

**Title 10--DEPARTMENT OF  
NATURAL RESOURCES  
Division 25--Hazardous Waste  
Management Commission  
Chapter 3--Hazardous Waste  
Management System: General**

**10 CSR 25-3.260 Definitions, Modifications to Incorporations, and Confidential Business Information**

*PURPOSE: This rule sets forth definitions and delisting procedures. This rule incorporates the federal regulations in 40 CFR part 260 by reference. This rule also outlines a number of specific substitutions between the state and federal regulations that are necessary for incorporation by reference.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 40 CFR part 260, July 1, [2013]2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, [and the changes made at 78 FR 0, July 31, 2013,] are incorporated by reference, [except for the changes made at 70 FR 53453, September 8, 2005,] subject to the following additions, modifications, substitutions, or deletions. This rule does not incorporate any subsequent amendments or additions.

(A) Except where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation, or statute that is referenced in 40 CFR parts 260–270, 273, and 279, and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule, or statute. Where conflicting rules exist in 10 CSR 25, the more stringent rules control[./], **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

1. “Director” is substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

2. “Missouri Department of Natural Resources” is substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo,” is substituted for “Section 3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7), and 260.390(7), RSMo,” is substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo,” is substituted for “Section 3008 of RCRA.”

6. “10 CSR 25-3.260” is substituted for any reference to 40 CFR part 260.

7. “10 CSR 25-4.261” is substituted for any reference to 40 CFR part 261.

8. "10 CSR 25-5.262" is substituted for any reference to 40 CFR part 262.
9. "10 CSR 25-6.263" is substituted for any reference to 40 CFR part 263.
10. "10 CSR 25-7.264" is substituted for any reference to 40 CFR part 264.
11. "10 CSR 25-7.265" is substituted for any reference to 40 CFR part 265.
12. "10 CSR 25-7.266" is substituted for any reference to 40 CFR part 266.
13. "10 CSR 25-7.268" is substituted for any reference to 40 CFR part 268.
14. "10 CSR 25-7.270" is substituted for any reference to 40 CFR part 270.
15. "10 CSR 25-8.124" is substituted for any reference to 40 CFR part 124.
16. "10 CSR 25-11.279" is substituted for any reference to 40 CFR part 279.
17. "10 CSR 25-16.273" is substituted for any reference to 40 CFR part 273.
18. "Sections 260.350–260.43[4]3, RSMo" is substituted for "Subtitle C of RCRA," or "RCRA," except where those terms are defined in 40 CFR 260.10, incorporated in this rule.
19. "Section 260.380.1(1), RSMo" is substituted for "Section 3010 of RCRA."
20. "Section 260.420, RSMo" is substituted for "Section 7003 of RCRA."
21. "Waste within the meaning of section 260.360(2[1]2), RSMo," is substituted for "solid waste within the meaning of section 1004(27) of RCRA." Residual materials specified as wastes under section 260.360(2[1]2), RSMo, means any *[spent materials, sludges, by-products, commercial chemical products, or scrap metal that are]* solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. "Section 260.360(9), RSMo," is substituted for "Section 1004(5) of RCRA."

23. "Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260([1]2)([B]A), and 10 CSR 25-7.270(2)(B)" is substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2, or Section 3007(b) of RCRA.

24. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 are hazardous waste and are regulated under sections 260.350–260.43[4]3, RSMo, and 10 CSR 25. A person shall manage all hazardous waste *[which]* **that** is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.3, RSMo.

*[When a person accumulates one hundred kilograms (100 kg) of nonacute hazardous waste or one kilogram (1 kg) of acutely hazardous waste or the aggregate of one hundred kilograms (100 kg) of acute and nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated by reference and modified in 10 CSR 25-4.261(2)(A).]*

25. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action will be considered an exception or exemption based on the conditions set forth in the federal regulation incorporated by reference or the omission from regulation.

*[26. The rules of grammatical construction in 40 CFR 260.3 incorporated by reference in this rule also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25.]*

(2) This section sets forth specific modifications to the regulations incorporated in section (1) of this rule. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

(A) The following are changes to 40 CFR part 260 subpart A incorporated in this rule:

1. Confidential business information and availability of information. 40 CFR 260.2 is not incorporated in this rule. In lieu of those provisions, the following applies to confidential business information and the availability of information:

A. Any information provided to the department under 10 CSR 25 will be made available to the extent and in the manner authorized by Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, and 10 CSR 25-7.270(2)(B)2. as applicable; and

B. Any person who submits information to the department in accordance with 10 CSR 25 may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information *[which]* **that** requests protection of specific information from disclosure. Information covered by this claim will be disclosed by the department to the extent and by means of the procedures set forth in Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it. The department will respond to requests for protection of business information within twenty (20) business days.

(B) Definitions. *(Reserved)*

(C) 40 CFR part 260 subpart C, Rulemaking Petitions~~], is not incorporated in this rule. Not more than sixty (60) days after promulgation of the final federal determination, the department shall approve or disapprove all delistings granted under 40 CFR 260.20 or 40 CFR 260.22. If the department fails to take action within that sixty- (60-) day time frame, the delistings shall be deemed approved].~~

**1. General. *(Reserved)***

**2. Petitions for equivalent testing or analytical methods. 40 CFR 260.21 is not incorporated by reference.**

**3. Petitions to amend part 261 to exclude a waste produced at a particular facility. 40 CFR 260.22 is not incorporated by reference.**

**4. Petitions to amend 40 CFR part 273 to include additional hazardous wastes. *(Reserved)***

**5. Non-waste determinations and variances from classification as a solid waste. 40 CFR 260.30 is not incorporated by reference.**

**6. Standards and criteria for variances from classification as a solid waste. 40 CFR 260.31 is not incorporated by reference.**

**7. Variances to be classified as a boiler. 40 CFR 260.32 is not incorporated by reference.**

**8. Procedures for variances from classification as a solid waste, for variances to be classified as a boiler, or for non-waste determinations. 40 CFR 260.33 is not incorporated by reference.**

**9. Standards and criteria for non-waste determinations. 40 CFR 260.34 is not incorporated by reference.**

(3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions which modify or add to those definitions in 40 CFR parts 60, 260–270, 273, and 279 and 49 CFR parts 40, 171–180, 383, 387, and 390–397.

(A) Definitions beginning with the letter A.

1. Abandoned or uncontrolled means any property where hazardous waste has been disposed of illegally or where hazardous waste was disposed of prior to regulation under sections 260.350–260.43/4/3, RSMo.

2. Attenuation means any physical, chemical, or biological reaction, or a combination of both, transformation occurring in the zone of aeration or zone of saturation that brings about a temporary or permanent decrease in the maximum concentration or total quantity of an applied chemical or biological constituent in a fixed time or distance traveled.

(B) Definitions beginning with the letter B. *(Reserved)*

(C) Definitions beginning with the letter C.

1. CFR means the *Code of Federal Regulations*.

2. CSR means the *Missouri Code of State Regulations*.

3. Commission means the Hazardous Waste Management Commission of Missouri created by section 260.365, RSMo.

(D) Definitions beginning with the letter D.

1. Department means the Missouri Department of Natural Resources.

2. Director means the director of the Missouri Department of Natural Resources.

3. DOT means the United States Department of Transportation.

(E) Definitions beginning with the letter E. *(Reserved)*

(F) Definitions beginning with the letter F.

1. Farmer means a person primarily engaged in the production of crops, [*or*] livestock, **or both**, for agricultural purposes[, *or both*].

(G) Definitions beginning with the letter G.

1. Generation means the act or process of producing hazardous waste.

(H) Definitions beginning with the letter H.

1. Hazardous waste means any waste or combination of wastes as defined by or listed in 10 CSR 25-4 [*, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a threat to the health of humans or other living organisms*] **and section 260.360(11), RSMo.**

2. Hazardous waste transporter means any person or company conducting activities in Missouri [*which*] **that** require a hazardous waste transporter license pursuant to 10 CSR 25-6.263. These activities may include, but are not limited to, transportation of hazardous wastes, used oil, and infectious wastes by highway, railway, or waterway.

3. Household hazardous waste means any household waste excluded from regulation as hazardous waste by 40 CFR 261.4(b)(1) but otherwise meets the definition of hazardous waste in paragraph [(2)](3)(H)[3]1. of this rule.

(I) Definitions beginning with the letter I.

1. Identification number means the unique code assigned to each hazardous waste, each hazardous waste generator, transporter, or facility pursuant to these rules.

[2. Attenuation means any physical, chemical, or biological reaction, or a combination of both, transformation occurring in the zone of aeration or zone of saturation that brings about a temporary or permanent decrease in the maximum concentration or total quantity of an applied chemical or biological constituent in a fixed time or distance traveled.]

(J) Definitions beginning with the letter J. *(Reserved)*

(K) Definitions beginning with the letter K. *(Reserved)*

(L) Definitions beginning with the letter L. *(Reserved)*

(M) Definitions beginning with the letter M.

1. Missouri hazardous waste mileage means the total fleet miles that materials requiring a hazardous waste transporter license are transported in Missouri over a period specified by rule. Additionally, all miles traveled transporting containers with residues of these materials, as defined [at] in 49 CFR 171.8, will be included in the Missouri hazardous waste mileage.

2. Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer, or any combination of them, propelled or drawn by mechanical power and used upon the highways in transportation. It does not include a vehicle, locomotive, or car operated exclusively on a rail(s).

(N) Definitions beginning with the letter N. *(Reserved)*

(O) Definitions beginning with the letter O. *(Reserved)*

(P) Definitions beginning with the letter P.

1. Professional engineer or registered engineer means a professional engineer licensed to practice by the Missouri [Board of Architects, Professional Engineers, and Professional Land Surveyors] **Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects.**

2. Power unit for the purpose of this regulation is a truck with at least two (2) axles, regardless of licensed vehicle weight or configuration.

(Q) Definitions beginning with the letter Q. *(Reserved)*

(R) Definitions beginning with the letter R.

1. RCRA means the Resource Conservation and Recovery Act, 42 U.S.C. sections 6901–6992k[1].

2. Registry means the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites.

3. Remedial action means any action at a hazardous waste site to protect the public health and environment. These actions may include, but are not limited to: storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of hazardous waste, hazardous substances, or contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive materials; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; any monitoring reasonably needed to [as]ensure that these actions protect the public health and environment; or any combination of these actions.

4. Remedial action plan means the specific procedures to be followed in implementation of any remedial action and all necessary, related procedures including, but not limited to, safety, analysis, sampling, handling, packaging, storing, removing, transporting, labeling, registering, and site security. A remedial action plan has a defined endpoint, agreed to in advance, which will complete the plan. Additional remedial actions may be necessary after completion of a remedial action plan dependent upon results of sample analysis or development of new information.

5. Responsible party means any person(s) liable for costs of removal actions or remedial action or other response costs or damages pursuant to Section 107 of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9607–9657 as amended by P.L. 99-499 Superfund Amendments, and Reauthorization Act of 1986, or any current owners or other person willing to assume responsibility.

(S) Definitions beginning with the letter S.

1. *[Site, for purposes of 10 CSR 25-10, means the smallest geographic boundary which contains known chemical contamination. A buffer zone may be included within the area.]* [2.] Substantial change means any change in use of a site which may result in a spread of contamination over additional portions of a site or off-site, an increase in human exposure to hazardous materials, an increase in adverse environmental impacts, or a situation making potential remedial actions to correct problems at the site more difficult to undertake or complete.

(T) Definitions beginning with the letter T.

1. Training means formal instruction which supplements an employee's existing job knowledge and is designed to protect human health and the environment through increased awareness and improved job proficiency.

2. Transporter; see hazardous waste transporter.

(U) Definitions beginning with the letter U.

1. *[Universal waste means any of the hazardous wastes that are defined under the universal waste requirements of 10 CSR 25-16.273(2)(A).*

2. *Used oil.*

A. *The definition of used oil at 40 CFR 260.10 is amended to include, but not be limited to, petroleum-derived and synthetic oils which have been spilled into the environment or used for any of the following:*

*(I) Lubrication/cutting oil;*

*(II) Heat transfer;*

*(III) Hydraulic power; or*

*(IV) Insulation in dielectric transformers.*

3. *[United States importer means a United States-based person who is in corporate good standing with the U.S. state in which they are registered to conduct business and who will be assuming all generator responsibilities and liabilities specified in sections 260.350–260.433[0], RSMo, for wastes which the United States importer has arranged to be imported from a foreign country.*

(V) Definitions beginning with the letter V.

1. Vehicle, for the purpose of this regulation, refers to a power unit.

(W) Definitions beginning with the letter W.

1. Waste *[means any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. Waste also means certain residual materials which may be sold for purposes of energy or materials reclamation, reuse, or transformation into new products which are not wastes.]* , **as defined in section 260.360(22), RSMo.**

(X) Definitions beginning with the letter X. *(Reserved)*

(Y) Definitions beginning with the letter Y. *(Reserved)*

(Z) Definitions beginning with the letter Z. *(Reserved)*

*AUTHORITY: sections 260.370 and 260.395, RSMo 2016.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Sept. 4, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed June 3, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 17, 2001, effective Aug. 30, 2002. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010 and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**Title 10--DEPARTMENT OF  
NATURAL RESOURCES  
Division 25--Hazardous Waste  
Management Commission  
Chapter 4--Methods for Identifying  
Hazardous Waste**

**10 CSR 25-4.261 Methods for Identifying Hazardous Waste**

*PURPOSE: This rule sets forth characteristics and lists by which a generator can determine whether **their**[his/her] waste is hazardous. This rule defines hazardous waste under sections 260.475[–260.479,] RSMo. The federal regulations in 40 CFR part 261 are incorporated by reference, subject to the modifications set forth in this rule.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

*[Editor's Note: Pursuant to **American Mining Wastes Congress v. the U.S. EPA**, cited as 907 F2d 1179 (D.C. Cir. 1990), the following waste streams are not incorporated by reference in this rule: K064, K065, K066, K090, and K091. These waste streams were remanded to the Environmental Protection Agency (EPA) by the United States Court of Appeals until the EPA provides adequate justification to the court for the listing of the wastes as hazardous. Suspension of these wastes from the state rule was effective February 28, 1991.]*

(1) The regulations set forth in 40 CFR part 261, July 1, 20[13]24, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954.[, and the changes made at 78 FR 46447, July 31, 2013, 80 FR 1693, January 13, 2015, and 83 FR 24664, May 30, 2018, are 85 FR 40594, September 8, 2020 is incorporated by reference[, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, 63 FR 33823, June 19, 1998, 70 FR 53453, September 8, 2005, and 73 FR 77954, December 19, 2008]. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) applies in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control[.], **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(2) This section sets forth specific modifications of the regulations incorporated in section (1) of this rule. A person subject to identifying a hazardous waste shall comply with this section as it modifies 40 CFR part 261 as incorporated in this rule. (Comment: This section has been organized in order that all Missouri additions, changes, or deletions to any subpart of the federal regulation are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 261 subpart A will be located in subsection (2)(A) of this rule.)

(A) General. The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

1. **Purpose and Scope.** *(Reserved)*
2. **Definition of solid waste.** *(Reserved)*
3. **Definition of hazardous waste.** *(Reserved)*
4. **Exclusions.** *(Reserved)*
5. *(Reserved)*
6. **Requirements for recyclable materials.** *(Reserved)*

7. *[40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16) added by 63 FR 33823, June 19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.];***Residues of hazardous waste in empty containers.** *(Reserved)*

8. **Polychlorinated Biphenyls wastes regulated under Toxic Substance Control Act.** *(Reserved)*

9. *[A generator shall submit the information in 40 CFR 261.4(e)(2)(v)(C) as incorporated in this rule to the department along with the Generator's Hazardous Waste Summary Report in 10 CSR 25-5.262 (2)(D)1.];***Requirements for Universal Waste.** *(Reserved)*

*[10. The changes to 40 CFR 261.5, special requirements for hazardous waste generated by conditionally exempt small quantity generators, incorporated in this rule are as follows:*

*A. The modification set forth in 10 CSR 25-3.260(1)(A)24. applies in this rule in addition to other modifications set forth;*

*B. 40 CFR 261.5(g)(2) is not incorporated in this rule;]*

1[1]0. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 261.6(a)(3)(i), as incorporated in this rule. The state may not assume authority from the Environmental Protection Agency *[(EPA)]* to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act *[(RCRA)]* or other pertinent export control laws and regulations issued by other agencies;

1[2]1. *(Reserved)*

1[3]2. *(Reserved)*

1[4]3. *(Reserved)*

1[5]4. *(Reserved)*

1[6]5. In accordance with section 260.432.5(2), RSMo, used cathode ray tubes *[(CRTs)]* may not be placed in a sanitary landfill, except as permitted by section 260.380.3, RSMo.

(B) Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Wastes. *(Reserved)*

(C) Characteristics of Hazardous Waste. *(Reserved)*

(D) Lists of Hazardous Wastes. *[The following are additions or changes to the lists in 40 CFR part 261 subpart D, incorporated in this rule:*

*1. 40 CFR 261.38 is not incorporated in this rule.] (Reserved)*

(E) Exclusions/Exemptions.

1. The substitution of the director of the Department of Natural Resources for the regional administrator discussed in 10 CSR 25-3.260(1)A.1. does not apply to the requirement for notification of the export of used *[(CRTs)]* **cathode ray tubes** established in 40 CFR 261.41.

(F) *(Reserved)*

(G) *(Reserved)*

- (H) Financial Requirements for Management of Excluded Hazardous Secondary Materials (Reserved)**
- (I) Use and Management of Containers (Reserved)**
- (J) Tank Systems (Reserved)**
- (K) (Reserved)**
- (L) (Reserved)**
- (M) Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials (Reserved)**
- (N) (Reserved)**
- (O) (Reserved)**
- (P) (Reserved)**
- (Q) (Reserved)**
- (R) (Reserved)**
- (S) (Reserved)**
- (T) (Reserved)**
- (U) (Reserved)**
- (V) (Reserved)**
- (W) (Reserved)**
- (X) (Reserved)**
- (Y) (Reserved)**
- (Z) (Reserved)**
- (AA) Air Emission Standards for Process Vents (Reserved)**
- (BB) Air Emission Standards for Equipment Leaks (Reserved)**
- (CC) Air Emission Standards for Tanks and Containers (Reserved).**

*AUTHORITY: section 260.370, RSMo 2016.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Oct. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Aug. 14, 1992, effective May 6, 1993. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed June 3, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed March 22, 1996, effective Nov. 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**Title 10—DEPARTMENT OF  
NATURAL RESOURCES  
Division 25—Hazardous Waste  
Management Commission  
Chapter 5—Rules Applicable to  
Generators of Hazardous Waste**

**10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste**

*PURPOSE: This rule sets forth standards for generators of hazardous waste, incorporates 40 CFR part 262 by reference, and sets forth additional state standards.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 49 CFR part 172, October 31, 20[13]24, 40 CFR 302.4 and .5, July 1, 20[13]24, and 40 CFR part 262, July 1, 20[13]24, [except subpart H,] as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) applies in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(2) A generator located in Missouri, except as [conditionally] exempted in accordance with 10 CSR 25-4.261, shall comply with the requirements of this section in addition to the requirements incorporated in section (1). (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section.)

(A) General. The following registration requirements are additional requirements to, or modifications of, the requirements specified in 40 CFR part 262 subpart A:

1. In lieu of 40 CFR 262.1[2]8(a) and (c), a generator located in Missouri **shall** comply with the following requirements:

A. A person generating in one (1) month [or accumulating at any one (1) time] the quantities of hazardous waste specified in [10 CSR 25-4.261] **Table 1 of 40 CFR 262.13** and a transporter who is subject to registration as a generator under 10 CSR 25-6.263 shall register and is subject to applicable rules under 10 CSR 25-3.260–10 CSR 25-9.020 and 10 CSR 25-12.010; and

B. *[Conditionally exempt]* **Very small quantity** generators may choose to register and obtain Environmental Protection Agency (EPA) and Missouri identification numbers, but in doing so will be subject to any initial registration fee and annual renewal fee outlined in *[this chapter]* **10 CSR 25-12.010**;

2. An owner or operator of a treatment, storage, **and** disposal facility who ships hazardous waste from the facility shall comply with this rule;

3. *[The following constitutes the procedure for registering:]* **Any person required to register shall follow the registration procedure as outlined in 10 CSR 25-12.010.**

*[A. A person subject to registration shall file a completed registration form furnished by the department. The department requires an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration form, the signature requirement will be consistent with the legally-accepted standards in Missouri for an electronic signature on documents. All generators located in Missouri shall use only the Missouri version of the registration form;*

*B. A person subject to registration shall also complete and file an updated generator registration form if the information filed with the department changes;*

*C. The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize storage, treatment, or disposal and to ensure proper hazardous waste management;*

*D. A person subject to generator registration, and those conditionally-exempt generators who choose to register, shall pay a one hundred dollar (\$100) initial or reactivation registration fee at the time their registration form is filed with the department. If a generator site has an inactive registration, and a generator subject to registration reactivates that registration, the generator shall file a registration form and pay the one hundred dollar (\$100) registration reactivation fee. The department will not process any form for an initial registration or reactivation of a registration if the one hundred dollar (\$100) fee is not included. Generators subject to registration shall thereafter pay an annual renewal fee of one hundred dollars (\$100) in order to maintain their registration in good standing; and*

*E. The department will immediately revoke the registration of any person who pays the registration fee with what is found to be an insufficient check;*

4. *The following constitutes the procedure for registration renewal:*

*A. The calendar year constitutes the annual registration period;*

*B. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;*

*C. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but does not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, the generator shall pay the annual renewal fee;*

*D. The department will administratively inactivate the registration of any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing, and the generator will be subject to enforcement action for failure to properly maintain their registration;*

*E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay the fifteen percent (15%) late fee section 260.380.4, RSMo, in addition to the one hundred dollar (\$100)*

annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

F. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay the fifteen percent (15%) late fee in section 260.380.4, RSMo, in addition to the one hundred dollar (\$100) annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

G. The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check ; and

5. The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.]

**4. Satellite accumulation. As an alternative to compliance with the accumulation limits in 40 CFR 262.15, generators who instead wish to store up to fifty-five (55) gallons of non-acute hazardous waste stream, or up to one (1) quart of liquid acute hazardous waste, or one (1) kilogram (kg) of solid acute hazardous waste, of each hazardous waste stream in a satellite accumulation area, may do so if they comply with the other applicable requirements of 40 CFR 262.15 and the following additional requirements:**

**A. Each container must be marked with its beginning date of satellite storage;**

**B. The generator may not use more than one (1) container per waste stream;**

**C. A container of hazardous waste stored in a satellite accumulation area pursuant to paragraph (2)(A)4. of this rule shall be removed from the satellite accumulation area within three (3) calendar days if any of the following occurs:**

**(I) One (1) year has passed since the accumulation start date;**

**(II) The container is full; or**

**(III) The container has reached its volume limit;**

**D. A container of hazardous waste removed from the satellite accumulation area pursuant to subparagraph (2)(A)4.C. above must be taken to the generator storage area, shipped off - site for proper hazardous waste management, or managed in accordance with an approved hazardous waste permit or certification at the site;**

**E. During the three (3) day period referenced in subparagraph (2)(A)4.C. above, the generator may start a new satellite container for that waste stream if in compliance with all other requirements of paragraph (2)(A)4. and 40 CFR 262.15 as modified by paragraph 4 of this rule; and**

**F. For generators that have more than one satellite accumulation area in a single facility, a generator may use the federal option in 40 CFR 262.15 or the option described in 10 CSR 25-5.262(2)(A) for any satellite accumulation area; however, in no case shall a generator employ both methods in the same satellite accumulation area at the same time.**

**(B) Manifest Requirements Applicable to Small and Large Quantity Generators (Reserved)**

**(C) [Pretransport, Containerization, and Labeling Requirements.] Pre-Transport Requirements Applicable to Small and Large Quantity Generators (Reserved)**

*[1. Satellite accumulation. As an alternative to compliance with the accumulation limits in 40 CFR 262.34(c)(1), generators who instead wish to store up to fifty-five (55) gallons of each non-acute hazardous waste stream, or up to one (1) quart of each acutely hazardous waste stream in a satellite accumulation area may do so if they comply with the other applicable requirements of 40 CFR 262.34(c) and the following additional requirements:*

A. Each container must be marked with its beginning date of satellite storage;

B. The generator may not use more than one (1) container per waste stream;

C. A container of hazardous waste stored in a satellite accumulation area pursuant to this paragraph 3. shall be removed from the satellite accumulation area within three (3) calendar days if any of the following occurs:

(I) One (1) year has passed since the accumulation start date;

(II) The container is full; or

(III) The container has reached its volume limit;

D. A container of hazardous waste removed from the satellite accumulation area pursuant to subparagraph C. above must be taken to the generator storage area, shipped off-site for proper hazardous waste management, or managed in accordance with an approved hazardous waste permit or certification at the site;

E. In lieu of 40 CFR 262.34(c)(2), during the three (3) day period referenced in subparagraph D. above, the generator may start a new satellite container for that waste stream if in compliance with all other requirements of paragraph 3. and 40 CFR 262.34(c)(1) as modified by this paragraph 3; and

F. For generators that have more than one satellite accumulation area in a single facility, a generator may use the federal option in 40 CFR 262.34(2)(C)1. or the option described in 10 CSR 25-5.262(2)(C)3. for any satellite accumulation area; however, in no case shall a generator employ both methods in the same satellite accumulation area at the same time.

2. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.]

(D) Record Keeping and Reporting **Applicable to Small and Large Quantity Generators.** In addition to requirements in 40 CFR 262.40, generators shall retain registration information in subsection (2)(A) of this rule and the Generator's Hazardous Waste Summary Report [in paragraph (2)(D)1. of this rule] **pursuant to 10 CSR 25-12.010(3)** for no fewer than three (3) years.

[1. This paragraph establishes requirements for quarterly Generator's Hazardous Waste Summary Reports.

A. All generators subject to registration in accordance with subsection (2)(A) of this rule shall complete a Generator's Hazardous Waste Summary Report that is completed on a form provided by the department or on a reproduction of the form provided by the department or in the same format as the form provided by the department after review and approval by the department.

B. A person who does not ship any hazardous wastes or who makes only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or is defined as a small quantity generator for the entire reporting year, or is defined as a large quantity generator and filing their report electronically in a manner prescribed by the department, may file an annual report by August 14 following the reporting year period. However, a person who is defined as a large quantity generator and has more than one (1) shipment of hazardous waste during the reporting years, and does not file their report using the electronic method prescribed by the department, shall file quarterly.

C. A generator who is registered with the department shall report the quantity, type, and status of all hazardous waste(s) shipped off-site during the reporting period on the Generator's Hazardous Waste Summary Report regardless of the destination of the shipment(s).

D. The Generator's Hazardous Waste Summary Report shall be signed and certified by an authorized representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3. The certification statement shall read as follows: "CERTIFICATION: I certify under penalty of law

*that I personally examined and am familiar with the information submitted on this form and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.” The handwritten signature of the authorized representatives shall follow this certification.*

*E. The generator shall submit the completed Generator’s Hazardous Waste Summary Report within forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal date of November 14 of the same year; and October 1 through December 31, with a submittal date of February 14 of the following year.*

*F. A generator shall submit the information in 40 CFR 261.4(e)(2)(v)(C) incorporated by reference in 10 CSR 25-4.261(1) to the department along with the completed Generator’s Hazardous Waste Summary Report.*

*G. The department will administratively inactivate the registration of any generator that fails to file the Generator’s Hazardous Waste Summary Report. The generator’s registration will be reactivated after all reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.*

*2. Reporting requirements for small quantity generators. 40 CFR 262.44 is not incorporated in this rule.]*

*(E) [Exports of Hazardous Waste. This subsection modifies the incorporation of 40 CFR part 262 subpart E. The state cannot assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit acknowledgements of consent to the exporter. In addition, the annual reports and exception reports in 40 CFR 262.55 and 262.56, incorporated in this rule, shall be filed with the EPA administrator with copies provided to the department. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 262.51, 262.52, 262.53, 262.54, 262.55, 262.56, and 262.57, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies (for example, the federal Department of Transportation and the Bureau of the Census of the Department of Commerce).] **(Reserved)***

*(F) [Imports of Hazardous Waste. The United States importer shall also comply with the following requirements:*

*1. In addition to registration requirements specified in this section, the United States importer shall register as generator in accordance with this section and has responsibility for compliance with all applicable requirements specified in this section. The United States importer shall register with the department as a generator, and four (4) weeks in advance of the date the waste is expected to enter the United States, specifically identify hazardous waste(s) intended to be imported by their EPA waste number(s) found in 40 CFR 261 and this section; and*

*2. The United States importer shall keep and maintain the following information on each shipment which is imported and make available upon departmental request:*

*A. If the waste is a mixed bulk shipment of multi-generator wastes, the individual original foreign generator’s names and addresses and the wastes’ technical chemical names from each source;*

*B. Quantity of waste from each imported source; and*

*C. List of EPA waste numbers found in 40 CFR 261 and this section which are applicable to the waste(s) from each source.] (Reserved)*

*(G) Farmers. (Reserved)*

*(H) [40 CFR 262, subpart H,] Trans[frontier]boundary [shipments] Movements of [h]Hazardous [w]Waste for [r]Recovery or Disposal, [within the OECD,] is [not incorporated in this rule.] incorporated with the following modifications:*

**1. Exports of Hazardous Waste.** This paragraph modifies the incorporation of 40 CFR part 262 subpart H section 262.83.

**A.** The state cannot assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit acknowledgements of consent to the exporter. In addition, the annual reports and exception reports in 40 CFR 262.83, incorporated in this rule, shall be filed with the EPA administrator with copies provided to the department.

**B.** The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 262 subpart H as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with the Resource Conservation and Recovery Act or other pertinent export control laws and regulations issued by other agencies (for example, the federal Department of Transportation and the Bureau of the Census of the Department of Commerce).

**2. Imports of Hazardous Waste.** In addition to the incorporation of 40 CFR part 262 subpart H section 262.84, the United States importer shall--

**A.** Register with the department as a generator rule.

**B.** Four (4) weeks in advance of the date the waste is expected to enter the United States, specifically identify hazardous waste(s) intended to be imported by their EPA waste number(s) found in 40 CFR 261 and this rule and

**C.** Keep and maintain the following information on each shipment that is imported and make available to the department upon request:

**I.** If the waste is a mixed bulk shipment of multi-generator wastes, the individual original foreign generator's names and addresses and the wastes' technical chemical names from each source;

**II.** Quantity of waste from each imported source; and

**III.** List of EPA waste numbers found in 40 CFR 261 that are applicable to the waste(s) from each source.

*(I) (Reserved)*

*(J) [Generator Fee and Taxes. A generator who is subject to registration under this rule, unless otherwise exempted, shall pay fees and taxes in accordance with 10 CSR 25-12.010. The department will administratively inactivate the registration of any generator who fails to pay the fees, taxes, or applicable late fees outlined in 10 CSR 25-12.010 by the due date. The department will reactivate the generator's registration after all applicable fees, taxes, and late fees are paid and an updated generator registration form is submitted to the department.] (Reserved)*

**(K) Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities (Reserved)**

**(L) Alternative Standards for Episodic Generation.** In addition to the requirements in 40 CFR 262.232, the requirements for episodic generators established in 10 CSR 25-12.010(1)(C)1.B. also apply.

**(M) Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators. In addition to the requirements in 40 CFR 262, electronic submittal of contingency plans and maps may be made in lieu of hard copy, upon approval by the local emergency responders. Additionally, for satellite accumulation areas, every single point need not be identified on the required map, as long as the general locations of the satellite accumulation area(s) are highlighted and labeled on the map. Additionally, for satellite accumulation areas, general locations of the satellite accumulation area(s) may be identified on the map in place of every single point of satellite accumulation upon approval by the local emergency responders.**

*AUTHORITY: section 260.370, RSMo 2016, and section 260.380, RSMo Supp. 2018.\* This rule was previously filed as 10 CSR 25-5.010. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010 and 260.380, RSMo 1977, amended 1980, 1985, 2000, 2004, 2005, 2011, 2013, 2014, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**Title 10--DEPARTMENT OF  
NATURAL RESOURCES  
Division 25--Hazardous Waste  
Management Commission  
Chapter 7--Rules Applicable to  
Owners or [//] Operators of Hazardous  
Waste Facilities**

**10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

*PURPOSE: This rule incorporates and modifies the federal regulations in 40 CFR part 264 by reference and sets forth additional state requirements.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 40 CFR part 264, July 1, 20[13]24, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(2) The owner or operator of a permitted hazardous waste treatment, storage, or disposal facility shall comply with this section in addition to the regulations of 40 CFR part 264. *[In the case of contradictory or conflicting requirements, the more stringent requirements control.]* **Where conflicting rules exist in 10 CSR 25, the more stringent rules control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.** (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)

(A) General. **(Reserved)** *[This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart A.]*

(B) General Facility Standards. *(Reserved)*

(C) Preparedness and Prevention. *(Reserved)*

(D) Contingency Plan and Emergency Procedures. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart D.

1. The government official described in 40 CFR 264.56(d)(2) incorporated in this rule as the on-scene coordinator shall be contacted and further identified in the report as one (1) of the following:

A. The department's Emergency Response Coordinator (573) 634-2436 or (573) 634-CHEM;

B. The EPA Region VII Emergency Planning and Response Branch (913) [236-3778] **281-0991**; or

C. The National Response Center identified in 40 CFR 264.56(d)(2), incorporated in this rule.

**2. In lieu of listing the name, address, and office and home phone numbers of each emergency coordinator, the Contingency Plan may list the name and emergency telephone number(s) for each emergency coordinator. In situations where the facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.**

(E) Manifest System, Record Keeping, and Reporting. *[This subsection sets forth requirements which modify or add]* **In addition** to those requirements in 40 CFR part 264 subpart E[.],

*[1. T]the owner or operator of a hazardous waste management facility shall submit a report to the department as set forth in [this paragraph] **10 CSR 25-12.***

*[A. All owners or operators shall comply with the reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the owner or operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.*

*B. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, or disposal, the owner or operator shall meet the same requirements for the following:*

*(I) All hazardous waste generated on-site during the reporting period that is managed on-site; and*

*(II) All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the owner or operator.*

*C. In addition to the information specified in 10 CSR 25-5.262(2)(D), an owner or operator shall include the following information in the summary report:*

*(I) A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;*

*(II) For each hazardous waste that was received from off-site, a description and the quantity of each hazardous waste, the corresponding state, and EPA identification numbers of each generator;*

*(III) For imports, the name and address of the foreign generator;*

*(IV) The corresponding method of treatment, storage, disposal, or other approved management method used for each hazardous waste; and*

*(V) The quantity and description of hazardous waste residue generated by the facility.*

2. As outlined in section 260.380.2, RSMo, all owners or operators shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee is referred to as the Out-of-State Waste Fee and does not apply to hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each owner or operator, this fee shall be paid on or before January 1 of each year and is based on the total tons of hazardous waste received in the aggregate by that owner or operator for the twelve- (12-) month period ending the previous June 30. As outlined in section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee. Each twelve- (12-) month period ending on June 30 shall be referred to as a reporting year.

B. Owners or operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reports specified in subparagraphs (2)(E)1.B. and C. of this rule. If they do not choose to pay the fee quarterly, owners or operators may elect, but are not required, to pay the fee at the time they file their final quarterly report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.

#### EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:

$$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.

The number of tons would be rounded to 411:

$$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$$

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.

The number of tons would be rounded to 52,150:

$$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$$

(F) Releases From Solid Waste Management Units. (Reserved)

(G) Closure and Post-Closure. (Reserved)

(H) Financial Assurance Requirements. (Reserved)

(I) Containers. [This subsection sets forth requirements in addition to 40 CFR part 264 subpart I incorporated in this rule.

1. Containers storing hazardous waste must be labeled in accordance with 10 CSR 25-5.262(2)(C) during the entire storage period.] (Reserved)

(J) Tanks. (Reserved)

(K) Surface Impoundments. (Reserved)

(L) Waste Piles. (Reserved)

(M) Land Treatment. (Reserved)

(N) Landfills. (Reserved)

(O) Incinerators. (Reserved)

(P) (Reserved)

(Q) (Reserved)

(R) (Reserved)

(S) Corrective Action for Solid Waste Management Units. (Reserved)

(T) (Reserved)

(U) (Reserved)

(V) (Reserved)

(W) Drip Pads. *[40 CFR part 264 subpart W is not incorporated by reference.]* **Wood treating facilities will have two (2) years from the effective date of this rule to establish compliance with the requirements of 40 CFR 264 Subpart W. However, a wood treating facility may submit to the Department a request for an extension of up to one (1) year to complete site characterization or remediation of contaminated soils prior to installing a Subpart W compliant drip pad. The request for an extension should demonstrate that the circumstances leading to the need for the extension were unexpected or beyond the facility's control.**

(X) Miscellaneous Units. *(Reserved)*

(Y) *(Reserved)*

(Z) *(Reserved)*

(AA) Air Emission Standards for Process Vents. *(Reserved)*

(BB) Air Emission Standards for Equipment Leaks. *(Reserved)*

(CC) Air Emission Standards for Tanks, Surface Impoundments, and Containers. *(Reserved)*

(DD) Containment Buildings. *(Reserved)*

(EE) Hazardous Waste Munitions and Explosive Storage. *(Reserved)*

**(FF) Fees for the Electronic Hazardous Waste Manifest Program *(Reserved)***

(3) Permitted hazardous waste **treatment, storage, or disposal (TSD)** facilities that accept and/or ship hazardous waste via railroad tank car (railcar) shall comply with the requirements for container storage in 40 CFR part 264 subpart I, as incorporated by reference in 10 CSR 25-7.264(1), or the following requirements for railcar management.

(A) The owner or operator shall submit a railcar management plan with the application for a *[hazardous waste treatment, storage, or disposal facility]* **TSD**

permit. Permitted facilities that currently accept *[and/or]* ship hazardous waste via railcars shall request a Class I permit modification that requires prior *[director]* **department** approval for the railcar management plan according to the procedures defined in 40 CFR 270.42 as incorporated in 10 CSR 25-7.270(1).

1. The railcar management plan shall describe steps to be taken by the facility in order to comply with the requirements of subsections (3)(B)–~~(3)(F)~~.

2. The railcar management plan shall be maintained at the facility.

(B) Railcars shall not be used as container or tank storage units at a facility unless the owner or operator complies with the standards for container storage set forth in 40 CFR part 264 subpart I as incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270. During the time allowed for loading and unloading as set forth in this section, the railcar is not considered to be in storage.

1. The owner or operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The owner or operator shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the

facility, type, and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the owner or operator shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

- A. The owner or operator signs the shipping paper; or
- B. The owner or operator signs the manifest; or
- C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo, that fall within the time period approved in the railcar management plan.

4. If the owner or operator finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.

5. The owner or operator shall attempt to arrange for the rail carrier to provide the owner or operator a notification detailing when a railcar was picked up from the facility or when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the owner or operator must document the refusal in the operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the owner or operator utilizing railcars shall comply with the standards for container storage in 40 CFR part 264 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270.

(C) The owner or operator shall comply with 40 CFR 264.17, incorporated in this rule, during railcar loading and unloading. Additional specific precautions to be taken shall include facility design, construction, operation and maintenance standards as specified in "Loading and Unloading Operations: Tank Vehicles and Tank Cars" in section 5-4.4.1 of the 1993 Edition of the *National Fire Protection Association Flammable and Combustible Liquids Code* (NFPA 30).

(D) The owner or operator shall provide security for railcars at the facility by utilizing one of the alternatives specified in 40 CFR 264.14(b), as incorporated in this rule. If the owner or operator demonstrates that it is not practical to provide security for railcars at the facility as specified in 40 CFR 264.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts upon receipt of a loaded railcar or upon completion of the owner or operator's loading procedures. The locks must remain in place until the owner or operator begins unloading procedures or until the rail carrier picks up the loaded or rejected railcar for transport off-site.

(E) In accordance with 40 CFR 264.15, incorporated in this rule, the owner or operator shall inspect railcars and surrounding areas, at least daily, looking for leaks and for deterioration caused by corrosion or other factors.

(F) In accordance with 40 CFR part 264 subpart C and 40 CFR part 264 subpart D, as incorporated in this rule, the owner or operator shall develop preparedness and prevention procedures and a contingency plan for railcars. If the owner or operator has not prepared a Spill Prevention Control and Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels requirements and guidelines as specified in 40 CFR part 112 for oil. At a minimum, the SPCC Plan must include adequate spill response equipment and preventative measures, such as dikes, curbing, and containment systems.

*AUTHORITY: sections 260.370, 260.390, and 260.395, RSMo 2016.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Aug. 14, 1986, effective Jan. 1, 1987. Amended: Filed Feb. 3, 1987, effective Aug. 1 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed June 3, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**Title 10--DEPARTMENT OF  
NATURAL RESOURCES  
Division 25--Hazardous Waste  
Management Commission  
Chapter 7—Rules Applicable to  
Owners or [ ] Operators of Hazardous  
Waste Facilities**

**10 CSR 25-7.268 Land Disposal Restrictions**

*PURPOSE: This rule establishes standards and requirements that identify hazardous wastes that are restricted from land disposal.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 40 CFR part 268, July 1, **2024**[2013], as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control[.], **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(2) Persons who generate or transport hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities shall comply with this section in addition to the regulations in 40 CFR part 268. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 268 subpart A are found in subsection (2)(A) of this rule.)

(A) General. *[This subsection sets forth modifications to 40 CFR part 268 subpart A incorporated by reference in section (1) of this rule.]*

1. *(Reserved)*

2. The state cannot be delegated the authority from the United States Environmental Protection Agency (EPA) to approve extensions to effective dates of any applicable restrictions, as provided in 40 CFR 268.5 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.5 as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.5 of the federal hazardous waste management regulations.

3. The state cannot be delegated the authority from the EPA to approve exemptions from prohibitions for the disposal of a restricted hazardous waste in a particular unit(s) based upon a petition demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit(s) for as long as the wastes remain hazardous as provided in 40 CFR 268.6 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.6 as incorporated in this rule. This modification does not relieve the regulated person of [his/her] **their** responsibility to comply with 40 CFR 268.6 of the federal hazardous waste management regulations.

(B) 40 CFR part 268 subpart B, Schedule for Land Disposal Prohibition and Establishment of Treatment Standards. *(Reserved)*

(C) Prohibitions on Land Disposal. *(Reserved)*

(D) Treatment Standards. This subsection sets forth modifications to 40 CFR part 268 subpart D incorporated by reference in section (1) of this rule.

1. The state cannot be delegated the authority from the U.S. EPA to allow the use of alternative treatment methods as provided in 40 CFR 268.42(b) incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.42(b) as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.42(b) of the federal hazardous waste management regulations.

2. The state cannot be delegated the authority from the U.S. EPA to approve variances from treatment standards as provided in 40 CFR 268.44 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.44, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.44 of the federal hazardous waste management regulations.

(E) Prohibitions on Storage. *(Reserved)*

*AUTHORITY: sections 260.370, 260.390, 260.395, RSMo Supp. 2013, and section 260.400, RSMo 2000.\* Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. Rescinded and readopted: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013; and 260.400, RSMo 1977, amended 1980, 1993.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**NATURAL RESOURCES**  
**Division 25--Hazardous Waste**  
**Management Commission**  
**Chapter 7--Rules Applicable to**  
**Owners or [/] Operators of Hazardous**  
**Waste Facilities**

**10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities**

*PURPOSE: This rule incorporates federal regulations in 40 CFR part 266 by reference and provides Missouri specific additions, deletions, or changes to the federal regulations. This rule provides limited standards for certain hazardous waste management practices, particularly in regard to recyclable materials and sets forth standards for recyclable materials used in a manner constituting disposal, hazardous waste burned in boilers and industrial furnaces recyclable materials utilized for precious metals recovery and spent lead-acid batteries being reclaimed.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 40 CFR part 266, July 1, 20[13]24, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control, **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(2) Persons subject to the regulations in 40 CFR part 266 shall comply with the requirements, changes, additions, or deletions noted in this section in addition to 40 CFR part 266 incorporated in this rule.

(A) *(Reserved)*

(B) *(Reserved)*

(C) **Recyclable Materials Used in a Manner Constituting Disposal.** *(Reserved)*

(D) *(Reserved)*

(E) *(Reserved)*

(F) **Recyclable Materials Used for Precious Metals Recovery.** *(Reserved)*

(G) **Spent Lead-Acid Batteries Being Reclaimed.** *(Reserved)*

(H) **Hazardous Waste Burned in Boilers and Industrial Furnaces.** *(Reserved)*

(I) *(Reserved)[.]*

(J) *(Reserved)[.]*

(K) *(Reserved)[.]*

(L) *(Reserved)[.]*

(M) Military Munitions. Additions, modifications, and deletions to 40 CFR part 266 subpart M “Military Munitions” are:

1. Oral and written notifications required by 40 CFR 266.203(a)(1) and 40 CFR 266.205(a)(1) shall be submitted to the department’s emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director.

**(N) Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal. (Reserved)**

**(O) (Reserved)**

**(P) Hazardous Waste Pharmaceuticals. (Reserved)**

*AUTHORITY: sections 260.370 and 260.373, RSMo 2016.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.373, RSMo 2012; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**Title 10--DEPARTMENT OF  
NATURAL RESOURCES  
Division 25--Hazardous Waste  
Management Commission  
Chapter 7—Rules Applicable to  
Owners or [ ] Operators of Hazardous  
Waste Facilities**

**10 CSR 25-7.268 Land Disposal Restrictions**

*PURPOSE: This rule establishes standards and requirements that identify hazardous wastes that are restricted from land disposal.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 40 CFR part 268, July 1, **2024**[2013], as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control[.], **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(2) Persons who generate or transport hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities shall comply with this section in addition to the regulations in 40 CFR part 268. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to 40 CFR part 268 subpart A are found in subsection (2)(A) of this rule.)

(A) General. *[This subsection sets forth modifications to 40 CFR part 268 subpart A incorporated by reference in section (1) of this rule.]*

1. *(Reserved)*

2. The state cannot be delegated the authority from the United States Environmental Protection Agency (EPA) to approve extensions to effective dates of any applicable restrictions, as provided in 40 CFR 268.5 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.5 as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.5 of the federal hazardous waste management regulations.

3. The state cannot be delegated the authority from the EPA to approve exemptions from prohibitions for the disposal of a restricted hazardous waste in a particular unit(s) based upon a petition demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit(s) for as long as the wastes remain hazardous as provided in 40 CFR 268.6 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.6 as incorporated in this rule. This modification does not relieve the regulated person of [his/her] **their** responsibility to comply with 40 CFR 268.6 of the federal hazardous waste management regulations.

(B) 40 CFR part 268 subpart B, Schedule for Land Disposal Prohibition and Establishment of Treatment Standards. *(Reserved)*

(C) Prohibitions on Land Disposal. *(Reserved)*

(D) Treatment Standards. This subsection sets forth modifications to 40 CFR part 268 subpart D incorporated by reference in section (1) of this rule.

1. The state cannot be delegated the authority from the U.S. EPA to allow the use of alternative treatment methods as provided in 40 CFR 268.42(b) incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.42(b) as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.42(b) of the federal hazardous waste management regulations.

2. The state cannot be delegated the authority from the U.S. EPA to approve variances from treatment standards as provided in 40 CFR 268.44 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.44, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.44 of the federal hazardous waste management regulations.

(E) Prohibitions on Storage. *(Reserved)*

*AUTHORITY: sections 260.370, 260.390, 260.395, RSMo Supp. 2013, and section 260.400, RSMo 2000.\* Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. Rescinded and readopted: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013; and 260.400, RSMo 1977, amended 1980, 1993.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**NATURAL RESOURCES**  
**Division 25--Hazardous Waste**  
**Management Commission**  
**Chapter 7--Rules Applicable to**  
**Owners or [//] Operators of Hazardous**  
**Waste Facilities**

**10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program**

*PURPOSE: This rule incorporates the federal regulations in 40 CFR part 270 by reference and sets forth additional state requirements.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 40 CFR part 270 July 1, 20[13]24, except for the changes made at 70 FR 53453 September 8, 2005, [and 73 FR 64667 to 73 FR 64788, October 30, 2008,] as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(A) Any federal agency, administrator, regulation, or statute that is referenced in 40 CFR part 270 is deleted and the comparable state department, director, rule, or statute as provided in 10 CSR 25-3.260(1)(A) is added in its place except as specified in this rule. The additional substitutions or changes noted in this subsection also apply.

(2) The owner or operator of a permitted hazardous waste treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this rule along with 40 CFR part 270, incorporated in this rule.

(A) General Information. This subsection sets forth requirements [which]that modify or add to those requirements in 40 CFR part 270 subpart A.

*[1. When a facility is owned by one (1) person but is operated by another person, both the owner and operator shall sign the permit application, and the permit shall be issued to both.*

*2. The owner or operator of a new hazardous waste management facility shall contact the department and obtain a United States Environmental Protection Agency (EPA) identification number as part of the application process for a hazardous waste treatment, storage, or disposal permit.]*

[3]1. In 40 CFR 270.3 “Considerations Under Federal Law,” do not substitute any comparable Missouri statute or administrative rule for the federal acts and regulations. This does not relieve the owner or operator of his/her responsibility to comply with any applicable and comparable state law or rule in addition to complying with the federal acts and regulations.

(B) Permit Application. This subsection sets forth requirements *[which]***that** modify or add to those requirements in 40 CFR part 270 subpart B.

**1. When a facility is owned by one (1) person but is operated by another person, both the owner and operator shall sign the permit application, and the permit shall be issued to both.**

[1]2. Existing hazardous waste management facilities must submit a Part A permit application to the department no later than sixty (60) days after the effective date of state rules which first require them to comply with the requirements set forth in 10 CSR 25-7.265 or 10 CSR 25-7.266. A facility *[which]***that** did not meet federal notification and Part A submittal requirements under the Hazardous and Solid Waste Amendments (HSWA) does not qualify for state interim status. State interim status is granted to those facilities *[which]***that** either meet federal interim status requirements, are required to meet state interim status requirements because no federal interim status requirements affect the filing, or become subject to regulations under state rules *[which]***that** are not promulgated to meet the requirements of 40 CFR part 271.

*[2. Confidentiality may be requested for certain permit application information submitted pursuant to 40 CFR 270.13(a)–(m) incorporated in this rule. 10 CSR 25-3.260(1)(B) sets forth requirements for protection of confidential business information and the availability of information provided under 10 CSR 25. Therefore, 40 CFR 270.12 is not incorporated by reference in this rule.]*

**3. Claims for confidentiality under 40 CFR 270.12, incorporated in this rule, shall be requested and reviewed according to 260.430, RSMo.**

*[3. All submitted engineering plans and reports shall be approved by a registered professional engineer licensed by Missouri. The engineering plans and reports shall specify the materials, equipment, construction methods, design standards, and specifications for hazardous waste management facilities, and processes that will be utilized in the construction and operation of the facility. The engineering plans and reports shall also include a diagram of any piping, instrumentation, or process flows, and descriptions of any feed systems, safety cutoffs, bypass systems, and pressure controls (for example, vents).]*

**4. All plans, designs, engineering reports, and relevant data for construction, alteration, or operation of a hazardous waste facility shall be approved by a registered professional engineer licensed by Missouri, as required by 260.395.7(2), RSMo.**

[4]5. The permit application fee set forth in 10 CSR 25-12.010 shall be submitted with the application.

[5]6. The department will supervise any field work undertaken to collect geologic and engineering data *[which]that* is to be submitted with the application. *[The applicant shall contact the department at least five (5) working days prior to conducting any field work that is undertaken to collect geologic and engineering data which is to be submitted with the application.]* A fee shall also be assessed pursuant to 10 CSR 25-12.010 for all costs incurred by the department in the observation of field work, engineering, and geological review of the application, and all other review necessary by the department to verify that the application complies with section 260.395.7., RSMo.

[6]7. **For the purposes of notification, t[T]he** permit application shall include the *[following information for the purpose of notification:*

A. *N]names and addresses of all persons listed on the facility mailing list as defined in 10 CSR 25-8.124(1)(A)10.C.(I)(c) submitted in the form of an alphabetical list. [with five (5) sets of addressed, self-adhesive mailing labels also included; and*

B. *The name, address, and telephone number of the location where the permit application and supporting documents are to be placed, as described in 10 CSR 25-8.124(1)(B)3.B.(II)(c) and the name of the person at that location who may be contacted to schedule a review of the documents.*

7. *An applicant may be required to submit other information as may be necessary to enable the department to carry out its duties.]*

8. The owner or operator of a permitted treatment, storage, and disposal (TSD) facility that accepts and/or ships hazardous waste via railroad tank car (railcar) **shall comply with the requirements for container storage in 40 CFR Part 264 Subpart I, as incorporated by reference in 10 CSR 25-7.264(1), or [may submit a railcar management plan in accordance with] according to** the requirements set forth in 10 CSR 25-7.264(3).

9. The person applying for a permit under sections 260.350–260.[434]**433**, RSMo, shall comply with the requirements of 10 CSR 25-8.124(1).

(C) Permit Conditions. This subsection sets forth requirements *[which]that* modify or add to those requirements in 40 CFR part 270 subpart C.

1. This paragraph sets forth the procedures for issuance of a hazardous waste facility permit, construction certification, and authorization to begin operation.

A. If, after public notice in accordance with 10 CSR 25-8.124 and review of the application, the department determines that the application conforms with the provisions of sections 260.350–260.[434]**433**, RSMo, and all standards and rules corresponding, the department shall issue the hazardous waste facility permit to the applicant upon payment of a fee of one thousand dollars (\$1,000) *[for each facility]* for each year the permit is to be in effect beyond the first year.

B. The appeal period for a permit or any condition of a permit begins on the date of issuance of the permit as specified in subparagraph (2)(C)1.A. of this rule. However, for the purposes of termination of interim status pursuant to 40 CFR 270.73(a) incorporated in this rule, final administrative disposition of the permit application occurs either—

(I) Thirty (30) days after issuance of a final permit pursuant to this rule, unless a notice of appeal is filed with the commission within that time;

(II) Thirty (30) days after permit denial pursuant to this rule, unless a notice of appeal is filed with the commission within that time; or

(III) Upon the issuance of a decision by the commission, after timely appeal of an action of this rule.

2. The department may deny the permit application if—

A. The applicant fails to submit a complete application in accordance with, and within the time specified in, a notice of deficiency issued pursuant to 10 CSR 25-8.124(1)(A)3.;

*[B. The applicant has failed to fully disclose all relevant information in the application or during the permit issuance process or has misrepresented facts at any time;]*

*[C]B.* The department determines that the application does not conform with the provisions of sections 260.350–260.~~433~~**433**, RSMo, and all corresponding standards and rules, or that the facility cannot be effectively operated and maintained in full compliance with sections 260.350–260.~~433~~**433**, RSMo, and all corresponding standards and rules, or that the facility is being operated or maintained in violation of a present permit, or that continued operation of the facility presents an unreasonable threat to human health or the environment or will create or allow for the continuance of a public nuisance; **or**

*[D. The department determines that one (1) of the conditions specified in section 260.395.17., RSMo, is present; or]*

*[E]C.* The applicant owner or operator fails to submit the permit fees specified in subparagraph (2)(C)1.A. of this rule within thirty (30) days of receipt of notice from the department that the fees are due.

(D) Changes to Permit. (Reserved)

(E) Expiration and Continuation of Permits. (Reserved)

(F) Special Forms of Permits. (Reserved)

(G) Interim Status. This subsection sets forth requirements *[which]***that** modify or add to those requirements in 40 CFR part 270 subpart G.

1. An owner or operator who becomes regulated under 10 CSR 25-7 shall operate in compliance with interim status in accordance with paragraph (2)(B)~~1~~**2.** of this rule.

2. In addition to the items in 40 CFR 270.73 incorporated in this rule, interim status terminates when the department issues an order or commences an action pursuant to paragraph (2)(G)4. of this rule requiring the owner or operator to cease operations and undertake closure actions at the facility or at a unit.

3. The owner or operator, at any time, may voluntarily submit a permit application pursuant to this rule.

4. Upon a determination by the department that the facility is not being operated or cannot be operated in full compliance with the requirements of 10 CSR 25-7.265, the department, in lieu of, or in addition to, requiring the submittal of a permit application pursuant to paragraph (2)(G)1. of this rule, may take an enforcement action pursuant to sections 260.410, 260.420, and 260.425, RSMo, as it deems appropriate under the circumstances in order to fully and effectively protect public health and the environment.

**(H) Remedial Action Plans (RAPs) (Reserved)**

**(I) Integration with Maximum Achievable Control Technology (MACT) Standards (Reserved)**

*AUTHORITY: sections 260.370, 260.373, 260.390, and 260.395, RSMo 2016.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.373, RSMo 2012; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013, 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**NATURAL RESOURCES**  
**Division 25—Hazardous Waste**  
**Management Commission**  
**Chapter 12—Hazardous Waste Fees and Taxes**

**10 CSR 25-12.010 Fees and Taxes**

*PURPOSE: This rule identifies fees and taxes assessed for generators; transporters; applicants for licenses, certifications, and permits; owners [/]or operators of hazardous waste treatment, storage, resource recovery, and disposal facilities; and persons seeking variances. (Note: The department bills for the Department of Revenue but is not the collector of fees or taxes for Missouri.) This rule is in addition to federal requirements. The fees in this rule are based on the authority in sections 260.380.1(10)(d) [RSMo] and 260.475.8, RSMo, to revise the hazardous waste fee structure through the rulemaking process. The fees established in this rule are in effect notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this rule.*

**(1) Registration of Generators of Hazardous Waste.** The following constitutes the registration process for persons subject to the registration requirements pursuant to 10 CSR 25-5.262.

**(A)** A person subject to registration shall file a completed registration form furnished by the department. The department requires an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration form, the signature requirement will be consistent with the United States Environmental Protection Agency's (EPA's) Cross Media Electronic Reporting Rule for an electronic signature on documents. All generators located in Missouri shall use only the Missouri version of the registration form;

**(B)** A generator registered as a Small Quantity Generator (SQG) shall comply with the re-notification requirements of 40 CFR 262.18(d) as modified by this paragraph beginning in 2025.

1. Beginning in 2025, any generator registration form submitted to the department to meet the requirements of subsections (A) or (B) of this section in the three (3) calendar years prior to the current year will be considered to have met the re-notification requirement;

**(C)** The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize treatment, storage, or disposal and to ensure proper hazardous waste management;

1. Generators that have the following activities shall mark the appropriate box on the generator registration form and complete the corresponding addendum to the registration form:

**A.** Management of Hazardous Secondary Materials;

**B. Episodic Event.** In addition to the requirements of 40 CFR 262 subpart L, generators must meet the following conditions to be able to use the episodic event.

**(I)** A generator must have an EPA ID and have paid the registration fee or pay the registration fee with the episodic event notification.

**(II)** In the event the department determines that an episodic event notification does not meet the definition of an episodic event, the department will register the generator at the

appropriate higher generator status and require the generator to pay the rest of the appropriate registration fee.

(III) A Very Small Quantity Generator (VSQG) that has an episodic event must meet the SQG reporting requirements for the reporting year(s) in which the event took place; or

C. Large Quantity Generator (LQG) consolidation of VSQG waste.

(D) All new generator registration and renewal fees will be based upon the generator status of the generator. The fee schedule is as follows:

1. A generator registering as a LQG shall pay a registration fee of five hundred dollars (\$500);

2. A generator registering as a SQG shall pay a registration fee of one hundred fifty dollars (\$150); and

3. A generator registering as a VSQG shall pay a registration fee of one hundred fifty dollars (\$150);

(E) A registration fee will be paid with the submittal of the registration form required by subsection (1)(A) when one (1) of the following is true:

1. The generator is applying for a new ID number (initial registration);

2. The generator is reactivating an existing ID number that had been inactivated;

3. There has been a change in the ownership of the generator (initial registration for the new company); or

4. Any generator who changes its generator status to a status that has a higher registration fee than the fee that the generator has already paid for the year as required by this subsection shall pay the difference between the registration fee for the current status and the registration fee of the new status;

(F) The department will immediately revoke the registration of any person who pays the registration fee with what is found to be an insufficient check.

(2) Registration Renewal of Generators of Hazardous Waste.

(A) The calendar year constitutes the annual registration period;

(B) Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

(C) Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but does not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, the generator shall pay the annual renewal fee;

(D) The department will administratively inactivate the registration of any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing, and the generator will be subject to enforcement action for failure to properly maintain its registration;

(E) Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

(F) Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the annual renewal

fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

(G) The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check; and

(H) The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

### **(3) Hazardous Waste Summary Report.**

(A) All generators subject to registration in accordance with 10 CSR 25-5.262 shall complete a Generator's Hazardous Waste Summary Report on a form provided by the department; or on a reproduction of the form provided by the department; or a form arranged in the same manner as the form provided by the department after review and approval by the department; or electronically through the department's system built to collect the data that would have been placed on the paper form. In the event that the department develops a cost-effective means of obtaining and utilizing the data in EPA's e-Manifest system, the reporting requirements on hazardous waste generated will be eliminated with the following exceptions:

1. The hazardous waste generated was not shipped using a hazardous waste manifest;
2. The hazardous waste generated was shipped to a Treatment, Storage, and Disposal facility located in a foreign country; and
3. To claim that the waste that was generated is not subject to a particular fee or fees.

(B) A person required to file the Generator's Hazardous Waste Summary Report who does not ship any hazardous wastes or who makes only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or is defined as a SQG for the entire reporting year, or is defined as an LQG and filing their report electronically in a manner prescribed by the department, may file an annual report covering the July 1 to June 30 reporting year by August 14 following the reporting year period. LQG's can elect to report quarterly.

1. A generator that files a quarterly report within a particular reporting year shall file quarterly reports for the entire reporting year, even if the generator becomes eligible to file an annual report in the middle of the reporting year.

(C) A generator who is registered with the department shall report the quantity, type, and status of all hazardous waste(s) shipped off site during the reporting period on the Generator's Hazardous Waste Summary Report regardless of the destination of the shipment(s).

(D) When a generator reports a hazardous waste using a unit of volume, and fails to report the specific gravity of the waste, the department shall calculate the tonnage for that waste based on a specific gravity of 1.5.

(E) The Generator's Hazardous Waste Summary Report shall be signed and certified by an authorized representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3.

**(F) The generator filing quarterly reports shall submit the completed Generator's Hazardous Waste Summary Report within forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal date of November 14 of the same year; and October 1 through December 31, with a submittal date of February 14 of the following year.**

**(G) A generator shall submit the information in 40 CFR 261.4(e)(2)(v)(C) incorporated by reference in 10 CSR 25-4.261(1) to the department along with the completed Generator's Hazardous Waste Summary Report.**

**(H) The department will administratively inactivate the registration of any generator that fails to file the Generator's Hazardous Waste Summary Report. The generator's registration will be reactivated after all reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.**

#### **(4) Facility Summary Report.**

**(A) SQGs or LQGs that generate and manage hazardous waste on site shall complete the Facility Summary Report:**

**(B) The owner or operator of a hazardous waste management facility.**

**1. All owners or operators shall comply with the reporting requirements in section (3) of this rule regardless of whether the owner or operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.**

**2. In addition to the reporting requirements in section (3) of this rule for hazardous waste generated on site and shipped off site for treatment, storage, or disposal, the owner or operator shall meet the same requirements for the following:**

**A. All hazardous waste generated on site during the reporting period that is managed on site; and**

**B. All hazardous waste received from off site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the owner or operator.**

**(B) When a facility reports a hazardous waste using a unit of volume, and fails to report the specific gravity of the waste, the department shall calculate the tonnage for that waste based on a specific gravity of 1.5.**

**(C) All facilities subject to this section shall complete a Facility Summary Report on a form provided by the department; or on a reproduction of the form provided by the department; or a form arranged in the same manner as the form provided by the department after review and approval by the department; or electronically through the department's system built to collect the data that would have been placed on the paper form. In the event that the department develops a cost-effective means of obtaining and utilizing the data in EPA's e-Manifest system, the reporting requirements on manifested waste will be eliminated. Reporting of hazardous wastes that are not manifested will still be required.**

*(1/5) Hazardous Waste Fees Applicable to Generators of Hazardous Waste. The fees in this section apply notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this section.*

**(A) A payment for any of the fees contained in this chapter will be considered late in the following circumstances.**

- 1. A credit card or other form of electronic payment is received after the applicable deadline set in rule.**
- 2. A check has a date after the applicable deadline set in rule.**
- 3. A check that arrives in an envelope that has a postmark after the applicable deadline set in rule.**
- 4. A check that is delivered directly to the Department after the applicable deadline set in rule.**
- 5. A check dated prior to the deadline set in rule is received 14 days or later after the applicable deadline set in rule and the envelope does not have a postmark to indicate when it was mailed.**

**(B) In-State Waste Fee.** A generator of hazardous waste shall pay the In-State Waste Fee annually in accordance with this subsection.

1. The fee shall be paid annually on or before January 1 of each year.
2. The fee shall be based on the waste reported to the department for the twelve- (12-) month period ending June 30 of the previous year.
3. For the purpose of calculating this fee, any portion of a ton shall be assessed as though it were a whole ton.
4. The first ton of waste generated each year shall be assessed a fee of two hundred dollars (\$200).
5. Each additional ton of waste shall be assessed a fee of six dollars and ten cents (\$6.10).
6. No generator site may be assessed a fee in excess of fifty-seven thousand dollars (\$57,000) for any given year.
7. Failure to pay this fee in full by the due date shall result in the imposition of a late fee equal to fifteen percent (15%) of the total original fee.

EXAMPLES OF IN-STATE WASTE FEE CALCULATION (These examples are for the rates that go into effect beginning with the July 1, 2016 to June 30, 2017 reporting year.)

Example 1. ABC Company reports 0.4 tons of hazardous waste. The number of tons would be rounded to 1 ton.

The fee would be \$200 because the fee on the 1st ton of waste is \$200.

Example 2. ABC Company reports 25 tons of hazardous waste.

$\$6.10 \times 24 \text{ tons} + \$200 \text{ for 1st ton} = \$346.40 \text{ fee}$

Example 3. ABC Company reports 11,001 tons of hazardous waste.

$\$6.10 \times 11,000 \text{ tons} + \$200 \text{ for 1st ton} = \$67,300 \text{ fee}$

The fee would be \$57,000, because that is the maximum annual fee.

8. No fee will be assessed on hazardous waste that is discharged by a generator to a municipal wastewater treatment plant[, *which*]**that** is regulated by a permit issued by the Missouri Clean Water Commission.

**(/B/C) Land Disposal Fee.** A generator subject to registration in accordance with 10 CSR 25-5.262 shall pay a land disposal fee in accordance with this subsection. The fee shall be paid annually, on or before January 1 of each year, at the rate of twenty-nine dollars and fifty cents (\$29.50) per ton or portion thereof for the hazardous waste reported to the department for the twelve- (12-) month period ending June 30 of the previous year, having been discharged, deposited,

dumped, or placed into or on the soil as a final action. *[For all reporting years prior to the July 1, 2016 to June 30, 2017 reporting year, the rate shall be twenty-five dollars (\$25) per ton]* No fee will be assessed on generators who land dispose less than ten (10) tons of hazardous waste. **The fee rate assessed will be based on the reporting year the waste was generated.**

1. Failure to pay this fee in full by the due date shall result in a fifteen percent (15%) late fee being assessed on the amount owed.

2. When this fee is paid after the prescribed due date, interest shall be assessed on the period from the fee's due date to the date the fee is paid in full at an annual rate of ten percent (10%).

EXAMPLES OF LAND DISPOSAL FEE CALCULATION (These examples are for the rates that go into effect beginning with the July 1, 2016 to June 30, 2017 reporting year.)

Example 1. ABC Company reports land disposing 9.8 tons of hazardous waste. The fee would not be assessed since less than 10 tons of waste was land disposed.

Example 2. ABC Company reports land disposing exactly 10 tons of hazardous waste.

$\$29.50 \times 10 \text{ tons} = \$295 \text{ fee}$

Example 3. ABC Company reports land disposing 124.3 tons of hazardous waste. The number of tons would be rounded to 125.

$\$29.50 \times 125 \text{ tons} = \$3,687.50 \text{ fee}$

*([C]D) (Reserved)*

**(E) Out-of-State Waste Fee.** All owners or operators of Missouri treatment, storage, or disposal facilities shall pay annually, on or before January 1 of each year, a fee to the department of two dollars (\$2) per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve-(12-) month period ending June 30 of the previous year. This fee shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri. Failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee.

EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri.

$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 411.

$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$

**Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 52,150.**

**\$2 x 52,150 tons = \$104,300 fee**

*[(D)/F]* The department will bill those generators whose records on file indicate that they are subject to the fees in sections *[(1)]* **(2) and (5) of this rule**. However, if a generator does not receive a billing, it does not relieve the generator of the responsibility to pay the fees imposed by this rule.

*[(E) Registration Fee. A generator subject to registration in accordance with 10 CSR 25-5.262 shall pay the following registration fees:*

*1. All new generator registration and renewal fees will be based upon the generator status of the generator. The fee schedule is as follows:*

*A. A generator registering as a Large Quantity Generator shall pay a registration fee of five hundred dollars (\$500);*

*B. A generator registering as a Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150); and*

*C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150);*

*2. A registration fee will be paid with the submittal of the registration form required by 10 CSR 25-5.262 when one (1) of the following is true:*

*A. The generator is applying for a new ID number (initial registration);*

*B. The generator is reactivating an existing ID number that had been inactivated;*

*C. There has been a change in the ownership of the generator (initial registration for the new company); and*

*D. Any generator who changes their generator status to a status that has a higher registration fee than the fee that the generator has already paid for the year as required by this subsection shall pay the difference between the registration fee for the current status and the registration fee of the new status.*

*3. The following constitutes the procedure for registration renewal:*

*A. The amount of the registration renewal fee is also based upon the generator status of the generator at the time the invoice is generated and uses the same schedule as the registration fee;*

*B. The calendar year shall constitute the annual registration period;*

*C. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;*

*D. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but not the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;*

*E. Any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;*

F. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

G. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

H. The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check; and

4. Large quantity generator registration renewal petition process. A generator may petition to have a single large quantity generator registration renewal fee cover multiple generator sites with different ID numbers as long as at least one (1) generator site is a large quantity generator and the generator can demonstrate to the satisfaction of the department that each of the following conditions has been met:

A. All of the generator sites are owned or leased by the same person and all are under control of the same person;

B. The generator provides a single point of contact for all generator sites within the group;

C. Each generator site is adjacent to a property that also shares a border with at least one (1) other generator site in the group, or all generator sites are accessible by a common roadway, or all generator sites are within the recognized boundaries of an industrial park, warehouse district, research campus, or academic campus, provided that all generator sites are in close proximity to one another and can be inspected as a single facility;

D. The generator submits a map that shows the location of each generator site covered by the single registration fee;

E. All of the generator sites share a single contingency plan, a single repository for required records, and a unified training plan that covers all of the large quantity and small quantity generator sites; and

F. The generator must submit an updated petition and map any time a generator site is added to or removed from the group and each generator site must have an existing ID number before it can be added to the group;

(F) *Out-of-State Waste Fee.* All owners/operators of Missouri treatment, storage, or disposal facilities shall pay annually, on or before January 1 of each year, a fee to the department of two dollars (\$2) per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve- (12-) month period ending June 30 of the previous year. This fee shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri. Failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee.

#### *EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION*

*Example 1.* ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri.  
 $\$2 \times 250 \text{ tons} = \$500 \text{ fee}$

*Example 2.* ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 411.

$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$

*Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 52,150.*

$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$

**(2) Fees and Taxes Applicable to Transporters of Hazardous Waste.**

(A) A transporter subject to registration as a generator under 10 CSR 25-6.263 and, in accordance with 10 CSR 25-5.262, shall pay fees and taxes specified in sections (1), (2), and (5) of this rule.

(B) A transporter depositing hazardous waste at a hazardous waste landfill who pays the gross fee on behalf of a generator or who pays the gross fee due to the transporter's status as a generator shall pay a landfill tax to the owner [//]or operator of the landfill, in accordance with subdivision 260.390.2[(8)], RSMo when depositing that waste at the landfill.

(C) A hazardous waste transporter as defined at 10 CSR 25-3.260, except those exempted in subsection (E) of this section, requesting a hazardous waste transporter license in accordance with 10 CSR 25-6.263 shall submit to the department along with their license application the following fees:

1. An annual application fee of two hundred dollars (\$200); and

2. A use-based fee, calculated by adding the total licensed vehicle weight (LVW) of power units, and multiplying by the percentage of Missouri International Registration Plan (IRP) mileage (MOIRP) by the percent hazardous waste (HW) times a use rate of .0425. The formula is:  $LVW \times \%MOIRP \times \%HW \times .0425 = \text{Use Fee}$ . Fee calculations shall be submitted on forms furnished by the department in its application packet. Transporters shall base all calculations on the period of twelve (12) consecutive months immediately prior to July 1 immediately preceding the date of the license application. This time frame is known as the "previous year."

A. For those power units which utilize the International Registration Plan (IRP) or [12]7 CSR [2]10-25.030[3.010] for apportioned registration, the transporter shall use the reported Missouri IRP mileage for the previous year.

B. For those power units not required to track IRP miles, the transporter shall calculate MOIRP mileage by dividing the Missouri mileage of their power units by total mileage for the previous year.

C. The percentage of hazardous waste will be the number of hazardous waste, used oil, or infectious waste truckloads from, to, or through Missouri, divided by the total truckloads from, to, or through Missouri, in the form of a percentage, for the previous year.

D. New transporters who wish to obtain a hazardous waste license and have no "previous year" history of hauling hazardous waste[,] shall calculate license fees based on estimates of MOIRP mileage and percent hazardous waste.

(I) If an estimate is used to calculate the license fee, the transporter shall, within sixty (60) days of the expiration of the license, report the actual Missouri mileage and percent hazardous waste for the current license year. The renewal fee will include the license fee for the next year, plus any money owed the department due to an underestimation of the current year, plus ten percent (10%).

(II) No refunds will be issued by the department, but the department will issue credit for license fees in excess of ten percent (10%) (overestimation) for the next license year.

E. A transporter who wishes to add another power unit other than when applying for the annual license shall submit, along with power unit descriptions, a fee computed from this formula:  $\text{LVW of power unit} \times \% \text{MOIRP} \times \% \text{HW} \times .0425 = \text{Use Fee}$ . Divide this figure by twelve (12), then multiply by the number of months remaining in the license year to derive the fee.

F. To replace one (1) power unit for another (due to accident, sale, or extended maintenance) submit all the required information for the replacement and a license certificate will be issued for that power unit for a limited period.

G. A temporary permit can be issued for thirty (30) days for a fee of fifty dollars (\$50) for a power unit that is, for example, a temporary lease that is added to the fleet.

3. The total fee shall not exceed twenty-five thousand dollars (\$25,000) per transporter per year.

(D) Record Keeping and Reporting.

1. Licensed transporters, except those exempted in subsection (E) of this section, shall maintain all documentation used in calculating Missouri hazardous waste transporter license fees for a period of three (3) years following the expiration of the license. Transporters who reach the maximum payment are relieved of record keeping requirements and are also free to add or replace power units as necessary during the license year.

2. All documentation used to calculate Missouri hazardous waste transporter license fees must be provided to the department, upon request, within fifteen (15) calendar days from the date of receipt.

(E) Other than power units, transporters are not subject to the requirements of subsections (C) and (D) of this section. The license fee for each mode of transport other than power units shall be three hundred fifty dollars (\$350) per transporter per year. *A[n other than]* **non**-power unit transporter shall not originally include, nor add, more than one (1) mode on the same license. For example, for a rail transport license, do not include power unit hazardous waste transportation.

(F) License renewals submitted within twelve (12) months of the effective date of this rule may be considered a new license and therefore subject to the provisions of 10 CSR 25-12.010(6/2)(C)2.D.(I) and (II) applicable to newly licensed transporters. The determining factor will be whether or not the transporter has been keeping accurate records of MOIRP mileage and Missouri hazardous waste percentage for the previous year. If the transporter has accurate figures for the previous year, then the license will be an actual renewal.

(/3/7) Fees and Taxes Applicable to Applicants for Permits or Certifications and to Owners [/]or Operators of Treatment, Storage, and Disposal Facilities.

(A) An owner [/]or operator of a hazardous waste treatment, storage, or disposal facility shall pay fees and taxes as specified in [subsections] (1)(/A/D), (/B/2), and (/C/5)(A), (B), and (D) of this rule. An owner [/]or operator of a hazardous waste treatment, storage, and disposal facility also shall pay fees and taxes as specified in section (/1/5) of this rule for hazardous waste which is transported off site for final disposition. (Note: These fees are not applicable to waste transported off site for storage only; however, the fees are applicable to the waste transported from the storage facility to the point of final disposition except as provided in section (/1/5).)

(B) A permit applicant shall pay the following fees upon application as specified in subdivision 260.395.7(/6/5), RSMo [and in accordance with 10 CSR 25-7.270 (2)(B)8]: One thousand dollars (\$1,000) for each hazardous waste management treatment, storage, or disposal facility. The fee shall be submitted with the application. The fee shall cover the first year of the permit, if issued, but the fee is not refundable if the permit is not issued. If the permit is to be issued for more than one (1) year, the applicant shall pay fees as specified in subsection (/3/7)(C) of this rule.

(C) A permit applicant shall pay the following fees as specified in subdivision 260.395.7(~~6~~5), RSMo, and *[in accordance with]* **pursuant to** 10 CSR 25-7.270(2)(C)1.A.: One thousand dollars (\$1,000) for each hazardous waste management treatment, storage, or disposal facility for each year the permit is to be in effect beyond the first year.

(D) An applicant for a hazardous waste treatment, storage, or disposal facility permit shall pay all applicable costs *[in accordance with]* **pursuant to** 10 CSR 25-7.270(2)(B)~~9~~6., and as specified by subdivisions 260.395.7(~~7~~6) and 260.395.14(2), RSMo for engineering and geological review. Those costs for engineering and geological review will be billed in the following categories:

1. The project engineer's and geologist's time expended in the following areas:

A. Supervision of field work undertaken to collect geologic and engineering data for submission with the permit application or resource recovery certification application;

B. Review of geologic and engineering plans submitted in relation to the permit application;

C. Assessment and attesting to the accuracy and adequacy of the geologic and engineering plans submitted in relation to the permit application; and

D. The project engineer's and geologist's time billed at the engineer's and geologist's hourly rates multiplied by a fixed factor of three and one-half (3 1/2). This fixed factor is comprised of direct labor; fringe benefits including, but not limited to, insurance, medical coverage, Social Security, Workers' Compensation, and retirement; direct overhead, including, but not limited to, clerical support and supervisory engineering review and *[Hazardous]* Waste **Management** Program administrative and management support; general overhead, including, but not limited to, utilities, janitorial services, building expenses, supplies, expenses and equipment, and department indirect costs; and engineering support, including, but not limited to, training, peer review, tracking and coordination;

2. The direct costs associated with travel to the facility site to supervise any field work undertaken to collect geologic and engineering data or to ascertain the accuracy and adequacy of geologic and engineering plans, or both, including, but not limited to, expenses actually incurred for lodging, meals, and mileage based on the rate established by the state of Missouri. These costs are in addition to the costs in paragraph (~~7~~3)(D)1. of this rule; and

3. Costs directly associated with public notification and departmental public hearings, including legal notice costs, media broadcast costs, mailing costs, hearing officer costs, court reporter costs, hearing room costs, and security costs, will be billed to the applicant. In a contested case as defined in section 536.070(4), RSMo, costs related to preparing and supplying one (1) copy of the transcript(s) of the case shall not be charged to the applicant.

(E) An owner ~~[/]~~or operator of a hazardous waste landfill shall collect, on behalf of the state, from each generator or transporter, a tax equal to two percent (2%) of the gross charges and fees charged the generator for disposal at the landfill. The tax shall be accounted for separately on the statement of charges and fees made to the hazardous waste generator and shall be collected at the time of collection of the charges and fees.

(~~4~~8) Corrective Action Oversight Cost Recovery.

(A) In accordance with subdivision 260.375(30), RSMo, owners *[/]or* operators of hazardous waste facilities performing corrective action pursuant to sections 260.350 to 260.433~~[0]~~, RSMo, and the rules promulgated thereunder shall pay to the department all reasonable costs, as determined by the commission, incurred by the department in the oversight of corrective action investigations, monitoring, or cleanup of releases of hazardous waste or hazardous constituents at hazardous waste facilities. Oversight shall include review of the technical and regulatory aspects of corrective action plans, reports, documents, and associated field activities, including attesting to their accuracy and adequacy. All corrective action plans approved by the department pursuant to sections 260.350 to 260.433~~[0]~~, RSMo, shall require the department, upon notice by the owner *[/]or* operator that the approved plan has been completed, to verify within ninety (90) days that the corrective action plan has been complied with and completed. Within thirty (30) business days thereafter, and provided that the department agrees that the corrective plan has been complied with and completed, the department shall issue a letter to the owner *[/]or* operator certifying the completion and compliance.

(B) Corrective action cost recovery billing shall be based on the hourly rate(s) of departmental staff performing corrective action oversight multiplied by a fixed factor of three and one-half (3 1/2). This fixed factor is comprised of direct labor; fringe benefits including, but not limited to, insurance, medical coverage, Social Security, Workers' Compensation, and retirement; direct overhead, including, but not limited to, clerical support and supervisory review and *[Hazardous]* Waste **Management** Program administrative and management support; general overhead, including, but not limited to, utilities, janitorial services, building expenses, supplies, expenses and equipment, and department indirect costs; and other support activities, including, but not limited to, training, peer review, tracking, and coordination.

(C) The direct costs associated with travel to hazardous waste facilities for the purpose of corrective action oversight including, but not limited to, expenses actually incurred for lodging, meals, and mileage based on the rates established by the state of Missouri shall be recoverable. These direct costs shall be billed to the owner *[/]or* operator and are in addition to the costs in subsection (~~4~~8)(B) of this rule.

(D) Corrective action-related costs directly associated with public notification and departmental public hearings, including legal notice costs, media broadcast costs, mailing costs, hearing officer costs, court reporter costs, hearing room costs, and security costs, shall be billed to the owner *[/]or* operator. In a contested case as defined in section 536.070(4), RSMo, costs related to preparing and supplying one (1) copy of the transcript(s) of the case shall not be charged to the owner *[/]or* operator.

(E) All funds remitted by owners *[/]or* operators of hazardous waste facilities performing corrective action shall be deposited in the hazardous waste fund created in section 260.391, RSMo.

~~(5)9~~ Variance Fee. Any person seeking a variance under 10 CSR 25 shall include a filing fee of fifty dollars (\$50) payable to Missouri with each petition as required by subdivision 260.405.4(1), RSMo.

*AUTHORITY: sections 260.370, 260.390, 260.395, and 260.437, RSMo 2016, and sections 260.380, 260.391, and 260.475, RSMo Supp. 2020.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Aug. 14, 1986, effective Jan. 1, 1987. Amended: Filed Sept. 1, 1987, effective Dec. 28, 1987. Amended: Filed Dec. 1, 1987, effective May 1, 1988. Amended: Filed Dec. 29, 1987, effective May 1, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 30, 1988. Amended: Filed Sept. 14, 1989, effective Dec. 29, 1989. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Sept. 4, 1991, effective Feb. 6, 1992. Amended: Filed Aug. 14, 1992, effective May 5, 1993. Amended: Filed April 4, 1994, effective Oct. 30, 1994. Amended: Filed June 16, 1995, effective Jan. 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed April 30, 1999, effective Nov. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 17, 2001, effective Aug. 30, 2002. Amended: Filed April 2, 2002, effective Nov. 30, 2002. Amended: Filed March 27, 2003, effective Dec. 30, 2003. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed June 15, 2015, effective Jan. 30, 2016. Amended: Filed June 14, 2018, effective March 30, 2019. Amended: Filed Aug. 30, 2019, effective March 30, 2020. Emergency amendment filed March 12, 2020, effective March 27, 2020, expired Sept. 22, 2020. Amended: Filed May 29, 2020, effective Nov. 30, 2020.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.380, RSMo 1977, amended 1980, 1985, 2000, 2004, 2005, 2011, 2013, 2014, 2018; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; 260.391, RSMo 1980, amended 1993, 2000, 2005, 2018; 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013, 2015; 260.437, RSMo 1983, amended 1995; and 260.475, RSMo 1983, amended 1985, 1988, 1994, 1999, 2000, 2004, 2005, 2011, 2013, 2014, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**Title 10—DEPARTMENT OF  
NATURAL RESOURCES  
Division 25—Hazardous Waste  
Management Commission  
Chapter 12—Hazardous Waste Fees and Taxes**

**10 CSR 25-12.020--Hazardous Waste Compliance Inspection Fees**

*PURPOSE: This rule sets fees to be paid to the department by owners **or** [/]operators of commercial hazardous waste treatment, storage, and disposal facilities. The fees will fund hazardous waste compliance inspections at these facilities. This rule also establishes procedures for billing and payment of the fees.*

(1) Applicability. Pursuant to section 260.370.2, RSMo, this rule is applicable to owners **or** [/] operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous waste facility permit and who accept, on a commercial basis for remuneration, hazardous waste from off-site sources for treatment, storage, or disposal. If multiple facilities with unique United States Environmental Protection Agency (U.S. EPA) identification numbers are owned **or** [/] operated by a person or company, the inspection fees applicable under this rule shall be paid by the owner **or** [/] operator for each facility with a unique U.S. EPA identification number.

(2) Fees Applicable to Commercial Hazardous Waste Treatment, Storage, and Disposal Facilities for Compliance Inspections.

(A) An annual fee not to exceed the values in Table 1 of this rule shall be assessed to each operating commercial hazardous waste treatment, storage, or disposal facility for hazardous waste compliance inspections. The applicable inspection fee in Table 1 shall be based on the volume of hazardous waste managed by the facility that was received from off-site sources during the period of July 1 of each year through June 30 of the following year. The department will use the data reported in the facility quarterly manifest summary reports that are submitted by the facility as required by 10 CSR 25-~~[7.]12.010(4)[264 (2)(E) and 10 CSR 25-7.265 (2)(E)]~~ to determine the amount of off-site waste managed by each facility.

(B) For new facilities for which there is no facility quarterly manifest summary report data available, the facility shall submit to the department an estimate of the volume of hazardous waste that will be managed during the period from the date hazardous waste is first received from off [-]site to the following June 30. This estimate shall be provided to the department no later than thirty (30) days prior to the first expected receipt of hazardous waste from off [-]site. This estimate shall be submitted to the Director, [*Hazardous*] Waste **Management** Program, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102. The inspection fee for new facilities shall be determined from Table 1 using the estimated volume of waste to be received from off[-]site for treatment, storage, or disposal during the first year of operation. Existing facilities which have not received hazardous waste from off-site sources during the period of July 1 of each year through June 30 of the following year, and facilities which have changed ownership, will be considered new facilities for purposes of determining the applicable inspection fee from Table 1.

**Table 1**

## Yearly Inspection Fees Based on Volume of Hazardous Waste Accepted

| Metric Tons (kkg) of<br>Hazardous<br>Waste Received from<br>Off-site Sources | Annual Fee |
|--|------------|
| [Greater Than ]10,000 kkg <b>or More</b>                                     | \$12,000   |
| 2,500 to 9,999 kkg   | \$10,800   |
| 0 to 2,499 kkg   | \$9,800    |

### (3) Billing and Payment of Compliance Inspection Fees.

(A) The department shall bill each facility *[prior to]* by December 1<sup>[5]</sup> of each year for payment of inspection fees. The facility shall pay the inspection fees **on or before January 1**. *[no later than thirty (30) days following the billing date.]* (Note: The inspection fee money collected from hazardous waste facilities, which has been determined from the facility quarterly manifest summary report data as specified in subsection (2)(A) and Table 1 of this rule, will fund compliance inspections for the following calendar year.)

(B) For new facilities for which there is no facility quarterly manifest summary report data available, the inspection fee bill shall be based on an estimate of the volume of hazardous waste to be accepted from off-site sources. The facility shall provide this estimate to the department as specified in subsection (2)(B) of this rule. The department shall issue a bill to the facility based on the volume estimate provided by the facility in accordance with subsection (2)(B) and Table 1 of this rule within thirty (30) days of receipt of this information. The facility shall submit payment of the required inspection fees within thirty (30) days of the department billing. (Note: The inspection fee money collected in accordance with this subsection will fund compliance inspections for the remainder of the following calendar year in which the fee is billed.)

1. If, at the time of the next scheduled billing cycle, the department determines that the facility has overestimated inspection fees based on the actual amount of off-site hazardous waste managed during the initial period of operation, the facility will be credited for the amount of the overestimate for the following year. No refunds of inspection fee overestimates will be made.

2. If, at the time of the next scheduled billing cycle, the department determines that the facility has underestimated inspection fees based on the actual amount of off-site hazardous waste managed during the initial period of operation, the facility will be billed by the department for the amount of the underestimate. Payment of this fee shall be required within thirty (30) days of the facility's receipt of the department's billing.

(C) Inspection fee payments shall be made payable to Missouri, Director of Revenue. Inspection fee money shall be deposited into the hazardous waste fund as specified in section 260.391.3, RSMo.

(D) Any facility which fails to pay inspection fees by the applicable date specified in this rule shall be required to pay a penalty in addition to the inspection fee. The penalty shall be equal to fifteen percent (15%) of the fees due. In addition, if the fees are not paid by the required date, the facility shall pay interest at a rate of twelve percent (12%) per annum on any amounts owed.

**(E) A payment for any of the fees contained in this chapter will be considered late in the following circumstances.**

1. A credit card or other form of electronic payment is received after the applicable deadline set in rule.
2. A check has a date after the applicable deadline set in rule.
3. A check arrives in an envelope that has a postmark after the applicable deadline set in rule.
4. A check is delivered directly to the Department after the applicable deadline set in rule.
5. A check dated prior to the deadline set in rule is received 14 days or later after the applicable deadline set in rule and the envelope does not have a postmark to indicate when it was mailed.

(4) This rule does not preclude the department from seeking from commercial hazardous waste facilities recovery of costs incurred by the department as a result of any enforcement action against any hazardous waste facility.

*AUTHORITY: sections 260.370, 260.390 and 260.391, RSMo 1994.\* Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed March 22, 1996, effective Nov. 30, 1996.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993; 260.390, RSMo 1977, amended 1980, 1988, 1993; and 260.391, RSMo 1980, amended 1993.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the **Missouri Department of Natural Resources PO Box 176, Jefferson City, MO 65102-0176**. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for **10:00 A.M.-1:00 P.M., September 19, 2024 at Bennett Springs Conference Room 1730 East Elm St. Jefferson City, MO 65101**.*

**Title 10—DEPARTMENT OF  
NATURAL RESOURCES  
Division 25—Hazardous Waste  
Management Commission  
Chapter 16—Universal Waste**

**10 CSR 25-16.273 Standards for Universal Waste Management**

*PURPOSE: This rule provides standards for managing certain widely generated hazardous wastes, which due to their ease of safe transport, wide diversity of generators, and the ready availability of recycling technology, are considered universal wastes when recycled or disposed in compliance with the rule.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The regulations set forth in 40 CFR part 273, July 1, 20[13]24, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) applies in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control[.], **but in no circumstance shall the more stringent rule violate the statutory requirements set forth in 260.373, RSMo.**

(2) Small and large quantity handlers of universal waste, universal waste transporters, [*universal waste collection programs*], and owners [/**or**] operators of a universal waste destination facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 273 incorporated in this rule. (Comment: This section has been organized such that Missouri additions or changes to a particular federal subpart are noted in the corresponding subsection of this section. For example, the requirements to be added to 40 CFR part 273 subpart A are found in subsection (2)(A) of this rule.)

(A) General.**(Reserved)** [*In addition to the requirements in 40 CFR part 273 subpart A, the following regulations also apply:*

1. *(Reserved)*

2. *Applicability—batteries.*

A. *The additional state specific requirements described in this rule do not apply to batteries as described in 40 CFR 273.2;*

3. *Applicability—pesticides.*

A. *40 CFR 273.3(a)(2) is modified as follows: Stocks of other unused pesticide products that are collected and managed as part of a universal waste pesticide collection program, as defined in paragraph (2)(A)9. of this rule.*

B. *The words "or reclamation" in 40 CFR 273.3(d)(1)(ii) are not incorporated in this rule;*

4. *(Reserved)*

5. (Reserved)

6. (Reserved)

7. (Reserved)

8. *Applicability—household and conditionally exempt small quantity generator waste.*

*A. In addition to the requirements of 40 CFR 273.8(a)(1) incorporated in this rule, household hazardous wastes which are of the same type as universal wastes defined at 40 CFR 273.9 as amended by paragraph (2)(A)9. of this rule, and which are segregated from the solid waste stream must either be managed in compliance with this rule or 10 CSR 25-4.261(2)(A)10.;*

9. *Definitions.*

*A. (Reserved)*

*B. Universal Waste Pesticide Collection Program—a Missouri universal waste pesticide collection program is any site where stocks of unused pesticide products are collected and managed. The collection program may accept unused pesticide products from both small and large quantity handlers of universal waste pesticides, universal waste transporters, and other universal waste pesticide collection programs. The collection program must operate in compliance with the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri and submit a Letter of Intent to the director of the Hazardous Waste Program at least fourteen (14) days prior to accepting unused pesticide products. The Letter of Intent shall contain all of the following:*

*(I) The name of the organization/agency sponsoring the collection program;*

*(II) Name, telephone number, and address of a contact person responsible for operating the collection program;*

*(III) Location of the collection program; and*

*(IV) Date and time of the collection.]*

*(B) Standards for Small Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart B, the following regulations also apply [except that additional state specific requirements do not apply to batteries as described in 40 CFR 273.2, as incorporated in this rule:*

*1. In addition to the requirements of 40 CFR 273.11, a small quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving small quantity handler operates a universal waste pesticide collection program as defined in paragraph (2)(A)9. of this rule;*

*2. The phrase “or received from another handler” in 40 CFR 273.15(a) in regards to universal waste pesticides is not incorporated in this rule because in Missouri small quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler without a universal waste pesticide collection program;*

*3. In 40 CFR 273.18(a), with respect to universal waste pesticides, remove the phrase “another universal waste handler” and replace it with “a universal waste pesticide collection program”;*

*4. Subsections 40 CFR 273.18(d) through -(g) are not incorporated in this rule in regards to universal waste pesticides. In lieu of these subsections, the following requirements apply to the originating handler if a shipment of universal waste pesticides is rejected by the destination facility: The originating handler must either—*

*A. Receive the waste back when notified that the shipment has been rejected; or*

*B. Send the pesticides to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;*

5. (Reserved) ]

[6.] 1. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.20, as incorporated in this rule. The state may not assume authority from the Environmental Protection Agency (EPA) to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

(C) Standards for Large Quantity Handlers of Universal Wastes. In addition to the requirements in 40 CFR part 273 subpart C, the following regulations also apply:

*1. In addition to the requirements of 40 CFR 273.31, a large quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving large quantity handler operates a universal waste pesticide collection program as defined in paragraph (2)(A)9. of this rule;*

*2. A large quantity handler of universal waste who manages recalled universal waste pesticides as described in 40 CFR 273.3(a)(1) as modified by 10 CSR 25-16.273(2)(A)3. and who has sent notification to EPA as established by 40 CFR part 165 is not required to notify EPA for those recalled universal waste pesticides under this section;*

*3. In addition to the requirements in 40 CFR 273.33, a large quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:*

*A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of 40 CFR 262.34; and*

*B. Ensure that the area in which containers are stored is ventilated;*

*4. In addition to the requirements in 40 CFR 273.33, a large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:*

*A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of 40 CFR 262.34;*

*B. Ensure that the area in which containers are stored is ventilated; and*

*C. Ensure that employees handling universal waste lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spillage or released material into appropriate containers;*

*5. In 40 CFR 273.35(a) and (b), the phrase “or received from another handler” is not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler without a universal waste pesticide collection program;*

*6. In 40 CFR 273.35(c)(1) through (c) -(6), the phrases “or is received” and “or was received” are not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler without a universal waste pesticide collection program;*

*7. In 40 CFR 273.38(a), with respect to pesticide, remove the phrase “another universal waste handler” and replace it with “a universal waste pesticide collection program”;*

8. 40 CFR 273.38(d) through -(f) are not incorporated in this rule with regards to universal waste pesticides. In lieu of these subsections, the following requirements apply to the originating handler if a shipment of universal waste pesticides from a large quantity generator is rejected by the destination facility, the originating handler must either—

A. Receive waste back when notified that the shipment has been rejected; or

B. Send the waste to another destination facility which agrees to take the waste;

9. (Reserved);

10. 40 CFR 273.39(c)(1) is not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from receiving shipments of universal waste pesticides from another handler without a universal waste pesticide collection program;]

[1]. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 273.40, as incorporated in this rule. The state may not assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with [the Resource Conservation and Recovery Act (RCRA)] or other pertinent export control laws and regulations issued by other agencies.

(D) Standards for Universal Waste Transporters.

1. In addition to the requirements set forth in 40 CFR part 273, subpart D, universal waste transporters shall:

A. Comply with all provisions of 10 CSR 25-6.263 if hazardous waste, as defined at 10 CSR 25-4.261 and not managed under the provisions of this rule, is transported in the state of Missouri;

B. Comply with the provisions of 10 CSR 25-6.263(2)(C) following a discharge of universal waste.

[2. In addition to the prohibitions in 40 CFR 273.51(a) and (b), a transporter of universal waste pesticides is prohibited from delivering this waste to another universal waste handler except by delivery back to the original handler upon rejection of shipment by the destination facility].

[3]2. In 40 CFR 273.51(a) add the phrase “into the environment” after the phrase “prohibited from disposing of universal waste.”

(E) Standards for Destination Facilities. **(Reserved)** [In addition to the requirements in 40 CFR part 273 subpart E, the following regulations also apply:]

[1. A universal waste destination facility that is also a permitted or interim status hazardous waste storage, treatment, or disposal facility must manage all universal wastes in an area which is separate from the permitted area or the waste loses its identity as universal waste and must be managed in compliance with the facility’s permit or interim status.]

(F) **Import Requirements** (Reserved)

(G) In addition to the requirements in 40 CFR 273 subpart G, any person seeking to add a hazardous waste or a category of hazardous waste to this rule shall comply with those provisions of section 536.041, RSMo, that describe a petition process to adopt, amend, or repeal any rule.

*AUTHORITY: section 260.370, RSMo 2016.\* Original rule filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260,370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010.*

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