



Missouri Department of Natural Resources

**Regulatory Impact Report**

In Preparation for Proposing a Group of Amendments to Title 10, Division 25 of the Code of State Regulations

**Division/Program: Division of Environmental Quality – Hazardous Waste Program**

**Rule numbers:**

- 10 CSR 25-3.260** Definitions, Modifications to Incorporations and Confidential Business Information
- 10 CSR 25-4.261** Methods for Identifying Hazardous Waste
- 10 CSR 25-5.262** Standards Applicable to Generators of Hazardous Waste
- 10 CSR 25-6.263** Standards for Transporters of Hazardous Waste
- 10 CSR 25-7.264** Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 10 CSR 25-7.265** Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 10 CSR 25-7.266** Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
- 10 CSR 25-7.268** Land Disposal Restrictions
- 10 CSR 25-7.270** Missouri Administered Permit Programs: The Hazardous Waste Permit Program
- 10 CSR 25-8.124** Public Participation
- 10 CSR 25-9.020** Hazardous Waste Resource Recovery Processes
- 10 CSR 25-11.279** Recycled Used Oil Management Standards
- 10 CSR 25-13.010** Polychlorinated Biphenyls
- 10 CSR 25-16.273** Standards for Universal Waste Management

**Type of rule action:** Amendments to existing rules

**Nature of the rulemaking:** Some provisions in this group of proposed amendments prescribe environmental conditions or standards for hazardous waste generators or permitted treatment, storage, and disposal facilities. For the most part, the proposed amendments will eliminate state requirements for the affected entities, consistent with Section 260.373 of the Revised Statutes of Missouri (RSMo), which requires the Department of Natural Resources to file the amendments necessary to eliminate state rules which are stricter than federal rules in certain subject areas.

Section 640.015.8 RSMo states that the requirement to prepare a Regulatory Impact Report (RIR) does not apply if the Department is adopting rules of the Environmental Protection Agency without variance. Most of the amendments to the rules in Chapters 3, 4, 5, and 7 of the Code of State Regulations (Code) will completely eliminate state-specific rule language, with the result that the state rule will be identical to the federal rule. For these rules, because an RIR is not required when adopting federal rules without variance, they are not addressed in this RIR. Additionally, the proposed changes to Chapters 6, 8, 9, 11, 13 and 16 of the Code are to correct references to the rules in the chapters affected by Section 260.373, RSMo that are being changed, or to update the incorporation by reference of federal regulations to July 1, 2013. In updating the incorporation by reference of the federal regulations, the Department proposes to add to the Missouri hazardous waste rules a total of five rules adopted by the EPA since the most recent date of incorporation by reference of federal regulations. The Department proposes to adopt these five rules with no modifications; therefore a RIR is not required for these changes. Similarly, the other changes to these rules are only to correct references. Because these types of changes do not themselves prescribe environmental conditions or standards, no RIR is required.

The rules covered by this RIR include portions of 10 CSR 25-4.261, 5.262, 7.263 and 7.264. Information on the impacts of these proposed changes is included in this RIR.

**Approval of the Completed Regulatory Impact Report**

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Program Director

Date

Missouri Department of Natural Resources  
**Regulatory Impact Report**

In Preparation For Proposing A Group of Amendments to Title 10, Division 25 of the Code of State Regulations

Applicability: Pursuant to Section 640.015 RSMo, “all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources...shall... be based on the regulatory impact report...” This requirement shall not apply to emergency rulemakings pursuant to section 536.025 or to rules of other applicable federal agencies adopted by the Department “without variance.”

Determination: The Department has determined that portions of this rulemaking prescribe environmental conditions or standards, specifically 10 CSR 25-4.261, 5.262, 7.263 and 7.264. Accordingly, the Department has produced this Regulatory Impact Report (RIR) which will be made publicly available for comment for a period of at least 60 days. Upon completion of the comment period, official responses will be developed and made available on the agency web page prior to filing the proposed rulemaking with the Secretary of State. Contact information is at the end of this RIR.

1. Describe the environmental conditions or standards being prescribed.

The genesis of this rulemaking is, in part, the Department’s need to comply with the requirements of Section 260.373, RSMo which generally requires, among other things, that (1) the Hazardous Waste Management Commission not promulgate rules stricter than or sooner than certain federal regulations; and (2) the Department identify and propose amendments to rules in Chapters 3, 4, 5 and 7 that are stricter than certain federal regulations. In the process of conducting this review, the Department identified other portions of these rules and others for amendment. These include:

*Labeling of containers and tanks of hazardous wastes – 10 CSR 25-5.262(2)(C)1. and (2)(C)2.*

Missouri regulations are currently stricter on this topic because they require containers of hazardous waste to be packaged, marked, and labeled in accordance with the federal Department of Transportation requirements for transporting hazardous waste during the entire time the containers are in storage. This is stricter than the federal rule, which only requires containers in storage to be labeled with the words “Hazardous Waste” and which does not require the DOT packaging, marking, and labeling until the containers are prepared for transport.

While this requirement is stricter than federal, and therefore subject to the limitation in Section 260.373, the exclusion in section 260.373(3)(d) allows the Department to retain requirements determined to be stricter than federal to the extent that those state regulations relate to the display of hazard labels on tanks and containers during the storage period. The proposed changes would eliminate the state requirements for packaging and marking, leaving only the requirement that

containers be labeled with DOT labels, or as an alternative, with words that describe the contents of the container.

Similarly, based on the same exclusion, the draft rules include a requirement that those storing hazardous waste in tanks comply with the National Fire Protection Association (NFPA) standard 704: *Standard System for the Identification of the Hazards of Materials for Emergency Response* to identify the hazards of the tank contents. Tanks are currently only required to be labeled with the words “hazardous waste”. Any generator or permitted facility that stores hazardous waste in tanks will have to be in compliance with the NFPA standard, which uses placards to identify the hazards of the material stored in the tanks.

*Storage of ignitable and reactive waste – 10 CSR 25-5.262(2)(C)4.*

Hazardous waste generators storing ignitable or reactive waste are subject to additional federal and state requirements for the storage of that waste, all intended to reduce the possibility of a fire or explosion. One of these specific federal requirements is that generators of 6,000 kilograms of ignitable or reactive waste must store these types of waste at least 50 feet from the facility’s property line. Storage less than this distance is prohibited.

Missouri’s regulations currently require that all generators comply with the special requirements for the storage of ignitable or reactive waste. While this language is proposed to be deleted from the Missouri regulations, under the federal regulations the special requirements will continue to apply to those generators accumulating 6,000 kilograms of hazardous waste. However, Missouri regulations provide generators and treatment, storage, and disposal facilities (TSDs) the option of following additional standards related to fire prevention and suppression that, if followed, allow storage of these wastes within 50 feet of the property line despite the federal rule under which such storage would not be allowed. Missouri is retaining this option, but proposes to amend this section to match the intent of the federal regulations. The resulting proposed change to the regulation states that generators who generate more than 6000 kilograms of ignitable or reactive hazardous waste may elect to comply with the Missouri standards as an alternative to complying with the federal rule. This proposed change does not impose any new requirements and, by limiting the applicability of the rule to only those generators accumulating more than 6000 kilograms of ignitable or reactive waste, will reduce the number of generators subject to these requirements.

*Storage of hazardous waste in railcars – 10 CSR 25-7.264(3) and 10 CSR 25-7.265(3)*

For hazardous waste that comes into a permitted hazardous waste facility by railcar, the federal rules do not specify a limit on the length of time the railcar may be stored outside of the permitted storage area. However, through guidance documents prepared by the EPA in implementation of this requirement, a time period of twenty four hours is allowed for the hazardous waste in the railcar to be placed in the permitted storage area. In many cases, the time limit of 24 hours makes it difficult for facilities to comply.

Over the years, Department staff have worked with permitted facilities to allow additional time for management of waste coming in by railcar on a case-by-case basis. In past years, facilities

were granted variances from this requirement, but in an effort to address situations that might occur in the future and to eliminate the need for a variance, the Department developed an alternative to complying with the “24 Hour Rule”. The alternative Missouri rule allows facilities to request an additional amount of time up to ten days to manage hazardous waste in railcars as long as they meet some specific conditions. The conditions are laid out in the state rule. The focus of the state rule is that the facility must have a Railcar Management Plan included in their permit which discusses in detail their plans for managing the waste and the necessary measures to ensure that the waste is safely managed during the entire time it is on site. Because compliance with the state rule is optional as an alternative to complying with the federal rules, the intent of the proposed change to the rule on this topic is to make it clear that compliance with the state rule is optional. The intent of this change is to eliminate any confusion about whether section 260.373 requires the state railcar rule to be rescinded. Based on the Department’s experience with implementation of the rules related to offloading of hazardous waste from railcars into the permitted storage area, having the option of additional time has proven to be a benefit to the facilities that are affected by the rule.

*Hazardous secondary materials used to manufacture zinc fertilizers – 10 CSR 25-4.261(2)(A)10.*

This proposed amendment would remove from state regulations an exemption from regulation as a hazardous waste for certain hazardous secondary materials used in the production of zinc-bearing fertilizers. The exemption was promulgated by EPA in 2002 and originally adopted into the Missouri regulations in 2006. One of the exclusions to section 260.373 (260.373.1(3)(e)) allows the Department to retain, modify or rescind current rules relating to the exclusion for hazardous secondary materials used to make zinc fertilizer. Based on this exclusion, and on the Department’s experience with the only facility in Missouri that has previously operated under this exclusion, the Department proposes to rescind the exclusion based on the costs and consequences to the facility and others attempting to follow the rule, and the state’s and EPA’s observation that the rule is not protective. In practice, the current rule does not include specific provisions to prevent hazardous wastes other than just zinc containing secondary materials from being used as ingredients in fertilizer. The rule is not sufficiently protective for several other reasons. The generator of the hazardous waste is most likely from another state over which Missouri has no authority to regulate, and hazardous wastes cannot be prohibited from being shipped to the state for fertilizer ingredients without violating interstate commerce provisions. Without the ability to adequately investigate and place responsibility for any cleanup or corrective action needed at a Missouri facility on the out-of-state generator, the receiving facility becomes responsible for sampling and cleanup costs. Hazardous waste generators are not required to perform sampling to identify all hazardous constituents and levels that are present in the load shipped to the recipient. Therefore, any worker handling the waste can be exposed to unknown and significant hazards. The current rule does not prohibit other persons from handling, brokering or altering the waste, and contains no requirement for documenting those activities. The consequences of managing waste under the limited provisions of the current rule have included high human exposure to varied and unknown hazardous wastes and damaging and expensive contamination of air, water and land. The Department has considered modifying the rule, but learned that any additional requirements for initial hazardous waste testing for constituents and levels and reporting to the recipient would have to be done by the EPA as the

state cannot impose requirements on out-of-state generators. Requiring this testing of the in-state recipient would negate any perceived benefits of the rule.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.

There is no peer-reviewed scientific data available on the issues addressed in this proposed rulemaking. The primary effect of this group of proposed amendments is to make the state regulations for hazardous waste generators and permitted facilities more equivalent to the federal regulations on which they are based by eliminating state regulations that require something stricter than what is required in the federal regulations. Federal regulations are adopted after a lengthy process that involves an evaluation of relevant scientific data among other things, so to the extent that the state regulations are moving closer to the federal regulations on these topics, this proposed rulemaking is based in part on the analysis underlying the adoption of the applicable federal rules.

For those portions of the rulemaking that are not directed at making state regulations mirror federal regulations, the Department's proposal is based upon a number of sound considerations as outlined in part 1., above, including worker and responder safety for the labeling requirements; regulatory flexibility for the storage amendments—railcar storage and flammable/ignitable waste storage requirements; and, human health and the environment for the removal of the zinc fertilizer exemption.

3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

*Labeling of containers and tanks of hazardous waste – 10 CSR 25-5.262(2)(C)1. and (2)(C)2.*

The requirement to label containers of hazardous waste in storage applies to hazardous waste generators and hazardous waste treatment, storage, and disposal facilities (TSDs). A hazardous waste generator is any person or site whose processes and actions create hazardous waste.

The parties affected by the proposed changes to the requirements for labeling hazardous waste containers and tanks include, but are not limited to, various types of businesses; treatment, storage and disposal facilities; industrial and academic laboratories; retail stores; schools; colleges; universities and other academic institutions, and manufacturing facilities. Representatives from each of these areas have been involved in the review and evaluation of the proposed changes to these rules.

*Storage of ignitable or reactive waste – 10 CSR 25-5.262(2)(C)4.*

Only generators that accumulate 6000 kilograms of ignitable or reactive waste are subject to these requirements. This rule will now apply to fewer persons (not to all small and large quantity

generators accumulating these types of waste, but only to those accumulating 6000 kilograms or more).

*Storage of hazardous waste in railcars – 10 CSR 25-7.264(3) and 10 CSR 25-7.265(3)*

There are only a few permitted facilities in Missouri that receive hazardous waste by railcars. Each of these facilities is already in compliance with the existing rule and has a railcar management plan as part of their hazardous waste permit.

*Hazardous secondary materials used to manufacture zinc fertilizers – 10 CSR 25-4.261(2)(A)10.*

There is only one facility in Missouri, TNT in Kahoka, Missouri, known to have operated under this exclusion in the time since the rule was adopted in Missouri. Since this facility is no longer accepting hazardous waste or zinc containing secondary materials, and because the Department has not received the required notification from any other facility, the Department does not believe that any facilities will be affected by this proposed change.

4. A description of the environmental and economic costs and benefits of the proposed rule.

*Labeling of containers and tanks of hazardous waste – 10 CSR 25-5.262(2)(C)1.and (2)(C)2.*

The current rule for labeling containers of hazardous waste requires the containers to be packaged, marked, and labeled in compliance with federal U.S. Department of Transportation (DOT) requirements for shipping hazardous materials during the entire time the containers are stored on-site. The intent of the requirement that containers must be packaged, marked, and labeled during the entire on-site storage period is to provide readily accessible, adequate and accurate knowledge to employees and others on the contents of the containers for safety and so that other storage requirements can be met. In addition, in the event of a spill or release to which emergency personnel have to respond, the labels on the containers provide the emergency responders with the necessary information to determine a quick and appropriate response to the incident. Therefore, there is some environmental benefit to the existing regulation to the extent that it helps to prevent spills or releases and associated employee exposures, allows quicker response to same, and also helps to prevent the mixing of incompatible materials, which could lead to an explosion, fire, or release of toxic gases caused by a chemical reaction between the incompatible materials. Through stakeholder meetings, the Department heard:

- (1) that the current rule is complicated and costly to comply with; but
- (2) that emergency response personnel rely on the information required by the current rule when responding to an emergency at a regulated facility.

Based on the limitations imposed by Section 260.373, RSMo and with stakeholder concurrence, the Department is proposing an amendment that limits the on-site requirement to labeling (rather than packaging, marking, and labeling). This proposal lowers the economic costs for facilities to comply with the rule without greatly reducing the safety of facility employees and emergency responders.

*Storage of ignitable and reactive waste – 10 CSR 25-5.262(2)(C)4.*

The Department is not able to determine if there would be any environmental costs. With the proposed revision, some generators will no longer be required to comply with the requirements of this provision—requiring the storage of their ignitable or reactive waste more than 50 feet from the property line and imposing additional fire-safety requirements. However, it is possible that those generators no longer subject to the provisions will continue to maintain the safety measures. Alternatively, if those no longer subject to the rule do not continue to meet former additional standards there is higher potential that those living and working within 50 feet of the facility that stores ignitable and reactive waste would have greater risk of exposure, and damage to health and property in the event of fire or explosion. Generators no longer subject to these requirements as a result of this proposed change could see a cost savings from no longer having to comply with the additional requirements.

*Storage of hazardous waste in railcars – 10 CSR 25-7.264(3) and 10 CSR 25-7.265(3)*

The Department does not anticipate any environmental or economic costs or benefits for the proposed changes to this rule because there are no changes proposed to the current requirements. Rather, the proposed changes only clarify that the affected facilities have the option of complying with the federal rules or following the state rule that provides additional time provided that certain conditions are met.

*Hazardous secondary materials used to manufacture zinc fertilizers – 10 CSR 25-4.261(2)(A)10.*

The Department proposes to rescind this exclusion based on the state's and EPA's observations that the use of unidentified hazardous waste to make fertilizer leads to extensive and expensive contamination of air, water and land. Missouri business owners, agricultural employees, transporters, waste handlers, and property owners adjacent to sites where these hazardous wastes are handled and used would be protected from exposure, ill-effects and economic losses. In Missouri's experience, the only facility known to have operated under this exclusion received most of the hazardous waste it processed from generators located outside the state. The rule provides these generators an exemption from most of the basic hazardous waste requirements for these generators and in this situation the benefits were primarily for generators located outside the state. Therefore, the economic benefits to Missouri hazardous waste generators for retaining the rule are negligible in comparison to the risk and harm of using hazardous waste in fertilizers placed on the land. Rescinding the rule would prevent workers, adjacent property owners and others from being exposed to unidentified and significant hazards. Further, removing this exclusion could spare Missouri businesses from the risks and costs of environmental sampling, cleanup and disposal of hazardous waste.

5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

While some of the proposed changes will result in certain types of wastes no longer being hazardous, either because of the deletion of a state waste code or because of the adoption of a federal exclusion, the effect on hazardous waste fees will be minimal. Very few hazardous waste

generators use the state waste codes, and most of those generators who do generate other types of hazardous waste that will still be subject to hazardous waste fees.

Because most affected generators also generate other types of waste that will still be subject to hazardous waste fees, there is no anticipated effect on state revenue as the state rules relating to the collection of hazardous waste fees and taxes are not affected by these proposed amendments. The primary additional cost for the Department will be the additional training needed to familiarize Department staff and others with the proposed changes to the rules, and also the time and expenses needed to revise all of the fact sheets and guidance documents used by the Department to provide assistance to the regulated community and public in understanding the hazardous waste rules.

6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

The primary impetus of this proposed rulemaking is to comply with Section 260.373 of the Revised Statutes of Missouri, which requires the Department to identify rules inconsistent with the statute, and to make the necessary amendments to its regulations to ensure that rules determined to be inconsistent are removed from the state regulations. Failure to do so will result in all rules determined by the Department to be inconsistent being null and void after December 31, 2015, except for those requirements that may have previously been incorporated into facility hazardous waste permits. Those requirements would not become null and void unless and until the permit is modified or reissued to remove the affected requirements.

The Department expects to have the proposed rule package in effect prior to that deadline, so that there will be no confusion about which rules are null and void as of that date. In doing so, only the rules determined by the Department to be consistent with the statute would remain in the state regulations and there will be no confusion about which rules are in effect and which rules are null and void.

Inaction on this group of proposed rules would result in a situation where, after December 31, 2015, the Department would have to attempt to explain which rules are no longer in effect and which rules remain in effect. While the Department has prepared a report that identifies all of the rules in the affected chapters, and whether or not each specific rule was determined to be inconsistent, it will nevertheless be difficult to explain to the regulated community that not all rules in the Code of State Regulations are still enforceable after that date. Getting the proposed rule package in place prior to the December 31, 2015, deadline is the preferred option to eliminate any confusion about the effect of Section 260.373 on the Missouri hazardous waste regulations.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

*Labeling of containers and tanks of hazardous waste – 10 CSR 25-5.262(2)(C)1.and (2)(C)2.*

One alternative would be to eliminate the Missouri regulations entirely, which would leave only the federal regulations, which require only the words “Hazardous Waste” and the date of first accumulation. Tanks would have only the words “Hazardous Waste.” This would be the least costly and least intrusive as it would require no additional knowledge by hazardous waste generators to determine the appropriate label for the container; however, this approach would not achieve what the Department intends—to ensure that tanks or containers holding hazardous wastes are clearly labeled as such and display information about their specific contents.

The only other method considered was some type of alternative label on hazardous waste containers and tanks that included some additional information beyond the words “Hazardous Waste”. The exact content of this alternative label was discussed at length with affected stakeholders and with emergency responders during several meetings of the Hazardous Waste Forum, a group that meets regularly to discuss issues with hazardous waste regulations.

*Storage of ignitable and reactive waste – 10 CSR 25-5.262(2)(C)4.*

The proposed changes to this rule do not establish any additional requirements, so other methods were not considered.

*Storage of hazardous waste in railcars – 10 CSR 25-7.264(3) and 10 CSR 25-7.265(3)*

The proposed changes to this rule do not establish any additional requirements, so other methods were not considered.

*Hazardous secondary materials used to manufacture zinc fertilizers – 10 CSR 25-4.261(2)(A)10.*

The Department continues to watch for revisions by the EPA that would make the rule more protective. However, at this time the Department is not aware of any alternative conditions or standards for managing these materials but will continue to discuss this issue with interested parties and pass information received along to EPA for consideration.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

*Labeling of containers and tanks of hazardous waste – 10 CSR 25-5.262(2)(C)1. and (2)(C)2.*

The discussion between the Department, emergency responders, and hazardous waste generators on this topic focused on exactly what type of label could be required that would provide emergency responders with the information they need, but yet not be too difficult for generators or affected facilities to comply with. The method proposed in the draft language for this rule gives generators the option of continuing to comply with the current rule, or labeling the container with words that identify the contents of the container.

While this would require some knowledge of the contents of the container and would

require new labels to be affixed to containers of hazardous waste if the contents change, it would not require the detailed information that is currently required to be displayed on hazardous waste containers. It would also provide emergency responders with enough information to determine the appropriate response in the event of a release or spill within the storage area. Although it requires more cost and effort than the federal rule option discussed above, this option is consistent with the statutory exclusion and is supported by all stakeholders including the Department, affected hazardous waste generators, and emergency responders. Emergency responders would not support a rule that did not include some type of additional information on the container or tank beyond what is required in the federal rules

*Storage of ignitable and reactive waste – 10 CSR 25-5.262(2)(C)4.*

No other options were considered, as this proposed change does not establish any new or revised requirements.

*Storage of hazardous waste in railcars – 10 CSR 25-7.264(3) and 10 CSR 25-7.265(3)*

One option considered was rescission of the Missouri railcar rule, which would leave affected facilities subject to the federal regulations, which through guidance impose a 24 hour time limit for moving hazardous waste from railcars into storage. No other alternatives were considered. The proposal does not change the current requirements. It would only clarify that compliance with the existing Missouri rule is an option to complying with the federal rules which through applicable guidance limits the length of storage outside the permitted area to 24 hours.

*Hazardous secondary materials used to manufacture zinc fertilizers – 10 CSR 25-4.261(2)(A)10.*

At this time the Department is not aware of any alternative conditions or standards for managing these materials but will watch for and consider any revisions from the EPA to address concerns.

9. An analysis of both short-term and long-term consequences of the proposed rule.

*Labeling of containers and tanks of hazardous waste – 10 CSR 25-5.262(2)(C)1. and (2)(C)2.*

The short-term consequences of this proposed change will primarily be that generators and permitted facilities will be unfamiliar with the new requirements. The existing Missouri rules have been in place for over thirty years, so many hazardous waste generators and permitted facilities are only familiar with what they are required to do in Missouri, and not what the federal rule requires them to do. However, the fact that the proposed changes include an option for generators who choose to continue to operate under the existing rule should minimize this short-term consequence of the rule. Also, the use of a standard commonly known in the hazardous waste industry as the basis for the requirement to display hazard labels on tanks will make the transition process easier.

As a long-term consequence of the rule, once those affected by the rule as well as Department staff who inspect them are familiar with the revised regulation, compliance should be easier than

it is under the existing rule, which requires many generators to update the labels on their containers if the contents of the container are changed. Also, because the current requirement is much more prescriptive than the proposed change, the items for which a generator could be found to be in violation will be reduced, which should facilitate compliance with the regulations.

Additionally, especially for generators who only generate a single type of hazardous waste, once they know which is the appropriate label to place on their container, they will not have to update or redo any of the labels for their containers as they add material. In addition to dating containers as applicable, the only remaining labeling requirement will be to ensure that the label is clearly visible, which may require them to periodically replace the label once it becomes worn or faded from use.

For hazardous waste tanks, while compliance with the NFPA standard is a new requirement, once tanks have been properly labeled they will not need to be relabeled unless the type of waste stored in the tank changes, or the label becomes worn from use and is no longer clearly visible. This should minimize the long term impact of this specific change.

*Storage of ignitable and reactive waste – 10 CSR 25-5.262(2)(C)4.*

No short term or long term consequences are anticipated. With the revision, some generators will no longer be required to store their ignitable or reactive waste more than 50 feet from the property line or to meet additional fire-safety requirements, but those with systems already in place may continue to maintain them. By adding the language that clarifies which generators are subject to these requirements, there may be less confusion about the applicability of the rule.

*Storage of hazardous waste in railcars – 10 CSR 25-7.264(3) and 10 CSR 25-7.265(3)*

Because the proposed amendment would not change the requirements of this rule, no short-term or long-term consequences are anticipated. Implementation of the Missouri rule has allowed permitted facilities that receive waste by railcars to have sufficient time to manage the waste without having to worry about exceeding the 24 hour time limit, or about requesting or receiving a variance from the requirement for situations that periodically arise.

*Hazardous secondary materials used to manufacture zinc fertilizers – 10 CSR 25-4.261(2)(A)10.*

Because the Department is proposing to rescind the current rule, the short term consequences are that facilities that are planning to use the rule in Missouri may continue to do so. However, the one facility that the Department is aware of that has attempted to operate under this rule is under enforcement action, is continuing to clean up the site and has no plans to continue to accept hazardous waste for use in fertilizer in the future. Long term consequences are that new facilities would not be able to operate under this existing rule. However, because the current rule consists of an exclusion of certain hazardous waste from regulation, Missouri citizens and the environment will be better protected in the long run.

10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

*Labeling of containers and tanks of hazardous waste – 10 CSR 25-5.262(2)(C)1. and (2)(C)2.*

The intent of both the existing Missouri rule for labeling hazardous waste containers and the proposed amendment for labeling hazardous waste tanks in accordance with fire industry standards is to prevent accidental releases or spills by making sure that proper containers and tanks are used in storage, and that incompatible wastes are not mixed together in the containers or tanks, which could cause a chemical reaction that would result in a fire, explosion, or the release of toxic fumes or gases. The additional information on the container or tank also provides emergency responders with visual information on the contents of the container or tank in the event of a spill or a release so that they can determine the appropriate response.

The proposed rule should minimize the risks to human health and the environment that could result from the improper mixing of incompatible wastes and the risks to facility personnel and others emergency responders of being exposed to the contents of a container if a release occurs or in other emergency situations.

*Storage of ignitable and reactive waste – 10 CSR 25-5.262(2)(C)4.*

With the revision, some generators will no longer be required to store their ignitable or reactive waste more than 50 feet from the property line or to meet additional fire-safety requirements, but those with systems already in place may continue to maintain them. If those no longer subject to the rule do not continue to meet former additional standards, those living and working within 50 feet of the facility that stores ignitable and reactive waste could have greater risk of exposure, and damage to health and property in the event of fire or explosion.

*Storage of hazardous waste in railcars – 10 CSR 25-7.264(3) and 10 CSR 25-7.265(3)*

None. This proposed amendment does not change the current requirements on this topic. It only clarifies that compliance with the Missouri rule is optional.

*Hazardous secondary materials used to manufacture zinc fertilizers – 10 CSR 25-4.261(2)(A)10.*

The Department proposes to rescind the rule based on concerns that the rule cannot be protective in practice as it exempts hazardous waste used as ingredients in fertilizer, and those handling these wastes along the supply line are at high risk from exposure and sites receiving the waste are at high risk of extensive contamination of air, surface water, groundwater and land. Contamination cleanup has proven to be expensive, long-term, difficult to accomplish and adds additional risks. Rescinding the rule will address these risks.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information

There were no independent sources of scientific information used in the development of this rulemaking. For each federal rule that is the subject of this rulemaking, the rulemaking docket for the rule includes various types of scientific information relied upon as part of the rule development process at the federal level.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

None

13. A description of any significant countervailing risks that may be caused by the proposed rule

None known.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

For the majority of the proposed rules in this rulemaking, there are no alternative regulatory approaches because Section 260.373 RSMo requires that rule text identified as being inconsistent with the statutory limitation be removed.

For rules that are being retained or modified, the alternatives to the proposed rule language being considered are discussed in Questions 7 and 8.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State

The Regulatory Impact Report will be posted on the Hazardous Waste Program's Rules in Development page at [Hazardous Waste Rules in Development - DNR](#). Comments may be submitted by email to [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov), or by mail to:

Tim Eiken, Rule Coordinator  
Hazardous Waste Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

The Regulatory Impact Report and all comments received will be posted on the Rules in Development Page at [Hazardous Waste Rules in Development - DNR](#). Comments may also be

requested by contacting Tim Eiken, Rule Coordinator, by email at [tim.eiken@dnr.mo.gov](mailto:tim.eiken@dnr.mo.gov), or by phone at (573) 522-8057.