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**Rules of**  
**Department of Natural Resources**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 7—Rules Applicable to Owners or Operators**  
**of Hazardous Waste Facilities**

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES  
Division 25—Hazardous Waste  
Management Commission  
Chapter 7—Rules Applicable to  
Owners or Operators of Hazardous  
Waste Facilities**

**10 CSR 25-7.010 Treatment Facilities**  
(Rescinded July 13, 1981)

*AUTHORITY: sections 260.370, 260.375, 260.380, 260.390 and 260.395, RSMo 1978. Original rule filed July 16, 1979, effective Jan. 1, 1980. Amended: Filed Jan. 15, 1980, effective June 12, 1980. Rescinded: Filed March 13, 1981, effective July 13, 1981.*

**10 CSR 25-7.011 General Rules Applicable to All Hazardous Waste Facilities**  
(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370, 260.375 and 260.390, RSMo 1978. Original rule filed March 13, 1981, effective July 13, 1981. Emergency amendment filed Nov. 4, 1981, effective Nov. 13, 1981, expired March 4, 1982. Amended: Filed Dec. 10, 1981, effective April 12, 1982. Amended: Filed Aug. 13, 1982, effective Jan. 14, 1983. Amended: Filed Dec. 13, 1983, effective June 18, 1984. Amended: Filed March 14, 1985, effective July 19, 1985. Amended: Filed April 16, 1985, effective Aug. 19, 1985. Rescinded: Filed Dec. 16, 1985, effective Oct. 6, 1986.*

**10 CSR 25-7.020 Incinerators**  
(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370, 260.375, 260.380, 260.390 and 260.395, RSMo 1978. Original rule filed July 16, 1979, effective Jan. 1, 1980. Amended: Filed Jan. 15, 1980, effective June 12, 1980. Rescinded and readopted: Filed March 13, 1981, effective July 13, 1981. Rescinded and readopted: Filed Aug. 13, 1982, effective Jan. 14, 1983. Amended: Filed Jan. 13, 1983, effective May 13, 1983. Rescinded and readopted: Filed Dec. 13, 1983, effective June 18, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-7.030 Landfills**  
(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370, 260.390, and 260.395, RSMo 1978. Original rule filed July 16, 1979, effective Jan. 1, 1980. Amended: Filed Jan. 15, 1980, effective June 12, 1980. Rescinded and readopted: Filed March 13, 1981. Rescinded and readopted: Filed Dec. 13, 1983, effective June 18, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-7.040 Land Treatment**  
(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370, 260.390 and 260.395, RSMo 1978. Original rule filed July 16, 1979, effective Jan. 1, 1980. Amended: Filed Jan. 15, 1980, effective June 12, 1980. Rescinded and readopted: Filed March 13, 1981, effective July 13, 1981. Rescinded and readopted: Filed Dec. 13, 1983, effective June 18, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-7.050 Storage in Tanks and Containers**  
(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370, 260.390 and 260.295, RSMo 1978. Original rule filed July 16, 1979, effective Jan. 1, 1980. Amended: Filed Jan. 15, 1980, effective June 12, 1980. Rescinded and readopted: Filed March 13, 1981, effective July 13, 1981. Amended: Filed Aug. 13, 1982, effective Jan. 14, 1983. Rescinded and readopted: Filed Dec. 13, 1983, effective June 18, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-7.060 Surface Impoundments**  
(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370, 260.390 and 260.395, RSMo 1978. Original rule filed March 13, 1981, effective July 13, 1981. Rescinded and readopted: Filed Dec. 13, 1983, effective June 18, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-7.070 Treatment Facilities**  
(Rescinded October 1, 1986)

*AUTHORITY sections 260.370, 260.390 and 260.395, RSMo 1978. Original rule filed March 13, 1981, effective July 13, 1981. Rescinded and readopted: Filed Dec. 13, 1983, effective June 18, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-7.080 Waste Piles**  
(Rescinded October 1, 1986)

*AUTHORITY: sections 260.370, 260.390 and 260.395, RSMo 1978. Original rule filed Dec. 13, 1983, effective June 18, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.*

**10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

*PURPOSE: This rule incorporates and modifies the federal regulations in 40 CFR part 264 by reference and sets forth additional state requirements.*

*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.*

(1) The regulations set forth in 40 CFR part 264, July 1, 2013, 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. 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 modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) The owner or operator of a permitted hazardous waste treatment, storage, or disposal facility shall comply with this section in addition to the regulations of 40 CFR part 264. In the case of contradictory or conflicting requirements, the more stringent shall control. (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, the requirements to be added to 40 CFR part 264 subpart E are found in subsection (2)(E) of this rule.)



(A) General. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart A.

1. A treatment permit is not required under this rule for a resource recovery process that has been certified by the department in accordance with 10 CSR 25-9.020. Storage of hazardous waste prior to resource recovery must be in compliance with this rule.

(B) General Facility Standards. *(Reserved)*

(C) Preparedness and Prevention. *(Reserved)*

(D) Contingency Plan and Emergency Procedures. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart D.

1. The government official described in 40 CFR 264.56(d)(2) incorporated in this rule as the on-scene coordinator shall be contacted and further identified in the report as one (1) of the following:

A. The department's Emergency Response Coordinator (573) 634-2436 or (573) 634-CHEM;

B. The EPA Region VII Emergency Planning and Response Branch (913) 236-3778; or

C. The National Response Center identified in 40 CFR 264.56(d)(2), incorporated in this rule.

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 264 subpart E.

1. Missouri requires an original copy of the manifest to be submitted to the department by all in-state and out-of-state treatment, storage, or disposal facilities (TSDFs) in accordance with 40 CFR 264.71(e).

2. The owner or operator of a hazardous waste management facility shall submit a report to the department as set forth in this paragraph.

A. All owners or operators shall comply with the reporting requirements in 10 CSR 25-5.262(2)(D) regardless of whether the owner or operator is required to register as a generator pursuant to 10 CSR 25-5.262(2)(A)1.

B. In addition to the requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, resource recovery, or disposal, the owner or operator shall meet the same requirements for the following:

(I) All hazardous waste generated on-site during the reporting period that is managed on-site; and

(II) 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. In addition to the information required in 10 CSR 25-5.262(2)(D), an owner or operator shall include the following information in the summary report:

(I) A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

(II) For each hazardous waste that was received from off-site, a description and the quantity of each hazardous waste, the corresponding state, and EPA identification numbers of each generator;

(III) For imports, the name and address of the foreign generator;

(IV) The corresponding method of treatment, storage, resource recovery, disposal, or other approved management method used for each hazardous waste;

(V) The quantity and description of hazardous waste residue generated by the facility; and

(VI) A summary of both quantitative and qualitative groundwater monitoring data that was received during the reporting period, as required in 40 CFR part 264 subpart F incorporated in this rule and subsection (2)(F) of this rule. (Comment: This does not change the frequency of monitoring required by rules or in specific permit conditions. It only changes the frequency of reporting.)

3. As outlined in section 260.380.2, RSMo, all owners or operators shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each owner or operator, this fee shall be paid on or before January 1 of each year and shall be based on the total tons of hazardous waste received in the aggregate by that owner or operator for the twelve- (12-) month period ending the previous June 30. As outlined in section 260.380.4, RSMo, 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. Each twelve- (12-) month period ending on June 30 shall be referred to as a reporting year.

B. Owners or operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, owners or operators may elect,

but are not required, to pay the fee at the time they file their final quarterly report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.



### 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) Releases From Solid Waste Management Units. *(Reserved)*

(G) Closure and Post-Closure. *(Reserved)*

(H) Financial Assurance Requirements. *(Reserved)*

(I) Containers. This subsection sets forth requirements in addition to 40 CFR part 264 subpart I incorporated in this rule.

1. Containers storing hazardous waste must be labeled in accordance with 10 CSR 25-5.262(2)(C) during the entire storage period.

2. Containers holding ignitable or reactive waste that are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

3. Containers holding ignitable or reactive waste that are stored indoors shall be located at least fifty feet (50') from the facility's property line unless the following requirements are satisfied:

A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half- (1.5-) hour (B) fire door;

B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property, that can be built upon, shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three- (3-) hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Agency (NFPA) Code 80, *Standards for Fire Doors and Windows*, 1995 edition);

C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance with the NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) standards. Final design of these systems shall be approved by a qualified, registered professional engineer in Missouri;

E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be either a one and one-half inch (1.5") line or a one inch (1") hard rubber line. Where a one and one-half inch (1.5") fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the *Code of Federal Regulations* (DOT Regulations) or NFPA 386, *Standard for Portable Shipping Tanks* shall be used;

G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

H. All containers shall be arranged so there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked or placed closer than three feet (3') from ceilings or any roof members, or both; and

I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.

(J) Tanks. *(Reserved)*

(K) Surface Impoundments. *(Reserved)*

(L) Waste Piles. *(Reserved)*

(M) Land Treatment. *(Reserved)*

(N) Landfills. *(Reserved)*

(O) Incinerators. *(Reserved)*

(P) *(Reserved)*

(Q) *(Reserved)*

(R) *(Reserved)*

(S) Corrective Action for Solid Waste Management Units. *(Reserved)*

(T) *(Reserved)*

(U) *(Reserved)*

(V) *(Reserved)*

(W) Drip Pads. 40 CFR part 264 subpart W is not incorporated by reference.

(X) Miscellaneous Units. *(Reserved)*

(Y) *(Reserved)*

(Z) *(Reserved)*

(AA) Air Emission Standards for Process Vents. *(Reserved)*

(BB) Air Emission Standards for Equipment Leaks. *(Reserved)*

(CC) Air Emission Standards for Tanks, Surface Impoundments, and Containers. *(Reserved)*

(DD) Containment Buildings. *(Reserved)*

(EE) Hazardous Waste Munitions and Explosive Storage. *(Reserved)*

(3) Permitted hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad tank car (railcar) shall comply with the requirements for container storage in 40 CFR part 264 subpart I, as incorporated by reference in 10 CSR 25-7.264(1), or the following requirements for railcar management.

(A) The owner or operator shall submit a railcar management plan with the application for a hazardous waste treatment, storage, or disposal facility permit. Permitted facilities that currently accept and/or ship hazardous waste via railcars shall request a Class I permit modification that requires prior director approval for the railcar management plan



according to the procedures defined in 40 CFR 270.42 as incorporated in 10 CSR 25-7.270(1).

1. The railcar management plan shall describe steps to be taken by the facility in order to comply with the requirements of subsections (3)(B)–(3)(F).

2. The railcar management plan shall be maintained at the facility.

(B) Railcars shall not be used as container or tank storage units at a facility unless the owner or operator complies with the standards for container storage set forth in 40 CFR part 264 subpart I as incorporated in 10 CSR 25-7.270. During the time allowed for loading and unloading as set forth in this section, the railcar shall not be considered to be in storage.

1. The owner or operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The owner or operator shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the facility, type, and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the owner or operator shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

A. The owner or operator signs the shipping paper; or

B. The owner or operator signs the manifest; or

C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or

public holidays as defined in section 9.010, RSMo, that fall within the time period approved in the railcar management plan.

4. If the owner or operator finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.

5. The owner or operator shall attempt to arrange for the rail carrier to provide the owner or operator a notification detailing when a railcar was picked up from the facility or when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the owner or operator must document the refusal in the operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the owner or operator utilizing railcars shall comply with the standards for container storage in 40 CFR part 264 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270.

(C) The owner or operator shall comply with 40 CFR 264.17, incorporated in this rule, during railcar loading and unloading. Additional specific precautions to be taken shall include facility design, construction, operation and maintenance standards as specified in "Loading and Unloading Operations: Tank Vehicles and Tank Cars" in section 5-4.4.1 of the 1993 Edition of the *National Fire Protection Association Flammable and Combustible Liquids Code* (NFPA 30).

(D) The owner or operator shall provide security for railcars at the facility by utilizing one of the alternatives specified in 40 CFR 264.14(b), as incorporated in this rule. If the owner or operator demonstrates that it is not practical to provide security for railcars at the facility as specified in 40 CFR 264.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts upon receipt of a loaded railcar or upon completion of the owner or operator's loading procedures. The locks must remain in place until the owner or operator begins unloading procedures or until the rail carrier picks up the loaded or rejected railcar for transport off-site.

(E) In accordance with 40 CFR 264.15, incorporated in this rule, the owner or operator shall inspect railcars and surrounding areas, at least daily, looking for leaks and for deterioration caused by corrosion or other factors.

(F) In accordance with 40 CFR part 264 subpart C and 40 CFR part 264 subpart D, as incorporated in this rule, the owner or operator shall develop preparedness and prevention procedures and a contingency plan for railcars. If the owner or operator has not prepared a Spill Prevention Control and Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels requirements and guidelines as specified in 40 CFR part 112 for oil. At a minimum, the SPCC Plan must include adequate spill response equipment and preventative measures, such as dikes, curbing, and containment systems.

*AUTHORITY: sections 260.370, 260.390, and 260.395, RSMo Supp. 2013.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Aug. 14, 1986, effective Jan. 1, 1987. 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 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 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; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013.*

### **10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities**

*PURPOSE: This rule incorporates 40 CFR part 265 by reference and sets forth additional state standards.*

*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.

(1) The regulations set forth in 40 CFR part 265, July 1, 2013, 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. 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) The owner or operator of a treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this section in addition to requirements set forth in 40 CFR part 265 incorporated in this rule. In the case of contradictory or conflicting requirements in 10 CSR 25, the more stringent shall control. (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, the additional requirements to be added to 40 CFR part 265 subpart A are found in subsection (2)(A) of this rule.)

(A) General. In addition to the requirements in 40 CFR part 265 subpart A, the following regulations also apply:

1. This rule does not apply to an owner or operator for that portion of or process at the facility which is in compliance with 10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes. (Note: Underground injection wells are prohibited in Missouri by section 577.155, RSMo.); and

2. State interim status is authorization to operate a hazardous waste treatment, storage, or disposal facility pursuant to section 260.395.15, RSMo, 10 CSR 25-7.265, and 10 CSR 25-7.270 until the final administrative disposition of the permit application is made or until interim status is terminated pursuant to 10 CSR 25-7.270. The owner or operator of a facility or unit operating under state interim status shall comply with the requirements of this rule and 10 CSR 25-7.270. In addition to providing notification to the Environmental Protection Agency (EPA), the owner or operator is required to provide state notification in accordance with 10 CSR

25-7.270.

(B) General Facility Standards. *(Reserved)*

(C) Preparedness and Prevention. *(Reserved)*

(D) Contingency Plan and Emergency Procedures. *(Reserved)*

(E) Manifest System, Record Keeping, and Reporting. This subsection sets forth standards which modify or add to those requirements in 40 CFR part 265 subpart E.

1. All owners or operators shall comply with the reporting requirements in 10 CSR 25-5.262(2)(D) 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 requirements in 10 CSR 25-5.262(2)(D) for hazardous waste generated on-site and shipped off-site for treatment, storage, resource recovery, or disposal, the owner or operator shall 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.

3. In addition to the information required in 10 CSR 25-5.262(2)(D), an owner or operator shall include the following information in the summary report:

A. A description and the quantity of each hazardous waste that was both generated and managed on-site during the reporting period;

B. For each hazardous waste that is received from off-site, a description and the quantity of each hazardous waste and the corresponding state and EPA identification numbers of each generator;

C. For imports, the name and address of the foreign generator;

D. The corresponding method of treatment, storage, resource recovery, disposal, or other approved management method used for each hazardous waste.

4. As outlined in section 260.380.2, RSMo, all owners or operators shall pay a fee to the department of two dollars (\$2) per ton or portion thereof for any and all hazardous waste received from outside of Missouri. This fee shall be referred to as the Out-of-State Waste Fee and shall not be paid on hazardous waste received directly from other permitted treatment, storage, and disposal facilities located in Missouri.

A. For each owner or operator, this fee shall be paid on or before January 1 of each year and shall be based on the total tons of

hazardous waste received in the aggregate by that owner or operator for the twelve- (12-) month period ending the previous June 30. As outlined in section 260.380.4, RSMo, 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. Each twelve- (12-) month period ending on June 30 shall be referred to as a reporting year.

B. Owners or operators may elect, but are not required, to pay this fee on a quarterly basis at the time they file the reporting required in subparagraphs (2)(E)3.B. and C. of this rule. If they do not choose to pay the fee quarterly, owners or operators may elect, but are not required, to pay the fee at the time they file their final quarterly or annual report of each reporting year. However, the total fee for each reporting year must be paid on or before January 1 immediately following the end of each reporting year.



EXAMPLES OF OUT-OF-STATE WASTE FEE CALCULATION

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

\$2 x 250 tons = \$500 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 x 411 tons = \$822 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 x 52,150 tons = \$104,300 fee

- (F) Groundwater Monitoring. (Reserved)
(G) Closure and Post-Closure. (Reserved)
(H) Financial Assurance Requirements. (Reserved)
(I) Use and Management of Containers. This subsection sets forth additional standards for container storage areas.

1. Containers holding ignitable or reactive waste which are stored outdoors or in buildings not equipped with sprinkler systems shall be located at least fifty feet (50') from the facility's property line.

2. Containers holding ignitable or reactive waste which are stored indoors shall be located at least fifty feet (50') from the facility's property line, unless the following requirements are satisfied:

A. Exposing walls that are located more than ten feet (10') but less than fifty feet (50') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least two (2) hours, with each opening protected by an automatically-closing listed one and one-half- (1.5-) hour (B) fire door;

B. Exposing walls that are located less than ten feet (10') from a boundary line of adjoining property that can be built upon shall have a fire-resistance rating of at least four (4) hours, with each opening protected by an automatically-closing listed three- (3-) hour (A) fire door (Comment: All fire doors, closure devices, and windows shall be installed in accordance with the National Fire Protection Association (NFPA) Code 80, Standards for Fire Doors and Windows, 1995 edition);

C. The construction design of exterior walls shall provide ready accessibility for fire-fighting operations through the provision of access openings, windows, or lightweight noncombustible wall panels;

D. Container storage areas shall be provided with automatic fire suppression systems designed and installed in accordance

with NFPA 14 (1996 edition), NFPA 15 (1996 edition), NFPA 16 (1995 edition), NFPA 16A (1994 edition), NFPA 17 (1998 edition), NFPA 17A (1998 edition), NFPA 18 (1995 edition), NFPA 20 (1996 edition), NFPA 22 (1996 edition), and NFPA 24 (1995 edition) Standards. Final design of these systems shall be approved by a qualified, registered professional engineer in Missouri;

E. Each container storage area shall have preconnected hose lines capable of reaching the entire area. The fire hose shall be a one and one-half inch (1.5") line or one inch (1") hard rubber line. Where a one and one-half inch (1.5") fire hose is used, it shall be installed in accordance with NFPA 14 (1996 edition). Hand-held fire extinguishers rated for the appropriate class of fire shall be available at each storage area;

F. Only containers meeting the requirements of, and containing products authorized by, Chapter I, Title 49 of the Code of Federal Regulations (DOT Regulations) or NFPA 386, Standard for Portable Shipping Tanks (1990 edition) shall be used;

G. All storage of ignitable or reactive materials shall be organized in a manner which will not physically obstruct a means of egress. Materials shall not be placed in a manner that a fire would preclude egress from the area. Evacuation plans shall recognize the locations of any automatically-closing fire doors;

H. All containers shall be arranged so that there is a minimum aisle space of four feet (4') between rows, allowing accessibility to each individual container. Double rows can be utilized. Containers shall not be stacked, placed, or both, closer than three feet (3') from ceilings or any roof members; and

I. Explosive gas levels in the facility shall be monitored continuously. If the facility is not manned twenty-four (24) hours per day, a telemetry system shall be provided to alarm designated response personnel.

- (J) Tanks. (Reserved)
(K) Surface Impoundments. (Reserved)
(L) Waste Piles. (Reserved)
(M) Land Treatment. (Reserved)
(N) Landfills. (Reserved)
(O) Incinerators. (Reserved)
(P) Thermal Treatment. (Reserved)
(Q) Chemical, Physical, and Biological Treatment. (Reserved)

(R) Underground Injection. 40 CFR part 265 subpart R is not incorporated by reference.

- (S) (Reserved)
(T) (Reserved)
(U) (Reserved)
(V) (Reserved)
(W) Drip Pads. 40 CFR part 265 subpart W is not incorporated by reference.

- (X) (Reserved)
(Y) (Reserved)
(Z) (Reserved)
(AA) Air Emission Standards for Process Vents. (Reserved)
(BB) Air Emission Standards for Equipment Leaks. (Reserved)

- (CC) Air Emission Standards for Tanks, Surface Impoundments, and Containers. (Reserved)
(DD) Containment Buildings. (Reserved)
(EE) Hazardous Waste Munitions and Explosives Storage. (Reserved)

(3) Interim status hazardous waste TSD facilities that accept and/or ship hazardous waste via railroad tank car (railcar) shall comply with the requirements for container storage in 40 CFR part 265 subpart I, as incorporated by reference in 10 CSR 25-7.265(1), or the following requirements for railcar management:

(A) The owner or operator shall submit a railcar management plan with the application for a hazardous waste treatment, storage, or disposal facility permit. Interim status facilities that currently accept and/or ship hazardous



waste via railcars shall request a change in interim status that requires director approval for the railcar management plan according to the procedures defined in 40 CFR 270.72 as incorporated in 10 CSR 25-7.270(1).

1. The railcar management plan shall describe steps to be taken by the facility in order to comply with the requirements of subsections (3)(B)–(3)(F).

2. The railcar management plan shall be maintained at the facility;

(B) Railcars shall not be used as container or tank storage units at a facility unless the owner or operator complies with the standards for container storage set forth in 40 CFR part 265 subpart I as incorporated in this rule and 40 CFR 270.15 as incorporated in 10 CSR 25-7.270(1). During the time allowed for loading and unloading as set forth in this section, the railcar shall not be considered to be in storage.

1. The owner or operator shall ship hazardous wastes loaded onto a railcar within seventy-two (72) hours after loading is initiated. For the purposes of this section, shipment occurs when—

A. The transporter signs and dates the manifest acknowledging acceptance of the hazardous waste;

B. The transporter returns a signed copy of the manifest to the facility; and

C. The railcar crosses the property boundary line of the TSD facility.

2. The owner or operator shall have a maximum of ten (10) days following receipt of a shipment to unload hazardous waste from incoming railcars. The amount of time allowed for unloading shall be specified in the approved railcar management plan for each facility as part of the permit. The department will review and approve each railcar management plan on a case-by-case basis and will base its decision regarding the time allowed for unloading on factors including, but not limited to, the size of the rail siding, surveillance and security standards, enclosure of the facility, type, and amount of emergency response equipment, and the facility's capacity to handle incidents. Unless more time is allowed by an approved railcar management plan, the owner or operator shall unload hazardous waste from an incoming railcar within seventy-two (72) hours of receipt of the shipment. For the purposes of this section, receipt of the shipment occurs when—

A. The owner or operator signs the shipping paper; or

B. The owner or operator signs the manifest; or

C. The railcar crosses the property boundary line of the TSD facility.

3. The time limits in this subsection may

be extended for up to an additional twenty-four (24) hours for Saturdays, Sundays, or public holidays as defined in section 9.010, RSMo, that fall within the time period approved in the railcar management plan.

4. If the owner or operator finds that a railcar shipment must be rejected, the railcar shall be shipped within twenty-four (24) hours of that determination, or within the time period approved in the railcar management plan, whichever is later. The rejection and the reasons for the rejection shall be documented in the facility's operating record.

5. The owner or operator shall attempt to arrange for the rail carrier to provide the owner or operator a notification detailing when a railcar was picked up from the facility or when a railcar was delivered to the facility. If the rail carrier declines to enter into such arrangements, the owner or operator must document the refusal in the operating record. The time limitations set forth in this subsection must be documented by recording dates and times in the facility's operating record.

6. If the loading and unloading time frames specified in this section are exceeded, then the owner or operators utilizing railcars shall comply with the standards for container storage in 40 CFR part 265 subpart I, as incorporated in this rule, and with 40 CFR 270.15, as incorporated in 10 CSR 25-7.270;

(C) The owner or operator shall comply with 40 CFR 265.17, incorporated in this rule, during railcar loading and unloading. Additional specific precautions to be taken shall include facility design, construction, operation, and maintenance standards as specified in "Loading and Unloading Operations: Tank Vehicles and Tank Cars" in section 5-4.4.1 of the 1993 Edition of the *National Fire Protection Association Flammable and Combustible Liquids Code* (NFPA 30);

(D) The owner or operator shall provide security for railcars at the facility by utilizing one (1) of the alternatives specified in 40 CFR 265.14(b), as incorporated in this rule. If the owner or operator demonstrates that it is not practical to provide security for railcars at the facility as specified in 40 CFR 265.14(b), incorporated in this rule, railcars shall be secured by locking all fill and drain posts upon receipt of a loaded railcar or upon completion of the owner or operator's loading procedures. The locks must remain in place until the owner or operator begins unloading procedures or until the rail carrier picks up the loaded or rejected railcar for transport off-site;

(E) In accordance with 40 CFR 265.15, incorporated in this rule, the owner or operator shall inspect railcars and surrounding

areas at least daily looking for leaks and for deterioration caused by corrosion or other factors; and

(F) In accordance with 40 CFR part 265 subpart C and 40 CFR part 265 subpart D, as incorporated in this rule, the owner or operator shall develop preparedness and prevention procedures and a contingency plan for railcars. If the owner or operator has not prepared a Spill Prevention Control and Countermeasures (SPCC) Plan for hazardous waste, then one must be developed that parallels requirements and guidelines as specified in 40 CFR part 112 for oil. At a minimum, the SPCC Plan must include adequate spill response equipment and preventative measures, such as dikes, curbing, and containment systems.

*AUTHORITY: sections 260.370, 260.390, and 260.395, RSMo Supp. 2013.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Aug. 14, 1986, effective Jan. 1, 1987. 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 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 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; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.395, RSMo 1973, amended 1980, 1983, 1985, 1988, 2000, 2013.*

#### **10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities**

*PURPOSE: This rule incorporates federal regulations in 40 CFR part 266 by reference and provides Missouri specific additions, deletions, or changes to the federal regulations. This rule provides limited standards for certain hazardous waste management practices, particularly in regard to recyclable materials and sets forth standards for recyclable materials used in*





a manner constituting disposal, hazardous waste burned in boilers and industrial furnaces recyclable materials utilized for precious metals recovery and spent lead-acid batteries being reclaimed.

**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.

(1) The regulations set forth in 40 CFR part 266, July 1, 2013, 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. 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) Persons subject to the regulations in 40 CFR part 266 shall comply with the requirements, changes, additions, or deletions noted in this section in addition to 40 CFR part 266 incorporated in this rule. (Comment: This section has been organized so that all Missouri additions or changes to any subpart of the federal regulations are noted within the corresponding subsection of this section. For example, the changes to the management requirements for hazardous waste fuels, 40 CFR part 266 subpart D, are found in subsection (2)(D) of this rule.)

(A) *Reserved*

(B) *Reserved*

(C) Recyclable Materials Used in a Manner Constituting Disposal. In addition to the requirements in 40 CFR part 266 subpart C incorporated in this rule, a person who is marketing hazardous waste recyclable materials which would be used in a manner constituting disposal must obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020.

(D) *Reserved*

(E) *Reserved*

(F) Recyclable Materials Used for Precious

Metals Recovery. (*Reserved*)

(G) Spent Lead-Acid Batteries Being Reclaimed. In addition to the requirements in 40 CFR part 266 subpart G, a person who reclaims materials from spent lead-acid batteries shall obtain a hazardous waste resource recovery certification pursuant to 10 CSR 25-9.020.

(H) Hazardous Waste Burned in Boilers and Industrial Furnaces. Additions, modifications, and deletions to 40 CFR part 266 subpart H "Hazardous Waste Burned in Boilers and Industrial Furnaces" are as follows:

1. Add the following provision to 40 CFR 266.100(d) incorporated in this rule: "The owner or operator of facilities that process hazardous waste solely for metal recovery in accordance with 40 CFR 266.100(d) shall be certified for resource recovery pursuant to 10 CSR 25-9.020".

(I) *Reserved*.

(J) *Reserved*.

(K) *Reserved*.

(L) *Reserved*.

(M) Military Munitions. Additions, modifications, and deletions to 40 CFR part 266 subpart M "Military Munitions" are:

1. Oral and written notifications re-quired by 40 CFR 266.203(a)(1) shall be submitted to the department's emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director; and

2. Oral and written notifications re-quired by 40 CFR 266.205(a)(1) shall be submitted to the department's emergency response coordinator at (573) 634-2436 or (573) 634-CHEM, in lieu of the director.

**AUTHORITY:** sections 260.370, 260.373, 260.390, and 260.395, 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 Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. 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 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; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013.

## 10 CSR 25-7.268 Land Disposal Restrictions

**PURPOSE:** This rule establishes standards and requirements that identify hazardous wastes that are restricted from land disposal.

**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.

(1) The regulations set forth in 40 CFR part 268, July 1, 2013, 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. 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) Persons who generate or transport hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities shall comply with this section in addition to the regulations in 40 CFR part 268. (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, the changes to 40 CFR part 268 subpart A are found in subsection (2)(A) of this rule.)

(A) General. This subsection sets forth modifications to 40 CFR part 268 subpart A incorporated by reference in section (1) of this rule.

1. (*Reserved*)

2. The state cannot be delegated the authority from the United States Environmental Protection Agency (EPA) to approve extensions to effective dates of any applicable restrictions, as provided in 40 CFR 268.5 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.5 as incorporated in this rule. This modification does not relieve



the regulated person of his/her responsibility to comply with 40 CFR 268.5 of the federal hazardous waste management regulations.

3. The state cannot be delegated the authority from the EPA to approve exemptions from prohibitions for the disposal of a restricted hazardous waste in a particular unit(s) based upon a petition demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit(s) for as long as the wastes remain hazardous as provided in 40 CFR 268.6 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.6 as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.6 of the federal hazardous waste management regulations.

(B) 40 CFR part 268 subpart B, Schedule for Land Disposal Prohibition and Establishment of Treatment Standards. *(Reserved)*

(C) Prohibitions on Land Disposal. *(Reserved)*

(D) Treatment Standards. This subsection sets forth modifications to 40 CFR part 268 subpart D incorporated by reference in section (1) of this rule.

1. The state cannot be delegated the authority from the U.S. EPA to allow the use of alternative treatment methods as provided in 40 CFR 268.42(b) incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.42(b) as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.42(b) of the federal hazardous waste management regulations.

2. The state cannot be delegated the authority from the U.S. EPA to approve variances from treatment standards as provided in 40 CFR 268.44 incorporated in this rule. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 268.44, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with 40 CFR 268.44 of the federal hazardous waste management regulations.

(E) Prohibitions on Storage. *(Reserved)*

*AUTHORITY: sections 260.370, 260.390, 260.395, RSMo Supp. 2013, and section 260.400, RSMo 2000.\* Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. Rescinded and readopted: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug.*

*9, 1993. 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 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; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013; and 260.400, RSMo 1977, amended 1980, 1993.*

### **10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program**

*PURPOSE: This rule incorporates the federal regulations in 40 CFR part 270 by reference and sets forth additional state requirements.*

*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.*

(1) The regulations set forth in 40 CFR part 270, July 1, 2013, except for the changes made at 70 FR 53453 September 8, 2005, and 73 FR 64667 to 73 FR 64788, October 30, 2008, 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. 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.

(A) Any federal agency, administrator, regulation, or statute that is referenced in 40 CFR part 270 shall be deleted and the comparable state department, director, rule, or statute as provided in 10 CSR 25-3.260(1)(A)

shall be added in its place except as specified in this rule. The additional substitutions or changes noted in this subsection shall also apply.

(2) The owner or operator of a permitted hazardous waste treatment, storage, or disposal (TSD) facility shall comply with the requirements noted in this rule along with 40 CFR part 270, incorporated in 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, the changes to 40 CFR part 270 subpart A are found in subsection (2)(A) of this rule.)

(A) General Information. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart A.

1. When a facility is owned by one (1) person but is operated by another person, both the owner and operator shall sign the permit application, and the permit shall be issued to both.

2. The owner or operator of a new hazardous waste management facility shall contact the department and obtain a United States Environmental Protection Agency (EPA) identification number before commencing treatment, storage, or disposal of hazardous waste.

3. In 40 CFR 270.3 "Considerations Under Federal Law," do not substitute any comparable Missouri statute or administrative rule for the federal acts and regulations. This does not relieve the owner or operator of his/her responsibility to comply with any applicable and comparable state law or rule in addition to complying with the federal acts and regulations.

(B) Permit Application. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart B.

1. Existing hazardous waste management facilities must submit a Part A permit application to the department no later than sixty (60) days after the effective date of state rules which first require them to comply with the requirements set forth in 10 CSR 25-7.265 or 10 CSR 25-7.266. A facility which did not meet federal notification and Part A submittal requirements under the Hazardous and Solid Waste Amendments (HSWA) shall not qualify for state interim status. State interim status is granted to those facilities which either meet federal interim status requirements, are required to meet state interim status requirements because no federal interim status requirements affect the filing,



or become subject to regulations under state rules which are not promulgated to meet the requirements of 40 CFR part 271.

2. Confidentiality may be requested for the information required in 40 CFR 270.13(a)–(m) incorporated in this rule. 10 CSR 25-3.260(1)(B) sets forth requirements for protection of confidential business information and the availability of information provided under 10 CSR 25. Therefore, 40 CFR 270.12 is not incorporated by reference in this rule.

3. All submitted engineering plans and reports shall be approved by a registered professional engineer licensed by Missouri. The engineering plans and reports shall specify the materials, equipment, construction methods, design standards, and specifications for hazardous waste management facilities, and processes that will be utilized in the construction and operation of the facility. The engineering plans and reports shall also include a diagram of any piping, instrumentation or process flows, and descriptions of any feed systems, safety cutoffs, bypass systems, and pressure controls (for example, vents).

4. The permit application fee set forth in 10 CSR 25-12.010 shall be submitted with the application.

5. The department will supervise any field work undertaken to collect geologic and engineering data which is to be submitted with the application. The applicant shall contact the department at least five (5) working days prior to conducting any field work that is undertaken to collect geologic and engineering data which is to be submitted with the application. A fee shall also be assessed pursuant to 10 CSR 25-12.010 for all costs incurred by the department in the observation of field work, engineering and geological review of the application, and all other review necessary by the department to verify that the application complies with section 260.395.7., RSMo.

6. The permit application shall include the following information for the purpose of notification:

A. Names and address of all persons listed on the facility mailing list as defined in 10 CSR 25-8.124(1)(A)10.C.(I)(c) shall be submitted in the form of an alphabetical list with five (5) sets of addressed, self-adhesive mailing labels also included; and

B. The name, address, and telephone number of the location where the permit application and supporting documents are to be placed, as described in 10 CSR 25-8.124(1)(B)3.B.(II)(c) and the name of the person at that location who may be contacted to schedule a review of the documents.

7. An applicant may be required to submit other information as may be necessary to enable the department to carry out its duties.

8. The owner or operator of a permitted or interim status treatment, storage, and disposal (TSD) facility that accepts and/or ships hazardous waste via railroad tank car (railcar) may submit a railcar management plan in accordance with the requirements set forth in 10 CSR 25-7.264(3) or 10 CSR 25-7.265(3), as applicable.

9. The person applying for a permit under sections 260.350–260.434, RSMo, shall comply with the requirements of 10 CSR 25-8.124(1).

(C) Permit Conditions. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart C.

1. This paragraph sets forth the procedures for issuance of a hazardous waste facility permit, construction certification, and authorization to begin operation.

A. If, after public notice in accordance with 10 CSR 25-8.124 and review of the application, the department determines that the application conforms with the provisions of sections 260.350–260.434, RSMo, and all standards and rules corresponding, the department shall issue the hazardous waste facility permit to the applicant upon payment of a fee of one thousand dollars (\$1000) for each facility for each year the permit is to be in effect beyond the first year. The department will issue an EPA identification number to the facility at the time.

B. The appeal period for a permit or any condition of a permit shall begin on the date of issuance of the permit as required in subparagraph (2)(C)1.A. of this rule. However, for the purposes of termination of interim status pursuant to 40 CFR 270.73(a) incorporated in this rule, final administrative disposition of the permit application shall occur either—

(I) Thirty (30) days after issuance of a letter of authorization pursuant to this rule, unless a notice of appeal is filed with the commission within that time;

(II) Thirty (30) days after denial of authorization to operate pursuant to this rule, unless a notice of appeal is filed with the commission within that time; or

(III) Upon the issuance of a decision by the commission, after timely appeal of an action of this rule.

2. The department may deny the permit application if—

A. The applicant fails to submit a complete application in accordance with, and within the time specified in, a notice of deficiency issued pursuant to 10 CSR 25-

8.124(1)(A)3.;

B. The applicant has failed to fully disclose all relevant information in the application or during the permit issuance process or has misrepresented facts at any time;

C. The department determines that the application does not conform with the provisions of sections 260.350–260.434, RSMo, and all corresponding standards and rules, or that the facility cannot be effectively operated and maintained in full compliance with sections 260.350–260.434, RSMo, and all corresponding standards and rules, or that the facility is being operated or maintained in violation of a present permit, or that continued operation of the facility presents an unreasonable threat to human health or the environment or will create or allow for the continuance of a public nuisance;

D. The department determines that one (1) of the conditions specified in section 260.395.17., RSMo, is present; or

E. The applicant owner or operator fails to submit the permit fees required by subparagraph (2)(C)1.A. of this rule within thirty (30) days of receipt of notice from the department that the fees are due.

(D) Changes to Permit. *(Reserved)*

(E) Expiration and Continuation of Permits. *(Reserved)*

(F) Special Forms of Permits. *(Reserved)*

(G) Interim Status. This subsection sets forth requirements which modify or add to those requirements in 40 CFR part 270 subpart G.

1. An owner or operator who becomes regulated under 10 CSR 25-7 shall operate in compliance with interim status in accordance with paragraph (2)(B)1. of this rule.

2. In addition to the items in 40 CFR 270.73 incorporated in this rule, interim status terminates when the department issues an order or commences an action pursuant to paragraph (2)(G)4. of this rule requiring the owner or operator to cease operations and undertake closure actions at the facility or at a unit.

3. The owner or operator, at any time, may voluntarily submit a permit application pursuant to this rule.

4. Upon a determination by the department that the facility is not being operated or cannot be operated in full compliance with the requirements of 10 CSR 25-7.265, the department, in lieu of, or in addition to, requiring the submittal of a permit application pursuant to paragraph (2)(G)1. of this rule, may take an enforcement action pursuant to sections 260.410, 260.420, and 260.425, RSMo, as it deems appropriate under the circumstances in order to fully and effectively protect public health and the environment.



*AUTHORITY: sections 260.370, 260.373, 260.390, and 260.395, 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 Aug. 1, 1991. 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 April 4, 1994, effective Oct. 30, 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 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; 260.373, RSMo 2012; 260.390, RSMo 1977, amended 1980, 1983, 1985, 1993, 2013; and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013.*