

Hazardous Waste Container Management Potential Rule Change Concepts

Missouri Department of Natural Resources (MDNR)

Hazardous Waste Program (HWP)

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These are ideas for addressing Hazardous Waste Forum attendee concerns regarding Missouri's regulations that require packaging, marking, labeling (PM&L) hazardous waste containers according to U.S. Department of Transportation Regulations (DOT) during the entire onsite storage period. During storage, federal regulations only require the words hazardous waste and an accumulation start date on the container and full PM&L before offering the container for shipment offsite. Concept 3 below involves a stakeholder concern about satellite accumulation container management.

Concept 1 – Tiered Regulatory System

Change current Missouri regulations so that either a Small Quantity Generator (SQG) or Large Quantity Generator (LQG) can apply for an exemption from Missouri's PM&L requirements during the onsite storage period. To obtain an exemption for this purpose, the generator would have to submit an amended generator registration form to the MDNR declaring its status as a LQG. The generator must then meet all reporting, preparedness, prevention and emergency procedures standards of LQGs (i.e., quarterly reporting, personnel training plan, contingency plan and additional safety requirements). Those that do not declare LQG status must follow current Missouri regulations for PM&L during the entire onsite storage period. In addition, all declared LQGs must have a current and accurate log that accurately identifies the contents of each container in hazardous waste storage and the hazards of the waste. This information will benefit facility employees who handle and transfer the waste to avoid mixing incompatible wastes and so that inspectors can identify the contents of the containers.

Rule revisions required:

10 CSR 25-5.262(2)(C) (Pretransport, Containerization, and Labeling)

Possible language:

10 CSR 25-5.262(2)(C)1.A. – Small Quantity Generators or Large Quantity Generators may request an exemption from the requirement to package, mark, and label hazardous waste containers during the entire on-site storage period. To qualify for the exemption, a generator shall:

(I) Submit a generator registration form declaring themselves a PML Exempt Large Quantity Generator regardless of the amount of waste generated; and

(II) Demonstrate compliance with all applicable requirements for Large Quantity Generators including, but not limited to:

(a) The Personnel Training Plan requirements found in 40 CFR 265.16;

- (b) The requirements in 40 CFR part 265 subpart D, Contingency Plan and Emergency Procedures;
- (c) The requirement to submit a Generator's Hazardous Waste Summary Report on a quarterly basis as specified in 10 CSR 25-5.262(2)(D)1.B.; and
- (d) The requirement to submit a Biennial Report as specified in 40 CFR 262.41.

(III) Maintain a system that accurately identifies the contents of each container in storage and the hazards of the waste in each container. The system must include:

- (a) A log that is up to date and maintained to show an accurate description of the types of wastes stored in each container and the hazards associated with each waste; and
- (b) A means for facility employees to quickly identify and link the information on the log to the specific container and its contents. Acceptable methods include, but are not limited to, a permanent number on the container that corresponds to specific information identifying the name of the waste and associated hazards on the log; a container label or bar code that is linked to an entry on a log in an electronic database, a color coding system whereby the color of individual containers is associated with a specific type of waste and the associated hazard on a log.

(IV) Generators who claim the exemption specified in 10 CSR 25-5.262(2)(C)1.A. shall comply with the requirements in this subsection in lieu of the requirements for Small Quantity Generators that would otherwise apply based on the amount of waste the generator generates or accumulates; and

(V) Generators who claim this exemption shall also comply with the requirements to clearly mark each container in storage with the date upon which accumulation begins and the words "Hazardous Waste" as specified in 40 CFR 262.34(a)(2) and 262.34(a)(3) B. Generators who claim an exemption under this section must also comply with the federal regulation on satellite accumulation areas in 40 CFR 262.34(c).

Concept 2 – "In Process" container option

Change current Missouri regulations to require only federal PM&L requirements during the time that hazardous waste containers in generator storage are *"not full and still in the process of being filled and when wastes are still being transferred between containers."* During this period, the facility must mark its containers meeting this description with: 1. the words "In Process" 2. the words "Hazardous Waste" and 3. the accumulation start date (the latter two are existing federal requirements). Note: DOT PM&L applies during the entire onsite storage period for any container in storage that does not have the words "In Process, Hazardous Waste and the accumulation start date." The words "In Process" must be clearly marked and visible for inspection.

In addition, for generators using the "in process" waste option, add a regulation requiring the generator to have a current and accurate log that accurately identifies the contents of

each container in hazardous waste storage and the hazards of the waste for their employees transferring the waste. This would be necessary to assure proper waste identification and to avoid mixing incompatible wastes and for inspectors to identify the contents of the containers.

Basis: Stakeholders have noted that when moving a satellite container to hazardous waste storage, they may still be adding material to that container and for this reason the PM&L regulations are burdensome. Because:

- A. on the day it moves to storage, it must be marked with all appropriate DOT information and
- B. any time they might add other waste to the drum, they need to completely remark and re-label it if the waste is different.

Survey comment: There needs to be a way to allow the accumulation or process of waste that is not regulated as storage.

Rule revisions required:

10 CSR 25-5.262(2)(C) (Pretransport, Containerization, and Labeling)

Possible language:

10 CSR 25-5.262(2)(C)1.

A. – Notwithstanding the requirement to package, mark, and label all hazardous waste containers during the entire on-site storage period, generators may elect to utilize a process container in the storage area. Process containers are containers that are not yet full and that are used to accumulate wastes prior to shipment off-site or disposal. A process container must be clearly marked with the words “In Process”, “Hazardous Waste”, and the accumulation start date.

B. If using process containers, generators must maintain a system that accurately identifies the contents of each container in storage and the hazards of the waste in each container. The system must include:

- (I) A log that is up to date and maintained to show an accurate description of the types of wastes stored in each container and the hazards associated with each waste; and
- (II) A means for facility employees to quickly identify and link the information on the log to the specific container and its contents. Acceptable methods include, but are not limited to, a permanent number on the container that corresponds to specific information identifying the name of the waste and associated hazards on the log; a container label or bar code that is linked to an entry on a log in an electronic database, a color coding system whereby the color of individual containers is associated with a specific type of waste and the associated hazard on a log.

C. Once full, all process containers must be properly packaged, marked, and labeled during the remaining onsite storage period.

D. The total capacity of all “In Process” containers within any generator accumulation area shall not exceed eighty gallons at any time.

E. When an “In Process” container is moved to the generator storage area, the container must be labeled with the date on which the container is moved to the generator storage area.

F. Generators utilizing process containers shall also comply with the requirement to clearly mark each container in the generator storage area with the date upon which accumulation begins and the words “Hazardous Waste” as specified in 40 CFR 262.34(a)(2) and 262.34(a)(3)

G. Within the area where “In Process” containers are located, all other requirements for generator storage areas still apply. This includes the standards for 90-day, 180-day, and 270-day generator storage areas specified in 40 CFR 262.34.

Concept 3 –Option for Satellite Accumulation Areas

Change Missouri regulations to clarify that generators may store up to 55-gallons of each hazardous wastestream in satellite accumulation for up to one year, but must remove any excess above the 55-gallons per wastestream limit to generator storage within 72 hours. Containers will no longer have to be moved within 72 hours of filling.

Rule revisions required:

10 CSR 25-5.262(2)(C)3. (Satellite Accumulation)

Possible language:

10 CSR 25-5.262(2)(C)3.

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

A. – Generators may accumulate hazardous waste in containers with a total capacity of up to fifty-five gallons for each waste stream within each satellite accumulation area.

B. Any excess over fifty-five gallons of an individual waste stream must be removed from the satellite accumulation area within seventy-two hours.

C. No hazardous waste shall be stored in a satellite accumulation area for more than one year.

D. The generator must mark or log the contents of each container so that the volume of an individual container within the satellite accumulation area can be determined.