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**Rules of**  
**Department of Natural Resources**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 4—Methods for Identifying Hazardous Waste**

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES  
Division 25—Hazardous Waste  
Management Commission  
Chapter 4—Methods for Identifying  
Hazardous Waste**

**10 CSR 25-4.010 Hazardous Waste  
Identification**

(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370 and 260.430, RSMo 1978. Original rule filed April 12, 1979, effective Jan. 1, 1980. Amended: Filed Aug. 13, 1980, effective Jan. 12, 1981. Amended: Filed Jan. 13, 1981, effective July 12, 1981. Amended: Filed March 13, 1981, effective July 13, 1981. Amended: Filed Aug. 12, 1981, effective Dec. 14, 1981. Amended: Filed Dec. 10, 1982, effective June 13, 1983. Amended: Filed March 14, 1984, effective Aug. 13, 1984. Amended: Filed March 14, 1985, effective July 19, 1985. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-4.020 Waste Oil**  
(Moved to 10 CSR 25-11.010)

**10 CSR 25-4.261 Methods for Identifying  
Hazardous Waste**

*PURPOSE: This rule sets forth characteristics and lists by which a generator can determine whether his/her waste is hazardous. This rule defines hazardous waste under sections 260.475–260.479, RSMo. The federal regulations in 40 CFR part 261 are incorporated by reference, subject to the modifications set forth in this rule.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which 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.*

*Editor's Note: Pursuant to American Mining Wastes v. the U.S. EPA, cited as 907 F2d 1179 (D.C. Cir. 1990), the following waste streams are not incorporated by reference in this rule: K064, K065, K066, K090, and K091. These waste streams were remanded to the Environmental Protection Agency (EPA)*

*by the United States Court of Appeals until the EPA provides adequate justification to the court for the listing of the wastes as hazardous. Suspension of these wastes from the state rule was effective February 28, 1991.*

(1) The regulations set forth in 40 CFR part 261, July 1, 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, and the changes made at 78 FR 0, July 31, 2013, are incorporated by reference, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, 63 FR 33823, June 19, 1998, 70 FR 53453, September 8, 2005, 73 FR 64667 to 73 FR 64788, October 30, 2008, and 73 FR 77954, December 19, 2008. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) This section sets forth specific modifications of the regulations incorporated in section (1) of this rule. A person required to identify a hazardous waste shall comply with this section as it modifies 40 CFR part 261 as incorporated in this rule. (Comment: This section has been organized in order that all Missouri additions, changes, or deletions to any subpart of the federal regulation are noted within the corresponding subsection of this section. For example, changes to 40 CFR part 261 subpart A will be located in subsection (2)(A) of this rule.)

(A) General. The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

1. In Table 1 of 40 CFR 261.2, add an asterisk in column 3, row 6, Reclamation of Commercial Chemical Products listed in 40 CFR 261.33 and add the following additional footnotes: "Note 2. Commercial chemical products listed in 40 CFR 261.33 are not solid wastes when the original manufacturer uses, reuses, or legitimately recycles the material in his/her manufacturing process"; "Note 3. Gasoline and diesel fuels are not solid wastes if they are legitimately used as fuels;"

2. (Reserved)
3. (Reserved)
4. (Reserved)
5. (Reserved)
6. (Reserved)

7. 40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16) added by 63 FR 33823, June 19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.);

8. 40 CFR 261.4(a)(20) and (21) are not incorporated in this rule;

9. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) as incorporated in this rule to the department along with the Generator's Hazardous Waste Summary Report required in 10 CSR 25-5.262(2)(D)1.;

10. The changes to 40 CFR 261.5, special requirements for hazardous waste generated by conditionally exempt small quantity generators, incorporated in this rule are as follows:

A. The modification set forth in 10 CSR 25-3.260(1)(A)24. applies in this rule in addition to other modifications set forth;

B. 40 CFR 261.5(g)(2) is not incorporated in this rule;

11. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 261.6(a)(3)(i), as incorporated in this rule. The state may not assume authority from the Environmental Protection Agency (EPA) to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies;

12. (Reserved)

13. (Reserved)

14. (Reserved)

15. The resource recovery of hazardous waste is regulated by 10 CSR 25-9.020. An owner or operator of a facility that uses, reuses, or recycles hazardous waste shall be certified under 10 CSR 25-9 or permitted under 10 CSR 25-7, unless otherwise excluded. Therefore, the parenthetical text in 40 CFR 261.6(c)(1) is not incorporated in this rule; and

16. In accordance with section 260.432.5(2), RSMo, used cathode ray tubes (CRTs) may not be placed in a sanitary landfill, except as permitted by section 260.380.3, RSMo.

(B) Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Wastes. (Reserved)

(C) Characteristics of Hazardous Waste. (Reserved)

(D) Lists of Hazardous Wastes. The following are additions or changes to the lists in



40 CFR part 261 subpart D, incorporated in this rule:

1. 40 CFR 261.38 is not incorporated in this rule.

(E) Exclusions/Exemptions.

1. The substitution of the director of the Department of Natural Resources for the regional administrator discussed in 10 CSR 25-3.260(1)A.1. does not apply to the requirement for notification of the export of used CRTs established in 40 CFR 261.41.

*AUTHORITY: section 260.370, RSMo Supp. 2013.\* 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 Oct. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Aug. 14, 1992, effective May 6, 1993. 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 March 22, 1996, effective Nov. 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. 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.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010.*