoned tax repossessions.

Commissioner Bracker advised that the information was very interesting and welcomed the Department partner with the city of Kansas City and share lessons learned in this project.

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

8. WALMART ENFORCEMENT ACTION UPDATE

Ms. Kathy Flippin, Chief, Compliance and Enforcement Section, addressed the Commission and provided them with a PowerPoint presentation on the recent settlement reached with Walmart for violations of hazardous waste laws. Ms. Flippin noted that on May 28, 2013, a federal Consent Agreement and Final Order (CAFO) was filed with Walmart Stores Inc. of Bentonville, Arkansas to resolve civil violations of the Resource Conservation and Recovery Act (RCRA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). In related actions and on the same day, Walmart also pleaded guilty to six counts of violating the Clean Water Act in cases filed by federal prosecutors in Los Angeles and San Francisco and pleaded guilty in Kansas City of violating FIFRA.

She advised that these violations pertained to the mismanagement of hazardous waste at Walmart stores across the country and for the mismanagement of damaged pesticide containers by Walmart and its contractor, Greenleaf LLC, at the Greenleaf facility in Neosho and Pineville, Missouri, which was discovered by Department staff in 2007 and 2008. She noted that in 2008, Missouri Hazardous Waste Program staff directed and oversaw the Walmart contractor's removal and cleanup of solid and hazardous wastes from these properties and that Walmart has indicated this cleanup was in excess of \$3.4 million.

Ms. Flippin explained that in 2006, to address the mismanagement of hazardous waste at its stores, Walmart implemented a corporate-wide hazardous waste management program. She noted that the EPA required Walmart to continue to implement and develop that program, including the following obligations:

- Comply with RCRA generator requirements at all of Walmart's approximately 4,000 stores, (including conditionally exempt small quantity generator stores).
- Do not ship any hazardous wastes to Walmart reverse distribution centers.

- Comply with an annual monitoring plan to identify new products that are hazardous wastes when disposed of.
- Implement operational changes to ensure compliance with RCRA (including corporate structure and staffing, employee training, development of an environmental management system, maintaining a hazardous waste electronic database available to all workers to aid in the identification of hazardous wastes, and development of standard operating procedures relating to environmental compliance).
- Pay a penalty of \$7.628 million.

She advised that as a result of the 3 criminal cases brought by the Justice Department, in addition to the civil case filed by U.S. EPA, Walmart will pay approximately \$81.6 million for unlawful conduct. With previous civil actions brought by the states of California and Missouri for the same conduct, Walmart will pay a combined total of more than \$110 million to resolve these cases. These civil actions included the Northern District of California for Clean Water Act Violations, which provided for a \$40 million dollar fine, with \$20 million that will fund various community service projects including opening a \$6 million Retail Compliance Assistance Center that will help retail stores across the nation learn how to properly handle hazardous waste. Also included in that civil action was a \$11 million FIFRA criminal fine in Missouri, plus \$3 million to the Department's Hazardous Waste Program to be used for coordinating with other agencies and department programs to train staff and develop and distribute information and provide training where needed on the safe and legal management of pesticides to applicators, dealers, and others who manage them in the state and for subsequent inspections to assess compliance. She advised that this settlement is separate and different from the Missouri Pesticide Collection Program for Households and Farmers that was funded by Walmart settlement agreement with the Hazardous Waste Program in March 2012.

Chairman Foresman noted that most dealers/applicators comply, and that he thought the majority of misuse would be from small households. He inquired as to whether the Department had looked at the appropriateness of using the funds for additional pesticide collections that would allow people to properly dispose of waste, rather than trying to train everyone. He stated that he believed "we got a lot of bang for our buck" with the pesticide collection events.

Ms. Flippin responded that potential was pretty narrow in the projects the Department was allowed to suggest for the federal agreement.

The Commission made several comments for options on best use. Ms. Flippin advised the Commission that the money was earmarked for training.

Commissioner Bracker stated that he believed that household hazardous waste programs should be an appropriate subject for Supplemental Environmental Projects.

Chairman Foresman asked Kara Valentine to look at the plea agreement to determine what it states and if the monies could be used for purposes other than described in the meeting. Chairman Foresman also directed Mr. David Lamb to check in to the settlement monies

awarded to the Department and determine who makes the decision on how the monies are to be spent.

No other 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

Kara Valentine, Commission Counsel, addressed the Commission and provided a brief update on legal issues that may have been of interest to the Commission. She noted that they had just been updated on the Walmart settlement, and that it was a wakeup call to other retailers and big box stores. She noted that they know that regulators were watching.

Ms. Valentine then noted that the TEVA consent decree had been lodged in federal court in February and was now final. She noted that this settlement provided for one-half of a 2.25 million dollar settlement to go to the schools, with \$26,000 going to Natural Resource Damages, \$66,000 to the Hazardous Waste Fund's fees & taxes program and \$59,000 to reimburse the state for the investigation.

Ms. Valentine went on to report that HPI, located in St. Joseph, MO, had received recent federal RCRA violations. She stated that an EPA inspector had recently observed the buildings being dismantled and product being tarped in an open environment. HPI, she noted, formulates, blends and packages different chemical compositions and the buildings had received no asbestos inspections or area sampling prior to tearing them down. The EPA had ordered the demolition stopped and had sampled the ground, with the results being awaited. She noted that this was the same building that the EPA had suspected that holes had been drilled in the concrete floor and product had been disposed of down those holes.

Ms. Valentine then noted that an Iowa company had recently been caught dumping gasoline into the Dunwig sewer system. She advised that two employees of the Seneca Company had found gas and water pooled in a containment sump. They then pumped out the material and dumped this into the sewer system. The company and two employees were indicted for these actions.

Ms. Valentine ended her presentation with noting that Exide Technologies had filed Chapter 11 bankruptcy in Delaware. She did advise that it should not affect the Missouri location. She noted that an inspection was done when the bankruptcy was filed, to determine what it would cost to remediate the site if the company abandoned the facility.

Commissioner Frakes inquired as to how effective tarping was in regard to the waste product at HPI. She responded that it was not very effective, but that the EPA was doing routine inspections. She noted that any further action was on hold until sampling results were returned.

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

10. PUBLIC INQUIRIES OR ISSUES

Mr. David J. Lamb, Director, Hazardous Waste Program, advised the Commission that he had not received any requests to speak before the Commission.

11. OTHER BUSINESS

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission and provided a brief update on the progress with HB1251 issues. He noted that during the last Hazardous Waste Forum, he thought good progress had been made on the packaging, marking and labeling rule and draft evaluation of chapters 3, 4, 5, and 7, identifying the rules that were inconsistent with federal standards. In regards to packaging, marking and labeling, he thought they were close to an agreement that would allow the continued usage of Department of Transportation labeling, or a modified labeling system of words from RCRA standards that identified the waste characteristics; be it toxic, ignitable, reactive or corrosive. He went on to state that a small group had been formed to wordsmith the final language. Mr. Lamb then gave a brief overview of the process being undertaken to identify the inconsistent rules and noted that he thought the Department was close to consensus with stakeholders on the proposed changes. He advised that when a more formal product was developed, it would be sent up the chain of command within the Department, and would then be presented to the Commission. He noted that the purpose of the document would be to identify those rules that would become void if the rulemaking was not completed on time. He also noted that work was continuing with other cleanups in the rules that were suggested by stakeholders, along with updates to references and definitions that would require review. He advised that following another 30 days for review, he thought they were close to being able to start a rule package.

Mr. Lamb advised the Commission that the Brownfields conference had been held on June 11. He noted that it was well attended. He advised that on another Brownfield related topic, the Brownfields program had just been awarded a \$600,000 grant to expand their assessment program, with a focus on areas impacted by natural disasters.

He advised the Commission that the state auditor's office was still conducting the Program review, primarily of the Superfund and Brownfield sections, and anticipated another month before finishing.

Mr. Lamb introduced Nicole Eby, Compliance and Enforcement Unit Chief, to the Commission, noting that she had been hired to fill the position left open from Dennis Hansen's retirement earlier in the year.

Mr. Lamb provided the Commission with a copy of the Walmart settlement agreement, noting the specifics of what the fund could be used for.

Chairman Foresman asked Mr. Lamb to see where the funding was coming in to, who was in charge of managing it and what it was used for, and advise the Commission at a later date.

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

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12. FUTURE MEETINGS

Chairman Foresman noted that the next meeting was scheduled for August 15, 2012.

Commissioner Frakes made the motion to adjourn the meeting at 12:13 p.m. The motion was seconded by Commissioner Aull.

Respectfully Submitted,

Debra D. Dobson, Commission Assistant

APPROVED

Michael Foresman, Chairman

Date

Hazardous Waste Management Commission Meeting

August 15, 2013

Agenda Item #3

Public Hearing – Tanks Risk Based Corrective Action Rule

Recommended Action:

A public hearing to be held on the proposed changes to the Tanks Risk Based Corrective Action Rule Package Pertaining to Underground Storage Tanks.

Issue:

In early 2013, the Department of Natural Resources began a rulemaking process to initiate several changes to the technical rules for underground storage tanks; specifically in relation to the use of a risk-based corrective action process to close a tank and in response to a release from a tank system. Briefly, this rulemaking proposes the following rule amendments:

- 10 CSR 26-2.062 Assessing the Site at Closure or Change in Service
 - Amend the rule to stipulate that the discovery of contaminants at concentrations above the Default Target Levels triggers site investigation and corrective action.
 - Amend the rule to incorporate by reference the 2013 update of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document as a written procedure.
- 10 CSR 26-2.078 Investigations for Soil and Groundwater Cleanup
 - Amend the rule to stipulate that the discovery of contaminants at concentrations above the Default Target Levels triggers an investigation of the release, the release site, and the surrounding area to determine the full extent of contamination.
 - Amend the rule to allow owners and operators to comply with the rule by using the appropriate version of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance as a written procedure.
 - Amend the rule to incorporate by reference both the 2004 amended and the 2013 update of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document.
- 10 CSR 26-2.082 Corrective Action Plan
 - Amend the rule to allow owners and operators to comply with the rule by using the appropriate version of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document as a written procedure.
 - Amend the rule to incorporate by reference both the 2004 amended and 2013 update of the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document.

Following authorization from the Commission on the Finding of Necessity on this rulemaking package, the Interagency Review and Regulatory Impact Report, the Takings Analysis, and the filing of the proposed changes with the Secretary of State, the next step in this process is the Public Hearing. This hearing provides the Department and the public the opportunity to present testimony to the Commission regarding the proposed amendments to the existing rules. The proposed changes were published in the Missouri Register on July 15, 2013, which began the public comment period. The public comment period is open on the proposed amendments until August 22, 2013.

The revised guidance document is available on line at:

<http://dnr.mo.gov/env/hwp/rule-dev-hwp.htm>

Following the close of the public comment period, any comments received will be addressed, and those comments and response to comments will be presented to the Commission at the October 2013, meeting.

Presented by:

Tim Chibnall, Director's Office – Hazardous Waste Program

MISSOURI DEPARTMENT OF NATURAL RESOURCES
Proposed Changes to the
Tanks Risk Based Corrective Action Rule Package
Pertaining to Underground Storage Tanks

The proposed changes, as published, are provided below; the additions are noted in bold type, and the deletions are contained in italics within brackets.

10 CSR 26-2.062 Assessing the Site at Closure or Change in Service

PURPOSE: This rule describes the requirements of a site assessment to determine whether there has been a release from the underground storage tank system.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Before permanent closure or a change in service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the underground storage tank (UST) site. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

(2) If [*contaminated soils, contaminated groundwater,*] **one or more contaminants in soil or groundwater at concentrations above the default target levels in Table 3-1 of the guidance referenced at section (3)(A) of this rule** or free product as a liquid or vapor is discovered under section (1) of this rule, or by any other manner, owners and operators must begin site investigation and corrective action in 10 CSR 26-2.070–10 CSR 26-2.083.

(3) Owners and operators shall follow a written procedure.

[(A) Until December 31, 2012, owners and operators may use the department's Risk-Based Corrective Action for Petroleum Storage Tanks guidance document dated February 2004, as amended March 8, 2005, by Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels; the March 18, 2005, Soil Type Determination Guidelines; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, Soil Gas Sampling Protocol. The guidance and amendments were published by the Department of Natural Resources, PO Box 176,

Jefferson City, MO 65102-0176, and are hereby incorporated by reference. This rule does not incorporate any subsequent amendments or additions.]

(A) To comply with this rule, owners and operators may use the *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document, January 1, 2013, which is hereby incorporated by reference without any subsequent amendments or additions, and is published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

(B) Other written procedures may be used with prior written approval of the department.

AUTHORITY: section 319.111, RSMo 2000, and section 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.072. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.111, RSMo 1989 and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:

The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:30 a.m. on August 15, 2013, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on August 22, 2013. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

10 CSR 26-2.078 Investigations for Soil and Groundwater Cleanup

PURPOSE: This rule describes the procedures for soil and groundwater investigations.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators must conduct investigations of the release, the release site, and the surrounding area to determine the full extent and location of soils contaminated by the release and the presence and concentrations of dissolved product contamination in the groundwater if any of the following conditions exist:

(A) There is evidence that groundwater wells have been affected by the release (for example, as found during release confirmation or previous corrective action measures);

(B) Free product is found to need recovery in compliance with 10 CSR 26-2.075;

(C) There is evidence that contaminated soils may be in contact with groundwater as found during the initial response measures or investigations required under 10 CSR 26-2.070–10 CSR 26-2.075;

(D) Contaminant concentrations in soil or groundwater exceed the Default Target Levels in Table 3-1 of the guidance referenced at section (3)(C)1 of this rule; or

([D]E) The department requests an investigation based on the potential effects of contaminated soil or groundwater on nearby surface and groundwater resources.

(2) Owners and operators must submit the information collected under section (1) of this rule as soon as practicable or in accordance with a schedule established by the department.

(3) Owners and operators shall follow a written procedure.

(A) For releases that occurred or were discovered on or after the effective date of this rule, owners and operators shall use the document referenced at section (3)(C)1 of this rule or, with prior written approval of the department, another written procedure.

(B) For releases that occurred or were discovered prior to the effective date of this rule, owners and operators may use:

1. The documents referenced at section (3)(C)2 of this rule, provided:

a. Prior to the effective date of this rule, the owner or operator received the department's written approval of a work plan for site characterization, risk assessment, or corrective action related to the release; and

b. The owner or operator implements or implemented the approved work plan within one (1) year of the date of the department's approval of the plan or in accordance with a different schedule approved by the department;

2. The document referenced at section (3)(C)1 of this rule; or

3. With the prior written approval of the department, another written procedure.

(C) Written procedures.

1. *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document, January 1, 2013, which is hereby incorporated by reference without any subsequent amendments or additions, and is published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

2. *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks*, February 2004, as amended March 8, 2005, by *Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels*; the March 18, 2005, *Soil Type Determination Guidelines*; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, *Soil Gas Sampling Protocol*, which are hereby incorporated by reference without any subsequent amendments or additions, and are published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

[(B) Other written procedures may be used with prior written approval of the department.]

AUTHORITY: sections 319.109 and 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.065. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

****Original authority: 319.109, RSMo 1989, amended 1995, 2004, 2008 and 319.137, RSMo 1989, amended 1993, 1995, 2004.***

PUBLIC COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:

The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:30 a.m. on August 15, 2013, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on August 22, 2013. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

10 CSR 26-2.082 Corrective Action Plan

PURPOSE: This rule lists the requirements for corrective action plans for cleanup of releases from underground storage tank sites.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators are responsible for submitting a plan that provides for adequate protection of human health and the environment, as determined by the department, after fulfilling the requirements for release reporting and investigation in 10 CSR 26-2.071–10 CSR 26-2.074. Owners and operators must modify their plan as necessary to meet this standard.

(A) The department may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils and groundwater at any point after reviewing the information submitted for release reporting and investigation in 10 CSR 26-2.071–10 CSR 26-2.074. If a plan is required, owners and operators must submit the plan according to a schedule and format established by the department.

(B) Owners and operators may choose to submit a corrective action plan for responding to contaminated soil and groundwater after fulfilling the requirements of 10 CSR 26-2.071–10 CSR 26-2.074.

(2) The department will approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health and safety and the environment. In making this determination the department should consider the following factors as appropriate:

(A) The physical and chemical characteristics of the regulated substance, including its toxicity, persistence and potential for migration;

(B) The hydrogeologic characteristics of the facility and the surrounding area;

(C) The proximity, quality, and current and future uses of nearby surface and ground water;

(D) The potential effects of residual contamination on nearby surface and ground water;

(E) An exposure assessment; and

(F) Any information assembled in 10 CSR 26-2.070–10 CSR 26-2.083.

(3) Upon approval of the corrective action plan, or as directed by the department, owners and operators must implement the plan including modifications to the plan made by the department. Owners and operators must monitor, evaluate and report the results of

implementing the plan in accordance with a schedule and in a format established by the department.

(4) Owners and operators, in the interest of minimizing environmental contamination and promoting more effective clean-up, may begin clean-up of soil and groundwater before the corrective action plan is approved provided that they—

(A) Notify the department of their intention to begin clean-up;

(B) Comply with any conditions imposed by the department, including halting clean-up or mitigating adverse consequences from clean-up activities; and

(C) Incorporate these self-initiated clean-up measures in the corrective action plan that is submitted to the department for approval.

(5) Owners and operators shall follow a written procedure

(A) For releases that occurred or were discovered on or after the effective date of this rule, owners and operators shall use the document referenced at section (5)(C)1 of this rule or, with prior written approval of the department, another written procedure.

(B) For releases that occurred or were discovered prior to the effective date of this rule, owners and operators may use:

1. The documents referenced at section (5)(C)2 of this rule, provided:

a. Prior to the effective date of this rule, the owner or operator received the department's written approval of a work plan for site characterization, risk assessment, or corrective action related to the release; and

b. The owner or operator implements or implemented the approved work plan within one (1) year of the date of the department's approval of the plan or in accordance with a different schedule approved by the department;

2. The document referenced at section (5)(C)1 of this rule, or

3. With the prior written approval of the department, another written procedure.

(C) Written procedures.

1. *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks* guidance document, January 1, 2013, which is hereby incorporated by reference without any subsequent amendments or additions, and is published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.

2. *Missouri Risk-Based Corrective Action Process for Petroleum Storage Tanks*, February 2004, as amended March 8, 2005, by *Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels*; the March 18, 2005, *Soil Type Determination Guidelines*; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During

Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target Levels; and the April 21, 2005, Soil Gas Sampling Protocol, which are hereby incorporated by reference without any subsequent amendments or additions, and are published by the Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102-0176.*[(A) Until December 31, 2012, owners and operators may use the department's Risk-Based Corrective Action for Petroleum Storage Tanks guidance document dated February 2004, as amended March 8, 2005, by Notice of Modifications to the Process and Interim Guidance Pertaining to Application of the New Soil Type Dependent Tier 1 Risk-Based Target Levels; the March 18, 2005, Soil Type Determination Guidelines; the March 3, 2005, Table 3-1 Default Target Levels; the April 2005 Table 4-1 Soil Concentration Levels to Determine the Need for Groundwater Evaluation During Tank Closure; the February 2005 Tables 7-1(a) through 7-12(c) Tier 1 Risk-Based Target*

Levels; and the April 21, 2005, Soil Gas Sampling Protocol. The guidance and amendments were published by the Department of Natural Resources, PO Box 176, Jefferson City, MO 65102-0176, and are hereby incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

(B) Other written procedures may be used with prior written approval of the department.]

AUTHORITY: sections 319.109 and 319.137, RSMo Supp. 2010. This rule originally filed as 10 CSR 20-10.066. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority: 319.109, RSMo 1989, amended 1995, 2004, 2008 and 319.137, RSMo 1989, amended 1993, 1995, 2004.*

PUBLIC COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:

The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:30 a.m. on August 15, 2013, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on August 22, 2013. Faxed or emailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Vice-Chairman Sugg's

OPENING STATEMENT

Tanks Rules Public Hearing

**Hazardous Waste Management Commission Meeting
August 15, 2013**

Opening Statement for the Public Hearing on Proposed Tank Rules to Update the Incorporation by Reference of the Risk-Based Corrective Action Guidance Document

10 CSR 26, Chapter 2

I hereby call this public hearing to order. A public hearing is not typically a forum for debate of the issues. Rather, the purpose of this hearing is to provide the Department of Natural Resources and the public an opportunity to present testimony on three proposed amendments relating to the risk-based corrective action process for underground storage tanks. A Notice of Public Hearing and a Notice to Submit Comments was published in the July 15, 2013, Missouri Register regarding these proposed rules.

At the request of the Commission, the Department will first present testimony on the proposed amendments. Following their testimony, the public will be given the opportunity to comment on the proposed rulemaking. A sign-up sheet is provided at the back of the room for anyone in attendance at the hearing, in addition to comment forms for those who wish to make any oral comments. Please fill out a comment form if you wish to be heard. This will aid us in recognizing speakers and calling them to testify. Additionally, we ask anyone who approaches the commission to testify to please state their name and affiliation, if any, for the record and provide a business card, if available, to the court reporter and to the commission secretary.

Written comments will also be accepted at this hearing. Please provide them to the Hazardous Waste Program's Director, David Lamb. Following the conclusion of the hearing, comments may be submitted by mail to the Director of the Hazardous Waste Program, P.O. Box 176, Jefferson City, Missouri 65102. Comments submitted by mail must be postmarked on or before the end of the public comment period, August 22, 2013.

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 4**

Rulemaking Update

Recommended Action:

Information Only

Presented by:

Tim Eiken, Rules Coordinator, HWP

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 5**

Tanks Financial Responsibility – Quarterly 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) continues with the tasks and responsibilities of ensuring compliance with FR.
- The expedited program remains successful at prompting compliance. As of August 1, 2013, of the 3233 regulated active tank sites in Missouri, 2568 currently have coverage from the Missouri Petroleum Storage Tank Insurance Fund (PSTIF), 578 facilities have acceptable coverage other than PSTIF, 57 are exempt from FR requirements, and only 30 sites have unknown coverage.
- As of the August 1, 2013, report of the sites with unknown FR coverage, 10 sites have been sent initial letters, 2 were recently cited with Notices of Violation by the CES, 4 are being prepared for referral to the Attorney General's Office (AGO) by the CES, and 14 have been referred to the AGO for legal action.

Recommended Action:

Information Only

Presented by:

Mike Martin, Chief, Tanks Compliance and Enforcement Unit, CES, HWP

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 6**

**Radioactive Material Transportation and
Midwest Low Level Radioactive Waste Compact Committee Update**

Recommended Action:

Information Only.

Presented by:

Jane Beetem, Directors Office, Department of Natural Resources

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 7**

Quarterly Report

Issue:

Presentation of the current Quarterly Report.

Recommended Action:

Information Only.

Presented by:

Dee Goss, Public Information Officer, Division of Environmental Quality

Hazardous Waste Management Commission Report

January through March 2013

Quarterly Report



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Hazardous Waste Management Commissioners

Michael Foresman, Chair
Andrew Bracker, Vice Chair
James "Jamie" Frakes
Elizabeth Aull
Deron Sugg
Charles "Eddie" Adams

"The goal of the Hazardous Waste Program is to protect human health and the environment from threats posed by hazardous waste."

For more information

**Missouri Department of Natural Resources
Hazardous Waste Program**
P.O. Box 176, Jefferson City, MO 65102-0176
www.dnr.mo.gov/env/hwp/index.html
Phone: 573-751-3176
Fax: 573-751-7869

Past issues of the Hazardous Waste Management Commission Report are available online at www.dnr.mo.gov/env/hwp/quarterlyreport.htm.



**Missouri Department of Natural Resources
Hazardous Waste Program**

Program Update Letter from the Director

Through this Commission Quarterly Report, we strive to provide information regarding the work we do here in the Hazardous Waste Program. The information in this report provides members of the Hazardous Waste Management Commission with the current status of various sites and issues being managed by the program. We also look for ways to make this report more readily available to our stakeholders and interested members of the public.

In this edition, one of our featured articles is about HAZWOPER training. This training provides our staff with the basic knowledge they need to work safely around hazardous materials and environments. We have a lot of employees whose job duties may require them on occasion to work around hazardous materials, or to perform activities out in the field such as sampling or field work oversight. It is important they have the necessary training to perform these duties safely. The initial 40-hour HAZWOPER training, coupled with annual refreshers, is one of the key trainings employees receive to help keep safety on the forefront of their minds. The article in this report elaborates the importance of this training.

Also highlighted in this report are several remediation efforts recently completed by our Brownfield/Voluntary Cleanup Section, and an interesting article about the Kansas City Plant. This report also includes information about work being done by our tanks and our compliance and enforcement sections as well.

We hope you find this information useful and it gives you a better understanding of the diverse and complex work being performed in the Hazardous Waste Program.

Thank you,



David J. Lamb

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Federal Facilities

Kansas City Plant – A Federal Facilities Site on the Move

The Kansas City Plant has been located within the Bannister Federal Complex since 1949. Its owner, the U.S. Department of Energy, or DOE, is moving it to a new location at the National Security Campus eight miles south of its current site. Currently, the plant resides on a site dealing with several health-related concerns and environmental issues.

These issues are mostly due to chemical and facility emissions associated with the production of nuclear weapons parts and legacy contamination associated with the Department of Defense, or DOD, airplane production. Health and environmental issues are of concern to citizens who work and live around the site. To provide independent oversight of these issues, the Missouri Department of Natural Resources signed an *Agreement in Principle* with DOE. The department's Federal Facilities Section has been responsible for environmental oversight, monitoring and emergency response associated with this plant since Oct. 1, 1994.

The *Agreement in Principle* between DOE's National Nuclear Security Administration, or NNSA, and the department's Federal Facilities Section is unique for the Hazardous Waste Program because it is a non-regulatory agreement. The Federal Facilities Section acts as an independent agency with security clearance to provide environmental oversight, community relations assistance and emergency management planning for both the current site and the new National Security Campus. Security clearance allows the Federal Facilities Section to address all areas of the plant and provide the public with assurances security issues are not impacting health and environmental issues at either site.

The department is the appropriate agency to provide oversight because of the agency's on-going mission to protect public health and the environment. The department's oversight focuses on how facility operations and discharges impact people and the environment. The department reviews documents and on-site inspections then provides observations to DOE and the public on the facility's impact. Protection of and commitment to the citizens of this state, through responsible government, are an integral part of the department's mission.

A good example of this commitment is the work being done at the Kansas City Plant. Although sampling work remains a focus, the *Agreement in Principle* also provides staff with the opportunity to provide assistance about the current issue facing the plant. DOE is currently in the process of determining the future of the current Kansas City Plant.

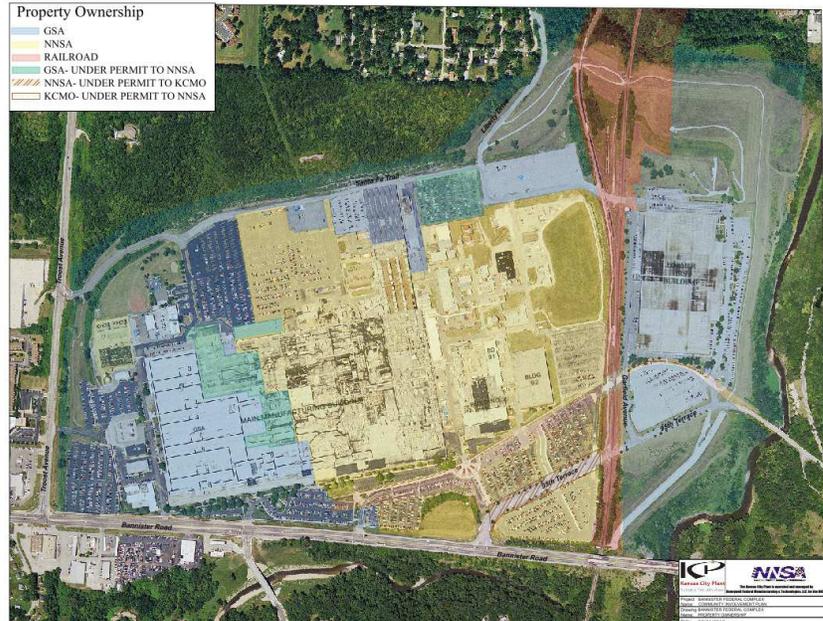
Agreement in Principle

Allows an independent agency with security clearance to:

- Monitor waste management activities.
- Review various facility documents relative to national issues, proposals and plans.
- Participate in emergency preparedness and response activities

Site History

The old site for the Kansas City Plant is located 13 miles south of downtown Kansas City and sits on 136 acres. DOE shares the complex with the General Services Administration, which leases to other federal agencies. The Kansas City Plant is a government-owned, contractor-operated facility operated by Honeywell Federal Manufacturing & Technologies LLC, for the NNSA. The plant produces and procures non-nuclear parts for nuclear weapons, including electrical, electronic, electromechanical, mechanical, plastic and non-fissionable metal components.



May 2013 community involvement plan.

DOE operations began at the Kansas City Plant in 1949. Also, from 1942 to 1964, the DOD used a major portion of the plant as an airplane engine production facility. On-site releases of hazardous materials from both of these federal agency operations resulted in contaminated soil and groundwater. Releases from an underground tank farm, a trichloroethylene reclamation facility, a plating building and other industrial practices, resulted in contamination of large areas of soil and groundwater. The soil and resultant groundwater plumes contain solvents, polychlorinated biphenyls and petroleum products.

The DOE/NNSA is currently working on a multi-faceted program to transform the Kansas City Plant. The program, Kansas City Responsive Infrastructure Manufacturing and Sourcing, will include moving the plant to a new location. On Jan. 23, 2013 the Kansas City Plant officially began the move from the Banister Federal Complex to the National Security Campus. The new site is located at Highway 150 and Botts Road in Kansas City.

When working with the DOE/NNSA, there are three main areas that Federal Facilities Agreement in Principle staff participate in:

1. Emergency management planning.
2. Coordination and public awareness.
3. Environmental monitoring program.

Emergency Management Planning

In 2012, department employees attended a Kansas City Plant emergency exercise related to the move to the Botts Road site. The exercise scenario was set within the context of a relocating Kansas City Plant and included elements of an actual event that occurred within the plant earlier in the year.

At the end of 2012, staff attended a tabletop emergency exercise about the move to the Botts Road site. The tabletop exercise was designed to assess the coordination among Honeywell Facilities Management and Technology, the contractors for the move to the new facility, the Kansas City Police Department, the Kansas City Fire Department and the hazardous waste response contractor that will be used for any off-site accidents. The scenario for this exercise involved an accident en route for a truck moving materials from the current plant to the new facility on Botts Road.

Coordination and Public Awareness

In 2010, a Community Advisory Panel, or CAP, was established for the Bannister Federal Complex. Federal Facilities Agreement in Principle personnel were invited by CAP members to and attended CAP meetings.

In 2011, the federal and state stakeholders including the DOE/NNSA, General Services Administration, EPA and the department formed a group to create and provide input into a community involvement plan for the Bannister Federal Complex. The review process on the draft community involvement plan began in April 2012 and the final plan was approved by the department in spring 2013.

Agreement in Principle staff have also played a vital role in commenting about technical documents including a screening level risk assessment draft work plan, an application for the State Operating Permit for the National Pollution Discharge Elimination System for stormwater discharges at the Bannister Federal Complex and documents associated with the National Environmental Policy Act process.

Environmental Monitoring Program

Agreement in Principle staff are active Stream Team participants and sample streams around the site of the current plant. They established and sampled two new stream team sampling sites on Indian Creek. Stream Team sampling is part of a national program for monitoring stream health.

Objectives For The Rest Of The Year

Agreement in Principle staff expect to focus heavily on two issues at the complex. First, coordination and public awareness, due to the current media focus for the Bannister Federal Complex and the move to the new site on Botts Road. Second, coordination will continue among the department and the federal agencies involved in the site due to the work plans in development.



Stream team members sampling water in Indian Creek, near the outfalls for the Bannister Federal Complex.

Brownfields/Voluntary Cleanup Program Certificates of Completions

Brownfields are real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

Through the voluntary cleanup program, private parties agree to clean up a contaminated site and are offered some protection from future state and federal enforcement action at the site in the form of a “no further action” letter or “certificate of completion” from the state.

The Brownfields/Voluntary Cleanup Program issued 13 certificates of completion for various sites from January through March 2013. This brings the total number of certificates of completions to 687.

Antioch Center Mall - Kansas City

The Antioch Center Mall site located at N.E. Vivion Rd. and N.E. Chouteau Trafficway in Kansas City has been developed since the 1960’s as a shopping mall and consists only of the mall building. Additional structures located on the property, including a Sears Auto Service Center and Goodyear Tire store were not included in this project and are not covered by this certificate of completion.

Phase I and II environmental site assessments identified asbestos-containing materials, or ACM, and lead-based paint, or LBP, inside the subject building, as well as a leaking hydraulic cylinder from an out-of-use elevator. These materials were removed from the building in accordance with an approved remedial action plan and approximately half of the subject building was subsequently demolished. The leaked hydraulic fluid was determined to be negligible. Some limited material was left in place and encapsulated within remaining portions of the structure.

The program approved an operations and maintenance plan detailing locations of the encapsulated material. This plan includes measures to prevent exposure from these materials and it is filed in the property’s chain of title. The department determined this site is safe for its intended use. The remaining portions of the subject building will undergo some renovation and continue to operate as retail businesses.

Gate City Bank Building - Kansas City

The Gate City Bank Building site is located at 1111 Grand Blvd. in Kansas City and is a 0.1 acre site. This building consists of seven stories and a basement with a total area of 42,000 square feet. The site was developed prior to 1896 and used for various retail and vendors shops. Gate City National Bank and various other retail shops and offices occupied this space from 1920 to 1970. Since the 1970’s, the building has been used for office space and nightclubs. A phase I environmental site assessment was conducted at the site. Recognized environmental conditions included nearby dry cleaners and gas stations. Asbestos-containing material and lead-based paint were also identified in the building.

A phase II environmental site assessment was conducted and no evidence of a release from nearby dry cleaners or gas stations was found. Some LBP was removed, some was left in place and encapsulated and all ACM was removed. An operations and maintenance plan for maintenance of remaining paint was written and filed in the chain of title for the property. All miscellaneous hazardous materials were removed and disposed. The department determined this site is safe for its intended use.

The Gate City Bank Building was redeveloped as the Ambassador Hotel-Kansas City, a boutique hotel.

Chillicothe Correctional Facility - Chillicothe

The Chillicothe Correctional Facility site, located at 1500 Third Street in Chillicothe was developed between 1900 and 1930 and was formerly used as a correctional center for female inmates.

Site investigations revealed the presence of lead-based paint and asbestos-containing material within some of the 26 buildings remaining on the site. Clean-up activities included ACM abatement, LBP removal and hazardous materials removal. Abatement was performed using local, state and federal regulations. All ACM was properly removed, packaged, labeled and loaded for transport to an off-site facility for proper disposal. LBP was scraped, removed and properly disposed of as well. An inventory and profile was developed for all hazardous materials located throughout the facility, such as paint cans, degreaser, cleaning supplies, fluorescent lamps, ballasts, etc. Hazardous materials were collected and recycled when possible or taken to an approved off-site disposal facility. The department determined this site is safe for its intended use.

After cleanup, this property will be transferred to a developer and the campus will be converted into a mixture of residential, office and commercial space, including public athletic fields. The City of Chillicothe is in a period of economic expansion and is in need of more housing.

Hardy's Truck & Auto Parts - Springfield

The Hardy's Truck & Auto Parts site is located at 3604 and 3616 W. Chestnut Expressway in Springfield. Historic uses of this property include an automotive machine shop, repair shop and parts sales. The business is inactive.

Site investigations indicated the presence of various petroleum and chemical products, sandblast sand from the former machine shop operations, in-ground oil-water separator and associated sump, tanks, piping and stained soil. A former water supply well was present inside the machine shop. Remedial actions included closing a former water supply well, since it was found to be inoperable. Sand-blast sand and near surface soil were excavated and disposed off-site at the City of Springfield Landfill. Liquid wastes and sludge were pumped from the oil/water separator and two associated tanks prior to excavation. The two metal tanks, after removal from the ground, were cut open, inspected and cleaned. The cleaned tanks were taken to a metal scrap yard and the piping was disposed at the City of Springfield Landfill. Groundwater samples were collected and indicated no impact above residential risk-based target levels. The department determined this site is safe for its intended use.

39th and Prospect Northwest Redevelopment Project - Kansas City

The 39th and Prospect Northwest Redevelopment Project site consists of eight parcels located at 3838, 3840, 3846, 3850 Prospect, 3841, 3843 Wabash, 2500 and 2508 East 39th St. in Kansas City. This site is .841 acres and is part of a larger ALDI grocery store development. Past uses of these parcels include a gas station with auto repair shop at the 2500 East 39th St. parcel as well as several dry cleaners and a paint store on other parcels. Four underground storage tanks, or USTs, were pulled at the 2500 East 39th St. location in September 2009.

Site investigations indicated petroleum and lead present in the soil and groundwater on the property. A Missouri Risk-Based Corrective Action, or MRBCA, tier 1 risk assessment was performed to evaluate the risks to future occupants and receptors. The representative concentrations were below residential risk-based target levels. The concrete building slab and footings, product piping and hydraulic lift were removed from the former Andrew's Garage property. Soil sampling was conducted and soils impacted above residential standards were removed. A groundwater use assessment, in accordance with the

MRBCA guidance, was completed. This assessment determined the water bearing unit would not be considered an aquifer with respect to potential future use. The remediation was successful and no further action is necessary to meet unrestricted use of the site. The department determined this site is safe for its intended use.

The Former Edcor Safety - Kansas City

The former Edcor Safety site is located at 1708 Campbell St. in Kansas City. This brick multi-level building occupies 44,913 square feet and was used for commercial, office and warehouse space. Constructed in stages from early 1900 to 1960, past uses of the property include a lumber company, roofing company, battery company, chemical companies and a safety equipment company. Two underground storage tanks were present on-site, with the facility ID ST0003163. These tanks were removed and a letter was sent in 1992 indicating no further action was necessary.

Site investigations revealed the presence of chlorinated solvents and associated degradation products in soil and groundwater. Concentrations above the default target limits, or DTLs, were found in the loading dock area on the southeast corner of the building in relation to a former underground storage tank area. Four quarters of well monitoring and a tier 1 risk assessment were conducted to find the risk posed by the chemicals of concern in soil and groundwater. Results indicate concentrations are below limits or the exposure pathway is incomplete. The site qualifies for unrestricted residential use. No site remediation will be required. The department determined this site is safe for its intended use.

The Former Ehlers Property - Springfield

The former Ehlers Property site at 1420 W. College St. in Springfield is located near Jordan Creek, close to the intersection of College and Kansas Expressway. Previous uses of this site include; a bulk oil/filling station, from prior to 1933 to at least 1969; Smith Starter Service from 1983 to 2006; and Stone Effects - maker of cast concrete architectural products, from 2006 to 2011. The City of Springfield purchased the site in 2011.

An underground storage tank release was discovered in 2001 and closed out by the department in 2006. Contamination detected during investigation met standards acceptable for restricted, or non-residential, use.

Petroleum contamination was discovered in 2001 and investigated by the owner at that time under the oversight of the department's Tank Section. Site investigations found petroleum contamination at depths ranging from 8- to 12-feet below ground, which was apparently released from underground storage tanks and where it migrated along the top of bedrock toward Jordan Creek. The contamination was likely related to storage tanks for a bulk distribution and service station that occupied the site from the 1930s through the 1960s, prior to tank registration regulations. No tanks had ever been registered with the department and none were located during the investigation. Contamination detected during that investigation met standards acceptable for restricted, or non-residential, use with no remediation required. The site was issued a no further action letter by the Tank Section in 2006.



Ehlers Property - before

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The city's planned future use of the site was green space. Fill was to be removed to re-contour the creek bank to create space for flood waters. The large-scale removal of soil and fill on the site would expose the zone of subsurface contaminated soil, so the city planned to remove it during the recontouring project. The cleanup goal was to reach levels suitable for unrestricted use, as well as protection of aquatic life in the creek from any newly exposed soil. Contaminants remaining at the site included benzene, naphthalene and gasoline range organics. Surface fill in a few areas of the site had elevated levels of lead typical of urban fill.



Ehlers Property - after

In 2012, following the approved remediation plan, remaining buildings were demolished, clean overburden was stockpiled and contaminated soil was removed from a large excavation through the center of the site extending to the top of bedrock. Three undocumented underground storage tanks, likely associated with the former service station, were discovered. The cleanup achieved target levels suitable for unrestricted use of the site.

The tanks were removed and scrapped and 2,497 cubic yards of soil were disposed at a sanitary landfill. The site was restored with a gentle slope to the creek which provides flood control for the area. The site was planted in native grasses, shrubs and trees. The department determined the site is safe for its intended use.

The site is part of a large scale effort by the City of Springfield, in cooperation with the U.S. Army Corps of Engineers, to reduce flooding at Jordan Creek by removing historic fill along the creek banks and restoring stormwater capacity. The site investigation was funded by EPA Brownfield Assessment grants, and the cleanup grant was obtained through the Environmental Improvement and Energy Resources Authority funded by EPA using American Recovery and Reinvestment Act funds.

Chanute Gustine - St. Louis

The Chanute Gustine site located at 4444 Gustine Ave. in St. Louis is a 2 ½ acre site operated by a manufacturer of dry cleaning cartridges and canisters for water chillers. The property was developed in 1948 and past uses included manufacturing polystyrene car seats. The site is located down gradient of Koppers coal tar plant, which is undergoing Superfund response action.

Site characterization activities indicated trichloroethylene, or TCE, in soil and groundwater at levels exceeding the Missouri Risk Based Corrective Action default target levels with one soil sample also exceeding non-residential risk based target levels, or RBTLs. Chloroform was also detected in soils at levels exceeding DTLs. A risk assessment was conducted and determined no risk exists to residents, non-residents or construction workers from either the soil or groundwater contamination. Four quarters of groundwater monitoring showed the groundwater contaminants to be stable or decreasing. The department determined this site is safe for its intended use and it will continue to operate as a manufacturing facility.

Amber Lakes Lots 412, 420, 421 and 422 - Kansas City

Amber Lakes 412, 420, 421 and 422 are four subdivision lots located between 10122 and 10126 N. Maywood Ave. in Kansas City. These lots comprise a portion of a site where a buried pipeline ruptured on March 11, 2008, releasing 7,100 gallons of gasoline. This site is part of a residential subdivision developed for new home construction. During the initial response action 3,200 tons of impacted soil was removed and 30,000 gallons of impacted groundwater was collected from two recovery trenches. An initial investigation showed some residual impact to soil and groundwater from the gasoline release.

After the initial emergency response, sampling was conducted to confirm all contaminants were removed. No contaminants were found above the default target levels the lowest risk-based target levels in the Missouri Risk-Based Corrective Action guidance. Following this, groundwater sampling was conducted, including installing a permanent groundwater monitoring well, and no contaminants were found. A groundwater collection trench, installed during the emergency response action, was removed. Following the trench removal, confirmation sampling was conducted. No contaminants above the DTLs were found. The department determined these four lots are safe for their intended use. Other lots at the Amber Lakes subdivision are still being investigated.

QuikTrip 202 - Independence

The QuikTrip 202 site located at 16501 E. U.S. Hwy. 40 in Independence is the former Stephenson's Family Restaurant and Apple Market. Based on a review of historical resources, the subject site was owned by the Stephenson family since approximately 1920, and generally operated as a restaurant, orchard and market since that time. Historically orchards are known to be routinely treated with pesticides and other chemicals. The by-products of pesticides may include arsenic and lead.

Site investigations indicated surficial soil contained dieldrin, an organochlorine pesticide, above the Missouri Risk-Based Corrective Action Default Target Levels. Arsenic and lead were also detected in soils at the site but were within background concentrations for Jackson County. Remedial action included excavation and removal of dieldrin-impacted surficial soils in the area of the proposed retail store building. Asbestos containing material was also removed from the former Stephenson Restaurant prior to demolition. A cistern was abandoned and covered during one of the many additions to the restaurant. The abandoned cistern was uncovered by the construction contractor during the demolition of the restaurant and properly closed. The department determined this site is safe for its intended use. A new Quik Trip store will be located at the site.

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Sites in Brownfields/Voluntary Cleanup Program

	Active	Completed	Total
January	254	675	929
February	248	679	927
March	241	687	928

New Sites Received

January

Carousel Building, Eldon
 Preferred Family Healthcare, St. Louis
 SRG Global - Farmington, Farmington
 Market Street Office Building, St. Louis
 McKnight Cleaners, Rock Hill

February

St. Louis FMGP #2, St. Louis

March

CMC Recycling, Joplin
 Farfields, Sunset Hills

Sites Closed

January

Antioch Center Mall, Kansas City
 Gate City Bank Building, Kansas City

February

Chillicothe Correctional Facility, Chillicothe
 39th and Prospect Northwest Redevelopment
 Project, Kansas City
 Edcor Safety (former), Kansas City
 Hardy's Truck & Auto Parts, Springfield

March

Chanute Gustine, St. Louis
 Ehlers Property (former), Springfield
 QuikTrip 202, Independence
 Amber Lakes Lot 420, Kansas City
 Amber Lakes Lot 421, Kansas City
 Amber Lakes Lot 422, Kansas City
 Amber Lakes Lot 412, Kansas City

Drycleaning Environmental Response Trust Fund

The department’s Drycleaning Environmental Response Trust, or DERT, Fund provides funding for the investigation, assessment and cleanup of releases of chlorinated solvents from dry cleaning facilities. The two main sources of revenue for the fund are the dry cleaning facility annual registration surcharge and the quarterly solvent surcharge.

Registrations

The registration surcharges are due by April 1 of each calendar year for solvent used during the previous calendar year. The solvent surcharges are due 30 days after each quarterly reporting period.

Calendar Year 2012	Active Dry Cleaning Facilities	Facilities Paid	Facilities in Compliance
Jan. - March 2013	189	71	37.57%

Calendar Year 2013	Active Solvent Suppliers	Facilities Paid	Suppliers in Compliance
Jan. - March 2013	11	8	72.73%

Cleanup Oversight

Calendar Year 2013	Active	Completed	Total
Jan. - March 2013	25	11	36

No New Sites Received or Closed

Missouri Department of Natural Resources - Hazardous Waste Program

Reimbursement Claims

The applicant may submit a reimbursement claim after all work approved in the work plan is complete and the fund project manager has reviewed and approved the final completion report for that work. The fund applicant is liable for the first \$25,000 of corrective action costs incurred.

	Received	Under Review	Paid/Processed
January	1	3	1
February	0	2	1
March	0	2	0

	Received	Under Review	Paid/Processed
January	\$3,160	\$49,930.36	\$10,314.29
February	\$0	\$29,112.40	\$7,860.36
March	\$0	\$144,245.53	\$0

Reimbursement Claims Processed:

Site Name	Location	Paid
First Capitol Cleaners	St. Charles	\$10,314.29
Grandview Plaza	Grandview	\$7,860.36

Total reimbursements as of March 31, 2013: \$2,133,530.96

DERT Fund Balance as of March 31, 2013: \$958,105.01

Inspections and Assistance

Regional Office Hazardous Waste Compliance Efforts

Conducted 109 hazardous waste generator compliance inspections:

- 11 at large quantity generators.
- 57 at small quantity generators.
- 30 at conditionally exempt small quantity generators.
- Nine at E-waste recycling facilities.
- One targeted re-inspection.
- One resource recovery inspection.

Conducted 14 compliance assistance visits at hazardous waste generators.

Issued 46 letters of warning and two notices of violation requiring actions to correct violations cited during the 109 inspections conducted.

Received and investigated a total of 52 citizen concerns.

Hazardous Waste Compliance and Enforcement Efforts

Conducted 11 inspections of commercial hazardous waste treatment, storage and disposal facilities, or TSDs. One that resulted in the issuance of a letter of warning and two that resulted in the issuance of notices of violation. One inspection was also conducted at a non-commercial TSD.

- Resolved and closed eight hazardous waste enforcement cases.
- Finalized six settlement agreements.
- Referred one facility to the Attorney General's Office.
- Received two new enforcement cases.
- Issued one letter of warning and one notice of violation.

Underground Storage Tank Compliance and Technology Unit

New Unit Name

The Tank Compliance and Enforcement Unit recently changed its name to the Underground Storage Tank Compliance and Technology Unit, or UST-CTU. We believe this new name closely reflects the level of staff's time and efforts in providing technical and regulatory information. They also are responsible for assisting tank owners and operators in the pursuit to remain compliant with laws, regulations and safety concerns. Enforcement measures are used by the unit when compliance is avoided or delayed without approval and when other efforts to prompt compliance are not successful. Enforcement remains an important component in this unit's work.

Heather Peters serves on the National Work Group on Leak Detection Evaluations

This group is comprised of 10 members who represent various states and one member from the U.S. Environmental Protection Agency, or EPA. Each member is a state or federal employee whose job is to regulate storage tanks for their agency's regulatory program.

The National Work Group on Leak Detection Evaluations, or NWGLDE's, mission is to:

- Review leak detection system evaluations to determine if each evaluation was performed in accordance within acceptable leak detection test method protocol.
- Ensure leak detection systems under review meet EPA and other regulatory performance standards, if applicable.

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- Review only draft and final leak detection test method protocols submitted to the work group. This is to be accomplished by a peer review committee ensuring protocols meet equivalency standards stated in the EPA standard test procedures.
- Make results available to interested parties through NWGLDE's List of Leak Detection Evaluations for Storage Tank Systems. This list includes storage tank and associated piping leak detection equipment that has undergone third-party evaluations and found by the work group to meet evaluation requirements contained in accepted protocols.

There is a website version and a current edition version of the list. The website version of the list is updated continuously and has the most up-to-date information available but cannot be readily downloaded. The current edition version of the list is easily downloaded, but is only updated approximately once a year.

Those who wish to have their equipment included on NWGLDE's list may go to NWGLDE's website at <http://www.nwglde.org> for information about the necessary requirements and procedures to submit the proper documentation to the work group.

Tank Installation Inspection Efforts

The CTU has long recognized the importance of assuring tanks and piping are installed correctly and safely to help assure long-term compliance and to avoid catastrophic and costly petroleum releases. The CTU has renewed its efforts with staff inspecting each new installation for which the department is notified. These inspectors verify that installations are done in accordance with manufacturer's requirements and with state and federal regulations.

They also provide technical assistance to owners and installers before, during and after installation. In addition, staff must:

- Review notifications for compliance and assure all information is included.
- Check to see if manufacturers and installers have the necessary financial responsibility in place.
- Check to see if installers are certified for the type of tank, piping and equipment being installed.
- Assess compatibility of equipment with product to be stored.
- Manage inspection scheduling.

Staff also coordinates with and informs partners such as the Petroleum Storage Tank Insurance Fund, the Missouri Department of Agriculture, local agencies and the department's regional offices, about the unit's activities in this regard.

January through March 2013, the CTU staff completed four settlement agreements for UST enforcement with financial responsibility, or FR, violations. UST owners/operators subject to FR requirements must have a financial mechanism in place to pay for cleaning up a site if a release occurs, to correct environmental damages and to compensate third parties for injury to their property and themselves. Releases can be costly and FR is an important component in protecting the health and property of tank owners, operators and neighbors. As a result of the dedicated efforts by the UST CTU staff, the number of facilities without a verified financial responsibility mechanism is now less than 30.

Polychlorinated Biphenyl Inspector

The Polychlorinated Biphenyl Inspector conducted 20 compliance inspections at various types of facilities throughout the state. The inspector's reports are forwarded to the U.S. EPA Region 7, which has authority for taking any necessary enforcement action regarding PCBs according to the Toxic Substances Control Act.

Hazardous Waste Transporter Inspector

The inspector conducted 18 commercial vehicle inspections. As part of the Commercial Vehicle Safety Association's protocol, the department sends the inspection reports to the Missouri State Highway Patrol. The transporter must certify to the Patrol the violations were corrected.

The inspector sent 19 letters to inactive, unregistered or conditionally exempt small quantity generators companies who shipped either small or large quantities of hazardous waste. These facilities are required to register as generators with the department. Two notices of violation were issued to unlicensed transporters.

As of March 31, 2013, there were 257 licensed hazardous waste transporters in state. The number of licensed hazardous waste transporters has slowly increased over the past two years.

Hazardous Waste Enforcement Unit

Midwest Container Reconditioning Settlement Agreement - Columbia

Midwest Container Reconditioning is a large quantity generator with an operating facility in Fulton and a now closed facility in Columbia. The company cleans and reconditions drums. The facility failed to:

- Determine if waste was hazardous.
- To register as a hazardous waste generator with the department.
- Use a licensed hazardous waste transporter to transport more than 55 gallons of used oil at a time.
- Keep containers of used oil in good condition.
- Clearly label used oil containers with the words "Used Oil."
- Keep containers of used oil exposed to rainfall closed.
- Store hazardous waste in accordance with storage requirements.
- Use a manifest system.
- Provide all records relating to hazardous waste management.

As a result of the department's actions, the facility revised its operations to prevent unwanted wastes from accumulating and to allow for proper waste determinations. Also, the facility no longer self-transported used oil and now uses licensed hazardous waste transporters, resulting in consistent use of manifests. These actions resulted in protection of the environment and adjoining property and persons, and safer working conditions for facility employees.

The final penalty assessed is \$33,000, with an additional \$2,902.17 for cost recovery of department expenses. Of the \$33,000, \$11,000 is suspended contingent the facility not commit any repeat or class I violations for three years following the effective date of the settlement agreement. The remaining penalty of \$22,000 shall be paid in eight quarterly payments of \$2,750 each to the Boone and Callaway county school funds.

Gregory Container Inc. Settlement Agreement - Kahoka

Gregory Container Inc. is a large trash dumpster fabricator located in Kahoka. The facility failed to:

- Register as a hazardous waste generator.
- Determine if waste was hazardous.
- Use a permitted treatment, storage or disposal facility.
- Use containers in good condition to store hazardous waste.
- Keep containers closed while in storage.
- Package, mark and label waste per U.S. Department of Transportation requirements during the entire on-site storage period.
- Mark accumulation start date on containers of hazardous waste.

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- Clearly mark containers "Hazardous Waste."
- Inspect weekly and maintain facility.
- Take precautions to prevent accidental ignition or reaction of ignitable waste.
- Conduct daily inspections of areas subject to spills.
- Operate and maintain the facility to minimize the possibility of an emergency.
- Train personnel to respond to emergencies.

Other violations included:

- Operating as an unpermitted treatment, storage or disposal facility.
- Storing hazardous waste in excess of the allowable 180 days.

As a result of the department's actions, the facility removed all hazardous waste from the facility, entered into a contract with a licensed waste hauler and instituted new procedures to ensure compliance with the regulations. These actions resulted in protection of people, the environment and adjoining property and safer working conditions for facility employees.

The final penalty assessed is \$24,000, of which \$10,000 is suspended contingent the facility not commit any repeat or class I violations for two years following the effective date of the settlement agreement. The remaining penalty of \$14,000 shall be paid in four quarterly payments of \$3,500 each to the Clark County school fund.

Aluminum and Brass Foundry Settlement Agreement - Independence

Aluminum and Brass Foundry is located in Independence. The facility failed to:

- Submit an updated notification of regulated waste activity.
- Have placards available for transporters.
- Keep containers in satellite accumulation closed.
- Keep accumulated quantities under 55 gallons.
- Take full containers in the satellite accumulation area to the storage area within three days of filling.
- Mark containers with contents and start date of accumulation.

Store satellite containers at the point of generation and under the control of the operator of the process that generates the waste.

- Operate and maintain the facility to minimize the possibility of an emergency.
- Post locations of fire extinguishers and spill control equipment near the telephone.

As a result of the department's actions, the facility:

- Revised waste handling procedures to ensure no more releases to the environment would occur.
- Purchased proper labels for the transporter to use.
- Developed and implemented a new and much more extensive training program in hazardous waste management for employees.

The final penalty assessed is \$1,700 to be paid in quarterly payments of \$425 each to the Jackson County school fund.

Missouri Pesticide Collection Program Update

Last summer, fall, and this spring, the department's Hazardous Waste Program and Environmental Services Program staff oversaw the Missouri Pesticide Collection Program. The Missouri Pesticide Collection Program is part of a supplemental environmental project funded by Walmart in settlement of a hazardous waste enforcement case and executed by The Environmental Company. The settlement agreement was signed in March 2012 and required \$1,050,000 be spent to provide an opportunity for farmers and households in Missouri to properly dispose of their waste pesticides and herbicides.

Missouri Department of Natural Resources - Hazardous Waste Program

ENFORCEMENT

The 2012 collection events were completed in October with more than 68,000 pounds of waste collected from nine different locations across Missouri. About half of the funds were expended. On Jan. 7, 2013 Walmart officially requested to extend the program through the year and two collection events have already been completed as of the end of this quarter. Currently staff of the Hazardous Waste Program and the Environmental Services Program is planning for the additional events including selecting the exact locations and additional advertising. A brief overview of the completed events, locations and dates for potential upcoming events are:

March 9, 2012 – West Plains collected 6,065 lbs.

March 23, 2012 – Mexico collected 11,915 lbs.

April 6, 2013 – Maryville

April 20, 2013 – Trenton

May 18, 2013 – Troy

June 1, 2013 – Lamar

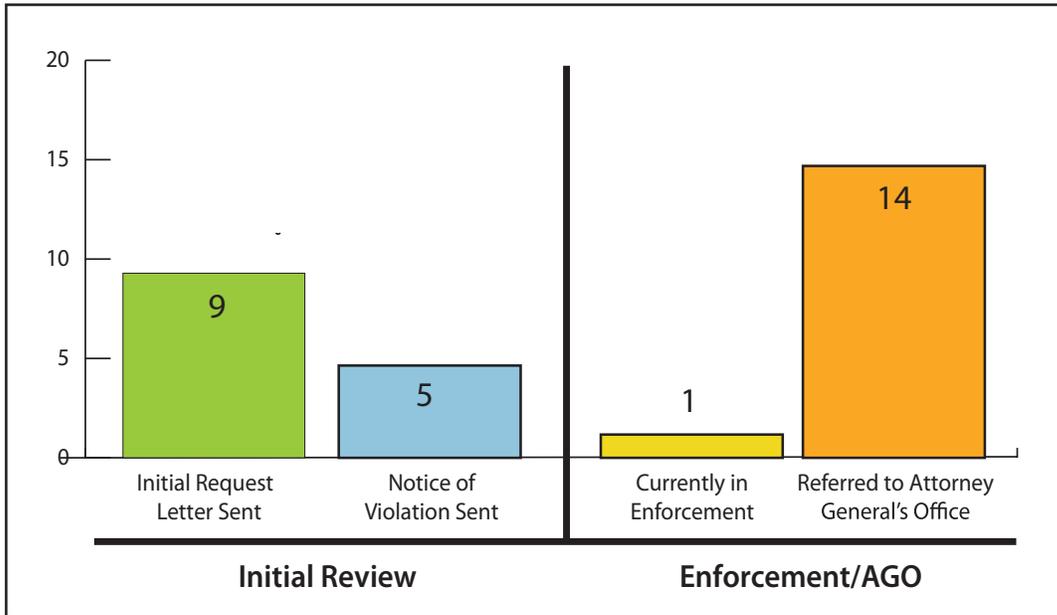
June 15, 2013 – Salem

June 29, 2013 – Clinton

At this time, the events in Troy and Lamar are scheduled to go forward, and funding should be available for the Salem event. A final decision regarding the Salem event will be determined after the Troy event, the local contacts for the Salem event were informed and a location was determined. As stated in previous updates, the events will only continue as long as funds remain, so all of these events may not be possible. However, the public will be informed as soon as possible of any plans or any cancellations. For more information or questions about the pesticide collection program, visit <http://www.dnr.mo.gov/env/hwp/pesticide/>, or contact Andrew Reed at 573-526-2736.

Underground Storage Tank Facilities with Unknown Financial Responsibility Status Report

Financial Responsibility Status	Number of Facilities
Initial Request Letter Sent	9
Notice of Violation Sent	5
Currently in Enforcement	1
Referred to Attorney General's Office	14
Total Number of Facilities with Unknown Financial Responsibility	29



**This semi-monthly report is derived directly from a copy of the UST Database and provides a "snap-shot" of the status for each active underground storage tank facility not covered by a proper Financial Responsibility Mechanism.*

Department Approves Missouri Hazardous Waste Management Facility Permit Class 3 Modification for Green America Recycling LLC

Green America Recycling LLC's Class 3 permit modification request was submitted to the department on Nov. 30, 2012. This was a revision of the original request dated April 30, 2012, asking to modify its existing Missouri Hazardous Waste Management Facility Part I Permit. The company requested the modifications be addressed before renewal of its hazardous waste permit.

The draft permit modification identifies the facility name as Green America Recycling LLC, or Green America; however, the permits are issued to and regulate activities performed by both Continental Cement Co. LLC and Green America Recycling LLC. Continental Cement Co. LLC operates the dry process cement kiln permitted to burn hazardous waste. Green America Recycling LLC operates the on-site hazardous waste fuel programs, which includes receiving, sampling, off-loading, storing and processing the liquid and solid hazardous wastes received at the permitted facility.

Green America Recycling LLC requested to modify the Part I Permit to build a Subpart X Miscellaneous Treatment Unit to convert processed solid waste-derived material into a synthetic gas that will be used as alternative fuel in the pre-calciner portion of the kiln system. The new unit would be housed in an extension to the existing feed barn building.

After a thorough technical review of the permit modification request, on March 19, 2013, the department issued Missouri Hazardous Waste Management Facility Part I Permit Modifications, effective immediately. The final permit modifications allow Green America Recycling LLC to build the Subpart X Miscellaneous Treatment Unit, allowing it to manage the processed solid waste-derived material in a more efficient manner. The modified Part I Permit will remain in effect until the permit renewal under review is finalized and a new Part I Permit is issued.

Keeping Our Staff Safe - HAZWOPER Training

According to the Missouri Hazardous Waste Management Law, companies that want to actively treat, store (for more than 90 days) or dispose of hazardous waste in Missouri are required to get a hazardous waste permit. Some "inactive" hazardous waste treatment, storage or disposal facilities are also required to have a hazardous waste permit in order to investigate, monitor and clean up hazardous waste releases to the environment at their facility.

As mentioned in previous articles, the permits section issues these permits after extensive review of the companies permit application to make sure they follow state and federal laws and regulations and study of the design and operation plans of the facility for sound engineering practices.

After issuing the permit, the permits section continues to watch over the construction and operation of the facility until it eventually closes. These activities require our staff to visit the facility on several occasions to make sure the facility continues to follow state and federal laws and regulations and the permitted activities. In the case of cleanup, or corrective action activities, employees investigate possible releases and may take samples of contaminated media. Any time staff is at a site, they have the potential of being exposed to hazardous waste.



Missouri Department of Natural Resources - Hazardous Waste Program

Because of its amount, concentration, physical, chemical or infectious characteristics, hazardous wastes may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness, or death; or may pose a threat to the health of humans or other living organisms. The department provides its employees with training programs to ensure staff are aware of the potential hazards they may encounter and have the necessary knowledge and skills to perform the required activities with minimal risk to their health or the environment

The Hazardous Waste Operations and Emergency Response, or HAZWOPER, section of the Occupational Safety and Health Act, outlined in the Code of Federal Regulations 29 CFR 1910.120, is the centerpiece of worker protection standards for handling hazardous materials. The original HAZWOPER standards were the U.S. Department of Defense's Hazardous Waste Operations regulations used to direct the clean-up of spills and toxic waste left at military bases after World War II.



Notification signs help alert workers of potential hazards.

Today's HAZWOPER regulations grew out of several hazardous waste incidents:

- The 1978 Love Canal incident involved a chemical company that buried toxic waste in a landfill in the northern section of Niagara Falls, New York, and then sold it for development. The site officially covered 36 square blocks.
- The Valley of the Drums incident drew national attention in 1979, as one of the country's worst abandoned hazardous waste sites. During a 10-year period, thousands of drums were discarded in pits and trenches over a 23-acre site in Bullitt County, Kentucky.

The first HAZWOPER guidelines were created in 1984, with input from the Occupational Safety and Health Administration, or OSHA, and EPA. The regulation known as the Hazardous Waste Operations and Emergency Response became final on March 6, 1989, and effective in March, 1990. The purpose of the standard is to ensure chemical hazards in the workplace are identified and evaluated and information concerning these hazards is communicated to employers and employees.

The HAZWOPER standards describe five operations that fall within the scope of the regulations.

1. Cleanup operations required by a governmental body, whether federal, state, local or other, involving hazardous substances conducted at uncontrolled hazardous waste sites. This includes, but is not limited to, EPA's National Priority Site List, state priority site lists, sites recommended for the NPL and initial investigations of identified sites where a possible release has occurred.
2. Cleanup operations at sites covered by the Resource Conservation and Recovery Act of 1976, or RCRA.
3. Voluntary cleanup operations at sites recognized by federal, state, local or other governmental bodies as uncontrolled hazardous waste sites.
4. Operations involving hazardous waste at treatment, storage and disposal facilities regulated by RCRA. The Missouri Hazardous Waste Management Law combines the RCRA requirements EPA authorized Missouri to implement with other requirements that Missouri has added.

5. Emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

One thing worth mentioning is these standards apply to all private sector and federal government employees. OSHA has no authority to enforce regulations protecting state and local government employees. The HAZWOPER requirements in 29 CFR 1910.120 do not apply to state and local governmental workers unless that state elects to develop and implement its own OSHA-approved Occupational Safety and Health Plan. Missouri does not have a delegated OSHA program, so Missouri is not required to comply with 29 CFR 1910.120. However, under the Superfund Amendments and Reauthorization Act, section 126(f), EPA was required to issue standards for hazardous waste operations and emergency response that are identical to OSHA's standards. These standards are located in 40 CFR 311 - Worker Protection. Although both OSHA and EPA's HAZWOPER standards contain identical provisions, EPA and OSHA address different audiences. EPA's authority extends to state and local government employees conducting hazardous waste operations and emergency response in states that do not have a delegated OSHA program in effect.

The major requirements of the HAZWOPER standards are training for personnel engaged in the handling or use of hazardous substances, a written site-specific health and safety plan, use of personnel protective equipment when needed and development of an emergency response plan. There are several levels of training based on the work the employee will be performing and the level of the hazard they will be facing.

The department ensures its employees receive a level of training consistent with their responsibilities and potential for exposure to hazardous materials. Permits Section staff who go to hazardous waste sites are required to take the 40-hour HAZWOPER training before visiting their first site. The 40-Hour HAZWOPER training course covers chemical and physical hazard recognition, hazard controls, selection of personal protective equipment, air monitoring, respiratory protection, site control, decontamination, site-specific operations (drum handling, trenching and excavation, etc.) and an introduction to emergency response. There is also hands-on training and exercises to provide an opportunity to become familiar with equipment and safe practices in a non-hazardous setting. The purpose of hands-on training, such as putting on and taking off protective equipment and using air monitoring equipment, is to ensure employees have an opportunity to learn by practical experience.

A yearly 8-hour HAZWOPER refresher training is also required to maintain the initial training certification. The 8-hour HAZWOPER training courses are updated annually to reflect any changes in regulations. The courses also cover a refresher in chemical and physical hazard recognition, hazard controls, selection of personal protective equipment, respiratory protection, site control, decontamination, and any new topics to ensure employees receive adequate training.

Department Attends the Annual Petroleum and Convenience Store Association Exposition

Staff from the tanks section recently attended the Petroleum and Convenience Store Exposition of Mid-America, or PACE, held at the Kansas City Convention Center on March 1 and 2. PACE is the premier Midwest tradeshow with more than 4,000 attendees from Missouri, Kansas, Iowa and Nebraska. This regional tradeshow attracts many key industry leaders and features the latest in petroleum and convenience store products, tank system equipment, hardware, soft goods, technology, the hottest new trends and services.

Staff had a chance to meet and inform members of the industry in an informal setting. Materials displayed by department staff included *Missouri Resources* magazine, a variety of department fact sheets about underground storage tank management and other underground storage tank publications. Many questions were answered, policies discussed and even a few compliments were received.

Staffing the booth from the tanks closure unit was Chris Veit from the closure, release and investigations unit, along with Heather Peters from the compliance and enforcement section petroleum storage tank enforcement unit. The tanks section chief, several members of the tanks section and staff from compliance and enforcement section attended the exposition.

New Staff in the Tanks Section

The Tanks Section welcomed some new staff members in the last six months. Justin Buckler joined the risk-based corrective action unit in November 2012. Justin is deep in the process of learning the tanks risk-based corrective action process for petroleum tanks. Justin is a project manager for approximately 100 release projects.

Theresa Bullock joined the closure, release and investigations unit in February and is working on reviewing abandoned sites and sites where there are no responses to requests for investigation. She is working to find potential responsible parties and moving non-compliant owners or operators through the process. Her efforts may result in several cases moving forward through the enforcement process. For the abandoned sites, she is organizing them for inclusion for further work, including writing risk assessments and moving these sites to closure.

Steven Lang, an Environmental Engineer, came from the Water Protection Program to the tanks section in March. The tanks section is seeing a significant increase in sites that require corrective action plans, or CAPs, which require engineered remediation systems to achieve "No Further Action" status. The tanks section had to use other Hazardous Waste Program sections for review of these documents, as the tanks section did not have a professional engineer able to sign and seal a comment letter regarding a CAP. The addition of Lang provides oversight of these engineered systems and many of the tanks section staff will benefit from the increased mentoring and training in hydrogeological principles, contaminant fate, transport and exposure and engineering principles."

Tanks Section Planning Workshop at the Missouri Waste Control Coalition Conference

The Hazardous Waste Program's tanks section is participating on the Missouri Waste Control Coalition to plan the 2013 Missouri Waste Coalition Conference, or MWCC, at the Tan-Tar-A Resort at the Lake of the Ozarks from June 30 through July 2. This will be the sixth annual workshop in conjunction with the MWCC events. This conference is targeted toward environmental consultants who provide services to tank owners and operators.

The conference provides consultants with information and training regarding the Missouri Risk-Based Corrective Action for petroleum tanks, new monitoring well regulations, training about the Ricker Plume Stability method and other remediation topics.

The workshop includes department staff, along with private consultants, private laboratories and others. EPA may also participate in the conference as an exhibitor and in a supporting role.

**Petroleum Storage
Tanks Regulation
March 2013**

Staff Productivity	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	TOTAL
Documents received for review	158	184	160	206	163	131	163	162	166	0	0	0	1,493
Remediation documents processed	91	123	146	131	112	131	116	116	134	0	0	0	1,100
Closure reports processed	8	20	16	8	14	14	15	10	13	0	0	0	118
Closure notices approved	16	10	16	17	12	5	11	9	10	0	0	0	106
Tank installation notices received	7	12	2	5	2	6	8	3	12	0	0	0	57
New site registrations	2	7	9	5	3	2	7	1	3	0	0	0	39
Facility Data													
Total in use, out of use and closed USTs	40,425	40,441	40,478	40,501	40,511	40,522	40,542	40,541	40,536	0	0	0	
Total permanently closed USTs	31,072	31,095	31,146	31,173	31,185	31,221	31,249	31,271	31,317	0	0	0	
In use and out of use USTs	9,335	9,341	9,346	9,343	9,324	9,299	9,288	9,265	9,219	0	0	0	
Out of use USTs	836	843	850	837	832	840	848	847	837	0	0	0	
Total hazardous substance USTs	398	398	398	398	398	398	399	399	398	0	0	0	
Facilities with in use and out of use USTs	3,557	3,562	3,563	3,562	3,555	3,548	3,545	3,538	3,528	0	0	0	
Facilities with one or more tank in use	3,260	3,260	3,259	3,263	3,263	3,258	3,254	3,249	3,243	0	0	0	

Closures

Underground Storage Tanks	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	TOTAL	All Yrs
Closure Reports Reviewed	8	20	16	8	14	14	15	10	13	0	0	0	118	
Closure Notices Approved	16	10	16	17	12	5	11	9	10	0	0	0	106	
Number of Tanks Closed (Closure NFA)	30	23	59	27	13	31	38	30	58	0	0	0	309	

Cleanup

Underground Storage Tanks	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	TOTAL	All Yrs
UST release files opened this month	11	7	10	10	5	15	6	5	5	0	0	0	74	6,497
UST cleanups completed this month	4	12	23	11	6	6	9	5	17	0	0	0	93	5,610
Ongoing UST cleanups	907	905	894	892	892	901	899	899	887	0	0	0		
Aboveground Storage Tanks														
AST release files opened this month	3	1	1	0	3	0	2	1	0	0	0	0	11	456
AST cleanups completed this month	0	2	2	1	2	0	0	1	0	0	0	0	8	266
Ongoing AST cleanups	193	192	189	189	190	190	191	190	190	0	0	0		
Both UST and AST														
Total release files-both UST & AST	0	0	0	0	0	0	0	0	0	0	0	0	0	75
Cleanups completed-both UST & AST	1	0	1	0	0	0	0	0	0	0	0	0	2	46
Ongoing cleanups-both UST & AST	29	29	28	29	29	29	29	29	29	0	0	0		
Unknown Source														
Total release files-unknown source	0	0	0	0	0	0	0	1	1	0	0	0	2	213
Cleanups completed-unknown source	0	0	0	0	0	0	0	0	0	0	0	0	0	174
Ongoing cleanups-unknown source	18	16	15	14	13	12	11	12	13	0	0	0		
Documents Processed	91	123	146	131	112	131	116	116	134	0	0	0	1,100	
*Reopened Remediation Cases	1	1	0	0	0	0	0	0	0	0	0	0	2	76

*Reopened Remediation Cases was added Nov. 18, 2009 - the cumulative total has been queried and a running total will be tracked/reported with the FY 2010 Tanks Section Monthly Reports.

Effective December 2008 tanks with unknown substance will be included in total figures. Some measures are re-calculated each month for all previous months to reflect items added or edited after the end of the previous reporting period.

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 8**

Legal Update

Issue:

Routine update to the Commission on legal issues, appeals, etc.

Information:

Information Only

Presented by:

Tim Blackwell, Missouri Attorney General's Office

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 9**

Public Inquiries or Issues

Recommended Action:

Information Only

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 10**

Other Business

Recommended Action:

Information Only

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**August 15, 2013
Agenda Item # 11**

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
Thursday, October 17, 2013	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, December 19, 2013	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, February 20, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, April 17, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, June 19, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, August 21, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

Recommended Action:

Information Only