



Rules of
Department of Natural Resources
Division 25—Hazardous Waste Management Commission
Chapter 15—Hazardous Substance Environmental
Remediation (Voluntary Cleanup Program)

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 15—Hazardous Substance
Environmental Remediation (Voluntary
Cleanup Program)**

**10 CSR 25-15.010 Hazardous Substance
Environmental Remediation (Voluntary
Cleanup Program)**

PURPOSE: This rule defines those persons who may apply to the Missouri Department of Natural Resources for oversight of an environmental remediation cleanup in accordance with sections 260.565—260.575, RSMo, and establishes procedures for participation.

(1) Applicability. Any person, including, but not limited to, a person acquiring, disposing of or possessing a lien holder interest in real property that is known to be or suspected to be contaminated by hazardous substances, may apply to remediate the real property with oversight by the Missouri Department of Natural Resources.

(2) Intent to Participate.

(A) Application forms may be submitted at any time from the completion of a Phase I environmental site assessment up through the development, but not including the implementation, of a remedial action plan.

(B) The department will review the form for completeness. The department will return any form deemed incomplete to the person for completion. Upon receipt of all requested information, the department will notify the person that the application form is complete and proceed according to section (3) of this rule.

(C) The department will deny applications for sites pursuant to section 260.567.2, RSMo, including sites that fall within any of the following categories:

1. Conditions at a site constitute an imminent and substantial threat to public health or the environment;

2. Site inspection is completed and the site is being evaluated for listing on the National Priorities List (NPL); or

3. Permitted or interim status Resource Conservation Recovery Act facilities.

(3) Environmental Remediation Oversight.

(A) All reports, including other information requested by the department pursuant to section 260.567.3, RSMo, shall be submitted within ninety (90) days following receipt of notice from the department that these reports are required. An extension may be granted at the department's discretion.

(B) The department will review and comment on the reports within one hundred eighty (180) days. The one hundred eighty (180) days shall start upon receipt of all the reports or the deposit pursuant to section 260.567.3, RSMo, whichever is later.

(C) The person shall notify the department's voluntary cleanup project manager by telephone, facsimile or letter no later than five (5) working days before the intended starting date of field work relating to site characterization or remediation.

(4) Remedial Action Plan.

(A) The person shall submit a remedial action plan for any contamination identified in the environmental site assessments within ninety (90) days following notice from the department that this information is required. An extension may be granted at the department's discretion. The remedial action plan shall satisfy the requirements of section 260.567.6., RSMo. The department shall review the remedial action plan and determine if the plan is protective of human health and the environment. If revisions or modifications of the plan are necessary, the department will notify the person of the required revisions.

(B) Completion Report. A final completion report signed by the person or an authorized agent, documenting that all required work has been satisfactorily completed shall be submitted to the department.

(5) Notification of Completion. The department will issue a letter of completion pursuant to section 260.573, RSMo.

(6) Termination of Environmental Remediation.

(A) Pursuant to section 260.567.11., RSMo, a person may terminate participation at any time by providing the department with written notification. This termination does not affect the person's environmental liability.

(B) Pursuant to section 260.569.3., RSMo, the department may terminate a person's participation in the environmental remediation oversight agreement for cause.

(C) Reimbursement of unspent oversight monies shall be handled in accordance with section 260.569.4., RSMo.

(7) Oversight Reimbursements. The person shall reimburse the department for site-specific administration and oversight costs in accordance with section 260.569.1, RSMo and this rule.

(A) A complete accounting of the costs incurred by the department will be billed to the person by certified mail at the following

rates:

1. Personnel. The project manager's and geology and laboratory field personnel's hourly rates multiplied by a fixed factor of three and one-half (3 1/2) will be the basis for time accounting billing. This fixed factor is composed of direct labor costs; fringe benefits, calculated at a rate developed by the department, indirect costs calculated at a rate approved by the United States Environmental Protection Agency; and direct overhead, including, but not limited to, the cost of clerical support and supervisory engineering review and Hazardous Waste Program administrative and management support;

2. Expenses. The direct expenses incurred during administration and oversight and any analytical costs associated with sampling; plus indirect costs calculated at the approved United States Environmental Protection Agency rates; and

3. Monitoring fee. For sites that require engineering and/or institutional controls (e.g., capping, deed restrictions), the person shall submit a fee to cover the department's long-term monitoring costs. The department's voluntary cleanup project manager shall establish a site-specific monitoring fee, ranging from five thousand dollars to fifteen thousand dollars (\$5,000–\$15,000). The amount of the monitoring fee shall be dependent upon the complexity of the site and the type of engineering and/or institutional controls.

(B) The person shall reimburse the department as follows:

1. After the two hundred dollar (\$200) application fee has been expended pursuant to section 260.569.1, RSMo, reimbursement shall be made from the deposit pursuant to section 260.567.3, RSMo.

2. The department shall bill the person for any further expenses. The person shall reimburse the department within sixty (60) days following notice from the department that reimbursement is due. Failure to submit timely reimbursement may be grounds for termination of the environmental remediation oversight agreement.

(C) The person may appeal pursuant to section 260.569.1, RSMo. Upon appeal to the commission, the disputed amount shall be placed in escrow pending resolution of the appeal.

(8) Appeals. Appeal hearings will be conducted by the commission in accordance with section 260.400, RSMo.

AUTHORITY: sections 260.370, 260.567, 260.569, 260.571, and 260.573, RSMo 2016. Original rule filed Jan. 5, 1994, effective Aug.*



28, 1994. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed June 12, 2018, effective March 30, 2019.

**Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.567, RSMo 1993; 260.569, RSMo 1993, amended 2000, 2005; 260.571, RSMo 1993; and 260.573, RSMo 1993.*