
Rules of
Department of Natural Resources
Division 25—Hazardous Waste
Management Commission
Chapter 2—Commission Procedures

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 2—Commission Procedures**

10 CSR 25-2.010 Voting Procedures

PURPOSE: The purpose of this rule is to define the procedures that must be followed by commission members when considering hazardous waste management variances, appeals or orders and related issues.

(1) Prior to any vote on any variance, appeal or order, all members of the Hazardous Waste Management Commission of Missouri shall disclose when they—

(A) Hold any official or contractual relationship with the person seeking a variance or appeal or the person subject to an order at issue under the Missouri Hazardous Waste Management Law, sections 260.350–260.550, RSMo;

(B) Utilize the services of any generator, transporter, or the owner/operator of a treatment, storage, resource recovery or disposal facility seeking a variance or appeal or who is subject to an order at issue under the Missouri Hazardous Waste Management Law;

(C) Under license or permit render, directly or through official relationship, service similar to the person seeking a variance or appeal or the person who is subject to an order at issue under the Missouri Hazardous Waste Management Law; or

(D) May have a conflict of interest regulated under sections 105.450–105.482 or section 260.365, RSMo.

(2) The member shall be excluded from voting on the matter at issue unless s/he fully advises the commission of the interest and receives a determination from the commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the state expects from him/her. Fully advises means explains in detail in a signed, written statement available for public inspection. Official relationship includes, but is not limited to, corporate officer, employee, retiree or similar affiliation.

(3) Voting procedures governing hearings and other administrative actions are in section 260.365 and 260.400, Chapter 536 and sections 610.010–610.028, RSMo and the Missouri Supreme Court Rules of Civil Procedure.

(4) If one (1) or more exclusions from voting or other abstentions by vote or by absence results in the lack of a quorum of commissioners, the commission will delay its final decision until a simple majority of commissioners who are not excluded from voting are present.

(5) If a quorum of commissioners is not present at the time of a public hearing published for rulemaking and it is necessary to delay the public hearing due to the lack of a quorum, the department shall—

(A) Issue a news release announcing the new time, date and location of the public hearing; and

(B) Include in that news release the new submittal date for written public comments.

AUTHORITY: sections 260.365, 260.400 and 260.437, RSMo 1986 and 260.370 RSMo Supp. 1989. Original rule filed Sept. 7, 1978, effective Feb. 16, 1979. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990.*

**Original authority: 260.365, RSMo 1977, amended 1980; 260.370, RSMo 1977, amended 1980, 1988; 1993, 1995; 260.400, RSMo 1977, amended 1980, 1993; 260.437, RSMo 1983, amended 1995.*