

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
June 18, 2015; 10:00 A.M.
1730 E. Elm Street
Roaring River Conference Room
Jefferson City, MO 65102

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

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

COMMISSIONERS PRESENT IN PERSON

Commissioner Charles (Eddie) Adams
Commissioner Mark Jordan

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

COMMISSIONERS PRESENT BY PHONE

Commissioner Elizabeth Aull
Commissioner Michael Foresman
Commissioner Andrew Bracker

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

1. PLEDGE OF ALLEGIANCE

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

2. APPROVAL OF MINUTES

Vice-Chairman Aull suggested a change to page 4, paragraph 5, line 4, to change the word "Medicaid" to "Medicare." The change was made to the official copy of the minutes.

Commissioner Bracker made a motion to accept the Minutes with the suggested change. Commissioner Foresman seconded the motion.

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

3. PUBLIC HEARING – “NO STRICTER THAN” RULEMAKING

Chairman Adams began the Public Hearing by reading an opening statement:

I hereby call this public hearing to order. A public hearing is not typically a forum for debate of the issues. Rather, the purpose of this hearing is to provide the Department of Natural Resources and the public an opportunity to present testimony on the proposed changes to Chapters 3, 4, 5 and 7 of 10 CSR 25, that need to be amended to be consistent with the requirements of Section 260.373.

At the request of the Commission, the Department will first present testimony on the proposed amendments. Following their testimony, the public will be given the opportunity to comment on the proposed rulemaking. A sign-up sheet is provided at the back of the room for anyone in attendance at the hearing, in addition to comment forms for those who wish to make any oral comments. Please fill out a comment form if you wish to be heard. This will aid us in recognizing speakers and calling them to testify. Additionally, we ask anyone who approaches the Commission to testify to please state their name and affiliation, if any, for the record and provide a business card, if available, to the court reporter and to the commission secretary.

Written comments will also be accepted at this hearing. Please provide them to the Hazardous Waste Program’s Director, David Lamb. Following the conclusion of the hearing, comments may be submitted by mail to the Director of the Hazardous Waste Program, P.O. Box 176, Jefferson City, Missouri 65102. Comments submitted by mail must be postmarked on or before the end of the public comment period, on June 25, 2015.

Mr. Tim Eiken, Director’s Office, was sworn in and gave a PowerPoint presentation providing the Department’s testimony on the proposed rule changes. Following Mr. Eikens’ testimony, Mr. David Shanks, of Boeing, and Mr. Kevin Perry of REGFORM, were each sworn in and provided testimony/comments on the proposed rule. After determining that there was no one else wishing to provide comments/testimony, Chairman Adams called the Public Hearing closed at 11:43 a.m. A copy of the transcript of the Public Hearing may be found at: <http://dnr.mo.gov/env/hwp/commission/docs/2015/20150618-transcript.pdf>. A hard copy of the hearing transcript is attached to these minutes.

11:43 a.m. Chairman Adams called for a short recess.

11:51 a.m. Chairman Adams called the meeting back to order.

4. RULEMAKING UPDATE

Mr. Tim Eiken, Directors Office, addressed the Commission and began with noting that most of the rulemaking activity had already been covered. He advised the Commission that the Generator Fee Amendment rule had been filed with the Secretary of State’s Office on Monday, meeting the June 15th deadline and remaining on schedule. He stated that the public hearing on that rule would occur at the August 20th meeting and that there would also be a

decision item on the “No Stricter Than” rulemaking at the August meeting as well. He noted that there would be a decision item on the Generator Fee Amendment” at the October meeting.

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

5. UNDERGROUND STORAGE TANKS OPERATIONAL RULES UPDATE

Ms. Heather Peters, Compliance and Enforcement Section, addressed the Commission and provided a PowerPoint presentation on the Underground Storage Tanks Operational Rules Update. Ms. Peters first noted that all the information presented was available on the webpage located at: <http://dnr.mo.gov/env/hwp/ustchanges.htm>. Ms. Peters went on to describe the necessity for the changes, which included EPA promulgating new regulations, the need for State Program approval, the impacts to our EPA federal grant funding, and the state specific requirements. She noted that the federal changes would regulate new UST systems, including field constructed (concrete) tanks, airport hydrant (fueling) systems, and potentially, wastewater treatment tanks. She advised that it also included the new “secondary containment” requirements. Ms. Peters went on to note that these changes included new testing requirements for spill and overflow prevention equipment, release detection equipment (tanks and piping) and containment sumps; release detection method changes; and walk-through inspections.

Ms. Peters went on to explain that secondary containment covered double-walled tanks, double-walled piping, containment sumps, monitoring between the walls of the tanks, monitoring containment sumps and testing containment sumps. She advised that the state implementation of secondary containment was for new tanks or piping installed after July 1, 2017, and that old tanks were ‘grandfathered’ in and old sumps were ‘grandfathered’ in.

She noted that the new state changes being considered would cover the areas of UST installation, the continued use of old tanks, the repairing of UST systems, and new technology.

Ms. Peters advised the Commission that she would be giving a presentation at the Missouri Waste Control Coalition Conference scheduled for July 14, 2015, and would be providing this information to stakeholders and the regulated community during the conference.

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-REPORTING UPDATE

Mr. David Green, Budget & Planning Section, addressed the Commission and provided an update on the development of the Department’s E-Reporting system. He noted that information had been provided at the previous meeting and that the system had been

undergoing testing in the interim. He noted that testing had only found a couple of minor issues that had been resolved quickly and that the system was scheduled to go live on July 1, 2015. He advised that a large mailing was scheduled to go out that week to the registered generators, outlining the new system and how to use it.

No other questions were posed by the Commission. This was provided as information for consideration by the Commission, who will vote on the proposal at a subsequent meeting.

7. LEGAL UPDATE

Ms. Kara Valentine, Commission Counsel, addressed the Commission and noted that she had nothing new to report at this time.

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

8. 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.

9. OTHER BUSINESS

Mr. David J. Lamb, Director, HWP, addressed the Commission, and advised the Commission he had a couple of updates to the legislative and budget presentation he had provided to them at the previous meeting. He noted that with regards to the budget, the Department had received the appropriation authority it needed for its operating budget for the next year. He advised that two items that had gone to conference were resolved by going with the Governors recommendation. These items included a new decision item for the state's Superfund cost share and an attempt to move the appropriation for all state agency's out of state travel, to the Office of Administration. He noted that legislature had decided to concur with the \$939,176 general revenue appropriation recommended by the Governor for the Superfund costs share and to allow state agencies to retain the appropriations for their out of state travel. He advised that this was good news for our agency and that the Department appeared to be in good shape with the appropriations granted.

Mr. Lamb went on to advise that on the legislative side, there was one bill passed that related to hazardous waste. HB92, which turned in to a DNR omnibus bill. He noted that it started out as a "waters of the state" bill, but additional amendments were added addressing oil and gas development, solid waste management districts, sulfur dioxide monitoring, clean water policy, and affordability provisions as related to water and permit appeals procedures.

Mr. Lamb advised that the permit appeals process was the one that related to hazardous waste law. He noted that the bill clarified the process on appeals; explaining that under the

provisions of the bill, an appeal would first be heard by the Administrative Hearing Commission. If their decision was appealed, it would be sent to the Commission affected and they would make a final decision. He advised that if that decision was appealed it would be sent to the Appellate Court instead of the Circuit Court. He noted that the clarifications made changes to the hazardous waste, air and water laws to make the language consistent.

Mr. Lamb then went on to discuss issues regarding program funding, noting concerns about anticipated reductions to several of the program's grants. He advised that the EPA had changed the allocation formula on the RCRA grant. He stated that EPA Region VII had informed the Department that the reallocation would result in a reduction of approximately \$850,000 a year. He noted that this was a significant amount, equating to a 30 percent grant reduction that would be phased in over five years. He noted the program would have to be looking at streamlining, possibly holding positions, and other ways to address the shortfall. He noted that the Department would be initiating discussions with EPA to see what we can do to reverse some of the reductions.

Mr. Lamb advised that the reductions were a common theme across the grants, that the two UST grants had taken reductions; the Corrective Action grant had taken a 5 percent reduction, equaling approximately \$46,000; and the Preventative grant had taken an 8 percent reduction, equaling approximately \$41,000. He noted that last year's reduction to the Preventative grant had required the program to transfer a staff member to a different position and to leave the position vacant. He advised that with cuts again this year that the program would have to further streamline the activities of that unit and look at some other short term funding shifts to cover the unit's activities. He noted that the cuts were affecting the group's ability to do the work needed. He did note that there were only minor cuts to the Brownfields grants.

Mr. Lamb then advised the Commissioners that he had better news regarding the pesticide collection efforts, noting that the first event this year had been held on May 30th, in Portageville, Mo. He stated that this event had been the most successful to date, and that there had been 37 participants who had brought in over 29,000 pounds of pesticides for disposal. He noted that the next highest collection had been 25,000 pounds last year. He stated that this was a good start and that there were four other events scheduled this year; an event in Mount Vernon was scheduled for June 20th, an event in Higginsville was scheduled for July 18th, an event in Owensville was scheduled for August 15th, and one was scheduled in Kirksville for September 19th.

Mr. Lamb ended his presentation by advising the Commission that staff would be attending the Missouri Waste Control Coalition conference, which was scheduled to be held on July 12-14, at TanTarA Resort at the Lake of the Ozarks. He noted that the Brownfields Conference was being held in conjunction with the conference which would allow for more participation. He advised that Brownfield's staff conference would provide three sessions the first day, and noted that details on available resources and a presentation on Long Term Stewardship were on the agenda. He also advised that Tanks staff would be holding a number of sessions the second day and there would be information on free product recovery and the new tanks rules, included in the presentations.

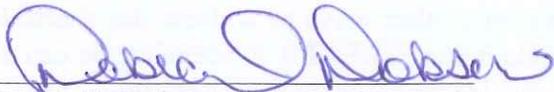
No other questions/comments were posed by the Commission. This was provided as information only and required no action on the part of the Commission.

14. FUTURE MEETINGS

The next regular meeting of the Hazardous Waste Management Commission will be held on Thursday, August 20, 2015, at the 1730 E. Elm Street Conference Center.

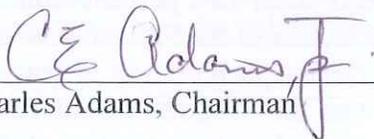
Chairman Adams adjourned the meeting at 12:15 p.m.

Respectfully Submitted,



Debra D. Dobson, Commission Assistant

APPROVED



Charles Adams, Chairman

Date 20 Aug 15