

Solid Waste Advisory Board
Summary of Open Meeting
Bennett Springs Conference Room
1730 E. Elm St., Jefferson City, MO
Wednesday, Nov. 2, 2016
1:00 p.m.

District Members/Designated Alternates

Region A – Linda Laderoute
Region B - Ann Hamilton
Region C – Dave Davison
Region D – Brenda Kennedy
Region E – Chris Bussen
Region F - Ruth Anne Parrott
Region G – Absent
Region H – Absent
Region I – Stephanie Norton – phone
Region J – Kristi Kelley – phone
Region K – Brady Wilson
Region L – Pat Kelly
Region M – Pat Renwick – phone
Region N – Natalie Moseley – phone
Region O – Tim Smith
Region P – Gary L. Collins
Region Q – Absent
Region R – Absent
Region S – Absent
Region T – Derrick Standley
Industry Members/Alternates
Casey Powers – phone
Tim Curry – Absent
Public Members/Alternates
Carolyn Wisecarver - phone
Recycling/Compost Members/Alternate
David Beal

DNR Staff

Chris Nagel – SWMP
Jeffery T. Heisler – SWMP
Mary Ellen Hummel – SWMP
Charlene Fitch – SWMP
Tony Pierce – HWP

Others

Lisa McDaniel – Region E
Jerry North – Region P
Kristin Tipton – EI ERA
Leland Rehard – Region H
Jane Cale – Region I
Jennifer Brown – Region O
Angie Snyder – Region O
Sue Morton – Region C
Tom Rackers – WCA
Tammy Snodgrass – Region K
Jim Durham
Tom Gredell
Angie Gehlert – MORA
Tina Krstulic
Bryan George – Region T
Angela Schulte
Jerry Bartley
Dick Wiles
Jackie Spainhour – Region A
Rose Marie Hopkins
Bill Guinther

1. District Roll Call

Chairman Chris Bussen called the meeting to order. Roll was called; there was a quorum.

2. Approval of Nov. 2, 2016 Agenda

Tim Smith moved to approve the November agenda. Ruth Anne Parrott seconded the motion. The motion carried unanimously.

3. Approval of October Meeting Summary

Ruth Anne Parrott moved to approve the October summary. David Beal seconded the motion. Motion carried.

4. Electronic Waste Draft Language

Presentation by Bill Guinther

- Passed out a handouts, Executive Summary of the bill and proposed legislation itself in draft form
- Would like to propose a 75% diversion bill also which would be a fairly simple legislative change; a change of the percentage goal in current legislation.

- Chairman proposed discussion of 75% diversion change first as it was simply a change of goal percentage and was part of the 8 priorities submitted to the Joint Committee. Mr. Smith suggested a motion and vote was unnecessary since it was a goal and had already been submitted by SWAB to the Jt. Committee. Members agreed and discussion moved to the electronics proposal.
- Bill Guinther briefly spoke about the Executive Summary. EOEMs would not be responsible for the recovery of their own product. Terminology was changed to number of units recycled, not tons. Therefore OEMs would not have to fulfill a minimum if there was a downturn in the economy.
- Collectors have to be able to collect a fee for CRTs and LCDs in order to be able to process them.
- Sheltered workshops would be exempt from most things in the legislation. They would need to have a contractual relationship with an R2 or E-steward certified vendor.
- Funding model follows 61-39 breakdown, but each SWMD would receive an equal amount from the 61%.
- Discussion of R2 and E-steward certified differences.
- Estimate of only 25% e-scrap is recovered currently.
- Fines and penalties, soft ban and hard ban discussion.
- Derrick Standley pointed out that the draft did not mention lithium ion batteries. They were mentioned in the definitions section. Lithium ion batteries have more than one cell so there are certain procedures the vendor must follow for shipping etc. to reduce fire hazard.
- Tony Pierce of DNR's Hazardous Waste Program had comments and questions. Page 2 under definitions item #8 – change to flat panel display to include future technologies. Page 4 under 260.1206(2) - underserved districts, he asked how that would be calculated. Bill Guinther stated on page 8 it explained qualifiers for underserved districts, but would look at it closer. Also on page 4 – item 2 regarding goals-questioned about 40 or 75% for OEMs. Penalty is assessed based on the goal which is based on units sold the prior year. Mr. Guinther stated they are fined based on the number of units not collected and it is a continuous fine. Open to discussion on this as some people feel the fines are not severe enough and companies might choose to just pay the fine. Also, the reference to referral to Attorney General for violations. Tony Pierce stated the department has authority under an administrative action policy they follow as opposed to referring civil cases to the AGO. In number 4 – regarding department reporting to the governor and general assembly and post to department's website. Mr. Pierce already reports from HWP, and suggested to use the posting on the website to serve as reports to the governor and the general assembly. (4) refer to administrative action policy, and anywhere else the AGO is mentioned. On page 5, number 8 (1) question if there should be a time limit on comments. Page 6 (3)(4) dates should be 2021 and 2022. Item 2 same page - Include which program authority rulemaking will be under, HWP, SWMP etc. Page 7 - number 2 – Fees to be determined, need to specify some authority. Page 9 - 260.1222 -Violations only addressing civil penalties, reminded to address administrative process –anywhere AGO is mentioned, he suggested to add in the administrative process. Page 11 - item 4, not sure the citation, 260.0380.1 is correct, it needs to be checked. 260.1228 – Item 4 again referring to mixing or burning. He believes it leaves out making waste energy, and by using “knowingly”, it makes it a criminal offense. If intend to leave incineration out, do so but don't make it a criminal offense to do so.
- Mr. Overfelt gave thoughts about the draft. Said it sounds like it is making progress for the solid waste industry. Said he felt retailers who make maybe 500 computers a

year would consider moving out of the state. He felt this is not needed for the retail stores – waste is being handled now and this will make it more difficult and it sounded to him like there would be million dollar fines. He felt they should be exempt like the sheltered workshops.

- Chairman commented on the second page of the funding process in the Executive Summary regarding an equal division amongst the districts is a good plan.
- HWP currently has guidance on what is considered CRT glass recycling.

Chairman did not think the draft document was ready for a vote of the Board. Continue with electronics draft at the January 4, 2017 meeting if a draft is back before then.

5. **Abandoned Landfill Funding Discussion/Resolution**

Given by Derrick Standley

- Draft resolution read by Derrick
- Include all stakeholders because update has not happened in 25 years.
- Chairman asked what were the top 5 reasons to form a committee and update. Derrick replied that would be closed and abandoned landfills, the remanufacturing side to get permanent solutions and not ship recoverables overseas and more money for the districts. There is no incentive for 19 of the 20 districts to sit still with current funding, although he acknowledged why St. Louis district would. And, if utilities and composters are brought in for more funding. Chairman commented that members of the composting association agreed to be licensed and not be exempt from DNR regulations. He questioned what they have to lose if they open this up. Mr. Standley stated it is a discussion process to turn into a planning process by assembling people to get input. Pat Kelly had a concern about creating legislation that opens up the question. Current legislation has a “no tax, no fee” attitude so why think they will look at recycling fees. He feels a hidden agenda is to redistribute what funding is current. He also thinks that the advisory committee should tackle it as an advisory topic. Mr. Smith observed that district M gave a presentation at last month’s meeting, so board is aware not all districts are happy with current funding and to open the discussion would bring forth many agendas. He also noted that it would be difficult and should go into it with the possibility that funding could end up being worse rather than better. In 2003, it took about a year of committee meetings and about 2 years to get anything through the legislature. Chairman asked if Tom Gredell had any comments since it was his client that was trying “to get off the hook” with his landfill. Mr. Gredell stated his client wondered how he would get “off the hook” when he was “done with his time”. He talked about opening a discussion about old landfills and what will be coming in the future and participating in the discussion or not. Chairman made the comment that there were five landfills represented at the table. He stated it would probably take tens of millions of dollars to go through analysis, planning, implementation, and monitoring phases for dozens of abandoned landfills. Mr. Standley pointed out that it would not take that much as most of them just needed some terracing work and cover. Districts will need to bring this idea back to their boards before making a decision. Derrick proposed 30 days to give the districts time to take the resolution back to their boards. Chairman asked if there were any proposed changes. One was to remove “update” and replace with “review” the mission of the districts. A motion was made by David Beal to add MORA to the list of the committee members, seconded by Ann Hamilton. Derrick Standley felt there should be other language added to include other entities as determined in the future. David Overfelt suggested considering adding manufacturers by adding language not specifying any particular one, but generically. Chairman questioned if the district boards needed to be considered. Various people agreed that district boards needed to be considered. The motion passed after discussion. Will open up

for suggestions of language to facilitate adding others to the committee at the next meeting. Derrick will send final draft to the secretary to be sent out before the next meeting and it will be kept on the January agenda. Districts should send suggested redraft language to Derrick Standley, copying Chairman and the secretary. When the redraft is done, it will be sent out the week before the January meeting.

6. **Solid Waste Management Program Update**

Given by Chris Nagel

- Rule updates - formal request to start has been sent to upper management for approval which will allow the beginning of stakeholder meetings for suggestions on draft language. Initially staff will be looking at rules for permit processes, definitions, landfills, and processing facility sections. Once started on the initial rules, additional rule sections will be added. A rules unit has been established and one position has been filled with the other in process.
- Also will be beginning the 5 year evaluation of all rules, going through an assessment process.
- Scrap Tire Advisory Group meeting this coming Friday.
- Legislative session is coming up starting January 4th and pre-filing starts on December 1st.

7. **Solid Waste Management Fund Update**

Jeff Heisler gave the SWMF update.

- Not all revenues are in for the current quarter. Revenues are still looking strong and there might still be a 1% increase as projected. Second quarter revenues will be in for the next meeting.

8. **MORA Update**

Angie Gehlert gave the update.

- America Recycles Day in November 15th.
- MORA board approved the strategic plan for 75% diversion campaign.
- 2017 conference is August 9-11 at Tan Tara at Lake of the Ozarks. It is the 25th anniversary conference.

9. **Planners Update**

Update given by Tammy Snodgrass

- Planners discussed the Annual Report which is due soon. She will try to email out to planners by end of week. Draft of Annual Report should be ready by the first of December to share with district boards, so hopefully SWAB can approve it at the January 2017 meeting.
- EPA held meetings on sustainable materials management and did a survey. It is still in the discussion stages.
- Discussed the resolution and provided some edits for Derrick Standley.
- Chairman requested that the planners' comments on the 2 year notice and potential changes be sent to him and the secretary in order to send it out before January meeting.

10. **SWAB Member Update**

None given

11. **EIERA Update**

None given.

12. Joint Committee Update

None given.

13. Unfinished Business

None given.

14. New Business

Comments from the Public. None given.

15. Call for Agenda Items

- 2 year Hauler notice.
- Abandoned Landfill Funding discussion
- Electronic Waste Draft Language
- Resolution
- Future Planning for Scrap Tires and STAG Update

16. Upcoming 2017 Meetings

Jan. 4 Feb. 1 Mar. 1 Apr. 5 May 3 Aug. 2 Oct. 4 Nov. 1

Underlined meeting dates are required quarterly meetings.

17. Adjourn

Gary Collins made a motion to adjourn, seconded by David Beal. Chairman Bussen adjourned the meeting at 2:55 p.m.

Respectfully submitted,

Mary Ellen Hummel, Secretary