



Meeting Summary Hazardous Waste Forum Oct. 23, 2007

The Second Hazardous Waste Forum was held Oct. 23, 2007, at the Missouri Department of Natural Resources' Elm Street Conference Center in Jefferson City. Ninety-two people attended the meeting, either in-person or by telephone conference call. These people represented hazardous waste generators, hazardous waste permitted facilities, universities, environmental consultants, contractors, manufacturers, attorneys, several Missouri state agencies, local governments and other interested parties. The [agenda](#) and [attendance list](#) are available for your reference. **Action items are noted in bold type throughout this summary.**

I. Welcome, Introductions and Review Goals

Bob Geller, Director of the department's Hazardous Waste Program, opened the meeting and welcomed the meeting participants. He asked that each meeting participant introduce themselves. Mr. Geller discussed plans for the day's meeting and its intent to enhance and expand on previous forum communication between citizens, industry, organizations and the department's Hazardous Waste Program. The hope is that this communication will help in understanding various hazardous waste-related issues and challenges and to assist the department in evaluating regulation changes and guidance that may be needed.

Mr. Geller explained that department staff would be speaking on several topics with the goal of refining and pinpointing issues for better understanding and actions that may need to be taken in regard to guidance, rule clarification, and development. Mr. Geller stated that the handouts and presentations for today's meeting are posted on the Forum's Web site, located at www.dnr.mo.gov/env/hwp/forum/forum.htm. Mr. Geller said that a [meeting summary](#), [Question and Answer Web page](#), and updated [Hazardous Waste Regulation Stakeholder Worklist](#) from the first Forum can also be found on the Web site. He invited the meeting participants to review the Stakeholder Worklist and asked the meeting participants to provide information to assist the department in taking next steps to address outlined concerns. Mr. Geller summarized the actions that have been completed on the original Stakeholder Worklist.

II. Financial Assurance

Jacki Hicks, of the department's Hazardous Waste Program, followed up on an action item from the first Hazardous Waste Forum. Hazardous Waste permitted facilities are required to maintain Financial Assurance to assure that adequate funding is available for environmental contamination from an unforeseen event or during facility closure. For facilities that use letters of credit as a financial assurance mechanism, Missouri requires a bank located in Missouri to confirm letters of credit from out-of-state banks. A forum meeting participant reported that this additional requirement is expensive for some national and international companies. A copy of the [presentation](#) is attached.

A question was asked about the state's authority and what the Missouri statute states. Ms. Hicks stated that the word "presentation" is in the [Uniform Commercial Code under banking law](#). The meeting participant then asked that if federal regulations can cover this adequately, would Missouri consider changing the regulation and accept requests for variances until the rule is changed? The meeting participant added that this would make it easier for international companies.

Since the last forum, a company has submitted a variance petition to the Missouri Hazardous Waste Management Commission. The Permits Section is working with the department's legal council and Attorney General's Office to discuss amending the rule. The change in the regulation would be an amendment to [10 CSR 25-7.264\(1\)\(H\)\(6\)](#). The rule making process will most likely take 13-15 months.

REGFORM added that it would provide input and support this change in regulation. Mr. Geller stated that a reference to the bank law ([400.5 RSMo](#)) would be included on the Forum's Web site.

III. Satellite Accumulation

Kathy Flippin, of the Hazardous Waste Program, introduced two topics from the [Hazardous Waste Regulation Stakeholder Worklist](#) (#4 and #13). Item #4 concerns REGFORM's request to rescind Missouri's one-year time limit on satellite accumulation. Item #13 requests that Missouri amend its guidance based on its regulatory interpretation that 55 gallons of each wastestream may be stored in satellite accumulation. REGFORM requested that the state follow the U.S. Environmental Protection Agency's (EPA) guidance that limits the amount of all wastestreams in satellite accumulation to 55 gallons. Ms. Flippin stated her intention to introduce the topics and an offer to hear from two other speakers on the topic of how the rule impacts their operations: Todd Houts, of the University of Missouri – Columbia, and David Shanks, of The Boeing Co. and representing REGFORM – Regulatory Environmental Group for Missouri. A copy of Ms. Flippin's [presentation](#) is attached.

Ms. Flippin discussed the relationship between law, regulation and guidance and that the department's guidance on satellite accumulation predated EPA's. She said that the one-year limit and allowance for accumulating more than 55-gallons in satellite accumulation if more than one wastestream type needed to be stored was to help assure safety by reducing waste transfers, personnel exposures and overall spill potential. Allowing more than one wastestream to be accumulated was also considered an advantage to small generators in being able to use a more cost effective 55-gallon drum for storage.

Mr. Houts referred to a [1994 department satellite accumulation policy](#) regarding total capacity in storage. Mr. Houts stated that if all containers exceed 55 gallons, by interpretation, Missouri appears to be less restrictive than federal guidance. He said that the University of Missouri has thousands of satellite accumulation areas and is looking to increase safety by using smaller containers. Mr. Houts noted it is a great burden if containers must be moved within three days of filling, regardless of size. He did not

agree that using the largest container is more protective and that federal regulation states one may have multiple satellite containers of the same wastestream as long as the 55-gallon limit is not exceeded.

A meeting participant asked if training is required if the facility has only satellite areas and no other 90/180 hazardous waste storage. Ms. Flippin answered that hazardous waste regulations do not require training for personnel who manage only satellite accumulation areas. Large quantity generators must train personnel in handling/managing hazardous waste and the handling/management can encompass satellite accumulation areas. For operators that handle only satellite accumulation containers, hazardous waste regulations require only training for their responsibilities in managing the satellite containers.

Mr. Shanks, commented that several regulations were accidents of history rather than intended by Missouri and EPA because the state and federal regulations were being written simultaneously. New Jersey has an indefinite time limit on satellite accumulation, allowing the generator to completely fill a container before shipping. Missouri has a one-year time limit. Mr. Shanks' company incurs transportation fees by having to ship partially full containers. Laboratories are drastically influenced by the one-year time limit. Mr. Shanks noted that the point of satellite accumulation is every day access, so the deterioration of containers over time is not a worry. If small containers are considered part of the process, this may help eliminate the one-year issue.

Mr. Shanks introduced the following additional questions for consideration:

In the transition from “process” to hazardous waste container, where is the line drawn? He commented that moving containers and shipping partially full containers because of the one-year limit does not appear to enhance safety. **One meeting participant noted that EPA allowed his company to drill a hole in the cap that would help make it part of the process.**

A fact sheet is needed to clarify how “bags” can be made a part of the process. The department's current guidance is not particularly clear regarding the movement from a process to a container. Mr. Shanks said he did not understand the point of having a one-year limit that included paying to transport a partially full container without any safety benefits.

Mr. Shanks commented on the second paragraph, page 8 of the Stakeholder Worklist. He questioned the logic of the point if a generator had a 10-gallon container being picked up every few weeks, it would not likely accumulate over the regulated amount.

Mr. Shanks commented that his company quit using an aerosol can device because they could never fill a drum and had to pay for a partially full drum. The company is no longer recycling steel.

A meeting participant noted that as we promote less waste, these regulations go against acting “green” and seem to encourage the number of containers disposed. We need to

look at the present, not when the regulations were written, especially in regards to laboratories. Regulations can be interpreted differently by EPA and the department and consistency is needed.

Ms. Flippin noted that the department's 1994 satellite accumulation policy has been superseded. Newer guidance appears on the Hazardous Waste Program's "[Hazardous Waste Satellite Accumulation-PUB2215](#)" fact sheet. Additional guidance appears in the department's archives to its Hazardous Waste Compliance Listserv, located at www.dnr.mo.gov/env/hwp/enf/SatAccum.htm. However, due to the reference during this meeting, **the department will also post the 1994 satellite accumulation policy for background information.**

A meeting participant representing a university noted that most of the time facilities cannot comply within 3 calendar days to move the full container to hazardous waste storage. If students use the fume hood on Friday, EPA may inspect on Monday and find the university in violation. The meeting participant would like for laboratories to have ten days to comply with the requirement to move a full container to storage. The meeting participant also noted concerns about making a waste determination in the laboratory, which is often impossible with multiple satellite areas. The university would prefer to bring the materials to a central location for the waste determination. With multiple laboratories, waste pickup is often a challenge and difficult to schedule within three calendar days. Another meeting participant stated that both university and business-related laboratories face the same challenges and scheduling pickups for Friday to avoid Monday violations is difficult.

A meeting participant stated that the department's guidance did not note that containers emptied within 24 hours are not considered to be satellite accumulation containers. He asked for this to be included in the guidance. **Ms. Flippin agreed to address this item in the Q&A followup to the Forum.**

On behalf of REGFORM, Mr. Shanks provided a copy of a [survey](#) of 50 states on their interpretation of the satellite accumulation rule. A copy of the handout is attached.

IV. Hazardous Waste Fund Status

Andrea Kliethermes, of the department's Hazardous Waste Program, discussed the status of the Hazardous Waste Fund. A copy of the [presentation](#) is attached.

In general, the department's efforts include pollution prevention, environmental cleanup, and environmental emergency response. Starting in fiscal year 2008, Environmental Emergency Response activities will be funded through General Revenue in order to relieve the Hazardous Waste Fund. Federal funds account for about 55-60% of the funds used towards the hazardous waste effort, with 23-25 grants supporting these activities. In order to match federal dollars, the Hazardous Waste Program uses dedicated fee funds like the Hazardous Waste Fund, Petroleum Storage Tank Insurance Fund, etc. The funds cannot, in general, be used interchangeably as they are granted or collected for specific purposes.

The Hazardous Waste Fund's declining revenues have not been able to keep up with expenditures for several years, which has decreased the fund balance to the point of having cash flow issues generally during the second quarter of the fiscal year. The hazardous waste generator fees are the largest contributor to the Hazardous Waste Fund. Other revenue includes cost recovery, cost reimbursement and the battery fee.

A meeting participant asked if the Hazardous Waste Program would need to request General Revenue yearly for Environmental Emergency Response funding. Ms. Kliethermes answered that the department would have to request General Revenue again for fiscal year 2009 budget and then hope it will be a part of the core budget at some point. She noted that the Hazardous Waste Program would not be able to pay its expenses through fiscal year 2009 if Environmental Emergency Response activities were again supported by the Hazardous Waste Fund.

A meeting participant asked if the 13% shown on one of the graphs for the Office of Administration costs from the Hazardous Waste Fund is historic or recent. Ms. Kliethermes answered that the Office of Administration takes a transfer of each fund out of the Hazardous Waste Program's balance for anything fee based. For example, Information Technology staff moved to the Office of Administration and some of the money moves with them for computer purchases and computer staff support.

A meeting participant asked for the breakout for in-state and out-of-state generator fees. Ms. Kliethermes answered that in-state for 2005 was \$741,000 and for 2006 was \$700,000.

Roger Walker of REGFORM noted his organization's support of the Hazardous Waste Program's pursuit of adequate funding and that it would like to be part of the solution.

A meeting participant asked why projections were showing income down and expenditures going up. Ms. Kliethermes stated that the increase is largely due to changes in the economy, higher costs for goods and fringe rates, which includes health care insurance for department staff.

Another meeting participant asked if the Hazardous Waste Program could raise the amount for permits. Ms. Kliethermes stated that permit costs were typically not very large due to major permit reviews every ten years, except for modifications.

A meeting participant asked about the time period for the battery fee. Ms. Kliethermes answered that there is a sunset on the fee in 2011.

V. Environmental Assistance Visits

Irene Crawford, Director of the department's Northeast Regional Office, presented information on the department's Environmental Assistance Visits (EAVs). A copy of the [presentation](#) is attached.

Each of the five regional offices conducts EAVs. Inspectors provide assistance to those sites that accept the offer. The scope of EAVs has been expanded substantially from sites

that are newly registered and newly permitted, to those with substantial changes in operation or personnel. The purpose is to help the newly registered or permitted site to understand the regulations and permit conditions applicable to their facility with the goal of timely and long-term regulatory compliance.

Meeting participants from the Missouri Department of Transportation and the University of Missouri stated that they appreciated the EAVs.

VI. Health Profiles

Darlene Groner, of the department's Hazardous Waste Program, and Gale Carlson of the Department of Health and Senior Services, provided an introduction to Health Profiles. A copy of their [presentation](#) is attached.

Ms. Groner stated that [Missouri regulations](#) require that those applying for a hazardous waste treatment or operating disposal facility permit must submit a health profile with their permit application. Health profiles identify any serious illnesses that exceed the state average that might be attributable to environmental contamination in an area. The department shares the health profiles with DHSS, who reviews and evaluates the profiles and provides information back to the department. DHSS has been working with the department for many years. The department and DHSS have been discussing the health profile requirements. Please see the [letter from DHSS](#) to the department regarding efficacy of health profiles and their recommendations.

Mr. Carlson discussed that the intent of the regulations was for the facility to determine if their facility is adversely affecting the community's health. He stated that facilities were creating health profiles, using health templates that are complicated and costly, but were unsure if effects were being found. DHSS found that there were basic problems with health profile. These included the difficulty of using zipcode information if the facility is out of town, population density difference, population migration, time lag, etc. For an effective review, DHSS must also look at confounding variables such as the health influence of hobbies and home habits and the relationships of these in regards to adverse health affects. Both departments want to further discuss a different approach to health profiles with stakeholders.

A question was raised about whether the department would require health profiles by saying that currently, because the law remains in place, a variance through the Missouri Hazardous Waste Management Commission would be required for relief from the requirement. Ms. Groner said that was correct.

A meeting participant thanked Mr. Carlson for his direct comments and encouraged rescinding or changing the requirement. Other brief comments from several meeting participants are listed below:

- I see no cost-benefit ratio to the health profile and the DHSS letter indicates the profiles "are worthless." I encourage the department to rescind the requirement.

- DHSS, the department and stakeholders will all have to meet and come to a consensus.
- The department may be concerned that it would be viewed as less stringent but this is not having much benefit.
- We must be cognizant of people who are with environmental citizens groups. Cost benefit from state's perspective is about protection. There is still a positive result if a facility only protected two people (with the health profile).
- I discourage using variance hearings; they're expensive and hard. Let's figure out something else. Ms. Groner replied that she did not think a variance hearing through the Commission was difficult. However, from the perspective of the person asking for the variance, it may be harder.

Mr. Geller stated that the department is looking at all the options and is willing to consider all these rules and regulations on the agenda. However, it would be premature to make a recommendation now without knowing all the elements. But because the Hazardous Waste Management Commission has the ability to rescind approval, we need to be careful and make smart decisions. **Ms. Groner invited the meeting participants to sign up for a [Health Profile Workgroup](#).**

VII. Missouri Environmental Covenants Act

Jim Belcher, of the department's Hazardous Waste Program, discussed Missouri Environmental Covenants Act ([260.1000-1036, RSMo](#)). No rules are in the works or anticipated at this time. The department views the act as rather straightforward. A copy of the [presentation](#) is attached.

Model restrictive covenants are being revised and the department hopes to have them circulating by the end of the year. MoECA directs the department to house/share information on use limitations. It doesn't grandfather or invalidate other restrictive covenants. It can prohibit uses if all parties are in agreement. MoECA can establish finality to liability, protective restrictions over time, and long-term stewardship. MoECA can also manage risks associated with residual contamination. MoECA facilitates the transfer of information on the level of contaminants. The department wishes to document this so that subsequent owners are aware.

Mr. Belcher recognized Ms. Norella Huggins for her work in pushing this into the General Assembly. Ms. Huggins stated that many worked on this for years and it's a wonderful thing that it passed.

A meeting participant asked if [Missouri Risk-Based Corrective Action \(MRBCA\)](#) meets MoECA standards. Mr. Belcher answered that it did not.

A question was asked as to whether we already have a mechanism in voluntary cleanup law and if it is also in our regulations. Mr. Belcher answered that yes, the department

uses restrictive covenants, but the restrictive covenants are not yet in regulation. MoECA will supersede the old one even though it isn't in regulation.

Another meeting participant asked that if a current site is not closed by January 1, then what might happen? Mr. Belcher answered that the department is still working with sites to tailor the restrictive covenant so the new one will still work on these sites.

*Since the October Forum, the MoECA restrictive covenant has been finalized and is in use.

VIII. Open Session/Discussion

The session was opened to participant comments and questions. For updates on questions, please see the Hazardous Waste Forum Question and Answer Web page, located at <http://www.dnr.mo.gov/env/hwp/forum/hwfqa.htm>.

Question: Can you talk to us about the funding that Childers was going to discuss in the Forum?

Answer: Unfortunately no, as this involves more than just the Hazardous Waste Program.

Question: Can you look at DOT marking and labeling requirements for drums ([40 CFR Part 262 Subpart C](#))? To our knowledge only two other states require DOT marking and labeling on drums during the entire on-site storage period ([10 CSR 25-5.262\(2\)\(C\)1.](#)). **Look at Emergency Management Agency Requirements in view of DOT drum labeling for emergencies. Could placards be provided to meet standards?**

Question: Would the department meet with a property owner about a “no further action letter” for tank sites?

Answer: Yes, the department wants to assure we work with property owners when it comes to issuing such letters.

Question: Are cleanup decisions about a property frequently made without the input of the property owner?

Answer: It happens more often for neighboring properties when contamination has migrated off the source property. We are working to ensure that, even for neighboring properties, the property owner is notified and given an opportunity for input regarding cleanup decisions. In this situation, it was unusual and an oversight that the owner of the source property was not contacted and asked for specific input regarding future land use. (Later clarified that this involved a tenant company. The company was responsible for removal of tanks. Neither the tenant nor the department contacted the property owner. The property owner wished that owner notification was a part of the decision making process because, in this instance, the owner felt the future use was residential whereas the tenant assumed it was non-residential). Through changes in the MRBCA guidance document, the Hazardous Waste Program,

Tanks Section, is attempting to ensure that property owners are always asked to provide input regarding land use determinations, both for source properties and effected off-site properties.

Question: Please consider adopting the federal Comparable Fuels exclusion in [40 CFR 261.38](#). Also look at the exemption from solid waste for listed commercial chemical products being reclaimed in [40 CFR 261.2](#). Missouri limits the exemption to only those materials that the original manufacturer can use, reuse or recycle in his/her manufacturing process. It is widely ignored by out of state companies. This potential fuel source is a significant source of revenue for some companies. Kansas allows conditionally exempt small quantity generators (CESQGs) to accumulate the federal amount. Could be money to pick up.

Question: What can the state do about these situations? Many Missouri CESQGs often ship their hazardous wastes to states that allow CESQGs to store up to 2,200 pounds of waste before shipment (i.e., federal standards). A Missouri CESQG that stores 220 pounds must follow other hazardous waste requirements, including, but not limited to, using a licensed hazardous waste transporter and hazardous waste manifest for the shipment to the treatment, storage or disposal facility. Some transportation companies are taking advantage of this by transporting these wastes without manifesting and/or without asking the generator to register with the department's Hazardous Waste Program as a small quantity generator (SQG) or large quantity generator (LQG). This potentially takes business away from other hazardous waste transportation companies that strive to follow Missouri regulations and laws. Most of the shipments are from SQGs who have not registered with the state.

In another instances, a company was observed violating the regulations by placing non-regulated waste labels on all hazardous waste that the company picks up as CESQG waste. Other companies may be placing non-regulated waste labels on 55-gallon drums of hazardous waste accumulating at generator locations. This violates regulations requiring identification of waste as hazardous and failure to register with the state.

The participant suggested that Missouri might consider allowing the accumulation of up to a 55-gallon drum (or 682 pounds which is the DOT maximum for weight in a single non-bulk package) before regulating that site as a SQG. This would still be more stringent than federal regulations. The department was asked to research the topic and examine the results for a possible solution.

Answer: The Hazardous Waste Program has received manifests from out of state treatment, storage or disposal facilities (TSDs). These TSDs, by chance, use the manifest as a tracking document and send copies into the department. In this way, the Hazardous Waste Program could identify several Missouri companies that have shipped regulated quantities without registering with the department or using a hazardous waste manifest and has taken appropriate enforcement action. The Hazardous Waste Program contacted its sister agencies in adjoining states to ask if those states somehow recorded CESQG waste through their hazardous waste

reporting in the hopes that we could identify Missouri CESQGs that shipped waste illegally. Unfortunately none of the states maintained a tracking system for this type of small shipment information.

In response to this concern, the Hazardous Waste Program has contacted its regional office inspectors to ask them to watch for sites that are generating and storing small quantities of hazardous waste while without registration, and without use of hazardous waste transporters and the manifest system. The inspectors are to inform the Hazardous Waste Program about these sites for consideration of enforcement along with the transporter that advised the illegal shipment(s).

The participant stated that less illegal shipping would occur if Missouri allowed CESQGs to store up to 682 pounds before shipment (which would still be more stringent than federal regulation). Another option the Hazardous Waste Program could consider would be to modify Missouri rules to be more stringent by mandating any hazardous waste shipment be accompanied by a manifest regardless of the amount. The second option may not be desirable as it would regulate more companies in an attempt to find those who are likely violating (and who would continue to violate) existing requirements. Each of these options would require regulatory changes and a regulatory impact report. The Hazardous Waste Program is willing to consider changes if protection of human health and the environment is not negatively impacted.

Department Comment (Jennifer Johnson): Uniform Hazardous Waste Manifest questions are coming in. The department is receiving copies back. A meeting participant thanked the Jennifer Johnson, of the department's Hazardous Waste Program, for her assistance with questions on the Uniform Hazardous Waste Manifest. **He requested [Missouri guidance on manifest requirements](#) for himself and fellow workers from the department. The department is preparing a fact sheet. Please send your questions regarding manifests so they can be addressed.**

Question: Should net weight or some other measurement be recorded on a hazardous waste manifest.

Answer: Yes, net weight is the measurement that should be recorded on the hazardous waste manifest. The definition of hazardous substance ([49 CFR 171.8](#)) states that the quantity of a hazardous substance is "in one package." It stands to reason that the reportable quantities of a hazardous substance does not include the weight of the package because the package itself does not pose a risk/threat to the environment. Especially if you consider hazardous substances that have very low reportable quantities-in this case the container may end up weighing more than the actual substance. If for some reason a company's common business practice entails using gross weight on their shipping papers, then they can delineate the quantities of hazardous substances by using one of the following examples under Item 9 (USDOT Description) on the Uniform Hazardous Waste Manifest.

Example: 5 packages each containing 6-oz of material.

1. 5 boxes, 30 oz., UN2464, Waste Beryllium Nitrate, 5.1, (6.1), PGII, (6 oz. per box)
2. 5 boxes, 6 oz. per box, UN2464, Waste Beryllium Nitrate, 5.1, (6.1), PGII, (30 oz. in total), or
3. list it five separate times...
 - 1 box, 6 oz, UN2464, Waste Beryllium Nitrate, 5.1, (6.1), PGII
 - 1 box, 6 oz, UN2464, Waste Beryllium Nitrate, 5.1, (6.1), PGII
 - 1 box, 6 oz, UN2464, Waste Beryllium Nitrate, 5.1, (6.1), PGII
 - 1 box, 6 oz, UN2464, Waste Beryllium Nitrate, 5.1, (6.1), PGII
 - 1 box, 6 oz, UN2464, Waste Beryllium Nitrate, 5.1, (6.1), PGII

Comment: **Regarding satellite accumulation points (Subpart K), the department will need to clarify its interpretation because EPA has a different interpretation.**

Comment: I wish that all people, regardless of their generator size or whether they're a homeowner, would be on the same even playing field. Residents don't reuse/recycle and we should all look for ways that everyone could follow universal rules.

Department Comment (Bob Geller): The Hazardous Waste Program tries to look at all interpretations and to draft guidance documents where needed to clarify requirements.

Comment: Inspectors need to know whether a material is a hazardous waste before making a determination. Some facilities have been "hit" by EPA, although an item was a part of their process and not a waste.

Department Comment (Kathy Flippin): We are concerned about differing interpretations and train with EPA and work with them on interpretations to assure consistency; however, issues always arise. **Ms. Flippin requested that the meeting participants send specific instances to her of differing interpretations. The department can then discuss the circumstances with EPA and refine guidance as needed.**

Department Comment (Bob Geller): The department trains their inspectors, but have the opportunity for joint training with EPA where we could address several of these unique hazardous waste issues. REGFORM stated that they would like to assist with providing locations for internal staff training with EPA and the public. The University of Missouri offered a site for inspection/training.

Question: Could quarterly reports for large quantity generators be made semi-annual?
Answer: **Hazardous Waste Program staff agreed to look at this.**

Comment: Regarding Item #5 on the Stakeholder Worklist, a large quantity generator running a transfer station had personnel protective equipment (PPE) for the employee. The Occupational Health and Safety Administration would not let employee put on

the PPE equipment unless he was fit tested and the facility would be liable for injuries. PPE equipment would collect dust except for emergency response teams.

Comment: Regarding early labeling, consider drums that never leave and bulk packaging. DOT shipping names are not helpful for mixtures. DOT labels are not helpful in emergencies (if you can read them, you're too close). 262.617 was enacted after an explosives emergency in Kansas City. Kansas City required NFPA 704 diamonds. If in a jurisdiction, facilities would work matters out with the local fire department. Outside markings are required as is labeling where material is stored. In an emergency a person is typically near the gate with warnings. Labels are hard to see in a smoke filled room. Missouri, Maryland and Rhode Island have similar requirements. The General Assembly prescribes use of big diamonds. Only two other states require more stringent container labeling/marketing. **The department welcomes stakeholder input on citations of the NFPA standards that would apply to all generators and how to best utilize general references.**

Comment: Customers want department training and presentations. **The facility could come up with a list of commonly asked questions regarding Universal Waste Manifests and provide that to the department. The department would welcome this assistance and invites input from all stakeholders.**

Comment: EPA has run roughshod over the department on permit issues. The person recommended that **for the next forum, he would like more clarification on the Permit Rule and an update and what it means for Missouri to have the lead.**

Question: How many dates go on a satellite accumulation container? Is there a requirement to put a full date on the excess being accumulated (i.e. a "filled date" since it must be moved from the satellite area within 3 days of filling)?

Answer: A new date is required on the container when it is filled and/or moved from the satellite area to hazardous waste storage. **Ms. Flippin agreed to talk to EPA about their application of this requirement during inspections to assure consistency.**

Comment: Regarding the 3 days to move a full satellite container to storage, what is regulated, the waste or the container? The federal regulations do not limit the number of containers; they regulate only the volume of waste. In essence you can have 30 gallons in 3 different drums and, even though it's over 55 gallons, it's OK if the facility has it for a whole year. But now that the container is full it has only 3 days to move it? This is silly. The requirements only limit amount, not containers. Why is three days so eminent, when the waste can be in satellite accumulation for one year?

Comment: I caution any new requirement on satellite accumulation that sets us up for failure and doesn't necessarily promote safety.

Department Comment: **Missouri will speak to EPA about the interpretations of the state's guidance during EPA inspections.**

Question: As a resource recovery unit, we received a form letter that states “you’re in violation if you are not a registered generator/transporter.” Could this be worded differently to avoid beginning with the words “you’re in violation” and raising alarm?

Answer: It is not our intention to indicate violations where none exist, especially not when providing compliance assistance. **The Hazardous Waste Program will look into this and change the language.**

IX. Review Action Items/Close

In closing, Mr. Geller thanked all meeting participants. He asked everyone to use the Forum Web site to provide suggestions for prioritizing items on the Stakeholder Worklist and items introduced during the forum, and to submit topics for future meetings.