



Modifications to Draft Packaging, Marking and Labeling (PM&L) Rule That Was Posted on October 6, 2011 Hazardous Waste Forum Webpage

See new attached Draft Missouri PM&L Rule Dated November 29, 2011

Changes from October 6, 2011 version of rule posted on Hazardous Waste Forum Webpage based on stakeholder comments received:

1. Reworded (C)1. for clarity. Stakeholders said that Missouri's reference to federal PM&L regulations during the entire onsite storage period also included the federal words "before transporting hazardous waste or offering hazardous waste for transportation off-site," which was not the state's intent. Therefore, to clarify the state's intent for those who choose the option to PM&L per DOT during the entire onsite storage period, the department is not incorporating the phrase "before transporting hazardous waste or offering hazardous waste for transportation off-site..." The department also added language to state that those choosing to follow the PM&L option rather than the performance based methods (PBM) option must meet all other requirements of the PM&L regulations during the entire time hazardous waste is accumulated in storage on site except the manifest document is not needed until the waste is prepared for offsite shipment.
2. Does not require amended notification to be "exempt from PM&L requirements."
3. No longer refers to "exempt from PM&L" language." Now offers two options--PM&L per DOT OR PBM.
4. Information "immediately" accessible – The word "immediately" has been removed. Department inspections are done at times and under conditions in which the information should be available during the inspection. All hazardous waste recordkeeping regulations typically state that information must be "available" or "maintained in" the generator's files. This information is needed by facility managers, by inspectors, and others responding to emergencies to assure that wastes are being managed correctly, and this cannot be done efficiently if the records can only be provided several hours or a day later. Therefore, it is reasonable to expect the facility to be able to produce records during an inspection.
5. Waste codes retained – Waste codes give persons responsible for hazardous waste management a reference to "what" the waste is and the constituents that may be in the waste based on hazardous waste regulations. This is valuable and specific knowledge about the waste constituents that is necessary for the generator to comply with all other hazardous waste regulations—from registration and reporting, to safely handling the waste while it is onsite, to correctly completing shipment manifests and identifying the hazards for transport and ultimate treatment and disposal. Waste codes provide this knowledge about the source of the waste and what it contains that is not available with more general waste descriptions. Often the failure to recognize what the waste is and the constituents it contains can lead to emergencies, releases and serious human and environmental impacts. Waste codes provide a standard for correctly naming the properties of the waste which is especially important as the proposed rule allows DOT packaging, marking and labeling during the onsite storage period as an option but not a requirement.
6. Removed the words (solid, semi-solid, liquid or contained gaseous material) that were intended to help specify the particular physical properties of the waste for compliance. Retained the

words “statement or statements which call attention to the particular properties of the waste.”

7. Accepted Schreiber and Yonley’s suggestion to exempt containers below one gallon from marking of generator’s name and address and to add after the word “closed” –“unless adding or removing smaller containers from it.”
8. Did not accept Schreiber & Yonley’s additional suggestion that the generator could store the smaller containers on shelf or drawer instead of inside a larger container if the shelf or drawer was marked. The department is not specifying the type of larger “container” as the primary reason for placing smaller containers into a larger one is to help assure the generator could manage its own waste if the container is inadvertently found off the generator’s site.
9. After the word “corrosive” the department added the words “{and whether acidic or alkaline}” as stakeholders noted that “corrosive” can include both acids and alkaline wastes, which if unknown and mixed together or with other chemicals can generate toxic gasses or cause violent reactions and chemical burns. This minor addition would result in a higher degree of safety for waste managers and others who handle the wastes.
10. With the options specified, the department eliminated the final item B which was seen as a duplicative reiteration of previous options.