

# Hazardous Waste Program Fee Stakeholder Meeting

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November 18, 2014

## Fee Stakeholder Meeting Agenda

- Changes to the Law and New Process for Changing Fee Structure
- Hazardous Waste Program Overview
- Fees to be included in Stakeholder Process
- Financial Overview
- Timeline for Rulemaking
- Future Meetings

## Statutory Changes to the Fee Laws

- HB28/HB650 – In 2013, revised the Hazardous Waste Law in Sections 260.380 and 260.475 to allow the fees to be amended by rule
- SB642 – In 2014, made additional revisions to clarify the process



# SB642 Process for Changing Fee Structure

- The department has authority to conduct a comprehensive review of certain fees and propose changes
- Review to include a stakeholder process involving representatives from:
  - cement kilns
  - chemical companies
  - large and small generators
  - Any other interested parties
- Department to submit fee structure, with stakeholder agreement, to the Commission



## SB642 Process for Changing Fee Structure

- The Commission shall review the proposal at their next meeting, but shall not vote on the proposal until a subsequent meeting
- If the Commission approves by a 2/3 majority (5 of 7 Commissioners), the department can proceed to file the proposed rule

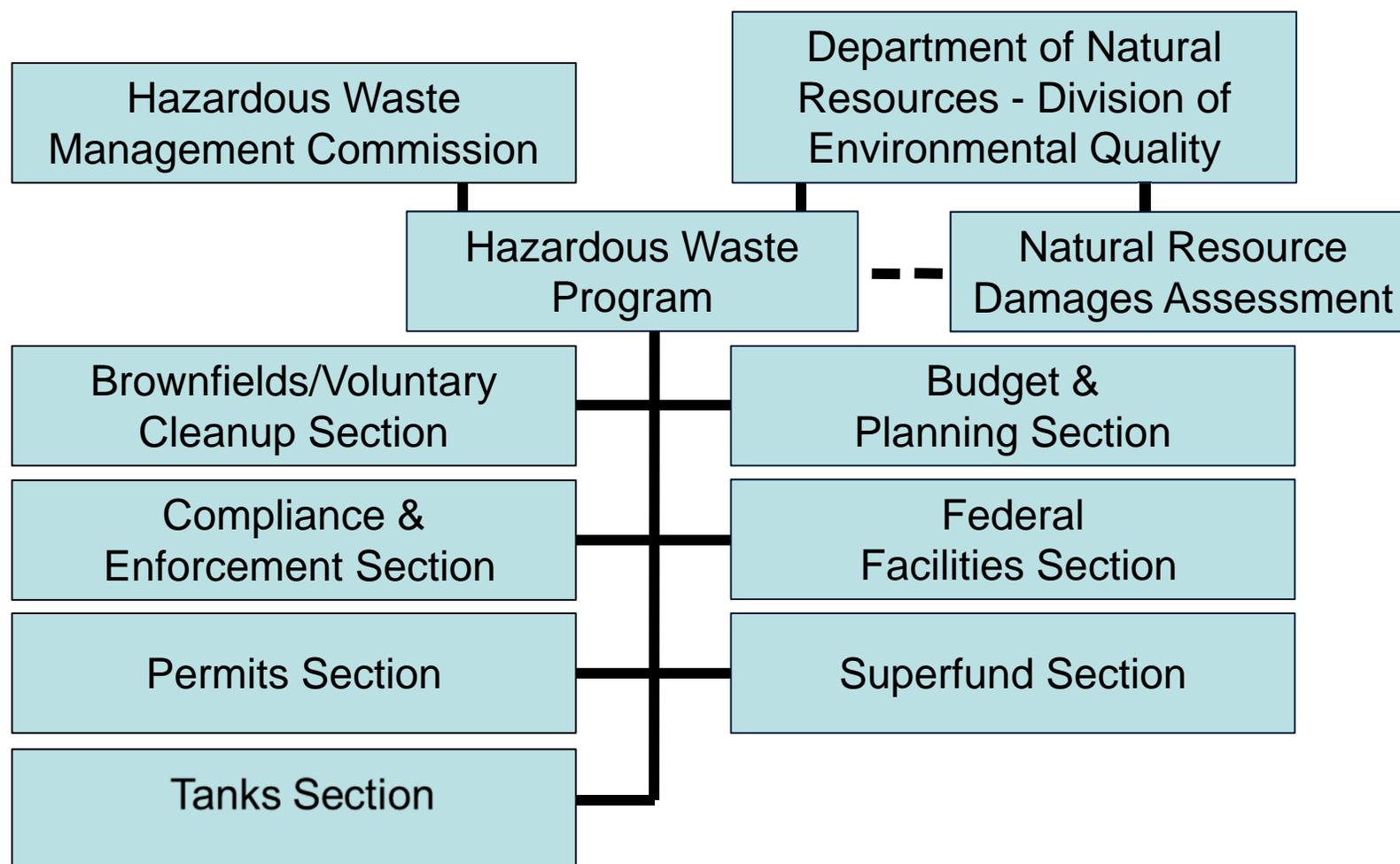


## SB642 Process for Changing Fee Structure

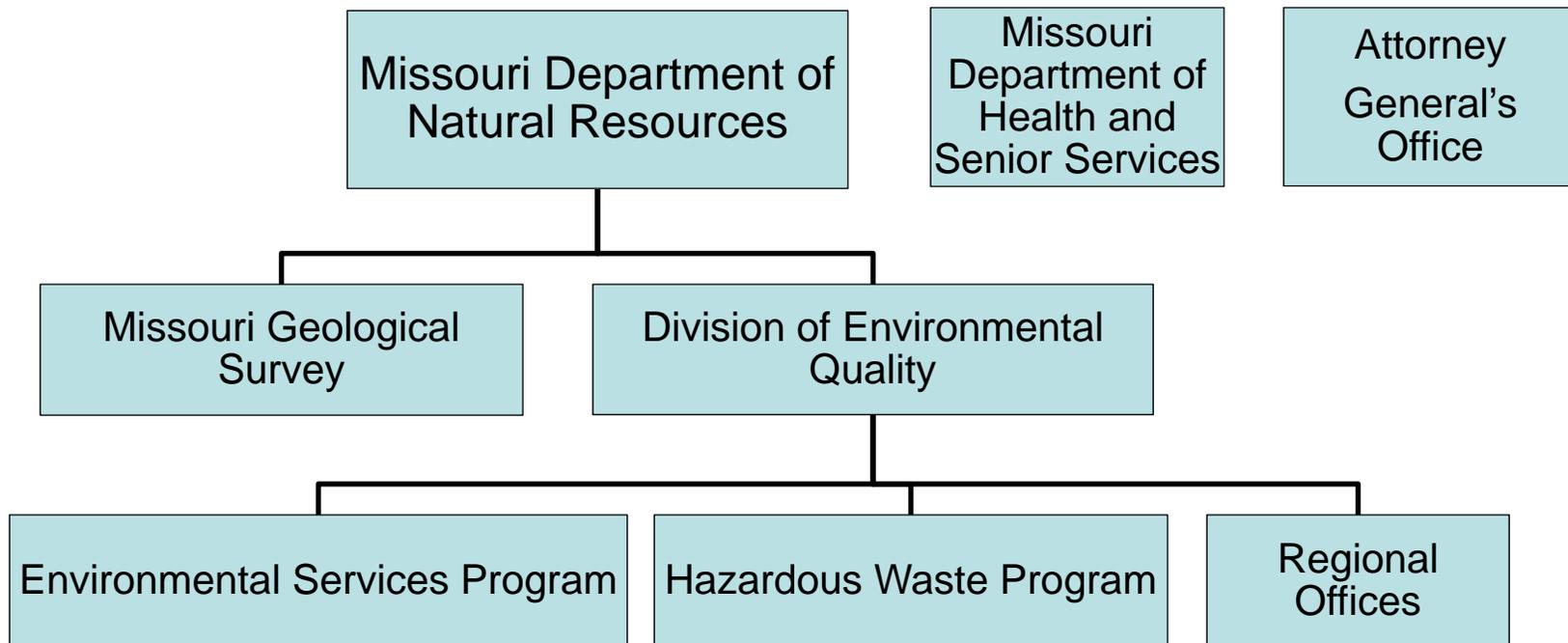
- The order of rulemaking would need to be filed by December 1st of the same year with the Joint Committee on Administrative Rules
- The General Assembly then would have 60 calendar days from the start of the legislative session to disapprove of the rule or it would go into effect the following January 1st



# Hazardous Waste Program Structure



# Staff Performing Hazardous Waste Activities



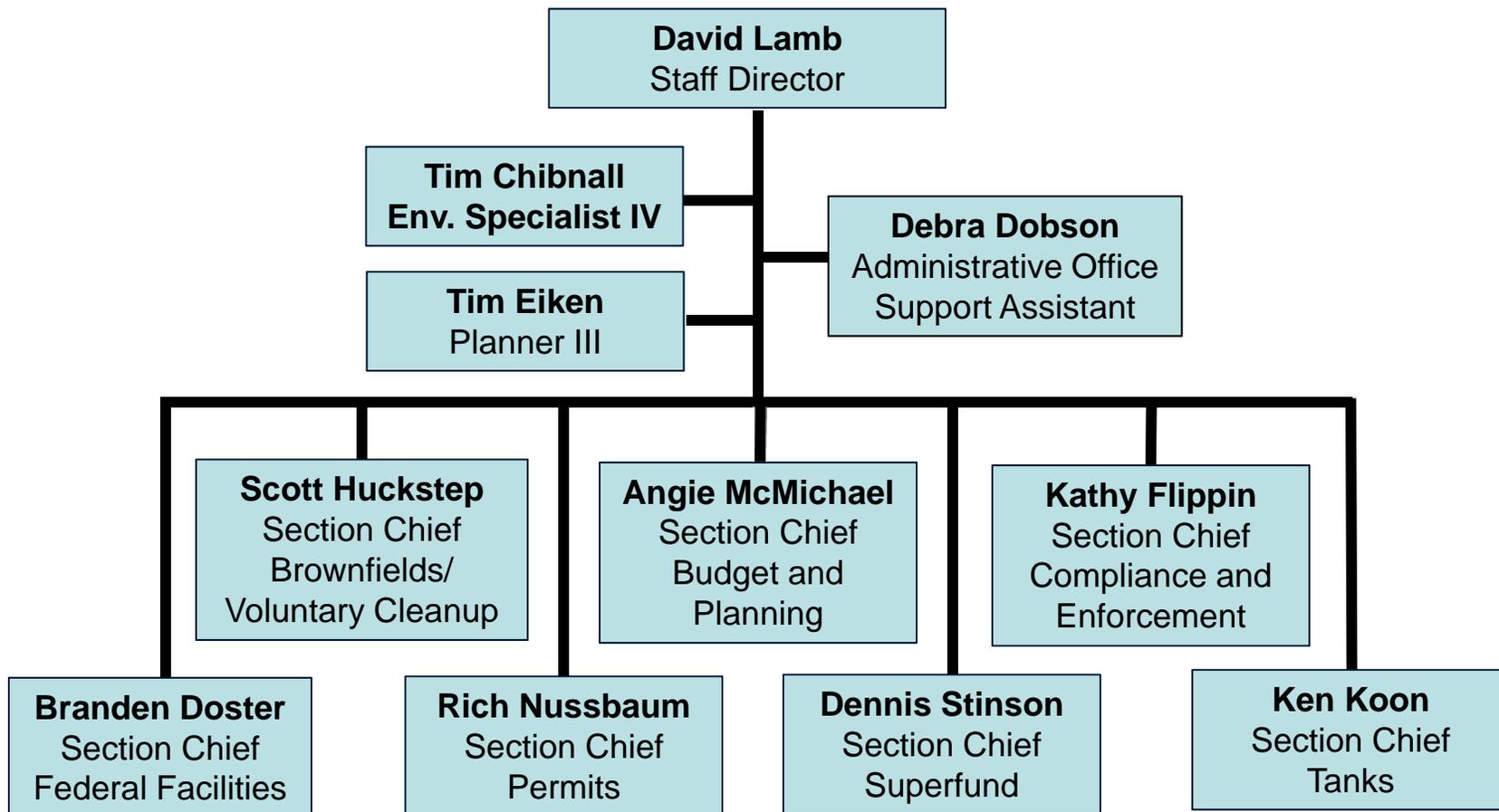
# Hazardous Waste Staff Statistics-2014

Staff positions performing Hazardous Waste Program related activities:

- Hazardous Waste Program ~ 149 FTE\*
- Regional Offices ~ 14 FTE\*
- Environmental Services Program ~ 5 FTE\*
- Missouri Geological Survey ~ 9 FTE\*
- Department of Health and Senior Services ~ 5 FTE\*
- Attorney General's Office ~ 5 FTE\*

\*Full-time equivalent workers (FTE)

# Hazardous Waste Program



## Budget & Planning

- Obtains and oversees the resources necessary to operate the Hazardous Waste Program
- Develops and tracks budgets
- Prepares and administers between 16 to 20 grants and cooperative agreements
- Manages state funds
- Coordinates building issues
- Manages personnel, records, and procurement



# Budget & Planning

- Hazardous Waste Generators:
  - Oversees registration/reporting process
  - Assesses and collects hazardous waste fees
  - Manages Hazardous Waste Generator database
  - Provides technical assistance
- Underground Storage Tanks (USTs):
  - Oversees registration process
  - Assesses and collects fees
  - Provides certificates of registration
  - Manages UST database
  - Provides Technical Assistance



# Compliance & Enforcement

- Takes action to ensure regulated parties comply with Missouri's hazardous waste and underground storage tank laws and regulations
- Inspects:
  - Hazardous waste treatment, storage and disposal facilities
  - Hazardous waste and infectious waste transporters
  - Sites with PCBs
  - Underground storage tank systems



## **FY14 Regulated Facilities**

Hazardous Waste  
Facilities – 2,146

Transporters – 265

PCB Facilities – 2,500

UST Facilities – 3,486

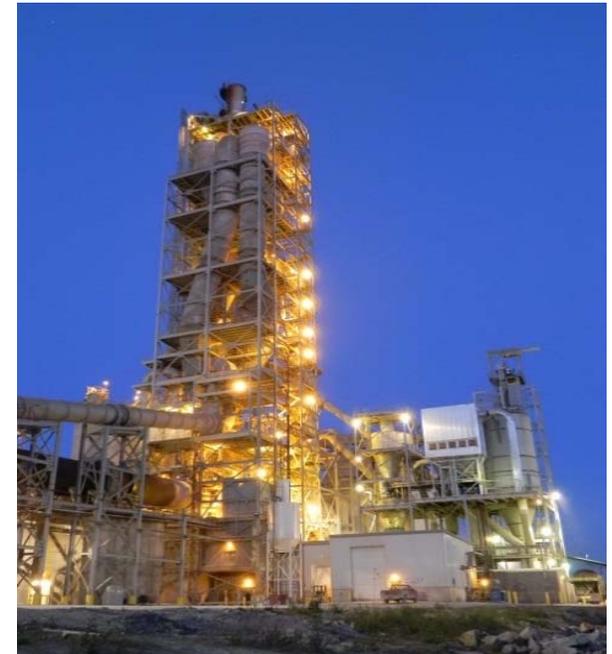
# Compliance & Enforcement

- Partners with MoDOT on transporter licensing
- Reviews hazardous waste manifests
- Coordinates pesticide education and collection activities
- Implements Electronic Scrap Management Program
- Provides technical assistance, regulatory guidance and training on all aspects of hazardous waste and UST issues



# Permits

- Reviews/approves:
  - Applications for Hazardous Waste Management Facility Permits and Resource Recovery Certifications and associated modifications
  - Hazardous Waste Unit Closure and Post-Closure Plans/Reports
  - Corrective Action Site Investigation and Remediation Work Plans and Reports
- Performs Independent Groundwater Evaluations at Hazardous Waste Facilities
- Provides Financial Assurance Oversight



## **FY14 Permit Statistics**

Active Permits – 41

Permits Issued/Reissued – 10

Modifications Requested – 11

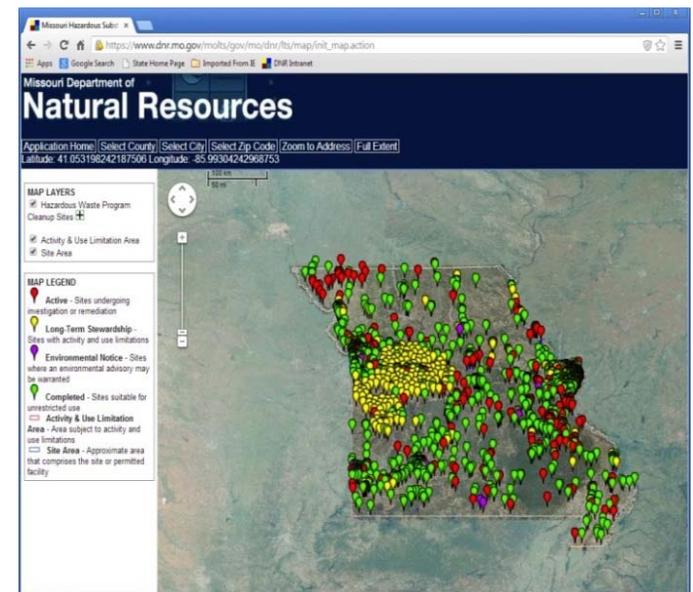
Modifications Completed – 35

Sites in LTS - 9

# Brownfields/Voluntary Cleanup

- Conducts site-specific environmental site assessments of properties for public entities and not-for-profit organizations
- Provides state oversight for voluntary cleanups of properties contaminated with hazardous substances
- Manages the Dry-cleaning Environmental Response Trust Fund
- Tracks and monitors Long Term Stewardship (LTS) issues at sites not cleaned up to any use levels

**BROWNFIELD STATISTICS**  
VCP Sites Completed – 744  
Active VCP Cleanups – 231  
VCP Sites in LTS – 276



# Superfund

- Conducts site assessments and investigations of sites where releases of hazardous substances have occurred potentially affecting public health and the environment
- Provides state involvement and input into the remedial process on National Priorities List (NPL) Sites
- Oversees the remediation of sites where the state is the lead regulatory agency
- Maintains the Registry of Abandoned and Uncontrolled Hazardous Waste Sites



## **SUPERFUND STATISTICS**

NPL Sites – 33

Registry Sites – 66

Registry Consent

Agreement Sites – 8

Cooperative Program

Sites - 15

Sites in LTS - 73

## Federal Facilities

- Provides oversight and review of investigations, management, and remediation of hazardous substances at current or past federal facilities, including sites with radioactive or unexploded ordnance concerns
- Implements the radioactive materials shipment statutes including the collection of fees for the transporting of radioactive materials through Missouri

### **FEDERAL FACILITY STATISTICS**

Sites – 306

Active Sites– 82

Cleanups Completed - 56

Sites in LTS – 168



# Tanks

- Oversees the risk-based remediation of leaking underground storage tank sites and cleanup of above ground storage tank sites
- Oversees the closure of underground storage tank sites
- Reviews and follows up on spill reports related to regulated petroleum releases
- Provides technical assistance and training on tank cleanup issues

## **UST/AST STATISTICS**

Confirmed Petroleum

Releases – 7,376

Cleanups Completed – 6,251

Cleanups Remaining – 1,099

Sites in LTS – 1,353



# Fee Structures that can be Changed by Rule Using SB642 Process

Fee	Amount	Conditions
Generator Registration and Renewal	\$100 per year	
In-state Generator	\$5 per ton	min of \$150, max of \$52,000
Out-State Generator	\$2 per ton	
Land Disposal	\$25 per ton	Not applied to < 10 tons
Offsite Transportation	\$2 per ton	Not applied to < 10 tons

## Other Fees that can be Changed by Rule

Fee	Amount	Conditions
Commercial Facility Inspection	>10,000 tons = \$12,000 > 2,500 and <10,000 = \$10,800 < 2,500 tons = \$9,800	Max set in statute at \$12,000, specifies a graduated scale
Permit Fee	\$1,000 per year	Max set in statute at \$1,000
Resource Recovery Application	\$500 (onsite waste only) \$1,000 (receiving offsite waste)	Max set in statute at \$500 Max set in statute at \$1000
Transporter	Application - \$200 annually Use Base - Formula in Rule	Target set in statute at \$600,000
Engineering/Geologic Review & Corrective Action (RCRA) Oversight	Rate set using a multiplier of 3.5 x staff hourly rate	Actual Cost
Voluntary Remediation Oversight Cost	Rate set using a multiplier of 3.5 x staff hourly rate	Actual Cost
Voluntary Remediation Monitoring	Min \$5,000 Max \$15,000	Actual Cost

# Fees Requiring Legislative Action to Change

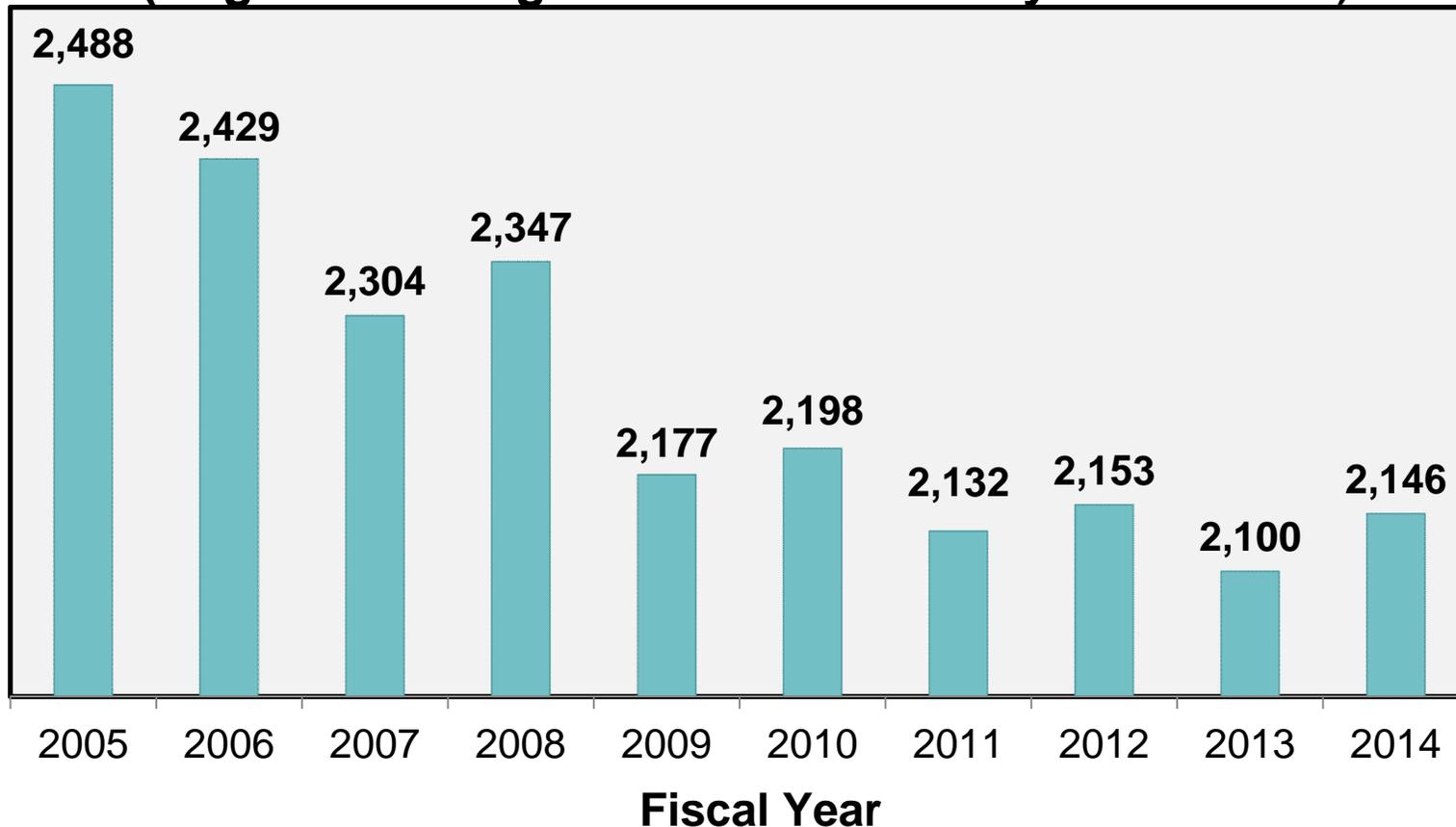
Fee	Amount	Conditions
Lead Acid Battery	\$0.50 per battery sold at retail	
Hazardous Waste Landfill	2% of charges and fees charged for disposal	
High-level, transuranic, spent nuclear fuel, or highway route controlled quantity Radioactive Waste Shipments	Truck - \$1800 Surcharge of \$25 per mile >200 miles Rail – first cask \$1,300 each additional cask \$125	
Low-level Radioactive Waste Shipments	\$125 per truck or train	

# Fees Requiring Legislative Action to Change

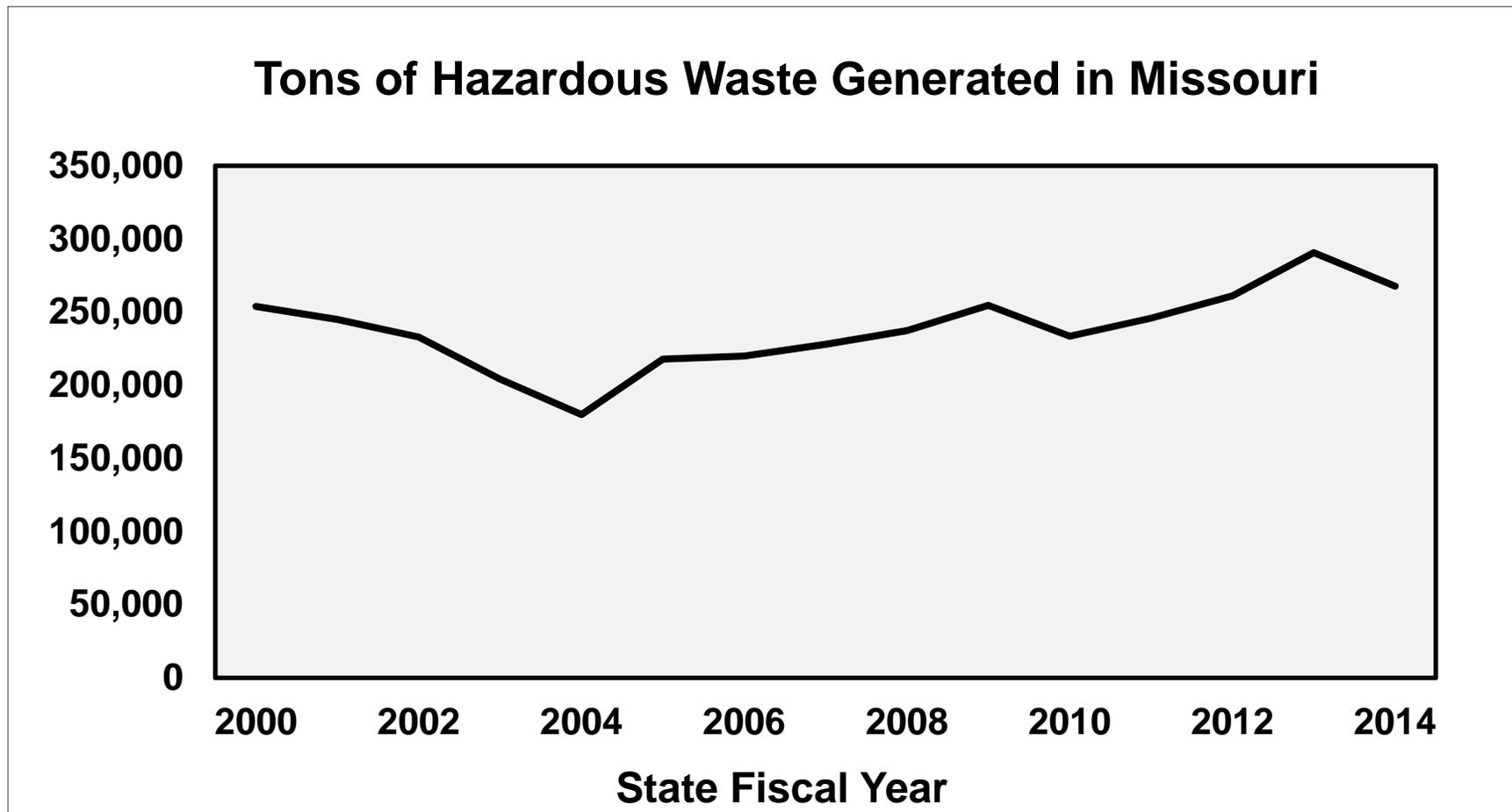
Fee	Amount	Condition
VCP Application	\$200	
Dry Cleaning Registration Surcharge	\$500 \$1,000 \$1,500	≤140 gallons solvent used >140 and <360 gallons used ≥ 360 gallons used
Dry Cleaning Solvent Surcharge	\$8 per gallon	
UST Registration	\$15 per tank per year	Assessed on a 5 year basis

# Hazardous Waste Trends

**Missouri Hazardous Waste Generators  
(Registered Large and Small Quantity Generators)**

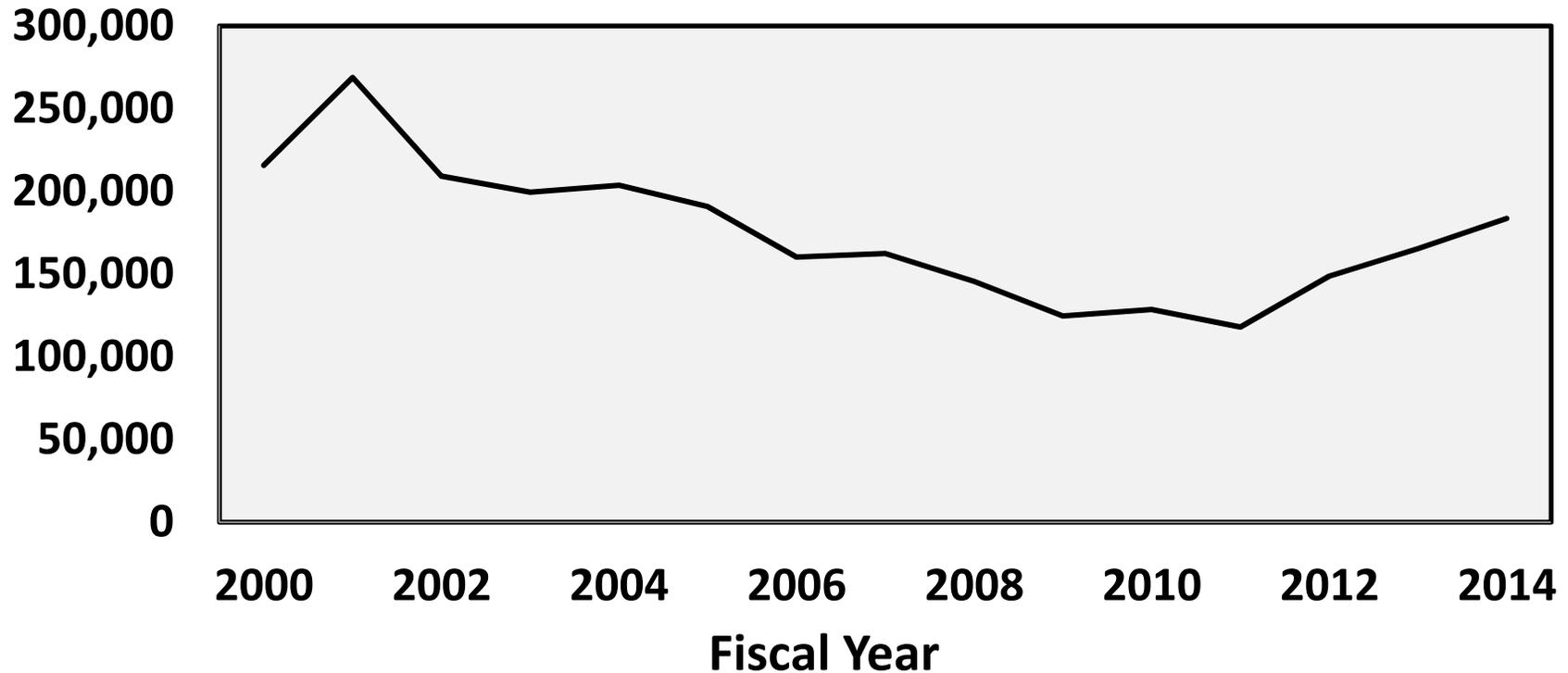


# Hazardous Waste Trends



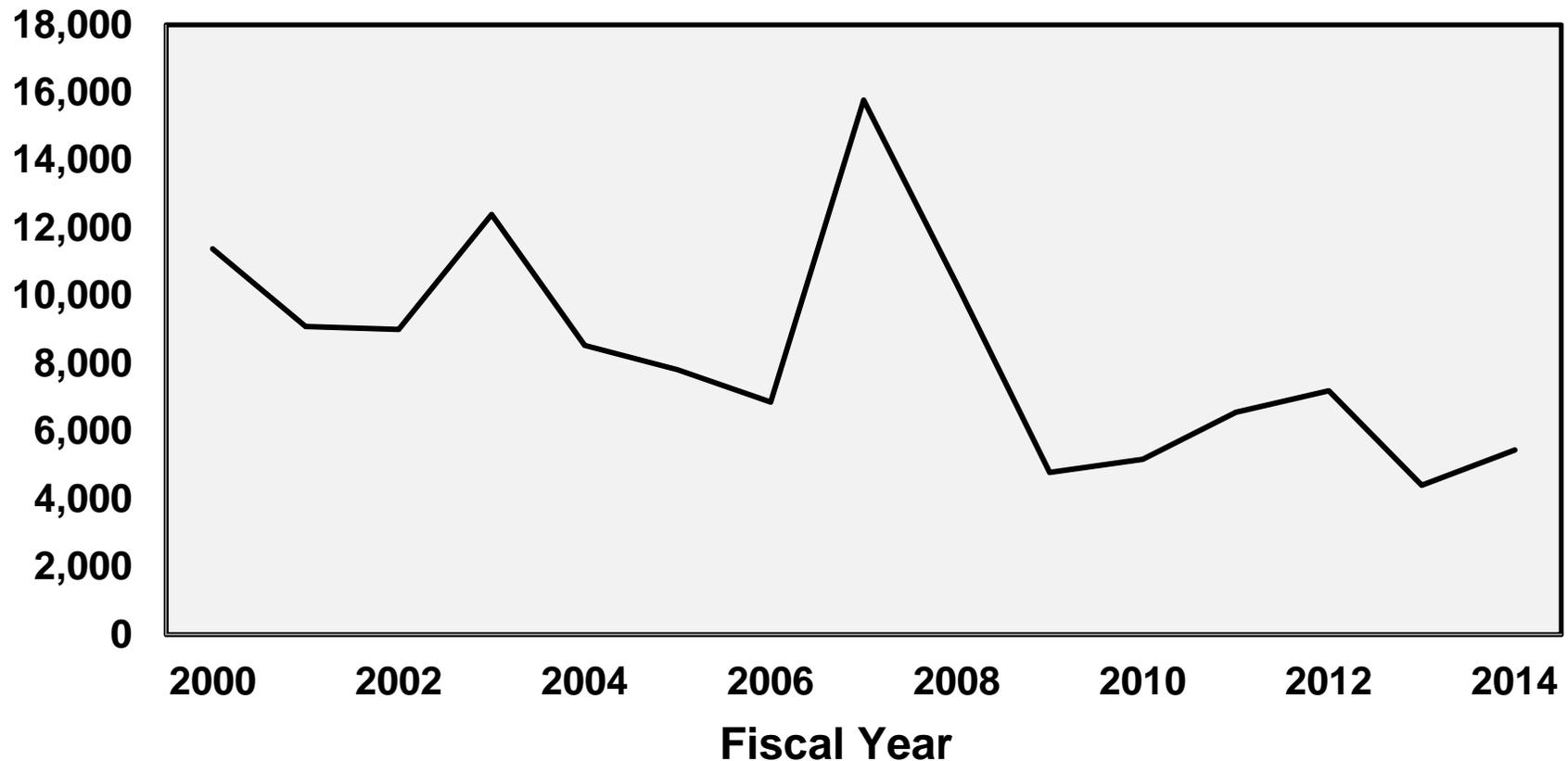
# Hazardous Waste Trends

## Tons of Hazardous Waste Imported to Missouri



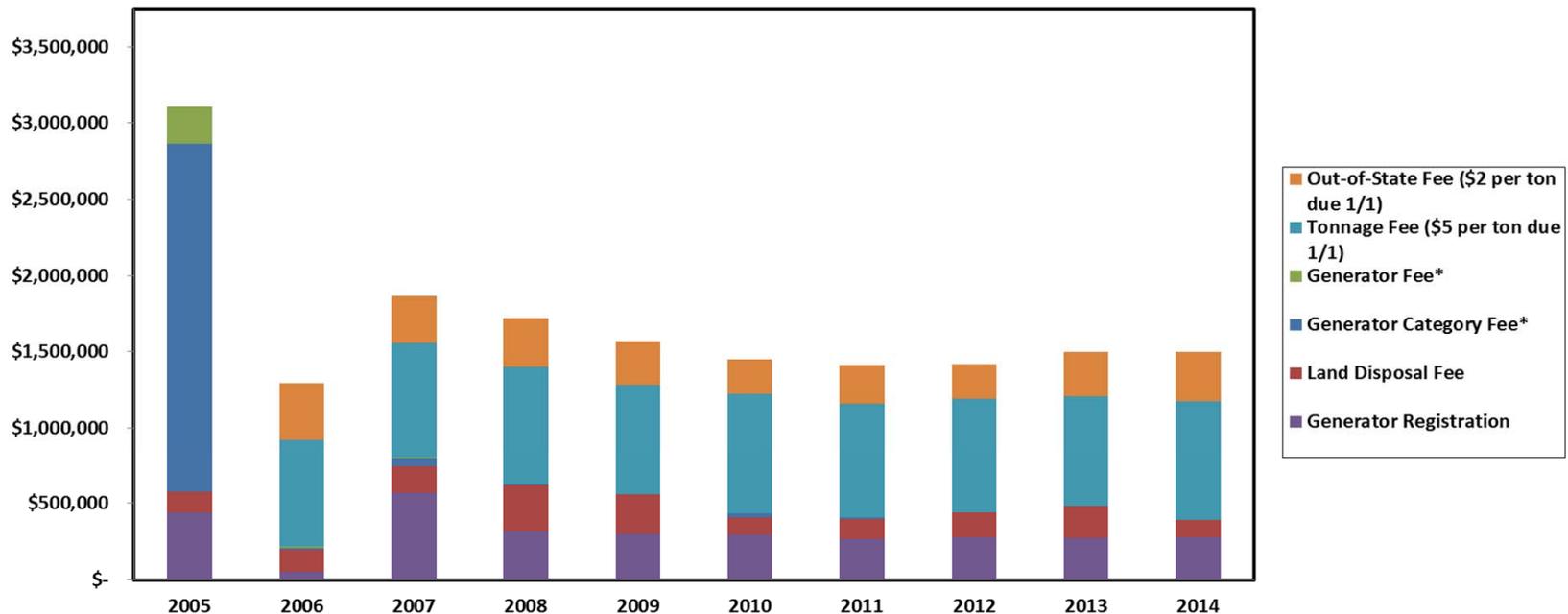
# Hazardous Waste Trends

## Tons of Waste Land Disposed



# Hazardous Waste Trends

**Hazardous Waste Generation Fee Trends  
by Fiscal Year Revenue was Collected**



\* Note that FY 2005 reflects the historic fee structure. The Generator Category Fee and Generator Fee are not in the current fee structure. In subsequent years, amounts received in these categories relate to reporting corrections and collections from reporting years prior to the fee change. The historic revenue structure split generator category and land disposal fees into two funds. Statutory changes in 2004 directed the consolidation of those funds. Fees consolidated in both funds are reflected in this chart. The funding structure change added a battery fee and shifted some obligations to general revenue.



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**40**  
**years**

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# Financial Overview



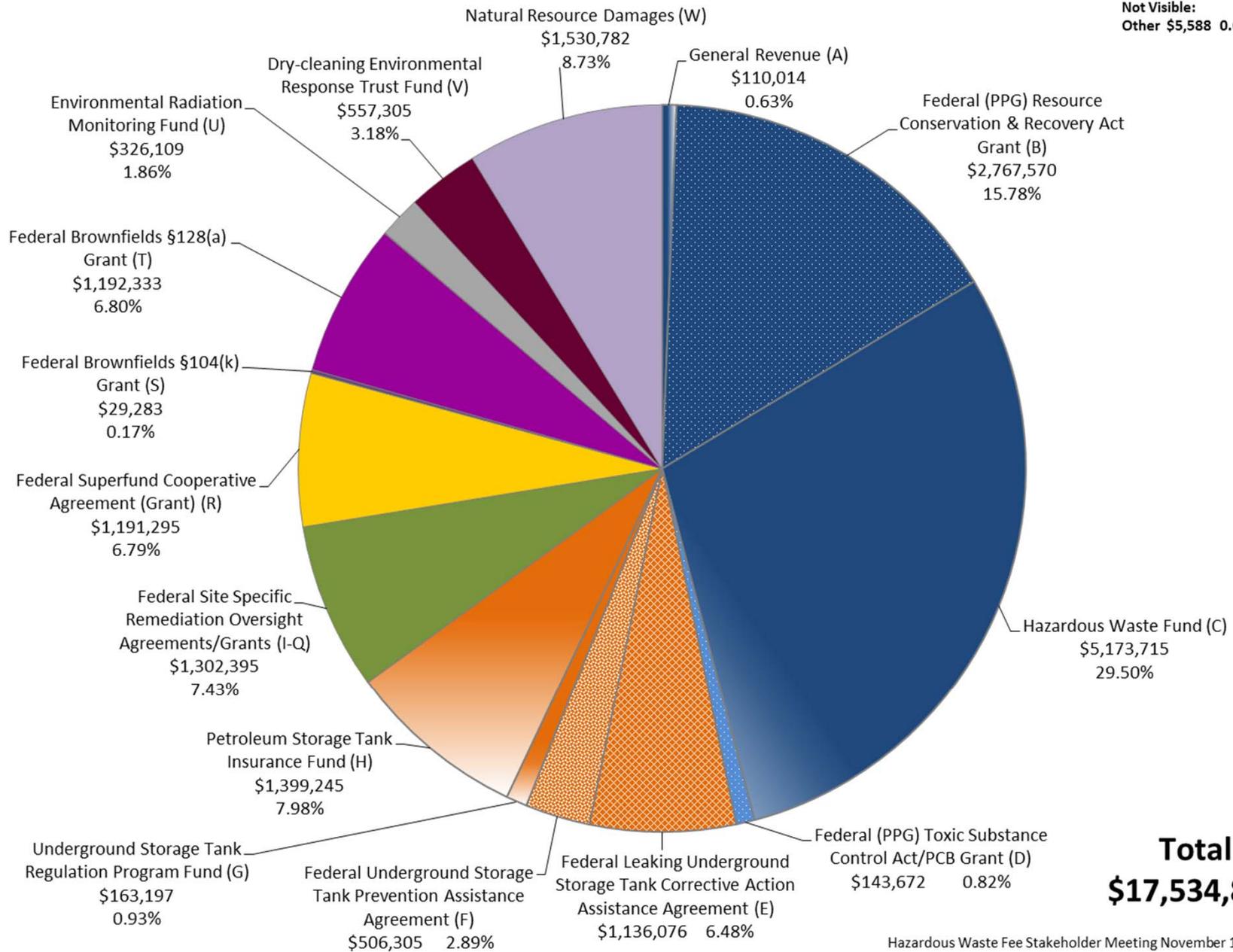
# Hazardous Waste Funding

## FY 2014 Operating and Pass Through Expenditures by Fund Source

### All Fund Sources -- All Agencies -- All Efforts



Not Visible:  
Other \$5,588 0.03%

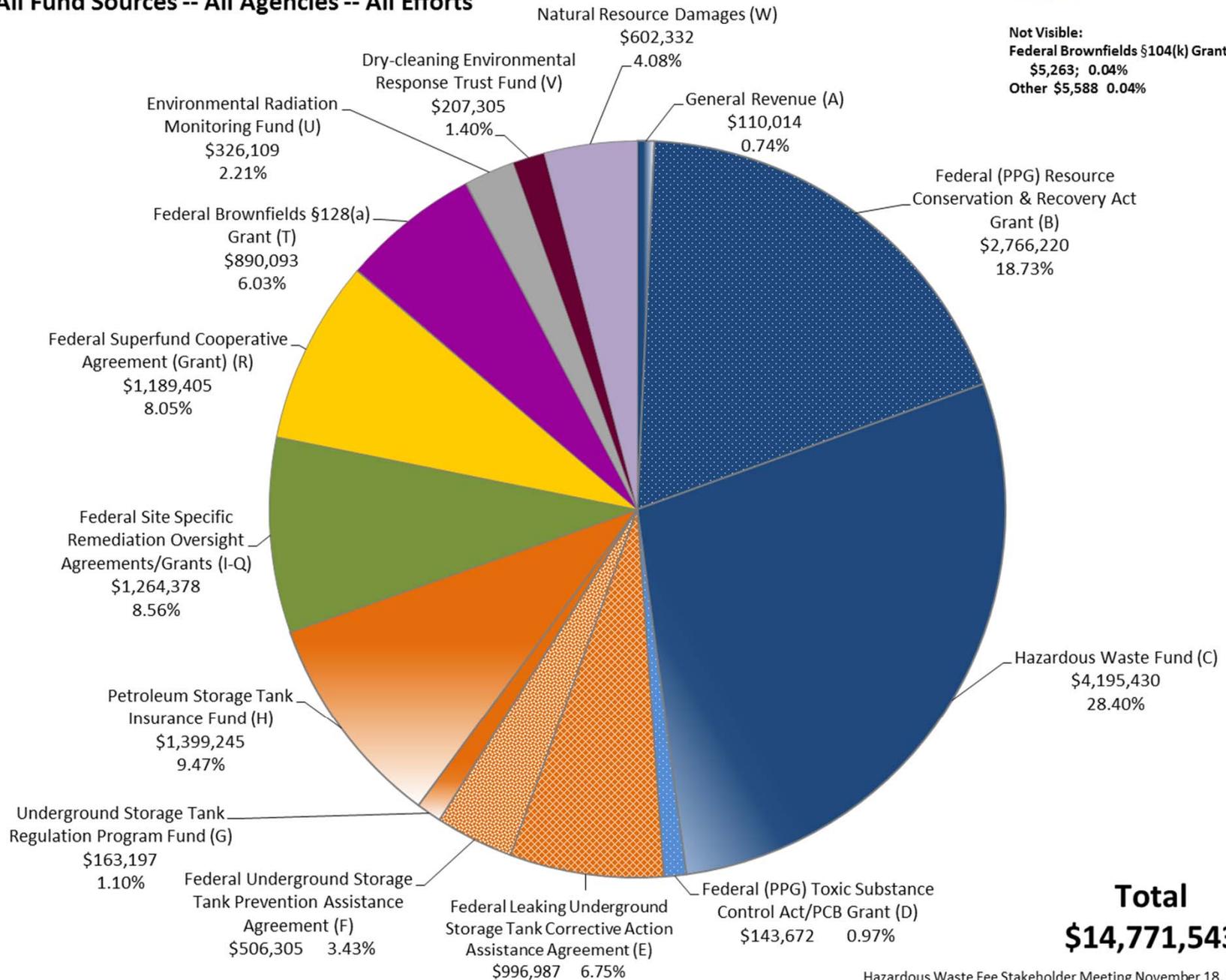


**Total**  
**\$17,534,884**

**Hazardous Waste Funding**  
**FY 2014 Operating Expenditures by Fund Source (excludes Pass Through)**  
**All Fund Sources -- All Agencies -- All Efforts**



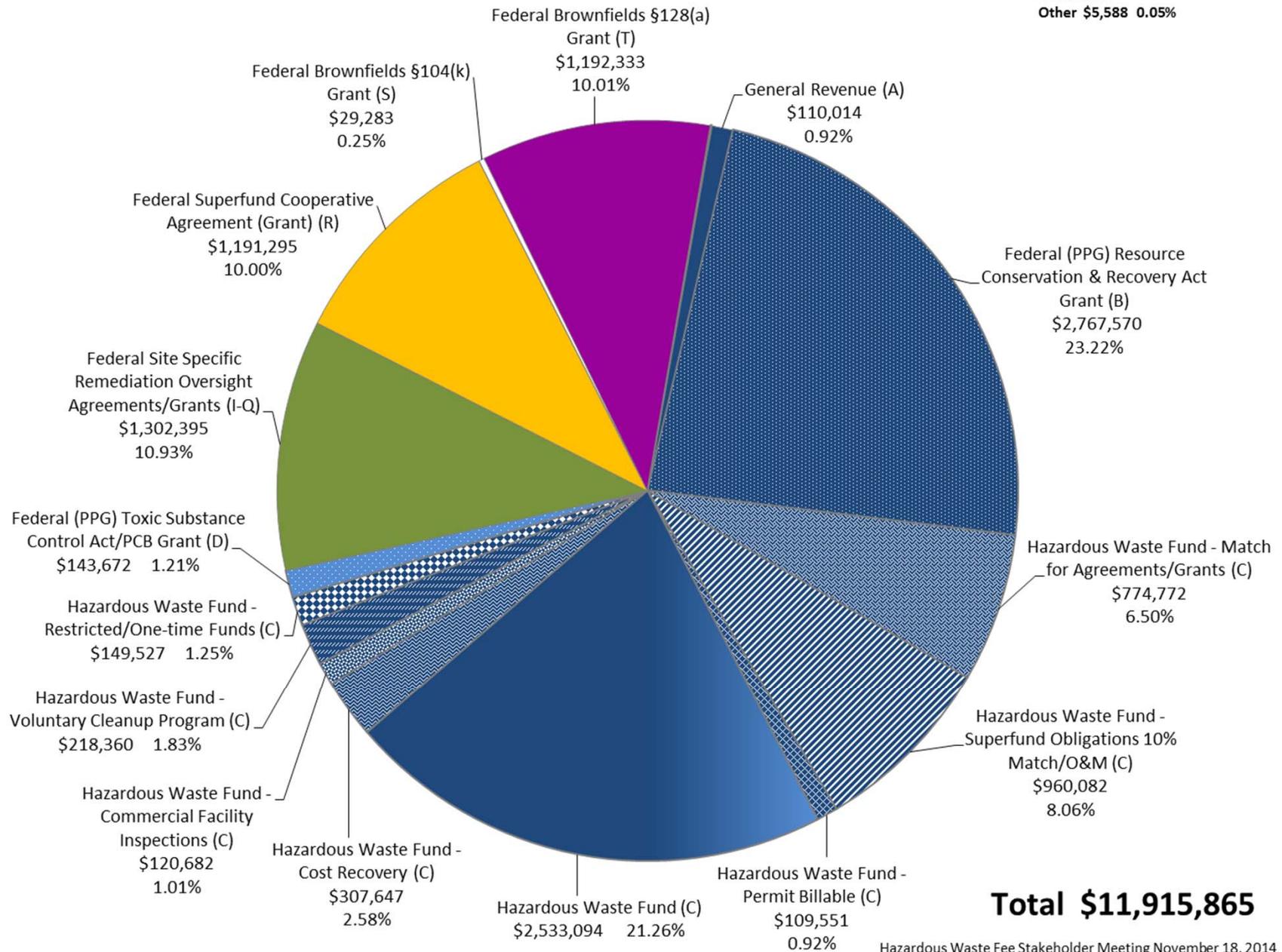
**Not Visible:**  
**Federal Brownfields \$104(k) Grant (S)**  
 \$5,263; 0.04%  
**Other** \$5,588 0.04%



**Hazardous Waste Funding excluding Dry-cleaning, Radioactive Waste, Tanks & Damages  
 FY 2014 Operating Expenditures by Fund Source  
 All Fund Sources -- All Agencies -- All Efforts**



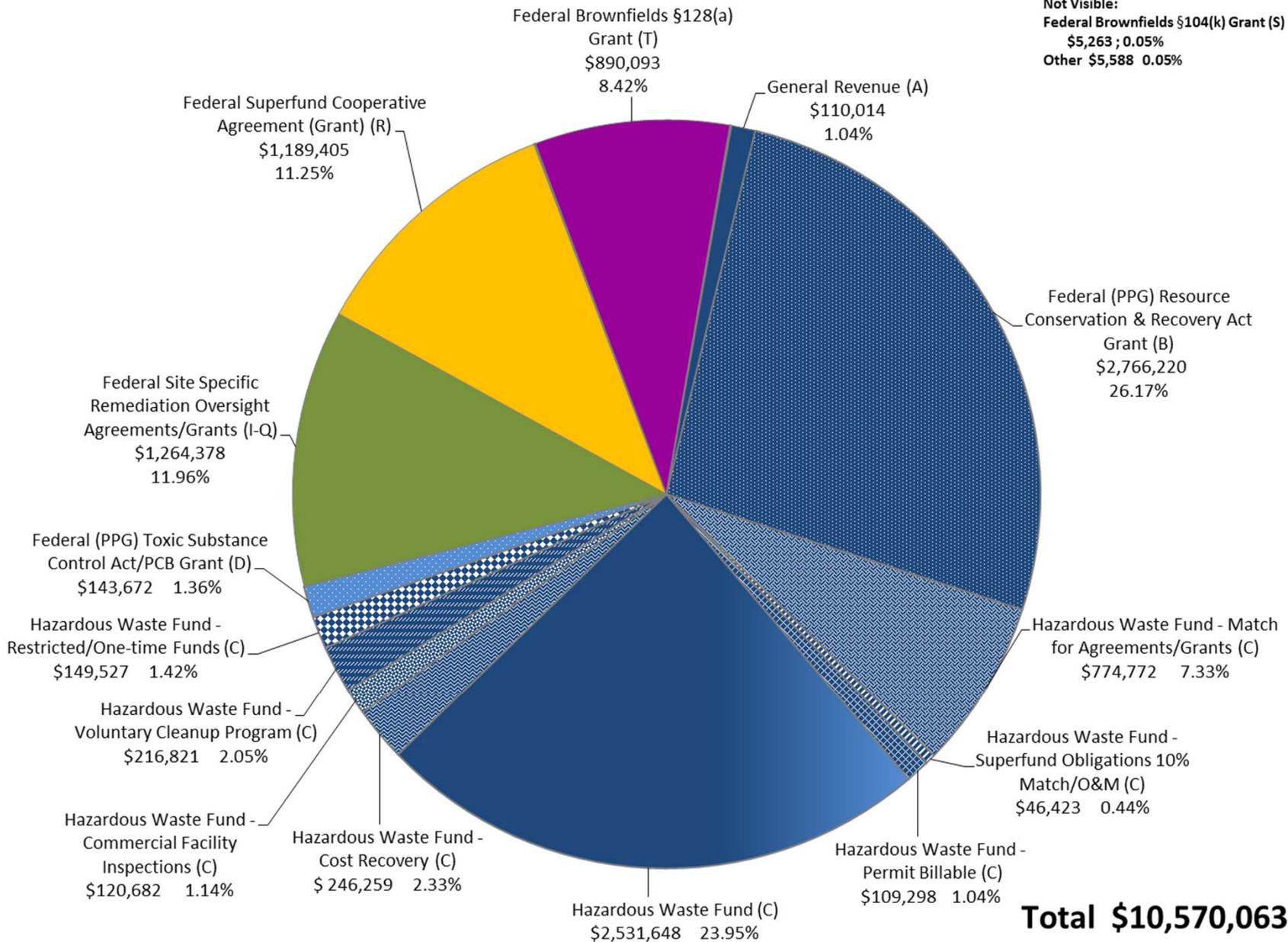
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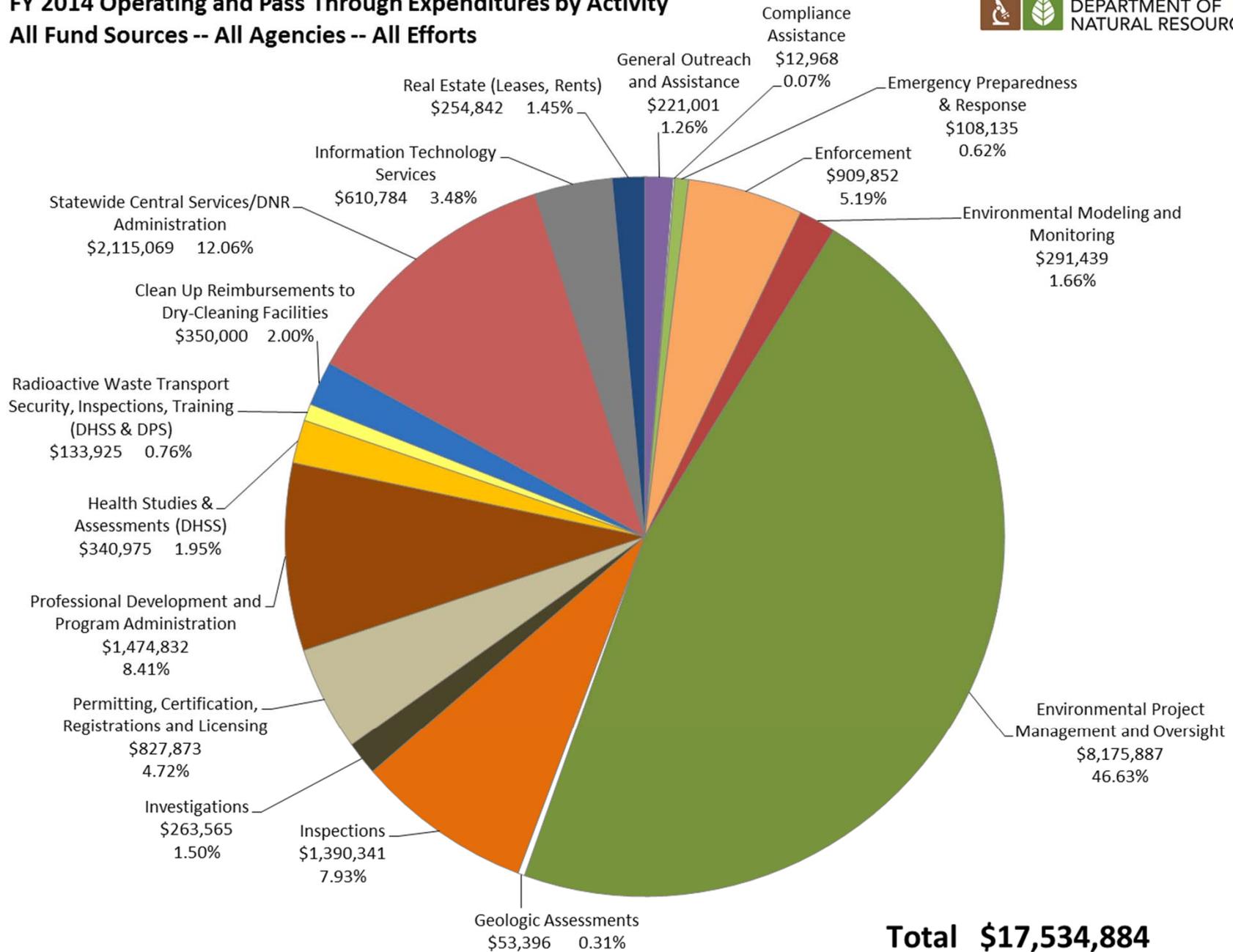
**Hazardous Waste Funding excluding Dry-cleaning, Radioactive Waste, Tanks & Damages  
 FY 2014 Operating Expenditures by Fund Source (excludes Pass Through)  
 All Fund Sources -- All Agencies -- All Efforts**



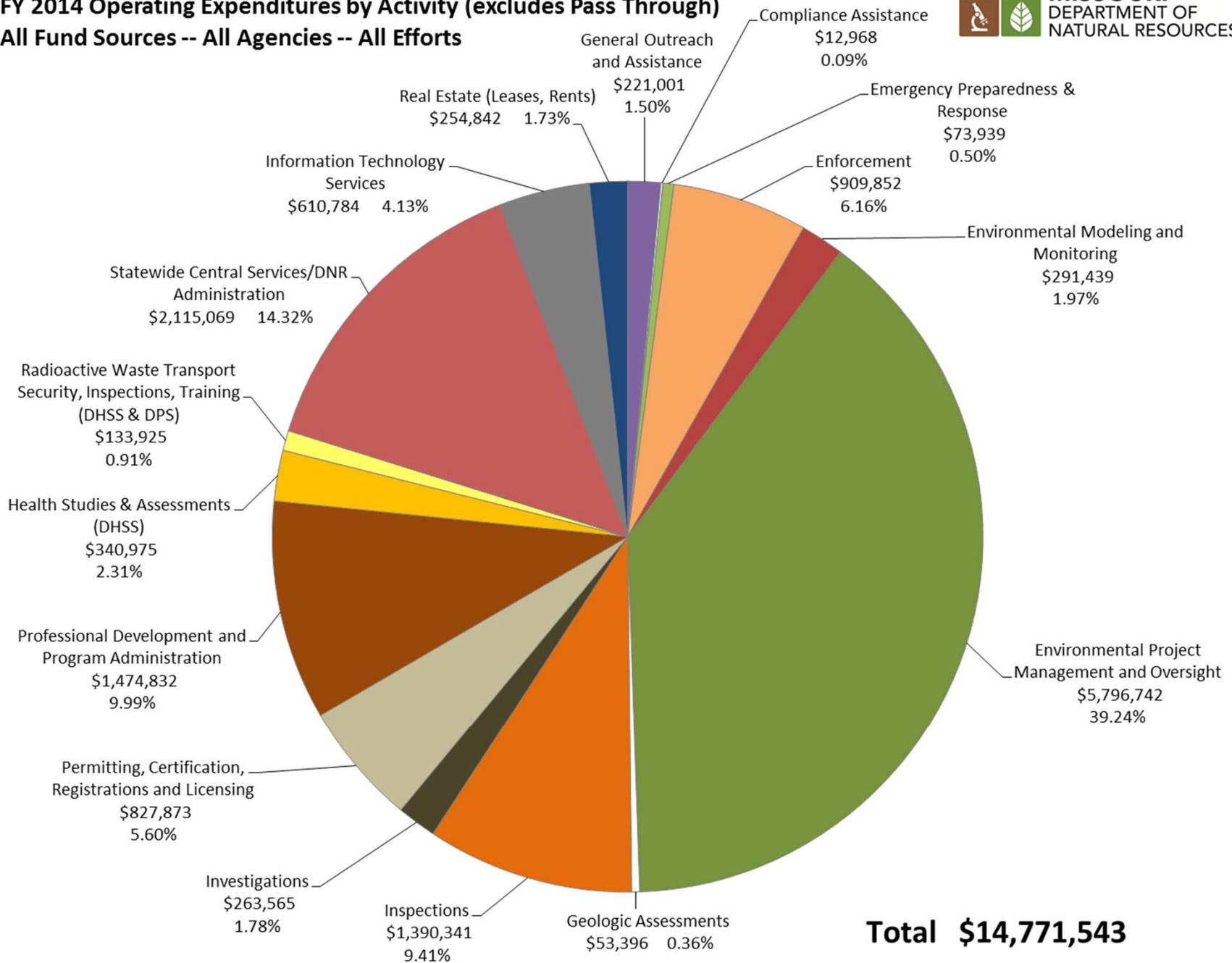
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**Hazardous Waste Funding**  
**FY 2014 Operating and Pass Through Expenditures by Activity**  
**All Fund Sources -- All Agencies -- All Efforts**

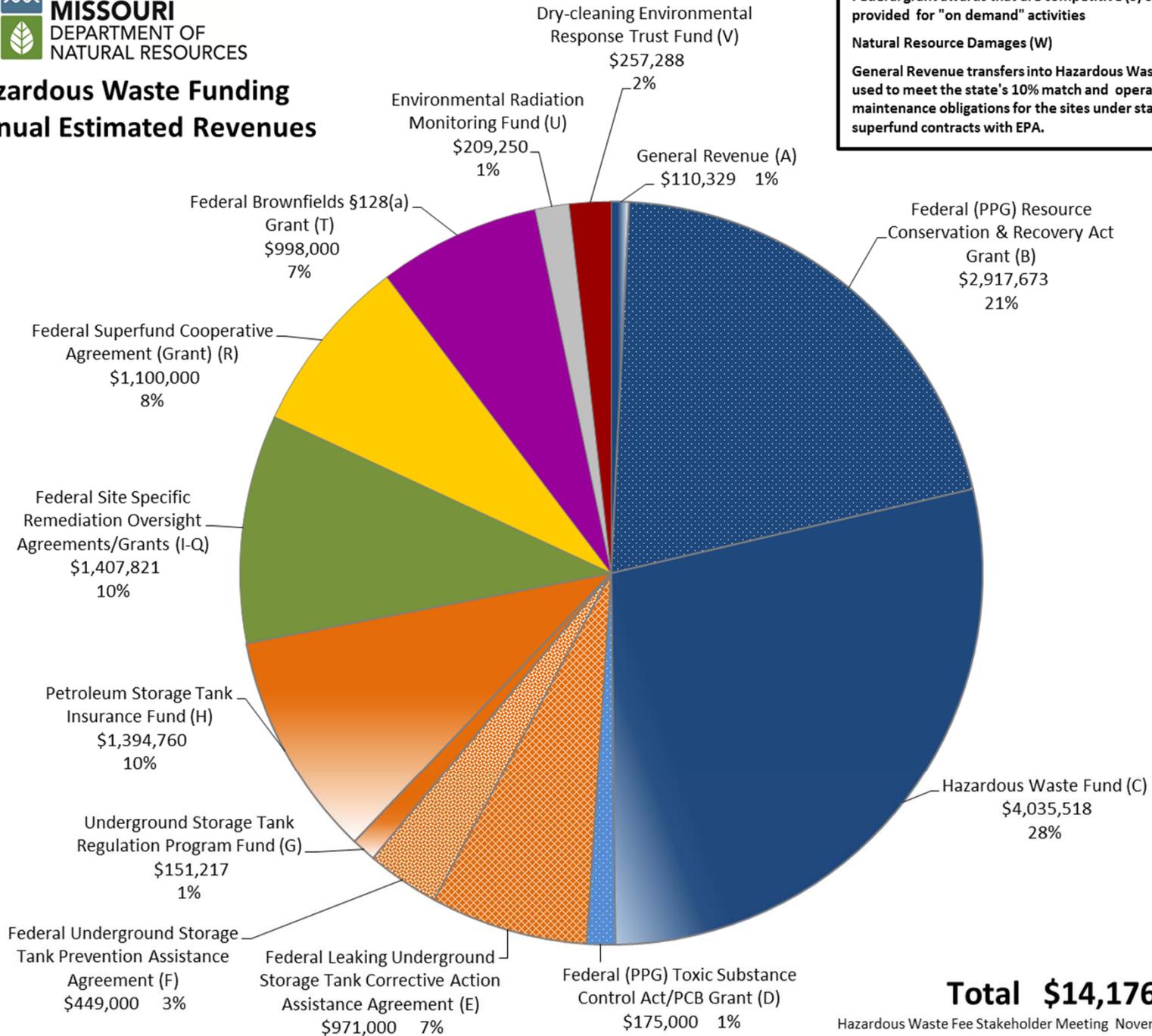


**Hazardous Waste Funding  
 FY 2014 Operating Expenditures by Activity (excludes Pass Through)  
 All Fund Sources -- All Agencies -- All Efforts**





## Hazardous Waste Funding Annual Estimated Revenues



**Not included:**  
 Federal grant awards that are competitive (S) or provided for "on demand" activities  
 Natural Resource Damages (W)  
 General Revenue transfers into Hazardous Waste Fund used to meet the state's 10% match and operation & maintenance obligations for the sites under state superfund contracts with EPA.

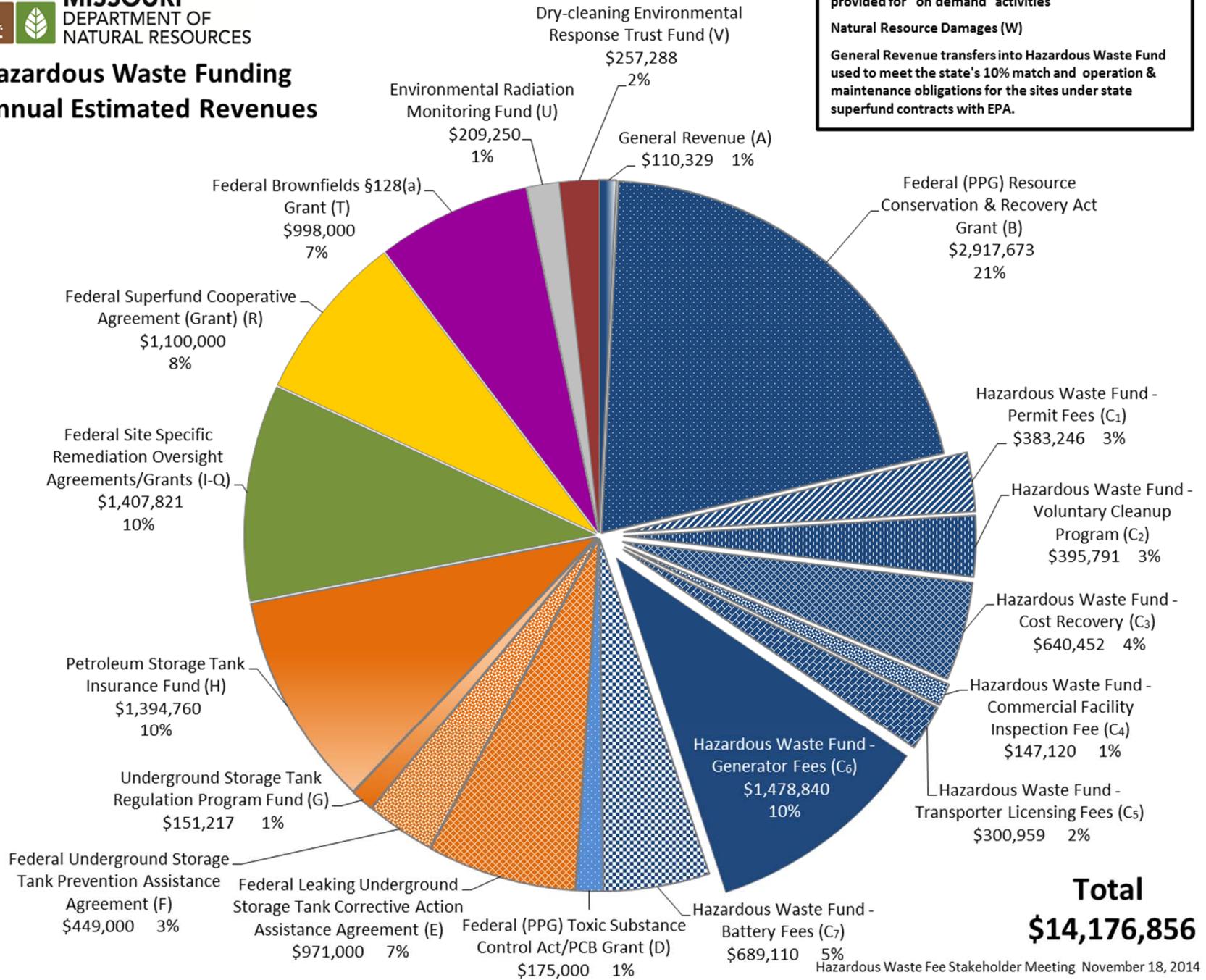
**Total \$14,176,856**

Hazardous Waste Fee Stakeholder Meeting November 18, 2014

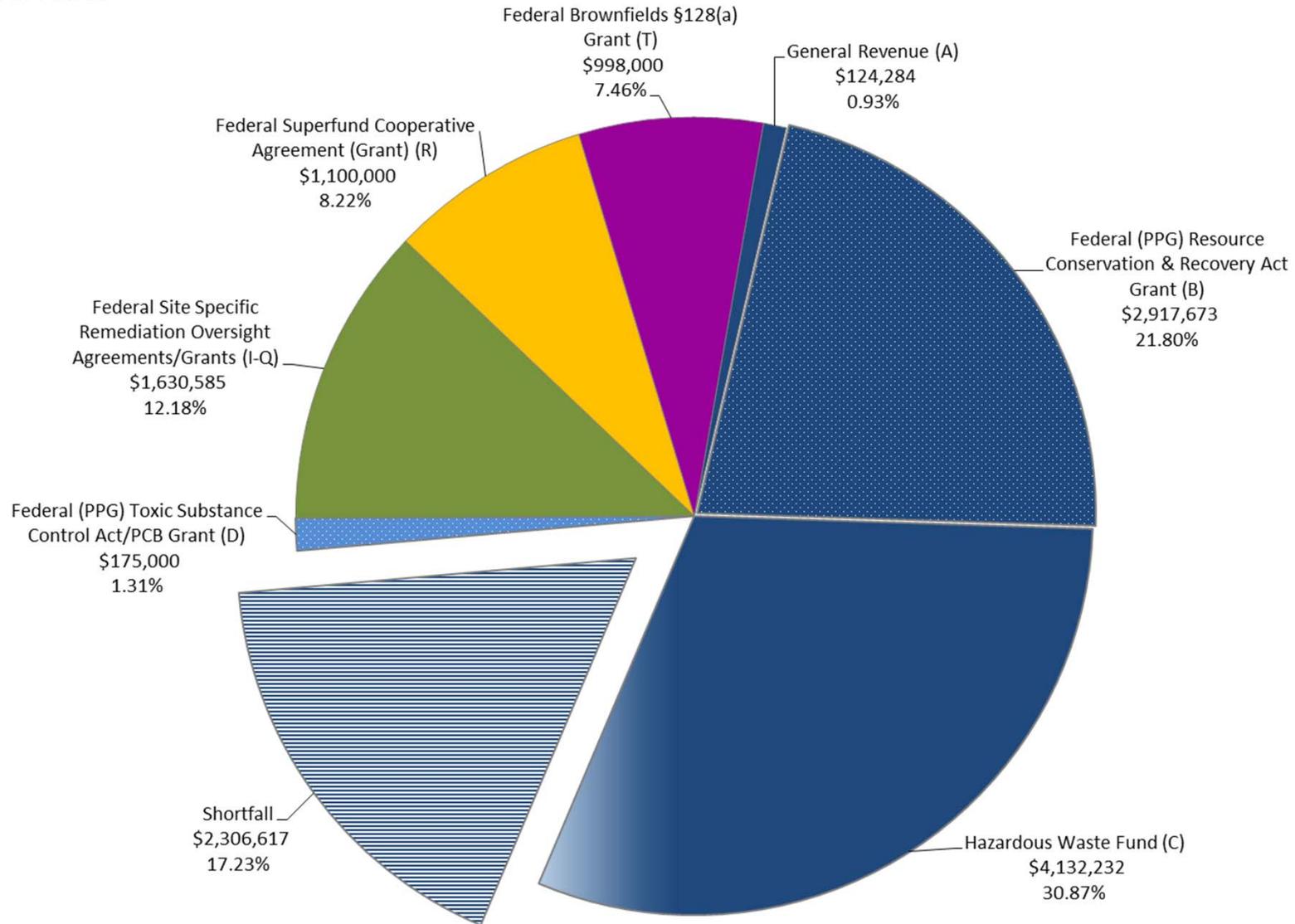


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**Hazardous Waste Funding (excluding Dry-cleaning, Radioactive Waste, Tanks & Damages)  
 Projected Operating Costs  
 5-Year Average FY17 - FY21  
 All Funds**



**Total \$13,384,391**

# Shortfall Projection Assumptions:

## Expenditures:

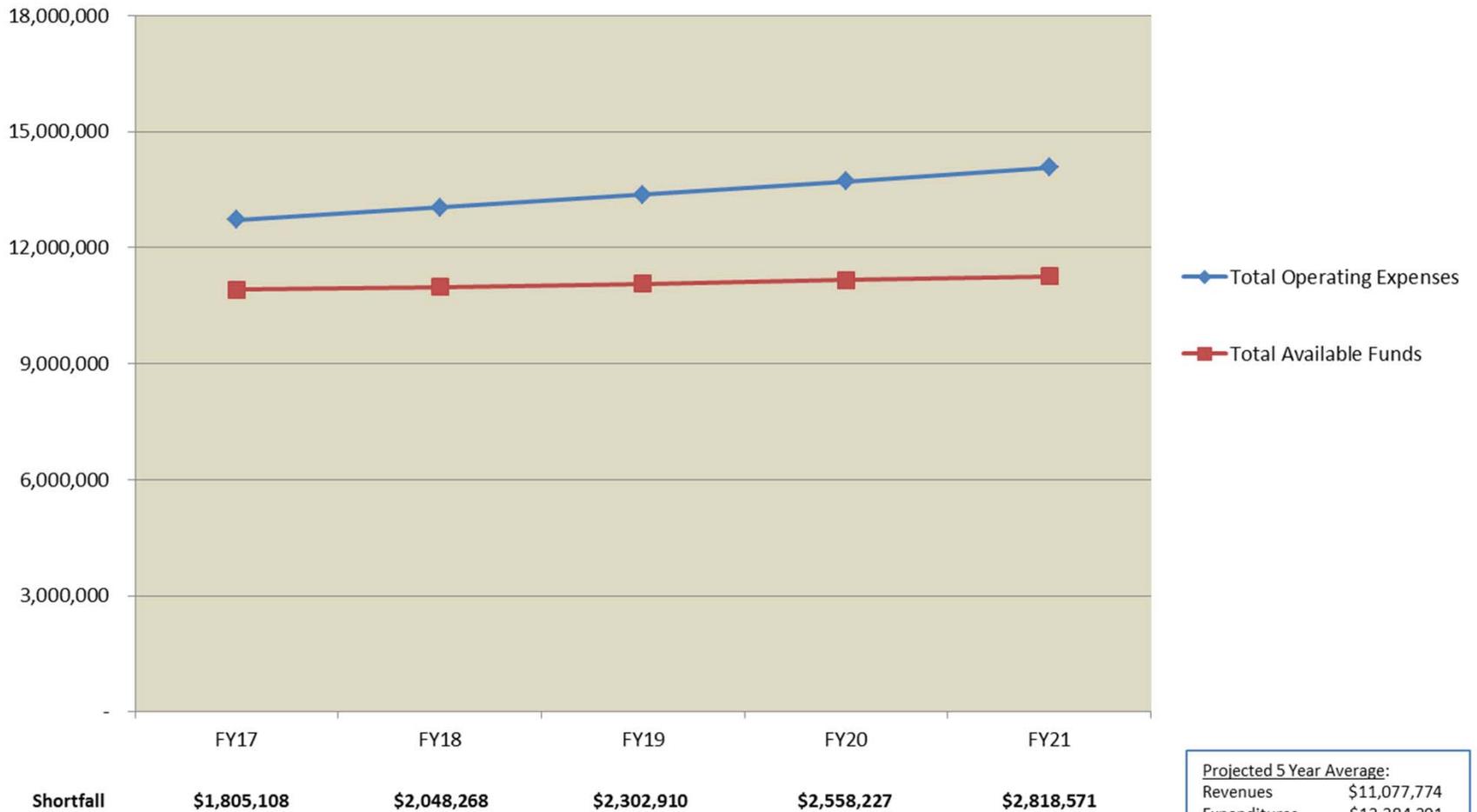
- Full program (all current positions filled, but no new positions)
- 3% pay plan annually
- 3% E&E inflation annually

## Revenue:

- Most recent federal award amounts (excludes competitive awards and funding for “on demand” services)
- Historic receipts (generally 5-year average) for dedicated funds
- Excludes one-time funds (such as court-ordered or negotiated settlements)

Shortfall calculation represents a 5-year average using FY17 – FY21.

**Hazardous Waste Funding (excluding Dry-cleaning, Radioactive Waste, Tanks & Damages)  
 Projected Operating Costs compared to Available Funds  
 5-Year Average (FY17-FY21)  
 All Fund Sources**



<b>Projected 5 Year Average:</b>	
Revenues	\$11,077,774
Expenditures	\$13,384,391
Projected Shortfall	(\$ 2,306,617)

Assumptions:  
 Full Program (all current positions filled, does not assume new positions)  
 3% pay plan increase each year  
 3% inflationary rate for expense and equipment each year

# Hazardous Waste Fee Calculator (only first section)

NOTE: Data can be entered into the blue highlighted cells; calculations are automated to show total projected revenue.

<b>Fee Adjustment Proposal Calculated for Use at Fee Stakeholder Meetings</b>					
<b><i>CALCULATOR FOR INPUT</i></b>					
<b>Fee Type &amp; Current Fee Level</b>	<b>Current Revenues based on Fiscal Year 2014 Reporting data</b>	<b>Fiscal Year 2014 Permits/Applications /Hours/Tons per Year</b>	<b>Potential Fee Level or Adjustment</b>	<b>Projected Additional Revenue at Adjusted Fee Level</b>	<b>Projected Total Revenue</b>
<b>Fee Structures that can be Changed by Rule by SB642 Process</b>					
Generator Registration and Renewal - \$100 per year	\$ 263,000	2,630	\$ 100	\$ -	\$ 263,000
In-State Generator - \$5 per ton	\$ 710,055	267,774	\$ 5	\$ -	\$ 710,055
<i>Minimum Fee - \$150 (1,362 generators in Fiscal Year 2014)</i>			\$ 150		
<i>Maximum Fee - \$52,000 (2 generators in Fiscal Year 2014)</i>			\$ 52,000		
Out-State Generator - \$2 per ton	\$ 360,428	180,214	\$ 2	\$ -	\$ 360,428
Land Disposal - \$25 per ton	\$ 134,851	5,394	\$ 25	\$ -	\$ 134,851
Offsite Transportation - \$2 per ton	\$ -	0	\$ 2	\$ -	\$ -
			<b>Additional Fees</b>	\$ -	\$ 1,468,334



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# Discussion

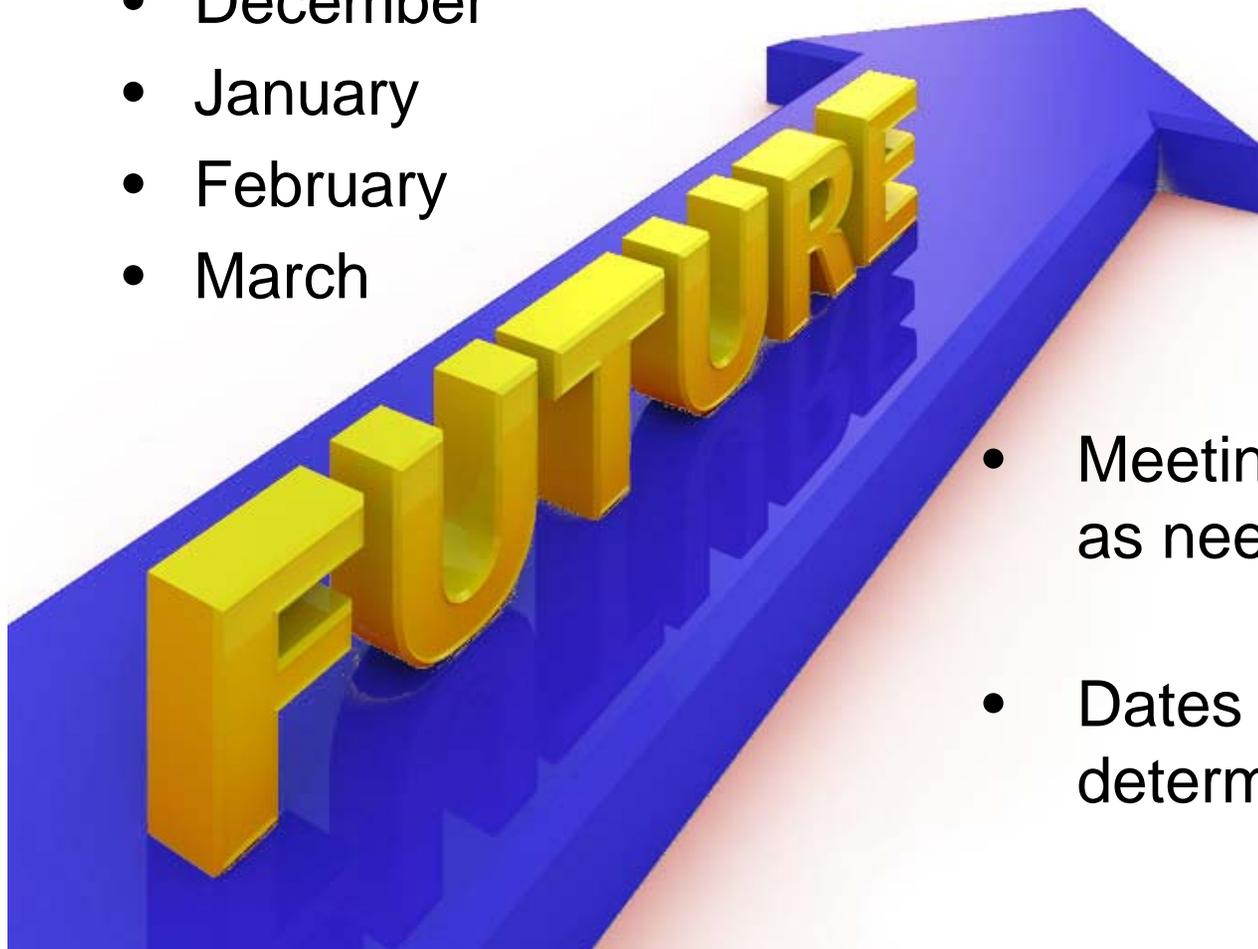
## Draft Timeline for Rulemaking

- April 2015: Present proposed fee structure to Hazardous Waste Management Commission
- June 2015: Seek Commission approval and then file proposed rule
- August 2015: Hold public hearing
- October 2015: Obtain final approval from Commission and file orders of rulemaking



## Future Meetings

- December
- January
- February
- March



- Meetings to be scheduled as needed.
- Dates and times to be determined after discussion.



[www.dnr.mo.gov/env/hwp/forum/fee-stakeholder.htm](http://www.dnr.mo.gov/env/hwp/forum/fee-stakeholder.htm)

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## Hazardous Waste Program

### Hazardous Waste Fee Stakeholder Workgroup

Sections 260.380.1(10)(d) and 260.475.8 RSMo give the Missouri Department of Natural Resources the authority to conduct a comprehensive review of the hazardous waste fee structure and to develop proposed changes to the fee structure with stakeholder agreement. The goal of the Hazardous Waste Fee Workgroup is to review Missouri's hazardous waste fee structure and decide upon a proposal to revise the fee structure through the rulemaking process. The proposal would require stakeholder agreement and the approval of the Missouri Hazardous Waste Management Commission before being filed as a proposed rule. As the workgroup continues to move forward with reviewing Missouri's hazardous waste fee structure rules, this website will be updated to show the workgroup's progress.

### Hazardous Waste Fee Stakeholder Workgroup Meeting

November 18 at 1 p.m.

Department of Natural Resources' [MAP](#)  
Conference Center  
1730 E. Elm St.  
Jefferson City, Missouri

If you would like to RSVP for the meeting, have any questions, or require special services or accommodations to attend the meeting, please contact the [department](#) before the meeting.

## Program Links

- [Program Home Page](#)
- [Businesses, Schools and Public Organizations](#)
- [Cleanup](#)
- [Data Downloads](#)
- [Electronic Recycling](#)
- [Guidance and Information](#)
- [Hazardous Waste Forum](#)
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