



Rules of
Department of Natural Resources
Division 25—Hazardous Waste Management Commission
Chapter 13—Polychlorinated Biphenyls

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

Division 25—Hazardous Waste

Management Commission

Chapter 13—Polychlorinated Biphenyls

**10 CSR 25-13.010 Polychlorinated
Biphenyls**

PURPOSE: This rule establishes standards for the management of waste materials or waste manufactured items containing polychlorinated biphenyls at concentrations of fifty parts per million (50 ppm) or more.

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 parts 761.3, 761.30(a)(2)(v), 761.60(b)(1)(i)(B), 761.60(g), 761.65(b), 761.71, 761.79, 761.72, and 761.180(b), July 1, 2010, as published by the Office of 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 this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

(2) Applicability.

(A) This rule shall apply in the state of Missouri to all polychlorinated biphenyls (PCB) material and PCB units as defined in subsection (3)(A) in shipment to or from or managed at a Missouri PCB facility.

(B) Waste oil containing PCBs at a concentration of less than fifty parts per million (50 ppm) and not otherwise meeting the definition of PCB material shall be managed in accordance with 10 CSR 25-11.

(C) Where conflicting regulations exist in 10 CSR 25, the more stringent shall control.

(D) This rule does not relieve a regulated person from his/her responsibility to comply with the federal Toxic Substances Control

Act, 15 USC 2601–2629 (December 22, 1987) or the corresponding regulations.

(3) Definitions and Substitution of Terms. This section supplements and modifies the definitions in 10 CSR 25-3 and 10 CSR 25-7.

(A) Additional Definitions.

1. Consignor means an owner/operator who transfers control of a shipment of PCB material, PCB units, or both to a transporter for conveyance to a Missouri PCB facility.

2. High efficiency boiler means one of the following: a boiler which meets the requirements of 40 CFR 761.71(a) or a boiler that has been approved by Environmental Protection Agency (EPA) under 40 CFR 761.71(b). PCB facility owners/operators shall not destroy PCBs in concentrations exceeding five hundred parts per million (500 ppm) in a high efficiency boiler.

3. A facility is in operation if all components of the facility necessary for it to function as a PCB facility have been completely constructed, the facility is functioning as a PCB facility and the facility owner/operator has received remuneration for such function at the facility.

4. Large PCB unit means a PCB unit weighing in excess of one hundred pounds (100 lbs.), not including the weight of any PCB material contained within the PCB unit.

5. PCB-contaminated metals reclamation incinerator means a thermal treatment unit which is utilized to remove organic material and residual PCBs from PCB units which formerly contained PCBs at concentrations of less than five hundred parts per million (500 ppm).

6. PCB(s) means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain this substance.

7. A PCB facility is one which accepts PCB material, PCB units, or both for brokerage, treatment, storage or disposal on a commercial basis for remuneration.

8. PCB incinerator means an engineered device using controlled flame combustion to thermally degrade PCB material, PCB units, or both that is not classified as a high efficiency boiler or a PCB-contaminated metals reclamation incinerator.

9. PCB material is defined as any waste chemical substance that is known or assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs, or any mixture of a waste chemical substance that is known or assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs with a chemical substance containing less than fifty parts per million (50 ppm) PCBs. Unless test-

ed in accordance with 40 CFR 761.60(g), oil in or from electrical equipment (except circuit breakers, reclosers and cable) for which the PCB concentration is unknown must be assumed to contain equal to or greater than fifty parts per million (50 ppm) PCBs.

10. PCB units are defined as any waste manufactured item which contains or did contain PCB material, excluding the following PCB articles and PCB containers:

A. Small capacitors that remain as components of waste manufactured items;

B. PCB articles containing PCBs at concentrations of less than five hundred parts per million (500 ppm), provided that the article is first drained of all free-flowing liquids, filled with a solvent that readily solubilizes PCBs (for example, kerosene, toluene), allowed to stand for at least eighteen (18) hours and then drained thoroughly;

C. PCB articles containing PCBs at concentrations of less than five hundred parts per million (500 ppm), provided that the article is first drained of all free-flowing liquids and then thermally treated for the purpose of degrading the residual PCBs and combustible material. (Note: Minimum technical standards for thermal treatment of PCB articles are set forth in subsection (11)(A) of this rule.);

D. PCB containers that are decontaminated in accordance with 40 CFR 761.79;

E. PCB articles and PCB containers which have internal and external surfaces that have been decontaminated to less than ten micrograms (10 µg) PCBs per one hundred centimeters squared (100 cm²) surface area;

F. Electrical equipment that has been reclassified to non-PCB status pursuant to 40 CFR 761.30(a)(2)(v); and

G. PCB articles and PCB containers that are decontaminated by an alternate method, if approved by the department.

11. Treatment means any method, technique, or process, including degreasing, designed to change the physical, chemical, or biological character or composition of any PCB material or PCB units so as to recover energy or material resources from the waste or render the waste nontoxic or less toxic, to render the waste safer for transportation, storage, or disposal or to make the waste more suitable for recovery, storage, or volume reduction.

(B) The definitions for the following terms are codified in 40 CFR 761.3 and are incorporated by reference:

1. Capacitor;
2. Chemical substance;
3. Fluorescent light ballast;
4. PCB article;
5. PCB container;



6. PCB-contaminated electrical equipment; and

7. PCB transformer.

(C) The following terms shall be substituted in the portions of 40 CFR Part 264, 40 CFR Part 265, 40 CFR Part 270, and 10 CSR 25 that apply in this rule:

1. "PCB material," "PCB units," or both shall be substituted for "hazardous waste";

2. "PCB facility" shall be substituted for "hazardous waste facility"; "hazardous waste treatment, storage or disposal facility"; "treatment, storage or disposal facility"; and "HWM facility"; and

3. "PCB facility permit" shall be substituted for "Part B permit" and "RCRA permit."

(4) Manifesting, Record Keeping, and Reporting.

(A) Assignment of PCB Identification Numbers. PCB material and PCB units are assigned the following PCB identification numbers:

M001 Mineral oil dielectric fluid containing equal to or greater than fifty parts per million (50 ppm) PCBs but less than five hundred parts per million (500 ppm) PCBs.

M002 PCB-contaminated electrical equipment with dielectric fluid.

M003 PCB-contaminated electrical equipment that has been drained of all free-flowing liquids.

M004 Dielectric fluid containing greater than five hundred parts per million (500 ppm) PCBs.

M005 PCB transformers with dielectric fluid.

M006 PCB transformers that have been drained of all free-flowing liquids.

M007 PCB transformers that have been flushed with solvent as prescribed in 40 CFR 761.60(b)(1)(i)(B).

M008 Capacitors contaminated with PCBs.

M009 Soil, solids, sludges, dredge materials, clothing, rags, or other debris contaminated with PCBs.

M010 PCB-contaminated solvent. (Note: Any PCB-contaminated solvent that meets the definition of hazardous waste shall further be identified by the appropriate EPA identification number.)

M011 Other PCB material.

M012 Other PCB units.

(B) Manifests. All shipments destined to or originating from a Missouri PCB facility shall use EPA's Uniform Hazardous Waste Manifest. The owner/operator of a Missouri PCB facility who ships PCB material, PCB units, or both off-site for treatment, storage,

or disposal shall comply with the following requirements:

1. The owner/operator of a Missouri PCB facility shall contract with the designated facility to return the completed manifest to the Missouri PCB facility within thirty-five (35) days after the date the waste was accepted by the initial transporter;

2. An owner/operator of a Missouri PCB facility who does not receive a copy of the PCB manifest with a handwritten signature of the owner/operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter shall contact the transporter, the owner/operator of the designated facility, or both, to determine the status of the consignment;

3. An owner/operator of a Missouri PCB facility who has not received the completed manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five (35) days from the date the waste was accepted by the initial transporter shall submit a completed exception report to the department within forty-five (45) days from the date the waste was accepted by the initial transporter; and

4. The exception report shall include the following: the name, address, and telephone number of the Missouri PCB facility; the name, address, and telephone number and Missouri transporter license number for each transporter; the name, address, and telephone number of the designated facility; the manifest document numbers followed by the date of shipment; the waste description and the PCB identification number(s); the total quantity of PCB material, PCB units, or both, and the appropriate abbreviation for units of measure as follows: G—gallons (liquids only); P—pounds; T—tons (2,000 lbs.); Y—cubic yards; L—liters (liquid only); K—kilograms; M—metric tons (1,000 kg); N—cubic meters; the following certification statement, signed and dated by an authorized representative of the Missouri PCB facility: "I have personally examined and am familiar with the information submitted on this form. I hereby certify that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information which include fine and imprisonment"; a legible copy of the manifest document originated by the Missouri PCB facility and signed by the initial transporter which was retained by the Missouri PCB facility and for which the Missouri PCB facility does not have confirmation of delivery; and a cover letter signed by the facility owner/operator or his/her authorized representative explaining the efforts taken to locate the PCB material,

PCB units, or both, and the results of those efforts.

(C) The facility shall return a copy of the PCB manifest to the transporter immediately upon receipt of the consignment and shall return a copy to the consignor within thirty-five (35) days of receipt. The facility's manifest copy shall be maintained on-site for a period of three (3) years following receipt of a consignment. The period of record retention shall extend upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity.

(D) Reporting Requirements. The owner/operator of a PCB facility shall submit the following reports to the department:

1. The owner/operator shall submit an annual report by July 15 of each year that covers the previous calendar year. The annual report shall be prepared in accordance with 40 CFR 761.180(b).

2. The owner/operator shall complete and submit, within forty-five (45) days after the end of each calendar quarter, a quarterly report that includes the following information:

A. The name, address, and phone number of the facility;

B. The quarter for which the report is prepared;

C. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) received during the quarter. For the purpose of this report, any dielectric fluid drained from electrical equipment shall be designated as M001 or M004, as applicable;

D. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) generated on-site;

E. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) treated on-site and the method of treatment;

F. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) transferred to other treatment, storage, or disposal facilities. A summary shall be prepared for each individual facility utilized and shall include a list of shipping dates and the method of final disposition;

G. A summary of the total quantity of PCB material and PCB units (designated by PCB identification number) retained at the facility at the end of the reporting quarter;

H. In chronological order, a copy of each PCB manifest received during the reporting quarter;



I. In chronological order, all completed manifests utilized for off-site shipments during that calendar quarter; and

J. A certification which reads: "CERTIFICATION: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete for the quarterly accounting of PCB material so handled, and the operations of the facility referenced herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." The original signature of the owner/operator shall follow this certification.

(E) Operating Record. The owner/operator of a PCB facility shall maintain a written operating record. This subsection sets forth record keeping requirements for storage and transfer operations. A PCB facility shall also comply with the applicable record keeping requirements set forth in sections (7) and (8) of this rule. The information required in this subsection shall be recorded, as it becomes available, and maintained in the operating record of the facility until closure of the facility.

1. When PCB material is transferred from a PCB article or PCB container to a PCB container (for example, bulk tank or drum), the owner/operator shall record the following information:

A. The date of transfer;

B. The quantity of PCB material transferred;

C. The appropriate PCB identification number or some other reference to the type of material and PCB concentration;

D. Identification of the container into which the PCBs were transferred; and

E. The manifest document number from the manifest that accompanied the consignment or some other type of cross reference to the manifest document number.

2. When PCB material is transferred from a bulk tank to a tank truck, the owner/operator shall record information that indicates—

A. The date transported;

B. The tank identification and tank level or the quantity of PCB material removed from the tank; and

C. The manifest document number(s) associated with the off-site shipment(s).

(5) Transporter Requirements.

(A) Consignments of PCB material, PCB units, or both which are destined for or orig-

inate from a Missouri PCB facility shall be conveyed by a hazardous waste transporter licensed by the state in accordance with 10 CSR 25-6. The transporter's current license application or renewal shall specify that the applicant intends to transport PCB material, PCB units, or both.

(B) A transporter shall not accept a consignment of PCB material, PCB units, or both destined for or originating from a Missouri PCB facility unless the consignment is accompanied by a PCB manifest.

(C) PCB units not in PCB containers shall be inspected by the transporter prior to acceptance to ensure that the unit is intact and not leaking. The transporter shall not accept a leaking PCB unit unless the unit is in a non-leaking PCB container.

(D) In addition to existing state and federal requirements, the department may require that specific safety equipment, spill control equipment, and spill cleanup procedures be utilized by PCB transporters.

(6) Provisionally Regulated PCB Facilities.

(A) A PCB facility that meets the following criteria is defined as a provisionally regulated PCB facility:

1. The facility accepts only PCB waste numbers M002 and M003 for treatment and storage;

2. The quantity of PCB material accumulated on-site never exceeds ten thousand pounds (10,000 lbs);

3. The quantity of large PCB units accumulated on-site never exceeds fifty (50) units; and

4. The treatment processes conducted at the facility are limited to decontamination of PCB units that contained less than five hundred parts per million (500 ppm) PCBs.

(B) The owners/operators of provisionally regulated PCB facilities shall comply with the following:

1. Notification. The facility owner/operator shall submit a notification letter to the department prior to commencing operation as a PCB facility. The notification letter shall include the following information:

A. The facility name, address, and telephone number; and

B. A description of the existing and proposed treatment and storage methods and capacities;

2. Manifesting. PCB articles that are transported to a facility for the purpose of servicing need not be accompanied by a manifest; and

3. Owners/operators of PCB-contaminated metals reclamation incinerators shall meet the minimum technical standards in subsection (12)(A) of this rule.

(C) A provisionally regulated PCB facility which does not provide adequate environmental protection as determined by the department may be required to meet any or all of the requirements of this rule.

(D) The owner/operator of a provisionally regulated PCB facility who fails to operate within the criteria of subsection (6)(A) of this rule or who fails to comply with the requirements of subsection (6)(B) of this rule may be required to meet any or all of the requirements of this rule.

(7) Mobile Treatment Units.

(A) For the purpose of the rule, mobile treatment units (MTUs) are defined as follows:

1. Mobile treatment processes that utilize a physical or chemical treatment unit for the purpose of reclassifying a transformer pursuant to 40 CFR 761.30(a)(2)(v) as incorporated in this rule; or

2. Any other mobile treatment process that requires EPA approval pursuant to 40 CFR 761.60(e).

(B) MTUs are exempt from sections (4), (8), (9), and (10) of this rule provided that—

1. The owner/operator of an EPA approved MTU submits a copy of the MTU's EPA approval to the department at least thirty (30) days prior to initial operation in Missouri;

2. The owner/operator of a MTU that does not require an EPA approval submits a detailed description of his/her process at least thirty (30) days prior to initial operation in Missouri;

3. The owner/operator of a MTU that is not providing a transformer reclassification service cannot operate for more than twenty (20) consecutive working days at any given job site without prior written approval of the department;

4. The owner/operator of a MTU that is providing a transformer reclassification service cannot operate at any given job site for more than one hundred eighty (180) days without prior written approval from the department; and

5. The owner/operator submits a site-specific notification to the department prior to treatment of PCBs at any given job site. The site-specific notification shall include the following information:

A. The client's name, address, and phone number;

B. The approximate quantity of PCBs to be processed by the MTU;

C. The approximate PCB concentration of the PCB material prior to treatment; and

D. The location of the job site.



(8) Standards for Owners/Operators of PCB Facilities. The owner/operator of a permitted Missouri PCB facility shall comply with this section. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR Part 264 incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2), which apply in this rule. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.264 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.264 apply.

(A) Applicability. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 264 Subpart A, incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(A). This section does not apply to an owner/operator of a provisionally regulated PCB facility or mobile treatment unit provided that the owner/operator maintains compliance with section (6) or (7) of this rule, respectively.

(B) General Facility Standards. This subsection sets forth standards which modify or add to 40 CFR Part 264 Subpart B, incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(B). In addition to the requirements in 40 CFR 264.13(a)(1), as incorporated in 10 CSR 25-7.264, the waste analysis, at a minimum, shall contain all the information which must be known to treat, store, dispose of, or broker the waste in accordance with the requirements of this rule, the PCB facility permit conditions and 40 CFR Part 761.

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

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

(E) Manifest System, Record Keeping, and Reporting. The owner/operator shall comply with the requirements in section (3) of this rule.

(F) Groundwater Protection. (*Reserved*)

(G) Closure and Post-Closure. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 264 Subpart G incorporated in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(G). The most recent closure and post-closure estimates prepared in accordance with this subsection shall be submitted annually to the department by March 1.

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

(I) Use and Management of Containers. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 264 Subpart I incorporated in 10

CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(I).

1. The term container as used in this subsection shall mean PCB article, PCB container, or both.

2. The storage area shall meet the requirements in 40 CFR 761.65(b).

3. The temporary storage exemptions in 40 CFR 761.65(c)(1) are not allowed for permitted PCB facilities.

(J) Tank Systems. (*Reserved*)

(K) Surface Impoundments. The management of PCB material, PCB units, or both in a surface impoundment is prohibited.

(L) Waste Piles. The management of PCB material, PCB units, or both in a waste pile is prohibited.

(M) Land Treatment. The management of PCB material, PCB units, or both in a land treatment unit or facility is prohibited.

(N) Landfills. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 264 Subpart N incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(N). Landfilling of PCB material containing free liquids is prohibited.

(O) PCB Incinerators. This subsection sets forth standards applicable to PCB incinerators which modify or add to those requirements in 40 CFR Part 264 Subpart O, incorporated by reference in 10 CSR 25-7.264(1) and modified in 10 CSR 25-7.264(2)(O).

1. The provisions of 40 CFR 264.340(b), as incorporated in 10 CSR 25-7.264, shall not apply in this rule.

2. The requirements of 40 CFR 264.343(a)(1), as incorporated in 10 CSR 25-7.264, are modified to require an incinerator burning PCBs to achieve a destruction and removal efficiency (DRE) of ninety-nine and nine thousand nine hundred ninety-nine ten-thousandths percent (99.9999%).

3. The provisions of 40 CFR 264.343(a)(2) as incorporated in 10 CSR 25-7.264 shall not apply in this rule.

4. Combustion criteria for PCB liquids and combustion gases entering a secondary chamber shall be either of the following:

A. Maintenance of the introduced liquids for a two (2)-second dwell time at twelve hundred degrees Celsius, plus or minus one hundred degrees Celsius (1,200°C ± 100°C) and three percent (3%) excess oxygen in the stack gas; or

B. Maintenance of the introduced liquids for a one and one-half (1 1/2) second dwell time at sixteen hundred degrees Celsius, plus or minus one hundred degrees Celsius, (1,600°C ± 100°C) and two percent (2%) excess oxygen in the stack gas.

5. Combustion efficiency shall be at least ninety-nine and nine-tenths percent (99.9%), computed as follows: Combustion efficiency equals the concentration of carbon dioxide divided by the sum of the concentration of carbon dioxide and the concentration of carbon monoxide multiplied by one hundred

$$\left(\frac{C_{CO_2}}{C_{CO_2} + C_{CO}} \right) \times 100$$

where

C_{CO_2} = the concentration of carbon dioxide; and

where

C_{CO} = the concentration of carbon monoxide.

6. The provisions of 40 CFR 264.344(a)(2), as incorporated in 10 CSR 25-7.264 shall not apply in this rule.

(P) Health Profiles. (*Reserved*)

(Q) (*Reserved*)

(R) (*Reserved*)

(S) (*Reserved*)

(T) (*Reserved*)

(U) (*Reserved*)

(V) (*Reserved*)

(W) (*Reserved*)

(X) Miscellaneous Units. This subsection sets forth requirements which modify or add to the requirements in 10 CSR 25-7.264(2)(X).

1. Permit conditions will be based upon successful process demonstrations. The process demonstrations shall define the maximum PCB concentration and type of PCB material and PCB units that can be treated.

2. The final concentrations of treated PCB material must be less than two parts per million (2 ppm) PCB.

(9) Interim Status Standards for Owners/Operators of PCB Facilities. The requirements set forth in 40 CFR Part 265, incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2) apply in this rule. This section sets forth standards for interim status PCB facilities which modify and add to the requirements of 40 CFR Part 265 incorporated by reference in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2). This section does not apply to an owner/operator of a provisionally regulated PCB facility or mobile treatment unit provided that the owner/operator maintains compliance with section (6) or (7) of this rule, respectively. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR



25-7.265 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.265 apply in this rule.

(A) General. Within one hundred eighty (180) days after the effective date of this rule, the owner/operator shall complete, sign and submit a PCB facility permit application or a closure plan prepared in accordance with 10 CSR 25-13.010(9)(G) to the director.

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

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

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

(E) Manifest System, Record Keeping, and Reporting. The owner/operator shall comply with the requirements in section (3) of this rule.

(F) Groundwater Monitoring. *(Reserved)*

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

(H) Financial Requirements. *(Reserved)*

(I) Use and Management of Containers. *(Reserved)*

(J) Tank Systems. *(Reserved)*

(K) Surface Impoundments. The management of PCB material, PCB units, or both in surface impoundments is prohibited.

(L) Waste Piles. The management of PCB material, PCB units, or both in waste piles is prohibited.

(M) Land Treatment. The management of PCB material, PCB units, or both in a land treatment unit or facility is prohibited.

(N) Landfills. *(Reserved)*

(O) Incinerators. *(Reserved)*

(P) Thermal Treatment. *(Reserved)*

(Q) Chemical, Physical, and Biological Treatment. *(Reserved)*

(10) PCB Facility Permitting. The requirements in 40 CFR Part 270, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2) apply in this rule. This section sets forth standards for a Missouri PCB facility permit which modify and add to the requirements of 40 CFR Part 270 incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2). This section does not apply to an owner/operator of a provisionally regulated PCB facility or a mobile treatment unit provided that the owner/operator maintains compliance with section (6) or (7) of this rule, respectively. For those subsections marked *Reserved* in which no modification or addition is indicated, the requirements of 10 CSR 25-7.270 and those 40 CFR parts incorporated by reference in 10 CSR 25-7.270 apply in this rule.

(A) General Information. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 270 Subpart

A, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(A). The owner/operator shall submit a Missouri PCB facility application on a form provided by the department.

(B) Permit Application. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 270 Subpart B, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(B).

1. The requirements for qualifying for interim status are set forth in paragraph (10)(G)2. of this rule.

2. The waste analysis plan required by 40 CFR 270.14(b)(3), as incorporated in 10 CSR 25-7.270, shall be prepared in accordance with subsection (8)(B).

3. These requirements are in addition to the specific information requirements for incinerators in 40 CFR 270.19 as incorporated in 10 CSR 25-7.270.

A. 40 CFR 270.19(a), as incorporated in 10 CSR 25-7.270, shall not apply in this rule.

B. In addition to the requirements of 40 CFR 270.19(c)(5) as incorporated in 10 CSR 25-7.270, methods and results of monitoring for the following parameters shall be submitted from any previously-conducted trial burns: oxygen (O₂); carbon dioxide (CO₂); oxides of nitrogen (NO_x); hydrochloric acid (HCl); total chlorinated organic content (RCI); PCBs; and total particulate matter.

(C) Permit Conditions. *(Reserved)*

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

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

(F) Special Forms of Permits. This subsection sets forth standards which modify or add to the requirements in 40 CFR Part 270 Subpart F incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(F).

1. In addition to the requirements of 40 CFR 270.62(b)(2), as incorporated in 10 CSR 25-7.270, the applicant shall conduct monitoring for the following parameters: a) oxygen (O₂); b) carbon monoxide (CO); c) carbon dioxide (CO₂); d) oxides of nitrogen (NO_x); e) hydrochloric acid (HCl); f) total chlorinated organic content (RCI); g) PCBs; and h) total particulate matter.

(G) Interim Status. This subsection sets forth standards which modify or add to those requirements in 40 CFR Part 270 Subpart G, incorporated by reference in 10 CSR 25-7.270(1) and modified in 10 CSR 25-7.270(2)(G).

1. A PCB facility that meets the require-

ments of this subsection may continue to operate without a PCB permit if the facility remains in compliance with the interim status requirements in this subsection.

2. A PCB facility shall qualify for interim status if the facility—

A. Was in operation on August 13, 1986;

B. Filed a letter of intent with the department before December 12, 1986 to construct, alter, or operate the facility; and

C. Is in compliance with section (9) of this rule.

(11) Public Participation. The public participation requirements and variance and appeal procedures in 10 CSR 25-8.124 apply in this rule.

(12) Minimum Operating Requirements for Specific Units.

(A) Scrap Metal Recovery Ovens and Smelters.

1. Scrap metal recovery ovens and smelters that are used to reclaim PCB-contaminated metals shall be operated in accordance with 40 CFR 761.72.

(B) *(Reserved)*

AUTHORITY: section 260.370, RSMo Supp. 2010, and sections 260.395 and 260.396, RSMo 2000. Original rule filed Aug. 14, 1986, effective Jan. 1, 1987. Rescinded and readopted: Filed June 2, 1988, effective Dec. 20, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011.*

**Original authority 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000; and 260.396, RSMo 1986.*