

# Emergency Rules

## Title 10—DEPARTMENT OF NATURAL RESOURCES Division 25—Hazardous Waste Management Commission Chapter 12—Hazardous Waste Fees and Taxes

### EMERGENCY AMENDMENT

**10 CSR 25-12.010 Fees and Taxes.** The commission proposes to amend section (1) of the rule by removing a reference to subsection (G), and rescinding subsection (G) in its entirety.

*PURPOSE:* This amendment removes a new subsection of this rule that would have established a temporary fee structure. The amendment was disapproved by the Missouri General Assembly and there is no statutory authority for this amended rule language.

*EMERGENCY STATEMENT:* The statutory authority on which the amendments to this rule were adopted allows the General Assembly to disapprove the Order of Rulemaking within sixty(60) days of the next legislative session. To exercise this authority, on March 6, 2020, the General Assembly, through Senate Concurrent Resolution 38, which disapproved the Order of Rulemaking and directed the Missouri Hazardous Waste Management Commission to continue to use the hazardous waste generator registration fee rates currently in effect, rather than the increased rates scheduled to go into effect on January 1, 2021. In order to ensure that the Order of Rulemaking does not go into effect on March 30, to be implemented effective January 1, 2021, this emergency amendment to remove the language added in the Order of Rulemaking is necessary. Without this emergency amendment, the rule previously adopted would go into effect on March 30, and would be in direct conflict with the legislative authority on which the rule was adopted. This emergency amendment was filed March 12, 2020, becomes effective March 27, 2020, and expires September 22, 2020.

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

(E) Registration Fee. A generator subject to registration in accordance with 10 CSR 25-5.262 shall pay the following registration fees, *except as specified below in subsection (1)(G):*

*[(G) Temporary fee structure for registration and renewal fees for calendar years 2021 and 2022 only. The fee structure established below is in place for calendar years 2021 and 2022.]*

1. All new generator registration and registration renewal fees accruing before January 1, 2021, will be assessed at the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C. All new generator registration and registration renewal fees accruing during calendar years 2021 and 2022 will be assessed by the department at the following rates:

A. A registration fee not to exceed one thousand one hundred and fifty dollars (\$1150) for a generator registering as a Large Quantity Generator;

B. A registration fee not to exceed three hundred and sixty dollars (\$360) for a generator registering as a Small Quantity Generator; and

C. A registration fee not to exceed one hundred seventy-five dollars (\$175) for a generator registering as a Conditionally Exempt Small Quantity Generator.

D. All new generator registration and registration renewal fees accruing on or after January 1, 2023, will revert back to the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

2. Registration renewal fees for owners of multiple hazardous waste generator ID numbers.

A. For individuals or companies that own multiple sites for which they obtain hazardous waste ID numbers, the fees established in this section will only be assessed on—  
(I) The first 5 Large Quantity Generator ID numbers; and

(II) The first 10 Small Quantity Generator ID numbers; and

(III) The first 15 Conditionally Exempt Small Quantity Generator ID numbers.

B. The remainder of the hazardous waste generator ID numbers will be assessed the regular registration renewal fee established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

C. Generators are responsible for providing documentation required to verify common ownership of the multiple hazardous waste ID numbers and also for providing a list of all of their ID numbers and indicate which ID numbers are to be assessed the temporary rates established in this section, as well as which ID numbers will be assessed at the rates established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

3. Registration renewal fees for owners of multiple underground storage tank (UST) sites.

A. For individuals or companies that own a single site where an underground storage tank is removed in a calendar year, the hazardous waste generator registration fee for the site will be assessed at the appropriate amount under the temporary fee structure established above in section 10 CSR 25-12.010(1)(G)1.

B. For individuals or companies that own two or more sites where underground storage tanks were removed in the same calendar year, the hazardous waste generator registration fee for all remaining tank removals within the same calendar year will be assessed the regular registration renewal fee established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

C. Tank owners claiming this discount are responsible for providing documentation required to verify common ownership of the multiple underground storage tank sites and also for providing a list of all of their ID numbers that describes which ID number is to be assessed under the temporary fee structure and which ID number(s) are to be assessed under the regular registration renewal fee.

4. All new generator registrations and reactivations of ID numbers accruing during calendar years 2021 and 2022 shall pay the full amount established in the temporary fee structure.]

*AUTHORITY:* sections 260.370, 260.390, 260.395, and 260.437, RSMo 2016, and sections 260.380, 260.391, and 260.475, RSMo Supp. 2019. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For interviewing history, please consult the **Code of State Regulations**. Emergency amendment filed March 12, 2020, effective March 27, 2020, expires Sept. 22, 2020. An emergency amendment covering this same material will be published in the April 15, 2020, issue of the **Missouri Register**.

*PUBLIC COST:* This emergency amendment will cost state agencies or political subdivisions and other public entities less than five hundred dollars (\$500) in the aggregate in the time the emergency is in effect.

*PRIVATE COST:* This emergency amendment will cost private entities less than five hundred dollars (\$500) in the aggregate in the time the emergency is in effect.