



Hazardous Waste Program Director  
P.O. Box 176  
Jefferson City, MO 65102-0176



RE: Boeing Comments on Hazardous Waste and Related Rule Revisions published in May 15, 2015 Missouri Register

Dear Mr. Lamb and Commissioners:

I am providing written comments to clarify and reinforce my oral testimony at the June 18, 2015 public hearing. These are provided below.

1. Boeing appreciates the closer alignment to federal rules that are proposed. Boeing and many other Missouri waste generators have manufacturing operations in multiple states. Environmental compliance staff and shop personnel who physically generate hazardous waste commonly move from one Boeing facility to another located in a different state. To the extent that state rules are consistent with federal rules, and are updated regularly to incorporate federal rule changes, it greatly eases the burden of retraining persons whose waste management practices were well ingrained at a prior location, and reduces the risk of noncompliance due to state rule differences.
2. The revised manifest exception reporting proposal for hazardous waste at page 635 and for PCBs at page 667 of the Missouri Register is a significant improvement over earlier Missouri language, which required a written report to DNR, even in those cases where the completed manifest was received after the 35<sup>th</sup> day of initial shipment, but was in hand before the 45<sup>th</sup> day. Such reports served no purpose, since the waste shipment was already determined not to be missing by the time the notification letter to DNR was written by the generator. The federal rule proposed for adoption requires the generator to initiate an inquiry if the manifest is not received within 35 days, but triggers written notification to the agency only if the completed manifest cannot be located within the next 10 days following, indicating the possibility of a more serious situation that prompts agency involvement.
3. As proposed, the two satellite area accumulation options at page 634 of the Missouri Register better accommodate the reality of different waste generator satellite areas. One option is based on the EPA-approved existing Missouri rule that sets a one year accumulation time limit. The other option is based on EPA guidance documents that set an aggregate volume limit on multiple wastestreams. At Boeing, some areas, like paint booth mix rooms, generate multiple wastestreams fairly quickly (D001 excess paint poured from individual paint guns, F-listed spent paint gun cleaning solvents, and wipes contaminated with paint or cleaning solvents). The former Missouri approach was

beneficial for these areas. An accumulation start date was required on each drum, and a 1 year time limit was imposed, but it allowed us to fill a 55 gallon drum of each wastestream, rather than removing partial containers when the aggregate of all 3 wastestreams reached 55 gallons. On the other hand, the proposed option based on federal guidance works well for the hundreds of 5 gallon step cans on the open shop floor that receive only solvent wipes and sealant tubes. Under the present Missouri rule, we must maintain accumulation start dates on these numerous step cans, even though they are emptied several times a week. Under the federal guidance option, this step-can dating exercise would no longer be necessary.

Unfortunately, the rule as proposed would require all generators who wish to continue following the existing Missouri accumulation option to notify DNR of this fact. We believe that such notification is unnecessary, since an inspector can readily determine which option is being followed, by looking for an accumulation start date on the container. If there is no start date, the generator is deemed to be opting for the federal guidance option, and is in violation if the aggregate of all wastestreams in the satellite area exceed 55 gallons. Likewise, if there is an accumulation start date, and it is more than 1 year old, the generator is in violation of the longstanding Missouri option.

Another unfortunate element of the proposed rule states that a generator must follow either the Missouri or the federal option throughout the entire generator I.D. facility. Many Boeing generator I.D. locations have both painting shops that quickly accumulate three different waste streams and open shop floor with 5 gallon step cans of one wastestream, often within the same building. While we disagree that a notification to DNR is needed regarding satellite area options, if the Commission feels that the notification serves some purpose, the notification should be modified to provide for the possibility that the generator can describe areas of the plant (i.e. open shop floor, paint booths and mix rooms, laboratories, warehouse, clean rooms, printing presses, etc.) where the generator intends to use one or the other compliance option. While these descriptions will vary by industry, an on-site inspector should be able to determine what broad category he or she is observing by simple observation.

Thank you for consideration of these comments. I can be reached at [david.l.shanks@boeing.com](mailto:david.l.shanks@boeing.com) or by cell phone at (314) 703-6132.

Sincerely,



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