



Container Management Topics – 3 Priorities
***From Hazardous Waste Forum Stakeholder Worklist**
Revised March 2, 2011

Status Key:

1. MDNR 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

*Text of this list based on original “REGFORM Recommendation List” posted on Forum Webpage under “Previous Meetings” May 10, 2007 under title “Attachment 1”

NOTE: MDNR Response Revised March 2, 2011

Commenter/ Date	MO Provision	CSR Citation(s) 10 CSR 25-	How Different from Federal Rules?	Stakeholder Issue/Concern and Recommendation	MDNR Response/ Next Steps	Status
9 REGFORM 4-10-06	MO (MO) 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 MO 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>MDNR agrees that DOT does not require labeling until time of shipment.</p> <p>Input from all interested stakeholders is invited.</p> <p>Rule history - Based on EPA’s final rule of 2-26-80 (40 CFR 262.34). MO’s regulation was amended July 1, 1983 to match EPA’s Final Rule intent of 2-26-80. February 6, 1986 MDNR public hearing record stated the intent was: “To protect human health and the environment by providing proper containers and proper notification of the hazards associated with the waste while the waste is stored on-site as well as when the waste is prepared for transport off-site.” This can promote adequate employee knowledge of waste so that it can be handled and stored safely and to avoid multiple other more serious violations. In general, this information facilitates communication among personnel and effectuates emergency response to discharge incidents.</p> <p>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</p>	<p>2 & 3</p> <p>9 stars from 4-8-09 Forum Meeting</p> <p>1st priority at 2-7-11 Forum Meeting</p>

					information. MDNR is still information gathering and invites any ideas, facts, data, or other information stakeholders can provide on this topic and small container labeling standards.	
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Commenter/ Date	MO Provision	CSR Citation(s) 10 CSR 25-	How Different from Federal Rules?	Stakeholder Issue/Concern and Recommendation	MDNR 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 MO-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 MO 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 MO rule and time limit.	Beginning date and one year storage time assures that wastes in satellite accumulation areas (SAAs) are not stored indefinitely especially since MO allows 55 gallons per wastestream. This is intended to protect workers and to promote safety inside facilities and assure wastes are not “lost” in the facility and stored until they leak as SA containers are not subject to daily or weekly inspections. MDNR is willing to consider a longer time frame such as two or three years or some other standard or other options. 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 and provided a table of other state’s requirements. REGFORM had requested that members consider their facility needs. Roger Walker asked that members let him know if a two- or three-year time frame will accomplish the goal of eliminating extra costs, risk and time. MDNR awaits input from all interested stakeholders.	2 & 3 9 stars from 4-8-09 Forum Meeting 2 nd priority at 2-7-11 Forum Meeting

				<p>of this policy change per the procedures in 40 CFR 271.</p> <p>.</p>	<p>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>MDNR 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>	
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