

Oppose Senate Bill 918 and House Bill 2485 Don't Weaken Hazardous Waste Standards

1. Senate Bill 918 would needlessly tie the hands of the DNR to work with the public to respond to challenges that arise in protecting the public from hazardous waste.
2. Elimination of the entire Chapter 11 (Missouri's Used Oil Regulation) is dangerous as it weakens the DNR's ability to protect the public and the environment from potential adverse effects of improper storage or disposal or recycling of used oil in several different ways.
3. Senate Bill 918 would also require the state to pick up an EPA rule "as-is" that would allow certain zinc containing hazardous wastes to be made into fertilizer and fertilizer ingredients. It would be better to allow the state to make amendments to that rule to make it more protective. A Missouri business and DNR have already had experience performing and overseeing a site-wide hazardous waste cleanup because of two basic protective gaps in the federal rule.
4. Despite the claims made at the hearing, we still fear that the bill could threaten the highly successful Brownfield Voluntary Cleanup Program. If that is to be protected and the bill passes, there should be a clearer carve-out.
5. The sections on administrative penalties are in part unnecessary and in part counterproductive. The provision that provides violators a written calculation of the penalty is not necessary as the department provides this now. A violator can see the thought process of documenting the severity, duration and other factors the department used in calculating a proposed penalty. The provision that maintains this as confidential is not productive to either the violator, who may want to see how his/her particular penalty adds up compared to others, or to those who may want to see if the department is treating all violators fairly. While such documents may be held confidential in anticipation of litigation, once a matter is settled the documents should be readily available to anyone who wants to see them.
6. If this passes the DNR can probably sort through the stored Hazardous Waste labeling issue using the EPA's new Generator Improvements Rule. But this will take significant time and resources from the DNR employees to adjust the new rules.
7. The entirety of the bill will decrease fees to the Hazardous Waste Program by at least \$200,000 per a year while creating a large amount of short to medium term work for the program as it adjusts and creates protocols for the changed rules. These burdens will be placed on a program that is already short staffed and is facing even greater loss of experienced staff.

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Regarding Excess Responsibilities for the Hazardous Waste Program

All of the changes required by SB 918 will result in much more work for hazardous waste staff that are now significantly reduced in number since they've had many years of budget uncertainties, and since the No Stricter Than Federal (NSTF) push began. As a result of NSTF and associated red tape reduction efforts, for the specific regulatory changes that are mandated across 16 affected chapters and for 35 general amendments, Hazardous Waste Program Staff will need to:

- * do additional analyses and research on the rule change impacts and needs,
- * analyze impacts of changes to other chapters and regulatory areas and programs,
- * prepare materials for EPA on the rule changes and for rule adoption,
- * update state authorization documentation for EPA,
- * make the specific regulatory changes that are needed in those 16 affected chapters and for 35 general amendments,
- * update inspection checklists and fact sheets,
- * prepare and post information and updates on changes for the public and regulated community,
- * prepare and post ongoing training materials (including comparisons of former rules to new replacement rules) for staff and the regulated community
- * train all hazardous waste program staff and managers on all new EPA rules that will be replacing the long-standing Missouri rules, and
- * continue to train the regulated community and provide compliance assistance as needed and requested on the rule changes.

More Work
Less Employees

SB 918 is sponsored by Senator Burlison. HB 2485 is sponsored by Rep. Knight. The underlying bill deals with solid waste disposal processing permits and the chemical processing of plastics.