



## Notice of Open Meeting

### Hazardous Waste Management Commission

People with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the commission assistant at (573) 751-2747 or writing to the Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102. Hearing-impaired people may contact the Hazardous Waste Program through Relay Missouri at 1-800-735-2966.

**TO REVIEW THE DRAFT MINUTES AND INFORMATION ON THE VARIOUS ITEMS, PLEASE REFER TO THE DEPARTMENT'S WEBSITE AT:**

<https://dnr.mo.gov/env/hwp/commission/>

### AGENDA

Roaring River Conference Room  
1730 E. Elm Street Conference Center  
Jefferson City, Missouri

**November 13, 2018**

**CALL TO ORDER – Open Missouri Hazardous Waste Management Commission Meeting at 9 a.m. – Commissioner Roll Call**

1. Pledge of Allegiance - Commission and Participants

#### **ACTION ITEMS:**

2. Commission to vote on the proposed changes to Title 10, Divisions 25 and 26.

#### **OTHER AGENDA ITEMS:**

3. Future tentative meetings dates:  
*Thursday, December 20, 2018*

#### **ADJOURNMENT OF MEETING**

**Recommended Action:** *Member offer motion and second to adjourn.*

Closed Meeting - The Hazardous Waste Management Commission may go into closed session during this meeting if such action is approved by a majority vote of the Commission members who constitute a quorum to discuss: (1) Personnel actions as provided for in Section 610.021(3); (2) Legal actions, causes of actions or litigation as provided for in Section 610.021(1); and (3) Confidential and privileged matters with the Commission's attorney as provided for in Section 610.021(1), RSMo, 2003.

**If you have any questions regarding this meeting, please contact:**

Hazardous Waste Program, PO Box 176, Jefferson City, MO 65102-0176, Phone: 573-751-2747; Fax: 573-751-7869; Email: [debra.dobson@dnr.mo.gov](mailto:debra.dobson@dnr.mo.gov)

**MISSOURI DEPARTMENT OF NATURAL RESOURCES  
HAZARDOUS WASTE MANAGEMENT COMMISSION**

**Meeting Date: November 13, 2018**

**ROLL CALL ROSTER**

	<b>In Person:</b>	<b>By Phone:</b>	<b>Absent</b>
<b>Chairman Jamie Frakes</b>	_____	_____	_____
<b>Vice-Chairman Michael Foresman</b>	_____	_____	_____
<b>Commissioner Elizabeth Aull</b>	_____	_____	_____
<b>Commissioner Mark Jordan</b>	_____	_____	_____

**Missouri Hazardous Waste Management Commission Meeting**

**November 13, 2018**

**Agenda Item # 1**

**Pledge of Allegiance**

## **Hazardous Waste Management Commission Meeting**

**November 13, 2018**

**Agenda Item # 2**

### **Commission Vote– Proposed Amendments and Rescissions for Rules in Title 10 Divisions 25 and 26**

#### **Issue:**

The Missouri Department of Natural Resources recently reviewed all of its regulations as part of a process to reduce the amount of red tape found in Missouri regulations. Part of that process was identifying existing rules that are no longer necessary or that contain requirements that are no longer necessary and taking the steps to rescind or amend those rules.

Today's vote is on a total of fifteen proposed amendments, three proposed rescissions and one withdrawal of a proposed amendment. Fifteen proposed amendments and the three proposed rescissions were published in the July 16<sup>th</sup> Missouri Register and one proposed amendment (later withdrawn) was published in the August 1<sup>st</sup> Missouri Register.

Upon the closing of the public comment period the Department responded to comments received and prepared an Order of Rulemaking for each of the proposed amendments and rescissions. The Orders of Rulemaking for each rule are being brought before the Commission, requesting approval to file.

#### **Recommended Action:**

The Commission to vote on the following proposed amendments and rescissions:

- 10 CSR 25-2.010, 3.260, 4.261, 5.262, 6.263, 7.264, 7.265, 7.266, 7.270, 8.124, 11.279, 12.010, 13.010, 15.010, and 16.273 - **Amendments**
- 10 CSR 25-2.020, 9.020, and 10.010 - **Rescissions**
- 10 CSR 26-2.080 - **Withdrawn**

#### **Presented by:**

Mr. Tim Eiken – Rule Coordinator, HWP

**MISSOURI HAZARDOUS WASTE MANAGEMENT COMMISSION  
CERTIFICATION OF ADOPTION OF ORDERS OF RULEMAKING**

**November 13, 2018**

- “I move that the Commission adopt the Orders of Rulemaking for the proposed amendments of 10 CSR 25-2.010, 3.260, 4.261, 5.262, 6.263, 7.264, 7.265, 7.266, 7.270, 8.124, 11.279, 12.010, 13.010, 15.010 and 16.273 published in the July 15, 2018, Missouri Register; the proposed rescissions of 10 CSR 25-2.020, 9.020, and 10.010 published in the July 15, 2018, Missouri Register; and the withdrawal of the proposed amendment of 10 CSR 26-2.080, published in the August 1, 2018, Missouri Register, and that the Department proceed to file the Orders with the Joint Committee on Administrative Rules and the Secretary of State.”**
  
- “I move that the Commission adopt with modifications the Orders of Rulemaking for the proposed amendments of 10 CSR 25-2.010, 3.260, 4.261, 5.262, 6.263, 7.264, 7.265, 7.266, 7.270, 8.124, 11.279, 12.010, 13.010, 15.010 and 16.273 published in the July 15, 2018, Missouri Register; the proposed rescissions of 10 CSR 25-2.020, 9.020, and 10.010 published in the July 15, 2018, Missouri Register; and the withdrawal of the proposed amendment of 10 CSR 26-2.080, published in the August 1, 2018, Missouri Register, and that the Department proceed to file the Orders with the Joint Committee on Administrative Rules and the Secretary of State.”**
  
- “I move that the Commission not adopt the Orders of Rulemaking for the proposed amendments of amendments of 10 CSR 25-2.010, 3.260, 4.261, 5.262, 6.263, 7.264, 7.265, 7.266, 7.270, 8.124, 11.279, 12.010, 13.010, 15.010 and 16.273 published in the July 15, 2018, Missouri Register; the proposed rescissions of 10 CSR 25-2.020, 9.020, and 10.010 published in the July 15, 2018, Missouri Register; and the withdrawal of the proposed amendment of 10 CSR 26-2.080, published in the August 1, 2018, Missouri Register, and that the Department not proceed to file the Orders with the Joint Committee on Administrative Rules and the Secretary of State.”**

In accordance with Section 536.016 RSMo, the members of the Hazardous Waste Management Commission certify the adoption of the Orders of Rulemaking to amend 15 rules, rescind 3 rules, and to withdraw one proposed amendment in Title 10 Divisions 25 and 26 of the Code of State Regulations. We further certify that this rulemaking is necessary to carry out the purposes of the Revised Statutes of Missouri.

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Jamie Frakes, Chairman

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Mark Jordan, Commissioner

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Michael Foresman, Vice-Chairman

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Elizabeth Aull, Commissioner

# AMENDMENTS

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 2—Commission Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.365, 260.370, 260.400, and 260.437 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-2.010 Voting Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1759). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would remove unnecessary rule language and make a minor adjustment to the format of the rule. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370 and 260.395 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-3.260 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1759). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.370 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-4.261 Methods for Identifying Hazardous Waste is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1761). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.370 RSMo, the commission hereby amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1765). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language.

Mr. Kevin Perry, Assistant Director of REGFORM, testified on the rule and also submitted written comments. His written comments, received on September 20<sup>th</sup>, reiterated his testimony at the public hearing on September 13<sup>th</sup>.

Mr. David Shanks, from Boeing St. Louis, also testified at the hearing in support of REGFORM's comments and requested that two compliance options for satellite accumulation areas be retained.

**COMMENT #1:** Mr. Perry commented that members of his organization appreciate and value the two satellite accumulation area (SAA) options for compliance currently in the Missouri regulations, which allows generators to choose to comply with either the Missouri rule or the federal rule. Mr. Perry stated that having these two options is valuable and helps Missouri generators to do their work with fewer regulatory burdens, and that both options are safe and protective. He further commented that combining the two options within a single facility is also safe and protective of the environment and, in addition to keeping the current rule language, also requested a modification of the existing language that would allow generators to do so. He also requested removal of the requirement that generators notify the department of which option they have selected for their facility and suggested that facilities could maintain dated memos in their files indicating under which option each of their satellite accumulation areas is operating in their facility.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with this comment that both state and federal options should be retained because they are equally safe and protective

and provide flexibility to generators to choose the option that is best suited to how hazardous waste is generated and accumulated within each satellite accumulation area. The revised language for section (2)(C)3. of the rule, which retains both the Missouri option and federal option for managing hazardous waste within satellite accumulation areas, is included in this Order of Rulemaking and reprinted below as it will appear in the Code of State Regulations.

COMMENT #2: Mr. Shanks also commented requesting that the two compliance options for satellite accumulation areas be retained. He stated that, depending on the waste generated by a particular manufacturing process, the Missouri approach based on a time limit of one year may be preferable to the total volume limited approach found in federal guidance, or vice versa. He provided examples of how they have implemented the current regulations at their facility and how having both options available would be beneficial. He stated that both approaches provide environmental safeguards and ensure that satellite accumulation areas are used as intended, for temporary accumulation of limited quantities. He requested that both methods should be available for Missouri generators and should be applied to those locations where they make the most sense, and could be described in an identifiable manner in the facility's hazardous waste generator files.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment that both state and federal options should be retained because they are equally safe and protective and provide flexibility to generators to choose the option that is best suited to how hazardous waste is generated and accumulated within each satellite accumulation area. The revised language for section (2)(C)3. of the rule, which retains both the Missouri option and federal option for managing hazardous waste within satellite accumulation areas, is included in this Order of Rulemaking and reprinted below as it will appear in the Code of State Regulations.

COMMENT #3: Mr. Perry commented that the ability to label containers with a capacity of less than one gallon on a rack, locker, or other device is valuable to Missouri generators. This was universally supported during extensive stakeholder meetings and is currently in effect in 10 CSR 5-25.262(2)(C)1.A. It is inconsistent with the goals of Red Tape Reduction to remove this flexibility. To remove it is to impose a new restriction on Missouri generators. This provision has been in place for years without problems. Eliminating this option is not simpler for generators. We request that you take action to retain this provision. Do not rescind it as is currently proposed.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with this comment. Removing this language was an unintended consequence of the proposed changes to the labeling requirements, as part of which this language specific to smaller containers is included. The revised language for section (2)(C)1. of the rule, which reinstates this option for labeling smaller containers, is included in this Order of Rulemaking and reprinted below as it will appear in the Code of State Regulations.

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

(2)(C) Pretransport, Containerization, and Labeling Requirements.

1. In addition to labeling containers used to accumulate hazardous waste in accordance with the requirements in 40 CFR 262.34(a)(2), (a)(3), and (d)(4), generators must also comply with either subparagraphs A. or B. below.

A. All containers used to accumulate hazardous waste must be labeled in accordance with applicable United States Department of Transportation labeling requirements in 49 CFR part 172 subpart E during the entire time the waste is accumulated on-site. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack, or other device used to hold or accumulate any such container; or

B. Clearly label each container with words that correctly identify the hazards of the contents of the container during the entire on-site storage period. Such words shall include one (1) or more of the following as defined in 40 CFR part 261 subparts C and D: Ignitable, Toxic, Corrosive, or Reactive. The label shall be white with black lettering or black with white lettering that is a minimum of one (1) inch in height. If a generator determines that labeling a container with a capacity of less than one (1) gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack, or other device used to hold or accumulate any such container. Note that pursuant to 49 CFR 172.401, "No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part."

2. In addition to labeling requirements for tanks used to accumulate hazardous waste in accordance with the requirements of 40 CFR 262.34(a)(3) and (d)(4), generators must also comply with the 2012 Edition of the National Fire Protection Association Standard NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response to identify the hazards of the tank contents. The 2012 edition of NFPA 704 is hereby incorporated by reference without any subsequent amendments or additions, and is published by the National Fire Protection Association, 1 Battery March Park, Quincy, MA, 02169-7471.

3. 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.

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.

4. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.

**Title 10--DEPARTMENT OF NATURAL RESOURCES  
Division 25--Hazardous Waste Management Commission  
Chapter 6--Rules Applicable to Transporters of Hazardous Waste**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.373, 260.385 and 260.395 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-6.263 Standards for Transporters of Hazardous Waste is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1767). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.390, and 260.395 RSMo, the commission hereby amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1772). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language.

**COMMENT #1:** During the public comment period, the department noticed that a section of the rule open for public comment contains a Missouri requirement that is no longer enforceable and should therefore be removed. The requirement is found in 10 CSR 25-7.264(2)(E)1 and states that an original copy of the manifest must be submitted to the department. As part of the federal electronic manifest system recently implemented nationwide, the department employee pointed out that states are prohibited from requiring state copies of manifests, and this requirement is therefore unenforceable, is not currently being enforced, and should be removed to avoid any confusion about this requirement.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has proposed changes to this subsection (2)(E) of the rule to eliminate this requirement in this Order of Rulemaking.

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

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

1. The owner or operator of a hazardous waste management facility shall submit a report to the department as set forth in this paragraph.

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.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.390 and 260.395 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-7.265** Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities **is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1774). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.373, 260.390 and 260.395 RSMo, the commission hereby amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1777). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.373, 260.390 and 260.395 RSMo, the commission hereby amends a rule as follows:

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

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1777). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

**Title 10--DEPARTMENT OF NATURAL RESOURCES  
Division 25--Hazardous Waste Management Commission  
Chapter 8--Public Participation and General Procedural Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.400, 260.405 and 260.437 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-8.124** Procedures for Decision Making **is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1779). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

**Title 10--DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 11—Used Oil**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.370 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-11.279** Recycled Used Oil Management Standards **is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1790). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.370 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-12.010 Fees and Taxes is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1792). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 13—Polychlorinated Biphenyls**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.370 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-13.010 Polychlorinated Biphenyls is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1795). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 15—Hazardous Substance Environmental Remediation (Voluntary Cleanup Program)**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.567, 260.569, 260.571, and 260.573 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-15.010 Hazardous Substance Environmental Remediation (Voluntary Cleanup Program) is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1798). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would remove language that duplicates statutory language and remove other language that conflicts with statutory language. There was no other testimony on this rule at the hearing and no comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under section 260.370 RSMo, the commission hereby amends a rule as follows:

**10 CSR 25-16.273 Standards for Universal Waste Management is amended.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1800). No changes were made to the text of this proposed amendment so no text is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. There was no other testimony on this rule at the hearing and no comments were received.

# RESCISSIONS

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 2—Commission Procedures**

**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 621.250 and 640.013 RSMo, the commission hereby rescinds a rule as follows:

**10 CSR 25-2.020** Hazardous Waste Management Commission Appeals and Requests for Hearings **is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1759). No changes were made to the text of this proposed rescission so no text is reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed rescission would remove a rule that is outdated and almost entirely duplicates statutory language. There was no other testimony on this rule at the hearing and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 9—Resource Recovery**  
**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.373, and 260.395 RSMo, the commission hereby rescinds a rule as follows:

**10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1787). No changes were made to the text of this proposed rescission, so no text is reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed rescission would remove a rule that is no longer needed, which will allow recycling of hazardous secondary material under a newly-adopted federal rule without requiring a resource recovery certificate, while ensuring that recycling is done in a safe and effective manner. There was no other testimony on this rule at the hearing and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 10—Abandoned or Uncontrolled Hazardous Waste Disposal Sites**  
**ORDER OF RULEMAKING**

By the authority vested in the Hazardous Waste Management Commission under sections 260.370, 260.437, 260.440, 260.445 and 260.455 RSMo, the commission hereby rescinds a rule as follows:

**10 CSR 25-10.010** Abandoned or Uncontrolled Hazardous Waste Disposal Sites **is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1790). No changes were made to the text of this proposed rescission so no text is reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed rescission would remove a rule that is no longer needed because it mostly duplicates statutory language and other information is outdated. There was no other testimony on this rule at the hearing and no comments were received.

**WITHDRAWN**

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 26—Petroleum and Hazardous Substance Storage Tanks**  
**Chapter 2—Underground Storage Tanks – Technical Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 319.100 – 319.137, RSMo, the department hereby withdraws a proposed rule as follows:

**10 CSR 26-2.080 No Further Action is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2263). This proposed rule is withdrawn.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rule was held September 13, 2018, and the public comment period ended September 20, 2018. At the public hearing the Department of Natural Resources testified that the proposed amendment would reduce the burden on the regulated community in Missouri by removing outdated requirements, unnecessary restrictive words, and duplicative rule language. The department received written comments from Mark Jordan with Wallis Oil Company, Ron Leone with Missouri Petroleum Marketers and Convenience Store Association, and James Greer with MFA Oil.

**COMMENT #1:** Mr. Jordan, Mr. Leone, and Mr. Greer all commented that the rule contains outdated information and is no longer necessary and should therefore be rescinded in its entirety. They also commented that the rule contains additional language that is not necessary and is included in other department rules and guidance documents; that the proposed additional language conflicts with language in other associated rules and guidance documents; and that the proposed additional language is confusing and unclear

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees that the rule contains outdated information and unnecessary rule language, while potentially creating conflicts with other existing rules. Therefore, adoption of the amendment is not appropriate at this time. The department proposed an amendment, rather than a rescission, because the department initially determined that one portion of the current rule is still needed. Specifically, the department determined that the portion of the rule that discusses circumstances in which sites can be reevaluated is still necessary because similar language does not appear in other rules. However, after a thorough review of other rules, the department determined that this authority does exist in other rules, as well as in a related guidance document, so there is no need to put similar language into this rule. Because a proposed amendment of the rule was published in the *Missouri Register*, rescission of the rule is not an option at this time. The proposed amendment must be withdrawn before proposing a rescission of the rule in its entirety. The department believes withdrawal and later rescission of the entire rule is the best option at this time.

COMMENT #2: Mr. Jordan, Mr. Leone and Mr. Greer all commented that the Purpose Statement of the proposed rule uses the term “release”, rather than the word “site”, and that this is inappropriate because the authorizing statute and the rule itself use the term “site”.

RESPONSE: The department concurs that the Purpose Statement for the proposed amendment does potentially create conflicts over interpretation of the terms “release” and “site” as one term is used in the Purpose Statement and another in the rule itself. By withdrawing the proposed amendment, inconsistent use of these terms is no longer an issue.

COMMENT #3: Mr. Leone commented that the proposed changes go beyond the stated purpose in the Purpose Statement.

RESPONSE: The department acknowledges potential confusion about whether the proposed rule language in the amendment goes beyond the stated purpose. Because the department has also determined that the rule is not needed at this time and that the amendment should therefore be withdrawn, any inconsistencies between the rule language and the Purpose Statement are no longer an issue.

COMMENT #4: Mr. Leone commented that there was no finding of necessity for the rule, no economic analysis, and that the changes deserve a full and complete airing before affected stakeholders.

RESPONSE: The department acknowledges the comment and will consider these comments before additional changes to the rule are proposed.

**Missouri Hazardous Waste Management Commission Meeting**

**November 13, 2018**

**Agenda Item # 3**

**Future Meetings**

**Information:**

**Meeting Dates:**

Date	Time	Location
Thursday, December 20, 2018	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, March 21, 2019	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, June 20, 2019	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, September 19, 2019	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

**Recommended Action:**

Information Only.