

Missouri Department of  
**Natural Resources**

## MISSOURI HAZARDOUS WASTE MANAGEMENT COMMISSION

**Hazardous Waste Program  
Permits Section Update  
December 19, 2013**

Richard Nussbaum, P.E., R.G.  
Hazardous Waste Program – Permits Section




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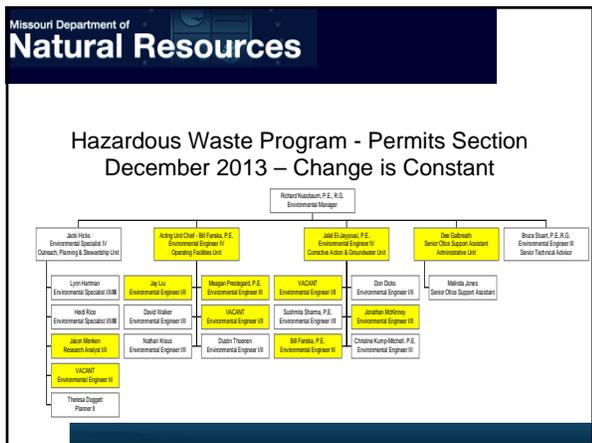
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## The Hazardous Waste Facility Universe

- HW TSDs Subject to Permitting
  - Operating
  - Post-Closure
  - Corrective Action
- Current and Former (clean-closed) Interim Status Facilities
- Resource Recovery Facilities
- Non Universe Technical Assistance

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### Our Regulatory “Instruments”

- Missouri Hazardous Waste Management Facility Part I Permits
- Other Permit Types - Research Development and Demonstration, Emergency, Remedial Action Plans (RAPs)
- Corrective Action Abatement Orders on Consent
- Letters of Agreement
- Resource Recovery Certificates

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### Common Misconceptions

- Missouri Hazardous Waste Management Facility Part I Permits are “RCRA” Permits
- Permits Expire and Become Null and Void
  - Statutory limits on permit term (10 years)
  - Permit do expire but can be “continued”
  - Timely and complete application submitted 180 days prior to expiration date or up to expiration date with approval
- “Continued” Permits Cannot Be Modified

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### Permit Streamlining Efforts

- House Bill 1251 (No stricter than federal)
  - 2012 Session - 10 CSR 25 Chapter 7 permitting regulations with no state statutory underpinning to be rescinded
- House Bills 28/650
  - 2013 Session – Department-initiated changes to HW law to remove additional statutory underpinnings affecting permitting so that additional permitting regulations will be rescinded

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### House Bills 28/650

- Rescinds these permit-related requirements
  - Post-closure permit requirement (Post-closure facilities)
  - Five year permit reviews at operating HW land disposal facilities (2 facilities affected)
  - Health, environmental and economic profiles at HW treatment and disposal facilities (11 facilities affected)
  - Transportation route and emergency response evaluations at new HW treatment, disposal and resource recovery facilities
  - Habitual violator reviews

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### Interim Regulatory Approach

- Rulemaking complete by December 31, 2015, else affected rules are void except that requirements of current permits (including those that are continued) remain effective until modified or reissued
- Interim approach to state HW permit requirements may involve one or more options
  - Scheduling flexibility in application submission and permit issuance
  - Permit schedules of compliance
  - Mutual agreements
  - Variances
- EPA position regarding interim rule enforcement unknown

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### Other Permit Streamlining Efforts

- **EPA Coordination**
  - HSWA Part II Permits no longer issued unless substantive regulatory requirements exist that the state has not adopted and/or been authorized
- **ASTSWMO Participation**
  - Long-standing participation/input via HW Subcommittee's Corrective Action & Permitting, Program Operations and HW Recycling Task Forces
- **ECOS Involvement**
  - Advocating 40 CFR 270.42 permit modification class revisions

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### How the Regulated Community Can Help

- **Pre-submission:**
  - Discussions/sharing of drafts with the HWP's Permits Section
  - Working markup sessions and periodic coordination calls
- **Submissions that are:**
  - technically sound
  - properly supported (e.g., mod. class, temp authorization)
- **Post-submission:**
  - Ongoing prioritization of pending mods/activities and communication of those priorities to the HWP's Permits Section
  - Don't modify previously submitted modifications, especially in the middle of agency review. This causes needless delay, potential confusion and extra expense.

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### Other Permits Section Initiatives

- **Corrective Action Project LEAN**
  - Cooperative Venture of EPA Hdqs, Regions 7, 3, States, ASTSWMO, Industry and Consultants
  - Missouri and Virginia participating by invitation
  - Intended to streamline the corrective action process



RCRA RFI Process		
Process Stats	Current Process	Future Process
# of Hand-offs - Internal to Agency	44	11
# of Reviews / Approvals	33	7
# of Loopbacks / Re-dos	24	2
# of Documents generated	94	15
Total Avg. wait time in process	4.6 yrs	0.6 yrs
Total Avg. work time per process steps	14.8 yrs	4.7 yrs
TOTAL Avg. Cycle time in Process	19.4 yrs	5.1 yrs
% Value Add activity in process*	10%	51%

By establishing a clear understanding up front amongst stakeholders and, making key decisions earlier in the process, years of time are saved

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### Other Permits Section Initiatives

- **Enhanced Public Information Availability**
  - Web posting of permits, permit modifications, etc.
  - LTS Database population
  - Creation and organization of electronic documents




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### Challenges

- Customer Service
  - National GPRA Goals (Corrective Action & Permitting)
  - Facility Class 2 and 3 Permit modifications and timing
- 30 year post-closure care periods
- Staff turnover, hiring and training

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### Questions?

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