



Matt Blunt, Governor • Doyle Childers, Director

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Happy Earth Day!

I again want to thank those who participated in our second Hazardous Waste Forum held back on Oct. 23, 2007, at the Missouri Department of Natural Resources' Elm Street Conference Center in Jefferson City. I apologize for the extreme delay in getting all this information out. The meeting summary, Question and Answers (Q&A) and additional information is now available on the Forum's Web site, located at www.dnr.mo.gov/env/hwp/forum/forum.htm.

After finalizing the summary, we recognized a few key action items where we need your assistance in order to move forward. Specifically, we see the opportunity to have much a more detailed dialogue and clarification on the Packaging, Marking and Labeling requirements for Hazardous Waste soon, as well as reviewing the requirements of satellite accumulation in the future. As mentioned at each Forum, some of these topics may take more time to ensure that we all understand what the law or regulations state, what the intended goal was, whether we are meeting or exceeding that goal, and whether changes are appropriate. In an effort to move forward, we will soon be soliciting input and more detailed comments or suggestions from the workgroup starting with the for the labeling and marking aspects for hazardous waste. In reviewing the history of the regulation, it was apparent we need to ensure we include some of the "first responders" to help us determine what changes are occurring.

I also want to take this opportunity to briefly outline the status of various key activities that have or are occurring since the last Forum. First, the **Missouri Environmental Covenants Act (MoECA)**, a new law addressing environmental covenants, became effective Jan. 1, 2008. Environmental covenants are used to notify potential property buyers that environmental-related future use conditions exist at properties where residual contamination remains in place. They also ensure the productive and safe reuse of these properties. Because of MoECA, the department is revising its model restrictive covenant to more accurately set out the terms to use if one wishes to record an environmental covenant that affords the protections offered by the law. Because covenants filed before MoECA took effect may or may not be durable, the department will provide the opportunity to "update" these covenants as appropriate. The revised model restrictive covenant will soon be available on the department's Web site.

Twenty-nine stakeholders attended the first **Health Profile Workgroup Meeting**, held Feb. 27, in Jefferson City. The workgroup discussed Health Profile requirements of other states, whether a Missouri facility can petition the Hazardous Waste Management Commission for a variance from the regulation and/or law until the final outcome of the workgroup, if there are changes to the current regulations that could be made to produce Health Profiles that are truly meaningful, or if rescinding the current Health Profile regulations is appropriate. Due to the challenge of needing to evolve or eliminate this requirement, which would require an amendment to the regulation and potentially the statute, it was determined that more work would be needed for both addressing short and long-term needs. The workgroup will meet again in mid-May to further work through the health profile issues and potential solutions.



The **Missouri Hazardous Waste Management Commission** recently approved a **variance petition**, with conditions, from state regulation 10 CSR 25-7.264(2)(H)(6). “This paragraph modifies the requirements for letters of credit per 40 CFR 264.143(d), 40 CFR 264.145(d), and 40 CFR 264.147(h), incorporated in this rule. Letters of Credit shall be issued by a state- or federally-chartered and regulated bank or trust association. If the issuing institution is not located in Missouri, a bank or trust association located in Missouri shall confirm the letter of credit and the confirmation and the letter of credit shall be filed with the department.” The Commission granted the requesting facility a variance only from the part of the regulation that relates to the confirming bank requirement. The facility remains subject to the portion of the regulation that requires the letter of credit to be issued by a state- or federally-chartered and regulated bank or trust association.

Department management has approved a request to develop a proposed amendment that would eliminate the part of the regulation that relates to the confirming bank requirement. We are in the process of drafting rule language and developing supporting documentation.

We are continuing to update the **Tanks Risk-Based Corrective Action (RBCA)** guidance and encourage you to remain apprised as improvements are provided. The intent is to bring stakeholders up to speed on the status of our guidance revision efforts, share other pertinent information (rulemaking, etc.), and listen and respond to stakeholder questions, comments, and concerns.

We finalized draft amendments to adopt federal rules published between July 1, 2004 and July 1, 2006. We also finalized a Regulatory Impact Report (RIR) related to changing the 72-hour rule for unloading hazardous waste from incoming railcars. Department management has signed off on the RIR. We are preparing and making arrangements for publication of a public notice of availability of the report in the local newspapers of the affected facilities. We plan to publish the notice in the Hannibal Courier-Post, the Louisiana Press-Journal, and the Jefferson City News Tribune sometime around the first or second week of May. The report itself will be available on the department’s Web site and hard copies will be available by mail upon request. Following the 60-day public comment period, we will review and respond to comments on the RIR and continue with the formal rulemaking process.

The Hazardous Waste Forum is an opportunity for us to share with you what we are doing on existing or emerging topics, as well as an opportunity for you to share with us any new topics of concern. I'd like to request your feedback on when we should hold the next forum; possibly near the time a draft plan or recommendation for the Health Profile is ready. As always, if you have comments or suggestions, please let us know.

Thank you,

Robert Geller
Director
Hazardous Waste Program