

Draft Rule Language and Comments
Proposed revisions to requirements for packaging, marking, and labeling – University of Missouri Version
October 17, 2011

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

(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). Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control.

(C) Pretransport, Containerization, and Labeling Requirements.

1. During the entire onsite storage period, generators shall comply with the requirements in this subparagraph by:

A. Clearly marking each container in storage as specified in 40 CFR 262.34(a)(2) and 262.34(a)(3); and

(I) Have a method to identify the contents of each hazardous waste container in storage and the associated hazards and make this information accessible to facility personnel, inspectors, and emergency responders upon request; or

B. During the entire time hazardous waste is accumulated in storage on-site, generators shall package, mark, and label hazardous waste containers in compliance with the requirements of 40 CFR 262.32 and 40 CFR part 262 subpart C, as incorporated and modified within these regulations. The generator is not required to mark the manifest document number for the shipment on the container until it is prepared for off-site shipment

2. The generator may simultaneously use both identification methods within facility(s) associated with same Generator Identification Number to allow for the most appropriate method for any given container.

Notes:

To be perfectly clear, the University of Missouri believes rescinding the current additional labeling requirements of the state, and instead following the Federal standard, meets the environmental obligations bestowed upon the state.

There should be no need to re-register with MDNR as this process has no environmental benefit, and in fact creates needless work for MDNR staff. It should be easy for any competent inspector to determine if a container does or does not meet one of the two above allowable labeling schemes.

This compromise does not need to be an either/or situation. For example, in a university environment, it would be simpler to label a full drum brought in from facility operations with the complete PML requirements (sans Manifest ID number). Small containers destined for labpacking by the generator or an outside turnkey provider, may best be served by the alternate method which closely mimics the Federal standards. There is nothing incompatible about using both under one roof.

There is no need to restate the standards in 40 CFR 262.32 and 40 CFR part 262 subpart C since they are being referred to here directly. A straight referral also allows nationwide companies to take advantage of EPA interpretations of those regulations consistently across their operations.

We removed the section requiring the generator's name/address as the reasons for needing this (natural disasters or illegal disposal) do not justify this unnecessary generator burden. In the case of a flood or tornado, all chemical materials, not just those subject to RCRA would be impacted. As the recent Joplin disaster demonstrated, it is unlikely that this information would remain attached to containers or even that those containers would remain intact. As to illegal dumping, if this was done before transport off site, generators willing to commit the serious violation of illegal disposal would not hesitate to violate this labeling requirement. If illegal disposal happens during or after transport, containers would have this information due to applicable DOT regulations so always requiring PML during storage serves no purpose at this point in the management process.

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