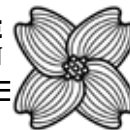




RULES OF  
**Department of Natural Resources**  
**Division 25—Hazardous Waste Management**  
**Commission**  
**Chapter 12—Hazardous Waste Fees and Taxes**

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**TITLE 10 – DEPARTMENT OF NATURAL RESOURCES**  
**Division 25 – Hazardous Waste Management**  
**Commission**  
**Chapter 12 – Hazardous Waste Fees and Taxes**

**10 CSR 25-12.010 Fees and Taxes**

*PURPOSE: This rule identifies fees and taxes assessed for generators; transporters; applicants for licenses, certifications, and permits; owners or operators of hazardous waste treatment, storage, resource recovery, and disposal facilities; and persons seeking variances. (Note: The department bills for the Department of Revenue but is not the collector of fees or taxes for Missouri.) This rule is in addition to federal requirements. The fees in this rule are based on the authority in sections 260.380.1(10)(d) and 260.475.8, RSMo, to revise the hazardous waste fee structure through the rulemaking process. The fees established in this rule are in effect notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this rule.*

(1) Registration of Generators of Hazardous Waste. The following constitutes the registration process for persons subject to the registration requirements pursuant to 10 CSR 25-5.262:

(A) A person subject to registration shall file a completed registration form furnished by the department. The department requires an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration form, the signature requirement will be consistent with the United States Environmental Protection Agency's (EPA's) Cross Media Electronic Reporting Rule for an electronic signature on documents. All generators located in Missouri shall use only the Missouri version of the registration form;

(B) A generator registered as a small quantity generator (SQG) shall comply with the re-notification requirements of 40 CFR 262.18(d) as modified by this paragraph beginning in 2025.

1. Beginning in 2025, any generator registration form submitted to the department to meet the requirements of subsections (A) or (B) of this section in the three (3) calendar years prior to the current year will be considered to have met the re-notification requirement;

(C) The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize treatment, storage, or disposal and to ensure proper hazardous waste management;

1. Generators that have the following activities shall mark the appropriate box on the generator registration form and complete the corresponding addendum to the registration form:

A. Management of Hazardous Secondary Materials;

B. Episodic Event. In addition to the requirements of 40 CFR 262 subpart L, generators must meet the following conditions to be able to use the episodic event:

(I) A generator must have an EPA ID and have paid the registration fee or pay the registration fee with the episodic event notification;

(II) In the event the department determines that an episodic event notification does not meet the definition of an episodic event, the department will register the generator at the appropriate higher generator status and require the generator to pay the rest of the appropriate registration fee; and

(III) A very small quantity generator (VSQG) that has

an episodic event must meet the SQG reporting requirements for the reporting year(s) in which the event took place; or

C. Large quantity generator (LQG) consolidation of VSQG waste;

(D) All new generator registration and renewal fees will be based upon the generator status of the generator. The fee schedule is as follows:

1. A generator registering as a LQG shall pay a registration fee of five hundred dollars (\$500);

2. A generator registering as a SQG shall pay a registration fee of one hundred fifty dollars (\$150); and

3. A generator registering as a VSQG shall pay a registration fee of one hundred fifty dollars (\$150);

(E) A registration fee will be paid with the submittal of the registration form required by subsection (1)(A) when one (1) of the following is true:

1. The generator is applying for a new ID number (initial registration);

2. The generator is reactivating an existing ID number that had been inactivated;

3. There has been a change in the ownership of the generator (initial registration for the new company); or

4. Any generator who changes its generator status to a status that has a higher registration fee than the fee that the generator has already paid for the year as required by this subsection shall pay the difference between the registration fee for the current status and the registration fee of the new status; and

(F) The department will immediately revoke the registration of any person who pays the registration fee with what is found to be an insufficient check.

(2) Registration Renewal of Generators of Hazardous Waste.

(A) The calendar year constitutes the annual registration period.

(B) Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration.

(C) Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but does not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, the generator shall pay the annual renewal fee.

(D) The department will administratively inactivate the registration of any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing, and the generator will be subject to enforcement action for failure to properly maintain its registration.

(E) Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department.

(F) Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department.

(G) The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check.



(H) The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

**(3) Hazardous Waste Summary Report.**

(A) All generators subject to registration in accordance with 10 CSR 25-5.262 shall complete a Generator's Hazardous Waste Summary Report on a form provided by the department; or on a reproduction of the form provided by the department; or a form arranged in the same manner as the form provided by the department after review and approval by the department; or electronically through the department's system built to collect the data that would have been placed on the paper form. In the event that the department develops a cost-effective means of obtaining and utilizing the data in EPA's e-Manifest system, the reporting requirements on hazardous waste generated will be eliminated with the following exceptions:

1. The hazardous waste generated was not shipped using a hazardous waste manifest;
2. The hazardous waste generated was shipped to a treatment, storage, and disposal facility located in a foreign country; and
3. To claim that the waste that was generated is not subject to a particular fee or fees.

(B) A person required to file the Generator's Hazardous Waste Summary Report who does not ship any hazardous wastes or who makes only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or is defined as a SQG for the entire reporting year, or is defined as an LQG and filing their report electronically in a manner prescribed by the department, may file an annual report covering the July 1 to June 30 reporting year by August 14 following the reporting year period. LQG's can elect to report quarterly.

1. A generator that files a quarterly report within a particular reporting year shall file quarterly reports for the entire reporting year, even if the generator becomes eligible to file an annual report in the middle of the reporting year.

(C) A generator who is registered with the department shall report the quantity, type, and status of all hazardous waste(s) shipped off site during the reporting period on the Generator's Hazardous Waste Summary Report regardless of the destination of the shipment(s).

(D) When a generator reports a hazardous waste using a unit of volume, and fails to report the specific gravity of the waste, the department shall calculate the tonnage for that waste based on a specific gravity of 1.5.

(E) The Generator's Hazardous Waste Summary Report shall be signed and certified by an authorized representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3.

(F) The generator filing quarterly reports shall submit the completed Generator's Hazardous Waste Summary Report within forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal date of November 14 of the same year; and October 1 through December 31, with a submittal date of February 14 of the following year.

(G) A generator shall submit the information in 40 CFR 261.4(e)(2)(v)(C) incorporated by reference in 10 CSR 25-4.261(1) to the department along with the completed Generator's Hazardous Waste Summary Report.

(H) The department will administratively inactivate the registration of any generator that fails to file the Generator's Hazardous Waste Summary Report. The generator's registration will be reactivated after all reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.

**(4) Facility Summary Report.**

(A) SQGs or LQGs that generate and manage hazardous waste on site shall complete the Facility Summary Report.

(B) The owner or operator of a hazardous waste management facility shall –

1. Comply with the reporting requirements in section (3) of this rule regardless of whether the owner or operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.;

2. In addition to the reporting requirements in section (3) of this rule for hazardous waste generated on-site and shipped off-site for treatment, storage, or disposal, meet the same requirements for the following:

A. All hazardous waste generated on-site during the reporting period that is managed on-site; and

B. All hazardous waste received from off-site during the reporting period, including hazardous waste generated by another generator and hazardous waste generated at other sites under the control of the owner or operator.

(C) When a facility reports a hazardous waste using a unit of volume, and fails to report the specific gravity of the waste, the department shall calculate the tonnage for that waste based on a specific gravity of 1.5.

(D) All facilities subject to this section shall complete a Facility Summary Report on a form provided by the department; or on a reproduction of the form provided by the department; or a form arranged in the same manner as the form provided by the department after review and approval by the department; or electronically through the department's system built to collect the data that would have been placed on the paper form. In the event that the department develops a cost-effective means of obtaining and utilizing the data in EPA's e-Manifest system, the reporting requirements on manifested waste will be eliminated. Reporting of hazardous wastes that are not manifested will still be required.

(5) Hazardous Waste Fees Applicable to Generators of Hazardous Waste. The fees in this section apply notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this section.

(A) A payment for any of the fees contained in this chapter will be considered late in the following circumstances:

1. A credit card or other form of electronic payment is received after the applicable deadline set in rule;

2. A check has a date after the applicable deadline set in rule;

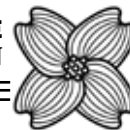
3. A check arrives in an envelope that has a postmark after the applicable deadline set in rule;

4. A check is delivered directly to the department after the applicable deadline set in rule; and

5. A check dated prior to the deadline set in rule is received fourteen (14) days or later after the applicable deadline set in rule and the envelope does not have a postmark to indicate when it was mailed.

(B) In-State Waste Fee. A generator of hazardous waste shall pay the In-State Waste Fee annually in accordance with this subsection.

1. The fee shall be paid annually on or before January 1 of



each year.

2. The fee shall be based on the waste reported to the department for the twelve- (12-) month period ending June 30 of the previous year.

3. For the purpose of calculating this fee, any portion of a ton shall be assessed as though it were a whole ton.

4. The first ton of waste generated each year shall be assessed a fee of two hundred dollars (\$200).

5. Each additional ton of waste shall be assessed a fee of six dollars and ten cents (\$6.10).

6. No generator site may be assessed a fee in excess of fifty-seven thousand dollars (\$57,000) for any given year.

7. Failure to pay this fee in full by the due date shall result in the imposition of a late fee equal to fifteen percent (15%) of the total original fee.

EXAMPLES OF IN-STATE WASTE FEE CALCULATION (These examples are for the rates that go into effect beginning with the July 1, 2016, to June 30, 2017, reporting year.)

Example 1. ABC Company reports 0.4 tons of hazardous waste. The number of tons would be rounded to 1 ton. The fee would be \$200 because the fee on the 1st ton of waste is \$200.

Example 2. ABC Company reports 25 tons of hazardous waste.

$\$6.10 \times 24 \text{ tons} + \$200 \text{ for 1st ton} = \$346.40 \text{ fee}$

Example 3. ABC Company reports 11,001 tons of hazardous waste.

$\$6.10 \times 11,000 \text{ tons} + \$200 \text{ for 1st ton} = \$67,300 \text{ fee}$

The fee would be \$57,000 because that is the maximum annual fee.

8. No fee will be assessed on hazardous waste that is discharged by a generator to a municipal wastewater treatment plant that is regulated by a permit issued by the Missouri Clean Water Commission.

(C) Land Disposal Fee. A generator subject to registration in accordance with 10 CSR 25-5.262 shall pay a land disposal fee in accordance with this subsection. The fee shall be paid annually, on or before January 1 of each year, at the rate of twenty-nine dollars and fifty cents (\$29.50) per ton or portion thereof for the hazardous waste reported to the department for the twelve- (12-) month period ending June 30 of the previous year, having been discharged, deposited, dumped, or placed into or on the soil as a final action. No fee will be assessed on generators who land dispose less than ten (10) tons of hazardous waste. The fee rate assessed will be based on the reporting year the waste was generated.

1. Failure to pay this fee in full by the due date shall result in a fifteen percent (15%) late fee being assessed on the amount owed.

2. When this fee is paid after the prescribed due date, interest shall be assessed on the period from the fee's due date to the date the fee is paid in full at an annual rate of ten percent (10%).

EXAMPLES OF LAND DISPOSAL FEE CALCULATION (These examples are for the rates that go into effect beginning with the July 1, 2016, to June 30, 2017, reporting year.)

Example 1. ABC Company reports land disposing 9.8 tons of hazardous waste. The fee would not be assessed since less than 10 tons of waste was land disposed.

Example 2. ABC Company reports land disposing exactly 10 tons of hazardous waste.

$\$29.50 \times 10 \text{ tons} = \$295 \text{ fee}$

Example 3. ABC Company reports land disposing 124.3 tons of hazardous waste. The number of tons would be rounded to 125.

$\$29.50 \times 125 \text{ tons} = \$3,687.50 \text{ fee}$

(D) *(Reserved)*

(E) Out-of-State Waste Fee. All owners or operators of Missouri treatment, storage, or disposal facilities shall pay annually, on or before January 1 of each year, a fee to the department of two dollars (\$2) per ton or portion thereof for all hazardous waste received from outside the state. This fee shall be based on the hazardous waste received for the twelve- (12-) month period ending June 30 of the previous year. This fee shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri. Failure to pay this fee in full by the due date shall result in imposition of a late fee equal to fifteen percent (15%) of the total original fee.

EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

Example 1. ABC Company reports receiving 250 tons of hazardous waste from outside of Missouri.

$\$2 \times 250 \text{ tons} = \$500 \text{ fee}$

Example 2. ABC Company reports receiving 410.6 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 411.

$\$2 \times 411 \text{ tons} = \$822 \text{ fee}$

Example 3. ABC Company reports receiving 52,149.3 tons of hazardous waste from outside of Missouri. The number of tons would be rounded to 52,150.

$\$2 \times 52,150 \text{ tons} = \$104,300 \text{ fee}$

(F) The department will bill those generators whose records on file indicate that they are subject to the fees in sections (2) and (5) of this rule. However, if a generator does not receive a billing, it does not relieve the generator of the responsibility to pay the fees imposed by this rule.

(6) Fees and Taxes Applicable to Transporters of Hazardous Waste.

(A) A transporter subject to registration as a generator under 10 CSR 25-6.263, in accordance with 10 CSR 25-5.262, shall pay fees and taxes specified in sections (1), (2), and (5) of this rule.

(B) A transporter depositing hazardous waste at a hazardous waste landfill who pays the gross fee on behalf of a generator or who pays the gross fee due to the transporter's status as a generator shall pay a landfill tax to the owner or operator of the landfill, in accordance with subdivision 260.390.2, RSMo, when depositing that waste at the landfill.

(C) A hazardous waste transporter as defined at 10 CSR 25-3.260, except those exempted in subsection (E) of this section, requesting a hazardous waste transporter license in accordance with 10 CSR 25-6.263 shall submit to the department along with



their license application the following fees:

1. An annual application fee of two hundred dollars (\$200); and

2. A use-based fee, calculated by adding the total licensed vehicle weight (LVW) of power units, and multiplying by the percentage of Missouri International Registration Plan (IRP) mileage (MOIRP) by the percent hazardous waste (HW) times a use rate of .0425. The formula is:  $LVW \times \%MOIRP \times \%HW \times .0425 = \text{Use Fee}$ . Fee calculations shall be submitted on forms furnished by the department in its application packet. Transporters shall base all calculations on the period of twelve (12) consecutive months immediately prior to July 1 immediately preceding the date of the license application. This time frame is known as the "previous year."

A. For those power units which utilize the International Registration Plan (IRP) or 7 CSR 10-25.030 for apportioned registration, the transporter shall use the reported Missouri IRP mileage for the previous year.

B. For those power units not required to track IRP miles, the transporter shall calculate MOIRP mileage by dividing the Missouri mileage of their power units by total mileage for the previous year.

C. The percentage of hazardous waste will be the number of hazardous waste, used oil, or infectious waste truckloads from, to, or through Missouri, divided by the total truckloads from, to, or through Missouri, in the form of a percentage, for the previous year.

D. New transporters who wish to obtain a hazardous waste license and have no "previous year" history of hauling hazardous waste shall calculate license fees based on estimates of MOIRP mileage and percent hazardous waste.

(I) If an estimate is used to calculate the license fee, the transporter shall, within sixty (60) days of the expiration of the license, report the actual Missouri mileage and percent hazardous waste for the current license year. The renewal fee will include the license fee for the next year, plus any money owed the department due to an underestimation of the current year, plus ten percent (10%).

(II) No refunds will be issued by the department, but the department will issue credit for license fees in excess of ten percent (10%) (overestimation) for the next license year.

E. A transporter who wishes to add another power unit other than when applying for the annual license shall submit, along with power unit descriptions, a fee computed from this formula:  $LVW \text{ of power unit} \times \%MOIRP \times \%HW \times .0425 = \text{Use Fee}$ . Divide this figure by twelve (12), then multiply by the number of months remaining in the license year to derive the fee.

F. To replace one (1) power unit for another (due to accident, sale, or extended maintenance) submit all the required information for the replacement and a license certificate will be issued for that power unit for a limited period.

G. A temporary permit can be issued for thirty (30) days for a fee of fifty dollars (\$50) for a power unit that is, for example, a temporary lease that is added to the fleet; and

3. The total fee shall not exceed twenty-five thousand dollars (\$25,000) per transporter per year.

(D) Recordkeeping and Reporting.

1. Licensed transporters, except those exempted in subsection (E) of this section, shall maintain all documentation used in calculating Missouri hazardous waste transporter license fees for a period of three (3) years following the expiration of the license. Transporters who reach the maximum payment are relieved of recordkeeping requirements and are also free to add or replace power units as necessary during the license year.

2. All documentation used to calculate Missouri hazardous waste transporter license fees must be provided to the department, upon request, within fifteen (15) calendar days from the date of receipt.

(E) Other than power units, transporters are not subject to the requirements of subsections (C) and (D) of this section. The license fee for each mode of transport other than power units shall be three hundred fifty dollars (\$350) per transporter per year. A non-power unit transporter shall not originally include, nor add, more than one (1) mode on the same license. For example, for a rail transport license, do not include power unit hazardous waste transportation.

(F) License renewals submitted within twelve (12) months of the effective date of this rule may be considered a new license and therefore subject to the provisions of 10 CSR 25-12.010(6) (C)2.D.(I) and (II) applicable to newly licensed transporters. The determining factor will be whether or not the transporter has been keeping accurate records of MOIRP mileage and Missouri hazardous waste percentage for the previous year. If the transporter has accurate figures for the previous year, then the license will be an actual renewal.

(7) Fees and Taxes Applicable to Applicants for Permits or Certifications and to Owners or Operators of Treatment, Storage, and Disposal Facilities.

(A) An owner or operator of a hazardous waste treatment, storage, or disposal facility shall pay fees and taxes as specified in (1)(D), (2), and (5)(A), (B), and (D) of this rule. An owner or operator of a hazardous waste treatment, storage, and disposal facility also shall pay fees and taxes as specified in section (5) of this rule for hazardous waste which is transported off-site for final disposition. (Note: These fees are not applicable to waste transported off-site for storage only; however, the fees are applicable to the waste transported from the storage facility to the point of final disposition except as provided in section (5).)

(B) A permit applicant shall pay the following fees upon application as specified in section 260.395.7(5), RSMo: One thousand dollars (\$1,000) for each hazardous waste management treatment, storage, or disposal facility. The fee shall be submitted with the application. The fee shall cover the first year of the permit, if issued, but the fee is not refundable if the permit is not issued. If the permit is to be issued for more than one (1) year, the applicant shall pay fees as specified in subsection (7)(C) of this rule.

(C) A permit applicant shall pay the following fees as specified in section 260.395.7(5), RSMo, and pursuant to 10 CSR 25-7.270(2)(C)1.A.: One thousand dollars (\$1,000) for each hazardous waste management treatment, storage, or disposal facility for each year the permit is to be in effect beyond the first year.

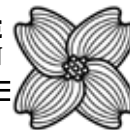
(D) An applicant for a hazardous waste treatment, storage, or disposal facility permit shall pay all applicable costs pursuant to 10 CSR 25-7.270(2)(B)6., and as specified by sections 260.395.7(6) and 260.395.14(2), RSMo, for engineering and geological review. Those costs for engineering and geological review will be billed in the following categories:

1. The project engineer's and geologist's time expended in the following areas:

A. Supervision of field work undertaken to collect geologic and engineering data for submission with the permit application or resource recovery certification application;

B. Review of geologic and engineering plans submitted in relation to the permit application;

C. Assessment and attesting to the accuracy and adequacy of the geologic and engineering plans submitted in



relation to the permit application; and

D. The project engineer's and geologist's time billed at the engineer's and geologist's hourly rates multiplied by a fixed factor of three and one-half (3 1/2). This fixed factor is comprised of direct labor; fringe benefits including but not limited to insurance, medical coverage, Social Security, Workers' Compensation, and retirement; direct overhead, including but not limited to clerical support and supervisory engineering review and Waste Management Program administrative and management support; general overhead, including but not limited to utilities, janitorial services, building expenses, supplies, expenses and equipment, and department indirect costs; and engineering support, including but not limited to training, peer review, tracking, and coordination;

2. The direct costs associated with travel to the facility site to supervise any field work undertaken to collect geologic and engineering data or to ascertain the accuracy and adequacy of geologic and engineering plans, or both, including but not limited to expenses actually incurred for lodging, meals, and mileage based on the rate established by the state of Missouri. These costs are in addition to the costs in paragraph (7)(D)1. of this rule; and

3. Costs directly associated with public notification and departmental public hearings, including legal notice costs, media broadcast costs, mailing costs, hearing officer costs, court reporter costs, hearing room costs, and security costs, will be billed to the applicant. In a contested case as defined in section 536.070(4), RSMo, costs related to preparing and supplying one (1) copy of the transcript(s) of the case shall not be charged to the applicant.

(E) An owner or operator of a hazardous waste landfill shall collect, on behalf of the state, from each generator or transporter, a tax equal to two percent (2%) of the gross charges and fees charged the generator for disposal at the landfill. The tax shall be accounted for separately on the statement of charges and fees made to the hazardous waste generator and shall be collected at the time of collection of the charges and fees.

(8) Corrective Action Oversight Cost Recovery.

(A) In accordance with section 260.375(30), RSMo, owners or operators of hazardous waste facilities performing corrective action pursuant to sections 260.350 to 260.433, RSMo, and the rules promulgated thereunder shall pay to the department all reasonable costs, as determined by the commission, incurred by the department in the oversight of corrective action investigations, monitoring, or cleanup of releases of hazardous waste or hazardous constituents at hazardous waste facilities. Oversight shall include review of the technical and regulatory aspects of corrective action plans, reports, documents, and associated field activities, including attesting to their accuracy and adequacy. All corrective action plans approved by the department pursuant to sections 260.350 to 260.433, RSMo, shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify within ninety (90) days that the corrective action plan has been complied with and completed. Within thirty (30) business days thereafter, and provided that the department agrees that the corrective plan has been complied with and completed, the department shall issue a letter to the owner or operator certifying the completion and compliance.

(B) Corrective action cost recovery billing shall be based on the hourly rate(s) of departmental staff performing corrective action oversight multiplied by a fixed factor of three and one-half (3 1/2). This fixed factor is comprised

of direct labor; fringe benefits including but not limited to insurance, medical coverage, Social Security, Workers' Compensation, and retirement; direct overhead, including but not limited to clerical support and supervisory review and Waste Management Program administrative and management support; general overhead, including but not limited to utilities, janitorial services, building expenses, supplies, expenses and equipment, and department indirect costs; and other support activities, including but not limited to training, peer review, tracking, and coordination.

(C) The direct costs associated with travel to hazardous waste facilities for the purpose of corrective action oversight including but not limited to expenses actually incurred for lodging, meals, and mileage based on the rates established by the state of Missouri shall be recoverable. These direct costs shall be billed to the owner or operator and are in addition to the costs in subsection (8)(B) of this rule.

(D) Corrective action-related costs directly associated with public notification and departmental public hearings, including legal notice costs, media broadcast costs, mailing costs, hearing officer costs, court reporter costs, hearing room costs, and security costs, shall be billed to the owner or operator. In a contested case as defined in section 536.070(4), RSMo, costs related to preparing and supplying one (1) copy of the transcript(s) of the case shall not be charged to the owner or operator.

(E) All funds remitted by owners or operators of hazardous waste facilities performing corrective action shall be deposited in the hazardous waste fund created in section 260.391, RSMo.

(9) Variance Fee. Any person seeking a variance under 10 CSR 25 shall include a filing fee of fifty dollars (\$50) payable to Missouri with each petition as required by section 260.405.4(1), RSMo.

*AUTHORITY: sections 260.370, 260.390, and 260.395, RSMo 2016, and sections 260.380, 260.391, 260.437, and 260.475, RSMo Supp. 2024.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Aug. 14, 1986, effective Jan. 1, 1987. Amended: Filed Sept. 1, 1987, effective Dec. 28, 1987. Amended: Filed Dec. 1, 1987, effective May 1, 1988. Amended: Filed Dec. 29, 1987, effective May 1, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 30, 1988. Amended: Filed Sept. 14, 1989, effective Dec. 29, 1989. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Sept. 5, 1990, effective April 29, 1991. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Sept. 4, 1991, effective Feb. 6, 1992. Amended: Filed Aug. 14, 1992, effective May 5, 1993. Amended: Filed April 4, 1994, effective Oct. 30, 1994. Amended: Filed June 16, 1995, effective Jan. 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed April 30, 1999, effective Nov. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 17, 2001, effective Aug. 30, 2002. Amended: Filed April 2, 2002, effective Nov. 30, 2002. Amended: Filed March 27, 2003, effective Dec. 30, 2003. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed June 15, 2015, effective Jan. 30, 2016. Amended: Filed June 14, 2018, effective March 30, 2019. Amended: Filed Aug. 30, 2019, effective March 30, 2020. Emergency amendment filed March 12, 2020, effective March 27, 2020, expired Sept. 22, 2020. Amended: Filed May 29, 2020, effective Nov. 30, 2020. \*\*Amended: Filed July 10, 2024, effective Feb. 28, 2025.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.380, RSMo 1977, amended 1980, 1985, 2000, 2004, 2005, 2011, 2013, 2014, 2018, 2023; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; 260.391, RSMo 1980, amended 1993, 2000, 2005, 2018; 260.395, RSMo 1977, amended 1980, 1983, 1985,*



1988, 2000, 2013, 2015; 260.437, RSMo 1983, amended 1995, 2022; and 260.475, RSMo 1983, amended 1985, 1988, 1994, 1999, 2000, 2004, 2005, 2011, 2013, 2014, 2018, 2023.

*\*\*Pursuant to Executive Order 21-07, 10 CSR 25-12.010, section (1) was suspended from April 19, 2021 through June 30, 2021.*

### **10 CSR 25-12.020 Hazardous Waste Compliance Inspection Fees**

*PURPOSE: This rule sets fees to be paid to the department by owners or operators of commercial hazardous waste treatment, storage, and disposal facilities. The fees will fund hazardous waste compliance inspections at these facilities. This rule also establishes procedures for billing and payment of the fees.*

(1) Applicability. Pursuant to section 260.370.2, RSMo, this rule is applicable to owners or operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous waste facility permit and who accept, on a commercial basis for remuneration, hazardous waste from off-site sources for treatment, storage, or disposal. If multiple facilities with unique United States Environmental Protection Agency (U.S. EPA) identification numbers are owned or operated by a person or company, the inspection fees applicable under this rule shall be paid by the owner or operator for each facility with a unique U.S. EPA identification number.

(2) Fees Applicable to Commercial Hazardous Waste Treatment, Storage, and Disposal Facilities for Compliance Inspections.

(A) An annual fee not to exceed the values in Table 1 of this rule shall be assessed to each operating commercial hazardous waste treatment, storage, or disposal facility for hazardous waste compliance inspections. The applicable inspection fee in Table 1 shall be based on the volume of hazardous waste managed by the facility that was received from off-site sources during the period of July 1 of each year through June 30 of the following year. The department will use the data reported in the facility quarterly manifest summary reports that are submitted by the facility as required by 10 CSR 25-12.010(4) to determine the amount of off-site waste managed by each facility.

(B) For new facilities for which there is no facility quarterly manifest summary report data available, the facility shall submit to the department an estimate of the volume of hazardous waste that will be managed during the period from the date hazardous waste is first received from off site to the following June 30. This estimate shall be provided to the department no later than thirty (30) days prior to the first expected receipt of hazardous waste from off site. This estimate shall be submitted to the Director, Waste Management Program, Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102. The inspection fee for new facilities shall be determined from Table 1 using the estimated volume of waste to be received from off site for treatment, storage, or disposal during the first year of operation. Existing facilities which have not received hazardous waste from off-site sources during the period of July 1 of each year through June 30 of the following year, and facilities which have changed ownership, will be considered new facilities for purposes of determining the applicable inspection fee from Table 1.

**Table 1**

**Yearly Inspection Fees Based on Volume of Hazardous Waste Accepted**

Metric Tons (kkg) of Hazardous Waste Received from Off-Site Sources	Annual Fee
10,000 kkg or more	\$12,000
2,500 to 9,999 kkg	\$10,800
0 to 2,499 kkg	\$9,800

(3) Billing and Payment of Compliance Inspection Fees.

(A) The department shall bill each facility by December 1 of each year for payment of inspection fees. The facility shall pay the inspection fees on or before January 1. (Note: The inspection fee money collected from hazardous waste facilities, which has been determined from the facility quarterly manifest summary report data as specified in subsection (2)(A) and Table 1 of this rule, will fund compliance inspections for the following calendar year.)

(B) For new facilities for which there is no facility quarterly manifest summary report data available, the inspection fee bill shall be based on an estimate of the volume of hazardous waste to be accepted from off-site sources. The facility shall provide this estimate to the department as specified in subsection (2)(B) of this rule. The department shall issue a bill to the facility based on the volume estimate provided by the facility in accordance with subsection (2)(B) and Table 1 of this rule within thirty (30) days of receipt of this information. The facility shall submit payment of the required inspection fees within thirty (30) days of the department billing. (Note: The inspection fee money collected in accordance with this subsection will fund compliance inspections for the remainder of the calendar year in which the fee is billed.)

1. If, at the time of the next scheduled billing cycle, the department determines that the facility has overestimated inspection fees based on the actual amount of off-site hazardous waste managed during the initial period of operation, the facility will be credited for the amount of the overestimate for the following year. No refunds of inspection fee overestimates will be made.

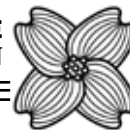
2. If, at the time of the next scheduled billing cycle, the department determines that the facility has underestimated inspection fees based on the actual amount of off-site hazardous waste managed during the initial period of operation, the facility will be billed by the department for the amount of the underestimate. Payment of this fee shall be required within thirty (30) days of the facility's receipt of the department's billing.

(C) Inspection fee payments shall be made payable to Missouri, Director of Revenue. Inspection fee money shall be deposited into the hazardous waste fund as specified in section 260.391.3., RSMo.

(D) Any facility which fails to pay inspection fees by the applicable date specified in this rule shall be required to pay a penalty in addition to the inspection fee. The penalty shall be equal to fifteen percent (15%) of the fees due. In addition, if the fees are not paid by the required date, the facility shall pay interest at a rate of twelve percent (12%) per annum on any amounts owed.

(E) A payment for any of the fees contained in this chapter will be considered late in the following circumstances:

1. A credit card or other form of electronic payment is received after the applicable deadline set in rule;



2. A check has a date after the applicable deadline set in rule;

3. A check arrives in an envelope that has a postmark after the applicable deadline set in rule;

4. A check is delivered directly to the department after the applicable deadline set in rule; and

5. A check dated prior to the deadline set in rule is received fourteen (14) days or later after the applicable deadline set in rule and the envelope does not have a postmark to indicate when it was mailed.

(4) This rule does not preclude the department from seeking from commercial hazardous waste facilities recovery of costs incurred by the department as a result of any enforcement action against any hazardous waste facility.

*AUTHORITY: sections 260.370 and 260.390, RSMo 2016, and section 260.391, RSMo Supp. 2024.\* Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed March 22, 1996, effective Nov. 30, 1996. \*\* Amended: Filed July 10, 2024, effective Feb. 28, 2025.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.391, RSMo 1980, amended 1993, 2000, 2005, 2018.*

*\*\*Pursuant to Executive Order 21-07, 10 CSR 25-12.020, subsection (3)(D) was suspended from April 19, 2021 through June 30, 2021.*