



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

DRAFT

NOTICE OF OPEN MEETING

The meeting will also be streamed live from the Department's website at:
dnr.mo.gov/videos/live.htm.

**DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE PROGRAM
HAZARDOUS WASTE MANAGEMENT COMMISSION
AGENDA**

February 20, 2014

**Department of Natural Resources, Hazardous Waste Program
Bennett Springs/Roaring River Conference Rooms
1730 E. Elm Street
Jefferson City, MO 65102**

Note: Persons 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 persons may contact the Hazardous Waste Program through Relay Missouri at 1-800-735-2966.

9:45 A.M. EXECUTIVE (CLOSED) SESSION

In accordance with Section 610.022 RSMo, this portion of the meeting may be closed by an affirmative vote of the Commission to discuss legal matters, causes of action or litigation as provided by Subsection 610.021(1). RSMo.

10:00 A.M. GENERAL (OPEN) SESSION

The General (Open) Session will begin promptly at 10:00 a.m., unless an Executive (Closed) Session has been requested; after which, the General Session will start as specified by the Commission's chairman.

Commissioner Roll Call

1. Pledge of Allegiance – Commissioners
2. Approval of Minutes – General (Open) Session, December 19, 2013 – Commissioners

Action Items:

3. Finding of Necessity – HB 1251 Proposed Rule Changes, Adoption of Federal Rules, and Other Revisions – Tim Eiken, Rule Coordinator, HWP

Information Only:

4. Rulemaking Update – Tim Eiken, Rule Coordinator, HWP
5. Tanks Backlog Plan – Ken Koon, Chief, Tanks Section
6. E-Scrap Workgroup – Tony Pierce, Compliance and Enforcement Section
7. Registry Update – Dennis Stinson, Chief, Superfund Section
8. Quarterly Report – Dee Goss, Public Information Officer
9. Legal Update – Kara Valentine, Office of the Attorney General
10. Public Inquiries or Issues – David J. Lamb, Director, HWP
11. Other Business – David J. Lamb, Director, HWP
12. Future Meetings
 - Thursday, April 17, 2014 – to be held at the Bennett Springs/Roaring River Conference Rooms, 1730 E. Elm Street Conference Center, Jefferson City, MO

Adjournment

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

Meeting Date: February 20, 2014

ROLL CALL ROSTER

	In Person:	By Phone:	Absent
Chairman Michael Foresman	_____	_____	_____
Vice-Chairman Deron Sugg	_____	_____	_____
Commissioner Elizabeth Aull	_____	_____	_____
Commissioner Jamie Frakes	_____	_____	_____
Commissioner Charles Adams	_____	_____	_____
Commissioner Andrew Bracker	_____	_____	_____

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 1

Pledge of Allegiance

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 2

Approval of Minutes

Issue:

Commission to review the General Session minutes from the December 19, 2013, Hazardous Waste Management Commission meeting.

Recommended Action:

Commission to approve the General Session minutes from the December 19, 2013, Hazardous Waste Management Commission meeting.

GENERAL

SESSION

MEETING

MINUTES

GENERAL SESSION
HAZARDOUS WASTE MANAGEMENT COMMISSION
December 19, 2013; 10:00 A.M.
1730 E. Elm Street
Bennett Springs/Roaring River Conference Rooms
Jefferson City, MO 65102

(Note: The minutes taken at Hazardous Waste Management Commission proceedings are just that, minutes, and are not verbatim records of the meeting. Consequently, the minutes are not intended to be and are not a word-for-word transcription.)

The meeting was streamed live from the Department's website at: dnr.mo.gov/videos/live.htm.

COMMISSIONERS PRESENT IN PERSON

Chairman Michael Foresman
Vice-Chairman Deron Sugg

The phone line was opened at approximately 9:42 a.m. for Commissioners calling in to today's meeting.

COMMISSIONERS PRESENT BY PHONE

Commissioner Andrew Bracker
Commissioner Elizabeth Aull

A quorum was established at approximately 9:59 a.m.

Chairman Foresman called the General Session to order at approximately 10:00 a.m.

A roll call was taken with Chairman Foresman, Vice-Chairman Sugg, Commissioner Aull and Commissioner Bracker acknowledging their participation in the meeting.

1. PLEDGE OF ALLEGIANCE

Chairman Foresman led the Pledge of Allegiance, and it was recited by the Hazardous Waste Management Commission (Commission) and guests.

2. APPROVAL OF MINUTES

- General Session minutes from the October 17, 2013, meeting:

Chairman Foresman made a motion to approve the General Session minutes. Commissioner Aull seconded the motion.

A vote was taken; all were in favor, none opposed. Motion carried. Minutes were approved.

3. RULEMAKING UPDATE

Mr. Tim Eiken, Director's Office, Hazardous Waste Program, addressed the Commission and advised the Commission members that he wished to provide them with updates on what the HWP had been working on lately related to rules. He noted that for the most part, the majority of effort had been directed at the HB1251 legislative efforts, which he would be addressing in the next agenda item. Mr. Eiken went on to state, that in addition to the HB1251 efforts, he wished to address a couple of rule efforts related to underground storage tanks (USTs). The first rulemaking he discussed related to potential changes to the UST operational rules. He noted that these changes included such items as secondary containment and release detection.

Mr. Eiken advised the Commission that the Environmental Protection Agency (EPA) was also working on proposed changes to the federal UST rules and that the state was working to add these federal rule changes to our state rules, in addition to some state changes that had been identified as necessary. He noted that Department staff, in conjunction with the Department of Agriculture and the Petroleum Storage Tank Insurance Fund (PSTIF), had held four informational meetings around the state; in St. Louis, Kansas City, Cape Girardeau, and Springfield. In addition to these meetings he noted that information was posted on the Department's website and sent out in newsletters to get the word out about these potential changes. He advised the Commission that the Department was still waiting to see what the federal rule looked like, so the state's rulemaking, at this time, was in the beginning stage.

Mr. Eiken went on to discuss a second UST rule item related to Tanks Risk Based Corrective Action (RBCA). He noted that these rules had been filed with the Secretary of State as final. He advised that no comments had been received by the Joint Committee on Administrative Rules (JCAR), that the rule process was on schedule and that the rule should be in effect at the end of February. He noted that the rules would be published in the Missouri Register, then the Code of State Regulations, before becoming final.

No questions/comments were posed by the Commission. This was provided as information only and required no other action on the part of the Commission.

4. HB1251 IMPLEMENTATION STATUS

Mr. Tim Eiken, Director's Office, Hazardous Waste Program, then addressed the Commission and provided an update on the HB1251 implementation efforts to date. He noted that Department staff had been working with stakeholders to meet the requirements of the legislation that was passed in 2012, and had been working to identify those rules, in certain chapters and parts, that were inconsistent with federal rules. Mr. Eiken advised that the issues identified to date by the Department and the stakeholder group had been sent out in a Listserve email blast and that a notice had been filed the previous day for these changes to be posted in a section of the Missouri Register called "Rules Under Consideration." He advised that this should appear in the February 2nd edition of the rule register. Mr. Eiken also noted that comments had been received from REGFORM and that the Department had responded to

their comments, comment by comment. He advised that the comments and responses were available on the Forum webpage.

Mr. Eiken went on to explain that the proposed changes had been identified in what was referred to as the "Color Coded Document." The affected rules had been reviewed; those in red had been identified as inconsistent, those in black were not inconsistent and could be retained, and those in blue were not inconsistent but needed to be changed to resolve other issues. Inconsistencies were noted in strikethrough rule text. He advised that there were also a handful that were still under consideration, and were reflected in shaded text until a determination was made as to whether they were to be deleted or retained. Mr. Eiken also noted that a few things had been missed in the initial review, so some additional items had been identified since the report the Commission had received earlier had been compiled. Mr. Eiken advised the Commission that all the changes identified to date had been reviewed and discussed at the Hazardous Waste Forum meeting the previous day and this final determination was well received. He went on to state that the stakeholders were happy with the decisions that had been made and were at a point where all the specifics had been agreed to and that he believed that the Department could now move ahead towards formatting the rule text, renumbering, changing references, correcting the corresponding chapters, etc. He advised that efforts during the next couple of months would be directed towards developing this revised rule text, and anticipated coming back before the Commission during the February or April 2014 meeting, with the Finding of Necessity, asking to move forward with these rule changes. He advised that this was a statutory requirement. He noted that a Regulatory Impact Report would also be required. Mr. Eiken ended his presentation noting that Department staff and stakeholders had come a long way and that he was glad to see the completion of the identification portion of the legislative requirement.

Chairman Foresman noted his pleasure that the Department had gone ahead and held the December Forum meeting and inquired if anyone had any further questions.

No other questions/comments were posed by the Commission. This was provided as information only and required no other action on the part of the Commission.

5. TANKS UPDATE

Mr. Ken Koon, Chief, Tanks Section, addressed the Commission and provided them an update on Tanks Section activities. He provided a PowerPoint presentation which outlined the receipt of competitive EPA grants, and the projects the Tanks Section had utilized these grant monies with.

Mr. Koon advised that the first grant, for \$43,000, was used to conduct activities at abandoned tanks sites. He provided photos and an overview of the work done at several abandoned tanks sites across the state. He advised that activities at these sites included site characterization and risk assessments, source removal, contractual installation of monitoring wells, and coordination with PSTIF to establish where work could count towards the insurance deductible.

Mr. Koon noted that the second competitive grant received, for \$94,000, was focused on activities at former sites along Route 66. He advised that several abandoned sites were identified, and that site characterizations and risk assessments, source removal and the installation and testing of groundwater monitoring wells were some of the activities these monies were utilized to perform.

Mr. Koon also noted the receipt of other competitive grant monies, which were utilized for Leaking Underground Storage Tank site cleanups, and for work at drinking water impacted sites where the facility was abandoned or the owner was not viable. Other potential projects were outlined and an overview of additional Tanks Section work and participation in national conferences and trainings were discussed.

Commissioner Bracker commended Mr. Koon on the receipt of the grants, acknowledging the effort put forward to obtain these grants, and noted the Tanks Section's excellent work. He inquired as to the type of geophysical survey that was used at some of the sites outlined, to which Mr. Koon advised that ground penetrating radar was used.

No other questions/comments were posed by the Commission. This was provided as information only and required no other action on the part of the Commission.

6. FINANCIAL RESPONSIBILITY QUARTERLY UPDATE

Mr. Mike Martin, Compliance and Enforcement Section, addressed the Commission and provided them with an update of the current financial responsibility enforcement efforts. He noted that on August 21, 2008, the Commission approved an expedited process whereby the HWP director may refer sites that do not have financial responsibility (FR) to the Attorney General's Office (AGO) for enforcement action and civil penalties. The Commission voted for the expedited process to begin on November 1, 2008.

Mr. Martin outlined the basis for the financial responsibility laws, the types of FR coverage accepted, who needs FR coverage, the historical process for meeting compliance with FR requirements, charts noting current compliance and totals of those currently without verifiable FR coverage. He advised the Commission that Missouri law and regulation requires tank owners and operators to maintain FR so that they will have funds to take corrective action and compensate third parties for bodily injury and property damage if they have petroleum releases from their underground storage tanks, and that the Compliance and Enforcement Section (CES) continues with the tasks and responsibilities of ensuring compliance with FR.

He noted that the expedited program remains successful at prompting compliance. As of November 20, 2013, of the 3,167 regulated active tank sites in Missouri, only 43 are currently without verified coverage. He advised that this was a slight uptake to the general number. He explained that a large company with numerous sites across the state had recently filed for bankruptcy, which had skewed the numbers.

No questions were posed by the Commission. This was provided as information only and required no action on the part of the Commission.

7. CONTAMINATED SOLVENT WIPES

Ms. Nicole Eby, Unit Chief, Compliance and Enforcement Section, provided the Commission with a PowerPoint presentation outlining the EPA's recently published exclusions to the solvent contaminated wipes rule. She explained that these included a conditional exclusion from the definition of solid waste for reusable wipes and a conditional exemption from the definition of hazardous waste for solvent contaminated wipes sent for disposal. She provided a brief overview of the regulations, the difference in these and our current approaches, and some considerations for facilities which may be affected were provided in this presentation. She noted that this rule was not new, as it was over 30 years in the making.

Ms. Eby explained that on July 31, 2013, the EPA published a final rule that modified its RCRA hazardous waste regulations for solvent-contaminated wipes. (78 FR 46448) 40 CFR 261.4. She noted that the rule becomes effective on January 31, 2014, which includes a conditional exclusion from the definition of solid waste for solvent-contaminated wipes sent for cleaning ("reusable wipes") – 40 CFR 261.4(a)(26); a conditional exclusion from the definition of hazardous waste for solvent-contaminated wipes sent for disposal ("disposable wipes") – 40 CFR 261.4(b)(18); and she noted that the purpose of the final rule was to provide a consistent regulatory framework which was appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry. She stated that the EPA estimated a national cost savings of \$21.7 to \$27.8 million/year.

Chairman Foresman inquired as to whether this was restricted to chlorinated solvents only or if it related to other solvents also. Ms. Eby responded that she would cover this information in her presentation, but, it included several types of solvents.

Ms. Eby went on to advise the Commission that because the rule excludes solvent-contaminated wipes from RCRA hazardous waste regulation, the rule is considered less stringent than the base federal program; therefore, authorized states have the option of whether or not to adopt the exclusions into their regulations. She noted that Missouri's tentative plan is to adopt this rule with the current rulemaking package, and that the rule will supersede the Department's current guidance for solvent contaminated wipes. She explained that while the exclusion for wipes sent for disposal is less stringent than current regulation, the exclusions for laundered wipes will add requirements to current guidance. Ms. Eby reviewed the new definitions established by the rule, explained which types of wipes do not qualify, outlined the accumulation requirements and disposal/laundry requirements for disposable and reusable wipes, outlined which types of records were and were not required, provided a description of a closed container, reviewed questions that have been posed, outlined the questions regarding shipping, and reviewed other considerations and options.

Ms. Eby completed her presentation by noting that it may not be practical for every facility to use the exclusions rather than manage their wipes as hazardous waste, and that deciding whether it will benefit the individual facility to utilize this exclusion will require careful consideration of the overall processes and management practices of the facility.

No other questions were posed by the Commission. This was provided as information only and required no action on the part of the Commission.

8. PERMITS SECTION UPDATE

Mr. Rich Nussbaum, Chief, Permits Section, provided the Commission with a PowerPoint presentation outlining the Permits Section, their responsibilities, and current issues. He provided an organizational chart for the section, noting key positions and vacancies. Mr. Nussbaum explained that there had been several retirements or transfers of key staff in the recent months, with a loss of over 120 years of combined knowledge and experience. He outlined the different units within the section and provided an overview of their duties and responsibilities. Mr. Nussbaum also noted that several vacant positions had been or were being filled, and new staff was coming up to speed on their duties.

Mr. Nussbaum went on to explain the regulatory instruments that the Permits Section uses, the common misconceptions regarding permits and the impacts of recent legislation. He noted how HB1251, the “no stricter than” legislation, and HB 28/650, affected permitting requirements and outlined staff efforts to meet these requirements.

Mr. Nussbaum discussed several national workgroups and organizations that he or section staff were coordinating with to ensure Missouri was involved in the most progressive approach to the issues they faced. He noted different ways the regulated community could help streamline and un-complicate the process and outlined the ongoing challenges the section faced.

No questions were posed by the Commission. This was provided as information only and required no action on the part of the Commission.

9. MISSOURI HAZARDOUS SUBSTANCE SITE LOCATOR

Ms. Hannah Humphrey, Chief, Long Term Stewardship Unit, provided the Commission with a PowerPoint presentation and a live demonstration of the Department’s newly released online map. She noted that this new online map is a one stop resource that allows users to conduct a web-based search for hazardous substance investigations and cleanups within a specific community or area.

Ms. Humphrey provided background information, noting that in 2011, the Brownfield/Voluntary Cleanup Program developed a pilot Long Term Stewardship Mapper. The Hazardous Waste Program worked with the Information Technology Services Division to develop an improved, expanded map that includes Superfund, Federal Facilities, Resource Conservation and Recovery Act (RCRA) Corrective Action, and Brownfields/ Voluntary Cleanup Program investigation and cleanup sites. This new map website was launched on December 2, 2013, and featured an interactive map viewer with individual site summaries for every site, and links to important documents from Department files. It also included downloadable data layers that local governments or utilities can download and use in their own planning efforts.

Ms. Humphrey went on to advise that until now almost all this information was only available by reviewing Department paper files and county property records; but that it was known that many property uses that put people at risk do not involve chain-of-title searches, such as construction and utility work, and this website allows property occupants, construction and utility workers, and potential purchasers an increased awareness and understanding of activity and use limitations designed to ensure their safety at risk-based cleanup sites.

Ms. Humphrey stated that developing the map and preparing information about cleanups for the new map represented a substantial effort for Hazardous Waste Program staff in 2013. She noted that thousands of paper files were converted to electronic format and site information from three Departmental information systems was updated and linked; with the Department's goal being making site information easily accessible to the public and providing a transparent, consistent information resource that helps ensure property is used safely in Missouri. She stated that this map represents the first time the Department has used the Google mapping platform, and is part of an overall effort to use technology to improve service to Missourians, in this case by improving the visibility of environmental information to the public to protect public health. A live demonstration was provided of sites in the Warrensburg area, showing the documents that were linked and the ease of availability. Ms. Humphrey also noted that more records were being added.

Commissioner Bracker advised that the presentation and the information was incredibly interesting; he commended the quality and the ease of accessibility and advised he was very pleased with the Department's efforts.

Chairman Foresman noted that it was a great resource.

No other questions/comments were posed by the Commission. This was provided as information only and required no action on the part of the Commission.

10. LEGAL UPDATE

Ms. Kara Valentine, Commission Counsel, Office of the Attorney General, addressed the Commission and provided them with an update on several legal cases across the state. She began by advising them of a recent case involving the Glover lead smelter in southeast Missouri. She noted that this was part of the ASARCO bankruptcy, and the state was awarded five million dollars. She noted that ASARCO had sold the site and the slag piles to Doe Run in 1998; therefore, Doe Run was awarded a joint claim. She advised that the plan was for the state to get the money and to contract with Doe Run to close and grade the slag piles. She stated that ASARCO decided that it was not going to pay up on that money and stated that they were entitled to certain offsets due to other sites where ASARCO and Doe Run had joint liability. Ms. Valentine advised the Commission that the state had filed for summary judgment with the bankruptcy court, and the court had recently released its agreement with the state. During the interim, she noted, interest has been accruing on the judgment amount and the state would be issuing directions to ASARCO as to how payment was to be made in to the trust fund. She advised that of the settlement amount, \$250,000 was

to be paid to the Hazardous Waste Fund for oversight work, which would be done by Mr. Rich Nussbaum's Permits Section staff.

Chairman Foresman inquired as to whether the state believed the amount would be sufficient, to which Ms. Valentine replied that she believed it would be.

The next case Ms. Valentine addressed was the Discount Computers Inc. site, or DCI. She advised that they were an electronics recycling company that had rented a warehouse in St. Louis, and had accumulated approximately two thousand CRT's, monitors and televisions which they had abandoned. She stated that the building was owned by a company called Savis, who had agreed to clean up the abandoned waste. Ms. Valentine advised that the state had filed for and received a default judgment against DCI in the amount of \$102,600, which had been referred to collections. She also noted that a consent judgment had been reached with Savis and the transporters.

Next on Ms. Valentine's list was a case involving Enos Green. She advised Mr. Green owned a bar in Festus, Missouri, which had a parking lot that dropped off into a ravine. She noted that Mr. Green had needed clean fill to stabilize the parking area and someone had dropped off loads of lead dross from the Doe Run site. She advised that a lawsuit was filed by Mr. Green in 1999, against Doe Run, to clean up the fill and that letters had been sent to Doe Run and to Enos Green. Doe Run claimed that lead dross was a commodity and they would not have allowed anyone to remove the lead dross for dumping at the site, so no civil penalties were requested in the matter. Ms. Valentine advised that the site was recently cleaned up through the Brownfields Voluntary Cleanup Program, with Mr. Green insisting it be cleaned up to standards of 100 ppm, versus the 660 ppm standard; thus leaving Mr. Green with a very clean parking lot.

Ms. Valentine next provided the Commission with information on the Dyno Nobel case. She noted that this was not a state led case, but was a result of an EPA inspection. She advised that Dyno Nobel manufactures industrial explosives and has plants in Louisiana and Carthage Missouri. Ms. Valentine stated that an EPA inspection in 2012 found a release of hydrochloric acid at the Carthage plant and that Dyno Nobel had failed to make the appropriate emergency notifications at the time of the release. She advised that the EPA was awarded a \$250,000 penalty. She noted that the state was limited to \$10,000 a day, whereas the federal government could assess three times that amount.

Ms. Valentine ended her presentation with a clarification on the process of executive session minutes taken during Commission meetings. She noted that a recent inquiry on how executive session minutes were handled had been made and provided Commission members with the following clarification. She stated that the Commission could continue to vote on executive session minutes, in the general session; but, any changes would have to be discussed and made in executive session. She stated that just because the Commission votes to approve these minutes in general session, it does not make it open to public review. She suggested that any amendments be made after going in to executive session, and the draft copies that the Commissioners receive could be retained by the Commissioners, or could be returned to the Commission Secretary for proper disposal.

No questions were posed by the Commission. This was provided as information only and required no action on the part of the Commission.

11. PUBLIC INQUIRIES

Mr. David J. Lamb, Director, Hazardous Waste Program, advised the Commission that he had received a Public Comment request form from Mr. Roger Walker, from REGFORM, requesting an opportunity to address the Commission.

Mr. Roger Walker, REGFORM, addressed the Commission and advised that he wished to publicly let them know how responsive the Department had been regarding the HB1251 rule reviews. He noted that it was a very big undertaking, had taken up a great deal of staff time, and that he knew they had worked hard on the process. He applauded the Department's coordination with stakeholders, addressing all comments, inquiries and discussions on the different issues involved. He noted that he did not want the level of effort to go unsaid.

Chairman Foresman thanked Mr. Walker for his comments and noted his appreciation for REGFORM's involvement in the process.

Mr. Walker thanked Mr. Lamb and his staff for their work and coordination.

12. OTHER BUSINESS

Mr. David J. Lamb, Director, Hazardous Waste Program, addressed the Commission and provided a brief update on several program related items that he felt would be of interest to them. Mr. Lamb began by advising that the program's generator fee invoicing had been completed for this year and that 2,735 invoices had been sent out anticipating receipt of \$1,495,000 in fees. He stated that this was slightly above last year's invoices of \$1,437,000. He noted that the program had started collecting the fees and that generators had until the end of year to submit their fees to avoid late fees. Mr. Lamb also noted that \$193,000 in tank fees had been invoiced earlier in the year, noting that the tank fees were a little different than the generator fees, with the cycle changing year to year, as tank owners are billed on a five year basis, rather than annually. He advised that \$175,000 had been collected, and that those who had not paid were at the point of enforcement action being necessary to try to compel compliance.

Mr. Lamb then noted that the legislative session would start up again soon, with bills already being pre-filed. He stated that the session was scheduled to start on January 8th, and when it started, fiscal notes would begin to circulate and staff were beginning to gear up to respond to them and other legislative inquiries. He stated that he believed it was going to be a light legislative year for the program. He noted that the program's fees were good until 2018, and that the Department only had one fee up for legislative action this year; that fee being the scrap tire fee for the Solid Waste Program. Mr. Lamb advised that with the "no stricter than" legislation and the permit streamlining efforts of the last two years, the program had probably worked through most of the issues with our hazardous waste laws that needed to be addressed.

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 3

Finding of Necessity – HB 1251 Proposed Rule Changes, Adoption of Federal Rules, and Other Revisions

Issue:

Should the Commission approve a Finding of Necessity to allow the department to file a group of proposed amendments to the following rules in Title 10, Division 25 of the Code of State Regulations?

- 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 25-12.010** Fees and Taxes
- 10 CSR 25-13.010** Polychlorinated Biphenyls
- 10 CSR 25-16.273** Standards for Universal Waste Management

Information:

Department staff have been working with stakeholders and participants in the Hazardous Waste Forum to develop a group of proposed changes to the hazardous waste rules in Title 10, Division 25 of the Code of State Regulations (10 CSR 25). House Bill 1251 (HB 1251), passed by the 2012 General Assembly and codified in Section 260.373 RSMo, required the Department to identify existing rules in Chapters 3, 4, 5 and 7 of 10 CSR 25 that need to be amended to be consistent with the requirements of Section 260.373. That section limits the authority of the Missouri Hazardous Waste Management Commission to adopt rules that are stricter than, or that establish requirements sooner than, the corresponding federal regulations in certain subject areas. The Department has completed the identification and review process for these chapters and is working on developing the proposed rule amendments that will implement the necessary changes.

Now that the review and identification process is complete, the Department, with the Commission's approval of this Finding of Necessity, will begin developing the proposed rule amendments, as well as all the required supporting documentation for the amendments.

In addition to the changes related to "no stricter than", multiple rules in 10 CSR 25 will be amended to update the incorporation by reference of the Code of Federal Regulations. In October 2012, the Commission approved a Finding of Necessity to update the incorporation by reference to the 2012 Code of Federal Regulations, but that effort was put on hold while the no stricter than changes were developed. Now that that process is complete, the necessary amendments to update the adoption of the CFR may proceed. The Department proposes to also adopt two additional rules published by EPA since July 1, 2012.

The additional amendments during this time period that would be incorporated are:

- Conditional Exclusion for Solvent Contaminated Wipes
- Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests

Recommended Action:

Commission to approve a Finding of Necessity to allow the Department to file amendments to Title 10, Division 25 of the Code of State Regulations

Presented by:

Tim Eiken, Rule Coordinator, Hazardous Waste Program

Suggested Motion Language:

“I move that the Commission adopt/not adopt/or adopt with modifications, the Finding of Necessity that the proposed amendments to Title 10, Division 25 are necessary to carry out the Commission’s rulemaking authority and that the Department proceed with the filing of the proposed amendments with the Secretary of State.”

**Missouri Department of Natural Resources
Hazardous Waste Management Commission
Certification of Decision**

10 CSR 25-3.260 through 10 CSR 25-16.273

Pursuant to 536.016 RSMo and the DNR Rulemaking Policy and Procedures, the Missouri Department of Natural Resources Hazardous Waste Management Commission finds on this date, February 20, 2014, that the amendments of 10 CSR 25-3.260 through 10 CSR 25-16.273 are necessary to carry out the purposes of Chapter 260.370 and 260.395 of the Revised Statutes of Missouri.

DATE: February 20, 2014

Michael Foresman, Chairman

Elizabeth Aull, Commissioner

Deron Sugg, Vice-Chairman

Jamie Frakes, Commissioner

Andrew Bracker, Commissioner

Charles Adams, Commission

Final Draft of Proposed Rule Text – Chapters 3, 4, 5, and 7
January 10, 2014

This document is the final version of draft rule text in Chapters 3, 4, 5, and 7 of Title 10 Division 25 of the Code of State Regulations. The document builds on previous documents that identified provisions in the rules that are inconsistent with HB 1251, and also previous “working draft of proposed rule text” documents that included additional changes to rules in those chapters that, even though not required by “no stricter than”, were also identified, developed, and discussed as part of the HB 1251 implementation process with stakeholders through the Hazardous Waste Forum. These changes are proposed to incorporate by reference new federal rules, to eliminate outdated language, to correct references, and to implement recent statutory changes that eliminated five different steps of the hazardous waste permitting process.

BLACK rule text – indicates a determination that the text in question will be retained, either because it does not impose requirements that are stricter than federal, or because one of the statutory exclusions apply.

RED rule text – indicates a determination that the text in question will be rescinded, as it is inconsistent with the limitation on state rules being stricter than federal rules found in HB 1251.

BLUE rule text – indicates that item in question is proposed to be changed, not because it is inconsistent with HB 1251, but because it is needed to align with the intent of 260.373 RSMO, the language is outdated, repetitive, or for some other reason no longer necessary, or it is a clarification requested by a stakeholder.

DRAFT – FOR DISCUSSION AND INFORMATIONAL PURPOSES ONLY.

27 10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information

28 *PURPOSE: This rule sets forth definitions and delisting procedures. This rule incorporates the federal*
29 *regulations in 40 CFR part 260 by reference. This rule also outlines a number of specific substitutions*
30 *between the state and federal regulations that are necessary for incorporation by reference.*

31 (1) The regulations set forth in 40 CFR part 260, July 1, **2013**, as published by the Office of the Federal
32 Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA
33 15250-7954, **and the changes made at 78 FR 0 July 31, 2013 and 79 FR 7518 February 7, 2014**, are
34 incorporated by reference, except for the changes made at 70 FR 53453, September 8, 2005, and 73 FR
35 64667 to 73 FR 64788, October 30, 2008, subject to the following additions, modifications, substitutions, or
36 deletions. This rule does not incorporate any subsequent amendments or additions.

37 (A) Except where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any
38 federal agency, administrator, regulation, or statute that is referenced in 40 CFR parts 260–270, 273, and
39 279, and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state
40 department, director, rule, or statute. Where conflicting rules exist in 10 CSR 25, the more stringent shall
41 control.

42 1. “Director” shall be substituted for “Administrator” or “Regional Administrator” except where those
43 terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.
44 ~~All applications, approvals, petitions, appeals, or other paperwork associated with the United States~~
45 ~~Environmental Protection Agency’s “National Environmental Performance Track” shall not be submitted to~~
46 ~~the director in lieu of the administrator or regional administrator.~~

47 2. “Missouri Department of Natural Resources” shall be substituted for “EPA,” “U.S. EPA,” or “U.S.
48 Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10
49 incorporated in this rule and where otherwise indicated in 10 CSR 25.

50 3. “Section 260.395.15, RSMo,” shall be substituted for “Section 3005(e) of RCRA.”

51 4. “Sections 260.375(9), 260.380.1(9), 260.385(7), and 260.390(7), RSMo,” shall be substituted for
52 “Section 3007 of RCRA.”

53 5. “Sections 260.410 and 260.425, RSMo,” shall be substituted for “Section 3008 of RCRA.”

54 6. “10 CSR 25-3.260” shall be substituted for any reference to 40 CFR part 260.

55 7. “10 CSR 25-4.261” shall be substituted for any reference to 40 CFR part 261.

56 8. “10 CSR 25-5.262” shall be substituted for any reference to 40 CFR part 262.

57 9. “10 CSR 25-6.263” shall be substituted for any reference to 40 CFR part 263.

58 10. “10 CSR 25-7.264” shall be substituted for any reference to 40 CFR part 264.

59 11. “10 CSR 25-7.265” shall be substituted for any reference to 40 CFR part 265.

60 12. “10 CSR 25-7.266” shall be substituted for any reference to 40 CFR part 266.

61 13. “10 CSR 25-7.268” shall be substituted for any reference to 40 CFR part 268.

62 14. “10 CSR 25-7.270” shall be substituted for any reference to 40 CFR part 270.

63 15. “10 CSR 25-8.124” shall be substituted for any reference to 40 CFR part 124.

64 16. “10 CSR 25-11.279” shall be substituted for any reference to 40 CFR part 279.

65 17. “10 CSR 25-16.273” shall be substituted for any reference to 40 CFR part 273.

66 18. “Sections 260.350–260.434, RSMo,” shall be substituted for “Subtitle C of RCRA Act,” or
67 “RCRA,” except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

68 19. “Section 260.380.1(1), RSMo” shall be substituted for “Section 3010 of RCRA.”

69 20. “Section 260.420, RSMo” shall be substituted for “Section 7003 of RCRA.”

70 21. “Waste within the meaning of section 260.360(21), RSMo,” shall be substituted for “solid waste
71 within the meaning of section 1004(27) of RCRA.” Residual materials specified as wastes under section
72 260.360(21), RSMo, shall mean any spent materials, sludges, by-products, commercial chemical products,
73 or scrap metal that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

74 22. “Section 260.360(9), RSMo,” shall be substituted for “Section 1004(5) of RCRA.”

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75 23. “Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(1)(B), and 10 CSR
76 25-7.270(2)(B)” shall be substituted for any reference to the Federal Freedom of Information Act (5 U.S.C.
77 552(a) and (b)), 40 CFR part 2, or Section 3007(b) of RCRA.

78 ~~24. “Owner/operator” shall be substituted for each reference to “owner and operator” and “owner or
79 operator” in the 40 CFR parts incorporated in 10 CSR 25.~~

80 25. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 are
81 hazardous waste and are regulated under sections 260.350–260.434, RSMo, and 10 CSR 25. A person shall
82 manage all hazardous waste which is not subject to requirements in 10 CSR 25 in accordance with
83 subsection 260.380.2, RSMo. When a person accumulates one hundred kilograms (100 kg) of nonacute
84 hazardous waste or one kilogram (1 kg) of acutely hazardous waste ~~or one gram (1 g) of 2,3,7,8-~~
85 ~~tetrachlorodibenzo-p-dioxin (TCDD)~~, or the aggregate of one hundred kilograms (100 kg) of acute and
86 nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This
87 provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated
88 by reference and modified in 10 CSR 25-4.261(2)(A).

89 26. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405,
90 RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term
91 variance but the case-by-case decision or action of the department or commission does not meet the
92 description of a variance pursuant to section 260.405, RSMo, the decision or action shall be considered an
93 exception or exemption based on the conditions set forth in the federal regulation incorporated by reference
94 or the omission from regulation.

95 27. The rules of grammatical construction in 40 CFR 260.3 incorporated by reference in this rule shall
96 also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25.

97 (2) This section sets forth specific modifications to the regulations incorporated in section (1) of this rule.
98 (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any
99 subpart of the federal regulations are noted within the corresponding subsection of this section. For
100 example, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

101 (A) The following are changes to 40 CFR part 260 subpart A incorporated in this rule:

102 1. Confidential business information and availability of information. 40 CFR 260.2 is not incorporated
103 in this rule. In lieu of those provisions, the following shall apply to confidential business information and the
104 availability of information:

105 A. Any information provided to the department under 10 CSR 25 will be made available to the extent
106 and in the manner authorized by Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, subsection
107 (1)(B) and 10 CSR 25-7.270(2)(B)2. as applicable;

108 B. Any person who submits information to the department in accordance with 10 CSR 25 may assert a
109 claim of business confidentiality covering a part or all of that information by including a letter with the
110 information which requests protection of specific information from disclosure. Information covered by this
111 claim will be disclosed by the department to the extent and by means of the procedures set forth in Chapter
112 610, RSMo. However, if no claim accompanies the information when it is received by the department, the
113 information may be made available to the public without further notice to the person submitting it. The
114 department will respond to requests for protection of business information within twenty (20) business days;
115 and

116 C. The department will respond to requests for information within three (3) business days except as
117 provided in Chapter 610, RSMo, and except as allowed for reasonable cause in accordance with Chapter
118 610, RSMo. When the period for document production must exceed three (3) business days for reasonable
119 cause, the department will provide the document within no more than twenty (20) business days.

120 (B) Definitions. *(Reserved)*

121 (C) 40 CFR part 260 subpart C, Rulemaking Petitions, is not incorporated in this rule. Not more than sixty
122 (60) days after promulgation of the final federal determination, the department shall approve or disapprove
123 all delistings granted under 40 CFR 260.20 or 40 CFR 260.22. If the department fails to take action within
124 that sixty (60)-day time frame, the delistings shall be deemed approved.

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125 ~~(D) 40 CFR part 260 Appendix I is not incorporated in this rule.~~

126 (3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions
127 which modify or add to those definitions in 40 CFR parts 60, 260–270, 273, and 279 and 49 CFR parts 40,
128 171–180, 383, 387, and 390–397.

129 (A) Definitions beginning with the letter A.

130 ~~1. ASTM means the American Society for Testing and Materials.~~

131 2. Abandoned or uncontrolled means any property where hazardous waste has been disposed of illegally
132 or where hazardous waste was disposed of prior to regulation under sections 260.350–260.434, RSMo.

133 ~~3. Active fault means a fault which, according to substantial geologic evidence, is capable of movement
134 along a fault trace. A fault which, according to historical records, has moved along a fault trace is considered
135 an active fault.~~

136 4. Attenuation means any physical, chemical, or biological reaction, or a combination of both,
137 transformation occurring in the zone of aeration or zone of saturation that brings about a temporary or
138 permanent decrease in the maximum concentration or total quantity of an applied chemical or biological
139 constituent in a fixed time or distance traveled.

140 (B) Definitions beginning with the letter B. *(Reserved)*

141 (C) Definitions beginning with the letter C.

142 1. CFR means the *Code of Federal Regulations*.

143 2. CSR means the *Missouri Code of State Regulations*.

144 3. Commission means the Hazardous Waste Management Commission of Missouri created by section
145 260.365, RSMo.

146 ~~4. Compliance procedure means any proceeding instituted under sections 260.350–260.434, RSMo,
147 which seeks to require compliance with, or which is in the nature of an enforcement action or an action to
148 cure a violation of, sections 260.350–~~

149 ~~260.434, RSMo, or rules adopted under those sections, or permits, licenses, or certifications issued under
150 those sections. A compliance procedure includes, without limitation, an order issued pursuant to section
151 260.410, RSMo, or any denial or revocation of or notice of intent to revoke a license, permit, or certification
152 pursuant to, or any civil or criminal action filed in the courts of Missouri pursuant to, sections 260.350–
153 260.434, RSMo. A compliance procedure is considered to be pending from the time an order, denial,
154 revocation, or notice of intent to revoke is issued by the director or judicial proceedings begin, until the
155 director notifies the person subject to the compliance procedure in writing that the violation has been
156 corrected or that the procedure has been withdrawn or dismissed.~~

157 (D) Definitions beginning with the letter D.

158 1. Department means the Missouri Department of Natural Resources.

159 2. Director means the director of the Missouri Department of Natural Resources.

160 ~~3. Displacement means the relative movement of any two (2) sides of a fault measured in any direction.~~

161 4. DOT means the United States Department of Transportation.

162 (E) Definitions beginning with the letter E.

163 ~~1. Extended reporting period means a declaration or endorsement in a liability insurance policy required
164 by 10 CSR 25.7 which provides an extension of the coverage of the policy to claims otherwise covered by
165 the policy and first made during a specified period immediately following the effective date of cancellation
166 or nonrenewal of the policy. The specified period shall be of at least twelve (12) months duration.~~

167 (F) Definitions beginning with the letter F.

168 1. Farmer means a person primarily engaged in the production of crops or livestock for agricultural
169 purposes, or both.

170 ~~2. Fault means a fracture along which rocks on one (1) side have been displaced with respect to those on
171 the other side.~~

172 (G) Definitions beginning with the letter G.

173 1. Generation means the act or process of producing hazardous waste.

174 (H) Definitions beginning with the letter H.

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175 ~~1. HSWA means the Hazardous and Solid Waste Amendments of 1984. These amendments were made~~
176 ~~to the Resource Conservation and Recovery Act by P.L. 98-616, November 8, 1984.~~

177 ~~2. Hazardous constituent means any chemical compound listed in 40 CFR part 261 Appendix VIII as~~
178 ~~incorporated in 10 CSR 25-4.261. (This is different than the term hazardous waste constituent as defined in~~
179 ~~40 CFR 260.10.)~~

180 3. Hazardous waste means any waste or combination of wastes as defined by or listed in 10 CSR 25-4,
181 which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause
182 or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating
183 reversible illness or which may pose a threat to the health of humans or other living organisms.

184 4. Hazardous waste transporter means any person or company conducting activities in Missouri which
185 require a hazardous waste transporter license pursuant to 10 CSR 25-6.263. These activities may include, but
186 are not limited to, transportation of hazardous wastes, used oil, and infectious wastes by highway, railway,
187 or waterway.

188 ~~5. Holocene means the most recent epoch of the Quaternary period, extending from the end of the~~
189 ~~Pleistocene period to the present, approximately the previous twelve thousand (12,000) years.~~

190 6. Household hazardous waste means any household waste excluded from regulation as hazardous waste
191 by 40 CFR 261.4(b)(1) but otherwise meets the definition of hazardous waste in paragraph (2)(H)3. of this
192 rule.

193 (I) Definitions beginning with the letter I.

194 1. Identification number means the unique code assigned to each hazardous waste, each hazardous waste
195 generator, transporter, facility, or resource recovery facility pursuant to these rules.

196 2. International Registration Plan, referred to as IRP, is a system of reporting and apportioning fees to
197 states and other jurisdictions based on the percentage of mileage accumulated while conducting business in
198 those states or jurisdictions.

199 (J) Definitions beginning with the letter J. *(Reserved)*

200 (K) Definitions beginning with the letter K. *(Reserved)*

201 (L) Definitions beginning with the letter L.

202 ~~1. Land-based management facility means any hazardous waste landfill, land treatment unit, surface~~
203 ~~impoundment, or waste pile.~~

204 (M) Definitions beginning with the letter M.

205 1. Missouri hazardous waste mileage means the total fleet miles that materials requiring a hazardous
206 waste transporter license are transported in Missouri over a period specified by rule. Additionally, all miles
207 traveled transporting containers with residues of these materials, as defined at 49 CFR 171.8, will be
208 included in the Missouri hazardous waste mileage.

209 2. Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer, or any combination of them,
210 propelled or drawn by mechanical power and used upon the highways in transportation. It does not include a
211 vehicle, locomotive, or car operated exclusively on a rail(s).

212 (N) Definitions beginning with the letter N. *(Reserved)*

213 (O) Definitions beginning with the letter O.

214 ~~1. One hundred (100)-year flood means a flood that has a one percent (1%) chance of recurring in any~~
215 ~~year or a flood of magnitude equaled or exceeded once in one hundred (100) years on the average over a~~
216 ~~significantly long period. In any given one hundred (100) year interval, a flood of that magnitude may or~~
217 ~~may not occur, or more than one (1) flood of that magnitude may occur.~~

218 ~~2. One hundred (100)-year floodplain means any land area which is subject to a one percent (1%) or~~
219 ~~greater chance of flooding in any given year from any source.~~

220 ~~3. Operating disposal facility means a hazardous waste management facility permitted or seeking a~~
221 ~~permit for the construction, operation, or both, including receipt of hazardous waste, of surface~~
222 ~~impoundment, waste pile, land treatment unit, or landfill.~~

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223 ~~4. Owner/operator means owner and operator. For the purposes of performing the activities required by~~
224 ~~these rules, where not specifically required of the owner, the owner may designate in writing that the~~
225 ~~operator has the authority to perform the duties of the owner/operator. This designation does not relieve the~~
226 ~~owner of his/her joint liability that these activities are performed.~~

227 (P) Definitions beginning with the letter P.

228 ~~1. Post closure disposal facility means a hazardous waste management facility which has disposed of~~
229 ~~hazardous waste, and which is required by applicable state and federal laws and regulations to have a permit~~
230 ~~to conduct post closure activities, or to perform necessary post closure activities under an enforceable~~
231 ~~document, as defined in 40 CFR 270.1(e)(7) and incorporated by reference in 10 CSR 25 7.270(1).~~

232 2. Professional engineer or registered engineer means a professional engineer licensed to practice by the
233 Missouri Board of Architects, Professional Engineers and Land Surveyors.

234 3. Power unit for the purpose of this regulation is a truck with at least two (2) axles, regardless of
235 licensed vehicle weight or configuration.

236 ~~4. Preceding year is defined as the period of twelve (12) consecutive months immediately prior to July 1~~
237 ~~immediately preceding the commencement of the license year for which license is sought.~~

238 (Q) Definitions beginning with the letter Q. *(Reserved)*

239 (R) Definitions beginning with the letter R.

240 1. RCRA means the Resource Conservation and Recovery Act, 42 U.S.C. sections 6901–6991.

241 ~~2. Regional aquifer means a geologic formation, group of formations or part of a formation that contains~~
242 ~~sufficient saturated permeable material to yield or be capable of yielding water at a sufficient rate to serve as~~
243 ~~a practical source of water supply.~~

244 3. Registry means the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste
245 Disposal Sites.

246 4. Remedial action means any action at a hazardous waste site to protect the public health and
247 environment. These actions may include, but are not limited to: storage; confinement; perimeter protection
248 using dikes, trenches, or ditches; clay cover; neutralization; cleanup of hazardous waste, hazardous
249 substances, or contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive
250 materials; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or
251 incineration; provision of alternative water supplies; any monitoring reasonably required to assure that these
252 actions protect the public health and environment; or any combination of these actions.

253 5. Remedial action plan means the specific procedures to be followed in implementation of any remedial
254 action and all necessary, related procedures including, but not limited to, safety, analysis, sampling,
255 handling, packaging, storing, removing, transporting, labeling, registering, and site security. A remedial
256 action plan has a defined endpoint, agreed to in advance, which will complete the plan. Additional remedial
257 actions may be necessary after completion of a remedial action plan dependent upon results of sample
258 analysis or development of new information.

259 ~~6. Residual materials means any spent materials, sludges, by products, commercial chemical products,~~
260 ~~or scrap metals that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25 4.261.~~

261 7. Resource recovery means the reclamation of energy or materials from waste, its reuse, or its
262 transformation into new products which are not wastes.

263 8. Responsible party means any person(s) liable for costs of removal actions or remedial action or other
264 response costs or damages pursuant to Section 107 of the federal Comprehensive Environmental Response,
265 Compensation and Liability Act of 1980, 42 U.S.C. 9607–9657 as amended by P.L. 99-499 Superfund
266 Amendments, and Reauthorization Act of 1986, or any current owners or other person willing to assume
267 responsibility.

268 (S) Definitions beginning with the letter S.

269 1. Site, for purposes of 10 CSR 25-10, means the smallest geographic boundary which contains known
270 chemical contamination. A buffer zone may be included within the area.

271 ~~2. Standby trust fund means a trust fund which must be established by the owner or operator who~~
272 ~~obtains a surety bond or provides other security as specified in these rules.~~

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273 3. Substantial change means any change in use of a site which may result in a spread of contamination
274 over additional portions of a site or off-site, an increase in human exposure to hazardous materials, an
275 increase in adverse environmental impacts, or a situation making potential remedial actions to correct
276 problems at the site more difficult to undertake or complete.

277 (T) Definitions beginning with the letter T.

278 1. Training means formal instruction which supplements an employee's existing job knowledge and is
279 designed to protect human health and the environment through increased awareness and improved job
280 proficiency.

281 2. Transporter; see hazardous waste transporter.

282 ~~3. True vapor pressure means the pressure exerted when a solid or liquid is in equilibrium with its own
283 vapor. The vapor pressure is a function of the substance and of the temperature.~~

284 ~~4. Twenty four (24) hour, twenty five (25) year storm means a storm of twenty four (24) hour duration
285 for which the frequency of occurrence is once in twenty five (25) years.~~

286 (U) Definitions beginning with the letter U.

287 1. Universal waste means any of the hazardous wastes that are defined under the universal waste
288 requirements of 10 CSR 25-16.273(2)(A).

289 2. Used oil.

290 A. The definition of used oil at 40 CFR 260.10 is amended to include, but not be limited to,
291 petroleum-derived and synthetic oils which have been spilled into the environment or used for any of the
292 following:

293 (I) Lubrication/cutting oil;

294 (II) Heat transfer;

295 (III) Hydraulic power; or

296 (IV) Insulation in dielectric transformers.

297 ~~B. The definition of used oil at 40 CFR 260.10 is amended to exclude used petroleum derived or
298 synthetic oils which have been used as solvents. (Note: Used ethylene glycol is not regulated as used oil
299 under 10 CSR 25.)~~

300 ~~C. Except for used oil that meets the used oil specifications found in 40 CFR 279.11, any amount of
301 used oil that exhibits a hazardous characteristic and is released into the environment is a hazardous waste
302 and shall be managed in compliance with the requirements of 10 CSR 25, Chapters 3-9 and 13. Any
303 exclusions from the definition of solid waste or hazardous waste will apply.~~

304 ~~3. USGS means United States Geological Survey.~~

305 4. **United States U.S.** importer means a United States-based person who is in corporate good standing
306 with the U.S. state in which they are registered to conduct business and who will be assuming all generator
307 responsibilities and liabilities specified in sections 260.350–260.430, RSMo, for wastes which the **United**
308 **States U.S.** importer has arranged to be imported from a foreign country.

309 (V) Definitions beginning with the letter V.

310 ~~1. Vapor recovery system means a system capable of collecting vapors and discharged gases and a vapor
311 processing system capable of processing those vapors and gases so as to control emission of contaminants to
312 the atmosphere. Emission not retained by vapor recovery systems, except for emissions regulated in 10 CSR
313 25, are regulated by rules adopted by the Missouri Air Conservation Commission, 10 CSR 10.~~

314 2. Vehicle, for the purpose of this regulation, refers to a power unit.

315 (W) Definitions beginning with the letter W.

316 ~~1. Washout means the fluvial transport of hazardous waste from a hazardous waste management unit as
317 a result of flooding.~~

318 2. Waste means any material for which no use or sale is intended and which will be discarded or any
319 material which has been or is being discarded. Waste shall also mean certain residual materials which may
320 be sold for purposes of energy or materials reclamation, reuse, or transformation into new products which
321 are not wastes. ~~Waste shall also mean hazardous waste fuels.~~

322 (X) Definitions beginning with the letter X. *(Reserved)*

323 (Y) Definitions beginning with the letter Y.

324 *(Reserved)*

325 (Z) Definitions beginning with the letter Z.

326 *(Reserved)*

328 **10 CSR 25-4.261 Methods for Identifying Hazardous Waste**

329 *PURPOSE: This rule sets forth characteristics and lists by which a generator can determine whether his/her*
330 *waste is hazardous. This rule defines hazardous waste under sections 260.475–260.479, RSMo. The federal*
331 *regulations in 40 CFR part 261 are incorporated by reference, subject to the modifications set forth in this*
332 *rule.*

333 (1) The regulations set forth in 40 CFR part 261, July 1, **2013**, as published by the Office of the Federal
334 Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA
335 15250-7954, **and the changes made at 78 FR 0 July 31, 2013 and 79 FR 7518 February 7, 2014**, are
336 incorporated by reference, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332,
337 June 13, 1991, 60 FR 7366, February 7, 1995, 63 FR 33823, June 19, 1998, 70 FR 53453, September 8,
338 2005, 73 FR 64667 to 73 FR 64788, October 30, 2008, and 73 FR 77954, December 19, 2008. This rule does
339 not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the
340 substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other
341 modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more
342 stringent shall control.

343 (2) This section sets forth specific modifications of the regulations incorporated in section (1) of this rule. A
344 person required to identify a hazardous waste shall comply with this section as it modifies 40 CFR part 261
345 as incorporated in this rule. (Comment: This section has been organized in order that all Missouri additions,
346 changes, or deletions to any subpart of the federal regulation are noted within the corresponding subsection
347 of this section. For example, changes to 40 CFR part 261 subpart A will be located in subsection (2)(A) of
348 this rule.)

349 (A) General. The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

350 ~~1. Material that is stored or accumulated in surface impoundments or waste piles is inherently waste like~~
351 ~~as provided in 40 CFR 261.2(d) incorporated in this rule, and is a solid waste, regardless of whether the~~
352 ~~material is recycled;~~

353 ~~2. A solid waste, as defined in 40 CFR 261.2, as incorporated in this rule, is a hazardous waste if it is a~~
354 ~~mixture of solid waste and one (1) or more hazardous wastes listed in 40 CFR part 261 subpart D, as~~
355 ~~incorporated in this rule, and has not been excluded from 40 CFR 261.3(a)(2), as incorporated in this rule,~~
356 ~~under 40 CFR 260.20 and 260.22, as incorporated in 10 CSR 25 3.260. However, mixtures of solid wastes~~
357 ~~and hazardous wastes listed in 40 CFR part 261 subpart D, as incorporated in this rule, are not hazardous~~
358 ~~wastes (except by application of 40 CFR part 261.3(a)(2)(i) or (ii), as incorporated in this rule) if the~~
359 ~~generator can demonstrate that the mixture consists of wastewater, the discharge of which is regulated under~~
360 ~~Chapter 644, RSMo, the Missouri Clean Water Law;~~

361 3. In Table 1 of 40 CFR 261.2, add an asterisk in column 3, row 6, Reclamation of Commercial
362 Chemical Products listed in 40 CFR 261.33 and add the following additional footnotes: “Note 2.
363 Commercial chemical products listed in 40 CFR 261.33 are not solid wastes when the original manufacturer
364 uses, reuses, or legitimately recycles the material in his/her manufacturing process”; **“Note 3. Gasoline and**
365 **diesel fuels are not solid wastes if they are legitimately used as fuels.”**

366 4. (Reserved)

367 ~~5. In addition to the requirements in 40 CFR 261.3 incorporated in this rule, hazardous waste may not be~~
368 ~~diluted solely for the purpose of rendering the waste nonhazardous unless dilution is warranted in an~~
369 ~~emergency response situation or where the dilution is part of a hazardous waste treatment process regulated~~
370 ~~or exempted under 10 CSR 25 7 or 10 CSR 25 9;~~

371 ~~6. Fly ash that is not regulated under sections 260.200–260.245, RSMo, or sections 644.006–644.564,~~
372 ~~RSMo, or is not beneficially reused as allowed under 10 CSR 80 2.020(9)(B), and fails Toxicity~~
373 ~~Characteristic Leaching Procedure (TCLP) is not subject to the exclusion at 40 CFR 261.4(b)(4) and shall be~~
374 ~~disposed of in a permitted hazardous waste facility;~~

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375 ~~7. In 40 CFR 261.4(a)(8)(i) incorporated in this rule, substitute “is a totally enclosed treatment facility”~~
376 ~~for “through completion of reclamation is closed”;~~

377 ~~8. 40 CFR 261.4(a)(11) is not incorporated in this rule;~~

378 9. 40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16)
379 added by 63 FR 33823, June 19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.);

380 **10. 40 CFR 261.4(a)(20) and (21) are not incorporated in this rule.**

381 ~~10. Household hazardous waste which is segregated from the solid waste stream becomes a regulated~~
382 ~~hazardous waste upon acceptance by delivery at a commercial hazardous waste treatment, storage, or~~
383 ~~disposal facility. Any waste for which the commercial facility becomes the generator in this way shall not be~~
384 ~~subject to waste minimization requirements under 40 CFR 264.73(b)(9), as incorporated by 10 CSR 25-~~
385 ~~7.264(1), nor shall that facility be required to pay hazardous waste fees and taxes on that waste pursuant to~~
386 ~~10 CSR 25-12.010;~~

387 11. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) as incorporated in
388 this rule to the department along with the Generator’s Hazardous Waste Summary Report required in 10
389 CSR 25-5.262(2)(D)1.;

390 12. The changes to 40 CFR 261.5, special requirements for hazardous waste generated by **conditionally**
391 **exempt** small quantity generators, incorporated in this rule are as follows:

392 A. The modification set forth in 10 CSR 25-3.260(1)(A)25. applies in this rule in addition to other
393 modifications set forth;

394 B. 40 CFR 261.5(g)(2) is not incorporated in this rule;

395 ~~C. A process, procedure, method, or technology is considered to be on-site treatment for the purposes~~
396 ~~of 40 CFR 261.5(f)(3) and 40 CFR 261.5(g)(3), as incorporated in this rule, only if it meets the following~~
397 ~~criteria:~~

398 ~~(I) The process, procedure, method, or technology reduces the hazardous characteristic(s) and/or the~~
399 ~~quantity of a hazardous waste; and~~

400 ~~(II) The process, procedure, method, or technology does not result in off-site emissions of any~~
401 ~~hazardous waste or constituent; and~~

402 ~~D. If a conditionally exempt small quantity generator’s wastes are mixed with used oil, the mixture is~~
403 ~~subject to 40 CFR 279.10(b)(3) as incorporated in 10 CSR 25-11.279;~~

404 13. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 261.6(a)(3)(i), as
405 incorporated in this rule. The state may not assume authority from the Environmental Protection Agency
406 (EPA) to receive notifications of intent to export or to transmit this information to other countries through
407 the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does
408 not relieve the regulated person of the responsibility to comply with the Resource Conservation and
409 Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies;

410 ~~14. 40 CFR 261.6(a)(4) is amended by adding the following sentence: “Used oil that exhibits a~~
411 ~~hazardous characteristic and that is released into the environment is subject to the requirements of 10 CSR~~
412 ~~25-3, 4, 5, 6, 7, 8, 9, and 13.”;~~

413 15. *(Reserved)*

414 ~~16. Recyclable materials that meet the definition of used oil in 40 CFR 260.10 as incorporated in 10~~
415 ~~CSR 25-3.260(1) shall be managed in accordance with 10 CSR 25-11.279 and applicable portions of 10~~
416 ~~CSR 25-3.260 10 CSR 25-9.020;~~

417 17. The resource recovery of hazardous waste is regulated by 10 CSR 25-9.020. An **owner or operator**
418 ~~owner/operator~~ of a facility that uses, reuses, or recycles hazardous waste shall be certified under 10 CSR
419 25-9 or permitted under 10 CSR 25-7, unless otherwise excluded. Therefore, the parenthetic text in 40 CFR
420 261.6(c)(1) is not incorporated in this rule; and

421 18. In accordance with section 260.432.5(2), RSMo, used cathode ray tubes (CRTs) may not be placed
422 in a sanitary landfill, except as permitted by section 260.380.3, RSMo.

423 (B) Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Wastes.
424 *(Reserved)*

425 (C) Characteristics of Hazardous Waste. *(Reserved)*

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426 (D) Lists of Hazardous Wastes. The following are additions or changes to the lists in 40 CFR part 261
427 subpart D, incorporated in this rule:

428 ~~1. Hazardous waste identified by the Environmental Protection Agency (EPA) hazardous waste number~~
429 ~~F020, F023, or F027 is hazardous waste even if highly purified 2,4,5-trichlorophenol is used. Therefore, the~~
430 ~~following language is deleted from 40 CFR 261.31 incorporated in this rule:~~

431 ~~A. In F020, delete the words “(This listing does not include wastes from the production of~~
432 ~~Hexachlorophene from highly purified 2,4,5-trichlorophenol.)”;~~

433 ~~B. In F023, delete the words “(This listing does not include wastes from equipment used only for the~~
434 ~~production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)”; and~~

435 ~~C. In F027, delete the words “(This listing does not include formulations containing Hexachlorophene~~
436 ~~synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)”;~~

437 ~~2. Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of waste~~
438 ~~listed in F020, F021, F022, F023, F026, or F027 (including the changes made in 10 CSR 25-4.261(2)(D)1.),~~
439 ~~regardless of the quantity or time of the spill or release, is an acutely hazardous waste and is designated the~~
440 ~~Missouri hazardous waste number MH01. Note: This does not include hexachlorophene soap rinses resulting~~
441 ~~from medicinal uses.);~~

442 ~~3. 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) is an acutely hazardous waste and is designated the~~
443 ~~Missouri hazardous waste number MH02. Without regard to any quantity specified in 40 CFR 261.5, as~~
444 ~~incorporated and modified in paragraph (2)(A)10. of this rule, if a generator generates less than one gram (1~~
445 ~~g) of 2,3,7,8-TCDD in a calendar month and does not accumulate one gram (1 g) of 2,3,7,8-TCDD at any~~
446 ~~one time, that generator shall manage that hazardous waste in accordance with subsection 260.380.2, RSMo.~~
447 ~~When a generator generates one gram (1 g) of 2,3,7,8-TCDD in a calendar month or accumulates at least one~~
448 ~~gram (1 g) of 2,3,7,8-TCDD at any one time, that generator shall manage that hazardous waste in accordance~~
449 ~~with the provisions in 10 CSR 25;~~

450 4. 40 CFR 261.38 is not incorporated in this rule.

451 (E) Exclusions/Exemptions.

452 1. The substitution of the director of the Department of Natural Resources for the regional administrator
453 discussed in 10 CSR 25-3.260(1)A.1. does not apply to the requirement for notification of the export of used
454 CRTs established in 40 CFR 261.41.

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456
457
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459 **10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste**

460 *PURPOSE: This rule sets forth standards for generators of hazardous waste, incorporates 40 CFR part 262*
461 *by reference, and sets forth additional state standards.*

462 (1) The regulations set forth in 49 CFR part 172, **October 1, 2013**, ~~October 1, 1999~~, 40 CFR 302.4 and .5,
463 July 1, ~~2013~~2006, and 40 CFR part 262, July 1, **2013**, except Subpart H, as published by the Office of the
464 Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh,
465 PA 15250-7954, **and the changes made at 79 FR 7518 February 7, 2014**, are incorporated by reference.
466 This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in
467 this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to
468 any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the
469 more stringent shall control.

470 (2) A generator located in Missouri, except as conditionally exempted in accordance with 10 CSR 25-4.261,
471 shall comply with the requirements of this section in addition to the requirements incorporated in section (1).
472 Where contradictory or conflicting requirements exist in 10 CSR 25, the more stringent shall control.
473 (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any
474 subpart of the federal regulations are noted within the corresponding subsection of this section. ~~For example,~~
475 ~~the additional storage standards which are added to 40 CFR part 262 subpart C are found in subsection~~
476 ~~(2)(C) of this rule.)~~

477 (A) General. The following registration requirements are additional requirements to, or modifications of,
478 the requirements specified in 40 CFR part 262 subpart A:

479 1. In lieu of 40 CFR 262.12(a) and (c), a generator located in Missouri shall comply with the following
480 requirements:

481 A. A person generating in one (1) month or accumulating at any one (1) time the quantities of
482 hazardous waste specified in 10 CSR 25-4.261 and a transporter who is required to register as a generator
483 under 10 CSR 25-6.263 shall register and is subject to applicable rules under 10 CSR 25-3.260–10 CSR 25-
484 9.020 and 10 CSR 25-12.010; and

485 B. Conditionally exempt generators may choose to register and obtain Environmental Protection
486 Agency (EPA) and Missouri identification numbers, but in doing so will be subject to any initial registration
487 fee and annual renewal fee outlined in this chapter;

488 2. An **owner or operator** ~~owner/operator~~ of a treatment, storage, disposal, or resource recovery facility
489 who ships hazardous waste from the facility shall comply with this rule;

490 3. The following constitutes the procedure for registering:

491 A. A person who is required to register shall file a completed registration form furnished by the
492 department. The department shall require an original ink signature on all registration forms before
493 processing. In the event the department develops the ability to accept electronic submission of the
494 registration form, the signature requirement will be consistent with the legally-accepted standards in
495 Missouri for an electronic signature on documents. All generators located in Missouri shall use only the
496 Missouri version of the registration form;

497 B. A person required to register shall also complete and file an updated generator registration form if
498 the information filed with the department changes;

499 C. The department may request additional information, including information concerning the nature
500 and hazards associated with a particular waste or any information or reports concerning the quantities and
501 disposition of any hazardous wastes as necessary to authorize storage, treatment, or disposal and to ensure
502 proper hazardous waste management;

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503 D. A person who is required to register, and those conditionally-exempt generators who choose to
504 register, shall pay a one-hundred-dollar (\$100) initial or reactivation registration fee at the time their
505 registration form is filed with the department. If a generator site has an inactive registration, and a generator
506 required to register reactivates that registration, the generator shall file a registration form and pay the one-
507 hundred-dollar (\$100) registration reactivation fee. The department shall not process any form for an initial
508 registration or reactivation of a registration if the one-hundred-dollar (\$100) fee is not included. Generators
509 required to register shall thereafter pay an annual renewal fee of one hundred dollars (\$100) in order to
510 maintain their registration in good standing; and

511 E. Any person who pays the registration fee with what is found to be an insufficient check shall have
512 their registration immediately revoked;

513 4. The following constitutes the procedure for registration renewal:

514 A. The calendar year shall constitute the annual registration period;

515 B. Annual registration renewal billings will be sent by December 1 of each year to all generators
516 holding an active registration;

517 C. Any generator initially registering between October 1 and December 31 of any given year shall pay
518 the initial registration fee, but shall not pay the annual renewal fee for the calendar year immediately
519 following their initial registration. From that year forward, they shall pay the annual renewal fee;

520 D. Any generator required to register who fails to pay the annual renewal fee by the due date specified
521 on the billing shall be administratively inactivated and subject to enforcement action for failure to properly
522 maintain their registration;

523 E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who
524 later in the same registration year pay the annual renewal fee, shall pay the fifteen-percent (15%) late fee
525 required by section 260.380.4, RSMo, in addition to the one-hundred-dollar (\$100) annual renewal fee for
526 each applicable registration year and shall file an updated generator registration form with the department
527 before their registration is reactivated by the department;

528 F. Generators who request that their registration be made inactive rather than pay the renewal fee, who
529 later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay the
530 fifteen-percent (15%) late fee required by section 260.380.4, RSMo, in addition to the one-hundred-dollar
531 (\$100) annual renewal fee and file an updated generator registration form with the department before their
532 registration is reactivated by the department; and

533 G. Any person who pays the annual renewal fee with what is found to be an insufficient check shall
534 have their registration immediately revoked; and

535 5. The department may administratively inactivate the registration of generators that fail to pay any
536 applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

537 (B) The Manifest. Additional manifest and reporting requirements are set forth in subsections (2)(D) and
538 (E). This subsection is applicable to all Missouri generators and to all other generators who deposit
539 hazardous waste in Missouri. (Note: This section is not applicable to an out-of-state or international
540 generator who is shipping hazardous waste through, in less than ten (10) days, but not depositing hazardous
541 waste in Missouri. This subsection does not prevent a transporter from voluntarily carrying information in
542 addition to the manifest. Any reference to the United States Environmental Protection Agency (EPA) form
543 8700-22 means the form as revised by EPA and approved by the federal Office of Management and Budget
544 (OMB)).

545 ~~1. Generators must list the Missouri waste code MH02 if the hazardous waste is 2,3,7,8-~~
546 ~~tetrachlorodibenzo-p-dioxin (TCDD) as listed in 10 CSR 25-4.261(2)(D)3.~~

547 ~~2. If the waste contains MH02 or MH01, these must be one (1) of the six (6) waste codes listed on the~~
548 ~~manifest.~~

549 ~~3. Generators must list the Missouri waste code D098 if the hazardous waste is a used oil as described in~~
550 ~~10 CSR 25-11.279(2)(I)1.B.~~

551 4. Generators must record either the total weight in kilograms or pounds or the specific gravity for
552 wastes listed or measured in gallons, liters, or cubic yards.

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553 5. Manifest reporting. This paragraph sets forth additional requirements for manifest reporting. The
554 generator shall contract with the designated facility to return the completed manifest to the generator within
555 thirty-five (35) days after the hazardous waste was accepted by the initial transporter. A generator, in
556 addition to this requirement, and where applicable under paragraph (2)(D)2. of this rule, shall file exception
557 reports.

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

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

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

567 **A. All containers used to accumulate hazardous waste must be labeled in accordance with**
568 **applicable United States Department of Transportation labeling requirements in 49 CFR part**
569 **172 Subpart E during the entire time the waste is accumulated on-site. If a generator**
570 **determines that labeling a container with a capacity of less than one gallon is not feasible, the**
571 **generator shall affix the appropriate label(s) to the locker, rack or other device used to hold**
572 **or accumulate any such container; or**

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

584 **2. In addition to labeling requirements for tanks used to accumulate hazardous waste in**
585 **accordance with the requirements of 40 CFR 262.34(a)(3) and (d)(4), generators must also**
586 **comply with the 2012 Edition of the National Fire Protection Association Standard NFPA**
587 **704: Standard System for the Identification of the Hazards of Materials for Emergency**
588 **Response to identify the hazards of the tank contents. The 2012 edition of NFPA 704 is**
589 **hereby incorporated by reference without any subsequent amendments or additions, and is**
590 **published by the National Fire Protection Association, 1 Battery March Park, Quincy, MA,**
591 **02169-7471.**

592
593 ~~2. This paragraph sets forth requirements for storage of hazardous waste based on the quantity of waste~~
594 ~~generated or accumulated.~~

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595 ~~A. Notwithstanding any other provisions of this rule to the contrary, a person who generates one~~
596 ~~hundred kilograms (100 kg) or more, but fewer than one thousand kilograms (1000 kg) of nonacute~~
597 ~~hazardous waste in a calendar month may store these hazardous wastes in quantities, according to time~~
598 ~~frames and under the conditions specified in 40 CFR 262.34(d) as incorporated in this rule. However, upon~~
599 ~~accumulating one thousand kilograms (1000 kg) of nonacute hazardous waste, the generator must also~~
600 ~~comply with 40 CFR 262.34(a)(1) incorporated in this rule rather than 40 CFR 262.34(d)(3) incorporated in~~
601 ~~this rule, 40 CFR part 265 subpart D as incorporated in 10 CSR 25-7.265(1) and modified in 10 CSR 25-~~
602 ~~7.265(2)(D) rather than 40 CFR 262.34(d)(5) incorporated in this rule, and 40 CFR 265.16 as incorporated~~
603 ~~in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(D) in addition to the requirements of 40 CFR~~
604 ~~262.34(d) incorporated in this rule.~~

605 ~~B. A person who generates one kilogram (1 kg) of acutely hazardous waste defined by or listed in 10~~
606 ~~CSR 25-4.261 or one gram (1 g) of 2,3,7,8 TCDD or one thousand kilograms (1000 kg) of nonacute~~
607 ~~hazardous waste, or an aggregate of one thousand kilograms (1000 kg) of hazardous waste, as listed in 10~~
608 ~~CSR 25-4.261 shall comply with 40 CFR 262.34(a) and (b) as incorporated in this rule.~~

609 ~~C. General inspection requirements. In addition to the requirements in 40 CFR Part 262, a generator~~
610 ~~shall also comply with the following requirements:~~

611 ~~(I) The owner/operator shall inspect his/her facility for malfunction, deterioration, or both, operator~~
612 ~~error, and any evidence of discharges which may be causing or could cause the release of hazardous waste~~
613 ~~constituents to the environment or could pose a threat to human health. The owner/operator shall conduct~~
614 ~~these inspections often enough to identify and correct any problems of that nature before they cause harm to~~
615 ~~human health or the environment.~~

616 ~~(II) The frequency of inspection may vary for the items that require inspection. However, it should~~
617 ~~be based on the rate of possible deterioration of the equipment and the probability of an environmental or~~
618 ~~human health incident if the deterioration, malfunction, or any operator error goes undetected between~~
619 ~~inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in~~
620 ~~use. At a minimum, the inspection schedule shall include the terms and frequencies set forth in the~~
621 ~~applicable regulations in 40 CFR 265.174 and 40 CFR 265.195, incorporated in 10 CSR 25-7.265; and~~

622 ~~(III) The owner/operator shall remedy any deterioration or malfunction of equipment or structures~~
623 ~~which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental~~
624 ~~or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken~~
625 ~~immediately.~~

626 ~~D. Containment for storage in containers. This subparagraph sets forth additional requirements for~~
627 ~~storage of hazardous waste in containers.~~

628 ~~(I) Container storage areas shall have a containment system that is designed and operated in~~
629 ~~accordance with part (2)(C)2. D.(III) of this rule, except as provided in part (2)(C)2.D.(II) of this rule.~~

630 ~~(II) Storage areas that store containers holding only wastes that do not contain free liquids or storage~~
631 ~~areas that store less than one thousand kilograms (1000 kg) of nonacute hazardous waste containing free~~
632 ~~liquids need not have a containment system as described in part (2)(C)2.D.(I) of this rule, provided that the~~
633 ~~storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from~~
634 ~~precipitation, or the containers are elevated or are otherwise protected from contact with accumulated liquid.~~

635 ~~(III) A containment system shall be designed, maintained, and operated as follows:~~

636 ~~(a) The containment system shall include a base which is free of cracks or gaps and is sufficiently~~
637 ~~impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and~~
638 ~~removed. The base shall be under the container;~~

639 ~~(b) The base shall be sloped or the containment system shall be designed and operated to drain and~~
640 ~~remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are~~
641 ~~otherwise protected from contact with accumulated liquids;~~

642 ~~(c) The containment system shall have a capacity equal to ten percent (10%) of the containerized~~
643 ~~waste volume or the volume of the largest container, whichever is greater. (Containers that do not contain~~
644 ~~free liquids need not be considered in this calculation);~~

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645 ~~(d) Run on into the containment system shall be prevented unless the collection system has~~
646 ~~sufficient excess capacity in addition to that required in subpart (2)(C)2.B.(III)(c) of this rule to contain any~~
647 ~~run on which might enter the system; and~~

648 ~~(e) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or~~
649 ~~collection area as necessary to prevent overflow of the collection system.~~

650 ~~(IV) The containment system must also be inspected as part of the weekly inspections required by~~
651 ~~40 CFR 265.174 as incorporated in 10 CSR 25-7.265.~~

652 ~~E. Tanks. This subparagraph sets forth additional requirements for storage of hazardous waste in~~
653 ~~tanks. Additional requirements set forth in paragraph (2)(C)2. apply to storage of hazardous waste in tank~~
654 ~~systems.~~

655 ~~F. General requirements for ignitable, reactive, incompatible, or volatile wastes.~~

656 ~~(I) Volatile waste having a true vapor pressure of greater than seventy eight millimeters (78 mm) of~~
657 ~~mercury at twenty five degrees Celsius (25°C) shall not be placed in an open tank.~~

658 ~~(II) The owner/operator shall take precautions to prevent accidental ignition or reaction of ignitable~~
659 ~~or reactive waste. These hazardous wastes shall be separated and protected from sources of ignition or~~
660 ~~reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional~~
661 ~~heat, sparks (static, electrical, or mechanical), spontaneous ignition (that is, from heat producing chemical~~
662 ~~reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner/operator shall~~
663 ~~confine smoking and open flame to specially designated locations. No Smoking signs shall be conspicuously~~
664 ~~placed wherever there is a hazard from ignitable or reactive waste.~~

665 ~~G. Preparedness and prevention. In addition to the required equipment specified in 40 CFR 265.32,~~
666 ~~incorporated in 10 CSR 25-7.265, a generator shall also provide safety equipment such as fire blankets, gas~~
667 ~~masks, and self-contained breathing apparatus.~~

668 ~~3. Satellite accumulation. In addition to the requirements in 40 CFR 262.34(e), the generator shall~~
669 ~~comply with the following requirements: Within one (1) year from the date satellite storage begins,~~
670 ~~irrespective of the quantity of hazardous waste in the satellite storage area, the hazardous waste shall be~~
671 ~~transferred to the area where hazardous waste is stored during the ninety (90), one hundred eighty (180), or~~
672 ~~two hundred seventy (270) day storage period. And in 40 CFR 262.34(e)(1)(ii), add the words “Mark his~~
673 ~~containers either with the words ‘Hazardous Waste’ or with other words that identify the contents of the~~
674 ~~containers and the beginning date of satellite storage.”~~

675 ~~4. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.~~

676 ~~5. In addition to requirements in 40 CFR 262.34(d), a generator, upon generating one thousand~~
677 ~~kilograms (1000 kg) of nonacute hazardous waste, in a calendar month or accumulating one thousand~~
678 ~~kilograms (1000 kg) of nonacute hazardous waste, shall comply with paragraph (2)(C)2. of this rule.~~

679 ~~6. All generators shall meet the special requirements for ignitable or reactive waste set forth in 40 CFR~~
680 ~~265.176 incorporated in 10 CSR 25-7.265 and, therefore, the following language in 40 CFR 262.34(d)(2) is~~
681 ~~not incorporated in this rule: “except the generator need not comply with subsection 265.176.”~~ **Generators**
682 **who accumulate more than 6000 kilograms of ignitable or reactive hazardous waste may elect to**
683 **comply with 10 CSR 25-7.264(2)(I) in lieu of 40 CFR 265.176 in regard to locating such containers at**
684 **least fifty feet from the facility’s property line.**

685 ~~7. Closure. At closure of the storage area, the generator shall remove and properly dispose of all~~
686 ~~hazardous waste and hazardous residues. For the purpose of this paragraph, closure shall occur when the~~
687 ~~storage of hazardous wastes has not occurred or is not expected to occur for one (1) year.~~

688 ~~(D) Record Keeping and Reporting. In addition to requirements in 40 CFR 262.40, generators shall retain~~
689 ~~registration information required in subsection (2)(A) of this rule and the Generator’s Hazardous Waste~~
690 ~~Summary Report required in paragraph (2)(D)1. of this rule for no fewer than three (3) years. **The period of**~~
691 ~~**record retention referred to in 40 CFR 262.40(d) begins the day the initial transporter signs the manifest. The**~~
692 ~~**period of record retention referred to extends upon the written requests of the department or automatically**~~
693 ~~**during the course of any unresolved enforcement action regarding the regulated activity.**~~

694 **1. This paragraph establishes requirements for quarterly Generator’s Hazardous Waste Summary**
695 **Reports.**

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696 A. All generators who are required to register in accordance with subsection (2)(A) of this rule shall
697 complete a Generator’s Hazardous Waste Summary Report. This report shall be completed on a form
698 provided by the department or on a reproduction of the form provided by the department or in the same
699 format as the form provided by the department after review and approval by the department.

700 B. Persons who do not ship any hazardous wastes or who make only one (1) shipment of hazardous
701 waste during the entire reporting year, July 1 through June 30, or are defined as a small quantity generator
702 for the entire reporting year, **or are defined as a large quantity generator and filing their report**
703 **electronically in a manner prescribed by the department**, may file an annual report by August 14
704 following the reporting year period. However, persons who are defined as a large quantity generator and
705 have more than one (1) shipment of hazardous waste during the reporting years, **and do not file their**
706 **report using the electronic method prescribed by the department**, shall file quarterly. **Large**
707 **quantity generators may submit an annual report electronically beginning with the reporting period**
708 **of July 1, 2015-June 30, 2016, or sooner if the system for electronic reporting is in place prior to that**
709 **reporting period.**

710 C. A generator who is registered with the department shall report the quantity, type, and status of all
711 hazardous waste(s) shipped off-site during the reporting period on the Generator’s Hazardous Waste
712 Summary Report regardless of the destination of the shipment(s).

713 D. The Generator’s Hazardous Waste Summary Report shall be signed and certified by an authorized
714 representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3. The certification
715 statement shall read as follows: “CERTIFICATION: I certify under penalty of law that I personally
716 examined and am familiar with the information submitted on this form and all attached documents and,
717 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe
718 that the submitted information is true, accurate and complete. I am aware that there are significant penalties
719 for submitting false information, including the possibility of fine and imprisonment.” The handwritten
720 signature of the authorized representatives shall follow this certification.

721 E. The generator shall submit the completed Generator’s Hazardous Waste Summary Report within
722 forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as
723 follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through
724 June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal
725 date of November 14 of the same year; and October 1 through December 31, with a submittal date of
726 February 14 of the following year.

727 F. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) incorporated by
728 reference in 10 CSR 25-4.261(1) to the department along with the completed Generator’s Hazardous Waste
729 Summary Report.

730 G. Generators failing to file the reports required by this rule shall have their registration
731 administratively inactivated. Their registration shall be reactivated after all required reporting is filed,
732 applicable fees are paid, and an updated generator registration form is submitted to the department.

733 ~~2. Exception reporting. 40 CFR 262.42 is not incorporated in this rule. In lieu of those requirements, a~~
734 ~~generator shall comply with the following requirements:~~

735 ~~A. A generator shall contract with the designated facility to return the completed manifest to the~~
736 ~~generator within thirty five (35) days after the date the waste was accepted by the initial transporter. A~~
737 ~~generator, in addition to the requirements of this subsection, shall comply with manifest reporting~~
738 ~~requirements in paragraph (2)(B)6. of this rule;~~

739 ~~B. A generator who does not receive a copy of the manifest with the handwritten signature of the~~
740 ~~owner or operator of the designated facility within thirty five (35) days of the date the waste was accepted~~
741 ~~by the initial transporter shall contact the transporter, the owner, or both, or operator of the designated~~
742 ~~facility, to determine the status of the hazardous waste;~~

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743 ~~C. A generator who has not received the completed manifest with the handwritten signature of the~~
744 ~~designated facility operator within thirty five (35) days from the date the waste was accepted by the initial~~
745 ~~transporter shall submit a completed exception report to the department within forty five (45) days from the~~
746 ~~date the waste was accepted by the initial transporter; and~~

747 ~~D. The exception report may be completed on the exception report form provided by the department~~
748 ~~or in a format which shall include the following: the generator's EPA identification number (if applicable);~~
749 ~~the Missouri generator identification number and the generator's name, address, and telephone number; the~~
750 ~~name, address, phone number, EPA identification number (if applicable), and Missouri transporter license~~
751 ~~number for each transporter; the EPA identification number of the facility (if applicable), the Missouri~~
752 ~~facility identification number, the facility telephone number, and the designated facility's name and address;~~
753 ~~the Missouri and EPA hazardous waste manifest document numbers followed by the date of shipment; the~~
754 ~~waste description and EPA waste code identification number as listed in 10 CSR 25 4 for each hazardous~~
755 ~~waste appearing on the manifest; the total quantity of each hazardous waste and the appropriate abbreviation~~
756 ~~for units of measure as follows: G gallons (liquids only); P pounds; T tons (2,000 lbs.); Y cubic~~
757 ~~yards; L liters (liquids only); K kilograms; M metric tons (1,000 kg); N cubic meters; the following~~
758 ~~certification statement, signed and dated by an authorized representative of the generator: "I have personally~~
759 ~~examined and am familiar with the information submitted on this form. I hereby certify that the information~~
760 ~~is true, accurate and complete. I am aware that there are significant penalties for submitting false~~
761 ~~information which include fine and imprisonment"; a legible copy of the manifest document originated by~~
762 ~~the generator and signed by the initial transporter which was retained by the generator and for which the~~
763 ~~generator does not have confirmation of delivery; and a cover letter signed by the generator or his/her~~
764 ~~authorized representative explaining the efforts taken to locate the hazardous waste and the results of those~~
765 ~~efforts. The director may require a generator to furnish additional reports concerning the quantities and~~
766 ~~disposition of wastes identified or listed in 10 CSR 25 4.261 as the director deems necessary under section~~
767 ~~260.375(7), RSMo.~~

768 3. Reporting requirements for small quantity generators. 40 CFR 262.44 is not incorporated in this rule.

769 (E) Exports of Hazardous Waste. This subsection modifies the incorporation of 40 CFR part 262 subpart
770 E. The state cannot assume authority from the EPA to receive notifications of intent to export or to transmit
771 this information to other countries through the Department of State or to transmit acknowledgements of
772 consent to the exporter. In addition, the annual reports and exception reports required in 40 CFR 262.55 and
773 262.56, incorporated in this rule, shall be filed with the EPA administrator and copies shall be provided to
774 the department. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 262.51,
775 262.52, 262.53, 262.54, 262.55, 262.56, and 262.57, as incorporated in this rule. This modification does not
776 relieve the regulated person of his/her responsibility to comply with the Resource Conservation and
777 Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies (for
778 example, the federal Department of Transportation and the Bureau of the Census of the Department of
779 Commerce).

780 (F) Imports of Hazardous Waste. The United States importer shall also comply with the following
781 requirements:

782 1. In addition to registration requirements specified in this section, the United States importer shall
783 register as generator in accordance with this section and shall be responsible for compliance with all
784 applicable requirements specified in this section. The United States importer shall register with the
785 department as a generator, and four (4) weeks in advance of the date the waste is expected to enter the
786 United States, shall specifically identify hazardous waste(s) intended to be imported by their EPA waste
787 number(s) found in 40 CFR 261 and this section; and

788 2. The United States importer shall keep and maintain the following information on each shipment
789 which is imported and make available upon departmental request:

790 A. If the waste is a mixed bulk shipment of multi-generator wastes, the individual original foreign
791 generator's names and addresses and the wastes' technical chemical names from each source;

792 B. Quantity of waste from each imported source; and

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793 C. List of EPA waste numbers found in 40 CFR 261 and this section which are applicable to the
794 waste(s) from each source.

795 (G) Farmers. *(Reserved)*

796 (H) 40 CFR 262, subpart H, Transfrontier shipments of hazardous waste for recovery within the OECD, is
797 not incorporated in this rule.

798 ~~(I) Emergency Procedures. In the event of a spill of hazardous waste at the generator's site, where there is~~
799 ~~clear and imminent danger to humans or the environment, the generator shall take reasonable action to~~
800 ~~eliminate the danger. In the event of a spill of a reportable quantity of material under 40 CFR 302.4 and~~
801 ~~302.5 (Note: this includes table 302.4), a generator shall notify the department in accordance with the~~
802 ~~notification procedure set forth in 10 CSR 24 3.010.~~

803 (J) Generator Fee and Taxes. A generator who is required to register under this rule, unless otherwise
804 exempted, shall pay fees and taxes in accordance with 10 CSR 25-12.010. Generators failing to pay the
805 fees, taxes, or applicable late fees outlined in 10 CSR 25-12.010 by the due date shall have their registration
806 administratively inactivated. Their registration shall be reactivated after all applicable fees, taxes, and late
807 fees are paid and an updated generator registration form is submitted to the department.

808
809

810 **10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and**
811 **Disposal Facilities**

812 *PURPOSE: This rule incorporates and modifies the federal regulations in 40 CFR part 264 by reference*
813 *and sets forth additional state requirements.*

814 (1) The regulations set forth in 40 CFR part 264, July 1, **2013**, as published by the Office of the Federal
815 Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA
816 15250-7954, **and the changes made at 79 FR 7518 February 7, 2014**, are incorporated by reference. This
817 rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this
818 rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any
819 other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more
820 stringent shall control. ~~“Owner/operator,” as defined in 10 CSR 25 3.260(2)(O)3., shall be substituted for~~
821 ~~any reference to “owner and operator” or “owner or operator” in 40 CFR part 264 incorporated in this rule.~~

822 (2) The **owner or operator** ~~owner/operator~~ of a permitted hazardous waste treatment, storage, or disposal
823 facility shall comply with this section in addition to the regulations of 40 CFR part 264. In the case of
824 contradictory or conflicting requirements, the more stringent shall control. (Comment: This section has been
825 organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are
826 noted within the corresponding subsection of this section. For example, the requirements to be added to 40
827 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)

828 (A) General. This subsection sets forth requirements which modify or add to those requirements in 40
829 CFR part 264 subpart A.

830 1. A treatment permit is not required under this rule for a resource recovery process that has been
831 certified by the department in accordance with 10 CSR 25-9.020. Storage of hazardous waste prior to
832 resource recovery must be in compliance with this rule.

833 ~~2. A permit is not required under this rule for an elementary neutralization unit or a wastewater~~
834 ~~treatment unit receiving only hazardous waste that is generated on-site or generated by its operator or only~~
835 ~~one (1) generator if the owner/operator, upon request, can demonstrate to the satisfaction of the department~~
836 ~~compliance with the requirements in 10 CSR 25 7.270(2)(A)3.~~

837 ~~3. Hazardous waste which must be managed in a permitted unit (for example, waste generated on-site~~
838 ~~and stored beyond the time frames allowed without a permit pursuant to 10 CSR 25 5.262, waste received~~
839 ~~from off site, certain hazardous waste fuels, etc.) shall not be stored or managed outside an area or unit~~
840 ~~which does not have a permit or interim status for that waste for a period which exceeds twenty four (24)~~
841 ~~hours. This provision shall not apply to railcars held for the period allowed by, and managed in accordance~~
842 ~~with, 10 CSR 25 7.264(3) of this regulation. (Comment: The purpose of this paragraph is to allow necessary~~
843 ~~movement of hazardous waste into, out of, and through facilities, and not to evade permit requirements.)~~

844 (B) General Facility Standards ~~This subsection sets forth requirements which modify or add to those~~
845 ~~requirements in 40 CFR part 264 subpart B.~~

846 ~~1. The substitution of terms at 10 CSR 25 3.260(1)(A)1. does not apply to 40 CFR 264.12(a),~~
847 ~~incorporated by reference in this rule. In addition to the requirements in 40 CFR 264.12(a) incorporated in~~
848 ~~this rule, an owner/operator shall submit to the department a separate analysis for each hazardous waste that~~
849 ~~s/he intends to import. Each analysis shall contain the following information: the foreign generator’s name,~~
850 ~~site address, and telephone number; a list of applicable United States Environmental Protection Agency~~
851 ~~(EPA) waste codes and a percentage of each for each hazardous waste; the flash point determined in~~
852 ~~accordance with 40 CFR 261.21 incorporated by reference in 10 CSR 25 4; a list of reactive waste(s) as~~
853 ~~defined in 40 CFR 261.23 incorporated by reference in 10 CSR 25 4; and results of toxicity tests conducted~~
854 ~~in accordance with 40 CFR 261.24 incorporated by reference in 10 CSR 25 4.261, if applicable.~~

855 ~~2. Information describing the frequency and type of analysis performed on run-off and leachate~~
856 ~~generated at the hazardous waste management units shall be included as part of the waste analysis plan~~
857 ~~required in 40 CFR 264.13(b) incorporated in this rule.~~

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858 ~~3. 40 CFR 264.15(b)(5) is not incorporated in this rule.~~

859 ~~4. The comment following 40 CFR 264.18(a) is not incorporated in this rule.~~

860 (C) Preparedness and Prevention. (*Reserved*)

861 (D) Contingency Plan and Emergency Procedures. This subsection sets forth requirements which modify
862 or add to those requirements in 40 CFR part 264 subpart D.

863 1. The government official described in 40 CFR 264.56(d)(2) incorporated in this rule as the on-scene
864 coordinator shall be contacted and further identified in the report as one (1) of the following:

865 A. The department's Emergency Response Coordinator (573) 634-2436 or (573) 634-CHEM;

866 B. The EPA Region VII Emergency Planning and Response Branch (913) 236-3778; or

867 C. The National Response Center identified in 40 CFR 264.56(d)(2), incorporated in this rule.

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

870 1. Missouri requires an original copy of the manifest to be submitted to the department by all instate and
871 out-of-state Treatment, Storage, or Disposal Facilities (TSDFs) in accordance with 40 CFR 264.71(e).

872 ~~2. As it becomes available, the following additional information shall be maintained in the operating
873 record described in 40 CFR 264.73 incorporated in this rule until final closure, at which time the operating
874 record shall be submitted to the department:~~

875 ~~A. The information from each manifest shall be maintained in the operating record;~~

876 ~~B. In addition to the requirements in 40 CFR 264.73(b)(2) incorporated in this rule, an owner/operator
877 of a hazardous waste disposal facility shall record the location and quantity of each hazardous waste
878 shipment on a map or diagram of each cell or disposal area with respect to a surveyed permanent benchmark
879 and baseline;~~

880 ~~C. In addition to the requirements in 40 CFR 264.73(b)(2) incorporated in this rule, an owner/operator
881 of a facility which has had a release or which has hazardous waste or hazardous waste constituent migration
882 beyond the hazardous waste management unit shall record the locations and concentrations of contamination
883 on a map or diagram with respect to a surveyed permanent benchmark and baseline;~~

884 ~~D. If applicable, information regarding volumes, dates of removal, and disposition of leachate
885 removed from collection points shall be maintained in the operating record; and~~

886 ~~E. A complete copy of the final, approved permit application, including all approved engineering
887 plans, shall be maintained in the operating record.~~

888 3. The **owner or operator** ~~owner/operator~~ of a hazardous waste management facility shall submit a
889 report to the department as set forth in this paragraph.

890 A. All **owners or operators** ~~owners/operators~~ shall comply with the reporting requirements in 10
891 CSR 25-5.262(2)(D) regardless of whether the **owner or operator** ~~owner/operator~~ is required to register as a
892 generator pursuant to 10 CSR 25-5.262(2)(A)1.

893 B. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site
894 and shipped off-site for treatment, storage, resource recovery, or disposal, the **owner or operator**
895 ~~owner/operator~~ shall meet the same requirements for the following:

896 (I) All hazardous waste generated on-site during the reporting period that is managed on-site; and

897 (II) All hazardous waste received from off-site during the reporting period, including hazardous
898 waste generated by another generator and hazardous waste generated at other sites under the control of the
899 **owner or operator** ~~owner/operator~~.

900 C. In addition to the information required in 10 CSR 25-5.262(2)(D), an **owner or operator**
901 ~~owner/operator~~ shall include the following information in the summary report:

902 (I) A description and the quantity of each hazardous waste that was both generated and managed on-
903 site during the reporting period;

904 (II) For each hazardous waste that was received from off-site, a description and the quantity of each
905 hazardous waste, the corresponding state, and EPA identification numbers of each generator;

906 (III) For imports, the name and address of the foreign generator;

907 (IV) The corresponding method of treatment, storage, resource recovery, disposal, or other approved
908 management method used for each hazardous waste;

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909 (V) The quantity and description of hazardous waste residue generated by the facility; and

910 (VI) A summary of both quantitative and qualitative groundwater monitoring data that was received
911 during the reporting period, as required in 40 CFR part 264 subpart F incorporated in this rule and
912 subsection (2)(F) of this rule. (Comment: This does not change the frequency of monitoring required by
913 rules or in specific permit conditions. It only changes the frequency of reporting.)

914 4. As outlined in section 260.380.2, RSMo, all **owners or operators** ~~owners/operators~~ shall pay a fee to
915 the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from
916 outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on
917 hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in
918 Missouri.

919 A. For each **owner or operator** ~~owner/operator~~, this fee shall be paid on or before January 1 of each
920 year and shall be based on the total tons of hazardous waste received in the aggregate by that **owner or**
921 **operator** ~~owner/operator~~ for the twelve (12)-month period ending the previous June 30. As outlined in
922 section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee
923 equal to fifteen percent (15%) of the total original fee. Each twelve (12)-month period ending on June 30
924 shall be referred to as a reporting year.

925 B. **owners or operators** ~~owners/operators~~ may elect, but are not required, to pay this fee on a
926 quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If
927 they do not choose to pay the fee quarterly, **owners or operators** ~~owners/operators~~ may elect, but are not
928 required, to pay the fee at the time they file their final quarterly report of each reporting year. However, the
929 total fee for each reporting year must be paid on or before January 1 immediately following the end of each
930 reporting year.

931
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933
934 **EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION**

935
936 Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:

937 $\$2 \times 250 \text{ tons} = \500 fee

938 Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.

939 The number of tons would be rounded to 411:

940 $\$2 \times 411 \text{ tons} = \822 fee

941 Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.

942 The number of tons would be rounded to 52,150:

943 $\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$

944 (F) Releases From Solid Waste Management Units- ~~This subsection sets forth requirements which modify or~~
945 ~~add to those requirements in 40 CFR part 264 subpart F.~~

946 ~~1. If the department determines that there is a significant risk to human health or the environment~~
947 ~~resulting from ground or surface water contamination from operation of any hazardous waste management~~
948 ~~facility or solid waste management unit, the department may condition the permit for a facility or unit; or~~
949 ~~upon issuance or reissuance or by modification of a permit, the department may require that an~~
950 ~~owner/operator of the facility comply with the requirements of this section. An owner/operator shall furnish~~
951 ~~to the department, within a reasonable time period, any information which the department requests to~~
952 ~~comply with this subsection.~~

953 ~~2. In addition to requirements in 40 CFR 264.91(a)(3) and 40 CFR 264.100(e)(2) incorporated in this~~
954 ~~rule, the owner/operator shall document in the operating record all efforts taken to monitor groundwater or~~
955 ~~take corrective action beyond the facility boundary.~~

956 ~~3. The facility permit will include, as described in 40 CFR 264.100(b) incorporated in this rule, a course~~
957 ~~of action to implement remedial procedures. The corrective action program may include, if necessary,~~
958 ~~closure of the appropriate units to prevent further leachate generation and transport.~~

959 ~~4. This paragraph sets forth requirements for surface water monitoring.~~

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- 960 ~~A. The owner/operator is exempt from regulations under this paragraph if—~~
961 ~~(I) S/he is exempted under this subsection and 40 CFR part 264 subpart F, incorporated in this rule;~~
962 ~~or~~
963 ~~(II) The department finds based upon a demonstration by the owner/operator, that there is low~~
964 ~~potential for migration of liquid from the facility or unit to surface water bodies throughout the post closure~~
965 ~~care period. This demonstration shall be certified by a registered geologist or professional engineer~~
966 ~~registered in Missouri; or~~
967 ~~(III) The surface water runoff from the regulated unit(s) is being monitored in accordance with the~~
968 ~~facility's National Pollutant Discharges Elimination System (NPDES) or state operating stormwater~~
969 ~~discharge permit and the NPDES or state operating permit is substantially equivalent to that which would~~
970 ~~otherwise be required under this section.~~
971 ~~B. An owner/operator shall establish a surface water monitoring program, except as provided~~
972 ~~otherwise in subparagraph (2)(F)4.A. of this rule. This program shall be designed to protect human health~~
973 ~~and the environment. The owner/operator, at a minimum, shall fulfill the following requirements:~~
974 ~~(I) The surface water monitoring system shall consist of a sufficient number of points at appropriate~~
975 ~~locations to yield surface water samples that—~~
976 ~~(a) Represent the quality of background surface water that has not been affected by any~~
977 ~~contamination from the facility (for example, upgradient); and~~
978 ~~(b) Represent the quality of surface water hydrologically downgradient of the facility or regulated~~
979 ~~units;~~
980 ~~(II) The surface water monitoring program must include consistent sampling and analysis~~
981 ~~procedures that are designed to ensure monitoring results which provide a reliable indication of surface~~
982 ~~water quality at the facility and changes in the water quality due to the impact of the facility or regulated~~
983 ~~units;~~
984 ~~(III) The owner/operator shall report to the department the surface water analysis by including it in~~
985 ~~the routine reports required by part (2)(E)3.C.(VI) of this rule; and~~
986 ~~(IV) If the department determines, based upon the findings in the reports submitted under part III of~~
987 ~~this subparagraph, that there is a substantial threat to human health or the environment, it will direct the~~
988 ~~owner/operator, through modification of the facility permit, to take corrective and preventative measures.~~
989 ~~5. The department may require additional monitoring to protect human health and the environment.~~
990 ~~(G) Closure and Post-Closure. This subsection sets forth requirements which modify or add to those~~
991 ~~requirements in 40 CFR part 264 subpart G.~~
992 ~~1. The incorporation by reference of 40 CFR 264.113(d) and (e) does not relieve the owner/operator of~~
993 ~~his/her responsibility to comply with 10 CSR 80.~~
994 ~~2. The owner/operator of a hazardous waste unit which is certifying closure with residues left in place,~~
995 ~~regardless of the level of treatment to render the residue nonhazardous, shall meet the requirements in 40~~
996 ~~CFR 264.116 incorporated in this rule.~~
997 ~~3. In addition to requirements in 40 CFR 264.116, when an owner/operator certifies a closure which did~~
998 ~~not result in the removal of wastes to background levels, the owner/operator shall record, in accordance with~~
999 ~~state law, a notation on an instrument which is normally examined during title search that in perpetuity will~~
1000 ~~notify any potential purchaser of the property that the land has been used to manage hazardous waste.~~
1001 ~~4. In addition to requirements in 40 CFR 264.116 and 264.119 as incorporated in this rule, an~~
1002 ~~owner/operator shall submit a notarized statement to the department certifying that the owner/operator has~~
1003 ~~caused the notation(s) to be recorded. The notation shall be recorded with the recorder(s) of deeds in all~~
1004 ~~counties in which the facility is located.~~
1005 ~~(H) Financial Assurance Requirements. This subsection sets forth the requirements which modify or add~~
1006 ~~to those requirements in 40 CFR part 264 subpart H.~~

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1007 ~~1. For purposes of this subsection, commercial treatment, storage, or disposal (TSD) facility means any~~
1008 ~~facility that would be considered a commercial hazardous waste TSD facility for the purposes of 10 CSR 25-~~
1009 ~~12.020, or any facility that is certified as an R2 resource recovery facility according to 10 CSR 25 9.020, or~~
1010 ~~any facility that receives for remuneration polychlorinated biphenyls (PCB) material or PCB units as defined~~
1011 ~~by 10 CSR 25 13.010.~~

1012 ~~2. In 40 CFR 264.143(a)(3), incorporated by reference in this rule, delete “the term of the initial RCRA~~
1013 ~~permit” and insert in its place “a period of five (5) years, beginning with the date the permit is issued.”~~

1014 ~~3. In 40 CFR 264.145(a)(3), incorporated by reference in this rule, delete “the term of the initial RCRA~~
1015 ~~permit” and insert in its place “a period of five (5) years, beginning with the date the permit is issued.”~~

1016 ~~4. This paragraph modifies the requirements for surety bonds guaranteeing payment into a closure trust~~
1017 ~~fund or post closure trust fund per 40 CFR 264.143(b) or 40 CFR 264.145(b), incorporated in this rule.~~

1018 ~~A. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post~~
1019 ~~closure trust fund shall be authorized to do business in Missouri.~~

1020 ~~B. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post~~
1021 ~~closure trust fund shall not cancel, terminate, or fail to renew a surety bond guaranteeing payment into a~~
1022 ~~closure or post closure trust fund, and the surety bond shall remain in full force and effect in the event that~~
1023 ~~on or before the date of cancellation:~~

1024 ~~(I) The director deems the facility abandoned; or~~

1025 ~~(II) The permit is terminated or revoked, or a new permit is denied; or~~

1026 ~~(III) Closure is ordered by the department or a court of competent jurisdiction; or~~

1027 ~~(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under 11~~
1028 ~~U.S.C. section 1, et seq.; or~~

1029 ~~(V) The premium due is paid; or~~

1030 ~~(VI) An appeal of an order to close the facility as specified in part (4)(H)4.B.(III) of this~~
1031 ~~subparagraph is pending.~~

1032 ~~C. Facilities that have a surety bond or bond(s) guaranteeing payment into a closure trust fund or a~~
1033 ~~post closure trust fund as of the effective date of this subparagraph shall modify their surety instruments to~~
1034 ~~comply with this paragraph within twelve (12) months of the effective date of this subparagraph.~~

1035 ~~5. This paragraph modifies the requirements for surety bonds guaranteeing performance of closure or~~
1036 ~~performance of post closure care per 40 CFR 264.143(c) or 40 CFR 264.145(c), incorporated in this rule.~~

1037 ~~A. A surety company issuing a surety bond for closure or post closure performance shall be authorized~~
1038 ~~to do business in Missouri.~~

1039 ~~B. Any surety company issuing a surety bond for closure or post closure performance shall not cancel,~~
1040 ~~terminate, or fail to renew a surety bond guaranteeing performance of closure or post closure care and the~~
1041 ~~surety bond shall remain in full force and effect in the event that on or before the date of cancellation:~~

1042 ~~(I) The director deems the facility abandoned; or~~

1043 ~~(II) The permit is terminated or revoked, or a new permit is denied; or~~

1044 ~~(III) Closure is ordered by the department or a court of competent jurisdiction; or~~

1045 ~~(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under Title~~
1046 ~~11 (Bankruptcy), United States Code; or~~

1047 ~~(V) The premium due is paid; or~~

1048 ~~(VI) An appeal of an order to close the facility as specified in part (4)(H)5.B.(III) of this~~
1049 ~~subparagraph is pending.~~

1050 ~~C. Facilities that have a surety bond or bonds guaranteeing performance of closure or performance of~~
1051 ~~post closure care as of the effective date of this subparagraph shall modify their surety instruments to~~
1052 ~~comply with this paragraph within twelve (12) months of the effective date of this subparagraph.~~

1053 ~~6. This paragraph modifies the requirements for letters of credit per 40 CFR 264.143(d), 40 CFR~~
1054 ~~264.145(d), and 40 CFR 264.147(h), incorporated in this rule. Letters of credit shall be issued by a state or~~
1055 ~~federally chartered and regulated bank or trust association.~~

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1056 ~~7. An owner/operator of a facility that is a commercial TSD facility may not satisfy financial assurance~~
1057 ~~requirements for closure, post closure, or liability coverage, or any combination of these, by the use of a~~
1058 ~~financial test as specified in 40 CFR 264.143(f), 40 CFR 264.145(f), or 264.147(f), incorporated in this rule.~~

1059 ~~8. This paragraph modifies the requirements for closure insurance per 40 CFR 264.143(e), incorporated~~
1060 ~~in this rule, post closure insurance per 40 CFR 264.145(e), incorporated in this rule, liability coverage for~~
1061 ~~sudden accidental occurrences per 40 CFR 264.147(a)(1), incorporated in this rule, and liability coverage for~~
1062 ~~non-sudden accidental occurrences per 40 CFR 264.147(b)(1), incorporated in this rule. Each insurance~~
1063 ~~policy shall be issued by an insurer who, at a minimum, is licensed to transact the business of insurance or is~~
1064 ~~eligible to provide insurance as an excess or surplus lines insurer in Missouri.~~

1065 ~~9. In 40 CFR 264.143(f), incorporated in this rule, delete “or a firm with a ‘substantial business~~
1066 ~~relationship’ with the owner or operator.”~~

1067 ~~10. In 40 CFR 264.145(f), incorporated in this rule, delete “or a firm with ‘a substantial business~~
1068 ~~relationship’ with the owner or operator.”~~

1069 ~~11. In 40 CFR 264.147(g), incorporated in this rule, delete “or a firm with a ‘substantial business~~
1070 ~~relationship’ with the owner or operator.”~~

1071 (I) Containers. This subsection sets forth requirements in addition to 40 CFR part 264 subpart I
1072 incorporated in this rule.

1073 ~~1. An owner/operator of a facility which treats hazardous waste in containers shall meet the~~
1074 ~~requirements of 40 CFR 264.601–264.603 incorporated in this rule and subsection (2)(X) of this rule.~~

1075 2. Containers storing hazardous waste must be ~~marked and~~ labeled in accordance with 10 CSR 25-
1076 5.262(2)(C) during the entire storage period.

1077 ~~3. Container storage areas which close without removing all hazardous waste and/or hazardous waste~~
1078 ~~constituents to below background levels may pursue either a risk-based closure if there is no evidence of~~
1079 ~~groundwater or surface water contamination or, in the absence of such evidence, close in accordance with 10~~
1080 ~~CSR 25 7.264(2)(N) and 40 CFR part 264 subpart N as incorporated in subsection (2)(N). The~~
1081 ~~owner/operator shall also comply with the requirements of 10 CSR 25 7.264(2)(G).~~

1082 4. Containers holding ignitable or reactive waste that are stored outdoors or in buildings not equipped
1083 with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

1084 5. Containers holding ignitable or reactive waste that are stored indoors shall be located at least fifty feet
1085 (50') from the facility's property line unless the following requirements are satisfied:

1086 A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a
1087 boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two
1088 (2) hours, with each opening protected by an automatically-closing listed one and one-half (1.5) hour (B)
1089 fire door;

1090 B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property,
1091 that can be built upon, shall have a fire-resistance rating of at least four (4) hours, with each opening
1092 protected by an automatically-closing listed three (3)-hour (A) fire door (Comment: All fire doors, closure
1093 devices, and windows shall be installed in accordance with the National Fire Protection Agency (NFPA)
1094 Code 80, *Standards for Fire Doors and Windows*, 1995 edition);

1095 C. The construction design of exterior walls shall provide ready accessibility for fire-fighting
1096 operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

1097 D. Container storage areas shall be provided with automatic fire suppression systems designed and
1098 installed in accordance with the NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition),
1099 NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition),
1100 NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) standards. Final design of
1101 these systems shall be approved by a qualified, registered professional engineer in Missouri;

1102 E. Each container storage area shall have preconnected hose lines capable of reaching the entire area.
1103 The fire hose shall be either a one and one-half (1.5)-inch line or a one-inch (1") hard rubber line. Where a
1104 one and one-half (1.5)-inch fire hose is used, it shall be installed in accordance with NFPA 14 (1996
1105 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage
1106 area;

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1107 F. Only containers meeting the requirements of, and containing products authorized by, Chapter I,
1108 Title 49 of the *Code of Federal Regulations* (DOT Regulations) or NFPA 386, *Standard for Portable*
1109 *Shipping Tanks* shall be used;

1110 G. All storage of ignitable or reactive materials shall be organized in a manner which will not
1111 physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude
1112 egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

1113 H. All containers shall be arranged so there is a minimum aisle space of four feet (4') between rows,
1114 allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be
1115 stacked or placed closer than three feet (3') from ceilings or any roof members, or both; and

1116 I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned
1117 twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response
1118 personnel.

1119 (J) Tanks. ~~This subsection sets forth requirements which modify or add to those requirements in 40 CFR~~
1120 ~~part 264 subpart J.~~

1121 ~~1. Hazardous waste that has a true vapor pressure of greater than seventy eight millimeters of mercury~~
1122 ~~(78 mm Hg) at twenty five degrees Celsius (25 °C) is considered to be volatile and shall not be placed in an~~
1123 ~~open tank.~~

1124 ~~2. 40 CFR 264.190(c) is not incorporated by reference.~~

1125 ~~3. In 40 CFR 264.193(g) incorporated in this rule, delete “or that in the event of a release that does~~
1126 ~~migrate to ground water or surface water, no substantial present or potential hazard will be posed to human~~
1127 ~~health or the environment.” 40 CFR 264.193(g)(2) and its subdivisions are not incorporated in this rule.~~

1128 ~~4. For purposes of 40 CFR 264.193(h) incorporated in this rule, “variance” means exception.~~

1129 ~~5. In 40 CFR 264.196(c) and 40 CFR 264.196(e)(1) incorporated in this rule, delete “visible” and~~
1130 ~~“visual.” Tank storage areas which close without removing all hazardous waste and/or hazardous waste~~
1131 ~~constituents to below background levels may pursue either a risk based closure if there is no evidence of~~
1132 ~~groundwater or surface water contamination or in the absence of such evidence, close in accordance with 10~~
1133 ~~CSR 25 7.264(2)(N) and 40 CFR part 264 subpart N as incorporated in subsection (2)(N). The~~
1134 ~~owner/operator shall also comply with the requirements of 10 CSR 25 7.264(2)(G).~~

1135 ~~6. An owner/operator of a facility which treats hazardous waste in a tank system shall meet the~~
1136 ~~requirements of 40 CFR 264.601 40 CFR 264.603 incorporated in this rule and subsection (2)(X) of this~~
1137 ~~rule.~~

1138 (K) Surface Impoundments. ~~This subsection sets forth standards and requirements which modify or add to~~
1139 ~~those requirements in 40 CFR part 264 subpart K.~~

1140 ~~1. Design and operating requirements are as follows:~~

1141 ~~A. Any existing surface impoundment or existing portion of a surface impoundment shall be replaced~~
1142 ~~with a new surface impoundment in compliance with 40 CFR part 264 subpart K, incorporated in this rule,~~
1143 ~~and this subsection prior to permit issuance;~~

1144 ~~B. Each new surface impoundment shall be constructed with a double liner as required in 40 CFR~~
1145 ~~264.221(e), incorporated in this rule, and subparagraphs (2)(K)1.C. and D. of this rule;~~

1146 ~~C. The lower component of the composite liner required by 40 CFR 264.221(e) shall, at a minimum,~~
1147 ~~consist of at least three feet (3') of clay, recompact to ninety five percent (95%) of Standard Proctor~~
1148 ~~Density with the moisture content between two percent (2%) below and four percent (4%) above the~~
1149 ~~optimum moisture content. The soils used for this purpose shall meet the following minimum specifications:~~

1150 ~~(I) Be classified under the United Soil Classification Systems as CL, CH, or SC (American Society~~
1151 ~~for Testing and Materials (ASTM) Standard D2487-93, current edition approved September 15, 1993,~~
1152 ~~published November 1993);~~

1153 ~~(II) Allow more than thirty percent (30%) passable through a No. 200 sieve (ASTM Test D1140-54~~
1154 ~~(reapproved 1971), current edition approved September 15, 1954);~~

1155 ~~(III) Have a liquid limit equal to or greater than thirty (30) (ASTM Test D4318-95a, current edition~~
1156 ~~approved December 10, 1995, published April 1996);~~

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1157 ~~(IV) Have a plasticity index equal to or greater than fifteen (15) (ASTM Test D4318-95a, as~~
1158 ~~previously referenced in this rule); and~~

1159 ~~(V) Have a coefficient of permeability equal to or less than 1×10^{-8} cm/sec when compacted to~~
1160 ~~ninety five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%)~~
1161 ~~below and four percent (4%) above the optimum moisture content, and when tested by using the indirect~~
1162 ~~calculation from the one (1) dimensional consolidation test for clay rich soils (ASTM D2435-96, current~~
1163 ~~edition approved June 10, 1996, published August 1996) or other procedures approved by the department;~~

1164 ~~D. The leak detection system required by 40 CFR 264.221(c)(2) shall cover the entire sides and~~
1165 ~~bottom of the surface impoundment;~~

1166 ~~E. When liquids are detected in the leak detection system installed to comply with subparagraph~~
1167 ~~(2)(K)1.D. of this rule and 40 CFR 264.221(c)(2), the owner/operator shall—~~

1168 ~~(I) Notify the department in writing within thirty (30) days of the event;~~

1169 ~~(II) Continue to operate and maintain the leak detection system so that the liquids are removed as~~
1170 ~~they accumulate or with sufficient frequency to prevent backwater within the system; and~~

1171 ~~(III) Implement leachate monitoring in accordance with paragraph (2)(K)1.F. of this rule and the~~
1172 ~~facility permit;~~

1173 ~~F. This paragraph sets forth requirements for leachate monitoring at surface impoundments. An~~
1174 ~~owner/operator that is required under subparagraph (2)(K)1.E. of this rule to initiate leachate monitoring~~
1175 ~~shall comply with parts (2)(K)1.F.(I)–(IV) of this rule.~~

1176 ~~(I) The owner/operator shall remove any accumulated leachate in the leak detection system~~
1177 ~~collection sumps at least weekly during the active life and closure period. After the final cover is installed,~~
1178 ~~accumulated leachate shall be removed at least as often as the owner/operator is required by 40 CFR~~
1179 ~~264.226(d)(2) to record the amount of liquids removed from the system.~~

1180 ~~(II) The owner/operator shall analyze the leachate at least annually. At a minimum, the annual~~
1181 ~~leachate analyses shall be conducted for indicator parameters (that is pH, specific conductance, dissolved~~
1182 ~~organic carbon, and total organic halogen) and selected hazardous waste constituents. The hazardous waste~~
1183 ~~constituents selected must provide a reliable indication of the presence of hazardous constituents that are~~
1184 ~~reasonably expected to be in or derived from wastes contained in each unit.~~

1185 ~~(III) The owner/operator shall calculate the average daily flow rate for each sump as required by 40~~
1186 ~~CFR 264.222(b). If the department determines that the leachate generation rate is greater than reasonably~~
1187 ~~expected for any unit, the department may require the owner/operator to provide additional information to~~
1188 ~~evaluate the existing conditions.~~

1189 ~~(IV) In accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in~~
1190 ~~this rule, the owner/operator shall submit to the department all information required to comply with parts~~
1191 ~~(2)(K)1.F.(I)–(III) of this rule.~~

1192 ~~(V) The department may require more frequent leachate collection and analysis than that outlined in~~
1193 ~~parts (2)(K)1.F.(I)–(III) of this rule if determined necessary. The frequency of leachate collection and~~
1194 ~~analysis will be specified in the facility permit.~~

1195 ~~(VI) Indicator parameters and constituents to be monitored as required by part (2)(K)1.F.(II) of this~~
1196 ~~rule will be specified by the department in the facility permit. If the department determines that results of the~~
1197 ~~chemical analyses are outside of the range that is reasonably expected for any unit, the department may~~
1198 ~~require the owner/operator to provide additional information to evaluate the existing conditions;~~

1199 ~~G. The owner/operator shall measure daily precipitation at the facility until final closure is certified.~~
1200 ~~During the post-closure care period of the facility, the owner/operator shall also record and report regional~~
1201 ~~precipitation from the nearest weather recording station in accordance with the schedule established for the~~
1202 ~~maintenance of the facility. The information required under this paragraph shall be submitted to the~~
1203 ~~department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in~~
1204 ~~this rule; and~~

1205 ~~H. If the leachate monitoring (implemented in accordance with subparagraph (2)(K)1.F. of this rule)~~
1206 ~~detects hazardous waste(s) constituents in the leak detection system, a leak in the surface impoundment liner~~
1207 ~~is indicated and the owner/operator shall—~~

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1208 ~~(I) Within seven (7) days after detecting the leak, notify the department in writing of the leak;~~

1209 ~~(II) Remove, within the period of time specified in the permit, accumulated liquid, repair or replace~~
1210 ~~the leaking liner to prevent the migration of hazardous waste liquids through the liner and obtain a~~
1211 ~~certification from a registered professional engineer that, to the best of his/her knowledge and opinion, the~~
1212 ~~leak has been stopped; and~~

1213 ~~(III) Obtain, after performing the necessary repairs, written approval from the department prior to~~
1214 ~~placing the surface impoundment in service again.~~

1215 ~~2. Those surface impoundments which are intended to be closed without removing the hazardous waste~~
1216 ~~shall meet the requirements of subparagraph (2)(N)1.A. and 40 CFR part 264 subpart N, incorporated in this~~
1217 ~~rule. If the site cannot meet these requirements and contamination exists beyond the liner of the surface~~
1218 ~~impoundment, the owner/operator shall clean up contaminated residues and hazardous constituents to the~~
1219 ~~greatest extent practical during closure. If the department determines, based on the potential impact on~~
1220 ~~human health and the environment, that it is not necessary or feasible to remove contaminated material down~~
1221 ~~to background concentrations during closure, the owner/operator shall —~~

1222 ~~A. Comply with subsection 40 CFR 264.228(b) incorporated in this rule; or~~

1223 ~~B. Submit and obtain approval for a delisting petition pursuant to 40 CFR 260.20 and 40 CFR 260.22~~
1224 ~~for the contaminated material not removed during closure.~~

1225 ~~3. An owner/operator of a facility which treats hazardous waste in a surface impoundment shall meet the~~
1226 ~~requirements of 40 CFR 264.601–40 CFR 264.603 incorporated in this rule and subsection (2)(X) of this~~
1227 ~~rule.~~

1228 ~~(L) Waste Piles. This subsection sets forth standards which modify or add to those requirements in 40~~
1229 ~~CFR part 264 subpart L.~~

1230 ~~1. In addition to the requirements in 40 CFR part 264.250(c) incorporated in this rule, the waste pile~~
1231 ~~must be at least ten feet (10') above the historical high groundwater table to be exempt from the regulatory~~
1232 ~~requirements in 40 CFR 264.251 incorporated in this rule, 40 CFR part 264 subpart F incorporated in this~~
1233 ~~rule, and subsection (2)(F) of this rule.~~

1234 ~~2. Design and operating requirements are as follows:~~

1235 ~~A. Any existing waste pile or existing portion of a waste pile shall be replaced with a new waste pile~~
1236 ~~in compliance with 40 CFR 264 subpart L, incorporated in this rule, and this subsection prior to permit~~
1237 ~~issuance;~~

1238 ~~B. Each new waste pile shall be constructed with a double liner as required in 40 CFR 264.251(e),~~
1239 ~~incorporated in this rule, and subparagraphs (2)(L)2.C. and D. of this rule;~~

1240 ~~C. The lower component of the composite liner required by 40 CFR 264.251(e), at a minimum, shall~~
1241 ~~consist of at least three feet (3') of clay, recompact to ninety five percent (95%) of Standard Proctor~~
1242 ~~Density with the moisture content between two percent (2%) below and four percent (4%) above the~~
1243 ~~optimum moisture content. The soils used for this purpose shall meet the following minimum specifications:~~

1244 ~~(I) Be classified under the United Soil Classification Systems as CL, CH, or SC (ASTM Standard~~
1245 ~~D2487-93, as previously referenced in this rule);~~

1246 ~~(II) Allow more than thirty percent (30%) passable through a No. 200 sieve (ASTM Test D1140, as~~
1247 ~~previously referenced in this rule);~~

1248 ~~(III) Have a liquid limit equal to or greater than thirty (30) (ASTM Test D4318-95a, as previously~~
1249 ~~referenced in this rule);~~

1250 ~~(IV) Have a plasticity index equal to or greater than fifteen (15) (ASTM Test D4318-95a, as~~
1251 ~~previously referenced in this rule); and~~

1252 ~~(V) Have a coefficient of permeability equal to or less than 1×10^{-8} cm/sec when compacted to~~
1253 ~~ninety five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%)~~
1254 ~~below and four percent (4%) above the optimum moisture content, and when tested by using the indirect~~
1255 ~~calculation from the one (1) dimensional consolidation test for clay rich soils (ASTM D2435-96, as~~
1256 ~~previously referenced in this rule) or other procedures approved by the department;~~

1257 ~~D. The leak detection system required by 40 CFR 264.251(e)(3) shall be capable of detecting leaks~~
1258 ~~from the entire area of the waste pile;~~

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- 1259 ~~E. When liquids are detected in the leachate collection/removal system installed to comply with 40~~
1260 ~~CFR 264.251(e)(2), the owner/operator shall—~~
- 1261 ~~(I) Notify the department in writing within thirty (30) days of the event;~~
1262 ~~(II) Continue to operate and maintain the leachate collection/removal and leak detection systems so~~
1263 ~~that the liquids are removed as they accumulate or with sufficient frequency to prevent backwater within the~~
1264 ~~system; and~~
- 1265 ~~(III) Implement leachate monitoring in accordance with subparagraph (2)(L)2.F. of this rule and the~~
1266 ~~facility permit;~~
- 1267 ~~F. This paragraph sets forth requirements for leachate monitoring at waste piles. An owner/operator~~
1268 ~~that is required under subparagraph (2)(L)2.E. to initiate leachate monitoring shall comply with parts~~
1269 ~~(2)(L)2.F.(I)–(IV) of this rule.~~
- 1270 ~~(I) The owner/operator shall remove any accumulated leachate in the leachate collection/removal~~
1271 ~~and leak detection system collection sumps at least weekly during the active life and closure period. After~~
1272 ~~the final cover is installed, accumulated leachate shall be removed at least as often as the owner/operator is~~
1273 ~~required by subparagraph (2)(L)3.A. of this rule to record the amount of liquids removed from the system.~~
- 1274 ~~(II) The owner/operator shall analyze leachate from the leak detection system at least annually. If~~
1275 ~~leachate has not yet been discovered in the leak detection system, the annual analysis shall be completed on~~
1276 ~~leachate collected from the leachate collection/removal system. At a minimum, the annual leachate analyses~~
1277 ~~shall be conducted for indicator parameters (that is pH, specific conductance, dissolved organic carbon, and~~
1278 ~~total organic halogen) and selected hazardous waste constituents. The hazardous waste constituents selected~~
1279 ~~must provide a reliable indication of the presence of hazardous constituents that are reasonably expected to~~
1280 ~~be in or derived from wastes contained in each unit.~~
- 1281 ~~—————(III) The owner/operator shall calculate the average daily flow rate for each sump in the leak~~
1282 ~~detection system as required by 40 CFR 264.252(b), in addition the average daily flow rate for each sump~~
1283 ~~calculated in a similar manner. If the unit is closed in accordance with 40 CFR 264.258(b), the average daily~~
1284 ~~flow rates shall be calculated at the same frequency as the recording of leachate removal as required by~~
1285 ~~subparagraph (2)(L)3.B. of this rule. If the department determines that the leachate generation rate is greater~~
1286 ~~than reasonably expected for any unit, the department may require the owner/operator to provide additional~~
1287 ~~information to evaluate the existing conditions.~~
- 1288 ~~(IV) The owner/operator shall submit all information required to comply with parts (2)(L)2.F.(I)–~~
1289 ~~(III) of this rule to the department in accordance with subsection (2)(E) of this rule and 40 CFR part 264~~
1290 ~~subpart E incorporated in this rule.~~
- 1291 ~~(V) The department may require more frequent leachate collection and analysis than that outlined in~~
1292 ~~parts (2)(L)2.F.(I)–(III) of this rule if determined necessary. The frequency of leachate collection and~~
1293 ~~analysis will be specified in the facility permit.~~
- 1294 ~~(VI) Indicator parameters and constituents to be monitored, as required by part (2)(L)2.F.(II) of this~~
1295 ~~rule, will be specified by the department in the facility permit. If the department determines that results of~~
1296 ~~the chemical analyses are outside of the range that is reasonably expected for any unit, the department may~~
1297 ~~require the owner/operator to provide additional information to evaluate the existing conditions;~~
- 1298 ~~G. The owner/operator shall measure daily precipitation at the facility until final closure is certified.~~
1299 ~~During the post closure care period of the facility, the owner/operator shall also record and report regional~~
1300 ~~precipitation from the nearest weather recording station in accordance with the schedule established for the~~
1301 ~~maintenance of the facility. The information required under this paragraph shall be submitted to the~~
1302 ~~department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in~~
1303 ~~this rule; and~~
- 1304 ~~H. If the leachate monitoring (implemented in accordance with subparagraph (2)(L)2.F. of this rule)~~
1305 ~~detects hazardous waste constituents in the leak detection system, a leak in the waste pile liner is indicated,~~
1306 ~~and the owner/operator shall—~~
- 1307 ~~(I) Notify the department in writing of the leak within seven (7) days after detecting the leak;~~

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1308 ~~(H) Remove, within the period of time specified in the permits, accumulated liquid, repair or replace~~
1309 ~~the leaking liner to prevent the migration of hazardous waste liquids through the liner and obtain a~~
1310 ~~certification from a registered professional engineer that, to the best of his/her knowledge and opinion, the~~
1311 ~~leak has been stopped; and~~

1312 ~~(III) Obtain, after performing the necessary repairs, written approval from the department prior to~~
1313 ~~placing the waste pile in service again.~~

1314 ~~3. This paragraph sets forth standards which modify or add to those requirements in 40 CFR 264.254(e)~~
1315 ~~for monitoring and inspection.~~

1316 ~~A. In addition to recording the amount of liquids removed from each leak detection system sump at~~
1317 ~~least once per week during the active live and closure period, the owner/operator shall record the amount of~~
1318 ~~liquids removed from each leachate collection/removal system sump at the same frequency.~~

1319 ~~B. If the waste pile is closed in accordance with 40 CFR 264.258(b), following closure the amount of~~
1320 ~~liquids removed from each leachate collection/removal and leak detection system sump shall be recorded at~~
1321 ~~least monthly. If the liquid level in the sump stays below the pump operating level for two (2) consecutive~~
1322 ~~months, the amount of liquids in the sump must be recorded at least quarterly. If the liquid level in the sump~~
1323 ~~stays below the pump operating level for two (2) consecutive quarters, the amount of liquids in the sump~~
1324 ~~shall be recorded at least semiannually. If at any time during the post closure care period the pump operating~~
1325 ~~level is exceeded at units on quarterly or semiannual recording schedules, the owner/operator must return to~~
1326 ~~monthly recording of amounts of liquids removed from each sump until the liquid level again stays below~~
1327 ~~the pump operating level for two (2) consecutive months.~~

1328 ~~(M) Land Treatment. (Reserved)~~

1329 ~~(N) Landfills. This subsection sets forth standards which modify or add to those requirements in 40 CFR~~
1330 ~~part 264 subpart N.~~

1331 ~~1. This paragraph sets forth standards for a site suitability demonstration.~~

1332 ~~A. Location standards.~~

1333 ~~(I) A landfill shall be located so as to minimize discharges and the potential for harm to human~~
1334 ~~health and the environment.~~

1335 ~~(II) A landfill shall be located so that a total of no less than thirty feet (30') of soil or other material,~~
1336 ~~which has a coefficient of permeability of less than 1×10^{-7} cm/sec, when tested according to subpart~~
1337 ~~(2)(N)1.B.(II)(d) of this rule, lies between the bottom of the lowest artificial liner or lowest engineered soil~~
1338 ~~liner and the uppermost regional aquifer.~~

1339 ~~(III) The requirements of part (2)(N)1.A.(II) of this rule do not apply to a landfill which meets the~~
1340 ~~following criteria:~~

1341 ~~(a) Demonstrates to the satisfaction of the department by a combination of laboratory tests, field~~
1342 ~~test and development of models that naturally occurring materials between the lowest artificial liner or~~
1343 ~~lowest engineered soil liner and the uppermost regional aquifer would retard the migration of hazardous~~
1344 ~~constituents contained in the waste to at least the same degree that thirty feet (30') of material having a~~
1345 ~~coefficient of permeability of 1×10^{-7} cm/sec when tested according to subpart (2)(N)1.B.(II)(d) would~~
1346 ~~retard the migration of water, but in no case shall the thickness of the naturally occurring material be less~~
1347 ~~than twenty feet (20');~~

1348 ~~(b) Receives only wastes generated by its operator(s); and~~

1349 ~~(c) Meeting the criteria in subparts (2)(N)1.A.(III)(a) and (b) shall not waive compliance with any~~
1350 ~~regulations except those set forth in part (2)(N)1.A.(II) of this rule.~~

1351 ~~(IV) No landfill shall be located in the following areas:~~

1352 ~~(a) In a wetland;~~

1353 ~~(b) Within two hundred feet (200') of a fault which has had surface displacement in Holocene~~
1354 ~~time;~~

1355 ~~(c) In a one hundred (100) year flood plain;~~

1356 ~~(d) In an area of unstable soil deposits or area(s) containing landslides; or~~

1357 ~~(e) In an area subject to catastrophic collapse as evaluated by the Division of Geology and Land~~
1358 ~~Survey.~~

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- 1359 B. The permit application shall include the following engineering reports:
1360 (I) ~~A geologic description of the region in which the site is located, which description shall be~~
1361 ~~prepared by a qualified geologist familiar with the region;~~
1362 (II) ~~A description of the natural soils and bedrock underlying the site including a representative~~
1363 ~~number of borings that indicate the type, depth and thickness of soils, bedrock, and other materials~~
1364 ~~underlying the site and test results that indicate the following parameters for soils or other materials~~
1365 ~~underlying the site. The following test methods shall be utilized unless other procedures have been evaluated~~
1366 ~~and approved by the department:~~
1367 (a) ~~Atterberg limits (ASTM D4318-95a, as previously referenced in this rule);~~
1368 (b) ~~pH (*Methods of Soil Analysis Part II, Chemical and Microbiological Properties*, A.L. Page,~~
1369 ~~Ed. American Society of Agronomy, 2nd Ed., 1982, pp. 200-209);~~
1370 (c) ~~Maximum dry density at optimum moisture content (ASTM D1557-91, current edition~~
1371 ~~approved November 18, 1991, published January 1992);~~
1372 (d) ~~Coefficient of permeability, which is the indirect calculation from the one (1) dimensional~~
1373 ~~consolidation test for clay rich soils (ASTM D2435-96, as previously referenced in this rule) or other~~
1374 ~~laboratory procedures found in the professional literature and approved by the department;~~
1375 (e) ~~Grain size distribution, Unified Soil Classification System designation (ASTM Standards~~
1376 ~~D2487-93, as previously referenced in this rule and D422-63 (reapproved 1990) current edition approved~~
1377 ~~November 21, 1963); and~~
1378 (f) ~~Cation exchange capacity (*Methods of Soil Analysis Part II, Chemical and Microbiological*~~
1379 ~~*Properties*, A.L. Page, Ed., American Society of Agronomy, 2nd Ed., 1982, pp. 149-157);~~
1380 (III) ~~A hydrogeologic study conducted at the site to determine the potential for transport of~~
1381 ~~groundwater and contaminants. This study shall include:~~
1382 (a) ~~Piezometric contours of groundwater;~~
1383 (b) ~~Potential direction(s) of groundwater movement and estimated rate(s);~~
1384 (c) ~~Identification and description of the aquifer(s);~~
1385 (d) ~~Background water quality data; and~~
1386 (e) ~~Field permeability tests as found in the professional literature and approved by the department;~~
1387 (IV) ~~A present water balance which shall be determined as outlined in *Use of the Water Balance*~~
1388 ~~*Method for Predicting Leachate Generation from Solid Waste Disposal Sites*, EPA/530/SW-168 or an~~
1389 ~~equivalent method approved by the department;~~
1390 (V) ~~Engineering and geologic drawings that delineate—~~
1391 (a) ~~Typical disposal cells for each hazardous waste type;~~
1392 (b) ~~Structures for surface water control;~~
1393 (c) ~~Locations of borings and monitoring systems;~~
1394 (d) ~~Leachate collection systems, bottom elevations, and cover elevations for each disposal area;~~
1395 and
1396 (e) ~~Stratigraphic cross sections of the geologic setting showing, at a minimum, boring locations~~
1397 ~~and depths, trench design and depths, and piezometric surfaces and water tables where present; and~~
1398 (VI) ~~Any other applicable details.~~
1399 2. This paragraph sets forth additional design and operating requirements.
1400 A. ~~Any existing landfill or existing portion of a landfill shall be replaced with a new landfill in~~
1401 ~~compliance with 40 CFR part 264 subpart N, incorporated in this rule, and this subsection prior to permit~~
1402 ~~issuance;~~
1403 B. ~~Each new landfill shall be constructed with a double liner as required in 40 CFR 264.301(c),~~
1404 ~~incorporated in this rule, and subparagraphs (2)(N)2.C. of this rule;~~
1405 C. ~~The lower component of the composite liner required by 40 CFR 264.301(c), at a minimum, shall~~
1406 ~~consist of at least three feet (3') of clay, recompacted to ninety five percent (95%) of Standard Proctor~~
1407 ~~Density with the moisture content between two percent (2%) below and four percent (4%) above the~~
1408 ~~optimum moisture content. The soils used for this purpose shall meet the following minimum specifications:~~

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- 1409 ~~(I) Be classified under the United Soil Classification Systems as CL, CH, or SC (ASTM Standard~~
1410 ~~D2487-93, as previously referenced in this rule);~~
1411 ~~(II) Allow more than thirty percent (30%) passable through a No. 200 sieve (ASTM Test D1140, as~~
1412 ~~previously referenced in this rule);~~
1413 ~~(III) Have a liquid limit equal to or greater than thirty (30) (ASTM Test D4318-95a, as previously~~
1414 ~~referenced in this rule);~~
1415 ~~(IV) Have a plasticity index equal to or greater than fifteen (15) (ASTM Test D4318-95a, as~~
1416 ~~previously referenced by this rule); and~~
1417 ~~(V) Have a coefficient of permeability equal to or less than 1×10^{-8} cm/sec when compacted to~~
1418 ~~ninety five percent (95%) of Standard Proctor Density with the moisture content between two percent (2%)~~
1419 ~~below and four percent (4%) above the optimum moisture content, and when tested by using the indirect~~
1420 ~~calculation from the one (1) dimensional consolidation test for clay rich soils (ASTM D2435-96, as~~
1421 ~~previously referenced by this rule) or other procedures approved by the department;~~
1422 ~~D. Each detection or collection and removal system shall meet the requirements of 40 CFR~~
1423 ~~264.301(e)(3)(I)-(V), incorporated in this rule.~~
1424 ~~E. The leak detection system required by 40 CFR 264.301(e)(3) shall be capable of detecting leaks~~
1425 ~~from the entire sides and bottom of each cell.~~
1426 ~~F. When liquids are detected in the leachate collection/removal system installed to comply with 40~~
1427 ~~CFR 264.301(e)(2), the owner/operator shall—~~
1428 ~~(I) Notify the department in writing within thirty (30) days of the event;~~
1429 ~~(II) Continue to operate and maintain the leachate collection/removal and leak detection systems so~~
1430 ~~that the liquids are removed as they accumulate or with sufficient frequency to prevent backwater within the~~
1431 ~~system; and~~
1432 ~~(III) Implement leachate monitoring in accordance with subparagraph (2)(N)2.G. of this rule and the~~
1433 ~~facility permit;~~
1434 ~~G. This paragraph sets forth requirements for leachate monitoring at landfills. An owner/operator that~~
1435 ~~is required under subparagraph (2)(N)2.F. to initiate leachate monitoring shall comply with parts~~
1436 ~~(2)(N)2.G.(I)-(V) of this rule.~~
1437 ~~(I) The owner/operator shall remove any accumulated leachate in the leachate collection/removal~~
1438 ~~and leak detection system collection sumps at least weekly during the active life and closure period. After~~
1439 ~~the final cover is installed, accumulated leachate shall be removed at least as often as the owner/operator is~~
1440 ~~required by 40 CFR 264.303(e)(2) to record the amount of liquids removed from the systems.~~
1441 ~~(II) The owner/operator shall analyze leachate from the leak detection system at least annually. If~~
1442 ~~leachate has not yet been discovered in the leak detection system, the annual analysis shall be completed on~~
1443 ~~leachate collected from the leachate collection/removal system. At a minimum, the annual leachate analyses~~
1444 ~~shall be conducted for indicator parameters (that is pH, specific conductance, dissolved organic carbon, and~~
1445 ~~total organic halogen) and selected hazardous waste constituents. The hazardous waste constituents selected~~
1446 ~~must provide a reliable indication of the presence of hazardous constituents that are reasonably expected to~~
1447 ~~be in or derived from wastes contained in each unit.~~
1448 ~~(III) At the first occurrence of leachate in the leak detection system, the owner/operator shall~~
1449 ~~analyze leachate from that system for the complete list of parameters identified in 40 CFR part 264~~
1450 ~~Appendix IX.~~
1451 ~~(IV) The owner/operator shall calculate the average daily flow rate for each sump in the leak~~
1452 ~~detection system as required by 40 CFR 264.302(b). In addition, the average daily flow rate for each sump in~~
1453 ~~each of the leachate collection/removal systems shall also be calculated in a similar manner. Following~~
1454 ~~closure, the average daily flow rates shall be calculated at the same frequency as the recording of leachate~~
1455 ~~removal as required by 40 CFR 264.303(e)(2). If the department determines that the leachate generation rate~~
1456 ~~is greater than reasonably expected for any unit, the department may require the owner/operator to provide~~
1457 ~~additional information to evaluate the existing conditions.~~

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1458 ~~(V) The owner/operator shall submit all information required to comply with parts (2)(N)2.G.(I)–~~
1459 ~~(IV) of this rule to the department in accordance with subsection (2)(E) of this rule and 40 CFR part 264~~
1460 ~~subpart E incorporated in this rule.~~

1461 ~~(VI) The department may require more frequent leachate collection and analysis than that outlined~~
1462 ~~in parts (2)(N)2.G.(I)–(IV) of this rule if determined necessary. The frequency of leachate collection and~~
1463 ~~analysis will be specified in the facility permit.~~

1464 ~~(VII) Indicator parameters and constituents to be monitored as required by part (2)(N)2.G.(II) of this~~
1465 ~~rule will be specified by the department in the facility permit. If the department determines that results of the~~
1466 ~~chemical analyses are outside of the range that is reasonably expected for any unit, the department may~~
1467 ~~require the owner/operator to provide additional information to evaluate the existing conditions.~~

1468 ~~H. The owner/operator shall measure daily precipitation at the facility until final closure is certified.~~
1469 ~~During the post closure care period of the facility, the owner/operator shall also record and report regional~~
1470 ~~precipitation from the nearest weather recording station in accordance with the schedule established for the~~
1471 ~~maintenance of the facility. The information required under this paragraph shall be submitted to the~~
1472 ~~department in accordance with subsection (2)(E) of this rule and 40 CFR part 264 subpart E incorporated in~~
1473 ~~this rule.~~

1474 ~~I. If the volume or rate of flow of leachate contained in the leak detection system (implemented in~~
1475 ~~accordance with subparagraph (2)(N)2.G. of this rule) exceeds ten percent (10%) of the action leakage rate~~
1476 ~~as defined in 40 CFR 264.302, incorporated in this rule, then the owner/operator shall analyze the leachate~~
1477 ~~for the indicator parameters and constituents outlined in the facility permit. If the analyzed leachate exceeds~~
1478 ~~the detection limits outlined in the facility permit, the owner/operator shall—~~

1479 ~~(I) Notify the department in writing of the leak within seven (7) days after detecting the leak;~~

1480 ~~(II) Remove, within the period of time specified in the permit, accumulated liquid, conduct an~~
1481 ~~assessment of the leakage to determine the cause and extent of the leak, and, if necessary, initiate repairs or~~
1482 ~~replace the leaking liner to prevent the migration of hazardous waste liquids through the liner; and~~

1483 ~~(III) Submit to the department the assessment and a certification from a registered professional~~
1484 ~~engineer describing any repairs or replacement of the liner system within thirty (30) days of completion.~~

1485 ~~J. A landfill shall be designed, constructed, and operated to minimize erosion, landslides and~~
1486 ~~sloughing.~~

1487 ~~K. Where necessary, features shall be provided around closed units or, when leachate is detected in the~~
1488 ~~lower leachate collection system, features shall control horizontal migration of leachate from the disposal~~
1489 ~~unit. These features may include, but are not limited to, recompacted trench walls, slurry trenches, and~~
1490 ~~intereceptor trenches.~~

1491 ~~L. There shall be a minimum of three hundred feet (300') of buffer between the property line of the~~
1492 ~~disposal facility and the permitted area.~~

1493 ~~M. If the owner/operator accepts any odoriferous waste, the owner/operator shall apply cover or~~
1494 ~~otherwise manage the landfill to control odor dispersal.~~

1495 ~~N. If gases are generated within the landfill, a gas collection and control system shall be installed to~~
1496 ~~control the vertical and horizontal escape of gases from the landfill.~~

1497 ~~3. All hazardous wastes accepted for disposal shall be listed in the permit application in accordance with~~
1498 ~~40 CFR 270.13(j) as incorporated by reference in 10 CSR 25-7.270. In addition, departmental approval of~~
1499 ~~individual waste streams may be required prior to allowing the disposal of the waste streams in the landfill.~~

1500 ~~4. Wastes having a true vapor pressure greater than seventy eight millimeters of mercury (78 mm Hg) at~~
1501 ~~twenty five degrees Celsius (25 °C) are volatile wastes and shall not be landfilled.~~

1502 ~~(O) Incinerators. This subsection sets forth standards which modify or add to those requirements in 40~~
1503 ~~CFR part 264 subpart O.~~

1504 ~~1. Sampling methods to determine compliance with 40 CFR 264.343 incorporated in this rule will be~~
1505 ~~specified by the department in the permit and shall consist of any of the following methods:~~

1506 ~~A. The methods described in the *Engineering Handbook for Hazardous Waste Incineration*, SW-889,~~
1507 ~~by the United States EPA or equivalent; or~~

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1508 ~~B. The methods specified in 40 CFR part 60 Appendix A (July 1, 1989). For facilities subject to~~
1509 ~~paragraph (2)(O)2. of this rule, the methods referenced in this paragraph shall be used exclusively to~~
1510 ~~determine compliance with the emission limitations required in this subsection.~~

1511 ~~2. The provisions of 40 CFR part 60 subpart E, July 1, 1989, shall apply and are incorporated by~~
1512 ~~reference as part of this rule. An owner/operator of a hazardous waste incinerator which is regulated under~~
1513 ~~the New Source Performance Standards in that subpart shall comply with the provisions in addition to~~
1514 ~~complying with all other applicable provisions in this rule.~~

1515 ~~3. Where emission limitations found in both paragraph (2)(O)2. of this rule and in another provision of~~
1516 ~~this rule are applicable to a hazardous waste incinerator, the more stringent shall control.~~

1517 ~~(P) Health Profiles.~~

1518 ~~1. An owner/operator shall submit a health profile, as required by section 260.395.7(5), RSMo, with the~~
1519 ~~initial application for a hazardous waste treatment or land disposal facility. A health profile is not necessary~~
1520 ~~for facilities that must obtain a permit for only post closure care and/or corrective action activities. A health~~
1521 ~~profile shall identify any potential serious illnesses, the rate of which exceeds the state average for the~~
1522 ~~illnesses, which might be attributable to environmental contamination from any hazardous waste treatment~~
1523 ~~or land disposal unit at the hazardous waste facility applying for the permit. The purpose of the information~~
1524 ~~in the health profile is to document the potential for exposure from the applicable hazardous waste treatment~~
1525 ~~or land disposal units and to determine whether additional permit controls are necessary for these units to~~
1526 ~~ensure protection of human health beyond the facility property boundaries. One of the following for each~~
1527 ~~applicable unit or combination of units as approved by the department may constitute a health profile for the~~
1528 ~~purposes of this subsection:~~

1529 ~~A. For combustion units —~~

1530 ~~(I) The evaluation described in 40 CFR 270.10(l)(1) for hazardous waste combustion units;~~

1531 ~~(II) An evaluation of the potential risk to human health resulting from both direct and indirect~~
1532 ~~exposure pathways. In selecting this option, the applicant shall submit a workplan to conduct the evaluation~~
1533 ~~with the initial application; however, the permit shall not be issued until the evaluation is final; or~~

1534 ~~(III) A Health Evaluation by the Missouri Department of Health and Senior Services requested by~~
1535 ~~the facility according to paragraph (2)(P)4;~~

1536 ~~B. For other treatment units —~~

1537 ~~(I) An evaluation of the potential risk to human health resulting from both direct and indirect~~
1538 ~~exposure pathways. In selecting this option, the applicant shall submit a workplan to conduct the evaluation~~
1539 ~~with the initial application; however, the permit shall not be issued until the evaluation is final; or~~

1540 ~~(II) A Health Evaluation by the Missouri Department of Health and Senior Services requested by the~~
1541 ~~facility according to paragraph (2)(P)4.; and~~

1542 ~~C. For land disposal units —~~

1543 ~~(I) The information required by 40 CFR 270.10(j);~~

1544 ~~(II) An evaluation of the potential risk to human health resulting from both direct and indirect~~
1545 ~~exposure pathways. In selecting this option, the applicant shall submit a workplan to conduct the evaluation~~
1546 ~~with the initial application; however, the permit shall not be issued until the evaluation is final; or~~

1547 ~~(III) A Health Evaluation by the Missouri Department of Health and Senior Services requested by~~
1548 ~~the facility according to paragraph (2)(P)4.~~

1549 ~~2. This paragraph sets forth requirements which shall be met subsequent to the initial permit application~~
1550 ~~for hazardous waste treatment and/or land disposal activities.~~

1551 ~~A. If changes occur after permit issuance that may increase the potential for human exposure to~~
1552 ~~hazardous waste or hazardous constituents from the treatment or land disposal unit, an updated health profile~~
1553 ~~shall be part of a facility application for permit renewal or permit modifications that include addition or~~
1554 ~~modification of a hazardous waste treatment or land disposal unit.~~

1555 ~~B. Appropriate documentation to be submitted as the updated health profile shall include one (1) of~~
1556 ~~the options set out in subparagraphs (2)(P)1.A. through C., or an update of a previous submittal under those~~
1557 ~~requirements.~~

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1558 ~~3. Additional epidemiological investigations by the Missouri Department of Health and Senior Services~~
1559 ~~may be required if the information provided pursuant to subparagraph (2)(P)2.B. indicates the presence of~~
1560 ~~potentially unacceptable human health risks.~~

1561 ~~4. A Health Evaluation by the Missouri Department of Health and Senior Services will assess the~~
1562 ~~potential for exposure and adverse health effects to the public from materials released by the applicable~~
1563 ~~hazardous waste units. If the owner or operator chooses to request a Health Evaluation by the Missouri~~
1564 ~~Department of Health and Senior Services to meet the requirements of this subsection, the request shall be~~
1565 ~~submitted with the initial application; however, a permit shall not be issued until the evaluation is final.~~

1566 (Q) *(Reserved)*

1567 (R) *(Reserved)*

1568 (S) Corrective Action for Solid Waste Management Units. *(Reserved)*

1569 (T) *(Reserved)*

1570 (U) *(Reserved)*

1571 (V) *(Reserved)*

1572 (W) Drip Pads. 40 CFR part 264 subpart W is not incorporated by reference.

1573 (X) Miscellaneous Units. ~~This subsection sets forth requirements in addition to 40 CFR part 264 subpart X~~
1574 ~~incorporated in this rule.~~

1575 ~~1. A facility which continuously feeds hazardous waste into the treatment process shall be equipped with~~
1576 ~~an automatic waste feed cutoff or a bypass system that is activated when a malfunction in the treatment~~
1577 ~~process occurs. A bypass system shall return hazardous waste feed to storage and shall not allow a discharge~~
1578 ~~or release of hazardous waste.~~

1579 ~~2. Residuals of by products from a treatment process (for example, sludges, spent resins) shall be~~
1580 ~~analyzed during a trial period to determine the effectiveness of the treatment process.~~

1581 (Y) *(Reserved)*

1582 (Z) *(Reserved)*

1583 (AA) Air Emission Standards for Process Vents. *(Reserved)*

1584 (BB) Air Emission Standards for Equipment Leaks. *(Reserved)*

1585 (CC) Air Emission Standards for Tanks, Surface Impoundments, and Containers. *(Reserved)*

1586 (DD) Containment Buildings. *(Reserved)*

1587 (EE) Hazardous Waste Munitions and Explosive Storage. *(Reserved)*

1588 (3) ~~The following requirements apply to~~ **Permitted** hazardous waste TSD facilities that accept and/or ship
1589 hazardous waste via railroad tank car (railcar) **shall comply with the requirements for container storage**
1590 **in 40 CFR Part 264 Subpart I, as incorporated by reference in 10 CSR 25-7.264(1), or the following**
1591 **requirements for railcar management.**

1592 (A) The **owner or operator** ~~owner/operator~~ shall submit a railcar management plan with the application
1593 for a hazardous waste treatment, storage, or disposal facility permit. Permitted facilities that currently accept
1594 and/or ship hazardous waste via railcars shall request a Class I permit modification that requires prior
1595 director approval for the railcar management plan according to the procedures defined in **40 CFR 270.42 as**
1596 **incorporated in 10 CSR 25-7.270(1).** ~~within one hundred eighty (180) days of the effective date of this~~
1597 ~~paragraph. Permitted facilities that fail to apply for a permit modification in compliance with this subsection~~
1598 ~~shall cease all operations involved in the acceptance and/or shipment of hazardous waste via railcar. The~~
1599 ~~permitted facility that has fully complied with this subsection has authorization to conduct the operations~~
1600 ~~involved in the acceptance and/or shipment of hazardous waste via railcar, pending action by the director.~~

1601 1. The railcar management plan shall describe steps to be taken by the facility in order to comply with
1602 the requirements of subsections (3)(B)–(3)(F).

1603 2. The railcar management plan shall be maintained at the facility.

1604 (B) Railcars shall not be used as container or tank storage units at a facility unless the **owner or operator**
1605 ~~owner/operator~~ complies with the standards for container storage set forth in 40 CFR part 264 subpart I as
1606 incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270. During the time allowed
1607 for loading and unloading as set forth in this section, the railcar shall not be considered to be in storage.

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- 1608 1. The **owner or operator** ~~owner/operator~~ shall ship hazardous wastes loaded onto a railcar within
1609 seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—
1610 A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;
1611 B. The transporter returns a signed copy of the manifest to the facility; and
1612 C. The railcar crosses the property boundary line of the TSD facility.
- 1613 2. The **owner or operator** ~~owner/operator~~ shall have a maximum of ten (10) days following receipt of a
1614 shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading
1615 shall be specified in the approved railcar management plan for each facility as part of the permit. The
1616 department will review and approve each railcar management plan on a case-by-case basis and will base its
1617 decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail
1618 siding, surveillance and security standards, enclosure of the facility, type and amount of emergency response
1619 equipment, and the facility’s capacity to handle incidents. Unless more time is allowed by an approved
1620 railcar management plan, the **owner or operator** ~~owner/operator~~ shall unload hazardous waste from an
1621 incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section,
1622 receipt of the shipment occurs when—
1623 A. The **owner or operator** ~~owner/operator~~ signs the shipping paper; or
1624 B. The **owner or operator** ~~owner/operator~~ signs the manifest; or
1625 C. The railcar crosses the property boundary line of the TSD facility.
- 1626 3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours
1627 for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo 2000, that fall within the time
1628 period approved in the railcar management plan.
- 1629 4. If the **owner or operator** ~~owner/operator~~ finds that a railcar shipment must be rejected, the railcar
1630 shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in
1631 the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be
1632 documented in the facility’s operating record.
- 1633 5. The **owner or operator** ~~owner/operator~~ shall attempt to arrange for the rail carrier to provide the
1634 **owner or operator** ~~owner/operator~~ a notification detailing when a railcar was picked up from the facility or
1635 when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the
1636 **owner or operator** ~~owner/operator~~ must document the refusal in the operating record. The time limitations
1637 set forth in this subsection must be documented by recording dates and times in the facility’s operating
1638 record.
- 1639 6. If the loading and unloading time frames specified in this section are exceeded, then the **owner or**
1640 **operator** ~~owner/operator~~ utilizing railcars shall comply with the standards for container storage in 40 CFR
1641 part 264 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-
1642 7.270.
- 1643 (C) The **owner or operator** ~~owner/operator~~ shall comply with 40 CFR 264.17, incorporated in this rule,
1644 during railcar loading and unloading. Additional specific precautions to be taken shall include facility
1645 design, construction, operation and maintenance standards as specified in “Loading and Unloading
1646 Operations: Tank Vehicles and Tank Cars” in section 5-4.4.1 of the 1993 Edition of the *National Fire*
1647 *Protection Association Flammable and Combustible Liquids Code* (NFPA 30).
- 1648 (D) The **owner or operator** ~~owner/operator~~ shall provide security for railcars at the facility by utilizing
1649 one of the alternatives specified in 40 CFR 264.14(b), as incorporated in this rule. If the **owner or operator**
1650 ~~owner/operator~~ demonstrates that it is not practical to provide security for railcars at the facility as specified
1651 in 40 CFR 264.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts
1652 upon receipt of a loaded railcar or upon completion of the **owner or operator’s** ~~owner/operator~~ loading
1653 procedures. The locks must remain in place until the **owner or operator** ~~owner/operator~~ begins unloading
1654 procedures or until the rail carrier picks up the loaded or rejected railcar for transport off-site.
- 1655 (E) In accordance with 40 CFR 264.15, incorporated in this rule, the **owner or operator** ~~owner/operator~~
1656 shall inspect railcars and surrounding areas, at least daily, looking for leaks and for deterioration caused by
1657 corrosion or other factors.

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1658 (F) In accordance with 40 CFR part 264 subpart C and 40 CFR part 264 subpart D, as incorporated in this
1659 rule, the **owner or operator** ~~owner/operator~~ shall develop preparedness and prevention procedures and a
1660 contingency plan for railcars. If the **owner or operator** ~~owner/operator~~ has not prepared a Spill Prevention
1661 Control and Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels
1662 requirements and guidelines as specified in 40 CFR part 112 for oil. At a minimum, the SPCC Plan must
1663 include adequate spill response equipment and preventative measures, such as dikes, curbing, and
1664 containment systems.

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1667 **10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste**
1668 **Treatment, Storage, and Disposal Facilities**

1669 *PURPOSE: This rule incorporates 40 CFR part 265 by reference and sets forth additional state standards.*

1670 (1) The regulations set forth in 40 CFR part 265, July 1, **2013**, as published by the Office of the Federal
1671 Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA
1672 15250-7954, **and the changes made at 79 FR 7518 February 7, 2014**, are incorporated by reference. This
1673 rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this
1674 rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any
1675 other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more
1676 stringent shall control.

1677 (2) The **owner or operator** ~~owner/operator~~ of a treatment, storage, or disposal (TSD) facility shall comply
1678 with the requirements noted in this section in addition to requirements set forth in 40 CFR part 265
1679 incorporated in this rule. In the case of contradictory or conflicting requirements in 10 CSR 25, the more
1680 stringent shall control. (Comment: This section has been organized so that all Missouri additions, changes,
1681 or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this
1682 section. For example, the additional requirements to be added to 40 CFR part 265 subpart A are found in
1683 subsection (2)(A) of this rule.)

1684 (A) General. In addition to the requirements in 40 CFR part 265 subpart A, the following regulations also
1685 apply:

1686 ~~1. This rule does not apply to an owner/operator of an elementary neutralization unit or a wastewater~~
1687 ~~treatment unit receiving only hazardous waste generated on-site or generated by its operator or only one (1)~~
1688 ~~operator if the unit meets the standards set forth in 10 CSR 25-7.270(2)(A)3.;~~

1689 2. This rule does not apply to an **owner or operator** ~~owner/operator~~ for that portion of or process at the
1690 facility which is in compliance with 10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes.
1691 (Note: Underground injection wells are prohibited in Missouri by section 577.155, RSMo.);

1692 3. State interim status is authorization to operate a hazardous waste treatment, storage, or disposal
1693 facility pursuant to section 260.395.15, RSMo, 10 CSR 25-7.265, and 10 CSR 25-7.270 until the final
1694 administrative disposition of the permit application is made or until interim status is terminated pursuant to
1695 10 CSR 25-7.270. The **owner or operator** ~~owner/operator~~ of a facility or unit operating under state interim
1696 status shall comply with the requirements of this rule and 10 CSR 25-7.270. In addition to providing
1697 notification to the Environmental Protection Agency (EPA), the **owner or operator** ~~owner/operator~~ is
1698 required to provide state notification in accordance with 10 CSR 25-7.270; and

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1699 ~~4. Hazardous waste which must be managed in a permitted unit (e.g., waste generated on site and stored~~
1700 ~~beyond the time frames allowed without a permit pursuant to 10 CSR 25 5.262, waste received from off site,~~
1701 ~~certain hazardous waste fuels, etc.) shall not be stored or managed outside an area or unit which does not~~
1702 ~~have a permit or interim status for that waste for a period which exceeds twenty four (24) hours. This~~
1703 ~~provision shall not apply to railcars held in areas for handling during the time period allowed by, and~~
1704 ~~managed in accordance with, 10 CSR 25 7.264(3) of this regulation. (Comment: The purpose of this~~
1705 ~~paragraph is to allow the necessary movement of hazardous waste into, out of, and through facilities, and not~~
1706 ~~to evade permit requirements.)~~

1707 (B) General Facility Standards. ~~This subsection sets forth requirements that modify or add to the~~
1708 ~~requirements in 40 CFR part 265 subpart B.~~

1709 ~~1. In addition to the requirements in 40 CFR 265.12(a) incorporated in this rule, an owner/operator shall~~
1710 ~~submit to the department a separate analysis for each hazardous waste that s/he intends to import. Each~~
1711 ~~analysis shall contain the following information: the foreign generator's name, site address, and telephone~~
1712 ~~number; a list of applicable EPA waste codes and a percentage of each for each hazardous waste; the flash~~
1713 ~~point determined in accordance with 40 CFR 261.21, incorporated by reference in 10 CSR 25 4; a list of~~
1714 ~~reactive waste(s) as defined in 40 CFR 261.23, incorporated by reference in 10 CSR 25 4; and results of~~
1715 ~~toxicity tests conducted in accordance with 40 CFR 261.24, incorporated by reference in 10 CSR 25 4.261,~~
1716 ~~if applicable.~~

1717 ~~2. 40 CFR 265.15(b)(5) is not incorporated in this rule.~~

1718 (C) Preparedness and Prevention. *(Reserved)*

1719 (D) Contingency Plan and Emergency Procedures. *(Reserved)*

1720 (E) Manifest System, Record Keeping, and Reporting. This subsection sets forth standards which modify
1721 or add to those requirements in 40 CFR part 265 subpart E.

1722 1. All **owners or operators** ~~owners/operators~~ shall comply with the reporting requirements in 10 CSR
1723 25-5.262(2)(D) regardless of whether the **owner or operator** ~~owner/operator~~ is required to register as a
1724 generator pursuant to 10 CSR 25-5.262(2)(A)1.

1725 2. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and
1726 shipped off-site for treatment, storage, resource recovery, or disposal, the **owner or operator**
1727 ~~owner/operator~~ shall meet the same requirements for the following:

1728 A. All hazardous waste generated on-site during the reporting period that is managed on-site; and

1729 B. All hazardous waste received from off-site during the reporting period, including hazardous waste
1730 generated by another generator and hazardous waste generated at other sites under the control of the **owner**
1731 **or operator** ~~owner/operator~~.

1732 3. In addition to the information required in 10 CSR 25-5.262(2)(D), an **owner or operator**
1733 ~~owner/operator~~ shall include the following information in the summary report:

1734 A. A description and the quantity of each hazardous waste that was both generated and managed on-
1735 site during the reporting period;

1736 B. For each hazardous waste that is received from off-site, a description and the quantity of each
1737 hazardous waste and the corresponding state and EPA identification numbers of each generator;

1738 C. For imports, the name and address of the foreign generator;

1739 D. The corresponding method of treatment, storage, resource recovery, disposal, or other approved
1740 management method used for each hazardous waste.

1741 4. As outlined in section 260.380.2, RSMo, all **owners or operators** ~~owners/operators~~ shall pay a fee to
1742 the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from
1743 outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on
1744 hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in
1745 Missouri.

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1746 A. For each **owner or operator** ~~owner/operator~~, this fee shall be paid on or before January 1 of each
1747 year and shall be based on the total tons of hazardous waste received in the aggregate by that **owner or**
1748 **operator** ~~owner/operator~~ for the twelve (12)-month period ending the previous June 30. As outlined in
1749 section 260.380.4, RSMo, failure to pay this fee in full by the due date shall result in imposition of a late fee
1750 equal to fifteen percent (15%) of the total original fee. Each twelve (12)-month period ending on June 30
1751 shall be referred to as a reporting year.

1752 B. **Owners or operators** ~~owners/operators~~ may elect, but are not required, to pay this fee on a
1753 quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If
1754 they do not choose to pay the fee quarterly, **owners or operators** ~~owners/operators~~ may elect, but are not
1755 required, to pay the fee at the time they file their final quarterly **or annual** report of each reporting year.
1756 However, the total fee for each reporting year must be paid on or before January 1 immediately following
1757 the end of each reporting year.

1758
1759

1760 EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

1761
1762 Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri:

1763 $\$2 \times 250 \text{ tons} = \500 fee

1764 Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri.

1765 The number of tons would be rounded to 411.

1766 $\$2 \times 411 \text{ tons} = \822 fee

1767 Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri.

1768 The number of tons would be rounded to 52,150.

1769 $\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$

1770

1771 (F) Groundwater Monitoring. *(Reserved)*

1772 (G) Closure and Post-Closure. ~~This subsection sets forth additional requirements to 40 CFR part 265~~
1773 ~~subpart G, incorporated in this rule.~~

1774 ~~1. The incorporation by reference of 40 CFR 265.113(d) and (e) does not relieve the owner/operator of~~
1775 ~~his/her responsibility to comply with 10 CSR 80 if a solid waste permit is required under those rules.~~

1776 ~~2. The owner/operator of a hazardous waste unit which is certifying closure with residues left in place,~~
1777 ~~regardless of the level of treatment to render the residue nonhazardous, shall meet the requirements in 40~~
1778 ~~CFR 265.116 incorporated in this rule.~~

1779 ~~3. In addition to requirements in 40 CFR 265.116, when an owner/operator certifies a closure which did~~
1780 ~~not result in removal of hazardous wastes to background levels, the owner/operator shall record, in~~
1781 ~~accordance with state law, a notation on an instrument which is normally examined during title search that~~
1782 ~~will notify, in perpetuity, a potential purchaser of the property that the land has been used to manage~~
1783 ~~hazardous waste.~~

1784 ~~4. In addition to the requirements in 40 CFR 265.116 and 265.119 as incorporated in this rule, an~~
1785 ~~owner/operator shall submit a notarized statement to the department certifying that the owner/operator has~~
1786 ~~caused the notation(s) to be recorded. The notation(s) shall be recorded with the recorder(s) of deeds in all~~
1787 ~~counties in which the facility or part of the facility is located.~~

1788 (H) Financial Assurance Requirements. ~~This subsection sets forth the requirements which modify or add~~
1789 ~~to those requirements in 40 CFR part 265 subpart H.~~

1790 ~~1. For purposes of this subsection, commercial treatment, storage, or disposal (TSD) facility means any~~
1791 ~~facility that would be considered a commercial hazardous waste treatment, storage, and disposal facility for~~
1792 ~~purposes of 10 CSR 25-12.020, or any facility that is certified as an R2 resource recovery facility according~~
1793 ~~to 10 CSR 25-9.020, or any facility that receives for remuneration polychlorinated biphenyls (PCB) material~~
1794 ~~or PCB units as defined by 10 CSR 25-13.010.~~

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- 1795 ~~2. In 40 CFR 265.143(a)(3), incorporated by reference in this rule, delete “the 20 years” and insert in its~~
1796 ~~place “a period of five (5) years.”~~
- 1797 ~~3. In 40 CFR 265.145(a)(3), incorporated by reference in this rule, delete “the 20 years” and insert in its~~
1798 ~~place “a period of five (5) years.”~~
- 1799 ~~4. This paragraph modifies the requirements for surety bonds guaranteeing payment into a closure trust~~
1800 ~~fund or post-closure trust fund per 40 CFR 265.143(b) or 40 CFR 265.145(b), incorporated in this rule:~~
- 1801 ~~A. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-~~
1802 ~~closure trust fund shall be authorized to do business in Missouri.~~
- 1803 ~~B. Any surety company issuing a surety bond guaranteeing payment into a closure trust fund or post-~~
1804 ~~closure trust fund shall not cancel, terminate, or fail to renew a surety bond guaranteeing payment into a~~
1805 ~~closure or post-closure trust fund and the surety bond shall remain in full force and effect in the event that on~~
1806 ~~or before the date of cancellation —~~
- 1807 ~~(I) The director deems the facility abandoned; or~~
1808 ~~(II) Interim status is terminated or revoked; or~~
1809 ~~(III) Closure is ordered by the department or a court of competent jurisdiction; or~~
1810 ~~(IV) The owner/operator is named as a debtor in a voluntary or involuntary proceeding under 11~~
1811 ~~U.S.C. section 1, et seq.; or~~
1812 ~~(V) The premium due is paid; or~~
1813 ~~(VI) An appeal of an order to close the facility as specified in part (2)(H)4.B.(III) of this~~
1814 ~~subparagraph is pending.~~
- 1815 ~~C. Facilities that have a surety bond or bonds guaranteeing payment into a closure trust fund or a post-~~
1816 ~~closure trust fund as of the effective date of this subparagraph shall modify their surety instruments to~~
1817 ~~comply with this paragraph within twelve (12) months of the effective date of this subparagraph.~~
- 1818 ~~5. This paragraph modifies the requirements for letters of credit per 40 CFR 265.143(e), incorporated in~~
1819 ~~this rule, 40 CFR 265.145(e), incorporated in this rule, and 40 CFR 265.147(h), incorporated in this rule.~~
1820 ~~Letters of credit shall be issued by a state or federally chartered and regulated bank or trust association.~~
- 1821 ~~6. An owner/operator of a facility that is a commercial TSD facility may not satisfy financial assurance~~
1822 ~~requirements for closure, post-closure, or liability coverage, or any combination of these, by the use of a~~
1823 ~~financial test as specified in 40 CFR 265.143(e), incorporated in this rule, 40 CFR 265.145(e), incorporated~~
1824 ~~in this rule, or 40 CFR 265.147(f), incorporated in this rule.~~
- 1825 ~~7. This paragraph modifies the requirements for closure insurance per 40 CFR 265.143(d), incorporated~~
1826 ~~in this rule, post-closure insurance per 40 CFR 265.145(d), incorporated in this rule, liability coverage for~~
1827 ~~sudden accidental occurrences per 40 CFR 265.147(a)(1), incorporated in this rule, and liability coverage for~~
1828 ~~non-sudden accidental occurrences per 40 CFR 265.147(b)(1), incorporated in this rule. Each insurance~~
1829 ~~policy shall be issued by an insurer which, at a minimum, is licensed to transact the business of insurance or~~
1830 ~~is eligible to provide insurance as an excess or surplus lines insurer in Missouri.~~
- 1831 ~~8. In 40 CFR 265.143(e), incorporated in this rule, delete “or a firm with a ‘substantial business~~
1832 ~~relationship’ with the owner or operator.”~~
- 1833 ~~9. In 40 CFR 265.145(e), incorporated in this rule, delete “or a firm with a ‘substantial business~~
1834 ~~relationship’ with the owner or operator.”~~
- 1835 ~~10. In 40 CFR 265.147(g), incorporated in this rule, delete “or a firm with a ‘substantial business~~
1836 ~~relationship’ with the owner or operator.”~~
- 1837 (I) Use and Management of Containers. This subsection sets forth additional standards for container
1838 storage areas.
- 1839 ~~1. Container storage areas shall have a containment system that is designed and operated in accordance~~
1840 ~~with paragraph (2)(I)2. of this rule except as provided by paragraph (2)(I)4. of this rule.~~
- 1841 ~~2. A containment system shall be designed, maintained, and operated as follows:~~
- 1842 ~~A. A containment system shall have a base which is free of cracks or gaps and is sufficiently~~
1843 ~~impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and~~
1844 ~~removed;~~

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1845 ~~B. The base shall be sloped or the containment system shall be otherwise designed and operated to~~
1846 ~~drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or~~
1847 ~~otherwise protected from contact with accumulated liquids;~~

1848 ~~C. The containment system shall have a capacity equal to ten percent (10%) of the containerized waste~~
1849 ~~volume or the volume of the largest container, whichever is greater. Containers that do not contain free~~
1850 ~~liquids need not be considered in this calculation;~~

1851 ~~D. Run-on into the containment system shall be prevented unless the collection system has sufficient~~
1852 ~~excess capacity in addition to that required in subparagraph (2)(I)2.C. of this rule to contain any run-on~~
1853 ~~which might enter the system; and~~

1854 ~~E. Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection~~
1855 ~~area in as timely a~~
1856 ~~manner as is necessary to prevent overflow of the collection system.~~

1857 ~~3. The containment system shall also be inspected as part of the weekly inspections required by 40 CFR~~
1858 ~~265.174, incorporated in this rule.~~

1859 ~~4. Storage areas that store containers holding only wastes that do not contain free liquids or storage~~
1860 ~~facilities that store less than one thousand kilograms (1,000 kg) of nonacute hazardous waste containing free~~
1861 ~~liquids need not have a containment system described in paragraph (2)(I)2. of this rule provided that —~~

1862 ~~A. The storage area is sloped or is otherwise designed and operated to drain and remove liquid~~
1863 ~~resulting from precipitation; or~~

1864 ~~B. The containers are elevated or are otherwise protected from contact with accumulated liquid.~~

1865 ~~5. Containers storing hazardous waste must be marked and labeled in accordance with 10 CSR 25-~~
1866 ~~5.262(2)(C) during the entire storage period.~~

1867 ~~6. Container storage areas which close without removing all hazardous waste and/or hazardous waste~~
1868 ~~constituents to below background levels may pursue either a risk-based closure if there is no evidence of~~
1869 ~~groundwater or surface water contamination or, in the absence of such evidence, close in accordance with 10~~
1870 ~~CSR 25-7.264(2)(N) and 40 CFR part 264 subpart N, as incorporated in subsection (2)(N). The~~
1871 ~~owner/operator shall also comply with the requirements of 10 CSR 25-7.265(2)(G).~~

1872 ~~7. Containers holding ignitable or reactive waste which are stored outdoors or in buildings not equipped~~
1873 ~~with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.~~

1874 ~~8. Containers holding ignitable or reactive waste which are stored indoors shall be located at least fifty~~
1875 ~~feet (50') from the facility's property line, unless the following requirements are satisfied:~~

1876 ~~A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a~~
1877 ~~boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two~~
1878 ~~(2) hours, with each opening protected by an automatically-closing listed one and one-half (1.5)-hour (B)~~
1879 ~~fire door;~~

1880 ~~B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property~~
1881 ~~that can be built upon shall have a fire-resistance rating of at least four (4) hours, with each opening~~
1882 ~~protected by an automatically-closing listed three (3)-hour (A) fire door (Comment: All fire doors, closure~~
1883 ~~devices, and windows shall be installed in accordance with the National Fire Protection Association (NFPA)~~
1884 ~~Code 80, *Standards for Fire Doors and Windows*, 1995 edition);~~

1885 ~~C. The construction design of exterior walls shall provide ready accessibility for fire-fighting~~
1886 ~~operations through the provision of access openings, windows, or lightweight noncombustible wall panels;~~

1887 ~~D. Container storage areas shall be provided with automatic fire suppression systems designed and~~
1888 ~~installed in accordance with NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition),~~
1889 ~~NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition),~~
1890 ~~NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) Standards. Final design of~~
1891 ~~these systems shall be approved by a qualified, registered professional engineer in Missouri;~~

1892 ~~E. Each container storage area shall have preconnected hose lines capable of reaching the entire area.~~
1893 ~~The fire hose shall be a one and one-half (1.5)-inch line or one-inch (1") hard rubber line. Where a one and~~
1894 ~~one-half (1.5)-inch fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-~~
1895 ~~held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;~~

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1896 F. Only containers meeting the requirements of, and containing products authorized by, Chapter I,
1897 Title 49 of the *Code of Federal Regulations* (DOT Regulations) or NFPA 386, *Standard for Portable*
1898 *Shipping Tanks* (1990 edition) shall be used;

1899 G. All storage of ignitable or reactive materials shall be organized in a manner which will not
1900 physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude
1901 egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

1902 H. All containers shall be arranged so that there is a minimum aisle space of four feet (4') between
1903 rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not
1904 be stacked, placed, or both, closer than three feet (3') from ceilings or any roof members; and

1905 I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned
1906 twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response
1907 personnel.

1908 (J) Tanks. ~~This subsection modifies and adds to the incorporation of 40 CFR part 265 subpart J.~~

1909 ~~1. 40 CFR 264.190(e) is not incorporated by reference.~~

1910 ~~2. In 40 CFR 265.193(g)(1) incorporated in this rule, delete “or that in the event of a release that does~~
1911 ~~migrate to ground water or surface water, no substantial present or potential hazard will be posed to human~~
1912 ~~health or the environment.” 40 CFR 265.193(g)(2) is not incorporated by reference in this rule. In 40 CFR~~
1913 ~~265.193(g)(4)(ii) incorporated in this rule, substitute “264.197(b)” for “265.197(b).” For purposes of 40~~
1914 ~~CFR 265.193(h) incorporated in this rule, “variance” means exception.~~

1915 ~~3. In 40 CFR 265.196(e) and (e)(2) incorporated in this rule, delete “visible” and “visual.” Tank storage~~
1916 ~~areas which close without removing all hazardous waste and/or hazardous waste constituents to below~~
1917 ~~background levels may pursue either a risk-based closure if there is no evidence of groundwater or surface~~
1918 ~~water contamination or in the absence of such evidence, close in accordance with 10 CSR 25 7.264(2)(N)~~
1919 ~~and 40 CFR part 264 subpart N as incorporated in subsection (2)(N). The owner/operator shall also comply~~
1920 ~~with the requirements of 10 CSR 25 7.265(2)(G).~~

1921 (K) Surface Impoundments. ~~In addition to the requirements in 40 CFR part 265 subpart K, those surface~~
1922 ~~impoundments which are intended to be closed without removing the hazardous waste shall meet the~~
1923 ~~requirements of 10 CSR 25 7.264(2)(N)1.A. and 40 CFR part 264 subpart N as incorporated in 10 CSR 25-~~
1924 ~~7.264. If the site location for any such impoundment cannot meet these site specific location requirements~~
1925 ~~and contamination exists beyond the liner of the surface impoundment, the owner/operator shall clean up~~
1926 ~~contaminated residues and hazardous constituents to the greatest extent practical during closure. If the~~
1927 ~~department determines, based on the potential impact on human health and the environment, that it is not~~
1928 ~~necessary or not feasible to remove contaminated material down to background concentrations during~~
1929 ~~closure, the owner/operator shall comply with 40 CFR 264.228(b) incorporated in 10 CSR 25 7.264 or shall~~
1930 ~~submit a delisting petition and obtain approval from EPA for that delisting petition pursuant to 40 CFR~~
1931 ~~260.20 and 40 CFR 260.22 for the contaminated material not removed during closure.~~

1932 (L) Waste Piles. *(Reserved)*

1933 (M) Land Treatment. *(Reserved)*

1934 (N) Landfills. *(Reserved)*

1935 (O) Incinerators. *(Reserved)*

1936 (P) Thermal Treatment. *(Reserved)*

1937 (Q) Chemical, Physical, and Biological Treatment. *(Reserved)*

1938 (R) Underground Injection. 40 CFR part 265 subpart R is not incorporated by reference.

1939 (S) *(Reserved)*

1940 (T) *(Reserved)*

1941 (U) *(Reserved)*

1942 (V) *(Reserved)*

1943 (W) Drip Pads. 40 CFR part 265 subpart W is not incorporated by reference.

1944 (X) *(Reserved)*

1945 (Y) *(Reserved)*

1946 (Z) *(Reserved)*

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- 1947 (AA) Air Emission Standards for Process Vents. *(Reserved)*
1948 (BB) Air Emission Standards for Equipment Leaks. *(Reserved)*
1949 (CC) Air Emission Standards for Tanks, Surface Impoundments, and Containers. *(Reserved)*
1950 (DD) Containment Buildings. *(Reserved)*
1951 (EE) Hazardous Waste Munitions and Explosives Storage. *(Reserved)*

1952 (3) ~~This section applies to TSD facilities that accept and/or ship hazardous waste via railroad tank cars~~
1953 ~~(railcars). The owner or operator~~ ~~owner/operator~~ of a TSD facility shall comply with requirements set forth
1954 in 10 CSR 25-7.264(3) and shall submit a rail car management plan for inclusion in their part B permit
1955 application within one hundred eighty (180) days of the effective date of this section.
1956

1957 **(3) Interim status hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad**
1958 **tank car (railcar) shall comply with the requirements for container storage in 40 CFR Part 265**
1959 **Subpart I, as incorporated by reference in 10 CSR 25-7.265(1), or the following requirements for**
1960 **railcar management.**

1961 **(A) The owner/operator shall submit a railcar management plan with the application for a hazardous**
1962 **waste treatment, storage, or disposal facility permit. Interim status facilities that currently accept**
1963 **and/or ship hazardous waste via railcars shall request a change in interim status that requires director**
1964 **approval for the railcar management plan according to the procedures defined in 40 CFR 270.72 as**
1965 **incorporated in 10 CSR 25-7.270(1).**

1966 **1. The railcar management plan shall describe steps to be taken by the facility in order to comply with**
1967 **the requirements of subsections (3)(B)–(3)(F).**

1968 **2. The railcar management plan shall be maintained at the facility.**

1969 **(B) Railcars shall not be used as container or tank storage units at a facility unless the owner/operator**
1970 **complies with the standards for container storage set forth in 40 CFR Part 265 Subpart I as**
1971 **incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270(1). During the time**
1972 **allowed for loading and unloading as set forth in this section, the railcar shall not be considered to be**
1973 **in storage.**

1974 **1. The owner/operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours**
1975 **after loading is initiated. For the purposes of this section, shipment occurs when—**

1976 **A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;**

1977 **B. The transporter returns a signed copy of the manifest to the facility; and**

1978 **C. The railcar crosses the property boundary line of the TSD facility.**

1979 **2. The owner/operator shall have a maximum of ten (10) days following receipt of a shipment to**
1980 **unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be**
1981 **specified in the approved railcar management plan for each facility as part of the permit. The**
1982 **department will review and approve each railcar management plan on a case-by-case basis and will**
1983 **base its decision regarding the time allowed for unloading on factors including, but not limited to, the**
1984 **size of the rail siding, surveillance and security standards, enclosure of the facility, type and amount of**
1985 **emergency response equipment, and the facility's capacity to handle incidents. Unless more time is**
1986 **allowed by an approved railcar management plan, the owner/operator shall unload hazardous waste**
1987 **from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of**
1988 **this section, receipt of the shipment occurs when—**

1989 **A. The owner/operator signs the shipping paper; or**

1990 **B. The owner/operator signs the manifest; or**

1991 **C. The railcar crosses the property boundary line of the TSD facility.**

1992 **3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours**
1993 **for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo 2000, that fall within the**
1994 **time period approved in the railcar management plan.**

1995 **4. If the owner/operator finds that a railcar shipment must be rejected, the railcar shall be shipped**
1996 **within twenty-four (24) hours of that determination, or within the time period approved in the railcar**

1997 management plan, whichever is later. The rejection and the reasons for the rejection shall be
1998 documented in the facility’s operating record.
1999 **5. The owner/operator shall attempt to arrange for the rail carrier to provide the owner/operator a
2000 notification detailing when a railcar was picked up from the facility or when a railcar was delivered to
2001 the facility. If the rail carrier declines to enter into such arrangements, the owner/operator must
2002 document the refusal in the operating record. The time limitations set forth in this subsection must be
2003 documented by recording dates and times in the facility’s operating record.**

2004 **6. If the loading and unloading time frames specified in this section are exceeded, then the
2005 owner/operators utilizing railcars shall comply with the standards for container storage in 40 CFR
2006 Part 265 Subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR
2007 25-7.270.**

2008 **(C) The owner/operator shall comply with 40 CFR 265.17, incorporated in this rule, during railcar
2009 loading and unloading. Additional specific precautions to be taken shall include facility design,
2010 construction, operation and maintenance standards as specified in “Loading and Unloading
2011 Operations: Tank Vehicles and Tank Cars” in section 5-4.4.1 of the 1993 Edition of the National Fire
2012 Protection Association Flammable and Combustible Liquids Code (NFPA 30).**

2013 **(D) The owner/operator shall provide security for railcars at the facility by utilizing one of the
2014 alternatives specified in 40 CFR 265.14(b), as incorporated in this rule. If the owner/operator
2015 demonstrates that it is not practical to provide security for railcars at the facility as specified in 40
2016 CFR 265.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts
2017 upon receipt of a loaded railcar or upon completion of the owner/operator’s loading procedures. The
2018 locks must remain in place until the owner/operator begins unloading procedures or until the rail
2019 carrier picks up the loaded or rejected railcar for transport off-site.**

2020 **(E) In accordance with 40 CFR 265.15, incorporated in this rule, the owner/operator shall inspect
2021 railcars and surrounding areas at least daily looking for leaks and for deterioration caused by
2022 corrosion or other factors.**

2023 **(F) In accordance with 40 CFR Part 265 Subpart C and 40 CFR Part 265 Subpart D, as incorporated
2024 in this rule, the owner/operator shall develop preparedness and prevention procedures and a
2025 contingency plan for railcars. If the owner/operator has not prepared a Spill Prevention Control and
2026 Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels
2027 requirements and guidelines as specified in 40 CFR Part 112 for oil. At a minimum, the SPCC Plan
2028 must include adequate spill response equipment and preventative measures, such as dikes, curbing,
2029 and containment systems.**

2030
2031 **10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of**
2032 **Hazardous Waste Management Facilities**

2033 *PURPOSE: This rule incorporates federal regulations in 40 CFR part 266 by reference and provides*
2034 *Missouri specific additions, deletions, or changes to the federal regulations. This rule provides limited*
2035 *standards for certain hazardous waste management practices, particularly in regard to recyclable materials*
2036 *and sets forth standards for recyclable materials used in a manner constituting disposal, hazardous waste*
2037 *burned in boilers and industrial furnaces recyclable materials utilized for precious metals recovery and*
2038 *spent lead-acid batteries being reclaimed.*

2039 (1) The regulations set forth in 40 CFR part 266, July 1, **2013**, as published by the Office of the Federal
2040 Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA
2041 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or
2042 additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-
2043 3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule.
2044 Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

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2045 (2) Persons subject to the regulations in 40 CFR part 266 shall comply with the requirements, changes,
2046 additions, or deletions noted in this section in addition to 40 CFR part 266 incorporated in this rule.
2047 (Comment: This section has been organized so that all Missouri additions or changes to any subpart of the
2048 federal regulations are noted within the corresponding subsection of this section. For example, the changes
2049 to the management requirements for hazardous waste fuels, 40 CFR part 266 subpart D, are found in
2050 subsection (2)(D) of this rule.)

2051 (A) *Reserved*

2052 (B) *Reserved*

2053 (C) Recyclable Materials Used in a Manner Constituting Disposal. In addition to the requirements in 40
2054 CFR part 266 subpart C incorporated in this rule, a person who is marketing hazardous waste recyclable
2055 materials which would be used in a manner constituting disposal must obtain a hazardous waste resource
2056 recovery certification pursuant to 10 CSR 25-9.020.

2057 (D) *Reserved*

2058 (E) *Reserved*

2059 (F) Recyclable Materials Used for Precious Metals Recovery. *Reserved*

2060 (G) Spent Lead-Acid Batteries Being Reclaimed. In addition to the requirements in 40 CFR part 266
2061 subpart G a person who reclaims materials from spent lead-acid batteries shall obtain a hazardous waste
2062 resource recovery certification pursuant to 10 CSR 25-9.020.

2063 ~~1. Owners or operators of facilities that store spent batteries before reclaiming them are subject to the~~
2064 ~~following requirements:~~

2065 ~~A. Notification requirements under section 3010 of RCRA;~~

2066 ~~B. All applicable provisions in subparts A, B (but not 40 CFR 264.13 (waste analysis)), C, D, E (but~~
2067 ~~not 264.71 or 264.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of~~
2068 ~~40 CFR part 264, as incorporated by reference in 10 CSR 25 7.264(1) and modified in 10 CSR 25-~~
2069 ~~7.264(2)(A) through 10 CSR 25 7.264(2)(L);~~

2070 ~~C. All applicable provisions in subparts A, B (but not 40 CFR 265.13 (waste analysis)), C, D, E (but~~
2071 ~~not 265.71 or 265.72 (dealing with the use of the manifest and manifest discrepancies)), and F through L of~~
2072 ~~40 CFR part 265, as incorporated by reference in 10 CSR 25 7.265(1) and modified in 10 CSR 25-~~
2073 ~~7.265(2)(A) through 10 CSR 25 7.265(2)(L);~~

2074 ~~D. All applicable provisions in parts 270 and 124 of the CFR, as incorporated by reference in 10 CSR~~
2075 ~~25 7.270 and 10 CSR 25 8.124. (Note: The language printed at 10 CSR 25 7.266(2)(G)1.A. D. above was~~
2076 ~~originally incorporated by reference from 40 CFR 266.80(b), 1994 edition. The language is reprinted here~~
2077 ~~because it was mistakenly omitted from subsequent editions of the Code of Federal Regulations.)~~

2078 (H) Hazardous Waste Burned in Boilers and Industrial Furnaces. Additions, modifications, and deletions
2079 to 40 CFR part 266 subpart H “Hazardous Waste Burned in Boilers and Industrial Furnaces” are as follows:

2080 ~~1. 40 CFR 266.100(e)(1) is not incorporated by reference in this rule;~~

2081 2. Add the following provision to 40 CFR 266.100(d) incorporated in this rule: “The **owner or**
2082 **operator** ~~owner/operator~~ of facilities that process hazardous waste solely for metal recovery in accordance
2083 with 40 CFR 266.100(d) shall be certified for resource recovery pursuant to 10 CSR 25-9.020”;

2084 ~~3. In 40 CFR 266.101(e)(2) incorporated in this rule, replace “paragraph (e)(1)” with “paragraphs (e)(1)~~
2085 ~~and (d)(1)”;~~ and

2086 ~~4. 40 CFR 266.101 is amended by adding a new subsection (d) to 266.101 incorporated in this rule as~~
2087 ~~follows: (d)(1) Treatment facilities. Owners/operators of permitted facilities that thermally, chemically,~~
2088 ~~physically (that is, shredding, grinding, etc.), or biologically treat hazardous waste prior to burning must~~
2089 ~~comply with 10 CSR 25 7.264(2)(X), and owners/operators of interim status facilities that thermally,~~
2090 ~~chemically, physically (that is, shredding, grinding, etc.), or biologically treat hazardous waste prior to~~
2091 ~~burning shall comply with 10 CSR 25 7.265(2)(P) and (Q). Owners/operators of permitted facilities which~~
2092 ~~blend hazardous waste in tanks or containers prior to burning must comply with 10 CSR 25 7.264(2)(J)6.,~~
2093 ~~and owners/operators of interim status facilities that blend hazardous waste in tanks or containers prior to~~
2094 ~~burning shall comply with 10 CSR 25 7.265(2)(J).~~

2095 (I) *Reserved*.

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2096 (J) *Reserved.*

2097 (K) *Reserved.*

2098 (L) *Reserved.*

2099 (M) Military Munitions. Additions, modifications, and deletions to 40 CFR part 266 subpart M “Military
2100 Munitions” are:

2101 1. Oral and written notifications required by 40 CFR 266.203(a)(1) shall be submitted to the
2102 department’s emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director;
2103 and

2104 2. Oral and written notifications required by 40 CFR 266.205(a)(1) shall be submitted to the
2105 department’s emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director.

2106 *AUTHORITY: section 260.370, RSMo Supp. 2010 and sections 260.390 and 260.395, RSMo 2000*

2107

2108 **10 CSR 25-7.268 Land Disposal Restrictions**

2109 *PURPOSE: This rule establishes standards and requirements that identify hazardous wastes that are*
2110 *restricted from land disposal.*

2111 (1) The regulations set forth in 40 CFR part 268, July 1, **2013**, as published by the Office of the Federal
2112 Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA
2113 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or
2114 additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-
2115 3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule.
2116 Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

2117 (2) Persons who generate or transport hazardous waste and **owners or operators** ~~owners/operators~~
2118 hazardous waste treatment, storage, and disposal facilities shall comply with this section in addition to the
2119 regulations in 40 CFR part 268. (Comment: This section has been organized so that all Missouri additions,
2120 changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection
2121 of this section. For example, the changes to 40 CFR part 268 subpart A are found in subsection (2)(A) of this
2122 rule.)

2123 (A) General. This subsection sets forth modifications to 40 CFR part 268 subpart A incorporated by
2124 reference in section (1) of this rule.

2125 1. *(Reserved)*

2126 2. The state cannot be delegated the authority from the United States Environmental Protection Agency
2127 (EPA) to approve extensions to effective dates of any applicable restrictions, as provided in 40 CFR 268.5
2128 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR
2129 268.5 as incorporated in this rule. This modification does not relieve the regulated person of his/her
2130 responsibility to comply with 40 CFR 268.5 of the federal hazardous waste management regulations.

2131 3. The state cannot be delegated the authority from the EPA to approve exemptions from prohibitions
2132 for the disposal of a restricted hazardous waste in a particular unit(s) based upon a petition demonstrating, to
2133 a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal
2134 unit(s) for as long as the wastes remain hazardous as provided in 40 CFR 268.6 incorporated in this rule. The
2135 substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.6 as incorporated in this rule.
2136 This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR
2137 268.6 of the federal hazardous waste management regulations.

2138 (B) 40 CFR part 268 subpart B, Schedule for Land Disposal Prohibition and Establishment of Treatment
2139 Standards (**Reserved**), ~~is not incorporated in this rule.~~

2140 (C) Prohibitions on Land Disposal. (**Reserved**) ~~This subsection sets forth modifications to 40 CFR part~~
2141 ~~268 subpart C incorporated by reference in section (1) of this rule.~~

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2142 ~~1. The waste specific prohibitions in 40 CFR 268.31 apply to the hazardous wastes identified by EPA~~
2143 ~~hazardous waste numbers F020, F023, and F027 as amended in 10 CSR 25-4.261(2)(D)1.A.-C.~~

2144 ~~2. The waste specific prohibitions in 40 CFR 268.31 apply to the EPA hazardous waste numbers F020,~~
2145 ~~F021, F022, F023, F026, and F027 as amended in 10 CSR 25-4.261(2)(D)2.~~

2146 ~~3. The hazardous waste identified by the Missouri hazardous waste number MH02 in 10 CSR 25-~~
2147 ~~4.261(2)(D)3. may be disposed in a landfill or surface impoundment only if that unit is in compliance with~~
2148 ~~the requirements specified in 40 CFR 268.5(h)(2) as incorporated in section (1) of this rule and all other~~
2149 ~~applicable requirements of 10 CSR 25-7.264(1) incorporating by reference 40 CFR part 264 and 10 CSR 25-~~
2150 ~~7.265(1) incorporating by reference 40 CFR part 265.~~

2151 (D) Treatment Standards. This subsection sets forth modifications to 40 CFR part 268 subpart D
2152 incorporated by reference in section (1) of this rule.

2153 ~~1. The treatment standards in 40 CFR part 268 subpart D for the hazardous wastes identified by EPA~~
2154 ~~hazardous waste numbers F020, F023, and F027 apply to F020, F023, and F027 hazardous wastes as~~
2155 ~~amended in 10 CSR 25-4.261(2)(D)1.A.-C.~~

2156 ~~2. The treatment standard in 40 CFR part 268 subpart D for the hazardous wastes identified by EPA~~
2157 ~~hazardous waste numbers F020, F021, F022, F023, F026, and F027 apply to these listed wastes as amended~~
2158 ~~in 10 CSR 25-4.261(2)(D)2.~~

2159 3. The state cannot be delegated the authority from the U.S. EPA to allow the use of alternative
2160 treatment methods as provided in 40 CFR 268.42(b) incorporated in this rule. The substitution of terms in 10
2161 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.42(b) as incorporated in this rule. This modification does
2162 not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.42(b) of the federal
2163 hazardous waste management regulations.

2164 4. The state cannot be delegated the authority from the U.S. EPA to approve variances from treatment
2165 standards as provided in 40 CFR 268.44 incorporated in this rule. The substitution of terms in 10 CSR 25-
2166 3.260(1)(A) does not apply in 40 CFR 268.44, as incorporated in this rule. This modification does not
2167 relieve the regulated person of his/her responsibility to comply with 40 CFR 268.44 of the federal hazardous
2168 waste management regulations.

2169 (E) Prohibitions on Storage. *(Reserved)*

2170

2171 **10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program**

2172 *PURPOSE: This rule incorporates the federal regulations in 40 CFR part 270 by reference and sets forth*
2173 *additional state requirements.*

2174 (1) The regulations set forth in 40 CFR part 270, July 1, **2013**, except for the changes made at 70 FR 53453
2175 September 8, 2005, and 73 FR 64667 to 73 FR 64788, October 30, 2008, as published by the Office of the
2176 Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh,
2177 PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments
2178 or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-
2179 3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule.
2180 Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

2181 (A) Any federal agency, administrator, regulation, or statute that is referenced in 40 CFR part 270 shall be
2182 deleted and the comparable state department, director, rule, or statute as provided in 10 CSR 25-3.260(1)(A)
2183 shall be added in its place except as specified in paragraph (2)(A)6. of this rule. The additional substitutions
2184 or changes noted in this subsection shall also apply.

2185 ~~1. “Owner/operator” as defined by 10 CSR 25 3.260(2)(O)3. shall be substituted for any reference to~~
2186 ~~“owner and operator” or “owner or operator” in 40 CFR part 270.~~

2187 (2) The **owner or operator** ~~owner/operator~~ of a permitted hazardous waste treatment, storage, or disposal
2188 (TSD) facility shall comply with the requirements noted in this rule along with 40 CFR part 270,
2189 incorporated in this rule. (Comment: This section has been organized so that all Missouri additions, changes,
2190 or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this
2191 section. For example, the changes to 40 CFR part 270 subpart A are found in subsection (2)(A) of this rule.)

2192 (A) General Information. This subsection sets forth requirements which modify or add to those
2193 requirements in 40 CFR part 270 subpart A.

2194 1. When a facility is owned by one (1) person but is operated by another person, both the owner and
2195 operator shall sign the permit application, and the permit shall be issued to both.

2196 2. The **owner or operator** ~~owner/operator~~ of a new hazardous waste management facility shall contact
2197 the department and obtain a United States Environmental Protection Agency (EPA) identification number
2198 before commencing treatment, storage, or disposal of hazardous waste.

2199 ~~3. A permit is not required under this rule for an elementary neutralization unit or a wastewater~~
2200 ~~treatment unit receiving only hazardous waste that is generated on site or generated by its operator or only~~
2201 ~~one (1) generator if the owner/operator, upon request, can demonstrate to the satisfaction of the department~~
2202 ~~the following:~~

2203 ~~A. There is sufficient evidence that the unit is not leaking;~~

2204 ~~B. The unit is structurally sound and there is no evidence that the unit will fail or collapse;~~

2205 ~~C. There are no incompatible wastes being placed in the unit;~~

2206 ~~D. The owner/operator has been and is in compliance with all present and prior permits and~~
2207 ~~authorizations issued to the owner/operator; and~~

2208 ~~E. There is no evidence of any past releases from the unit.~~

2209 ~~4. In addition to the requirements in 40 CFR 270.1(b) incorporated in this rule, the owner/operator shall~~
2210 ~~provide state notification to the department within sixty (60) days after the effective date of a state rule that~~
2211 ~~first requires him/her to comply with 10 CSR 25 where that notification is required.~~

2212 5. (Reserved)

2213 ~~6. In 40 CFR 270.2, substitute “Facility mailing list means the mailing list required of the permittee or~~
2214 ~~applicant in accordance with 10 CSR 25 7.270(2)(B)10.” for the definition of “Facility mailing list” given in~~
2215 ~~the incorporated regulation.~~

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2216 7. In 40 CFR 270.3 “Considerations Under Federal Law,” do not substitute any comparable Missouri
2217 statute or administrative rule for the federal acts and regulations. This does not relieve the **owner or**
2218 **operator** ~~owner/operator~~ of his/her responsibility to comply with any applicable and comparable state law
2219 or rule in addition to complying with the federal acts and regulations.

2220 (B) Permit Application. This subsection sets forth requirements which modify or add to those
2221 requirements in 40 CFR part 270 subpart B.

2222 1. Existing hazardous waste management facilities must submit a ~~state~~ Part A permit application to the
2223 department no later than sixty (60) days after the effective date of state rules which first require them to
2224 comply with the requirements set forth in 10 CSR 25-7.265 or 10 CSR 25-7.266. A facility which did not
2225 meet federal notification and Part A submittal requirements under the Hazardous and Solid Waste
2226 Amendments (HSWA) shall not qualify for state interim status. State interim status is granted to those
2227 facilities which either meet federal interim status requirements, are required to meet state interim status
2228 requirements because no federal interim status requirements affect the filing, or become subject to
2229 regulations under state rules which are not promulgated to meet the requirements of 40 CFR part 271.

2230 2. Confidentiality may be requested for the information required in 40 CFR 270.13(a)–(m) incorporated
2231 in this rule. 10 CSR 25-3.260(1)(B) sets forth requirements for protection of confidential business
2232 information and the availability of information provided under 10 CSR 25. Therefore, 40 CFR 270.12 is not
2233 incorporated by reference in this rule.

2234 ~~3. The topographic map required in 40 CFR 270.13(l) incorporated in this rule shall also depict~~
2235 ~~surrounding land uses such as residential, commercial, agricultural, and recreational.~~

2236 ~~4. Seismic evaluation requirements for hazardous waste management facility permit applicants. 40 CFR~~
2237 ~~270.14(b)(11)(i) and (ii) are not incorporated in this rule. An applicant for a hazardous waste management~~
2238 ~~facility permit (excluding post-closure) shall design and construct the facility to withstand stresses due to~~
2239 ~~earthquake loading or certify that the existing facility is able to withstand stresses due to earthquake loading.~~
2240 ~~In the event that the regulated unit cannot withstand stresses, the facility shall certify that a release or~~
2241 ~~situation which will endanger human health and/or the environment is not likely to occur. The applicant~~
2242 ~~shall submit as part of the permit application a certification of the adequacy of the design or the ability of the~~
2243 ~~existing facility to withstand stresses due to earthquake loading. The certification shall consider the location~~
2244 ~~of the facility (e.g., the proximity of the facility to an active seismic zone) and must be completed by a~~
2245 ~~qualified professional engineer registered in Missouri.~~

2246 ~~5. In addition to the topographic map required in 40 CFR 270.14(b)(19) incorporated in this rule, an~~
2247 ~~applicant for a land-based hazardous waste management facility permit shall submit drawings which depict~~
2248 ~~at a minimum—~~

2249 ~~A. Original contours;~~

2250 ~~B. Proposed final contours;~~

2251 ~~C. Original surface water drainage patterns;~~

2252 ~~D. Proposed final surface water drainage patterns;~~

2253 ~~E. Layout of the leachate collection system;~~

2254 ~~F. Layout of the monitoring system;~~

2255 ~~G. Access roads;~~

2256 ~~H. Location of soil borings and trenches;~~

2257 ~~I. Major rock outcrops and sinkholes within the map area;~~

2258 ~~J. Occupied permanent residential dwelling houses within one-fourth (1/4) mile of the disposal facility~~
2259 ~~boundaries;~~

2260 ~~K. All available information on private and public wells, public water supply lines, and any aquifers,~~
2261 ~~seeps, sinkholes, caves, or mining areas within one-fourth (1/4) mile of the facility; and~~

2262 ~~L. For landfills only, a coordinate system referenced to a benchmark and baseline that have been~~
2263 ~~permanently established on the site and referenced to Government Land Office corners and the legal~~
2264 ~~boundaries of the facility as described by a registered land surveyor licensed by Missouri.~~

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2265 6. All submitted engineering plans and reports shall be approved by a registered professional engineer
2266 licensed by Missouri. The engineering plans and reports shall specify the materials, equipment, construction
2267 methods, design standards, and specifications for hazardous waste management facilities, and processes that
2268 will be utilized in the construction and operation of the facility. The engineering plans and reports shall also
2269 include a diagram of any piping, instrumentation or process flows, and descriptions of any feed systems,
2270 safety cutoffs, bypass systems, and pressure controls (for example, vents).

2271 ~~7. The applicant for a hazardous waste facility permit to construct or operate a facility shall submit the~~
2272 ~~application to the department in triplicate (quadruplicate, if application is made for a land-based~~
2273 ~~management facility). If a permit is issued, the permittee shall submit two (2) copies of the entire approved~~
2274 ~~application to the department.~~

2275 8. The permit application fee set forth in 10 CSR 25-12.010 shall be submitted with the application.

2276 9. The department will supervise any field work undertaken to collect geologic and engineering data
2277 which is to be submitted with the application. The applicant shall contact the department at least five (5)
2278 working days prior to conducting any field work that is undertaken to collect geologic and engineering data
2279 which is to be submitted with the application. A fee shall also be assessed pursuant to 10 CSR 25-12.010 for
2280 all costs incurred by the department in the observation of field work, engineering and geological review of
2281 the application, and all other review necessary by the department to verify that the application complies with
2282 section 260.395.7., RSMo.

2283 10. The permit application shall include the following information for the purpose of notification:

2284 A. Names and address of all persons listed on the facility mailing list as defined in 10 CSR 25-
2285 8.124(1)(A)10.C.(I)(c) shall be submitted in the form of an alphabetical list with five (5) sets of addressed,
2286 self-adhesive mailing labels also included; and

2287 B. The name, address, and telephone number of the location where the permit application and
2288 supporting documents are to be placed, as described in 10 CSR 25-8.124(1)(B)3.B.(II)(c) and the name of
2289 the person at that location who may be contacted to schedule a review of the documents.

2290 11. The applicant shall submit the information required by subsection (2)(H) of this rule in the form of a
2291 disclosure statement as part of the permit application.

2292 12. An applicant may be required to submit other information as may be necessary to enable the
2293 department to carry out its duties.

2294 ~~13. In addition to the requirements in 40 CFR 270.15 incorporated in this rule, an owner/operator of a~~
2295 ~~facility that treats hazardous waste in containers shall meet the requirements in 40 CFR 270.23 incorporated~~
2296 ~~in this rule.~~

2297 ~~14. In addition to the requirements in 40 CFR 270.16 incorporated in this rule, an owner/operator of a~~
2298 ~~facility that treats hazardous waste in a tank system shall meet the requirements in 40 CFR 270.23~~
2299 ~~incorporated in this rule.~~

2300 ~~15. 40 CFR 270.16(h)(2) is not incorporated in this rule.~~

2301 ~~16. An owner/operator who stores, treats, or disposes of hazardous waste in surface impoundments shall~~
2302 ~~provide the following information in addition to the requirements of 40 CFR 270.17 incorporated in this~~
2303 ~~rule: detailed plans and an engineering report explaining the location of the saturated zone in relation to the~~
2304 ~~surface impoundment and the design of a double liner system that incorporates a leak detection system~~
2305 ~~between liners.~~

2306 ~~17. An owner/operator who disposes of hazardous waste in landfills shall provide the following~~
2307 ~~information in addition to the requirements of 40 CFR 270.21 incorporated in this rule:~~

2308 A. Engineering reports which describe the geology and hydrology of the site and demonstrate the site
2309 suitability as required in 10 CSR 25-7.264(2)(N)1.;

2310 B. Detailed plans and an engineering report addressing the following items:

2311 (I) Management of run off from the disposal facility or unit;

2312 (II) Minimization of erosion, landslides, and sloughing;

2313 (III) Control of horizontal migration of leachate where applicable;

2314 (IV) Delineation of a three hundred foot (300') buffer between the property line of the disposal
2315 facility and area to be permitted;

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2316 ~~(V) Control of wind dispersal of waste particulate matter where applicable;~~

2317 ~~(VI) Control of odor dispersal where applicable; and~~

2318 ~~(VII) Control of escape of gases where applicable.~~

2319 ~~C. Detailed plans and engineering report explaining the location of the saturated zone in relation to the~~
2320 ~~landfill and the design of a double liner system that incorporates a leachate collection and removal system~~
2321 ~~above and between the liners; and~~

2322 ~~D. An explanation of how the volatile waste standards in 10 CSR 25-7.264(2)(N)4. are met.~~

2323 ~~18. An owner/operator of a hazardous waste treatment facility or operating disposal facility shall submit~~
2324 ~~a health profile as set forth in 10 CSR 25-7.264(2)(P).~~

2325 ~~19. The person applying for a permit under sections 260.350-260.434, RSMo, shall notify the~~
2326 ~~department in the permit application of any convictions for any acts occurring after July 9, 1990, which~~
2327 ~~would have the effect of limiting competition. The applicant, after submission of the permit application and~~
2328 ~~prior to permit issuance, shall notify the department in writing within thirty (30) days of any conviction for~~
2329 ~~any act which would have the effect of limiting competition.~~

2330 ~~20. 40 CFR 270.26 is not incorporated in this rule.~~

2331 21. The **owner or operator** ~~owner/operator~~ of a **permitted or interim status** TSD facility that accepts
2332 and/or ships hazardous waste via railroad tank car (railcar) **may** ~~shall~~ submit a railcar management plan in
2333 accordance with the requirements set forth in 10 CSR 25-7.264(3) **or 10 CSR 25-7.265(3), as applicable.**

2334 22. The person applying for a permit under sections 260.350–260.434, RSMo, shall comply with the
2335 requirements of 10 CSR 25-8.124(1).

2336 (C) Permit Conditions. This subsection sets forth requirements which modify or add to those requirements
2337 in 40 CFR part 270 subpart C.

2338 1. This paragraph sets forth the procedures for issuance of a hazardous waste facility permit,
2339 construction certification, and authorization to begin operation.

2340 A. If, after public notice in accordance with 10 CSR 25-8.124 and review of the application, the
2341 department determines that the application conforms with the provisions of sections 260.350–260.434,
2342 RSMo, and all standards and rules corresponding, the department shall issue the hazardous waste facility
2343 permit to the applicant upon payment of a fee of one thousand dollars (\$1000) for each facility for each year
2344 the permit is to be in effect beyond the first year. The department will issue an EPA identification number to
2345 the facility at the time.

2346 ~~B. The applicant may begin construction or alterations at the facility in accordance with the approved~~
2347 ~~plans, reports, design specifications, and procedures after receiving the facility permit. When construction is~~
2348 ~~completed as approved in the permit and the financial requirements of this chapter have been fulfilled, the~~
2349 ~~owner/operator shall submit a written request as required in 40 CFR 270.30(1)(2) incorporated in this rule to~~
2350 ~~the department for authorization to begin operation.~~

2351 ~~C. If the permit is for a facility operating under interim status, the department may deny authority to~~
2352 ~~operate under the permit if the construction required under the permit is not completed in accordance with~~
2353 ~~the approved plans within the time period specified in the permit or within the time period as extended by~~
2354 ~~the department for cause due to circumstances beyond the permittee's control.~~

2355 D. The appeal period for a permit or any condition of a permit shall begin on the date of issuance of
2356 the permit as required in subparagraph (2)(C)1.A. of this rule. However, for the purposes of termination of
2357 interim status pursuant to 40 CFR 270.73(a) incorporated in this rule, final administrative disposition of the
2358 permit application shall occur either—

2359 (I) Thirty (30) days after issuance of a letter of authorization pursuant to subparagraph (2)(C)1.B. of
2360 this rule, unless a notice of appeal is filed with the commission within that time;

2361 (II) Thirty (30) days after denial of authorization to operate pursuant to subparagraph (2)(C)1.C. of
2362 this rule, unless a notice of appeal is filed with the commission within that time; or

2363 (III) Upon the issuance of a decision by the commission, after timely appeal of an action under
2364 subparagraph (2)(C)1.B. or C. of this rule.

2365 2. The department may deny the permit application if—

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2366 A. The applicant fails to submit a complete application in accordance with, and within the time
2367 specified in, a notice of deficiency issued pursuant to 10 CSR 25-8.124(1)(A)3.;

2368 B. The applicant has failed to fully disclose all relevant information in the application or during the
2369 permit issuance process or has misrepresented facts at any time;

2370 C. The department determines that the application does not conform with the provisions of sections
2371 260.350–260.434, RSMo, and all corresponding standards and rules, or that the facility cannot be effectively
2372 operated and maintained in full compliance with sections 260.350–260.434, RSMo, and all corresponding
2373 standards and rules, or that the facility is being operated or maintained in violation of a present permit, or
2374 that continued operation of the facility presents an unreasonable threat to human health or the environment
2375 or will create or allow for the continuance of a public nuisance;

2376 ~~D. The department determines that the applicant owner/operator is a habitual violator as defined in~~
2377 ~~subsection (2)(H) of this rule;~~

2378 E. The department determines that one (1) of the conditions specified in section 260.395.17., RSMo, is
2379 present; or

2380 F. The applicant **owner or operator** ~~owner/operator~~ fails to submit the permit fees required by
2381 subparagraph (2)(C)1.A. of this rule within thirty (30) days of receipt of notice from the department that the
2382 fees are due.

2383 ~~3. In 40 CFR 270.30(1)(2) introductory text incorporated in this rule, delete “except as provided in~~
2384 ~~270.42.”~~

2385 ~~4. The owner/operator of a facility permitted under sections 260.350–260.434, RSMo, shall notify the~~
2386 ~~department in writing of any conviction for any act occurring after July 9, 1990, which would have the effect~~
2387 ~~of limiting competition. This written notification shall be provided within thirty (30) days of the conviction~~
2388 ~~or plea and shall comply with the requirements at subsection (2)(I) of this rule.~~

2389 (D) Changes to Permit. **(Reserved).** ~~This subsection sets forth requirements which modify or add to~~
2390 ~~those requirements in 40 CFR part 270 subpart D.~~

2391 ~~1. In addition to the requirements of 40 CFR 270.40(b), the department shall determine, in accordance~~
2392 ~~with subsection (2)(H) of this rule, whether the proposed owner or operator, including an officer or~~
2393 ~~management employee of the proposed owner or operator, is a person described in section 260.395.16,~~
2394 ~~RSMo, and whether any of the conditions specified in section 260.395.17, RSMo, would exist if the~~
2395 ~~proposed transfer were to take place.~~

2396 ~~2. “Revocation and reissuance” of a permit, as that term is used in 40 CFR part 270 incorporated in this~~
2397 ~~rule, shall mean the same as “total modification” as that term is used in 10 CSR 25-8.124.~~

2398 ~~3. The “termination” of a permit, as used in 40 CFR part 270 incorporated in this rule, shall mean the~~
2399 ~~same as “revocation” of a permit as used in 10 CSR 25-8.124.~~

2400 ~~4. The director shall suspend, revoke, or not renew the permit of any person to treat, store, and dispose~~
2401 ~~of hazardous waste if that person has had two (2) or more convictions in any court of the United States or of~~
2402 ~~any state other than Missouri, or two (2) or more convictions within a Missouri court for crimes or criminal~~
2403 ~~acts occurring after July 9, 1990, an element of which involves restraint of trade, price fixing, intimidation of~~
2404 ~~the customers of any person, or for engaging in any other acts which may have the effect of restraining or~~
2405 ~~limiting competition concerning activities regulated under Chapter 260, RSMo, the Resource Conservation~~
2406 ~~and Recovery Act, or similar laws of other states within any five (5) year period. Convictions by entities~~
2407 ~~which occurred prior to the purchase or acquisition by a permittee shall not be included. The permittee shall~~
2408 ~~submit a written report to the department within thirty (30) days of the conviction or plea. The report shall~~
2409 ~~include information explaining the charge(s) on which the permittee was convicted, the date(s) of the~~
2410 ~~conviction(s), and the date(s) and charge(s) of previous convictions.~~

2411 ~~5. The owner/operator of a facility that has had his/her permit (issued under the provisions of sections~~
2412 ~~260.350–260.434, RSMo) revoked under section 260.379, RSMo, may apply to the department for~~
2413 ~~reinstatement of his/her permit after five (5) years have elapsed from the date of the last conviction of crimes~~
2414 ~~or criminal acts as described in section 260.379, RSMo. The application must be in writing and accompanied~~
2415 ~~by a reapplication fee, updated permit application, and any other information the department deems~~
2416 ~~necessary in order to reinstate the permit.~~

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2417 ~~6. 40 CFR 270.42(j)(1) and 40 CFR 270.42(j)(2) are not incorporated in this rule.~~

2418 ~~7. 40 CFR 270.42(l) is not incorporated into this rule.~~

2419 (E) Expiration and Continuation of Permits (**Reserved**). ~~The director will review all permits for operating~~
2420 ~~disposal facilities every five (5) years after issuance for conformance with applicable current hazardous~~
2421 ~~waste rules and laws. The permit will be modified as necessary to conform with the applicable rules and~~
2422 ~~laws.~~

2423 (F) Special Forms of Permits. (*Reserved*)

2424 (G) Interim Status. This subsection sets forth requirements which modify or add to those requirements in
2425 40 CFR part 270 subpart G.

2426 1. An **owner or operator** ~~owner/operator~~ who becomes regulated under 10 CSR 25-7 shall operate in
2427 compliance with interim status in accordance with paragraphs ~~(2)(A)4. and (2)(B)1.~~ of this rule.

2428 2. In addition to the items in 40 CFR 270.73 incorporated in this rule, interim status terminates when the
2429 department issues an order or commences an action pursuant to paragraph (2)(G)4. of this rule requiring the
2430 **owner or operator** ~~owner/operator~~ to cease operations and undertake closure actions at the facility or at a
2431 unit.

2432 3. The **owner or operator** ~~owner/operator~~, at any time, **voluntarily** may **voluntarily** submit a permit
2433 application pursuant to this rule.

2434 4. Upon a determination by the department that the facility is not being operated or cannot be operated
2435 in full compliance with the requirements of 10 CSR 25-7.265, the department, in lieu of or in addition to
2436 requiring the submittal of a permit application pursuant to paragraph (2)(G)1. of this rule, may take an
2437 enforcement action pursuant to sections 260.410, 260.420, and 260.425, RSMo, as it deems appropriate
2438 under the circumstances in order to fully and effectively protect public health and the environment.

2439 ~~(H) Habitual Violators. This subsection describes how the department shall determine whether a hazardous~~
2440 ~~waste management facility permit applicant is a habitual violator for purposes of implementing section~~
2441 ~~260.395.16, RSMo. This subsection applies to the issuance, reissuance, or total modification of hazardous~~
2442 ~~waste management facility permits, excluding post-closure and corrective action only permits, and to~~
2443 ~~hazardous waste resource recovery facilities for the activities subject to permit requirements in 10 CSR 25-~~
2444 ~~7.264.~~

2445 ~~1. The department shall consider the applicant's prior operating history pursuant to section 260.395.16,~~
2446 ~~RSMo, during the review of an application for a permit to operate a hazardous waste management or~~
2447 ~~commercial polychlorinated biphenyl (PCB) facility. All documentation required by this subsection shall be~~
2448 ~~submitted along with the information specified in 40 CFR part 270 subparts B and D incorporated by~~
2449 ~~reference in section (1) of this rule and modified in subsection (2)(B) of this rule, paragraph (2)(D)1. of this~~
2450 ~~rule, and 10 CSR 25-13.010(9)(B).~~

2451 ~~2. Definitions. The definitions in this paragraph apply to subsection (2)(H) of this rule.~~

2452 ~~A. Facility, for purposes of calculating violations as required in paragraph (2)(H)5. of this rule, means~~
2453 ~~each permitted, licensed interim status, unpermitted or unlicensed hazardous waste management or~~
2454 ~~commercial PCB facility, solid waste disposal area, solid waste processing facility, certified hazardous waste~~
2455 ~~resource recovery facility, or solid or hazardous waste transporter or transfer station.~~

2456 ~~B. Person, in addition to the definition in section 260.360(17) RSMo, shall mean an officer or~~
2457 ~~management employee of the applicant, any officer or management employee of any corporation or business~~
2458 ~~which owns an interest in the applicant, any officer or management employee of any business in which an~~
2459 ~~interest is owned by any person, corporation, or business which owns an interest in the applicant, or any~~
2460 ~~officer or management employee of any corporation or business in which an interest is owned by the~~
2461 ~~applicant.~~

2462 ~~C. Management employee means any individual, including a supervisor, who has the authority to~~
2463 ~~serve as an agent for the employer in that the employee has the authority to perform or effectively~~
2464 ~~recommend any one (1) or more of the following actions: hiring, firing, assigning, or directing other~~
2465 ~~employees with respect to waste management operations.~~

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~~D. Violation means any one (1) or more of the following actions or an equivalent action by this or another regulatory agency or competent authority in response to any violation of the Missouri solid or hazardous waste management law, the solid or hazardous waste management law of another state, or any federal law governing the management of solid waste, hazardous waste, PCB material, or PCB units:~~

- ~~(I) Final administrative order;~~
- ~~(II) Final permit revocation;~~
- ~~(III) Final permit suspension;~~
- ~~(IV) Civil judgment against the applicant;~~
- ~~(V) Criminal conviction; or~~

~~———— (VI) Settlement agreement in connection with a civil action which has been filed in court.~~

~~E. Interest, as used in “owning an interest in,” means having control of at least seven and one-half percent (7.5%) of an applicant or person as defined in subparagraph (2)(H)2.B. of this rule. This is determined by multiplying the percentages of ownership at each successive level and comparing this result to a seven and one-half percent (7.5%) cutoff level. For city, county, state, federal, and military-owned facilities, interest, or owning an interest in, is defined as one (1) level above or below the facility applying for the permit. (For example, a military-owned facility shall consider one (1) command level above the base on which the facility will be operated as having an interest in the facility. Likewise, the “command” shall consider itself as having an interest in all facilities within the command).~~

~~F. Habitual violator means a person who has failed the habitual violator test set out in paragraph (2)(H)5. of this rule.~~

~~3. For the purpose of this subsection, any administrative action or order, judgment, or criminal conviction that has been ruled on appeal in favor of the applicant by a final decision of a competent authority will not be considered to be a violation. If the applicant has an appeal pending, the outcome of which will affect the issuance of a permit, the department shall delay issuance of the permit until a final decision is rendered.~~

~~4. The permit applicant shall submit the following information on the Habitual Violator Disclosure Statement form provided by the department, incorporated by reference in this rule, and published in the appendix to this rule as part of the permit application:~~

~~A. Names and addresses of all persons meeting any of the following criteria:~~

- ~~(I) Any person who owns an interest in the applicant;~~
 - ~~(II) Any person in whom an interest is owned by any person who owns an interest in the applicant;~~
- ~~and~~
- ~~(III) Any person in whom the applicant owns an interest;~~

~~B. A list of all solid waste management, infectious waste management, commercial PCB management and hazardous waste management permits (Part A and Part B), licenses, certifications, or equivalent documents held within the last ten (10) years by the applicant or any person(s) reported under subparagraph (2)(H)4.A. of this rule, for the operation or post closure of a solid waste management, infectious waste management, commercial PCB or hazardous waste management facility, or a combination of these, as defined in subparagraph (2)(H)2.A. of this rule, in Missouri or in the United States and for each provide the following information:~~

- ~~(I) Permit or identification number;~~
- ~~(II) Type of permit, license, certification, or equivalent document and dates held;~~
- ~~(III) Name(s) of the person(s) to whom each permit, license, certification, or equivalent document was issued;~~
- ~~(IV) Address or location of each facility; and~~
- ~~(V) Issuing agency;~~

~~C. The structure of the applicant in relation to any person(s) reported in accordance with subparagraph (2)(H)4.A.;~~

~~D. Names and addresses of the officers and management employees of any person(s) reported in accordance with subparagraph (2)(H)4.A.;~~

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~~E. A list of all violations, including the identification of any action for which an appeal or final judgment is pending, as defined in subparagraph (2)(H)2.D. of this rule cited within ten (10) years preceding the date of the permit application incurred by any persons required to be reported under subparagraph (2)(H)4.A. or (2)(H)4.D. of this rule. Each listing shall include the following information:~~

- ~~(I) Dates of violations;~~
- ~~(II) A brief description of each violation, including the type of regulatory action taken;~~
- ~~(III) Statutory or regulatory references, or both, to each specific statute or administrative rule that was violated;~~
- ~~(IV) Name and location of the facility cited; and~~
- ~~(V) Name and address of the issuing agency, and name and address of any competent authority with final jurisdiction regarding each violation;~~

~~F. A brief description of all incidents in which any person(s) reported under subparagraph (2)(H)4.A or (2)(H)4.D. of this rule have been adjudged in contempt of any court order enforcing the provisions of any state's solid or hazardous waste laws, or federal laws pertaining to hazardous waste;~~

~~G. A listing of all facilities as defined at (2)(H)2.A. owned or operated by any person required to be reported at (2)(H)4.A. or (2)(H)4.D. A brief justification as to why the facility has been included on the listing; and~~

~~H. All other information requested by the department necessary for the department to conduct an evaluation of the overall operating history of the applicant.~~

~~5. The habitual violator test.~~

~~A. A total of calculated violations shall be determined by the following formula:
Number of violations (as defined in subparagraph (2)(H)2.D. of this rule), occurring within the ten (10) years preceding the date of the permit application, incurred by any person required to be reported under (2)(H)4.A. or (2)(H)4.D., divided by the total number of facilities (as defined in subparagraph (2)(H)2.A. of this rule) equals the number of calculated violations.~~

~~—~~
~~Number of violations — = — Calculated~~
~~Total Number of Facilities — Violations~~

~~B. If the total of calculated violations is two (2.0) or less, the applicant has passed the habitual violator test. If the total of calculated violations is greater than two (2.0), the department will notify the applicant of his/her score. Upon receipt of notification, the applicant shall have thirty (30) days to produce clear and convincing evidence to the department which demonstrates that the applicant is not a habitual violator. The department shall determine whether the evidence is clear and convincing for the purpose of the habitual violator determination. If the evidence produced by the applicant is not found to be clear and convincing, or if no evidence is produced, the department will determine the applicant to be a habitual violator, and the department will notify the applicant of permit denial. If the evidence produced by the applicant is found to be clear and convincing, the department may determine that the applicant has not failed the habitual violator test (if the department determines the applicant has failed, a notice of denial will be sent to the applicant by the department) only after the department has considered the following factors:~~

- ~~(I) The nature and severity of violations;~~
- ~~(II) Any substantial realignment of corporate structure or corporate philosophy, or both;~~
- ~~(III) Any significant pattern of improved environmental compliance;~~
- ~~(IV) The complexity of the facilities and the volume of waste handled; and~~
- ~~(V) Any other relevant factors presented as evidence.~~

~~6. The department shall deny a permit for failure of the applicant to provide the required information or for submission of false information.~~

~~7. The department may deny a permit for failure of the applicant to provide complete information when submission of the information is required by this rule.~~

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2566 ~~8. The department shall deny a permit if the applicant has failed the habitual violator test specified in~~
2567 ~~paragraph (2)(H)5. of this rule.~~

2568 ~~9. The department shall not issue a permit to an applicant or a person who has offered in person or~~
2569 ~~through an agent any inducement, including any discussion of possible employment opportunities, to any~~
2570 ~~department employee when that person has an application for a permit pending or a permit under review.~~
2571 ~~Distribution of job announcements from an applicant to the department, which are made in the regular~~
2572 ~~course of business and are intended for general dissemination, shall not be considered improper~~
2573 ~~inducements.~~

2574 ~~10. The department shall deny a permit if any person(s) reported in accordance with subparagraph~~
2575 ~~(2)(H)4.A. or (2)(H)4.D. of this rule has been adjudged in contempt of any court order enforcing the~~
2576 ~~provisions of any state's solid or hazardous waste management laws, or federal laws pertaining to hazardous~~
2577 ~~waste.~~

2578 ~~11. Any person aggrieved by a permit denial under this subsection may appeal the decision by filing a~~
2579 ~~petition with the Missouri Hazardous Waste Management Commission within thirty (30) days of notice of~~
2580 ~~denial. The appeal hearing shall be conducted in accordance with section 260.400, RSMo, and 10 CSR 25-~~
2581 ~~8.124(2).~~

2582 ~~(I) Restraint of Trade.~~

2583 ~~1. Any person, as defined in section 260.379.1, RSMo, applying for a permit to operate a hazardous~~
2584 ~~waste treatment, storage, or disposal facility shall notify the director of any conviction occurring after July 9,~~
2585 ~~1990, for any crimes or criminal acts specified in section 260.379, RSMo. The person shall include any~~
2586 ~~crimes or criminal acts for which an appeal or about which a final judgment is pending. The applicant shall~~
2587 ~~submit this information with the permit application. Any person with a permit application pending, or to~~
2588 ~~whom a permit has been granted, shall notify the department within thirty (30) days of the conviction or~~
2589 ~~plea. The information shall be submitted in the form of a disclosure statement worded as specified in~~
2590 ~~paragraph (2)(I)4. and shall include the following information:~~

2591 ~~A. Date of conviction or plea;~~

2592 ~~B. The specific charge and statutory citation;~~

2593 ~~C. Statutory or regulatory references, or both, and citations to each specific statute or administrative~~
2594 ~~rule that was violated;~~

2595 ~~D. Name and location of each facility or person cited;~~

2596 ~~E. Name and address of the court; and~~

2597 ~~F. Any other information requested by the department.~~

2598 ~~2. The department shall deny, suspend, revoke, or not renew a permit if the applicant or permittee fails~~
2599 ~~to submit the required information, the information submitted is false, or the applicant or permittee exceeds~~
2600 ~~the number of convictions allowed under section 260.379, RSMo.~~

2601 ~~3. Rehabilitation and reinstatement.~~

2602 ~~A. A person may apply to the department for reinstatement of a permit that has been revoked under~~
2603 ~~the provisions of subsection (2)(I) of this rule and section 260.379, RSMo, no sooner than five (5) years after~~
2604 ~~revocation. The person shall demonstrate to the department that s/he had no convictions or pleas for any~~
2605 ~~crimes or criminal acts as specified in section 260.379, RSMo, in any court in any state, or any federal court,~~
2606 ~~within five (5) years preceding the request for reinstatement. The person shall also prove that no litigation or~~
2607 ~~appeal is pending against the person for any crimes or criminal acts specified in section 260.379, RSMo.~~

2608 ~~B. If the permit is reinstated, the permittee, for a period of five (5) years from the date of~~
2609 ~~reinstatement, shall file semi-annual disclosure statements prepared in accordance with the requirements of~~
2610 ~~this subsection (2)(I).~~

2611 ~~C. If any conviction or plea for the acts specified in section 260.379, RSMo, is entered in any court in~~
2612 ~~any state during the five (5) year period immediately following reinstatement, the reinstated permit shall be~~
2613 ~~revoked for a period of at least five (5) years. Following this five (5) year period, the person may reapply for~~
2614 ~~reinstatement of the permit.~~

2615 ~~4. The disclosure statement specified in paragraph (2)(I)1. of this rule shall be worded as follows, except~~
2616 ~~that instructions in parentheses are to be replaced with the relevant information, and the parentheses deleted:~~

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2617 ~~(Name of permit applicant) (insert, “EPA Identification Number _____,” if applicable) hereby~~
2618 ~~certifies that the following list contains all instances in which any person, as defined by section 260.379.1,~~
2619 ~~RSMo, has been convicted or pled to any crimes or criminal acts an element of which involves restraint of~~
2620 ~~trade, price fixing, intimidation of the customers of any person, or for engaging in any other acts which may~~
2621 ~~have the effect of restraining or limiting competition concerning activities regulated under Chapter 260,~~
2622 ~~RSMo, or similar laws of other states or the federal government; except that convictions for violations by~~
2623 ~~entities purchased or acquired by an applicant or permittee which occurred prior to the purchase or~~
2624 ~~acquisition, shall not be included. (For each conviction or plea required to be reported, provide a listing of~~
2625 ~~the information required in 10 CSR 25 7.270(2)(I)1.A. F. If no conviction or plea is required to be reported,~~
2626 ~~so state.)~~

2627 ~~I hereby certify the following:~~

2628 ~~a) The above information is complete and truthful as of the date this statement was signed;~~

2629 ~~b) The wording of this disclosure statement is identical to the wording specified in 10 CSR 25~~
2630 ~~7.270(2)(I)4. on the date this statement was signed; and~~

2631 ~~e) In such matters, I, the undersigned, do have the authority to act as agent for the permit applicant.~~

2632 ~~(Signature)~~

2633 ~~(Name)~~

2634 ~~(Title)~~

2635 ~~(Date)~~

2636 ~~(Seal)~~

2637 ~~(Notary seal and signature)~~

2638 *AUTHORITY: section 260.370, RSMo Supp. 2010 and sections 260.390 and 260.395, RSMo 2000*

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Missouri's natural
resources.
40
years
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**Missouri Hazardous Waste
Management Commission**

Finding of Necessity
February 20, 2014

Missouri Department of
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Statutory Background

- Finding of necessity required by section 536.016 RSMo for all rules
- Rule must be necessary to carry out purposes of statute
- Rulemaking based upon reasonably available empirical data and assessment of the effectiveness and cost of the rules

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Statutory Background

- 536.016. 1.
Any state agency shall propose rules based upon substantial evidence on the record and a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority.

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Statutory Background

- Department rulemaking procedures documented in Administrative Rulemakings Policy and Guidance Manual
- Procedures include documentation of all aspects of need for new, amended or rescinded rules, as well as public participation and other aspects

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Why are these amendments necessary?

- Implement required changes related to “no stricter than” statute
- Make other changes to affected rules not required by “no stricter than”
- Make changes to rules unaffected by “no stricter than” to reflect the changed requirements and citations

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Why are these amendments necessary?(Cont.)

- In October 2012, commission approved adoption of federal rules through July 1, 2012
- Those amendments were put on hold while the “no stricter than” changes were developed
- Since then, EPA has adopted three new rules
- Two rules proposed for adoption in this package; remaining rule will be evaluated further

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Basis of finding of necessity

- Section 260.373 RSMo – the “no stricter than” statute
- Color-coded document prepared by Department
- Report to commission on implementation of “no stricter than”
- Notes and documents prepared by the Department for the Hazardous Waste Forum

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Basis of finding of necessity

- For federal rules, preamble to rule includes discussion of the need for the rule, the proposed rule, comments on the rule, and changes in response to comments
- Stakeholder comments supporting adoption

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What are amendments?

- Fifteen amendments to Title 10, Division 25 of Code of State Regulations
- Adoption of six federal rules (4 previously approved in October 2012)
- Revised language for labeling of hazardous waste containers and tanks

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List of rules to be amended

- **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

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Rules to be amended (cont.)

- **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 25-12.010** Fees and Taxes
- **10 CSR 25-13.010** Polychlorinated Biphenyls
- **10 CSR 25-16.273** Standards for Universal Waste Management

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10 CSR 25-3.260 - Definitions

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Updated incorporation of federal rules

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10 CSR 25-4.261 - Identification

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Updated incorporation of federal rules

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10 CSR 25-5.262 - Generators

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Revised language for hazardous waste tanks and containers
- Updated incorporation of federal rules

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10 CSR 25-6.263 - Transporters

- Updated incorporation of federal rules
- Updated references to rules changed as a result of “No Stricter Than”

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10 CSR 25-7.264 – Permitted Facilities

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Updated incorporation of federal rules

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10 CSR 25-7.265 – Interim Status Facilities

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Updated incorporation of federal rules

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10 CSR 25-7.266 – Specific Types of Permitted Facilities

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Updated incorporation of federal rules

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10 CSR 25-7.268 – Land Disposal Restrictions

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Updated incorporation of federal rules

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10 CSR 25-7.270 – Hazardous Waste Permits

- “No Stricter Than” changes
- Other changes not required by “no stricter than”
- Updated incorporation of federal rules

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10 CSR 25-8.124 – Public Participation

- Updated incorporation of federal rules
- Updated references to rules changed as a result of “No Stricter Than”

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10 CSR 25-11.279 – Used Oil

- Updated incorporation of federal rules
- Updated references to rules changed as a result of “No Stricter Than”

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10 CSR 25-12.010 – Fees and Taxes

- Updated incorporation of federal rules
- Updated references to rules changed as a result of “No Stricter Than”

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10 CSR 25-13.010 - PCBs

- Updated incorporation of federal rules
- Updated references to rules changed as a result of “No Stricter Than”

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10 CSR 25-16.273 – Universal Waste

- Updated incorporation of federal rules
- Updated references to rules changed as a result of “No Stricter Than”

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Federal rules proposed for adoption

- Conditional Exclusion for Solvent Contaminated Wipes
- Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Electronic Manifests
- Not included – exclusion for carbon sequestration materials disposed of in Underground Injection wells

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What is supporting evidence?

- Each federal rule includes a preamble which discusses cost and justification for rule, among other things
- Numerous inquiries from regulated community about adoption of solvent wipes rules
- Statements from stakeholders and department staff

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Recommendation

- To approve finding of necessity to allow the Department to file fifteen amendments to Title 10, Division 25

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 4

Rulemaking Update

Recommended Action:

Information Only

Presented by:

Tim Eiken, Rules Coordinator, HWP

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 5

Tanks Backlog Plan

Issue:

The Missouri Department of Natural Resources (DNR) and the Petroleum Storage Tank Insurance Fund (PSTIF) have collaborated to produce a plan that identifies five strategies where additional focus will be placed to help expedite the pace of cleanups in Missouri and documents actions that the DNR and PSTIF have agreed to take to implement them.

Recommended Action:

Information Only

Presented by:

Ken Koon - Chief, Tanks Section, HWP

JOINT DNR/PSTIF PLAN FOR ADDRESSING MISSOURI'S LUST BACKLOG

The national trend of cleanups completed, as well as the pace of Leaking Underground Storage Tank (LUST) cleanups completed in Missouri, has slowed. The Environmental Protection Agency (EPA) has identified this as a concern.

Data for Missouri indicate that fewer cleanups are being completed annually than previously. There are various reasons for this trend. However, it is not the purpose of this plan to present an exhaustive analysis of the causes, but rather to outline actions the two agencies have agreed to take to increase the number of cleanups completed.

The Department (DNR) and the Petroleum Storage Tank Insurance Fund (PSTIF) have collaborated to produce this plan, as it is their mutual desire and intent to take specific actions to accelerate the pace of LUST cleanups in Missouri. This plan is hereby approved by the DNR Director and the Chairman of the PSTIF Board of Trustees, as indicated by their signatures below.

Signed:

Chairman, PSTIF Board of Trustees

Director, Department of Natural Resources

Date

Date

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Analysis of Missouri’s Backlog.....	3
Strategies for Backlog Reduction	4
Actions to Implement Strategies	5
Results and Conclusions	11

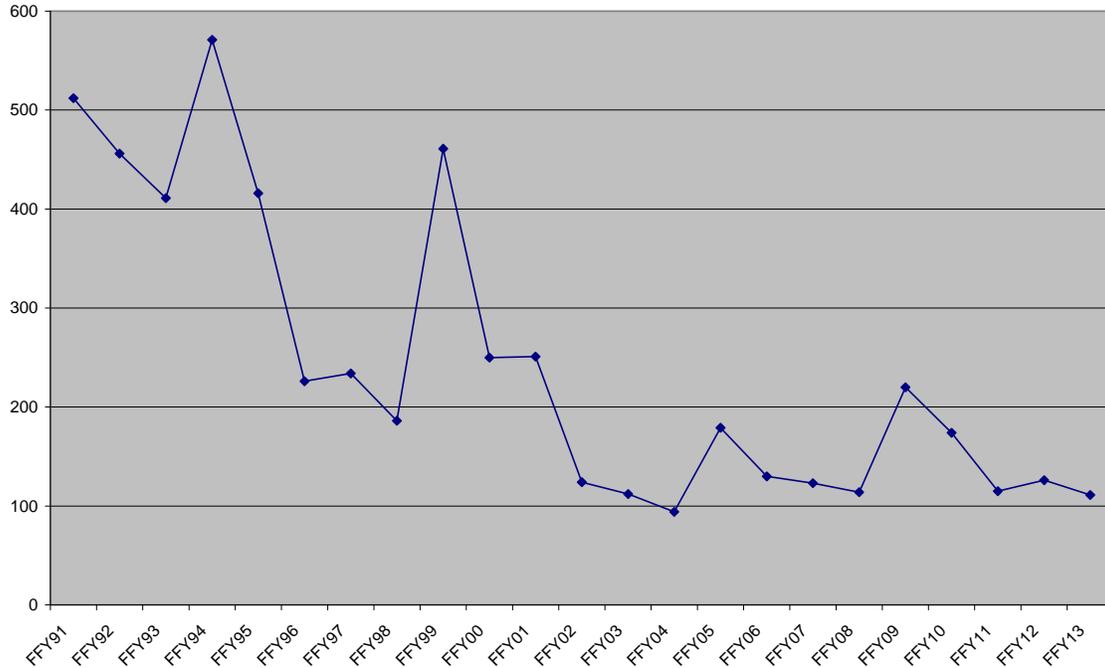
Appendices

- Appendix A: List of Releases Where Responsible Party (RP) and Petroleum Storage Tank Insurance Fund (PSTIF) Funding Exist
- Appendix B: Informational Bulletin on When Registered Geologist/Professional Engineer Seal is Needed
- Appendix C: List of “Abandoned” Releases – No Responsible Party

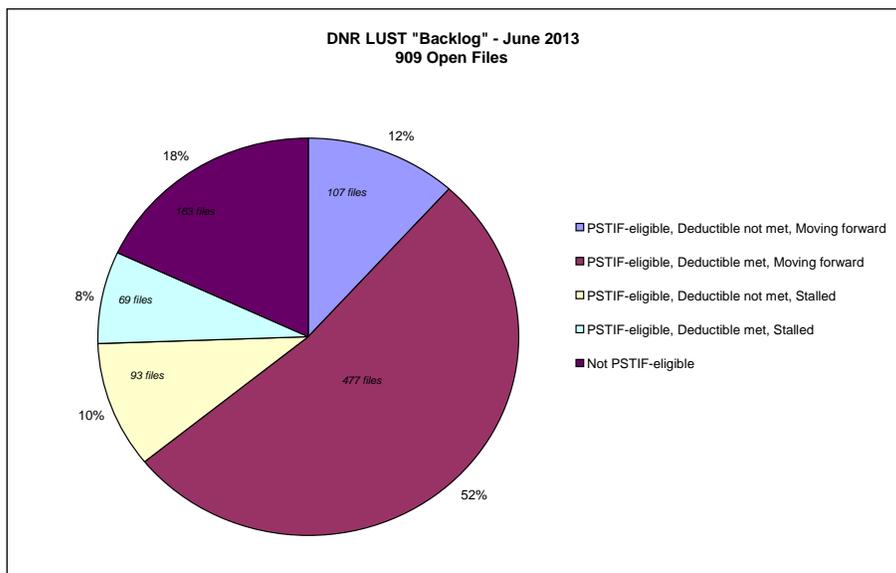
Analysis of Missouri's "Backlog"

Mirroring the national trend, LUST cleanups in Missouri have declined.

LUST Cleanups Completed Annually



To better understand the universe of "backlogged cleanups," Missouri undertook an analysis of the DNR and PSTIF databases in June 2013. At that time, there were 909 active LUST files. Of those, 584 (64%) were PSTIF-eligible cleanups where characterization and/or corrective action was underway. However, 162 PSTIF-eligible cleanups were stalled. In addition, 163 of the 909 (18%) were not PSTIF-eligible.



STRATEGIES FOR BACKLOG REDUCTION

This joint plan identifies five strategies where additional focus will be placed to help expedite the pace of cleanups in Missouri and documents actions that the DNR and PSTIF have agreed to take to implement them. These strategies include the following:

- A. Improving processes to address contamination at sites where progress is not being accomplished and a viable responsible party exists.
- B. Providing training to consultants so they better understand what the DNR expects/requires in doing site characterization, risk assessment, or corrective action activities.
- C. Enhancing communication to resolve issues at sites where the DNR/PSTIF/consultant disagree on what should be done or how it should be done.
- D. Identifying cleanups where progress has not occurred because there was no viable responsible party (abandoned sites).
- E. Reducing paperwork demands on consultants so that they can focus on data collection, risk assessment, and remediation activities.

ACTIONS TO IMPLEMENT STRATEGIES

A. Improving processes to address contamination at sites where progress is not being accomplished and a viable responsible party exists.

Actions:

- 1) ***Identify and focus on sites where a cleanup is unfinished and a viable party is responsible for completing it*** -- Further analysis of the June 2013 data identified that some of the 162 stalled PSTIF-eligible cleanups are “remedial claims” involving old, legacy pollution, where there may not be a legally-responsible party.

Fifty-two (52) files were identified where it appears that a viable owner/operator was operating the underground storage tanks (USTs) when a release was confirmed. In most of these cases, PSTIF’s \$10,000 deductible has been met, yet the cleanup was not progressing. A list of these sites is enclosed as Appendix A.

Because there is a viable responsible party for these releases, and because cleanup costs are being reimbursed by the PSTIF, there is a greater likelihood that these cleanups can be prompted to proceed expeditiously.

Letters will be sent by the DNR to the property owners and/or responsible party for all 52 of these files in 2014. The PSTIF Claims Manager will make available any/all tank owner/operator information that PSTIF has to assure DNR has the most current information and will assist DNR as requested in its review of historical facts related to its determination of who is the party responsible for these releases. The DNR Tanks Section Chief and PSTIF Claims Manager will review the status of these files and responses to letters at least bimonthly and will either coordinate actions or will assign staff to do so, with the goal of prompting progress toward a “No Further Action” letter. A list of these files, with notations indicating what has been done and/or occurred, will be provided to both DNR and PSTIF management no later than July 1, 2014 and January 1, 2015, or sooner, if actions are taken on all 52 files before then.

- 2) ***Improve follow-up when the responsible party fails to act in a timely manner*** -- DNR has implemented a new system that allows project managers, their supervisors, and the Tanks Section Chief to more readily recognize when the party conducting a cleanup fails to respond to a DNR letter in a timely manner.

When a DNR Project Manager sends a letter out containing a deadline for response, he/she records this action in the tracking system. The tracking system sets a due date depending on the required action.

If that date arrives and no mail has been received, the Tanks Section Project Manager sends a letter within 30 days, inquiring as to the status of the cleanup and giving the recipient 30-60 days to respond.

If a timely response is not received, the project manager sends a letter of warning within 30 days thereafter, giving the recipient 30 days to respond. If no response is received to this third communication, the project manager sends a notice of violation within 30 days, giving the recipient 15 days to respond. If a timely response still is not received, the file is referred to the Compliance and Enforcement Section (CES) to compel compliance.

To assure project managers meet these goals, the Remediation Unit Chief reviews a list of files monthly for which the party conducting the cleanup is tardy responding and the project manager has failed to send a follow-up letter. Failures to meet the performance expectations described above are discussed with the Project Manager that month.

For sites referred to the CES, the CES will coordinate with the Tanks Section's Project Managers to provide a path forward for getting the remediation project moving. Such efforts may include administrative orders on consent, unilateral orders or other enforcement actions that may be warranted to compel compliance. If the facility fails to satisfactorily respond or does not follow through, CES staff will refer the case to the Attorney General's Office to file suit to compel the cleanup.

It is anticipated that these efforts will increase the number of work plans and reports sent into the DNR for review. This will help get projects moving forward. However, this will increase the work load of document reviews for the Tanks Section. While the Tank Section will strive to meet review commitments, it needs to be recognized that adjustments in priorities or review times may be needed to keep reviews and follow-up activities moving forward.

- 3) ***Change PSTIF claims rule*** -- The PSTIF will propose changes to its claims rule, some of which are aimed at addressing this issue. The proposed rule changes will be circulated to interested parties in January/February 2014 and, assuming Board approval to do so, will be formally proposed for public comment in 2014.

The DNR will review these changes and provide feedback. The Department's signature on this document does not endorse or indicate agreement with these proposed rule amendments, only that the DNR agrees to review these proposed rules and engage in dialogue with the PSTIF about them.

- 4) ***Tanks Section Structure Improvements*** - The Department recently reallocated an Environmental Engineer III position from the Hazardous Waste Program's Permits Section to the Tanks Section. This will allow the Section to mentor and train staff in reviewing engineered systems for free product recovery and other corrective action systems.

In order to provide more resources for staff to move sites along quicker, provide more efficiency in overseeing tank cleanups, provide more timely reviews, and

lead to additional tank project closures each year, the Tanks Section recently divided the Risk Based Corrective Action (RBCA) Unit into two teams. These two teams will be the Risk Assessment Team and the Corrective Action Team. The team leader for the Risk Assessment Team will be the Environmental Specialist IV (technical expert) and the team leader for the Corrective Action Team will be the Section's new Environmental Engineer III. The team leaders are proposed to mentor staff, not supervise.

The Corrective Action Team will focus on sites that are more complex, such as sites with an engineered Corrective Action Plan (CAP), free product recovery systems, and geological features, etc. The Risk Assessment Team will handle files that are not in corrective action, but working on risk assessments, and will handle state lead sites (abandoned projects).

The team leaders will be responsible for working with their team staff, prepare for meetings with consultants and owners, discuss and make decisions on projects, and work on special projects, etc. By implementing this restructuring, it will provide the necessary time for the Unit Chief to focus on meetings, any requests or dealings with the PSTIF, management issues, personnel issues, letter reviews, ensuring consistency within the unit, and other duties as assigned.

B. Providing training to consultants so they better understand what the DNR expects/requires in doing site characterization, risk assessment, or corrective action activities.

Actions:

- 1) ***Clarify and streamline requirements*** -- The DNR has nearly completed a major effort to clarify and streamline its RBCA Guidance Documents and implement the new Guidance via a rulemaking. The Hazardous Waste Management Commission voted to approve the final Orders of Rulemaking to implement this new document at its meeting on October 18, 2013. The new rules will go into effect on February 28, 2014.

Two webinars were held for consultants in Spring 2013 to explain these new rules and review the changes to the Guidance Document. It is anticipated that this will reduce the number of iterations required for work plans and reports, beginning in 2014

- 2) ***Clarify which documents related to site characterization, risk assessment and corrective action must contain a professional seal*** – In the past, progress was sometimes delayed because a particular plan or report was submitted by an environmental professional without appropriate credentials. The DNR has recently clarified this; see Appendix B. Both the DNR and the PSTIF have distributed this information to their respective email lists of consultants.
- 3) ***Provide training*** -- Most of the consultants who are doing tank site cleanups in Missouri do not attend the National Tanks Conference or other similar training and educational opportunities. To rectify this, the DNR and PSTIF will offer the following training opportunities for Missouri's tank site consultants:
 - February/March 2014: Free training via webinar on “How to Prepare a Risk Assessment Report;” to be prepared and presented by DNR's Laura Luther. The training will be developed in coordination with PSTIF's Dan Henry.
 - April 2014: Interstate Technology & Regulatory Council (ITRC's) Light Non-aqueous Phase Liquid (LNAPL) training will be held in Kansas City. Several members of the Tanks Section and PSTIF will attend this training. The DNR and PSTIF also will disseminate notice of this training opportunity to environmental consultants who are doing or have recently done tank site cleanups in Missouri.
 - May/June: Free webinar on BOS200, Regenisis, Eco-Vac services, or other remedial technology, with Missouri case study. (Ken Koon and Dave Walters will discuss and make this decision by end of February.)
 - September/October: Repeat: “How to Prepare a Risk Assessment” webinar
 - November/December: Free training via webinar on a site characterization or remediation technology. (To be decided by Ken Koon and Dave Walters by end of September.)

- The DNR will continue to provide training to tank site consultants as part of the Annual Missouri Waste Coalition Control Conference at the Lake of the Ozarks. This conference is held in June/July of each year.

4) *Continue investing in staff training* -- (Tentative) ITRC Groundwater Statistics and Monitoring Compliance Work Group is developing guidance and training. Once that is completed, the DNR and PSTIF plan to send staff to this training.

5) *Alert consultants of and encourage their participation in other available training opportunities* -- The DNR and/or PSTIF will disseminate other training opportunities and information to tank consultants. This will include webinars and classroom training opportunities received from vendors, universities, etc.

C. Enhancing communication to resolve issues in occasional situations where the DNR/PSTIF/consultant disagree on what should be done or how it should be done.

Action:

Implement a new procedure for resolving these issues in a timely way -- The DNR Tanks Section Chief and the PSTIF Claims Manager are both responsible for recognizing when a situation like this arises and bringing it to the others' attention.

These two managers will meet no less frequently than once a month to review/resolve these problems. Each has the authority to modify or overrule the decisions of their respective staff members, and have acknowledged that compromises that are not entirely satisfactory to either party may be required. When either DNR or PSTIF identifies a file like this, each will provide a written summary of their perspective and rationale to the other 7 days prior to the meeting.

If these two managers are unable to resolve the issue within 90 days, the issue will be elevated to the PSTIF Executive Director and DNR's DEQ Deputy Director, who will meet at least once every quarter to address these files. These managers have all acknowledged that compromises not entirely satisfactory to either party may be required and each has the authority to modify or overrule decisions of their respective staff members.

Should these two managers be unable to come to resolution, the aggrieved party may present his/her concern to the DNR Director for final decision on the environmental issues.

D. Identifying cleanups where progress has not occurred because there was no viable responsible party (abandoned sites).

Action:

Collaborate to review files to identify these releases -- The DNR recently has improved its recordkeeping and updated its database to address this issue. This will better enable the DNR and EPA to discern which files will likely “sit” until either (a) federal LUST Trust Fund money is available to address the confirmed release, (b) the municipality or county takes possession and does a cleanup, or (c) an interested buyer “steps up” and voluntarily completes the cleanup in order to redevelop the property.

The DNR and the PSTIF are jointly working to review all release files where work is/was stalled, and are entering appropriate codes in their respective databases. To date, this review is approximately halfway done and has resulted in a list, as of January 2, 2014, of 115 confirmed UST releases where, based on currently available information, there is no means by which the DNR can compel progress on the cleanup. These LUST files will not be a high priority for the DNR’s project managers; less than one FTE will be allocated to work on these files. A list of these releases is contained in Appendix C; it is expected that approximately 50-100 more will be added to the list over the next six months, as staff reviews are completed.

If interest is expressed by a property owner, banks, developer or other party, the DNR will, of course, remove that file from this list and respond appropriately. In addition, as Brownfield or federal LUST Trust Fund monies are made available, the DNR will engage contractors to work on these sites.

E. Reducing paperwork demands on consultants so that they can focus on data collection, risk assessment, and remediation activities.

Action:

Utilize more “pay for performance” type agreements for corrective action – The PSTIF has occasionally negotiated a contract with an owner and his consultant that allows “lump sum” payments when specific cleanup milestones are achieved. During 2014, the PSTIF will identify additional candidates for this approach and will meet with claimants and their consultants, with the goal of implementing such agreements for 2-4 more releases during 2014.

Results and Conclusions

The DNR and the PSTIF have mutually agreed that in the first quarter of 2015, they will:

- a) review the success of these efforts and consider whether to continue various procedures that have been put in place;
- b) Meet with EPA to review the success of these efforts; and
- c) Prepare a report summarizing this effort for the DNR Director and PSTIF Board of Trustees.

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Tanks Backlog Plan

Ken Koon
Missouri Department of Natural Resources
February 20, 2014

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Strategies for Backlog Reduction

- A. Improving processes on stalled cleanups with RP's
- B. Provide training
- C. Enhance communication to resolve disagreements
- D. Abandoned site identification
- E. Reduction of paperwork

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A. Improving Processes

- Identified ~52 sites where DNR and PSTIF need to work to move RP to action
- Improve follow up when RP fails to respond
- Changes to PSTIF claims rule
- Tanks Section Structure Improvements

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B. Provide Training

- Clarified and streamlined requirements of Tanks RBCA
- Clarified which documents require a professional seal
- Additional training as it becomes available
- Continue investment in training
- Alert consultants to training opportunities

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B. Provide Training (2014)

- How to prepare a Risk Assessment – March
- ITRC's LNAPL (Free Product) Training in April
- Webinar on remediation technology in May/June
- How to prepare a Risk Assessment – Sept/Oct
- Webinar on site characterization or remediation technology – Nov/Dec

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C. Enhance Communications for Dispute Resolution

- DNR, PSTIF, Consultants, Owners/Operators work to resolve
- DNR Tanks Section Chief and PSTIF Claims Manager meet to resolve
- DNR DEQ Deputy Director and PSTIF Executive Director meet to resolve
- If unresolved, aggrieved party may present to DNR Director for final decision

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D. Abandoned Site Identification

- List of ~115 sites with no viable RP
- Continue to review files, anticipate 50-100 more files will be abandoned
- Sites will be lower priority
- Will work on strategies for addressing these sites

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E. Reduction of Paperwork

PSTIF will look at additional 2-4 "pay for performance" contracts in 2014

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QUESTIONS

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 6

E-Scrap Workgroup

Issue:

The Solid Waste Management Program has started a Workgroup tasked with revising/replacing/repealing the current Electronics Scrap Management Laws (260.1050 to 260.1101 RSMo). This Workgroup was formed in response to recent legislative proposals filed with input from the recycling industry. These proposals have not made it out of their respective Legislative Committees primarily due to the fees and extensive reporting required. On January 31, 2014, the first meeting was scheduled to discuss current and future legislation for waste electronics. Hazardous Waste Program representatives were present to discuss the current regulations and guidelines, as well as provide suggestions for the future legislative proposals.

During the meeting it was noted that the current proposals (HB328 from 2013 and SB571 for 2014) were being used as templates for future proposals and this meeting was intended to amend HB328 for filing this year. Discussion acknowledged the successes of our current E-Scrap and e-cycle programs while bringing attention to the shortcomings of the law.

Suggestions for amendments included:

- A modified registration process with graduated levels
- Clear and distinct definitions to eliminate “grey” or duplicative areas
- Incorporating the e-cycle program guidelines instead of complete elimination
- Modifying the landfill ban language to require a “knowing” provision
- Department/District accountability for fund use
- Evaluation of the donation incentive program to protect non-profits

Three primary areas of concern were identified:

- Manufacturer/retailer requirements
- Processor requirements
- Waste hauler/landfill requirements

Smaller committees will be assembled to address the areas of concern and the whole workgroup will meet again for final discussion(s) prior to the filing deadline of April 1, 2014.

Recommended Action:

Information Only

Presented by:

Tony Pierce – Compliance and Enforcement Section, HWP

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 7

Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri (Registry) Annual Report

Issue:

The Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites in Missouri (Registry) is maintained by the Missouri Department of Natural Resources pursuant to the Missouri Hazardous Waste Management Law, Section 260.440, RSMo. The Department publishes the “Missouri Registry Annual Report: Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites” and makes it available January 1 of each calendar year.

Information:

Detailed site information regarding Missouri hazardous waste sites is found in the Missouri Registry Annual Report. The Registry Annual Report is available to the public through the Department’s Hazardous Waste Program’s web site. Information about the sites is also found on the new HWP Interactive Mapping System that was created as part of the Department’s Long-Term Stewardship efforts. Additionally, the Department is required to send the Registry to the governing body of each county containing a site listed on the Registry. To minimize cost, only a CD copy of the Registry was sent to the Presiding Commissioner of each applicable county. The Registry describes each listed waste site in detail, including: the location; public drinking water concerns; health advisory; geology/geohydrology; and remedial actions. As sites contained in the Registry were listed, an environmental notice was filed with the Recorder of Deeds that documents the hazardous waste contamination at the site. The use of a property listed on the Registry may not change substantially without the written approval of the Department.

The purpose of the Registry was to investigate and assess environmental and health conditions at sites where hazardous waste was either spilled or dumped prior to hazardous waste regulations. The Registry also set up a process that provided for the tracking of these sites to inform counties and future buyers of these properties of the environmental and health issues found at these sites.

According to state law, each site listed on the Registry is placed in one of the following categories:

- Class 1: Sites that are causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment. Immediate action is required.
- Class 2: Sites that are a significant threat to the environment. Action is required.
- Class 3: Sites that do not present a significant threat to the public health or to the environment. Action may be deferred.
- Class 4: Sites that have been properly closed and require continued management.

Recommended Action:

Information Only

Presented by:

Dennis Stinson, Chief, Superfund Section

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2013 Registry Annual Report

Dennis Stinson, Chief
Superfund Section
February 2014



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Registry History

- Law - June 1983
- Authorized Department to investigate and assess HW sites
- Responsible Parties or Site Owners could complete a cleanup or be placed on the Registry.

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Institutional Control Mechanisms

- Deed Notification
- Annual Inspection
- Notice to Prospective Buyers
- Change of Use Notification
- Notification to the Department if Sold
- Public Information

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Registry Site Information

- Location & Site description
- Site contaminants
- Public drinking water concerns
- Health advisory
- Geology & Geohydrology
- Remedial actions

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Registry Classifications

- Class 1: Sites that are causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment; - 1 site
- Class 2: Sites that are a significant threat to the environment; - 13 sites
- Class 3: Sites that do not present a significant threat to the public health or the environment; - 26 sites
- Class 4: Sites that have been properly closed but require continued management; - 26 sites
- Class 5: Sites that have been properly closed with no evidence of present or potential adverse impact--no further action required. Any site classified as a Class 5 is removed from the Registry.

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Site Assessment Committee

- Meets once per year
- Approves classification changes
- Composed of representatives from:
 1. Missouri Department of Health and Senior Services
 2. MDNR Water Protection Program
 3. MDNR Hazardous Waste Program
 4. MDNR Environmental Services Program
 5. MDNR Missouri Geological Survey Division

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2013 Classification Changes

- HCl Chemtech (St. Louis) – Downgraded from a Class 1 to Class 2 site.
- Thompson Chemical/Superior Solvent – Downgraded from a Class 1 to Class 2 site.
- Acme Battery – Downgraded from a class 2 to a class 3.
- Sac River LF – City of Springfield petitioned the Department to delete the site from the Registry. Department and EPA are working with the city on an environmental covenant for the Sac River site.

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Registry Availability

- Registry is provided to Governor and legislature
- Registry CD is sent to County Commissioners or County Executives
- Registry is available on MDNR HWP website
- Location and Site information on the Registry sites is available on the new HWP Interactive Mapping System that was created as part of the Department's Long-Term Stewardship efforts.

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Additional Information

- Information on Emergency Response
- Information on Superfund Cooperative Agreements and Processes
- Information on NPL Sites

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Questions?
Contact :
Dennis Stinson, Chief
Superfund Section
573-751-4187

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 8

Quarterly Report

Issue:

Presentation of the current Quarterly Report.

Recommended Action:

Information Only.

Presented by:

Dee Goss, Public Information Officer, Division of Environmental Quality

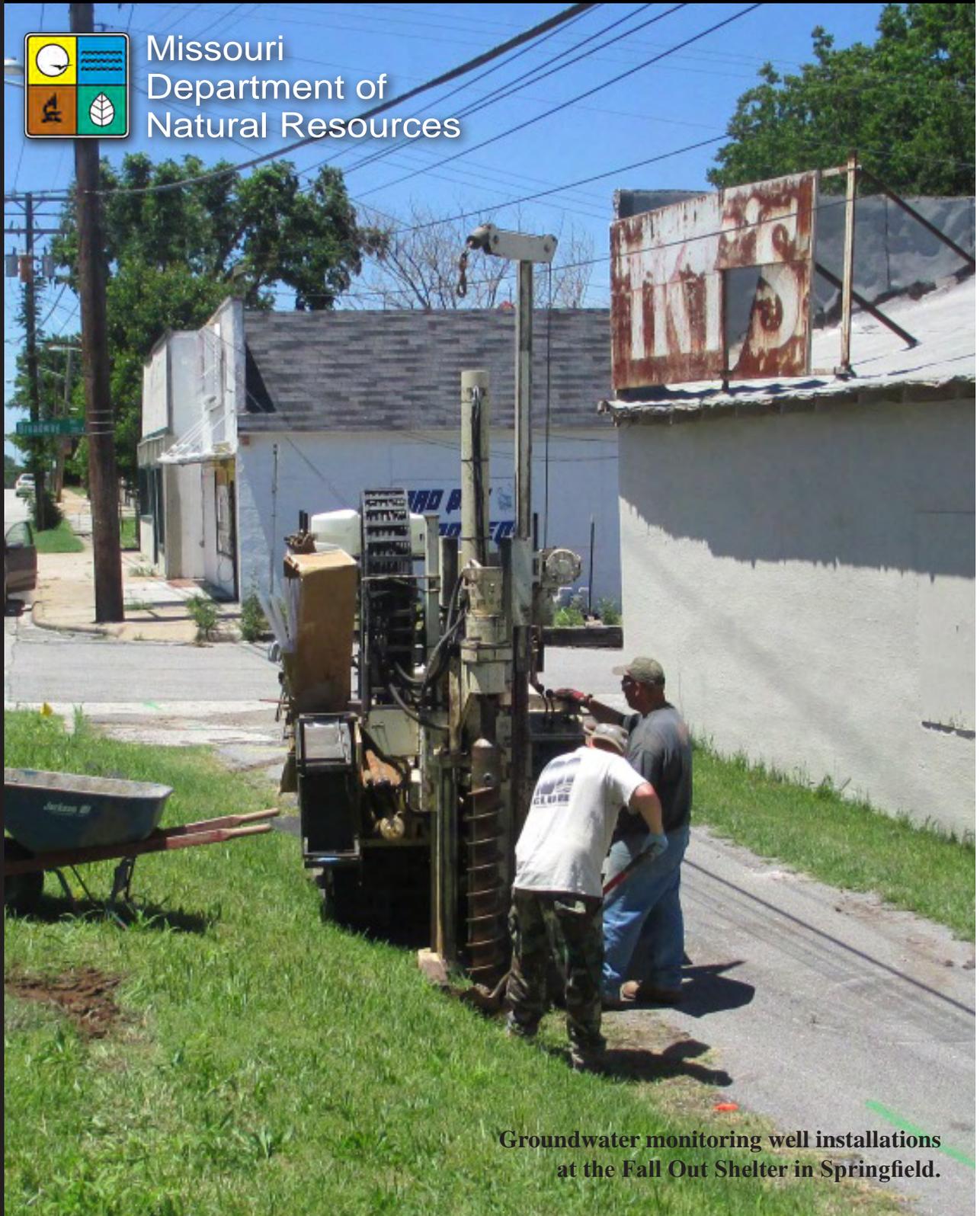
Hazardous Waste Management Commission Report

July through September 2013

Quarterly Report



Missouri
Department of
Natural Resources



Groundwater monitoring well installations
at the Fall Out Shelter in Springfield.

Hazardous Waste Management Commissioners

Michael Foresman, Chair

Deron Sugg, Vice Chair

Andrew Bracker

James "Jamie" Frakes

Elizabeth Aull

Charles "Eddie" Adams

"The goal of the Hazardous Waste Program is to protect human health and the environment from threats posed by hazardous waste."

For more information

**Missouri Department of Natural Resources
Hazardous Waste Program**

P.O. Box 176, Jefferson City, MO 65102-0176

www.dnr.mo.gov/env/hwp/index.html

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Past issues of the Hazardous Waste Management Commission Report are available online at www.dnr.mo.gov/env/hwp/quarterlyreport.htm.



**Missouri Department of Natural Resources
Hazardous Waste Program**

Program Update Letter from the Director

This edition of the Commission report covers the program's activities for the summer months from July to September. This is typically a busy time for many of our staff who are in the field, sampling and providing oversight at cleanup efforts across the state. This quarter also marks the beginning of the 2014 State fiscal year. Following passage of our fee bills during the last legislative session, with House Bills 28 and 650, our budget staff can take a small breath before gearing up to start all over on State Fiscal Year 2015 budget preparations.

One of the activities occurring during this time frame each year is the annual Missouri Waste Control Coalition Conference. Staff from several sections participated again this year at the conference, which was held at the Lake of the Ozarks in early July. This conference brings together citizens, government, business and industry to discuss issues related to waste management and remediation issues. Several key program staff are involved in planning the conference each year. This provides an excellent opportunity for our staff and the regulated entities they work with to share information about current issues or new technologies. This year's conference was well attended and provided a lot of opportunity to have a productive dialog about many timely issues.

The program spent a lot of time this quarter continuing efforts to implement the requirements of HB1251. Staff worked diligently toward identifying (by Dec. 31, 2013) any rules in chapters 3, 4, 5 and 7 of the Hazardous Waste regulations more stringent or requiring things sooner than corresponding federal regulations identified in the statute. The program worked closely with the members of the Hazardous Waste Forum on this effort to ensure interested stakeholders were aware of the work being done by the program and given the opportunity to provide input in the process. The program used a color coded version of the rules to identify our findings in regard to certain rule provisions as we made decisions about which rules were more stringent, or needed further analysis before a decision could be made. This process was helpful to the stakeholders involved and helped make the department's decision making more transparent.

This quarter, we also continued to see a changing of the guard in the program, as we lost a few more valued employees to retirement. The Permits Section during this period lost two staff members to retirement (who had a combined state service of almost 70 years). Among several other key staff who retired this past year, their institutional knowledge will be sorely missed. But we will continue to fill these vacancies with the most talented people that we can find to ensure the important work of the program continues to be performed.

As always, we appreciate your interest in the Hazardous Waste Program's activities, and hope you enjoy reading about our accomplishments from this past summer.

Sincerely,



David J. Lamb

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Brownfields/Voluntary Cleanup Program Certificates of Completions

Brownfields are real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. Through this program, private parties agree to clean up a contaminated site and are offered some protection from future state and federal enforcement action at the site in the form of a “no further action” (NFA) letter or “certificate of completion” (COC) from the State.

The Brownfields/Voluntary Cleanup Program (BVCP) issued seven certificates of completion for various sites from July through September 2013. This brings the total number of certificates of completions to 702.

West Meadows - Site 1 - Springfield

The West Meadows - Site 1 site is located at 725 W. Olive in Springfield. This site is a 1.26-acre portion of the larger West Meadows Site, a 14-acre former rail yard and maintenance facility dating to the 1800s. Jordan Creek runs along all of the eight parcels of the site.

The City of Springfield enrolled the property to address contamination remaining from historic operations at the site, in preparation for the construction of a natural area with trails and flood control features to be called Jordan Valley West Meadows.

Site investigations revealed large quantities of coal cinders used as fill at the site, which were contaminated with low levels of heavy metals (lead, arsenic and cadmium) and PAHs at levels exceeding risk based target levels for surface soil. Groundwater in shallow bedrock beneath the site was contaminated with low levels of benzene and naphthalene exceeding domestic use target levels. Risk assessment was performed using Missouri Risk-Based Corrective Action 2006 (MRBCA 2006).

Fill material was excavated to the depth of native soil in accordance with a department-approved remedial action plan. Approximately 8,700 tons of low-level contaminated fill was consolidated and capped on other portions of the West Meadows site. A total of 117 tons of higher-level contaminated fill was disposed of as special waste at a permitted landfill.

Groundwater contamination was determined to be from an off-site source. Because groundwater use is restricted no remediation was necessary. The site meets target levels appropriate for non-residential use. An environmental covenant was filed in the property chain of title by the city to ensure land use restrictions remain in place. The department determined this site is safe for its intended use and is proud to be a part of the cleanup and revitalization of the West Meadows and several other sites in Jordan Valley Park.

About Jordan Valley Park

Jordan Valley Park is located in the heart of downtown Springfield, in the historical industrial core of the city. The park meanders two miles along Jordan Creek from National Ave. to Kansas Expressway. The transformation of the area will include up to 200 acres of previously under-utilized land and will take approximately 20 years to complete.

The overall plan for this park originated in the “Vision 20/20” planning and visioning process that occurred in the 1990s. Community involvement has remained a priority ever since. Some goals for the park are to revitalize the city center, create open space as well as structured amenities, develop trails and streetscapes to improve pedestrian and bike access, improve car traffic patterns, increase flood control and enhance the wildlife habitat in and along Jordan Creek itself. More information about Jordan Valley Park is available at <http://www.springfieldmo.gov/jvp/index.html>.

The West Meadows

The West Meadows was planned as a natural area complementing more developed parts of the park. Much of the site is in the flood plain of Jordan Creek and was historically filled by railroads to create flat land. This was repeated throughout Jordan Valley, resulting in a tightly channelized creek that floods during heavy rain events, damaging property and hampering redevelopment. Removal of large volumes of the fill at West Meadows created a perfect opportunity for collaboration between remediation and flood control.

West Meadows Site 1 is the first of the eight West Meadows parcels to be completed. It forms the eastern gateway to the site. Removal of surface fill lowered elevation of a portion of the site along the creek bank, creating a floodway for the creek to expand into during high water. The site was planted in native grasses and wildflowers, following a comprehensive landscaping plan developed for the site.

Groundwater contamination beneath the site is believed to be related to one or more former manufactured gas plant sites located just to the east of the site along Main St., and other sources such as former gas stations in the area. The city and other stakeholders are moving ahead with investigation of potential contaminant sources, and BVCP will continue to be involved in that process.

Beaux Art and Pythian Hall Complex – St. Louis

The Beaux Art and Pythian Hall Complex site is located at 711 N. Grand Blvd. in St. Louis. This BVCP project site consists of two interconnected buildings, the Beaux Arts Building and Pythian Hall, constructed circa 1928.

The Beaux Arts building is a two-story office space used as the former headquarters for the Carter Carburetor Corporation (no longer in business). This building was also used for other small businesses including military recruiting, insurance, medical and architectural.

Pythian Hall is a six-story building with a five-level parking garage and an auditorium with a mezzanine occupying the sixth floor. Historically, this building was used for entertainment space, a meeting hall and parking.

Initial investigation of the site began in November 2009 with a phase I environmental site assessment and an asbestos and environmental inspection. The investigation identified the presence of asbestos containing materials (ACM), lead-based paint (LBP), one 15,000-gallon aboveground storage tank (AST) used for heating oil, four 1,000-gallon underground storage tanks (UST) and miscellaneous hazardous materials located on-site. The project site was accepted into BVCP on Dec. 2, 2009 for abatement of LBP, ACM, one AST, four USTs and miscellaneous hazardous materials. A remediation action plan (RAP) was approved by BVCP in January 2010 and additional addendums were approved in January 2011. The RAP proposed the abatement of hazardous materials using target levels published in the *Missouri Risk-Based Corrective Action* (MRBCA 2006) *Technical Guidance*. The remedial methods outlined in the approved RAP and subsequent addendums included adding a topping layer of concrete to all floors, removal or encapsulation of LBP on walls and ceilings, removal or encapsulation of ACM and closure of the AST and the four USTs.

Because the AST and USTs were encased in concrete, the tanks were closed in place by removing any residual contents and backfilled with concrete during March 2011. Residual contents of the tanks were tested and removed for proper disposal.

A total of 5,100 linear feet of thermal system insulation, 12, 850 square feet of other ACM and 3,100 pounds of lead waste was properly removed and disposed. Because it is not necessary or practical to safely remove all ACM or LBP, some materials were left in place. An operation and maintenance plan was filed in the chain of title for the property to ensure the ongoing care of these materials.

The department determined this site is safe for its intended use. The project site currently operates as the Grand Center Arts Academy that serves the St. Louis community as a charter school for grades 6 through 10.

Reed Rubber Company (former) - St. Louis

The Reed Rubber Company (former) site is located at 1615 N. 25th Street in St. Louis. This 4.2-acre site encompasses one city block and is located in a light commercial and residential area. It consists of one building and two parking lots. Originally used as a ballpark in the 1800's, it became primarily residential with some light commercial from the 1930's through 1986. In 1986, all but two residential structures were demolished. The existing building was constructed in 1992, and used as an auto parts distributor until sometime between 2001 and 2006, when Reed Rubber Company purchased the property. Reed Rubber Company sold the property to Faultless Linen in September 2011.

Site investigations revealed lead and polynuclear aromatic hydrocarbons (PAHs) exceed the surficial soil tier 1, soil type 1 risk based target levels, for non-residential land use. Subsurface soil lead also exceeds the non-residential risk based target levels. However, a May 2012 tier 1 risk assessment states, with the exception of a few landscaped areas, the majority of the site is capped, either with parking lots or the building footprint, thus eliminating the exposure pathways. A soil management plan has been created to address the soil in the landscaped areas. The department determined this site is safe for its intended use. Faultless Linen has purchased the property and made improvements to the site, including installation of utilities and building modifications. They intend to use the facility for laundering operations.

Arlington Grove – St. Louis

Arlington Grove is located at Dr. Martin Luther King Drive and Clara Ave. in St. Louis. The site consists of two tracts in St. Louis City Block 4530. There are two other bounding streets, Cote Brillante Ave. and Burd Ave. The portion on Clara Ave. is zoned residential two-family and the lots on Dr. Martin Luther King Drive are zoned for commercial use.

Many of these lots were vacant, or contained the remnants of demolished structures. There were three buried heating oil tanks removed. This site also contained a former dry cleaner (Bright and Free Laundry & Dry Cleaner) which is managed through the Drycleaning Environmental Response Trust Fund (DERT) for chlorinated solvent issues.

Although a gas station operated at the site before 1950, no gasoline tanks were discovered in the investigation. The suspected former location showed signs of removal prior to the construction of the dry cleaning site building. Several small non-regulated USTs used for storing heating oil used on the premises of residences and small businesses were removed in the course of the cleanup.

All locations were tested for residual oil contaminants and the metal components were recycled as scrap metal. Extensive investigation related to the Bright & Free Laundry and Dry Cleaners DERT Fund site on the southeast corner of the Arlington Grove site found only traces of dry cleaning chlorinated hydrocarbons well below MRBCA 2006 Risk-Based Target Levels.

The grading and soil preparation of the two property areas, Lot 1 and Lot 2, discovered two areas of elevated lead impacted soils believed to be related to early 20th Century building demolition.

All other metals tests did not exceed naturally occurring background concentrations of arsenic at 12.838 mg/kg and lead at 64.021 mg/kg for the City of St. Louis from U.S. Geological Survey data.

Restricted use areas were created in planned paved parking areas needed for the development. A survey of the parking lot restriction areas was conducted and an environmental covenant for restricted residential use for those areas is to be filed in the properties' chain-of-title along with a plan for soil management in case of disturbance.

The footprints of previously demolished buildings were cleared of debris and the floor of each was tested. Five buildings were demolished after inspections due to their containing LBP and ACM. Proper demolition and disposal were documented in the final report. The Arlington Grove and Bright and Free Laundry & Dry Cleaners DERT Fund site COC letters are being issued together. The former Arlington Grove School and its grounds were excluded from the cleanup and are not covered by the BVCP COC. The department determined this site is safe for its intended use.

This project was developed and implemented by the City of St. Louis Housing Authority along with Arlington Grove Limited Partnership, by MBS Arlington Grove GP Inc. This site will include new residential units, redesigned space for apartments (redeveloped from the historic Arlington Grove School), off street parking and first-floor space for businesses.

Quiktrip #183 – Lee's Summit

The Quik Trip #183 site is located at 1001 Southwest Blue Parkway in Lee's Summit. The site was occupied by the Missouri Public Service maintenance facility and warehouse until the late 1970s. The facility was used for machine repairs, vehicle maintenance, electrical transformer storage and light fabrication. During transfer of the property to Quiktrip Corporation, solvent and PCB contamination was discovered in soil and groundwater beneath the site, particularly tetrachloroethylene (PCE). The Quiktrip #183 site began operations as a convenience store/gas station in 1996. Four USTs are currently in place at the site.

In 1995 and 1996, QuikTrip Corporation performed a phase I and phase II environmental assessment, and a corrective action plan (CAP) for groundwater and soil vapor recovery. An additional investigation included a site characterization and cleanup levels for Missouri (CALM) tier 1 risk assessment in 2000 and 2001. The department requested additional monitoring well installations at the site, which were completed in 2002. A dual-phase remediation system operated intermittently at the site from 1997-2004. A MRBCA report was completed in April 2010. In May 2010 the BVCP requested revisions and additional information regarding the tier 1 MRBCA report. A tier 1 risk assessment report addendum was submitted in April 2011. The report recommended additional monitoring to confirm the extent of the groundwater plume and demonstrate plume stability.

Missouri Department of Natural Resources - Hazardous Waste Program

In February 2012, results received from the August and November 2011 groundwater samples showed only PCE and Trichloroethylene (TCE) were above the default target levels, yet remained below the tier 1 risk based target levels-non-residential land use. Based on the analytical data and apparent plume stability, the consultant recommended the department issue a NFA letter for the site. The department concurs the site may close with a non-residential land use restriction and has determined this site is safe for its intended use.

Palestine Commons – Kansas City

The Palestine Commons site is located at 2615 E. 34th, 3406, 3410, 3412, 3418, 3420, 3424, 3426, 3434 Montgall Ave. in Kansas City. This 2.2 acre site encompasses several lots. Historical use was primarily residential; however past uses of note include dry cleaning operations, plating and auto repair and painting service. A heating oil UST was noted on one of the properties. Phase II site investigations detected total petroleum hydrocarbons - gasoline range organics, lead, cadmium, bromomethane and ACMs in soil.

Lead contaminated soil was excavated to residential levels. A 2,000-gallon heating oil UST was removed and soil sampling confirmed the tank had not experienced a release. ACM was removed from on-site buildings and disposed. Though there were early indications of groundwater contamination above the department's default target levels, four quarters of groundwater monitoring yielded final concentrations, for all contaminants, below these levels. The department determined this site is safe for its intended use.

Palestine Commons is an enhanced services senior living facility, designed for Seniors age 55 and older. This 69-unit, \$10.7 million project received a \$1 million federal earmark from the Department of Housing and Urban Development, \$8.6 million in tax credit assistance and tax credit replacement programs, and \$750,000 in Missouri HOME financing. It joins two other Palestine Estates senior housing projects nearby, as well as the Palestine Senior Citizens Activity Center. These projects were completed by the Palestine Village Economic Development Corporation, a nonprofit community development organization.

Sites in Brownfields/Voluntary Cleanup Program

Month	Active	Completed	Total
July	246	698	944
August	242	701	943
September	244	702	946

New Sites Received

Sites Closed

<p>July</p> <ul style="list-style-type: none"> • Southeast School Building (UCM), Warrensburg • Sherman Avenue House, Springfield <p>August</p> <ul style="list-style-type: none"> • Wade Funeral Home, St. Louis <p>September</p> <ul style="list-style-type: none"> • Missouri Lofts Building, St. Louis • Canadian Pacific - Excelsior Springs Yard, Excelsior Springs • Canadian Pacific - Liberty Yard, Liberty 	<p>July</p> <ul style="list-style-type: none"> • Beaux Art/Pythian Hall Complex, St. Louis • Arlington Grove, St. Louis <p>August</p> <ul style="list-style-type: none"> • QuikTrip #183, Lee's Summit • Palestine Commons, Kansas City • Reed Rubber Company (former), St. Louis <p>September</p> <ul style="list-style-type: none"> • West Meadows-Site 1, Springfield
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Drycleaning Environmental Response Trust Fund

The department’s Drycleaning Environmental Response Trust (DERT) Fund provides funding for the investigation, assessment and cleanup of releases of chlorinated solvents from dry cleaning facilities. The two main sources of revenue for the fund are the dry cleaning facility annual registration surcharge and the quarterly solvent surcharge.

Registrations

The registration surcharges are due by April 1 of each calendar year for solvent used during the previous calendar year. The solvent surcharges are due 30 days after each quarterly reporting period.

Calendar Year 2012	Active Dry Cleaning Facilities	Facilities Paid	Facilities in Compliance
January - March 2013	188	71	37.77%
April - June 2013	188	159	84.57%
July - Sept 2013	188	167	88.83%

Calendar Year 2013	Active Solvent Suppliers	Suppliers Paid	Suppliers in Compliance
January - March 2013	11	10	90.91%
April - June 2013	12	11	91.7%
July - Sept 2013	12	1	8.33%

Cleanup Oversight

Calendar Year 2013	Active Sites	Completed Sites	Total
January - March 2013	25	11	36
April - June 2013	23	13	36
July - Sept 2013	22	14	36

New Sites Received

July - None

August - None

September - None

Sites Closed

July - Bright and Free Laundry & Dry Cleaners, St. Louis

August - None

September - None

Reimbursement Claims

The applicant may submit a reimbursement claim after all work approved in the work plan is complete and the fund project manager has reviewed and approved the final completion report for that work. The fund applicant is liable for the first \$25,000 of corrective action costs incurred.

Month	Received	Under Review	Paid/Processed
July	2	1	1
August	0	2	2
September	0	8	5

Month	Received	Under Review	Paid/Processed
July	\$50,362.93	\$1,040.00	\$1,040.00
August	\$0.00	\$20,972.80	\$11,768.27
September	\$0.00	\$142,456.45	\$73,064.83

Reimbursement Claims Processed:

Site Name	Location	Paid
Bright and Free Laundry & Dry Cleaners	St. Louis	\$10,538.19
Charter Dry Cleaning	Ellisville	\$3,065.00
Fenton Plaza 48	Fenton	\$1,040.00
First Capitol Cleaners	St. Charles	\$3,297.50
Grandview Plaza	Grandview	\$8,470.77
Park Lane Cleaners	Chillicothe	\$6,253.20
Regal Cleaners	University City	\$33,050.44
Tri-States Service Company-Boonville Avenue	Springfield	\$20,158.00

Total reimbursements as of Sept. 30, 2013: \$2,297,157.60

DETR Fund Balance as of Sept. 30, 2013: \$816,257.93

Missouri Department of Natural Resources - Hazardous Waste Program

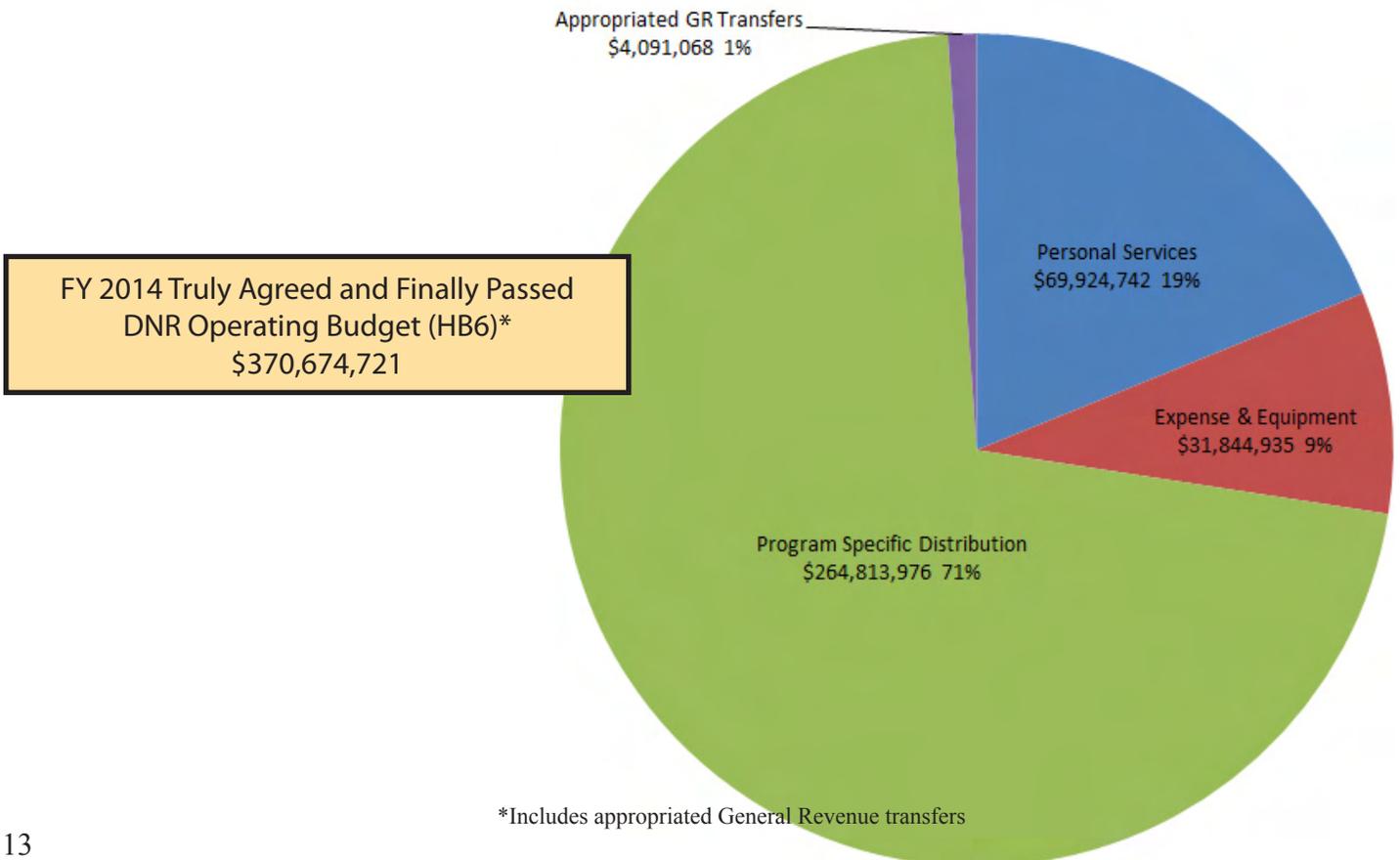
Fiscal Year 2014 Budget

The Budget and Planning Section is responsible for financial management of the Hazardous Waste Program. It is this section’s responsibility to coordinate program’s budget requests each fiscal year. The state is currently operating in Fiscal Year 2014, which began on July 1, 2013 and runs through June 30, 2014.

The process to establish the Fiscal Year 2014 budget began in July 2012 when the State Budget Director issued budget preparation instructions. The Budget Program within the Division of Administrative Support coordinates the department’s overall operating, leasing and capital improvements budgets. The department’s operating budget is available online at <http://archive.ia.mo.gov/bp/budreqs2014/DNR/DNR.pdf>.

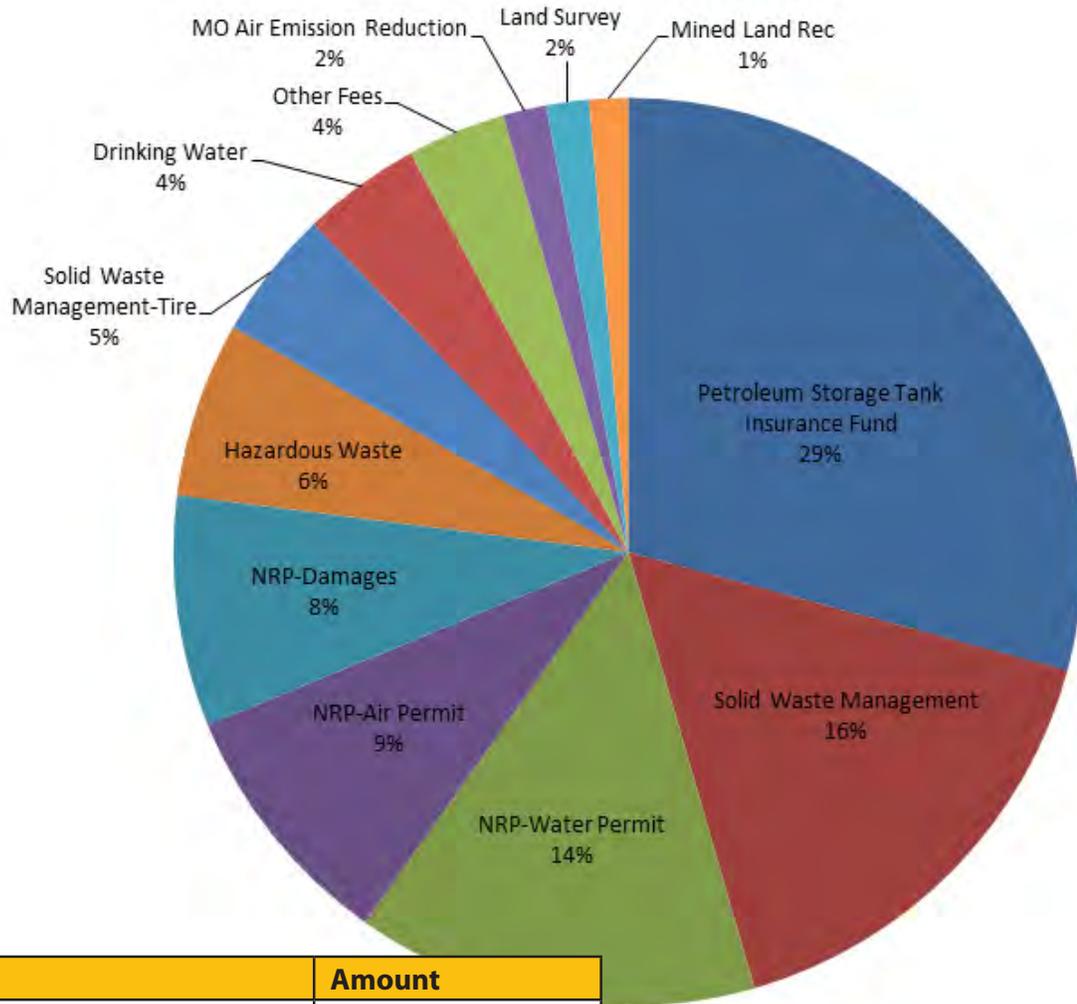
Each state agency is required to submit its completed budget request to the State Budget Director annually by Oct. 1. The governor may make changes to these department budget requests and releases the governor’s recommended budget in conjunction with the governor’s State of the State address in January.

The department’s Fiscal Year 2014 operating budget is in House Bill 6, which had to be truly agreed to and finally passed by May 10. The governor signed the appropriations bill on June 28. The department’s Fiscal Year 2015 budget request was submitted Oct. 1, 2013.



Missouri Department of Natural Resources - Hazardous Waste Program

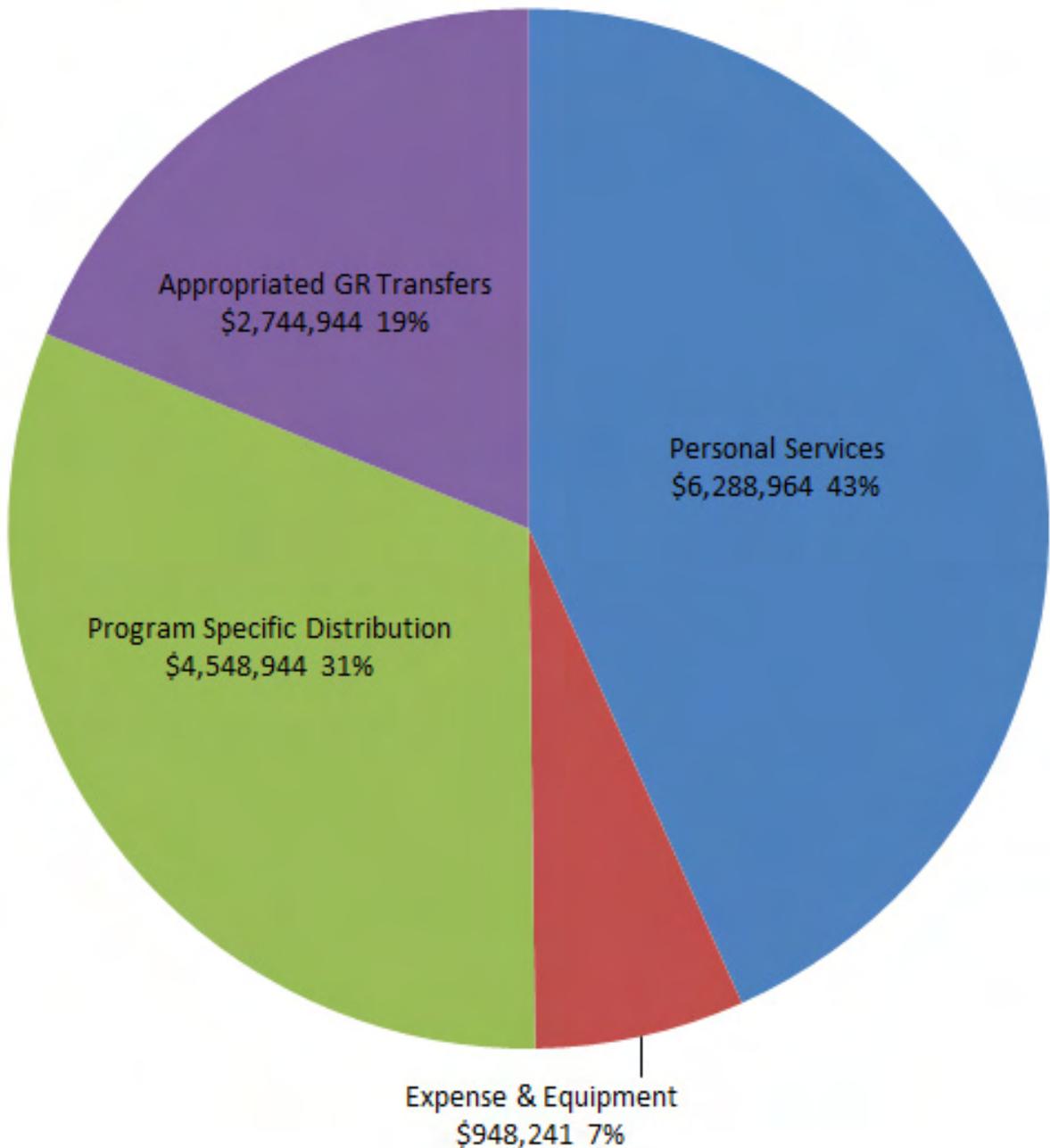
FY 2014 Truly Agreed and Finally Passed DNR Budget - Environmental Fee Fund Appropriations \$78,942,682



Division	Amount
Petroleum Storage Tank Insurance Fund	\$23,056,569.00
Solid Waste Management	\$12,881,583.00
NRP-Water Permit	\$11,294,207.00
NRP-Air Permit	\$7,062,408.00
NRP-Damages	\$6,495,449.00
Hazardous Waste	\$4,927,072.00
Solid Waste Management-Tire	\$3,625,595.00
Drinking Water	\$3,326,036.00
Other Fees	\$2,769,066.00
MO Air Emission Reduction	\$1,220,410.00
Land Survey	\$1,196,266.00
Mined Land Rec	\$1,088,021.00

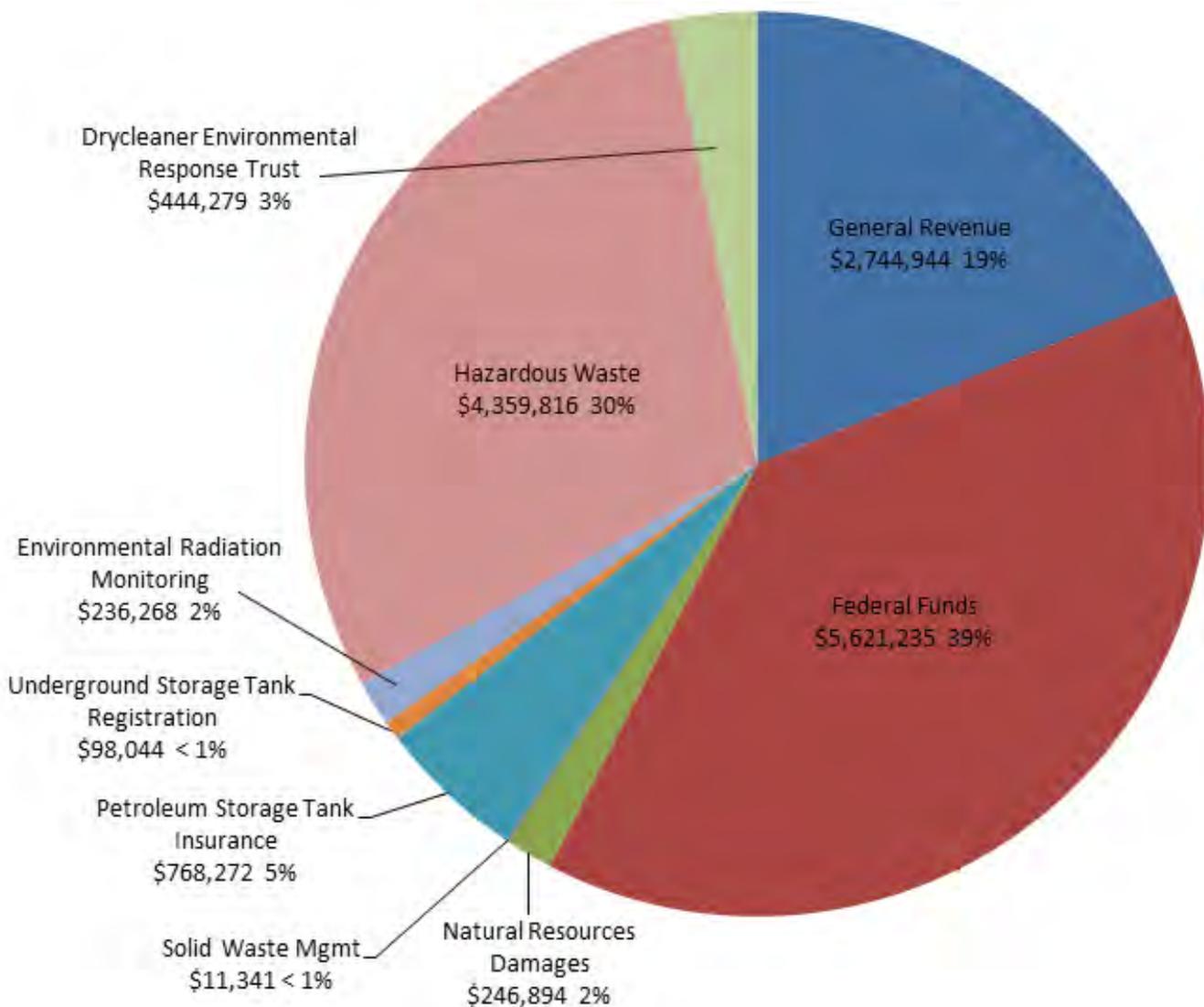
*Includes appropriated General Revenue transfers

FY 2014 DNR Hazardous Waste Program and Petroleum
Related Activities Truly Agreed and Finally Passed
Operating Budget (HB6)*
TOTAL: \$14,531,093



Missouri Department of Natural Resources - Hazardous Waste Program

FY 2014 Hazardous Waste Program and Petroleum Related Activities Truly Agreed and Finally Passed Operating Budget (HB6)* By Fund TOTAL: \$14,531,093



*Includes appropriated General Revenue transfers

Hazardous Waste Recycling in Missouri

Most manufacturing, repairing and cleaning businesses, laboratories, retailers and hospitals produce some form of hazardous waste. Some are small businesses, such as dry cleaners, auto repair shops, gas stations and exterminators. Some are larger businesses, such as chemical manufacturers, universities, automobile factories and lumber-treating facilities. Hazardous waste facilities in Missouri managed 328,500 tons of hazardous waste in 2011.

Reducing, reusing and recycling hazardous waste can protect human health and the environment, conserve natural resources, provide economic benefits and reduce reliance on raw materials and energy. Recycling hazardous waste typically requires less energy and reduces the potential for air, surface water, groundwater and soil pollution associated with removing and processing new raw materials. The recycled material can be used as a substitute for new raw materials, which can reduce costs to business. Manufacturing products with recycled materials gives businesses an added benefit of the ever increasing popularity of a “green” image. To remain competitive, businesses are continuing to expand corporate stewardship and increase goodwill with stakeholders and consumers by enhancing their “green” image through hazardous waste recycling, material lifecycle analysis and sustainable material management practices.

How does Missouri stack up?

Hazardous waste can be recycled in numerous ways, such as energy recovery, solvent recovery, metals recovery, fuel blending, land treatment, land application and land farming. According to EPA’s *National Hazardous Waste Biennial Report*, 39 million tons of hazardous waste was managed in the United States in 2011. Only 9.5 percent of that waste, or 3.71 million tons, was recycled. The remaining 90.5 percent was disposed through activities such as deep well injection, aqueous organic and inorganic treatment, landfill or surface impoundment, incineration, stabilization and sludge treatment.

Of the 328,500 tons of hazardous waste managed in Missouri in 2011, approximately 43.5 percent, or 143,000 tons, was managed for recycling. This figure does not represent the actual amount of Missouri produced wastes that were recycled. In 2011, only 251,000 tons of hazardous waste were produced in Missouri making Missouri a net “importer” of hazardous waste. A lot of the hazardous wastes recycled in Missouri actually came from outside the state, while some of the hazardous waste produced in Missouri is shipped out-of-state for management or disposal. This is an important note, since the amount of hazardous waste recycled in Missouri actually approached 100 percent in some years.



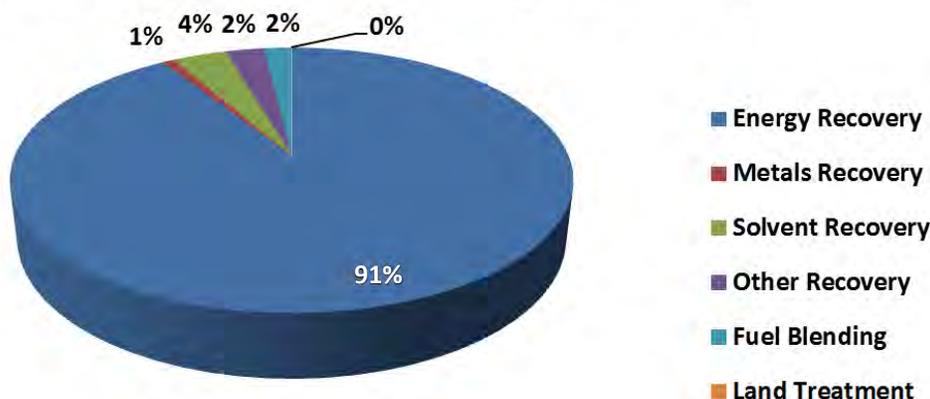
Missouri consistently stays above the national hazardous waste recycling average; however, there was a significant decrease in the amount of waste recycled over the past decade. Part of this drop can be attributed to the Holcim Cement plant in Clarksville. Holcim operated a wet cement kiln, which produced clinker, the main ingredient in Portland cement. The main fuel used to heat the kiln was coal and coke; however, Holcim also used a variety of liquid and solid hazardous waste-derived fuels to supplement their fuel needs. From 2005 to 2007, Holcim decreased their hazardous waste-derived fuel usage by 45 percent before stopping active cement production operations in 2009. The drop in Missouri hazardous waste recycling can also be attributed to more facilities getting into the incineration industry. Between 2001 and 2003, incineration jumped from 3.9 percent of total hazardous waste managed to 23.3 percent in Missouri. Incineration is not considered a recycling practice.

How Does Missouri Regulate Hazardous Waste Recycling?

With some exceptions, Missouri businesses wanting to perform hazardous waste recovery are required to get a resource recovery certificate. Hazardous waste resource recovery is reusing or reclaiming hazardous waste or transforming hazardous waste into a new product that is no longer a waste. Reclaiming a hazardous waste involves processing it to recover a usable product. For example, battery plates and other lead components from spent lead-acid batteries are smelted and refined into secondary lead, which is purchased by various manufacturers, re-melted and used in the production of new products.

Businesses wanting to recycle hazardous waste through certain types of treatment processes are required to get applicable hazardous waste permits. Examples of hazardous waste treatment include burning (for energy recovery) and fuel blending. These permits list what kinds of hazardous wastes a company can manage, how those hazardous wastes must be managed, and what sort of operational controls and monitoring are needed to ensure safe management. The Permit's Section issues the Missouri Hazardous Waste Management Facility Part I Permit (i.e., the state-equivalent of a federal Resource Conservation and Recovery Act of 1976 (RCRA) permit) covering regulatory requirements the State adopted and for which the State has been authorized by the U.S. Environmental Protection Agency (EPA). If applicable, EPA then issues the Hazardous and Solid Waste Amendments part II permit covering regulatory requirements the State has not yet adopted or been authorized by EPA .

2011 Percent of Total HW Recycled in MO



Energy Recovery/Fuel Blending

The majority of hazardous waste recycling in Missouri is done through energy recovery. LoneStar Industries Inc. in Cape Girardeau and Green America Recycling LLC in Hannibal use a variety of liquid and solid hazardous waste-derived fuels to supplement the fuel needs for their cement kilns. Hazardous waste-derived fuel can best be described as high energy content liquid and solid hazardous wastes. By regulation, these fuels must have a heating value of at least 5,000 BTU/lb. These hazardous wastes include solvents, organic liquids, paint residues, contaminated oil, byproduct fluids and other solid wastes such as rags, gloves and filters contaminated with hazardous waste. Fuel blending facilities mix hazardous waste to achieve customers' requirements for energy content, thickness and acceptable concentrations of hazardous constituents, such as metals and chlorine content. Blended wastes typically have an average heat value ranging from 9,000 to 12,000 BTU/lb.

By using the blended hazardous waste-derived fuels as an alternative to fossil fuels, mainly coal, in cement kilns, natural resources are conserved, overall CO₂ emissions are reduced, using hazardous waste landfills or other units to dispose of waste is avoided, incinerating hazardous waste solely for destruction is reduced and the energy value of the waste materials is recognized. The management and operation of hazardous waste fuel blending facilities and those facilities using hazardous waste-derived fuels for energy recovery (i.e., cement kilns) are regulated by the department's Hazardous Waste Program's Permit Section, through a part I permit. Air emissions from facilities using hazardous waste-derived fuels are regulated mainly by the department's Air Pollution Control Program, with supplemental requirements contained in the part I permit, if appropriate.

Metals Recovery

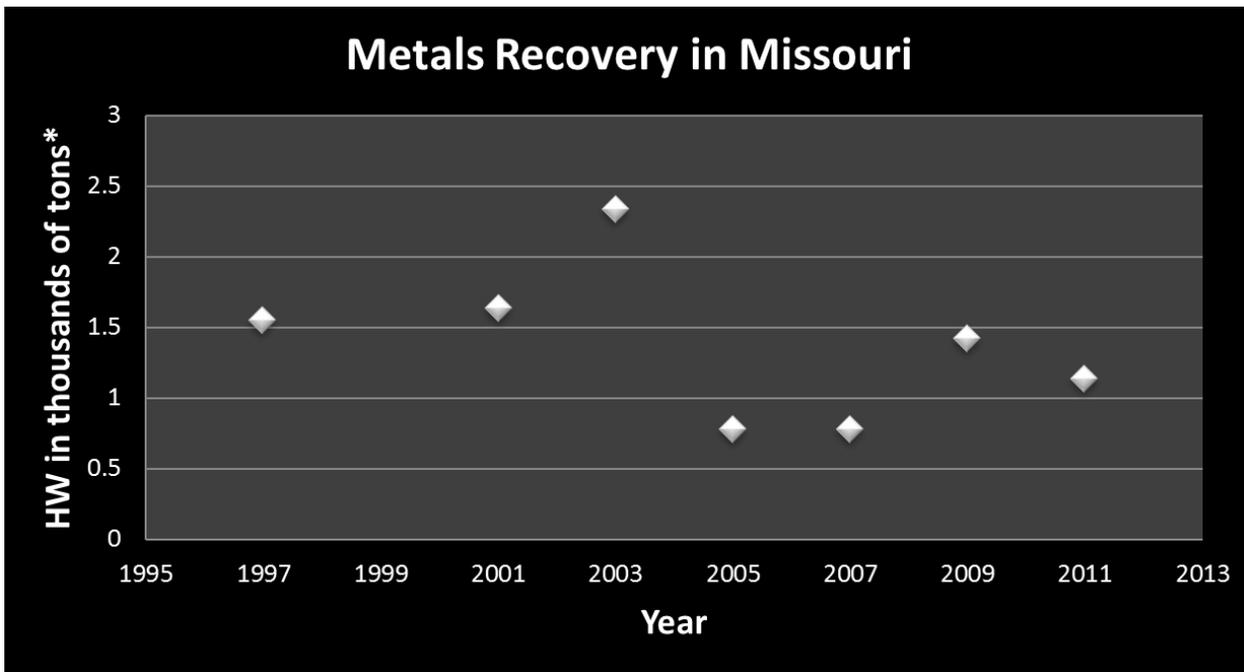
Exide Technologies in Forest City and Doe Run's Buick Resource Recovery Facility in Boss recover lead and other metals, plastic and acid associated with lead-based batteries. Most of the hazardous waste metals recycling in Missouri can be attributed to lead-acid batteries. Used or "spent" lead-acid batteries are considered a hazardous waste under RCRA, because they exhibit the toxicity characteristic for lead and the corrosivity characteristic for the sulfuric acid electrolyte in the battery. Batteries also contain other heavy metals such as mercury, cadmium and nickel. These metals can seep out and contaminate soil, water and air if the battery is improperly incinerated or gets crushed if improperly disposed. Statistics show 96 percent of all spent lead-acid batteries are recycled and 60 to 80 percent of a typical new lead-acid battery contains recycled products. The first phase of lead-acid battery recycling, the storage and disassembly of the lead-acid batteries, is regulated by the Permit Section through a part I permit. The actual recycling of the sulfuric acid and lead-bearing components of the lead-acid battery is regulated under a resource recovery certificate.

A new and innovative metals recycler, Electrometals USA in O'Fallon, recently received a resource recovery certificate to recover metals from industrial hazardous waste streams containing low concentrations of non-ferrous, precious and rare metals. Their patented EMEW® electrowinning equipment can recover nickel, copper, lead, tin and other metals

Missouri Department of Natural Resources - Hazardous Waste Program

from hazardous wastes as a high grade pure metal. Electrometals USA estimates more than 2-million pounds of potentially recoverable nickel is either poorly recycled or disposed of as a hazardous waste every year. At this time, Electrometals USA's main focus is recovering nickel and copper. The company accepts waste from electroplating facilities and metal working companies that handle stainless steel or high nickel alloys. The company plans to expand its recycling capabilities in the future, with department approval.

EBV Explosives Environmental Co., doing business as General Dynamics-Ordnance and Tactical Systems, Munitions Services in Carthage, has a part I permit that allows it to treat military munitions by dismantling them and thermally destroying the associated propellants and explosive agents. EBV then recovers the remaining casing and packaging materials, which includes, among other things, several different types of metals.



*In 1999 more than 28,000 tons of hazardous waste was managed for metals recovery purposes, an outlier in the rest of the data analyzed.

Solvent Recovery

Many Missouri manufacturing facilities use solvents to clean various parts and tanks after a production run. These solvents eventually become contaminated with the material they are intended to clean. After the solvent is spent and can no longer be used for its intended purpose, it becomes a listed or characteristic hazardous waste and must be managed as such. Hazardous waste solvents may be recovered on-site or sent off-site for incineration, fuel blending or energy recovery. Many companies producing hazardous waste solvents contract with other companies to collect, transport and manage hazardous waste solvents. Safety-Kleen has several part I permits to operate five commercial hazardous waste storage facilities in Missouri (St. Charles, Cape Girardeau, Columbia, Springfield and Independence). Safety-Kleen stores spent solvents, paint wastes, lacquer thinner wastes and waste oil until a sufficient quantity of materials is collected. The hazardous waste is then shipped to a Safety-Kleen recycling facility or a contract reclaimer for processing.

Many facilities handling large amounts of solvent or paint waste use an on-site distillation system to filter out the impurities making the solvent “spent” and produce a usable solvent that can be reused in their cleaning process. According to Code of State Regulations 10 CSR 25-9, facilities that recover 1,000 kg or more of hazardous waste (including solvents) in one month are required to obtain a resource recovery certificate. If a facility distills less than 1,000 kg of solvent in one month, they are exempt from resource recovery certification, but must continue to notify the department of their activities. There are currently 13 certified and 119 exempt resource recovery facilities in Missouri that distill spent solvents. On-site solvent distillation and reuse continues to be a popular form of hazardous waste recycling in Missouri. The practice not only saves the company money, but also conserves raw materials and limits the environmental impact from manufacturing the raw materials.

In future reports, we intend to break down each hazardous waste recycling industry individually to give a better picture of the hazardous waste recycling industry sectors in Missouri. These periodic articles will provide more detailed information about hazardous waste recycling as well as the recycling of additional non-hazardous materials associated with the hazardous waste recycling sector. The department is committed to working with the hazardous waste recycling industry to provide a safe and effective hazardous waste recycling process, while continuing to protect human health and the environment.

Compliance and Enforcement Section Quarterly Report July - September 2013

Regional Office Hazardous Waste Compliance Efforts conducted 100 hazardous waste generator compliance inspections:

- 11 at large quantity generators.
- 50 at small quantity generators.
- 36 at conditionally exempt small quantity generators.
- One at E-waste recycling facilities.
- Two targeted re-inspections.
- Conducted 10 compliance assistance visits at hazardous waste generators.
- Issued 33 letters of warning and three notices of violation requiring actions to correct violations cited during the 100 inspections conducted.
- Received and investigated a total of 62 citizen concerns.

Underground Storage Tank Compliance and Technology Unit

The department continues to work on the final UST requirements of the Energy Policy Act of 2005. UST compliance and technology unit (CTU) staff are reviewing current regulations needing to be updated as well as developing new regulations requiring all new UST systems installed after July 1, 2017 to have secondary containment.

The new regulations will also include Missouri specific improvements, as well as the “new” federal regulation changes, which are expected to be published this spring. Staff have already started outreach efforts through the Missouri Petroleum Storage Tank Insurance Fund (PSTIF) and the Missouri Petroleum Marketers and Convenience Store Association.

Beginning in December, staff from the Missouri Department of Agriculture, the Missouri Department of Natural Resources, and PSTIF will be conducting outreach meetings in several areas of the state to discuss equipment concerns with manufacturers and contractors, as well as the proposed regulation changes.

Tank Enforcement Efforts

With the UST CTU being fully staffed, efforts are underway to prompt responsible parties to close out-of-use tanks or take other appropriate actions. There are approximately 880 out-of-use tanks. During July through September, CTU staff sent out approximately 110 letters to the owners and operators of these facilities to encourage permanent closure of the tanks. These efforts resulted in closure notices being submitted for 109 USTs at 44 facilities and 16 USTs at eight facilities being permanently closed or removed.

In addition to work on the out-of-use tank sites, efforts continue to address facilities with financial responsibility violations. During this first quarter of State fiscal 2014, the UST CTU staff completed three administrative orders on consent for UST facilities with financial responsibility violations. Using the expedited enforcement process approved by the Hazardous Waste Management Commission in 2008, staff and the Attorney General’s Office continue to keep the number of facilities without a verified financial responsibility mechanism to less than 40.

Missouri Department of Natural Resources - Hazardous Waste Program

Tank Inspection Efforts

Staff continue their review of inspection reports and communications with tank owners and operators to assure correction of violations. Department UST inspectors also inspected all new tank installations and investigated suspected releases and out-of-use tanks. All of these efforts assure Missouri stays in compliance with the inspection mandates of the Federal Energy Policy Act.

Special Facilities Unit

Commercial Facility Inspectors - Special facilities inspectors conducted 13 inspections of commercial hazardous waste treatment, storage or disposal facilities (TSD), one of which resulted in the issuance of a notice of violation.

Polychlorinated Biphenyl Inspector - The inspector conducted 16 compliance inspections at various types of facilities throughout the state. The inspector's reports are forwarded to the U.S. EPA Region 7, which has authority for taking any necessary enforcement action regarding PCBs according to the Toxic Substances Control Act.

Hazardous Waste Transporter Inspector - The inspector conducted 11 commercial vehicle inspections, resulting in one violation cited. As part of the Commercial Vehicle Safety Association's protocol, the department sends the inspection reports to the Missouri State Highway Patrol. The transporter must certify to the patrol the violations were corrected. As of Sept. 30, 2013, there were 274 licensed hazardous waste transporters in Missouri.

Hazardous Waste Enforcement Unit

Debra Dieckow joined the Hazardous Waste Enforcement Unit (HWEU) on Sept. 16, 2013, as an environmental case manager. She comes from the St. Louis Regional Office where she was a hazardous waste and air inspector. She is busy learning the enforcement process and starting her first enforcement cases. She is also assisting with development and organization of some of the unit's checklists and procedures. Her previous knowledge of the HW regulations and inspector's perspective and experience are valued assets to our team!

Dennis Hansen returned to the HWEU as a 1,000-hour employee on Sept. 16, 2013. Dennis will be working on implementation of a pesticide education and collection program using funds from the recent settlement of a hazardous waste case.

Mike Struckhoff started in 500-hour employee status with the HWEU on Sept. 19, 2013. Mike will inspect dry cleaners and other conditionally exempt small quantity generators (CESQGs) in and assist owners and operators of these facilities with updating their dry cleaner registrations and paying fees owed to the DERT Fund.

Enforcement Efforts

- Resolved and closed seven hazardous waste enforcement cases.
- Received eight new enforcement cases.
- Sent one penalty negotiation offer letter.

Regional Office and Central Office Workshop

On Sept. 11 and 12, we held our annual Central Office and Regional Office enforcement and inspection coordination meeting. The meeting was held in the Phelps County Courthouse in Rolla.

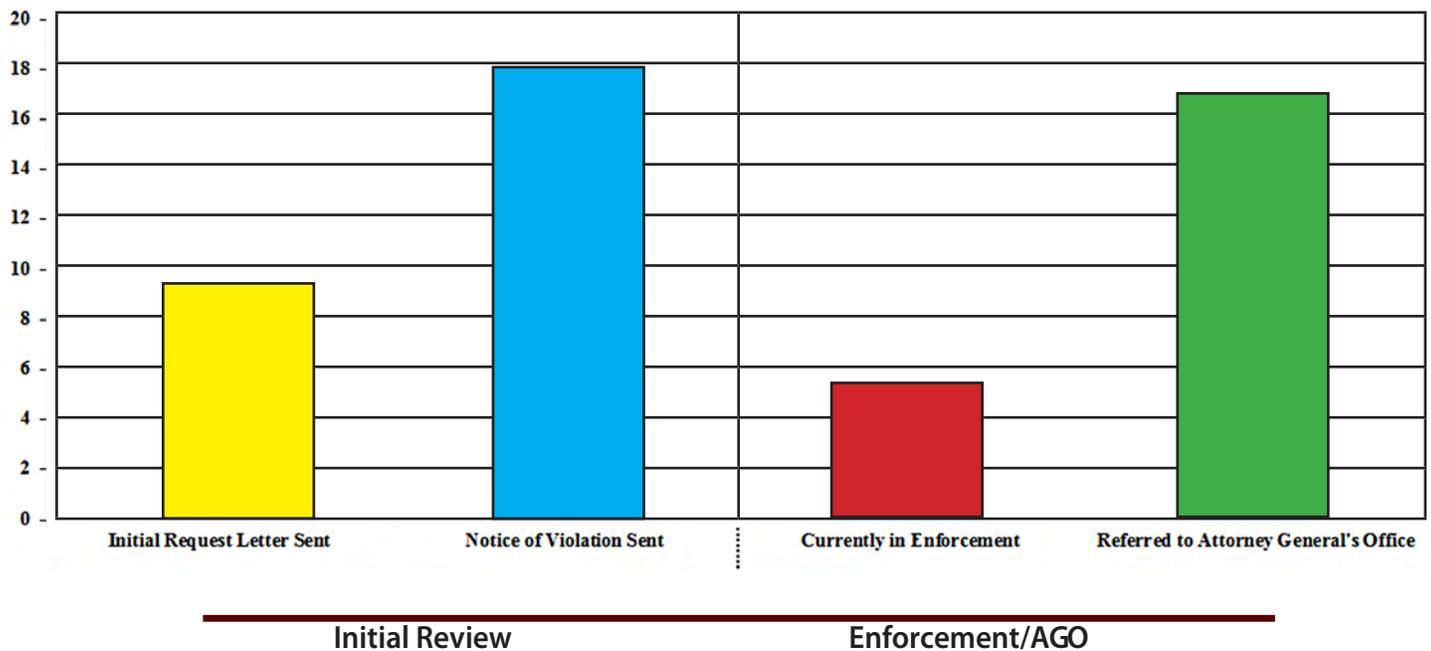
David Lamb (Hazardous Waste Program Director), Paul Jeffery (Regional Office Coordinator), Regional Office directors, managers and inspectors and staff from the Hazardous Waste Enforcement Unit and Special Facilities Unit Staff were all in attendance. Hannah Humphrey, Unit Chief for the Long Term Stewardship Unit, and Steve Vance (ITSD) also assisted with presentations. This year's meeting was conducted in a roundtable format, with various staff presenting a brief overview of a particular topic, then encouraging further group discussion. Staff discussed many items of interest, including highlights from each regional office, program updates, forthcoming regulations, specific regulatory questions and even got to participate in a field exercise using the department's GPS equipment. The hope is by discussing these topics as a group staff will continue to keep the lines of communication open and promote consistency within the department.

Missouri Department of Natural Resources - Hazardous Waste Program

ENFORCEMENT

Underground Storage Tank Facilities with Unknown Financial Responsibility Status Report

Financial Responsibility Status	Number of Facilities
Initial Request Letter Sent	9
Notice of Violation Sent	18
Currently in Enforcement	5
Referred to Attorney General's Office	17
Total Number of Facilities with Unknown Financial Responsibility	49



**This semi-monthly report is derived directly from a copy of the UST Database and provides a "snapshot" of the status for each active underground storage tank facility not covered by a proper Financial Responsibility Mechanism.*

Missouri Awarded Special Project Monies from EPA

The Tanks Section was recently awarded two competitive bids from the Environmental Protection Agency's Office of Underground Storage Tanks.

The department received the first award in the amount of \$125,000. The additional funding will be used to replace federal funding cuts and allow the department to assign additional state personnel or to hire one or more private contractors and provide state oversight of their work at tanks sites. Although, staff or contractors would work part time, with these additional funds, we estimate we can maintain or increase the number of cleanups using the Missouri Risk-Based Corrective Action Guidance and decrease turn-around times.

The cleanup of these sites will allow the public to facilitate property transactions and redevelopment. The department continues to engage and partner with communities and private individuals on redevelopment and reuse of these former petroleum sites.

Additionally, the Tanks Section was recently awarded a second competitive grant in the amount of \$175,000. This funding will allow the department to address several abandoned drinking water issues. In Missouri, tank sites for which a responsible party does not exist or cannot be found are investigated and, as necessary, cleaned-up by the department. Because we do not have funds available to address all such sites, the Tanks Section prioritizes the sites based on the real or potential threat each poses to human health and the environment. High priority sites are first to be funded. Sites of a medium or low priority might sit idle for years before funding is available to allow for appropriate investigation, remediation, and tank closure. In some cases, this necessary prioritization process results in sites that pose unacceptable human health and environmental risk sitting idle, in some cases indefinitely.

The Tanks Section has identified several abandoned former gas station sites, for which a responsible party does not exist. At these sites, petroleum contamination has impacted private drinking water wells. Actions by the department are necessary to address unacceptable human health and environmental risks posed by petroleum underground storage tanks at the sites.

This project would look to fund work by the department and the department's hired contractors to reduce risks associated with these sites. Planned actions include site investigations to identify the extent of contamination at each site, risk assessments to evaluate the risks the contamination poses to current and future receptors, plugging, closure and replacement of the impacted drinking water wells.

2013 National Tanks Conference

The National Tanks Conference and Expo was held Sept. 16-18, in Denver, Colorado. The 2013 agenda featured sessions covering an exceptionally wide range of underground storage tank topics including biofuels, remediation technologies, and vital financial issues. Many of the topics have to do with remediation technologies or procedures, such as free product recovery and evaluation and groundwater contamination issues; two issues that are complex to deal with.

In addition to the valuable educational sessions, ample opportunities for informal networking were provided, allowing staff to share knowledge and experiences with fellow attendees. The Expo featured informative booths from states, tribes and federal agencies, as well as displays from vendors showcasing the latest tanks-related products and services.

Additional information was also presented by other state regulators concerning the regulations, problematic issues, as well as the positive programs they have implemented within their states. This information is valuable to the department in learning about the different approaches tried and tested by other states, either successfully or not successfully, to improve compliance and remediation issues as well as conducting inspections and providing training for the owners and operators. Good ideas presented and previously troubleshooted by others can be invaluable to us as a State agency when implementing new programs for improved results within our own state. In addition, this conference provides an opportunity to not only learn more about our regulated community, equipment and issues, but also allows us to share our views with EPA.

Ken Koon and Heather Peters from the department participated on the conference planning team. They helped organize the conference, pre-planning workshops and individual session presentations. Peters served as a speaker in two different sessions and moderated a third session. The department was also able to take two additional staff to the conference because of reimbursements granted from the Association of State and Territorial Solid Waste Management Officials the New England Interstate Water Pollution Control Commission.

Route 66 Community Assessment and Cleanup Plan Underground Storage Tank Project

The Missouri Department of Natural Resources received \$94,000 from EPA to assess and clean up contamination released from federally regulated USTs. This money was received as part of the Route 66 Community Assessment and Cleanup Plan.

Abandoned USTs pose environmental threats and economic development barriers to reuse and redevelopment of properties. This project is helping to remove those barriers at a number of contaminated sites. This project is a positive step toward providing economic stimulus to the consultants and subcontractors doing tanks work, creating and maintaining jobs, expanding existing businesses, creating new businesses and clearing the way for communities in Missouri to redevelop and reuse these properties in a productive manner.

Project Background

The City of Springfield, after becoming aware of the Route 66 Community Assessment and Cleanup Plan, contacted the department in order to determine whether or not the subject site would be eligible to use funding associated with the project to conduct subsurface investigation, which had historically been used as a gasoline and service station.

The site is located along former Route 66, in an area of the city where revitalization efforts are underway. Redevelopment of the subject site had not been a great possibility due to environmental concerns associated with the properties former use as a gasoline service station.

The department solicited bids from select environmental consulting firms for the completion of the subsurface investigation and risk assessment. The contract for conducting requested activities was awarded. Results of the subsurface investigation indicated a presence of metals, normally associated with waste oil, at concentrations that exceed reported background levels for the area. Based upon the discovery of the metals contamination, the department has requested additional information regarding the future use of the subject property and the use of activity and use limitations, which would prohibit future residential use of the property.

Activities conducted:

- Groundwater monitoring well installation
- Soil sample collection and analysis
- Groundwater sample collection and analysis (multiple events)
- Missouri Risk-Based Corrective Action risk assessment

The activities conducted at the site to-date have enabled the department to evaluate potential risks to human health and the environment posed by the petroleum based contamination associated with the former use.

Media Issues:

- Soil and groundwater

Redevelopment

The site is currently vacant (an on-site building does exist). According to the current property owner and the City of Springfield, the site is planned for redevelopment.

Potential uses discussed have included a pawn shop or neighborhood market.



Part of the Historic Highways, Route 66 Project.
Groundwater monitoring well installations at the Fall Out Shelter in Springfield.

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 9

Legal Update

Issue:

Routine update to the Commission on legal issues, appeals, etc.

Information:

Information Only

Presented by:

Kara Valentine, Commission Counsel

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 10

Public Inquiries or Issues

Recommended Action:

Information Only

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 11

Other Business

Recommended Action:

Information Only

Presented by:

David J. Lamb, Director, HWP

Missouri Hazardous Waste Management Commission Meeting

February 20, 2014

Agenda Item # 12

Future Meetings

Information:

Meeting Dates:

Date	Time	Location
Thursday, April 17, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, June 19, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, August 21, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, October 16, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, December 18, 2014	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101
Thursday, February 19, 2015	9:45 A.M.	Bennett Spring / Roaring River Room 1730 East Elm Jefferson City, Missouri 65101

Recommended Action:

Information Only