

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
August 21, 2013; 10:00 A.M.
1730 E. Elm Street
Roaring River Conference Room
Jefferson City, MO 65102

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

The meeting was videoed and will be available on the Commission's web page.

COMMISSIONERS PRESENT IN PERSON

Chairman Deron Sugg
Vice Chairman Charles Adams
Commissioner Mark Jordan
Commissioner Michael Foresman

The phone line was opened at approximately 9:30 a.m. for Commissioners calling in to today's meeting.

COMMISSIONERS PRESENT BY PHONE

Commissioner Andrew Bracker
Commissioner Elizabeth Aull

Chairman Sugg called the General Session to order at approximately 10:02 a.m.

1. PLEDGE OF ALLEGIANCE

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

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

Chairman Sugg proceeded to Agenda Item #3

3. NEW COMMISSIONER INTRODUCTION

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission and provided biography information on Mr. Mark E. Jordan; noting that he had been appointed to the Commission by the Governor on June 19, 2014, to fill the Retail Petroleum Industry

Representative position that had been created by HB28, which passed during the 2013 legislative session. Mr. Lamb advised that Mr. Jordan was active in the petroleum industry, was active with several stakeholder groups and was currently the Vice-Chair of the Petroleum Storage Tank Insurance Fund Advisory Committee. Mr. Lamb welcomed Mr. Jordan and noted that the Program looked forward to working with him during his tenure on the Commission.

Mr. Jordan was given an opportunity to address the Commission and attendees, where he thanked Mr. Lamb for the introduction and noted he was also looking forward to working on the Commission.

2. APPROVAL OF MINUTES

- General Session minutes from the June 19, 2014, meeting, with Commissioner Aull requesting one correction to the time noted that Commissioner Frakes joined the meeting by phone; the time was corrected to indicate 10:32 a.m.:

Commissioner Foresman made a motion to approve the General Session minutes with the above noted correction. Commissioner Aull seconded the motion.

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

4. RULEMAKING UPDATE

Mr. Tim Eiken, Director's Office, Hazardous Waste Program, addressed the Commission and advised that updates to the Commission had recently focused primarily on, and staff were still working on, meeting the provision of the "No Stricter Than"(NST) legislation that had been passed by the legislature, which had prompted a whole series of changes to the Hazardous Waste regulations. He stated that the draft rule text had been developed and the Regulatory Impact Report (RIR) had been prepared. He noted that the RIR was still under management review for approval to publish, and once approval was received, it would be out in the local newspapers, on the web and then out for the 60 day comment period. He advised that comments received, and the Department's responses, would then be posted. Mr. Eiken went on to advise that filing of the package is proposed later this year in order to meet the statutory deadline of having the rules in place by December 2015. He noted that there would be a public hearing and the rule package would be brought before the Commission for a vote during this process.

Mr. Eiken then advised that there were a couple of other items that he wished to touch on and noted that work was still being done to the underground storage tanks (UST's) rule changes. He stated that Heather Peters had presented information at the previous meeting on what was going on at the federal level. He noted that, as a response to the Energy Policy Act, the U.S. Environmental Protection Agency (EPA) was working on their rule related to UST's and the Department was still waiting for that. He stated that provisions of the federal rule would

require changes to the state rule, and we would have to wait and see how their rule was worded.

He then noted that there were other EPA rulemakings the Department was keeping an eye on, with a couple of significant ones that were being watched. Mr. Eiken stated other EPA rulemakings that were hazardous waste related included the Coal Ash rule, which is otherwise referred to as Coal Combustion Residuals. He advised that at this time there were two proposed ways this rule would develop; 1) with it being classified as hazardous waste, or 2) with it being classified as solid waste. He noted that the EPA was leaning towards classification as a solid waste at this time. He also advised that there was a court imposed deadline of December 2014 for this decision and that the Department was monitoring this to see how it goes.

Mr. Eiken also stated that the Department is looking at the new 'definition of solid waste' rule. He advised that this rule set up conditions as to when certain hazardous secondary materials are recycled and the exemption of these materials if they met certain conditions. He advised that Missouri did not adopt the federal rule when it came out in 2008, as there were reservations as to the protectiveness of the rule. He went on to note that changes were proposed to the rule in 2011 that made it more protective, and the final wording should be coming soon. He stated that the NST statute provides Missouri with the authority to maintain its exclusion to that particular rule and that Missouri did have the authority to leave this out of the state's regulations.

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.

5. COMMON HAZARDOUS WASTE VIOLATIONS AND RESPONSES

Ms. Kathy Flippin, Chief - Compliance and Enforcement Section, HWP, addressed the Commission and provided a PowerPoint presentation, noting it would cover the basis for enforcement actions, the applicable laws and regulations, the common hazardous waste violations, how the Department communicates with the generator, the regulated party response and how the Department follows up to assure compliance.

Ms. Flippin's presentation covered the types of errors frequently found on the generator's report, and how inspectors addressed these issues. She advised she would be focusing on the "top ten" most common violations. She noted that those included failure to update generator status notifications, waste battery storage violations, used oil violations, satellite accumulation violations, failure to maintain contingency plans, failure to mark or label containers correctly, failure to adequately close containers, inadequate training of employees and failure to make a determination on the waste. Links to different Department forms and reference materials were provided in the presentation, along with an overview of the different types of forms and fees that were required.

Ms. Flippin also discussed the different types of enforcement efforts; i.e., notice letters, letters of warning, and notices of violations, outlining the criteria for each. Ms. Flippin provided photos of a variety of violations observed, detailing damaged barrels of unmarked waste, fluorescent bulbs that were improperly stored, used batteries that were broken and/or leaking, and used oil that was improperly marked or leaking on the ground.

During her presentation, Ms. Flippin noted that open containers are a frequent violation and outlined several preventative tips. She emphasized that training of staff was very important and provided several other tips that included: posting reminder signs; performing frequent self-inspections; letting employees choose the type of compliant closure device that works best for the waste; and that even with easy-close containers, the employees must understand the importance of closing them.

Ms. Flippin also advised that the requirements for documenting training were different between small and large quantity generators. She advised that with small quantity generators (SQGs), employees must be familiar with waste handling and emergency procedures; that the SQG must establish and review training and procedures; they must do performance based evaluations; and although there are no records required, the performance must match company policy. She explained that with large quantity generators (LQG), frequent violations occurred when they did not document training, did not provide adequate training, when they failed to keep training records onsite for three years on former employees (or until closure), and failed to make their Contingency Plan a part of annual training.

Ms. Flippin stated that the number one most frequent violation was failure to determine if the waste was hazardous. She advised that determination was a four step process that answers the following: is it a solid waste; is the waste excluded; is the waste listed; and is the waste characteristic? She advised that when determining waste, generators needed to consider if it is a waste vs. product; use formal testing; have existing generator knowledge of the process their facility goes through in generating the waste, and or a combination of methods.

Ms. Flippin noted that when determining waste vs. product, the generator must be able to answer the following questions: can you identify the product; is the product stored according to the recommendations of the Safety Data Sheets (SDS); is the container used to store the product in good condition; or is the product labeled "Quarantined," "Do Not Use," "Waste," or the like? Also, is the product currently used in the generator's processes; can another company use the product they no longer need; is the product stored and managed as though it has value; and is the material speculatively accumulated?

She advised that typically formal testing is used to determine corrosivity, reactivity, ignitability and toxicity. She noted that the results must be kept for three years and that testing was not useful for listed hazardous wastes. She advised that listed wastes need determinations made based on use of the material and processes that generate the waste, with comparison to the listing definition in the regulations.

Ms. Flippin stated that that when factoring generator knowledge of the waste to make a determination, the following needed to be taken in to account: don't simply trust the company selling you a product or piece of equipment; determinations must be "complete and accurate;" keep safety data sheets (SDS') and assure they remain current; and the SDS' and knowledge of process generating the waste may be used for listed hazardous waste. She advised caution in using only SDS' for waste determination as SDS' must only list components that are hazardous materials at 1% (i.e., 10,000 parts per million-ppm) or carcinogenic at 0.1% (1,000 ppm), and that SDS components may be changed and the person responsible for waste determinations may be unaware of this, meaning this is no longer an accurate waste determination.

Ms. Flippin provided tips for generators to reduce violations for failure to determine. She stated that a generator who has violations for failure to adequately determine the waste generally has other violations as well; and that failure to determine was a violation even if it is found that the waste is not hazardous. She noted that anything intended for discard needs a waste determination, and that generators should walk their process areas, looking in dumpsters, drums, sewers, etc. for wastes that may have escaped determination. She also advised that they should document all waste determinations and keep it up-to-date; that all units/activities must be permitted or exempt (and the generator should know why); that they should have a plan for compliance from point of generation, and should get and use a copy of the Department's Inspection Checklist. She also advised that ultimately waste determination begins at procurement, that generators needed to review all incoming materials, and it is good practice to require employees to log all waste containers before placing them in the facility (i.e., empty drums, cans, etc.) for tracking.

Ms. Flippin finished her presentation with an overview of the types of enforcement tools the Department issues (Letters of Warning and Notices of Violation), the response times and expectations. She noted that the Letters of Warning typically require the recipient to respond within 30 days of receipt and a Notice of Violation (NOV), requires the recipient to respond within 15 days of receipt. She advised that the Department's expectations were for a timely and complete response or submission of a schedule for completing all necessary actions to correct violations. She also advised that each violation requires a Department review of the regulated party's response and Department communication with the responsible party to request any additional documentation and Department oversight to assure violations are corrected. Department staff must then verify and acknowledge compliance and determine if further enforcement and/or civil penalties are warranted.

Ms. Flippin advised that the goals of these actions were the correction of violations, the collection of civil penalties for serious and repeat violations to prevent future violations and to remove the economic benefit for non-compliance. She noted that additional enforcement tools included administrative orders (which include both penalty and abatement orders); settlement agreements; and referrals to the Attorney General's Office for legal action when warranted; and that serious violations warrant a strong, consistent response. She also advised that the Department's inspectors are provided training on when a NOV should be issued, and

that when issuing an NOV, inspectors include all violations on the NOV, not just the most serious.

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

6. TANKS CLOSURE UPDATE

Mr. Chris Veit, Tanks Section, addressed the Commission and provided a PowerPoint presentation on closure trends over the past five years. He noted that in FY2010 the unit received 313 pieces of mail, and in 2014 they had received 199. He stated that he believed the numbers in 2010 were above the normal range as there was still American Recovery and Reinvestment Act of 2009 (ARRA) monies available for closures. Mr. Veit went on to explain that in FY 2014 the unit had received 140 closure reports and had issued 159 responses. He advised that the reports received were beginning to show an increase and noted he believed this was due to the recent regulation changes that required a site assessment within one year and removal within five years of taking a UST out of use. He noted that the responses were almost at the same level as incoming documents, but that those numbers did not include the approximately 164 closure notices that had also been issued in the past year.

Mr. Veit went on to explain that the trend in response numbers was going down with the number of reports going up and attributed that to better coordination with the contractors and owners which were generating quicker and more accurate submittals. He advised that more contractors were using the closure checklist, which listed all the information needed in the submission to ensure a faster closure effort.

Mr. Veit also advised that the number of tanks that have been closed, that have had a No Further Action (NFA) letter issued or have been administratively closed, was up to 383 for the last fiscal year. He noted that this was a slow but steady increase in closure activities. Mr. Veit explained that of the NFA's issued for FY14, 43 percent of them were closed at the Default Target Level (DTL); 31 percent were closed by the Remediation Unit after further work; and 26 percent were "Closure R's," which meant that there was contamination above the DTL but that with submission of reasonably anticipated future use (RAFU) forms, ecological receptor checklists, and groundwater investigations, they were able to be closed by the Closure Unit without any further delineation.

He also advised that staff have been doing closure inspections at the rate of about 30 per year. Mr. Veit explained that this equated to about one-third of the sites, but that this gave the Department first-hand knowledge of what was going on at a site and allowed the contractors an opportunity to ask questions at the time of the proposed closure and allowed staff to document findings. Mr. Veit provided photographs of several tank closure sites for the Commissioners to view.

Commissioner Jordan stated that it was his understanding that the 43 percent of the tanks sites that were closed at DTL's, they go to the Department for a review and are issued a NFA letter; and the 31 percent that close at remediation would close eventually? Mr. Veit responded affirmatively. He also advised that these were not necessarily representative of all the closure reports that have been received that year; it was just representative of what had gone out that fiscal year. Mr. Jordan stated that he was still not sure what the difference was between closed at remediation and Closure R's are. Mr. Veit explained that if information could be provided, such as a RAFU form, an ecological receptor checklist or a groundwater investigation for Closure R's, that the site could be closed by the Closure Unit. He also stated that if there was not enough information provided then the site would be referred to the Remediation Unit for further site characterization and risk assessment.

Chairman Sugg asked if Closure R's were more likely to occur in an area that is not used for residential activities or habitation. Mr. Veit advised that these sites could close at the residential level if they met the residential numbers.

Commissioner Jordan noted that he thought that a site that was above DTL's went to the Remediation Unit; with Mr. Veit responding that the Department had been using the process he had described for a while.

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

7. RCRA CORRECTIVE ACTION UPDATE

Mr. Rich Nussbaum, Permits Section Chief, addressed the Commission and provided a PowerPoint presentation, updating the Commission on the Corrective Action Project LEAN that he had provided information about at a previous meeting. He noted that government's LEAN project had been developed to examine the corrective action process to find better ways of addressing it in a more streamlined and efficient manner. He advised that a 2011 report from the U.S. General Accounting Office had spawned the activities and Mr. Nussbaum provided a graph outlining the evolution of the corrective action baseline since 2005. He noted that high priority sites were identified in a process in the early 2000's; which, beginning in 2005, showed 1714 sites nationally, 100 in EPA Region VII, and 36 sites in Missouri. He advised that the review was updated in 2008 showing the numbers were growing; with 1968 sites nationally, 109 in EPA Region VII, and 40 in Missouri.

Mr. Nussbaum went on to report that a 2020 baseline was created that estimated that there would be 3779 sites nationally, 204 sites in EPA Region VII and 69 sites in Missouri. He stressed that these were sites with the highest priority; but, since this was a future estimate, it did not represent all the sites that would be subject to corrective action. Mr. Nussbaum also advised that a future estimate beyond the 2020 baseline showed that ultimately there would be 6000 on the list, with 375 in EPA Region VII, and 93 in Missouri.

Chairman Sugg posed a question, inquiring “Does that mean that there are new factories being built or new producers that become part of the list or as time goes on the existing producers become part of the priorities that you are talking about?” Mr. Nussbaum responded “primarily the latter,” and advised that in this state a large proportion were facilities that were in former interim status who had filed for a Part-A Permit, or facilities that had closed. He noted that even of those who had “clean closed,” especially if they had closed before 1984 when the hazardous waste and solid waste amendments to the RCRA had come about, if everything had not been done correctly or in a timely manner, then they remained on the list for later investigation and cleanup. He did advise that there were a few new facilities nationally, with one or two in Missouri in the last few years.

Mr. Nussbaum provided slides outlining the goals of the 2020 baseline, the process that had been developed to meet these goals, and the current Missouri status.

Mr. Nussbaum then went on to address the question of “why is it taking so long to get this done?” He noted that there were a number of reasons, which included regulatory/guidance and Corrective Action process development and implementation; technical disagreements; inflexible work plans; human and financial resources; new/changing environmental standards regarding toxicology/exposure assumptions and vapor intrusion; and changing technology. Mr. Nussbaum provided several comments on how these reasons specifically affected Missouri, noting that with regard to financial resources, early in the process Missouri had received grant money, which is no longer available; and, that vacancies had been an issue as it was hard to get and keep the positions filled with trained personnel. Mr. Nussbaum outlined the regulatory/guidance elements and noted that the developments of rulemakings to allow for the changes in the process, take time. He also provided information on how the streamlined process had been developed and what had been done recently to speed the process up. He noted that it had taken several years to develop these processes and to get them approved and accepted.

Mr. Nussbaum advised that the government’s Corrective Action LEAN participants had held meetings in February 2013 and May 2014, developing processes for RCRA facility investigations (RFI) and completing a corrective measures study. Mr. Nussbaum noted that in the 2013 meeting that key “pain points” were identified and outlined how these were identified and what recommendations were made regarding them. He advised that one of the recommendations included a strategic forum for key stakeholders and decision makers. He noted that in Missouri this would include the EPA, the HWP, the Missouri Department of Health and Senior Services and the Missouri Geological Survey agency. Mr. Nussbaum provided an overview of the traditional vs future processes to address the issues noted. He also advised that they had identified what had been learned, and outlined the time savings that were estimated with the use of these new processes.

Mr. Nussbaum also provided information on the Missouri RFI LEAN Pilot Projects. He advised that these included the Zenith site in Springfield, that currently had a Bass Pro Shop on the property; and the Omnium site in St. Joseph, which was the former Farmland site. He advised that Farmland had gone through a bankruptcy and funds were available from that

bankruptcy, which were being looked at for the best use of the funds. Mr. Nussbaum informed the Commission that both of the sites were on the current baseline for dealing with national goals.

Commissioner Bracker thanked Mr. Nussbaum for the summary and the update and noted that he was encouraged to hear the process for corrective action at permitted facilities was undergoing this much scrutiny and potential improvement. Commissioner Bracker then inquired if there would be opportunities for additional projects and pilots. Mr. Nussbaum responded that there would be, but that the Department would have to be careful that they did not “bite off more than we can chew.” He noted that with the current lack of qualified staff, they did not want to overwork current staff; but, when current vacancies were filled, there may be opportunities to take on more pilot projects.

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

8. TANKS FINANCIAL RESPONSIBILITY

Mr. Michael Martin, Compliance and Enforcement Section, HWP, addressed the Commission and provided a PowerPoint presentation and update on the Department’s process for maintaining financial responsibility (FR) at tank sites. He noted that this process tried to prevent a trend of facilities not presenting FR mechanisms.

Mr. Martin noted that Missouri law and regulation requires tank owners and operators 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. And, that recognizing the importance of this, the Hazardous Waste Management Commission approved the usage of an expedited enforcement procedure to address these facilities in August 2008. He also advised that in 2008, of the 3,374 facilities required to have financial responsibility, 184 facilities lacked coverage, which equated to a 95% compliance rate.

Mr. Martin stated that as of July 15, 2014, of the 3,167 facilities currently required to have financial responsibility, only 32 are without verified coverage, equating to a 99% compliance rate.

He also advised that as of July 15, 2014, 12 of those sites have been referred to the Attorney General’s Office for legal action and 14 of those 32 have submitted applications to the Petroleum Storage Tank Insurance Fund and are pending approval for coverage, with staff currently in the process of issuing letters and Notices of Violations, and working to resolve the violation.

Commissioner Jordan inquired as to whether the ones without FR were ones that are persistent offenders or are these sites where FR is missing for a short period of time? Mr. Martin responded that the numbers represented both. Commissioner Jordan stated that it would be

useful to know how many of these were persistent offenders and how many are just a temporary status. Mr. Martin responded that it was a fairly consistent percentage.

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. QUARTERLY REPORT

Ms. Dee Goss, Public Information Officer, provided the Commission with an overview of the January through March 2014 Quarterly Report. Ms. Goss noted the types of information that were covered under the topics in the issue and provided the Commission with the opportunity to pose any questions on the material provided.

Chairman Sugg noted that, as always, the report was very well done.

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

10. LEGAL UPDATE

Ms. Kara Valentine, Commission Counsel, Office of the Attorney General, addressed the Commission and advised that she did not have any information to present to the Commission at this time.

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

11. PUBLIC INQUIRIES

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

12. OTHER BUSINESS

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission, beginning with updates on current Program issues. He advised that the Program was currently undergoing a Business Process Analysis, and that a contractor, Ferguson Consulting, had been awarded the contract. He stated that the analysis was intended to outline our business processes in order to help us determine how to better develop database tools, manage the Program's data and use electronic processes to make the Program more efficient. Mr. Lamb noted that the contractor had been working with all the sections and would be providing a briefing to staff the following day, along with their recommendations.

The next issue Mr. Lamb addressed was electronic reporting requirements brought on by the passage of the “No Stricter Than” bill. He advised that the bill had provisions that required the Department to go to electronic annual reporting for large quantity generators and TSD facilities. He advised that staff had been working with IT staff to get this put together and that they had an initial version and were close to development. He noted that the reporting system should be in place for the 2015 reporting cycle.

Mr. Lamb next provided an update on pesticide collection activities, noting that two events had been held to date; one in Perryville in May and one in Washington in July. He advised that there were approximately 80 participants for these events and that 6700 pounds of pesticides had been collected. Mr. Lamb stated that he felt the events were successful. He went on to advise that a third event was scheduled in Marshfield during this current week and that a fourth event was scheduled on September 27th in Shelbina. He noted that these were the only four events scheduled this year and that staff would be looking to start the planning for next year, and would be looking for locations for those events. Mr. Lamb stated that he would keep the Commission updated on the status as it developed.

The next item discussed by Mr. Lamb was regarding budget issues; as he noted that the Governor had recently announced a budget shortfall. He advised that as a result the Department had to close some of its satellite offices. He noted that for the Division of Environmental Quality, six offices had closed; those being in Maryville, Neosho, Kirksville, Cape Girardeau, Little Springs and Fredericktown. Mr. Lamb stated that 11 positions had been eliminated as a result, with the HWP losing 1.4 FTE at two of the satellite offices. Mr. Lamb explained that these were hazardous waste inspector positions, and that their loss would require the Program to make adjustments to the Program’s inspection plans. He advised that Enforcement staff would have to pick up some of the additional inspection workload as target numbers that were committed to the EPA needed to be maintained as the Program was being funded by the EPA at the same level. He noted that staff was continuing to work through these issues and that a plan was close to being finalized to address these shortfalls.

Mr. Lamb went on to advise that reductions in federal tank funding were also causing staffing issues. He stated that the reduction in funding necessitated one staff person in the Tanks Compliance and Technology Unit, being moved to a vacant position in another unit with more stable funding. He noted that this resulted in the need to shift and consolidate some of the duties of the Unit, specifically that financial responsibility and out of use tank work would now be handled by one person. He also noted that other work would have to be picked up by the remaining staff and that it would have an impact on the services provided by that Unit.

Mr. Lamb then discussed the issue of vacancies in the Program, noting that there had been a loss of several staff and that the Program had seen more retirements recently. He advised that Debbie Sessler, a planner in the Enforcement Section, had recently retired after 36 years of service and that Bob Hinkson, a Unit Chief in the Superfund Section, had recently announced

his retirement after 27 years of service. Mr. Lamb noted that the Program was lucky that both staff had agreed to come back as part-time employees, and that we would be able to maintain their institutional knowledge for a while, until additional staff can be hired and trained.

Mr. Lamb then discussed the scheduling of fee stakeholder meetings. He noted that no dates had been set yet, and that staff were working through this issue to start this effort. Mr. Lamb advised that the Program needed to go through the stakeholder process to get the fees into the rules, and noted that it was anticipated that these stakeholder meetings would begin this fall to try to get the fees in place by 2017. He noted if they were not started soon, they could not be in place until 2018.

Mr. Lamb finished with advising the Commissioners that they should have or would soon be receiving an email announcement that the Department was hosting a Governor's Conference on Natural Resources, scheduled to be held in Springfield on November 12th & 13th. He noted that this was first Governors conference ever focused on natural resources and that Board Members, Commissioners and other stakeholders would be invited. He stated that there was a goal to have between 250-300 people in attendance at the conference to discuss the challenges and opportunities facing Missouri's natural resources. Mr. Lamb advised the Commission that he hoped they could attend and that they should be seeing the invitation soon; but wanted to make sure they had the date for their calendars. He also stated that a Commissioner Training session was being looked at for the 11th, in conjunction with the conference; noting that this was Veteran's Day, and hoped that would not be an issue. He advised he would provide updates as he had the information.

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

Chairman Sugg announced that Ms. Carol Eighmey had requested to speak before the Commission.

(Paraphrased) Ms. Eighmey addressed the Commission and noted that she had been sitting there listening to Mr. Nussbaum's presentation, which she had found to be very informative. She advised that she had worked for DNR when the first federal and state hazardous waste laws were being enacted and could not help but see the difference between two programs, referencing the federal program, congressional laws, and EPA rules for cleanup of hazardous waste legacy pollution and the federal law for cleaning up legacy petroleum from underground tanks. She noted that these were "born" in the mid 1980's and were both designed very differently. She explained that the hazardous waste program was designed to be a federal program, with very complicated and "heavy handed" EPA oversight. She stated she had great respect for Mr. Nussbaum, and his efforts in trying to do clean ups in Missouri in what she could see was a very challenging regulatory environment. She stated that he and his colleagues were trying to reach a goal of 25 percent of legacy sites being cleaned up by 2018; this being done in 30 plus years.

Ms. Eighmey went on to state that the UST program was designed starkly differently. She noted that there were hundreds of thousands of legacy petroleum sites vs tens of thousands of hazardous waste sites. She went on to explain that the UST program was designed to be a state lead program, and was never designed as a federal program to be delegated to the state. She noted that all 50 states were given the opportunity to build corrective action cleanup programs that fit their state, and that all were very different. She advised that "our colleagues" in Maine and New Hampshire have far more private drinking water well issues than Missouri; that the states were very different, and colleagues in Arizona were dealing with different cleanup issues as Arizona's geology is different. She stated that the states have designed very effective cleanup programs for UST's and that the numbers were very different. She noted that the hazardous waste cleanup program had a goal of 25%, 30 years later; and the national legacy with tanks are that 85 percent have already been cleaned up and closed, according to EPA records.

Ms. Eighmey stated that this was something to celebrate and that Missouri's program has been a huge success, something that should be bragged about, and that this was something she wanted to point out about the difference between the two programs. She ended by saying that she was in no way downplaying the efforts that Mr. Nussbaum and his unit have made, that he has had a lot of challenges and that hazardous waste sites are sometimes more difficult to clean up than petroleum sites, but thought the numbers still told a story.

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

13. FUTURE MEETINGS

The next meeting of the Hazardous Waste Management Commission will be held on Thursday, October 16, 2014, at the 1730 E. Elm Street Conference Center.

Commissioner Foresman made the motion to adjourn the meeting at 12:07 p.m. The motion was seconded by Vice Chairman Adams.

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

Respectfully Submitted,


Debra D. Dobson, Commission Assistant

APPROVED


Deron Sugg, Chairman

10-16-14
Date