



Proposed Revisions
to
Missouri Solid Waste Management
Regulations

Missouri Waste Control Coalition Conference
July 2016

Why Change the Regulations?

- Out of date – last revised 1997
- Federal CCR rule
- Periodic review directed by state legislature
- Corrections

Chapter 536

Administrative Procedures and Review

- 536.175 RSMo
- Directs each state agency to periodically review all of its rules every 5 years
- Notice published in July 1, 2016 Missouri Register

Chapter 536

Administrative Procedures and Review

- Review of titles 7 through 10 of CSR began July 1, 2016
- 60-day public comment period on rules under review
- Agencies must file report no later than June 30, 2017

Chapter 536

Administrative Procedures and Review

- Focus of review:
 - Is the rule necessary?
 - Is the rule obsolete?
 - Does the rule overlap with, duplicate, or conflict with other local, state, and/or federal rules

Chapter 536

Administrative Procedures and Review

- Focus of review:
 - Would a less restrictive rule adequately protect the public and accomplish the same purpose?
 - Does the rule require amendment or rescission to be less burdensome?
 - Is material incorporated by reference?

Chapter 536

Administrative Procedures and Review

- Focus of review:
 - If the rule affects small business:
 - What is the purpose for adopting the rule?
 - What justifies its continued existence?
- Agency must include a summary of the comments received and the agency's responses

Chapter 536

Administrative Procedures and Review

- <http://www.sos.mo.gov/adrules/moreg/moreg.asp>
- July 1, 2016 edition, page 845

Comments must be received by
August 31, 2016

Chapter 536

Administrative Procedures and Review

- Submit comments to:

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MDNR's Internal Process



- Solid Waste Management Program (SWMP) begins informal review of rules
- SWMP must request to formally begin rulemaking process
- What, why, who, when?
- Benefits
- Impact on small businesses

MDNR's Internal Process



- Probable public and private costs
- Affect state revenues?
- Describe process for involving stakeholders
- Coordination with other MDNR programs

External Process

- Major steps
 - Regulatory Impact Report
 - Fiscal note
 - Stakeholders involvement/input
 - Joint Committee on Administrative Rulemaking
 - Small Business Regulatory Fairness Board
 - EPA review

Proposed Rule Changes



- Will cover only major changes today
- Potentially contentious

- Overhaul
- Reorganization and clarification
- More detailed

- Statutory changes may be necessary

Proposed Rule Changes

- 10 CSR 80
 - Code of State Regulations
 - Title 10
 - Division 80

- www.sos.mo.gov
- Administrative rules
- Code of State Regulations

Proposed Rule Changes

- Landfill chapters
 - Chapter 3 MSW Landfills (Sanitary LFs)
 - Chapter 4 Demolition Landfills
 - Chapter 11 CCR Landfills (UWLFs)
 - New rule (11.020 ?) CCR impoundments

Proposed Rule Changes

- Chapter 2
 - Definitions – 2.010
 - Permitting – 2.020
 - CCR exemptions only – 2.020
 - Closure/post-closure/FAI – 2.030

Proposed Rule Changes

- Current structure
- (1) Section [e.g. (1) Liner System]
 - (A) Requirement
 - (B) Satisfactory compliance – Design
 - (C) Satisfactory compliance – Operations
- Restructure rules?

Proposed Rule Changes



- Timelines
- 2+ year process?
- Begin formal process September 1, 2016
(internal goal)

Proposed Rule Changes

- Applicability of individual requirements inserted directly into each section

- No longer

“....after the effective date of this rule.....”

- Unless noted otherwise – proposed changes apply to all LFs

Proposed Rule Changes

- 10 CSR 80-2.010 Definitions
 - Bioreactor – 40% moisture
 - Permitted boundary – LF infrastructure
 - Closure (closed)
 - Reconcile definitions of:
 - solid waste
 - recovered materials
 - material recovery facility
 - resource recovery

Proposed Rule Changes

- 10 CSR 80-2.020 Permitting
- Reinstate periodic permit review by department?
- Clarify role of 'operator'
- Allow the department 12 months to review:
 - Bioreactor modifications
 - Alternative liner modifications
 - Alternative final cover modifications

Proposed Rule Changes

- 10 CSR 80-2.030 Closure/Post-closure, FAI
- Easement, Notice, and Covenant within 1 year of effective date for all active landfills
- Clarify actions required to terminate post-closure period
- Post-closure FAI for demolition landfills and CCR landfills (UWLFs)
- FAI cost estimates to include costs for 3rd party engineer

Proposed Rule Changes

- 10 CSR 80 - 11.010 CCR Landfills
- 10 CSR 80-11.020 CCR impoundments

- Department's white paper on CCR rule available soon

- Will adopt the rule for landfills **and** impoundments, with additions
 - CQA, FAIs, O&M, Survey control

Proposed Rule Changes

- 10 CSR 80-3.010 MSWLFs Landfills

- A.k.a. sanitary landfills

- Changes apply to all landfills:

(MSWLFs, DLFs, CCR LFs)

Proposed Rule Changes

- All landfills
- General design requirements –
 - 1 foot groundwater separation
 - Site plan/infrastructure drawing
 - Laboratory testing (versus values from literature) to determine design parameters during design process

Proposed Rule Changes

- All landfills
- Require the following to be updated every 2 years:
 - Site plan/infrastructure drawing
 - Operating manual
 - CQA plan
 - GW Monitoring plan
 - LFG monitoring plan
- Update with biennial airspace estimate

Proposed Rule Changes

- All landfills
- Department may deny a request for a vertical expansion if a facility is in violation of environmental laws or having major operational difficulties

Proposed Rule Changes

- All landfills
- CQA requirements – FMLs
 - Considering electrical leak location (upcoming training in J.C.)
 - GSI accreditation of geosynthetics labs
 - More detailed CQA requirements for FMLs
 - Allow method of attributes
 - Allow method of control charts

Proposed Rule Changes

- All landfills
- CQA requirements – soil liners
 - ‘Daniel’ method for acceptable zone
 - SWMP may waive based on historical data
 - 80% of field M/D tests > line of optimums
- *Field Performance of Compacted Clay Liners*
 - *Craig H. Benson, David E. Daniel, Gordon P. Boutwell, 1999*

Proposed Rule Changes

- All landfills
- Survey control –
 - One primary survey control monument constructed to geodetic survey standards
 - Monument external boundary of LF footprint (also provide property description)
 - Durable permanent markers for buried LF systems outside of LF footprint

Proposed Rule Changes

- All landfills
- Leachate management –
 - Measure total leachate production (metering)
 - Leachate sampling on rotating basis

Proposed Rule Changes

- All landfills
- Liner systems –
 - Provisions for alternative liner designs
 - Will help finalize the GCL guidance
 - Daniel method for acceptable zone

Proposed Rule Changes

- All landfills
- Cover systems –
 - 18” vs. 12” clay cap? Federal rule
 - Alternate cover designs
 - Daniel method for acceptable zone
 - Final cover requirements apply to all contiguous phases

Proposed Rule Changes

- All landfills
- Groundwater monitoring –
- Considering allowing annual sampling vs. semi-annual sampling (ties to CQA)
 - Annual reporting?

Proposed Rule Changes

- All landfills
- Groundwater monitoring –
 - No confirmation sampling
 - Less stringent than federal rule
- Establish background for Appendix II contaminants at the outset

Proposed Rule Changes

- MSW and demolition landfills
- Asbestos disposal –
 - Prior approval at DLFs
- Asbestos handling/disposal plan
 - Personnel training
 - Inspection of incoming RACM
 - Reviewing RACM records
 - Recordkeeping

Proposed Rule Changes

- MSW and demolition landfills
- Landfill gas control –
 - LFG monitoring systems
 - Active gas collection systems
 - Methane gas policy
 - LFG corrective action FAls
 - Expanded list of monitoring parameters during corrective action