



**MISSOURI**  
DEPARTMENT OF  
NATURAL RESOURCES

## ***DRAFT***

### **NOTICE OF OPEN MEETING**

The meeting will also be streamed live from the Department's website at:  
*[dnr.mo.gov/videos/live.htm](http://dnr.mo.gov/videos/live.htm)*.

**DEPARTMENT OF NATURAL RESOURCES  
HAZARDOUS WASTE PROGRAM  
HAZARDOUS WASTE MANAGEMENT COMMISSION  
AGENDA**

**February 19, 2015**

**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, December 18, 2014 – Commissioners

#### **Information Only:**

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

Page Two

4. Fee Stakeholder Meetings Update – David J. Lamb, Director, HWP
5. Missouri Pesticide Collection Program Education and Outreach Update – CJ Plassmeyer, Compliance and Enforcement Section, HWP
6. Tanks Special Projects Update – Ken Koon, Chief, Tanks Section, HWP
7. Radioactive Waste Compact and Radioactive Materials Shipment Fee Update – Tiffany Drake, Federal Facilities Section, HWP
8. Registry Update – Dennis Stinson, Chief, Superfund Section, HWP
9. Quarterly Report – Dee Goss, Public Information Officer, DEQ
10. Legal Update – Kara Valentine, Office of the Attorney General
11. Public Inquiries or Issues – David J. Lamb, Director, HWP
12. Other Business – David J. Lamb, Director, HWP
13. Future Meetings
  - Thursday, April 16, 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: February 19, 2015**

**ROLL CALL ROSTER**

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

**Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item # 1**

**Pledge of Allegiance**

**Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item # 2**

**Approval of Minutes**

**Issue:**

Commission to review the General Session minutes from the December 18, 2014, Hazardous Waste Management Commission meeting.

**Recommended Action:**

Commission to approve the General Session minutes from the December 18, 2014, Hazardous Waste Management Commission meeting.

**GENERAL**

**SESSION**

**MEETING**

**MINUTES**

GENERAL SESSION  
HAZARDOUS WASTE MANAGEMENT COMMISSION  
December 18, 2014; 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 Jamie Frakes

The phone line was opened at approximately 9:35 a.m. for Commissioners calling in to today's meeting.

COMMISSIONERS PRESENT BY PHONE

Vice Chairman Charles Adams  
Commissioner Elizabeth Aull  
Commissioner Michael Foresman

9:52 Message received from Chairman Sugg noting that he was running late due to road conditions.

Chairman Sugg arrived at 10:04, as Vice-Chair Adams was calling the General Session to order.

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, Vice-Chairman Adams, Commissioner Aull, Commissioner Foresman, Commissioner Frakes and Commissioner Jordan acknowledging their participation in today's meeting.*

2. APPROVAL OF MINUTES

- Commissioner Frakes made the motion to approve the General Session minutes from the October 16, 2014, meeting. Commissioner Aull seconded the motion.

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

- Chairman Sugg advanced the agenda to Item #4.

#### 4. RULEMAKING UPDATE

Mr. Tim Eiken, Director's Office, Hazardous Waste Program (HWP), addressed the Commission and noted that there was not a lot of new state information at this time, most concerned new federal rulemakings. He advised, with regards to the "No Stricter Than" rule package, it was still going through the review process; that we were waiting on approval to publish the Regulatory Impact Report to begin its 60 day comment period and that we were ready to publish when the approval was received.

Mr. Eiken went on to note, that on the federal side, the "Definition of Solid Waste" had been released on December 10, 2014. He advised that this covered changes proposed in 2011, and had been three years in the works. Mr. Eiken noted that Missouri did not adopt the original 2008 rule, and that only 10 states had done so. He stated that the amendments proposed in 2011 were designed to address the concerns Missouri and other states had; but, it had just come out and there had not been sufficient time yet to review. He also noted that if Missouri wished to adopt this, it would have to be picked up in the next round of federal rule adoptions as the "No Stricter Than" package was still open and nothing additional could be added at this time.

Mr. Eiken explained that the federal rule addressed Hazardous Secondary Materials; stating that this was material that, because it was able to be used in another process, was therefore not considered to be "discarded" and therefore not a hazardous waste. He noted that the conditional exclusion in the federal rule established certain conditions with regards to containment, management, emergency response, etc., and that, because it is less stringent, it is optional for states to adopt the rule. He noted that there are two options for claiming the conditional exclusion; the generator may recycle their own material or use a verified recycler who has a hazardous waste permit or a variance. Mr. Eiken advised the Commission that the U.S. Environmental Protection Agency (EPA) had held a conference call the preceding week, to announce this to the state's, and that staff are reviewing the verbiage at this time.

Mr. Eiken concluded by advising that another federal rule, regarding Coal Ash, had a deadline of the following day. He advised that Missouri believed that it would be classified as a solid waste and not a hazardous waste; requiring it to meet Resource Conservation and Recovery Act (RCRA) requirements for solid wastes. He noted that information available led us to believe the EPA was leaning towards the "solid waste" determination and that would have minimal impact on the HWP.

Mr. Eiken briefly noted that the only other federal rule related to "Operator Training," which would be addressed by Heather Peters further down the agenda.

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.

- Chairman Sugg returned to Agenda Item #3.

### 3. COMMISSION OPERATING POLICIES

Mr. Tim Eiken, Director's Office, HWP, addressed the Commission and noted that the Commissioners had received a redline strikethrough version of the proposed changes to the Operating Policies at the previous meeting, and had been asked for any suggested changes. He advised that a "clean" copy had been provided in their packets, which incorporated the changes that had been suggested; noting that two suggested changes had been received from the Commission, and reiterated that the HWP had presented their suggested changes at the previous meeting.

The floor was opened up for the Commissioners discussion on the proposed changes, with Chairman Sugg noting that the proposed changes seemed reasonable. He discussed the change he had suggested to item 7, Conduct of Meetings, and addressed Mr. David Lamb, noting that he had received the verbiage the state had proposed that streamlined the verbiage for his suggested change. Mr. Lamb responded that Department legal staff had reviewed his suggestions and had proposed the verbiage to address the Commission's concerns.

The suggested verbiage was read; *"The Commission reserves the right to impose reasonable time limitations on presentations and/or comments before the Commission. Any presentation and/or comment expected to last longer than 15 minutes must receive prior approve from the chairperson."*

Commissioner Foresman noted that the proposed version was appropriate. Commissioner Frakes asked if he could make a motion to adopt the Operating Policies, with the aforementioned addition to item 7, to which Chairman Sugg agreed. Commissioner Frakes made the following motion:

*"I move that the Commission adopt with modifications, the proposed changes to the Hazardous Waste Management Commission's Operating Policies."*

The motion was seconded by Commissioner Adams.

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

### 5. FEE STAKEHOLDER UPDATE

Mr. David J. Lamb, Director, HWP, addressed the Commission, and advised that he had a quick update he wished to provide them regarding current fee stakeholder efforts. Mr. Lamb noted that the first meeting with stakeholders had been held the previous month and that a second one was scheduled to follow the current Commission meeting. He advised that at the first meeting, participants were provided with background of the current fee structure, the projected shortfalls, and information on how the Department would like to see the process go. He noted that the meetings were being scheduled monthly with the meetings on alternate months being scheduled in conjunction with the Commission meeting to give the Commissioners additional opportunities to participate.

Mr. Lamb advised the Commission that the first fee stakeholders meeting was well attended, with approximately 20 participants in attendance in person and 20 participating electronically through Adobe Connect or on the phone.

Mr. Lamb provided the Commission with a PowerPoint presentation that outlined the changes to the law and new process for changing the fee structure, noting that in 2013, HB28/HB650 revised the Hazardous Waste Law in Sections 260.380 and 260.475 to allow the fees to be amended by rule, and that in 2014, SB642 made additional revisions to clarify the process. He noted that the original legislation contained a provision that limited rulemaking to odd number years and this changed the provision to allow the rule to go in to effect the following year. He noted that the legislation provided the Department with the authority to conduct a comprehensive review of certain fees and propose changes, and that the review was to include a stakeholder process involving representatives from cement kilns, chemical companies, large and small generators, and any other interested parties. He noted that the Department would then submit the proposed fee structure, with stakeholder agreement, to the Commission for approval to begin a rulemaking. He also noted that the bill provided that the Commission could then review the proposal at their next meeting, but that they would not be able to vote on the proposal until a subsequent meeting; and that if the Commission approves by a 2/3 majority (5 of 7 Commissioners), the Department can proceed to file the proposed rule.

Mr. Lamb reviewed the fees to be included in stakeholder process and discussed the fees that could be changed using the process established by SB642. He also discussed other Program fees; where there may be flexibility to change the fees by rule, and those that would require legislative action to change.

Mr. Lamb then provided a financial overview, noting the breakdown of the Program's funding, and how the budget is projected out from fiscal year (FY) 17 through FY21. He noted that at current funding levels, there was a \$2.3 shortfall projected. Mr. Lamb explained how the shortfall was projected for each of these years. He advised that a "calculator" had been developed from FY14 reporting data that included all the fees, and that the stakeholders could go in to the calculator, adjusting the different fee levels and determine how the different changes could affect them.

Mr. Lamb went on to provide a timeline for anticipated rulemaking to provide for a 2017 implementation. He advised that a proposal would need to be presented to the Commission by April 2015, for their vote. Following that, the fee package would be filed – providing for a public hearing by August 2015, and adoption by October 2015. He noted that if this timeline was met, and was not disapproved by the Joint Committee on Administrative Rules, the new rule could be in place by 2017. Mr. Lamb also noted that if the timeline was not met, special meetings may have to be held to meet the requirements for a 2017 implementation.

The stakeholder meeting schedule was provided to the Commission, noting that meetings were scheduled for December, January, February and tentatively March. Mr. Lamb also advised that all information to date was posted on the Fee Stakeholders web page.

The floor was opened to the Commission for questions. The Commission inquired as to how Missouri's fees compare to surrounding states. Mr. Lamb responded that this subject was brought up at the last stakeholder meeting and was also scheduled to be discussed during the Fee meeting later that day. He noted that all states had different structures and it was difficult to make a direct comparison. He advised that information that was gathered for the stakeholder meeting would be posted. An inquiry was made regarding the pie chart that showed the shortfall, asking whether the shortfall reflected activities related to the group being asked to pay a fee increase or if it supported other activities. Mr. Lamb responded that only shortfalls in the hazardous waste fund were included in the chart; and noted that shortfalls in areas such as the DERT Fund, Environmental Radiation Monitoring, Natural Resource Damages and the Tanks Fund were not included in the chart. Mr. Lamb also responded to an inquiry regarding the projection included in the assumption for vacancies. He advised that the Program generally operated with an average of a 10 percent vacancy rate.

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. E-MANIFEST UPDATE

Mr. Tim Eiken, Director's Office, Hazardous Waste Program, advised the Commission that some timely information was being presented to them regarding e-Manifests. He noted that the EPA had recently held a conference call with states and any interested stakeholders, regarding this issue.

Mr. Eiken provided an overview of the rule and advised that the EPA was in the process of developing a system to allow the use of electronic manifests. He noted that the EPA estimated that the national e-Manifest system will ultimately reduce the burden associated with preparing shipping manifests by between 300,000 and 700,000 hours, and that the result could be cost savings of more than \$75 million per year for states and industry.

Mr. Eiken noted that currently the current paper-based hazardous waste manifest system is designed to track hazardous waste shipments from "cradle-to-grave." He noted that it records information on types, quantities, and routing of wastes. He also advised that it was a six-copy form that must be completed, carried, signed, filed, and mailed to states, and that manifest satisfies both the EPA's and Department of Transportation's requirements for a shipping document. He advised that this was very inefficient and was an enormous amount of paper to keep track of.

Mr. Eiken stated that Congress had passed an Act in October 2012 that required the EPA to set up a system for electronic reporting. He noted that either paper or electronic would be accepted, and that the electronic reporting would include all the information currently being provided by hard copy. He advised that the key component at this time was the fee, as this was a fee based program, provided by in the statute, which allows the EPA to write a rule to set the appropriate fee. He noted that it was a self-maintaining system.

Mr. Eiken went on to report that there were two laws associated with this process that were being planned. He noted that the first one would authorize the use of e-Manifests; and that the

second one would establish a user fee setting up the system. He noted that the state's priority would be how the states accessed the data, as we need data for fee collection, enforcement, legislative reporting etc. He advised that generation and destination states require pre-public access to manifest data as the states wish to check the data first.

Mr. Eiken finished by explaining that it was anticipated to be Spring 2018 before the system would be up and running; but also advised that funding may be an issue in the future.

The Commission posed a question as to whether there would be any additional fees for those who continue to report by paper. Mr. Eiken responded that it was unknown, that the only thing that had been announced to date was that generators could continue to report by paper if they chose to. A question was also raised as to whether the EPA had sought input from the states as to the number of man hours it took to process the manifests each year. Mr. Eiken responded that he was not sure; but, that he knew the EPA worked with the states to develop the system and likely had information from the states. It was asked if it was known how much of what Missouri spent that this could alleviate. Mr. Lamb responded by explaining current resources involved and that it was expected to increase efficiency in the areas of manifest review and generator reporting. He also advised that all of the benefits have not been determined yet, but it was believed that this would be of benefit to the states.

A question was raised about fees and the benefits of the rule to the fee payers. Mr. Lamb advised that it was not known what EPA's fee structure will be, and that we are waiting on the rule language. He noted that the electronic manifest rule had been approved, but that the rule related to e-manifest fees had not yet been approved.

No other questions were posed by the Commission.

## 7. ANADARKO SETTLEMENT

Ms. Jacki Hicks, Permits Section, HWP, provided the Commission with a PowerPoint presentation and update on the November 10, 2014, U.S. District Court for the Southern District of New York historic settlement agreement against Kerr-McGee Corporation and related subsidiaries of Anadarko Petroleum Corporation.

Ms. Hicks provided information to the Commission on the status of the former Tronox (former Kerr McGee sites located in Kansas City and Springfield) with regard to the court's decision. The presentation included a short background outline, current status and future expectations regarding the possible receipt of funds from the April 3, 2014, settlement agreement against Kerr McGee/Anadarko.

Ms. Hicks also provided background and timelines for Kerr-McGee's business ventures, and information on the offenses charged in the case. She provided information on the Post-Closure Care and Corrective Action Cost Estimates, and the bankruptcy settlement funds for Missouri.

Ms. Hicks explained that Tronox had agreed in the Settlement to distribute any funds that they would have received from the Anadarko Litigation among the environmental and tort claimants. She noted that 88 percent of any funds left after payment of legal and administrative fees, other expenses, etc. were earmarked for distribution to the environmental claimants in the percentages established by the Bankruptcy Settlement Agreement.

Ms. Hicks also provided link information to the EPA's webpage that contained further information regarding the settlement agreement, and an opportunity was provided for the Commissioners to ask any questions they may have regarding the information provided.

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. SOURCES AND CAUSES REPORT

Mr. Ken Koon, Chief, Tanks Section, HWP, addressed the Commission and provided a PowerPoint presentation overviewing the Sources and Causes Report due to the Environmental Protection Agency each December. He advised that this was required by the Energy Policy Act and that this report covered the period of October 1, 2013, through September 30, 2014. He noted that this report included any underground storage tank (UST) releases that had been noted during the reporting year. Mr. Koon advised that "Sources" include the Tank, Piping, Dispenser, Submersible Turbine Pump, Delivery Problem, Other, and Unknown; and that "Causes" included Spill, Overfill, Physical or Mechanical Damage, Corrosion, Installation Problem, Other, and Unknown.

Mr. Koon reported that there were 94 UST releases reported during that period, with nine having operations issues and 85 from historical contamination. Mr. Koon went on to provide photographs and information on the nine actual releases that were noted earlier. He provided the source and cause of each known release, the quantity of the release and the current status of the investigation of the release.

Mr. Koon also advised that there were also a total of nine Aboveground Storage Tank (AST) releases; which included four delivery issues (overfill or spill), and five historical releases from Phase II assessments. He noted that not many of these were seen as there are no closure requirements for AST's.

Mr. Koon finished his presentation by noting the location of the report on the web, in the event any of the Commissioners would like to see the entire report.

Chairman Sugg inquired as to whether the release at the Boonville location was discovered during an inspection. Mr. Koon advised that it was found during a check of the utilities on the adjacent property as a fire had occurred. He noted that there was a significant inventory loss, but the flash fire caused them to look. It was commented that a slow leak of that much inventory, should have been noticed earlier.

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

11:15 a.m. – Chairman Sugg called for a 5 minute break.

11:27 a.m. – The meeting resumed.

#### 9. OPERATOR TRAINING UPDATE

Ms. Heather Peters, Environmental Specialist, Compliance and Enforcement Section, addressed the Commission and provided an overview of the new operator training. She noted that it was important for two reasons; first being the fact that some of our federal funding was tied to compliance with the Energy policy Act, which requires this training; and because the proposed federal rule change defines and describes the requirements of Class A/B and Class C operators.

Ms. Peters went on to provide a timeline for implementation, noting that Petroleum Storage Tank Insurance Fund (PSTIF) had proposed the UST rule on September 2, 2014, and that PSTIF had accepted comments until October 17, 2014. She advised that the Board had voted on December 3, 2014, to approve the final order of rulemaking, and noted that it will be published February 28, 2015, becoming effective March 30, 2015.

Ms. Peters reported that the training will be on line, and free to operators. She noted that there will be an A/B and C option, and an option to test out. She advised that the contract had been awarded to Williams and Company, and she also advised that there will be reciprocity with some states.

Ms. Peters advised that there would be implementation requirements, which included that participants will have to retrain if violations are found, with discretion provided for what was appropriate “retraining.” She noted that PSTIF would be keeping track of the trained operators, and the Department would have access to the information. She also noted that, in addition to the Fund, Department staff and EPA would be checking on compliance.

Commissioner Frakes inquired as to whether there was any incentive to encourage employees at a facility that are exempt from having to take the training, to go ahead and take it as an opportunity for safety training. He noted that large manufacturing plants have many staff that are not “operators,” but could benefit from the training. How do we provide it on a broader basis? Ms. Peters responded that it was free, that the Fund was paying the costs for the training, and that it was a good training opportunity. She noted that there was no limit to the number of people who could take the training, and would attempt to determine how many people actually take the training vs how many are required to take it. She noted that she would report back at a future date if that information could be determined.

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. FINANCIAL RESPONSIBILITY UPDATE

Mr. Michael Martin, Compliance and Enforcement Section, HWP, addressed the Commission and provided a PowerPoint presentation and update on the Department’s process for

maintaining financial responsibility (FR) at tank sites.

Mr. Martin noted that Missouri law and regulation requires that tank owners and operators maintain FR so that they will have funds to take corrective action and compensate third parties for bodily injury and property damage if they have petroleum releases from their USTs. And, that recognizing the importance of this, the Hazardous Waste Management Commission approved the usage of an expedited enforcement procedure to address these facilities in August 2008. He also advised that in 2008, of the 3,374 facilities required to have financial responsibility, 184 facilities lacked coverage, which equated to a 95% compliance rate.

Mr. Martin stated that as of November 18, 2014, of the 3,221 facilities currently required to have financial responsibility, only 30 are without verified coverage, equating to a 99% compliance rate.

He also advised that as of November 10, 2014, 10 of those sites have been referred to the Attorney General's Office for legal action and 12 of those 30 have submitted applications to the Petroleum Storage Tank Insurance Fund and are pending approval for coverage, with staff currently in the process of issuing letters and Notices of Violations, and working to resolve the violation.

Chairman Sugg commented on the positive of the 99 percent success rate, with Mr. Martin responding that he had great staff and support from the Attorney General's Office.

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. LEGAL UPDATE

Ms. Kristin Stokely, 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 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.

#### 12. PUBLIC INQUIRIES

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

#### 13. OTHER BUSINESS

Mr. David J. Lamb, Director, HWP, addressed the Commission, and advised that he only had a couple of items to pass along at this time. Mr. Lamb began by noting that the Department

had a new Deputy Director, as Mr. Todd Samsell had joined the Department. Bio information was provided on Mr. Samsell and Mr. Lamb noted that he would be a great addition to the management team. He then noted that there had been a couple of other recent reorganizations within the Department that had taken place, including the move of the Water Resource Center and the Land Reclamation Program to the Missouri Geological Survey. He also noted that the Soil and Water Conservation Program had been transferred to the Division of Environmental Quality. In addition, he advised, the Water Protection Program's Non-Point Source Program has been moved to the Soil and Water Conservation Program. He stated that there had been no physical changes to work locations for staff and that this restructuring was just designed to add synergy to projects; and, it appeared to be a good move to get the right people collaborating and coordinating on the issues managed by the affected Programs.

Mr. Lamb went on to advise the Commission that the Program had filled the Unit Chief's position in the Long Term Stewardship Unit, with Mr. Donald Cripe, who had begun work on November 22, 2014. Mr. Lamb also noted that the new legislative session would be starting up January 7<sup>th</sup>, and that staff were gearing up for that. He noted that the Program would be keeping an eye out for any bills that would affect the Program.

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

Chairman Sugg inquired as to the meeting location for those staying for the Fee Stakeholders Meeting. Mr. Lamb noted when and where the meeting was scheduled to begin. He also reminded the Commission that the June and August meetings may have to be moved up a week to keep us in line with our rulemaking schedule.

14. FUTURE MEETINGS

The next meeting of the Hazardous Waste Management Commission will be held on Thursday, February 19, 2015, at the 1730 E. Elm Street Conference Center.

*Vice-Chairman Adams made the motion to adjourn the meeting at 11:47 a.m. The motion was seconded by Commissioner Aull.*

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

Respectfully Submitted,

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Debra D. Dobson, Commission Assistant

APPROVED

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Deron Sugg, Chairman

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Date

## Missouri Hazardous Waste Management Commission Meeting

February 19, 2015

Agenda Item # 3

### Rulemaking Update

#### **Information:**

In addition to the usual update on rule activity in the Hazardous Waste Program, the Department will present information on two significant federal rules that have come out in the past few months. The rules to be discussed are:

- ***Definition of Solid Waste*** - The EPA finalized new safeguards that promote responsible hazardous secondary materials recycling. The final rule modifies the EPA's 2008 Definition of Solid Waste (DSW) rule to ensure it protects human health and the environment from the mismanagement of hazardous secondary materials intended for recycling, while promoting sustainability through the encouragement of safe and environmentally responsible recycling of such materials.
- ***Coal Combustion Residuals*** - EPA finalized national regulations to provide a comprehensive set of requirements for the safe disposal of coal combustion residuals (CCRs), commonly known as coal ash, from coal-fired power plants. The final rule is the culmination of extensive study on the effects of coal ash on the environment and public health. The rule establishes technical requirements for CCR landfills and surface impoundments under Subtitle D of the [Resource Conservation and Recovery Act \(RCRA\)](#), the nation's primary law for regulating solid waste. The final rule makes a number of changes from the proposal including providing greater clarity on technical requirements, in response to questions received during the comment period.

These regulations address the risks from coal ash disposal - leaking of contaminants into ground water, blowing of contaminants into the air as dust, and the catastrophic failure of coal ash surface impoundments. Additionally, the rule sets out recordkeeping and reporting requirements as well as the requirement for each facility to establish and post specific information to a publicly-accessible website. This final rule also supports the responsible recycling of CCRs by distinguishing safe, [beneficial use](#) from disposal.

#### **Recommended Action:**

Information Only

#### **Presented by:**

Mr. Tim Eiken – Rule Coordinator, HWP



# Hazardous Waste Management Commission

## Rule Update

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February 19, 2015

Tim Eiken, Rule Coordinator



## Recent EPA rules

- Definition of Solid Waste
- Coal Combustion Residuals



## Definition of Solid Waste Rule

- Original rule adopted in 2008
- Changes to rule proposed in July 2011
- Final rule adopted on January 13, 2015



## Definition of Solid Waste cont.

- There are two elements to the definition of hazardous waste
- Material must both be a “waste” and “hazardous” before it is regulated as a hazardous waste
- Many rules focus on whether something is “hazardous”
- Whether a material is a waste depends on if it has been “discarded”



## Definition of Solid Waste cont.

- The basis for this exclusion is that material managed under the rule has not been “discarded” because it is being recycled or reused
- 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



## Overview of 2014 Definition of Solid Waste Final Rule

- Revises the 2008 DSW final rule
- Missouri did not adopt the 2008 rule; the rule was only adopted by six states
- “No Stricter Than” statute provides an exclusion for this rule; which allows the rule to be excluded, amended, or adopted
- Because the rule is less stringent, it is optional for states to adopt



## Significant Changes to Rule from 2008 Version

- **Replaces the transfer-based exclusion** with the verified recycler exclusion.
- Adds a **regulatory definition of “contained”** and additional recordkeeping requirements for generator-controlled exclusion.
- Four factors applied to determine legitimacy of recycling.
- Rule makes **all four legitimacy factors mandatory**.



## Significant Changes to Rule from 2008 Version

- 4 Criteria:
- useful contribution to recycling process;
  - must make valuable final or intermediate product;
  - material managed as valuable product;
  - material contains toxic constituents at levels comparable to virgin product.



## Conditions for Exclusion

- **Verified recycler exclusion 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.
- **Retains the generator-controlled exclusion** for recycling performed on-site, at the same company, or under certain tolling agreements.
- Exclusion is conditional; meaning, if conditions not met violations in management of material.



## Rule Status in Missouri

- Published in Federal Register on January 13, 2015
- Effective date of July 15, 2015
- Not effective in Missouri until adopted into Missouri regulations
- EPA hosting webinars for state agencies
- Program staff assessing potential impact of rule



## Rule Status in Missouri cont.

- Impacts on Missouri Resource Recovery facilities
- Generator universe and fees
- Protectiveness of conditions
- Determining applicability of exclusion will require review of site specific situations



## Coal Combustion Residuals (CCR)

- Not yet published in Federal Register
- Pre-publication version of rule available December 19, 2014
- Proposed rule filed June 21, 2010
- Two regulatory options proposed – Subtitle C (hazardous waste) and Subtitle D (solid waste)
- Final regulation adopted under Subtitle D
- Establishes technical requirements for landfills and surface impoundments



Questions?

## **Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item # 4**

### **Fee Stakeholder Workgroup Update**

#### **Information:**

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.

The workgroup has held three meetings so far. At the first meeting in November, Department staff presented information on the Department and Program budgets and information on revenues and expenditures related to hazardous waste activities. At the December meeting, information was presented to the workgroup about fee structures in other states, and the Department followed up on questions from the first meeting. A fee calculator was also presented, which allows for each of the affected fees to be adjusted and provides information about the additional revenue that would result, and how individual generators would be affected by the change.

At the most recent meeting in January, the workgroup began discussion on the various types of changes that could be made to the hazardous waste fee structure. Three examples were prepared for the meeting. The first included concepts suggested by stakeholders at the December meeting. The other two examples were developed by Department staff following stakeholder requests that proposals be developed for group discussion at the next meeting. These proposals are included in your packets, and will be discussed further at the February 19<sup>th</sup> Fee Stakeholder meeting; along with additional example proposals for a tiered registration fee for large and small quantity generators, which were developed at the request of the group.

The goal of the workgroup has been to come up with a proposal that can be presented to the Commission at the April 16<sup>th</sup> commission meeting. Under the law, the Commission would then have to wait until its next regularly scheduled meeting to approve or disapprove the proposal. The Department hopes to have the final decision on any changes to the fee structure to the legislative Joint Committee on Administrative Rules by December 1<sup>st</sup> of this year so that the fee structure can be in place on the earliest possible date, which will be January 1, 2017.

#### **Recommended Action:**

Information Only

#### **Presented by:**

Mr. David Lamb - Director, Hazardous Waste Program



# Hazardous Waste Program Fee Stakeholder Update

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David Lamb, Director  
February 19, 2015



## Fee Stakeholder Update

- Previous Meeting Overviews
- Example Fee Options
- Future Meetings
- Draft Timeline for Rulemaking



## Previous Meeting Overviews

- November 18, 2014
  - Statutory Background
  - Program and Financial Overview
- December 18, 2014
  - Other State Fees
  - Fee Calculator Demonstration
- January 22, 2015
  - Follow up on Other State and Financial Information
  - Example Fee Options



## 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



## Example Fee Options – Suggestion from December Meeting

Fee	Amount	Conditions
Generator Registration and Renewal	\$200 per year	
In-state Generator	\$6 per ton	Min of \$300 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

**Concern raised that increases to smaller generators may need to be phased in over time.**



## Example Fee Options – Suggestion from Last Meeting

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
<b>Fee Structures that can be Changed by Rule by SB642 Process</b>					
Generator Registration and Renewal - \$100 per year	\$ 263,000	2,630	\$ 200.00	\$ 263,000	\$ 526,000
In-State Generator - \$5 per ton	\$ 710,055	267,774	\$ 6.00	\$ 276,873	\$ 986,928
Minimum Fee - \$150 (1,362 generators in Fiscal Year 2014)			\$ 300		
Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014)			\$ 52,000		
Out-State Generator - \$2 per ton	\$ 360,428	180,214	\$ 2.00	\$ -	\$ 360,428
Minimum Fee			No	\$ -	
Resource Recovery Facilities Pay? Same rate as TSDFs			No	\$ -	
Land Disposal - \$25 per ton	\$ 134,851	5,394	\$ 25.00	\$ -	\$ 134,851
Offsite Transportation - \$2 per ton	\$ -	0	\$ 2.00	\$ -	\$ -
			<b>Additional Fees</b>	\$ 539,873	\$ 2,008,207



## Example Fee Options – 3% Increase Per Year Since Last Fee Change (2005)\*

Fee	Amount	Conditions
Generator Registration and Renewal	\$136 per year	
In-state Generator	\$6.80 per ton	Min of \$204** Max of \$70,720
Out-State Generator	\$2.72 per ton	
Land Disposal	\$34 per ton	Not applied to < 10 tons
Offsite Transportation	\$2.72 per ton	Not applied to < 10 tons

\*Concept could include additional 3% increases going forward for specified period of time

\*\*Minimum applied at one ton or less and 6.80 for each additional ton.



## Example Fee Options – 3% Increase Per Year Since Last Fee Change (2005)

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
<b>Fee Structures that can be Changed by Rule by SB642 Process</b>					
Generator Registration and Renewal - \$100 per year	\$ 263,000	2,630	\$ 136.00	\$ 94,680	\$ 357,680
In-State Generator - \$5 per ton	\$ 710,055	267,774	\$ 6.80	\$ 302,757	\$ 1,012,812
Minimum Fee - \$150 (1,362 generators in Fiscal Year 2014)			\$ 204.00		
Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014)			\$ 70,720		
Out-State Generator - \$2 per ton	\$ 360,428	180,214	\$ 2.72	\$ 129,754	\$ 490,182
Minimum Fee			\$ 1,000.00		
Resource Recovery Facilities Pay? Same rate as TSDFs			No	\$ -	\$ -
Land Disposal - \$25 per ton	\$ 134,851	5,394	\$ 34.00	\$ 48,546	\$ 183,397
Offsite Transportation - \$2 per ton	\$ -	0	\$ 2.72	\$ -	\$ -
			<b>Additional Fees</b>	\$ 575,738	\$ 2,044,071



## Example Fee Options – Tiered Tonnage Fee

Fee	Amount	Conditions
Generator Registration and Renewal	\$150 per year	
In-state Generator	\$200 per ton ≤ 1 ton \$15 per ton (2-10) \$10 per ton (11 – 500) \$6 per ton (501 - 1,000) \$5 per ton (1,000 - 10,000) \$.05 per ton > 10,000	Min of \$200 Max none



## Example Fee Options – Tiered Tonnage Fee

Fee	Amount	Conditions
Out-State Generator	\$1,000 per ton ≤ 1 ton \$15 per ton (2-100) \$10 per ton (101 – 500) \$7 per ton (501 - 1,000) \$2.50 per ton > 1,000	Min of \$1,000
Land Disposal	\$30 per ton	Not applied to < 10 tons
Offsite Transportation	\$2 per ton	Not applied to < 10 tons



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## Example Fee Options – Tiered Tonnage Fee

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
<b>Fee Structures that can be Changed by Rule by SB642 Process</b>					
NOTE: Error will be shown in totals field if fee levels are not completed.					
<b>Generator Registration and Renewal - \$100 per year</b>	\$ 263,000	2,630	\$ 150	\$ 131,500	\$ 394,500
<b>In-State Generator - \$5 per ton</b>	\$ 710,055	267,774		\$ 306,406	\$ 1,016,461
<i>Minimum Fee - \$150 (1,362 generators in Fiscal Year 2014)</i>			\$ 200		
<i>Fee at top of range not considering minimum or cap for fees</i>		\$ 200	\$ 200.00	1	1
		\$ 335	\$ 15.00	2	10
		\$ 5,235	\$ 10.00	11	500
		\$ 8,235	\$ 6.00	501	1,000
		\$ 53,235	\$ 5.00	1,001	10,000
<i>Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014); For this calculator we have not included a hard cap on fee structure</i>			\$ 0.05	10,001	AND UP
<b>Out-State Generator - \$2 per ton</b>	\$ 360,428	180,214		\$ 143,775	\$ 504,203
<i>Minimum Fee (no minimum set currently but this leaves a line for that option)</i>			\$ 1,000		
		\$ 1,000	\$ 1,000.00	1	1
		\$ 2,485	\$ 15.00	2	100
		\$ 6,485	\$ 10.00	101	500
		\$ 9,985	\$ 7.00	501	1,000
Rate assessed on all tons			\$ 2.50	1,001	AND UP
<i>Resource Recovery Facilities Out-State Generator - same structure as TSDs</i>	\$ -		No	\$ -	\$ -
<b>Land Disposal - \$25 per ton</b>	\$ 134,851	5,394	\$ 30.00	\$ 26,970	\$ 161,821
<i>Calculating Land Disposal on same basis as In-State Generator (round to nearest whole ton)</i>			No	\$ -	\$ -
<b>Offsite Transportation - \$2 per ton</b>	\$ -	0	\$ 2.00	\$ -	\$ -
			<b>Additional Fees</b>	\$ 608,650	\$ 2,076,984



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## Discussion Points

- Not able to address all of the program shortfall through this fee rulemaking workgroup effort
- Concerns with smaller facilities bearing a disproportionate share of new fee increases
- Larger facilities often pay multiple fees so cumulative affect of increases may impact them more
- Tiered approach may be to complicated and the minimum rates set too high
- Large quantity generators cost the state more to oversee than small quantity generators – is there a need for tiered registration fee for generators



## Future Meeting Dates

- February 19, 2015
- March 2015 TBD



## 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



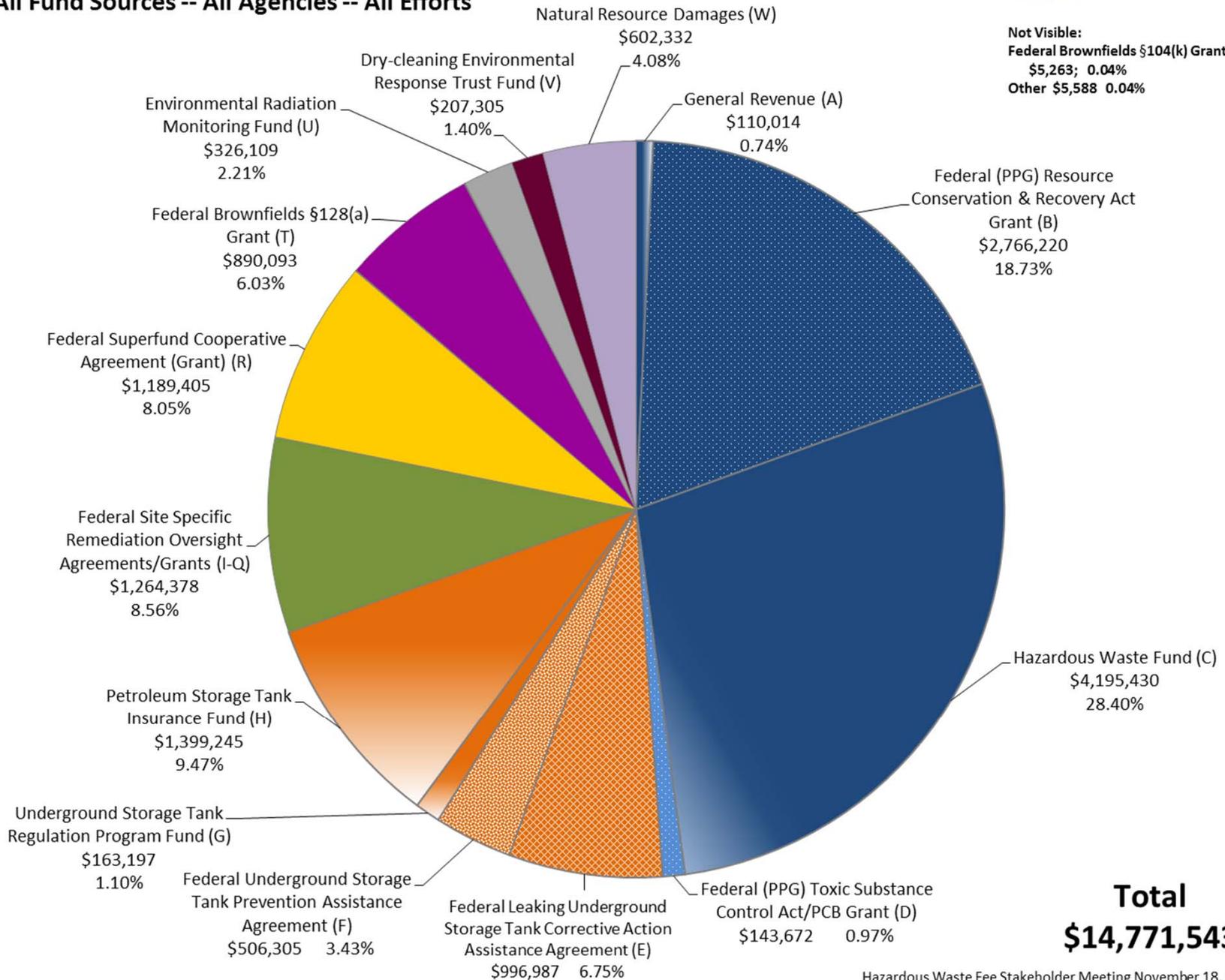


# Questions

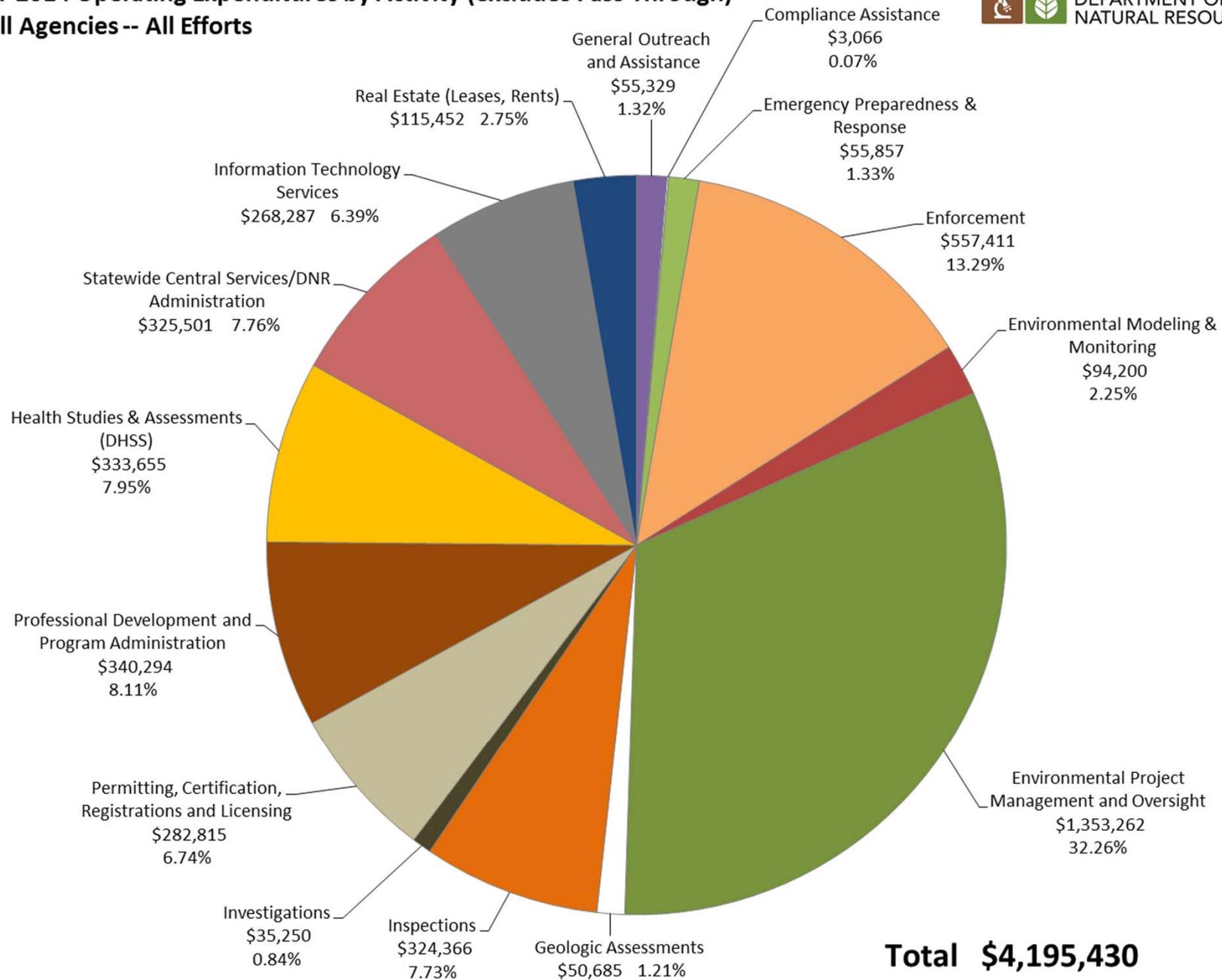
**Hazardous Waste Funding**  
**FY 2014 Operating Expenditures by Fund Source (excludes Pass Through)**  
**All Fund Sources -- All Agencies -- All Efforts**



**Not Visible:**  
**Federal Brownfields \$104(k) Grant (S)**  
 \$5,263; 0.04%  
**Other** \$5,588 0.04%



**Hazardous Waste Fund  
 FY 2014 Operating Expenditures by Activity (excludes Pass Through)  
 All Agencies -- All Efforts**



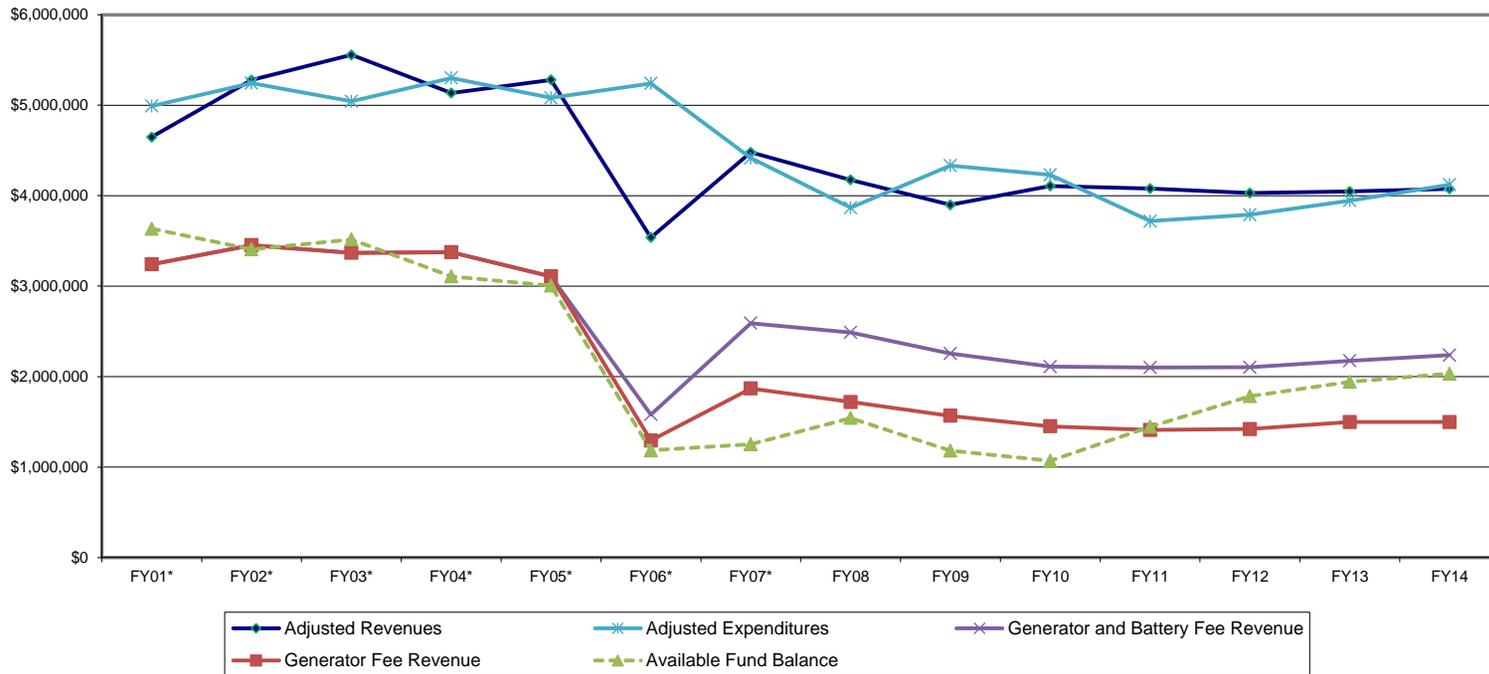
## FY14 Hazardous Waste Fund Expenditures by Organization and Activity

Organization	Activity Description	Amount
<b><u>HWP - Director's Office</u></b>		
	General Outreach & Assistance	\$ 4,441
	Professional Development & Program Administration	\$ 69,158
	<b>HWP - Director's Office Total</b>	<b>\$ 73,599</b>
<b><u>HWP - Budget and Planning</u></b>		
	General Outreach & Assistance	\$ 3,516
	Enforcement	\$ 1,758
	Environmental Project Management & Oversight	\$ 124
	Permitting, Certification, Registrations & Licensing	\$ 109,590
	Professional Development & Program Administration	\$ 199,631
	<b>HWP - Budget and Planning Total</b>	<b>\$ 314,619</b>
<b><u>HWP-Compliance/Enforcement</u></b>		
	General Outreach & Assistance	\$ 22,001
	Enforcement	\$ 119,388
	Inspections	\$ 182,267
	Permitting, Certification, Registrations & Licensing	\$ 5,928
	Professional Development	\$ 12,419
	<b>HWP-Compliance/Enforcement Total</b>	<b>\$ 342,004</b>
<b><u>HWP-Federal Facilities</u></b>		
	General Outreach & Assistance	\$ 4,606
	Environmental Project Management & Oversight	\$ 210,028
	Professional Development	\$ 5,367
	<b>HWP-Federal Facilities Total</b>	<b>\$ 220,002</b>
<b><u>HWP-Permits</u></b>		
	General Outreach & Assistance	\$ 6,088
	Enforcement	\$ 1,725
	Environmental Modeling & Monitoring	\$ 21,076
	Environmental Project Management & Oversight	\$ 236,708
	Inspections	\$ 4,965
	Permitting, Certification, Registrations & Licensing	\$ 150,971
	Professional Development	\$ 10,517
	<b>HWP-Permits Total</b>	<b>\$ 432,049</b>
<b><u>HWP - Superfund</u></b>		
	General Outreach & Assistance	\$ 5,567
	Environmental Modeling & Monitoring	\$ 3,864
	Environmental Project Management & Oversight	\$ 306,474
	Professional Development	\$ 5,051
	<b>HWP-Superfund Total</b>	<b>\$ 320,957</b>
<b><u>HWP-Tanks</u></b>		
	Environmental Project Management & Oversight	\$ 523
	Professional Development	\$ 10
	<b>HWP-Tanks Total</b>	<b>\$ 533</b>

## FY14 Hazardous Waste Fund Expenditures by Organization and Activity

Organization	Activity Description	Amount
<b><u>HWP- Brownfields Voluntary Cleanup</u></b>		
	General Outreach & Assistance	\$ 46
	Environmental Project Management & Oversight	\$ 402,315
	Professional Development	\$ 6,919
	<b>HWP-Brownfields Voluntary Cleanup Total</b>	<b>\$ 409,279</b>
<b><u>DEQ-Regional Offices</u></b>		
	General Outreach & Assistance	\$ 8,031
	Compliance Assistance	\$ 3,066
	Emergency Preparedness & Response	\$ 129
	Enforcement	\$ 1,809
	Environmental Modeling & Monitoring	\$ 104
	Environmental Project Management & Oversight	\$ 5,878
	Inspections	\$ 136,153
	Investigations	\$ 29,250
	Permitting, Certification, Registrations & Licensing	\$ 11
	Professional Development & Program Administration	\$ 11,699
	<b>DEQ-Regional Offices Total</b>	<b>\$ 196,130</b>
<b><u>DEQ-Environmental Services Program</u></b>		
	Emergency Preparedness & Response	\$ 55,728
	Environmental Modeling & Monitoring	\$ 69,035
	Professional Development	\$ 6,121
	<b>DEQ- ESP Total</b>	<b>\$ 130,884</b>
<b><u>Missouri Geological Survey</u></b>		
	General Outreach & Assistance	\$ 766
	Environmental Project Management & Oversight	\$ 185,145
	Geologic Assessments	\$ 50,685
	Investigations	\$ 6,000
	Permitting, Certification, Registrations & Licensing	\$ 14,903
	Professional Development & Program Administration	\$ 11,775
	<b>MGS Total</b>	<b>\$ 269,274</b>
<b><u>Attorney General's Office</u></b>		
	Enforcement	\$ 432,081
	<b>AGO Total</b>	<b>\$ 432,081</b>
<b><u>Department of Health and Senior Services</u></b>		
	Health Studies & Assessments	\$ 333,655
	<b>DHSS Total</b>	<b>\$ 333,655</b>
<b><u>Statewide Central Services/DNR Administration</u></b>		<b>\$ 325,501</b>
<b><u>Information Technology Services (for DNR and DHSS)</u></b>		<b>\$ 268,287</b>
<b><u>Real Estate (Leases, Rents) (for DNR and AGO)</u></b>		<b>\$ 115,452</b>
<b><u>Workers' Compensation (allocated to activities in the pie chart)</u></b>		<b>\$ 11,125</b>
<b>GRAND TOTAL</b>		<b>\$ 4,195,430</b>

**Hazardous Waste Fund Adjusted Revenues and Expenditures Fiscal Years 2001-2014 for Fee Stakeholder Workgroup**



**Notes:**

Revenues

Adjustments include one-time revenues such as transfers from General Revenue for superfund obligations and settlements.

FY 2001-2004 - SB577 established a registration fee, increased fee rates and raised maximum fees all of which increased Generator Revenues.

FY 2005-2014 - SB225 consolidated the Hazardous Waste and Hazardous Waste Remedial Funds (\*combined in this chart); restructured waste fees reducing the Generator Fees; and established the battery fee. The initial battery fee revenue collections began in the final quarter of FY 2006.

FY2010 revenues reflect an increase in cost recovery

Generator Fee Revenue includes category tax; registration/renewal fees; in-state and out of state waste fees; land disposal fees.

Expenditures

Adjustments include Superfund Obligations Payments; expenditures relating to one-time funds; fund correction transfers.

FY2007 - 2014 SB225 directed the Department to seek GR appropriations for Superfund obligations. In FY2007 General Revenue (GR) funding was used for some program charges due to cash flow issues; in FY2008 Environmental Emergency Response operating appropriations were shifted to GR.

Available Fund Balance

For purposes of fee structure review, this chart reflects the available balance in the consolidated Hazardous Waste and Hazardous Waste Remedial Funds. This balance is calculated utilizing the cash balance and adjusting for one-time revenues that are held in the fund for specific use.

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

## Suggestion from Last Meeting

### CALCULATOR FOR INPUT

<div style="font-size: 48px; opacity: 0.5; font-weight: normal;">Example</div> <div style="font-weight: normal;">Fee Type &amp; Current Fee Level</div>	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
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#### Fee Structures that can be Changed by Rule by SB642 Process

Generator Registration and Renewal - \$100 per year	\$ 263,000	2,630	\$ 200.00	\$ 263,000	\$ 526,000
In-State Generator - \$5 per ton	\$ 710,055	267,774	\$ 6.00	\$ 276,873	\$ 986,928
<i>Minimum Fee - \$150 (1,362 generators in Fiscal Year 2014)</i>			\$ 300		
<i>Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014)</i>			\$ 52,000		
Out-State Generator - \$2 per ton	\$ 360,428	180,214	\$ 2.00	\$ -	\$ 360,428
<i>Minimum Fee</i>		<b>No</b>	\$ -		
<i>Resource Recovery Facilities Pay? Same rate as TSDFs</i>		<b>No</b>		\$ -	
Land Disposal - \$25 per ton	\$ 134,851	5,394	\$ 25.00	\$ -	\$ 134,851
Offsite Transportation - \$2 per ton	\$ -	0	\$ 2.00	\$ -	\$ -
<b>Additional Fees</b>				<b>\$ 539,873</b>	<b>\$ 2,008,207</b>

Note: Decimal points will result in rounding differences.

Note: Current projected 5 Year Average Shortfall \$2,306,617

<b>Total Additional Revenue with Potential Adjustments:</b>	<b>\$</b>	<b>539,873</b>
<b>Target to Meet Projected Shortfall</b>	\$	(2,306,617) <i>Enter shortfall here</i>
<b>Difference:</b>	\$	(1,766,744) <i>Remaining Shortfall</i>

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

**3% Increase per year since last fee change (2005)**

**CALCULATOR FOR INPUT**

<h1>Example</h1>					
	<b>Fee Type &amp; Current Fee Level</b>	<b>Current Revenues based on Fiscal Year 2014 Reporting data</b>	<b>Fiscal Year 2014 Permits/Applications/ Hours/Tons per Year</b>	<b>Potential Fee Level or Adjustment</b>	<b>Projected Additional Revenue at Adjusted Fee Level</b>

**Fee Structures that can be Changed by Rule by SB642 Process**

Generator Registration and Renewal - \$100 per year	\$ 263,000	2,630	\$ 136.00	\$ 94,680	\$ 357,680
In-State Generator - \$5 per ton	\$ 710,055	267,774	\$ 6.80	\$ 302,757	\$ 1,012,812
<i>Minimum Fee - \$150 (1,362 generators in Fiscal Year 2014)</i>			\$ 204.00		
<i>Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014)</i>			\$ 70,720		
Out-State Generator - \$2 per ton	\$ 360,428	180,214	\$ 2.72	\$ 129,754	\$ 490,182
<i>Minimum Fee</i>		No	\$ 1,000.00		
<i>Resource Recovery Facilities Pay? Same rate as TSDFs</i>		No		\$ -	\$ -
Land Disposal - \$25 per ton	\$ 134,851	5,394	\$ 34.00	\$ 48,546	\$ 183,397
Offsite Transportation - \$2 per ton	\$ -	0	\$ 2.72	\$ -	\$ -
<b>Additional Fees</b>				<b>\$ 575,738</b>	<b>\$ 2,044,071</b>

Note: Decimal points will result in rounding differences.

Note: Current projected 5 Year Average Shortfall \$2,306,617

<b>Total Additional Revenue with Potential Adjustments:</b>	<b>\$ 575,738</b>	
<b>Target to Meet Projected Shortfall</b>	<b>\$ (2,306,617)</b>	<i>Enter shortfall here</i>
<b>Difference:</b>	<b>\$ (1,730,879)</b>	<i>Remaining Shortfall</i>

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

## Tiered Tonnage Fee

### CALCULATOR FOR INPUT

<h1 style="font-size: 2em; color: lightgray;">Example</h1>					
<b>Fee Type &amp; Current Fee Level</b>	<b>Current Revenues based on Fiscal Year 2014 Reporting data</b>	<b>Fiscal Year 2014 Permits/Applications/ Hours/Tons per Year</b>	<b>Potential Fee Level or Adjustment</b>	<b>Projected Additional Revenue at Adjusted Fee Level</b>	<b>Projected Total Revenue</b>

NOTE: Error will be shown in totals field if fee levels are not completed.

#### Fee Structures that can be Changed by Rule by SB642 Process

<b>Generator Registration and Renewal - \$100 per year</b>	\$ 263,000	2,630	\$ 150	\$ 131,500	\$ 394,500
<b>In-State Generator - \$5 per ton</b>	\$ 710,055	267,774		\$ 306,406	\$ 1,016,461
<i>Minimum Fee -\$150 (1,362 generators in Fiscal Year 2014)</i>			\$ 200	<i>Tonnage Range</i>	
<i>Fee at top of range not considering minimum or cap for fees</i>		\$ 200	\$ 200.00	1	1
		\$ 335	\$ 15.00	2	10
		\$ 5,235	\$ 10.00	11	500
		\$ 8,235	\$ 6.00	501	1,000
		\$ 53,235	\$ 5.00	1,001	10,000
<i>Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014)- For this calculator we have not included a hard cap on fee structure</i>			\$ 0.05	10,001	AND UP
<b>Out-State Generator - \$2 per ton</b>	\$ 360,428	180,214		\$ 143,775	\$ 504,203
<i>Minimum Fee (no minimum set currently but this leaves a line for that option)</i>			\$ 1,000	<i>Tonnage Range</i>	
		\$ 1,000	\$ 1,000.00	1	1
		\$ 2,485	\$ 15.00	2	100
		\$ 6,485	\$ 10.00	101	500
		\$ 9,985	\$ 7.00	501	1,000
Rate assessed on all tons			\$ 2.50	1,001	AND UP
<i>Resource Recovery Facilities Out-State Generator - same structure as TSDs</i>	\$ -		No	\$ -	\$ -
<b>Land Disposal - \$25 per ton</b>	\$ 134,851	5,394	\$ 30.00	\$ 26,970	\$ 161,821
<i>Calculating Land Disposal on same basis as In-State Generator (round to nearest whole ton)</i>			No	\$ -	\$ -
Offsite Transportation - \$2 per ton	\$ -	0	\$ 2.00	\$ -	\$ -
			<b>Additional Fees</b>	<b>\$ 608,650</b>	<b>\$ 2,076,984</b>

Note: Decimal points will result in rounding differences.

<b>Total Additional Revenue with Potential Adjustments:</b>	\$ 608,651	
<b>Target to Meet Projected Shortfall</b>	\$ (2,306,617)	<i>Enter shortfall here</i>
<b>Difference:</b>	\$ (1,697,966)	<i>Remaining Shortfall</i>

**Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item #5**

**Missouri Pesticide Collection Program Education and Outreach Update**

**Issue:**

An update on Pesticide Collection Program's current activities will be presented. These include ongoing education and outreach efforts and a brief update on the status of the 2015 collection events.

**Information:**

- Summary of Department/Program involvement in Commercial Pesticide Applicator Training
- Overview of Integrated Pest Management Workgroup
- Other efforts and activities
- Tentative schedule and locations for 2015 collection events

**Recommended Action:**

Information only.

**Presented by:**

C.J. Plassmeyer, Pesticide Collection Program Coordinator, Compliance and Enforcement Section



# Missouri Pesticide Collection Program

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C.J. Plassmeyer  
Environmental Specialist  
Hazardous Waste Program

February 19, 2015



## Overview

- Commercial Pesticide Applicator Training
- Integrated Pest Management Workgroup
- 2015 Pesticide Collection Events



## Pesticide Applicator Training

- Missouri Department of Agriculture (MDA) enforces the Missouri Pesticide Use Act
  - Certification / Recertification program for commercial pesticide applicators
  - EPA provides training guidelines (40 CFR 171.4)
  - Enforcement of pesticide laws
  - “LABEL IS THE LAW” in Missouri



## Pesticide Applicator Training

- Missouri Department of Agriculture
- University of Missouri Extension
- Missouri Department of Natural Resources
- Missouri Department of Transportation



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### 2015 Recertification Program Agenda Commercial Pesticide Applicator Training

**Training Outline:**

Time	Subject	Presenter
8:00	Introduction	Melissa May
8:05	Laws & Regulations	Melissa May
8:35	Review of Basics	Richard Houseman
8:50	Laundering Pesticide Contaminated Clothing	Melissa May
9:00	<b>BREAK</b>	
9:20	Misuse of Pesticides	Melissa May
9:40	Current Pest Issues Fire Ants, Brown Marmorated Stink Bug	Richard Houseman
10:05	Importance of Personal Protective Equipment	Wayne Bailey
10:20	Groundwater: The Hidden Resource Video	DNR
10:40	<b>BREAK</b>	
10:55	Pesticide Waste: Prevention & Disposal	DNR
11:15	WPS and ESP Update; and Drift Watch	Melissa May
11:25	Invasive Species	Brad Fresenburg/Lee Miller
11:40	Pesticides & Human Health Risk	Wayne Bailey
11:55	Pesticide Information on the Web: MU Extension, Plant Protection Programs, MDA, Newsletters Room assignments for afternoon	Wayne Bailey
12:00	Lunch (Use completed evaluation form for lunch ticket)	
1:00 – 5:00	Category Training	Category Team



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### Commercial Pesticide 2015 Final Session Breakdowns

Month of January	Springfield			Columbia				Kansas City			Cape		St. Louis			Total	
	1/7	1/8	1/9	1/12	1/13	1/14	1/15	1/16	1/21	1/22	1/23	1/26	1/26	1/28	1/29		1/30
1a- Ag Plant	3	30		22	80				17	74		36		10	24		296
1b- Ag Animal		1		0					0								1
2- Forest				2		18											20
3- Ornamental/Turf	23		106	17				96	45		166		25	41		188	707
4- Seed Treatment		1		2	6					1		3		1	1		15
5- Aquatic		15		3		23											41
6- Right of Way		182		32			98		24	66		52	61	35			550
7a/7b Gen. Struct/ Termite	6		69	1		29			4		62	53		18	126		368
7c- Fumigation				1	23												24
8- Public Health				1	5									13	10		29
11- Wood Products				0				2									2
	32	229	175	81	114	70	98	98	90	141	228	92	77	144	196	188	2053

**Shaded Columns represent Recertification Days**

Numbers represent participants attending. Does not include no shows who will fail to request a refund. This will increase the total count.



## Missouri Pesticide Training - DNR

- Pesticide Waste: Prevention and Disposal
  - Public Drinking Water
  - Air Pollution
  - Solid Waste
  - Hazardous Waste
  - Emergency Response
  - Water Pollution
- Pesticide Collection Program



## Missouri Pesticide Training – Public Drinking Water

- Cautious around wells and karst topography
- Backflow prevention devices
- Buffers



## Missouri Pesticide Training – Air Pollution

- Burning of Trade Waste





## Missouri Pesticide Training – Solid Waste

- Stressed importance of how business waste is solid waste and needs to be disposed of permitted landfill.
  - Unless waste is “hazardous waste”



## Missouri Pesticide Training – Haz Waste

- If pesticide becomes hazardous waste
  - All hazardous waste laws and regulations apply (Provided handouts and elaborated)
- Not all pesticides are hazardous waste
  - Depends on active ingredient
- If no longer have use for pesticide and still have useable product
  - Recommend giving pesticide to someone that can use it before the disposal option



## When Pesticides Become Waste



## Missouri Pesticide Training – Emergencies

- EER responsibilities
- What to do in the case of an emergency
  - Plan in place
  - Phone numbers
  - Safety Data Sheet 2<sup>nd</sup> location



## Missouri Pesticide Training – Water Pollution

- Storm water drains – know where discharges
- Pesticide application in water
  - Fish kills
- Stressed importance of “Environmental Hazards” section of pesticide label
- Storm water permits
  - No discharge
  - Discharge
  - No exposure



## Missouri Pesticide Training – Water Pollution

- Pesticide application in water
  - G87 permit requirements / thresholds
    - Application in water for aquatic plants nuisance animals
    - Application at water’s edge for aquatic plants nuisance animals
    - Application on forest canopy



## Pesticide Waste Outreach

- Inquiries received on what to do with “waste pesticides” from a business standpoint
- Pesticide Collection Program



## Future Pesticide Outreach

- Develop a display regarding businesses and pesticide disposal
  - Steps necessary to properly dispose of pesticide waste
  - Provide contacts for hazardous waste disposal
  - Provide information to business to help them feel comfortable when dealing with pesticide waste



## Integrated Pest Management Workgroup

Consists of:

- School officials
- Health department
- MDA - Received grant
- DNR



## Integrated Pest Management Workgroup

- Goal:
  - Improve the overall health of Missouri schools
    - By reducing pesticide use
    - Using alternative ways to control bugs (e.g. weather stripping to reduce gaps)
  - School site visit



## Pesticide Collection Program

- 2015 schedule nearly complete
  - Portageville, May 30, 2015
  - Mount Vernon
  - Higginsville
  - Hermann / Owensville
  - Kirksville, September 19, 2015



## Pesticide Collection Program

- Travel to each site ASAP
- Advertising
- Website



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### Hazardous Waste Program

#### Missouri Pesticide Collection Program



From 2012 to 2014, the department's Missouri Pesticide Collection program collected more than 145,000 pounds of unwanted pesticide related wastes. In 2015, the department will again provide Missouri residents with a convenient, free opportunity to properly dispose of pesticides, herbicides, rodenticides and fungicides.

There were a total of four events held throughout the state in 2014 collecting approximately 22,000 pounds of unwanted pesticide related wastes.

**2015 Collection Event Schedule**

- A total of five events will take place throughout the state in 2015. The first pesticide collection event will take place in Portageville at the University of Missouri Delta Research Station on May 30, 2015. The other four event times and locations will be scheduled from June through September. This site will be updated as the other events are planned.

**2014 Collections Completed**

- **Perryville**, May 31, 2014: **Event completed and collected 5,766 pounds of pesticide waste** at Perry County Road and Bridge Department, 4803 N. Highway 51 in Perryville, MO 63775
- **Washington**, July 26, 2014: **Event completed and collected 2,646 pounds of pesticide waste** at the City of



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# Pesticide Collection Program

- **CONTRACT**
  - Draft submitted to OA in November of 2014
  - Were able to adjust to fit collections better



Questions?

Thank You

**Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item # 6**

**Tanks Special Projects Update**

**Issue:**

An update on the Tank Section's projects.

**Information:**

The Tanks Section will provide a review the Hazardous Waste Program's Abandoned Drinking Water Projects. These projects are funded by the Leaking Underground Storage Tank (LUST) Fund through a grant by the Environmental Protection Agency.

**Recommended Action:**

Information only.

**Presented by:**

Ken Koon – Chief, Tanks Section, HWP



# Abandoned Drinking Water Project

Ken Koon, Chief  
Tanks Section

February 19, 2015



## Projects

- Buffalo, MO – adjacent property wells and additional investigations
- Wasola, MO – well on property that serves former Y store
- Marshfield, MO – adjacent property well
- Doolittle, MO – additional investigations of drinking water issues



## The Corner - Buffalo, MO

- Taken out of service in 1980?
- 2010 complaint of petroleum in wells
- DNR conducted source investigation
- Last owner/operator deceased
- DNR put filter on well
- DNR downhole camera determined defective casing on well







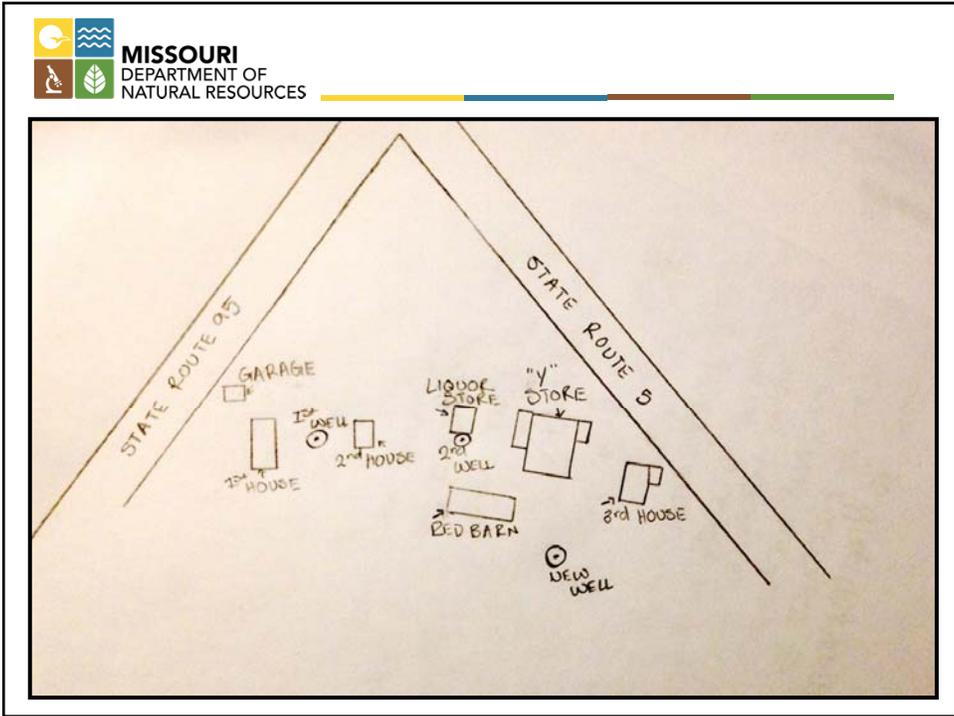
## Y-Store - Wasola, MO

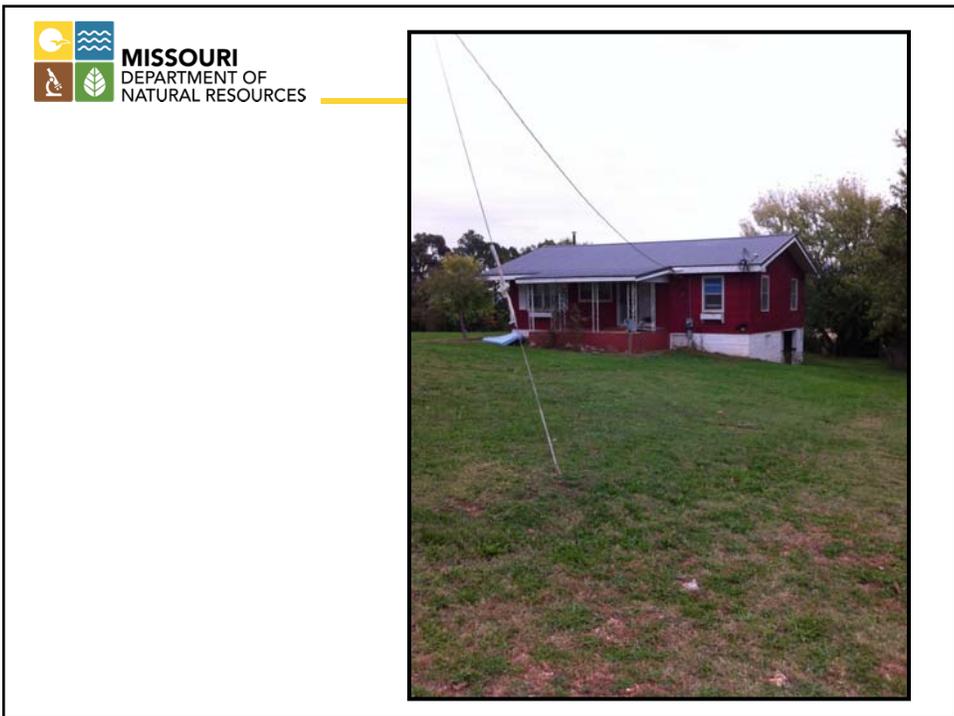
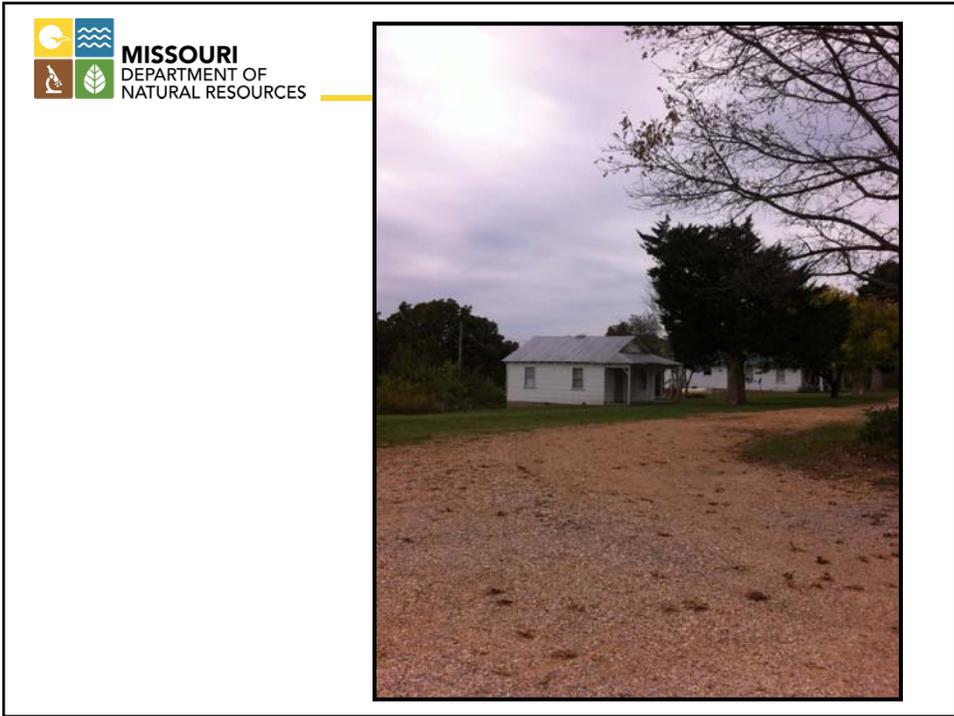
- Unknown dates of operation
- Tanks removed in 1995
- Petroleum contamination in well in 2001
- DNR did source investigation and filtered well, site received NFA
- Complaint in 2014 of contamination in drinking water



## Y-Store - Wasola, MO

- Sampled drinking water well hooked up to several residences
- DNR will be putting out bid to replace Y store well.
- Future actions include additional investigation/ risk assessment



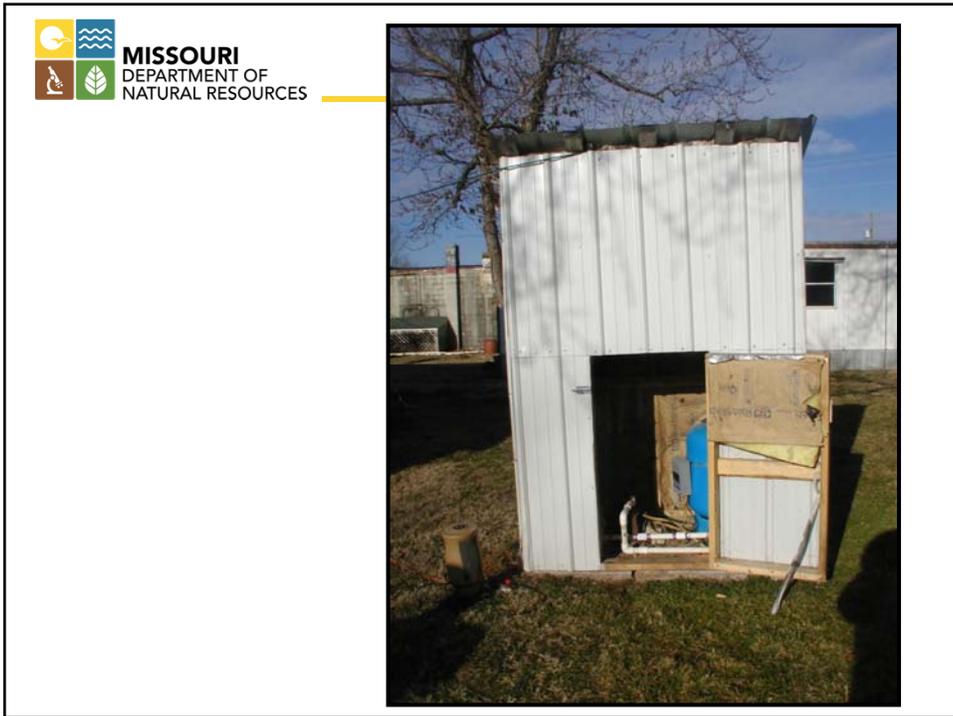




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## Northview Grocery - Marshfield, MO

- Operated from 1960 to the mid 1980's
- Had two gasoline UST's
- April 2002 complaint of vapors in adjacent home
- July 2002 UST closure conducted
- Filtration put on well in 2010
- Future activities could include replacement of drinking water well

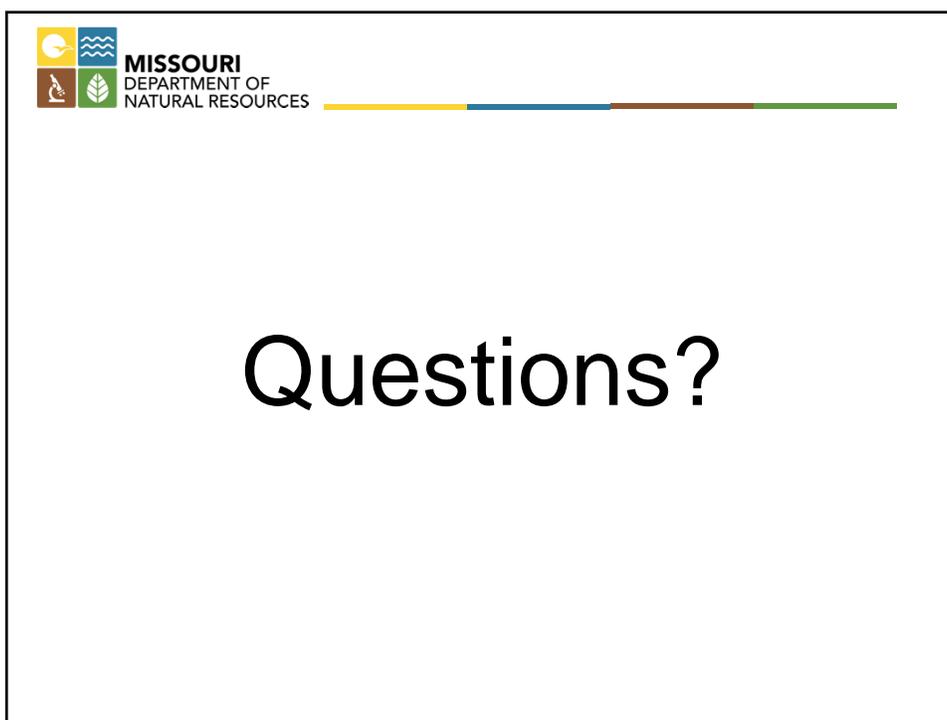




## Doolittle, MO

- June 1991 - petroleum contamination in a well
- DNR investigated and found several potential UST's and AST's
- Residents all drilled new wells
- Recent testing confirmed some lead in one of the wells
- Additional investigations planned





## **Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015  
Agenda Item # 7**

### **Radioactive Waste Compact and Radioactive Materials Shipment Fee Update**

#### **Issue:**

An update to the Commission on the Midwest Interstate Low Level Radioactive Waste Compact and the Radioactive Materials Shipment Fee and its uses. The fee discussion will focus on the local emergency response training and the equipment that is provided by the Department following the successful completion of the trainings.

#### **Information:**

- The Hazardous Waste Commission acts as in an advisory capacity to the Missouri member on the compact commission.
- The Midwest Interstate Low-Level Radioactive Waste Compact currently meets once a year, usually in June.
- Information on various technical topics is sent out via emails from the Compact's chairperson as needed.
- The Radioactive Materials Shipment Fee began in 2009.
- Charged to shipments of radioactive materials and waste traveling through Missouri by both truck and train.
- 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.
- The discussion will include an update on trainings and the disbursement of equipment as well as the current status of the fund and the impact of the change in the fee structure that occurred in 2012.

#### **Recommended Action:**

Information Only.

#### **Presented by:**

Tiffany Drake - Remediation and Radiological Assessment Unit Chief, Federal Facilities Section, HWP



## **Radioactive Waste Compact and Radioactive Materials Shipment Fee Update**

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Tiffany Drake, Chief  
Remediation and Radiological Assessment Unit  
Federal Facilities Section  
February 19, 2015



## **Midwest Low-Level Radioactive Waste Compact**

- Agreement between Indiana, Iowa, Minnesota, Missouri, Wisconsin, and Ohio
- Monitors activity involving plans for disposal of low-level radioactive waste
- Compact commission is the advisory committee for the compact
- Each state appoints a commissioner and an alternate from each state



## Midwest Low-Level Radioactive Waste Compact

- Compact commission meets once per year via teleconference
- Missouri's Commissioner is Sara Parker Pauley
- DNR staff participate in conference call and monitor email correspondence
- HWMC receives reports; is a sounding board for call participation; and acts as liaison to the General Assembly and Governor as requested



## Radioactive (Rad) Material and Waste Transportation Fee

- Fee began in August 2009
- Charged to shipments of radioactive waste and materials traveling through Missouri
- Five categories of waste and materials
  - Four categories are considered high level radioactive materials and/or waste
  - One category is low level radioactive waste



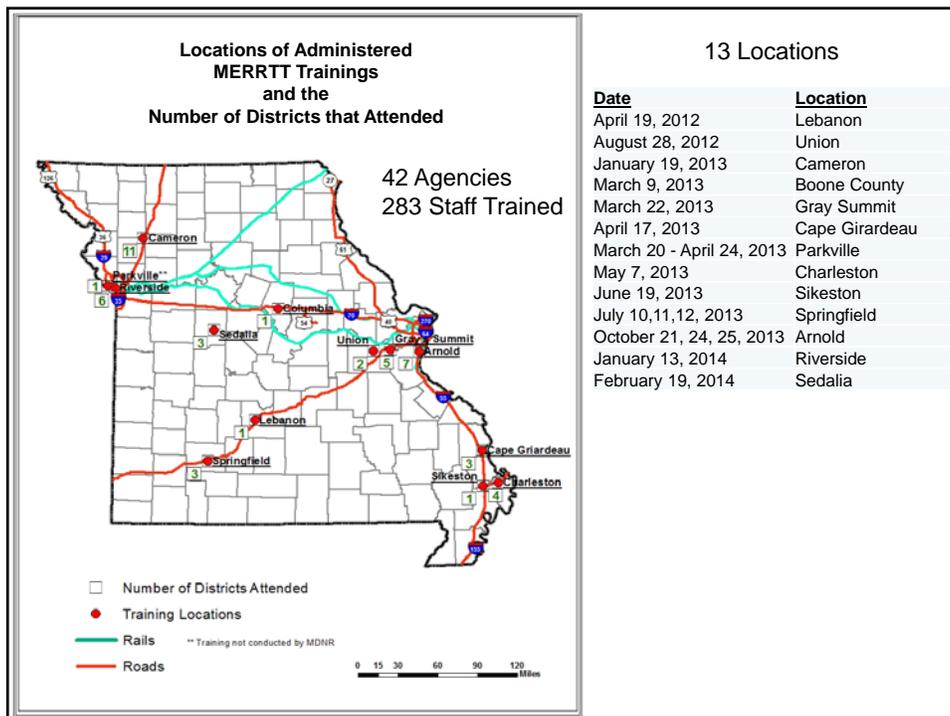
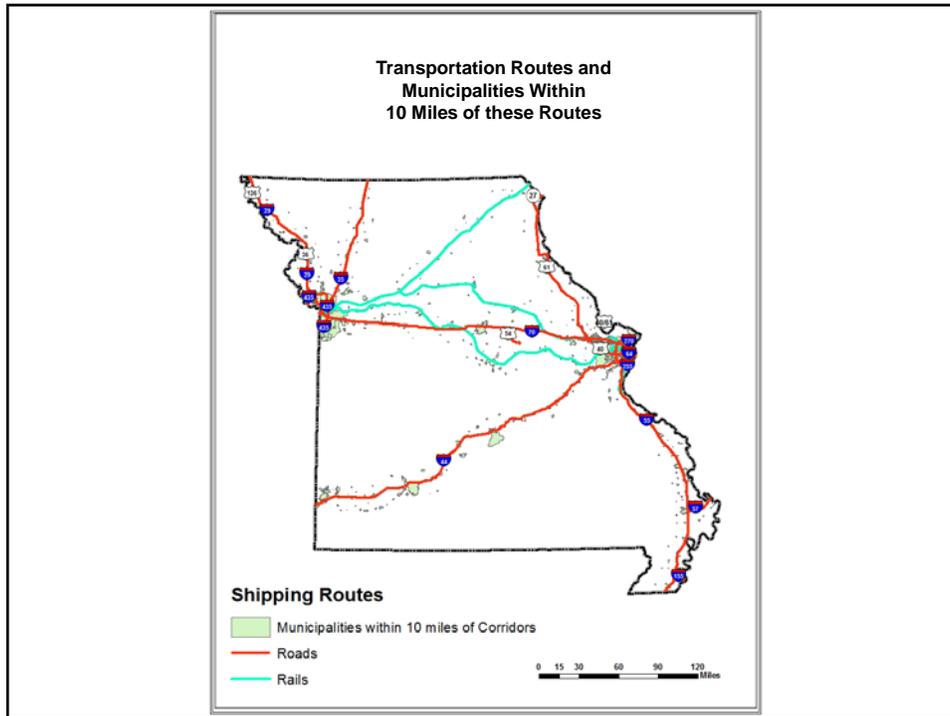
## Rad Fee Specifics

- Changes made to fee structure in 2012
  - Per cask fee changed to per truck for high radioactive shipments
- Rail and truck shipments pay different fees on shipments based on material type
- Statute includes exemption of fees for some shipments
- Fee sunset date has been extended to August 2024



## Costs Covered by the Rad Fee

- Escort highway route controlled quantities (HRCQ)
- Inspection of HRCQ shipments
- Training for local emergency response organizations
- Provide equipment for organizations that successfully complete training





## Equipment Eligibility Criteria

- Successfully complete training
- Accept the terms of MOA

Representatives	Ludlum 2241 Meters	Canberra Ultra Radiac Units
First two successful attendees	1	1
First five successful attendees	1	2
First ten successful attendees	2	3
First twenty successful attendees	2	4

Each Recipient Agency/Jurisdiction may receive a maximum of two Ludlum 2241 kits and four Canberra Ultra Radiac Units.

An Agency/Jurisdiction is welcome to send as many representatives to the training as they determine to be appropriate.



## CANBERRA's UltraRadiac-Plus



### **CANBERRA's UltraRadiac-Plus –**

A small, rugged, simple to operate radiation monitor that displays both the radiation levels and the total dose that is received.

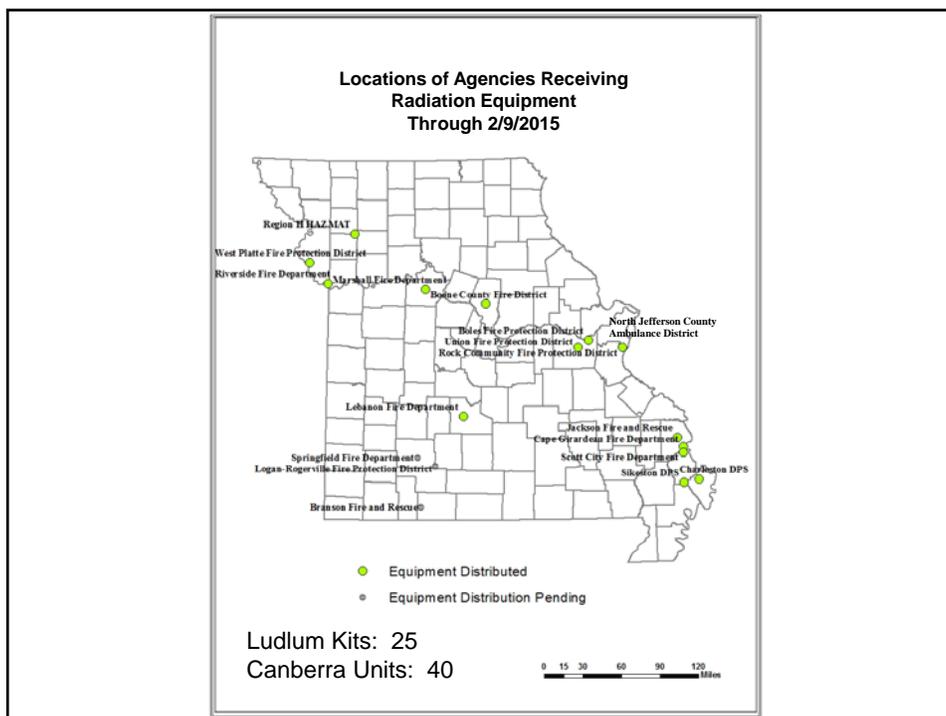
Alarms are annunciated by a flashing display, loud audible signal and vibration of the unit itself, when user-set dose rate or total dose alarm levels are exceeded.



## Ludlum 2241-3RK Kit

- Digital auto-ranging Ratemeter/Scaler
- Three Probes
  - Two measure alpha, beta, and gamma levels
  - One measures the gamma exposure rate
- A radioactive check source





## Equipment Distribution Status

- Two sets of MOAs have been approved by Director Pauley
- Have distributed:
  - 20 of 25 Ludlum kits
  - 32 of 40 Canberra monitors
- Waiting for signed MOA from organizations to distribute remaining equipment



## Next Steps

- Meet with other departments to discuss budget and priorities
- Determine number of trainings and amount of equipment that can be supported
- Begin recalibrating equipment already distributed



# QUESTIONS?

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# **Midwest Interstate Low- Level Radioactive Waste Compact Commission**

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## **Annual Report**

for the period from July 1, 2012 to June 30, 2013

**A Report to the Citizens of the Midwest Compact Region  
on the Activities of the Midwest Interstate Low-Level  
Radioactive Waste Compact Commission**

November 2013



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# Midwest Interstate Low-Level Radioactive Waste Compact Commission

P.O. Box 2659  
Madison, WI 53701-2659  
Voice: 608.267.4793  
Fax: 608.267.4799  
website: [www.midwestcompact.org](http://www.midwestcompact.org)

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## Annual Report

for the period from July 1, 2012 to June 30, 2013

### Contents

- 3 Introduction
- 4 The Midwest Compact Commission
- 6 Annual Meeting
- 6 Public Involvement
- 10 Interregional Cooperation
- 11 Looking Ahead
- 15 Annual Audit Report FY 13

### Figures

- 7 What is Commercial Low Level Radioactive Waste?
- 8 Radioactive Waste Disposal Responsibility
- 9 FY 14 Administrative Budget
- 12 Annual Volume and Activity Summary

# Introduction

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An interstate compact is a formal agreement between two or more states. Under Article 1, Section 10 of the U.S. Constitution, states may form compacts with the consent of Congress to resolve conflicts or address common problems. More than 120 such compacts have focused on various subjects, including water, education, transportation, fisheries, health, and waste.

The Midwest Interstate Low-Level Radioactive Waste Compact is an agreement between the states of Indiana, Iowa, Minnesota, Missouri, Ohio, and Wisconsin that provides for the cooperative and safe disposal of commercial low-level radioactive waste. The Compact was enacted into law by each member state legislature during the period from 1982 through 1984, and received Congressional consent in 1985.

During the late 1970s, prior to formation of the Compact, all of the nation's low-level radioactive waste was shipped to three disposal facilities located in Nevada, South Carolina, and Washington. With the support of the National Governors' Association and the National Conference of State Legislatures, these three states demanded a more equitable distribution of waste disposal responsibility and development of new disposal facilities. Congress responded by enacting the Low-Level Radioactive Waste Policy Act of 1980. (This Act was later replaced by the Low-Level Radioactive Waste Policy Amendments Act of 1985.) The federal legislation made disposal of Class A, B, and C low-level radioactive waste a state responsibility.

To reduce the number of new disposal facilities, Congress encouraged states to form regional compacts, and it gave compacts the unique authority to exclude waste from outside the boundaries of the compact region. States found this approach attractive because access to a regional disposal facility could be restricted solely to members of the compact. In addition, the approach allowed compact states to share the development costs for new disposal facilities.

Today, the Midwest Compact is one of 11 regional low-level radioactive waste compacts in the United States. There are 6 states not part of a compact.

This is the twenty-seventh in the series of annual reports published by the Midwest Compact Commission, the Compact's administrative body. The report summarizes activities and actions during the preceding fiscal year (July 1, 2012 through June 30, 2013). As required by Article 111(k) of the Compact, the report also contains the Commission's FY 2011 audited financial statements and the report of its independent, certified public accountant.

In accordance with another provision of the Compact, Article III(i)(2), this annual report will be submitted to the member state governors and appropriate legislative officers.

# The Commission

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The Midwest Interstate Low-Level Radioactive Waste Compact Commission (the Commission) is the administrative body of the Compact. It consists of one voting Commissioner from each of the six member states. Each state determines how it will appoint its Commissioner, and the state's Governor must provide written notification to the Commission of the appointment of a Commissioner.

Advance notice is given for all meetings, which are open to the public, and actions are recorded in meeting minutes and posted on the website.

The Commission holds an annual meeting in June of each year to hear reports and adopt a general fund budget. In alternate years, the Commission elects officers to serve two year terms. The Commission appoints an Executive Director who is the

administrative officer of the Commission. The State of Wisconsin Department of Health Services provides clerical support to the Commission and maintains a Commission office, address and telephone for the transaction of Commission business.

The following persons were serving as Commissioners and Alternate Commissioners in September 2012:

## Commissioners

### INDIANA

Vacant

## Alternate Commissioners

Bruce Palin, Assistant Commissioner  
Office of Land Quality  
Department of Environmental Management  
100 N. Senate Avenue, Suite 1154  
Indianapolis, IN 46206-6015  
voice: 317.233.6591  
fax: 317.232.3403  
e-mail bpalin@idem.in.gov

### IOWA

Brian Tormey, Chief, Land Quality Bureau  
Iowa Department of Natural Resources  
502 E. 9th Street  
Des Moines, IA 50319-0034  
voice: 515.281.8927  
fax: 515.281.8895  
e-mail: brian.tormey@dnr.iowa.gov

Chuck Gipp, Deputy Director  
Iowa Department of Natural Resources  
502 E. 9th Street  
Des Moines, IA 50319-0034  
Voice: 515.281.3388  
Fax: 515.281.6794  
e-mail: chuck.gipp@dnr.iowa.gov

## **Commissioners**

### **MINNESOTA**

John Line Stine, Commissioner  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
voice: 651.757.2014  
fax: 651.296.6334  
e-mail: john.stine@state.mn.us

### **MISSOURI**

Sara Parker Pauley, Director  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102  
voice: 573.522.6221  
fax: 573.751.7627  
e-mail: Sara.Pauley@dnr.mo.gov

### **OHIO**

Michael J. Snee, Chief  
Bureau of Radiation Protection  
Ohio Department of Health  
Columbus, OH 43215  
voice: 614.644.2732  
fax: 614.466.0381  
e-mail: Michael.Snee@odh.oh.gov

### **WISCONSIN**

Stanley York  
6209 Mineral Point Road, #1503  
Madison, WI 53705  
voice: 608.230.3532  
e-mail: stan.york@tds.net

## **Alternate Commissioners**

James Chiles  
Minnesota Pollution Control Agency  
Municipal Division  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
voice: 651.757.2272  
fax: 651.757.7923  
e-mail: jim.chiles@state.mn.us

vacant  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102  
voice: 573.751.3195  
fax: 573.751.7627  
e-mail: @dnr.mo.gov

vacant

Paul Schmidt, Chief  
Radiation Protection Section  
Department of Health Services  
P.O. Box 2659  
Madison, WI 53701-2659  
Voice: 608.267.4792  
Fax: 608.267.3695  
e-mail: paul.schmidt@wisconsin.gov

### **The following are under contract with the Commission:**

Commission Counsel	Richard Ihrig, Lindquist & Venum. P.L.L.P.
Commission Auditor	James F. Warner, Boulay, Heutmaker, Zibell & Co. P.L.L.P.
Commission Clerical Support	Susan Hagstrom, Wisconsin Department of Health Services

# Annual Meeting

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## Annual Meeting 2013

Article III (d) of the Midwest Compact requires that the Commission hold an annual meeting, and the Commission's By-laws specify that "the annual meeting shall include, but not be limited to, election of officers and adoption of a budget for the following fiscal year." The Commission amended its by-laws to permit meeting by teleconference. Meeting notices designate a place in each state where the public can participate in the meeting. The Commission scheduled its Annual Meeting as a teleconference for June 2013. Four Commissioners and four alternates attended. The Executive Director reported on the activities of the Low-Level Radioactive Waste Forum, Inc.,

in which the Compact has made a heavy investment. The Commission received the FY 2011 audit from the auditor and adopted a budget for FY 2014. The Commission reviewed the availability of disposal sites nationally.

The Commission asked Wisconsin to continue the present arrangement for salary for the Executive Director and clerical support. Wisconsin indicated that they would continue the present arrangements. York was reappointed Executive Director for an indefinite term. The salaries are reimbursed to Wisconsin by the Commission.

## Public Involvement

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The Commission has developed a website, [www.midwestcompact.org](http://www.midwestcompact.org), that has all of the information about the Commission and its activities. This technology will keep interested persons better informed than an occasional mailing would. The Commission encourages interested parties to use the website as a place of communication.

The Commission encourages public attendance at all of its meetings. Commission meetings are open to the public and noticed at least twenty days before the meeting. Public comment on agenda items is invited at the meetings.

Member states also distribute material on the subject within their jurisdiction.

## Figure 1

### What is Commercial Low-Level Radioactive Waste?

Commercial low-level radioactive waste is material that is contaminated with radioactivity. In 1995, there were 187 potential generators of such waste in the Midwest Compact region (including nuclear power plants, hospitals, universities, research institutions, government agencies, and industries) of which 49 actually shipped waste that was received at commercial disposal.

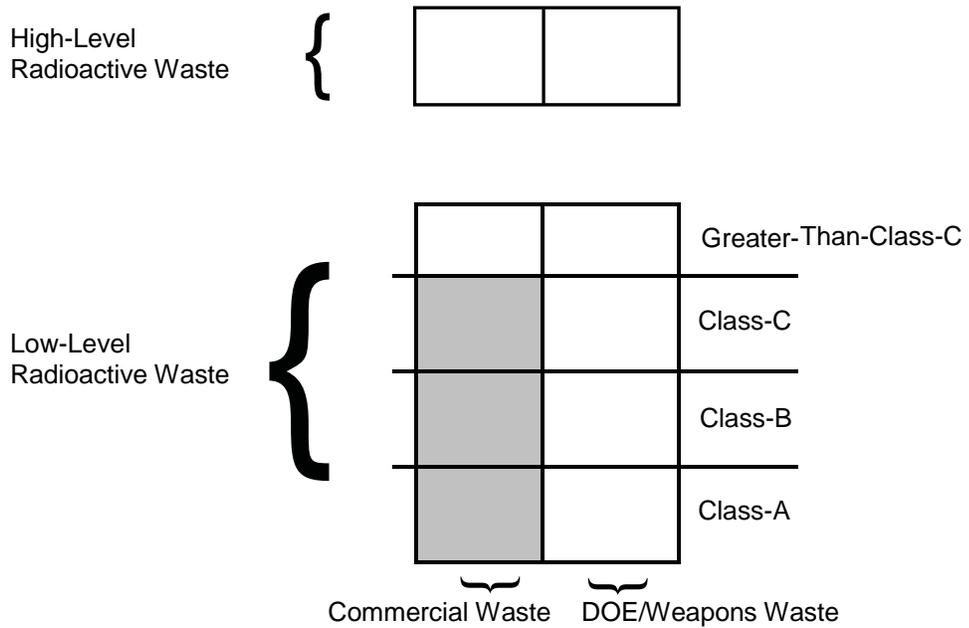
The number of generators shipping waste for disposal during any given year is subject to variation. The reasons for this variation can include the following: changes in product line or services offered, substitution of different radioactive or nonradioactive materials, periodic maintenance, equipment replacement, decontamination and dismantlement activities, and temporary storage of waste pending collection of amounts sufficient for economical shipment.

The waste can consist of clothing, wipe rags, lab equipment and glassware, luminous dials, hand tools, sealed radiation sources (e.g., measurement devices), filters and filter resins, consumer products (e.g., smoke detectors), internal reactor parts, and demolition debris. Most of this waste (Class A) has low concentrations of radionuclides, although a very small amount of the waste (Class B and Class C) has higher concentrations and different management requirements.

Low level radioactive waste shipped to commercial disposal facilities does not include spent fuel from nuclear reactors, atomic weapons production waste, or uranium mine and mill residues. Nor does it include liquid waste that is explosive, pyrophoric, or chemically hazardous.

## Figure 2

### Radioactive Waste Disposal Responsibility (chart not proportional)



 Waste that is the disposal responsibility of the Midwest Compact

 Waste that is a federal disposal responsibility

## Figure 3

### Midwest Compact Commission Budgets for FY 06, 07, 08, 09, 10, 11, 12 and 13

Activity	FY 2006 Budget	FY 2007 Budget	FY 2008 Budget	FY 2009 Budget	FY 2010 Budget	FY 2011 Budget	FY 2012 Budget	FY 2013 Budget
Reimbursement to WI for executive	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$5,000	\$8,000
Reimbursement to WI for clerical	500	500	500	500	500	500	500	300
Telephone, fax	0	0	0	0	0	0	0	0
Travel	1,000	1,000	1,000	1,000	1,500	5,000	2,000	2,300
Office supplies	0	0	0	0	0	0	0	0
Annual report	1,200	1,200	1,400	1,400	1,500	1,500	1,500	1,500
Meeting expense	70	70	50	50	150	150	150	40
Publications, subscriptions	0	0	0	0	0	0	0	0
Accounting, audit	8,400	8,400	8,400	8,500	9,000	9,260	9,720	10,200
Legal counsel	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Web site	600	600	600	400	400	400	350	350
Record storage	0	0	200	200	200	250	250	550
Forum dues	7,500	7,500	8,500	8,500	8,500	8,500	8,500	9,500
Forum meeting	0	0	0	0	0	0	0	0
Forum other	3,000	0	0	0	4,000	3,000	2,800	200
MCC other	0	0	0	0	0	0	2,000	0
<b>Total</b>	<b>\$33,270</b>	<b>\$30,270</b>	<b>\$31,650</b>	<b>\$31,550</b>	<b>\$36,750</b>	<b>\$39,560</b>	<b>\$33,170</b>	<b>\$35,940</b>

# Interregional Cooperation

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The Midwest Compact Commission regularly interacts with other compacts and states. Among the notable activities and actions involving other compacts and states were the following:

## **Low-Level Radioactive Waste Forum**

The Commission continues to participate actively in the Low-Level Radioactive Waste Forum, Inc. (LLW Forum). The LLW Forum is a national association of representatives of compacts, host states, unaffiliated states, and states with currently operating disposal facilities, as well as companies, operating sites, generators, processors and distributors. The Forum was established to facilitate the implementation of the 1985 Low-Level Radioactive Waste Policy Amendments Act. The LLW Forum provides an opportunity for compacts and states to share information and

exchange views with officials of federal agencies and other interested parties. LLW Forum participants also serve as liaisons to other entities, including the Conference of State Radiation Control Program Directors, the Conference of State Legislatures, and the Federal Facility Compliance Act Task Force. The Commission is represented on the LLW Forum by its Chair.

## **Export and Disposal of Midwest Compact Waste**

By action of the Atlantic Compact, Midwest Compact region generators no longer have access to EnergySolutions, Inc., disposal facility in Barnwell, South Carolina.

Midwest Compact region Generators have access to the EnergySolutions, Inc., disposal facility in Clive, Utah. The EnergySolutions, Inc. facility generally accepts high volume,

low activity Class A waste that does not exceed license limitations on radionuclide concentrations. Envirocare, Inc. of Utah has over 300 million cubic feet of unused capacity.

Since access to the Barnwell facility has been lost, generators of Class B and Class C waste have to find temporary storage facilities until more permanent arrangements can be made. Although undesirable from a waste management standpoint, most utilities and large waste generators have sufficient storage capacity for periods of time ranging from five to ten years. Smaller generators may also have similar waste storage capacity, or could rely on vendors for storage needs.

The state of Texas has established a Commercial disposal site. It is now available to Midwest Compact generators for the disposal of Classes A, B, and C waste. The high cost of transport and disposal has kept the amount of disposal low.

# Looking Ahead

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## **Exploration of Disposal Alternatives**

The Commission intends to continue its exploration of opportunities that may arise for consolidation, contractual disposal arrangements, or other means of assuring generator access to existing disposal facilities. This includes review of the situation of currently operating facilities, as well as possibilities related to proposed new, privately-developed disposal facilities.

## **Continued Support for New Disposal Capacity in Other Compacts**

Although no longer developing a site of its own, the Commission will continue to actively support development activities in other compacts. Development efforts in other compacts are followed closely.

## **Commission Staffing**

During FY 2012 the Commission has vested the administrative function in the Executive Director, and to contract with the State of Wisconsin to provide administrative backup to the Executive Director and decided to continue the arrangement.

The Commission's office address and phone are located in the Office of Radiation Protection, Division of Public Health, Department of Health Services, of the State of Wisconsin.

# Figure 4a

## Commercial LLRW Disposed at Barnwell, Beatty, Richland, and Envirocare: 1986-2011

VOLUME (ft3)

	1986	1987	1988	1989	1990	1991
Indiana	295.51	2,257.06	1,891.97	2,150.31	1,956.01	5,723.62
Iowa	9,975.20	18,795.26	7,206.61	6,055.37	5,557.86	12,815.37
Minnesota	28,655.60	20,250.67	15,477.16	21,954.29	26,985.22	43,520.53
Missouri	27,307.48	28,782.69	11,911.77	18,802.64	19,609.59	19,055.46
Ohio	16,541.70	20,882.17	22,585.21	58,866.18	24,146.85	24,335.89
Wisconsin	6,252.10	9,792.73	10,599.36	6,880.93	9,217.32	7,228.19
<b>TOTALS</b>	<b>89,027.59</b>	<b>100,760.58</b>	<b>69,672.08</b>	<b>114,709.72</b>	<b>87,472.85</b>	<b>112,679.06</b>

	1992	1993	1994	1995	1996	1997
Indiana	2,715.14	967.15	1,622.81	100.78	328.98	380.93
Iowa	5,447.79	1,979.32	3,179.02	2,058.00	3,639.22	1,410.46
Minnesota	40,197.42	5,056.68	1,932.46	2,466.63	3,215.22	1,751.67
Missouri	11,271.86	3,178.02	5,896.82	6,998.54	14,305.99	7,578.69
Ohio	22,339.31	6,637.84	20,833.52	49,464.57	158,310.23	155,673.80
Wisconsin	6,884.60	2,225.38	5,892.17	1,050.86	2,396.65	1,282.43
<b>TOTALS</b>	<b>88,856.12</b>	<b>20,044.39</b>	<b>39,356.80</b>	<b>62,139.38</b>	<b>182,196.29</b>	<b>168,077.98</b>

	1998	1999	2000	2001	2002	2003
Indiana	73.71	568.62	60.73	6,134.40	191.78	137.01
Iowa	1,035.88	1,529.39	943.95	8,485.82	3,530.80	448.42
Minnesota	1,316.63	1,838.92	3,268.80	1,616.01	3,696.18	10,850.35
Missouri	16,362.11	7,643.48	7,842.32	412,278.44	26,875.32	8,813.37
Ohio	127,469.69	75,478.78	64,211.13	31,214.69	15,041.75	32,139.30
Wisconsin	1,544.07	2,689.17	1,268.50	4,702.41	12,584.83	3,194.55
<b>TOTALS</b>	<b>147,802.09</b>	<b>89,748.36</b>	<b>77,595.43</b>	<b>464,431.77</b>	<b>61,920.66</b>	<b>55,583.00</b>

	2004	2005	2006	2007	2008	2009
Indiana	310.75	83.90	462.96	450.80	1,154.48	48.68
Iowa	240.70	20,034.79	1,654.87	10,791.12	4,434.47	5,462.29
Minnesota	31,735.38	22,131.37	8,288.81	8,525.20	5,443.38	9,387.49
Missouri	93,371.42	82,705.78	3,442.15	13,406.41	110,156.79	82,447.22
Ohio	216,802.48	107,011.70	39,091.27	21,309.73	71,863.74	66,159.27
Wisconsin	7,485.49	12,908.23	4,596.59	17,302.73	5,766.94	6,569.30
<b>TOTALS</b>	<b>349,946.22</b>	<b>244,875.77</b>	<b>57,536.65</b>	<b>71,785.99</b>	<b>198,819.80</b>	<b>170,074.26</b>

	2010	2011
Indiana	300.52	92.91
Iowa	1,698.89	7,179.63
Minnesota	2,694.84	19,147.35
Missouri	28,220.98	7,403.97
Ohio	182,841.12	68,342.24
Wisconsin	15,201.74	10,370.36
<b>TOTALS</b>	<b>230,958.08</b>	<b>112,536.46</b>

**GRAND TOTAL 1986 THROUGH 2011: 3,468,607.38 ft3**

Source: The DOE MIMS System

## Figure 4b

### Commercial LLRW Disposed at Barnwell, Beatty, Richland, and Envirocare: 1986-2011

ACTIVITY (curies)

	1986	1987	1988	1989	1990	1991
Indiana	0	34.78	58.75	63.13	43.67	370.39
Iowa	21,664.13	1,067.71	400.98	16,953.42	37,807.79	528.67
Minnesota	28,332.33	1,042.42	2,327.71	60,952.08	1,657.09	4,030.69
Missouri	30.54	310.46	1,166.45	793.03	919.62	3,046.88
Ohio	339.00	309.46	836.96	1,211.40	4,315.70	3,839.66
Wisconsin	1,564.88	1,885.48	1,215.25	1,074.88	569.68	1,011.62
<b>TOTALS</b>	<b>51,930.88</b>	<b>4,650.31</b>	<b>6,006.10</b>	<b>81,047.94</b>	<b>45,313.55</b>	<b>12,827.91</b>

	1992	1993	1994	1995	1996	1997
Indiana	26.89	6.75	128.92	35.61	9.61	0.89
Iowa	42,085.40	51,341.86	1,632.89	209.38	552.04	114.33
Minnesota	59,979.20	1,449.65	1,738.82	365.12	1,406.00	82.73
Missouri	1,127.67	444.13	1,200.21	183.47	150.54	1,670.60
Ohio	3,440.21	2,370.27	582.69	552.77	50,021.82	1,077.37
Wisconsin	570.65	345.09	879.26	347.92	153.07	1,343.55
<b>TOTALS</b>	<b>107,230.02</b>	<b>55,957.75</b>	<b>6,162.79</b>	<b>1,694.27</b>	<b>52,293.08</b>	<b>4,289.47</b>

	1998	1999	2000	2001	2002	2003
Indiana	45.32	65.00	0.74	16.61	7.00	2.38
Iowa	266.70	1,721.81	150.27	88.01	108.39	1.17
Minnesota	313.95	128.05	127.09	113.59	30.49	45,932.72
Missouri	811.53	3,923.94	174.23	511.57	358.30	80.34
Ohio	99.69	402.45	283.83	140.73	1,218.51	362.08
Wisconsin	8.05	441.60	183.14	133.67	205.46	257.99
<b>TOTALS</b>	<b>1,545.24</b>	<b>6,682.85</b>	<b>919.30</b>	<b>1,004.18</b>	<b>1,928.15</b>	<b>46,636.68</b>

	2004	2005	2006	2007	2008	2009
Indiana	0.61	0.64	5.21	0.55	1.31	0.05
Iowa	1.35	0.82	16,049.79	110.00	137.35	58.19
Minnesota	13,453.55	250.05	121.72	264.47	28,729.45	118.86
Missouri	309.67	42.38	923.40	166.51	616.19	6.63
Ohio	11,002.21	1,154.63	2,510.02	39,997.38	6,082.15	11.81
Wisconsin	87.49	387.83	5,959.10	9,958.02	158.15	0.55
<b>TOTALS</b>	<b>24,854.88</b>	<b>1,836.35</b>	<b>25,569.24</b>	<b>50,496.93</b>	<b>35,724.60</b>	<b>196.08</b>

	2010	2011
Indiana	0.04	0.09
Iowa	23.05	334.81
Minnesota	26.51	66.76
Missouri	36.38	38.79
Ohio	76.98	61.87
Wisconsin	23.98	17.43
<b>TOTALS</b>	<b>186.93</b>	<b>519.75</b>

**GRAND TOTAL 1986 THROUGH 2011: 627,505.23 curies**

Source: The DOE MIMS System





**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Financial Statements

Year Ended June 30, 2012



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

**C O N T E N T S**

	<b><u>Page</u></b>
<b>Report of Independent Auditors</b>	1
<b>Financial Statements</b>	
Statement of Financial Position	2
Statement of Activities	3
Statement of Cash Flows	4
Notes to Financial Statements	5-8



## REPORT OF INDEPENDENT AUDITORS

Commissioners  
Midwest Interstate Low-Level Radioactive Waste Compact Commission  
Madison, Wisconsin

We have audited the accompanying statement of financial position of Midwest Interstate Low-Level Radioactive Waste Compact Commission (the Commission) a non-profit organization, as of June 30, 2012 and the related statements of activities and cash flows for the year then ended. These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Commission as of June 30, 2012, and the changes in its net assets and its cash flows for the year then ended, in conformity with accounting principles generally accepted in the United States of America.

*Boulay, Heutmaker, Zibell & Co. P.L.L.P.*

Certified Public Accountants

Minneapolis, Minnesota  
October 8, 2012



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Statement of Financial Position

<b>ASSETS</b>	General Fund	June 30, 2012	
		Rebate Fund	Total
Investments	\$ -	\$ 1,752,372	<b>\$ 1,752,372</b>
Interest receivable	<u>-</u>	<u>5,490</u>	<u><b>5,490</b></u>
<b>Total assets</b>	<u><u>\$ -</u></u>	<u><u>\$ 1,757,862</u></u>	<u><u><b>\$ 1,757,862</b></u></u>
 <b><u>LIABILITIES AND NET ASSETS</u></b>			
<b>Liabilities</b>			
Deferred rebate	<u>\$ -</u>	<u>\$ 1,757,862</u>	<u><b>\$ 1,757,862</b></u>
Total liabilities	<u>-</u>	<u>1,757,862</u>	<u><b>1,757,862</b></u>
<b>Net Assets, unrestricted</b>	<u>-</u>	<u>-</u>	<u>-</u>
<b>Total liabilities and net assets</b>	<u><u>\$ -</u></u>	<u><u>\$ 1,757,862</u></u>	<u><u><b>\$ 1,757,862</b></u></u>

Notes to Financial Statements are an integral part of this Statement.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Statement of Activities

Year Ended June 30, 2012

**Revenue**

Rebate Fund revenue transfers	\$	34,460
-------------------------------	----	--------

**General and Administrative Expenses**

Contract services	6,634
Accounting	9,720
Dues	8,500
Travel	2,191
Meetings	30
Web site	317
Annual report	1,444
Legal	92
LLW Forum	5,000
Miscellaneous	532
Total expenses	<u>34,460</u>

<b>Change in Net Assets</b>	-
-----------------------------	---

<b>Net Assets - Beginning of Year</b>	<u>-</u>
---------------------------------------	----------

<b>Net Assets - End of Year</b>	<u><u>\$ -</u></u>
---------------------------------	--------------------

Notes to Financial Statements are an integral part of this Statement.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Statement of Cash Flows

Year Ended June 30, 2012

**Cash Flows From Operating Activities**

Change in net assets	\$ -
Change in assets and liabilities:	
Investments	(18,862)
Interest receivable	717
Deferred rebate	18,145
Net cash from operating activities	<u>-</u>

**Net Change in Cash**

-

**Cash - Beginning of Year**

-

**Cash - End of Year**

\$ -

**Supplemental Disclosure of Non-cash Investing Activities**

Proceeds of investments re-invested	\$ 500,262
-------------------------------------	------------

Notes to Financial Statements are an integral part of this Statement.



# MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT COMMISSION

## Notes to Financial Statements

June 30, 2012

### 1. NATURE OF ORGANIZATION

The Midwest Interstate Low-Level Radioactive Waste Compact (the Midwest Compact) was formally established in October 1983, to meet state responsibilities under the Federal Low-Level Radioactive Waste Policy Act of 1980 (PL 96-573) and the Low-Level Radioactive Waste Policy Amendments Act of 1985 (PL 99-240). The Midwest Compact consists of six member states: Indiana, Iowa, Minnesota, Missouri, Ohio and Wisconsin. The Midwest Compact established the Midwest Interstate Low-Level Radioactive Waste Compact Commission (the Commission), composed of one voting representative from each member state.

### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### Financial Statement Presentation

The Commission reports information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets, based upon the existence of absence of donor-imposed restrictions, as follows:

- Unrestricted assets - net assets that are not subject to donor-imposed stipulations.
- Temporarily restricted net assets - net assets subject to donor-imposed stipulations that can be fulfilled by actions of the Organization pursuant to those stipulations or that expire by the passage of time. The Organization currently does not have net assets subject to temporary restrictions.
- Permanently restricted net assets - net assets subject to donor-imposed stipulations that they be maintained permanently by the Organization. Generally, the donors of such assets permit the Organization to use all or part of the income earned on the assets. The Organization currently does not have net assets subject to permanent restrictions.

As permitted, the Commission has also presented its statement of financial position by fund. The Commission classifies its funds as follows:

General Fund - The General Fund is the operational fund of the Commission. From inception through June 30, 1989, the Midwest Compact's member states contributed to the General Fund based on an approved projected annual budget. When the future operational funding became available from Rebate Funds received by the Commission, the member states suspended contributions to the General Fund.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Notes to Financial Statements

June 30, 2012

Rebate Fund - Rebate funds are derived from disposal surcharges that were levied on generators of low-level radioactive waste from January 1986 through December 1992. The surcharges were mandated by the 1985 Low-Level Radioactive Waste Policy Amendments Act, and 25% of the surcharges were placed in an escrow account administered by the Department of Energy. Rebates of the escrowed amounts served as an incentive to regions and states to meet Federal milestones for the development of their own disposal facilities. Use of these funds is restricted to purposes specified in the Midwest Compact. However, consistent with the Amendments Act, Rebate Fund monies may be withdrawn and used by the Commission to the extent needed for general operations. Because the Commission holds the existing investments as an agent for member states, all investment amounts, including investment earnings and unrealized gains and losses, are classified as a deferred item in the accompanying financial statements.

Accounting Estimates

Management uses estimates and assumptions in preparing these financial statements in accordance with generally accepted accounting principles. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could differ from those estimates.

Revenue Recognition

The Commission recognizes revenues from the Rebate Fund based on the accrual basis and transfers revenues for general operations. All revenue is considered to be available for general use unless specifically restricted by law.

Cash and Equivalents

Investments in cash equivalents within the Rebate Fund are included in investments in the accompanying statement of financial position due to the nature and the terms of the fund. Cash equivalents include money market funds which are not insured.

Investments

The Commission's investments are recorded at fair value based on quoted market prices.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Notes to Financial Statements

June 30, 2012

*Fair Value of Financial Instruments*

The Company's accounting for fair value measurements of assets and liabilities that are recognized or disclosed at fair value in the financial statements on a recurring basis adhere to the Financial Accounting Standards Board (FASB) fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to measurements involving significant unobservable inputs (Level 3 measurements). The three levels of the fair value hierarchy are as follows:

- Level 1 inputs are quoted prices (unadjusted) in active markets for identical assets or liabilities that the Commission has the ability to access at the measurement date.
- Level 2 inputs are inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly for substantially the full term of the asset or liability.
- Level 3 inputs are unobservable inputs for the asset or liability.

The level in the fair value hierarchy within which a fair measurement in its entirety falls is based on the lowest level input that is significant to the fair value measurement in its entirety.

*Income Tax Status*

The Commission has been declared tax exempt under the Internal Revenue Code and, accordingly, there is no provision for income taxes in the accompanying financial statements. Due to its exempt status, the Commission does not have any significant tax uncertainties that would require recognition or disclosure.

*Subsequent Events*

The Commission has evaluated subsequent events through October 8, 2012, the date which the financial statements were issued.



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Notes to Financial Statements

June 30, 2012

**3. FAIR VALUE**

The following table provides information on those assets that are measured at fair value on a recurring basis.

	June 30, 2012			
	Fair Value Carrying Amount in the Statement of Financial Position	Fair Value Measurement Using		
		Level 1	Level 2	Level 3
Assets (included in investments)				
Money market funds	\$ 44,343	\$ 44,343		
Certificates of deposit	1,708,029	1,708,029		
Total	<u>\$1,752,372</u>	<u>\$1,752,372</u>	\$ -	\$ -

The Commission records investment earnings and unrealized gains and losses as an agency fund and thus, they are accumulated within the “deferred rebate” account of the Fund until used for general operations or other purposes of the Midwest Compact. At that time, earnings are recognized as revenue within the statement of activities.

The individual certificates of deposit range in value from \$25,000 to \$213,000, none of which individually exceed insurance limits as set forth by the FDIC. The certificates range in maturity from two to twenty years and accrue interest at rates ranging from 1.47% to 4.85%.

A reconciliation of investment accounts including earnings follow:

	<u>Rebate Fund</u>
Beginning Balance, July 1, 2011	\$1,733,510
Interest earnings	42,683
Unrealized loss, net	10,639
Transfers	<u>(34,460)</u>
Ending Balance, June 30, 2012	<u>\$1,752,372</u>



**MIDWEST INTERSTATE LOW-LEVEL  
RADIOACTIVE WASTE COMPACT COMMISSION**

Notes to Financial Statements

June 30, 2012

**4. FUTURE OPERATIONS**

The Commission intends to monitor national and regional developments regarding management of low-level radioactive waste, and will continue to review office and staffing requirements during the fiscal year 2013.



# NOTES:







## **Missouri Hazardous Waste Management Commission Meeting**

**February 20, 2014**

**Agenda Item # 8**

### **Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri (Registry) Annual Report**

#### **Issue:**

The Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri (Registry) is maintained by the Missouri Department of Natural Resources pursuant to the Missouri Hazardous Waste Management Law, Section 260.440, RSMo. 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.

#### **Information:**

Detailed site information regarding Missouri hazardous waste sites is found in the Missouri Registry Annual Report. The Registry Annual Report is available to the public through the Department’s Hazardous Waste Program’s web site. Information about the sites are also found on the new HWP Interactive Mapping System that was created as part of the Department’s Long-Term Stewardship efforts. Additionally, 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 or County Executive of each applicable county. The Registry describes each listed waste site in detail, including: the location; public drinking water concerns; health advisory; geology/geohydrology; and remedial actions. As sites contained in the Registry were listed, an environmental notice was filed with the Recorder of Deeds that documents the hazardous waste contamination at the site. The use of a property listed on the Registry may not change substantially without the written approval of the Department.

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.

According 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.

#### **Recommended Action:**

Information Only

#### **Presented by:**

Dennis Stinson - Chief, Superfund Section



# 2014 Registry Annual Report

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Dennis Stinson, Chief  
Superfund Section  
February 19, 2015



## Registry History

- Law - June 1983
- Authorized Department to investigate and assess HW sites.
- Responsible Parties or Site Owners could complete a cleanup or be placed on the Registry.



## Institutional Control Mechanisms

- Deed Notification
- Annual Inspection
- Notice to Prospective Buyers
- Change of Use Notification
- Notification to the Department if Sold
- Public Information



## Registry Site Information

- Location & Site description
- Site contaminants
- Public drinking water concerns
- Health advisory
- Geology & Geohydrology
- Remedial actions



## Registry Classifications

- Class 1: Sites that are causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment - **1 site**
- Class 2: Sites that are a significant threat to the environment - **12 sites**
- Class 3: Sites that do not present a significant threat to the public health or the environment - **25 sites**
- Class 4: Sites that have been properly closed but require continued management - **26 sites**
- Class 5: Sites that have been properly closed with no evidence of present or potential adverse impact--no further action required. Any site classified as a Class 5 is removed from the Registry.



## Site Assessment Committee

- Meets once per year
- Approves classification changes
- Composed of representatives from:
  1. MO Department of Health and Senior Svcs
  2. MDNR Water Protection Program
  3. MDNR Hazardous Waste Program
  4. MDNR Environmental Services Program
  5. MDNR Missouri Geological Survey Division



## 2014 Classification Changes

- Moberly FMGP – Downgraded from a Class 2 to Class 5 site.
- International Paper – Downgraded from a Class 4 to Class 5 site.
- Turner Salvage – Downgraded from a Class 3 to Class 4 site.
- Sac River LF – City of Springfield petitioned the Department to delete the site from the Registry. Department and EPA are working with the city on an environmental covenant for the Sac River site.



## Registry Availability

- Registry is provided to Governor and legislature
- Registry CD is sent to County Commissioners or County Executives
- Registry is available on MDNR HWP website
- Location and Site information on the Registry sites is available on the new HWP Interactive Mapping System that was created as part of the Department's Long-Term Stewardship efforts.



## Registry Additional Information

- List of NPL Sites
- List of Registry Consent Agreement Sites
- List of Registry Sites Removed or Action Suspended



## Questions?

Contact :

Dennis Stinson, Chief

Superfund Section

573-751-4187

**Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item # 9**

**Quarterly Report**

**Issue:**

Presentation of the July through September 2014, Quarterly Report.

**Recommended Action:**

Information Only

**Presented by:**

Dee Goss – Public Information Officer, Division of Environmental Quality

# Hazardous Waste Management Commission Report

July through September 2014

*Quarterly Report*



## Hazardous Waste Management Commissioners

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

*"The goal of the Hazardous Waste Program is to protect human health and the environment from threats posed by hazardous waste."*

### For more information:

Missouri Department of Natural Resources

Hazardous Waste Program

P.O. Box 176, Jefferson City, MO 65102-0176

[www.dnr.mo.gov/env/hwp/index.html](http://www.dnr.mo.gov/env/hwp/index.html)

Phone: 573-751-3176

Fax: 573-751-7869

Past issues of the Hazardous Waste Management Commission Report are available online at [www.dnr.mo.gov/env/hwp/quarterlyreport.htm](http://www.dnr.mo.gov/env/hwp/quarterlyreport.htm).



Missouri Department of Natural Resources  
Hazardous Waste Program

Cover Photo: Gas House Car Wash (UST Removal)

### Letter from the Director

Dear Commissioners:

This edition of the Hazardous Waste Management Commission Quarterly Report covers the time period between July 1 and Sept. 30, 2014. July 1 marks the beginning of a new state fiscal year, which means we are operating under a new state budget. For our hazardous waste and tanks related functions, the budget for the current fiscal year has remained relatively stable compared to budgets from previous years, and should allow for the spending authority we need to maintain the operations of the program. You will find more information about this fiscal year's budget in a financial overview included within this report.

While the department's appropriation authority, approved by the legislature this year, is similar to last year's authority, a budget shortfall of general revenue funds was announced by the governor during this quarter. This necessitated the closing of six Division of Environmental Quality satellite offices and the reduction of 11 staff positions that were located at these offices. Fortunately, we were able to move staff from these offices to vacant funded positions so no layoffs were necessary. However, this reduction of positions did impact some hazardous waste inspector positions. As a result, it became necessary to reprioritize the existing workload of several Compliance and Enforcement Section staff within the Hazardous Waste Program to conduct additional inspections in order to meet the commitments outlined in our federal grant work plans and maintain our federal funding.

In regard to funding for the program, there was an important development this quarter, as Senate Bill 642, the department's Omnibus Bill, was signed in to law. This bill contained some minor changes with regards to the Hazardous Waste Management Commission's ability to set fees by rule. The bill went in to effect Aug. 28, 2014. Passage of this legislation allows the program to start stakeholder discussions in hopes of revising certain portions of the fee structure to bring in additional revenues to support the program's activities. It is the goal of the program to get a new fee structure in place by calendar year 2017. To accomplish this, stakeholder efforts will need to be completed by spring 2015, which means there will be a significant effort undertaken by the program in the coming months.

In other business, pesticide collection efforts continued, with three events held this quarter. July's event was held in Washington, August's in Marshfield and September's in Shelbina. Lessons learned from the 2012/2013 events greatly increased their effectiveness. We continue refining our efforts to maximize these collections.

As you can see from the articles included in this report, the program continues to stay very busy performing inspections, ensuring compliance with the regulations and overseeing the cleanup of sites impacted by releases of hazardous substances and petroleum. We hope you enjoy reading about these efforts.

Sincerely,



David J. Lamb  
Director

**Table of Contents**

**Budget and Planning ..... 4**

**Remediation ..... 8**  
Brownfields/Voluntary Cleanup Certificates of Completion ..... 8  
New Brownfields/Voluntary Cleanup Program Section Chief ..... 10  
Table – Sites in Brownfields/Voluntary Cleanup Program ..... 11  
Table – Drycleaning Environmental Response Trust Fund ..... 12  
Table – Reimbursement Claims ..... 13

**Permits ..... 14**  
Hazardous Waste Recycling: Fuel Burning in Missouri ..... 14

**Enforcement ..... 17**  
Regional Office Hazardous Waste Compliance Efforts..... 17  
Underground Storage Tank Compliance and Technology Unit..... 17  
Special Facilities Unit ..... 17  
Hazardous Waste Enforcement Unit..... 18  
Table - Underground Storage Tank Facilities with Unknown  
Financial Responsibility Status Report..... 20

**Tanks..... 21**  
Overseeing the Remediation of a Petroleum Release ..... 21  
Former Kwik Pantry #1 ..... 22  
Table – Tanks Regulations, Closures and Cleanups Attachment ..... 23

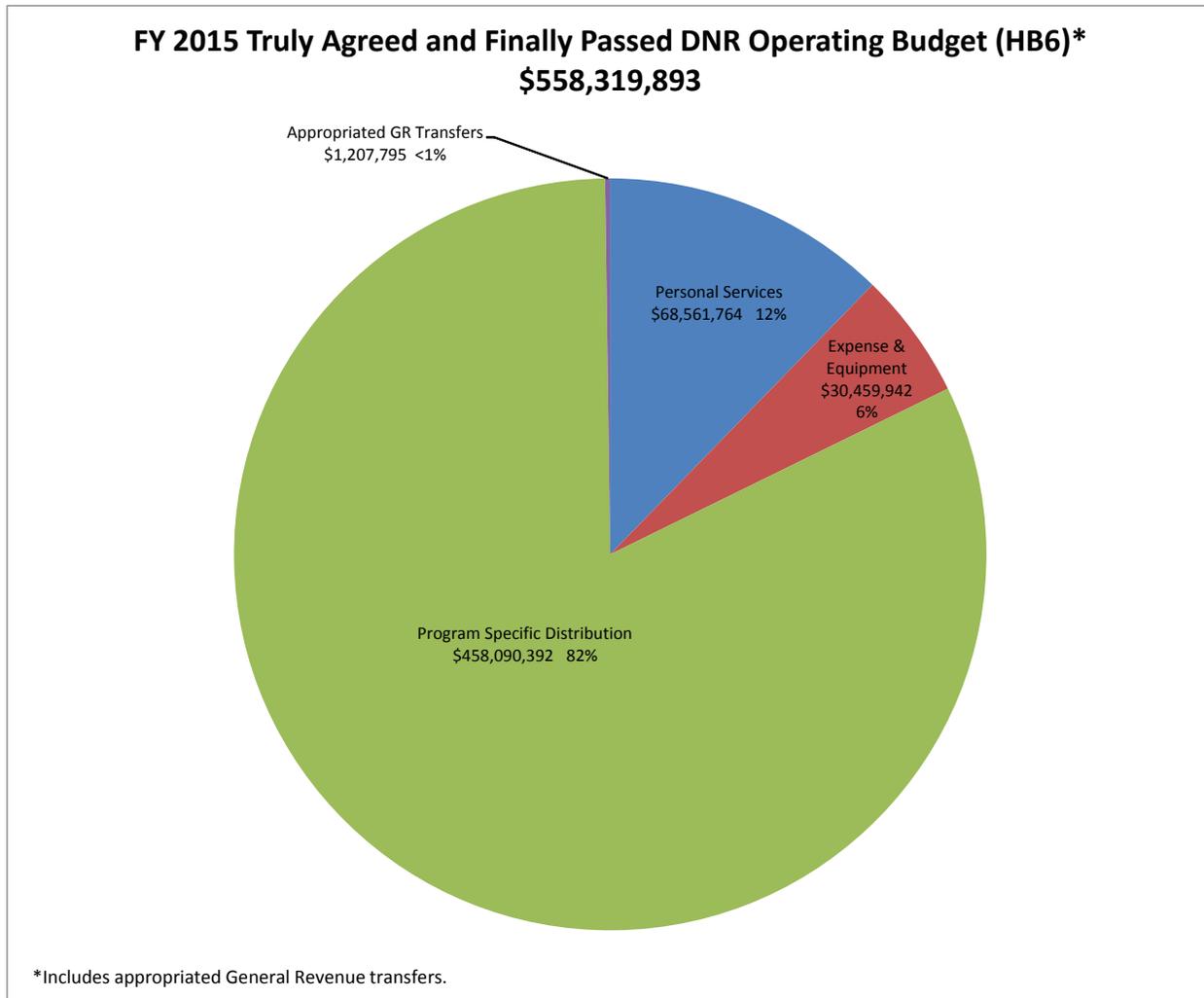
### Fiscal Year 2015 Budget

The Budget and Planning Section is responsible for financial management of the Hazardous Waste Program. It is this section’s responsibility to coordinate the program’s budget requests each fiscal year. The state is currently operating in Fiscal Year 2015, which began on July 1, 2014, and runs through June 30, 2015.

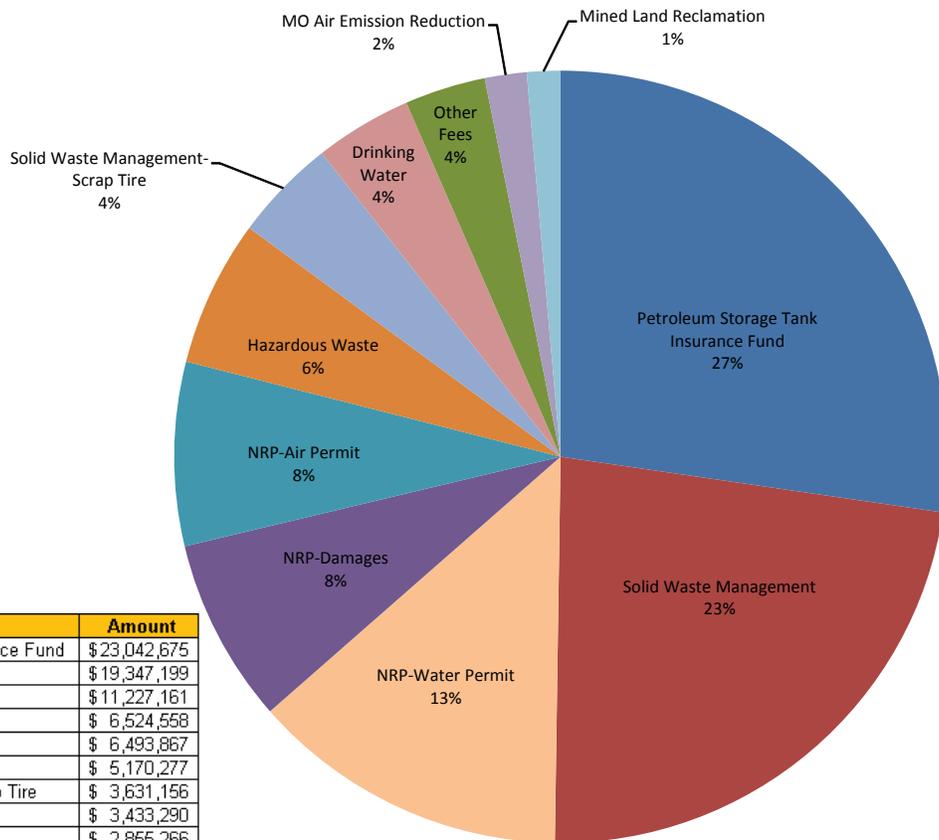
The process to establish the Fiscal Year 2015 budget began in July 2013 when the State Budget Director issued budget preparation instructions. The Budget Program, within the Division of Administrative Support, coordinates the department’s overall operating, real estate and capital improvements budgets. The department’s operating budget is available online at <http://oa.mo.gov/sites/default/files/FY%202015%20DNR%20Budget%20Gov%20Rec.pdf>

Each state agency is required to submit its completed budget request to the State Budget Director annually by Oct. 1. The governor may make changes to these department budget requests and releases the governor’s recommended budget in conjunction with the governor’s State of the State address in January.

The department’s Fiscal Year 2015 operating budget is in House Bill 6, which had to be truly agreed to and finally passed by May 9, 2014. The governor signed the appropriations bill on June 24, 2014. The department’s Fiscal Year 2016 budget request was submitted Oct. 1, 2014.

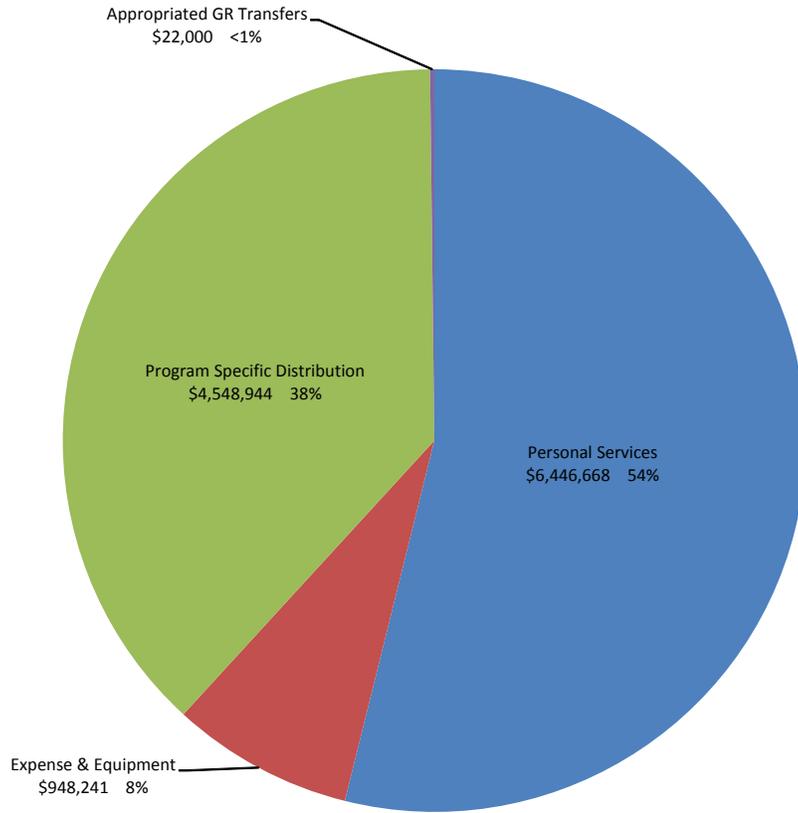


FY 2015 Truly Agreed and Finally Passed DNR Budget - Environmental Fee Fund Appropriations \$84,383,048



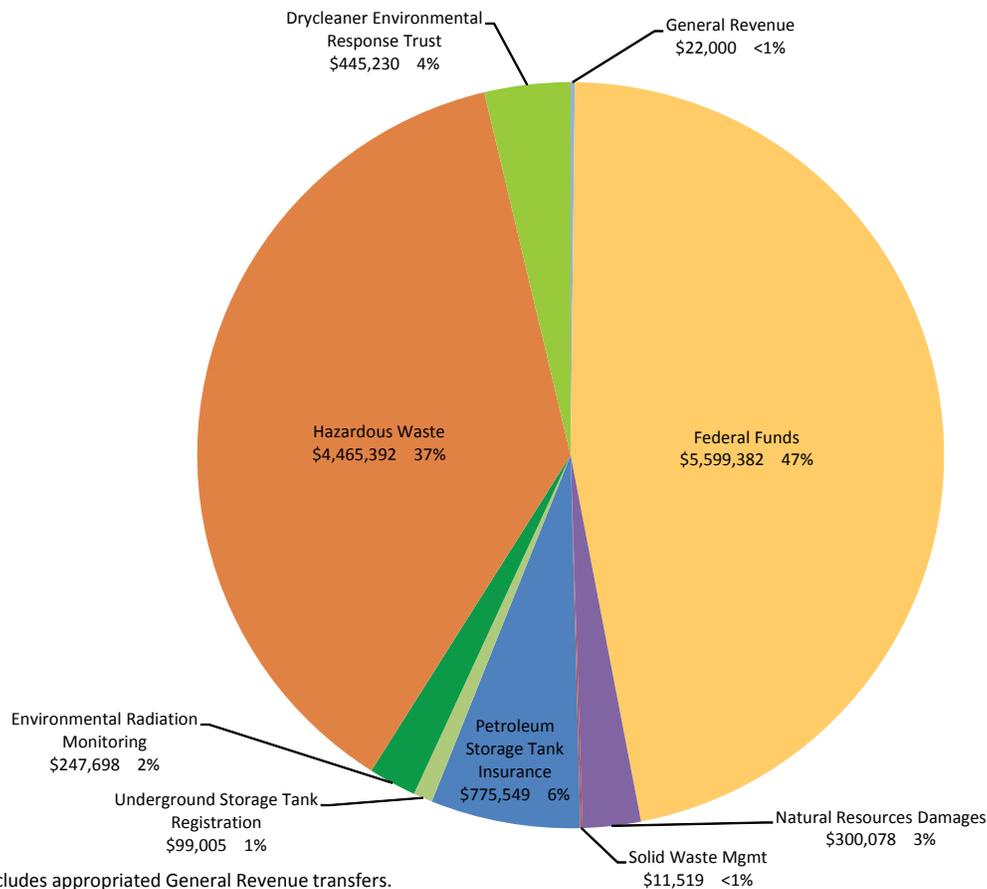
Fund	Amount
Petroleum Storage Tank Insurance Fund	\$23,042,675
Solid Waste Management	\$19,347,199
NRP-Water Permit	\$11,227,161
NRP-Damages	\$6,524,558
NRP-Air Permit	\$6,493,867
Hazardous Waste	\$5,170,277
Solid Waste Management-Scrap Tire	\$3,631,156
Drinking Water	\$3,433,290
Other Fees	\$2,855,266
MO Air Emission Reduction	\$1,476,575
Mined Land Reclamation	\$1,181,024

**FY 2015 DNR Hazardous Waste Program and Petroleum Related Activities Truly Agreed and Finally Passed Operating Budget (HB6)\*  
TOTAL: \$11,965,853**



\*Includes appropriated General Revenue transfers.

**FY 2015 DNR Hazardous Waste Program and Petroleum Related Activities  
Truly Agreed and Finally Passed Operating Budget (HB6)\* by Fund  
TOTAL: \$11,965,853**



## Brownfields/Voluntary Cleanup Program Certificates of Completion

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands. Through this program, private parties agree to clean up a contaminated site and are offered some protection from future state and federal enforcement action at the site in the form of a “no further action” letter or “Certificate of Completion” (COC) from the state.

The Brownfields/Voluntary Cleanup Program (BVCP) issued six COCs for various sites from July through September 2014. This brings the total number of COCs issued to 741.

### Midcon Cables Company – Joplin

The Midcon Cables Company site is located at 2500 Davis Boulevard in Joplin. Midcon Cables Company is an aerospace and defense contractor manufacturing electronic cable assemblies for military and commercial use.

Concentrations of trichloroethylene and tetrachloroethylene (PCE) were detected in groundwater at levels exceeding applicable target levels, but no excessive contamination was detected in soil. Pump and treat technology for groundwater remediation was approved. Pumping began in July of 1997, and continued for several years. After pump and treat activities ceased, groundwater monitoring continued for several more years until the plume was determined to be stable or shrinking. A risk assessment conducted in accordance with the Missouri Risk Based Corrective Action (MRBCA) guidance document showed that the domestic use of groundwater exposure pathway is incomplete, and the contaminant concentrations in groundwater were below applicable risk based target levels (RBTLs). The site will continue to operate as a cable manufacturing business. The department determined that the site is safe for its intended use.

### Gotham Apartments – St. Louis

The Gotham Apartments site is located at 5901 Delmar in Saint Louis. This property consists of a vacant lot. A phase I environmental site assessment (ESA) indicated that the site historically contained a gas station and auto repair facility and that existing underground storage tanks (USTs) were removed in 2004, prior to enrollment in the BVCP.

Phase I and II ESAs indicated excessive lead and polycyclic aromatic hydrocarbons (PAHs) in soil located in the former UST pit, and PCE was detected in site groundwater at levels exceeding the MRBCA default target levels (DTLs). The phase II ESA did not indicate the presence of contamination associated with the former USTs. Additional groundwater investigation failed to yield measurable groundwater at the site, so the previous PCE detection was determined not to be a risk. Contaminated soil was excavated from the former UST pit and confirmation sampling indicated that the levels of lead and PAHs remaining met the appropriate RBTLs. The department determined that the site is safe for its intended use. The site will be developed into a multi-story building with a mix of residential and retail/commercial use.

### Braymer Rail Yard - Braymer

The Braymer Rail Yard site is located southeast of Harris Street and Petree Avenue in Braymer. This site is part of a larger area consisting of a rail corridor. The portion of the rail yard that was admitted to the BVCP is an elongated tract of land bounded by various properties including commercial, residential, vacant agricultural land and industrial facilities. In addition, various agricultural industries have been developed around the rail yard. Since 1918, various structures have been built and removed for the storage of water, oil, fertilizer, grain and livestock on or near the rail yard.

From 2010 to 2014, an environmental investigation was conducted at the rail yard to determine the presence and extent of contamination associated with the operation of a railroad yard. Soil samples were collected at multiple intervals within each boring and were analyzed for Resource Conservation and Recovery Act 8 metals, volatile organic compounds (VOCs), Total Petroleum hydrocarbons (TPHs)-Gasoline Range Organics (GRO), TPH-Diesel Range Organics (DRO), semi-volatile organic compounds (SVOCs), nitrogen and Ammonia. Organic parameters that were detected in the soil samples did not exceed the MRBCA DTLs. However, concentrations of arsenic, lead and ammonia were detected in concentrations above DTLs, but below background soil concentrations. Because the rail yard does not exceed background soil concentrations or residential use RBTLs, the rail yard meets the requirements for unrestricted use. The department determined that the site is safe for its intended use.

### **Chesterfield Auto Repair (Former) - Chesterfield**

The Chesterfield Auto Repair (Former) site is located at 18331, 18333 and 18335 Chesterfield Airport Road in Chesterfield. This 16-acre site is located in a mixed-use area of Chesterfield, has been developed since at least 1913, and is currently unoccupied. Its most recent occupant was an auto repair facility and prior uses include a service station and residences. Petroleum contamination was found in the soil and groundwater near a former fuel pump. Lead was found in the surficial soil behind the building in the area of an aboveground storage tank (AST) suspected to store used oil.

The original petroleum-contaminated soil was excavated and disposed during installation of a culvert at the property. Lead-impacted soil north of the building was excavated and disposed, and a used oil storage tank found under the service area was excavated and disposed. Confirmation soil samples showed no impact to the soil in the tank pit. The department determined that the site is safe for its intended use.

### **Canadian Pacific - Liberty Yard (Tract 1) - Liberty**

The Canadian Pacific - Liberty Yard (Tract 1) - Liberty site is located at 421 Suddarth Street in Liberty. The Canadian Pacific Railroad corridor consists of one maintenance office structure that has historically been used as a passenger depot. The corridor is currently used for railroad maintenance operations. An office building, two main railroad lines, five interior spurs and one western spur are located within the site. The office building was built in the 1960s, replacing the original depot built in 1932.

Four soil borings and one groundwater monitoring well were placed in an area thought to have once contained USTs. No petroleum contamination was found. Minor amounts of arsenic, below background level, were found in the soil and minor amounts, below the residential target level, were found in the groundwater. The domestic use of groundwater pathway is incomplete for the site. The department determined that the site is safe for its intended use.

### **ONDR Packaging - St. Louis**

The ONDR Packaging site is located at 5101 Farlin Street in St. Louis. This site has been developed since approximately 1943, and consists of a three-story building with a basement and boiler room, in addition to an outside loading dock and former outdoor transformer yard. Previous businesses included various manufacturing companies. The site is currently vacant.

Widespread polychlorinated biphenyl (PCB) contamination was confirmed, both inside the building and in the former transformer yard. Excessive metals contamination was present in on-site soils. ASTs in a subsurface vault contained phenols and cresols from former wire coating activities. The subsurface vault and a sump area in the basement were partially flooded with water and sediment, and likely contaminated with PCBs. Finally, asbestos and lead-based paint (LBP) were present inside the building, along with various drums of unknown materials.

Four 15,000 gallon ASTs, containing wastewater and residual solvents, were present in an underground vault north of the building. Several sumps filled with debris and water were observed in the building's basement. No other chemicals of concern were detected in soil or groundwater at levels that exceeded the MRBCA DTLs.

The four ASTs were removed and properly disposed; wastewater from the AST vault and basement sumps was properly disposed; and the vault and sumps were filled in place with gravel. The ACM and drums of unknown material were removed from the building. LBP and PCBs in the building were encapsulated. PCB-contaminated soils in the transformer yard were capped in-place with asphalt. A site management plan was approved by both the BVCP and the EPA to prevent exposure to the encapsulated LBP and PCBs. The department determined that the site is safe for its intended use. The site will be utilized as warehouse space.



### New Brownfields/Voluntary Cleanup Section Chief

On September 22, 2014, Scott Huckstep was named as the new Chief of the Hazardous Waste Program's Brownfields/Voluntary Cleanup Section. Scott began his career with the department in 1997, and has worked in the Brownfields/Voluntary Cleanup Section as a project manager and unit chief since 1999. Scott earned a Bachelor of Science degree in Biological Sciences and a minor in Chemistry from Quincy (IL) University and a Master of Science degree in Fisheries and Wildlife Sciences from the University of Missouri-Columbia.

Sites in Brownfields/Voluntary Cleanup Program

Month	Active	Completed	Total
July 2014	236	736	972
August 2014	233	740	973
September 2014	233	741	974

**New Sites Received: 7**

**July**

South Avenue Water Tower Site, Springfield  
 Express Valet Cleaners, St. Louis  
 Commerce Tower, Kansas City  
 ARTCO South Terminal, St. Louis

**August**

Valley Cleaners Shopping Center, Chesterfield

**September**

Century Foundry, St. Louis  
 TEPCCO Cape Girardeau -  
 Gravimeter Release, Scott City

**Sites Closed: 6**

**July**

Midcon Cables Co., Joplin

**August**

Gotham Apartments, St. Louis  
 Braymer Rail Yard, Braymer  
 Chesterfield Auto Repair (former), Chesterfield  
 Canadian Pacific - Liberty Yard - Tract 1, Liberty

**September**

ONDR Packaging, St. Louis

**Drycleaning Environmental Response Trust Fund**

The Department of Natural Resources’ Drycleaning Environmental Response Trust (DERT) Fund provides funding for the investigation, assessment and cleanup of releases of chlorinated solvents from drycleaning facilities. The two main sources of revenue for the fund are the drycleaning facility annual registration surcharge and the quarterly solvent surcharge.

**Registrations**

The registration surcharges are due by April 1 of each calendar year for solvent used during the previous calendar year. The solvent surcharges are due 30 days after each quarterly reporting period.

<b>Calendar Year 2014</b>	<b>Active Drycleaning Facilities</b>	<b>Facilities Paid</b>	<b>Facilities in Compliance</b>
January - March 2014	147	76	51.70%
April - June 2014	147	125	85.03%
July - September 2014	147	130	88.44%

<b>Calendar Year 2014</b>	<b>Active Solvent Suppliers</b>	<b>Suppliers Paid</b>	<b>Suppliers in Compliance</b>
January - March 2014	11	11	100.00%
April - June 2014	11	11	100.00%
July - September 2014	11	7	63.64%

**Cleanup Oversight**

<b>Calendar Year 2014</b>	<b>Active Sites</b>	<b>Completed Sites</b>	<b>Total</b>
January - March 2014	21	15	36
April - June 2014	21	15	36
July - September 2014	21	15	36

**New Sites Received: 0**

**Sites Closed: 0**

### Reimbursement Claims

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

Month	Received	Under Review	Paid/Processed
July	0	3	1
August	0	1	0
September	2	1	1

Month	Received	Under Review	Paid/Processed
July	\$0.00	\$279,714.62	\$79,947.30
August	\$0.00	\$18,748.27	\$0.00
September	\$26,585.80	\$18,748.27	\$18,304.27

### Reimbursement Claims Processed

Site Name	Location	Paid
Tri-State Service Company-East Trafficway Site	Springfield	\$79,947.30
U.S. Cleaners (Lindbergh Blvd.)	St. Louis	\$18,304.27

Total reimbursements as of Sept. 30, 2014: \$2,665,906.80

DERT Fund Balance as of Sept. 30, 2014: \$403,065.03

## Hazardous Waste Recycling: Fuel Burning in Missouri

As mentioned in a previous report article, 328,500 tons of hazardous waste was managed in Missouri during 2011. Reducing, reusing and recycling hazardous waste can protect your health and the environment, conserve our natural resources, provide economic benefits and reduce our reliance on raw materials and energy. Hazardous waste can be recycled in numerous ways, such as energy recovery, solvent recovery, metals recovery and fuel blending. This article is an in-depth look at energy recovery from hazardous waste derived fuels.

Missouri has five, above average-sized, cement manufacturing facilities: LaFarge (Sugar Creek); Continental Cement Co. (Hannibal); River Cement Co. (Festus); Buzzi Unicem USA (Cape Girardeau) and Holcim (US) Inc./ Geocycle LLC (Ste. Genevieve). These facilities use kilns, a long cylindrical brick-lined furnace, to produce clinker, which is ground and mixed with gypsum to make Portland cement. The manufacturing of cement is a very energy-intensive operation. Raw material, such as limestone, fireclay and shale, are crushed and ground in to a fine dust. Depending on the facility's process, the material is then either mixed with water or left in dry powder form, fed into the kiln and heated to the point to start the chemical reaction that makes clinker. The kiln needs to maintain an extreme temperature of  $\geq 2500^{\circ}\text{F}$ , the melting point of steel, for the chemical reaction to occur. A medium-sized rotary cement kiln can use over 300 million Btu per hour. That is enough energy to power more than eight homes for an entire year.



Cement Manufacturing Plant in Hannibal



This is an illustration showing the reach for hazardous waste derived fuel used by the two cement plants in Missouri: Continental Cement to the North; and Buzzi Unicem to the south.

### How Do Cement Facilities Heat Their Kilns?

More than 60 percent of the cement industry uses coal exclusively to produce the massive amount of energy needed to heat their kilns. Coal is able to produce an average of 11,330 Btu per pound. This means one average-sized cement kiln, operating 24 hours per day and 365 days per year, would use 115,975 tons of coal per year. That is enough coal to fill 32 Olympic-sized swimming pools every year.

Two Missouri facilities, Buzzi Unicem and Continental Cement, reduced their dependence on coal by over 50 percent by supplementing their fuel needs with hazardous waste-derived fuels. Most hazardous wastes used for fuel are

liquids, such as “spent” solvents. These include drycleaning fluids and paint thinner, unused paints and inks, off-specification product, coal tar and refinery wastes. “Spent” means that the solvents have been cleaned and reused to the point they are no longer usable. The liquid hazardous wastes are blended with other compatible hazardous waste to achieve desired fuel characteristics such as Btu value and metals and chlorine content. Hazardous waste-derived fuels have heating values greater than 5,000 Btu.

For hazardous waste-derived fuel to replace coal, it must be able to offset the required heating value. The average Btu value of the blended hazardous waste-derived fuel used in these cement kilns is 10,500 Btu per pound. If coal produces an average of 11,330 Btu per pound, it takes about 1.08 pounds

of hazardous waste-derived fuel to offset one pound of coal. This is a large amount of spent, hazardous material that must be received by these two facilities in order to offset 50 percent of their coal usage. In 2013, the two facilities recycled 176,875 tons of hazardous waste-derived fuel for energy: Buzzi Unicem recycled 103,026 tons and Continental Cement recycled 73,849 tons.

### Why Burn Hazardous Waste as Fuel?

Conserves our Natural Resources: Coal is a fossil fuel, a natural fuel formed from the remains of dead plants and animals. Fossil fuels are a renewable resource, since they are continually being formed as plants and animals die, decompose and become trapped beneath sediment. However, fossil fuels are generally considered to be non-renewable resources because they take millions of years to form, and known viable reserves are being depleted much faster than new ones are being made. Using hazardous waste-derived fuel in place of coal saves the non-sustainable fossil fuel resources.

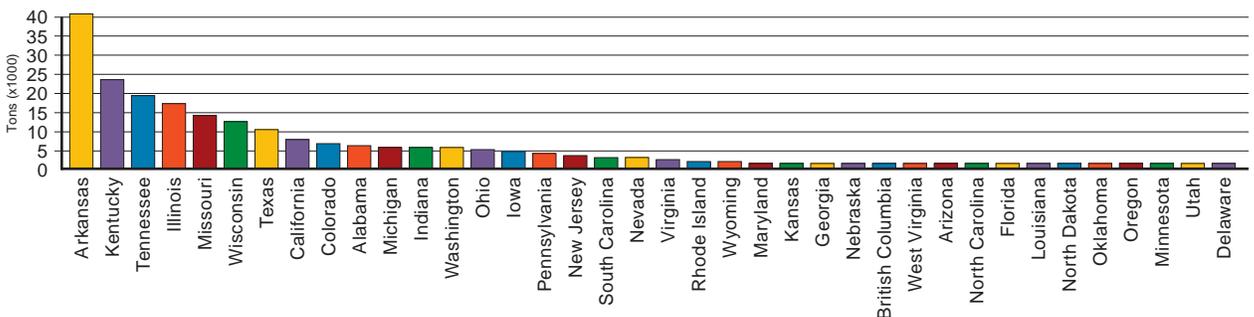
Reduces Greenhouse Gas: Burning coal adds a significant amount of carbon dioxide to the atmosphere, which is a greenhouse gas. Greenhouse gases warm the earth's surface and contribute to global warming. Carbon (C) is the main component of coal, and the principal source of its heating value. Carbon dioxide (CO<sub>2</sub>) forms when one atom of carbon (C) unites with two atoms of oxygen (O) from the air during the coal burning process. One pound of carbon combines with 2.667 pounds of oxygen to produce 3.667 pounds of CO<sub>2</sub>. Typical coal that produces 11,330 Btu per pound is made up of 78% carbon. This means one average-sized cement kiln, operating 24 hours per day and 365 days per year, would create 331,719 tons of CO<sub>2</sub> per year. This is why the cement production industry accounts for 5 percent of the world's contribution to the greenhouse gas CO<sub>2</sub>.

Hazardous waste-derived fuels contain far less carbon than coal, with the average blended fuel containing between 45% and 59% carbon. With Buzzi Unicem and Continental Cement offsetting over 50 percent of their coal usage with hazardous waste derived fuel, the average CO<sub>2</sub> reduction per year is 131,143 tons of CO<sub>2</sub>.

Protects our Environment: Using hazardous waste-derived fuel in place of coal reduces the pollution caused by coal mining. Besides being disruptive to the environment, mining requires large amounts of energy. Recycling hazardous waste typically requires less energy and reduces the potential for air, surface water, groundwater and soil pollution associated with removing and processing new raw materials.

Once waste is determined to be hazardous, it must be treated or disposed at a permitted facility. Burning is often the only practical means of disposing spent solvents. If not used as hazardous waste-derived fuel, solvents and other hazardous waste would be incinerated or treated to meet land disposal restrictions and landfilled or deep well injected. Missouri receives hazardous wastes to use as fuel from all over the nation.

**This table shows the contributing states for the massive quantities of hazardous waste derived fuel utilized in Missouri.**



Missouri cement kilns that burn hazardous waste-derived fuel must follow the requirements of the Missouri Hazardous Waste Management Law. The Missouri Department of Natural Resources inspects each kiln multiple times a year, reviewing all aspects of hazardous waste analysis, storage and handling, personnel training and emergency preparedness. The inspectors also review the facility's operating record to make sure hazardous waste is being burned safely.

Recycling hazardous waste can protect your health and the environment, conserve our natural resources, provide economic benefits and reduce our reliance on raw materials and energy. Using hazardous waste derived fuel for energy saves non-sustainable fossil fuels, offsets the amount of CO<sub>2</sub> released to our atmosphere, reduces the pollution caused by coal mining and harnesses the energy from wastes throughout the nation that would otherwise be incinerated or treated to meet land disposal restrictions and landfilled or deep well injected. As long as the hazardous wastes are stored and handled properly, burning hazardous waste as a fuel protects human health and the environment.

### Regional Office Hazardous Waste Compliance Efforts

- Conducted 103 hazardous waste generator compliance inspections:
  - *16 at large quantity generators.*
  - *54 at small quantity generators.*
  - *25 at conditionally exempt small quantity generators.*
  - *One at E-waste recycling facilities.*
  - *One targeted re-inspection.*
- Conducted six compliance assistance visits at hazardous waste generators.
- Issued 30 letters of warning and three notices of violation requiring actions to correct violations cited during the 103 inspections conducted.
- Received and investigated a total of ten citizen concerns regarding hazardous waste generators.

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

**Regulation Changes:** Work on regulation changes continues. To comply with the Environmental Protection Agency Energy Policy Act requirements for USTs, the department will require all new UST systems installed after July 1, 2017, to be double-walled with improved monitoring. Regulation proposals will also include Missouri-specific improvements, along with any “new” federal regulation changes. Staff continues with outreach efforts and participation in meetings with the regulated community to assure they have ample opportunity to provide input on the proposed regulations.

**Tank Inspections:** State Fiscal Year 2015 contracted inspections are now in full swing. And as we have seen in previous years, Missouri owners, operators and contractors continue to demonstrate their proactive compliance by being responsive to issues when found, demonstrating a willingness to be a partner in ensuring all Missouri USTs are in compliance. The department is maintaining compliance with the EPA requirement of inspecting all regulated facilities at least every three years. The department must also demonstrate that all facilities are either in compliance or are moving to gain compliance. This goal is much easier to accomplish when owners, operators, contractors and regulators all work together.

**Financial Responsibility (FR):** Efforts continue to resolve violations with facilities that did not maintain a FR mechanism to address releases, and to protect third parties. Because of these efforts by the UST CTU staff and the Attorney General’s Office, the compliance rate of facilities with a verified financial responsibility mechanism continues to remain around 99 percent.

### Special Facilities Unit

**Commercial Facility Inspectors:** Special facilities inspectors conducted 12 inspections of commercial hazardous waste treatment/storage/disposal facilities (TSDs).

**Polychlorinated Biphenyl (PCB) Inspector:** The PCB inspector conducted 29 compliance inspections at various types of facilities throughout the state. The inspector’s reports are forwarded to the EPA Region 7, which has authority for taking any necessary enforcement action regarding PCBs according to the Toxic Substances Control Act.

**Hazardous Waste Transporters:** The inspector conducted 22 commercial vehicle inspections. One violation was cited and one commercial motor vehicle was put out of service.

As of Sept. 30, 2014, there were a total of 257 licensed hazardous waste, used oil and infectious waste transfer stations/truck terminals operated by hazardous waste transporters in Missouri.

## Hazardous Waste Enforcement Unit

### Enforcement Efforts

- Resolved five hazardous waste enforcement cases.
- Received 17 new enforcement cases.
- Sent one penalty negotiation offer letter.

### Custom Carriage Auto Body

Custom Carriage Auto Body is an auto body repair facility located in Berkeley. The facility operated as a hazardous waste treatment, storage and disposal (TSD) facility without a permit or prior authorization by storing hazardous wastes onsite for more than 180 days. The facility failed to determine if waste is hazardous; use a licensed hazardous waste transporter; use authorized hazardous waste TSD or resource recovery facilities; or update their Notification of Hazardous Waste Activity. Additionally, they failed to keep drums closed in storage; mark hazardous waste containers with the beginning accumulation date; inspect and maintain the facility weekly; perform daily inspections of areas subject to spills; or maintain placards onsite for transporters. Further violations included failure to take precautions to prevent accidental ignition of ignitable or reactive wastes, including confining smoking and open flame to specially designated locations and conspicuously placing “No Smoking” signs by ignitable or reactive wastes. Other issues included failure to review operation and maintenance procedures to minimize the potential of an emergency or a release into the environment; train employees to ensure that they are familiar with waste handling and emergency procedures; have communication devices in the hazardous waste storage areas capable of summoning emergency assistance; make arrangements with local emergency agencies; characterize its waste to determine if wastes are restricted from land disposal; and maintain three years of manifests.

As a result of the department’s actions, the facility began properly identifying and managing their hazardous waste. The facility developed, implemented and keeps a record of a much more extensive training program in hazardous waste management for employees.

The penalty is \$26,400, of which \$13,200 is suspended contingent on the facility not committing any repeat or high priority violations for two years following the effective date of the settlement agreement. The remaining penalty of \$13,200 shall be paid in 18 monthly payments to the St. Louis City School Fund.

### Fike Corporation

Fike Corporation is a fire suppression equipment manufacturing facility located in Blue Springs. The facility stored hazardous waste in satellite areas longer than one year and accumulated universal waste more than one year from the date it was generated or received from another facility. They also failed to update their notification of regulated waste activity; perform daily inspections of areas subject to spills, submit a contingency plan to local emergency agencies; or, obtain a valid resource recovery certification exemption for energy recovery or reclamation of hazardous waste. Further violations included a failure to demonstrate the length of time universal waste was accumulated from the date it became a waste or was received; store unbroken lamps in closed, non-leaking containers or packages that are structurally sound and adequate to prevent breakage; and ensure each lamp or lamp container or package was marked or labeled clearly as “Universal Waste Lamps” or “Waste Lamps” or “Used Lamps.”

As a result of the department’s actions, the facility began properly determining and managing their hazardous waste. The facility obtained a valid resource recovery certification exemption for energy recovery or reclamation of hazardous waste.

The penalty is \$8,400, of which \$2,100 is suspended contingent on the facility not committing any repeat or high priority violations for two years following the effective date of the settlement agreement. The remaining penalty of \$6,300 was paid in one payment to the Jackson County School Fund.

### **U-Pick-It**

U-Pick-It is a vehicle salvage yard located in Kansas City. The facility failed to ensure used oil was not disposed into the environment or causing a public nuisance. They also failed to notify the department or the solid waste district in which they operate of used oil collection activities.

As a result of enforcement actions, the used oil was cleaned up and properly disposed, and the company agreed to comply with the Missouri Hazardous Waste Management Law and Regulations.

The penalty is \$12,500, none of which is suspended and shall be paid to the Jackson County School Fund.

The actions taken by the companies above will result in protection of the environment and adjoining property and persons and safer working conditions for employees.

### **2014 Pesticide Collection Events**

The Missouri Department of Natural Resources Hazardous Waste Program and Environmental Services Program staff oversaw four Pesticide Collection Program events for calendar year 2014. Perryville was the location of the first event in May. Washington, Marshfield and Shelbina were locations for the last three events taking place in July, August and September respectively. The purpose of the collection events is to provide a free opportunity for Missouri households and farmers to dispose of their waste pesticides and herbicides. The collection event is funded by monies resulting from a plea agreement between Walmart and the Department of Justice's (DOJ's) Environmental and Natural Resources Division entered into in May 2013 for violations of the Federal Insecticide, Fungicide and Rodenticide Act in Missouri. The department's Hazardous Waste Program received \$ 3,000,000 from the DOJ to use for pesticide related activities.

A total of 129 vehicles dropped off 21,513 pounds of waste pesticides as listed on the waste manifest. Below is a summary of the waste collected at the events, as listed on the hazardous waste manifests:

- 15,754 pounds of Flammable Toxic Pesticides (liquid)
- 4,091 pounds of Toxic Pesticides (solids)
- 1,032 pounds of Toxic Pesticides (liquid)
- 404 pounds of Non-regulated Pesticides (solid)
- 232 pounds of various waste pesticides including aerosols, oxidizers and flammable organic solids

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

- 54 - informed through a newspaper article or advertisement
- 50 - informed through flyer
- 12 - informed through internet/word of mouth
- 10 - informed through radio
- 3 - informed via Extension newsletter

The Missouri Pesticide Collection Program Plan consists of two major goals. The first is to organize, set up and conduct pesticide collection events. The second is to develop an information/education program regarding responsible use and disposal of pesticides. Recently, the department's Pesticide Collection Program Coordinator has joined the School Integrated Pest Management Work Group under the direction

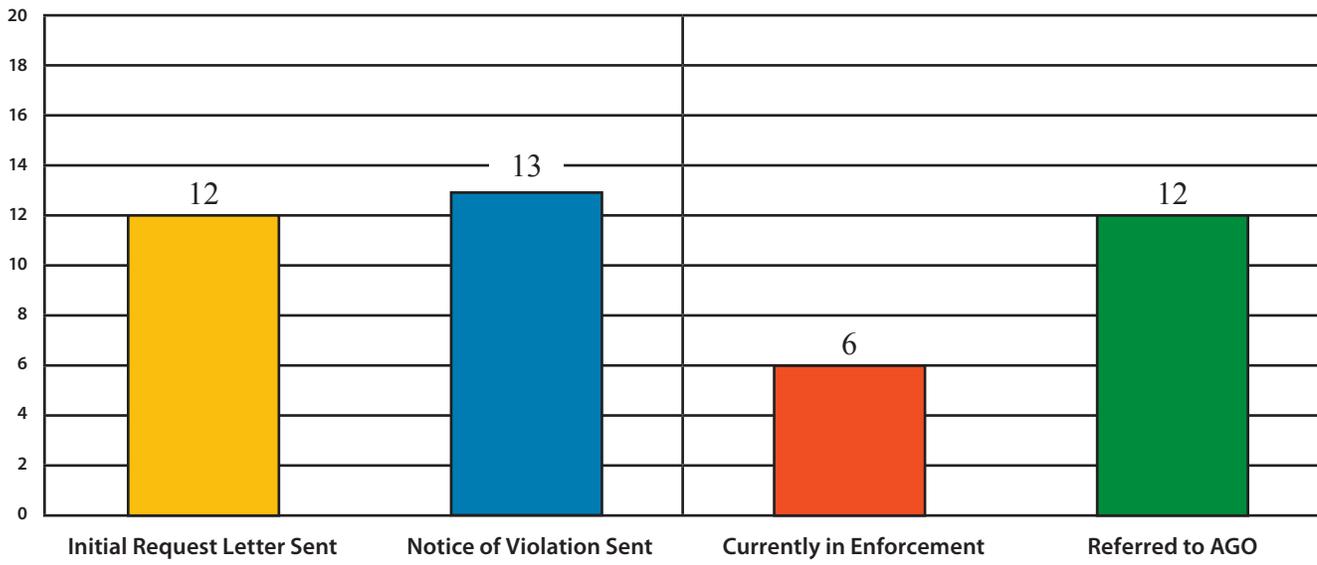
of the Missouri Department of Agriculture. Furthermore the Coordinator will be responsible for organizing and presenting material regarding safe disposal of pesticides during the 2015 Commercial Pesticide Applicator Training.

The Pesticide Collection Program is currently planning five pesticide collection events for calendar year 2015. One collection event will take place in every region of the state. An exclusive contract is being developed for the Pesticide Collection Program for all collection events held in 2015 and beyond.

## Underground Storage Tank Facilities with Unknown Financial Responsibility Status Report

Financial Responsibility Status	Number of Facilities
Initial Request Letter Sent	12
Notice of Violation Sent	13
Currently in Enforcement	6
Referred to Attorney General's Office	12
<b>Total Number of Facilities with Unknown Financial Responsibility</b>	<b>43</b>

## Number of Facilities in Each Financial Responsibility Step



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

### Overseeing the Remediation of a Petroleum Release

The Tanks Section's Risk-Based Corrective Action Unit is overseeing the remediation of a petroleum release located at 3853 Forest Park Avenue in St. Louis. This site operated as a fueling station and car wash from 1964 through February 2014. A total of six underground storage tanks (USTs) (5-10,000 gallon gasoline and 1-1,000 gallon waste oil) and two dispenser islands were removed from the property. The last tanks were removed in March 2014.

Sampling conducted after the removal of these tanks and dispensers revealed elevated levels of petroleum contamination in soil and groundwater. Therefore, extensive additional sampling was conducted at the site to determine the extent of the petroleum contamination.

The site is being redeveloped as an apartment complex. Prior to beginning construction, a corrective action plan was developed to manage the potential risk from the petroleum contamination remaining at the site. The corrective action plan, approved by the department in 2014, includes two parts. The first part of the plan includes installing a vapor barrier beneath the building to prevent vapors from contaminated soil and groundwater from entering the building. The second part of the plan places a restrictive covenant on the property deed ensuring the vapor barrier will be maintained and inspected in perpetuity.

The vapor barrier was installed between August and September of 2014. The apartment complex is expected to be complete by the end of 2015.



Aerial view (from Google Maps) of the Gas House Car Wash prior to site redevelopment.



Underground storage tanks being removed at the site.



Vapor barrier being installed on the footings of the apartment building.



KP Building

## Former Kwik Pantry #1 806 North Benton | Springfield, MO

Kwik Pantry was an operating “mom & pop” style convenience store utilizing three 10,000-gallon, steel, gasoline underground storage tanks (USTs). The facility opened in 1978, and operated until June 2008. The facility was located within two blocks of Drury University, Central High School and Springfield City Hall.

The property was purchased by the neighboring property owner, CU Community Credit Union, for an expansion of their building and business. The department issued a no further action letter on Aug. 29, 2008.



Tank Removal

In 2010, construction was completed on the new CU Community Credit Union Center City facility. According to the city building permit, the estimated cost of the expansion was \$1.3 million. According to the Springfield Business Journal, nearly 4,500 square feet was added to its existing 7,732-square-foot building, expanding the facility to the south. The lobby and drive-through teller lines were joined to create a better flow of traffic on site. A tower element was added to the new building, along with more parking and new signage.



Construction



Final

# Missouri Department of Natural Resources - Hazardous Waste Program

**Petroleum Storage  
Tanks Regulation  
June 2015**

<b>Staff Productivity</b>	<b>Jul-14</b>	<b>Aug-14</b>	<b>Sep-14</b>	<b>Oct-14</b>	<b>Nov-14</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Apr-15</b>	<b>May-15</b>	<b>Jun-15</b>	<b>TOTAL</b>
Documents received for review	162	188	212										562
Remediation documents processed	140	121	141										402
Closure reports processed	8	10	13										31
Closure notices approved	9	9	10										28
Tank installation notices received	7	5	5										17
New site registrations	3	5	1										9
<b>Facility Data</b>	<b>Jul-14</b>	<b>Aug-14</b>	<b>Sep-14</b>	<b>Oct-14</b>	<b>Nov-14</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Apr-15</b>	<b>May-15</b>	<b>Jun-15</b>	<b>TOTAL</b>
Total in use, out of use and closed USTs	40,756	40,773	40,789										
Total permanently closed USTs	31,676	31,703	31,777										
In use and out of use USTs	9,080	9,070	9,012										
Out of use USTs	739	746	709										
Total hazardous substance USTs	404	404	404										
Facilities with in use and out of use USTs	3,483	3,482	3,461										
Facilities with one or more tank in use	3,229	3,226	3,220										

**Closures**

<b>Underground Storage Tanks</b>	<b>Jul-14</b>	<b>Aug-14</b>	<b>Sep-14</b>	<b>Oct-14</b>	<b>Nov-14</b>	<b>Dec-14</b>	<b>Jan-15</b>	<b>Feb-15</b>	<b>Mar-15</b>	<b>Apr-15</b>	<b>May-15</b>	<b>Jun-15</b>	<b>TOTAL</b>	<b>All Yrs</b>
Closure Reports Reviewed	8	10	13										31	
Closure Notices Approved	9	9	10										28	
Number of Tanks Closed (Closure NFA)	14	17	34										65	

**Cleanup**

<b>Underground Storage Tanks</b>													<b>TOTAL</b>	<b>All Yrs</b>
UST release files opened this month	4	7	10										21	6,624
UST cleanups completed this month	8	6	15										29	5,759
Ongoing UST cleanups	865	866	863											
<b>Aboveground Storage Tanks</b>														
AST release files opened this month	2	0	0										2	469
AST cleanups completed this month	2	1	0										3	289
Ongoing AST cleanups	182	181	180											
<b>Both UST and AST</b>														
Total release files-both UST & AST	0	0	0										0	78
Cleanups completed-both UST & AST	0	0	0										0	49
Ongoing cleanups-both UST & AST	29	29	29											
<b>Unknown Source</b>														
Total release files-unknown source	0	1	0										1	227
Cleanups completed-unknown source	0	0	1										1	183
Ongoing cleanups-unknown source	20	21	19											
Documents Processed	140	121	141										402	
*Reopened Remediation Cases	0	0	0										0	78

*\* Reopened Remediation Cases was added Nov. 18, 2009 - the cumulative total has been queried and a running total will be tracked/reported with the FY 2010 Tanks Section Monthly Reports.*

*Effective December 2008 tanks with unknown substance will be included in total figures. Some measures are re-calculated each month for all previous months to reflect items added or edited after the end of the previous reporting period.*

**Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item # 10**

**Legal Update**

**Issue:**

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

**Information:**

Information Only

**Presented by:**

Ms. Kara Valentine, Office of the Attorney General

**Missouri Hazardous Waste Management Commission Meeting**

**February 19, 2015**

**Agenda Item # 11**

**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**

**February 19, 2015**

**Agenda Item # 12**

**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**

**February 19, 2015**

**Agenda Item # 13**

**Future Meetings**

**Information:**

**Meeting Dates:**

Date	Time	Location
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
Thursday, February 18, 2016	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