



RULES OF

Department of Natural Resources

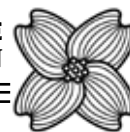
Division 25—Hazardous Waste Management

Commission

Chapter 3—Hazardous Waste Management System:

General

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TITLE 10 – DEPARTMENT OF NATURAL RESOURCES
Division 25 – Hazardous Waste Management
Commission
Chapter 3 – Hazardous Waste Management System:
General

10 CSR 25-3.010 Definitions

(Rescinded October 1, 1986)

AUTHORITY: sections 260.350–260.550, RSMo 1978. Original rule filed April 12, 1979, effective Jan. 1, 1980. Amended: Filed Jan. 13, 1981, effective May 13, 1981. Amended: Filed March 13, 1981, effective July 13, 1981. Rescinded and readopted: Filed Aug. 6, 1981, effective Dec. 14, 1981. Amended: Filed Dec. 10, 1982, effective June 13, 1983. Amended: Filed Dec. 13, 1983, effective June 18, 1984. Amended: Filed Aug. 14, 1984, effective March 1, 1985. Amended: Filed March 14, 1985, effective July 19, 1985. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.

**10 CSR 25-3.260 Definitions, Modifications to Incorporations,
and Confidential Business Information**

PURPOSE: This rule sets forth definitions and delisting procedures. This rule incorporates the federal regulations in 40 CFR part 260 by reference. This rule also outlines a number of specific substitutions between the state and federal regulations that are necessary for incorporation by reference.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The regulations set forth in 40 CFR part 260, July 1, 2024, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference, subject to the following additions, modifications, substitutions, or deletions. This rule does not incorporate any subsequent amendments or additions.

(A) Except where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation, or statute that is referenced in 40 CFR parts 260–270, 273, and 279, and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule, or statute. Where conflicting rules exist in 10 CSR 25, the more stringent rules control, but in no circumstance shall the more stringent rule violate the statutory requirements set forth in section 260.373, RSMo.

1. “Director” is substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

2. “Missouri Department of Natural Resources” is substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo” is substituted for “Section

3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7), and 260.390(7), RSMo” is substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo” is substituted for “Section 3008 of RCRA.”

6. “10 CSR 25-3.260” is substituted for any reference to 40 CFR part 260.

7. “10 CSR 25-4.261” is substituted for any reference to 40 CFR part 261.

8. “10 CSR 25-5.262” is substituted for any reference to 40 CFR part 262.

9. “10 CSR 25-6.263” is substituted for any reference to 40 CFR part 263.

10. “10 CSR 25-7.264” is substituted for any reference to 40 CFR part 264.

11. “10 CSR 25-7.265” is substituted for any reference to 40 CFR part 265.

12. “10 CSR 25-7.266” is substituted for any reference to 40 CFR part 266.

13. “10 CSR 25-7.268” is substituted for any reference to 40 CFR part 268.

14. “10 CSR 25-7.270” is substituted for any reference to 40 CFR part 270.

15. “10 CSR 25-8.124” is substituted for any reference to 40 CFR part 124.

16. “10 CSR 25-11.279” is substituted for any reference to 40 CFR part 279.

17. “10 CSR 25-16.273” is substituted for any reference to 40 CFR part 273.

18. “Sections 260.350–260.433, RSMo” is substituted for “Subtitle C of RCRA,” or “RCRA,” except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

19. “Section 260.380.1(1), RSMo” is substituted for “Section 3010 of RCRA.”

20. “Section 260.420, RSMo” is substituted for “Section 7003 of RCRA.”

21. “Waste within the meaning of section 260.360(22), RSMo” is substituted for “solid waste within the meaning of section 1004(27) of RCRA.” Residual materials specified as wastes under section 260.360(22), RSMo, means any solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. “Section 260.360(9), RSMo” is substituted for “Section 1004(5) of RCRA.”

23. “Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(2)(A), and 10 CSR 25-7.270(2)(B)” is substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2, or Section 3007(b) of RCRA.

24. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 are hazardous waste and are regulated under sections 260.350–260.433, RSMo, and 10 CSR 25. A person shall manage all hazardous waste that is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.3, RSMo.

25. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action will be considered an exception or exemption based on the conditions set forth in the federal regulation incorporated by reference or the omission from regulation.



(2) This section sets forth specific modifications to the regulations incorporated in section (1) of this rule. (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

(A) The following are changes to 40 CFR part 260 subpart A incorporated in this rule:

1. Confidential business information and availability of information. 40 CFR 260.2 is not incorporated in this rule. In lieu of those provisions, the following applies to confidential business information and the availability of information:

A. Any information provided to the department under 10 CSR 25 will be made available to the extent and in the manner authorized by Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, and 10 CSR 25-7.270(2)(B)2. as applicable; and

B. Any person who submits information to the department in accordance with 10 CSR 25 may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information that requests protection of specific information from disclosure. Information covered by this claim will be disclosed by the department to the extent and by means of the procedures set forth in Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it. The department will respond to requests for protection of business information within twenty (20) business days.

(B) Definitions. *(Reserved)*

(C) 40 CFR part 260 subpart C, Rulemaking Petitions.

1. General. *(Reserved)*

2. Petitions for equivalent testing or analytical methods. 40 CFR 260.21 is not incorporated by reference.

3. Petitions to amend part 261 to exclude a waste produced at a particular facility. 40 CFR 260.22 is not incorporated by reference.

4. Petitions to amend 40 CFR part 273 to include additional hazardous wastes. *(Reserved)*

5. Non-waste determinations and variances from classification as a solid waste. 40 CFR 260.30 is not incorporated by reference.

6. Standards and criteria for variances from classification as a solid waste. 40 CFR 260.31 is not incorporated by reference.

7. Variances to be classified as a boiler. 40 CFR 260.32 is not incorporated by reference.

8. Procedures for variances from classification as a solid waste, for variances to be classified as a boiler, or for non-waste determinations. 40 CFR 260.33 is not incorporated by reference.

9. Standards and criteria for non-waste determinations. 40 CFR 260.34 is not incorporated by reference.

(3) Missouri Specific Definitions. Definitions of terms used in 10 CSR 25. This section sets forth definitions which modify or add to those definitions in 40 CFR parts 60, 260–270, 273, and 279 and 49 CFR parts 40, 171–180, 383, 387, and 390–397.

(A) Definitions beginning with the letter A.

1. Abandoned or uncontrolled means any property where hazardous waste has been disposed of illegally or where hazardous waste was disposed of prior to regulation under sections 260.350–260.433, RSMo.

2. Attenuation means any physical, chemical, or biological reaction, or a combination of both, transformation occurring in the zone of aeration or zone of saturation that brings

about a temporary or permanent decrease in the maximum concentration or total quantity of an applied chemical or biological constituent in a fixed time or distance traveled.

(B) Definitions beginning with the letter B. *(Reserved)*

(C) Definitions beginning with the letter C.

1. CFR means the *Code of Federal Regulations*.

2. CSR means the *Missouri Code of State Regulations*.

3. Commission means the Hazardous Waste Management Commission of Missouri created by section 260.365, RSMo.

(D) Definitions beginning with the letter D.

1. Department means the Missouri Department of Natural Resources.

2. Director means the director of the Missouri Department of Natural Resources.

3. DOT means the United States Department of Transportation.

(E) Definitions beginning with the letter E. *(Reserved)*

(F) Definitions beginning with the letter F.

1. Farmer means a person primarily engaged in the production of crops, livestock, or both, for agricultural purposes.

(G) Definitions beginning with the letter G.

1. Generation means the act or process of producing hazardous waste.

(H) Definitions beginning with the letter H.

1. Hazardous waste means any waste or combination of wastes as defined by or listed in 10 CSR 25-4 and section 260.360(11), RSMo.

2. Hazardous waste transporter means any person or company conducting activities in Missouri that require a hazardous waste transporter license pursuant to 10 CSR 25-6.263. These activities may include but are not limited to transportation of hazardous wastes, used oil, and infectious wastes by highway, railway, or waterway.

3. Household hazardous waste means any household waste excluded from regulation as hazardous waste by 40 CFR 261.4(b)(1) but otherwise meets the definition of hazardous waste in paragraph (3)(H)1. of this rule.

(I) Definitions beginning with the letter I.

1. Identification number means the unique code assigned to each hazardous waste, each hazardous waste generator, transporter, or facility pursuant to these rules.

(J) Definitions beginning with the letter J. *(Reserved)*

(K) Definitions beginning with the letter K. *(Reserved)*

(L) Definitions beginning with the letter L. *(Reserved)*

(M) Definitions beginning with the letter M.

1. Missouri hazardous waste mileage means the total fleet miles that materials requiring a hazardous waste transporter license are transported in Missouri over a period specified by rule. Additionally, all miles traveled transporting containers with residues of these materials, as defined in 49 CFR 171.8, will be included in the Missouri hazardous waste mileage.

2. Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer, or any combination of them, propelled or drawn by mechanical power and used upon the highways in transportation. It does not include a vehicle, locomotive, or car operated exclusively on a rail(s).

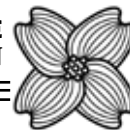
(N) Definitions beginning with the letter N. *(Reserved)*

(O) Definitions beginning with the letter O. *(Reserved)*

(P) Definitions beginning with the letter P.

1. Professional engineer or registered engineer means a professional engineer licensed to practice by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects.

2. Power unit for the purpose of this regulation is a truck with at least two (2) axles, regardless of licensed vehicle weight



or configuration.

(Q) Definitions beginning with the letter Q. *(Reserved)*

(R) Definitions beginning with the letter R.

1. RCRA means the Resource Conservation and Recovery Act, 42 U.S.C. sections 6901–6992k.

2. Registry means the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites.

3. Remedial action means any action at a hazardous waste site to protect the public health and environment. These actions may include but are not limited to storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of hazardous waste, hazardous substances, or contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive materials; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; any monitoring reasonably needed to ensure that these actions protect the public health and environment; or any combination of these actions.

4. Remedial action plan means the specific procedures to be followed in implementation of any remedial action and all necessary, related procedures including but not limited to safety, analysis, sampling, handling, packaging, storing, removing, transporting, labeling, registering, and site security. A remedial action plan has a defined endpoint, agreed to in advance, which will complete the plan. Additional remedial actions may be necessary after completion of a remedial action plan dependent upon results of sample analysis or development of new information.

5. Responsible party means any person(s) liable for costs of removal actions or remedial action or other response costs or damages pursuant to Section 107 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607–9657 as amended by P.L. 99-499 Superfund Amendments, and Reauthorization Act of 1986, or any current owners or other person willing to assume responsibility.

(S) Definitions beginning with the letter S.

1. Substantial change means any change in use of a site that may result in a spread of contamination over additional portions of a site or off-site, an increase in human exposure to hazardous materials, an increase in adverse environmental impacts, or a situation making potential remedial actions to correct problems at the site more difficult to undertake or complete.

(T) Definitions beginning with the letter T.

1. Training means formal instruction which supplements an employee's existing job knowledge and is designed to protect human health and the environment through increased awareness and improved job proficiency.

2. Transporter; see hazardous waste transporter.

(U) Definitions beginning with the letter U.

1. United States importer means a United States-based person who is in corporate good standing with the U.S. state in which they are registered to conduct business and who will be assuming all generator responsibilities and liabilities specified in sections 260.350–260.433, RSMo, for wastes which the United States importer has arranged to be imported from a foreign country.

(V) Definitions beginning with the letter V.

1. Vehicle, for the purpose of this regulation, refers to a power unit.

(W) Definitions beginning with the letter W.

1. Waste, as defined in section 260.360(22), RSMo.

(X) Definitions beginning with the letter X. *(Reserved)*

(Y) Definitions beginning with the letter Y. *(Reserved)*

(Z) Definitions beginning with the letter Z. *(Reserved)*

AUTHORITY: sections 260.370 and 260.395, RSMo 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Sept. 4, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed June 3, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 17, 2001, effective Aug. 30, 2002. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019. Amended: Filed July 10, 2024, effective Feb. 28, 2025.*

**Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010, and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013, 2015.*