

HAZARDOUS WASTE FORUM STAKEHOLDER WORKLIST

Updated 2-2011

**Missouri Hazardous Waste Regulation Matrix
Recommendations for Modifications**

Revised 2-2011

Status Key:

1. DNR in process of making changes or agrees in principle
2. Additional info requested from REGFORM to advance
3. Stakeholder input needed
4. Complete
5. Remains open for discussion

Commenter/ Date	MO Provision	CSR Citation(s) 10 CSR 25-	How Different from Federal Rules?	Stakeholder Issue/Concern and Recommendation	DNR Response/ Next Steps	Status
1 REGFORM 4-10-06	One-year time limit on satellite accumulation and accumulation start date on containers in satellite areas. This is a Missouri-unique provision not emulated by other States.	5.262(2)(C)3.	Federal rule has quantity limit for satellite accumulation, but not a time limit.	In low volume satellite areas, the Missouri one-year time limit results in the need to remove partially full containers to storage or shipping, wasted containers, unnecessary shipping costs for partly full containers and increased risk of employee exposure or accident during waste consolidation. Containers in a satellite area, unlike those in more isolated storage areas, are observed on a daily basis and used by employees working in the area, so that container deterioration would be readily apparent. Given their frequently observed location and the fact that they are removed when full, the one-year time limit provides no additional environmental protection, but it serves as a potential source of paperwork violations, since the accumulation start date must be checked in satellite areas.	<u>DNR response</u> (Mon., April 10) MDNR wants a “safety valve” or a “backstop.” They are certainly willing to consider a longer time frame such as two or three years but are not anxious to eliminate entirely a timeframe for satellite accumulation. Based on what is seen during inspections, they believe that some small facilities would simply forget about such containers and that a potential problem would result.	2 and 3 9 stars from April 2009 meeting
To be discussed in Container Management Workgroup						
				RECOMMENDATION: Rescind Missouri rule and time limit.		

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2 REGFORM 4-10-06	Missouri-specific manifest requirements.	5.262(B)	Final rule for new “uniform” federal manifests is promulgated, and compliance deadline is Sept. 2006.	Once the federal uniform manifest compliance deadline has been reached, much of the Missouri rule text regarding manifests will be incorrect or contrary to federal rule. Future federal rulemaking on electronic manifesting will also involve a significant change. Will MDNR still be in the business of manifest printing or marketing in September and if not, then who will be? RECOMMENDATION: Begin referencing federal rule to the extent possible.	<u>DNR response</u> (Mon., April 10) This is a problem that MDNR recognizes. As of April, EPA had not chosen a vendor and had only eight (8) applicants undergoing EPA evaluation. Missouri does not wish to continue to be a provider of manifests. The new manifest will be available from the EPA website but cannot be used until September 5, 2006. <u>Update Dec. 2006</u> – DNR intends to adopt the Uniform Manifest FR at the same time we eliminate the now-redundant Missouri manifest requirements. <u>Next Steps</u> As of Dec. 2006, EPA has several printers listed on its registry website: (<a href="http://www.epa.gov/epaoswer/hazwaste/gen
er/manifest/registry/printers.htm">http://www.epa.gov/epaoswer/hazwaste/gen er/manifest/registry/printers.htm). Note: Because printers are now available and published and the new manifests are in use beginning September 5, 2006, DNR invites comment from REGFORM on any improvements that could be passed along to EPA.	4 1 star

Complete
June 30, 2009

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<p>3</p> <p>REGFORM 4-10-06</p>	<p>Prescriptive containment requirements for storage of waste containers in generator storage areas and transfer stations. Lesser requirements if no free liquids or <1000 kg non-acute hazardous waste.</p>	<p>5.262(2)(C)2.D. 6.263(2)(A)10.D</p>	<p>Federal rules require weekly inspections and separation of incompatibles with a dike, berm, wall, etc., but do not prescribe containment area design for generator or transfer station storage.</p>	<p>Containment requirements are excessive for generators (90/180/270-day max. storage time) and transfer stations (10 days). Container deterioration in these storage timeframes is an unlikely source of container leakage. Examination of spill reports should reveal that most releases occur during container handling when transporting from accumulation areas or into transport vehicles, not within the confines of storage areas or during undisturbed storage. Weekly inspections are designed to detect any gradual deterioration, and the rules require container replacement/overpack in this case. As waste generators change their production operations and move processes, it is advantageous to relocate 90/180/270 day waste storage locations, but the prescriptive Missouri containment rules cause this to be a major construction or containment building relocation project. As a result, these storage areas are not moved, and the risk of incidents increases because of longer in-plant waste transportation routes.</p> <p>RECOMMENDATION: Rescind rule and prescriptive requirements for storage area design threshold.</p>	<p><u>DNR Response</u> (Mon., April 10) DNR will await further comment from REGFORM. However, to help further the dialog, REGFORM notes that “Examination of spill reports should reveal that most releases occur during container handling when transporting from accumulation areas or into transport vehicles, not within the confines of storage areas or during undisturbed storage.” If REGFORM would provide its data, it would be helpful to justify reducing the protection to sewers and groundwater that this rule is intended to provide. DNR pointed out during the meeting that the purpose served by the regs is additional protection to groundwater and sewers. However, since spills into a containment system (per the Missouri regs) would not normally be considered a reportable event, there should be very few reports of releases into containment systems.</p> <p>Based on what DNR sees during inspections, most facilities find using containment pallets an inexpensive, easy and extremely flexible means of compliance. DNR staff pointed this out at the meeting and would question REGFORM’s statement that a “major construction or containment building relocation project” is necessary if waste needs to be relocated.</p> <p><u>Next Steps</u> This item was tabled for future discussion. Roger Walker notes he wants to discuss this with the REGFORM member who supplied the comment to better clarify the concern.</p>	<p>2 and 3</p> <p>1 star</p>

To be discussed in
Container Management
Workgroup

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4 REGFORM 4-10-06	100 kg non-acute hazardous waste accumulation threshold between CESQG and SQG.	3.260(1)(A)25.	Federal threshold for accumulation of non-acute hazardous waste is 1000 kg. 40 CFR 261.5(g)(2)	<p>Regardless of the accumulation threshold, a facility that generates > 100 kg of hazardous waste a month cannot qualify as a conditionally exempt small quantity generator. For those facilities with monthly generation rates < 100 kg that could qualify as CESQG under the federal accumulation threshold, there would be significant burden reduction in inspections, recordkeeping, and reporting, and a reduced incentive to make frequent shipments (with higher aggregate risk) to stay under the Missouri 100 kg accumulation threshold.</p> <p>RECOMMENDATION: Adopt federal threshold (1000 kg) for accumulation of non-acute hazardous waste.</p>	<p><u>DNR Response</u> (Mon., April 10) DNR stated that since this reg has been in place for more than 20 years, no one at the meeting had been present for the rulemaking and would have to speculate on the rationale for the long-standing requirement. DNR stated its experience that safety become an issue when you begin to accumulate large quantities of hazardous waste (i.e., the more waste, the more hazard), and had dealt with many cases where accumulation of waste by a CESQG or SQG had serious consequences. It is DNR's understanding that EPA used MO's experience, along with other states such as Kansas that begins regulation at 25 kilograms, in developing its SQG rule.</p> <p>DNR also stated this would have a significant negative impact on the HWP's operating revenue.</p> <p>We discussed changing the word "accumulation" to "generation" which could alleviate many of our member's concerns.</p> <p><u>Next Steps</u> Apparently there is a CESQG work group that currently has this same issue on its radar screen. Roger Walker proposed joining that group to continue the discussion there.</p>	2 and 5 15 stars

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5 REGFORM 4-10-06	Quarterly manifest summary reports for large quantity generators.	5.262(2)(D)1.	Federal reporting period is biennial.	<p>Quarterly reporting is a holdover from 20th century data management systems that required DNR to manually enter data from paper reports submitted by generators. Quarterly reporting was used to spread this data entry task over time, to allow DNR time to compile annual waste fee bills to generators. In the long term, federal electronic manifesting systems should eliminate this paperwork exercise, but in the interim, some type of annual direct data feed from generators would greatly reduce the quarterly paper-handling burden on generators and DNR alike.</p> <p>RECOMMENDATION: The Missouri rule should accommodate direct data submittal on an annual basis as an alternative to quarterly paper reports.</p>	<p><u>DNR Response</u> (Mon., April 10) DNR is willing to go to annual reporting if the information were sent in an electronic format. They have offered this to several companies but to date have not been able to overcome data formatting issues so that both the company and DNR can manage the data.</p> <p><u>Update Dec. 06</u> – Since the April meeting, DNR has explored this idea further with the Office of Administration-Division of Information Technology Services (OA-ITS). OA-ITS advises that an effort is already underway to convert DNR systems to make electronic reporting easier, as well as making data management more efficient. This will be part of a larger project to rewrite one of the HWP’s primary data systems. OA-ITS has indicated that more about the project schedule will not be known until after February 2007.</p> <p><u>Next Steps</u> DNR discussed this with TSDs to find solutions until system changes could be made. Please note project schedule above. REGFORM and stakeholder input remains welcome.</p>	5 9 stars

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<p>6 REGFORM 4-10-06</p> <p style="font-size: 2em; transform: rotate(-15deg); opacity: 0.5;">Complete June 30, 2009</p>	<p>TSD operator must unload hazardous waste from an incoming railcar within 72 hours of receipt of shipment</p>	<p>7.264(3)(B) 7.265(3)</p>	<p>No federal counterpart. Some surrounding states set 10 days limit on railcar unloading</p>	<p>Given the lack of control by TSD operators over rail shipping schedules, and inability to empty all railcars within 72 hours if they arrive in a large shipment, this Missouri provision encourages staging of bulk hazardous waste on rail sidings outside TSD facilities, where they are unprotected, rather than within the TSD facility.</p> <p>RECOMMENDATION: Adopt 10-day limit to unload shipment from railcar delivery.</p>	<p><u>DNR Response</u> (Mon., April 10) DNR is receptive to this issue although they indicated that ten days is about three days longer than what other states provide. They noted that only one state (Utah) set a 10-day limit. They believe this rule only impacts a handful of companies and seem to prefer using a variance or permit modification rather than a rule change. Unfortunately, a variance is only good for one year and the Office of Attorney General has suggested that a variance is NOT an appropriate legal resolution. DNR currently supports a variance before the Hazardous Waste Management Commission.</p> <p><u>Next Steps</u> The Hazardous Waste Management Commission issued a variance on the matter noted. However, the department agrees in principle and welcomes REGFORM data/information in support and other stakeholder input.</p>	<p>4</p>

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7 REGFORM 4-10-06	Highly prescriptive design and storage requirements for TSD storage of containers holding ignitable or reactive wastes	7.264(2)(I)5. 7.265(2)(I)8.	Must be located at least 50 feet from property line. 40 CFR 264.176 and 265.176.	<p>Missouri requirements appear to be based primarily on NFPA guidelines, but extensive recitation of these NFPA texts virtually guarantees that they are out of date.</p> <p>Regarding DNR response #2, REGFORM indicated that the role of DNR is to protect the public and environment, not perceptions, and that it should be up to companies to decide when and whether they use PE. At a minimum, DNR should consider removing the word “independent” so that in-house P.E.s can satisfy this requirement.</p> <p>RECOMMENDATIONS: Either: 1) consolidate into a single requirement that new TSD storage areas for ignitable or reactive wastes be constructed to meet NFPA guidelines or local fire codes, if more stringent, that are in effect at the time of construction, or: 2) eliminate it entirely and verify NFPA compliance during permitting. Recommend a revision to the requirement for four-foot aisle space between rows, as this appears to be well in excess of what is needed to safely access containers. Recommend MDNR review the requirement that fire suppression system design be approved by an independent, Missouri-registered PE. This seems to be unnecessary.</p>	<p><u>DNR Response</u> (Mon., April 10)</p> <p>1. Agree that general citation to NFPA guidelines and local fire codes makes more sense, but need to be sure that if local codes or NFPA goes away for some reason that the State is not left without a regulatory structure.</p> <p>2. Concerned about removing the requirement of approvals by independent Missouri-registered Professional Engineers since they see this as protecting public perception.</p> <p><u>Update Dec. 06</u> – If the burden reduction rule is adopted this may eliminate the requirement for an independent P.E. to stamp some items.</p> <p><u>Next Steps</u> REGFORM agreed to determine what other states require re: Professional Engineers. DNR welcomes REGFORM’s input on citations of the NFPA standards it feels are applicable to <u>all</u> generators. We agreed to keep talking about how to utilize general references and other documents.1</p>	1 and 2 0 stars

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<p>8 REGFORM 4-10-06</p>	<p>Generators and transfer station operators shall “provide safety equipment such as fire blankets, gas masks and self-contained breathing apparatus.”</p>	<p>5.262(2)(C)2.G. 6.263(2)(A)10.F.</p>	<p>Required preparedness and prevention equipment is specified in 40 CFR 265.32, but it does not include these additional questionable items.</p>	<p>OSHA regulations require that cartridge respirators (“gas masks”) and SCBA units be used only by persons who are fit-tested to a specific size facemask and who are trained to use them. Because of this, employers restrict respirator use to designated persons, who are supplied respirators that meet these requirements, but do not make them generally available. For liability reasons, the waste facility should not provide respiratory gear to non-employees in a local Fire Department or other outside entity (ex. cleanup contractors) on an ad hoc basis. Fire blankets are no longer in common use. Their use should be governed by the highly specific criteria in NFPA and local fire codes, rather than by hazardous waste rules.</p> <p>RECOMMENDATION: Eliminate this rule altogether or simply require that generators and transfer station operators follow NFPA and local fire codes.</p>	<p><u>DNR Response</u> (Mon., April 10) DNR agrees that general citation to NFPA guidelines and local fire codes makes more sense, but need to be sure that if local codes or NFPA goes away for some reason that the State is not left without a regulatory structure.</p> <p>DNR pointed out during the meeting that 40 CFR 265.32 requires equipment unless hazards addressed do not apply. DNR has considered this reg to mean that if you don’t require a type of equipment, you don’t have to have it. This has been applied by examining facility statements, procedures and documents for evidence about the types of activities planned and conducted, and comparing equipment. If facility responses didn’t require an SCBA, it was not required.</p> <p><u>Next Steps</u> DNR welcomes REGFORM’s input on citations of the NFPA standards it feels are applicable to <u>all</u> generators.</p> <p>We agreed to keep talking about how to utilize general references.</p>	<p>4 5 stars</p>

Complete

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<p>9</p> <p>REGFORM 4-10-06</p>	<p>Missouri requires that generators package, mark and label during the entire time hazardous waste is accumulated on-site.</p>	<p>5.262(2)(C)(1)</p>	<p>40 CFR 262.32 requires generators to package, mark and label hazardous waste before offering for transportation offsite. It does not require DOT labels on containers that will never be shipped off-site.</p>	<p>The more stringent Missouri regulations are expensive, time consuming, and do not have an environmental benefit. DOT labels are expensive. The federal rule requiring compliance prior to shipping is sufficient protection.</p> <p>Roger Walker invites additional input on this issue, noting that one accident should not be the model for regulations that impact the entire state. He suspects that all facilities are marked in a manner allowing emergency personnel to understand the nature of the contents of the buildings they enter and that the specific labeling is not necessary and does not add to the level of safety.</p> <p>RECOMMENDATION: Remove the requirement that containers temporarily storing hazardous waste be labeled per DOT and make it clear that DOT compliance applies only at the time of shipment.</p>	<p><u>DNR Response</u> (Mon., April 10) DNR agrees that the DOT labels are not required by DOT until the time of shipment, but noted that this provision was put in place after a disaster in Kansas City involving firefighters and the lack of adequate labeling of stored chemicals. They would agree to use the “diamond” signs that would provide information of the nature of the stored items.</p> <p><u>Next Steps</u> <u>Update Dec. 06</u> – DNR notes that facilities are not always adequately marked for emergency personnel and safety. Also, aside from emergency needs, it is often a challenge for inspectors to know what is in a container, even with adequate lighting and facility personnel beside them to provide information. During the meeting, we discussed that DNR’s original desire was to have the NFPA 704 (diamond) system apply to all generators, but the Hazardous Waste Management Commission felt it was less burdensome to apply DOT labels early that will eventually be required. If REGFORM wishes to propose a higher level of safety for first responders by requiring the diamond system in lieu of early labeling, DNR would consider it, since promoting the safety of first responders was one of the primary reasons for the promulgation of this reg. Stakeholder input is welcome.</p>	<p>2 and 3</p> <p>9 stars</p>

To be discussed in
Container Management
Workgroup

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10 REGFORM 4-10-06	Missouri policy, enforced through inspection, requires that excess waste be removed within 24 hours.	Missouri Policy	40 CFR 262.34(c)(2) allows the generator three days to move excess waste (>55 gallons of hazardous waste or > 1 quart of acute hazardous waste); Missouri through inspection policy more stringently interprets this to be 24 hours.	The three-day time period was established to allow generators sufficient time, i.e., over a weekend to move hazardous waste from the satellite accumulation area to the storage area and to avoid the creation of multiple < 90 day hazardous waste storage areas at a facility. As a result, facilities have to add staff to move hazardous waste drums over weekends. RECOMMENDATION: Adopt three-day limit for removal of excess waste.	<u>DNR Response</u> (Mon. April 10) DNR says that this is simply not the state policy and that Missouri follows the federal time period. <u>Update Dec. 06</u> – This item is complete. To clarify the issue, DNR publicized the 3-day standard in its listserv of enforcement and compliance topics of interest to hazardous waste generators in an item released on March 6, 2006, and available from the listserv archive accessed from the Hazardous Waste Program webpage (http://www.dnr.mo.gov/env/hwp/enf/SatAccum.htm) <u>Next Steps.</u> As of Dec. 06, no further action needed.	4
11 REGFORM 4-10-06	Missouri treats commercial and non-commercial TSDs differently and does not allow commercial TSDs the option of using all six financial assurance mechanisms.	7.264(2)(H)(7)	Federal regulations allow a facility to choose between six different mechanisms/instruments to demonstrate financial assurance is available for post-closure care.	Missouri requires much more costly financial assurance mechanisms to be used for commercial TSDs that are costly but without any environmental benefit. RECOMMENDATION: Amend Missouri regulation to treat all TSD facilities equally regarding financial assurance.	<u>DNR Response</u> (Mon. April 10) Since MO has had a number of commercial TSDs go bankrupt, that will have to be a consideration in any change. The DNR is reviewing the FA regulations and evaluating what changes may be needed. FA is a national EPA priority and DNR participates in a workgroup with other states evaluating federal regs on FR. However, the conclusions of this group and new EPA regs are not imminent and DNR would like to table this discussion for a later date. <u>Next Steps</u> Check with DNR at the end of 2007 to determine if there is any movement on federal regulations in this regard.	5

Complete

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12 REGFORM 4-10-06	Before a TSD permit can be transferred, Missouri requires that the proposed new owner or operator meet a “habitual violator test.”	7.270(2)(D)(1)	There is no similar federal requirement.	<p>The intent of the regulation may be noble, but performing these violator tests analyses is extremely difficult for large entities that operate in many states. The cost and administrative burden does not justify this provision.</p> <p>RECOMMENDATION: Rescind the “habitual violator test.” At a minimum, the state habitual violator regulation should be streamlined and simplified while still achieving its intended purpose.</p>	<p><u>DNR Response</u> (Mon. April 10) DNR has this on its internal list of rules that need change. They want to modify and simplify this test rather than rescind it entirely. They will need to review this in consideration of statutory intent.</p> <p><u>Next Steps</u> Ensure that DNR takes such action. I will work with Kathy Flippin, DNR, to discuss this issue and others that the department is working on and coordinate the efforts of the state with this REGFORM initiative.</p>	2 and 3 7 stars
13 REGFORM 4-10-06	An owner / operator must submit a “health profile,” as required by 260.395.7(5) as part of the application for a hazardous waste treatment or disposal facility. This statute requires information on the extent of air pollution and groundwater contamination; and a profile of the health characteristics of the area which identifies all serious illness, the rate of which exceeds the state average for such illness, which might be attributable to environmental contamination.	7.264(2)(P)(1)	Not required under federal provisions	<p>This statutory provision requires considerably more information than is necessary for MDNR to consider in the application of a hazardous waste treatment facility or operating disposal facility.</p> <p>RECOMMENDATION: Amend statute as part of next DNR suggested legislative package</p>	<p><u>DNR Response.</u> (Mon. April 10) DNR is meeting with the Department of Health (DHSS) to discuss, among other things, the issue of “health profile.” DNR is sympathetic to REGFORM’s concern of information overkill.</p> <p><u>Update Dec. 06</u> – DNR met with DHSS to discuss implications of making this change and agrees in principle. However, additional stakeholder input on costs/benefits would assist the department in considering the change.</p> <p><u>Next Steps.</u> Follow-up with DNR on this issue. This one would require a statutory fix.</p>	1, 2, 3 0 stars

To be discussed in
Health Profile
Workgroup

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14 REGFORM 4-10-06	MDNR modifies requirements for letters of credit indicating that such letters shall be issued by a state- or Federally-chartered and regulated bank or trust association. However, if the issuing institution is not located in Missouri, then a bank or trust association located in Missouri shall confirm the letter of credit and the confirmation and the letter of credit shall be filed with the department.	10 CSR 25 – 7.264(1)(H)(6)	40 CFR 264.143(d), 40 CFR 264.145(d), and 40 CFR 264.147(h)	<p>Many national & international companies with multiple facilities across the country use one letter of credit (LOC) issued by one institution to meet the financial assurance requirement of all its facilities across the country. Missouri, by this provision, requires that they utilize the services of two financial institutions (the issuing institution, and the confirming institution in Missouri), to accomplish this activity for their Missouri facility unnecessarily adding to the cost.</p> <p>RECOMMENDATION: Modify Missouri language to avoid these extra and unnecessary costs.</p>	<p><u>DNR Response.</u> (Mon., April 10) Since Missouri has had a number of commercial TSDs go bankrupt, that will have to be a consideration in any change. The DNR is reviewing the FA regulations and evaluating what changes may be needed. FA is a national EPA priority and DNR participates in a workgroup with other states evaluating federal regs on FR. However, the conclusions of this group and new EPA regs are not imminent and DNR would like to table this discussion for a later date.</p> <p><u>Next Steps</u> Check with DNR at the end of 2007 to determine if there is any movement on federal regulations in this regard.</p>	5

Complete
June 30, 2009

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15 REGFORM 4-10-06	Does not include Subpart N of Part 266. Conditional Exemption for Low-Level Mixed Waste Storage and Disposal	7.266	Federal rule has exemption for low-level mixed waste storage and disposal	<p>The rule excludes low level mixed waste (“LLMW”) from the regulatory definition of hazardous waste provided certain key conditions are met. The rule also excludes LLMW from the regulatory definition of hazardous waste and RCRA’s associated manifest and disposal requirements provided certain key conditions are met. The incorporation of this rule is an effort to curtail dual regulation of LLMW and support the development of disposal options. EPA agreed that NRC conditions provides comparable protection for human health and the environment as EPA regulations and regulating the waste under EPA regulations provides no additional benefits.</p> <p>RECOMMENDATION: Incorporate the federal regulation.</p>	<p><u>DNR Response</u> (Mon., April 10) DNR agrees and has already made a decision to adopt the federal rule.</p> <p><u>Next Steps</u> <u>Update Dec. 06</u> – This action is complete. The proposed amendment to adopt this rule was published in the May 1, 2006, <i>Missouri Register</i>. The rulemaking should become effective December 30, 2006.</p>	4

Complete

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<p>16</p> <p>University of Missouri 10-9-07</p>	<p>Missouri interpretation of 40 CFR.262.34(c)(1)</p>	<p>None [Missouri interpretation of 40 CFR.262.34 (c)(1)]</p>	<p>Federal interpretation is that generators may accumulate up to 55 gallons of non-acute hazardous waste at a satellite location in multiple containers, including multiple containers of the same waste.</p> <p><i>See items 4 and 9 of attached EPA PDF.</i></p> <p>MDNR interpretation is that one container, regardless of size, of each waste stream may be accumulated at satellite location. Their interpretation acknowledges these multiple waste streams may collectively total over 55 gallons.</p>	<p>MDNR's interpretation forces diverse generators, such as the University of Missouri-Columbia, (which has 3,000 SAA generating locations) into either decreasing safety by using the largest containers permissible at SAA (to allow time to collect them before they are full) or to increase what is already the largest university hazardous waste staff in the country to service all potential 3,000 locations every three days to remain in compliance with state policy.</p> <p>MDNR's interpretation of one container (regardless of size) per waste stream is more restrictive than the federal interpretation yet bypasses the regulatory process to place a more restrictive provision on Missouri through the CSR.</p> <p>MDNR's interpretation of one container per waste stream without regard to total waste accumulated allows generators to exceed the 55-gallon threshold, thus being less restrictive than the Federal interpretation. The state acknowledges this less stringent stance in their original determination but fails to acknowledge that the authorized state may not be less stringent than the federal laws.</p> <p>RECOMMENDATION: Amend Missouri interpretation to treat all satellite accumulation in alignment with federal interpretation or go through the regulatory process to amend the CSR or to notify EPA of this policy change per the procedures in 40 CFR 271.</p>	<p>Missouri generators have the option of choosing the size of container they wish for satellite accumulation (up to 55 gallons per wastestream).</p> <p>Opening and closing multiple containers is considered more hazardous than using a single container. Sites have been observed using multiple containers, opening them to verify contents and volume, with several open at the same time. This increases exposure to operators and inspectors.</p> <p>Missouri allows larger containers that will be filled and transported less frequently, reducing the greatest threats. Transporting multiple containers or increasing the number of transport events would seem to increase the potential for spillage, release or exposure. Smaller containers are often hand-carried. We acknowledge that larger containers could result in larger spills if drums are not properly handled during transport.</p> <p>Missouri allows small businesses to have more cost-effective waste management by their ability to satellite accumulate individual wastestreams in a more commercially viable cost-minimizing 55-gallon drum. Also, accumulating in single smaller containers of 30-gallon capacity or less makes it easier for small businesses to achieve or maintain conditionally exempt generator status.</p> <p>Unless a generator restricts itself to accumulating substantially less than 55 gallons in a satellite area or of a wastestream, it is more likely to accumulate over the regulated amount and be in violation. Missouri is an authorized state with its satellite accumulation policy in place for more than 20 years, predating EPA's guidance and not challenged by that agency. Changing policy would require a major re-education effort with fewer resources to conduct it. A change would appear to result in a situation with fewer benefits to cost-effective facility safety.</p> <p>DNR would consider information showing that this change would be as protective as current policy and that it would not be costly or burdensome to other entities to make the change.</p>	<p>2</p> <p>6 stars</p>

To be discussed in
Container Management
Workgroup