



Notice of Open Meeting

Hazardous Waste Management Commission

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

TO REVIEW THE DRAFT MINUTES AND INFORMATION ON THE VARIOUS ITEMS, PLEASE REFER TO THE DEPARTMENT'S WEBSITE AT:

<https://dnr.mo.gov/env/hwp/commission/>

AGENDA

Bennett Springs/Roaring River Conference Rooms
1730 E. Elm Street Conference Center
Jefferson City, Missouri

March 21, 2019

CALL TO ORDER – Open Missouri Hazardous Waste Management Commission Meeting at 10 a.m. – Commissioner Roll Call

1. Pledge of Allegiance - Commission and Participants
2. Review and approval of the Dec. 20, 2018, Meeting Minutes - Recommended Action: *Commission vote to modify and/or approve minutes.*

OTHER AGENDA ITEMS:

3. Rulemaking Report - *Tim Eiken - Rules Coordinator - update the Commission on the Program's current rulemaking effort.* Recommended Action: *For information only.*
4. Director's Report - *John Jurgensmeyer, Staff Director- Update the commission on items related to Program issues.* Recommended Action: *For information only.*
5. Commission Operating Procedures Manual Update – *Last updated in Dec 2014 – Proposed updates to the Commission's Operating Procedures for their consideration, additions/edits.* Recommended Action: *For information only.*
6. Legal Update - *Jennifer Hernandez, Office of the Attorney General - to provide the Commission with updates on legal issues that may be of interest to the Commission.* Recommended Action: *For information only.*

OTHER BUSINESS

7. Comments from the Public - *This standing item provides an opportunity for comments on any issue pertinent to the Commission's role and responsibilities.* Recommended Action: *For information only.*
8. Future tentative meetings dates:
Thursday, June 20, 2019

ADJOURNMENT OF MEETING

Recommended Action: *Member offer motion and second to adjourn.*

Closed Meeting - The Hazardous Waste Management Commission may go into closed session during this meeting if such action is approved by a majority vote of the Commission members who constitute a quorum to discuss: (1) Personnel actions as provided for in Section 610.021(3); (2) Legal actions, causes of actions or litigation as provided for in Section 610.021(1); and (3) Confidential and privileged matters with the Commission's attorney as provided for in Section 610.021(1), RSMo, 2003.

If you have any questions regarding this meeting, please contact:

Environmental Remediation Program, PO Box 176, Jefferson City, MO 65102-0176, Phone: 573-751-2747; Fax: 573-751-7869; Email: debra.dobson@dnr.mo.gov

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE MANAGEMENT COMMISSION**

Meeting Date: March 21, 2019

ROLL CALL ROSTER

	In Person:	By Phone:	Absent
Commissioner Jamie Frakes	_____	_____	_____
Commissioner Michael Foresman	_____	_____	_____
Chair - Elizabeth Aull	_____	_____	_____
Vice-Chair - Mark Jordan	_____	_____	_____

Missouri Hazardous Waste Management Commission Meeting

**March 21, 2019
Agenda Item # 1**

Pledge of Allegiance

Missouri Hazardous Waste Management Commission Meeting

December 20, 2018

Agenda Item # 2

Approval of Minutes

Issue:

Commission to review the General Session minutes from the December 20, 2018, Hazardous Waste Management Commission meeting.

Recommended Action:

Commission to approve the General Session minutes from the December 20, 2018, Hazardous Waste Management Commission meeting.

GENERAL

SESSION

MEETING

MINUTES

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
December 20, 2019; 10:00 A.M.
1730 E. Elm Street
Bennett Springs/Roaring River Conference Rooms
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 streamed live from the Department's website at: dnr.mo.gov/videos/live.htm.

The phone line, for those Commissioners calling in to today's meeting, was opened at 9:41 a.m.

COMMISSIONERS PRESENT IN PERSON

Commissioner Elizabeth Aull

COMMISSIONERS PRESENT BY PHONE

Commissioner Mark Jordan
Commissioner Michael Foresman
Commissioner Jamie Frakes

Chairman Aull called the General Session to order at approximately 10:00 a.m.

A roll call was taken of the Commissioners. Commissioner Elizabeth Aull was present in person. Commissioner Michael Foresman, Chairman Jamie Frakes and Commissioner Mark Jordan were present by phone. A roll call was taken and a quorum was established.

1. PLEDGE OF ALLEGIANCE

Chairman Aull led the recitation of the Pledge of Allegiance by the Hazardous Waste Management Commission (Commission) and guests.

2. APPROVAL OF MINUTES

- General Session minutes from the Sept. 13, 2018, meeting:

Commissioner Foresman made a motion to approve the Sept. 13, 2018, General Session minutes. Chairman Frakes seconded the motion.

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

- Executive Session minutes from the Sept. 13, 2018, meeting:

Commissioner Foresman made a motion to approve the Sept. 13, 2018, Executive Session minutes. Chairman Frakes seconded the motion.

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

- General Session minutes from the Nov. 13, 2018, meeting:

Commissioner Foresman made a motion to approve the Nov. 13, 2018, General Session minutes. Chairman Frakes seconded the motion.

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

3. OFFICER ELECTIONS

Chairman Frakes accepted a motion to nominate Mark Jordan to the position of Vice-Chair. Commissioner Foresman seconded the motion. No other nominations were received.

A vote was taken; all participating Commissioners voted “aye,” none were opposed. The motion carried.

Chairman Frakes then accepted the motion to nominate Elizabeth Aull to the position of Chair. Commissioner Foresman seconded the motion. No other nominations were received.

A vote was taken; all participating Commissioners voted “aye,” none were opposed. The motion carried.

4. RED TAPE REDUCTION

Mr. Tim Eiken, Director’s Office, HWP, again addressed the Commission and provided an update to the Commission on the Red Tape Reduction efforts. Mr. Eiken explained that the Order of Rules voted on at the November meeting had been forwarded to Joint Committee on Administrative Rules (JCAR). He noted that they had been undergoing a 30 day review and that they would be filed with the Secretary of State on the following Tuesday. Mr. Eiken advised that this should be the last step and should complete our Red Tape Reduction process. He went on to state that the rest of the Department should be finished now also as the last batch of rule changes had been filed with JCAR.

Mr. Eiken then noted that the goal of a 1/3 reduction had been exceeded, with the Program showing a 28% reduction; which included 22 rescissions and the elimination of the DERT rules. He advised that this had been a big challenge for us as the “No Stricter Than” legislation had just been addressed in the past couple of years. But, even with that, we had found some areas, i.e. Resource Recovery, etc. that could be addressed.

Mr. Eiken went on to note that the Program would now be moving on with routine rulemaking, which will begin when the recent changes go into effect on March 30th. He stated that when that date comes new rulemaking will begin towards the adoption of the Federal Generator Improvement rule, with Mr. Eiken noting that this will be a big effort for staff. He also briefly noted a couple of other recent federal rulemakings, including pharmaceutical disposal and the Tacata air bags. He discussed the fact that there were ongoing court cases involving this issue at this time and noted that it involved its designation as a hazardous waste as it contained a small amount of explosive and has to be managed, handled and disposed of as a hazardous waste. Mr. Eiken stated that there was solid input from the auto industry and that this was just the starting process to update it and the other federal rules. He noted that we were current through 2013 and were reviewing and looking at a handful of rules through 2018.

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

5. FREDERICKTOWN COBALT LINE FACILITY (MADISON MINE OU2)

Mr. Chris Dudenhoeffer, Project Manager, Superfund Section, addressed the Commission and provided a PowerPoint presentation on the remediation and redevelopment of the former Madison Mine near Fredericktown, Missouri.

Mr. Dudenhoeffer noted that the Madison Mine was mined from 1844 to 1961 for copper, lead, cobalt, nickel, iron, and small amounts of zinc and silver. Activities at the mine included mining, milling, smelting, and refining of the ore. He went on to note that the mine was purchased by Missouri Mining Inv. in March 2018. He also noted that several investigations have been conducted at the site in the last 60 years by EPA, the Department, Missouri Department of Conservation, and environmental consultants hired by the owners of the property. Concentrations of arsenic, cobalt, copper, iron, lead, manganese, and nickel exceeding EPA's screening levels for residential and/or industrial exposure scenarios have been found in the soil, sediment, surface water, and tailings at the site. Cyanide and PCBs were detected at the site in 1986 by the Department and in 1990 by Anschutz's environmental consultants (Dames & Moore). Cyanide was used in the flotation separation process.

Mr. Dudenhoeffer explained to the Commission that the Madison County Mines Superfund Site Operable Unit 2-Anschutz Subsite consists of all mining and mine works locations and adjoining areas located immediately southeast of Fredericktown including the former Madison Mine, and advised that the new owners of the Madison Mine property intend to commence mining operations for mineral production.

He went on to report that the US Environmental Protection Agency and Missouri Department of Natural Resources will oversee and guide the new owner's remedial efforts. And, that the Department's Water Protection Program, Land Reclamation Program, Dam & Reservoir Safety Program, and the Hazardous Waste Program will assist the new owners with obtaining the required permits to remediate the property and commence mineral production.

Mr. Dudenhoeffer responded to questions from the Commission regarding the type of anticipated mining, how often the site was to be inspected and if the yard cleanups were complete. He advised that the EPA has the lead on this site and that yard cleanups should be complete by 2020; but, that there was no hard deadline as 42 percent of the yards were contaminated.

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

6. DIRECTORS REPORT

Mr. John D. Jurgensmeyer, HWP Director, addressed the Commission and provided a brief overview of recent Hazardous Waste Program activities. Mr. Jurgensmeyer began with advising the Commission that the Tanks SPA application, which was due to EPA by Oct. 2018, had been extended to Dec. 2018. He noted that the draft application had been forwarded to the governor and the AGO for review and that we anticipated it coming back soon for submission to the EPA.

Mr. Jurgensmeyer went on to advise the Commission that staff were currently addressing the Litton System site in the Springfield, where TCE had migrated into groundwater. He noted that this was of recent concern to the local citizens as the contamination could potentially effect drinking water and was a current issue at the Fantastic Caverns cave system. He noted that drinking water well sampling was being done in the area, with the sampling completed at about half of the wells that had been requested. He noted that TCE had been found in levels above the standards at two adjacent properties and that bottled water and filtrations systems had been provided.

Mr. Jurgensmeyer responded to questions from the Commissioners and noted that the public had been supportive of the Department's efforts in addressing this issue.

Mr. Jurgensmeyer ended his discussion by announcing that Ms. Kathy Flippin, the Compliance and Enforcement Section Chief, was retiring as of December 31st.

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

3. RADIOACTIVE WASTE COMPACT AND RADIOACTIVE MATERIALS SHIPMENT FEE UPDATE

Ms. Tiffany Drake, Federal Facilities Section, HWP, addressed the Commission and provided a PowerPoint presentation on the radioactive waste compact and radioactive materials shipment. She provided the Commission with an overview on what was the Low Level Waste Compact, what happened on the Annual Call, an update on the Radioactive Materials Shipment Fee, and a brief talk on the Shipment Fee fiscal year trends and future plans.

Ms. Drake began by noting that Midwest Interstate Low-Level Radioactive Waste Compact Commission included six states; Indiana, Iowa, Minnesota, Missouri, Ohio and Wisconsin. She

advised that the Compact was enacted in Missouri in 1983 by Missouri Revised Statutes Section 260.700 and was formed to address disposal of low-level radioactive waste from member states.

Ms. Drake described that there were 10 compacts across the country, which were created to handle low-level radioactive waste from member states. She stated that each state can appoint one voting commissioner and any alternates and that the Commissioner was appointed by the governor. She stated that under the current structure, the HWMC would then advise the Commissioner, if needed. She noted that the Department Director is the Commissioner and that staff participate on the call as an “observer.”

Ms. Drake relayed that in recent years, there has been very little activity for the compact as no waste repositories exist or are being proposed. She stated that the annual call is held to review the budget and approve officers and expenditures. She went on to note that with regards to the fee, it covers the shipment of specific types of radioactive material and waste in and across Missouri including: high-level radioactive waste, transuranic radioactive waste, highway route controlled quantity (HRCQ) shipments, spent nuclear fuel, low-level radioactive waste and includes shipments via truck and train. She noted that the fee is currently assessed and charged on a per-train or per-truck basis, and advised that the fee was originally charged per-cask for truck HRCQ shipments, but was changed in 2012 to per truck. She stated that this provided for a significant decrease in fees to the fund and that the fee was set to sunset on August 28, 2024.

Ms. Drake advised the Commission that the fees were currently used to reimburse the Missouri State Highway Patrol for escorts of HRCQ shipments, to provide for level six safety inspections of HRCQ shipments, for training and equipping of first responders, to assist in the coordination of emergency response and for administration of the fees and the fund.

Ms. Drake finished with noting that the plans for the future included training additional staff to provide trainings, to re-engage with emergency responders with a goal of a minimum of four refresher/new trainings across the state, continue to equip groups who meet requirements, calibrate equipment already in the field and to meet with other agencies involved with the fund.

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

9. LEGAL UPDATE

Ms. Jennifer Hernandez, Attorney General’s Office, addressed the Commission and advised that she had nothing specific at this time. In general, she noted, the AGO’s office continues to process referrals and that she would bring information on the cases resolved in 2018, to the next meeting. She also noted that there would be a new attorney joining the AGO’s environmental team in January but that she did not anticipate any changes in assignments with his arrival. She thanked the Commission and ended her portion of the agenda.

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

10. PUBLIC INQUIRIES AND ISSUES

The floor was opened to any public inquiries, and none were received.

This was provided as information only and required no action on the part of the Commission.

12. FUTURE MEETINGS

It was noted that the next meeting was scheduled for Thursday, March 21, 2019.

A motion was made to adjourn by Commissioner Foresman, which was seconded by the newly elected Chair, Elizabeth Aull.

The meeting was adjourned at 11:00 a.m.

Respectfully Submitted,

Debra D. Dobson, Commission Assistant

APPROVED

Elizabeth Aull, Chair

Date

Missouri Hazardous Waste Management Commission Meeting

**March 21, 2019
Agenda Item # 3**

Rulemaking Report

Issue:

Update to the Commission on current and foreseeable future rule updates.

Recommended Action:

Information only.

Presented by:

Tim Eiken - Rules Coordinator, Environmental Remediation Program

Missouri Hazardous Waste Management Commission Meeting

**March 21, 2019
Agenda Item # 4**

Staff Director Report

Issue:

Update to the Commission on items related to Program issues.

Recommended Action:

Information only.

Presented by:

John D. Jurgensmeyer, Staff Director, Environmental Remediation Program
Chris Nagel, Staff Director, Waste Management Program

Missouri Hazardous Waste Management Commission Meeting

**March 21, 2019
Agenda Item # 5**

Commission Operating Procedures Manual Update

Issue:

The Commission Operating Procedures Manual was last updated in December 2014. With recent changes to the Program structure, last years' changes to the number and dates of meetings held, and other issues that have occurred since the 2014 update, an update is needed.

Information:

Commission and its staff to discuss proposed updates to the Procedures manual.

Recommended Action:

Information only.

Presented by:

John D. Jurgensmeyer, Staff Director, Environmental Remediation Program

Missouri Hazardous Waste Management Commission Meeting

**March 21, 2019
Agenda Item # 6**

Legal Update

Issue:

Routine update to the Commission on legal issues, referrals, filings, appeals, and any pending Administrative Hearing Commission cases.

Information:

Information Only.

Presented by:

Jennifer Hernandez, Commission Counsel, Office of the Attorney General

Missouri Hazardous Waste Management Commission Meeting

**March 21, 2019
Agenda Item # 7**

Public Inquiries or Issues

Issue:

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

Information:

Information Only.

Presented by:

John D. Jurgensmeyer, Director, Environmental Remediation Program

Missouri Hazardous Waste Management Commission Meeting

**March 21, 2019
Agenda Item # 8**

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
Thursday, June 20, 2019	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, September 19, 2019	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, December 19, 2019	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, March 19, 2020	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

Recommended Action:

Information Only.