



Container Management Topics
*From Hazardous Waste Forum Stakeholder Worklist
Revised 9-17-07

Status Key:

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

*Based on original "REGFORM Recommendation List" posted on Forum Webpage under "Previous Meetings" May 10, 2007 under title "Attachment 1"

Commenter/ Date	MO Provision	CSR Citation(s) 10 CSR 25-	How Different from Federal Rules?	Stakeholder Issue/Concern and Recommendation	DNR Response/ Next Steps	Status
1 REGFORM 4-10-06	One-year time limit on satellite accumulation and accumulation start date on containers in satellite areas. This is a Missouri-unique provision not emulated by other States.	5.262(2)(C)3.	Federal rule has quantity limit for satellite accumulation, but not a time limit.	In low volume satellite areas, the Missouri one-year time limit results in the need to remove partially full containers to storage or shipping, wasted containers, unnecessary shipping costs for partly full containers and increased risk of employee exposure or accident during waste consolidation. Containers in a satellite area, unlike those in more isolated storage areas, are observed on a daily basis and used by employees working in the area, so that container deterioration would be readily apparent. Given their frequently observed location and the fact that they are removed when full, the one-year time limit provides no additional environmental protection, but it serves as a potential source of paperwork violations, since the accumulation start date must be checked in satellite areas. RECOMMENDATION: Rescind Missouri rule and time limit.	MDNR is willing to consider a longer time frame such as two or three years but cannot agree to eliminate entirely a timeframe for satellite accumulation. Based on what is seen during inspections, some small facilities forget about such containers and environmental problems result. REGFORM agreed to continue a dialogue on this issue. Roger Walker agreed to confirm whether or not any other state places a limit on satellite accumulation. REGFORM requests that members consider their facility needs. Roger Walker asks that members let him know if a two- or three-year time frame will accomplish the goal of eliminating extra costs, risk and time. DNR awaits input from all interested stakeholders. DNR is willing to improve the existing regulation, but not to increase or reduce these requirements.	2 & 3 9 stars from 4- 8-09 Forum Meeting

Committer/ Date	MO Provision	CSR Citation(s) 10 CSR 25-	How Different from Federal Rules?	Stakeholder Issue/Concern and Recommendation	DNR Response/ Next Steps	Status
3 REGFORM 4-10-06	Prescriptive containment requirements for storage of waste containers in generator storage areas and transfer stations. Lesser requirements if no free liquids or <1000 kg non-acute hazardous waste.	5.262(2)(C)2.D. 6.263(2)(A)10.D	Federal rules require weekly inspections and separation of incompatibles with a dike, berm, wall, etc., but do not prescribe containment area design for generator or transfer station storage.	Containment requirements are excessive for generators (90/180/270-day max. storage time) and transfer stations (10 days). Container deterioration in these storage timeframes is an unlikely source of container leakage. Examination of spill reports should reveal that most releases occur during container handling when transporting from accumulation areas or into transport vehicles, not within the confines of storage areas or during undisturbed storage. Weekly inspections are designed to detect any gradual deterioration, and the rules require container replacement/overpack in this case. As waste generators change their production operations and move processes, it is advantageous to relocate 90/180/270 day waste storage locations, but the prescriptive Missouri containment rules cause this to be a major construction or containment building relocation project. As a result, these storage areas are not moved, and the risk of incidents increases because of longer in-plant waste transportation routes. RECOMMENDATION: Rescind rule and prescriptive requirements for storage area design threshold.	DNR notes that the purpose served by the regs is additional protection to groundwater and sewers. Based on what DNR sees during inspections, most facilities find using containment pallets an inexpensive, easy and extremely flexible means of compliance. DNR questions REGFORM's statement that a "major construction or containment building relocation project" is necessary if waste needs to be relocated. DNR is willing to improve the existing regulation, but not to increase or reduce these requirements. Stakeholder input remains welcome to advance this topic.	2 & 3 1 star from 4- 8-09 Forum Meeting

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7 REGFORM 4-10-06	Highly prescriptive design and storage requirements for TSD storage of containers holding ignitable or reactive wastes	7.264(2)(I)5. 7.265(2)(I)8.	Must be located at least 50 feet from property line. 40 CFR 264.176 and 265.176.	<p>Missouri requirements appear to be based primarily on NFPA guidelines, but extensive recitation of these NFPA texts virtually guarantees that they are out of date.</p> <p>Regarding DNR response #2, REGFORM indicated that the role of DNR is to protect the public and environment, not perceptions, and that it should be up to companies to decide when and whether they use PE. At a minimum, DNR should consider removing the word “independent” so that in-house P.E.s can satisfy this requirement.</p> <p>RECOMMENDATIONS: Either: 1) consolidate into a single requirement that new TSD storage areas for ignitable or reactive wastes be constructed to meet NFPA guidelines or local fire codes, if more stringent, that are in effect at the time of construction, or: 2) eliminate it entirely and verify NFPA compliance during permitting. Recommend a revision to the requirement for four-foot aisle space between rows, as this appears to be well in excess of what is needed to safely access containers. Recommend MDNR review the requirement that fire suppression system design be approved by an independent, Missouri-registered PE. This seems to be unnecessary.</p>	<p>The RCRA Burden Reduction Rule of April 4, 2006 was in the package of draft federal rules intended for adoption. This change removes the “independent and registered” requirements for selected certifications (in addition to other changes).</p> <p>DNR agrees that general citation to NFPA guidelines and local fire codes makes sense, but need to be sure that if local codes or NFPA goes away for some reason that the State is not left without a regulatory structure.</p> <p>DNR welcomes stakeholder input on citations of the NFPA standards that would be applicable to <u>all</u> generators. We agreed to keep talking about how to utilize general references and other documents.</p>	1 & 2 No stars from 4-8-09 Forum Meeting

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9 REGFORM 4-10-06	Missouri requires that generators package, mark and label during the entire time hazardous waste is accumulated on-site.	5.262(2)(C)(1)	40 CFR 262.32 requires generators to package, mark and label hazardous waste before offering for transportation offsite. It does not require DOT labels on containers that will never be shipped off-site.	<p>The more stringent Missouri regulations are expensive, time consuming, and do not have an environmental benefit. DOT labels are expensive. The federal rule requiring compliance prior to shipping is sufficient protection.</p> <p>Roger Walker invites additional input on this issue, noting that one accident should not be the model for regulations that impact the entire state. He suspects that all facilities are marked in a manner allowing emergency personnel to understand the nature of the contents of the buildings they enter and that the specific labeling is not necessary and does not add to the level of safety.</p> <p>RECOMMENDATION: Remove the requirement that containers temporarily storing hazardous waste be labeled per DOT and make it clear that DOT compliance applies only at the time of shipment.</p>	<p>DNR agrees that DOT does not require labeling until time of shipment. The hazardous waste regulation was enacted after a disaster in Kansas City involving firefighters and stored chemicals. Though this incident did not involve hazardous waste, a standard for placing labels that could be readily seen at a distance to identify hazards was deemed appropriate at that time.</p> <p>DNR notes that facilities are not always adequately marked for emergency personnel and safety. Also, inspectors cannot tell what is in a container, even with adequate lighting and facility personnel beside them to provide information.</p> <p>DNR and stakeholders have discussed that DNR's original desire was to have the NFPA 704 (diamond) system apply to all generators, but the Hazardous Waste Management Commission felt it was less burdensome to apply DOT labels early that will eventually be required. If stakeholders wish to propose a higher level of safety for first responders by requiring the diamond system in lieu of early labeling, DNR would consider it, since promoting the safety of first responders was one of the primary reasons for the promulgation of this reg. Stakeholder input is welcome on this and small container labeling standards.</p>	2 & 3 9 stars from 4- 8-09 Forum Meeting

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<p>16</p> <p>University of Missouri 10-9-07</p>	<p>Missouri interpretation of 40 CFR.262.34(c)(1)</p>	<p>None [Missouri interpretation of 40 CFR.262.34 (c)(1)]</p>	<p>Federal interpretation is that generators may accumulate up to 55 gallons of non-acute hazardous waste at a satellite location in multiple containers, including multiple containers of the same waste.</p> <p><i>See items 4 and 9 of attached EPA PDF.</i></p> <p>MDNR interpretation is that one container, regardless of size, of each waste stream may be accumulated at satellite location. Their interpretation acknowledges these multiple waste streams may collectively total over 55 gallons.</p> <p><i>See attached MDNR PDF.</i></p>	<p>MDNR's interpretation forces diverse generators, such as the University of Missouri-Columbia, (which has 3,000 SAA generating locations) into either decreasing safety by using the largest containers permissible at SAA (to allow time to collect them before they are full) or to increase what is already the largest university hazardous waste staff in the country to service all potential 3,000 locations every three days to remain in compliance with state policy.</p> <p>MDNR's interpretation of one container (regardless of size) per waste stream is more restrictive than the federal interpretation yet bypasses the regulatory process to place a more restrictive provision on Missouri through the CSR.</p> <p>MDNR's interpretation of one container per waste stream without regard to total waste accumulated allows generators to exceed the 55-gallon threshold, thus being less restrictive than the Federal interpretation. The state acknowledges this less stringent stance in their original determination but fails to acknowledge that the authorized state may not be less stringent than the federal laws.</p> <p>RECOMMENDATION: Amend Missouri interpretation to treat all satellite accumulation in alignment with federal interpretation or go through the regulatory process to amend the CSR or to notify EPA of this policy change per the procedures in 40 CFR 271.</p>	<p>Missouri generators have the option of choosing the size of container they wish for satellite accumulation (up to 55 gallons per waste stream). Opening and closing multiple containers is considered more hazardous than using a single container. Sites have been observed using multiple containers, opening them to verify contents and volume, with several open at the same time. This increases exposure to operators and inspectors.</p> <p>Missouri allows larger containers that will be filled and transported less frequently, reducing the greatest threats. Transporting multiple containers or increasing the number of transport events would seem to increase the potential for spillage, release or exposure. Smaller containers are often hand-carried.</p> <p>We acknowledge that larger containers could result in larger spills if drums are not properly handled during transport.</p> <p>Missouri allows small businesses to have more cost-effective waste management by their ability to satellite accumulate individual waste streams in a more commercially viable cost-minimizing 55-gallon drum. Also, accumulating in single smaller containers of 30-gallon capacity or less makes it easier for small businesses to achieve or maintain conditionally exempt generator status.</p> <p>Unless a generator restricts itself to accumulating substantially less than 55 gallons in a satellite area or of a waste stream, it is more likely to accumulate over the regulated amount and be in violation.</p> <p>Missouri is an authorized state with its satellite accumulation policy in place for more than 20 years, predating EPA's guidance and not challenged by that agency. Changing policy would require a major re-education effort with fewer resources to conduct it. A change would appear to result in a situation with fewer benefits to cost-effective facility safety.</p> <p>DNR would consider information showing that this change would be as protective as current policy and that it would not be costly or burdensome to other entities to make the change.</p>	<p>2</p> <p>6 stars from 4-8-09 Forum Meeting</p>

