

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
February 19, 2015; 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 Michael Foresman
Commissioner Jamie Frakes
Commissioner Mark Jordan

The phone line was opened at approximately 9:43 a.m. for Commissioners calling in to today's meeting.

COMMISSIONERS PRESENT BY PHONE

Vice Chairman Charles Adams
Commissioner Elizabeth Aull

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

1. PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF MINUTES

- Commissioner Foresman made the motion to approve the General Session minutes from the December 19, 2014, meeting. Commissioner Frakes seconded the motion.

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

2. RULEMAKING UPDATE

Mr. Tim Eiken, Directors Office, addressed the Commission and provided an update and PowerPoint presentation on recent rulemakings and legislative actions, which would be of interest to the Commissioners. He noted that he would be providing information on both recent federal rules and rules the Program was working on.

Mr. Eiken began with Program rules, noting that the “No Stricter Than” rule package was still undergoing internal review, but that approval had been received to publish the Regulatory Impact Report (RIR). He noted that it was scheduled to be published in the newspaper the following day and would also be announced on the program’s Rules in Development page and through the Hazardous Waste Forum’s GovDelivery email blast. He advised that this would begin the 60 day comment period, which would run through April 21st. Mr. Eiken stated that the other part of the rule development process, the Interagency Review, had also begun. He noted that an Executive Order requires the Department make all proposed rules available to other executive agencies for review and comment before the official public comment period begins. He stated that the DRAFT “No Stricter Than” rules were sent out to the departments of Conservation, Health and Economic Development, for their review and comments.

Mr. Eiken continued with his presentation advising that the federal rules he wished to discuss had been pre-published and received by the Department in December 2014. He noted that there were two rules and that one had since been published in the Federal Register and that one had not. He advised that of these two rules he would be focusing on the “Definition of Solid Waste” rule. He also advised that the second rule was the “Coal Ash” or “Coal Combustion Residuals” rule, but he would not be spending too much time on this one as the Environmental Protection Agency had decided to deal with this issue under the solid waste laws and not the hazardous waste laws.

Mr. Eiken stated that the “Definition of Solid Waste” rule had been in the works for 15 plus years and had been originally adopted in 2008. He noted that changes were proposed to the rule in 2011, and that the final amended rule had been released in January of this year. Mr. Eiken went on to state that there are two elements to the definition of hazardous waste. He noted that the material must both be a “waste” and “hazardous” before it is regulated as a hazardous waste. He went on to advise that many rules focus on whether something is “hazardous;” but, whether a material is a waste depends on if it has been “discarded.” He noted that the exclusions to the rule have provisions to make sure it meets the criteria; and that the basis for the exclusion is that material managed under the rule has not been “discarded” because it is being recycled or reused. He advised that because the material still has the same hazardous constituents that it would have as a hazardous waste, the conditions for the exclusion ensure adequate protectiveness. Mr. Eiken advised that the state has some concerns when a material may qualify for exclusion under this rule, noting that excluded materials could be fully managed as a hazardous waste one day and the next they are not, even though the materials contain the same levels of hazardous constituents.

Mr. Eiken went on to note that the 2014 rule revises the 2008 “Definition of Solid Waste” final rule. He stated that Missouri did not adopt the 2008 rule; the rule was only adopted by six states. He went on to state that the “No Stricter Than” statute provides an exclusion for this rule; which allows the rule to be excluded, amended, or adopted, and that because the rule is less stringent, it is optional for states to adopt. He noted that some of the changes that the state was glad to see, was that the amended rule replaces the transfer-based exclusion with the verified recycler exclusion, and adds a regulatory definition of “contained” and additional recordkeeping requirements. He advised that there were four factors applied to determine legitimacy of recycling exclusion and that the rule makes all four legitimacy factors mandatory. He noted that the four criteria included: (1) it must make a useful contribution to the recycling process; (2) it must make a valuable final or intermediate product; (3) the material must be managed as a valuable product; and (4) the material contains toxic constituents at levels comparable to the virgin product.

Commissioner Foresman inquired as to whether used oil would qualify. Mr. Eiken responded that used oil had its own set of rules. Mr. Foresman commented that the use for the different types of oils could concentrate the hazardous materials more than what is in the original product.

Mr. Eiken then discussed two options for meeting the exclusions; the verified recycler exclusion which provides relief from Subtitle C management for generators that send hazardous secondary materials to permitted recyclers or recyclers that have obtained a variance from EPA, and the generator-controlled exclusion for recycling performed on-site, at the same company, or under certain tolling agreements. He noted that the exclusion is conditional; meaning, if conditions are not met, there may be violations charged for improper management of the material.

Mr. Eiken advised that the federal rule was published in Federal Register on January 13, 2015; with an effective date of July 15, 2015. He noted that the rule was not effective in Missouri until it was adopted into Missouri regulations. He also advised that the EPA was hosting webinars for state agencies, and that Program staff were still assessing the potential impact of the rule. He noted that considerations included impacts on Missouri Resource Recovery facilities, the Generator universe and fees, the protectiveness of conditions, and that the determination of applicability of the exclusion will require review of site specific situations. He noted that this will be an intensive review for our Permits and Compliance and Enforcement Sections.

Mr. Eiken then went on to discuss the “Coal Combustion Residuals” rule, noting that it was not yet published in Federal Register. He advised that the pre-publication version of rule became available on December 19, 2014, and the proposed rule was filed June 21, 2010. He noted that there were two regulatory options proposed at that time; Subtitle C (hazardous waste) and Subtitle D (solid waste). He stated that the EPA had adopted the final regulation under Subtitle D, which establishes technical requirements for landfills and surface impoundments. He noted that it would have a minimal impact on our program, but that we would be taking a look at the technical requirements to make sure they remain protective.

Commissioner Foresman inquired, with regards to the exclusion for recycling, how many facilities in Missouri would be able to take advantage of this change? 10-20? Mr. Eiken responded that there would not be that many. He noted that resource recovery facilities may be able to utilize the exclusions and advised that a ballpark figure for resource recovery facilities would be 20-30 in the state. He noted that due to the nature of the operation, solvent recovery would be a good example of the type of waste management that would fit this scenario. He noted it would be a good option if they could meet the conditions, and that the facility could save money as they would not have to have a permit or a resource recovery certificate.

Commissioner Foresman inquires as to whether a facility would have to have a large waste stream from a large customer for this to be an option. He noted that everything would have to be analyzed to ensure that it met the requirements of the exemption. Mr. Eiken responded that it was very specific to a certain type of industry and that even the states that originally adopted the rule did not have that many that qualified. He noted that it generally involved a generator that managed their own materials from their own facilities.

Commissioner Jordan noted that the Department may want to consider it because if it did not require a permit, it could lessen the workload. Mr. Eiken responded that if there was no permit needed, it may do so; but, even if a facility operated under the exclusion, there was a lot of oversight that was needed to determine if the facility was meeting the conditions of the exclusion. He noted that the workload may be slightly less, but it would focus different areas, such as whether the conditions for the exclusion are being met.

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

3. FEE STAKEHOLDER UPDATE

Mr. David J. Lamb, Director, HWP, addressed the Commission noting that he would be providing them with an update on recent fee stakeholder efforts. Mr. Lamb advised that meetings had been held over the past several months, working towards bringing a proposal before the Commission, for their consideration and approval, for changes to the Program's fee structure. He noted that there have been three meetings held to date, with the fourth scheduled for later that same day. Mr. Lamb provided the Commission with a PowerPoint presentation that reflected previous meeting overviews, example fee options, future meeting information and a draft timeline for the proposed rulemaking.

Mr. Lamb began with an overview of the information disseminated at the fee meetings, and noted that the November 18, 2014, meeting, provided stakeholders with the statutory background for the fee process and provided participants with a Program and financial overview, outlining the need for the fee changes.

Mr. Lamb then advised that the December 18, 2014, meeting, provided participants with an overview of other state fees, in response to earlier participant requests, and provided a fee

calculator demonstration. This demonstration allowed participants to make different changes to the current fee structure and see how the changes affected revenues and other generator groups. He went on to advise that the January 22, 2015, meeting, had provided follow up on other state and financial information and had outlined an example of different fee options for consideration and comment. Mr. Lamb also advised that the January meeting provided follow-up information to the participants on other fees under review, noting that most had reached their statutory limits so not much could be done. He advised that cost recovery had been looked at and it was determined that the multiplier was still bringing in the funding that was needed to cover our costs.

Commissioner Jordan posed a question on the differences between the fees for In-state and Out-of-State generators. He noted that the fee structure appeared to be higher for those facilities operating in Missouri and less for those from out of state. Mr. Lamb responded that the way the fee structure is currently set up, the in-state fee is assessed to all hazardous waste generators in Missouri based on the tonnage of waste generated. He noted that the out-of-state fee is assessed to commercial facilities that accept waste from out of state generators and an increase to those fees could create a competitive disadvantage to those facilities. He noted this generally related to cement kilns that accepted waste from out of state for use as fuel in the kilns. Questions were asked about the cap on the out-of-state fee, with Mr. Lamb noting that there is no cap on the out-of-state fee. He noted that the \$52,000 cap applied to the in-state fee only. He also noted that only certain fees under consideration had caps that could be changed by rule as some fees were not covered by the new statutory authority.

Mr. Lamb went on to explain the fee calculator and the proposals that were put together to start the discussion on the fee structures. The first proposal discussed was one that was suggested by a stakeholder that would double the registration fee and the minimum tonnage fee. It would also change the in-state fee to \$6 per ton. He noted that the smaller generators had expressed concerns with these changes as they felt they would have to pay more in fees than the cost to dispose of their waste. Mr. Lamb also outlined the “3% per year” increase option, and described the “Tiered Tonnage Fee” option. He advised that the feedback received on the 3% proposal was that it would raise the cap too much and that the raise to the out-of-state fee would be significant and only affects a small number of facilities. An additional response received on the tiered approach was that it may be too complicated and that the \$1000 minimum was too large an increase. He noted that the tiered approach may generate the most revenue, but may not get the support needed for a consensus. Mr. Lamb reviewed the options provided to the stakeholder group, outlined the specifics for each proposal and noted the concerns that had been expressed by the stakeholders in response to each of the fee structures proposed. He advised the Commission that different proposals would be reviewed with participants at the meeting later in the day.

Commissioner Foresman inquired as to whether the Department would be approaching the legislature to change the fees that are not a part of this effort in order to make up the remainder of the shortfall. He also inquired as to what the process was for that. Mr. Lamb responded that the Program would be back to the old process again where changes to the fees have to be made through the legislative process.

Commissioner Foresman noted that he believed it would be best to reach a consensus with the group on a fee proposal for the half million dollars and then have their support when going to the legislature to ask for more. He noted that what we really did not want to do is to go before the legislature with a request and be shot down because we did not get a consensus from the stakeholders in the beginning. He noted that there was no way to not adversely affect someone. He noted that the question now was how to go forward and reach a consensus that is as fair to everyone as it can be.

Commissioner Jordan inquired as to whether the \$2.3 million dollar shortfall was the cost of what it takes to administer the whole program. Mr. Lamb responded that this shortfall only reflects the Hazardous Waste Fund portion of the shortfall. He noted that there were other parts of the Program that were funded from other sources, which were not included in this total, such as rad transport, drycleaning environmental response, natural resource damages, etc.

Commissioner Jordan inquired as to how much it is costing and what are we not going to be able to do without the funding, and if the funding is available, what value do we receive for the money? He also inquired as to what it costs the Program to track waste from generation, to shipping to disposition, and asked if that may be a better way of figuring cost and fee structure. Mr. Lamb responded that there has not been that in depth of an analysis and that he did not know if that kind of information could be pulled from our system. He noted that some projections were built in to the cost analysis but that the funding was not intended for use in doing "something more", that we had no plans for expanding, and that the funding was intended for use in doing what was already being done on a daily basis. He noted that the increase in the revenue stream was intended for use in keeping up with the costs of providing the oversight and services already expected.

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

4. MISSOURI PESTICIDE COLLECTION PROGRAM EDUCATION AND OUTREACH UPDATE

Mr. C.J. Plassmeyer, Compliance and Enforcement Section, addressed the Commission and provided a PowerPoint presentation on the Department's Missouri Pesticide Collection Program Education and Outreach efforts. He noted that the Department was involved in the Commercial Pesticide Applicator Training, the Integrated Pest Management Workgroup and he provided information on the 2015 pesticide collection events. Mr. Plassmeyer noted that the Missouri Department of Agriculture (MDA) enforces the Missouri Pesticide Use Act, which provides a certification/recertification program for commercial pesticide applicators. He noted that the training is developed according to EPA provided training guidelines (40 CFR 171.4). He also advised that the Missouri Department of Agriculture, the University of Missouri Extension, the Missouri Department of Natural Resources and the Missouri Department of Transportation work in conjunction to provide the training.

Mr. Plassmeyer noted that the training included information on pesticide waste prevention and disposal and how they impacted the Department's Public Drinking Water, Air Pollution, Solid Waste, Hazardous Waste, Emergency Response, and Water Pollution programs. He advised that the training stressed that if pesticide becomes hazardous waste, all hazardous waste laws and regulations apply. He noted that with regards to enforcement of pesticide laws, the "Label Is The Law" in Missouri. He advised that not all pesticides are hazardous waste, and that it depends on the active ingredient. He also noted that applicators were advised that if no longer have use for pesticide and still have useable product, it was recommended to give pesticide to someone that can use it before disposal.

Commissioner Jordan inquired as to when an applicator became regulated – did it depend on whether they did it for money? Mr. Plassmeyer responded affirmatively, that they would then be regulated by the Department of Agriculture. Commissioner Foresman noted that to buy chemicals you needed to be certified.

Commissioner Jordan inquired as to whether there was a way to do an exchange for those who had extra product of one kind – could they exchange it with someone who had extra product of something they needed, prior to having the costs of disposal. Different options were discussed between the Commissioners. Mr. Plassmeyer also noted that inquiries had been received on what to do with "waste pesticides" from a business standpoint. Ms. Nicole Eby, Compliance & Enforcement Section, addressed the Commission and noted that there was a distinction between household and small farm wastes, and that some of the scenarios discussed would fall under the exemption.

Mr. Plassmeyer then provided information on the Integrated Pest Management Workgroup. He noted that this involved school officials, the health departments, the Department of Agriculture and the Department. He noted that Agriculture had received grant monies of this effort. He stated that the goal was to improve the overall health of Missouri schools by reducing pesticide use and using alternative ways to control bugs. He advised that school site visits were being conducted to provide information. He noted that other outreach efforts included developing a display regarding businesses and pesticide disposal; which would show the steps necessary to properly dispose of pesticide waste, provide contacts for hazardous waste disposal, and provide information to businesses to help them feel comfortable when dealing with pesticide waste.

A tentative schedule and locations for 2015 collection events were discussed, noting that the 2015 schedule was nearly complete. He advised that collection events were scheduled for Portageville on May 30, 2015, Mount Vernon – date not set, Higginsville – date not set, Hermann/Owensville area – date not set, and Kirksville on September 19, 2015. Mr. Plassmeyer explained that the pesticide collection program draft contract was submitted to the Office of Administration in November of 2014, which sought a contractor who was able to adjust to fit collections better.

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

6. TANKS SPECIAL PROJECTS UPDATE

Mr. Ken Koon, Chief, Tanks Section, addressed the Commission and provided a PowerPoint presentation on some abandoned drinking water projects that the Tanks Section has been involved in during the last year. He noted that he would be providing information on four projects; the first in Buffalo, MO, which involved adjacent property wells and additional investigations; the second in Wasola, MO, which had a well on the property that serves a former Y store; the third in Marshfield, MO, which involved an adjacent property well; and the fourth in Doolittle, MO, where there were additional investigations of drinking water issues.

Mr. Koon began with the Corner Store in Buffalo, Missouri. He advised that the store was taken out of service sometime in 1980. He advised that there was a 2010 complaint of petroleum in wells. He noted that DNR conducted a source investigation; but, that the last owner/operator was deceased. DNR put a filter on the well and that a DNR downhole camera determined there was a defective casing on well. He noted that the Department will be doing a little more investigation at this site, which will include putting in some groundwater monitoring wells, sampling some additional wells, and conducting a risk assessment in the future.

The second project was a Y-Store in Wasola, Missouri. Mr. Koon noted that the dates of operation on the facility were unknown. He advised that the tanks were removed in 1995. He stated that the Department did a source investigation and put a filtration system on the well. He noted that the store was closed and a No Further Action letter was issued in 2002. Mr. Koon then stated that the Department received a complaint in 2014 that drinking water in a liquor store next to the Y convenience store was contaminated with petroleum. He advised that an investigation found that there was a second well on the property serving three rental houses, a liquor store and a dairy. The second well tested okay, although the original well at the Y store/liquor store showed petroleum contamination. He advised that DNR will replace the well at the Y store, but that the property owner wants to hook more locations up to the new well. DNR will pay for the well, but the owner will have to pay for hookups to additional structures/purposes.

Commissioner Foresman noted that the property owner was receiving revenue from these properties, appeared to have contaminated himself, and inquired as to why the state was paying to correct this issue. Mr. Koon noted that the current property owner was not the responsible party to the original contamination.

The third project that Mr. Koon provided information on was the Northview Grocery in Marshfield, Missouri. He advised that the grocery operated from 1960 to the mid 1980's. He noted that the site was eligible for PSTIF benefits and had two gasoline Underground Storage Tanks (UST). Mr. Koon went on to state that in April 2002 a complaint was received of vapors in an adjacent home. In July 2002, a UST closure was conducted. The vapors were determined to be coming from the faucet. The drinking water well was impacted, so the two USTs were removed. He advised that a filtration system was put on the well in 2010. He also

advised that by utilizing the special federal project funding, future activities at the site could include replacement of the drinking water well.

Mr. Koon advised that the fourth project was in Doolittle, Missouri. He noted that in June 1991, petroleum contamination was reported in a well. He advised that DNR investigated and found several potential UST's and AST's and that the residents all drilled new wells. He stated that recent testing confirmed some lead in one of the wells, and that additional investigations were planned. He noted that the investigation sampled all the drinking water wells that were replaced and one spring that wasn't sampled during the original investigation, and everything came up okay except for some high lead in one of the wells. He advised that the Department will be doing some additional sampling and investigations in the area, including trying to determine if the lead contamination is tank related. If the lead contamination is shown to not be related to a former UST, then the Department will refer the issue to the local County Health Department.

Mr. Koon explained that this area had a complaint back in 1991 and a lot of work was done by DNR and the potential responsible parties to investigate the releases and remove tanks. However, there were several AST's in the area and DNR did not have any authority or funding at the time to address AST's, so the project stalled and set idle. As part of the Backlog plan with PSTIF, the Tanks Section has picked this up and decided more work needs to be done.

Commissioner Jordan inquired as to whether these projects were funded by federal grant monies. Mr. Koon noted that it was federal funding through a grant from the EPA, stating that it was a competitive bid process, with one-time funding, which was tagged towards specific issues.

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

11:46 a.m. Chairman Sugg called for a brief break.

11:57 a.m. Chairman Sugg called the meeting back in session.

7. RADIOACTIVE WASTE COMPACT AND RADIOACTIVE MATERIALS SHIPMENT FEE UPDATE

Ms. Tiffany Drake, Federal Facilities Section, addressed the Commission and provided an update on the Midwest Interstate Low Level Radioactive Waste Compact and the Radioactive Materials Shipment Fee and its uses. She noted that the fees focus on the local emergency response training and the equipment that is provided by the Department following the successful completion of the trainings.

Ms. Drake advised that the Hazardous Waste Management Commission acts in an advisory capacity to the Missouri member on the compact commission, and that the Midwest Interstate

Low-Level Radioactive Waste Compact currently meets once a year, usually in June. Ms. Drake went on to note that information on various technical topics is sent out via emails from the Compact's chairperson as needed.

Ms. Drake advised that the Radioactive Materials Shipment Fee began in 2009, and that fees are charged to shipments of radioactive materials and waste traveling through Missouri by both truck and train. She noted that the main purpose of the funds is to cover the costs of inspecting and escorting these shipments through the state of Missouri, and to provide training and equipment to the local emergency response agencies along the truck and train routes in the state.

Ms. Drake went on to provide an update on trainings and the disbursement of equipment and provided a current status of the fund. She advised the Commission that a legislative change in 2012 changed the fee from a "per cask" to "per truck" billing, which had reduced the funding source that generated about 80 percent of the funding of the fee, by approximately 40 percent. She also noted that the sunset date for the fund had been moved out during last year's legislative session to 2024.

Commissioner Frakes inquired, "as far as transporting radioactive waste through the state, are those transporting the waste required to notify the state?"

Ms. Drake responded that if the load was high level waste or material, they were required to notify the state; also, if it was low level waste, they were required to pay the fee for that shipment. However, there were a number of classifications that do not fit into these categories that do travel through the state without any notification required, as they do not meet the requirements of the "highway route controlled quantities" restrictions.

Ms. Drake provided an overview of the established transportation routes through Missouri and which emergency departments had received training on responses to a radiological event along these routes. She provided an overview of the equipment that was distributed for use by these departments and the guidelines for the quantities of equipment that had been distributed.

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. REGISTRY UPDATE

Mr. Dennis Stinson, Chief, Superfund Section, provided the Commission with an update on the Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri (Registry), noting that it was maintained by the Missouri Department of Natural Resources pursuant to the Missouri Hazardous Waste Management Law, Section 260.440, RSMo. He advised that the Department publishes the "Missouri Registry Annual Report: Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites" and makes it available January 1 of each calendar year.

Mr. Stinson stated that the purpose of the Registry was to investigate and assess environmental and health conditions at sites where hazardous waste was either spilled or dumped prior to hazardous waste regulations. The Registry also set up a process that provided for the tracking of these sites to inform counties and future buyers of these properties of the environmental and health issues found at these sites.

Mr. Stinson noted that there were currently 66 sites on the Registry and that in accordance to state law, each site listed on the Registry is placed in one of the following categories:

- Class 1: Sites that are causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment. Immediate action is required.
- Class 2: Sites that are a significant threat to the environment. Action is required.
- Class 3: Sites that do not present a significant threat to the public health or to the environment. Action may be deferred.
- Class 4: Sites that have been properly closed and require continued management.

Mr. Stinson advised the Commissioners that the Registry Annual Report is available to the public through the Department's Hazardous Waste Program's web site and that information about the sites is also found on the new HWP Interactive Mapping System, created as part of the Department's Long-Term Stewardship efforts. He also advised that although the Department is required to send the Registry to the governing body of each county containing a site listed on the Registry; to minimize cost, only a CD copy of the Registry was sent to the Presiding Commissioner of each applicable county. He noted that the Registry describes each listed waste site in detail, including: the location; public drinking water concerns; health advisory; geology/geohydrology; and remedial actions. He also noted that for sites listed in the Registry, an environmental notice has been filed with the Recorder of Deeds that documents the hazardous waste contamination at the site and that use of a property listed on the Registry may not change substantially without the written approval of the Department.

No 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

Dee Goss, Public Information Officer, DEQ, presented the Commission with highlights from the July through September 2014 Quarterly Report.

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

10. LEGAL UPDATE

Ms. Kara Valentine, Office of the Attorney General, addressed the Commission and provided a brief overview of the role of the Attorney General's office with regard to hazardous waste issues. She noted that there were ten attorneys assigned to this division and that there were currently 67 active hazardous waste enforcement referrals in their office. Of these 67, she

noted that 37 were tanks related. She advised that in addition, there were 24 non enforcement hazardous waste cases; which involved the Registry, enforcing an agreement, Natural Resource Damages issues, etc. She noted that most were water issues and the rest were air, hazardous waste, etc.

Ms. Valentine went on to provide a brief synopsis of four recent environmental settlements the Attorney General's office was involved in. She noted that some of these were federal cases with Missouri benefitting from the settlements for violations or contaminated sites in Missouri. She advised the Commission that they had been provided information on the Anadarko settlement at the previous meeting and reiterated that this was a large settlement, totally 4.3 million dollars coming to Missouri; which involved two sites in Missouri. Ms. Valentine then noted that there had been a recent settlement with Tyson over a fish kill in Barry County, Missouri, resulting from an animal feed supplement spill that had ran in to a waterway. She continued with information on a recent case with ABC Labs, resulting from a storage violation noted during an EPA inspection. And, Ms. Valentine completed her overview with information on a recent 7.3 million dollar natural resource damages settlement with Cyprus/Amex regarding properties in the area of the Doe Run Buick smelter properties.

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.

11. PUBLIC INQUIRIES

Mr. David J. Lamb, Director, HWP, advised the Commission that he had received one request from Mr. Kevin Perry, of REGFORM, to address the Commission.

Mr. Perry approached the Commission and advised them that he represented REGFORM, which were a group who were involved in environmental and regulatory policies. He went on to state that he wished to make a few short comments regarding the *definition of solid waste*, and the Department's review, which had been discussed with the Commission during Mr. Tim Eiken's earlier presentation. Mr. Perry stated that his group would prefer regulations be in line with federal to ensure consistency. Mr. Perry went on to state that he was encouraged by the advantages of the "No Stricter Than" legislation that keeps state regulations in line with the federal regulations.

Mr. Perry then noted that REGFORM had been active in the recent fee stakeholders meetings and that he was aware that no matter what proposal was brought before the Commission, it was going to affect large or small generators with the extremes on each end. He advised that the question had been raised earlier today regarding cement kilns, and stated that "yes," they do take in a lot of waste from out of state. But, he noted, if they charged more to the out of state generators a small adjustment to that fee would have a very large impact to the fees that the cement kilns would have to pay. He noted that there would be extremes on either end and that any increases would have to "gore one of those oxes."

He advised that he had met with Mr. David Lamb and Ms. Leanne Tippet Mosby earlier in the week and that their focus was on somewhere in the middle. He advised that discussions had been on increases to the per-ton in-state fee, but that this topic was set to be discussed in the stakeholders meeting being held later that day. Mr. Perry also stated that he was encouraged by the discussions that had been going on and that he wanted to see the Hazardous Waste Program move forward and for the Program to be adequately funded to do their work.

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

12. OTHER BUSINESS

Mr. David J. Lamb, Director, HWP, addressed the Commission, and started by giving a brief legislative update. He noted that there were a few bills that may impact the Department that were being watched, but they hadn't moved past their starting House or Senate committees yet.

Mr. Lamb next congratulated Commissioner Mark Jordan on his recent Senate confirmation, noting that it had occurred on March 5th. He also advised that the Commissioners should have received their annual Personal Financial Disclosure forms, noting that they were due by May 1st. Commissioner Foresman commented that these were so much easier now that they were on line.

Lastly, Mr. Lamb stated that he had received notification from Chairman Sugg that this was to be his last meeting, as he was moving out of state and was having to resign his appointment to the Commission. A plaque commending Chairman Sugg for his service was presented, in addition to Mr. Lamb thanking him for his time and dedication during his time with the Commission.

Chairman Sugg made a few short comments advising that he had really enjoyed serving on the Commission and was proud of the Commission and the Commissioners, and for their dedication to the citizens of Missouri. He noted that the Commission was made up of people with the best interests of the state in mind.

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.

13. FUTURE MEETINGS

The next meeting of the Hazardous Waste Management Commission will be held on Thursday, April 16, 2015, at the 1730 E. Elm Street Conference Center.

Commissioner Foresman made the motion to adjourn the meeting at 12:37 p.m. The motion was seconded by Commissioner Aull.

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

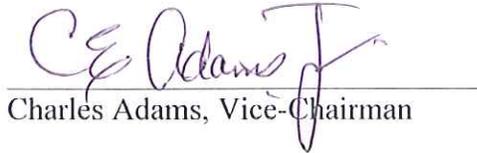
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Respectfully Submitted,



Debra D. Dobson, Commission Assistant

APPROVED



Charles Adams, Vice-Chairman

16 Apr 15
Date