

1 BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES  
HAZARDOUS WASTE MANAGEMENT COMMISSION

2 STAFF, COMMISSIONERS & ACRONYMS

3

4 PUBLIC HEARING

5

6 June 18, 2015

7 1730 E Elm Street

Jefferson City, MO 65101

8

9 Before:

10 David Lamb - Director

Tim Eiken - Rule Coordinator

11 Kara Valentine - Commission Counsel

Charles Adams - Chair

12 Elizabeth Aull - Vice Chair (via phone)

Michael Foresman - Commissioner (via phone)

13 Mark Jordan - Commissioner

Andrew Bracker - Commissioner

14

15 THE COURT REPORTER:

16 Jenna Petree

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1 PROCEEDINGS

2 MR. ADAMS: At this point we begin our public  
3 hearing. At this point I hereby call this public hearing  
4 to order. The public hearing is not typically a forum for  
5 the debate of the issue. Rather, the purpose of this  
6 hearing is to provide the Department of Natural Resources  
7 and the public an opportunity to present testimony on the  
8 proposed changes to Chapters 3, 4, 5 and 7 of 10 CSR 25  
9 that need to be amended to be consistent with requirements  
10 of Section 260.373.

11 At the request of the Commission, the  
12 Department will first present testimony on the proposed  
13 amendments. Following their testimony, the public will be  
14 given an opportunity to comment on the proposed  
15 rule-making. A sign-up sheet is provided in the back of  
16 the room for anyone in attendance at the hearing. In  
17 addition, a comment form for those who wish to make any  
18 oral comments. Please fill out a comment form if you wish  
19 to be heard. This will aide us in recognizing speakers and  
20 calling them to testify. Additionally, we ask anyone who  
21 approaches the Commission to testify to please state their  
22 name and affiliation, if any, for the record and provide a  
23 business card if available to the court reporter and to the  
24 Commission's secretary. Written comments will also be  
25 accepted at this hearing. Please provide them to the

1 Hazardous Waste Program Director, David Lamb.

2                   Following the conclusion of the hearing,  
3 comments may be submitted by mail to the director of the  
4 Hazardous Waste Program, P.O. Box 176, Jefferson City,  
5 Missouri 65102. Comments submitted by mail must be  
6 postmarked on or before the end of the public comment  
7 period on June 25, 2015. At this point we will begin the  
8 hearing with Mr. Tim Eiken.

9 TIM EIKEN, having been first duly sworn, testifies as  
10 follows:

11                   MR. EIKEN: Good morning, Commissioner. My  
12 name is Tim Eiken. I am the rule coordinator for the  
13 Hazardous Waste Program. I am here to present the  
14 Department's testimony on these amendments to the Hazardous  
15 Waste rules, Title 10, Division 25 in your Code of State  
16 Regulations. I do want to apologize in advance for the  
17 length of our testimony. We do have quite a bit of  
18 information to present. We have quite a bit of length of  
19 rules to go over. So that's the reason for the length of  
20 our testimony. We do have a lot of material to cover. So  
21 I just kind of wanted to make that statement in advance.

22                   Background, first of all under the structure  
23 of my presentation I am going to give you some background  
24 information. First of all on why we are changing what we  
25 are proposing to change and then follow that up with some

1 more detailed information on what exactly those changes  
2 are. Background: why are we changing these rules?  
3 Primarily we are here -- the amendments that we are  
4 proposing are related to what we commonly call the "No  
5 Stricter Than" statute of Missouri Hazardous Waste Law.  
6 It's Section 260.373 RSMo that was passed in 2012 by the  
7 General Assembly. Essentially that legislation required us  
8 to identify rules in our Missouri Hazardous Waste  
9 Regulations that are stricter than federal regulations in  
10 certain subject areas. And to identify those that are  
11 inconsistent with the federal rules and to take measures to  
12 eliminate those from the state regulations by December 31  
13 of this year. If we don't do that they will be  
14 unenforceable at that point in anyway.

15           Primarily, again, most of the No Stricter Than  
16 is first and most primary reason for why we are proposing  
17 to amends these rules. That statute applies to Chapter 3,  
18 4, 5, and 7 of our regulations. We do have some other  
19 rules included in this proposal. Some of those other rules  
20 are affected by the changes that we are making to the No  
21 Stricter Than chapters. They have references to citations,  
22 they use the same definitions, and those type of issues.  
23 So we do have to change some of the other rules outside of  
24 those chapters as a result of No Stricter Than just because  
25 of the connection between the two. And also in going

1 through all of our rules, as a result of the No Stricter  
2 Than process, we just kind took a look at all of our rules  
3 including those chapters that were not directly affected by  
4 the statute and we found some areas where we identified  
5 changes that needed to be made consistent with the changes  
6 that we were making in response to the No Stricter Than.  
7 Essentially outdated rules and duplicative rules that we  
8 didn't feel continued to be in the Missouri rule. So we  
9 are proposing to get rid of rules in other chapters outside  
10 of the No Stricter Than chapters just to be consistent with  
11 kind of the same purposes. Eliminating state regulations  
12 that no longer are needed.

13 The next purpose for this rule-making is  
14 Missouri rules incorporate by reference, what we call the  
15 Code of Federal Regulations, or the CFR is abbreviation for  
16 that, to July 1, 2013. Currently we incorporate by  
17 reference the July 1, 2010 edition. So what we are  
18 proposing to do is update three years worth of federal  
19 rules. In addition to those three years worth of rules, we  
20 identified two federal rules that were published subsequent  
21 to July 1, 2013 and therefore they are not in that specific  
22 edition of the CFR. But nevertheless, we wanted to go  
23 ahead and add them to the Missouri regulations at this  
24 time. Those two rules will provide some more information  
25 about later, but that's the solvent wipes rule and the

1 electronic manifest rule. We have 12 of our 14 rule do  
2 incorporate by reference the CFR, so they are affected by  
3 this particular provision where we just need to update the  
4 incorporation.

5 Here you see a list of the rules that are  
6 directly affected by the No Stricter Than statute. The  
7 statute specifies Missouri rules to identify Missouri rules  
8 in these subject areas that are inconsistent with federal  
9 because they require something that the federal regulations  
10 don't require. The four chapters you'll see listed there:  
11 Definitions, Identification of hazardous waste, hazardous  
12 waste generators, and hazardous waste treatment storage and  
13 disposal facilities or TSD's. That rule actually has -- or  
14 that chapter actually has multiple rules in it. But when  
15 we say affecting certain subject areas, the No Stricter  
16 Than statute affecting certain subject areas; those are the  
17 four subject areas that are directly affected.

18 The other chapters in our rules that are not  
19 directly affected, but are indirectly affected because of  
20 the cross citation and using the same definitions; those  
21 type of issues are listed here: transporters, resource  
22 recovery, used oil, and universal waste. Each of those  
23 rules has its own chapter.

24 The rules affected by our incorporation by the  
25 CFR, as I mentioned 12 rules total. All rules in Chapters

1 3, 4, 5, and 7, as well transporters, used oil,  
2 polychlorinated biphenyls, which is PCB, is Chapter 13; and  
3 then the Universal Waste Rule in Chapter 16. We have one  
4 rule in this package that's a little bit different than the  
5 others, our public participation rule. It's a little bit  
6 different in that it does not incorporate the Code of  
7 Federal Regulations by reference. It's instead of  
8 incorporating by reference, it's a standalone rule where we  
9 took the federal rule in 40 CFR Part 124 and essentially  
10 took all of the necessary required elements of that rule,  
11 wrote those same requirements for the Missouri rule so that  
12 we could make it a standalone rule rather than  
13 incorporating the federal rule by reference. We did it  
14 that way because there is some Missouri unique and Missouri  
15 specific provisions that we wanted to incorporate. So in  
16 this particular rule-making, what we are doing there is  
17 adding a reference to the 2010 -- or excuse me -- removing  
18 a reference to the 2010 CFR since we don't incorporate by  
19 reference we don't need to have a specific date. It just  
20 creates confusion. People think we are incorporating the  
21 federal rule by reference when we are really not. And we  
22 don't have to change that date every time there is a new  
23 edition of the CFR that comes out, which is once a year.  
24 We are removing that date to clarify we are not  
25 incorporating the federal rules by reference for that

1 particular rule.

2                   What are we doing specifically? We are filing  
3 14 proposed amendments to Title 10, Division 25. We are  
4 proposing to adopt six federal rules into the Missouri  
5 regulations. The next slide, this is a list of the six  
6 federal rules that we are proposing to adopt in this  
7 rule-making. Four of these will provide brief remarks on,  
8 and then the other two we will provide more detailed  
9 remarks later in the presentation. The first one: Removal  
10 of saccharin and salts from the list of hazardous waste.  
11 Essentially what that does is just makes these materials,  
12 saccharin and salts resulting from the production of  
13 saccharin, no longer subject to hazardous waste regulation.  
14 I think we might have some facilities in Missouri that  
15 would benefit from the removal of that. And I think the  
16 basis for it was that they determined there was no  
17 justification for managing these materials as hazardous  
18 waste; so that's the first one.

19                   The second one is a corrections rule  
20 essentially, the Academic Laboratories Rule. Some updates  
21 to that rule. Missouri adopted the rule when it came out  
22 originally. All this rule does is kind of clarifies and  
23 corrects some of those provisions that were in the original  
24 rule. Treatment standards for carbonate waste, this is not  
25 a commonly or not a waste that is generated in Missouri.

1 So essentially what they are doing is changing the  
2 treatment standards for these wastes. But since they are  
3 not generated in Missouri, we don't anticipate an impact.  
4 Hazardous waste technical corrections and clarifications,  
5 just what it sounds like. They are just fixing some  
6 technical citations and references and things in the  
7 federal rule. No substantive changes.

8 And the final two, I will provide more  
9 information about later in the presentation. These  
10 amendments were published in the May 15 Missouri Register.  
11 If you have the Missouri Register, they are found on pages  
12 626 to 670. For the benefit of the Commissioners, you do  
13 have the rule text in your packets. The comment period is  
14 mentioned in the opening statement, ends one week from  
15 today, June 25 and we are accepting comments at this  
16 hearing and in writing or by e-mail through that June 25  
17 date. Before we get into the No Stricter Than statute and  
18 the changes in response to that statute, we wanted to kind  
19 of give you some brief information on some exclusions from  
20 that statute. In general what it says is we can't keep  
21 anything that is stricter than federal. Here is a list of  
22 all of the exclusions to that general limitation on the  
23 authority to retain these rules. Essentially for these  
24 exclusions you do have the authority to retain, modify, or  
25 rescind requirements that fit under these categories.

1 Behind each of these, you'll see the appropriate chapter.  
2 We are proposing to retain our generator threshold found in  
3 Chapter 5, that's one of the exclusions. We are proposing  
4 to retain registrations also found in Chapter 5. That's  
5 related to our hazardous waste reporting, which is tied to  
6 our hazardous waste fee structure. Again, reporting of  
7 hazardous waste activities to the Department. We are  
8 proposing to retain those requirements. There is one  
9 qualifier on this one that authority is contingent upon  
10 implementation of electronic reporting in Missouri by  
11 July 1, 2015 to June 2016 reporting year. And we have  
12 taken the steps to implement that electronic reporting and  
13 it's currently in the testing phase. So if we satisfy the  
14 requirement to have those reporting requirements and to  
15 retain those in Missouri. The display of hazardous labels  
16 on containers and tanks during storage is another one of  
17 the exclusions. I'll talk some more about these specific  
18 requirements in Chapter 5. We do have some Missouri rules  
19 that are proposed based on this exclusions. And finally,  
20 the Zinc Fertilizer Rule and the hazardous secondary  
21 material burned for fuel or recycled in Chapter 4. These  
22 are two exclusions where federal rules when they came out  
23 Missouri excluded those rules from incorporation. The Zinc  
24 Fertilizer Rule was an exclusion that we adopted. The  
25 statute gives us the authority to retain that exclusion; to

1 amend it or rescind it. And in this proposal we are  
2 actually proposing to rescind the exclusion based on this  
3 statutory conclusion. And the hazardous secondary material  
4 burned for fuel or recycled are two other federal rules  
5 that were not adopted in Missouri that we are proposing at  
6 this point to retain our exclusion of the federal rule also  
7 in Chapter 4.

8           The first rule in your timeline begins on page  
9 626. This is the Definitions Rule, 10 CSR 25-3.260. The  
10 first item that we are proposing to change in this rule is  
11 elimination of definitions that are inconsistent with the  
12 No Stricter Than statute or that are no longer used. We  
13 actually found several definitions in this chapter that  
14 were terms that were defined in this rule but are not  
15 actually used anywhere in our Missouri regulations. So we  
16 propose to eliminate those. And we also propose to  
17 eliminate definitions that were determined to be  
18 inconsistent with the statutory limitations in Section  
19 260.373. We are proposing to update the incorporation by  
20 reference of the CFR in this rule.

21           Finally, the final bullet says, "Areas of  
22 Emphasis" and these are kind of some provisions within each  
23 rule in this group of rules that we kind of wanted to  
24 provide you with some additional information on the  
25 specifics on what that change is going to do within each

1 rule and each chapter. The first one in Chapter 3 here,  
2 there is an owner -- there is a definition of owner and  
3 operator in Missouri regulations where we are essentially  
4 saying that both owner and operator are responsible for  
5 everything. Where one terms is used, they are essentially  
6 interchangeable. What we are doing is getting rid of that  
7 Missouri definition. By getting rid of that Missouri  
8 definition, we are essentially deferring to the federal  
9 regulations as far as who is responsible for different --  
10 different responsibilities in hazardous waste regulations.  
11 It's also in acknowledgment that regardless of what the  
12 Missouri regulations say on who is liable, we are  
13 essentially bound by what the statutes say on liability for  
14 these different provisions. So we are just getting rid of  
15 conflicting language in the rule that mostly just creates  
16 confusion on who is liable for what.

17 Second item here is clarification of Missouri  
18 definition of used oil. On some of these as we go through,  
19 I will point you to the page number to the rule text that  
20 it's your packet. This is actually on page 629. We are  
21 defining used oils, so it's in definition beginning with  
22 the letter U. Essentially what we are doing is we are  
23 eliminating Missouri's modification of this particular  
24 definition. We have had a long standing Missouri  
25 definition that's stricter than the federal definition

1 because we capture some -- used oil is exempt from  
2 regulation of the hazardous waste as long as it's recycled.  
3 Missouri in the past has said that you essentially lose  
4 that exemption once you spill that material or once it's  
5 released into the environment. The federal rule allows you  
6 to maintain that exclusion as long as you can continue to  
7 manage it under the exclusion. So what we are doing is  
8 eliminating that definition that says once it is spilled it  
9 become a hazardous waste. By doing that we are following  
10 the federal regulation that determine the appropriate  
11 regulations that apply at that point.

12 Finally, as I mentioned, just eliminating some  
13 duplicative and unnecessary acronyms and definitions. For  
14 definitions, some of them are unnecessary because, as I  
15 mentioned, they are not used. The terms aren't used in our  
16 rules, so we don't need a definition. In this particular  
17 rule, the unnecessary acronym is essentially there is some  
18 terms defined in there that are just commonly known  
19 acronyms. So we don't have to have a definition of it  
20 because they are just standardly commonly used in the  
21 industry. So there is no real need to have the term  
22 defined.

23 The next chapter, Identification of Hazardous  
24 Waste. This begins on page 629 in your packet. This term  
25 does have some definitions in it, so to the extent that

1 those definitions are inconsistent with the limitations  
2 found in Section 260.373, we are proposing to eliminate  
3 those. Missouri definitions, we are proposing to update  
4 our incorporation by reference of the CFR. Again, some of  
5 the areas of emphasis in this rule that we wanted to  
6 provide a little bit more information on; the first one  
7 elimination of Missouri waste codes. This is actually on  
8 page 631 of your packets. We have two Missouri waste  
9 codes; one for used oil and one for certain dioxin-related  
10 materials. These are historical waste codes where they  
11 were established initially so that we could keep track of  
12 this material specifically. Where used oil material was  
13 going and where these dioxin-containing materials were  
14 going. It's historical. It has history behind it in  
15 relation to what happens in Times Beach, keeping track of  
16 that material, how much was generated and where it was  
17 going. But with that in the past we felt we don't see  
18 these waste codes commonly. We can still track these  
19 materials using the federal waste codes. And by getting  
20 rid of Missouri waste codes we are kind of eliminating some  
21 state regulations that have caused some problems. The  
22 dioxin waste code particularly because it lowers the  
23 thresholds to a very miniscule amount of material. We  
24 capture some material in that Missouri definition that  
25 causes problems when you are remediating sites and



1 waste is exempt from regulation as a hazardous waste in the  
2 federal regulation all the way throughout the process but  
3 in Missouri the current regulation, essentially ends that  
4 exemption at the point that it reaches the TSD. It becomes  
5 regulated as a hazardous waste. So by getting rid of this  
6 Missouri provision, that household waste will continue to  
7 be able to be managed under the household hazardous waste  
8 even after it reaches the TSD. So again there will be  
9 federal regulations that apply. We are just getting rid of  
10 the Missouri-specific regulations.

11 So the second to last bullet you'll see, this  
12 is the removal of the exclusion for hazardous waste  
13 secondary materials processed into zinc fertilizer. You  
14 will find this on page 630 in your packets. Specifically  
15 item eight at the top of the right-hand column where we are  
16 proposing to eliminate 261.4 A-20, and 261.4 A-21. I have  
17 some more details on that coming up in a few slides, so I  
18 will kind of defer that additional details until that  
19 point.

20 And finally the last bullet; removal of  
21 clarifications and interpretations of federal regulations.  
22 What we are talking about there is several places in our  
23 rules we have language that essentially provides additional  
24 guidance on what is required in the federal regulation. It  
25 doesn't add anything new. It's just clarification of here

1 is what you are supposed to do under the federal  
2 regulation. It often creates confusion because people see  
3 that language and assume there is something additional in  
4 the Missouri regulation beyond what is required in the  
5 federal and that is not the case. It does help in some  
6 situations, creates confusion in other situations. So kind  
7 of in the interest of trying to eliminate confusion we are  
8 proposing to eliminate those provisions. This slide we  
9 have already talked about waste codes for dioxin and used  
10 oil. So this is a slide that deals with that. It's found  
11 in your packet on page 631, Subsection 2-D in this specific  
12 rule. The definition of used oil. Again, this is the  
13 provision that deals with when used oil is spilled and when  
14 it becomes a hazardous waste and one other provision  
15 regarding certain types of used oil and when those types of  
16 used oil must be managed as a hazardous waste. We are  
17 proposing to eliminate those. You can find this on page  
18 630, Item 2-A12 in the rule text.

19 Next is the zinc fertilizer exclusion. This  
20 one goes back a little while. It was originally adopted in  
21 2006. I think at the time that it came out we weren't  
22 aware of any federal regulation operating in the state  
23 under this exclusion. Since the rule was adopted there was  
24 one facility that that was operating with this material,  
25 but was not in compliance with the conditions that are

1 necessary to operate under the exclusion. So since that  
2 time, the Department has been working with this facility to  
3 kind of get them in compliance. They are no longer in  
4 operation. They have actually sent the Department a letter  
5 saying they support the removal of this exclusion. So it's  
6 the only facility that was affected. They are no longer  
7 operating and they support removal of this provision, so  
8 that's what we are proposing to do at this point. Our  
9 basis for that is that we didn't feel that the standards in  
10 that exclusion were protected. So we are going to rescind  
11 the exclusion and that exclusion would not apply in  
12 Missouri.

13                   Generators we have quite a bit of information  
14 to cover in this particular chapter. It begins on page 631  
15 of your rule text on the right-hand column. Again, this  
16 one is another rule that updates our incorporation by  
17 reference in the CFR. We are proposing to do that here.  
18 The first two bullets we have additional slides on coming  
19 up; container and tank labeling and satellite  
20 abbreviations. So I will just briefly mention those here  
21 and provide the details a little bit later. The rest of  
22 these areas of emphasis. Essentially what these are  
23 Missouri requirements that as a direct result of No  
24 Stricter Than we cannot keep these because they are  
25 stricter than what the federal regulations require. But

1 essentially for the purposes of transparency and  
2 documentation for the record of these particular rules, we  
3 wanted to kind of mention them to point out these are  
4 long-standing Missouri rules that are going away. So that  
5 at some point down the road if somebody is wondering what  
6 happened to a Missouri rule on a specific subject, we will  
7 have some documentation in the public record for the  
8 hearing that these were on the list of requirements that  
9 were removed in this specific rule-making. I will just  
10 kind of briefly mention some of these. We do have Missouri  
11 specific requirements for secondary containment for some  
12 types of hazardous waste. Liquid hazardous waste when you  
13 reach certain accumulation thresholds that are not in the  
14 federal regulation. We do have requirements for  
15 contingency plan or personnel training that apply to  
16 generators that accumulate a certain threshold or less in a  
17 calendar month that are different or go above and beyond  
18 the federal regulations. We have Missouri requirements for  
19 daily inspections of certain areas that are subject to  
20 spills. And we have some specific provisions for what  
21 generators are required to do in the event that they have  
22 some kind of release or spill. They are required to take  
23 immediate remedial action. The federal regulations are not  
24 quite as specific in terms of saying that you have do  
25 something immediately, but they do require a response.

1 They just don't specifically require that it be immediate.  
2 Missouri inspection criteria for when inspections have to  
3 be conducted in response to certain incidents such as a  
4 malfunction or operator error. Missouri specific design  
5 standards for storage areas. This is basically storage  
6 area where generator is stored. They have hazardous waste  
7 containers. Missouri currently has some specific  
8 requirements for how those areas need to be designed.  
9 Missouri specific prohibition for storage of all volatiles  
10 in an open tank. Essentially is just what it sounds like.  
11 We limit when you can store those types of material in an  
12 open tank. Again, there will be federal regulations that  
13 apply. They just will not be as specific as what is in the  
14 Missouri regulations.

15 Finally we are removing a probation on storage  
16 of less than 6,000 kilograms of ignitable or reactive waste  
17 that is less than 500 feet from the property line. It's a  
18 little bit different than what's in the federal regulation.  
19 We do allow -- Missouri does allow storage of this material  
20 in some instances where the federal regulations do not  
21 allow storage of that material as long as you comply with  
22 some certain -- some additional requirements related to  
23 fire protection.

24 Again, here is more examples of Missouri  
25 requirements that we wanted to mention. Also kind of

1 continuing in the generator regulations, the requirements  
2 for management of ignitable, reactive, incompatible, and  
3 volatile waste in addition to signage when you close a  
4 storage area. We have some specific requirements of what  
5 you're supposed to do with if that particular storage area  
6 is inactive or if you expect that area to be inactive for  
7 one year. We have requirements if you close that storage  
8 area if there is no comparable requirement in the federal.

9 Missouri specific exception reporting  
10 requirements. Essentially what this is, is when you  
11 don't -- when a generator doesn't receive a manifest from  
12 the TSD where they sent their waste within the required  
13 amount of time, they file a report that indicates they  
14 didn't get that manifest so that we can kind of document  
15 and follow up on that. We are a little bit different in  
16 terms of the federal regulation of how many days elapse  
17 before you file that report. By getting rid of this we  
18 will just be following the federal.

19 Again, manifest records retention; similarly  
20 Missouri is a little bit stricter in terms of how long you  
21 have to require -- or excuse me -- retain your manifests  
22 versus what's required in the federal regulation. And  
23 finally on this slide we do have some duplicate references  
24 in our Missouri regulation where we are kind of adding  
25 Missouri requirements for emergency response notification

1 on top of an existing requirement in the federal  
2 regulation. So we are proposing to eliminate that.  
3 So that's the final area of emphasis. We do  
4 have some specific provisions that we kind of wanted to  
5 provide you some additional detail on. These are based on  
6 the statutory exclusions that I mentioned earlier as far as  
7 Missouri is allowed to retain, modify, or rescind as  
8 appropriate, state regulations relating to container and  
9 tank labeling. So we are going to provide you with some  
10 additional details on what we are proposing and then kind  
11 of based on that statutory exclusion. This is found on  
12 page 632 to 5.262(2)(C) No. 1 in your regulation if you  
13 want to look at the specific language for this. We did  
14 want to kind of give you some background on where this  
15 container labeling requirements come from. We have been  
16 working on changes to this particular portion of the  
17 regulation even before the No Stricter Than statute passed.  
18 So we were already considering making some changes to this  
19 section of the regulations. The No Stricter Than statute  
20 kind of reset the table because we had some additional  
21 limitations on what we could propose and what we could  
22 retain. So through the stakeholder process that we  
23 developed after the -- or to implement the No Stricter Than  
24 statute where we were identifying the Missouri rules,  
25 whether those were inconsistent and whether we wanted to

1 retain those; we discussed these container labeling  
2 requirements in detail. We did have -- at the end of that  
3 process -- we looked at federal only. We looked at some  
4 Missouri regulations that were slightly more descriptive  
5 that what we ended up proposing, but at the end of the  
6 process we did have stakeholder support for what was  
7 developed. It wasn't exactly federal only. We do have  
8 some Missouri requirements proposed in addition to the  
9 federal requirements. But we had received a clear message,  
10 we felt, from our emergency responder community  
11 particularly, that they preferred to have some Missouri  
12 specific requirements on top of the federal regulations,  
13 which only require that the words "Hazardous Waste" be on  
14 the container. They felt that information was the minimum  
15 necessary and didn't provide sufficient information in the  
16 event of an incident. So there was actually the statutory  
17 exclusion relating to container labeling and tanks was  
18 added in response to those concerns during the legislative  
19 process. So we felt that those changes were also  
20 consistent with what the legislature intent was. By adding  
21 that exclusion, we felt that some requirements were  
22 justified and necessary and we did hear that message from  
23 our emergency responders at the stakeholder meetings. That  
24 they wanted some Missouri requirements above and beyond  
25 what was in the federal regulation.

1                   Essentially what we are talking about here is  
2 what information is on your hazardous waste containers when  
3 they are in storage in your storage area. Our current  
4 requirements that are proposing to be amended or rescinded,  
5 you have to mark your containers in compliance with the  
6 Department of Transportation regulations. Those  
7 regulations are essentially detailed requirements in terms  
8 of the chemical names that are in that container. Very  
9 descriptive, every time you add a different waste in the  
10 container you have to update that information. We were  
11 looking at modifying those state requirements anyway before  
12 the No Stricter Than statute passed and that was at  
13 stakeholder request. So their long-standing rule we felt  
14 like some changes were necessary, but the No Stricter Than  
15 statute kind of reset the table and kind of limited to what  
16 we could keep. Consistent with that statutory exclusion,  
17 what we were allowed to propose to retain or amend was  
18 requirements related to the display of hazard labels  
19 specifically. So based on that, the proposed amendment in  
20 the regulations would allow generators -- essentially they  
21 have two options. They can continue to follow the current  
22 Missouri rule, they don't have to change anything. They  
23 can continue to mark their containers in compliance with  
24 the DOT, or Department of Transportation regulations, and  
25 put all of that required information on their containers.

1 If they just want to continue what they have been doing  
2 they can do that. The second option, which is new, is that  
3 they can follow the federal rule, and as I mentioned all  
4 the federal rule require is the words "Hazardous Waste."  
5 But the modification that we proposed is to provide  
6 additional words on that container that will tell you about  
7 the contents of the container. Essentially in addition to  
8 the words "Hazardous Waste" you have to put a label on that  
9 container that tells the nature of that hazard of that  
10 material, whether it's ignitable, toxic, corrosive, or  
11 reactive. And you also have to have a date on that  
12 container so that we can keep track of the one year time  
13 limit.

14 We do have a new provision also. This was  
15 developed through the stakeholder process. That one of the  
16 concerns was its difficulty to label smaller containers,  
17 like test tube size containers. Some of our generators  
18 deal with containers that are that small. So this proposed  
19 change would allow for containers that are that small;  
20 instead of putting the label on that small container, you  
21 can put them on the device in which those small containers  
22 are stored. Whether it's a locker or storage shelf of some  
23 kind, put the label on the door or on the shelf containing  
24 those small containers eliminates that problem of trying to  
25 fit a tiny label onto a smaller container.

1                   Next, tank labeling. Again, this is on page  
2 633, Item 2(C)(2) in this rule. We do have a fiscal note  
3 relating to his labeling requirement that follows this  
4 rule. I kind of wanted to point that out as long as we are  
5 here. Similar to containers, there is a statutory  
6 exclusion that allows us to retain requirements related to  
7 the display of hazard labels on tanks. Tanks are just tank  
8 structures holding hazardous waste used by generators to  
9 store their hazardous waste. Through the stakeholder  
10 process, we did develop a consensus on having Missouri  
11 requirements. This is a new requirement. We don't  
12 currently have Missouri specific requirements for these  
13 tanks, but based on the statutory exclusions and the  
14 concerns expressed by Missouri emergency responders through  
15 the stakeholder process and the legislative process, we did  
16 propose to develop some Missouri regulations that are  
17 specific to tanks. Essentially what we proposed along  
18 those lines is that if you do store hazardous waste in  
19 tanks, you have to comply with the National Fire Protection  
20 Association Standard 704, which spells out requirements for  
21 what types of signs you have to have and how many and where  
22 they have to be. They don't necessarily have to be on the  
23 container. They can be on the exterior walls and all of  
24 that is spelled out within that NFPA standard that we are  
25 referencing with this rule.

1           The next point, satellite accumulation. This  
2 also relates to storage by generators within their  
3 immediate area of where a particular waste is generated.  
4 The term is satellite accumulation, but essentially what we  
5 are talking about is storage of that particular material at  
6 or near the generator prior to where you move the container  
7 into your generator storage area. You'll find this on page  
8 634, Item 2(C)(3) in this proposed draft.

9           I also wanted to mention too that in our  
10 initial draft of these proposed rules that went out with  
11 the regulatory impact report. We did propose to go  
12 straight -- what we call straight federal -- on this  
13 particular provision where we just eliminate the Missouri  
14 regulations entirely. By doing that you are stuck with  
15 what is in the federal regulation only. The federal  
16 regulations are descriptive in that they limit the quantity  
17 of waste that you can store in any one satellite  
18 accumulation area. But based on -- we did receive comments  
19 on this particular provision during the comment period on  
20 the regulatory impact report -- that basically asked if we  
21 would consider changing the proposal so that generators  
22 would have an option similar to what they have on container  
23 labeling where they could follow the Missouri rule or  
24 federal rule; whatever they felt was appropriate to their  
25 facility. Whatever served their needs best. So that is

1 what we have proposed. Again, a Missouri option or a  
2 federal option. The primary difference is in terms of the  
3 volume of waste that you can store in one satellite  
4 accumulation area. Missouri allows you to store a greater  
5 volume of waste, but we do have a one year time limit that  
6 you have to comply with. In return for storing more waste,  
7 you have the one year time limit. With the loss of the one  
8 year time limit as a mandatory requirement, you have to  
9 follow the federal rule and guidance.

10 On the next slide, essentially these are the  
11 two options. You follow the federal regulation and what  
12 that requires is that you can only have 55 gallons total of  
13 hazardous waste of all waste streams in your satellite  
14 accumulation area and you can have multiple containers.  
15 But the limit on volume of accumulation does pose some  
16 problems for generators who have multiple waste streams.  
17 So the comments that we received were what we consider  
18 keeping Missouri interpretation or you can store up to the  
19 55 gallon limit of each waste stream in your satellite  
20 accumulation, but with the tradeoff that you have the one  
21 year time limit for that material. Once you hit that one  
22 year time limit, you have to move those containers out of  
23 the storage area or containers, or you have to move that  
24 container out of the satellite accumulation area. One  
25 container per waste stream. So, again, this is slightly

1 different. The federal rule allows multiple as long as you  
2 stay under the 55-gallon total waste limit. The Missouri  
3 option you are only allowed one container per waste stream  
4 and you have to move it when it's full or when you hit the  
5 one year time limit. We do require the date of  
6 accumulation on the date of those containers, but we can  
7 keep track of the one year time limit on storage and  
8 satellite accumulation under the Missouri option.

9 We do have some additional requirements if you  
10 choose the Missouri option. It's primarily to allow us to  
11 keep track of which generators are operating under which  
12 option. So you would be required to submit an updated  
13 notification form to the Department so that we can check  
14 the box that you are operating under the federal rule.

15 The next chapter, we are into the  
16 transporters, this is Chapter 6, page 639 of your proposed  
17 rule text. All we are really doing in this chapter is  
18 updating or incorporation by reference of the CFR. So we  
19 don't have any additional details to provide on this  
20 chapter.

21 The next chapter is the first rule in Chapter  
22 7. Chapter 7 relates to treatment storage and disposal  
23 facilities. We also call them TSD's for an abbreviation or  
24 sometimes permitted facilities. This begins on page 639 in  
25 your proposed rule text. Similar to your Chapter 3,

1 Definitions, we are eliminating definitions in this chapter  
2 that are inconsistent with the No Stricter Than statutes.  
3 Lots of uses of the owner-operator term in here that we  
4 proposed to delete from our Missouri definitions. We are  
5 updating the incorporation by reference in this rule. This  
6 is another rule similar to Chapter 5, Generators, where we  
7 just kind of wanted to give you some additional information  
8 on certain areas of emphasis that will be going away in the  
9 Missouri rule.

10 First is owner-operator responsibilities.  
11 Again, that term is used to determine who is responsible  
12 for what. The next item that we wanted to mention  
13 specifically is we're proposing to eliminate what we call  
14 Missouri's 24-Hour Rule. This is found on page 639, Item  
15 2(A)(3) of this particular regulation at the bottom of the  
16 page. Essentially what this does is limits the length of  
17 time that hazardous waste can be stored outside of your  
18 permitted area once it arrives at the facility. There is  
19 no federal regulation that states this. It's only found in  
20 guidance. So without federal regulation, we are proposing  
21 to eliminate Missouri's 24-Hour rule regulation based on  
22 that guidance and interpretation.

23 Some other provisions that are in this chapter  
24 that are going away that we wanted to mention, Missouri  
25 requirements for imports of hazardous waste. A lot of

1 designing criteria in this rule for these permitted  
2 facilities relating to surface water monitoring, closure  
3 requirements, financial assurance.

4           The next slide we wanted to kind of mention  
5 specifically we are proposing to retain an option in the  
6 Missouri rules on storage of hazardous waste within 50 feet  
7 of the property line. This one is a little bit different  
8 in that we can retain it because it's not stricter than  
9 federal in that it gives you an option. It has some  
10 additional requirements that you can follow if for some  
11 reason you can't meet that 50 feet requirement that is in  
12 the federal regulation. If your facility is in close  
13 quarters and you don't have that space to work with, the  
14 Missouri regulation allow you to store that waste within  
15 50 feet of your property line as long as you comply with  
16 the additional Missouri requirements essentially related to  
17 the design of the walls and having fire equipment  
18 available. So there is kind of a tradeoff. You can store  
19 that waste closer to your property line, but you have to  
20 meet those additional requirements. It's an option that  
21 has been requested in the past for some facilities that  
22 have difficulty meeting the federal regulation. This is on  
23 page 642, (2)(I), Items 2 and 3.

24           Again, the next bullet, Missouri specific  
25 design and operating standards. There are lots of details

1 in this rule on how those units are to be designed that are  
2 specific to Missouri.

3           The next item that we wanted to mention  
4 specifically, health profiles. This actually is not just  
5 in response to the No Stricter Than statute, but subsequent  
6 to that statute there was a separate bill. We called it  
7 the permit streamlining bill where we eliminated some of  
8 our state-specific requirements. This was one of those  
9 requirements. Health profiles and a habitual violator  
10 reviews were things we required facilities to do in the  
11 past that were specific to Missouri and unique to Missouri.  
12 But in proposing the bill to eliminate those requirements,  
13 kind of similar to why we are proposing to eliminate some  
14 of these regulations in response to No Stricter Than; we  
15 essentially found they hadn't served their original purpose  
16 and were duplicative and were no longer necessary. So  
17 health profiles, specifically, were one of those Missouri  
18 requirements that actually went away with the elimination  
19 of the statute that provided us authority that required  
20 those. So we had to make corresponding change to the rule.  
21 You can find that on 648, Item (2)(P).

22           The final item in the this chapter that we  
23 wanted to mention specifically, this is railcar management  
24 plans. This is another one that is optional. Essentially  
25 a facility that accepts hazardous waste incoming by

1 railcar; they can follow the federal regulations, which  
2 they have the 24 hour policy and guidance, although it's  
3 not in regulation. Sometimes that timeframe, even though  
4 it's in policy only, does cause some problems for  
5 facilities who can't get it offloaded quickly enough. They  
6 need a bit more time to prepare for the shipment and  
7 offload the shipment and all those things. So what this  
8 allows them to do is they can have up to ten days to do  
9 that if they submit a railcar management plan to the  
10 Department. And that plan just covers all of the possible  
11 outcomes of emergency response and response to the spills  
12 and releases that might happen during that time period when  
13 they are offloading that material. If they would like some  
14 additional time to do that, they can submit that railcar  
15 management plan and follow the Missouri option essentially.  
16 That's 7.264(3) on page 648 in the proposal.

17           The next rule is very similar to the previous  
18 rule, 7.264 is treatment storage and disposal facilities.  
19 In this rule is interim status treatment storage and  
20 disposal facilities. A lot of it overlaps with what we  
21 proposed to the previous rule. To the extent that it  
22 overlaps, I won't provide the same information in this  
23 rule. But there are several other provisions that we  
24 talked about that would show up in this rule also.

25           The next rule in minimal changes proposed to

1 this one, boilers and industrial furnaces, page 655.  
2 Essentially we are doing here we are updating that date of  
3 incorporation by reference. A couple of emphasis. Mostly  
4 what these are relating to some provisions in this rule  
5 that refer to citations and previous rules that are being  
6 eliminated or moved. So we have to eliminate or move those  
7 references in this chapter.

8           The next rule, land disposal restriction.  
9 Again, we are updating the date of 2013 of the Code of  
10 Federal Regulations. Only a couple -- only two items here  
11 that we wanted to point out specifically. The  
12 owner-operator issue shows up in this rule, so we are  
13 making a corresponding change to this rule. Second,  
14 relating to the waste code for dioxin and used oil. With  
15 those Missouri specific waste codes, would subject those  
16 wastes to Missouri specific land disposal restriction.  
17 With removal of the waste codes, they won't have those  
18 Missouri specific restrictions on land disposal for those  
19 waste. They will just operate under the federal  
20 regulations for those wastes. 270, this is the hazardous  
21 waste permit process. Couple things that we wanted to  
22 mention in these rules. Again, updating to the 2013 CFR.  
23 We do have some owner-operator references in this rule. A  
24 lot of this is just proposing to remove certain  
25 administrative notification reporting requirements in this

1 rule. That's a lot of what we are doing is just getting  
2 rid of those state-specific notification and reporting  
3 requirements. One provision that we wanted to point out  
4 that's specific to Missouri that will be eliminated is  
5 relating to seismic evaluation requirements when you are  
6 applying for a permit and whether you have to a seismic  
7 evaluation of your facility if you are in an area that's  
8 subject to seismic activity. This is on page 658, Item 2  
9 (B)(4). Essentially it's just additional details on when  
10 you have to do that evaluation based on the proposed  
11 facility. There are federal rules that do require  
12 additional -- that do require the same thing essentially.  
13 They might define the seismic area slightly differently. I  
14 think that was the reason for the Missouri regulation  
15 initially. But with the removal of the Missouri  
16 regulation, you'll just be operating under the federal so  
17 you will still have to do that if you are in those areas as  
18 defined in the federal regulation.

19           The next regulation is public participation.  
20 This one is a little bit different in that it doesn't  
21 incorporate by reference the Code of Federal Regulation.  
22 Essentially what we are doing is restating requirements  
23 rather than incorporating by reference. And all we are  
24 proposing to do with this rule is get rid of that reference  
25 to a specific addition of the Code of Federal Regulation.

1 That just causes confusion because people assume that we  
2 are incorporating that addition by reference. So we won't  
3 have that reference and we will eliminate confusion.

4 Hazardous waste resource recovery facility.  
5 These are similar to permitted facilities, but they can  
6 engage with resource recovery without obtaining a hazardous  
7 waste permit if they follow the requirements in this rule.  
8 It's kind of slightly different version of a permit that  
9 doesn't have the extensive requirements to obtain a  
10 certification as you would have to get to obtain an  
11 hazardous waste permit. So it's a little bit easier to get  
12 a certification than it is to get a hazardous waste permit.  
13 The main thing here is we use that same term  
14 "owner-operator." So we are just clarifying that we are  
15 going with the federal regulations on terms of who is  
16 responsible for doing different things.

17 The next rule, page 665, this is used oil  
18 chapter that deals with management of used oil.  
19 Specifically, this one has the same definition that we  
20 talked about back in Chapter 4 when used oil is spilled  
21 into the environment and becomes a hazardous waste. We  
22 propose to make the same changes in this chapter that we  
23 proposed in the previous chapter to be consistent. This  
24 one does incorporate by reference the CFR. So here is  
25 another one where we are proposing to update to 2013. The

1 definition of used oil here you'll find it in 2A on page  
2 665 of this rule. So again, same change that we proposed  
3 earlier, just eliminating the Missouri-specific definition  
4 of when used oil becomes hazardous waste and kind of falls  
5 out of the used oil world into the hazardous waste world.  
6 And some related definition that used oil contaminated  
7 materials when you have spilled used oil, you clean that  
8 material up with rags and things like that; those are  
9 considered used oil contaminated material. So that  
10 particular regulation tells you how to manage those  
11 materials; whether as a used oil or as hazardous waste. So  
12 with not having the Missouri specific requirement, again,  
13 you'll just follow the federal regulations and there are  
14 federal regulations that apply to this specifically.

15           The next rule polychlorinated biphenyls. The  
16 acronym for that is PCB's. This rule does incorporate by  
17 reference the CFR. So that was one change that we are  
18 proposing to make. The second change that we wanted to  
19 mention specifically, and I apologize it's not up on the  
20 slide, but this was the second change that we made in  
21 response to comments that we received on the regulatory  
22 impact report. The first change was the satellite  
23 accumulation adding the option for Missouri or federal.  
24 The second item that we proposed to change in the rule text  
25 after the IRR was that we are received a comment whether we

1 would consider treating PCB manifest the same way that we  
2 are treating hazardous waste manifest and the changes that  
3 we are proposing in Chapter 7. Basically we are getting  
4 rid of the Missouri specific requirement on when you  
5 haven't received a manifest, when you have to submit a  
6 report to the state or to Missouri; we are removing that  
7 Missouri specific language. So you will follow the same  
8 requirements for your PCB manifest that you'll be following  
9 for your hazardous waste manifest. And basically the  
10 change will eliminate confusion because I think people are  
11 used to using the same or following the same standard for  
12 their PCB manifest as they follow for their hazardous waste  
13 manifest. If we didn't do that, we would have one  
14 requirement for these types of manifest and a different  
15 requirement for hazardous waste manifest. So to be  
16 consistent and eliminate confusion, we did add that in  
17 after the comment period on the IRR in response to a  
18 comment that we received.

19 Universal waste is the next rule. All we are  
20 doing to this particular rule is changing date of the CFR,  
21 adoption of the CFR.

22 Finally the last couple things that we wanted  
23 to provide you some details on. These are the two federal  
24 rules that I mentioned earlier that would propose to adopt.  
25 These are not in the July 2013 CFR. So we have to propose

1 to add these rules specifically by pointing to the specific  
2 citation in the Code of Federal Regulations to add these.  
3 The first one is commonly known as the Solvent Wipes Rule.  
4 This rule came out shortly after the July 1, 2013 Code of  
5 Federal Regulations. So it just missed cutoff by a couple  
6 of months. What this does is adds an exclusion to the  
7 federal regulations for what are called solvent wipes.  
8 These are just rags or towels or other similar items that  
9 have been contaminated with hazardous wastes through wiping  
10 or cleaning up spills somehow. So now you have some  
11 hazardous waste on that towel or on that rag and what are  
12 you supposed to do with that towel or that rag. The term  
13 "wipes" encompasses all of those different types of  
14 possible materials. It does modify the federal regulation  
15 on this so that those materials will no longer be  
16 considered as hazardous waste if you follow the conditions  
17 that are laid out in the federal rule. There is two  
18 different exclusions that are proposed to be added to the  
19 federal regulations in 261.4. One for if you use reusable  
20 wipes. These are the type of wipes that once you use them,  
21 you send them to a laundry where they are cleaned and  
22 returned so you can use them more than once. The second  
23 exclusion is for disposable wipes. So there are some  
24 slight differences in terms of what type of wipe you are  
25 using, whether they are reusable or disposable. I also did

1 want to mention that we have received several inquiries on  
2 this rule from the industry. Probably more on this  
3 particular rule than any other federal rule that I have  
4 gotten inquiries over the time that I have been. Basically  
5 in terms of is Missouri going to adopt this exclusion and  
6 when is it going to go into effect. So there is a lot of  
7 interest in the industry that's engaged in production of  
8 these wipes and management of these wipes to see what  
9 Missouri is going to do with this one. Definitely a lot of  
10 interest.

11 In a nutshell what the proposal would do is  
12 for these wipes that's consistent framework for how you  
13 manage the wipes that's appropriate to the risk level  
14 that's posed by those materials while maintaining  
15 protection of human health and the environment. It is  
16 expected to reduce compliance cost for industry, just by  
17 excluding these materials from the definition of hazardous  
18 waste. Your volume of hazardous waste will be less if you  
19 manage it under the exclusions, so your cost will go  
20 down -- should go down accordingly. In a nutshell, what  
21 you need to do to follow the exclusion there is a time  
22 limit you can accumulate these for up to 180 days. You  
23 have to store them in a non-leaking container, keep it  
24 closed, put a label on the container that says "Exclusion  
25 Solvent Contaminated Wipes." Keep the free liquid out of

1 the container, keep the containers closed at all times, and  
2 maintain appropriate records so you can document where you  
3 sent your wipes to and how many and that type of thing.

4           The second rule -- the second federal rule  
5 that we are proposing to incorporate by reference  
6 specifically, again, because of the timing it came out  
7 after the 2013 Code of Federal Regulations. But we did  
8 feel a need to go ahead and add it in this package simply  
9 because in large part because we have that statutory  
10 requirement that we implement electronic reporting in  
11 Missouri by a certain date. So we felt it was important to  
12 adopt this rule in a timely manner and not wait for the  
13 next go around. This relates to manifests. Those are  
14 currently the paper forms that follow your hazardous waste  
15 from the point of generation until the point of disposal.  
16 It tracks how much, what type of waste, where it is going.  
17 Currently you have to use a paper form. It generates a lot  
18 paper with multiple copies. We are shifting to an  
19 electronic system where you will be able to prepare that  
20 form electronically and submit it electronically. The EPA  
21 is currently in the process of developing that system.  
22 They do have two rule plan to implement this. This was the  
23 first of the two. The second is still a couple years on  
24 the horizon yet. The first rule essentially just this lays  
25 the ground work so that electronic manifest will be

1 acceptable forms of the manifest once the actual system is  
2 available. There will be, again, followed by a second rule  
3 in the future. So we felt it was important to get this  
4 rule in the package and kind of consistent with our  
5 electronic reporting needs.

6 Finally, the rule-making schedule, just real  
7 quickly, these amendments were published about a month ago,  
8 May 15. Today is the public hearing. The comment period  
9 is open for another seven days, June 25. That's your next  
10 meeting on August 20. We will come back to you with our  
11 recommended changes and response to comments, what we call  
12 the orders of rule-making. Those orders will have all the  
13 comments that we receive, what our recommend response is to  
14 those comments, including whether we propose any changes to  
15 the text of the rule. So we will bring those  
16 recommendations to you at your next meeting. If those  
17 orders are approved by the Commission at that time, you'll  
18 see after that, we'll file those with the Secretary of  
19 State -- the Joint Committee on Administrative Rules first  
20 and then after 30 days with the Secretary of State. You'll  
21 see kind of based on that schedule we expect these changes  
22 to go into effect by the end of this year. And again that  
23 would comply with the statutory requirement in the No  
24 Stricter Than statute, which basically says anything that  
25 we determine to be inconsistent is null and void at the end

1 of the year regardless of whether we make the change to our  
2 regulations or not. So by having these changes in place by  
3 the end of the year, we will eliminate much of that  
4 confusion of what you are supposed to do in Missouri by the  
5 end of this year in terms of hazardous waste regulation. I  
6 think that's all the testimony I had. If you have  
7 questions on any of these, I will try to answer those  
8 questions.

9 MR. ADAMS: Any questions? If not, thank you  
10 Mr. Eiken. At this point in time it has been called to my  
11 attention that we do have some requests for public comment.  
12 Before we begin with those, I would like to request that  
13 all comments, if you can, let's keep them at 15 minutes or  
14 less due to time constraints please. And we will take them  
15 in order of sign up. The first one is David Shanks.  
16 Again, please as you come forward, tell us who you are and  
17 what your affiliations is, please.

18 DAVID SHANKS, having been first duly sworn, testifies as  
19 follows:

20 MR. SHANKS: Good morning, Commissioners. My  
21 name is David Shanks. I'm with the Boeing Company located  
22 at Airport Road and McDonald Boulevard in St. Louis,  
23 Missouri. My comments will be very brief. One is a  
24 statement of appreciation to the extent that we can align  
25 the Missouri rules with the federal rules, it really helps

1 generators, like Boeing, who do business in multiple states  
2 to reduce the cost of compliance. Otherwise we are having  
3 to do state-by-state specialized training. Also, we moved  
4 folks around quite a bit. So the extent that we move  
5 environmental specialist and aircraft mechanics from one  
6 site, one state to another. It's confusing when the rules  
7 are different in different states. So we certainly  
8 appreciate that.

9           The exception reporting for completed PCB and  
10 hazardous waste manifest, that's an improvement. If we  
11 don't get the manifest back within 35 days, the way the  
12 Missouri rule today says is okay you contact the TSD  
13 facility or whatever and you try to get it within the next  
14 tend days. The existing Missouri rule says you go ahead  
15 even if you get it within that next ten days, you still  
16 have to file the report with the Missouri DNR. The federal  
17 rule says if you get it within the next ten days, you're  
18 done. So that's just an elimination of letters we have  
19 sent in saying we didn't get it in the 35 days, but now we  
20 have got it. Okay. Just a helpful thing there.

21           As proposed the two satellite area options  
22 really do help to accommodate the reality of different  
23 waste generation situations. So we have got some areas  
24 like a paint booth mix room that's adjacent to a paint  
25 booth where you are preparing the paint guns and the

1 cleaning and getting the paint ready. In those areas we  
2 accumulate multiple waste streams. So you would have  
3 excess paint, you would have gun cleaning solvent, we use  
4 gun cleaning solvent. You would have solvent wipes all in  
5 the same location, all in the same satellite area and those  
6 accumulate pretty quickly. So the existing Missouri  
7 approach has been beneficial for those kind of areas. So  
8 we had to put accumulation start date on the one year  
9 limit, but at least it would allow us to fill 55 gallon  
10 drums of each of those waste streams before we had to move  
11 them out. The alternative, the federal approach, would  
12 mean you have to move out partial drums because you counted  
13 it up and you're over 55 gallons.

14 On the other hand the federal guidance, the  
15 option that's based on the federal guidance, works real  
16 well for the other situations we have got. In the open  
17 shop floor, we have got lots and lots of five gallon step  
18 cans where they solvent wipes for the guys they are doing  
19 handwork and they are wiping things and when they are done  
20 with the wipe, they step on the pedal and throw it in the  
21 can and the can sits right next to them. We have got  
22 hundreds and hundreds and hundreds of these things in the  
23 open shop floor. And those are in the same building as the  
24 paint shops. So these aren't in separate generators  
25 locations. So the way we operate presently, we need to

1 maintain accumulation start date on all of those step cans  
2 throughout the entire facility, even though they are  
3 emptied several times a week. So one year, that's  
4 impossible. There is no way we would get to one year. No  
5 under the federal guidance, that can dating exercise that  
6 we go through would not be necessary.

7 Now unfortunately, the proposed rule before  
8 you today would require us to notify DNR which approach we  
9 would follow for the entire generator ID site. So these  
10 very different accumulation methods are in the same  
11 building. So I mean we really believe that the  
12 notification itself is unnecessary because the inspector,  
13 just by observation, look and say if there is not an  
14 accumulation start date you must be using this option. If  
15 there is, you must be using the other option. So we don't  
16 see the reason for the notification, but if the  
17 notification is thought to be necessary it should at least  
18 provide for the possibility for the generator to say within  
19 this generator ID we would like to use this method. Say in  
20 the paint shops or in the laboratories or in the open  
21 shops, to be able to distinguish within the generator ID  
22 location which method we will use. That concludes my  
23 comments. Any questions?

24 MR. ADAMS: Any questions for Mr. Shanks? If  
25 no, thank you, sir. The next public comment we'll be

1 receiving is from Mr. Kevin Perry with REGFORM.

2 KEVIN PERRY, having been first duly sworn, testifies as  
3 follows:

4 MR. PERRY: Very sobering swearing in there.  
5 Good morning, Mr. Chairman. Good morning, Commissioners.  
6 Good morning Commissioners who are on the phone as well.  
7 Before I start my remarks I just want to take a moment to  
8 sincerely commend the DNR staff, the Hazardous Waste  
9 Program staff on this rule. Over the many months that I  
10 have been paying attention to this rule, I can admit that I  
11 have been paying attention to the trees and not the forest.  
12 And over the last few days as I have been preparing for  
13 this testimony, I have really looked at the forest and I  
14 just got to tell you it's impressive what they have done.  
15 They really are to be commended. I'll especially say to  
16 Tim for just doing a phenomenal job. And what I mean by  
17 that they literally have pulled every thread on this whole  
18 sweep of rules. They have really not left anything, a  
19 loose end. They have been extremely consistent. It's  
20 impressive to see the number of options that they have  
21 given generators, like the railcar option, the 50 feet set  
22 back option, satellite accumulation area has options,  
23 labeling has options. I just really have to commend the  
24 staff for doing that. They have been extremely nimble when  
25 these solvent wipes came on board. They are highly

1 responsive to generators who have made comments. So I just  
2 can't say enough about what an impressive job they have  
3 done on handling this huge task. Way to go.

4 For the record my name is Kevin Perry. I am  
5 with REGFORM, the regulatory environmental group from  
6 Missouri. My office is at 238 East High Street in  
7 Jefferson City. REGFORM is a business association. We  
8 represent businesses and academic institutions that operate  
9 all over the state and these are institutes that must  
10 comply with regulations, including the environmental  
11 regulations and policies that are in front of you for  
12 consideration today.

13 I will cut to the point. I will cut to the  
14 chase. We think this rule is good. We think this rule is  
15 good for Missourians. We support it. We ask that you  
16 support it and vote to adopt it. This is your call. You  
17 have the authority to do this. Sometimes because of the  
18 way the mechanics of this works, we sort of get lulled into  
19 the feeling that maybe the staff has the authority to do  
20 this; they don't. The Governor has the authority to do  
21 this; they don't. The legislature doesn't have the  
22 authority to promulgate regulations in this case; but you  
23 do. So we invite you to do so.

24 What's in this proposed rule, Tim did a great  
25 job on this so I will go really quickly. What's in this is

1 that it implements the law. The law says there shouldn't  
2 be anymore regs on the books that are inconsistent with  
3 Feds. It also implements changes that stricter than  
4 federal but are specifically accepted in the law. Examples  
5 of those are hazardous labeling and satellite accumulation  
6 areas. It also implements federal rule updates that are in  
7 effect at the federal level, but haven't made it, they  
8 haven't been adopted in the state of Missouri. The big one  
9 of those is the solvent wipes rule, which Tim did a really  
10 nice job of covering.

11 The rule also implements changes that came  
12 into effect in other laws. Tim referred to the health  
13 profiles and the frequent violators reporting. I think the  
14 Department -- people had basically given up hope on these  
15 two. The Department really valiantly went in the  
16 legislature and asked that these two be removed and they  
17 succeeded. Really impressive. That cleans up errors that  
18 are in the law. When you make changes like this and when  
19 you do a thorough of looking through you find things that  
20 are left over from days gone be and those will come out if  
21 and when you adopt this rule. We support these changes and  
22 we ask that you vote to adopt them.

23 This reg package if you adopt it will remove  
24 requirements that MDNR believes are no longer needed, but  
25 aren't necessarily stricter than federal. The Missouri

1 dioxin waste code is a good example of this. We support  
2 this and we ask that you vote to adopt this.

3           So all of these, even the magnitude of Tim's  
4 presentation alone should be indicative of how big a shift  
5 this is and what's going to happen in Missouri regarding  
6 the rip-effect rules. I guess a reasonable person should  
7 ask should I be afraid? Is this change so dramatic and so  
8 impactful that we are really stepping into dangerous  
9 territory. My response to that is no. These rules have  
10 been thoroughly vetted at the federal level. There has  
11 been lots of technical scrutiny internally, EPA and through  
12 public comment period. And not only that, we have real  
13 live, real world experience with these rules. Even our  
14 neighbor to the north, Iowa, is a federally operated plant.  
15 They are not authorized in the state to do reg craft and  
16 they just don't have the problems that one could imagine.

17           If you listen -- that's amazing. That doesn't  
18 look anything like mine. If you listen to me talk, and I  
19 know I have talked to you about this over the past year or  
20 so, you might get the feeling that Missouri and federal  
21 regulations are a long way apart; but they are not. They  
22 are very close to one another, but they are close enough to  
23 cause confusion. One of the messages that I want to leave  
24 you with today is that confusion really increases the  
25 likelihood that some harm will be done. By the way there

1 is a note at the bottom that says, you know what there are  
2 some Missouri specific rules that are great. I am going to  
3 ask you later on to keep them. Again, I commend the staff  
4 for doing an awesome job of keeping some options in for  
5 generators.

6                   How do we get here? We got here because  
7 Missouri was ahead of the game. Missouri adopted hazardous  
8 waste regulations before federal RCRA came online. Over  
9 time once RCRA came online, in order to become an  
10 authorized state to carry out the federal program, Missouri  
11 had to make changes to its regulations. And, you know,  
12 here we are many, many years later but we continue to hang  
13 on to some of the old things that we really liked when we  
14 were first out of the gate. By the way, just to make a  
15 point; I assume that you will adopt this rule package. And  
16 when you do it will cause the Department to have to submit  
17 re-authorization package to the federal government to have  
18 the whole program re-authorized. RCRA has always been  
19 thought of by reasonable people as a complex and mysterious  
20 thing. Unless you are highly qualified, here I use the  
21 words a Jedi knight or powerful wizard; it's probably an  
22 area that you should stay away from. There is a lot of  
23 pitfalls. There is a lot of traps to get into.

24                   Here is a little homage to Tom. Tom Judge has  
25 been around here, just a well-known Missouri RCRA master.

1 And he deserves the credit he gets for having a black belt  
2 in RCRA. And may he enjoy the retirement. I'm sure our  
3 DNR staff would take him back in a heartbeat because the  
4 ability to make sense of RCRA and take it all in is really  
5 a phenomenal thing. But the truth is, time marches  
6 forward. We know have academic programs that we didn't  
7 have 20 years ago. But people are graduating from training  
8 programs with a lot of sophisticated understanding,  
9 broad-based experience of RCRA. We have certification  
10 programs that are documenting that experience. And the  
11 truth of what David said is these environmental  
12 professionals who have these experience and understanding  
13 of RCRA are moving all over the United States. They are  
14 being transferred by their own companies, they are taking  
15 new jobs. The experience with RCRA is portable until you  
16 come to Missouri. There is just enough difference in  
17 Missouri that you almost have to start over again. So this  
18 move of bringing Missouri regs closer into alignment with  
19 the federal regulation is powerful and positive. I said  
20 this earlier, the confusion between the two sets of  
21 books -- I'm going to give an example here alter on where I  
22 have to retract part of my testimony that's in your slide  
23 because as I was going through I got confused. I am wrong  
24 about the used oil definition, which we will talk about  
25 later. It's just tough to compare those things

1 side-by-side. That confusion I think can lead to some  
2 unfortunate situations.

3 So I will just say it, we think it's a benefit  
4 to Missouri to have our rules match the federal rules as  
5 closely as possible. They can never be identical because  
6 of Missouri state law.

7 So I guess just a really quick recap. I vote  
8 to adopt the rule package that implements the No Stricter  
9 Than changes. First of all it's the law. If we have these  
10 things on the books on December 31, we are in big trouble.  
11 We have got a bunch of regulations that are nullified that  
12 are sitting out there and confusing people. And the other  
13 things is I think that where we are in a gray area where  
14 it's not clear. We aren't absolutely consistent with  
15 federal, we are inviting somebody who gets an NLV to start  
16 a challenge. So I think that's trouble that can be  
17 avoided. The other area has to do with passages in the  
18 regulation that are stricter than federal, but are  
19 specifically accepted in the No Stricter Than law. Why  
20 should we adopt those, because the stakeholder process  
21 really came through and recommended those. I think they  
22 have had a significant amount of vetting. One of the great  
23 things that have come out of that is it removes the  
24 confusing DOT labeling requirement. If you guys have  
25 questions about what are the source of that confusion on

1 DOT labeling, I would be happy to interact with you. I'm  
2 happy to answer questions that you have now about that.  
3 But because of what's in this proposed regulation now, some  
4 of that DOT labeling confusion and sort of a gotcha  
5 situation goes away. One of the things that was happening  
6 is people were being required to put a DOT label on a  
7 containment that they knew was never going to be offered  
8 for transportation. So you could see how that would be  
9 confusing to people. Now they have an option to not do  
10 that. The other thing is we will be able to keep the  
11 Missouri interpretation on how to operate a satellite  
12 accumulation area. As David talked about earlier, it's a  
13 critical thing when you consider the different types of  
14 operations that can be in effect even in the same building.

15 Why vote to adopt the rule package that has  
16 federal updates? This brings Missouri bank into alignment  
17 with most current federal rules. It eliminates confusion  
18 and conflict. It eliminates the widely demand of solvent  
19 wipes rule, yea. And one thing it does is it keeps the  
20 program on a nice routine schedule of regularly adopted.  
21 How am I doing, Mr. Chairman?

22 MR. ADAMS: You're coming along well.

23 MR. ADAMS: Twelve minutes. Implements other  
24 changes in Missouri law. Again, why vote to get rid of  
25 these provisions that require health notes, because it's

1 the law. We don't want them in there if they are not doing  
2 what they are supposed to do. And then clean up should be  
3 self-evident. Why have something codify that we  
4 really don't need. And the same with the like the dioxin  
5 codes. They are no longer useful in the state. Let's get  
6 them off the book. That's John Kennedy. Wikipedia tells  
7 me that during his campaign, he had a campaign slogan, "We  
8 can do better." And I love this rule. It's a good thing  
9 for Missouri. It's a good thing for Missouri. And I hope  
10 you'll adopt and I always think that we can do better.  
11 What I'm going to ask you to do is hard. It's difficult  
12 and that's going to be to offer amendments and changes  
13 covering some of these definitions and also addressing the  
14 labeling requirements that's been proposed. Also the tank  
15 requirements and the restrictions on satellite  
16 accumulations.

17 By my count I went through and found 22  
18 definitions in Missouri state regulations that are not in  
19 the federal regulations. I am asking you to remove those.  
20 I hear the staff when they say those definitions or some of  
21 those definitions are useful in other parts and other  
22 chapters. And to that I say if they are useful in other  
23 chapters, let's move them in the other chapters now while  
24 those chapters are open. Because the law specifically says  
25 you can't have stuff that's stricter than federal. So

1 let's get them out and move them on. There is also -- I  
2 have four on here, but now that I have listed to Tim's  
3 presentation and looked at what he said, there is really  
4 only three. The definition of hazardous waste, the  
5 definition of transporter and the definition of universal  
6 waste they are illegal. I could be informed about that,  
7 but the federal law, the federal definition are on the  
8 books and they don't match the state definition. And so  
9 the state law says you can be equal to the federal  
10 definition, or you can meet a specific standard that is  
11 written in some other Missouri statute. I don't find that.  
12 I do find that for hazardous waste. I don't find it for  
13 the other two. So I am happy to withdraw my remarks on the  
14 other two if we find those in statutes, but I think it's  
15 risky to leave those definitions in place. We are inviting  
16 a legal challenge if we do.

17 In the past the Department has countered that  
18 criticism by saying we are relying on the general  
19 authority. The Commission has to define hazardous waste  
20 and other things. I just wanted to acknowledge that I  
21 think the whole purpose of the law, the No Stricter Than  
22 law, is to limit the general authority of the Commission so  
23 that -- and that limit, as some people, say, you know, that  
24 couldn't possibly be the meaning otherwise it would make  
25 the Commission purposeless. I disagree. It does not take

1 power away from the Commission. Commission have very many  
2 important and purposeful rules. I also want to ask you to  
3 remove the Missouri unique hazard labeling requirements.  
4 If you remove the passage that's cited there, basically  
5 what will happen is the subsection will default to the  
6 federal standards. I don't want to be misunderstood about  
7 our relationship with First Responders. The First  
8 Responders want to know what's in those buildings when they  
9 go into them and they have said so. And the way for them  
10 to know, according to federal regulations, is for  
11 generators to comply with federal regulations and invite  
12 First Responders into their facility and familiarize them  
13 what is there. It became absolutely clear during the  
14 stakeholder process that's not happening. It's a bigger  
15 issue with smaller quality generators. The solution is not  
16 putting a label on a container that you can only see from a  
17 distance away. The solution is enforcing the regulation  
18 that requires people to prepare first responders well  
19 before they get in the building so that they know. I think  
20 the solution to this problem is not hazard labeling; the  
21 solution to this problem is a compliance program where we  
22 reach those people who are not reaching out to their local  
23 first responders. That's what shows respect for and  
24 protects first responders. Not a label they have  
25 difficulty seeing under difficult circumstances. I also

1 want to ask you to stay away from the new tank labeling  
2 requirement. We have a long history of not having tank  
3 labeling requirements in the state of Missouri and we don't  
4 have a problem with it. If we are going to require some  
5 labeling requirements, then the NFP704 is the way to go but  
6 we don't have that problem. The fiscal note itself says  
7 there are very few tanks in the state of Missouri. So I'm  
8 just inviting the Commission to step back from this and say  
9 you know what we have gone this far without it, there is  
10 really no need for it. Again, if we familiarize the local  
11 first responders, this will be handled.

12 I also want to make clear that if you go out  
13 and read NFP704, I was really glad to hear Tim say this in  
14 his presentation. The NFP704, unlike what is said in the  
15 multiple times in the fiscal note, refers to putting labels  
16 on the tank. If you read NFP704 it says nothing about  
17 putting labels on tanks. It says putting it on two outside  
18 walls. It says access ways to areas of the building that  
19 contain, but it never says on the tank. I don't know if  
20 you can see this photograph very well but the photograph  
21 here shows that whoever set up these tanks, chose to put  
22 their NFP704 diamonds right on the tank. So it's not  
23 unusual that somebody would do that. But absent an NFP  
24 diamond on a tank is not a violation. So I will just reach  
25 over and show you. That's an NFP diamond right on the side

1 of the tank clearly says "hazardous waste." You can see it  
2 right behind the shade. So it wouldn't surprise me if  
3 people do it, but if you are in compliance with NFP before  
4 and you didn't have a diamond on your tank, you would not  
5 be violating Missouri State regulations if this were  
6 adopted.

7 I just want to echo what David said about  
8 giving people the option. The Department has told us that  
9 they don't want to give anybody in the single facility the  
10 option at any two satellite accumulation areas to comply  
11 with either the federal or the state. And that they want  
12 to be noticed up in advance which one you are going to do  
13 in your whole facility. I think it's a very simple logic  
14 test. And I have tried to lay it out here how to determine  
15 whether a generator is using the state or the federal  
16 system. It has to do exactly with what David says. If  
17 there are accumulation start dates on there, then they are  
18 attempting to comply with the state system. And so given  
19 that it's -- that they are attempting to comply with the  
20 state system, then you clearly know what the violations  
21 are. If it's there longer than a year, it's a violation.  
22 So the logic of it is simple. You can even do the logic in  
23 the reverse. You can come up and look at the quantity of  
24 containers or number of containers and you can work  
25 backwards. So I just want to invite the Commission to move

1 beyond the recommendation of staff here and adopt the  
2 satellite accumulation area option, but don't impose the  
3 restricting that I must notified up and I must pick only  
4 one approach in any building. David's testimony I think  
5 really supported that.

6 I really appreciate the time that you have  
7 given me today. This is an important rule. I'm glad that  
8 you could stick with me on time. If you hear one thing  
9 from me I hope that you hear that this is a great rule.  
10 It's good for Missouri and we invite you to adopt it. The  
11 thing I'm asking you to do harder. I will send you some  
12 comment letters in writing so that you know what I'm asking  
13 for and I hope you'll consider it. I would really  
14 appreciate if you would. Thank you, Mr. Chairman. Thank  
15 you, Commissioners. If you have questions, I'm happy to  
16 try to take a shot at them.

17 MR. ADAMS: Anyone have any questions for  
18 Mr. Perry? If not, thank you. Next one to bring a comment  
19 will be Jamie from Wal-Mart. And I will allow you to  
20 introduce yourself. I'm sorry I can't read your last name.

21 MR. HUENS: Well, actually I don't have any  
22 comments. I thought I was signing the sign-in sheet. So I  
23 don't want to make any comment.

24 MR. ADAMS: That's quite a comment, thank you.  
25 Next will be Donnie Greenwalt from Wallis Companies.

1 MR. GREENWALT: Apparently I made the same  
2 mistake.

3 MR. ADAMS: Thank you guys for your brief  
4 comments. We really do appreciate that in this hearing.  
5 Next then will be Carol Eighmey with PSITF. She did the  
6 same thing. Well then, brief comment period. Thank you  
7 for all that. Mr. Director, do we have anything else with  
8 regard to this hearing?

9 MR. LAMB: We should not. That would be all  
10 the testimony.

11 MR. ADAMS: All right. With that, I would  
12 like to, again on behalf of the Commission, thank the staff  
13 and Department as well as all of you with your public  
14 comments. This hearing part of this meeting is now  
15 officially closed.

16 (Hearing concluded at 11:45 a.m.)

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<b>A</b>	<p><b>Adams</b> 1:11 2:2 43:9 46:24 54:22,23 60:17 60:24 61:3,11 <b>add</b> 5:23 16:25 24:9 38:16 39:1 39:2 41:8 <b>added</b> 23:18 39:18 <b>adding</b> 7:17 21:24 23:20 37:23 <b>addition</b> 2:17 5:19 21:3 23:8 25:7 35:25 36:2 <b>additional</b> 11:24 16:18,23 17:3 18:18 20:22 22:5,10,20 25:6 29:9,19 30:7 31:10,16,20 33:14 35:9,12 <b>Additionally</b> 2:20 <b>addressing</b> 55:13 <b>adds</b> 39:6 <b>adjacent</b> 44:24 <b>administrative</b> 34:25 42:19 <b>admit</b> 47:10 <b>adopt</b> 8:4,6 38:24 40:5 41:12 48:16 49:21,22 49:23 50:2 51:15 53:8,20 54:15 55:10 60:1,10 <b>adopted</b> 8:21 10:24 11:5 17:20,23 49:8 51:7 54:20 59:6 <b>adoption</b> 38:21 <b>advance</b> 3:16,21 59:12 <b>affiliation</b> 2:22 <b>affiliations</b> 43:17 <b>afraid</b> 50:7</p>	<p><b>ago</b> 42:7 52:7 <b>ahead</b> 5:23 41:8 44:14 51:7 <b>aide</b> 2:19 <b>aircraft</b> 44:5 <b>Airport</b> 43:22 <b>align</b> 43:24 <b>alignment</b> 52:18 54:16 <b>allow</b> 20:19,19 20:21 24:20 25:19 29:10 31:14 45:9 60:19 <b>allowed</b> 22:7 24:17 29:3 <b>allows</b> 13:5 26:6 28:4 29:1 33:8 <b>alter</b> 52:21 <b>alternative</b> 45:11 <b>amazing</b> 50:17 <b>amend</b> 11:1 24:17 <b>amended</b> 2:9 24:4 <b>amendment</b> 24:19 <b>amendments</b> 2:13 3:14 4:3 8:3 9:10 42:7 55:12 <b>amends</b> 4:17 <b>amount</b> 14:23 15:1,2 21:13 53:22 <b>amounts</b> 15:7 <b>Andrew</b> 1:13 <b>answer</b> 43:7 54:2 <b>anticipate</b> 9:3 <b>anybody</b> 59:9 <b>anymore</b> 49:2 <b>anyway</b> 4:14 24:11 <b>apart</b> 50:21 <b>apologize</b> 3:16 37:19 <b>Apparently</b> 61:1</p>	<p><b>appears</b> 62:5 <b>applies</b> 4:17 <b>apply</b> 13:11 16:9 18:11 19:15 20:13 37:14 <b>applying</b> 35:6 <b>appreciate</b> 44:8 60:6,14 61:4 <b>appreciation</b> 43:24 <b>approach</b> 45:7 45:11 46:8 60:4 <b>approaches</b> 2:21 <b>appropriate</b> 10:1 13:10 22:8 27:24 40:13 41:2 <b>approved</b> 42:17 <b>area</b> 20:6 21:4,5 21:6,8 22:3 24:3 27:3,7,18 28:4,14,23,24 30:18 35:7,13 44:21 45:5 47:22 51:22 53:13,17 54:12 60:2 <b>areas</b> 4:10 5:4 6:8,15,16,17 11:21 14:5 18:22 19:19 20:5,8 30:8 35:17 44:23 45:1,7 49:6 58:18 59:10 <b>arrives</b> 30:18 <b>asked</b> 27:20 49:16 <b>asking</b> 55:19 60:11,12 <b>Assembly</b> 4:7 <b>association</b> 26:20 48:7 <b>assume</b> 17:3 36:1 51:15 <b>assurance</b> 31:3 <b>attempting</b> 59:18</p>	<p>59:19 <b>attendance</b> 2:16 <b>attention</b> 43:11 47:10,11 <b>attorney</b> 62:12 <b>August</b> 42:10 <b>Aull</b> 1:12 <b>authority</b> 9:23,24 10:9,25 32:19 48:17,19,20,22 56:19,22 <b>authorized</b> 50:15 51:10 <b>available</b> 2:23 31:18 42:2 <b>avoided</b> 53:17 <b>aware</b> 17:22 <b>awesome</b> 51:4 <b>A-20</b> 16:16 <b>A-21</b> 16:16 <b>a.m</b> 61:16</p>
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