



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

December 18, 2014

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

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

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

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

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

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

Commissioner Roll Call

1. Pledge of Allegiance – Commissioners
2. Approval of Minutes – General (Open) Session, October 16, 2014 – Commissioners

Action Items

3. Commission Operating Policies - Tim Eiken, Director's Office, HWP

Information Only:

4. Rulemaking Update – Tim Eiken, Director’s Office, HWP
5. Fee Stakeholder Update – David J. Lamb, Director, HWP
6. E-Manifest Update – Tim Eiken, Director’s Office, HWP
7. Anadarko Settlement – Jacki Hicks, Permits Section, HWP
8. Sources and Causes Report – Tanks Update – Ken Koon, Tanks Section, HWP
9. Operator Training Update – Heather Peters, Compliance and Enforcement, HWP
10. Financial Responsibility Update – Mike Martin, Compliance and Enforcement, HWP
11. Legal Update – Kara Valentine, Commission Counsel
12. Public Inquiries or Issues – David J. Lamb, Director, HWP
13. Other Business – David J. Lamb, Director, HWP
14. Future Meetings
 - Thursday, February 19, 2015 – 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: December 18, 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

December 18, 2014

Agenda Item # 1

Pledge of Allegiance

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 2

Approval of Minutes

Issue:

Commission to review the General Session minutes from the October 16, 2014, Hazardous Waste Management Commission meeting.

Recommended Action:

Commission to approve the General Session minutes from the October 16, 2014, Hazardous Waste Management Commission meeting.

GENERAL

SESSION

MEETING

MINUTES

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
October 16, 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
Commissioner Mark Jordan
Commissioner Michael Foresman

The phone line was opened at approximately 9:40 a.m. for Commissioners calling in to today's meeting.

COMMISSIONERS PRESENT BY PHONE

Vice Chairman Charles Adams
Commissioner Elizabeth Aull
Commissioner James Frakes – **joined the meeting at 10:13 a.m.

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, and Commissioner Jordan acknowledging their participation in today's meeting.

***Commissioner Frakes joined the meeting by phone at 10:13 a.m.*

2. APPROVAL OF MINUTES

- Commissioner Aull made the motion to approve the General Session minutes from the August 21, 2014, meeting. Commissioner Foresman seconded the motion.

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

3. RULEMAKING UPDATE

Mr. Tim Eiken, Director's Office, Hazardous Waste Program (HWP), addressed the Commission and noted that he would be providing a brief update on a couple of rulemakings the Program was pursuing. He advised that the first rulemaking he would be discussing was the "No Stricter Than" rule, which encompassed a series of changes to the hazardous waste rules, and that the Program was waiting on approval to publish the Regulatory Impact Report. He noted that it was still undergoing the internal review process. He also stated that the rulemaking was still within the statutory timeframes of a December 2015 deadline, and that we were keeping an eye on the timeline.

Mr. Eiken advised that the second item he wished to provide information on was in regard to Underground Storage Tanks (UST's), specifically the federal rule regarding the operation of UST's. He noted that the EPA had proposed changes to the federal rule in 2011, and that the final language for the proposed rule was sent to the office of Management and Budget for a 90 day review, with a projected publication date of December 2014. Mr. Eiken went on to state that the HWP was waiting to see what the final language of the federal rule would be as Missouri's language would follow the Federal rule. He noted that the state rule language would be developed after we had seen the final federal language.

The last item that Mr. Eiken covered with the Commission was operator training. He noted that the rule for operator training was proposed by the Petroleum Storage Tank Insurance Fund (PSTIF). He advised that the rule language was published September 2, 2014, and the public comment period would close on October 17, 2014. He finished by noting that the final adoption was scheduled for the December 3, 2014, PSTIF board meeting.

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.

4. E-WASTE REPORT

** Commissioner Frakes joined the meeting by phone at 10:13 a.m.

Mr. Tony Pierce, Compliance and Enforcement Section, HWP, provided the Commission with a PowerPoint presentation and a copy of the March 2014 Annual Electronics Manufacturing Recycling Report. Mr. Pierce summarized the information provided in the report, providing the history of the E-Scrap Management Law and what the law covered and provided for. He went on to review how reporting had changed since 2010, and gave an overview of the number of manufacturers and brands that are now included in the report. A comparison of Missouri's program vs surrounding states was provided, along with a projection of future reporting.

An opportunity was provided for the Commissioners to ask questions, with the following being posed:

- How can we determine how many pounds were being consumed, and if we cannot determine that, then how do we know what the percentage is that is being recycled?
 - Mr. Pierce responded that nationally it is reported that approximately 20 percent of electronics are being recycled, with Missouri reporting at about eight percent. This equated out to approximately .3 pounds per person being recovered.
- Does this include only those electronics that are being returned to the manufacturer for recycling?
 - Mr. Pierce advised that these numbers were from the direct reporting by the manufacturers; but, that not all recyclers report to the manufacturers, as Missouri does not require this. This indicates that the total recycled could be higher than what has been reported.
- Would this include numbers from recycling centers?
 - Mr. Pierce responded that some report and some don't. He advised that there was the additional problem of "double dipping" as some manufacturers take any brand and report those numbers, and then they pass that equipment off to a recycler who also reports the poundage. Mr. Pierce went on to advise that Missouri is relying on poundage to develop recycling data; but it was not a good move on our part. He advised that as technology advances, the devices weigh less and less. Total pounds will go down, while total unit numbers will increase dramatically. He noted that several states were going to a "per unit" reporting system. He also noted that the number of manufacturers would also be going down as many are consolidating, but that brand names will increase as they branch out.

Mr. Pierce noted that there were also a large number of CRTs that had been out there for a while, as they are very hard to recycle. He noted that Missouri has the Buick plant, which uses one to two percent CRT glass, mixed with their lead processing materials. According to Buick, they produce about 600-700 tons of lead daily. He noted that they use the CRT glass in their slag. He also advised that there was a company in Illinois that was using CRT glass at landfills. He did note that the last manufacturer of CRTs, which is located in India, was winding down production and was anticipated to close within the next five years.

- What measures is the Department taking to promote the program, and who is actually responsible for financing this?
 - Mr. Pierce noted that the Department has two web pages dedicated to this issue. He noted that e-Cycle Missouri is a voluntary program with 40 recyclers registered. He advised that they advertise for us. Mr. Pierce also advised that Missouri does not require that manufacturers pay back recyclers. He noted that we did not have any oversight or rules in place to deal with this.
- Is e-waste brought back to the place of purchase?
 - Mr. Pierce responded that different manufacturers have different programs and processes in place. He noted that the bulk of the recovery occurred during specific collection events.

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

5. COMMISSION OPERATING POLICIES UPDATE

Mr. Tim Eiken, Director's Office, Hazardous Waste Program, addressed the Commission and noted that in December 2012 the Commission had updated their Operating Policies and had voted to review/update them every two years. As the two year mark was nearing, he advised that the HWP had made an initial review and were proposing several changes/deletions to the existing policies, and provided the Commissioners with a PowerPoint presentation that outlined the reasoning for the suggested edits/deletions.

Mr. Eiken noted that general clerical and grammatical changes/corrections were made throughout the proposed document, in addition to clarifications made regarding issues that had come up during the previous two years. These issues included proxy votes, Commissioner training and making language consistent with operating policies of other Commissions across the Department. Mr. Eiken also noted that the Department's legal staff had also reviewed these policies and had made some suggested language changes throughout to clarify the duties of the Commission and staff.

Mr. Eiken also noted that the proposed policy had the appendices deleted, as they were out of date or were no longer appropriate for the operating policy document. He advised that the appendix regarding the Regulatory Impact Report (RIR) had been put in the document when the RIR process was new to the Commission, and was now a matter of routine; therefore, it was not necessary. He also noted that the appendix regarding Commissioner Training was included as a standard in all the Department commission's operating policies, when the Department had anticipated putting together a standard training program. That training program was never developed, making it obsolete.

A redline strikethrough and a clean copy of the proposed changes were provided to the Commission with a request for any suggestions they had to be forwarded to the Commission Secretary for consideration at the December meeting.

Chairman Sugg suggested language that would limit presentations exceeding 15 minutes, to ensure all participants had an opportunity to speak.

Commissioner Foresman made a motion to review the document as presented and have the Commission review any suggestions made before the December meeting, when a draft document would be provided for them to vote on. The motion was seconded by Commissioner Adams.

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

Commissioner Jordan posed an additional question regarding changes proposed to the third bullet under "Roles and Responsibilities." He asked if the wording suggested that the Program

Director was responsible to the Commission. Mr. Eiken responded that the Department's General Counsel had reviewed the wording and had suggested adding that the Program Director was responsible to the Department Director and the Commission. This would be a dual responsibility.

Commissioner Jordan then inquired as to whether the wording would have to align with other statutory documents, other than just the Commission's operating policies. Mr. Eiken responded that the suggested wording made it more consistent with other statutory language.

No other questions were posed by the Commission.

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission and introduced the next presenter. Mr. Lamb announced that the next presentation would be made by Mr. Scott Huckstep, who had recently been promoted to the position of Section Chief of the Brownfields/Voluntary Cleanup Section, following the retirement of Jim Belcher.

6. DRYCLEANING ENVIRONMENTAL RESPONSE TRUST (DERT) ANNUAL REPORT

Mr. Scott Huckstep, Chief, Brownfields/Voluntary Cleanup Section, provided the Commission with a PowerPoint presentation on the DERT Annual Report. Mr. Huckstep provided an update on the DERT fund, provided background on the fund and noted that it was an industry led effort that established the fund. Mr. Huckstep noted that 12 other states had similar funds, and that Missouri's funding came from two surcharges on dry cleaning solvents; one for amount the amount used and one for the amount sold. Mr. Huckstep went on to note that this report was provided to the legislature every year.

Mr. Huckstep also provided information on how the fund operated and explained that as of September 2012, no new applications had been accepted in to the program as the fund was facing insolvency. He advised that revenues were down due to decreased usage of the solvents that that the surcharges were assessed on, and that future projections showed a continued decrease in solvent usage. He noted that in 2011, a bill was introduced that extended the sunset date of the fund from August 2012, to August 2017, although Department management provided testimony that the fund could reach insolvency before the extended sunset date. He noted that any changes to the funding mechanism for the fund would have to be initiated by industry.

The Commission posed a couple questions regarding the total number of cleanups that have been completed through the fund, which were responded to by Mr. Huckstep.

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. 2014 PESTICIDE COLLECTION EVENTS

Ms. Nicole Eby, Compliance and Enforcement Section, provided the Commission with a PowerPoint presentation summarizing the 2014 pesticide collection events, which had been

organized by the Department. She noted that these events resulted from of a plea agreement settlement with Walmart, for violations of the Federal Insecticide, Fungicide and Rodenticide Act in Missouri. Ms. Eby advised that these collection events were free to the public and to private farmers and were limited to Missouri residents only.

She noted that four pesticide collection events had been organized and conducted in 2014 and provided information on the accomplishments, the locations, what was collected and an overview of the results. Photographs were provided of collection events, in addition to lessons learned and goals for 2015.

An opportunity was provided to the Commissioners to pose questions, which included how this was different from pesticide collection events the Department organized in 2012 and 2013. Ms. Eby explained that those earlier events were funded through a Supplemental Environmental Project with Walmart, brought about by plea agreements from other hazardous waste law violations, and had been overseen by Walmart. She noted that this current round of events were a result of monies received from plea agreements from separate violations and legal proceedings, and the outreach/cleanup programs were being developed and overseen by the Department.

An inquiry was also made as to how many other events the Department believed they could do, with Ms. Eby explaining that there was already one event in the preliminary planning stage for 2015, tentatively scheduled to take place in the northeast area of the state, with a total of five anticipated. She noted that it would be best to wait for spring weather to try to ensure the best turnout.

Commissioner Adams congratulated Ms. Eby on the efforts and success that the events were having, noting that most household consumers do not know what to do with these items when they are no longer needed, and do not know how to dispose of them correctly. He inquired as to what, if anything, the Program or Department is doing to secure permanent funding for future events and if it could involve dealer distribution chains or schools. Ms. Eby responded that there was an estimated five years' worth of funding available, and that current efforts would be to think about ways to fund a permanent program, and to gather information to determine if a permanent program is appropriate and necessary.

David J. Lamb, Director, Hazardous Waste Program, addressed the Commission on the inquiry and advised these events have been focused on households and farmers. He noted that businesses or schools are regulated entities who are currently required to manage their waste appropriately. He noted that efforts are ongoing to provide education and outreach, stating that staff was working with school groups and providing educational information. He noted that part of the Department's pesticide collection effort is to develop these kinds of educational materials to help regulated industries know how to safely manage their pesticides. He indicated that the Department would likely not have funding to help regulated entities with their disposal costs, as efforts to assist them it would be more in the areas of outreach and education.

Commissioner Adams commented that unless a community is educated there is more potential for problems, especially at commercial and school levels, where disposal is almost cost prohibitive. Mr. Lamb responded that Department had provided assistance through other programs, such as the school lab cleanup program, and recognizes that there is a need for those kind of programs as well as educational efforts.

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 UPDATE

Mr. Ken Koon, Chief, Tanks Section, HWP, addressed the Commission and provided a PowerPoint presentation overviewing the work the Tanks Section is involved in. Mr. Koon began with current information on financial responsibility mechanisms in place at the tanks sites, breaking down how many are covered by PSTIF insurance, private insurance, how many are exempt – mostly government agencies, and how many are unknown and are being investigated.

Mr. Koon also provided information on how many new tanks have been installed during the last state fiscal year, how many tanks certificates had been issued and how many current remediation projects staff were working on. Mr. Koon also provided information that credit cards were now being accepted for payment of tank fees. He noted that the process does still require tank owners to provide their information to DNR, who will enter it in to a credit card website, with a fee being collected by the credit card processing company. He noted that efforts were being made towards the tank owners being able to directly process their payments through the credit card company, without DNR staff having to be in the middle.

An overview of the amount of mail had been received and responded to by Tanks staff was provided to the Commissioners, along with information on current efforts to reduce this turnaround time. Mr. Koon also provided an overview of releases, how many were cleaned up by the responsible parties, how many were cleaned up by the state and how many were still ongoing. He noted that this information is provided to the U.S. Environmental Protection Agency in a “Sources and Causes” report each December, which outlines the number of releases that have been identified, how the releases were identified and the determination of how the release was caused.

Mr. Koon also provided information to the Commission on grants monies received and the special projects that these monies had funded. Photographs were provided of several special project sites where staff had investigated and provided the oversight for cleanup. Mr. Koon noted that these monies were received as part of a competitive bid process, with applications for new grants being made as monies become available, and were not guaranteed ongoing funding.

Several questions were posed by the Commissioners:

- An inquiry was made as to when the budget cycle begins for the grant monies received.
 - Mr. Koon responded that sometimes the answer to that is complicated. He noted that the federal fiscal year begins each September 1, while the state fiscal year begins on July 1. He advised that even with that difference, we could start spending when the grant monies were received, as it could fit into either budget year.
- As noted in one of the slides, regarding the “Sources and Causes” report, when are the totals pulled from?
 - Mr. Koon responded that the numbers were from a 12 month period beginning October 1, 2013, and ending September 30, 2014.
- Of the remediation projects noted in the presentation, are these new leaks, or are they legacy leaks that are just being found?
 - Mr. Koon responded that the majority of them are legacy leaks, that when they are found, the release is weathered enough that he was confident that the leaks were historical in nature. He noted that staff were not seeing many new operational leaks.
- Is the proportion improving over time?
 - Mr. Koon advised that the report that the numbers were pulled from, had only been generated for the last 7 years, and appeared to be fairly constant. He noted that no information was maintained prior to that.
- Of the 67 new installations noted for the last fiscal year, how many of these are replacements, or are they new facilities?
 - Mr. Koon responded that 30-40 facilities drop out each year, mostly “mom and pop” facilities, and the larger truck stop type or corporate facilities are replacing them. He noted that when these facilities are closed, sometimes multiple tanks are found during the closure, and only one compartmentalized one may be put back in its place.

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 April through June 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.

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. Brook McCarrick, Office of the Attorney General, addressed the Commission and advised that she was standing in for Ms. Kara Valentine; but, did not have any information to

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present to the Commission at this time. She noted that Ms. Valentine would provide any updates at the next meeting.

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, and advised that he had a couple of things he wished to share with the Commission. He began by noting that the first thing was in regards to the Department's efforts to engage stakeholders on fees. He stated that the target date to hold the first stakeholders meeting was November 18th. He went on to advise that staff were working to refine the stakeholders list and that the announcement would be out in the next couple of days, as the date had just been selected.

Mr. Lamb then reminded the Commissioners that they now had the authority to set fees by statute but that it would require stakeholder input and an agreement by the stakeholders in the process. He advised that plans were being made to hold a series of meetings over the next several months and that it was anticipated that the Program would be coming to the Commission in April 2015, hopefully with a recommendation from the stakeholders group that would allow us to begin the rulemaking process. He advised that the rule must be filed by December 2015, to go through the process and be in place by 2017. He stated that there was a lot of work on the front end and a lot of planning to make this happen by 2017. Mr. Lamb also advised that this would take up a large amount of our focus over the next several months. The Commissioners were advised that they were interested parties in this process and were invited to attend these stakeholder meetings, but that information and updates would be provided to them throughout the process, in addition to updates during regularly scheduled meetings.

The second item that Mr. Lamb addresses regarded the upcoming Governor's Conference on Natural Resources and Commissioner Training, scheduled to begin on November 11th. He noted that the Commissioner Training was scheduled for the 11th, followed by the Governor's Conference on the 12th and 13th. Mr. Lamb asked the Commissioners to make sure they RSVP'd for the training and/or the conference by this coming Friday. He noted that the agenda will cover several items of interest, from the appointment process, the Department's budget, the Department's Strategic Plan and Vision, Sunshine Law issues and rulemaking

Mr. Lamb encouraged the Commissioners to attend if they could, although he advised that it was not mandatory. He noted that the Governor's Conference may also be of interest to them, and that a copy of the agenda had been provided. He also advised that information had been sent to the Commissioners on how to seek reimbursement for costs incurred by attending the

conference and asked that they contact him or Debra Dobson, Commission Assistant, to get registered at the discounted rate. Mr. Lamb also asked that the Commissioners contact either he or Debra and let them know if they were or were not anticipating attending the training and/or the conference.

The last item that Mr. Lamb addressed was to advise the Commission on the upcoming REGFORM Hazardous Waste Seminar, scheduled for November 4th, in Columbia, MO. He noted that it was a good event, and a good opportunity for outreach. Mr. Lamb noted that it was generally well attended, with 250-300 participants last year. He advised that a number of Program staff would be presenting at the seminar this year, on topics such as fees, risk based target levels, the new tank regulations, natural resource damages and other environmental issues of interest. He noted that this conference provided an opportunity for staff and stakeholders to share information, and that the Commissioners were welcome to attend.

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, December 18, 2014, at the 1730 E. Elm Street Conference Center.

Commissioner Foresman made the motion to adjourn the meeting at 11:55 a.m. The motion was seconded by Commissioner Aull.

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

Respectfully Submitted,

Debra D. Dobson, Commission Assistant

APPROVED

Deron Sugg, Chairman

Date

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 3

Commission Operating Policies – Semiannual Review

Issue:

The Hazardous Waste Management Commission's was provided proposed revisions to the Commission's Operating Policies at the October 2014 meeting. Edits/deletions/additions were requested from the Commission at that time. Edits/suggestions received will be presented to the Commission for consideration.

Recommended Action:

Commission to review and vote on updated language, edits and additions to the Commission Operating Policies.

Presented by:

Tim Eiken, Rules Coordinator, HWP

Proposed Motion Language:

“I move that the Commission adopt/not adopt/adopt with modifications, the proposed changes to the Hazardous Waste Management Commission's Operating Policies.”



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 	
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	

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
Hazardous Waste Management Commission
Certification of Decision**

“I move that the Commission adopt/not adopt/adopt with modifications, the proposed changes to the Hazardous Waste Management Commission’s Operating Policies.”

DATE: December 18, 2014

Deron Sugg, Chairman

Elizabeth Aull, Commissioner

Charles Adams, Vice-Chairman

Jamie Frakes, Commissioner

Michael Foresman, Commissioner

Andrew Bracker, Commission

Mark Jordan, Commissioner

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 4

Rulemaking Update

Recommended Action:

Information Only

Presented by:

Mr. Tim Eiken – Rule Coordinator, Hazardous Waste Program

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 5

Fee Stakeholder Update

Issue:

The Department of Natural Resources has begun holding stakeholder meetings to discuss potential changes to the Hazardous Waste Fee Structure. Sections 260.380.1(10)(d) and 260.475.8 of the Revised Statutes of Missouri give the Missouri Department of Natural Resources the authority to conduct a comprehensive review of the hazardous waste fee structure and to develop proposed changes to the fee structure with stakeholder agreement. The Department held the first stakeholder meeting on November 18, 2014.

The goal of the Hazardous Waste Fee Stakeholder Workgroup will be to review Missouri's hazardous waste fee structure and develop a proposal to revise the fee structure through the rulemaking process. To move forward, the proposal would require stakeholder agreement and the approval of the Missouri Hazardous Waste Management Commission before being filed as a proposed rule.

Information:

The Commission will to be provided information on the status of the workgroup and a brief overview of the information that has been discussed in the first meeting. The second meeting is scheduled to be held in the afternoon of December 18, 2014, at 1:30, following the Commission meeting.

More information regarding the workgroup as well as presentations and documents developed for stakeholders may be found on the Hazardous Waste Fee Stakeholder webpage at the following link.

<http://www.dnr.mo.gov/env/hwp/forum/fee-stakeholder.htm>

Recommended Action:

Information Only

Presented by:

Mr. David J. Lamb – Director, Hazardous Waste Program



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Hazardous Waste Fee Stakeholder Meeting Update

December 18, 2014



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Presentation Outline

- Changes to the Law and New Process for Changing Fee Structure
- Fees to be included in Stakeholder Process
- Financial Overview
- Timeline for Rulemaking
- Stakeholder Meeting Schedule

Statutory Changes to the Fee Laws

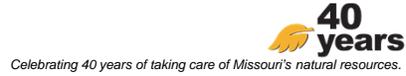
- HB28/HB650 – In 2013, revised the Hazardous Waste Law in Sections 260.380 and 260.475 to allow the fees to be amended by rule
- SB642 – In 2014, made additional revisions to clarify the process



SB642 Process for Changing Fee Structure

- The department has authority to conduct a comprehensive review of certain fees and propose changes
- Review to include a stakeholder process involving representatives from:
 - cement kilns
 - chemical companies
 - large and small generators
 - Any other interested parties
- Department to submit fee structure, with stakeholder agreement, to the Commission





SB642 Process for Changing Fee Structure

- The Commission shall review the proposal at their next meeting, but shall not vote on the proposal until a subsequent meeting
- If the Commission approves by a 2/3 majority (5 of 7 Commissioners), the department can proceed to file the proposed rule



SB642 Process for Changing Fee Structure

- The order of rulemaking would need to be filed by December 1st of the same year with the Joint Committee on Administrative Rules
- The General Assembly then would have 60 calendar days from the start of the legislative session to disapprove of the rule or it would go into effect the following January 1st





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Fee Structures that can be Changed by Rule Using SB642 Process

Fee	Amount	Conditions
Generator Registration and Renewal	\$100 per year	
In-state Generator	\$5 per ton	min of \$150, max of \$52,000
Out-State Generator	\$2 per ton	
Land Disposal	\$25 per ton	Not applied to < 10 tons
Offsite Transportation	\$2 per ton	Not applied to < 10 tons



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Other Fees that can be Changed by Rule

Fee	Amount	Conditions
Commercial Facility Inspection	>10,000 tons = \$12,000 > 2,500 and <10,000 = \$10,800 < 2,500 tons = \$9,800	Max set in statute at \$12,000, specifies a graduated scale
Permit Fee	\$1,000 per year	Max set in statute at \$1,000
Resource Recovery Application	\$500 (onsite waste only) \$1,000 (receiving offsite waste)	Max set in statute at \$500 Max set in statute at \$1000
Transporter	Application - \$200 annually Use Base - Formula in Rule	Target set in statute at \$600,000
Engineering/Geologic Review & Corrective Action (RCRA) Oversight	Rate set using a multiplier of 3.5 x staff hourly rate	Actual Cost
Voluntary Remediation Oversight Cost	Rate set using a multiplier of 3.5 x staff hourly rate	Actual Cost
Voluntary Remediation Monitoring	Min \$5,000 Max \$15,000	Actual Cost



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Fees Requiring Legislative Action to Change

Fee	Amount	Conditions
Lead Acid Battery	\$0.50 per battery sold at retail	
Hazardous Waste Landfill	2% of charges and fees charged for disposal	
High-level, transuranic, spent nuclear fuel, or highway route controlled quantity Radioactive Waste Shipments	Truck - \$1800 Surcharge of \$25 per mile >200 miles Rail – first cask \$1,300 each additional cask \$125	
Low-level Radioactive Waste Shipments	\$125 per truck or train	



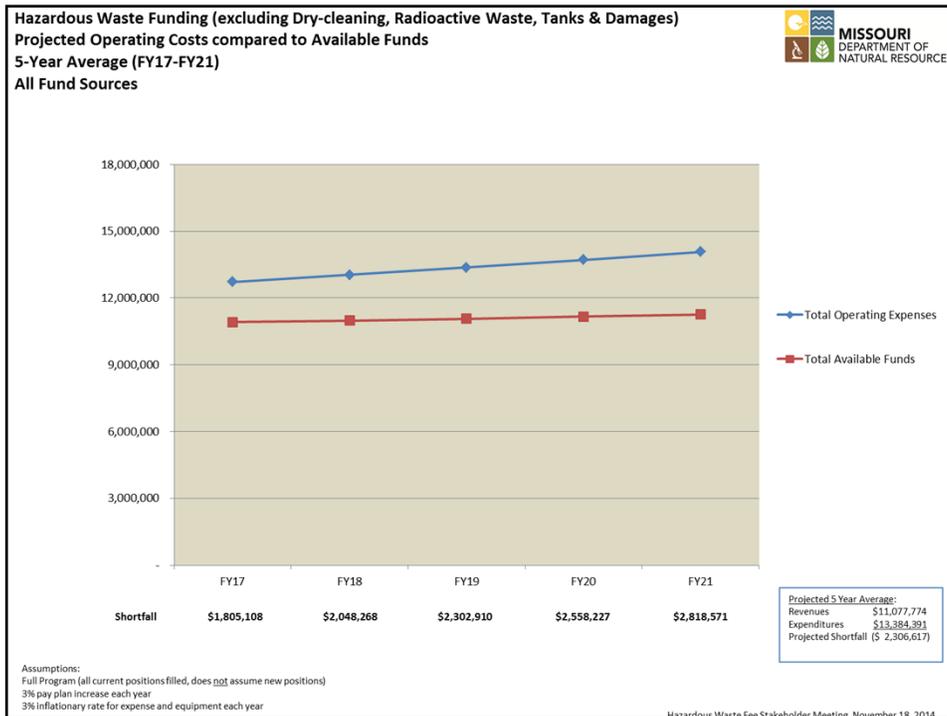
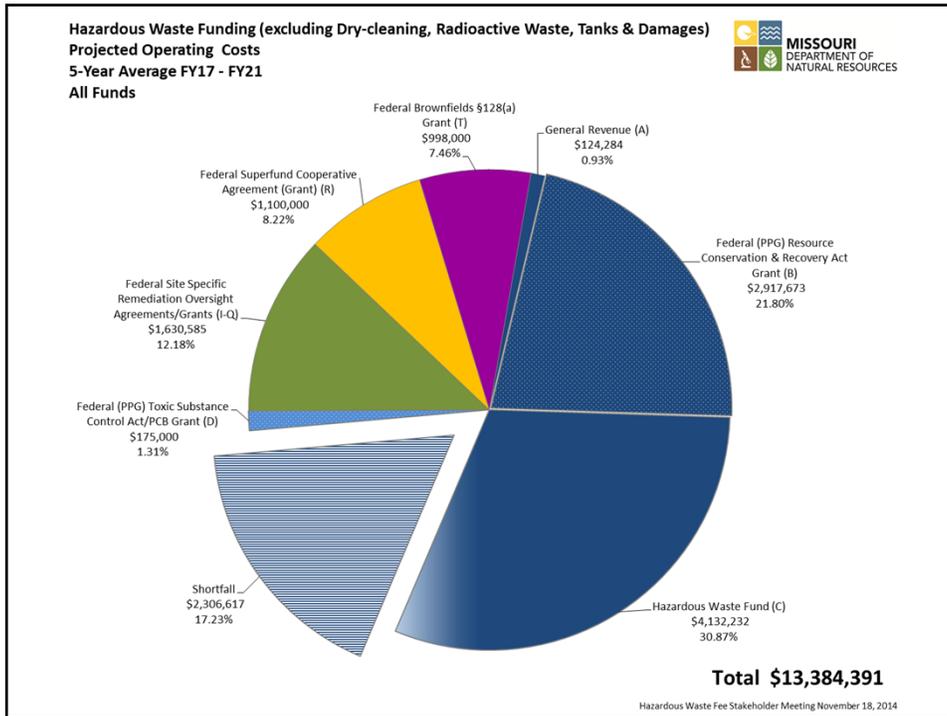
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Fees Requiring Legislative Action to Change

Fee	Amount	Condition
VCP Application	\$200	
Dry Cleaning Registration Surcharge	\$500 \$1,000 \$1,500	≤140 gallons solvent used >140 and <360 gallons used ≥ 360 gallons used
Dry Cleaning Solvent Surcharge	\$8 per gallon	
UST Registration	\$15 per tank per year	Assessed on a 5 year basis



Hazardous Waste Fee Calculator (only first section)

NOTE: Data can be entered into the blue highlighted cells; calculations are automated to show total projected revenue.

Fee Adjustment Proposal Calculated for Use at Fee Stakeholder Meetings					
CALCULATOR FOR INPUT					
Fee Type & Current Fee Level	Current Revenues based on Fiscal Year 2014 Reporting data	Fiscal Year 2014 Permits/Applications /Hours/Tons per Year	Potential Fee Level or Adjustment	Projected Additional Revenue at Adjusted Fee Level	Projected Total Revenue
Fee Structures that can be Changed by Rule by SB642 Process					
Generator Registration and Renewal - \$100 per year	\$ 263,000	2,630	\$ 100	\$ -	\$ 263,000
In-State Generator - \$5 per ton	\$ 710,055	267,774	\$ 5	\$ -	\$ 710,055
<i>Minimum Fee - \$150 (1,362 generators in Fiscal Year 2014)</i>			\$ 150		
<i>Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014)</i>			\$ 52,000		
Out-State Generator - \$2 per ton	\$ 360,428	180,214	\$ 2	\$ -	\$ 360,428
Land Disposal - \$25 per ton	\$ 134,851	5,394	\$ 25	\$ -	\$ 134,851
Offsite Transportation - \$2 per ton	\$ -	0	\$ 2	\$ -	\$ -
Additional Fees				\$ -	\$ 1,468,334

Draft Timeline for Rulemaking

- April 2015: Present proposed fee structure to Hazardous Waste Management Commission
- June 2015: Seek Commission approval and then file proposed rule
- August 2015: Hold public hearing
- October 2015: Obtain final approval from Commission and file orders of rulemaking





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Future Meeting Dates

- December 18, 2014*
- January 22, 2015
- February 19, 2015*
- March TBD

*Scheduled in Conjunction with a Commission Meeting



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www.dnr.mo.gov/env/hwp/forum/fee-stakeholder.htm

Missouri Department of
Natural Resources

Jay Nixon, Governor
Sara Parker Pauley, Director

Programs

Forms and Permits

Publications

Laws and Regulations

Online Services

Calendar of Events

Hazardous Waste Program

Hazardous Waste Fee Stakeholder Workgroup

Sections 260.380.1(10)(d) and 260.475.8 RSMo give the Missouri Department of Natural Resources the authority to conduct a comprehensive review of the hazardous waste fee structure and to develop proposed changes to the fee structure with stakeholder agreement. The goal of the Hazardous Waste Fee Workgroup is to review Missouri's hazardous waste fee structure and decide upon a proposal to revise the fee structure through the rulemaking process. The proposal would require stakeholder agreement and the approval of the Missouri Hazardous Waste Management Commission before being filed as a proposed rule. As the workgroup continues to move forward with reviewing Missouri's hazardous waste fee structure rules, this website will be updated to show the workgroup's progress.

Hazardous Waste Fee Stakeholder Workgroup Meeting
November 18 at 1 p.m.

Department of Natural Resources 
Conference Center
1730 E. Elm St.
Jefferson City, Missouri

If you would like to RSVP for the meeting, have any questions, or require special services or accommodations to attend the meeting, please contact the [department](#) before the meeting.

Program Links

- [Program Home Page](#)
- [Businesses, Schools and Public Organizations](#)
- [Cleanup](#)
- [Data Downloads](#)
- [Electronic Recycling](#)
- [Guidance and Information](#)
- [Hazardous Waste Forum](#)
- [Hazardous Waste Management Commission](#)
- [Laws and Regulations](#)
- [Map Gallery](#)
- [Missouri Risk-Based Corrective Action \(MRBCA\)](#)
- [Permitting, Certification and Licenses](#)
- [Public Participation](#)
- [Radioactive Materials Shipments](#)

Contact

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 6

E-Manifest Update

Issue:

Staff will provide information on recent activities related to the Environmental Protection Agency's implementation of a system for preparing and submitting hazardous waste manifests electronically. The update will include information on the federal rules associated with this effort, the status of those rules in Missouri, and the anticipated schedule for implementation of the electronic manifest system.

Recommended Action:

Information Only

Presented by:

Tim Eiken, Rules Coordinator, HWP

Update on Implementation of EPA's Electronic Manifest Rule

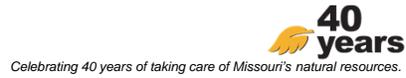
Hazardous Waste Management Commission

December 18, 2014

Tim Eiken, Rule Coordinator
Hazardous Waste Program

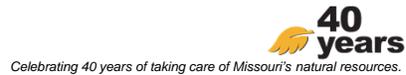
Overview of rule

- EPA in process of developing a system to allow the use of electronic manifests.
- EPA estimates the national e-Manifest system will ultimately reduce the burden associated with preparing shipping manifests by between 300,000 and 700,000 hours.
- Result in cost savings of more than \$75 million per year for states and industry.



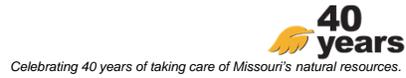
e-Manifest Background

- The current paper-based hazardous waste manifest system is designed to track hazardous waste shipments from “cradle-to-grave.”
- Records information on types, quantities, and routing of wastes.
- 6-copy form must be completed, carried, signed, filed, and mailed to states.
- Manifest satisfies both EPA's and DOT's requirements for a shipping document.



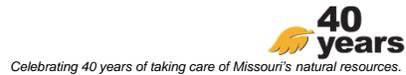
e-Manifest Act

- “Hazardous Waste Electronic Manifest Establishment Act” enacted October 2012.
- EPA establish (and own) a national hazardous waste electronic manifest program system. – Requires final manifests be sent to the new EPA system. All federal and state wastes subject to manifest.
- Includes collection of electronic and paper manifests.
- Use of electronic manifests optional for users.
- Authorizes EPA to charge a fee for all hazardous waste handlers that use this new system.



e-Manifest rule development

- Two different rules planned by EPA
- One year rule already out – authorizes electronic manifests
- One year rule is included in Missouri's proposed rule package currently under review
- Second rule will be the user fee regulation that establishes the fee for the manifests and sets up the system



State priorities

- Access to data – need data for fee collection, enforcement, legislative reporting etc.
- Generation and destination states require pre-public access to manifest data.
- Scanned manifests need to be available to states within a specific timeframe to fulfill state enforcement needs.



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Future schedule

- Next major step is to award a contract for system development in 2015.
- Goal to have system fully online no later than Spring 2018.
- Funding shortfalls and other unknowns in the procurement process could add additional time.
- User fee regulatory development process completed (i.e. final rule) no later than 90 days prior to system online-deployment date.



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Questions?

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 7

Anadarko Litigation Settlement Update

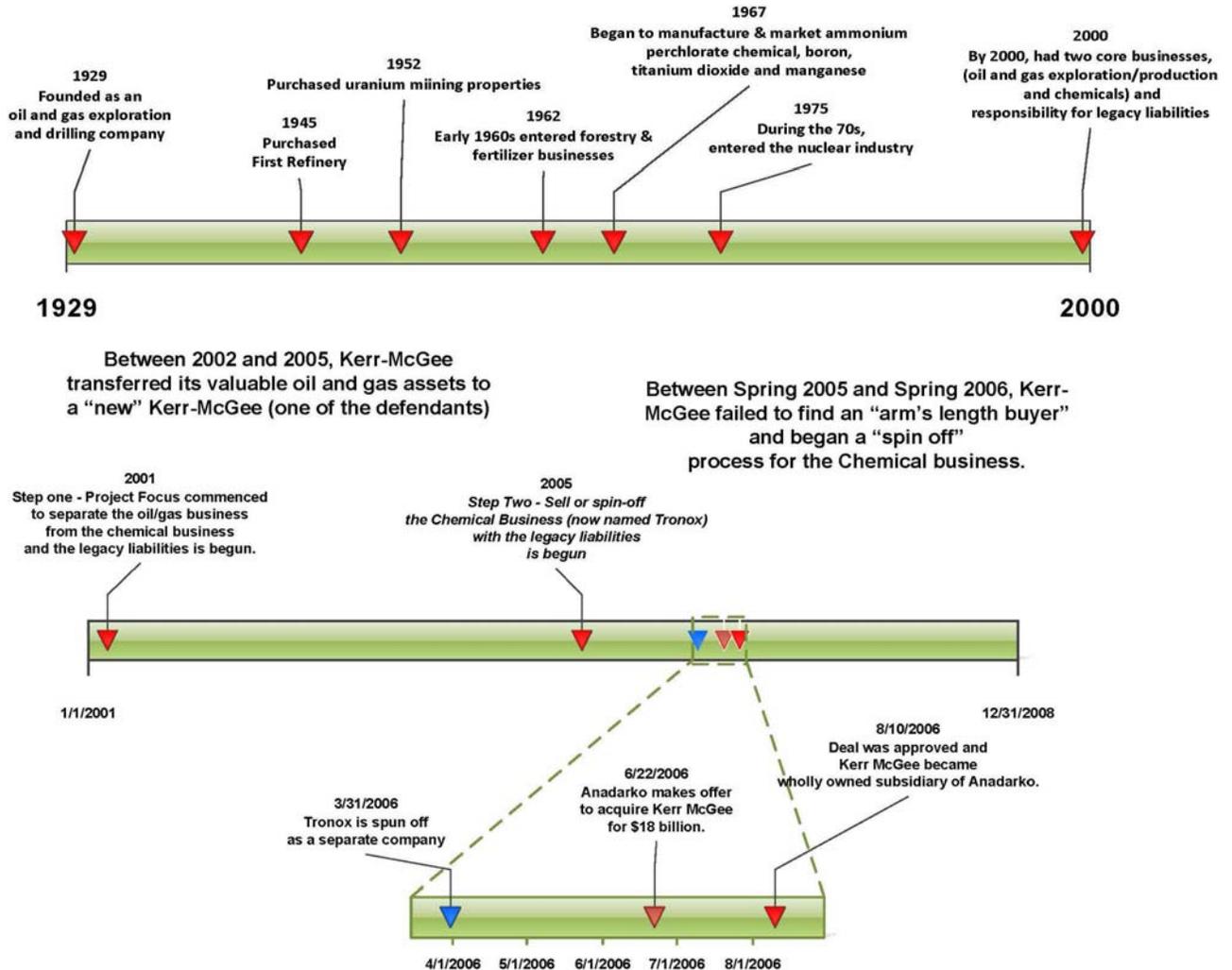
Issue:

On November 10, 2014, the U.S. District Court for the Southern District of New York (SDNY) approved the historic settlement agreement that was announced by EPA and the Department of Justice (DOJ) on April 3, 2014, resolving fraudulent conveyance claims against Kerr-McGee Corporation and related subsidiaries of Anadarko Petroleum Corporation.

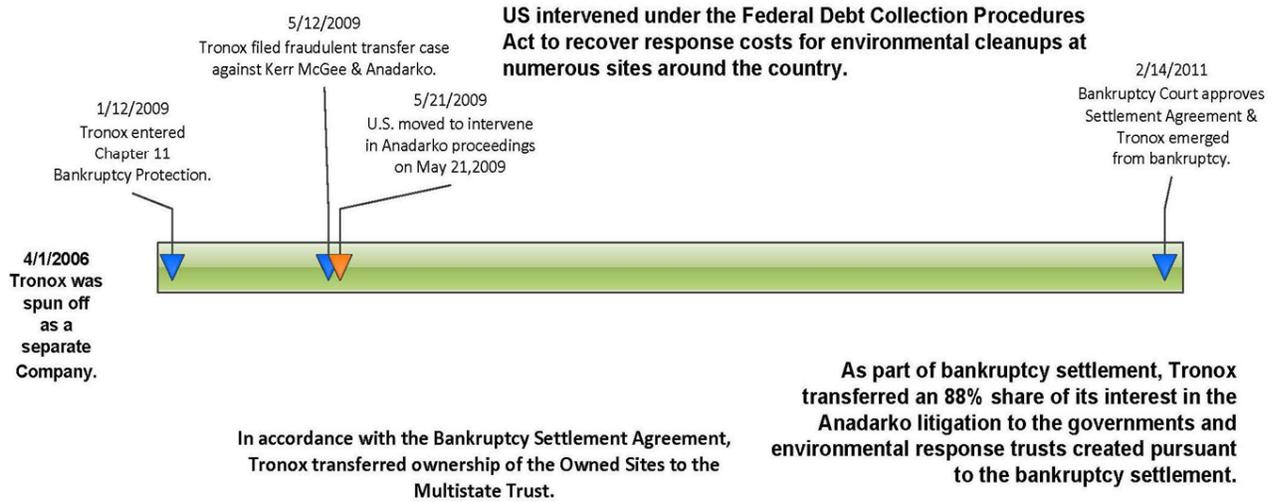
Information:

This presentation will provide information to the commission of the status of the former Tronox (former Kerr McGee sites located in Kansas City and Springfield) with regard to the above court decision. Included here is a short background outline, current status and future expectations regarding the possible receipt of funds from the April 3, 2014, settlement agreement of the fraudulent conveyance claims against Kerr McGee/Anadarko.

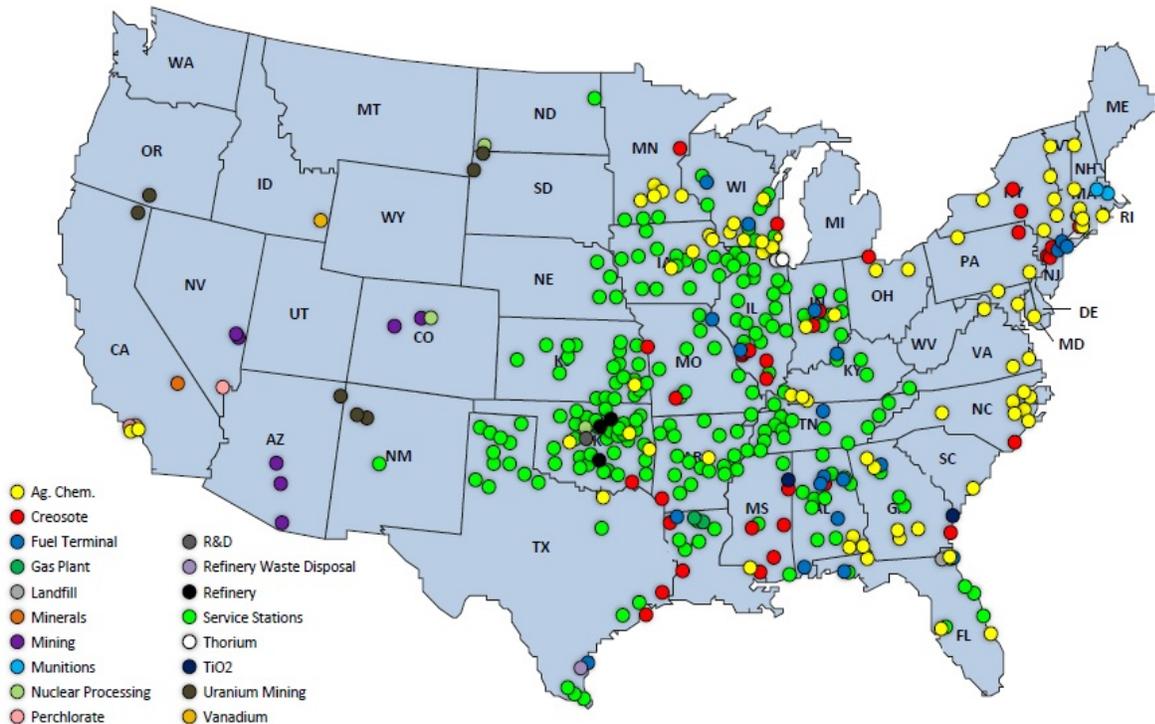
Background/Timelines:



In their complaints, the plaintiffs alleged that the defendants fraudulently transferred valuable assets out of the entity that became Tronox, imposed the legacy liabilities on Tronox, and left Tronox with insufficient funds to pay the liabilities that Tronox owed to involuntary creditors (i.e., governmental environmental and tort claimants).



Kerr-McGee Environmental Sites



Source: Plaintiff's Rule 1006 Summary; GPX0001 at 1

Post-Closure Care and Corrective Action Cost Estimates:

Facility/Site	Facility provided Cost Estimates	HWP RACER Cost Estimate
Kansas City	\$2,056,770	\$11,771,523
Springfield	\$1,962,658	\$13,807,737
Total	\$4,019,428	\$25,579,260

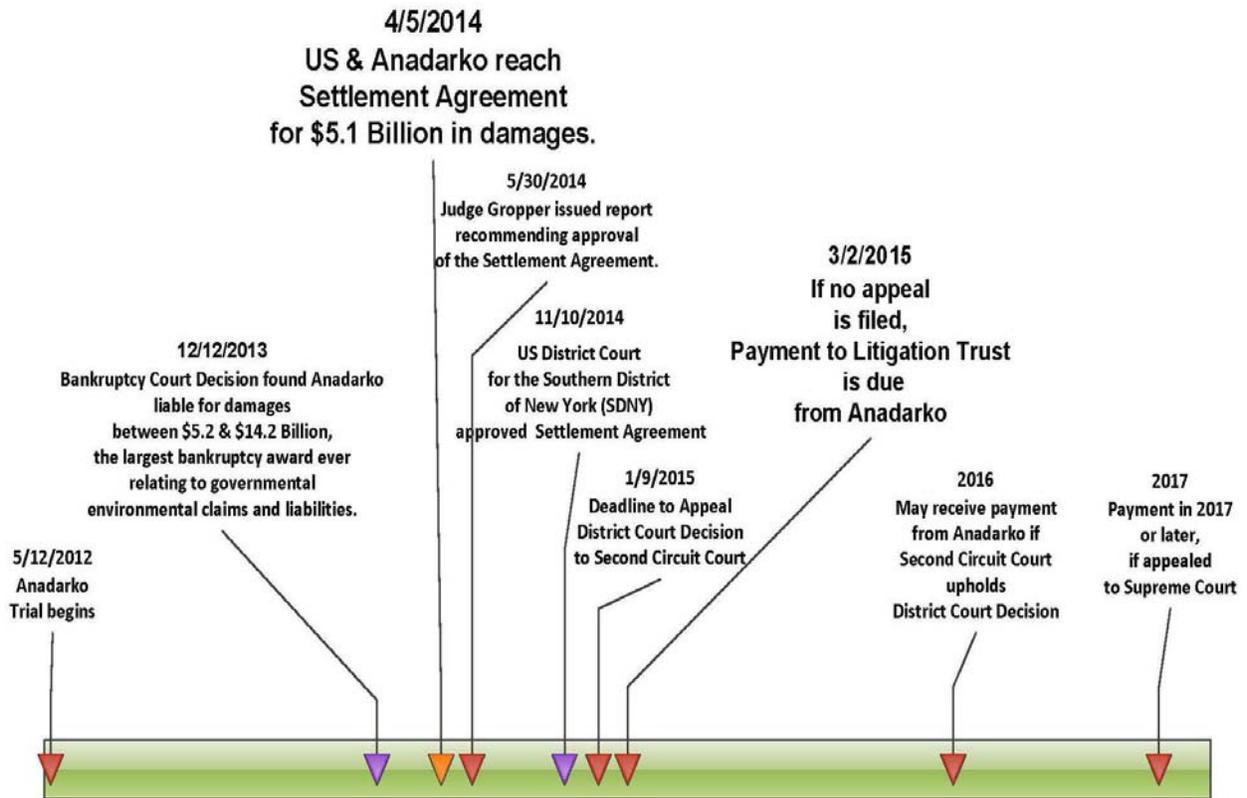
Bankruptcy Settlement funds for Missouri distributed on the Settlement Date

Site	Fund Multistate Trust Account for Missouri	NRD Check for Missouri
Kansas City	\$1,743,398	\$20,801
Springfield	\$2,025,323	\$73,996
Total	\$3,768,721	\$94,797

Tronox agreed in the Settlement to distribute any funds that they would have received from the Anadarko Litigation among the environmental and tort claimants. Eighty eight percent of any funds left after payment of legal and administrative fees, other expenses, etc. were for distribution to the environmental claimants in the percentages established by the Bankruptcy Settlement Agreement.

Site	% of Litigation Proceeds	% of NRD Litigation Proceeds
Kansas City	0.50%	0.03%
Springfield	0.50%	0.12%
Total	1.00%	0.15%

Litigation Timeline



Recommended Action:

Information only.

Presented by:

Jacki Hicks - Unit Chief, Outreach, Planning and Stewardship Unit, Permits Section, HWP

Anadarko Settlement

Jacki Hicks

Since its founding in 1929, Kerr-McGee operated various businesses around the country, including among others

- wood-treating,
- uranium mining and processing,
- thorium processing, and
- the manufacturing or use of various chemicals (e.g., creosote and ammonium perchlorate).



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By the early 2000s, Kerr-McGee had discontinued most of these historic business operations, but had residual liabilities related to the “legacy” businesses. These liabilities included:

- Environmental
- Tort
- Workers' compensation
- Retiree/employee benefits



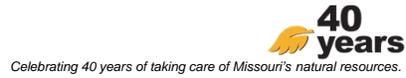
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Kerr-McGee continued to operate two core businesses.

- Oil and gas exploration and production
- Chemical production

In 2001, Kerr-McGee began internal reorganization.

- Transferred legacy liabilities to chemical business.
- Separate oil and gas business from chemical business.



- In 2006, Kerr-McGee spun off the chemical business as a publicly-traded company named Tronox.
- Three months later, Anadarko offered to buy Kerr-McGee for \$18 billion.
- On January 12, 2009, Tronox filed a Chapter 11 bankruptcy proceeding.



Missouri participated unsecured creditor as did:

- 46 other states
- U.S. Environmental Protection Agency
- Departments of
 - Agriculture
 - Commerce
 - Interior
 - Defense
- Nuclear Regulatory Commission



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There were 2 former Kerr McGee wood treating facilities located in Missouri –

one in Kansas City and one in Springfield.

Both had Missouri Hazardous Waste Management Facility Permits for post-closure and corrective action.



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- Missouri's Bankruptcy Claim - Financial Assurance was in the form of a Financial Test. When the Financial Test failed, Tronox was unable to provide an alternate instrument and shortly thereafter declared bankruptcy – leaving the state without any financial assurance.



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In May 2009, Tronox filed a case against Kerr-McGee and related subsidiaries of Anadarko Petroleum Corporation (“Anadarko”) as an adversary proceeding before Judge Allan L. Gropper, who was also the judge in the Kerr-McGee Bankruptcy.

Tronox alleged:

- Fraudulent transfer of valuable assets out of Tronox.
- Imposition of Kerr-McGee’s legacy liabilities on Tronox



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- The U.S. intervened in the case under the Federal Debt Collection Procedures Act to recover response costs for environmental cleanups at numerous sites around the country.



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- February 2011 the Bankruptcy Court approved a Bankruptcy Settlement Agreement and Tronox emerged from bankruptcy.
- The Bankruptcy Settlement Agreement provided \$270 million to fund
 - 1 Multistate Environmental Trust
 - 4 Individual Environmental Trusts
 - 1 Tort Trust
- Also provided \$25 million to fund
 - Anadarko Litigation Trust



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- In addition to the monetary items, the Bankruptcy Settlement Agreement gave the environmental and tort claimants any proceeds remaining from the outcome of the Tronox Fraudulent Transfer Case against Anadarko after payment of any expenses, fees, and other obligations of the Anadarko Litigation Trust.
- The environmental claimants were to receive 88% of those proceeds and the tort claimants were to receive the remaining 12%.



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- On December 12, 2013, Judge Gropper indicated he intended to find the defendants liable for between \$5.15 and \$14.17 billion.



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- Litigation Trust and the defendants negotiated a settlement agreement for \$5.15 billion, which was submitted to the Bankruptcy Court for approval on April 5, 2014.
- On May 30, 2014, Judge Gropper issued his report and recommendation approving the settlement.
- On November 10, 2014, the U.S. District Court for the Southern District of New York approved the historic settlement agreement.



- If no appeals are received by January 10, 2015, the payment from Anadarko will be due to the Litigation Trust on or about January 13, 2015.
- If the Approval Order is appealed to the Second Circuit Court of Appeals, it will be difficult to predict when payment may be received.



There are many variables that will impact the amount of any settlement received by the individual accounts.

- Legal Fees
- Administrative Fees
- Other Expenses

However if there is no appeal, the distribution can be expected to be a substantial amount.



If all the Missouri work is done and there is money left in the Missouri Trust Accounts....

The funds transfer to:

- i. Another Multistate Site within Missouri or to the Multistate Trust Administrative Account.
- ii. Non-Owned Service Station Sites, Henderson, West Chicago, Savannah, Cimarron, or Owned Funded Sites.
- iii. Non-Owned Sites.
- iv. Hazardous Substance Superfund, established by 26 U.S.C. 9507.



Most of the information from this presentation and more can be viewed at the EPA website below.

<http://www2.epa.gov/enforcement/case-summary-settlement-agreement-anadarko-fraud-case-results-billions-environmental#distribution>

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 8

Sources and Causes Report - Tanks Update

Issue:

Tanks Update

Information:

The Tanks Section will provide a review of the 2014 Department's Sources and Causes Report. This report is required to be submitted to the Environmental Protection Agency (EPA). The report covers the federal fiscal year of October 1, 2013 to September 30, 2014.

Recommended Action:

Information only.

Presented by:

Ken Koon – Chief, Tanks Section HWP

Tanks Update

Ken Koon
Tanks Section Chief

Sources and Causes (UST)

- Report due to the Environmental Protection Agency each December
- Sources – Tank, Piping, Dispenser, Submersible Turbine Pump. Delivery Problem, Other, Unknown
- Causes – Spill, Overfill, Physical or Mechanical Damage, Corrosion, Installation Problem, Other, Unknown



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Sources and Causes (UST)

- Found 94 UST releases
- 9 releases from operational issues
- 85 from historical contamination found during phase II or tank closure



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Pilot Travel Center #317, Joplin

- Source – Piping
- Cause – Physical or Mechanical Damage
- Quantity – Unknown
- Inspection/Environmental Emergency Response (EER) Report
- Investigations ongoing

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Leak in Fuel System at Piping Sump (contained) - Diesel fuel present in pipe junction sump near #17 Diesel dispenser, unable to confirm source.

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Kum & Go #484, Springfield

- Source – Other
- Cause – Physical or Mechanical Damage
- Quantity – 572 to 1,100 gallons gasoline
- Found during Inspection
- Investigations ongoing



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Kerr's Express, Inc., Poplar Bluff

- Source – Submersible Turbine Pump Area
- Cause – Physical or Mechanical Damage
- Quantity – Unknown
- EER Report
- Investigations ongoing





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Express Mart, Kansas City

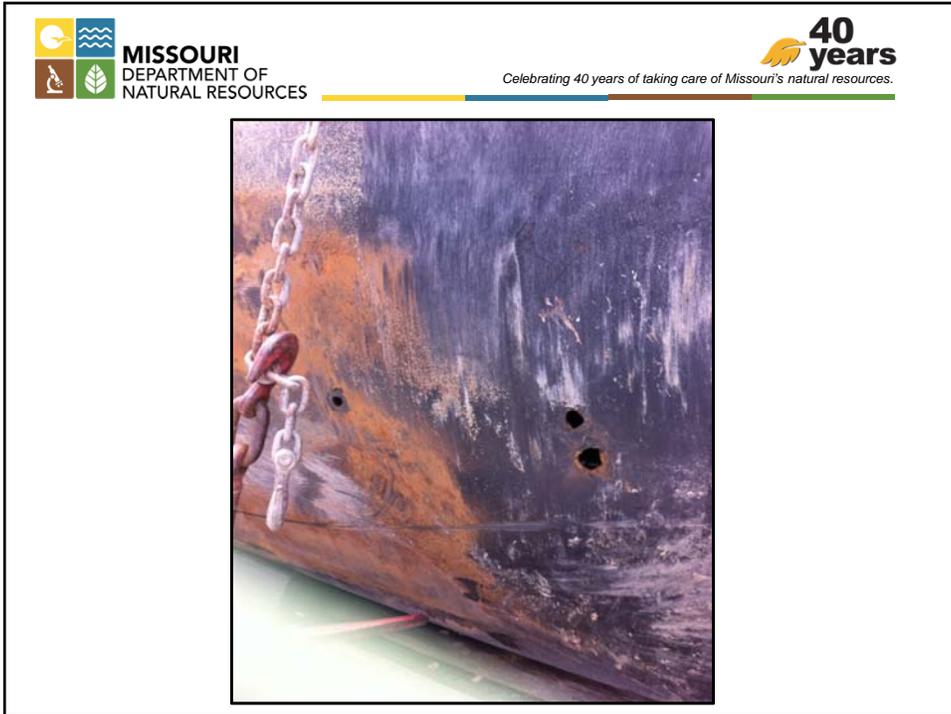
- Source – Submersible Turbine Pump Area
- Cause – Physical or Mechanical Damage
- Quantity – 4,200 gallons gasoline
- EER Report
- Investigation and Remediation ongoing



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Break Time #3156

- Source – Tank
- Cause – Corrosion
- Quantity – 1,800 gallons gasoline
- EER Report
- Investigation and remediation ongoing



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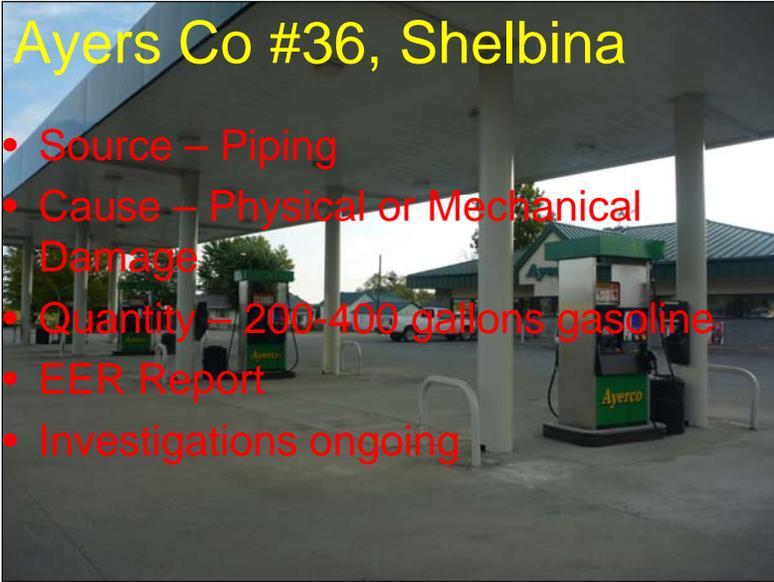
Delano Service Station, St. James

- Source – Dispenser
- Cause – Spill
- Quantity – Unknown
- EER Report
- Incident closed

Rapid Roberts #111, Springfield

- Source – Piping
- Cause – Physical or Mechanical Damage
- Quantity – Unknown
- Failed line tightness test
- Initial abatement of utilities
- Investigation ongoing

Ayers Co #36, Shelbina

- Source – Piping
 - Cause – Physical or Mechanical Damage
 - Quantity – 200-400 gallons gasoline
 - EER Report
 - Investigations ongoing
- 



Leak in Fuel System at Dispenser (contained) - 1 1/2" pipe leak at dispenser # 5/6 and # 7/8.

Motomart Conv. Store, St. Charles

- Source – Other
- Cause – Physical or Mechanical Damage
- Quantity – 113 gallons of gasoline
- EER Report
- Issued NFA

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FR 140331-1059-SMC

Photo 3: Red Arrow Indicating Cut-Out in Concrete Curbing For Storm water Flow.
Yellow Arrows Border Freshly Stained Grass/Soils To Be Excavated.

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So What About AST's

- 9 total AST releases
- 4 delivery issues (overflow or spill)
- 5 historical releases from Phase II assessments



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- http://www.dnr.mo.gov/env/hwp/tanks/epa_sourceandcause.htm

Questions?

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 9

Underground Storage Tank Operator Training

Issue:

Missouri must implement an underground storage tank (UST) operator training program to comply with the Environmental Protection Agency's 2005 Energy Policy Act and associated funding requirements.

Information:

- Missouri will have a Class A/B operator certification. Class A/B operators are responsible for properly operating and maintaining USTs, and for understanding and implementing compliance with the UST requirements.
- Missouri will have a Class C certification. Class C operators are typically store or facility staff that are on-site to respond to a problem or concern.
- The Missouri Petroleum Storage Tank Insurance Fund (the Fund) is responsible for funding, developing and implementing the program, in collaboration with the Missouri Department of Natural Resources.
- The Fund proposed the UST operator training rule (10 CSR 100-6.010), which is listed in the September 2, 2014, *Missouri Register* (copy enclosed). The proposed rule is now closed for comments.
- The contract for development of the on-line program was awarded to Williams and Company.
- The UST operator training program includes a full training program, with tests at the end of each module, as well as a test-only option.
- The UST operator training and testing program is expected to be on-line and available by the end of the year.

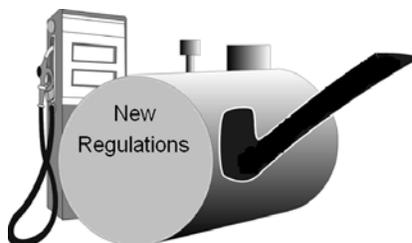
Recommended Action:

Information only.

Presented by:

Heather Peters, Compliance and Enforcement Section, UST Compliance and Technology Unit.

UST OPERATOR TRAINING



*Heather Peters,
Environmental Specialist*

What is an operator?

- Class A/B- Operates, maintains site and implements UST requirements
- Class C- responsible for responding to spills, overfills or suspected releases



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Implementation of the Program

- PSTIF proposed the UST rule on 9/2/2014
- Accepted comments until 10/17/2014
- Board voted on 12/3/2014 to approve the final order of rulemaking
- Will be published 2/28/2015
- Effective 3/30/2015



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How will it work?

- On-line Training program
- Test only option on-line
- Reciprocity
 - IL, KY, TN, AR, OK, KS, IA
- **Comply no later than 7/1/2016**



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Implementation

- Retraining for significant violations
- PSTIF will track trained operators
- MDNR will have access
- PSTIF or DNR will check regularly



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Missouri Department of Natural Resources

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 6—UST Operator Training

PROPOSED RULE

10 CSR 100-6.010 UST Operator Training

PURPOSE: This rule imposes a requirement on operators of underground storage tanks to demonstrate they have been trained in how to properly operate their tank system(s).

(1) Definitions—In addition to the definitions contained in 10 CSR 26-1.010 and 10 CSR 100-2.010, the following definitions shall apply to this rule:

(A) "Class A/B Operator" means an individual who has responsibility for operating and maintaining an underground storage tank (UST) system in accordance with applicable requirements in 10 CSR 26-2.010-10 CSR 26-2.050, and for assuring that such requirements are implemented on a day-to-day basis;

(B) "Class C Operator" means an employee responsible for initially addressing emergencies presented by a spill or release from an underground storage tank system;

(C) "Qualified Class A/B Operator" means a Class A/B Operator who has met the requirements of section (2) of this rule; and

(D) "Qualified Class C Operator" means a Class C Operator who has met the requirements of section (2) of this rule.

(2) Qualifications.

(A) To be a Qualified Class A/B Operator, an individual must—

1. Be certified as a Class A or Class A/B Operator in one (1) of the following states: Arkansas, Oklahoma, Kansas, Iowa, Illinois, Kentucky, or Tennessee; or

2. Pass a test offered by the Petroleum Storage Tank Insurance Fund Board of Trustees, which shall be available via the Internet at no cost to UST owners and operators.

(B) To be a Qualified Class C Operator, an individual must—

1. Be certified as a Class C Operator in Arkansas, Oklahoma, Kansas, Iowa, Illinois, Kentucky, or Tennessee;

2. Be trained by a Qualified Class A/B Operator; or

3. Pass a test offered by the Petroleum Storage Tank Insurance Fund Board of Trustees, which shall be available via the Internet at no cost to UST owners and operators.

(3) Required Designations.

(A) No later than July 1, 2016, the owner or operator of a UST that is in use must designate at least one (1) Qualified Class A/B Operator for such UST(s).

(B) No later than July 1, 2016, the owner or operator of a UST that is in use must ensure that he/she has designated Qualified Class C Operators.

(C) Within thirty (30) days of bringing a new UST(s) into use after July 1, 2016, the owner or operator must ensure that he/she has designated at least one Qualified Class A/B Operator and has designated Qualified Class C Operators.

(D) Should a vacancy occur, the owner or operator of a UST that is in use must ensure that he/she has a Qualified Class A/B Operator and/or Qualified Class C Operator(s) within thirty (30) days of the respective vacancy.

(4) Recordkeeping—The owner or operator of a UST that is in use must maintain records documenting compliance with this rule. Such records must be made available to the Department of Natural Resources, the Petroleum Storage Tank Insurance Fund, or their designated agent(s) upon request.

(5) Retraining—Within ninety (90) days of notice from the Department of Natural Resources, the Petroleum Storage Tank Insurance Fund Board of Trustees, or their designated agent(s), to an owner or operator of an UST, stating that the UST is significantly out of compliance with the requirements of 10 CSR 26-2.010-2.050, the UST owner or operator must—

(A) Ensure that the designated Class A/B Operator for that UST either demonstrates an understanding of such requirements by passing the test referenced in paragraph (2)(A)2. of this rule or demonstrates to the satisfaction of the Department of Natural Resources that he/she understands such requirements;

(B) Assign a new Qualified Class A/B Operator for that UST; or

(C) Properly and permanently close the UST in accordance with 10 CSR 26-2.061 and 2.062.

AUTHORITY: section 319.130, RSMo Supp 2013. Original rule filed Aug. 1, 2014.

PUBLIC COST. This proposed rule will cost state agencies or political subdivisions two hundred fourteen thousand twenty dollars (\$214,020) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities four hundred eighty-nine thousand two hundred forty dollars (\$489,240) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the PSTIF, PO Box 836, Jefferson City, MO 65102, or via email to pstif@sprint-mail.com. To be considered, comments must be received by October 17, 2014.

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 10

Tanks Financial Responsibility – Quarterly Update

Issue:

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

Information:

- Missouri law and regulation requires tank owners and operators to maintain FR so that they will have funds to take corrective action and compensate third parties for bodily injury and property damage if they have petroleum releases from their USTs.
- 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.
- At that time, of the 3,374 facilities required to have FR, 184 facilities lacked coverage. A 95% compliance rate.
- As of November 18, 2014, of the 3,221 facilities required to have FR, only 30 are currently without verified coverage. This equates to a 99% compliance rate.
- The expedited enforcement process is a valuable tool, allowing the Compliance and Enforcement Section (CES) to keep pace with the tasks and responsibilities of ensuring compliance with FR.
- As of November 18, 2014, 10 of the 30 sites have been referred to the Attorney General's Office for legal action, 12 have submitted applications to the Petroleum Storage Tank Insurance Fund and are pending approval for coverage, 2 are new installation sites and staff are currently working with one that is undergoing estate settlement.

Recommended Action:

Information Only

Presented by:

Mike Martin, Chief, UST Compliance and Technology Unit, CES, HWP



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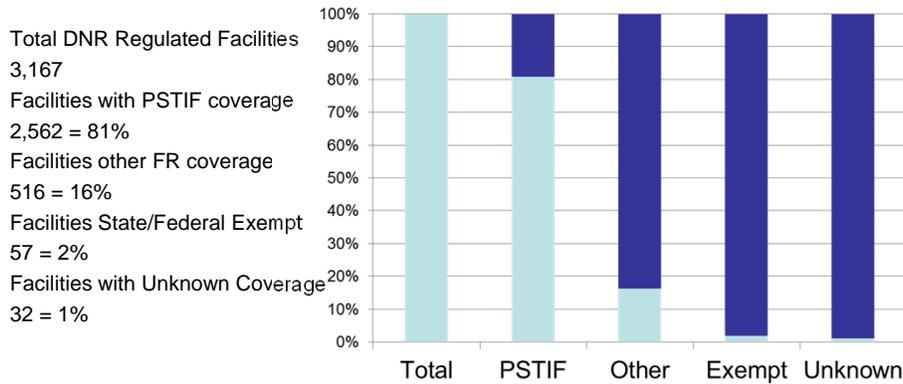
Financial Responsibility (FR) Update

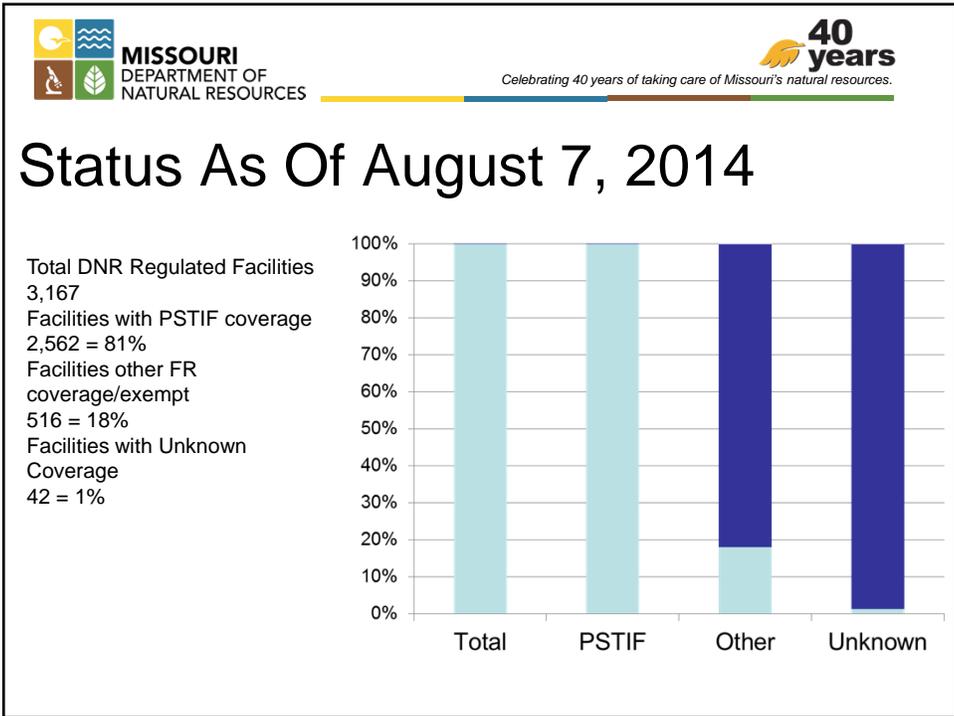
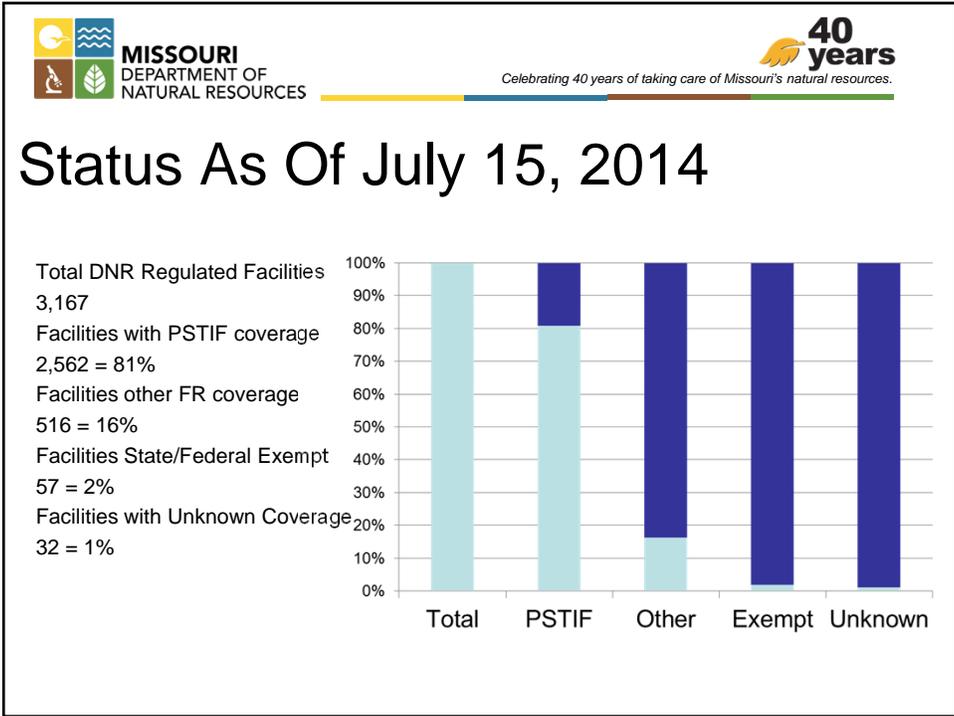
Michael Martin

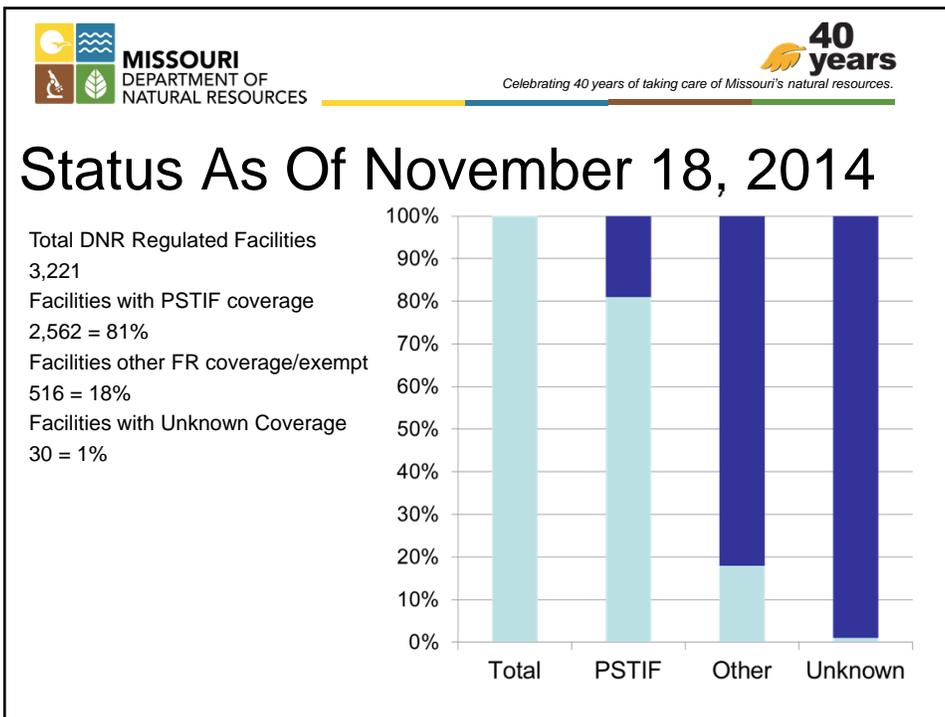


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Status As Of March 18, 2014







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Status Of Unknown Coverage Sites

Total DNR Regulated Facilities	3,221
Facilities with Unknown Coverage	28
Facilities Referred to the Attorney General's Office	10
Facilities in Enforcement, not yet Referred	7



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Questions?

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 11

Legal Update

Issue:

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

Information:

Information Only

Presented by:

Ms. Kara Valentine, Commission Counsel

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 12

Public Inquiries or Issues

Issue:

Opportunity for participants to speak to the Commission on relevant issues or matters before them.

Information:

Information Only

Presented by:

Mr. David J. Lamb – Director, HWP

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 13

Other Business

Issue:

Update to the Commission on Program matters and other relevant issues.

Information:

Information Only

Presented by:

Mr. David J. Lamb – Director, HWP

Missouri Hazardous Waste Management Commission Meeting

December 18, 2014

Agenda Item # 14

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
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
Thursday, December 17, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

*****It may be necessary to move these meetings up one week to better align with the rulemaking schedule.**

Recommended Action:

Information Only