



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**

October 16, 2014

**Department of Natural Resources
Bennett Springs 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, August 21, 2014 – Commissioners

Information Only

3. Rulemaking Update – Tim Eiken, Director's Office, HWP

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4. E-Waste Report – Tony Pierce, Compliance and Enforcement, HWP
5. Commission Operating Policies Update – Tim Eiken, Director’s Office, HWP
6. Drycleaning Environmental Response Trust (DERT) Annual Report – Scott Huckstep, Brownfield Voluntary Cleanup Program, HWP
7. 2014 Pesticide Collection Events – Nicole Eby, Compliance and Enforcement, HWP
8. Tanks Update – Ken Koon, Tanks Section, HWP
9. Quarterly Report – Dee Goss, Public Information Officer, HWP
10. Legal Update – Brook McCarrick, Missouri Attorney General’s Office
11. Public Inquiries or Issues – David J. Lamb, Director, HWP
12. Other Business – David J. Lamb, Director, HWP
13. Future Meetings
 - Thursday, December 18, 2014 – 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: October 16, 2014

ROLL CALL ROSTER

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

Missouri Hazardous Waste Management Commission Meeting

October 16, 2014

Agenda Item # 1

Pledge of Allegiance

Missouri Hazardous Waste Management Commission Meeting

October 16, 2014

Agenda Item # 2

Approval of Minutes

Issue:

Commission to review the General Session minutes from the June 19, 2014, Hazardous Waste Management Commission meeting.

Recommended Action:

Commission to approve the General Session minutes from the June 19, 2014, Hazardous Waste Management Commission meeting.

GENERAL

SESSION

MEETING

MINUTES

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

Date

Missouri Hazardous Waste Management Commission Meeting

October 16, 2014

Agenda Item # 3

Rulemaking Update

Recommended Action:

Information Only

Presented by:

Mr. Tim Eiken – Rule Coordinator, Hazardous Waste Program

Missouri Hazardous Waste Management Commission Meeting

**October 16, 2014
Agenda Item # 4**

2014 E-Scrap Report

Issue:

Electronics Scrap Recycling (E-Scrap)

Information:

The Commission will be presented a summary of the E-Scrap Report that is prepared each year for the Legislature. The summary will include a brief history of the E-Scrap Program, current status, and projections for the future.

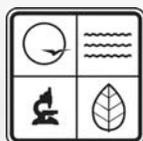
Recommended Action:

Information only.

Presented by:

Tony Pierce, Compliance & Enforcement

Missouri Department of Natural Resources - March 2014
A summary of the Annual
Electronics Manufacturing Recycling Report



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Introduction

Senate Bill 720 (part of which is also known as the “Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act”) was signed into law (E-Scrap Management Law) with an effective date of Aug. 28, 2008.

The E-Scrap Management Law requires manufacturers that sell equipment covered under the law in Missouri to implement "recovery plans" for the collection of, and consequent recycling or reuse of, their obsolete equipment. Covered equipment includes desktop, notebook or laptop computers, associated computer monitors or other display devices so long as they do not contain tuners and also the accompanying keyboards and mice associated with the computer of the same manufacturing brand. The recovery plans must specify how computers and computer accessories will be collected, recycled or reused at no cost to consumers. If a manufacturer does not have an approved plan, the law prohibits the manufacturer from selling its computers in Missouri. The manufacturers must also label their equipment to identify themselves as the manufacturer.

The E-Scrap Management Law requires manufacturers to submit annual reports to the department no later than January 31st of each year. The annual report includes a summary of the recovery program implemented by the manufacturer and the weight of covered computer equipment collected and recovered during the previous calendar year.

The department is required to compile the information submitted by the manufacturers and issue an annual electronic report to the House and Senate committees having jurisdiction over environmental matters. This report has been developed to fulfill the department’s reporting responsibility. This report is for the 2013 calendar year and includes data from the first partial year of the program (July 1, 2010 through December 31, 2010) combined with the entire calendar year of 2011, 2012, and 2013.

Background

The E-Scrap Management Law was created as an effort to establish convenient and environmentally sound collection, recycling and reuse of electronics that have reached the end of their useful lives. This offers an opportunity to reduce the amount of e-scrap being sent to landfills. Disposing of computers and computer monitors in landfills is not only a waste of resources, it could be a threat to the environment because e-scrap contains hazardous materials such as lead, cadmium and mercury. More than 90 percent of computer contents can be reused or recycled.

The law assigned many duties to electronics manufacturers, retailers and the department. Prior to implementation, the first duty to be fulfilled by the department was to promulgate rules.

Upon passage of the E-Scrap Management Law, the department convened three Electronics Recovery Workgroup meetings to develop draft rules. The department completed the formal rulemaking process to implement provisions set forth in the E-Scrap Management Law with the rule becoming effective April 30, 2010. The rule required manufacturers to submit recovery plans to the department by July 1, 2010.

Under the law, retailers, manufacturers and the department share responsibilities, as follows.

Retailer Responsibilities

Retailers of equipment defined in the law are not to sell, or offer for sale, a covered device in Missouri unless the manufacturer has submitted a recovery plan and received approval from department. In addition, retailers are not to sell or offer for sale a manufacturer's product if the manufacturer's brand label is not properly affixed.

Manufacturer Responsibilities

Manufacturers who produce, sell or import covered devices in the state of Missouri must adopt and implement a recovery plan that provides reasonably convenient collection services for consumers. Recovery plans must be filed with and approved by the department and must explain how collection and recovery of covered electronic devices will be provided at no charge to the consumer. Collection methods must also be available, and designed, to meet the needs of all Missouri consumers. Covered electronic devices must be labeled with the manufacturer's brand, which must be permanently affixed and visible.

In addition, manufacturers with websites providing product information regarding covered devices must include collection and recovery information for consumers and provide that information to the department.

Manufacturers must submit annual reports to the department no later than January 31 of each year regarding the amount of recovered e-scrap devices they have recycled in Missouri.

Missouri Department of Natural Resources Responsibilities

The department's role in administering the implementation of the E-Scrap Management Law included the following actions despite the challenges posed by the law allocating no funds/resources for the work and great challenges with currently existing and competing priorities.

[1.] The department adopted rules required to implement the requirements of the

E-Scrap Management Law. Under the law, the department must adopt mandatory standards for recycling or reuse of equipment. These standards can be either the standards set forth by the “Electronic Recycling Operating Practices” as approved by the board of directors of the Institute of Scrap Recycling Industries, Inc., or other standards issued by the U.S. Environmental Protection Agency. The department adopted both the institute’s standards and EPA’s “Responsible Recycling Practices For Use In Accredited Certification Programs For Electronics Recyclers.”

[2.] As required by the new rules, the department developed recovery plan submission forms and annual report forms with instructions for completion.

[3.] The department is required to educate consumers regarding the collection and reuse of equipment. This has been accomplished by establishing and maintaining a website to provide information about recycling and reuse of equipment including manufacturer’s recycling programs and recovery plans, and about computer equipment collection events.

[4.] The department is required to compile annual report information from manufacturers and issue an annual electronic report to the House and Senate committees having jurisdiction over environmental matters. This report is intended to fulfill that requirement.

[5.] The department must review and approve all manufacturer-submitted recovery plans and annual reports. The department has diligently worked with firms to produce compliant documents. As of the date of this report, 46 manufacturers have submitted recovery plans, and Hazardous Waste Program Compliance and Enforcement Section staff have reviewed and approved all 46 plans. The department continues to work with any companies who may submit recovery plans for review and approval.

[6.] The department may conduct audits and inspections, take enforcement action, and assess penalties against a manufacturer, retailer or recycler. The department has conducted inspections of recyclers that have registered with the voluntary E-cycle Missouri program. At the time of this report, the department has not taken enforcement action, assessed penalties, or conducted audits in relation to this law.

[7.] The department is also responsible for public education regarding collection and recovery of covered devices. To comply with this requirement, the department maintains a website with all requirements including additional links and information regarding recovery of covered devices.

Current Program Status

As noted above, along with its initial responsibility to promulgate the e-scrap rule, the department is responsible for consumer education initiatives, reviewing and approving recovery plans, audits and inspections of recycling facilities, enforcement actions and reporting of annual recycling statistics. While the law ostensibly included a mechanism to fund the costs to administer the department's requirements, the funding source is dependent upon collected penalties, which is prohibited by the Missouri Constitution.

The Missouri Constitution (Article IX, Section 7) requires all proceeds from penalties be paid to the appropriate local school district. Therefore, the proceeds (if any existed) cannot be used for the administration of the program.

The lack of dedicated funding for these efforts creates some challenges to program implementation. However, the department will strive to implement the E-Scrap Management Law to the best of its ability given these resource constraints.

A Summary of 2010 Annual Reports

During the six-month period between July 1 and December 31, 2010, a total of 20 manufacturers had approved recovery plans. These 20 manufacturers represented 35 brands. The manufacturers all submitted reports and recovered a total of 2,239,736 million pounds or nearly 1,120 tons of covered equipment. Since the collection period for 2010 was only six month, this is viewed as an encouraging amount of waste diverted from household waste, landfills and illegal dumping.

Below is a chart with individual manufacturer annual reporting data.

2010 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	34,415
Apple	45,386
ASUS	0
Dell*	325,450
Hannspree	0
HP	610
IBM	8
IPSG	4,150
Lenovo	0
LG	1,008
Medion	0
NEC	15,500
Nokia	0
Panasonic	1,015
Planar	0
Samsung	1,495,083
Sony	311,111
Toshiba	1,500
ViewSonic	4,500
Wacom	0
Total	2,239,736

*Dell accepts all brands in their takeback.

A Summary of 2011 Annual Reports

During calendar year 2011 the department reviewed and approved recovery plans for another thirteen manufacturers. This brought the total number of manufacturers with approved recovery plans to 33, representing 53 brands. There were four manufacturers that submitted recovery plans but were not approved until the end of the calendar year. These four manufacturers were not required to submit reports for calendar year 2011. All but one manufacturer submitted an annual report. Manufacturers reported collecting a total of 2,130,597 million pounds or just over 1,065 tons of covered equipment. Below is a chart with individual manufacturer annual reporting data.

2011 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	65,963
Apple	34,406
ASUS	4
Barnes&Noble	0
BenQ	0
Coby	0
Dell*	685,325
Hannspree	0
HP	243,520
IBM	0
IPSG	3990
Lenovo	0
LG	56,773
Medion	0
Motorola	0
MSI	0
NEC	12,000
Nokia	0
Panasonic	2,887.5
Planar	16
Polaroid	0
Premio	0
RIM	0
Samsung	489,812.5
Sony	531,877
Toshiba	23
ViewSonic	4,000
Wacom	0
Total	2,130,597

*Dell accepts all brands in their takeback.

The following were not required to submit a report for 2011: BestBuy, Cyberpower, System76, Westinghouse. Fujitsu did not submit a 2011 report.

A Summary of 2012 Annual Reports

During calendar year 2012 the department reviewed and approved recovery plans for another three manufacturers and reviewed updates for nine manufacturers. This brought the total number of manufacturers with approved recovery plans to 36, representing 57 brands. All registered manufacturers submitted an annual report. Manufacturers reported collecting a total of 1,985,411 million pounds or just over 992 tons of covered equipment. Below is a chart with individual manufacturer annual reporting data.

Missouri 2012 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	74,323
Apple	17,089
ASUS	0
Barnes&Noble	1
BenQ	0
BestBuy	377,151
Coby	0
Cyberpower	0
Dell*	422,092
Elo-Touch	0
Fujitsu	0
Hannspree	0
HP	209,299
IBM	2
IPSG	23,400
KOBO	0
Lenovo	0
LG	100,000
Medion	0
Motorola	0
MSI	0
NEC	10,000
Nokia	0
Panasonic	18,125
Planar	160
Polaroid	0
Premio	0
RIM	0
Samsung	246,909
Sony	479,000
System76	0
Toshiba	20
ViewSonic	8,000
Vizio	0
Wacom	0
Westinghouse	0
Total	1,985,411

*Dell accepts all brands in their takeback.

A Summary of 2013 Annual Reports

During calendar year 2013 the department reviewed and approved recovery plans for another three manufacturers and reviewed updates for 10 manufacturers. This brought the total number of manufacturers with approved recovery plans to 46, representing 67 brands. All registered manufacturers submitted an annual report. Manufacturers reported collecting a total of 3,329,360 million pounds or just over 1,330 tons of covered equipment. Below is a chart with individual manufacturer annual reporting data.

Missouri 2013 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	87,463
Apple	13,438
ASUS	0
Barnes&Noble	0
BenQ	0
BestBuy	366,374
Coby	0
Craig	0
Cyberpower	0
Dell*	605,598
Elo-Touch	0
Envision	0
Fuhu	0
Fujitsu	0
Google	0
Hannspree	0
Hisense	0
HP	226,034
HTC	5
IBM	0
Infotel	0
IPSG	25000
KOBO	0
Lenovo	0
LG	28,301
Medion	0
Microsoft	75,000
Motorola	0
MSI	0
NEC	3,545
Nokia	0
Panasonic	0
Planar	0
Polaroid	0
Premio	0
RIM	0
Samsung	1,495,094
Sony	400,000
System76	0
Toshiba	8
Verizon	0
ViewSonic	3,500
Vizio	0
Vox	0
Wacom	0
Westinghouse	0
Total	3,329,360

*Dell accepts all brands in their takeback.

A Summary of 2014 Data

During calendar year 2014, to date, the Department reviewed and approved recovery plans for another four manufacturers and reviewed updates for 12 manufacturers. This brought the total number of manufacturers with approved recovery plans to 50, representing 80 brands. Annual reports will be submitted after the end of the calendar year. Below is a chart with individual manufacturer listing.

Missouri 2014 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	
Amazon	
Apple	
ASUS	
Barnes&Noble	
BenQ	
BestBuy	
Cellco Partnership	
Craig	
Curtis	
Cyberpower	
Dell*	
Double Power Technology	
Elo-Touch	
Envision	
Fuhu	
Fujitsu	
Google	
Hannspree	
Hisense	
HP	
HTC	
IBM	
Infotel	
IPSG	
KOBO	
Leapfrog	
Lenovo	
LF Products	
LG	
Machspeed	
Microsoft	
Motorola	
MSI	
NEC	
Nokia	
Panasonic	
Planar	
Polaroid	
Premio	
RIM	
Samsung	
Sony	



System76	
Tongfang	
Toshiba	
ViewSonic	
Vizio	
Voxx	
Wacom	
Total	

*Dell accepts all brands in their takeback.



Celebrating 40 years of taking care of Missouri's natural resources.

Annual Electronics Manufacturing Recycling Report

Tony Pierce

October 2014



Celebrating 40 years of taking care of Missouri's natural resources.

Overview

- History
- Current status
- Projections



Celebrating 40 years of taking care of Missouri's natural resources.

History

- Senate Bill 720 (part of which is also known as the “Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act”)
 - Signed into law (E-Scrap Management Law) with an effective date of Aug. 28, 2008.



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E-Scrap Management Law

- Requires manufacturers that sell covered equipment in Missouri to implement "recovery plans" for the collection and recycling or reuse of, their obsolete equipment.



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E-Scrap Management Law

- Recovery plans must specify how covered equipment will be collected, recycled or reused at no cost to consumers.
- If a manufacturer does not have an approved plan, the law prohibits the manufacturer from selling its computers in Missouri.



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E-Scrap Management Law

- Covered equipment includes desktop, notebook or laptop computers, associated computer monitors or other display devices so long as they do not contain tuners.
- Tablets are included as a notebook/laptop



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E-Scrap Management Law

- Requires manufacturers to submit annual reports to the department no later than January 31st of each year.
- The department is required to compile the information submitted by the manufacturers and issue an annual electronic report to the House and Senate committees having jurisdiction over environmental matters.



Celebrating 40 years of taking care of Missouri's natural resources.

2010 Summary

- 20 manufacturers
- 35 brands
- 2,239,736 pounds (~1,120 tons)

2010 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	34,415
Apple	45,386
ASUS	0
Dell*	325,450
Hannspree	0
HP	610
IBM	8
IPSG	4,150
Lenovo	0
LG	1,008
Medion	0
NEC	15,500
Nokia	0
Panasonic	1,015
Planar	0
Samsung	1,495,083
Sony	311,111
Toshiba	1,500
ViewSonic	4,500
Wacom	0
Total	2,239,736



MISSOURI
DEPARTMENT OF
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2011 Summary

- 33 manufacturers
- 53 brands
- 2,130,597 pounds
(~1,065 tons)

2011 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	65,963
Apple	34,406
ASUS	4
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BenQ	0
Coby	0
Dell*	685,325
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Medion	0
Motorola	0
MSI	0
NEC	12,000
Nokia	0
Panasonic	2,887.5
Planar	16
Polaroid	0
Premio	0
RIM	0
Samsung	489,812.5
Sony	531,877
Toshiba	23
ViewSonic	4,000
Wacom	0
Total	2,130,597



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES



Celebrating 40 years of taking care of Missouri's natural resources.

2012 Summary

- 36 manufacturers
- 57 brands
- 1,985,411 pounds
(~992 tons)

Missouri 2012 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	74,323
Apple	17,089
ASUS	0
Barnes & Noble	1
BenQ	0
BestBuy	377,151
Coby	0
Cyberpower	0
Dell*	422,092
Elo-Touch	0
Fujitsu	0
Hannsree	0
HP	209,299
IBM	2
IPSG	23,400
KOBO	0
Lenovo	0
LG	100,000
Medion	0
Motorola	0
MSI	0
NEC	10,000
Nokia	0
Panasonic	18,125
Planar	160
Polaroid	0
Premio	0
RIM	0
Samsung	246,909
Sony	479,000
System76	0
Toshiba	20
ViewSonic	8,000
Vizio	0
Wacom	0
Westinghouse	0
Total	1,985,411



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES



Celebrating 40 years of taking care of Missouri's natural resources.

2013 Summary

- 46 manufacturers
- 67 brands
- 3,329,360 pounds (~1330 tons)

Missouri 2013 Electronics Manufacturer Takeback	
Manufacturer	Pounds Recovered
Acer	87,463
Apple	13,438
ASUS	0
Barnes & Noble	0
BenQ	0
BestBuy	366,374
Coby	0
Craig	0
Cyberpower	0
Dell*	605,598
Elo-Touch	0
Envision	0
Fuhu	0
Fujitsu	0

Google	0
Hannspree	0
Hisense	0
HP	226,034
HTC	5
IBM	0
Infotel	0
IPSG	25000
KOBO	0
Lenovo	0
LG	28,301
Medion	0
Microsoft	75,000
Motorola	0
MSI	0
NEC	3,545
Nokia	0
Panasonic	0
Planar	0
Polaroid	0
Premio	0
RIM	0
Samsung	1,495,094
Sony	400,000
System76	0
Toshiba	8
Verizon	0
ViewSonic	3,500
Vizio	0
Voxx	0
Wacom	0
Westinghouse	0
Total	3,329,360



MISSOURI
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2014 Summary

- 50 manufacturers
- 85 brands
- Amounts unknown at this time

Missouri 2014 Electronics Manufacturer Takeback	
Manufacturer	Recovered
Acer	
Amazon	
Apple	
ASUS	
Barnes&Noble	
BenQ	
BestBuy	
Cellco Partnership	
Craig	
Curtis	
Cyberpower	

Dell*	
Double Power Technology	
Elo-Touch	
Envision	
Fuhu	
Fujitsu	
Google	
Hannspree	
Hisense	
HP	
HTC	
IBM	
Infotel	

IPSG	
KOBO	
Leapfrog	
Lenovo	
LF Products	
LG	
Machspped	
Microsoft	
Motorola	
MSI	
NEC	
Nokia	
Panasonic	
Planar	
Polaroid	
Premio	
RIM	
Samsung	
Sony	
System76	
Tongfang	
Toshiba	
ViewSonic	
Vizio	
Voxx	
Wacom	



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Comparisons

- Missouri collects ~0.3 pounds per person
- Illinois: ~3 pounds per person
- Oklahoma: ~0.6 pounds per person
- Wisconsin: ~6.5 pounds per person
- Vermont: ~7.8 pounds per person



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Comparisons

- Variables
 - Covered equipment
 - Infrastructure



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Projections

- As technology advances the total pounds will continue to decrease
- Number of manufacturers will continue to decrease
- Number of brands will increase
- CRTs will remain as a hazardous waste concern



Celebrating 40 years of taking care of Missouri's natural resources.

Questions?

Tony Pierce

Environmental Specialist

Hazardous Waste Compliance and
Enforcement Unit

(573) 751-3465

anthony.pierce@dnr.mo.gov

Missouri Hazardous Waste Management Commission Meeting

October 16, 2014

Agenda Item #5

Updating Commission Operating Policies

Information:

The Hazardous Waste Management Commission's most recent changes to its operating policies was in December of 2012. At that time, the Commission decided to revisit the need for additional revisions to the policy every two years. Two years have now passed, and it is once again time to revisit the policy and discuss appropriate changes, updates or revisions to the policy.

Recommended Action:

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

Presented by:

Tim Eiken, Rules Coordinator, HWP



Department of Natural Resources

Hazardous Waste Management Commission

Operating Policies

December 2014~~2012~~

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Purpose

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

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

This document establishes an element of policy uniformity with the other boards and commissions in the Department of Natural Resources. The commission will review this policy on a biannual basis and modify as necessary to conform with any changes to the statutes that give the commission its authority or as necessary to reflect changes in commission practice or procedure. The commission will review the policy ~~at its regularly scheduled meeting in June of~~ every other calendar year, beginning in 2012. This policy does not have the force and effect of law, and is not intended to set legally binding procedural rules.

Commission Structure

1. Authority and Powers

- The Hazardous Waste Management Commission was established in 1977 by section 260.365 RSMo. The commission oversees the implementation of laws and regulations that provide for the safe management of hazardous wastes and substances to protect human health and the environment. Responsibilities carried out by the commission include:
 - Categorizing hazardous waste;
 - Designating which wastes may be disposed of through alternate technologies;
 - Regulating storage, treatment, disposal, transportation, containerization and labeling of hazardous waste;
 - Regulating the issuance of licenses and permits;
 - Granting variance requests;
 - Conducting hearings and rulemaking;
 - Deciding appeals and issuing orders;
 - Promoting recycling, reuse and reduction of hazardous wastes;
 - Regulating USTs.
- The commission has the power to acquire information and services useful for carrying out its responsibilities through obtaining independent technical or other professional support.

2. Members

- The commission shall have seven members who are appointed by the Governor and confirmed by the Missouri Senate.
- No more than four members shall belong to the same political party.
- All members shall be representative of the general interest of the public and shall have an interest in and knowledge of waste management and its effects on human health and the environment.
- ~~Three~~Four members, respectively, shall have knowledge of and may be employed in:
 - Agriculture
 - ~~The retail petroleum industry~~
 - The waste generating industry
 - The waste management industry
- Members shall serve for four years and until their successors are selected and qualified. There is no limitation on the number of terms any appointed member may serve.

- Members shall be reimbursed for travel and other reasonable and necessary expenses incurred in the performance of their duties and shall receive fifty dollars per day for each day spent in performance of their duties at regular commission meetings.
- A member may resign from the commission with written notice to the chair or applicable program director.
- Any commission member absent from four consecutive regular commission meetings for any cause shall be deemed to have resigned.
- The governor may remove any appointed member for cause.
- The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy.

3. Officers

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

4. Staff

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

5. Meetings

- The commission shall routinely meet at least four times a year, at times and places determined by the chair in consultation with staff and members of the commission. The commission ~~may intends to~~ vary meeting locations and times to offer more opportunity for interested persons to attend.
- The commission may hold special meetings as necessary to the timely performance of commission responsibilities. Special meetings may be called by three members upon written notice to each member of the commission.
- Issues may arise from time to time that are of interest to other commissions. In such instances, the commission may hold a joint meeting to discuss topics of mutual interest.

Joint meetings may be called by the chairmen of the two commissions in consultation with each program director.

- The commission may, from time to time, tour facilities or locations of interest. Tours will have an agenda as with any other meeting. Consideration must be given to providing access to the public during the tour.
- The commission may hold working meetings, at which no decisions are made, to discuss topics pertaining to the commission.
- Pursuant to the Missouri Sunshine Law, all meetings of the commission at which a quorum of the commission is present, other than social gatherings, shall be meetings open to the public.
- The commission may hold closed sessions or meetings only in accordance with the procedures and exceptions provided in the Missouri Sunshine Law. The motion to close the meeting shall cite the specific statutory exception or exceptions under which the closed meeting is being held. The number of staff attending the closed meeting will be limited, the time spent in a closed meeting will be as brief as necessary and the discussion shall be limited to only the specific topic or topics for which the meeting was closed. Roll call votes will be taken to close a meeting.

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

6. Agendas

- An agenda is a tool to organize a meeting, to notify members, staff, and any interested parties about topics to be discussed, and to assist in the orderly conduct of a meeting.
- The agenda for each commission meeting will contain the following:
 - Name of the commission;
 - Meeting time, date and location;
 - Notice that members of the public may ask to address any agenda item at the time it is discussed, together with instructions for signing a form or card to speak to an agenda item.;
 - A standing item to allow for public comment on any topic;
 - Items for consideration, brief, but clear as to the topic;
 - Anticipated action for each item such as: decision, no action-information only or further direction sought;
 - ~~An item to discuss or set future agendas;~~
 - An item for future meetings;
 - If a meeting is to contain a closed session in accordance with the Sunshine Law, a statement of when the closed session will be held and when the open session will be held, whenever possible;

- Contact information for the commission and program, referencing how copies of materials provided to commission members in preparation for the meeting may be requested;
 - Other agenda items as appropriate, such as legislative updates;
 - Contact information for those with disabilities.
- Where possible, preliminary agendas should be developed and provided, with the statement that the agenda is preliminary and subject to change.
- Agenda items shall generally be determined by the program director in consultation with the commission chair. Any commissioner or the public may request that an item be brought before the commission. Such requests should be received at least fourteen days before a meeting.
- Agendas for any meeting will be posted according to the provisions of the Sunshine Law as well as posting on department and Office of Administration (if available) websites. Agendas will be routinely provided to stakeholders who have requested to be placed on a mailing list, or to anyone requesting an agenda.

7. Conduct of Meetings

- Roberts Rules of Order will be followed for the orderly conduct of commission business and actions.
- The work of the commission will be conducted with respect and courtesy toward the staff, interested parties and the public. Decision-making will reflect independence and impartiality.
- Four of the members of the commission must appear in person or by electronic conference to constitute a quorum for the conduct of business. If there is no quorum, members may conduct a working meeting.
- If a quorum is present, the affirmative vote of the majority of the members entitled to vote on the subject shall be the act of the commission.
- In accordance with Section 260.365.3 RSMo, the authority to vote on a matter before the commission must be exercised individually by each commissioner. Alternates or representatives or votes by proxy are not allowed.
- The commission welcomes information and views from all interested parties regarding the work of the commission. Members of the public shall be afforded the opportunity to comment on any agenda item at the time it is addressed and may be asked to sign a form or card to address the particular item.
- If it has been decided before the meeting how much time will be allowed for public comment (for example, 3 minutes per person) and how the order of speakers will be

determined, that information should be placed on the agenda. The procedures for public comment should be announced by the chair.

Records and Information

1. Meeting Materials

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

As with requests for agenda items, effort should be made to make all meeting materials available to the commission secretary at least fourteen days prior to the date of the meeting, especially those that will be relied upon for the meeting. This ensures that the commission secretary and department staff have sufficient time to compile and distribute meeting materials to commissioners and other interested parties and to make this information available on the commission's web page within a reasonable timeframe prior to the meeting. The commission, in its sole discretion, may determine whether or not to consider any materials provided to the commission less than fourteen days prior to the date of the meeting.

2. Minutes

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

3. Records

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

- Policies
- Meeting dates, times, places and agendas
- Minutes
- Meetings packet materials and handouts
- Rulemaking reports
- Regulatory Impact Reports
- Instruction on participation and submission of information
- Commission member contact information
- Other materials utilized by the commission

- Most commission meetings are streamed live on the Department of Natural Resources' live meeting page at www.dnr.mo.gov/videos/live.htm. In addition, meetings are recorded and the livestream recordings of past meetings are available at the Hazardous Waste Management Commission's website at:

<http://www.dnr.mo.gov/env/hwp/commission/commis.htm>

Roles and Responsibilities

1. Commission Members

- Each commission member represents the interest of the general public and the concerns for which he/she was appointed. Members also provide representation to facilitate open communication between the regulated community, interested groups, the general public and the department.
- The authority of the commission rests in the commission as a whole, not in individual members. Members shall faithfully carry out the powers and duties placed upon them by law, which may include:
 - Establishing policy and direction for the program;
 - Rulemaking in accordance with the laws and policies governing rulemaking;
 - Performing a quasi-judicial function with respect to decisions on appeals.
- Each commissioner is expected to attend training events provided by the department. Training event topics may include the roles and responsibilities of the commissioners, an overview of substantive laws and regulations governing the commission and other topics to benefit the comprehensive knowledge and understanding of the commissioners. ~~in accordance with the Training Policy contained in Appendix 2.~~
- Each commissioner is expected to fully review the materials provided prior to each meeting.

2. Director of the Department of Natural Resources

- By statute, the director of the Department of Natural Resources is directed to administer programs assigned to DNR relating to environmental control and the conservation and management of natural resources, including all budgeting and reporting functions, to execute policies established by the commission and is subject to commission decisions as to all substantive and procedural rules. Department decisions are subject to appeal to the commission as provided by law. The director is also responsible for recommending policies to the commission to achieve effective and coordinated environmental control.

3. Hazardous Waste Program Director

- The Hazardous Waste Program Director is directly responsible to both the director and the commission and has primary responsibility for commission support and for implementation of commission decisions. The program director's responsibilities include preparing and disseminating meeting agendas and supporting materials, issuing notices, arranging logistics for commission meetings, and coordinating staff presentations, analyses and rule development.

- According to Chapter 640, the program director is appointed by the director of the department, subject to commission approval ~~approved~~, and may be removed or reassigned by the commission through a written request to the department director.

4. Commission Secretary and Program Staff

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

5. Department of Natural Resources Legal Counsel

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

6. Attorney General's Office

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

Appeal Hearings and Decisions

1. Appeal Hearings

- Appeals of agency decisions shall be initiated in accordance with the procedure established in section 621.250 RSMo and 10 CSR 25-2.020, Hazardous Waste management Commission Appeals and Requests for Hearings

2. Decision after Hearing

- As specified in 10 CSR 25-2.020, upon receipt of the Administrative Hearing Commission's recommendation and the record in the case, the commission shall:
 - Distribute the recommendation to the parties or their counsel.
 - Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation.
 - Provide a reasonable time for oral argument upon the request of any party before the commission makes the final determination.
 - Base its decision on the appeal only on the facts and evidence in the hearing record.
 - Issue a written decision including findings of facts and conclusions of law.
 - Change a finding of fact or conclusion of law made by the Administrative Hearing Commission, or vacate or modify the recommended decision, only if the commission states in writing the specific reason for the change.
 - Appeal from a final decision of the commission may be filed in the manner provided by law.
 - A record of the decision in the appeal shall be preserved as provided by law and shall be available to the public.

Communications

1. Open Communication

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

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

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

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

2. Commission Contact

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

3. Commission Webpage

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

Compliance with other Laws

1. Missouri's Sunshine Law

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

2. Personal Finance Disclosure

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

3. Conflict of Interest

- Commissioners shall comply with all applicable statutory requirements regarding conflict of interest, including RSMo Chapter 105
- In the quasi-judicial role, commissioners recognize that they are acting as judges in appeals to the commission. In this capacity, members will strive to remain fair, independent, and open-minded. Commissioners will avoid both actual and perceived conflicts of interest in their quasi-judicial role.
- If a commissioner publicly takes or expresses a position on an issue that later comes before the commission on an appeal, the commissioner will recuse himself on the record from any discussion, deliberation, or decision making on the issue.

4. Administrative Procedures

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

~~Boards and Commission's Operating Policies~~

~~Appendix 1 Regulatory Impact Report Requirements and Content~~

~~Directions for the Regulatory Impact Report~~

~~September 2004~~

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

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

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

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

References

~~640.015, RSMo—Department of Natural Resources~~

~~An excerpt:~~

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

Definitions

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

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

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

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

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

Applicability

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

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

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

Drafting the Regulatory Impact Report

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

Peer reviewed and published data or scientific information and references

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

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

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

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

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

This documentation of the record, as noted in the paragraph directly above shall be included in the submission of the rulemaking to the Secretary of State's Office and the Joint Committee on

~~Administrative Rules. If it were not included the proposed rulemaking as filed would be subject to challenge and voiding.~~

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

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

~~**Distribution of the Complete Regulatory Impact Report**~~

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

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

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

~~**Filing of the Regulatory Impact Report and Proposed Rule**~~

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

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

Missouri Department of Natural Resources
Regulatory Impact Report
In Preparation For Proposing
~~[A New Rule OR An Amendment to OR A Rescission of]~~ [rule number]

Division/Program: _____

Rule number: 10 CSR [XX-YYY.ZZZ] **Rule title:** _____

Type of rule action: ~~[Select one: New Rule, Amendment to Existing Rule, Rescission of Existing Rule]~~

Nature of the rulemaking: ~~[Select as many as apply: Affects environmental conditions, Prescribes environmental standards, Administrative, Other conditions]~~

Approval of the Completed Regulatory Impact Report

Program Director _____ Date

Missouri Department of Natural Resources
Regulatory Impact Report
In Preparation For Proposing
~~[A New Rule OR An Amendment to OR A Rescission of]~~ [rule number]

~~Applicability: Pursuant to Section 640.015 RSMo, “all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources...shall... be based on the regulatory impact report...” This requirement shall not apply to emergency rulemakings pursuant to section 536.025 or to rules of other applicable federal agencies adopted by the Department “without variance.”~~

~~Determination: The Missouri Department of Natural Resources has determined this rulemaking prescribes environmental conditions or standards and verifies that this rulemaking is not a simple unvarying adoption of rules from other federal agencies. Accordingly, the Department has produced this regulatory impact report which will be made publicly available for comment for a period of at least 60 days. Upon completion of the comment period, official responses will be developed and made available on the agency web page prior to filing the proposed rulemaking with the Secretary of State. Contact information is at the end of this regulatory impact report.~~

- ~~1. Describe the environmental conditions or standards being prescribed.~~
- ~~2. A report on the peer reviewed scientific data used to commence the rulemaking process.~~
- ~~3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.~~
- ~~4. A description of the environmental and economic costs and benefits of the proposed rule.~~
- ~~5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.~~
- ~~6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.~~
- ~~7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.~~
- ~~8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.~~
- ~~9. An analysis of both short term and long term consequences of the proposed rule.~~
- ~~10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.~~

- ~~11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information~~
- ~~12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.~~
- ~~13. A description of any significant countervailing risks that may be caused by the proposed rule~~
- ~~14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.~~
- ~~15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State~~
- ~~16. Provide information on how to request a copy of comments or the web information where the comments will be located.~~

~~Boards and Commission's Operating Policies~~
~~Appendix 2~~
~~Training for Commissioners~~

~~Adopted by the Commissioners' Core Workgroup~~
~~February 27, 2004~~

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

~~1. New Commissioner Information~~

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

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

~~2. Training (offered once a year)~~

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

- ~~a. Rulemaking process, including Regulatory Impact Report (RIR).~~
- ~~b. MoDNR Budget.~~
- ~~c. Quasi-judicial role.~~
- ~~d. Policies.~~
- ~~e. Services of the Attorney General's Office.~~
- ~~f. Sunshine Law.~~
- ~~g. Financial disclosure laws and conflicts of interest.~~
- ~~h. Authority of commissions/boards.~~
- ~~i. Organizational structure.~~
- ~~j. Permits process.~~

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

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

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

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

~~4. Training Providers~~

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

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

~~5. Training Costs~~

- ~~a. Training and incidental tasks by MoDNR and other state personnel will be provided by existing personnel as part of their work assignments.~~
- ~~b. Costs of information notebooks, incidentals, travel, meals and lodging will be borne by each respective program for its commission/board member.~~
- ~~c. Logistic costs of meeting place and incidentals will be borne by the Department.~~
- ~~d. Members of the public attending the training shall~~



Department of Natural Resources

Hazardous Waste Management Commission

Operating Policies

December 2014

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Purpose

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

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

This document establishes an element of policy uniformity with the other boards and commissions in the Department of Natural Resources. The commission will review this policy on a biannual basis and modify as necessary to conform with any changes to the statutes that give the commission its authority or as necessary to reflect changes in commission practice or procedure. The commission will review the policy every other calendar year, beginning in 2012. This policy does not have the force and effect of law, and is not intended to set legally binding procedural rules.

Commission Structure

1. Authority and Powers

- The Hazardous Waste Management Commission was established in 1977 by section 260.365 RSMo. The commission oversees the implementation of laws and regulations that provide for the safe management of hazardous wastes and substances to protect human health and the environment. Responsibilities carried out by the commission include:
 - Categorizing hazardous waste;
 - Designating which wastes may be disposed of through alternate technologies;
 - Regulating storage, treatment, disposal, transportation, containerization and labeling of hazardous waste;
 - Regulating the issuance of licenses and permits;
 - Granting variance requests;
 - Conducting hearings and rulemaking;
 - Deciding appeals and issuing orders;
 - Promoting recycling, reuse and reduction of hazardous wastes;
 - Regulating USTs.

- The commission has the power to acquire information and services useful for carrying out its responsibilities through obtaining independent technical or other professional support.

2. Members

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

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

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

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

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

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

- A member may resign from the commission with written notice to the chair or applicable program director.
- Any commission member absent from four consecutive regular commission meetings for any cause shall be deemed to have resigned.
- The governor may remove any appointed member for cause.
- The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy.

3. Officers

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

4. Staff

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

5. Meetings

- The commission shall routinely meet at least four times a year, at times and places determined by the chair in consultation with staff and members of the commission. The commission may vary meeting locations and times to offer more opportunity for interested persons to attend.
- The commission may hold special meetings as necessary to the timely performance of commission responsibilities. Special meetings may be called by three members upon written notice to each member of the commission.
- Issues may arise from time to time that are of interest to other commissions. In such instances, the commission may hold a joint meeting to discuss topics of mutual interest. Joint meetings may be called by the chairmen of the two commissions in consultation with each program director.

- The commission may, from time to time, tour facilities or locations of interest. Tours will have an agenda as with any other meeting. Consideration must be given to providing access to the public during the tour.
- The commission may hold working meetings, at which no decisions are made, to discuss topics pertaining to the commission.
- Pursuant to the Missouri Sunshine Law, all meetings of the commission at which a quorum of the commission is present, other than social gatherings, shall be meetings open to the public.
- The commission may hold closed sessions or meetings only in accordance with the procedures and exceptions provided in the Missouri Sunshine Law. The motion to close the meeting shall cite the specific statutory exception or exceptions under which the closed meeting is being held. The number of staff attending the closed meeting will be limited, the time spent in a closed meeting will be as brief as necessary and the discussion shall be limited to only the specific topic or topics for which the meeting was closed. Roll call votes will be taken to close a meeting.

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

6. Agendas

- An agenda is a tool to organize a meeting, to notify members, staff, and any interested parties about topics to be discussed, and to assist in the orderly conduct of a meeting.
- The agenda for each commission meeting will contain the following:
 - Name of the commission;
 - Meeting time, date and location;
 - Notice that members of the public may ask to address any agenda item at the time it is discussed, together with instructions for signing a form or card to speak to an agenda item.;
 - A standing item to allow for public comment on any topic;
 - Items for consideration, brief, but clear as to the topic;
 - Anticipated action for each item such as: decision, no action-information only or further direction sought;
 - An item for future meetings;
 - If a meeting is to contain a closed session in accordance with the Sunshine Law, a statement of when the closed session will be held and when the open session will be held, whenever possible;
 - Contact information for the commission and program, referencing how copies of materials provided to commission members in preparation for the meeting may be requested;
 - Other agenda items as appropriate, such as legislative updates;
 - Contact information for those with disabilities.

- Where possible, preliminary agendas should be developed and provided, with the statement that the agenda is preliminary and subject to change.
- Agenda items shall generally be determined by the program director in consultation with the commission chair. Any commissioner or the public may request that an item be brought before the commission. Such requests should be received at least fourteen days before a meeting.
- Agendas for any meeting will be posted according to the provisions of the Sunshine Law as well as posting on department and Office of Administration (if available) websites. Agendas will be routinely provided to stakeholders who have requested to be placed on a mailing list, or to anyone requesting an agenda.

7. Conduct of Meetings

- Roberts Rules of Order will be followed for the orderly conduct of commission business and actions.
- The work of the commission will be conducted with respect and courtesy toward the staff, interested parties and the public. Decision-making will reflect independence and impartiality.
- Four of the members of the commission must appear in person or by electronic conference to constitute a quorum for the conduct of business. If there is no quorum, members may conduct a working meeting.
- If a quorum is present, the affirmative vote of the majority of the members entitled to vote on the subject shall be the act of the commission.
- In accordance with Section 260.365.3 RSMo, the authority to vote on a matter before the commission must be exercised individually by each commissioner. Alternates or representatives or votes by proxy are not allowed.
- The commission welcomes information and views from all interested parties regarding the work of the commission. Members of the public shall be afforded the opportunity to comment on any agenda item at the time it is addressed and may be asked to sign a form or card to address the particular item.
- If it has been decided before the meeting how much time will be allowed for public comment (for example, 3 minutes per person) and how the order of speakers will be determined, that information should be placed on the agenda. The procedures for public comment should be announced by the chair.

Records and Information

1. Meeting Materials

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

As with requests for agenda items, effort should be made to make all meeting materials available to the commission secretary at least fourteen days prior to the date of the meeting, especially those that will be relied upon for the meeting. This ensures that the commission secretary and department staff have sufficient time to compile and distribute meeting materials to commissioners and other interested parties and to make this information available on the commission's web page within a reasonable timeframe prior to the meeting. The commission, in its sole discretion, may determine whether or not to consider any materials provided to the commission less than fourteen days prior to the date of the meeting.

2. Minutes

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

3. Records

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

- Policies
- Meeting dates, times, places and agendas
- Minutes
- Meetings packet materials and handouts
- Rulemaking reports
- Regulatory Impact Reports
- Instruction on participation and submission of information
- Commission member contact information
- Other materials utilized by the commission

- Most commission meetings are streamed live on the Department of Natural Resources' live meeting page at www.dnr.mo.gov/videos/live.htm. In addition, meetings are recorded and the livestream recordings of past meetings are available at the Hazardous Waste Management Commission's website at:

<http://www.dnr.mo.gov/env/hwp/commission/commis.htm>

Roles and Responsibilities

1. Commission Members

- Each commission member represents the interest of the general public and the concerns for which he/she was appointed. Members also provide representation to facilitate open communication between the regulated community, interested groups, the general public and the department.
- The authority of the commission rests in the commission as a whole, not in individual members. Members shall faithfully carry out the powers and duties placed upon them by law, which may include:
 - Establishing policy and direction for the program;
 - Rulemaking in accordance with the laws and policies governing rulemaking;
 - Performing a quasi-judicial function with respect to decisions on appeals.
- Each commissioner is expected to attend training events provided by the department. Training event topics may include the roles and responsibilities of the commissioners, an overview of substantive laws and regulations governing the commission and other topics to benefit the comprehensive knowledge and understanding of the commissioners.
- Each commissioner is expected to fully review the materials provided prior to each meeting.

2. Director of the Department of Natural Resources

- By statute, the director of the Department of Natural Resources is directed to administer programs assigned to DNR relating to environmental control and the conservation and management of natural resources, including all budgeting and reporting functions, to execute policies established by the commission and is subject to commission decisions as to all substantive and procedural rules. Department decisions are subject to appeal to the commission as provided by law. The director is also responsible for recommending policies to the commission to achieve effective and coordinated environmental control.

3. Hazardous Waste Program Director

- The Hazardous Waste Program Director is responsible to both the director and the commission and has primary responsibility for commission support and for implementation of commission decisions. The program director's responsibilities include preparing and disseminating meeting agendas and supporting materials, issuing notices, arranging logistics for commission meetings, and coordinating staff presentations, analyses and rule development.

- According to Chapter 640, the program director is appointed by the director of the department, subject to commission approval, and may be removed or reassigned by the commission through a written request to the department director.

4. Commission Secretary and Program Staff

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

5. Department of Natural Resources Legal Counsel

- The department's General Counsel's Office provides advice and assistance to the director, divisions and programs, and commissions as necessary

6. Attorney General's Office

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

Appeal Hearings and Decisions

1. Appeal Hearings

- Appeals of agency decisions shall be initiated in accordance with the procedure established in section 621.250 RSMo and 10 CSR 25-2.020, Hazardous Waste management Commission Appeals and Requests for Hearings

2. Decision after Hearing

- As specified in 10 CSR 25-2.020, upon receipt of the Administrative Hearing Commission's recommendation and the record in the case, the commission shall:
 - Distribute the recommendation to the parties or their counsel.
 - Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation.
 - Provide a reasonable time for oral argument upon the request of any party before the commission makes the final determination.
 - Base its decision on the appeal only on the facts and evidence in the hearing record.
 - Issue a written decision including findings of facts and conclusions of law.
 - Change a finding of fact or conclusion of law made by the Administrative Hearing Commission, or vacate or modify the recommended decision, only if the commission states in writing the specific reason for the change.
 - Appeal from a final decision of the commission may be filed in the manner provided by law.
 - A record of the decision in the appeal shall be preserved as provided by law and shall be available to the public.

Communications

1. Open Communication

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

On rule-makings that are expected to be significant or controversial, the department and the commission will encourage early input and involvement from all interested stakeholders in order to fully consider competing viewpoints.

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

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

2. Commission Contact

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

3. Commission Webpage

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

Compliance with other Laws

1. Missouri's Sunshine Law

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

2. Personal Finance Disclosure

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

3. Conflict of Interest

- Commissioners shall comply with all applicable statutory requirements regarding conflict of interest, including RSMo Chapter 105
- In the quasi-judicial role, commissioners recognize that they are acting as judges in appeals to the commission. In this capacity, members will strive to remain fair, independent, and open-minded. Commissioners will avoid both actual and perceived conflicts of interest in their quasi-judicial role.
- If a commissioner publicly takes or expresses a position on an issue that later comes before the commission on an appeal, the commissioner will recuse himself on the record from any discussion, deliberation, or decision making on the issue.

4. Administrative Procedures

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



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES



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Hazardous Waste Management Commission Operating Policy Update

Hazardous Waste Management Commission
October 16, 2014



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Policy Overview

- Each commission in the Department has its own operating policy
- Based on a template created by a department workgroup
- Much of the policy is based on specific statutory requirements for each commission



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Components of policy

- Commission Structure
- Records and Information
- Roles and Responsibilities
- Appeal Hearings and Decisions
- Communications
- Compliance with other Laws



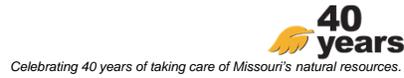
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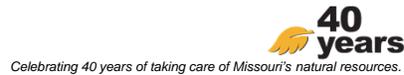
Policy content

- Some content found only in the policy, e.g. commission officers, meeting materials, conduct of meetings
- Policy to be reviewed for updates every two years
- Last updated in December 2012



Updates to policy

- Commission composition – in response to HB 28 and HB 650, which replaced a public representative with a petroleum retail representative (Commission Structure, Item 2. Members, page 5 of current policy)
- Revise language on meeting locations and times (Commission Structure, Item 5. Meetings)
- Vote by proxy – clarify that votes by proxy are not authorized by the statute (Commission Structure, Item 7. Conduct of Meetings)



Updates cont.

- Updated language on commissioner training (Roles and Responsibilities, Item 1. Commission Members)
- Additional language to clarify the roles of the commission, the Department, and the Director's Office (Roles and Responsibilities, Items 2, 3, 5, and 6)
- Removal of appendices



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Update process

- Commission to review proposed changes and solicit input on additional changes
- Discuss and decide on necessary changes at future meeting
- Preparation and approval of a revised policy to include changes agreed to



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Questions?

Missouri Hazardous Waste Management Commission Meeting

October 16, 2014

Agenda Item # 6

Drycleaning Environmental Response Trust (DERT) Fund Annual Report

Issue:

Presentation of the 2013 Drycleaning Environmental Response Trust (DERT) Fund annual report.

Recommended Action:

Information Only.

Presented by:

Scott Huckstep – Chief, Brownfield Voluntary Cleanup Program, HWP

DEERT FUND

DRY CLEANING ENVIRONMENTAL RESPONSE TRUST

2013 ANNUAL REPORT





HISTORY

In 2000, Senate Bill 577 established the Drycleaning Environmental Response Trust Fund, or DERT Fund; and Section 260.960, Revised Statutes of Missouri, or RSMo, authorized it. The DERT Fund provides funding for the investigation, assessment and cleanup of releases of chlorinated solvents from dry cleaning facilities. The DERT Fund is a state fund and is administered by the Missouri Department of Natural Resources' Hazardous Waste Program according to rules published by the Hazardous Waste Management Commission. The laws and regulations governing the DERT Fund are found in Sections 260.900 to 260.965 RSMo and 10 Code of State Regulations (CSR) 25-170.010 to 10 CSR 25-17.170 respectively. In 2011, Senate Bill 135 extended the expiration date of the DERT Fund from Aug. 28, 2012, to Aug. 28, 2017.

Operators of active dry cleaning facilities are required to register with the Missouri Department of Natural Resources, as outlined in Section 260.915 RSMo. Each active and operating dry cleaning facility is required to pay an annual registration surcharge based upon the number of gallons of chlorinated solvents used during the calendar year, as outlined in Section 260.935 RSMo. This includes coin-operated dry cleaning facilities. Laundry facilities located in prisons, government entities, hotels, motels and industrial laundries are specifically exempt from the requirements of this statute. All solvent suppliers that sell or provide chlorinated solvents to a dry cleaning facility are required to pay the solvent surcharge fees to the department.

Section 260.955 RSMo, requires the department to provide an annual report to the General Assembly and the Governor regarding:

- Receipts of the fund during the preceding calendar year and the sources of the receipts.
- Disbursements from the fund during the preceding calendar year and the purposes of those disbursements.
- The extent of corrective action taken during the preceding calendar year.
- The prioritization of the sites for expenditures from the fund.

DISBURSEMENTS FROM THE DERT FUND

Expenditures from the fund are used to:

1. Reimburse participants for the costs of addressing releases of chlorinated solvents from dry cleaning facilities. Participants are liable for the first \$25,000 of eligible cleanup related costs as a deductible.
2. Administer the program by collecting the surcharges and guiding and assisting the cleanup activities.

Table 1 describes the expenditures from the fund, which were prohibited by Section 260.925 RSMo until on or after July 1, 2002. Reimbursements for eligible environmental cleanup costs were not made until the regulations went into effect on May 30, 2006.

TABLE 1: EXPENDITURES OF THE DERT FUND

Calendar Year ⁽¹⁾	Salaries & Wages	Expense & Equipment	Fringe, etc. ⁽⁴⁾	Reimbursements ⁽⁵⁾	Total Costs
2000 ⁽²⁾	\$0	\$0	\$0	\$0	\$0
2001 ⁽²⁾	\$0	\$0	\$0	\$0	\$0
2002 ⁽²⁾	\$1,163	\$0	\$2,350 ⁽³⁾	\$0	\$3,513
2003	\$77,271	\$14,995	\$35,655	\$0	\$127,921
2004	\$106,083	\$59,642	\$73,437	\$0	\$239,162
2005	\$99,583	\$63,909	\$92,528	\$0	\$256,020
2006	\$187,488	\$145,789	\$140,850	\$176,031	\$650,158
2007	\$186,019	\$64,858	\$155,026	\$258,785	\$664,688
2008	\$192,387	\$25,814	\$171,884	\$140,000	\$530,085
2009	\$183,108	\$9,316	\$200,064	\$456,733	\$849,221
2010	\$178,337	\$8,450	\$172,540	\$303,651	\$662,978
2011	\$137,229	\$8,210	\$143,355	\$284,689	\$573,483
2012	\$104,777	\$4,086	\$158,751	\$495,468	\$763,082
2013	\$83,249	\$3,729	\$128,112	\$306,375	\$521,466
Totals	\$1,536,694	\$408,798	\$1,474,552	\$2,421,732	\$5,841,777

⁽¹⁾ Source: SAM II Data Warehouse Information.

⁽²⁾ RSMo, Section 260.925 prohibited expenditures from the DERT Fund until on or after July 1, 2002.

⁽³⁾ House Bill 1115, Section 15.220, RSMo, authorized a transfer of \$1,289 out of the State treasury on May 6, 2002, chargeable to various funds, such amounts as are necessary for allocation of costs to other funds in support of the state's central services, to the general revenue fund.

⁽⁴⁾ Fringe amount includes Old Age Survivors and Disability Program, retirement system, deferred comp, Missouri Consolidated Health Care Plan, Cost Allocation Plan (OA), Cost Allocation (DNR) State Office Bldg Maintenance and Repair, etc.

⁽⁵⁾ Reimbursements were not made until the regulations went into effect on May 30, 2006.

RECEIPTS TO THE DERT FUND

The Hazardous Waste Program is responsible for the collection of all applicable surcharges from dry cleaning facilities and solvent suppliers. There are two main sources of revenue for the fund. The first is a dry cleaning facility annual registration surcharge paid by owners and operators of dry cleaning facilities (\$500, \$1,000 or \$1,500 based on chlorinated solvent used during the calendar year). The second is a solvent surcharge paid by the solvent suppliers on a quarterly basis of \$8 per gallon of perchloroethylene, trichloroethylene and other chlorinated solvents sold.

TABLE 2: 2013 DRY CLEANER FACILITY ANNUAL REGISTRATION SURCHARGE

Size of Facility	Facilities Registering by 5/1/13	Gallons of Solvent Used	Annual Registration Fee
Small	103	0 to 140	\$500
Medium	4	141 to 360	\$1,000
Large	2	>360	\$1,500

Table 3 describes the surcharge collections. The collection of the registration surcharges began on April 1, 2001. The collection of the solvent surcharge began with the April 1, 2001, to June 30, 2001, quarter.

TABLE 3 - RECEIPTS TO THE DERT FUND⁽¹⁾

Calendar Year	Registration Surcharge	Solvent Surcharge	Interest & Penalties	Totals
2000	\$0	\$0	\$0	\$0
2001	\$221,500	\$170,208	\$5,995	\$397,703
2002	\$222,150	\$435,859	\$17,886	\$675,895
2003	\$303,126	\$427,880	\$26,892	\$757,898
2004	\$319,488	\$409,293	\$43,178	\$771,959
2005	\$234,150	\$367,598	\$73,595	\$675,433 ⁽²⁾
2006	\$204,993	\$308,678	\$121,077	\$635,248 ⁽³⁾
2007	\$185,371	\$259,175	\$138,931	\$583,477
2008	\$191,888	\$237,874	\$132,377	\$562,139
2009	\$154,991	\$182,459	\$54,143	\$391,598 ⁽⁴⁾
2010	\$135,573	\$173,448	\$28,387	\$337,408
2011	\$131,706	\$130,997	\$17,575	\$280,312 ⁽⁵⁾
2012	\$113,415	\$105,978	\$13,029	\$233,442 ⁽⁶⁾
2013	\$141,214	\$43,334	\$13,708	\$198,256
Totals	\$2,559,565	\$3,252,781	\$686,773	\$6,500,768

⁽¹⁾ Source: SAM II Data Warehouse Information.

⁽²⁾ 2005 total includes a \$90 refund to the fund.

⁽³⁾ 2006 total includes a \$500 transfer in.

⁽⁴⁾ 2009 total includes a \$5 vendor refund to the fund.

⁽⁵⁾ 2011 total includes a \$34 overpayment.

⁽⁶⁾ 2012 total includes a \$1,020 transfer in.

PRIORITIZATION OF SITES FOR EXPENDITURES FROM THE FUND

10 CSR 25-17.140 allocates DERT Fund monies to prioritized sites in the following proportions: high priority sites: 60 percent; medium priority sites: 30 percent; low priority sites: 10 percent. In any fiscal year, if the funding allocation in any priority category is not used, those funds may be reallocated to other priority categories, starting with any high priority sites and followed by medium and then low priority sites.

Sites applying to the program must submit the results of one soil, groundwater or surface water sample that exhibits contamination of dry cleaner solvent that is in excess of the department cleanup levels. The initial assessment will allow the department to determine the eligibility of the site in the fund. Some sites will provide enough information during the application process to receive a ranking score. Other sites will require additional information before a ranking score can be determined.

If the site has not provided enough information to have a ranking score determined, the department will direct the owner or operator to conduct the necessary assessments to determine a ranking score. The ranking score is based on such factors as environmental contamination, potential economics, potential receptors, risk based cleanup parameters, site history, threat to drinking water sources, threat to off-site properties, etc. A copy of the prioritization form is available on the department's DERT Fund website at www.dnr.mo.gov/env/hwp/dert/hwpcp-dryclean.htm.

On May 30, 2006, the DERT Fund began accepting applications for enrollment into the fund for oversight and reimbursement of investigation and cleanup activities. By the end of 2013, the fund had received applications for 42 sites. Five of these sites received a Certificate of Completion letter from the Brownfields/Voluntary Cleanup Program (BCVP) and enrolled into the fund for reimbursement of eligible costs. Fourteen of the 42 sites transferred from the BVCP to the DERT Fund during 2006.

By the end of 2013, the DERT Fund issued 15 Certificate of Completion letters and reimbursed \$2,421,732 in eligible costs to participants (See Table 1).

Annual revenues to the DERT Fund continue to decline from a high of \$771,959 during calendar year 2004 to a low of \$198,256, collected in calendar year 2013. The fund's ending balance as of December 31, 2013, was \$659,219.17. Given the continued decline in revenues, the possibility exists the fund may become insolvent before its sunset date of August 28, 2017. This decline in revenues can be attributed to several factors including: facilities switching to non-chlorinated solvents therefore, they are not being required to register and pay surcharges; newer drycleaning equipment/machines that are more efficient and use less solvent; facilities are consolidating cleaning operations to one location; and facilities have gone out of business.

During calendar year 2012, a liability analysis was conducted on the DERT Fund. From that analysis, the department determined that reimbursement of future costs for the investigation and remediation of contaminated dry cleaning sites may be limited or impossible. Reimbursement funds are not guaranteed for any work plans approved after Sept. 3, 2012, and the DERT Fund is not accepting any new applications for enrollment to the DERT Fund as of Sept. 3, 2012. Notices regarding the DERT Fund status were mailed in September 2012 to the DERT Fund participants and their consultants, the DERT Fund stakeholder group and to all active dry cleaners in Missouri using chlorinated solvents.

TABLE 4 - DERT FUND SITES

Site Name and City	Priority			Amount Reimbursed	Comments
	High	Med.	Low		
AG Cleaners, Kirkwood			X		Completion Letter issued on 12/2/13
Ambassador Cleaners, Ellisville			X		
American Cleaners, Ballwin		X			
American Cleaners - Dorsett Road, Maryland Heights			X	\$5,090	Completion Letter issued 5/21/09
American Cleaners - Fenton Plaza, Fenton		X		\$108,037	Completion Letter issued on 4/22/13
American Cleaners - Mid Rivers Mall, St. Peters*		X		\$144,486	Reimbursements completed
American Cleaners - Natural Bridge, Bridgeton		X		\$12,264	Completion Letter issued 11/29/10
American Cleaners - Southroads, St. Louis		X		\$53,547	Completion Letter issued 6/11/09
American Cleaners, University City		X		\$61,173	
A to Z Auto Center - Crestwood			X		
Bright and Free Laundry & Dry Cleaners - St. Louis			X	\$26,703	Completion Letter issued 7/29/13
Busy Bee Laundry, Rolla	X			\$391,594	
Charter Dry Cleaning - Ellisville		X		\$13,477	Completion Letter issued 4/9/13
Clayton Cleaners, St. Louis	X			\$60,089	
Colonial Cleaners - Arsenal Street, St. Louis	X			\$30,400	
Colonial Cleaners - Brentwood Blvd., St. Louis	X				Completion Letter issued 7/2/08
Community Laundromat, Ava	X				Terminated by DERT
Cypress Village Shopping Center, St. Ann*		X		\$366,200	Reimbursements completed
Davis Cleaners, Columbia					
First Capitol Cleaners, St. Charles	X			\$28,483	
Foster's Cleaners, Blue Springs			X	\$17,353	Completion Letter issued 6/18/09
Frontenac Cleaners - West End, St. Louis		X			Completion Letter issued 5/14/08
Grandview Plaza, Grandview			X	\$20,050	
Kingshighway Retail Center, Sikeston		X		\$44,498	
Ma Ma Bessie's Cleaners, Columbia					
McDonald's State Line, Kansas City		X			Completion Letter issued 7/26/12
Mission River/Antioch Cleaners, Kansas City		X		\$45,011	
Paramount Cleaners, Florissant*		X		\$42,035	Reimbursements completed
Park Lane Cleaners, Chillicothe			X	\$21,837	
Plaza Ford Ideal Laundry & Dry Cleaners Inc., Kansas City	X			\$40,197	
Premier Dry Cleaners of KC, Kansas City			X	\$22,797	Completion Letter issued 9/22/11
Regal Cleaners, University City		X		\$8,375	
Shamrock Cleaners, Kansas City					
Stanford Saper Cleaners, Kansas City*			X		No claims yet
Staten Island Cleaners, Florissant	X			\$203,562	Completion Letter issued 12/30/08
Tri-States Service Company - Boonville Ave., Springfield	X			\$389,237	
Tri-States Service Company - East Trafficway, Springfield		X		\$187,577	
U.S. Cleaners - St. Louis					
VIP Cleaners, St. Peters			X		Completion Letter issued on 1/13/10
West Gate Cleaners, St. Louis		X			Completion Letter issued on 10/19/07
Yorkshire Cleaners, Marlborough	X			\$70,309	
Zehrt Printing, St. Louis*		X		\$7,352	Reimbursements completed

*Reimbursement only, the site received a Certificate of Completion letter from the Brownfields/Voluntary Cleanup Program.



TABLE 5: CORRECTIVE ACTION CONDUCTED IN 2013

Site Name and City	Corrective Action Conducted
AG Cleaners, Kirkwood	Groundwater monitoring to determine plume stability; Conduct risk assessment; Certificate of Completion letter issued
Ambassador Cleaners, Ellisville	Remediation via soil excavation; Groundwater monitoring to determine plume stability
American Cleaners, Ballwin	Additional soil sampling; Installation of additional wells and sampling to determine extent of contamination
American Cleaners-Fenton Plaza, Fenton	Conduct risk assessment; Certificate of Completion letter issued
Bright and Free Laundry & Dry Cleaners, St. Louis	Certificate of Completion letter issued
Charter Dry Cleaning, Ellisville	Certificate of Completion letter issued
U.S. Cleaners, St. Louis	Remediation via chemical oxidation; Groundwater monitoring
Yorkshire Cleaners, Marlborough	Groundwater monitoring

COMPLIANCE WITH SURCHARGES

The two main sources of revenue for the fund are the dry cleaning facility annual registration surcharge and the solvent surcharge. State law requires that owners and operators of dry cleaning facilities pay the annual registration and that solvent suppliers pay the solvent surcharge, on a quarterly basis.

When a facility or solvent supplier is not in compliance with the law, the DERT Fund uses the department's conference, conciliation and persuasion process to return them to compliance. In 2006, the department's Hazardous Waste Program began referring facilities and solvent suppliers that continue to fail to comply, to the Attorney General's Office.

Active and abandoned dry cleaners that are eligible for the fund must be in compliance with all applicable environmental laws in order to receive funding for environmental cleanup. Consequently, it is in everyone's interest to assist businesses in returning to compliance with the law so they are covered by the fund.

On Sept. 1, 2008, the DERT Fund began notifying the registered solvent suppliers of active dry cleaning facilities that have not paid their required registration surcharges. According to 10 CSR 25-17.030(2)(G) "a solvent supplier shall not provide dry cleaning solvents to an active dry cleaning facility that has not paid its annual dry cleaning facility registration surcharge."

A solvent supplier who knowingly supplies solvent to a dry cleaning facility that is not in compliance with payment of the surcharges will be in violation of the above regulation. The DERT Fund also posts a listing of these dry cleaning facilities on its webpage, similar to that for solvent suppliers who do not pay the required solvent surcharges.

Table 6 indicates the compliance rate for annual dry cleaning facility registration surcharges. Failure to pay the registration surcharges represents approximately 90 percent of the violations that occur in the DERT Fund.

TABLE 6: DRY CLEANING FACILITY REGISTRATION COMPLIANCE

Calendar Year	No. of Active Facilities	Facilities Submitting Registration Form and Surcharges by 5/1/14	Percent Compliance with Annual Registration
2013	150	105	70.0

TABLE 7: COMPLIANCE/ENFORCEMENT ISSUES WITH DRY CLEANING FACILITIES

Calendar Year	Facilities Issued a NOV	Facilities Referred to Compliance/ Enforcement	Facilities Referred to AGO	Facilities Returned to Compliance
2013	28	21	13	140

TABLE 8: SOLVENT SUPPLIERS QUARTERLY REPORTING COMPLIANCE

Calendar Year	No. of Active Solvent Suppliers	Suppliers Submitting Quarterly Reports and Surcharges on Time	Percent Compliance Quarterly Reporting
2013	12	10	83

TABLE 9: COMPLIANCE/ENFORCEMENT ISSUES WITH SOLVENT SUPPLIERS

Calendar Year	Suppliers Issued a NOV	Suppliers Referred to Compliance/Enforcement	Suppliers Referred to AGO	Suppliers Returned to Compliance
2013	0	1	0	2

OUTREACH ACTIVITIES

The department has additional information, publications, forms and answers to questions about the fund available on the Web at www.dnr.mo.gov/env/hwp/dert/hwpvcp-dryclean.htm.

The department is a member of the State Coalition for the Remediation of Drycleaners. The coalition is comprised of states that have formal cleanup programs for drycleaning facilities. The U.S. Environmental Protection Agency's Technology Innovation Office funds this coalition. The coalition conducts conference calls every other month and holds an annual meeting to discuss issues related to dry cleaner program administration and technical site investigation or cleanup topics. The coalition serves as an invaluable asset for Missouri as the department manages the fund and provides oversight of assessments and cleanup of dry cleaner sites.

REFERENCES

State Program To Clean Up Drycleaners. Schmidt, Robin, R. DeZeeuw, L. Henning and D. Trippler. June 2001. State Coalition for Remediation of Drycleaners. www.drycleancoalition.org/survey/

Departmental Missouri Risk-Based Corrective Action Technical Guidance, Missouri Department of Natural Resources, April 2006. www.dnr.mo.gov/env/hwp/mrbca/mrbca.htm.

CONTACT INFORMATION

Missouri Department of Natural Resources
 Hazardous Waste Program
 P.O. Box 176
 Jefferson City, MO 65102-0176
www.dnr.mo.gov/env/hwp
hazwaste@dnr.mo.gov
 800-361-4827 or 573-751-3176



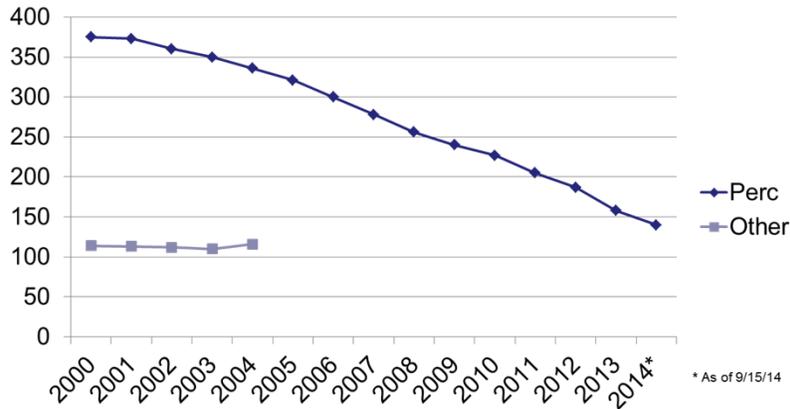


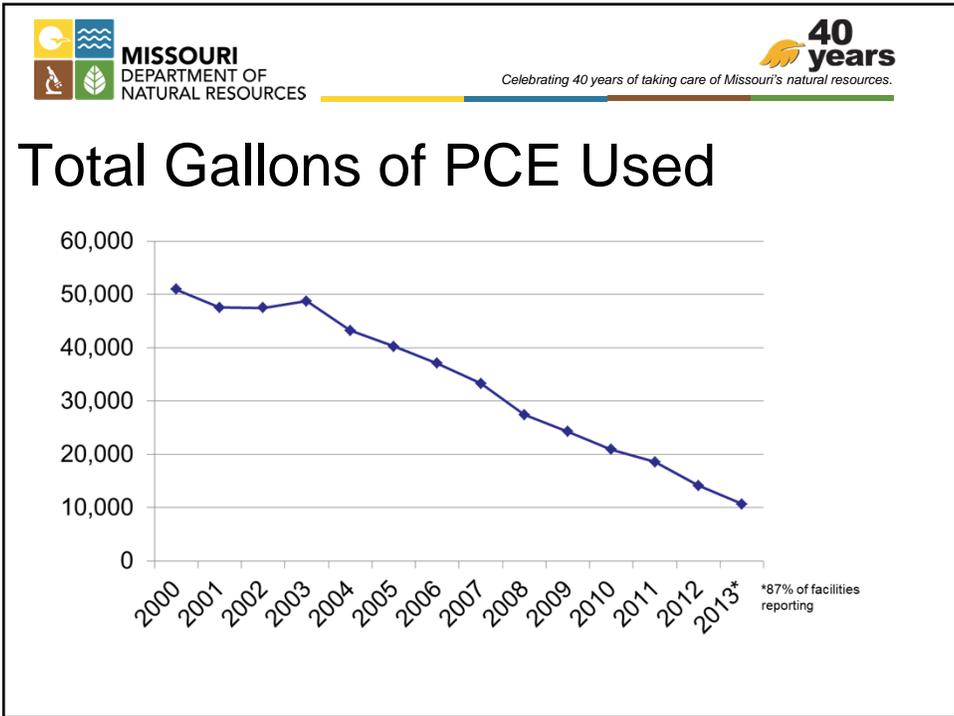
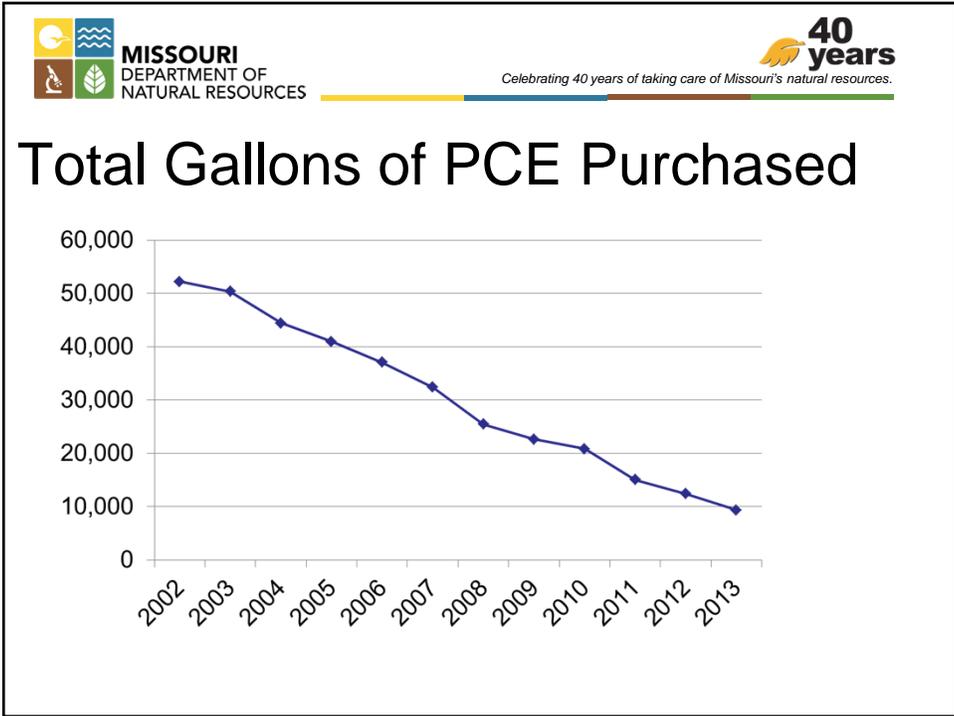
www.dnr.mo.gov

Drycleaning Environmental Response Trust (DERT) Fund Update

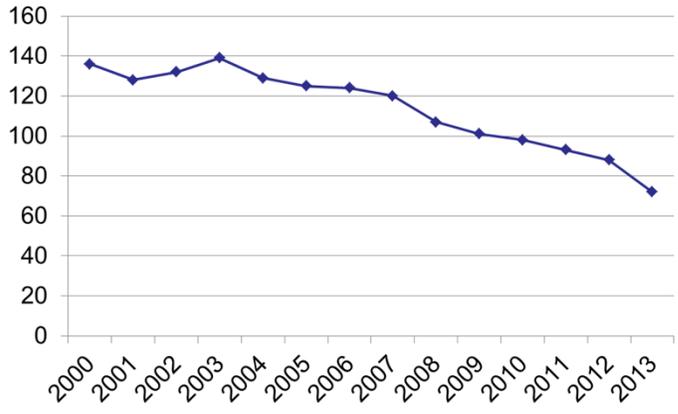
Scott Huckstep
Brownfields/Voluntary Cleanup Section
October 16, 2014

Active Drycleaners

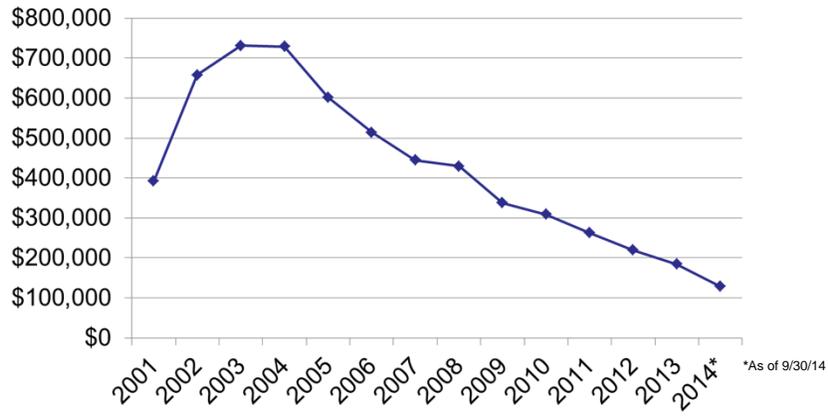


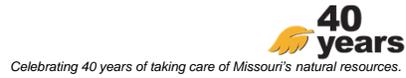


Average Gallons of PCE Used Per Facility



Fund Revenues (Registration & Solvent Surcharges)





2012 Liability Analysis

- As of September 3, 2012, no longer accepting new applications for enrollment
- Reimbursements for workplans approved after September 1, 2012, not guaranteed
- Letters sent to stakeholders, active drycleaners and DERT Fund participants advising of the fund's status



General Information

- 21 active sites
- 15 sites have received a Certification of Completion letter
- \$2,665,907 reimbursed (as of 9/16/14)
- **\$403,065** – Fund balance (as of 9/30/14)



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Questions?

Missouri Hazardous Waste Management Commission Meeting

**October 16, 2014
Agenda Item # 7**

2014 Missouri Pesticide Collection Update

Issue:

A summary of the Pesticide Collection Program 2014 results will be presented. Furthermore, plans to develop a contract prior to the commencement of the 2015 collection events will be discussed.

Information:

- Summary of the 2014 Pesticide Collection Program
- Lessons learned from past events
- Began the RFP process to develop a contract for the 2015 calendar year
- Outlook for 2015

Recommended Action:

Information only.

Presented by:

Nicole Eby, Compliance and Enforcement Section



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October 16, 2014

Missouri Pesticide Collection Program

Nicole Eby
Environmental Specialist
Hazardous Waste Program
Enforcement Unit



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Missouri Pesticide Collection Program

A free program for Households and Farmers

- MISSOURI RESIDENTS ONLY
- A convenient, free opportunity to properly dispose of waste pesticides.
- Pesticides from businesses, pesticide production facilities, pesticide distributors, pesticide retailers and the like cannot be accepted.



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Background

- In 2012 and 2013 MDNR conducted 17 Pesticide Collection Events resulting from a Supplemental Environmental Project with Walmart.
- Total weight collected was 123,046 pounds
- Total of 491 households and farmers participated
- No accidents or major spills



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Background

- In 2013, Walmart entered a plea agreement with the Department of Justice's (DOJ) Environmental and Natural Resources Division for violations of the Federal Insecticide, Fungicide and Rodenticide Act in Missouri.
 - Hazardous Waste Program received \$3,000,000 from the DOJ to use for pesticide related activities



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Pesticide Program Goals

- 2 primary goals
 - Organize, set up and conduct 4-5 pesticide collection events per year
 - Develop information/education/outreach program regarding responsible use and disposal of pesticides.



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2014 Accomplishments

- Pesticide Collection Program Plan developed
- Organized / conducted four events
 - existing contract with a hazardous waste disposal company



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2014 Accomplishments

- Advertisement campaign for program
 - Newspapers/Radio
 - Government agencies (i.e. Solid Waste Districts)
 - Distributed flyers to local businesses
 - Measured success of above after each event

- Environmental Specialist hired



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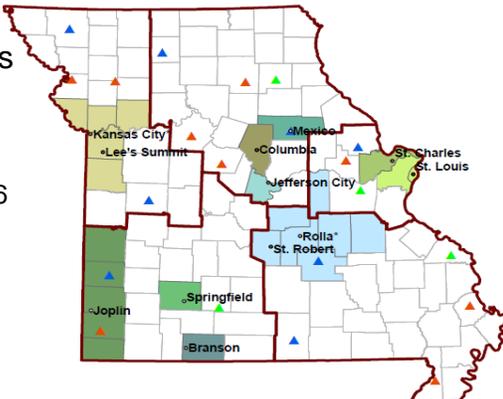
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Permanent Household Hazardous Waste Collection Facilities and Pesticide Collection Events

2014 Event Locations

(▲)

1. Perryville – May 31
2. Washington – July 26
3. Marshfield – Aug 23
4. Shelbina – Sept 27



<p>Counties Served by Facility Location</p> <ul style="list-style-type: none"> None Branson Columbia Jefferson City Joplin Lee's Summit Mexico Springfield St. Charles St. Louis St. Robert 	<p>Pesticide Collection Event Year</p> <ul style="list-style-type: none"> ▲ 2012 ▲ 2013 ▲ 2014
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MO DNR Regions

Note: Facilities marked with an asterisk (*) only serve their namesake cities.

What Was Accepted?

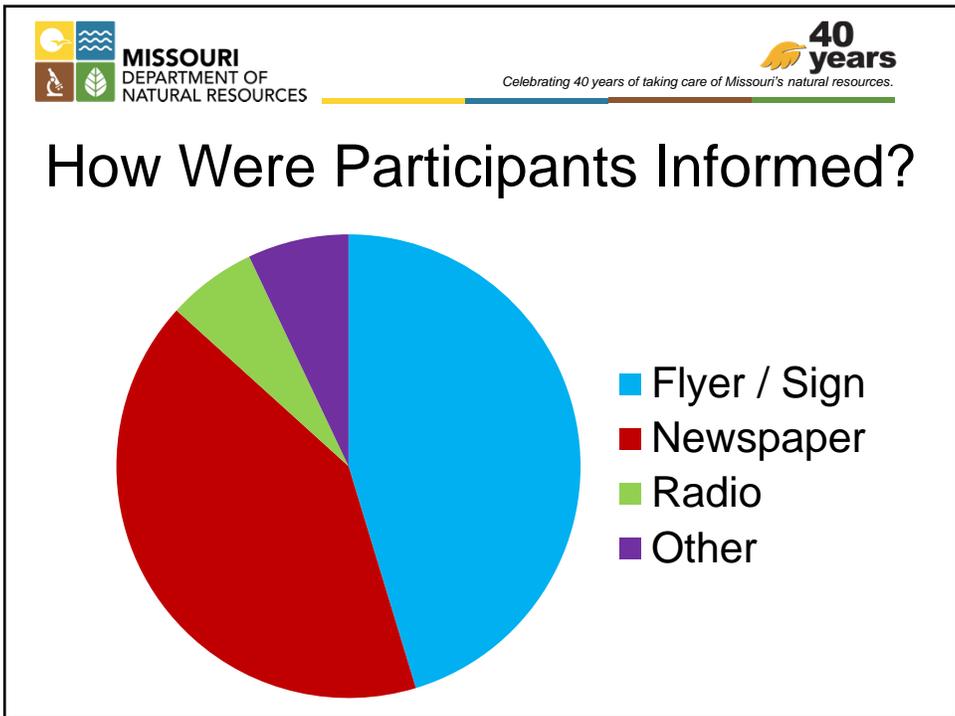
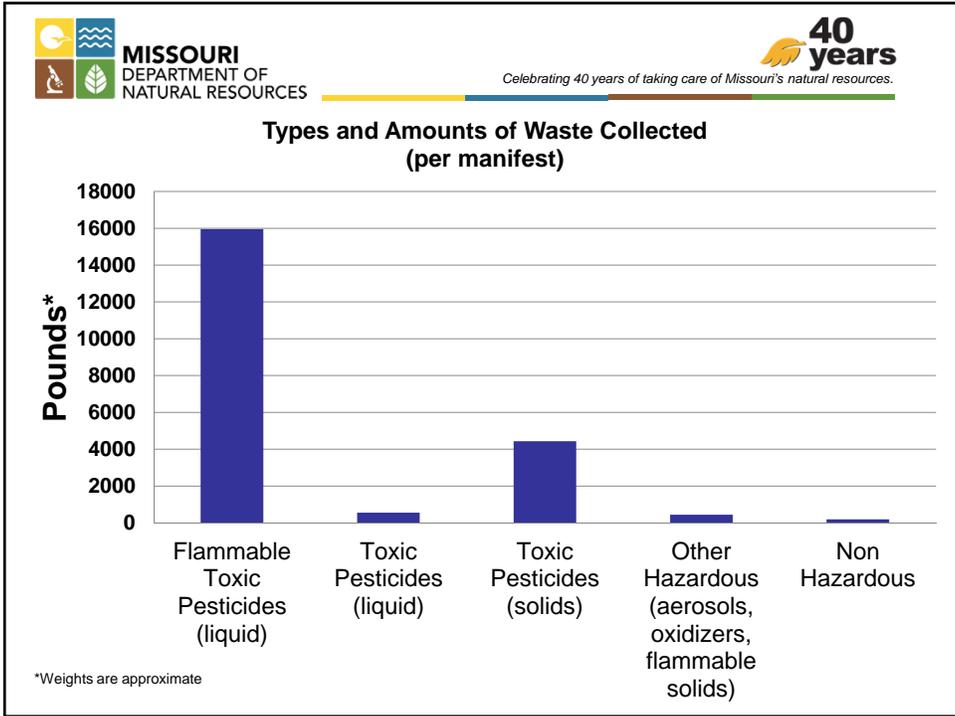
- Fungicides
- Herbicides
- Insecticides
- Pesticides
- Rodenticides
- Fertilizers containing herbicides or pesticides
- De-wormers & fly-tags

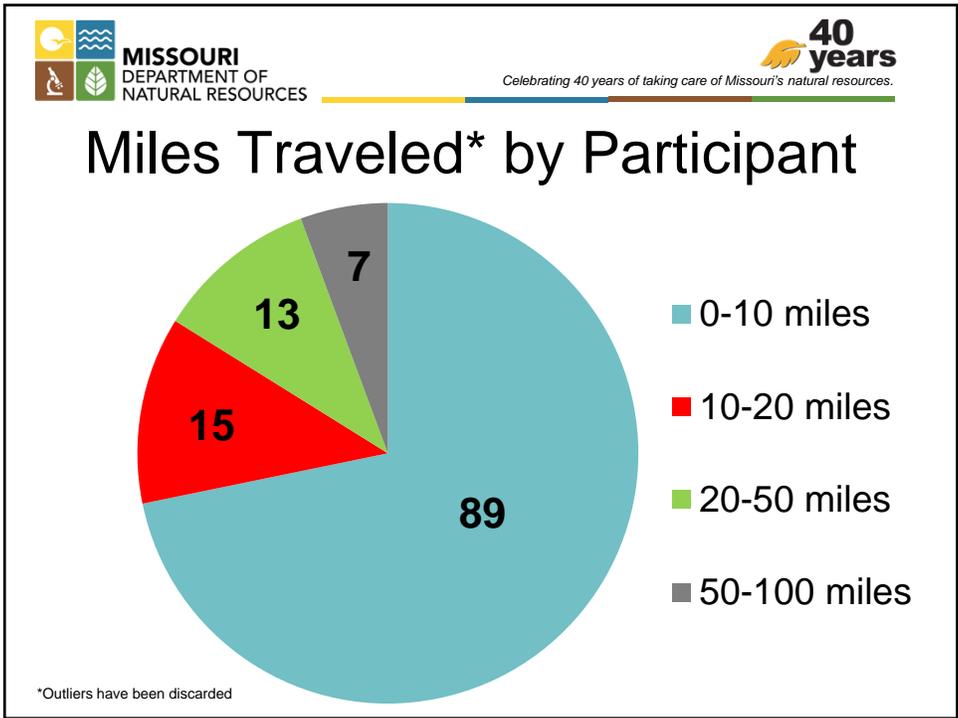


2014 Pesticide Collection Event Results

- Four events collected ~22,000 pounds
- Participants 129
- Most common pesticides collected were 2-4-D, 2-4-5-T, Atrazine, Chlordane, DDT, Diazinon and Lindane.







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FREE FREE FREE

FOR MISSOURI FARMERS and HOUSEHOLDS
PESTICIDE COLLECTION
Saturday - September 27, 2014 8 a.m. to 1 p.m.

The following items will be accepted:

- > Pesticides
- > Fungicides
- > Rodenticides
- > Insecticides
- > Herbicides
- > Drawdowns
- > Fertilizers containing herbicides or pesticides
- > Fly Tags

Shelby County Fairgrounds
6762 Hwy 15, Shelbina, MO 63468

FOR MISSOURI RESIDENTS ONLY Pesticides from businesses, pesticide production facilities, pesticide distributors, pesticide retailers and the like cannot be accepted. For questions contact C.J. Plummer, Missouri Department of Natural Resources at 573-751-0616 or visit www.dnr.mo.gov/pesticides/ for future collection sites and dates.

Missouri Department of Natural Resources **40 years**



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Waste pesticides from Perryville event



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Washington event



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Marshfield event collected four pallets of crop pesticides



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Shelbina event collected Toxaphene = Cattle affected



Shelbina event



Shelbina Event

Lessons Learned

- Advertising process takes lots of time!!!
 - Plan months ahead of time
 - Contact local town officials to promote events
- Location is important
- Contract must be more specific
 - Paperwork timeframes



Goals for 2015

- Develop draft request for proposal (RFP) for obtaining a dedicated contract with a hazardous waste disposal contractor
- Organize 5 collection events
 - Possibly combine with other events (i.e. Tire Roundups)?
- Update website
- Prepare publications, including an article for Missouri Resources



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Contact Information

Webpage:

<http://dnr.mo.gov/env/hwp/pesticide/index.html>

- Chris (CJ) Plassmeyer: 573-751-0616
chris.plassmeyer@dnr.mo.gov
- Dennis Hansen: 573-751-3476
dennis.hansen@dnr.mo.gov
- Nicole Eby: 573-751-2347
nicole.eby@dnr.mo.gov



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Thank You!

Missouri Hazardous Waste Management Commission Meeting

October 16, 2014

Agenda Item # 8

Tanks Update

Issue:

Tanks Update

Information:

- Tanks State Fiscal Year Goals
- Federal Fiscal Year Goals
- EPA Special Projects and Drinking Water Grant Work

Recommended Action:

Information only.

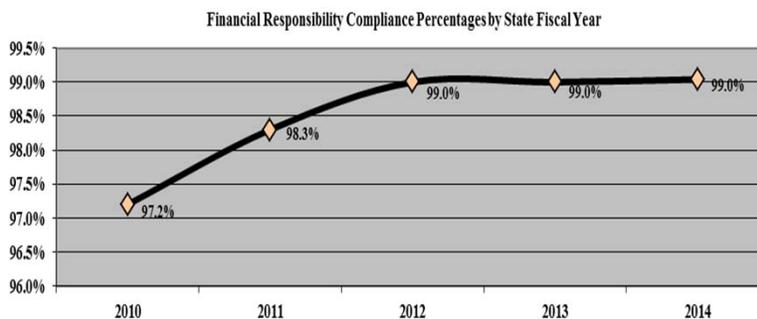
Presented by:

Ken Koon – Chief, Tanks Section HWP

Tanks Update

Ken Koon
Tanks Section Chief

Financial Responsibility



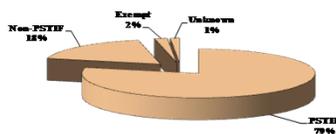


Financial Responsibility

Financial Responsibility Breakdown (current)

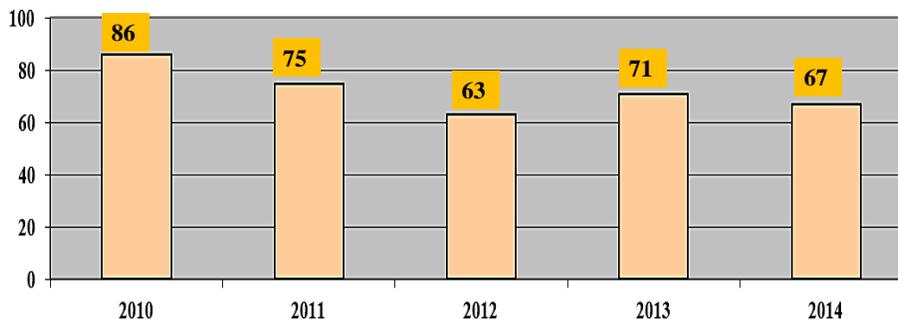
PSTIF	2,543
Non-PSTIF	585
Exempt	57
Unknown	41
Total DNR Regulated Facilities	3,226

Percentage Breakdown of Financial Responsibility

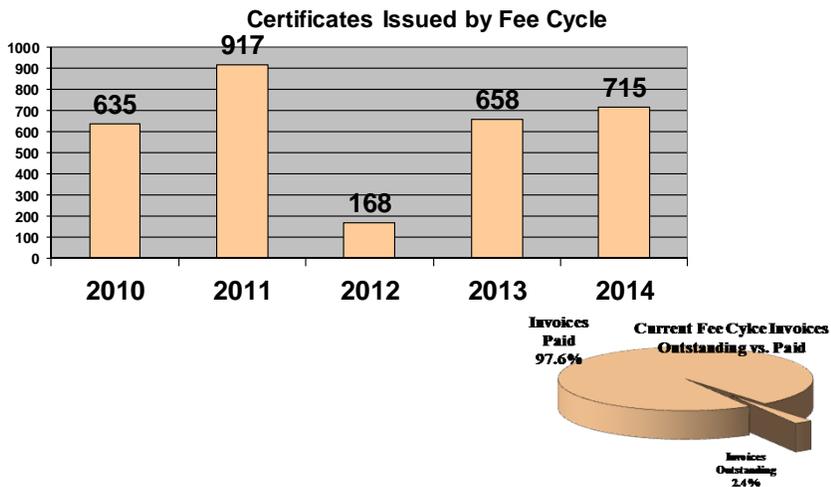


New Installations

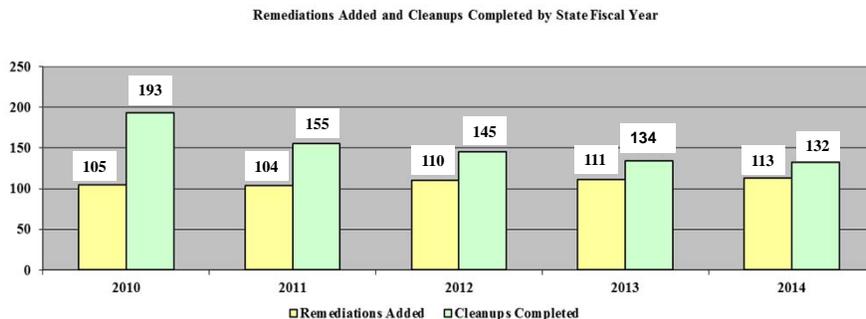
New Installs Received by State Fiscal Year



Tank Certificates



Remediation Projects





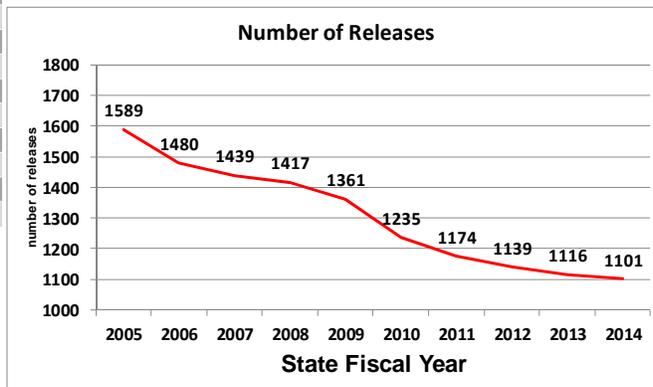
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AST and UST Cleanup

Year	Number of Releases
2005	1589
2006	1480
2007	1439
2008	1417
2009	1361
2010	1235
2011	1174
2012	1139
2013	1116
2014	1101



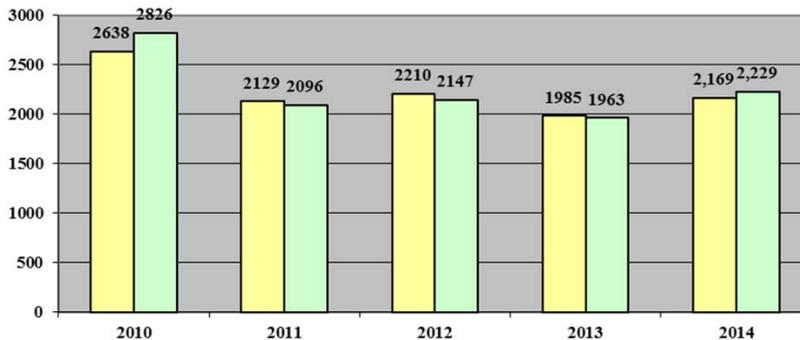
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Remediation Mail

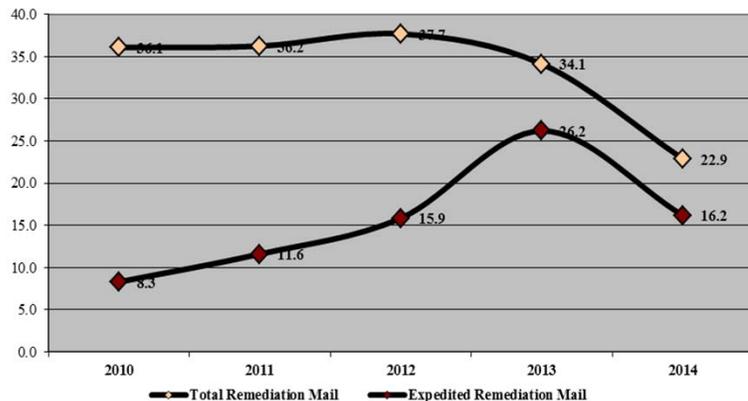
Remediation Mail Received and Responses Issued by State Fiscal Year



Mail Received Responses Issued

Review Time

Remediation Document Review Time by State Fiscal Year



Federal Fiscal Year (USTs)

40,805 Total USTs

31,788 Permanently closed USTs

404 Hazardous Substance USTs

430 Total Emergency Responses

8 responses in 2014



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Federal Fiscal Year (USTs)

- 6,929 Confirmed Releases
- 5,595 Cleanups Completed by Responsible Parties
- 424 Cleanups Completed by the State
- 910 Cleanups Ongoing



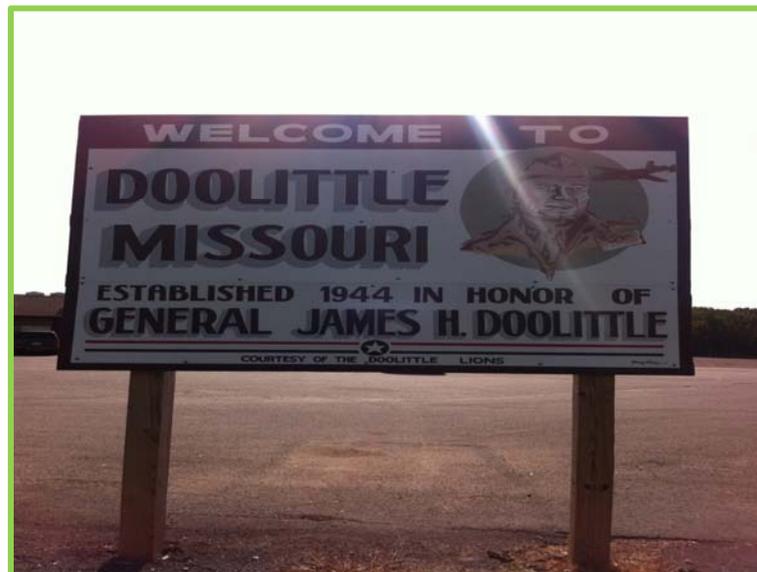
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Sources and Causes

- Report due to the Environmental Protection Agency each December
- Found 104 total releases
- 8 releases from operation
- 96 from historical contamination found during phase II or tank closure

Special Projects

- EPA grant to increase document review and file reviews (\$125,000)
- EPA grant to address abandoned drinking water sites (\$175,000)
- EPA grant just announced to continue document review and file reviews (\$125,000). We will bring back contractor for some time in this and next fiscal year.





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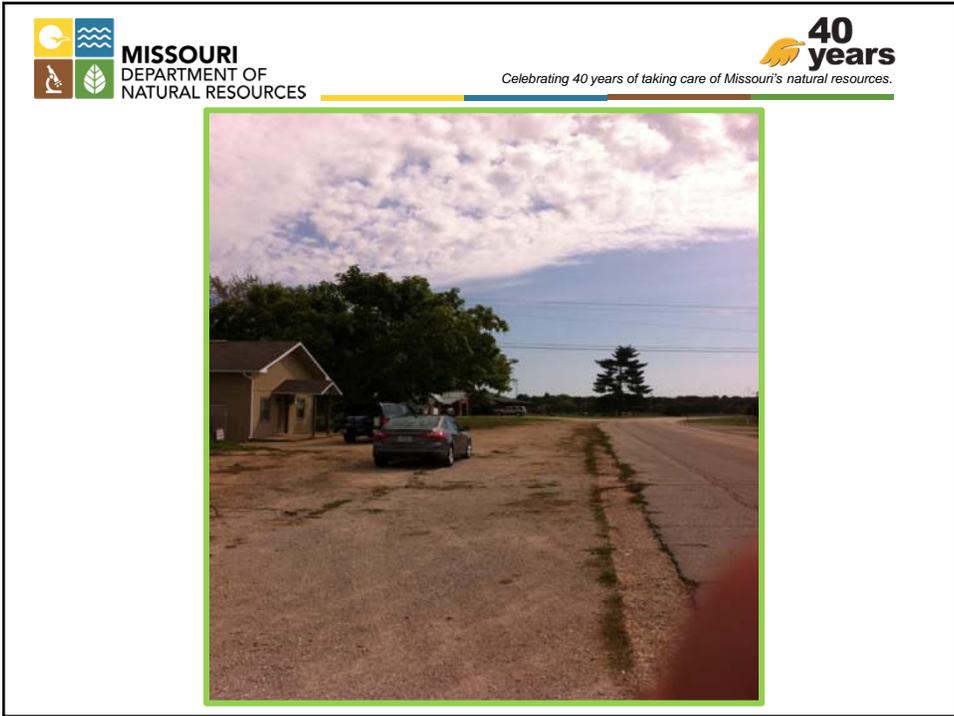
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Questions??

Missouri Hazardous Waste Management Commission Meeting

October 16, 2014

Agenda Item # 9

Quarterly Report

Issue:

Presentation of the April through June 2014 Quarterly Report.

Recommended Action:

Information Only

Presented by:

Dee Goss – Public Information Officer, Division of Environmental Quality

Hazardous Waste Management Commission Report

April through June 2014

Quarterly Report



Hazardous Waste Management Commissioners

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

"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

Cover Photo: Kelley Acree Building Composite

Letter from the Director

This edition of the Commission Quarterly covers the time period of April 1 through June 30, 2014. This timeframe marks the end of the 2014 legislative session and the state fiscal year.

As this year's legislative session came to a close, hazardous waste issues were not as prominent as they were in the previous two years. In 2012, HB 1251 brought us the "no stricter than" language that was added to the Hazardous Waste Law; and, the 2013 session produced HB 28 and HB 650, which contained language that streamlined the permitting process, allowed the Commission to adjust certain fees by rule, and changed the structure of the Commission. However, this year's session did result in some changes to the Hazardous Waste Law that will have an effect on the Hazardous Waste Program. SB 642, which passed this session and was signed into law, included language that made minor changes to the provisions related to the Commission being able to set certain fees by rule, thereby clarifying the process and extending the sunset date of this authority by a year, to Aug. 28, 2024. It also removed a provision that would have only allowed a fee increase to go into place in the next odd numbered year after the fee was approved.

SB 642 also included language that extended the sunset date of the law related to the radioactive waste transport fee from Aug. 28, 2015, to Aug. 28, 2024. Those fees are used to fund escorts of radioactive waste shipments across the state, perform inspections, train emergency responders and provide them with equipment to help respond to any potential emergency situations. Without this extension there would be no funding for these activities, so we were glad to see this addressed this year rather than next year when it would be more of a critical issue. All in all, it was a good legislative session for the Program.

During this quarter, we also saw a number of changes to the makeup of the Hazardous Waste Management Commission (HWMC). In April, we saw the election of Commissioner Deron Sugg as the new Chairman and Commissioner Charles Adams as the new Vice-Chair. We welcome them to these new roles for the coming year and look forward to working with them in their new capacity. We would also like to thank Commissioner Michael Foresman and Commissioner Andrew Bracker for their service as the Chair and Vice Chair, respectively, this past year as well.

In June, we also welcomed a new Commissioner to the HWMC. Mr. Mark Jordan was appointed by the Governor as the first ever Retail Petroleum Industry Representative to the HWMC. As noted above, this position on the Commission was created by HB28 and HB650 from the 2013 legislative session. The newly created industry position replaces one of the previous public member slots on the Commission; and with Commissioner Jordan's appointment, all positions on the Commission are now filled. We welcome Commissioner Jordan to his new role on the Commission as well as the experience and perspective that he will bring as the retail petroleum representative.

In this edition of the quarterly you will also find updates on activities that have been undertaken this quarter including the restart of our pesticide collection activities and efforts staff have taken to keep our partners and stakeholders informed of the activities of the Program. We hope you find this information useful and enjoy reading about the Program's efforts.

Sincerely,



David J. Lamb

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Brownfields/Voluntary Cleanup Program Certificates of Completions

Brownfields are real property where the expansion, redevelopment or reuse of may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. Through this 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 (BVCP) issued four certificates of completion for various sites from April through June 2014. This brings the total number of certificates of completions to 971.

North Broadway Building – St. Louis

The North Broadway Building site, 500 N. Broadway, St. Louis, occupied the southern portion of the 0.54-acre site in 1875. It was a five-story building, which housed B. Nugent & Brothers Dry Goods. B. Nugent & Brothers Dry Goods operated on the site until 1944, when the building was demolished. The site sat vacant until the 1950’s when Wayco Petroleum constructed a parking garage. The eastern portion of the site was occupied by a bus terminal, dry cleaner, bakery and music store in the 1950s and 1960s. The foundation and parking garage for the current 22-story office building was constructed in 1969. The 436,000 square-foot building was completed in 1971 and the interior was remodeled several times. Asbestos containing fireproofing coating was abated from several floors and areas of the building and properly disposed. Other asbestos containing materials (ACMs) were encapsulated to prevent exposure.

An operation and maintenance (O&M) plan was filed in the chain of title for the property on March 20, 2014, for the care of the materials left in place. The department determined that the site is safe for its intended use.

Lafayette Venture Redevelopment – St. Louis

The Lafayette Venture Redevelopment site, 2714 Lafayette Ave., St. Louis, is a property that has a 25,706 square foot building constructed in 1890. Beginning in at least 1909, the site was occupied by a livery, an automotive service garage and filling station and an ice and fuel company. ACM and lead-based paint (LBP) were identified in the building. The building was abated to remove all ACM and LBP except for a few select areas where hazards were properly encapsulated. A tier 1 risk assessment concluded that residual petroleum contamination does not pose a risk for unrestricted use of the site.

A tier 1 risk assessment was conducted in accordance to the 2006 Missouri Risk Based Corrective Action (2006 MRBCA) guidelines to determine potential site risk. The assessment compared findings against soil type II residential levels. Gasoline range organics, naphthalene and benzene concentrations were found to be below the level of concern for residential use. Lead and arsenic were each below the respective background concentrations for St. Louis County. Groundwater contamination was below levels of concern for vapor intrusion. A St. Louis ordinance prohibits the installation of domestic wells, rendering groundwater pathways incomplete. The site therefore qualifies for residential use. The department determined that the site is safe for its intended use.

Beacon Hill Redevelopment Project - Kansas City

The Beacon Hill Redevelopment Project site, 2601 and 2605 West Paseo Blvd and 2600 and 2604 Paseo Blvd., Kansas City, is currently vacant and is situated in a residential district known as the Robinson Hospital Subdivision. Initial investigation identified the presence of lead, mercury and benzo(a)pyrene in soil in concentrations above the 2006 MRBCA, default target levels (DTLs) and tier 1 risk-based target levels (RBTLs) for residential use project site. Ten confirmation soil samples and one duplicate sample were collected from the exposed surface of the excavation area once the extent of excavation was reached. Chemical analysis showed lead levels for all confirmation samples were below 260 mg/kg. The department determined that the site is safe for its intended use.

Wade Funeral Home - St. Louis

The Wade Funeral Home site, 4800-4828 Natural Bridge Ave., St. Louis, was developed for commercial use in the 1930s and currently serves as a funeral home with a flower shop and chapel. Historic uses include a hardware store, bowling alley and a youth center. The eastern portion of this site was an automotive repair and fueling station from the late 1930s until the late 1950s, although the exact time frame is not certain. Adjoining properties were an automotive station and dry cleaners. An August 2013 phase II investigation, conducted by their consultant, identified residual subsurface contamination below levels of concern. A phase II investigation was conducted in August 2013 to fully delineate onsite contamination and investigate impact from offsite recognized environmental concerns. Follow-up surficial sampling was completed in December 2013 at previous sample locations to address data gaps. Two additional borings were also placed to address the former onsite automotive station. A tier 1 risk assessment was performed according to the 2006 MRBCA guidelines to determine the potential risk posed by residual site contamination. Benzo(A)Pyrene, benzo(k) fluoranthene and lead concentrations were found to be below RBTLs for all pathways. The site therefore qualifies for unrestricted use. The department determined that the site is safe for its intended use.



Columbus Park Redevelopment – Kansas City

The Columbus Park Redevelopment site, 400 and 401 Charlotte St., Kansas City, is located in a mixed commercial and residential area in Kansas City. The 400 Charlotte St. portion of the site was occupied by various freight lines from 1951 until 1980. The property sat vacant until 1990 when Heart Of America Produce Co. began operation. The property is currently vacant and mostly

covered by vegetation. Based on the review of historical resources, 401 Charlotte Street was also owned by Toedbusch Transfer Inc. from 1951 to 1970, when the property transferred to Saraan Truck Rental. The property sat vacant from 1985 to 1995 when Northern Pipeline began operation. Coach USA obtained the property in 2006. This facility is identified as an active leaking underground storage tank (LUST) site, and a no further action letter was issued in 2006 by the department in regards to the LUST issue. The property is currently occupied by a building and parking lot that is operated by White Knight Limousines.

The investigation concluded that concentrations of contaminants do not exceed 2006 MRBCA DTLs or background concentrations; therefore, the site meets the requirements for unrestricted use. The department determined that the site is safe for its intended use.



Kelley Acree Building - St. Louis

The Kelley Acree Building site, 3207 Washington Ave., St. Louis, contains a 23,500 square foot building with two floors, a full basement and a single story wing. Developed around 1909, this site served as residential property, office space, a scientific publisher and a performing arts school. Miscellaneous hazardous materials, ACM, LBP and an above-ground storage tank located in the basement were identified at this site.

The bulk of hazardous materials were addressed through demolition or abatement by complete removal. An O&M plan has been established for LBP and ACM remaining on site. The department determined this site is safe for its intended use.

Sherman Avenue House - Springfield

The Sherman Avenue House site, 1130 N. Sherman Ave., Springfield, consists of two residential structures, one two story home with basement and one out building, constructed prior to 1978. Previous investigations identified the presence of LBP and ACM. LBP was found on the interior and exterior of the three story house structure, primarily on windows, trim and exterior siding. ACM was found on both the house structure and outbuilding in the form of floor tile, transite siding and plaster skim coat. All ACM and LBP were abated by complete removal from the site. The outbuilding structure was demolished once ACM removal was complete. The house was completely gutted, and all ACM and LBP removed. The site therefore qualifies for unrestricted use. The department determined that the site is safe for its intended use.

History Museum - Springfield

The History Museum - Springfield site, 154 Park Central Square, Springfield, was developed in approximately 1886. Past uses of the site include a cigar factory, a print shop, a bank, a restaurant, nightclub, various other businesses and office space. The site building is currently vacant.

Site investigation confirmed the presence of LBP and ACM. The ACM and LBP were removed in accordance with an approved remedial action plan. Some ACM and LBP that were unable to be removed were encapsulated in place. An O&M to manage and prevent future exposure to the encapsulated ACM and LBP was approved by the BVCP and filed in the property's chain of title. The department determined that the site is safe for its intended use. The Ozarks Charitable Real Estate plans to redevelop this building into the Springfield History Museum.

Triple D Cleaners (former) - Washington

The Triple D Cleaners (former) site, 209 W. 2nd St., Washington, is a 0.07 acre site that was previously occupied by a two-story brick building with a basement and was formerly used as a dry cleaner. Dry cleaning solvent and low concentrations of petroleum were found to be present in both soil and groundwater. Asbestos and an underground heating oil tank were identified during investigation. B. of W. Holdings, Inc. purchased the property to demolish and replace their existing parking garage and drive-through facility, which was sited immediately south of the main Bank of Washington facility. The project was to increase the size of the main bank building and add an open-air multi-level parking garage for employees.



Bank of Washington parking lot near entrance

Site investigations revealed the presence of chlorinated solvents, primarily tetrachloroethylene (PCE) and its degradation products, in soil and groundwater. Several underground storage tanks were identified during site investigation activities and were removed in 2007. Following the demolition of the buildings in September 2007, the subsurface investigation included the installation of groundwater monitoring wells. Results of soil and groundwater samples indicated dry cleaning solvent

concentrations in excess of the 2006 MRBCA RBTLs for non-residential use of the property. A work plan was submitted to the department to excavate impacted soils as part of the source removal. The excavated soils were characterized and properly disposed of at an appropriate off-site facility. In December 2007, additional groundwater monitoring wells were installed. A tier 1 risk assessment was performed in accordance with the 2006 MRBCA technical guidance. The cumulative risk posed by the chemicals of concern in soil and groundwater was acceptable for the non-residential worker. However, groundwater-containing PCE could pose an unacceptable risk for the domestic use of groundwater. An environmental covenant was filed in the chain of title for the property on April 23, 2014, to ensure the use restrictions placed on this property remain in place. The department determined this site is safe for its intended use.

Sites in Brownfields/Voluntary Cleanup Program

Month	Active	Completed	Total
April 2014	236	731	967
May 2014	236	733	969
June 2014	236	735	971

New Sites Received: 9

April

Faxon School Apartments, Kansas City
 St. Lucas Church & Residential Apartment Building, St. Louis
 Plaza Galleria Redevelopment Site, Cape Girardeau

May

Beaumont Building, St. Louis
 Project Spirit-St. Louis, St. Louis
 RNC Enterprises, Inc., St. Louis

June

Viatech Facility Former, Springfield
 South Broadway, Lemay
 General Electric Supply Corporation Building, St. Louis

Sites Closed: 8

April

Beacon Hill Redevelopment Project, Kansas City
 Columbus Park Redevelopment, Kansas City
 Lafayette Venture Redevelopment, St. Louis
 North Broadway Building, St. Louis
 Wade Funeral Home, St. Louis

May

Kelley Acree Building, St. Louis
 Sherman Avenue House, Springfield

June

Triple D Cleaners (former), Washington
 History Museum-Springfield, Springfield

Drycleaning Environmental Response Trust Fund

The Department of Natural Resources' Drycleaning Environmental Response Trust (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 2013	Active Dry Cleaning Facilities	Facilities Paid	Facilities in Compliance
January - March 2013	150	76	50.67%
April - June 2013	150	124	82.67%

Calendar Year 2014	Active Solvent Suppliers	Suppliers Paid	Suppliers in Compliance
January - March 2014	11	11	100.00%
April - June 2014	11	10	90.91%

Cleanup Oversight

Calendar Year 2014	Active Sites	Completed Sites	Total
January - March 2014	26	15	41
April - June 2014	26	15	41

New Sites Received: 0

Sites Closed: 0

Reimbursement Claims

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

Month	Received	Under Review	Paid/Processed
April	0	7	2
May	0	6	2
June	1	1	0

Month	Received	Under Review	Paid/Processed
April	\$0.00	\$441,185.37	\$18,240.64
May	\$0.00	\$352,773.44	\$142,511.84
June	\$18,748.27	\$6,300.20	\$0.00

Reimbursement Claims Processed

Site Name	Location	Paid
AG Cleaners	Kirkwood	\$19,014.78
McDonald's State Line	Kansas City	\$15,949.39
Tri-State Service Company-Booneville Avenue	Springfield	\$2,291.25
Tri-State Service Company-East Trafficway Site	Springfield	\$123,497.06

Total reimbursements as of June 30, 2014: \$2,585,959.50

DERT Fund Balance as of June 30, 2014: \$505,261.00

The Conceptual Site Model: A Corrective Action Tool

Protecting human health and the environment is the department's main mission at any hazardous waste treatment, storage and disposal facility, but even more so at facilities where hazardous wastes or hazardous waste constituents were released to the environment. According to the Resource Conservation and Recovery Act of 1976 (RCRA) and the Missouri Hazardous Waste Management Law, owners or operators of hazardous waste treatment, storage and disposal facilities are required to investigate and remediate releases of hazardous waste and hazardous constituents to the environment resulting from hazardous waste handling practices at their facility, regardless of when those releases occurred. These activities, known as corrective action, are designed to investigate and ultimately reduce risks to human health and the environment by implementing cleanup and risk management actions.

Gathering enough data to fully define the type and amount of hazardous waste and hazardous constituents released at a facility, where the release is located, how fast the release is moving in the environment and selecting effective corrective measures to remediate the release is a complex process requiring a collection of substantial scientific/engineering information and the expertise of many stakeholders. A conceptual site model (CSM) is a critical planning and decision-making tool designed to help project teams streamline the corrective action process. CSMs are a facility-specific written or pictorial description of the source(s) of contamination and the pathways contamination could take from the source(s) to humans, animals or the environment, such as by air, soil, water and food. CSMs present the best interpretation of available site information and technical data in a clear and understandable format, such as text, tables, figures or flowcharts.

The Purpose of a CSM

CSMs help the department, EPA and regulated facilities organize information about facilities' characteristics and environmental setting. CSMs are iterative "living representations" of information that evolve throughout the corrective action process. They are used to interpret available information and identify data gaps/uncertainties needing to be addressed during the corrective action process. As additional data is gathered to address the uncertainties, CSMs are tested and refined to reflect new information. If new data is inconsistent, either the data needs evaluation, or the CSMs needs to be revised.

CSMs also provide the fundamental foundation for how and where contaminants are expected to move in the environment and what impacts such movement may have. For actual risk to occur, the migration and exposure pathways must be complete. That is, there must be a way for the contaminants to move from the source to a point of contact with the receptor. CSMs help facilitate communication between stakeholders regarding actual and potential contaminant receptors so as to focus available investigation resources on contamination pathways representing the greatest actual or potential human health and environmental risks.

In the event that an exposure pathway is determined to be complete, a CSM would be used to support selection of appropriate corrective measures to mitigate identified exposure pathways. Conversely, if it can be shown that an exposure pathway is incomplete, the need for additional investigations or corrective measures regarding that pathway can be eliminated. By improving communication and focusing resources on the most likely risks, a CSM can provide financial benefits to regulated facilities and streamline the overall corrective action process.

CSM Components

Initially CSMs can be based on limited information, and then they are further developed as data is collected and analyzed. CSMs should address four basic components:

- 1. Contaminant Source(s) and Contaminants of Concern** - Following a review of a facility's operational history and past investigation data, the contaminants of concern and likely sources/activities

that might have contributed to the contaminant release are identified. Release sources may include leaking tanks, waste/product spills, sewer lines and pipelines, floor drains, landfills and other land disposal management units, fire-training areas and discharge areas.

2. Migration Pathways - Releases can contaminate several different media at facilities, such as air, soil, sediment, groundwater and surface water. CSMs attempt to conceptualize how the released contaminants move in the environment. Contaminant migration can occur in the following ways:

- Through water picking up contaminants in the soil as it drains/percolates
- Through the source to a groundwater aquifer
- As water flows overland to surface water bodies
- As contaminants in a groundwater aquifer flow to another aquifer
- As surface water body and contaminants in soil or groundwater evaporate to air

All environmental media (air, soil, sediment, surface water and groundwater) should be evaluated. Investigators can determine which media and migration pathways are applicable to facilities, based on the nature of the release, the contaminants of concern and the facility-specific geologic and hydrogeologic characteristics.

3. Human and Ecological Receptors - The key functions of CSMs are to identify the actual and potential receptors that might come into contact with contaminated media. This evaluation considers both current and possible future use of facilities' properties, as well as the land use surrounding the facilities. Potential human receptors may include residents, workers, visitors, construction workers, trespassers and groundwater users. Ecological receptors may include fish, birds, mammals and plants. The ecological risk evaluation is usually separate from the human risk evaluation, since humans are normally exposed and impacted differently than ecological receptors.

4. Exposure Pathways - CSMs list the different ways receptors may be exposed to contaminants of concern. Potential exposure pathways include inhaling vapor/dust, direct contact with contaminated media (skin exposure) or ingesting contaminated media or food (groundwater/fish).

CSM Format

CSMs are communicated in different ways depending on the complexity of the environmental setting at facilities. CSMs benefit from the use of multiple formats (text, tables, figures and flowcharts) to best portray the available information. A good narrative may be the best way to provide descriptions of facilities and their history, while also identifying contaminant source(s) and receptors, both human and ecological.

Maps can show the relative position of contaminant sources, surface water features, prevailing wind pattern and groundwater contaminant plume contours. Flow diagrams can be used to show the "interrelationships" from the original source(s) to the final receptor(s).

Conclusion

CSMs are a valuable tool used to assess corrective measures to mitigate identified exposure pathways. If you have any questions about this process, please contact Rich Nussbaum in the Permits Section at rich.nussbaum@dnr.mo.gov.

Regional Office Hazardous Waste Compliance Efforts

- Conducted 103 hazardous waste generator compliance inspections:
 - 24 at large quantity generators
 - 25 at small quantity generators
 - 34 at conditionally exempt small quantity generators
 - Four resource recovery inspections
 - 13 at E-waste recycling facilities
 - Three targeted re-inspections
- Conducted eight compliance assistance visits at hazardous waste generators
- Issued 20 letters of warning and five notices of violation requiring actions to correct violations cited during the 103 inspections conducted
- Received and investigated a total of five citizen concerns regarding hazardous waste generators

Underground Storage Tank (UST) Compliance and Technology Unit (CTU)

New regulation changes continue to progress. To comply with the Environmental Protection Agency (EPA) Energy Policy Act requirements for underground storage tanks (USTs), the department will require all new UST systems installed after July 1, 2017, to be double-walled with improved monitoring. The new regulation proposals will also include Missouri-specific improvements, as well any “new” federal regulation changes. The Underground Storage Tank Compliance and Technology Unit (UST CTU) continues to participate in meetings and outreach efforts to the regulated community to assure they have ample opportunity to provide input on the proposed regulations.

Tank Inspection Efforts

State Fiscal Year 2015 contracted inspections will soon begin. As we have seen in previous years, Missouri owners, operators and contractors continue to demonstrate their proactive compliance, responsiveness to issues when found and willingness to be a partner in ensuring all Missouri USTs are in compliance. The efforts by our regulated community help the department to maintain compliance with the EPA requirement of inspecting all regulated facilities at least every three years. Furthermore, the department must demonstrate that all facilities are either in compliance or are moving to gain compliance. This goal is much easier to accomplish when owners, operators, contractors and regulators are all working together.

Out-of-use Tank Efforts

Within the last state fiscal year, staff made tremendous efforts and achieved good results in prompting responsible parties to close out-of-use tanks or take other appropriate site-specific actions. These efforts resulted in approximately 20 percent of the out-of-use sites moving toward permanent closure. However, due to reductions in funding and staff, the department will not be able to maintain this same level of effort.

Tank Enforcement Efforts

In addition to work on the out-of-use tank sites noted above, efforts continue to resolve violations with facilities that did not maintain financial responsibility (FR) to address releases and to protect third parties. Because of these efforts by UST CTU staff and the Attorney General’s Office, the number of facilities without a verified FR mechanism remains less than 30.

Special Facilities Unit

Commercial Facility Inspectors - Special facilities inspectors conducted 13 inspections of commercial hazardous waste treatment/storage/disposal facilities (TSDs).

Polychlorinated Biphenyl (PCB) Inspector - The PCB inspector conducted 23 compliance inspections at various types of facilities throughout the state. The inspector's reports are forwarded to the EPA Region 7, which has authority for taking any necessary enforcement action regarding PCBs according to the Toxic Substances Control Act.

Hazardous Waste Transporters - The inspector conducted 28 commercial vehicle inspections. Eight violations were cited and one commercial motor vehicle was put out of service.

As of June 30, there were a total of 267 licensed hazardous waste, used oil and infectious waste transfer stations/truck terminals operated by hazardous waste transporters in the state.

Hazardous Waste Enforcement Unit

Enforcement Efforts

- Resolved and closed five hazardous waste enforcement cases
- Received nine new enforcement cases
- Sent four penalty negotiation offer letters

2014 Pesticide Collection Events

On Saturday, May 31, staff oversaw the execution of the first Missouri Pesticide Collection Program event for calendar year 2014. The purpose of the collection events are to provide a free opportunity for Missouri households and farmers to dispose of their waste pesticides and herbicides. The collection events were funded by monies resulting from a plea agreement between Walmart and the Department of Justice's (DOJ's) Environmental and Natural Resources Division entered into in May 2013, for violations of the Federal Insecticide, Fungicide and Rodenticide Act in Missouri. The Hazardous Waste Program received \$ 3,000,000 from the DOJ to use for pesticide related activities.

A total of 30 vehicles dropped off waste during the day and a total of 4,734 pounds of pesticide/herbicide waste was collected. Below is a summary of the waste collected at the event as listed on the hazardous waste manifests:

- 2,500 pounds of Toxic Pesticides (liquid)
- 1,400 pounds of Toxic Pesticides (solids)
- 550 pounds of Flammable Toxic Pesticides (liquid)
- 200 pounds of Non-regulated Pesticides (solid)
- 84 pounds of various waste pesticides including aerosols, oxidizers and flammable organic solids

During the event, staff surveyed the participants on where they heard about the program and where they had come from. The results of the survey will be used to determine the most effective ways to use our resources to distribute information prior to future events. The result of the survey was:

- 20 people were informed through a newspaper article or advertisement
- Four participants were informed through on-line/e-mail/word of mouth
- Three participants were informed through radio and newspaper
- Two participants were informed through event fliers
- One participant was informed via Extension newsletter

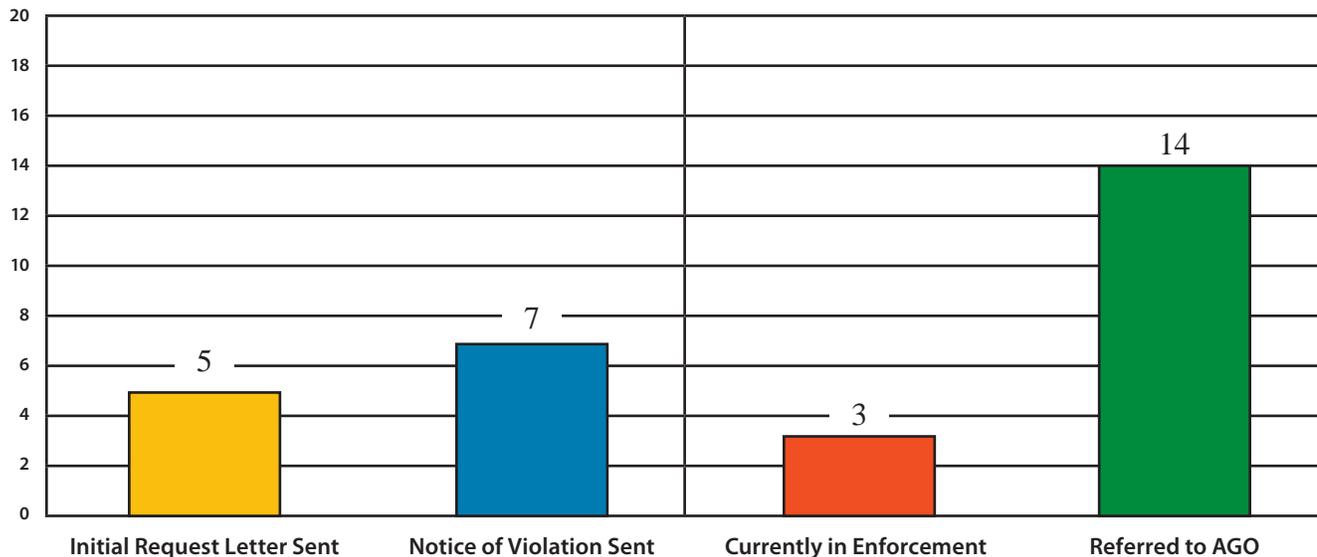
Two additional events are scheduled and the program continues to finalize details for a fourth event in 2014. The second event is scheduled for July 26, in Washington. The third event is scheduled for Marshfield, on August 23.

The 2014 Missouri Pesticide Collection Program Plan consists of two major goals. The first is to organize, set up and conduct pesticide collection events with a goal of holding four pesticide collections in 2014. The second is to develop an information/education program regarding responsible use and disposal of pesticides. The program started educational efforts by making some updates to the web page, creating event flyers and beginning to pool technical resources currently available. Details on the final event for 2014, outcomes from the upcoming events and additional progress toward our goals will be provided in the next quarterly report.

Underground Storage Tank Facilities with Unknown Financial Responsibility Status Report

Financial Responsibility Status	Number of Facilities
Initial Request Letter Sent	5
Notice of Violation Sent	7
Currently in Enforcement	3
Referred to Attorney General's Office	14
Total Number of Facilities with Unknown Financial Responsibility	29

Number of Facilities in Each Financial Responsibility Step



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

Petroleum Storage Tank Statistics

During Fiscal Year 2014, the department accomplished the following work related to petroleum storage tanks:

- Properly closed 381 tanks.
- Reviewed 145 closure reports.
- Approved 170 closure notices.
- Conducted two site investigations.
- Responded to 11 emergencies involving petroleum releases.
- Oversaw completion of 132 remediation sites.
- Issued 355 certificates of registration.

A total of 113 new releases were reported during Fiscal Year 2014. Department staff were notified of 67 new installations at tank sites and received 43 new site registrations. The Compliance and Enforcement Section staff resolved 39 cases involving violations. At the end of the 2014 fiscal year, there were 135 active enforcement cases. Financial responsibility compliance was at 99 percent. This number reflects insurance coverage from both Petroleum Storage Tank Insurance Fund (PSTIF) and other private policies and statements. There were 56 state/federal exempt sites. This number does not include temporary closed tanks, which are not required to have financial responsibility. The department regulates 3,486 facilities with 9,091 active underground storage tanks.

Tanks Section attends Association of State and Territorial Solid Waste Management Officials 2014 Leaking Underground Storage Tanks and State Fund-Financial Responsibility Workshop

The Hazardous Waste Program's Tanks Section participated in the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) 2014 Leaking Underground Storage Tanks (LUST) and State Fund workshop May 19-21 in Tampa, Fla. The two and a half day conference covered many different subjects relevant to LUST and State Fund participants. Some of the subjects discussed were site optimization and cost effectiveness, fraud and abuse, light non-aqueous phase liquids, portfolio management, comprehensive site-characterization, innovative technologies, opportunities to automate your state fund, bankruptcy and long-term protectiveness, petroleum vapor intrusion and institutional controls. Additionally there was a question and answer session with the EPA regarding current and upcoming issues. The conference was an excellent opportunity to learn about successes and failures in other states. Networking with other states and territories is a useful tool to get ideas for innovation and improvement.

Tanks Section holds workshop at the Missouri Waste Control Coalition Conference

The Hazardous Waste Program's Tanks Section participated in and held a Tanks Workshop on June 29 through July 1 as part of the Missouri Waste Control Coalition Conference in the Tan-Tar-A Resort at Lake of the Ozarks.

This was the sixth annual workshop in conjunction with the Missouri Waste Control Coalition events. This conference targeted environmental consultants who provide services to tank owners and operators. The workshop provided consultants with information and training regarding the use of the Boss 200 product and the use of Ecovac extraction services for cleanup at sites in Missouri. In addition Missouri Geological Survey staff and Tanks staff provided guidance on how to evaluate the domestic use of groundwater in Green County. The workshop included departmental staff along with private consultants, private laboratories and others.

Participation in Hazardous Material Manager Conferences

Staff from the Tanks Section and the Compliance and Enforcement Section spoke at two environmental conferences. On April 10, staff spoke at the annual spring seminar of the Gateway Society of Hazardous

Materials Managers held in St. Louis and on April 17, staff spoke at the annual summit of the Greater Ozarks Chapter of the Academy of Certified Hazardous Material Managers held in Springfield. These organizations are dedicated to fostering professional development of their members through continuing education and peer group interaction. The annual conferences provide their members an opportunity to attend hazardous materials management training that meets the continuing educational requirements needed for them to retain their professional certifications.

The conferences also provided the department with an excellent opportunity to get the word out about the recent changes in petroleum storage tank regulations and guidance. Heather Peters and Coy King spoke about the changes made to the design and operation requirements of the tank regulations and about upcoming changes expected at federal and state levels. Valerie Garrett spoke about the changes made to release investigation and cleanup requirements of the regulations and revisions made to the Risk-Based Corrective Action Guidance document.

The department will continue to seek out opportunities such as these to reach out to the regulated community and the professionals doing tank work in Missouri, ensuring they are aware of changes made and how those changes will affect the work they do.

Missouri Department of Natural Resources - Hazardous Waste Program

**Petroleum Storage
Tanks Regulation
June 2014**

Staff Productivity	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	TOTAL
Documents received for review	185	220	179	198	166	181	203	168	163	151	169	186	2,169
Remediation documents processed	146	158	168	174	119	142	171	122	165	169	148	114	1,796
Closure reports processed	14	5	12	13	7	8	26	13	9	10	7	21	145
Closure notices approved	11	18	15	11	16	7	27	13	7	6	26	13	170
Tank installation notices received	4	7	6	5	5	3	4	1	11	4	6	11	67
New site registrations	6	5	5	5	4	6	1	4	0	2	2	3	43
Facility Data	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	TOTAL
Total in use, out of use and closed USTs	40,594	40,610	40,624	40,641	40,656	40,663	40,691	40,702	40,707	40,707	40,734	40,754	
Total permanently closed USTs	31,392	31,406	31,424	31,453	31,475	31,495	31,533	31,571	31,596	31,611	31,634	31,663	
In use and out of use USTs	9,202	9,204	9,200	9,188	9,181	9,168	9,131	9,111	9,111	9,111	9,100	9,091	
Out of use USTs	853	870	867	853	845	824	799	791	771	768	755	740	
Total hazardous substance USTs	399	399	399	399	400	400	400	404	404	404	404	404	
Facilities with in use and out of use USTs	3,525	3,527	3,525	3,516	3,517	3,517	3,503	3,501	3,491	3,492	3,490	3,486	
Facilities with one or more tank in use	3,233	3,229	3,226	3,223	3,225	3,232	3,224	3,224	3,224	3,227	3,228	3,231	

Closures

Underground Storage Tanks	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	TOTAL	All Yrs
Closure Reports Reviewed	14	5	12	13	7	8	26	13	9	10	7	21	145	
Closure Notices Approved	11	18	15	11	16	7	27	13	7	6	26	13	170	
Number of Tanks Closed (Closure NFA)	17	30	46	11	28	8	51	47	19	35	44	37	381	

Cleanup

Underground Storage Tanks													TOTAL	All Yrs
UST release files opened this month	9	6	8	5	8	4	13	7	7	5	6	10	88	6,602
UST cleanups completed this month	7	6	13	3	9	2	12	7	4	11	12	15	101	5,733
Ongoing UST cleanups	879	879	873	874	874	878	881	880	881	875	874	868		
Aboveground Storage Tanks														
AST release files opened this month	0	1	0	1	1	3	1	0	0	0	1	1	9	468
AST cleanups completed this month	1	1	3	1	2	0	4	0	3	1	0	3	19	286
Ongoing AST cleanups	192	192	187	190	189	192	190	188	186	183	184	182		
Both UST and AST														
Total release files-both UST & AST	0	0	0	0	0	0	0	0	0	0	0	0	0	78
Cleanups completed-both UST & AST	0	0	0	0	1	0	0	0	0	1	0	1	3	49
Ongoing cleanups-both UST & AST	29	29	29	29	29	29	31	31	31	30	30	29		
Unknown Source														
Total release files-unknown source	1	0	7	2	0	3	0	0	1	0	0	2	16	228
Cleanups completed-unknown source	1	0	4	1	0	1	1	0	0	0	0	1	9	183
Ongoing cleanups-unknown source	20	20	24	22	21	20	19	18	19	19	19	20		
Documents Processed	146	158	168	174	119	142	171	122	165	169	148	114	1,796	
*Reopened Remediation Cases	0	0	0	0	1	0	0	0	0	1	0	0	2	78

** 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

**October 16, 2014
Agenda Item # 10**

Legal Update

Issue:

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

Information:

Information Only

Presented by:

Brook McCarrick, Office of the Attorney General

Missouri Hazardous Waste Management Commission Meeting

**October 16, 2014
Agenda Item # 11**

Public Inquiries or Issues

Recommended Action:

Information Only

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**October 16, 2014
Agenda Item # 12**

Other Business

Recommended Action:

Information Only

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**October 16, 2014
Agenda Item # 13**

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
Thursday, December 18, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, February 19, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, April 16, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, June 18, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, August 20, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, October 15, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

Recommended Action:

Information Only