



Notice of Open Meeting

Hazardous Waste Management Commission

To review minutes from previous meetings and learn about agenda items, please refer to the Department website at <https://dnr.mo.gov/env/hwp/commission/>

AGENDA

**Department of Natural Resources Conference Center
 1730 East Elm Street
 Roaring River/Bennett Springs Conference Rooms
 Jefferson City, MO 65101
 August 30, 2019
 10:00 a.m.**

- | | | | |
|-----------|---|---|----------------------------------|
| A. | Call to Order | | Chair |
| B. | Minutes from
(Approval Needed) | Dec. 20, 2018
Mar. 21, 2019
Aug. 15, 2019 | Chair |
| C. | Recommended for Adoption and Actions to be voted on
(Approval Needed) | | Commission |
| | Request to Begin Rulemaking on Generator Fee Structure – Commission vote on the Department moving forward with the rulemaking on the generator fee structure. | | Chris Nagel
John Jurgensmeyer |
| D. | Open Comment Session
(Information Only) | | |
| | This segment of the meeting affords the public an opportunity to comment on any other issues pertinent to the Hazardous Waste Management Commission. | | |

E. Future Meeting Dates
(Information Only)

Sept. 19, 2019 10:00 a.m.
1730 East Elm Street
Roaring River/Bennett Springs Conference Rooms
Jefferson City, MO 65101

Nov. 1, 2019 10:00
1730 East Elm Street
Roaring River/Bennett Springs Conference Rooms
Jefferson City, MO 65101

Nov. 26, 2019 10:00
1730 East Elm Street
Roaring River/Bennett Springs Conference Rooms
Jefferson City, MO 65101

F. Closed Session Chair

This portion of the meeting may be closed if such action is approved by a majority vote of the Hazardous Waste Management Commission members who constitute a quorum, pursuant to Section 610.021, RSMo.

G. Meeting Adjournment Commission
(Approval Needed)

People requiring special services at the meeting can make arrangements by calling 1-800-361-4827 or 573-751-3176. Hearing- and speech-impaired individuals may contact the department through Relay Missouri, 1-800-735-2966.

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

Meeting Date: August 30, 2019

ROLL CALL ROSTER

	In Person:	By Phone:	Absent
Commissioner Jamie Frakes	_____	_____	_____
Chair - Elizabeth Aull	_____	_____	_____
Vice-Chair - Mark Jordan	_____	_____	_____
Commissioner Kevin Kamp	_____	_____	_____
Commissioner Andrea J. Farr	_____	_____	_____

Missouri Hazardous Waste Management Commission Meeting

**August 30, 2019
Agenda Item # A2**

Pledge of Allegiance

Missouri Hazardous Waste Management Commission Meeting

**August 30, 2019
Agenda Item # B**

Approval of Minutes

Issue:

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

Commission to review the General Session minutes from the March 21, 2019, Hazardous Waste Management Commission meeting.

Commission to review the General Session minutes from the August 15, 2019, Hazardous Waste Management Commission meeting.

Recommended Action:

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

Commission to approve the General Session minutes from the March 21, 2019, Hazardous Waste Management Commission meeting.

Commission to approve the General Session minutes from the August 15, 2019, Hazardous Waste Management Commission meeting.

GENERAL

SESSION

MEETING

MINUTES

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
December 20, 2018 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

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
March 22, 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 9:38 a.m.

COMMISSIONERS PRESENT IN PERSON

Chair Elizabeth Aull
Vice-Chair Mark Jordan
Michael Foresman

Chair Elizabeth Aull called the General Session to order at approximately 10:01 a.m.

A roll call was taken of the Commissioners. Chairperson Elizabeth Aull, Commissioner Michael Foresman and Vice Chairperson Mark Jordan were present in person. No quorum was established.

1. PLEDGE OF ALLEGIANCE

Vice Chairperson Mark Jordan 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 December 20, 2018, meeting:

No quorum had been established so a vote was not taken; the issue was passed until a quorum was available.

3. RULEMAKING REPORT

Mr. Tim Eiken, Director's Office, Environmental Remediation Program (ERP), addressed the Commission and noted that the red tape reduction efforts were complete and that staff were moving on to routine rulemaking. He advised that the first of these were the review and adoption of the federal rules, which included the Hazardous Waste Generator Improvement Rule. He noted that the federal language made changes to long standing requirements, changes to classification and reporting requirements. He stated that adoption of this rule would move the regulations around, would change citations and was a significant rulemaking. He went on to advise that the EPA was encouraging the states to adopt this and that Kansas had started early

implementation of the changes. Mr. Eiken advised that Missouri was looking at doing something similar as it would be 18 months until we could adopt it. He went on to state that the regulations in Missouri were different than federal rules; but, he also noted that some were similar to what we had before the red tape reduction changes were made. He noted that this would allow Missouri to tell generators to comply with the federal regulations and would allow time to identify issues before the formal process began.

Mr. Eiken then advised that there were two other federal rules under review. He noted that one was Pharmaceutical Waste and the handling of which, noting it would be special without the classification as a hazardous waste. The other one discussed concerned the federal language on airbags as the canisters inside are classified as hazardous waste by the EPA. He advised that under the new set of rules these items would be handled under the universal waste classification.

Mr. Eiken introduced Mr. David Epema to the Commission. They were advised that Mr. Epema was the new technical staff person assigned to the program's Director's Office and that he would be providing additional technical information on these issues at a future meeting when the Commission would be asked to vote on moving forward with early implementation.

Mr. Eiken then provided detail noting that historically airbags were handled as scrap metal; but, with the Takata airbag ruling, 22 million airbags had been taken out – begging the question of what to do with them. The EPA memo had stated that they caused so much damage that they must be treated as hazardous waste; but when they came out with the airbag rule, it was less restrictive than the hazardous waste law. He went on to note that a large number have been treated as hazardous waste and had been sent to a disposal facility in Missouri, so this would be a benefit to us.

Mr. Eiken went on to advise that the second rule under review, the Pharmaceutical Waste rule proposed by the EPA, would go into effect on August 20. Originally designed to cover disposal of pills, it now encompasses nicotine and warfarin. He advised that nicotine gum could be thrown in the trash, but if dropped on the floor, it had been listed as hazardous waste. Under new language, patches, lozenges, etc, could be handled as regular waste. On the issue of Warfarin, as it is a P listed waste, in capsules it was not a problem for disposal as waste; but in pill form it had to be disposed of as hazardous waste. With the EPA adoption, it cannot be flushed down the toilet as the sewer systems are not designed to extract this out.

A question was posed as to whether rinsate was a hazardous waste; to which Mr. Eiken responding it was if it was flushed. He went on to describe that the new language establishes a reverse distributor but also raises a question as to the legality of this approach. He noted that this did clear up the question for medical facilities as they will no longer be a LQG.

Mr. Eiken then wrapped up his presentation with information on the Hazardous Waste Generator Improvement Rule, noting that some complaints have been received that this language is stricter than before. He noted that those issues could not be enforced until it was adopted. He advised that some SQG currently can only send to a hazardous waste disposal facility and under the new rule can send to a sister company who is a LQG where it becomes waste only after it is transported and allows facilities to aggregate their waste in one place. There is currently enforcement discretion and voluntary – some will not do this until a rule is in place.

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

4. DIRECTOR'S REPORT

Mr. John D. Jurgensmeyer, ERP Director, addressed the Commission and provided a brief overview of recent Program activities. Mr. Jurgensmeyer began with noting that there had been recent staffing changes within the Program, that the name of the program had been changed and that the Enforcement and Permits sections had moved to the Waste Management Program (WMP), formerly called the Solid Waste Management Program (SWMP). Mr. Jurgensmeyer introduced Mr. Chris Nagel, the WMP Director, and noted that Mr. Nagel would be joining him in addressing the Commission in areas that involved the sections that have migrated to the WPM.

Mr. Nagel addressed the Commission and introduced his Section Chiefs; Charlene Fitch, Michael Parris and Rick Kemper, providing them an overview of the duties under their supervision.

Chairperson Aull noted that she had set in on the recent Litton public meeting and inquired as to how many other TCE sites there were in the state, how many had karst topography and what the scope of the plume was. Mr. Jurgensmeyer responded that staff would put that information together and have at a future meeting. Vice Chairperson Jordan inquired as to how far the public water supply was from the contaminated homes; with Mr. Jurgensmeyer responding that lines were laid and some people did not have them hooked up. He went on to report that residents signed up to have their water tested and that TCE and lead were the major concerns.

Mr. Jurgensmeyer went on to report that the Missouri Risk Based Corrective Action guidance document was almost complete. He advised that the vapor intrusion portion was still being coordinated with the Department of Health.

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.

5. COMMISSION OPERATING PROCEDURES MANUAL UPDATE

Chairperson Aull noted that the last changes were made in 2014. AGO Jennifer Hernandez was asked if there were any legal issues regarding updates. She responded that there were not. Chairperson Aull requested the issue to be tabled, seconded by Commissioner Foresman, as no quorum was in attendance.

6. LEGAL UPDATE

Ms. Jennifer Hernandez addressed the Commission and introduced one of her co-counsel who provided the Commission with a PowerPoint presentation on Missouri's Sunshine Law, as it regarded the Commission and their meetings. It was noted that this law was outlined in 610.021(8) and stated that meeting minutes needed to reflect who was present and who was absent. The presentation covered that a roll call was always required to go in to closed session

and that a reason must be announced before the Commission could go in to closed session. An additional roll call vote had to be taken when going out of closed session and that members may object to going in to closed session.

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

7. PUBLIC INQUIRIES AND ISSUES

The floor was opened to any public inquiries. Chairperson Aull noted that there were no requests to speak at this time,

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

8. FUTURE MEETINGS

At this time it was announced that Commissioner Foresman had tendered his resignation from the Commission, effective June 30, with many thanks being given for his service to the Commission.

It was noted that the next meeting was scheduled for Thursday, June 21, 2018.

Chairperson Aull adjourned the meeting at 11:37 a.m.

Respectfully Submitted,

Debra D. Dobson, Commission Assistant

APPROVED

Elizabeth Aull, Chair

Date

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
August 15, 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 9:55 a.m.

COMMISSIONERS PRESENT IN PERSON

Chair Elizabeth Aull
Vice-Chair Mark Jordan
Commissioner Kevin Kamp

COMMISSIONERS PRESENT BY PHONE

Commissioner Jamie Frakes

A. CALL TO ORDER

Chairperson Elizabeth Aull called the General Session to order at approximately 10:07 a.m.

A roll call was taken of the Commissioners. Chairperson Elizabeth Aull, Commissioner Kevin Kamp and Vice Chairperson Mark Jordan were present in person. Commissioner Jamie Frakes was present by phone. A quorum was established at this time.

PLEDGE OF ALLEGIANCE

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

Chairperson Aull began the meeting with an introduction of the newly appointed member of the HWMC, Commissioner Kevin Kamp. Chair Aull went over Commissioner Kamp's resume and noted that with his background and experience he would be an asset to the Commission.

Agenda Item B – Approval of Minutes was passed on at this time to allow the Department Director to address the Commission.

C. NEW BUSINESS

Ms. Carol Comer, Director of the Department of Natural Resources, addressed the Commission, welcoming them and expressing her gratitude for their dedication and service to the Commission, the Department and the state. Ms. Comer went on speak on the Department's recent completion of the Red Tape Reduction efforts and the Commission's assistance with those efforts. She then advised the Commission that the Department was coming before them at this time to request assistance with the proposed increases to the generator fee structure. She advised that it was a short timeframe and although there had been two stakeholder meetings held, she apologized as this was not the way the Department liked to treat their partners. She again thanked the Commission for their assistance with the proposed rulemaking.

Chris Nagel, Director, Waste Management Program, then addressed the Commission and provided a PowerPoint presentation outlining the background information on what had occurred to bring about the sudden need for an increase. He outlined the efforts the Programs/Department had made to reduce costs, noting reductions in recent EPA grant monies, legislative action increasing staffing costs and the projected shortfall to the Hazardous Waste Fund necessitating the additional \$1.2 M for the FY 22 budget. Mr. Nagel went on to note that a consensus had been reached following the second stakeholders meeting, with the proposal having been posted to the discussion forum Base Camp group. He went on to advise that the only changes since that time had been an allowance for a discounted rate for registration and renewal fees for hazardous waste generators that had multiple locations under one owner. A handout was provided outlining the revised rule language.

Mr. Ed Galbraith, Director, Division of Environmental Quality, then provided information to the Commission that this was just a short term solution, and that it would sunset following FY 22. He stated that immediately following the completion of these efforts, discussions with stakeholders would begin to seek a long term solution to the funding shortfalls. Mr. Galbraith went on to outline the verbiage in the proposed rule, detailing the addition of the discount language. He did note that this discount was for renewals only; and that any new or reactivated facilities would billed at the higher rate.

A question was asked and addressed clarifying the language noting "Fiscal Year" vs "Calendar Year."

A timeline of the proposed rulemaking activities was discussed with the schedule of what happens next.

Vice-Chair Jordan posed the question of verbiage in the proposed language that notes the variable component "can adjust down." He asked if it could "adjust up"? It was noted that the Commission had the authority to set the "not to exceed" amount.

The Commission inquired as to the dollar value of the reductions that had been made. This issue was discussed with Mr. Nagel noting that funding had been lost during the recent Red Tape Reduction efforts; and, although it was the right decision, it did have impacts.

Chairperson Aull inquired as to what defined "fringe." Mr. Nagel advised that healthcare and retirement were included. Mr. Galbraith also advised that the Governor's budget set those numbers but that they are spread across all the funding sources. Vice-Chairman Jordan inquired

as to what the growth rate was on the proposed increases, with a response of “3%” being given. He also noted that now that these are known increases that they would need to be included in any long term solutions that were brought forth for discussion.

Chairperson Aull then inquired as to how a “generator” gets involved with DNR, with Mr. Nagel noting that the process of registering as a generator was set in statute.

D. PUBLIC INQUIRIES AND ISSUES

The floor was opened to any public inquiries. Chairperson Aull noted that there were two requests received to speak at this time,

Mr. Ray McCarty, Associated Industries of Missouri, addressed the Commission and advised that there was a critical need for the current changes and that discussions would need to continue to address future shortfalls. He noted that the current request was appropriate for the short term, but that in reviewing the Department’s information, five FTE’s were in the budget for staffing in the Attorney General’s Office, and had been for 20 years. He stated that it needed to be looked in to, to ensure that it was appropriate. He went on to state that the Department had asked for \$1.2 M – with the proposal providing \$500,000 a year over 2 years. With that only totally \$1 M, he advised that the Department would need to look at other sources to make that difference up.

Vice-Chairman Jordan inquired as to what percentage of the fees paid in were representative of the group Mr. McCarty represented. Mr. McCarty advised that he did not have an exact amount but that it should be a high percent.

Mr. Kevin Perry, REGForM, then addressed the Commission and noted that he was here today to support the Department in their current proposal for a fee increase. He noted that it was a complex process. He also noted that he had worked with the Department for years and had seen major steps taken by DNR to be responsible stewards of the monies provided to them for their services. He also noted that the Red Tape Reduction was a positive thing in his opinion, but that it did impact the funding to the agency.

Mr. Perry went on to note that this was just a bridge, a short term fix, and that major efforts would have to be undertaken in the near future to develop a long term solution. He did state that with this proposal, the fee increases were divided out so everyone bore the cost increases. He also stated that the next step was to set down and thoroughly discuss options for a long term fix, and that the built in sunset should help drive discussions.

Mr. Perry emphasized that the support of the proposal was warranted, and that no one wanted the EPA to take over the program in Missouri.

Vice-Chairman Jordan also asked Mr. Perry what percentage of the fees paid in were representative of the group he represented. Mr. Perry responded that REGForM represented more than 2/3 of the top 10 generators.

Chairperson Aull asked who would be hurt the most by the proposal. It was discussed that the smaller generator would probably feel the increase more. It was also noted that future efforts

needed to look at every source, especially sources benefiting from Missouri's program that do not contribute to its funding.

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

B. APPROVAL OF MINUTES

- General Session minutes from the December 20, 2018, and March 21, 2019, meeting:

No quorum was available at this time so a vote was not taken; the issue was passed until a quorum was available.

Vice-Chairman Jordan noted that as he had been reviewing the equation, he did wonder, in the world of tanks and tank owners, how much of an impact this could have on multi-tank owners.

E. FUTURE MEETINGS

Sept. 19, 2019	10:00 a.m.
Nov. 1, 2019	10:00 a.m.
Nov. 26, 2019	1:00 p.m.

F. CLOSED SESSION

No closed session was required.

G. ADJOURNMENT

Vice-Chairman Jordan made a motion to adjourn the meeting at 11:07 a.m. It was seconded by Commissioner Kamp.

Respectfully Submitted,

Debra D. Dobson, Commission Assistant

APPROVED

Elizabeth Aull, Chair

Date

Missouri Hazardous Waste Management Commission Meeting

**August 30, 2019
Agenda Item # C**

Recommended for Adoption Request to Proceed – Generator Fee Structure Increase

Issue:

Through a stakeholder effort that concluded on July 31, 2019, a proposal to change the existing hazardous waste fee structure was developed. The proposal would increase hazardous waste generator registration fees for calendar years 2021 and 2022. The proposed system would establish a fee of \$175 for conditionally-exempt, \$360 for small quantity generators, and \$1150 for large quantity generators. At the request of stakeholders, this proposal will also limit the amount of generator registration fees paid by any one generator who has multiple hazardous waste generator ID numbers.

The Missouri Department of Natural Resources is authorized by statute to utilize the rulemaking process to adjust fees paid by hazardous waste generators, with approval from stakeholders and from the Missouri Hazardous Waste Management Commission.

Through this stakeholder process, the Department is pursuing an increase to hazardous waste generator registration fees because current projections for the Hazardous Waste Fund project the fund becoming insolvent in Fiscal Year 2022 and calculate a shortfall in revenues of \$1.2 million.

The temporary increase in the hazardous waste generator registration fee would generate \$599,970 per year for two years, minus a discounted amount of \$95,730 for generators claiming the multiple ID number discount. The net revenue increase would equal \$504,240 to the Department per year for 2 years.

The fee proposal was presented to the Commission at the August 15th commission meeting. Under the law, the Commission had to wait until its next scheduled meeting to approve or disapprove the proposal. The Department hopes to have the final decision on any changes to the fee structure to the legislative Joint Committee on Administrative Rules by December 1st of this year so that the fee structure can be in place on the earliest possible date, which will be January 1, 2021.

Recommended Action:

The Hazardous Waste Management Commission to vote on approval of the fee proposal and on the Finding of Necessity/Request to Proceed for the Department to file an amendment to change the hazardous waste fee structure found in:

10 CSR 25-12.010, Hazardous Waste Fees and Taxes

Presented by:

Chris Nagel, Director, Waste Management Program

John D. Jurgensmeyer, Director, Environmental Remediation Program

Draft Motion Language

“I move that the Commission approve/disapprove/approve with modifications the Department’s request to file a proposed amendment to 10 CSR 25-12.010, to change the hazardous waste fee structure, and further find that this rule is necessary to carry out the purposes of the Revised Statutes of Missouri.”

**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 12—Hazardous Waste Fees and Taxes**

PROPOSED AMENDMENT

10 CSR 25-12.010 Fees and Taxes

PURPOSE: The proposed amendments of this rule relate to the hazardous waste fee structure for hazardous waste generators and permitted hazardous waste treatment, storage, and disposal facilities in Missouri. Sections 260.380.1(10)(d) and 260.475.8 RSMo give the Missouri Department of Natural Resources the authority to conduct a comprehensive review of the hazardous waste fee structure and to develop proposed changes to the fee structure. These changes were developed by the Hazardous Waste Fee Stakeholder Workgroup. The commission proposes to amend section (1) of the rule, including the addition of a new subsection (G).

- (1) Hazardous Waste Fees Applicable to Generators of Hazardous Waste. The fees in this section apply notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this section.
- (E) Registration Fee. A generator subject to registration in accordance with 10 CSR 25-5.262 shall pay the following registration fees, **except as specified below in subsection (1)(G):**
1. All new generator registration and renewal fees will be based upon the generator status of the generator. The fee schedule is as follows:
 - A. A generator registering as a Large Quantity Generator shall pay a registration fee of five hundred dollars (\$500);
 - B. A generator registering as a Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150); and
 - C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150);
 2. A registration fee will be paid with the submittal of the registration form required by 10 CSR 25-5.262 when one (1) of the following is true:
 - A. The generator is applying for a new ID number (initial registration);
 - B. The generator is reactivating an existing ID number that had been inactivated;
 - C. There has been a change in the ownership of the generator (initial registration for the new company); and
 - D. A SQG or CESQG who changes their generator status to LQG and has already paid the one hundred fifty dollar (\$150) registration fee for the year as required by this subsection shall pay three hundred fifty dollars (\$350) with the submittal of the required registration form;
 3. The following constitutes the procedure for registration renewal:

- A. The amount of the registration renewal fee is also based upon the generator status of the generator at the time the invoice is generated and uses the same schedule as the registration fee;
 - B. The calendar year shall constitute the annual registration period;
 - C. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;
 - D. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but not the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;
 - E. Any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;
 - F. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;
 - G. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and
 - H. The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check; and
4. Large quantity generator registration renewal petition process. A generator may petition to have a single large quantity generator registration renewal fee cover multiple generator sites with different ID numbers as long as at least one (1) generator site is a large quantity generator and the generator can demonstrate to the satisfaction of the department that each of the following conditions has been met:
- A. All of the generator sites are owned or leased by the same person and all are under control of the same person;
 - B. The generator provides a single point of contact for all generator sites within the group;
 - C. Each generator site is adjacent to a property that also shares a border with at least one (1) other generator site in the group, or all generator sites are accessible by a common roadway, or all generator sites are within the recognized boundaries of an industrial park, warehouse district, research campus, or academic campus, provided that all

generator sites are in close proximity to one another and can be inspected as a single facility;

- D. The generator submits a map that shows the location of each generator site covered by the single registration fee;
- E. All of the generator sites share a single contingency plan, a single repository for required records, and a unified training plan that covers all of the large quantity and small quantity generator sites; and
- F. The generator must submit an updated petition and map any time a generator site is added to or removed from the group and each generator site must have an existing ID number before it can be added to the group.

(G) Temporary fee structure for registration and renewal fees for calendar years 2021 and 2022 only. The fee structure established below is in place for calendar years 2021 and 2022.

1. **All new generator registration and registration renewal fees accruing before January 1, 2021, will be assessed at the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C. All new generator registration and registration renewal fees accruing during calendar years 2021 and 2022 will be assessed by the Department at the following rates:**

- A. **A generator registering as a Large Quantity Generator shall pay a registration fee not to exceed one thousand one hundred and fifty dollars (\$1150);**
- B. **A generator registering as a Small Quantity Generator shall pay a registration fee not to exceed three hundred and sixty dollars (\$360); and**
- C. **A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee not to exceed one hundred seventy five dollars (\$175).**

All new generator registration and registration renewal fees accruing on or after January 1, 2023, will revert back to the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

2. **Registration renewal fees for owners of multiple hazardous waste generator ID numbers.**
 - A. **For individuals or companies that own multiple sites for which they obtain hazardous waste ID numbers, the fees established in this section will only be assessed on:**
 - (I) **The first 5 large quantity generator ID numbers; and**
 - (II) **The first 10 small quantity generator ID numbers; and**
 - (III) **The first 15 conditionally-exempt small quantity generator ID numbers.**
 - B. **The remainder of the hazardous waste generator ID numbers will be assessed the regular registration renewal fee established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.**
 - C. **Generators are responsible for providing documentation required to verify common ownership of the multiple hazardous**

waste ID numbers, and must also provide a list of all of their ID numbers and indicate which ID numbers are to be assessed the temporary rates established in this section, as well as which ID numbers will be assessed at the rates established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

- 3. All new generator registrations and reactivations of ID numbers accruing during calendar years 2021 and 2022 shall pay the full amount established in the temporary fee structure.**

AUTHORITY: sections 260.370, 260.390, 260.395, and 260.437, RSMo 2016, and sections 260.380, 260.391, and 260.475, RSMo Supp. 2018

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty eight thousand four hundred and ninety dollars (\$48,490) in the aggregate each year for two calendar years.

PRIVATE COST: This proposed rule will cost private entities four hundred fifty five thousand seven hundred fifty dollars (\$455,750) in the aggregate each year for two calendar years.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on November 1, 2019, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on November 1, 2019. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on November 1, 2019. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Missouri Department of Natural Resources
Hazardous Waste Management Commission
Certification of Decision**

Request to Begin Rulemaking on Hazardous Waste Fee Structure and Finding of Necessity

Pursuant to Sections 260.380 and 260.475, the Missouri Department of Natural Resources Hazardous Waste Management Commission authorizes on this date, August 30, 2019, the Missouri Department of Natural Resources to file a proposed amendment to 10 CSR 25-12.010 to change the hazardous waste fee structure and further finds, pursuant to Section 536.016 RSMo and the DNR Rulemaking Policy and Procedures, that this rulemaking is necessary to carry out the purposes of the Revised Statutes of Missouri.

DATE: August 30, 2019

Elizabeth Aull, Chair

Mark E. Jordan, Vice-Chairman

Jamie Frakes, Commissioner

Kevin Kamp - Commissioner

Andrea J. Farr - Commissioner

Rulemaking Timeline

- Sept. 3, 2019 - File proposed rule
- Oct. 1, 2019 - Publish Proposed Rule in MO Register and begin public comment period
- Nov. 1, 2019 - HWMC Public Hearing**
- Nov. 8, 2019 - Public comment period ends
- Nov. 26, 2019 - HWMC votes on Order of Rulemaking**
- Nov. 27, 2019 - File Order of Rulemaking
- Jan. 1, 2020 - Start of General Assembly review
- Jan. 1, 2021 - Rule effective
- Dec. 31, 2021 - Fees due



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DEPARTMENT OF
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Hazardous Waste Management Commission Meeting

Rule Proposal - Hazardous Waste Generator Fees
August 30, 2019

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Cumulative Funding Impacts

\$1,000,000 Federal RCRA Grant Cuts
\$217,000 COLA Increases
\$741,000 Fringe Increases
\$300,000 Red Tape Revenue Reduction
\$2,258,000 Net Negative Annual Impact



Efforts to Reduce Cost

- Reduced 10 positions through attrition and reorganization.
 - Focused on what is important
 - Merged permits and enforcement staff sections
 - Emphasized multi-media positions
- Estimated cost reduction \$344,646, plus fringe
- Reduced vehicle fleet size, 23% DEQ
 - Est. replacement value savings HWP \$70,023



Rule Proposal

Revised fee structure

CESQG \$150 to \$175

SQG \$150 to \$360

LQG \$500 to \$1,150



Rule Proposal

Discount for multi-facility owners

- >5 LQG
- >10 SQG
- >15 CESQG

Projected annual revenue impact **(\$95,730)**

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Rule Proposal

Net annual increase: \$504,240
Total increase: \$1,008,480

2-year fee adjustment sunsets January 1, 2023

Department option to adjust fee downward

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Draft Rule Proposal

See handout

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Rulemaking Timeline

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Vote

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Phase II Discussions

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Missouri Hazardous Waste Management Commission Meeting

**August 30, 2019
Agenda Item # D**

Open Comment Session

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

**August 30, 2019
Agenda Item # E**

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
Thursday, Sept. 19, 2019	10:00 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Friday, Nov. 1, 2019	10:00 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Tuesday, Nov. 26, 2019	1:00 P.M.	Gasconade Camp Conference Room 1101 Riverside Drive Jefferson City, Missouri 65101
Thursday, Dec. 19, 2019	10:00 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, March 19, 2020	10:00 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

Recommended Action:

Information Only.

Missouri Hazardous Waste Management Commission Meeting

**August 30, 2019
Agenda Item # F**

Closed Session

Issue:

This portion of the meeting may be closed if such action is approved by a majority vote of the Hazardous Waste Management Commission members who constitute a quorum, pursuant to Section 610.021, RSMo.

Information:

Information Only.

Missouri Hazardous Waste Management Commission Meeting

**August 30, 2019
Agenda Item # G**

Meeting Adjournment

Issue:

Motion and second to adjourn meeting.

Information:

Information Only.