MANAGING CONDITIONALLY EXEMPT SMALL QUANTITIES OF HAZARDOUS WASTE

Waste Management Program Fact Sheet
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This fact sheet provides general information to help Conditionally Exempt Small Quantity Generators (CESQG) manage their hazardous waste safely and legally. It is for general guidance only. Businesses should refer to the appropriate state and federal laws and regulations to determine compliance.

What is hazardous waste?
The Missouri Hazardous Waste Management Law requires all businesses to determine if a waste is a hazardous waste. First, determine if the material is a solid waste. The definition of a solid waste is based on the fact that the material is a waste, not that it is a solid rather than a liquid or gas. Solid wastes include the following materials:

- Materials that have been or are intended to be thrown away
- Materials being stored indefinitely (speculative accumulation)
- Recycled materials
- Inherently waste-like materials
- Waste military weapons and ammunitions that are solid waste as identified in 40 CFR 266.202

A hazardous waste is any solid waste that is flammable, corrosive, reactive, toxic or is listed (identified) as a hazardous waste in federal or state regulations. Hazardous waste listings and definitions are located in the Code of Federal Regulations, Title 40, Part 261, Subparts C and D (40 CFR 261).

What is a CESQG?
Many businesses and institutions generate hazardous waste. Federal and state regulations require hazardous waste generators to meet standards for handling hazardous wastes. The federal regulations are located in 40 CFR 261.5. The state regulations are located in the Missouri Code of State Regulations, Title 10, Division 25, Chapter 4 (10 CSR 25-4.261(2)(A)). The standards the generator must follow depend on the amount and type of hazardous waste generated in one calendar month or accumulated at any one time.

Businesses generating or accumulating very small amounts of hazardous wastes are CESQGs and might be exempt from many, but not all, of the generator standards. A business is a CESQG if it meets all of the following conditions:

- Generates 100 kilograms or less (approximately 220 pounds) of hazardous waste in one calendar month
- Accumulates 100 kilograms or less (approx. 220 pounds) of hazardous waste at any one time
- Generates 1 kilogram or less (approx. 2.2 pounds) of acute hazardous waste in one calendar month
- Accumulates 1 kilogram or less (approx. 2.2 pounds) of acute hazardous waste at any one time

Businesses not meeting all of the above conditions, must register with the department as a hazardous waste generator.
Is a CESQG required to register as a hazardous waste generator?
There are no laws requiring a CESQG to register as a hazardous waste generator. However, some hazardous waste facilities prefer customers to have generator identification numbers. Businesses needing a generator identification number must complete the Notification of Regulated Waste Activity (MO 780-1164) form.

Print and mail the completed form with original ink signature and the required fee to the department. The associated fee is required for new registrations and reactivating registrations. Registering as a generator does not require a business to follow any additional laws. It simply allows a business to get a generator identification number.

How can a CESQG manage their hazardous waste?
According to the Missouri Revised Statutes (RSMo), Chapter 260, Section 432.5 (260.432.5(2), RSMo.), Missouri sanitary landfills are not allowed to accept any but the very smallest amounts of hazardous waste. This ban affects CESQGs by requiring them to find alternatives to sanitary landfill disposal. CESQGs are allowed to dispose of their hazardous waste in an off-site permitted treatment, storage, and disposal (TSD) facility, resource recovery facility or another facility approved by the state.

Whichever way it is decided to manage the businesses’ hazardous waste, remember Missouri law requires management of all wastes in a manner that does not threaten human health or the environment or create a public nuisance. Preventing pollution through source reduction and recycling is a better management option than treatment or destruction technologies and land disposal.

The management options described below are listed in order of the most desirable option first and the least desirable option last.

**Option 1: Pollution Prevention**
Pollution prevention is using materials or procedures that reduce or stop pollutants or wastes at the start of production. It includes practices that reduce the use of hazardous or nonhazardous materials, energy, water or other resources. It also includes activities that protect natural resources through conservation or by more efficient use. Many pollution prevention activities are simple and low-cost, often resulting in large dollar savings.

**Option 2: Waste Exchange**
Waste exchanges put hazardous waste generators with usable wastes in touch with companies who might be able to use the waste as a raw material for their manufacturing or production process. Missouri participates in the Industrial Material Exchange Service in conjunction with the Environmental Improvement and Energy Resources Authority (EIERA).

**Option 3: Business and Trade Association Cooperative**
Businesses might be able to reduce transportation and disposal costs by making shared arrangements with other businesses in their area or asking for help from a trade association to which they belong. Possibilities include the following:

- Work with other CESQGs in the area to arrange a set schedule with a licensed hazardous waste transporter to pick up the hazardous wastes from all CESQGs in the group. Picking up more hazardous waste with fewer runs typically means lower costs for transportation and disposal.
- If a generator belongs to a business or trade association, ask if the organization could help arrange pick up and disposal based on an entire group being represented in the bid process.
- Talk to several hazardous waste transporters and TSD facilities about the most economical methods to manage waste, based on type and frequency of production. A group of potential CESQG customers may be encouraged to have transporter or transfer facility pick-ups and disposals or “at facility drop-off days.”

**Option 4: Recycle**
Recycling helps to preserve raw materials and reduce the amount of waste disposed. Many recycling companies accept specific waste streams, such as solvents or used oils, to recycle at their facility. To make it easier to recycle hazardous waste, keep different types of hazardous wastes in separate containers. Separate non-hazardous waste from hazardous waste. Contact the department’s Permits Section at 573-751-3553 for the names of certified resource recovery facilities that recycle hazardous wastes from off-site facilities.
Purchase recycling equipment to use on-site, such as equipment for distilling contaminated solvents. This equipment may pay for itself over time by reducing the amount of new product bought and lowering disposal costs by reducing the amount of waste requiring disposal. When recycling on-site, there may be residual waste requiring hazardous waste disposal.

CESQGs are not required to get a permit or certification to recycle wastes on-site, but the department’s Hazardous Waste Program must be notified in writing of recycling activities. In the notification, list the following information:

- owner or operator
- name and location of the facility
- waste(s) being recovered
- method(s) of recovery
- approximate amount of waste recovered yearly

Contact the department’s Permits Section at 573-751-3553, for more information on resource recovery.

**Option 5: Universal Waste Rule**
The Universal Waste Rule became effective in Missouri on Jan. 31, 1999. If interested, manage hazardous waste batteries, pesticides, mercury containing thermostats, mercury switches and mercury containing thermometers, manometers and fluorescent and incandescent lamps under this rule. The requirements of this rule are generally less stringent than the existing hazardous waste regulations. You can find more information about this rule in the fact sheet, *The Universal Waste Rule in Missouri (Pub 2058)*.

**Option 6: Publicly Owned Treatment Works System**
If a business is located in an area serviced by a publicly owned treatment works (POTW) system for wastewater and sewage it may be legal to release certain hazardous wastes into the sanitary sewer system. Do not release any waste into the sanitary sewer system without the POTW’s permission. Contact local wastewater officials to discuss the type of wastestream, pretreatment requirements and local ordinances that may apply. Retain written documentation of permission to discharge the hazardous wastes into the sanitary sewer system. Many wastes cannot be released into a sanitary sewer system. Solvents, sludges and pesticides may not be suitable for release. Do not release any hazardous waste into a storm water drain or on-site domestic sewage treatment system.

**Option 7: Hazardous Waste TSD Facility**
If none of the previously mentioned options are possible, send the hazardous waste to a facility that can treat, store or dispose of hazardous waste. These facilities must have either a valid hazardous waste permit or interim status approval from the U.S. Environmental Protection Agency (EPA) to do business as a hazardous waste TSD facility. Missouri facilities must have a valid permit or interim status approval from the department. A list of Missouri commercial TSD facilities is located in the fact sheet, *Missouri Commercial Hazardous Waste Facilities (Pub968)*. For a list of commercial TSD facilities in another state, contact the hazardous waste regulatory agency in that state.

Before shipping waste, contact the facility to verify its current operating status and find out if it can accept the waste. If possible, visit the facility before shipping waste. Learn about the facility’s treatment or disposal process and find out if the facility manages waste properly. If a site visit is not possible, contact the appropriate state regulatory agency and ask about the facility’s compliance history and current regulatory status. Hazardous waste transporters can also be a valuable source of information on facilities currently accepting hazardous waste.

**How should a CESQG transport their hazardous waste?**
CESQGs may transport their own hazardous waste within Missouri to a facility permitted or certified to accept hazardous waste. A manifest or a licensed hazardous waste transporter is not required for self-transporting as long as the threshold amounts of hazardous waste to remain a CESQG are not exceeded. U. S. Department of Transportation requirements may apply to the wastes being shipped.

If a CESQG does not choose to transport its waste, a Missouri licensed hazardous waste transporter is required. For questions regarding the list call the department’s Waste Management Program at 573-751-7560. Hazardous waste transporters may transport CESQG waste only to a facility permitted or certified to accept the waste. The transporter must keep records on the type, amount, source and character of each waste accepted from a CESQG.
Additional Information:
EIERA website: http://eiera.mo.gov/
Missouri Commercial Hazardous Waste Facilities (PUB 968) http://dnr.mo.gov/pubs/pub968.htm
Universal Waste Rule in Missouri (PUB 2058) http://dnr.mo.gov/pubs/pub2058.htm
Missouri Code of State Regulations for Department of Natural Resources
http://www.sos.mo.gov/adrules/csr/current/10csr/10csr
Missouri Revised Statutes http://www.moga.mo.gov/mostatutes/statutesAna.html

Nothing in this document may be used to implement any enforcement action or levy any penalty unless promulgated by rule under chapter 536 or authorized by statute.

For more information
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