



**Proposed Hazardous Waste Regulation Concept
Missouri Department of Natural Resources
Hazardous Waste Program
July 11, 2011**

Packaging, Marking and Labeling (PM&L) Exemption During the Entire Onsite Storage Time

This proposed rule language follows discussions with stakeholders during Hazardous Waste Forum meetings regarding concerns that Missouri's regulations are more stringent for 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. This follows previous drafts that were posted on the Hazardous Waste Forum webpage and discussed in previous Forum meetings.

The proposed rule language below would 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 it is requesting PM&L exempt status. The generator must then meet all additional requirements noted below (i.e., some marking and have a system to provide information on container contents and hazards). Those that do not declare PM&L exempt status must follow current Missouri regulations for PM&L during the entire onsite storage period. The name and address on the container will help assure generators can be contacted to identify wastes and arrange for proper management and disposal should containers be "orphaned" (such as during natural disasters) and disposal costs do not accrue to taxpayers. The system to identify the contents of each container in hazardous waste storage and the hazards of the waste 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, in addition to complying with all other current state and federal regulations applicable to its status, a generator shall:

(I) Submit a generator registration form declaring themselves a PML Exempt Generator; and

(II) 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); and

(III) Mark the generator's name and address on the container throughout the storage period; and

(IV) Have a method to uniquely identify each hazardous waste container in storage. Acceptable methods include, but are not limited to, a permanent number on the container; a label or bar code on the container, a container color-coding system whereby the container color is associated with a specific waste.

(V) The generator must be able to quickly identify and link the container to a log. The log must be accurate and up-to-date and readily searchable. The log must be immediately accessible to facility personnel, inspectors and emergency responders. The log must include, at a minimum, the following information for each container:

(a) Hazardous materials descriptions and proper shipping name pursuant to 49 CFR 172.101; and

(b) Hazard class or division pursuant to 49 CFR 172.101; and

(c) Label codes pursuant to 49 CFR 172.101; and

(d) Hazardous waste codes pursuant to 40 CFR part 261 Subpart C and Subpart D (i.e., a maximum of 6 that are most applicable to the waste).

B. 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 packaging, marking and labeling hazardous waste during the entire onsite storage period as specified in 10 CSR 25-5.262(2)(C)1.A.

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Satellite Accumulation Areas

Change Missouri regulations to clarify that generators may have up to 55-gallons of waste storage capacity for each hazardous wastestream in a satellite accumulation area provided that no waste is stored for more than one year. Waste in excess of the 55-gallons per wastestream limit must be moved to generator storage within 72 hours of filling, provided the total container volume per wastestream is less than 55 gallons. This removes Missouri's current requirement to move full containers within 72 hours of filling. This also allows use of multiple containers per waste stream.

Rule language:

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

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 wastestream within each satellite accumulation area.

B. Any excess over fifty-five gallons of an individual wastestream 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 be able to demonstrate that all containers of a wastestream within a satellite accumulation area do not exceed 55 gallons in total volume.