



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

DRAFT

NOTICE OF OPEN MEETING

The meeting will also be streamed live from the Department's website at:
dnr.mo.gov/videos/live.htm.

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

October 15, 2015

**Department of Natural Resources, Hazardous Waste Program
Bennett Springs/Roaring River Conference Rooms
1730 E. Elm Street
Jefferson City, MO 65102**

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

9:45 A.M. EXECUTIVE (CLOSED) SESSION

In accordance with Section 610.022 RSMo, this portion of the meeting may be closed by an affirmative vote of the Commission to discuss legal matters, causes of action or litigation as provided by Subsection 610.021(1). RSMo.

10:00 A.M. GENERAL (OPEN) SESSION

The General (Open) Session will begin promptly at 10:00 a.m., unless an Executive (Closed) Session has been requested; after which, the General Session will start as specified by the Commission's chairman.

Commissioner Roll Call

1. Pledge of Allegiance – Commissioners
2. Approval of Minutes – General (Open) Session, August 20, 2015 – Commissioners

Action Items

3. Adoption of Orders of Rulemaking – “Proposed Amendment to 10 CSR 25-12.010 Hazardous Waste Fees and Taxes” – Tim Eiken, Director’s Office, HWP

Information Only:

4. Rulemaking Update – Tim Eiken, Director’s Office, HWP
5. New Proposed EPA Rules:
 - Generators – Tim Eiken, Director’s Office, HWP
 - Pharmaceuticals – Kathy Flippin, Compliance and Enforcement Section, HWP
6. Planned Outreach – “No Stricter Than” – Kathy Flippin, Compliance and Enforcement Section, HWP
7. Developing Post Closure Care Guidance – Rich Nussbaum, Permits Section, HWP
8. Drycleaner Environmental Response Trust (DERT) Annual Report – Scott Huckstep, Brownfield Voluntary Cleanup Section, HWP
9. Missouri Pesticide Collection Program Update and Outreach Efforts – C.J. Plassmeyer, Compliance and Enforcement Section, HWP
10. Quarterly Report – Larry Archer, Public Information Office
11. Legal Update – Kara Valentine, Office of the Attorney General
12. Public Inquiries or Issues – David J. Lamb, Director, HWP
13. Other Business – David J. Lamb, Director, HWP
14. Future Meetings
 - Thursday, December 17, 2015 – to be held at the Bennett Springs/Roaring River Conference Rooms, 1730 E. Elm Street Conference Center, Jefferson City, MO

Adjournment

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

Meeting Date: October 15, 2015

ROLL CALL ROSTER

	In Person:	By Phone:	Absent
Chairman Charles Adams	_____	_____	_____
Vice-Chairman Elizabeth Aull	_____	_____	_____
Commissioner Jamie Frakes	_____	_____	_____
Commissioner Michael Foresman	_____	_____	_____
Commissioner Andrew Bracker	_____	_____	_____
Commissioner Mark Jordan	_____	_____	_____

Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 1

Pledge of Allegiance

Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 2

Approval of Minutes

Issue:

Commission to review the General Session minutes from the August 20, 2015, Hazardous Waste Management Commission meeting.

Recommended Action:

Commission to approve the General Session minutes from the August 20, 2015, Hazardous Waste Management Commission meeting.

GENERAL

SESSION

MEETING

MINUTES

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
August 20, 2015; 10:00 A.M.
1730 E. Elm Street
Roaring River Conference Room
Jefferson City, MO 65102

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

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

COMMISSIONERS PRESENT IN PERSON

Chairman Charles (Eddie) Adams
Vice-Chairman Elizabeth Aull
Commissioner Jamie Frakes
Commissioner Mark Jordan

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

COMMISSIONERS PRESENT BY PHONE

Commissioner Michael Foresman
Commissioner Andrew Bracker

1. PLEDGE OF ALLEGIANCE

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

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

2. APPROVAL OF MINUTES

- General Session minutes from the June 11, 2015, meeting:
Vice-Chairman Aull made the motion to approve, seconded by Commissioner Jordan.
A vote was taken; all were in favor, none opposed. Motion carried. Minutes approved.
- General Session minutes from the June 18, 2015, meeting:
Vice-Chairman Aull made the motion to approve, seconded by Commissioner Jordan.
A vote was taken; all were in favor, none opposed. Motion carried. Minutes approved.

3. PUBLIC HEARING – “HAZARDOUS WASTE FEES AND TAXES” RULEMAKING

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

“I hereby call this public hearing to order. A public hearing is not typically a forum for debate of the issues. Rather, the purpose of this hearing is to provide the Department of Natural Resources and the public an opportunity to present testimony on the proposed changes to 10 CSR 25-12.010, Hazardous Waste Fees and Taxes.

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

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

Mr. Tim Eiken, Director’s Office, was sworn in and gave a PowerPoint presentation providing the Department’s testimony on the proposed rule changes. Following Mr. Eiken’s testimony, Mr. Kevin Perry, of REGFORM, was sworn in and provided testimony/comments on the proposed rule. After determining that there was no one else wishing to provide comments/testimony, Chairman Adams called the Public Hearing closed at 10:30 a.m. A copy of the transcript of the Public Hearing may be found at: <http://dnr.mo.gov/env/hwp/commission/documents/2015-08-20-HWFeesandTaxes-Amendment-Public-Hearing-Transcript.pdf>. A hard copy of the hearing transcript is attached to these minutes.

4. ADOPTION OF ORDERS OF RULEMAKING – “NO STRICTER THAN” RULEMAKING

Mr. Tim Eiken, HWP Director’s Office, addressed the Commission and noted that at the last regular meeting in June, a public hearing was held on the “no Stricter Than” amendments and now this was the second step in the process, the adoption of the final orders of rulemaking. He noted that the nature of the rules that the Commission was being asked to adopt this meeting have been in the works for several years. He stated that the primary purposes for these group of amendments was the implementation of the “No Stricter Than” statute by eliminating requirements in Chapters 3, 4, 5, and 7 that are stricter than federal requirements found in 40 CFR parts 260, 261, 262, 264, 265, 266, 268, and 270.

He also noted a need to make changes to other Chapters that are consistent with changes made as a result of “No Stricter Than” update, in addition to the incorporation by reference of Code of Federal Regulations to July 1, 2013; plus solvent wipes and electronic manifest rules. He noted that current rules incorporate by reference from the July 1, 2010, edition, and will update to the July 1, 2013, edition, with a total of six federal rules to be adopted.

Mr. Eiken advised the Commission he was providing a brief overview of what is an Order of Rulemaking, and what it is exactly that they were being asked to approve at this stage. He noted that there was one order of rulemaking for each proposed amendment so there were a total of 14 orders of rulemaking for which approval was being requested. He noted that the Order of Rulemaking directs the final rule to be published, including any changes made in response to comments. He also noted that each Order includes a summary of comments received on each rule and includes any rule text that was changed from the text of the proposed amendment published on May 15, 2015, so you can see how the rule language changed, if it changed at all, from the text of the proposed amendment. He advised that there had been testimony on proposed rules from Mr. Kevin Perry with REGFORM, and then Mr. David Shanks of Boeing. He noted that we did receive two comments submitted by email and 5 comments submitted by written letter, and provided a list of the comments that were received. He also noted that copies of all the comments had been provided in the Commissioners packets.

Mr. Eiken advised that there were three changes proposed. He noted that one was in response to comments on the use of the Missouri Used Oil Shipment Record [11.279(2)(E)3.A.], the revised Fiscal Note prepared for 10 CSR 25-5.262, and one change was made in response to correct a typo in the text of the proposed rule 5.262(2)(C)3.D. He went on to advise that the first comment relating to used oil shipment records in Missouri was from a transporter of used oil, Safety-Kleen, stating that the Missouri rules require those shipping used oil to use a specific Missouri form. This form describes what's being shipped. He stated that there are also federal regulations that apply to these shipments so essentially the comment asked us to consider making use of the Missouri form optional instead of mandatory, since in their experience they end up having to do both anyway because other states are not accepting them. Mr. Eiken noted that the comments we received stated that the Missouri form is duplicative and not accepted in other states. They stated that transporters have to fill out both forms for shipments into or out of the state. Mr. Eiken advised that the Department's response to the comments was that the Missouri form includes a certification statement and recording of both acceptance and delivery information on that single form - neither are required by federal regulation. But, he noted, a change was made to make use of Missouri form optional.

The second change proposed was regarding the narrative portion of the fiscal note. Comments were received with concerns that the fiscal note infers that the National Fire Protection Association (NFPA) standard requires that labels be affixed to the tank itself and requested changes be made to the text to avoid any confusion. Mr. Eiken stated that the Department's response was to make appropriate changes to the narrative portion of the fiscal note to clarify that labels don't have to be placed on the tank and a revised fiscal note was included with the Order of Rulemaking.

Mr. Eiken then discussed other comments received that did not result in recommended changes by the department, beginning with comments on container labeling. Mr. Eiken advised that comments received stated that Missouri regulations were not needed with regards to container labeling. The commenter stated that the same information on the container contents can be gathered through existing requirements for coordination with local emergency responders. Mr. Eiken advised that documents received from the Acting State Fire Marshal requested the rule be adopted as proposed. The Department's response was that the proposed language was developed as a compromise through a stakeholder process and no change was recommended. He went on to advise that the Acting State Fire Marshal weighed in on this requirement and recommended that the rules be adopted as proposed as they believe that the labels are necessary and provide good information to their staff in the event of situations.

Mr. Eiken then discussed comments received regarding satellite accumulation. He noted that in an early draft of the rules, staff had decided to eliminate the Missouri requirement, which would have left us under the federal regulation for all facilities. He noted that the federal regulations and guidance do not give as much flexibility in terms of quantity of waste that you can accumulate in your satellite accumulation area. He also noted that during the comment period on the regulatory impact report for this rule, the Department had received comments requesting it consider allowing facilities to choose either to follow the federal or previous state requirements, as had been allowed in a few other regulations in this rule package. He noted that we did propose they be allowed to choose one or the other and as long as they notify us of which they're choosing. He advised that we did get some comments, basically asking that generators be allowed both the Missouri option and the federal option, and that we eliminate the notification requirements.

Mr. Eiken advised that in regards to the notification issue, the Department determined that notification is necessary just to eliminate confusion about what system a generator is operating under. Mr. Eiken also discussed the issue that the Missouri option and the federal option on satellite accumulation are based on different assumptions. He noted that the Missouri option allows greater quantities but with the limited amount of time, and the federal option puts a limit on the quantity but it allows an unlimited amount of time; so you have two different systems that are based on limitation on the amount of time and on the quantity of waste being accumulated. He noted that the Department felt like it was incompatible to have both systems in the same facility because it could introduce situations where containers are moved from the Missouri area to the federal area or vice versa so that they could benefit from both Missouri option and the federal option. He noted that generators are allowed to use multiple satellite accumulation areas so it would be difficult for our inspectors to determine compliance and the Department believes that it's simple, clear and safe to just have satellite accumulation limited to one system. Mr. Eiken advised that we didn't necessarily have stakeholder agreement or consensus on the language that we proposed, but we have discussed this with stakeholders, and there was a compromise already from our original position of Federal regulations only. He also noted that in the background on this particular issue is EPA's position on this satellite accumulation regulation, and on what their interpretation of it is. He advised that the Missouri option could be interpreted to be less stringent than the

federal regulation because we do allow greater quantities of hazardous waste even with the time restriction. He noted that in the past they have allowed us to do that because we do have the one-year time limit, and hazardous waste is not going to be stored for a lengthy period of time even though we do allow storage of greater quantities of waste. Because of this they have not raised this issue in the past but we feel if we provide further flexibility this may create an issue.

Mr. Eiken then went on to outline the Solvent Wipes Rule and noted the Department received comments from two industry associations supporting adoption of the rule as proposed. He noted that the comments pointed out that the conditional exclusion for these materials has been in development for thirty years and that the benefits would include increased flexibility and simplicity, a uniform national standard, reduced costs, increased compliance and standards that are appropriate for the risk. He noted that no change was recommended.

Mr. Eiken then advised that this ended the overview of the Department's response to the comments, and that the recommendation was to adopt the 14 orders of rulemaking, including the changes that were recommended in the response to comments. He noted that we are on a tight schedule as far as filing the Orders of Rulemaking as the Orders have to be filed with the Joint Committee on Administrative Rules (JCAR) by August 21st. He advised, once we get the final decision from the Commission today, and the Orders are filed with JCAR, the rest of the dates fall into place from there and these changes will be effective by the end of the year. He noted that this was the Department's recommendation, but that it was really in the Commission's hands at this point as far as the final decision on each of these 14 orders.

Commissioner Jordan asked the Department to go over some alternative language that he had requested be developed that would eliminate the notification requirement and allow both options to be used in the same facility. Mr. Eiken responded by discussing the different options and their requirements. He noted the different markings on the containers that would be required, that would tell inspectors that this container was being operated under the Missouri accumulation limits of 55 gallons per waste stream rather than 55 gallons total.

Commissioner Jordan inquired as to whether the additional language would mitigate the Department's concerns with generators moving wastes around at their facilities. Mr. Eiken responded that it would help, more so than a date, but not enough to change the Department's recommendation. Mr. David J. Lamb also responded that allowing both methods provided too much flexibility and noted that he thought it may raise concerns with the EPA who would need to authorize the rule. Commissioner Jordan asked for clarification how any amendment made today would be handled procedurally related to the EPA's review of the rule. Mr. Lamb then explained how the authorization process would work.

No other questions were posed by the Commission.

Commissioner Jordan made a motion to adopt with modifications. Chairman Adams inquired as to how he wished to specifically word his motion. Commissioner Jordan described the

changes to the text he was proposing. Commissioner Foresman seconded the motion and Chairman Adams called for a roll call vote with four “nays” and 2 “yays”. The motion failed. Vice Chairman Aull made the motion to adopt the 14 amendments as proposed by the Department. Commissioner Jordan seconded the motion. A roll call vote was taken with 6 “yays” and no “nays”. The motion passed and the orders were adopted.

5. RULEMAKING UPDATE

Mr. Tim Eiken, Director’s Office, addressed the Commission to discuss the Program’s rulemaking activities. He began with a discussion of the underground storage tank regulations, which he noted had recently been finalized at the federal level. Mr. Eiken advised that the Department was working on a companion state rule that goes along with the Federal rule, along with schedules and timelines. He noted that he believed the Program was close to having a draft rule ready for a discussion with stakeholders. He also noted that Heather Peters would continue to travel around the state giving presentations on the new regulations.

Mr. Eiken went on to state that the EPA rule text may be on the website already, as there was a webpage set up specific to this rule change. He advised that if it’s not there now it will be soon. Mr. Eiken stated that the Program has been talking with the EPA about some of the questions that had been raised. He also noted that Missouri was on a timeline to implement some of the requirements of the new rule. He went on to advise that later this year the Program would be going around the state talking to stakeholders and getting their input. Mr. Eiken stated that this was going to be another significant rulemaking effort.

Mr. Eiken also noted that with the No Stricter Than (NST) package winding down by the end of the year, it would allow our rules to be opened for additional changes. He stated that the rules are kind of locked in place at this point until the NST process is complete, but that the Program was thinking about the next round of federal updates, and trying to decide which ones to include in the next update. He advised that it’s kind of an ongoing process to update federal rules and statutory changes, so we’re starting to think about that now.

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

6. MISSOURI RISK BASED CORRECTIVE ACTION UPDATE

Mr. Tim Chibnall, HWP Director’s Office, addressed the Commission and advised that he was here today to briefly explain the Department’s plan to revise the Missouri risk-based corrective action (RBCA) guidance and the risk-based target levels (RBTL’s) that are found in that guidance. He noted that some might recall that a briefing had been provided to the Commission about this plan at an earlier meeting, and that he was basically back today to let them know that the plan is underway. Mr. Chibnall clarified up front that this pertains to the Missouri RBCA process used by the voluntary cleanup program and the RBTL’s in that guidance and that it does not pertain to Tanks RBCA. He noted that currently the plan

included three components. He advised that first was to update the RBTL's to reflect current science and that they planned to do this by using EPA's regional screening level methods, equations and input factors, which includes toxicity data and exposure factors. He went on to advise that the second component is to revise the guidance to address issues that have been identified both internally and externally through the use of the guidance for the last ten years and the third component is to conduct a rulemaking to accommodate these changes.

Mr. Chibnall stated that with regards to the first component, the RBTL's have not been updated since they were initially published in 2006 and that since that time EPA has made very significant changes to the models and methods and inputs that they used to develop their regional screening levels and the end result is that the 2006 RBTL's used today do not reflect current science. He noted that we are proposing to shift to using the EPA RSL models and inputs to update our target levels, and that this really is a significant change. He stated that the guidance itself has not been revised since 2006 when it was initially published; however, since that time the Department, the Department of Health and Senior Services, and various external RBCA users have identified multiple issues that we really need to address through a revision of the guidance. In addition, he noted, using the EPA methods to update the RBTL's will necessitate additional changes to the guidance. He also stated that the third component of this plan, a rulemaking, is necessary because the RBTL's and the methods and inputs used to calculate the RBTL's are incorporated by reference into the MRBCA rule. And he noted, in addition, some of the changes to the guidance that will likely result from this effort will result in a need to make corresponding changes to the rule. He stated that the rule structure parallels the guidance so if changes are made to the guidance they'll need to be made to the rule as well.

Mr. Chibnall advised that this effort is going to take about two years, the majority of which will be taken up by the rulemaking; and, that we do intend to utilize the assistance of a stakeholder group in this effort and are planning to officially begin the project by conducting a webinar on September 9th. He advised that the purpose of the webinar was to provide interested parties with information about what was being planned and to recruit stakeholders. He advised that it was anticipated that we would need to meet with the stakeholder group at least three times, and noted that the first meeting is planned for November, and the second and third for the early part of 2016. He noted that if we are unable to get through all of the issues we need to get through in those three meetings, it may be necessary to add on from there. Mr. Chibnall advised the Commission that he did anticipate he would be regularly briefing them on the progress with this project as it moves forward. Mr. Chibnall then advised he would be glad to answer any questions, to which there were none.

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

7. FINANCIAL RESPONSIBILITY UPDATE

Mr. Mike Martin, Compliance and Enforcement Section, addressed the Commission and provided an update of the Hazardous Waste Program's (HWP's) progress on sites without a

financial responsibility (FR) mechanism to cleanup releases from underground storage tanks (USTs) utilizing the expedited enforcement procedure. He noted that Missouri law and regulation requires tank owners and operators to maintain FR so that they will have funds to take corrective action and compensate third parties for bodily injury and property damage if they have petroleum releases from their USTs. He stated that the Hazardous Waste Management Commission approved the usage of an expedited enforcement procedure to address these facilities in August 2008; and that at that time, of the 3,374 facilities required to have financial responsibility, 184 facilities lacked coverage, equating to a 95% compliance rate. Mr. Martin went on to explain that as of July 29, 2015, of the 3,211 facilities required to have financial responsibility, 36 are currently without verified coverage. This equates to a 99% compliance rate.

Mr. Martin noted that this expedited enforcement process was a valuable tool, allowing the Compliance and Enforcement Section to keep pace with the tasks and responsibilities of ensuring compliance with FR. And, he advised, utilizing this process, as of July 29, 2015, nine of the sites that could not demonstrate FR were currently at the Attorney General's Office for legal action, 19 have been issued Notices of Violations and 20 of those 36 have applications pending approval with the Petroleum Storage Tank Insurance Fund for coverage.

An opportunity was provided for the Commission to pose any questions they may have had on the information provided. Commissioner Jordan asked Mr. Martin if he could advise if of the 36 or 37 sites without verifiable FR, if most were 30-60 days out of compliance or if he could say how long; or if they were new purchases and the new owners were just trying to get the process figured out? Mr. Martin advised that he did not have a breakdown of the numbers, but the numbers reflect facilities that failed to register and others who had not renewed their policy.

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission and noted that the Program would provide the Commission with a copy of the most recent report it generates each month, showing the length of time each facility was without FR.

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

8. E-REPORTING UPDATE

Mr. David Green, Budget & Planning Section, addressed the Commission and provided an update on the development of the Department's E-Reporting system. He noted that information had been provided at the previous meeting and that the system had been undergoing testing in the interim. Mr. Green advised that the system had been launched on July 1st, 2015, and had one minor bug that was quickly fixed. He noted that so far there had been 163 different numbers registered to use the system; and that within those registrations there were 195 different individuals registered to be able to access one or more of those ID numbers. And, he advised, since the system had been in place, we are even accepting reports for this current fiscal-year, the reporting period that had just ended, July 1 2014, to June 30 2015. He noted that during that reporting year and date, the Program had received and

approved 96 reports through the system. Mr. Green asked if there were any questions on the information he had provided, to which there were none.

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

9. QUARTERLY REPORT

Mr. Larry Archer, Public Information office, addressed the Commission and advised that a new Public Information Officer would be starting work with the Hazardous Waste and Solid Waste Programs, and that the Commission would be meeting Ms. Amy Feeler at the next meeting. He went on to outline what information was contained in the current quarterly report and to note the different topics that were covered in this edition. An opportunity was provided for the Commission to ask any questions they may have regarding the publication.

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

10. LEGAL UPDATE

Mr. Jack McManus, Office of the Attorney General, addressed the Commission and advised that he was filling in for Ms. Kara Valentine at the meeting today, and noted that he had nothing new to report at this time.

Commissioner Bracker addressed the Commission and advised that he wanted to acknowledge Attorney General Koster's announcements this year of the global settlement with Kerr McGee and its successors in the Tronox litigation, noting that these funds would assist in cleanups in Kansas City, Springfield and across the state.

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

11. PUBLIC INQUIRIES

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

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

12. OTHER BUSINESS

Mr. David J. Lamb, Director, HWP, addressed the Commission and began with an update of House Bill 92, noting that the bill would amend the hazardous waste law regarding appeals and how those are handled by the Administrative Hearing Commission and the Hazardous

Waste Management Commission. He advised that the bill has been signed by the Governor and that it would go in to effect on August 28th.

Next he discussed a program funding issue related to the EPA's reallocation of the formula used to distribute RCRA funding. He noted that the Department was currently reviewing how the reallocation formula would affect Missouri, and advised that the deficit was running around \$850,000 over a five-year period. Mr. Lamb also advised that DNR did send letters to both EPA headquarters and Region 7, voicing displeasure with the new allocation formula and that so far as a result, Region 7 has agreed to get the states together and have further discussion. He advised that he was hopeful that the Department can work with our fellow states in the region to try to come up with a better allocation formula at the regional level. He also advised that he had spoken with some of the EPA staff at headquarters recently and did know that they had received our letter and planned to respond. He also stated that we will probably end up taking the funding reduction this year but expressed hope that next year they may re-evaluate the process. He noted that he would keep the Commission updated on this issue.

Mr. Lamb then provided an update on the status of the pesticide collection events. He noted that at this point four out of the five events were completed. He advised that events had been held in Portageville, Mount Vernon, Higginsville and Owensville and we have one more event left on September 19 that will be held in Kirksville. He advised that this particular event was going to be held in conjunction with a household hazardous waste event that the city is putting on, hoping that will help drive a few more people to the event. He stated that the events had been fairly successful so far and we're looking at having collected over 42,000 pounds of pesticides from the four events. He noted that compared to last year, the amount collected so far was double what was collected last year and we still have one more event left. Mr. Lamb advised that that staff is pretty happy with how the events are working and think we've been getting a lot better turnout.

Mr. Lamb the provided an update on the Missouri Waste Control Coalition (MWCC) conference that was held in July. He noted that it turned out to be a pretty successful conference for our brownfields program, which held their Brownfields Conference in conjunction with the event. He advised that the Program had provided several sessions at the conference and there was a good turnout. He noted that the Brownfields Conference had been held in the Elm Street conference center the last couple years, but that they had been able to almost triple attendance and get more people involved by joining with the MWCC. He also advised that he thought this would get more communities utilizing our assessment program and entering into the voluntary cleanup program. He noted that the Tanks staff also participated in the conference and focused a lot on free product recovery in their sessions and that the session on the new tank rules also was well attended.

Lastly, Mr. Lamb updated the Commission on two new federal rules that he indicated he expected would be released by the EPA in the next 60 days. He advised that one rule related to changes to the hazardous waste generator regulations and the other related to the management of pharmaceuticals. He noted that before the next Commission meeting he

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anticipated hearing something on these rules as they were currently with the Office of Management and Budget, going through review. He noted that both rules would mean changes to the state regulations and would have an impact on the program.

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

13. FUTURE MEETINGS

The next regular meeting of the Hazardous Waste Management Commission will be held on Thursday, October 15, 2015, at the 1730 E. Elm Street Conference Center.

Chairman Adams adjourned the meeting at 11:50 a.m.

Respectfully Submitted,

Debra D. Dobson, Commission Assistant

APPROVED

Charles Adams, Chairman

Date

PUBLIC HEARING 8/20/2015

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<p>1 DEPARTMENT OF NATURAL RESOURCES STATE OF MISSOURI</p> <p>2</p> <p>3 MISSOURI HAZARDOUS WASTE MANAGEMENT COMMISSION</p> <p>4</p> <p>5</p> <p>6 IN RE: 7 PUBLIC HEARING 8 PROPOSED AMENDMENT TO 10 CSR 25-12.010 9 HAZARDOUS WASTE FEES AND TAXES RULEMAKING</p> <p>10</p> <p>11 Public Hearing 12 1730 East Elm Street 13 Jefferson City, Missouri 14 August 20, 2015</p> <p>15 BEFORE: 16 MISSOURI HAZARDOUS WASTE MANAGEMENT COMMISSION 17 Charles Adams, Chairman 18 Elizabeth B. Aull, Vice-Chairman 19 Andrew J. Bracker, Commissioner (via telephone) 20 Michael Foresman, Commissioner (via telephone) 21 James T. "Jamie" Frakes, Commissioner 22 Mark E. Jordan, Commissioner 23 David Lamb, Director of the Hazardous Waste Program 24 John K. McManus, Counsel 25 Debra Dobson, Secretary</p> <p>26</p> <p>27 Reported by: 28 Julie K. Kearns, CCR 993 29 Midwest Litigation Services 30 3432 West Truman Boulevard, Suite 207 31 Jefferson City, Missouri 65109 32 (573)636-7551</p>	<p>1 P R O C E E D I N G S 2 (Hearing started at 10:07 A.M.) 3 CHAIRMAN ADAMS: I hereby call this public 4 hearing to order. A public hearing is not typically a 5 forum for debate of the issues. Rather, the purpose of 6 this hearing is to provide the Department of Natural 7 Resources and the public an opportunity to present 8 testimony on the proposed changes to 10 CSR 25-12.010, 9 Hazardous Waste Fees and Taxes.</p> <p>10 At the request of the Commission, the Department 11 will first present testimony on the proposed amendments. 12 Following their testimony, the public will be given the 13 opportunity to comment on the proposed rulemaking. A 14 sign-up sheet is provided at the back of the room for 15 anyone in attendance at the hearing, in addition to 16 comment forms for those who would like to make any oral 17 comments.</p> <p>18 Please fill out a comment form if you wish to be 19 heard. This will aid 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 to 23 provide a business card, if available, to the court 24 reporter and to the Commission secretary. 25 Written comments will also be accepted at this</p>
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<p>1 INDEX</p> <p>2 PAGE</p> <p>3 STATEMENT BY TIM EIKEN 4</p> <p>4 Questions by Commissioner Frakes 17</p> <p>5 Questions by Chairman Adams 19</p> <p>6</p> <p>7 STATEMENT BY KEVIN PERRY 22</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 hearing. Please provide them to the Hazardous Waste 2 Program's Director, David Lamb. Following the conclusion 3 of the hearing, comments may be submitted by mail to the 4 Director of the Hazardous Waste Program, P.O. Box 176, 5 Jefferson City, Missouri 65102. Comments should be 6 submitted -- I'm sorry. Comments submitted by mail must 7 be postmarked on or before the end of the public comment 8 period, on August 27, 2015. Tim Eiken. 9 (Witness sworn.) 10 STATEMENT BY TIM EIKEN: 11 Good morning, Commissioners. My name is Tim 12 Eiken, the rule coordinator for the Hazardous Waste 13 Program. I'm here to present the Department's testimony 14 on this proposed amendment of 10 CSR 25-12.010, the 15 hazardous waste fee rule. Just kind of real briefly, the 16 nature of our -- 17 MS. DOBSON: Is it on? Turn it on on the side. 18 TIM EIKEN: The nature of our testimony will be 19 kind of some background information first, why are we 20 proposing to change this rule and, second, the second half 21 of the presentation will be fee specifics on exactly what 22 it is that we're proposing, what changes we are proposing 23 to this particular rule. 24 Some basic statutory background on the fee rule. 25 It has been about ten years since changes have been made</p>

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1 to the hazardous waste fee structure. That change was
 2 Senate Bill 225 from 2005. Essentially that combined our
 3 two different hazardous waste funds and hazardous waste
 4 remedial fund into a single fund and then kind of
 5 reallocated things that were previously paid out of those
 6 funds to other funds, so just reapportioned funding to
 7 some extent, revised funding in other situations. So we
 8 did change the fee structure about ten years ago and
 9 that's the most recent change.

10 The most -- the newest statutory change and the
 11 reason that we're here is -- was in 2013. Two house
 12 bills, House Bill 28 and House Bill 650, changed the
 13 hazardous waste laws so that the fee structure could be
 14 revised through the rulemaking process after going through
 15 a stakeholder process and after approval by the
 16 Commission.

17 The same authority exists in the Hazardous Waste
 18 Program and the Clean Water Program and the Air Program
 19 and one or two other programs in the Department. So the
 20 legislature gave each program and commission the authority
 21 to make some changes to the fee structure through the
 22 rulemaking process and that's the nature of the rule that
 23 we proposed today.

24 Specifically the sections that we're looking at,
 25 as far as providing the authority, we have Section 260.380

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1 and 260.475. Those statutes do require stakeholder input
 2 and Commission approval to move forward with the proposed
 3 amendment. We completed the stakeholder process in March
 4 of 2015. The outcome of that process was the stakeholder
 5 group essentially recommended moving forward with a change
 6 to the fee structure. And then that recommendation was
 7 presented to the Commission in April of 2015, which you
 8 reviewed and approved at your meeting in June -- or on
 9 June 11 at your special meeting.

10 The fee work group effort, that was the first
 11 step in the process. We initiated that process last fall,
 12 in November and December of last year. Essentially what
 13 it came down to was working with stakeholders to develop
 14 or to try to obtain agreement with stakeholders on what a
 15 reasonable fee increase would look like that stakeholders
 16 would support and that we could propose through the
 17 rulemaking process.

18 The basis of our kind of requests to obtain a
 19 reasonable fee increase through this statutory authority
 20 is we do project a funding shortfall in the coming years
 21 and this change would address a portion of that shortfall.
 22 Subsequent to the stakeholder process, another element,
 23 important element of our program funding comes in federal
 24 grants from the Environmental Protection Agency. We do
 25 get a significant portion of our funding from EPA in the

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1 form of grants and we have been notified by EPA that
 2 they're changing the allocation structure for those
 3 grants.

4 So the State of Missouri could stand to lose
 5 funding as a result of that reallocation and decisions
 6 made at the federal level and that would also affect our
 7 funding for RCRA activities and obviously would affect the
 8 shortfall that we've already projected.

9 Those changes at the EPA level would be phased
 10 in over five years and at this point they're estimating
 11 would affect approximately 30 percent of our funding. So
 12 that is another element that we do consider in proposing
 13 this change to our fee structure.

14 This is just -- it's kind of hard to see, but
 15 you've seen this graph previously. We did present this
 16 graph to stakeholders and it's essentially an illustration
 17 of how the funding changed after the 2005 statutory change
 18 that I mentioned previously. That's the first bar on the
 19 left-hand side, funding before that statutory change and
 20 then each subsequent year after that change represents the
 21 change in the funding as a result of that statutory
 22 change.

23 So the funding did go down considerably after
 24 that statutory change. There were some qualifiers in that
 25 in that we did move some types of activities off of those

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1 funds, so that would change what we spend the funding on,
 2 but as you can see, it did change the nature of revenues
 3 to our program significantly.

4 The second graph, this one also was presented to
 5 stakeholders as part of the reason, justification for why
 6 we were asking for some changes to the fee structure.
 7 This line graph, the top line shows operating expenses,
 8 the bottom line shows total available funds. As you can
 9 see, projecting into the future, expenses do exceed
 10 available funds and up until now we've essentially been
 11 using a surplus of funding in that fund to account for
 12 that discrepancy. So we're hopeful that this fee
 13 recommendation will address some of that shortfall between
 14 what expenses are and what the available funds are.

15 The stakeholder process that we went through
 16 started in November. Basically what we did in that
 17 process was we just provided information to the
 18 stakeholders about -- did a budget for the Department, the
 19 budget for our Hazardous Waste Program, the revenues to
 20 our Department's budget and the expenditures for our
 21 Department's budget and our program budget.

22 We compared fee structure to other states so we
 23 could see how Missouri's fees compared to other state fees
 24 and also, of course, obtained input from stakeholders
 25 about the impact of the fees. We had calculators

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1 available at each meeting. It's just an electronic
 2 spreadsheet that we would put up on the screen as we went
 3 through the process that had each fee represented with the
 4 amount for each fee as an input field and behind that
 5 calculator there were spreadsheets, so that generators
 6 could see with each change how much their fees would go up
 7 for each of these different fee amounts, the different
 8 levels of proposed -- that were discussed and that were
 9 discussed during the process.

10 Obviously with those charts and at the meetings,
 11 the stakeholders had the opportunity to assess the impact
 12 of each of the different proposals that we considered on
 13 the specific fees that they pay. In addition to the
 14 meetings, we kept stakeholders who weren't able to attend
 15 the meetings informed about what we were discussing
 16 through notices that went out to different list e-mail
 17 groups that we maintained, generators of permitted
 18 facilities and others who have indicated an interest in
 19 fees and taxes or Commission or some other Department
 20 issue related to fees and the funding structure. So
 21 information was provided that way.

22 We set up a web page that had all of the
 23 information and the charts and the spreadsheets so that
 24 anyone not in attendance could follow along with what we
 25 were discussing and what we were proposing. We also sent

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1 out a notice in November when we sent out our generator
 2 fee invoice statements that we send -- that generators
 3 send in with their payments for the different fees, the
 4 generator registration fees. We do that once a year. So
 5 basically any generator, any TSD that pays us a fee got a
 6 notice in the mail that said changes were being discussed
 7 to their -- to the fee structure for hazardous waste.

8 So those were all elements that we -- kind of
 9 went into the stakeholder process to develop this rule.
 10 Some specifics of what we -- the outcome of the
 11 stakeholder process and what we ultimately proposed, I
 12 kind of wanted to specifically mention here because we've
 13 had some questions after the stakeholder process.

14 We did ultimately propose the exact proposal
 15 that was presented to and agreed to by stakeholders back
 16 in March. So I know there's some -- there were some
 17 questions of whether what we proposed was the same as
 18 agreed to by the stakeholders and it is the same proposal.
 19 So I wanted to mention that.

20 Essentially, there's about three fees at issue
 21 here. The statute limited which types of fees we could
 22 consider as part of this process. So the table was set
 23 somewhat in terms of what we could propose changes to
 24 through this process.

25 The first fee is the hazardous waste generator

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1 registration and renewal fee. This is the fee that all
 2 generators pay on an annual basis to obtain their ID
 3 number. They send it in. It's currently \$100 for all
 4 generators and basically there's different categories of
 5 generators, depending on how much waste you generate, a
 6 large quantity or small quantity or conditionally exempt
 7 small quantity. Currently it's \$100 for all generators.
 8 The proposal would change that amount to -- it will be a
 9 tiered approach to where conditionally exempt and small
 10 quantity will pay \$150 and large quantity generators would
 11 pay \$500.

12 I also wanted to mention that in the rule text
 13 that's in your packet and relates to all these specific
 14 changes that we're discussing, this portion of the rule
 15 text is in all bold text as if it's all new text, but the
 16 reason that it's in bold text is because we're moving it
 17 from -- it's currently in Chapter 5. We decided to have
 18 all the fee language in a single rule, which is this
 19 Chapter 12 rule that we're proposing to amend just so that
 20 in the future years whenever we need to revisit these
 21 amounts, if necessary, we just have to amend a single rule
 22 and we don't have references to multiple rules for fees.
 23 So that's the reason why in the rule text it appears in
 24 bold as if it's new, but it's just basically moving the
 25 generator fee language from one rule to another.

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1 It does also include an exclusion. As we
 2 discussed raising the fee for large quantity generators,
 3 the issue came up that some generators have to pay that
 4 fee multiple times because they have multiple sites, even
 5 though all of those sites are essentially owned and
 6 operated by the same entity and are in the same
 7 geographical area. The hazardous waste regulations
 8 required multiple ID numbers based on how the waste is
 9 moved from one site to another, so these types of
 10 generators would have had to pay the additional fee for
 11 large quantity generators multiple times.

12 The provision basically allows them to pay a
 13 single fee to cover multiple sites if they meet the
 14 conditions in the rule that they're in close proximity,
 15 operated by a single entity and the other factors that are
 16 listed in the rule.

17 The second fee after the generator and
 18 registration and renewal fee is what we call the in-state
 19 fee. This is paid by Missouri generators based on how
 20 much hazardous waste they generate. It's currently \$5 per
 21 ton. The agreed amount of the proposed increase would be
 22 up to \$6.10 per ton. That fee also has a minimum amount.
 23 Currently it's \$150, so if you're subject to that fee, you
 24 would pay that minimum no matter what. The minimum would
 25 be increased to \$200 and that minimum would be applied to

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1 the first ton of waste.
 2 Also on the in-state fee, there's a maximum
 3 amount or a cap for that particular fee. Currently it's
 4 \$52,000. The proposal would increase that to \$57,000.
 5 That affects a few generators, not many, but a few are
 6 affected by that cap and would be subject to that
 7 additional amount.
 8 The third fee, the land disposal fee, this is
 9 basically a fee on if you're a generator and you dispose
 10 of your hazardous waste on land in the state of Missouri,
 11 you pay this fee on each ton of waste that you dispose of.
 12 So it's -- it would be increased from \$25 per ton to
 13 \$29.50 per ton. In all, this proposal with each of these
 14 recommended changes to the fees would generate
 15 approximately \$500,000 in additional revenue to the
 16 hazardous waste fund on an annual basis.
 17 The nature of these changes, basically all we're
 18 doing is amending one rule to implement the
 19 recommendations of the fee stakeholder work group. The
 20 affected rule is 10 CSR 25-12.010, Hazardous Waste Fees
 21 and Taxes. The text of the amendment is included in your
 22 rule packet. Within that rule, the portion of the rule
 23 that relates to each of the fees that we've discussed has
 24 to be amended to reflect the changes in the rates, so
 25 that's what we're proposing to change with this amendment.

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1 Some other changes in addition to the fee
 2 amounts that we are proposing to include in this
 3 amendment, we will be charging the minimum in-state fee on
 4 the first ton of waste. That's a slight change from
 5 current practice. That's in the rule. We also have some
 6 transition language with the changes to the generator
 7 registration and renewal fee and kind of a delayed
 8 effective date for this statute based on the statutory
 9 language.
 10 We specified some -- we added some language to
 11 the rule that specifies when the old fee -- when you pay
 12 the old fee of \$100 and when you have to pay the new fee
 13 of either \$150 or \$500, depending on your generator
 14 status. So essentially how that works in the proposal,
 15 beginning with calendar year 2017 and then annually going
 16 forward from that point, you would pay the new generator
 17 registration and renewal fee, but the wrinkle to this is
 18 that we send out those -- the bills for calendar year 2017
 19 actually in October of 2016. So we just specified that
 20 when those bills go out, the bills do cover the calendar
 21 year 2017 at which point the revised rates would be in
 22 effect. So you would pay the new rates beginning at that
 23 time.
 24 We do have some fees that are based on what we
 25 call reporting year. It's when our generators report back

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1 to us on how much waste they've generated and we use that
 2 information to assess their fees. The reporting years run
 3 from July 1 to June 30. So we needed some transition
 4 language in the rule that says for each reporting year,
 5 are they paying the old fee or are they paying the new
 6 fee.
 7 The new rates will apply for -- there's a half
 8 year involved because the statute goes into effect
 9 January 1 and the reporting years are July 1 to June 30.
 10 So the new rates will apply for the reporting year that
 11 begins July 1, 2016 and ends June 30, 2017. The old rate
 12 will apply for all previous reporting years. So that
 13 language is part of the proposed amendment.
 14 We do have some language that basically requires
 15 the per-ton fee rate to be paid for a partial ton for a
 16 land disposal fee; in the past that we didn't have that
 17 specified in the rule so that partial tons essentially
 18 would round down and you would not have to pay the per-ton
 19 amount on partial tons of waste. We proposed to change
 20 that.
 21 We also have the exclusion so that multiple
 22 sites can pay a single large quantity generator
 23 registration fee under certain conditions. The amendment
 24 was published in July, July 15 in the Missouri Register.
 25 You see there where you can find the text of the proposed

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1 amendment in the Register, in the July 15 Missouri
 2 Register.
 3 As noted in the opening statement, the comment
 4 period is open an additional seven days after today's
 5 hearing, so we will accept comments through the end of
 6 business on August 27. And at that point we'll respond to
 7 comments and come back to the Commission at your next
 8 meeting with our recommendation for changes, if any, made
 9 in response to comments.
 10 Here's the schedule. The amendments were
 11 published in July, the public hearing is today, the
 12 comment period ends a week from today. Final adoption
 13 will be scheduled for your next meeting. Based on that
 14 schedule, if the -- if approved by the Commission and
 15 approved by the Joint Committee on Administrative Rules,
 16 which is the first place that the orders are filed after
 17 adoption, we would file the final order with the Secretary
 18 of State by November 25. And this one is a little bit
 19 different in that the orders of rulemaking would be
 20 published January 4, 2016, but there's some special
 21 statutory language that is included in this section of the
 22 statute that allows the General Assembly, the next
 23 legislative session to review what we've proposed and
 24 adopted and make changes or disapprove the changes through
 25 the legislative process. But barring no disapproval

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1 action by the General Assembly in the next session, then
 2 the rulemaking would go into effect in one year from
 3 January 1, so January 1 of 2017.
 4 That's the -- all of the testimony for the
 5 Department on this proposed amendment. If you have any
 6 questions about what we proposed, I would be happy to
 7 answer those at this time.
 8 CHAIRMAN ADAMS: Are there any questions for
 9 Mr. Eiken?
 10 COMMISSIONER FRAKES: Mr. Chairman, I have a
 11 question for Mr. Eiken.
 12 CHAIRMAN ADAMS: Sure.
 13 QUESTIONS BY COMMISSIONER FRAKES:
 14 Q. Mr. Eiken, on the slide on page five of the
 15 handout that we received, details of proposal, you've
 16 mentioned that under the registration and renewal fee,
 17 increase \$100 for all generators to 150 for conditionally
 18 exempt and small quantity generators. You then go on and
 19 talk about multiple sites in close proximity.
 20 **A. Right.**
 21 Q. What is the definition of close proximity by the
 22 Department under this proposed rule?
 23 **A. There is some amount of interpretation involved.**
 24 **I don't know that we have the specific distance included**
 25 **in the rule. The rule language that pertains to this**

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1 is -- let me see if I can find -- essentially what we're
 2 looking at is a single facility where one inspector could
 3 inspect all of those sites, all of those ID numbers at
 4 once.
 5 Basically you're on site, you meet with the one
 6 person who's in charge of those five or four multiple
 7 facilities. They have all the required records in the
 8 same place. They're the person that is able to answer
 9 questions about all the sites and you can visit all those
 10 sites within the scope of the same visit.
 11 So if they're a far enough distance away that it
 12 would require multiple visits or multiple inspections,
 13 then you probably wouldn't fit the criteria. It's
 14 essentially -- we do have some sites that are part of the
 15 same company, but they do have sites kind of scattered
 16 around, you know, a common geographic area.
 17 So we're trying to allow some flexibility to
 18 where if it's a single inspector can hit all those sites
 19 at once. If it's farther apart to where we can't do that,
 20 then they probably wouldn't meet the conditions, but there
 21 is some flexibility in terms of that determination built
 22 into that determination so that we can kind of review
 23 those on a case-by-case basis.
 24 Q. So technically if a company had the financial
 25 wherewithal and the ability to be able to have a local

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1 office that could maintain those records and they had the
 2 ability to be able to move that individual around, then
 3 the Department would, within reason --
 4 **A. Right.**
 5 Q. -- consider that as being close proximity?
 6 **A. Right.**
 7 Q. Okay. Thank you.
 8 **A. You're welcome. And the intent with that was**
 9 **with the increase to the large quantity generator fee,**
 10 **especially, some of the generators would have been paying**
 11 **that increase fee four or five times for four or five**
 12 **sites, so we tried to be flexible and allow those types of**
 13 **sites to just pay the single fee since it would be at an**
 14 **increased amount.**
 15 COMMISSIONER FRAKES: Okay. Thank you.
 16 TIM EIKEN: You're welcome.
 17 CHAIRMAN ADAMS: Thank you, Commissioner Frakes.
 18 Are there any others? Mr. Eiken, I have one and it
 19 relates to what Commissioner Frakes had just asked.
 20 QUESTIONS BY CHAIRMAN ADAMS:
 21 Q. And I was just going to ask what were some of
 22 these conditions under your -- under changes to rule text
 23 that would allow multiple sites to pay a single large
 24 quantity generator fee? That's obviously one of those
 25 conditions. What other conditions?

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1 **A. Okay. It's on page 874 of the proposed rule,**
 2 **item number four on the right-hand side, basically. All**
 3 **of the sites have to be owned or leased by the same**
 4 **person, that's number one. You have to have a single**
 5 **point of contact for all those sites, so you have one**
 6 **person who is the same person that is responsible for each**
 7 **of those sites.**
 8 The geographic issue comes in in item C of the
 9 proposed rule text. Basically each site has to be
 10 adjacent to another site that's covered by your request or
 11 within the same -- we list some examples, recognized
 12 boundaries, it can be an industrial park, warehouse
 13 district, research campus or academic campus. So if all
 14 of your sites are within the recognized boundaries of an
 15 area like that, that would be -- that would meet that
 16 requirement.
 17 And then we have the catchall that all the
 18 generator sites are in close proximity and can be
 19 inspected at once. They have to submit a map that shows
 20 the location of each site, so that will help us determine
 21 the close proximity standard and compliance with that
 22 standard.
 23 There are some requirements that apply to each
 24 site that if they're going to do this, they have to have a
 25 single one that applies to all those sites such as a

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1 **contingency plan, a repository for their records, and a**
 2 **unified training plan that covers all those sites rather**
 3 **than having one for each site, just one that applies to**
 4 **all the sites.**
 5 **And if anything changes, they submit an updated**
 6 **petition to us that shows us what the change is, if the**
 7 **sites have changed or if any other information changes.**
 8 **Any time that changes, they submit that information to us**
 9 **so that we can keep up to date and the inspector has the**
 10 **latest information when they go out to determine**
 11 **compliance.**
 12 CHAIRMAN ADAMS: Thank you, Mr. Eiken.
 13 TIM EIKEN: You're welcome.
 14 CHAIRMAN ADAMS: Anyone else have any questions
 15 for him? If not, thank you again, Mr. Eiken.
 16 TIM EIKEN: Thank you.
 17 CHAIRMAN ADAMS: Mr. Director, do we have anyone
 18 with questions, public?
 19 MR. LAMB: We do.
 20 CHAIRMAN ADAMS: Thank you. It is now time for
 21 our public comments period in this hearing. We have one
 22 request and that is Mr. Kevin Perry with REGFORM.
 23 Mr. Perry.
 24 (Witness sworn.)
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1 STATEMENT BY KEVIN PERRY:
 2 Good morning, Mr. Chairman, and good morning,
 3 Commissioners. My name is Kevin Perry. I'm the assistant
 4 director at REGFORM. REGFORM is the regulatory
 5 environmental group for Missouri, P.O. Box 205, Jefferson
 6 City, Missouri 65102.
 7 Thanks for this opportunity to offer hearing
 8 testimony today. Cut to the chase, we support this
 9 proposal for these fee adjustments and the -- it's very
 10 important that the program continue to have funding to
 11 adequately staff the work that needs to be done and it was
 12 very clear when we started working with the Department in
 13 the stakeholder meetings that the current funding levels
 14 that were coming in, those lines are going to cross and
 15 there's going to be a day when we can't keep paying for
 16 the program, the money just won't be there.
 17 So we do support these fee changes that are
 18 proposed today. The stakeholder process, I thought, went
 19 very well. It was a very dynamic process. We took two or
 20 three goes at it. The financial calculator that was
 21 described was a very excellent tool. We were able to
 22 explore all sorts of scenarios. If you increase a fee
 23 here, what does that do to a certain number of generators.
 24 And also I really appreciate the Department and
 25 everybody on the stakeholder process being willing to

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1 consider this idea for solving the problem of having a
 2 bunch of registered sites in close proximity to one
 3 another and then, you know, that company has to take a big
 4 hit because of the fee increase just on the registration
 5 part alone. So I think the solution that came out of this
 6 is a very good solution and I commend the Department for
 7 incorporating it into this proposal.
 8 We support these fees and we ask that the
 9 Commission adopt them. I'm happy to try to answer any
 10 questions if you might have any.
 11 CHAIRMAN ADAMS: Any questions for Mr. Perry?
 12 If no, thank you, Mr. Perry.
 13 MR. PERRY: Thank you.
 14 CHAIRMAN ADAMS: Mr. Director, do we have any
 15 other business pertaining to this hearing?
 16 MR. LAMB: I did not see any other people sign
 17 up to attend -- or to speak, so I think we're through.
 18 CHAIRMAN ADAMS: All right. Then, if no others,
 19 I do call this public hearing adjourned.
 20 (Proceedings concluded at 10:38 A.M.)
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1 CERTIFICATE OF REPORTER
 2 I, Julie K. Kearns, Certified Court Reporter
 3 (MO), Certified Shorthand Reporter (IL), Registered
 4 Professional Reporter and Certified Realtime Reporter
 5 within and for the State of Missouri, do hereby certify
 6 that I was personally present at the proceedings had in
 7 the above-entitled cause at the time and place set forth
 8 in the caption sheet thereof; that I then and there took
 9 down in Stenotype the proceedings had; and that the
 10 foregoing is a true and correct transcript of such
 11 Stenotype notes so made at such time and place.
 12
 13
 14
 15 _____
 16 Julie K. Kearns, CCR #993, CSR, RPR, CRR
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Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 3

Adoption of Orders of Rulemaking – “Hazardous Waste Fees and Taxes”

Information:

The Hazardous Waste Management Commission (HWMC) to vote on the Order of Rulemaking for the hazardous waste fee rulemaking.

On June 15, 2015, the program filed a proposed amendment of the hazardous waste fee rule, 10 CSR 25-12.010. The amendment was published in the July 15, 2015, edition of the Missouri Register and the Commission conducted a public hearing on August 20, 2015, and accepted written comments through August 27, 2015.

At the public hearing the Department of Natural Resources testified that the amendment would implement the changes to the hazardous waste fee structure developed with input from the Hazardous Waste Fee Stakeholder Workgroup and approved for filing by the Hazardous Waste Management Commission.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM), testified at the public hearing in support of adoption of the amendment. There was no other testimony and we received no written comments.

The only change made to the text of the proposed amendment is a minor clarification made by department staff in the section of the rule dealing with the hazardous waste generator registration and renewal fee. In the proposed amendment, it was not specifically stated that the revised rates for this fee established in the rule would be in effect both for calendar year 2017 and annually thereafter. By adding the words “and beyond” to this section of the rule, it is made clear that the revised rates will apply for all calendar years that follow the 2017 calendar year when the revised rates first go into effect.

Recommended Action: Commission to adopt one (1) Order of Rulemaking for 10 CSR 25-12.010

Suggested Motion Language:

“I move that the Commission adopt/not adopt/or adopt with modifications, the Order of Rulemaking for the amendment to 10 CSR 25-12.010 proposed in the July 15, 2015 Missouri Register and that the Department proceed to file the Order with the Joint Committee on Administrative Rules and the Secretary of State”

Presented by:

Mr. Tim Eiken – Rule Coordinator, HWP

Missouri Hazardous Waste Management Commission

Response to Comments and
Adoption of Order of Rulemaking
October 15, 2015

Action Item

- Adoption of one Order of Rulemaking
- Order of Rulemaking is for a proposed amendment of 10 CSR 25-12.010
- Published on July 15, 2015
- Public Hearing on August 20, 2015
- Amendment involves changes to hazardous waste fee structure

Details of Proposed Amendment

- Hazardous waste generator registration and renewal fee - increased from \$100 for all generators to \$150 for conditionally-exempt and small quantity generators and \$500 for large quantity generators
 - Would also include an exclusion that would allow multiple sites in close proximity operated by a single entity to pay a single large quantity generator registration and renewal fee
- In-state fee for hazardous waste generated in Missouri – increased from \$5 per ton to \$6.10 per ton
- Minimum amount for in-state fee – increased from \$150 to \$200 and minimum to be applied to the first ton of waste

Details of Proposed Amendment cont.

- Maximum amount for in-state fee – increased from \$52,000 to \$57,000
- Land disposal fee for hazardous waste land disposed in Missouri – increased from \$25 per ton to \$29.50 per ton or partial ton
- Proposal projected to generate approximately \$500K in additional revenue to Hazardous Waste Fund

Summary of comments received

- Testimony in support of amendment from REGFORM
- Program staff noticed one section of the rule that needed clarification
- No other comments

Summary of response to comments

- One change proposed
- In section 10 CSR 25-12.010(2)(E)1., language needed regarding collection of new generator registration and renewal fee for calendar years after 2017
- Words “and beyond” were added following “calendar year 2017” to specifically state new rate is in effect for calendar year 2017 and beyond

Recommendation

- Adopt one Order of Rulemaking, including clarification recommended by program staff

Rulemaking Schedule

- October 15, 2015 - Final adoption of rules by HWMC
- October 16, 2015 - Orders of Rulemaking filed with JCAR
- November 16, 2015 - Orders of Rulemaking filed with Secretary of State
- December 1, 2015 - Orders of Rulemaking published in *Missouri Register*
- January 4, 2016 - Revised rules published in Code of State Regulations
- January 1, 2017 - Rulemaking effective



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

QUESTIONS ?

**MISSOURI HAZARDOUS WASTE MANAGEMENT COMMISSION
CERTIFICATION OF ADOPTION OF ORDERS OF RULEMAKING
October 15, 2015**

- “I move that the Commission adopt the Order of Rulemaking for the proposed amendment of 10 CSR 25-12.010 published in the July 15, 2015, Missouri Register and that the Department proceed to file the Order with the Joint Committee on Administrative Rules and the Secretary of State.”**

- “I move that the Commission adopt with modifications the Order of Rulemaking for the proposed amendment of 10 CSR 25-12.010 published in the July 15, 2015, Missouri Register and that the Department proceed to file the Order with the Joint Committee on Administrative Rules and the Secretary of State.”**

- “I move that the Commission not adopt the Order of Rulemaking for the proposed amendment of 10 CSR 25-12.010 published in the July 15, 2015, Missouri Register and that the Department not proceed to file the Order with the Joint Committee on Administrative Rules and the Secretary of State.”**

In accordance with Section 536.016 RSMo, the members of the Hazardous Waste Management Commission certify the adoption of the Order of Rulemaking to amend 1 rule in Title 10 Division 25 of the Code of State Regulations. We further certify that this rulemaking is necessary to carry out the purposes of the Revised Statutes of Missouri.

Charles Adams, Chairman

Elizabeth Aull, Vice-Chairman

Michael Foresman, Commissioner

Mark Jordan, Commissioner

Andrew Bracker, Commissioner

Jamie Frakes, Commissioner

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

ORDER OF RULEMAKING

By the authority vested in the Hazardous Waste Management Commission under sections 260.380 and 260.475 RSMo, the commission hereby adopts an amendment as follows:

10 CSR 25-12.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15th, 2015 (40 MoReg 872). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: A public hearing was held August 20, 2015, and the public comment period ended August 27, 2015. At the public hearing the Department of Natural Resources testified that the proposed amendment would adjust the hazardous waste generator registration and renewal fee, the in-state fee for hazardous waste generated in Missouri, as well as the minimum and maximum amounts for the in-state fee, and the land disposal fee for hazardous waste disposed on land.

Mr. Kevin Perry, Assistant Director of the Regulatory Environmental Group for Missouri (REGFORM) testified at the public hearing in support of the proposed amendment.

There was no other testimony on the proposed amendment and the department received no comments during the comment period.

One change is proposed to this amendment in response to comments from department staff about the wording relating to collection of one of the fees that is changed in this proposed amendment. Department staff noticed that the wording for the hazardous waste generator registration and renewal fee did not explicitly state that the increased rate that is established in the proposed amendment would be collected beginning calendar year 2017 and also for all future years.

COMMENT: In section 10 CSR 25-12.010(1)(E)1. on page 874, there is language in the proposed amendment regarding the new generator registration and renewal fee, which will be collected beginning October 1, 2016, for calendar year 2017, and then collected annually thereafter. The language in the proposed amendment only states that the new rate will be collected for calendar year 2017 and does not specifically state that the rate will be collected for future calendar years as well.

RESPONSE AND EXPLANATION OF CHANGE: The comment is noted and a change has been made to this section of the proposed amendment to clearly state that the revised rate will be collected both for calendar year 2017 and for future calendar years by addition of the words “and beyond”.

(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 required to register in accordance with 10 CSR 25-5.262 shall pay the following registration fees.

1. Prior to October 1, 2016, all new generator registration and registration renewal fees will be one hundred dollars (\$100). Beginning October 1, 2016, all new generator registration and registration renewal fees that will cover calendar year 2017 and beyond will be assessed at the new rates established in this subsection. The amount of the registration fee 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)

C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150).

Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 4

Rulemaking Update

Information:

The Hazardous Waste Management Commission to be provided an update on recent rulemaking activities.

Recommended Action:

Information Only.

Presented by:

Mr. Tim Eiken – Rule Coordinator, HWP

Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 5

New Proposed EPA Rules

Information:

Program staff will provide information on two federal rules published in the Federal Register on September 25, 2015. Both rules will have a sixty day comment period.

The first rule, titled “Hazardous Waste Generator Improvements” deals with various subjects related to hazardous waste generators, many of which were also addressed in the recent “No Stricter Than” rulemaking in Missouri. Common topics include labeling of hazardous waste containers, requirements for satellite accumulation areas, and episodic generators of hazardous waste. The second rule titled “Management Standards for Hazardous Waste Pharmaceuticals” deals with regulations for pharmaceutical waste and is focused on healthcare facilities that generate hazardous waste including pharmacies and hospitals. The regulation creates a new subpart in the federal regulations that is tailored to healthcare facilities and reverse pharmaceutical distributors.

Recommended Action:

Information Only.

Presented by:

Mr. Tim Eiken – Rule Coordinator, HWP

Kathy Flippin – Chief, Compliance and Enforcement Section, HWP

Missouri Hazardous Waste Management Commission

Proposed Federal Rules for Hazardous Waste
Generators and Pharmaceutical Wastes

October 15, 2015

Proposed Rule Changes for Hazardous Waste Generators

1. Reorganize the regulations to make them more user-friendly and thus enable improved compliance by the regulated community
2. Provide greater flexibility for hazardous waste generators to manage waste in a cost-effective manner
3. Strengthen environmental protection by addressing identified gaps in the regulations
4. Clarify certain components of the hazardous waste generator program to address ambiguities and foster improved compliance

Reorganization of Generator Regulations

Provision	Existing Citation	Proposed Citation
Generator Category Determination	§ 261.5(c)–(e)	§ 262.13
CESQG Provisions	§ 261.5(a), (b), (f)–(g)	§ 262.14
Satellite Accumulation Area Provisions	§ 262.34(c)	§ 262.15
SQG Provisions	§ 262.34(d)–(f)	§ 262.16
LQG Provisions	§ 262.34(a), (b), (g)–(i), (m)	§ 262.17

3

CESQG Waste Consolidation

- Some companies would like to be able to consolidate wastes from multiple CESQG sites for more efficient shipping and hazardous waste management
 - Reduce liability for company as a whole to ensure proper management of hazardous waste
 - Sending to a RCRA-designated facility is the most environmentally sound option
 - Currently an LQG needs a RCRA permit to receive CESQG wastes

Requirements for CESQG Consolidation

- Consolidate waste at an LQG under the control of the same person:
 - Person – as defined under RCRA
 - Control – power to direct policies at the facility

CESQG

- Marks and labels waste containers with “VSQG Hazardous Waste”

LQG

- Notifies state on Site ID Form that it is participating in this activity and identifies what CESQGs are participating
- Recordkeeping for each shipment
- Manages consolidated waste as LQG hazardous waste
- Reporting in Biennial Report

Episodic Generation

- Current RCRA rules lack flexibility to address an “episodic” change in a generator’s regulatory category:
 - Planned event (i.e., periodic maintenance such as tank cleanouts)
 - Unplanned event (i.e., production upset conditions, spill, acts of nature)
- Generators must comply with more comprehensive set of regulations for short period of time

Episodic Generation Solution

- Allow generators to maintain their existing category provided they comply with streamlined set of requirements
 - Once a calendar year with ability to petition for second event
 - Notify EPA or state prior to initiating a planned episodic event and have up to 45 days to complete “episodic” event(s) and ship waste off-site; 30 day extension possible

Emergency Preparedness and Planning

- Streamlined requirements for contingency plans
- Documentation of arrangements with local emergency responders

Hazardous Waste Determinations

- Compliance problem
- Generators consistently fail to make a correct hazardous waste determination, leading to the mismanagement of hazardous waste
 - Non-compliance rates range from 10 to 30 percent
- Reasons vary from not understanding RCRA to not even being aware of RCRA
- Current regulations clearly require maintaining documentation of determinations that a waste is hazardous, but not the alternative
- Require SQGs and LQGs to keep documentation when a solid waste is determined to not be a hazardous waste.

Hazardous Waste Determinations cont.

- Confirm that a generator's waste must be classified at its point of generation and at any time during the course of management for wastes potentially exhibiting a hazardous characteristic,
- Explain more fully how generators can use generator knowledge
- Explain more completely in the regulations in 40 CFR 262.11 how a generator should evaluate its waste for hazardous characteristics

Labeling of Hazardous Waste Containers

- Existing RCRA labeling regulations do not require generators to state the hazards of hazardous wastes accumulated in containers, tanks, drip pads and containment buildings
- Failure in risk communication
- Can impact workers, waste handlers, emergency responders and visitors
- Relevant areas on site: satellite accumulation areas, central accumulation areas, and at transfer facilities consolidating hazardous wastes from different generators

Labeling Solution – New Requirements

- Container labels must indicate the hazards of the contents of the containers
- Container labels must have “plain English” words that identify container contents
- Flexibility in how to comply with this new provision; can indicate the hazards of the contents of the container using any of several established methods
- Tanks, drip pads, containment buildings can keep this information in logs or records kept near the accumulation

Generator Re-notification and Reporting

Problem

- EPA and most states have outdated and inaccurate databases of SQG universe information because there is no requirement to notify periodically
- This makes it difficult to make programmatic decisions, plan or execute inspections as effectively

Proposed Solution

- Require SQGs to re-notify every 2 years
- Electronic reporting option

Satellite Accumulation Areas

- Require that hazardous wastes not be mixed or placed in a container with other hazardous wastes that are incompatible
- Allow containers to remain open under limited circumstances, when necessary for safe operations
- Provide maximum weight in addition to volume for acute hazardous waste limit
- Clarify that “three days” means three calendar days
- Explain that when maximum weight or volume is exceeded, waste must be moved to a central accumulation area or TSD
- Rescind memo allowing reactive hazardous waste to be stored away from the point of generation

Fifty foot requirement – storage of ignitable or reactive waste

- May obtain waiver from local fire department
- Missouri currently has another option to compliance with this same requirement

Summary of rule

- More stringent:
 - Documenting hazardous waste determinations
 - SQG re-notification
 - Identifying risks of wastes being accumulated & labelling
 - Notification of closure
 - Biennial reporting for whole year
 - Executive summary for contingency plans
- Less stringent:
 - CESQG consolidation
 - Episodic generation
 - Waiver from 50-foot rule

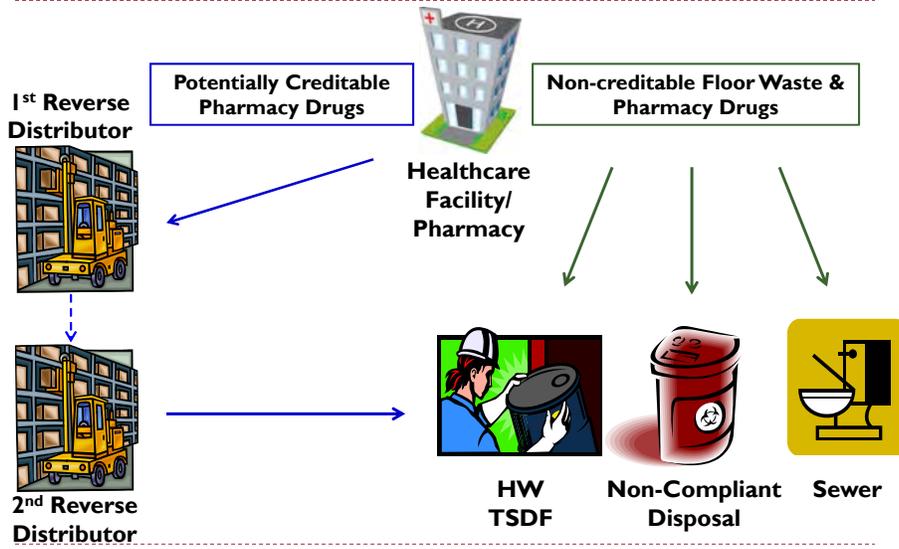
Rule Process and Schedule

- Rule signed on Aug. 31, 2015
- Publication in Federal Register on Sept. 25, 2015
- Public comment period - 60 days
- EPA reviews public comments and commences work on final rule
- Effective date/State adoption & authorization

Management Standards for Hazardous Waste Pharmaceuticals

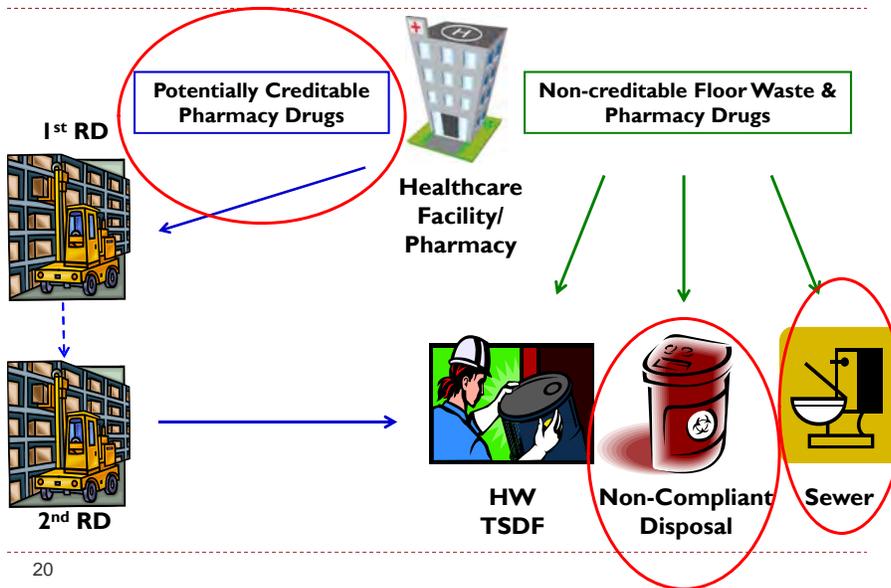


Flow of HW Pharmaceuticals



19

3 Problem Areas to Address in Rule



20

Rulemaking issues for hazardous waste pharmaceuticals

1. Regulatory status of creditable pharmaceuticals
2. Manufacturing-oriented framework of the generator regulations
3. LQG status due to P-listed waste
4. Intersection of EPA & DEA regulations
5. Containers with P-listed pharmaceutical residues
6. Pharmaceuticals being flushed/sewered

Proposed pharmaceutical rule changes

- New subpart P in 40 CFR part 266
- Tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and pharmaceutical reverse distributors (PRDs)
- SQGs and LQGs to manage hazardous waste pharmaceuticals under subpart P rather than hazardous waste – not optional

Who does the rule apply to?

- Healthcare facilities
 - Pharmacies, veterinary clinics, physicians' and dentists' offices, chiropractors, outpatient care centers, hospitals, nursing care facilities, medical examiners and coroners' offices
- Pharmaceutical reverse distributors
- Owners or operators of treatment, storage, and disposal facilities that manage hazardous waste pharmaceuticals

Proposed pharmaceutical rule changes, contd.

- Tailored standards for:
 - Non-creditable pharmaceuticals (i.e., those not expected to be eligible to receive manufacturer's credit)
 - Creditable (that can be sent to reverse distributors)

Overview - Major Provisions of Proposal

- Defining Some Key Terms
 - Standards for Healthcare Facilities
 - Standards for Reverse Distributors
 - State Adoption



Standards

- Non-creditable
 - Transported as hazardous waste, using manifest to approved TSD
- Creditable
 - Healthcare facilities may send to PRDs for processing manufacturers' credit
 - Standards for safe/secure delivery
 - Accumulation standards for PRDs

Standards for PRDs

- New regulatory category – Pharmaceutical reverse distributors (PRDs)
- PRDs not regulated as generators or TSDs
- Standards similar to those of LQGs
- Prohibition on disposal down toilet or drain (i.e., flushing or sewerage)
- Waste handled under standards not counted toward generator status
- Conditional exemption for hazardous waste pharmaceuticals that are also DEA controlled substances
- Standards for container residues

Resolving Issues 6 through 1

6. Sewering Pharmaceuticals

- Bans sewerage of pharmaceuticals by all health care and PRDs, including CESQGs (CESQGs not otherwise subject to Subpart P)

5. Containers with Residues

- No longer requires triple-rinsing of acute/P-listed containers or cleaning by other equivalent method if fully dispensed = RCRA empty
- Residues in unit-dose containers and dispensing bottles/vials would be exempt from RCRA (1,000 pills or bottles/vials up to 1 liter)
- Container may be disposed as non-hazardous waste after crushing

5. Containers with Residues, contd.

- Dispensed syringes exempt from RCRA if syringe used to administer to a patient and syringe is placed in sharps container that is managed appropriately
- Manage all other containers as HW - delivery devices that once held listed or characteristic hazardous waste including: IV bags, tubing, inhalers, aerosols, nebulizers, tubes of ointment, gels or creams

4. Intersection of DEA & EPA Rules

- The few RCRA HWs that are also DEA controlled substances will have conditional exemptions:
 - Would be exempt from RCRA if:
 - Managed in accordance with all DEA regulations and
 - Combusted at a permitted municipal solid waste or hazardous waste combustor
 - Also, authorized collectors of DEA controlled substances that co-mingle them with pharmaceuticals that are exempt household hazardous waste would be exempt from RCRA regulation

3. LQG Status Due to Acute HW

- HW pharmaceuticals do not have to be counted toward the healthcare facility's generator status when managed under subpart P

2. Manufacturing Framework

- Part 262 generator regulations are replaced by sector-specific management standards for management of HW pharmaceuticals at healthcare facilities and PRDs
 - Will not include SQG and LQG generator categories, satellite or central accumulation area regulations

Accumulation On-site at Healthcare Facility

- One time notification as a healthcare facility
- Performance-based training for healthcare workers
- No Biennial Report for HW pharmaceuticals

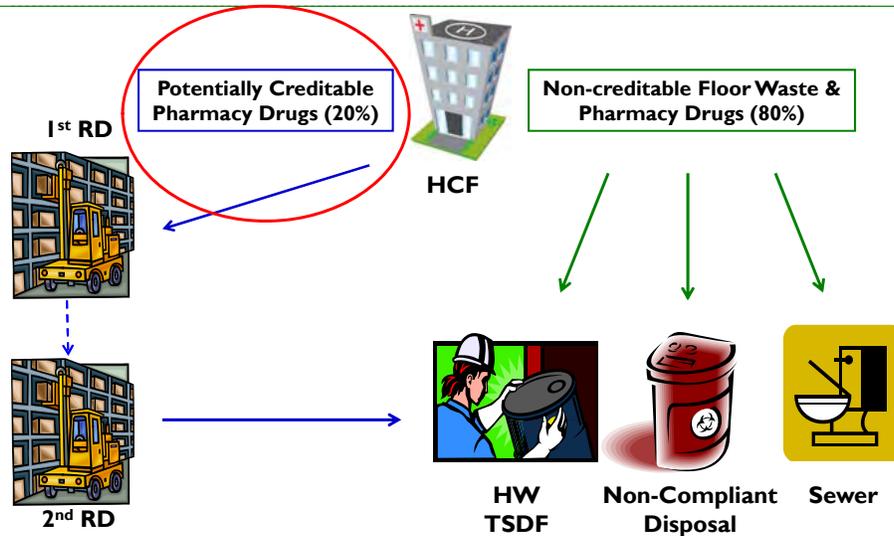
Accumulation On-site at Healthcare Facility, contd.

- Potentially creditable HW pharmaceuticals
 - No specific labeling or accumulation limits proposed
- Non-creditable HW pharmaceuticals
 - Similar to UW standards
 - 1 year accumulation
 - Closed containers secured to prevent access to contents
 - Wastes that can't be incinerated must be accumulated separately
 - HW codes not required on accumulation containers
 - Label as "Hazardous Waste Pharmaceuticals"

Shipments Off-site from a Healthcare Facility

- Potentially creditable HW pharmaceuticals
 - Written, advance notice of shipments to PRD
 - Shipment receipt confirmation by PRD
 - Recordkeeping of shipments to PRD
 - Common carrier OK
 - HW codes not required during shipment
- Non-creditable HW pharmaceuticals must go to a TSD
 - HW transporter
 - Manifesting
 - HW codes not required on manifests
 - "Hazardous waste pharmaceuticals" in box 14 of manifest

1. Status of Creditable Pharmaceuticals



Point of Generation

- Current guidance – point of generation of creditable pharmaceuticals is at PRD – assumption that some will be redistributed
 - Not regulated as wastes even though discarded after mfg. credit is processed by PRD
 - Concern about lack of tracking and theft
 - Uncertainty for PRDs and by healthcare facilities that use them

Point of Generation at Healthcare Facility

- EPA finding – little to no redistribution of pharmaceuticals is occurring during reverse distribution, so revising:
 - Decision to send to PRD a decision to discard
 - Point of generation for pharmaceuticals sent to PRD is at healthcare facility, not PRD
 - Better tracking of shipments of creditable pharms to PRDs
 - Better oversight of PRDs through notification

Pharmaceutical Reverse Distributor Standards

- PRD a new type of HW management facility
 - Can only accept “potentially creditable HW pharmaceuticals”
 - No RCRA storage permit it required
 - All PRDs regulated the same for HW pharmaceuticals (no generator thresholds)
 - Standards similar to LQGs with the following additions
 - One time notification as PRD
 - Inventory of HW pharmaceuticals
 - Facility security

What is Potentially Creditable?

- HW pharmaceutical that has potential to receive manufacturer's credit and is:
 1. Unused or un-administered
 2. Unexpired or less than one year past expiration date
 3. The term does not include:
 - a. Evaluated HW pharmaceuticals
 - b. Residues of pharmaceuticals remaining in containers
 - c. Contaminated personal protective equipment, and
 - d. Clean-up material from pharmaceutical spills

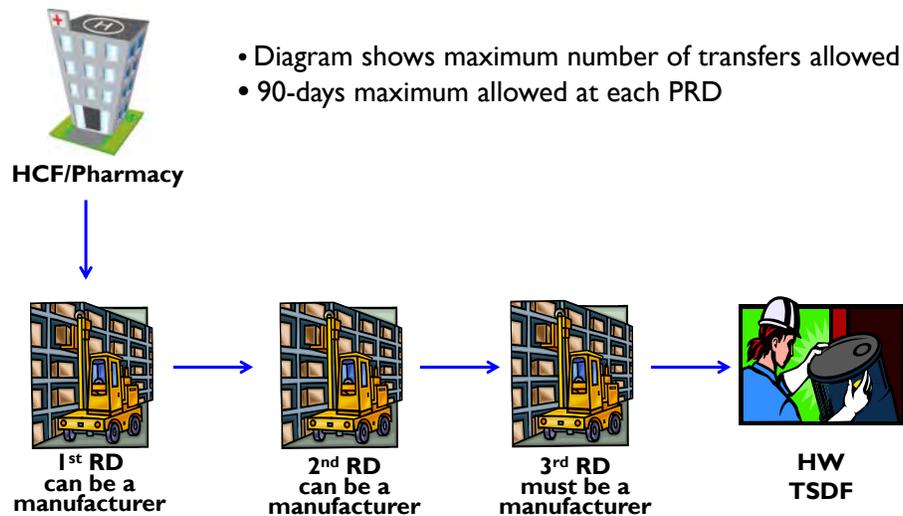
What is NOT “Potentially Creditable?”

- If no reasonable expectation of credit, the pharmaceutical cannot go to a PRD if it:
 - Is a sample
 - Is a generic
 - Is more than 1 year past expiration
 - Has been removed from original container and repackaged for dispensing
 - Was generated during patient care, or refused by a patient

Status of Creditable Pharmaceuticals

- As long as manufacturer's credit is being determined/verified and pharmaceuticals are destined for an RD they are still "Potentially Creditable HW Pharmaceuticals"
- Once mfg's credit has been determined/verified and pharmaceuticals re-destined for a TSDF, they are "Evaluated Pharmaceuticals"

Flow of HW Pharmaceuticals



PRD Responsibilities

- Must evaluate each potentially creditable HW pharmaceutical w/in 21 calendar days of arrival to determine whether it is destined for:
 - Another PRD for further evaluation/verification of mfg's credit, or
 - A permitted TSD
- If PRD receives HW other than potentially creditable HW pharmaceuticals, it must prepare an unauthorized waste report, ship it to the shipper and state and manage the waste appropriately

PRD Responsibilities, contd.

90 day total accumulation time

- Potentially Creditable HW pharmaceuticals
 - No specific labeling or container standards
- Evaluated HW pharmaceuticals
 - Must designate an on-site accumulation area and conduct and keep a log of weekly inspections
 - LQG training for personnel handling evaluated HW pharmaceuticals
 - Closed containers if holding liquids or gels
 - Wastes that can't be incinerated must be accumulated separately (e.g., P012)
 - HW codes required prior to transport off-site
 - Label as "Hazardous Waste Pharmaceuticals"
 - Biennial Report

Standards for Off-site Shipments from PRD

Shipments off-site from an reverse distributor:

- Potentially Creditable HW pharmaceuticals can go to another Pharmaceutical Reverse Distributor:
 - Written, advance notice of shipments to next RD
 - Confirmation of receipt of shipment by next RD
 - Recordkeeping of shipments to RD
 - Common carrier allowed
 - HW codes not required during shipment
- Evaluated HW pharmaceuticals must go to a TSDF
 - HW transporter required
 - Manifesting required
 - HW codes required on manifest

State Adoption

- On the whole, proposed rule is more stringent than current policy and regulation
 - States will be required to adopt the final rule
 - Regulated parties will be required to use the final rule
 - Sewer ban is effective in all states upon the effective date of the rule, even before the state adopts it

Rule Process and Schedule

- Publication in Federal Register on September 25, 2015
- 60-day public comment period
- EPA reviews public comments and commences work on final rule
- EPA decides whether to proceed on additional proposed or final rules related to:
 - Expanding what pharmaceuticals are hazardous
 - Nicotine

QUESTIONS ?

Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 6

Planned Outreach – “No Stricter Than”

Issue:

Staff of the Hazardous Waste Program is planning outreach efforts to inform regulated generators and other interested persons about the changes to Missouri’s Hazardous Waste Regulations that are scheduled to be effective December 30, 2015. A brief overview of these planned outreach activities will be provided.

Information:

Information Only

Presented by:

Ms. Kathy Flippin – Chief, Compliance and Enforcement Section, HWP

Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 7

Post-Closure Care Guidance for Hazardous Waste Facilities

Issue:

Many facilities around the country are now approaching the end of the initial 30-year post-closure care period established in their hazardous waste permits or post-closure plans.

The regulations do not specify the factors that should be considered by the regulators when determining whether to extend or shorten the post-closure care period. Consequently, questions have arisen about how to determine whether the post-closure care period needs to be adjusted. The subject guidance is intended to address these questions

Information:

Information Only.

Presented by:

Mr. Rich Nussbaum - Chief, Permits Section



EPA's Draft Post-Closure Care Guidance

Guidelines for Evaluating and Adjusting the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA

MISSOURI HAZARDOUS WASTE MANAGEMENT COMMISSION

October 15, 2015

Richard Nussbaum, P.E., R.G.
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Background

- Under the federal Resource Conservation and Recovery Act (RCRA) and equivalent state regulations ongoing maintenance and monitoring at closed (dirty) land-based hazardous waste management units is required. This is known as post-closure care.
- The regulations require that post-closure care for each hazardous waste management unit subject to the requirements must begin after completion of closure of the unit (acceptance of the closure certification) and continue for 30 years thereafter. This is known as the post-closure care period.
- The regulations allow the regulators to shorten or extend the post-closure care period as necessary to protect public health and the environment.



Background (cont.)



Post-closure care requirements may apply to different types of facilities such as:

- Land disposal units closed with waste in place
- Units required to be closed as landfills (e.g., tanks used to contain hazardous waste but which could not be “clean closed”)
- Land treatment areas, surface impoundments or waste piles



Background (cont.)



Post-closure care consists of two primary activities:

- Monitoring and reporting
- Maintaining waste containment and remedial systems

Required activities are codified in 40 CFR 264/265 Subpart G for permitted facilities and interim status facilities, respectively.

Additional requirements for post-closure care are required for specific types of units and can be found in the respective regulations for those units.



Need for the Draft Guidance

- Many facilities around the country are at or approaching the end of the initial 30-year post-closure care period established in their hazardous waste permits or post-closure plans.
- The regulations do not specify the factors that should be considered by the regulators when determining whether to extend or shorten the post-closure care period.
- Consequently, questions have arisen about how to determine whether the post-closure care period needs to be adjusted.



Genesis of the Draft Guidance

- Guidance development is an outgrowth of the initiatives of the ASTSWMO Hazardous Waste Subcommittee's Corrective Action & Permitting Task Force.
- Initial discussions included a single EPA Headquarters point of contact and ASTSWMO Subtitle C and D representatives.
- Evolved into a broader collaborative effort between EPA Headquarters and selected states focused on guidance for Subtitle C hazardous waste facilities.



Objectives of the Draft Guidance

- To assist regulators in evaluating the length of the post-closure care period for hazardous waste disposal facilities subject to Subtitle C of RCRA, and in determining whether it should be adjusted.
- To provide information to assist facility owners and operators in preparing documentation to support a decision to adjust the post-closure care period.
- To provide greater transparency and lend consistency to the decision-making process.



Scope of the Draft Guidance

- Focuses on facilities that manage hazardous waste under Subtitle C of RCRA.
- Provides technical criteria for regulators to consider when adjusting the post-closure care period.
- Sets forth a recommended process for preparing to evaluate the post-closure care period in a timely fashion.
- Summarizes relevant federal regulatory requirements.
- Does not replace existing guidance.
- Does not provide guidance on financial assurance requirements associated with post-closure.



Draft Criteria to Consider for Extending or Shortening the Post-Closure Care Period

Presence of hazardous waste/residual contamination - Many hazardous wastes and residual contamination degrade slowly or do not degrade at all under containment or in the environment so their continued presence indicates the potential for unacceptable impacts on human health and the environment in the future if post-closure care is not maintained.

Nature of hazardous waste/residual contamination - The properties of the hazardous waste and residual contamination provide an important indication of the waste's ability to migrate or be dispersed in the environment.

Type of Unit - An assessment of the type of unit and its characteristics (e.g., overall design and construction) provides a general indication of the expected ability of the unit to contain wastes over the long term.



Draft Criteria to Consider for Extending or Shortening the Post-Closure Care Period

Leachate - Monitoring leachate generation and releases serves as the most effective means of checking the integrity of the cover and containment systems.

Groundwater - Groundwater monitoring is the primary means of detecting leachate releases beyond the containment system, ensuring compliance with groundwater quality standards and triggering further action.

Siting and geology/hydrogeology - Facility-specific siting, geologic and hydrologic conditions affect the performance of the cover and containment systems. Facilities located in potentially vulnerable or sensitive areas increases the likelihood and potential severity of releases.



Draft Criteria to Consider for Extending or Shortening the Post-Closure Care Period

Facility history - Relevant facility history includes performance history or history of releases and current contamination levels.

Gas collection system integrity – Can the gas collection system be modified or shut down at the end of the post-closure care period without exceeding applicable emission levels/regulatory standards?

Integrity of cover system - Potential concerns include differential settlement, problems with cover integrity (cracks, burrows, etc.), cover drainage and the adequacy of the diversion/drainage system.

Long-term care - How will the potential for human exposure to contamination be minimized in the absence of RCRA post-closure care? Can maintenance and monitoring activities cease or be reduced without causing an adverse impact to human health or the environment?



Approach

The draft guidance recommends that regulators examine post-closure care plans and other relevant information well in advance of the end of the 30-year period to determine whether ending or extending post-closure care is appropriate.

Relevant information may include:

- monitoring results
- results from testing and inspection of cover and containment systems
- information concerning land use and institutional controls, etc.



Approach (cont.)

The Regional Administrator/State Director (or designee) has the responsibility for deciding whether to end, extend, or shorten the post-closure care period.

The facility owner or operator is responsible for providing the information necessary to support the regulators in decision-making through the terms of their permit, order and/or the regulations.

The timing of these decisions is flexible. They can be made at any time but there are certain times that may be more favorable (e.g., at the time of permit renewal).



Public Review and Comment

EPA invited public comment on the draft guidance specifically requesting comments from operating hazardous waste treatment storage and disposal facilities, permit writers, trade associations, and environmental groups.

- The public comment period ended on July 31, 2015. EPA received many comments reflecting a multitude of different views on the elements of the guidance.
- EPA had planned to reengage the original guidance development work group (including state members) to respond to the public comments but informed state members on September 29, 2015, that their process (similar to rulemaking) requires them keep all further deliberations internal to EPA until the guidance is finalized.
- EPA hopes to issue final guidance by the end of calendar year 2015.



Questions?

Missouri Hazardous Waste Management Commission Meeting

October 15, 2015

Agenda Item # 8

Drycleaning Environmental Response Trust (DERT) Fund Annual Report

Issue:

Presentation of the 2014 Drycleaning Environmental Response Trust (DERT) Fund annual report.

Recommended Action:

Information Only.

Presented by:

Scott Huckstep – Chief, Brownfields/Voluntary Cleanup Program, HWP

DEERT FUND

DRYCLEANING ENVIRONMENTAL RESPONSE TRUST FUND

2014 ANNUAL REPORT



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES



HISTORY

In 2000, Senate Bill 577 established the Drycleaning Environmental Response Trust Fund, or DERT Fund, and Section 260.920, Revised Statutes of Missouri, or RSMo, authorized it. The DERT Fund provides funding for the investigation, assessment and cleanup of releases of chlorinated solvents from dry cleaning facilities. The DERT Fund is a state fund and is administered by the Missouri Department of Natural Resources' Hazardous Waste Program, according to rules published by the Hazardous Waste Management Commission. The laws and regulations governing the DERT Fund are found in Sections 260.900 to 260.965 RSMo and 10 Code of State Regulations (CSR) 25-170.010 to 10 CSR 25-17.170, respectively. In 2011, Senate Bill 135 extended the expiration date of the DERT Fund from Aug. 28, 2012, to Aug. 28, 2017.

Operators of active dry cleaning facilities are required to register with the Missouri Department of Natural Resources, as outlined in Section 260.915 RSMo. Each active and operating dry cleaning facility is required to pay an annual registration surcharge based upon the number of gallons of chlorinated solvents used during the calendar year, as outlined in Section 260.935 RSMo. This includes coin-operated dry cleaning facilities. Laundry facilities located in prisons, government entities, hotels, motels and industrial laundries are specifically exempt from the requirements of this statute. All solvent suppliers that sell or provide chlorinated solvent to a dry cleaning facility are required to pay the solvent surcharge fees to the department.

Section 260.955 RSMo, requires the department to provide an annual report to the General Assembly and the governor regarding:

- Receipts of the fund during the preceding calendar year and the sources of the receipts.
- Disbursements from the fund during the preceding calendar year and the purposes of those disbursements.
- The extent of corrective action taken during the preceding calendar year.
- The prioritization of the sites for expenditures from the fund.

DISBURSEMENTS FROM THE DERT FUND

Expenditures from the fund are used to:

1. Reimburse participants for the costs of addressing releases of chlorinated solvents from dry cleaning facilities. Participants are liable for the first \$25,000 of eligible cleanup related costs as a deductible.
2. Administer the program by collecting the surcharges and guiding and assisting the cleanup activities.

Table 1 describes the expenditures from the fund, which were prohibited until, on or after July 1, 2002, by Section 260.925 RSMo. Reimbursements for eligible environmental cleanup costs were not made until the regulations went into effect on May 30, 2006.

TABLE 1: EXPENDITURES OF THE DERT FUND

Calendar Year ⁽¹⁾	Salaries & Wages	Expense & Equipment	Fringe, etc. ⁽⁴⁾	Reimbursements ⁽⁵⁾	Total Costs
2000 ⁽²⁾	\$0	\$0	\$0	\$0	\$0
2001 ⁽²⁾	\$0	\$0	\$0	\$0	\$0
2002 ⁽²⁾	\$1,163	\$0	\$2,350 ⁽³⁾	\$0	\$3,513
2003	\$77,271	\$14,995	\$35,655	\$0	\$127,921
2004	\$106,083	\$59,642	\$73,437	\$0	\$239,162
2005	\$99,583	\$63,909	\$92,528	\$0	\$256,020
2006	\$187,488	\$145,789	\$140,850	\$176,031	\$650,158
2007	\$186,019	\$64,858	\$155,026	\$258,785	\$664,688
2008	\$192,387	\$25,814	\$171,884	\$140,000	\$530,085
2009	\$183,108	\$9,316	\$200,064	\$456,733	\$849,221
2010	\$178,337	\$8,450	\$172,540	\$303,651	\$662,978
2011	\$137,229	\$8,210	\$143,355	\$284,689	\$573,483
2012	\$104,777	\$4,086	\$158,751	\$495,468	\$763,082
2013	\$83,249	\$3,729	\$128,112	\$306,376	\$521,466
2014	\$86,177	\$4,795	\$91,410	\$244,173	\$426,555
Totals	\$1,622,871	\$413,593	\$1,565,962	\$2,665,906	\$6,268,332

⁽¹⁾ Source: SAM II Data Warehouse Information.

⁽²⁾ RSMo, Section 260.925 prohibited expenditures from the DERT Fund until on or after July 1, 2002.

⁽³⁾ House Bill 1115, Section 15.220, RSMo, authorized a transfer of \$1,289 out of the State treasury on May 6, 2002, chargeable to various funds, such amounts as are necessary for allocation of costs to other funds in support of the state's central services, to the general revenue fund.

⁽⁴⁾ Fringe amount includes Old Age Survivors and Disability Program, retirement system, deferred comp, Missouri Consolidated Health Care Plan, Cost Allocation Plan (OA), Cost Allocation (DNR) State Office Bldg Maintenance and Repair, etc.

⁽⁵⁾ Reimbursements were not made until the regulations went into effect on May 30, 2006.

RECEIPTS TO THE DERT FUND

The Hazardous Waste Program is responsible for the collection of all applicable surcharges from dry cleaning facilities and solvent suppliers. There are two main sources of revenue for the fund. The first is a dry cleaning facility annual registration surcharge paid by owners and operators of dry cleaning facilities (\$500, \$1,000 or \$1,500 based on chlorinated solvent used during the calendar year). The second is a solvent surcharge paid by the solvent suppliers on a quarterly basis of \$8 per gallon of perchloroethylene, trichloroethylene and other chlorinated solvents sold.

TABLE 2: 2014 DRY CLEANER FACILITY ANNUAL REGISTRATION SURCHARGE

Size of Facility	Facilities Registering by 5/1/15	Gallons of Solvent Used	Annual Registration Fee
Small	89	0 to 140	\$500
Medium	8	141 to 360	\$1,000
Large	3	>360	\$1,500

Table 3 describes the surcharge collections. The collection of the registration surcharges began on April 1, 2001. The collection of the solvent surcharge began with the April 1, 2001, to June 30, 2001, quarter.

TABLE 3 - RECEIPTS TO THE DERT FUND⁽¹⁾

Calendar Year	Registration Surcharge	Solvent Surcharge	Interest & Penalties	Totals
2000	\$0	\$0	\$0	\$0
2001	\$221,500	\$170,208	\$5,995	\$397,703
2002	\$222,150	\$435,859	\$17,886	\$675,895
2003	\$303,126	\$427,880	\$26,892	\$757,898
2004	\$319,488	\$409,293	\$43,178	\$771,959
2005	\$234,150	\$367,598	\$73,595	\$675,433 ⁽²⁾
2006	\$204,993	\$308,678	\$121,077	\$635,248 ⁽³⁾
2007	\$185,371	\$259,175	\$138,931	\$583,477
2008	\$191,888	\$237,874	\$132,377	\$562,139
2009	\$154,991	\$182,459	\$54,143	\$391,598 ⁽⁴⁾
2010	\$135,573	\$173,448	\$28,387	\$337,408
2011	\$131,706	\$130,997	\$17,575	\$280,312 ⁽⁵⁾
2012	\$113,415	\$105,978	\$13,029	\$233,442 ⁽⁶⁾
2013	\$141,214	\$43,334	\$13,708	\$198,256
2014	\$76,385	\$68,847	\$7,692	\$153,637 ⁽⁷⁾
Totals	\$2,635,950	\$3,321,628	\$694,465	\$6,654,406

⁽¹⁾ Source: SAM II Data Warehouse Information.

⁽²⁾ 2005 total includes a \$90 refund to the fund.

⁽³⁾ 2006 total includes a \$500 transfer in.

⁽⁴⁾ 2009 total includes a \$5 vendor refund to the fund.

⁽⁵⁾ 2011 total includes a \$34 overpayment.

⁽⁶⁾ 2012 total includes a \$1,020 transfer in.

⁽⁷⁾ 2014 total includes \$713 in recovery costs.

PRIORITIZATION OF SITES FOR EXPENDITURES FROM THE FUND

10 CSR 25-17.140 allocates DERT Fund monies to prioritized sites in the following proportions: high priority sites: 60 percent; medium priority sites: 30 percent; low priority sites: 10 percent. In any fiscal year, if the funding allocation in any priority category is not used, those funds may be reallocated to other priority categories, starting with any high priority sites and followed by medium and then low priority sites.

Sites applying to the program must submit the results of one soil, groundwater or surface water sample that exhibits contamination of dry cleaner solvent that is in excess of the department cleanup levels. The initial assessment will allow the department to determine the eligibility of the site in the fund. Some sites will provide enough information during the application process to receive a ranking score. Other sites will require additional information before a ranking score can be determined.

If the site has not provided enough information to have a ranking score determined, the department will direct the owner or operator to conduct the necessary assessments to determine a ranking score. The ranking score is based on such factors as environmental contamination, potential economics, potential receptors, risk-based cleanup parameters, site history, threat to drinking water sources, threat to off-site properties, etc. A copy of the prioritization form is available on the department's DERT Fund website at <http://dnr.mo.gov/env/hwp/dert/hwpcvp-dryclean.htm>.

On May 30, 2006, the DERT Fund began accepting applications for enrollment into the fund for oversight and reimbursement of investigation and cleanup activities. By the end of 2014, the fund had received applications for 42 sites. Five of these sites received a certification of completion letter from the Brownfields/Voluntary Cleanup Program, or BVCP, and enrolled into the fund for reimbursement of eligible costs. Fourteen of the 42 sites transferred from the BVCP to the DERT Fund during 2006.

By the end of 2014, the DERT Fund had issued 15 certification of completion letters and reimbursed \$2,665,906 in eligible costs to participants (See Table 1).

Annual revenues to the DERT fund continue to decline from a high of \$771,959, collected during calendar year 2004, to a low of \$153,637, collected during calendar year 2014. The fund's ending balance as of Dec. 31, 2014, was \$386,073.68. Given the continued decline in revenues, the possibility exists the fund may become insolvent before its sunset date of Aug. 28, 2017. This decline in revenues can be attributed to several factors including: facilities switching to non-chlorinated solvents therefore, they are not being required to register and pay surcharges; newer dry cleaning equipment/machines are more efficient and use less solvent; facilities are consolidating cleaning operations to one location; and facilities have gone out of business.

During calendar year 2012, a liability analysis was conducted on the DERT Fund. From that analysis, the department determined that reimbursement of future costs for the investigation and remediation of contaminated dry cleaning sites may be limited or impossible. Reimbursement funds are not guaranteed for any work plans approved after Sept. 3, 2012,

and the DERT Fund is not accepting any new applications for enrollment to the DERT fund as of Sept. 3, 2012. Notices regarding the DERT Fund status were mailed in September 2012 to the DERT Fund participants and their consultants, the DERT Fund stakeholder group, and all active dry cleaners in Missouri that use chlorinated solvents.

TABLE 4 - DERT FUND SITES

Site Name and City	Priority			Amount Reimbursed	Comments
	High	Med.	Low		
AG Cleaners, Kirkwood			X	\$18,187	Completion Letter issued on 12/2/13
Ambassador Cleaners, Ellisville			X		
American Cleaners, Ballwin		X			
American Cleaners - Dorsett Road, Maryland Heights			X	\$5,090	Completion Letter issued 5/21/09
American Cleaners - Fenton Plaza, Fenton		X		\$108,037	Completion Letter issued on 4/22/13
American Cleaners - Mid Rivers Mall, St. Peters*		X		\$144,486	Reimbursements completed
American Cleaners - Natural Bridge, Bridgeton		X		\$12,264	Completion Letter issued 11/29/10
American Cleaners - Southroads, St. Louis		X		\$53,547	Completion Letter issued 6/11/09
American Cleaners, University City		X		\$61,173	
A to Z Auto Center - Crestwood			X		
Bright and Free Laundry & Dry Cleaners - St. Louis			X	\$26,703	Completion Letter issued 7/29/13
Busy Bee Laundry, Rolla	X			\$391,594	
Charter Dry Cleaning - Ellisville		X		\$18,477	Completion Letter issued 4/9/13
Clayton Cleaners, St. Louis	X			\$60,089	
Colonial Cleaners - Arsenal Street, St. Louis	X			\$30,400	
Colonial Cleaners - Brentwood Blvd., St. Louis	X				Completion Letter issued 7/2/08
Community Laundromat, Ava	X				Terminated by DERT
Cypress Village Shopping Center, St. Ann*		X		\$366,200	Reimbursements completed
Davis Cleaners, Columbia					
First Capitol Cleaners, St. Charles	X			\$43,764	
Foster's Cleaners, Blue Springs			X	\$17,353	Completion Letter issued 6/18/09
Frontenac Cleaners - West End, St. Louis		X			Completion Letter issued 5/14/08
Grandview Plaza, Grandview			X	\$20,050	
Kingshighway Retail Center, Sikeston		X		\$44,498	
Ma Ma Bessie's Cleaners, Columbia					
McDonald's State Line, Kansas City		X			Completion Letter issued 7/26/12
Mission River/Antioch Cleaners, Kansas City		X		\$45,011	
Paramount Cleaners, Florissant*		X		\$42,035	Reimbursements completed
Park Lane Cleaners, Chillicothe			X	\$21,837	
Plaza Ford Ideal Laundry & Dry Cleaners Inc., Kansas City	X			\$40,197	
Premier Dry Cleaners of KC, Kansas City			X	\$22,797	Completion Letter issued 9/22/11
Regal Cleaners, University City		X		\$8,375	
Shamrock Cleaners, Kansas City					
Stanford Saper Cleaners, Kansas City*			X		No claims filed
Staten Island Cleaners, Florissant	X			\$203,562	Completion Letter issued 12/30/08
Tri-States Service Company - Boonville Ave., Springfield	X			\$391,528	
Tri-States Service Company - East Trafficway, Springfield		X		\$391,021	
U.S. Cleaners - St. Louis					
VIP Cleaners, St. Peters			X		Completion Letter issued on 1/13/10
West Gate Cleaners, St. Louis		X			Completion Letter issued on 10/19/07
Yorkshire Cleaners, Marlborough	X			\$70,309	
Zehrt Printing, St. Louis*		X		\$7,352	Reimbursements completed

*Reimbursement only, site received certification of completion letter from Brownfields/Voluntary Cleanup Program.



TABLE 5: CORRECTIVE ACTION CONDUCTED IN 2014

Site Name and City	Corrective Action Conducted
Ambassador Cleaners, Ellisville	Groundwater monitoring to determine plume stability
American Cleaners, Ballwin	Installation of additional wells and sampling to determine extent of contamination
Tri-States Service Company, Springfield	Installation of additional wells and sampling to determine extent of contamination
U.S. Cleaners, St. Louis	Groundwater monitoring

COMPLIANCE WITH SURCHARGES

The two main sources of revenue for the fund are the dry cleaning facility annual registration surcharge and the solvent surcharge. State law requires that owners and operators of dry cleaning facilities pay the annual registration and the solvent suppliers to pay the solvent surcharge on quarterly basis.

When a facility or solvent supplier is not in compliance with the law, the DERT Fund uses the department's conference, conciliation and persuasion process to return them to compliance. In 2006, the department's Hazardous Waste Program began referring facilities and solvent suppliers that continued to fail compliance to the Attorney General's Office.

Active and abandoned dry cleaners that are eligible for the fund must be in compliance with all applicable environmental laws in order to receive funding for environmental cleanup from the fund. Consequently, it is in everyone's interest to assist businesses in returning to compliance with the law so they are covered by the fund.

On Sept. 1, 2008, the DERT Fund began notifying the registered solvent suppliers of the active dry cleaning facilities that have not paid their required registration surcharges. According to 10 CSR 25-17.030(2)(G) "a solvent supplier shall not provide dry cleaning solvents to an active dry cleaning facility that has not paid its annual dry cleaning facility registration surcharge."

A solvent supplier who knowingly supplies solvent to a dry cleaning facility that is not in compliance with payment of the surcharges will be in violation of the above regulation. The DERT Fund also posts a listing of these dry cleaning facilities on its webpage similar to that for solvent suppliers who do not pay the required solvent surcharges.

Table 6 indicates the compliance rate for annual dry cleaning facility registration surcharges. Failure to pay the registration surcharges represents approximately 90 percent of the violations that occur in the DERT Fund.

TABLE 6: DRY CLEANING FACILITY REGISTRATION COMPLIANCE

Calendar Year	No. of Active Facilities	Facilities Submitting Registration Form and Surcharges by 5/1/15	Percent Compliance with Annual Registration
2014	136	100	74.0

TABLE 7: COMPLIANCE/ENFORCEMENT ISSUES WITH DRY CLEANING FACILITIES

Calendar Year	Facilities Issued a NOV	Facilities Referred to Compliance/ Enforcement	Facilities Referred to AGO	Facilities Returned to Compliance
2014	27	18	1	125

TABLE 8: SOLVENT SUPPLIERS QUARTERLY REPORTING COMPLIANCE

Calendar Year	No. of Active Solvent Suppliers	Suppliers Submitting Quarterly Reports and Surcharges on Time	Percent Compliance Quarterly Reporting
2014	11	8	73.0

TABLE 9: COMPLIANCE/ENFORCEMENT ISSUES WITH SOLVENT SUPPLIERS

Calendar Year	Suppliers Issued a NOV	Suppliers Referred to Compliance/Enforcement	Suppliers Referred to AGO	Suppliers Returned to Compliance
2014	0	0	0	2

OUTREACH ACTIVITIES

The department has additional information, publications, forms and answers to questions about the fund available on the department's website at www.dnr.mo.gov/env/hwp/dert/hwpvcp-dryclean.htm.

The department is a member of the State Coalition for the Remediation of Drycleaners. The coalition is comprised of states that have formal dry cleaner cleanup programs. The U.S. Environmental Protection Agency's Technology Innovation Office funds this coalition. The coalition conducts conference calls every other month and holds an annual meeting to discuss issues related to dry cleaner program administration and technical site investigation or cleanup topics. The coalition serves as an invaluable asset for Missouri as the department manages the fund and provides oversight of assessments and cleanup of dry cleaner sites.

REFERENCES

State Program To Clean Up Drycleaners. Schmidt, Robin, R. DeZeeuw, L. Henning and D. Tripler. June 2001. State Coalition for Remediation of Drycleaners. www.drycleancoalition.org/survey/

Departmental Missouri Risk-Based Corrective Action (MRBCA) Technical Guidance. April 2006. Missouri Department of Natural Resources. www.dnr.mo.gov/env/hwp/mrbca/mrbca.htm.

CONTACT INFORMATION

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hazwaste@dnr.mo.gov
 800-361-4827 or 573-751-3176





www.dnr.mo.gov

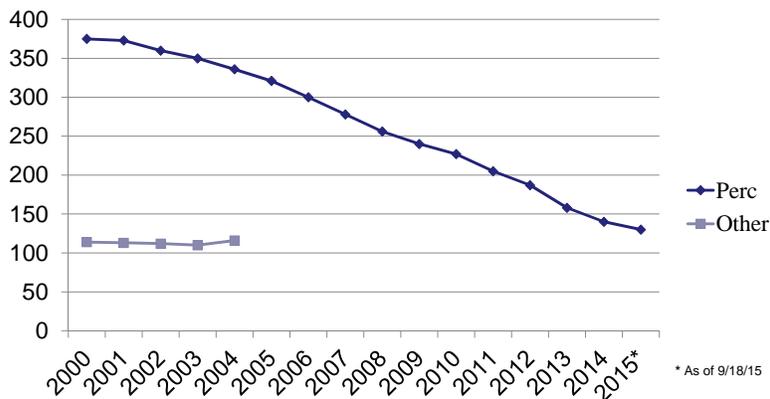


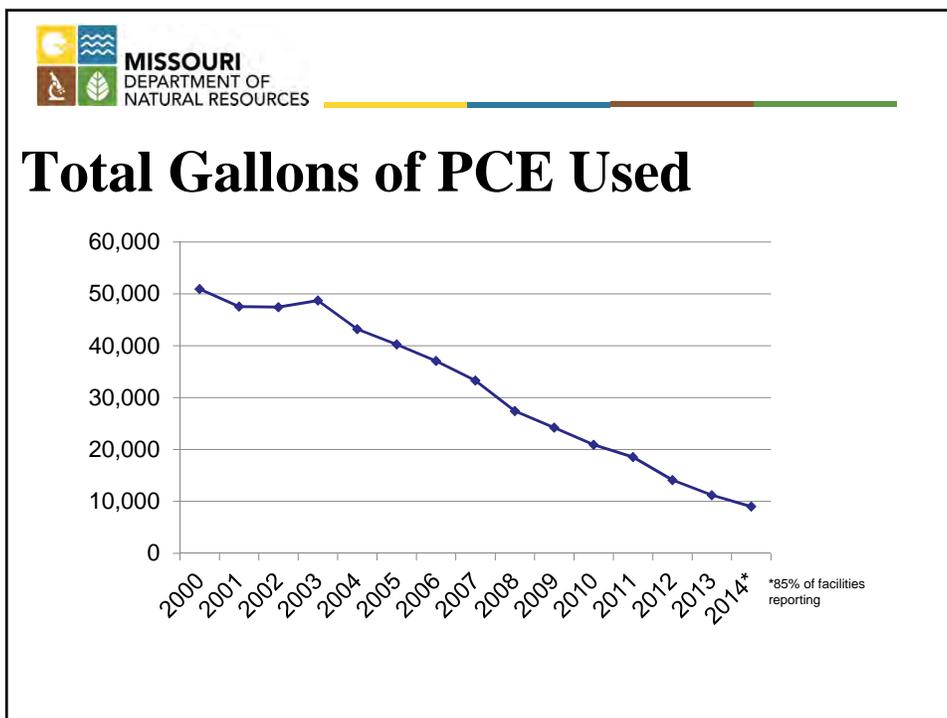
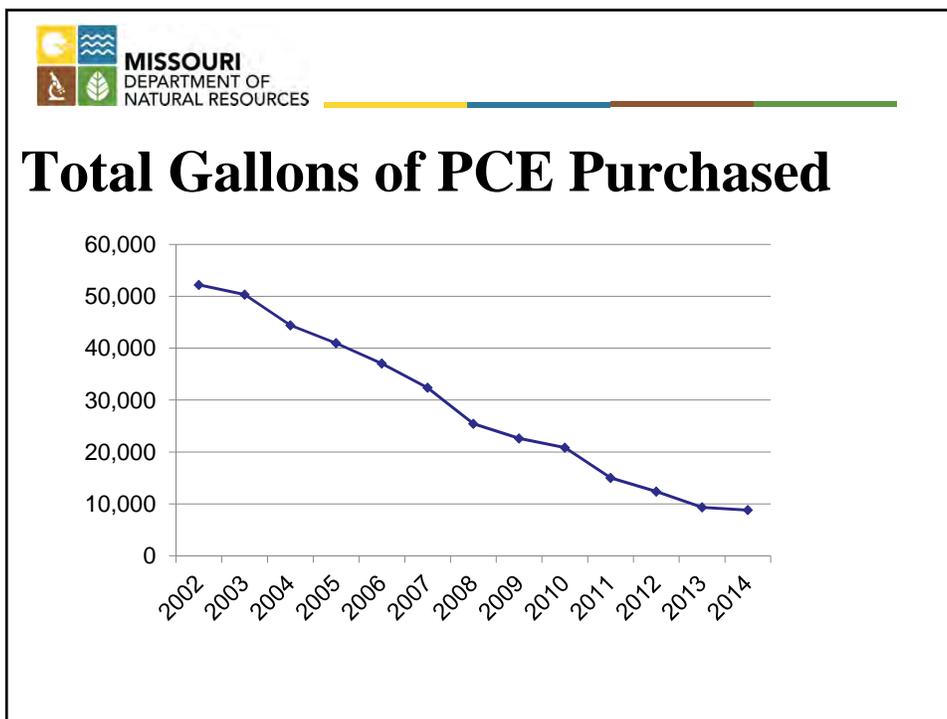
Drycleaning Environmental Response Trust (DERT) Fund Update

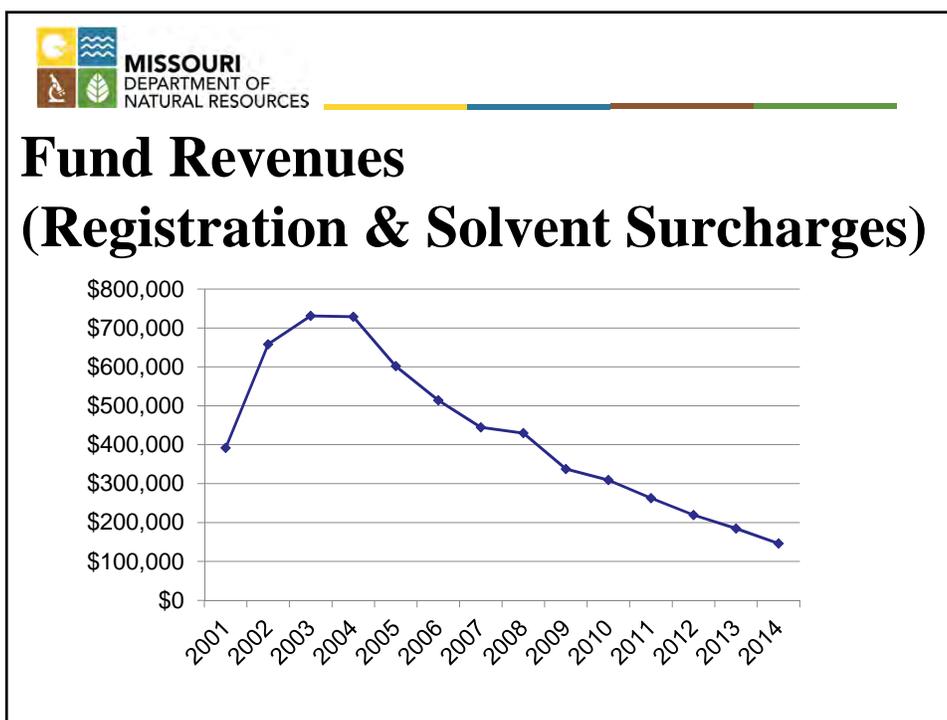
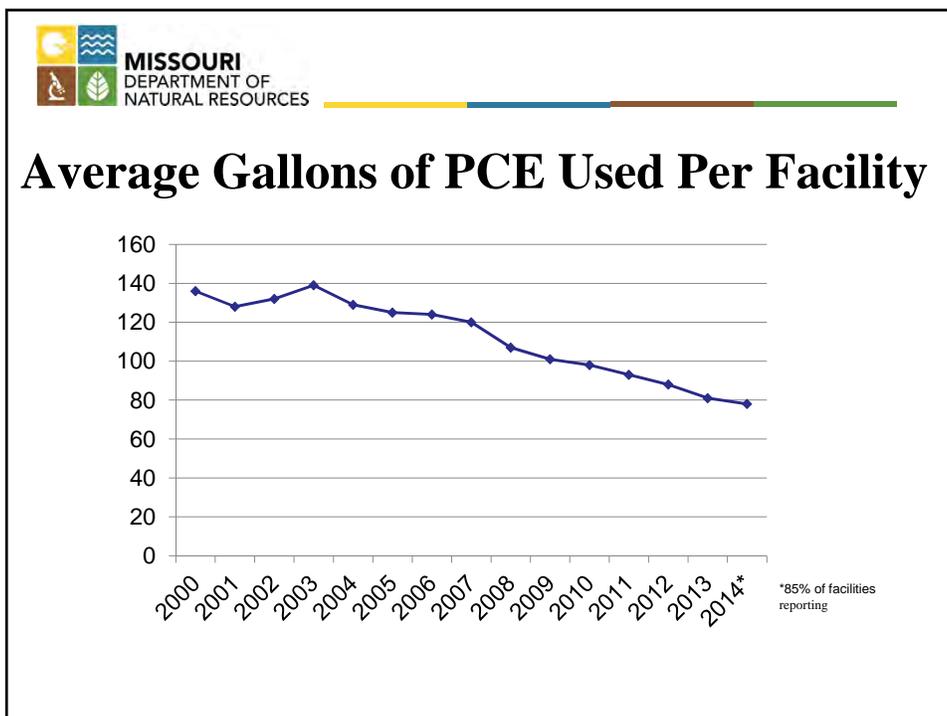
Scott Huckstep
Brownfields/Voluntary Cleanup Section
October 15, 2015



Active Drycleaners









General Information

- 19 active sites (most are idle due to revenue issues)
- 16 sites have received a Certification of Completion letter
- \$2,784,107 reimbursed (as of 9/18/15)
- **\$331,062** – fund balance (as of 9/18/15)



Questions?

Missouri Hazardous Waste Management Commission Meeting

**October 15, 2015
Agenda Item # 9**

Missouri Pesticide Collection Program Update and Outreach Efforts

Issue:

An update on the Pesticide Collection Program's 2015 collection events and outreach efforts will be presented.

Information:

- Summary of Pesticide Collection Events conducted in 2015
- Overview of recent outreach efforts
- Discuss potential sites for 2016 pesticide collection events

Recommended Action:

Information Only.

Presented by:

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

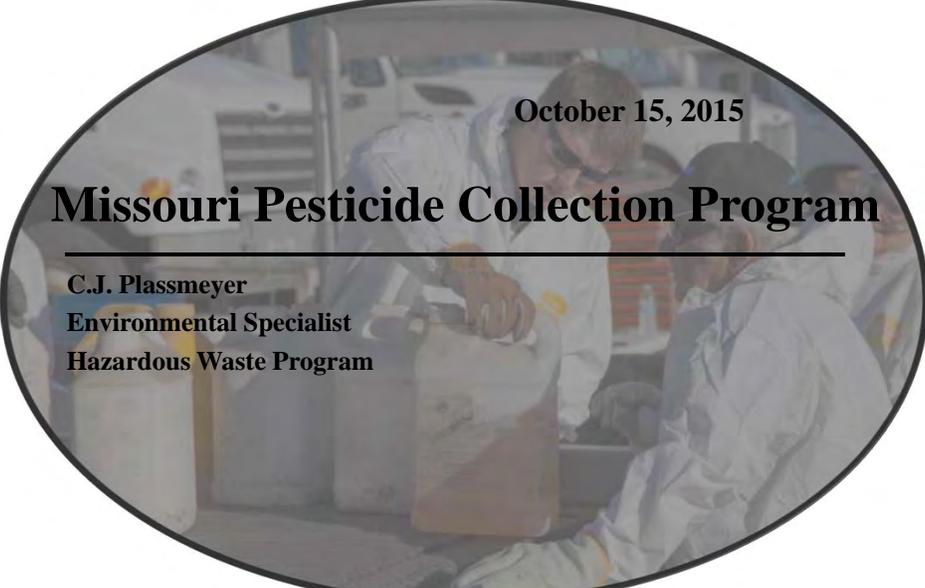


MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

October 15, 2015

Missouri Pesticide Collection Program

C.J. Plassmeyer
Environmental Specialist
Hazardous Waste Program



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

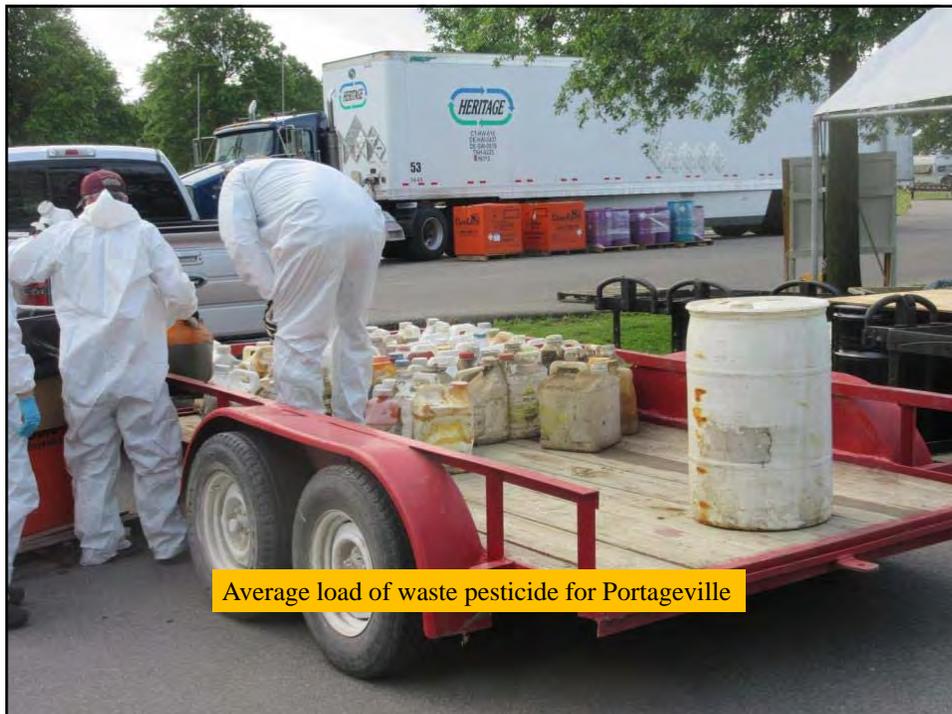
Overview

- 2015 Pesticide Collection Events
- 2016 Pesticide Collection Event Schedule
- Outreach conducted



2015 Pesticide Collection Events

- MU Research Centers for first two events
- Portageville – Fisher Delta Research Center
 - May 30
 - Collected 29,693 pounds of waste pesticide
 - 37 participants







Success would not have been possible without Mr. Trent Haggard



2015 Pesticide Collection Events

- Mount Vernon – Southwest Research Center
 - June 20
 - Collected 2,293 pounds of waste pesticide
 - 22 participants







2015 Pesticide Collection Events

- Higginsville – Lafayette County Road and Bridge
 - July 18
 - Collected 11,752 pounds of waste pesticide
 - 32 participants



Higginsville site set up prior to collection



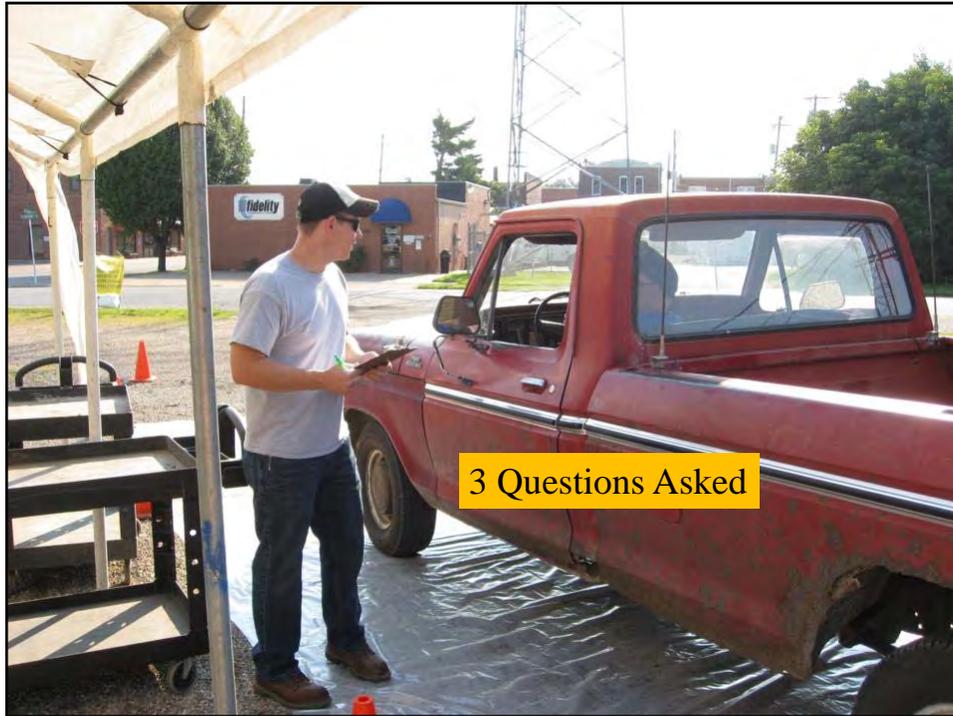


2015 Pesticide Collection Events

- Owensville – City Police Station
 - August 15
 - Collected 1,795 pounds of waste pesticide
 - 15 participants



Lots of glass containers collected at Owensville





2015 Pesticide Collection Events

- Kirksville – Public Works Complex
 - September 19
 - Collected 3,616 pounds of waste pesticide
 - 38 participants
- Event was combined with City sponsored HHW collection





Mostly homeowner use pesticides collected at Kirksville

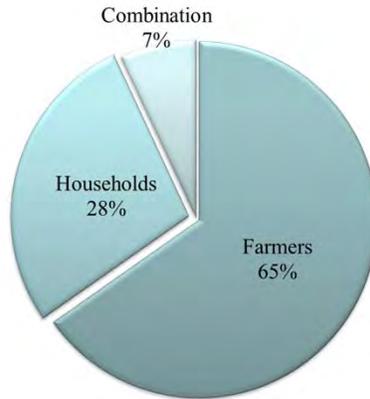


Participant drove five hours one way to participate in Kirksville event



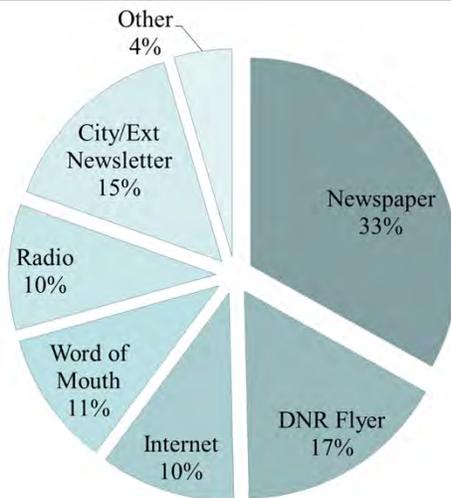
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2015 Summary: Farmer vs. Household Waste



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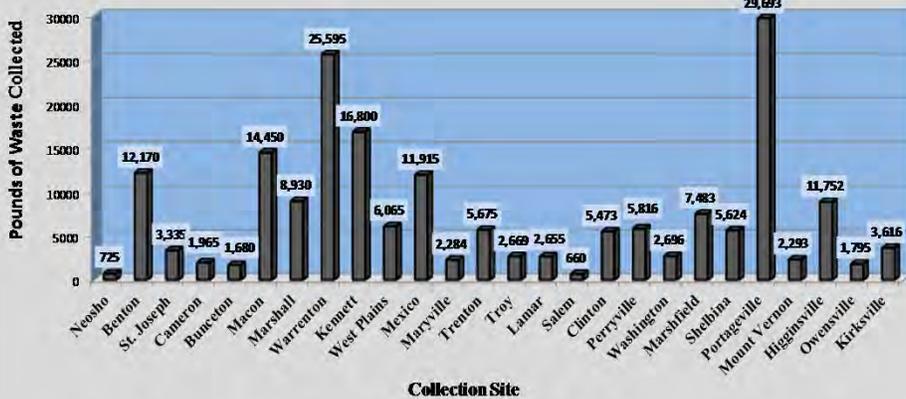
2015 Summary: How Participants Heard About Events





2014 vs. 2015

- In 2014 we had 4 events collecting 21,513 with 129 participants
- In 2015 we had 5 events collecting 49,149 pounds with 144 participants
 - 2014 had more participants per event (32 vs 29)
 - 2015 averaged more weight per participant (341 lbs vs 167 lbs)



Note: There was a total number of 764 customers served across 26 collections sites.



Getting the Word Out

- Teaming up with MU Research Farms
- Place ads in local papers in ~30 mile radius
- Place ad on radio if have farm station
- E-mail flyers to government agencies in the area
- Distribute flyers by hand to local Ag facilities
- Website



How is Success Measured?

- Volume?



- Number of Participants?

- One Happy Participant?





2016 Pesticide Events

- Start in March vs. late May
- Target minimally funded Solid Waste Districts
- Team with Research Farms when possible
- Select areas we haven't been to yet



Missouri Pesticide Collection Events





Potential Sites for 2016

- Portageville** – Early March – MU Fisher Delta Research Center
- Rock Port** – Minimally funded solid waste district & MU Graves-Chapple Research Farm
- Canton** – Minimally funded solid waste district and heavy ag area
- Bolivar** – County Seat of Polk County, near 2 large bodies of water & have not had collection close to area
- Montgomery City** – Minimally funded solid waste district, County Seat & lots of crops close by
- Poplar Bluff** – Late in year – Minimally funded solid waste district, new area & near Bootheel



Outreach Efforts

- Cole County Fair – “Making Memories at the Fair” – Kids Day
 - Integrated pest mgmt.
 - Seed packets
 - Beneficial insects
 - Q & A regarding pest control w/o pesticide







Outreach Efforts

Missouri State Fair

- Shared booth with University of Missouri – Fisher Delta Research Center outlining success of collection event.
- PowerPoint presentation cycling throughout day
- Handouts regarding pesticide collection program.



Future Pesticide Outreach

- Fact sheet is being developed regarding business pesticide disposal
 - Still #1 phone call I receive
- Develop trifold outlining program
- Prepare for Commercial Pesticide Applicator Training in January



Questions?

Missouri Hazardous Waste Management Commission Meeting

**October 15, 2015
Agenda Item # 10**

Quarterly Report

Issue:

Presentation of the April through June 2015, Quarterly Report.

Recommended Action:

Information Only.

Presented by:

Larry Archer – Public Information, Division of Environmental Quality

Hazardous Waste Management Commission Report

April through June 2015

Quarterly Report



Hazardous Waste Management Commissioners

Charles "Eddie" Adams, Chair

Elizabeth Aull, Vice Chair

Andrew Bracker

James "Jamie" Frakes

Michael Foresman

Mark E. Jordan

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

For more information:

Missouri Department of Natural Resources

Hazardous Waste Program

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

www.dnr.mo.gov/env/hwp/index.html

Phone: 573-751-3176

Fax: 573-751-7869

Past issues of the Hazardous Waste Management Commission Report are available online at dnr.mo.gov/env/hwp/commission/quarterlyreport.htm.



Missouri Department of Natural Resources
Hazardous Waste Program

Letter from the Director

Dear Commissioners:

As a first note to this quarter's report, I would like to start out by thanking all of you for your continued service to the commission. You are an outstanding group of commissioners and the department certainly appreciates all you do to help support the work of the Hazardous Waste Program. During this quarter, we unfortunately saw the departure from the commission of our current chair, Deron Sugg. Chairman Sugg did a fantastic job as a commissioner and we are very sorry to see him go, but certainly we want to wish him well in his future endeavors. His departure now leaves us with one vacant position on the commission, but with his leaving, it also helps me to appreciate how fortunate the program is to have the remaining six of you continue to serve. So, I just wanted to take this opportunity to again, thank all of you for continuing your service to the commission.

Chairman Sugg's departure also coincided with the time for new elections. During this quarter, we are glad to welcome Charles (Eddie) Adams to the chair and Elizabeth Aull to the vice-chair positions. The program and I look forward to working with you in this capacity in the coming year, and we are confident that you will do a fantastic job in leading the commission.

This quarter also marked significant progress on a couple of key efforts for the program. As you are aware, we were able to present to you a revised fee structure proposal at the April meeting that was a product of a significant work group effort. We certainly appreciate the support you provided in allowing us to move the proposal forward through the formal rulemaking process. In addition, we were able to file the proposed rule package for our "No Stricter Than" rules and hold the public hearing during this quarter, putting us on schedule to meet the statutory time frames of having the rules in place by the end of the year. We also met our goal of having our new electronic generator reporting system up and running to make reporting more convenient and easier for our generators and facilities.

The program, this quarter, also kicked off this year's pesticide collection efforts at an event on May 30, in Portageville. It was a very successful event as we had 37 participants bring in approximately 29,700 pounds of pesticides. This was the largest collection by volume that we have had, as the previous record was 25,595 pounds from our Warrenton collection held in September of 2012. This was an exciting way to start our collections this year. We have four other events scheduled this year and we are hoping for continued successful collections at those locations as well.

The program continues to stay very busy with our day to day work of ensuring compliance with the regulations and overseeing the cleanup of sites impacted by releases of a variety of different hazardous substances and petroleum. We hope you enjoy reading about these efforts in this edition of the quarterly and again, thank you for all you do to support the program.

Sincerely,



David J. Lamb
Director

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Brownfields/Voluntary Cleanup Program Certificates of Completion

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

The Brownfields/Voluntary Cleanup Program (BVCP) issued four certificates of completion for various sites from April through June 2015. This brings the total number of certificates of completion issued to 759.

River Roads Shopping Center-Outlot C – Jennings

The River Roads Shopping Center-Outlot C site is located at Jennings Station Road and Halls Ferry Road, Jennings. The site is a 5.1-acre portion of a 60-acre former shopping mall that contained a grocery store. A total of 23,700 square feet of asbestos-containing floor tile and mastic were removed and properly disposed, along with minor amounts of other asbestos-containing materials. Mercury light bulbs and miscellaneous chemicals were removed and properly disposed. The building was demolished and the site prepared for redevelopment. The department determined the site is safe for its intended use.



Chillicothe Rail Yard – Chillicothe

The Chillicothe Rail Yard site, located at 2 Jackson St., Chillicothe was developed in 1890 as a railroad track with at least one passenger depot. Currently, the subject property includes an approximately 1.25-mile tract of land developed as a railroad track and spur with a two-track rail yard. An office building and a worker building are present on the property, as well as a cargo container used to hold flammable materials and another railcar used for general storage. A fenced area located south of the worker building holds a variety of equipment. Various equipment storage areas on the gravel ground surface are also present, adjacent to the tracks.

A Phase II Environmental Site Assessment was conducted at the property and found elevated levels of lead and arsenic in soil at various depths throughout the site. All other soil contamination was either below detection limits or below default target levels. A Tier I Risk assessment was conducted in 2013, according to the Missouri Risk Based Corrective Action (MRBCA) 2006 guidelines, to determine the risk posed by arsenic and contamination in soil. The assessment concluded arsenic and lead concentrations were within expected background levels for Livingston County and therefore do not pose an excess risk. The site, therefore, qualifies for unrestricted use. The department determined the site is safe for its intended use.





Concord Cleaners (former) – Jefferson City

The Concord Cleaners (former) site, located at 1011 Missouri Blvd., Jefferson City, has been a dry cleaner facility for more than 50 years. Tetrachloroethylene was discovered in the soil during a Phase II site investigation at a concentration above the department's residential target level. A subsequent investigation, conducted near the original Phase II sampling point, indicated non-detect for tetrachloroethylene in the soil. A groundwater well was installed at this location and a groundwater sample from it yielded a concentration under the

department's default target level. All contaminant concentrations were compared to the values listed in the MRBCA guidance document of 2006. The department determined the site is safe for its intended use.

Express Valet Cleaners – St. Louis

The Express Valet Cleaners site, located at 2501 S. Kingshighway Blvd., St. Louis, is 0.20 acres with a two-story brick building. This property was developed in the early 1900s and has operated as a dry cleaners since at least 1989. During a Phase II Environmental Site Assessment, chlorinated solvents from dry cleaning operations were found in soil and groundwater. After groundwater sampling, it was determined the exposure pathway for the domestic use of groundwater is incomplete, and the contaminant levels present are a small fraction of the target levels for residential exposure to indoor inhalation of vapors. Because of this and the restricted flow of groundwater due to the clay present at the site, it meets the standards for unrestricted use. The department determined the site is safe for its intended use. The property will remain an active dry cleaning facility.

Sites in Brownfields/Voluntary Cleanup Program

Month	Active	Completed	Total
April 2015	231	757	988
May 2015	233	757	990
June 2015	233	759	992

New Sites Received: 10

April

- Centerline Stone, Kansas City
- Paul Mueller Company Electropolishing Room, Springfield
- North Kansas Expressway Development, Springfield
- Buckeye North St. Louis Terminal, St. Louis

May

- Altus Office Building - Ladue Rd., St. Louis
- Metro North Crossing, Kansas City

June

- Hazelwood Commerce Center Parcel 2, Hazelwood
- Didion Foundry (former), St. Peters
- North Riverfront Stadium Site - OU1, St. Louis
- Squaw Creek National Wildlife Refuge, Forest City

Sites Closed: 4

April

- River Roads Shopping Center - Outlot C, Jennings
- Chillicothe Rail Yard, Chillicothe

June

- Concord Cleaners (former), Jefferson City
- Express Valet Cleaners, St. Louis

Drycleaning Environmental Response Trust Fund

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

Registrations

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

Calendar Year 2015	Active Drycleaning Facilities	Facilities Paid	Facilities in Compliance
January - March 2015	136	59	48.38%
April - June 2015	136	112	82.35%

Calendar Year 2015	Active Solvent Suppliers	Suppliers Paid	Suppliers in Compliance
January - March 2015	11	8	72.73%
April - June 2015			

Cleanup Oversight

Calendar Year 2015	Active Sites	Completed Sites	Total
January - March 2015	20	15	35
April - June 2015	20	15	35

New Sites Received: 0

Sites Closed: 0

Reimbursement Claims

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

Month	Received	Under Review	Paid/Processed
April	0	0	0
May	0	4	1
June	0	0	0

Month	Received	Under Review	Paid/Processed
April	\$0.00	\$0.00	\$0.00
May	\$0.00	\$320,172.52	\$118,200.25
June	\$0.00	\$0.00	\$0.00

One reimbursement claim was processed/paid during this period:

Tri-States Service Company - East Trafficway, Springfield \$118,200.25

Total reimbursements as of June 30, 2015: \$2,784,107.05

DERT Fund Balance as of June 30, 2015: \$324,734.58

Groundwater and Surface Water Tracing

Protecting human health and the environment is the department's main mission at any hazardous waste treatment, storage and disposal facility, but even more so at facilities where hazardous wastes or hazardous waste constituents have been released to the environment. This includes protecting Missouri's most vital natural resources, groundwater and surface water. Missourians use groundwater and surface water in a number of ways, including drinking, bathing, irrigation, fishing, recreation and education. Protecting and cleaning up, or remediating, these resources can be difficult due, in part, to the majority of the state being underlain by thick, carbonate rock units that are susceptible to dissolution when exposed to mildly acidic precipitation. Over time, this can lead to the development of karst features such as caves, springs, sinkholes and losing streams.

Almost 60 percent of Missouri is underlain by karst features. This creates a challenge for environmental consultants and regulators in assessing releases to groundwater and interconnected surface waters. Identifying karst features is an essential component in developing accurate and complete conceptual models of site conditions, defining groundwater contaminant plumes and their interconnection to surface waters and selecting effective cleanup remedies. Groundwater and surface water tracing provides a unique, non-intrusive solution to identifying preferential flow paths and karst features at the local scale.

What is Water Tracing?

Water tracing has been performed throughout Missouri for a number of years using various types of "tracers." The overall goal of a water trace is to determine if a connection exists between the point of introduction of a tracer and other remotely located points. Some early traces were performed using wheat chaff or other solid particles as a tracer to prove connections from losing streams and caves to springs and water wells. Today, most water traces are conducted using non-toxic fluorescent tracer dyes, providing a safe and effective alternative to previous methods. Anyone involved in groundwater or surface water tracing in Missouri, for any purpose, is required to register with the Missouri Geological Survey (MGS).

In order to determine if a water tracing study may benefit a particular site or area of interest, a thorough review of local well boring logs, groundwater elevation maps, aerial photos, structural contour maps and topographic maps should be conducted. If the review indicates karst features and preferential flow paths are controlling shallow groundwater flow, a water tracing study may be needed to identify pathways through which contamination could migrate and pose actual or potential risks to human health or the environment due to exposure.

Designing and Implementing

The best time to conduct a water tracing study is when an aquifer is actively recharging (i.e., precipitation and infiltration are such that any introduced tracers are induced to move in the subsurface). This increases the likelihood of the dye reaching the groundwater and being carried to a surface discharge point(s). In Missouri, the best time for conducting tracer studies is typically in the spring and early summer. In karst systems, access to subsurface flow conduits may vary with changes in water table elevation or groundwater flow direction. For example, a spring in a karst environment may only flow during heavy precipitation events when the water table rises. The physical connection between an aquifer and a spring may exist whether or not the spring is flowing; however, depending on the conditions under which the water trace study is performed, this connection may or may not be identified. A positive detection of dye at a location remote from where the dye was introduced proves a connection exists, but the lack of a positive dye detection does not necessarily mean that a connection does not exist.

Like other subsurface investigation techniques, designing and implementing a water tracing study is a multi-step process. The first phase in the planning process includes a review of historical water traces that have been conducted in the area of interest. The MGS water tracing database includes information on nearly 500 water tracing studies. MGS also maintains sinkhole and spring databases, all of which should be checked when designing a water tracing study.

The next phase in the design process is conducting a background study. The purpose of the background study is to (1) field verify proposed dye injection and potential receptor locations, (2) obtain baseline dye concentrations related to other studies that may be in progress and/or may be present due to other environmental releases (e.g., antifreeze spills), and (3) select the type of dye to be used during the trace. There are five common dyes used in water tracing. These dyes include: eosine, fluorescein, pyranine, rhodamine WT, and sulforhodamine B. Although all five dyes are considered acceptable for water tracing, the background study will help identify the preferred dye by evaluating baseline conditions and determining if manmade or naturally occurring conditions may interfere with the use/detection of a particular dye.

After the background study, dye is introduced at the selected location(s). A typical study consists of one dye injection location and multiple potential reception points. Depending on the goal of the study and the volume of dye being injected, the dye may be introduced to the subsurface through a karst feature, a trench or a monitoring well. In order to get the dye to move within the subsurface, a large amount of water may be used to flush the dye into the subsurface during the dye injection process. If the dye is introduced at or near a known or suspected contaminant source area, this may be a good opportunity to collect additional source area information.



Figure 1: Eosine dye being added to a trench at a former hazardous waste management facility in Springfield, MO

When selecting the number and location of potential reception points, the locations should be chosen so a sufficient number of known reception points will be monitored and all potential reception points will remain accessible throughout the expected duration of the trace. Monitoring known reception points increases the likelihood of dye being detected during the course of the trace. This is important to the validity of the trace because if the dye is not detected at any of the monitored locations, there is no way of knowing if the dye is moving through the system.

The sampling frequency and length of the study are selected based on scale, objective and estimated groundwater velocities. Dye may be detected at a reception point by using either a small carbon packet

to which dye is adsorbed or by collecting water samples. If carbon packets are used, data is collected via systematic collection and replacement of carbon packets at each location throughout the duration of the trace. Field staff may also collect a water sample while replacing the packets to get a dye concentration snap shot in the water at that location.

Interpreting the data

Water tracing laboratories with spectrofluorophotometers have the ability to separate tracer dyes from many other fluorescent compounds, allowing the laboratory to report dye detections as a concentration. By sampling at a fixed reception point, dye concentrations can be measured as a function of time. The shape and magnitude of the dye-recovery curve is a function of the amount of dye injected, the velocity and magnitude of flow, the mixing characteristics of the flow system, the sampling interval and sample dilution.

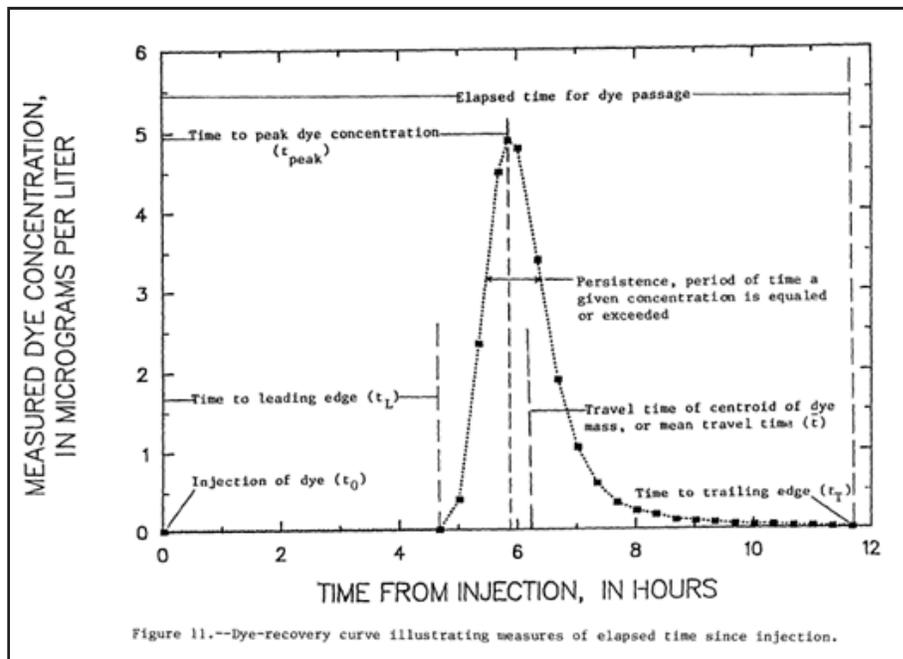


Figure 2: Dye-recovery curve from EPA Dye-Tracing Techniques (1988)

Using the data

A conceptual site model (CSM) is a critical planning and decision-making tool that helps the regulators and the regulated facility develop information about a facility’s characteristics and environmental setting. The CSM is a facility-specific written or pictorial description of the source(s) of contamination and the pathways contamination could take from the point(s) of release to humans, animals and the environment. Data obtained from the water tracing study may be used to test and refine the CSM, particularly with respect to preferential subsurface flow pathways and resulting potential contaminant exposure pathways. As the CSM is refined, gaps in the groundwater or surface water monitoring network may be identified and recommendations for alternative or additional monitoring locations developed. This may include ongoing monitoring of identified connections between groundwater and surface water bodies.

The dye-recovery curve may also be used to estimate groundwater flow velocities for proven connections and, depending on the groundwater contaminants of concern, estimate contaminant

transport rates along individual pathways. As a result, the resources available for investigation and remedy can be focused on contaminant pathways that represent the greatest actual or potential exposure risks to humans and the environment.

Case Study

In Missouri, water tracings studies have been conducted at some hazardous waste management facilities exhibiting groundwater contaminant plumes. The figure below (Figure 3) shows the preliminary results of a water tracing study conducted at a former hazardous waste management facility in Springfield, Missouri.

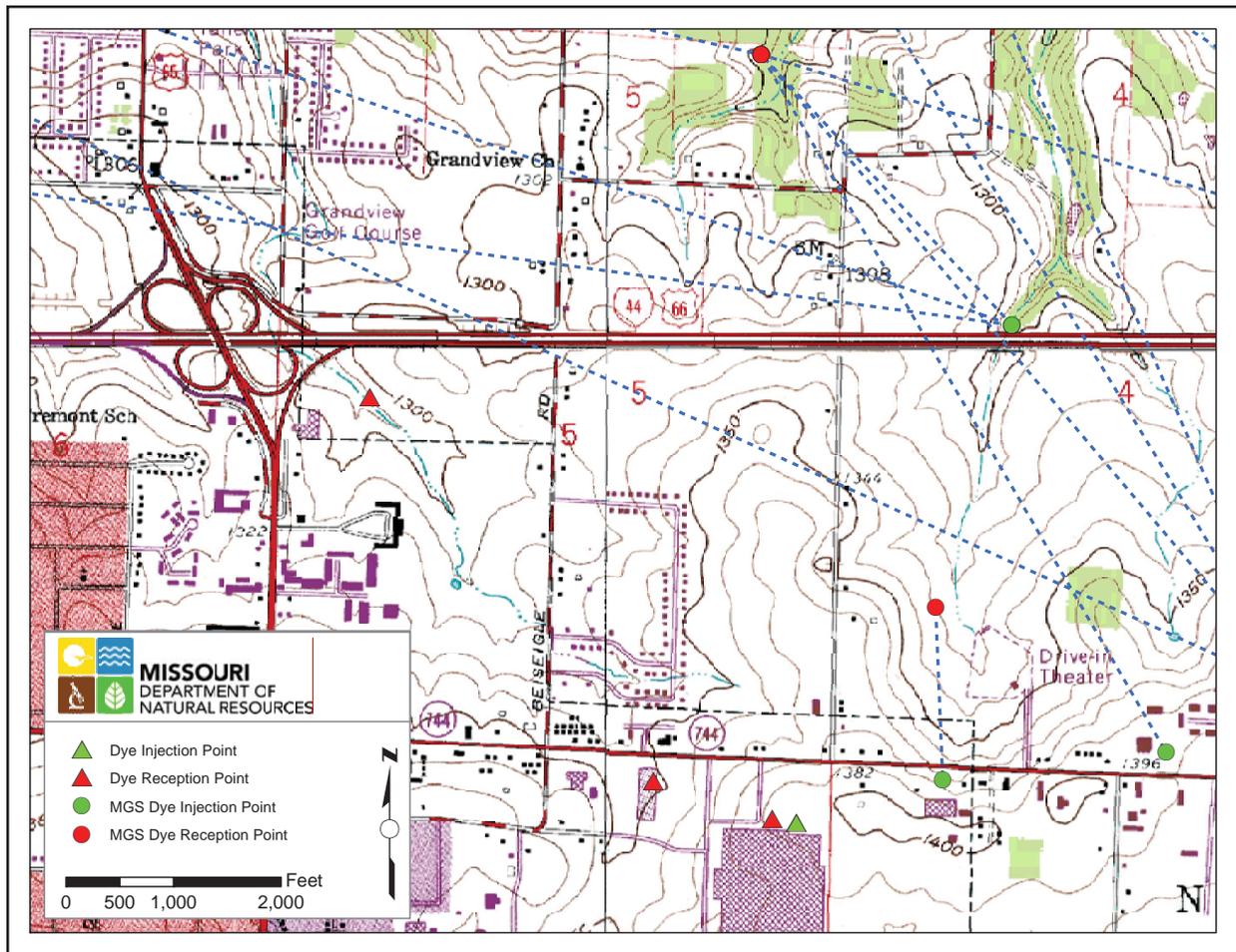


Figure 3: Preliminary results of a water tracing study at a former hazardous waste management facility in Springfield, MO

This facility has a groundwater monitoring network but the department’s review of the existing data indicated knowledge of the groundwater contaminant plume and CSM were lacking. This facility was selected for water tracing based on the known karst conditions in the area, potential for preferential subsurface groundwater flow and the presence of an onsite groundwater divide. Eosine dye was introduced at a trench excavated onsite, near a former drum storage pad. A background study was conducted and thereafter carbon packets were deployed at eleven onsite monitoring wells, four onsite ponds, and eighteen off-site locations. The length of the water tracing study was nine weeks, with carbon packets replaced weekly. Dye was detected at one onsite monitoring well, one onsite pond and

one off-site surface water location. All three locations were located west to northwest of the point of injection. The initial data indicates groundwater flow is moving along preferential features oriented northwest to west at a groundwater flow rate greater than previously anticipated. The facility intends to use this information to revise their CSM and improve their groundwater monitoring network.

In conclusion, water tracing is just one tool in the hydrogeology site characterization and investigation toolbox. When properly conducted, the information obtained from a dye trace study can provide a unique insight into the behavior of groundwater flow in karst aquifers including interconnection(s) with surface water bodies. These studies can also help in developing comprehensive conceptual site models. When combined with more traditional methods of subsurface investigation and monitoring, the information may be used to better delineate groundwater contaminant plumes, assess surface water interconnections and develop more efficient/effective cleanup strategies.

Regional Office Hazardous Waste Compliance Efforts

- Conducted 99 hazardous waste generator compliance inspections:
 - *40 at large quantity generators*
 - *32 at small quantity generators*
 - *17 at conditionally exempt small quantity generators*
 - *Eights at E-waste recycling facilities*
 - *Two at resource recovery facilities*
- Conducted 11 compliance assistance visits at hazardous waste generators
- Conducted one targeted re-inspection at hazardous waste generators
- Issued 43 letters of warning and 13 notices of violation requiring actions to correct violations cited during the 99 inspections conducted
- Received and investigated a total of 52 citizen concerns regarding hazardous waste issues

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

Tank inspection contract – During the reporting period, the request for proposal (RFP) for the new tank inspection contract closed with the submittals currently under review. The inspection contractor conducts inspections of active underground and aboveground storage tanks for the Missouri Department of Natural Resources and the Missouri Petroleum Storage Tank Insurance Fund (the Fund). You may contact the Missouri Office of Administration for details.

Operator training – Operator training is now available online. Class A/B operator training and Class C operator training are both available, as well as a “test only” option. The draft rule is also available online, which includes a compliance deadline of July 1, 2016. The department and the fund will also be accepting reciprocity from some of our neighboring states. The training program and draft rule may be found on the fund’s webpage: <http://optraining.pstif.org/intro/>

Federal Rule changes – In 2011, EPA proposed significant changes to the UST regulations. The final version of those rules is expected to be announced shortly. The proposed rule includes new testing requirements for release detection equipment, overfill prevention equipment (e.g. flapper valves, ball float valves and alarms), spill buckets and containment sumps. Under the proposed changes, previously deferred airport fuel hydrant systems, field constructed tanks and even some oil water separators will now be regulated. Missouri must also include a new requirement for all new systems installed after July 1, 2017 to be double walled with enhanced leak monitoring. For updates and information on these upcoming rule changes, please visit our webpage: <http://dnr.mo.gov/env/hwp/ustchanges.htm>

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

Financial Responsibility – Efforts continue to resolve violations with facilities that did not maintain a financial responsibility (FR) mechanism to address releases and to protect third parties. Because of these efforts by UST CTU staff and the Attorney General’s Office, the number of facilities without a verified FR mechanism continues to remain less than 1.5 percent.

Special Facilities Unit

Commercial Facility Inspectors – Special facilities inspectors conducted five inspections of commercial hazardous waste treatment/storage/disposal facilities (TSDFs) and two inspections of non-commercial hazardous waste TSDFs.

Polychlorinated Biphenyl (PCB) Inspector – The inspector conducted 20 compliance inspections at various types of facilities throughout the state. The inspector's reports are forwarded to the U.S. EPA Region 7, which has authority for taking any necessary enforcement action regarding PCBs according to the Toxic Substances Control Act.

Hazardous Waste Transporters – The inspector conducted 22 commercial vehicle inspections. Five violations were cited and one commercial motor vehicle was put out of service.

Hazardous Waste Enforcement Unit

Enforcement Efforts

- Resolved four hazardous waste enforcement cases
- Received five new enforcement cases
- Sent four penalty negotiation offer letter
- Issued one letter of warning
- Issued three notices of violation
- Completed five settlement agreements

Miran Investment

On April 4, 2014, a hazardous waste compliance inspection was conducted at the above facility by the Missouri Department of Natural Resources' Hazardous Waste Program. During the inspection, it was noted that regulated amounts of hazardous waste, specifically F002 waste, was on site. After the Aug. 19, 2014 Notice of Violation was issued and attempts to get the owner of Black Tie Cleaners, Yong Park, to correct the violations, the department issued a modified Notice of Violation to the property owner, Miran Investment Company, and Black Tie Cleaners on Nov. 10, 2014.

The property owner had previously committed to addressing the hazardous waste violations well before the department had attempted to contact them, and continued to keep in contact and supplied documentation as requested. On March 11, 2015, the department conducted a follow-up inspection and Miran Investments was able to document that all violations were corrected. Because they did not generate the waste but, as the property owner, accepted responsibility for cleanup and all costs associated with it, and because of their good faith efforts, the department has elected not to pursue Miran Investment Company for any civil penalties in regards to these violations.

Black Tie Cleaners owner, Mr. Yong Park, is currently in contempt of multiple consent judgments for outstanding surcharges, fees and penalties for the Dry Cleaning Environmental Trust Fund. At this time, the Attorney General's Office (AGO) has been unsuccessful in collecting any amounts owed. Detailed searches for potential income and assets for Mr. Park have been utilized by the AGO and have yet to find any financial resources. The department has accepted the AGO's current evaluation of Mr. Park's finances as a demonstration of inability to pay a penalty and therefore will not pursue Mr. Park for civil penalties in regards to these violations.

Martin Foundry

On Sept. 12, 2012, the Kansas City Regional Office inspected Martin Foundry. A notice of violation (NOV) was issued on Oct. 2, 2012, for failure to determine if a waste was hazardous, failure to register as a generator, acting as an unpermitted TSD, numerous storage violations and numerous safety violations. The Kansas City Regional Office reinspected the facility on Oct. 24, 2013. Violations were noted and corrected on site.

The facility has agreed to pay the sum of \$12,000 as a penalty, of which \$6,000 will remain suspended on the condition there will be no further violations of the Order and the Missouri Hazardous Waste Management Law and/or Regulations for a period of two years of the effective date of the Order. The remaining \$6,000 shall be paid in quarterly installments of \$1,500. The AOC was finalized on April 24, 2015.

Green America Recycling

On Nov. 5, 2014, the Hazardous Waste Program inspected Green America Recycling/Continental Cement and found that Green America had stored hazardous waste in excess of one year, in violation of their permit. The Hazardous Waste Program issued NOV #5716CF to Green America on Feb. 13, 2015. Based on the response from Green America and EPA guidance RO12794, Green America was returned to compliance and the case was closed without penalty on April 27, 2015.

Illegal Drum Dump (David Hill)

On May 7, 2014, the Northeast Regional Office (NERO) investigated a report regarding 55-gallon drums with unknown contents abandoned along County Road 1670, west of Jacksonville. The drums were located and confirmed to be closed and in good condition. NERO made arrangements with the Environmental Services Program to have the drums removed. Upon arrival at the site, the Environmental Services Program could not find the drums, but found dried paint waste in the area. Additional investigation led to the discovery that David Hill had dumped the contents and taken the drums to a salvage yard. NERO issued NOV #NER2014061915495694 to Hill on June 27, 2014.

Mr. Hill had agreed to pay cost recovery of \$1778.40 for costs associated with the attempted cleanup of the abandoned drums. Due to his dire financial situation, the Hazardous Waste Program chose not to seek penalty or cost recovery from Hill. The case was closed April 27, 2015.

Pesticide Collection Event April-June 2015 Quarterly Report Summary

The Pesticide Collection Program conducted two collections during the quarter. The events were a success, bringing in Toxaphene, Strychnine, Arsenic, DDT, 2,4,5-T and many other toxic, banned pesticides. Almost every participant made comments of how thankful they were for this program as they have had this material sitting around for years not knowing what to do with it. The first collection event took place in Portageville, MO, on May 30th, and had 37 participants. Approximately 29,700 pounds of pesticide were collected.

The second event took place in Mt. Vernon, MO, on June 20th, and had 22 participants. Approximately 2,300 pounds of pesticide were collected. The remaining collection events for 2015 will take place as follows:

- Higginsville: July 18, at the Lafayette County Road and Bridge Facility, 19717 Outer Road
- Owensville: Aug. 15, at the Owensville Police Department, 109 N. Second St.
- Kirksville: Sept. 19, at the Charles Krueger Public Works Complex, 2001 N. Osteopathy

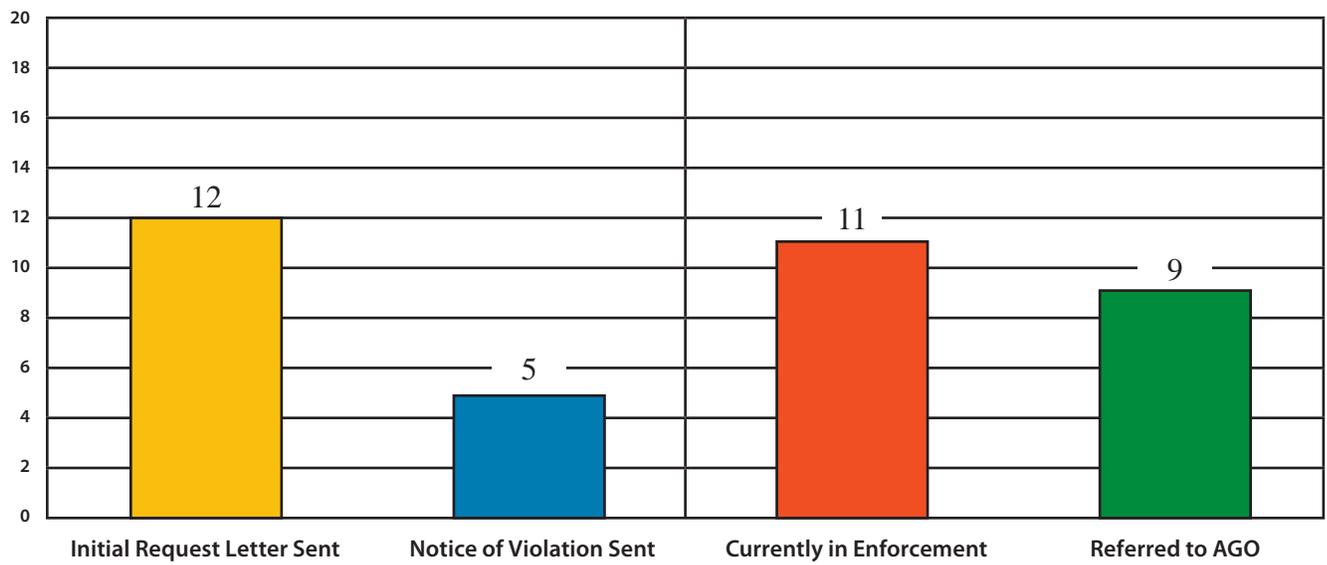
Additionally, a request for proposal (RFP) for pesticide collection services has been issued and proposals were due on April 20, 2015. The RFP is exclusively for services required for pesticide collections and addresses all collection events held in 2015 and beyond. Having a contract in place specifically for

these services will simplify the process and reduce staff time and effort needed during set up and follow through after each event and ensure consistency and high quality of services from our contractors during these events. We have also continued to expand our education and outreach efforts by working on website and fact sheet updates, updating pesticide collection program standard operating procedures and planning for outreach opportunities such as the Cole County Fair and Missouri State Fair.

Underground Storage Tank Facilities with Unknown Financial Responsibility Status Report

Financial Responsibility Status	Number of Facilities
Initial Request Letter Sent	12
Notice of Violation Sent	5
Currently in Enforcement	11
Referred to Attorney General's Office	9
Total Number of Facilities with Unknown Financial Responsibility	37

Number of Facilities in Each Financial Responsibility Step



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

Missouri Department of Natural Resources - Hazardous Waste Program

Petroleum Storage Tanks Regulation June 2015

Staff Productivity	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	TOTAL
Documents received for review	161	189	222	208	163	166	176	189	196	154	193	173	2,190
Remediation documents processed	140	123	146	171	168	116	110	129	145	154	119	201	1,721
Closure reports processed	9	10	14	24	8	13	13	4	10	6	6	5	122
Closure notices approved	9	9	9	9	8	6	7	12	12	10	8	13	112
Tank installation notices received	7	5	6	5	4	3	7	4	9	5	1	6	62
New site registrations	4	7	2	5	5	1	2	2	0	1	2	2	33
Facility Data	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	TOTAL
Total in use, out of use and closed USTs	40,756	40,773	40,789	40,807	40,827	40,839	40,848	40,859	40,869	40,875	40,884	40,909	
Total permanently closed USTs	31,676	31,703	31,777	31,806	31,819	31,837	31,857	31,873	31,890	31,904	31,910	31,928	
In use and out of use USTs	9,080	9,070	9,012	9,001	9,008	9,000	8,989	8,984	8,976	8,968	8,971	8,977	
Out of use USTs	739	746	709	702	693	701	696	691	695	686	688	698	
Total hazardous substance USTs	404	404	404	404	404	404	404	405	405	403	403	403	
Facilities with in use and out of use USTs	3,483	3,482	3,461	3,456	3,458	3,455	3,456	3,454	3,455	3,450	3,449	3,450	
Facilities with one or more tank in use	3,229	3,226	3,220	3,218	3,222	3,216	3,217	3,216	3,214	3,214	3,213	3,209	

Closures

Underground Storage Tanks	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	TOTAL	All Yrs
Closure Reports Reviewed	9	10	14	24	8	13	13	4	10	6	6	5	122	
Closure Notices Approved	9	9	9	9	8	6	7	12	12	10	8	13	112	
Number of Tanks Closed (Closure NFA)	14	17	43	46	22	18	16	12	33	26	7	17	271	

Cleanup

Underground Storage Tanks													TOTAL	All Yrs
UST release files opened this month	4	7	10	14	7	9	7	5	7	6	3	5	84	6,687
UST cleanups completed this month	8	6	15	7	11	10	2	10	15	12	1	13	110	5,846
Ongoing UST cleanups	865	866	863	869	864	863	866	858	849	844	845	837		
Aboveground Storage Tanks														
AST release files opened this month	1	0	0	2	5	1	0	0	0	1	0	0	10	476
AST cleanups completed this month	2	1	0	2	0	1	0	1	1	4	0	1	13	299
Ongoing AST cleanups	182	181	180	179	183	183	183	182	182	178	178	177		
Both UST and AST														
Total release files-both UST & AST	0	0	0	0	0	0	0	0	0	0	1	0	1	79
Cleanups completed-both UST & AST	0	0	1	1	0	0	0	0	0	1	0	0	3	52
Ongoing cleanups-both UST & AST	29	29	29	28	28	27	27	27	27	26	27	27		
Unknown Source														
Total release files-unknown source	0	1	0	0	0	0	0	0	0	1	0	1	3	228
Cleanups completed-unknown source	0	0	1	0	0	0	0	1	0	1	0	0	3	210
Ongoing cleanups-unknown source	20	21	19	19	20	19	19	19	18	18	17	18		
Documents Processed	140	123	145	171	168	116	110	129	145	154	119	201	1,721	
*Reopened Remediation Cases	0	1	0	0	0	0	0	0	0	0	0	0	1	79

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

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

Missouri Hazardous Waste Management Commission Meeting

**October 15, 2015
Agenda Item # 11**

Legal Update

Issue:

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

Information:

Information Only.

Presented by:

Ms. Kara Valentine, Office of the Attorney General

Missouri Hazardous Waste Management Commission Meeting

**October 15, 2015
Agenda Item # 12**

Public Inquiries or Issues

Issue:

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

Information:

Information Only.

Presented by:

Mr. David J. Lamb – Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**October 15, 2015
Agenda Item # 13**

Other Business

Issue:

Update to the Commission on Program matters and other relevant issues.

Information:

Information Only.

Presented by:

Mr. David J. Lamb – Director, HWP

Missouri Hazardous Waste Management Commission Meeting

**October 15, 2015
Agenda Item # 14**

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
Thursday, December 17, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, February 18, 2016	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, April 21, 2016	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, June 16, 2016	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, August 18, 2016	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, October 20, 2016	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

Recommended Action:

Information Only.