

Hazardous Waste Container Management Concepts

Ideas for addressing stakeholder concerns for packaging, marking, labeling (PM&L):

Concept 1 – In Process Option

Stakeholders have noted that when moving a satellite container to hazardous waste storage, they may still be adding material to that container and for this reason the PM&L regulations are burdensome. Because:

- A. on the day it moves to storage, it must be marked with all appropriate U.S. Department of Transportation (DOT) information and
- B. any time they might add other waste to the drum, they need to completely remark and re-label it if the waste is different.

Survey comment: There needs to be a way to allow the accumulation or process of waste that is not regulated as storage.

Potential Solution:

Allow generators to follow federal regulations for a drum they claim to be “in process.” Mark the words “in process” on the container so inspectors and others can tell. Note—Generators using this option would still have to meet federal requirements for the words “Hazardous Waste” and the accumulation start date on the drum (and additional federal marking prior to offering for shipment).

Require full DOT marking on those containers without the words “in process,” “Hazardous Waste” and the accumulation start date.

Benefits - Safer to consolidate wastes in storage than in working areas?

Costs - Rule revision would be necessary. Some stakeholders may not like this. Would lose benefits of PM&L for a period of time.

Questions - Could a drum remain “in process” the entire time it is in storage? Limits may need to be established.

Any need to limit to small, or only certain size containers?

Concept 2 – Some standard of labeling (with or without U.S. Department of Transportation basis).

Research from other states:

The HWP surveyed 13 states asking if they have more stringent packaging, marking or labeling requirements than the federal. These states included Alabama, Arizona,

California, Idaho, Indiana, Oklahoma, Maine, Maryland, Massachusetts, New Hampshire, New York, Vermont and Virginia.

Of these, none but California had labeling requirements similar to Missouri. California has a provision for labeling “while being accumulated onsite” and requires labeling that notes “composition and physical state of waste,” “statement(s) that call attention to the particular hazardous properties of the waste (e.g., “flammable, reactive” and “name and address of the generator”). California’s representative wrote that the state requires DOT compliant labeling—however we have an information request in to confirm if this applies “before offering the hazardous waste for shipment” or during the entire onsite storage period.

Vermont has additional 90 or 180-day storage marking requirements to identify “the name and hazardous identification code(s) for the hazardous waste stored therein” plus a note about the wastes in process of having a hazardous waste determination made. Their justification for requiring marking of containers during the entire onsite storage period was: *helping to assure hazardous waste determinations are made and helps inspectors to evaluate the accuracy of the determinations.*

New York requires marking with the words “Hazardous Waste” AND with other words to describe the contents.

New Hampshire requires marking on containers prior to shipment with “words that identify the contents” plus the “EPA or state waste numbers as applicable.”

Arizona’s, Oklahoma’s and Virginia’s statutes prohibit them from having more stringent laws or regulations. However, Oklahoma’s respondent stated his belief that most generators there follow most of the marking and labeling requirements while the drums are in storage.

Alabama, New Hampshire and Massachusetts chose not to be more stringent than the federal on these points. Maryland said one of its generators questioned the meaning of “before transporting” and the potential for varying interpretations (i.e., at start of accumulation vs. immediately before placement on the transport vessel).

Other Systems -

Walmart and The Home Depot reuse containers and have unique color coding systems. Both take issue with this requirement for containers that are never shipped offsite.

Walmart’s response states it uses labels that identify the specific hazards of each container (e.g., flammable, corrosive, toxic).

Walmart notes their system complies with California’s Title 22 CCR Section 66262. These CA regs require the generator to place on containers while onsite:

- (A) Composition and physical state of the wastes

- (B) Statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.)
- (C) Name and address of the person producing the waste.

Concept 3 –

Adopt California model regulations - Amend our regulation to drop our requirement to “PM&L during the entire onsite storage period” and adopt the CA requirements for all containers in storage.

Benefits – Provides a means to identify the hazards of the container.

Costs – Makes compliance simpler while assuring some means of further hazard identification--likely more to the benefit of employees than emergency responders. Easier for generators to comply.

Not as protective. Goes against survey results. How would generators know definitively that they’re inspecting a container that is shipped offsite from one that is not? Something new for generators and inspectors to learn. No set standard, so compliance would be difficult to assess and inconsistent interpretations might result. Would still be “unique” for Missouri.

Concept 4 –

Tiered regulatory system. Generator could “declare” status as LQG and meet all standards of LQGs would have discretion to follow federal marking. Those that do not “declare” LQG status for this purpose would package, mark and label during the entire onsite storage period.

Benefits – Provides choice.

Costs – More complex regulations and enforcement decisions.

Concept 5 –

Amend Missouri’s regulation to require just “primary” DOT hazard marking and labeling while onsite. In this way, marking and labeling would only need to be changed if the primary hazard of the container changes when more wastes are added.

Comments same as concept 3 above.

Concept 6 –

Amend Missouri regulation to have only DOT diamond markings on containers in addition to federal requirements during the entire onsite storage period.

Some related stakeholder comments -

DOT diamond best marking to visually convey safety info, other DOT markings/labeling (i.e., a sealed outer lab-pack container of a combination package) is unnecessary if inner package can be closed adequately.



Could require the DOT sticker to communicate the hazard rather than the whole DOT description.

**Concept 7 –
Markings on the outside of the storage area only. NFPA?**

Some related stakeholder comments –

Have the hazard identification outside of a storage area as emergency responders won't enter if they believe it is unsafe. Detailed inventory available outside storage area.

Additional signage to alert first responders to storage areas as long as these are not DOT markings and labels.

Labpack wastes a problem-Contractors and employees separate on days of shipment (assure agreement on compatibility). As long as inner package is in compliance, it would be easier. Primary container (inner liner) shall be in compliance with DOT combination packaging requirements while in storage.