Rules of
Department of Natural Resources
Division 25—Hazardous Waste Management Commission
Chapter 3—Hazardous Waste Management System: General

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 3—Hazardous Waste
Management System: General

10 CSR 25-3.010 Definitions
(Rescinded October 1, 1986)


10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information

PURPOSE: This rule sets forth definitions and delisting procedures. This rule incorporates the federal regulations in 40 CFR part 260 by reference. This rule also outlines a number of specific substitutions between the state and federal regulations that are necessary for incorporation by reference.

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 260, July 1, 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, and the changes made at 78 FR 0, July 31, 2013, are incorporated by reference, except for the changes made at 78 FR 53453, September 8, 2005, subject to the following additions, modifications, substitutions, or deletions. This rule does not incorporate any subsequent amendments or additions.

(A) Except where otherwise noted in sections (2) and (3) of this rule or elsewhere in 10 CSR 25, any federal agency, administrator, regulation, or statute that is referenced in 40 CFR parts 260–270, 273, and 279, and incorporated by reference in 10 CSR 25, shall be deleted and in its place add the comparable state department, director, rule, or statute. Where conflicting rules exist in 10 CSR 25, the more stringent rules control.

1. “Director” is substituted for “Administrator” or “Regional Administrator” except where those terms are defined in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

2. “Missouri Department of Natural Resources” is substituted for “EPA,” “U.S. EPA,” or “U.S. Environmental Protection Agency” except where those terms appear in definitions in 40 CFR 260.10 incorporated in this rule and where otherwise indicated in 10 CSR 25.

3. “Section 260.395.15, RSMo,” is substituted for “Section 3005(e) of RCRA.”

4. “Sections 260.375(9), 260.380.1(9), 260.385(7), and 260.390(7), RSMo,” is substituted for “Section 3007 of RCRA.”

5. “Sections 260.410 and 260.425, RSMo,” is substituted for “Section 3008 of RCRA.”


8. “10 CSR 25-5.262” is substituted for any reference to 40 CFR part 262.


12. “10 CSR 25-7.266” is substituted for any reference to 40 CFR part 266.


18. “Sections 260.350–260.434, RSMo” is substituted for “Subtitle C of RCRA Act,” or “RCRA,” except where those terms are defined in 40 CFR 260.10, incorporated in this rule.

19. “Section 260.380.1(1), RSMo” is substituted for “Section 3010 of RCRA.”

20. “Section 260.420, RSMo” is substituted for “Section 7003 of RCRA.”

21. “Waste within the meaning of section 260.360(21), RSMo,” is substituted for “solid waste within the meaning of section 1004(27) of RCRA.” Residual materials specified as wastes under section 260.360(21), RSMo, means any spent materials, sludges, by-products, commercial chemical products, or scrap metal that are solid wastes under 40 CFR 261.2, as incorporated in 10 CSR 25-4.261.

22. “Section 260.360(9), RSMo,” is substituted for “Section 1004(5) of RCRA.”

23. “Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, 10 CSR 25-3.260(1)(B), and 10 CSR 25-7.270(2)(B)” is substituted for any reference to the Federal Freedom of Information Act (5 U.S.C. 552(a) and (b)), 40 CFR part 2, or Section 3007(b) of RCRA.

24. All quantities of solid waste which are defined as hazardous waste pursuant to 10 CSR 25-4 are hazardous waste and are regulated under sections 260.350–260.434, RSMo, and 10 CSR 25. A person shall manage all hazardous waste which is not subject to requirements in 10 CSR 25 in accordance with subsection 260.380.3, RSMo. When a person accumulates one hundred kilograms (100 kg) of nonacute hazardous waste or one kilogram (1 kg) of acutely hazardous waste or the aggregate of one hundred kilograms (100 kg) of acute and nonacute hazardous waste, whichever first occurs, that person is subject to the provisions in 10 CSR 25. This provision is in addition to the calendar-month generation provisions in 40 CFR 261.5 which are incorporated by reference and modified in 10 CSR 25-4.261(2)(A).

25. The term variance in 10 CSR 25 means an action of the commission pursuant to section 260.405, RSMo. In any case where a federal rule that is incorporated by reference in 10 CSR 25 uses the term variance but the case-by-case decision or action of the department or commission does not meet the description of a variance pursuant to section 260.405, RSMo, the decision or action will be considered an exception or exemption based on the conditions set forth in the federal rule incorporated by reference or the omission from regulation.

26. The rules of grammatical construction in 40 CFR 260.3 incorporated by reference in this rule also apply to the incorporated text of 40 CFR parts 266 and 270 and to 10 CSR 25.
(2) This section sets forth specific modifications to the regulations incorporated in section (1) of 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, changes to 40 CFR part 260 subpart A will be located in subsection (2)(A) of this rule.)

(A) The following are changes to 40 CFR part 260 subpart A incorporated in this rule:

1. Confidential business information and availability of information. 40 CFR 260.2 is not incorporated in this rule. In lieu of those provisions, the following applies to confidential business information and the availability of information:

   A. Any information provided to the department under 10 CSR 25 will be made available to the extent and in the manner authorized by Chapter 610, RSMo, sections 260.430 and 260.550, RSMo, subsection (1)(B) and 10 CSR 25-7.270(2)(B)2. as applicable; and

   B. Any person who submits information to the department in accordance with 10 CSR 25 may assert a claim of business confidentiality covering a part or all of that information by including a letter with the information which requests protection of specific information from disclosure. Information covered by this claim will be disclosed by the department to the extent and by means of the procedures set forth in Chapter 610, RSMo. However, if no claim accompanies the information when it is received by the department, the information may be made available to the public without further notice to the person submitting it. The department will respond to requests for protection of business information within twenty (20) business days.

(B) Definitions. (Reserved)

(C) Definitions beginning with the letter B.

(D) Definitions beginning with the letter C.

(E) Definitions beginning with the letter D.

(F) Definitions beginning with the letter E. (Reserved)

(G) Definitions beginning with the letter G.

(H) Definitions beginning with the letter H.

(I) Definitions beginning with the letter I.

(J) Definitions beginning with the letter J. (Reserved)

(K) Definitions beginning with the letter K. (Reserved)

(L) Definitions beginning with the letter L. (Reserved)

(M) Definitions beginning with the letter M.

1. Missouri hazardous waste mileage means the total fleet miles that materials requiring a hazardous waste transporter license are transported in Missouri over a period specified by rule. Additionally, all miles traveled transporting containers with residues of these materials, as defined at 49 CFR 171.8, will be included in the Missouri hazardous waste mileage.

2. Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer, or any combination of them, propelled or drawn by mechanical power and used upon the highways in transportation. It does not include a vehicle, locomotive, or car operated exclusively on a rail(s).

(N) Definitions beginning with the letter N. (Reserved)

(O) Definitions beginning with the letter O. (Reserved)

(P) Definitions beginning with the letter P.

1. Professional engineer or registered engineer means a professional engineer licensed to practice by the Missouri Board of Professional Engineers and Professional Land Surveyors.

2. Power unit for the purpose of this regulation is a truck with at least two (2) axles, regardless of licensed vehicle weight or configuration.

(Q) Definitions beginning with the letter Q. (Reserved)

(R) Definitions beginning with the letter R.


2. Registry means the Missouri Registry of Confirmed Abandoned or Uncontrolled Hazardous Waste Disposal Sites.
3. Remedial action means any action at a hazardous waste site to protect the public health and environment. These actions may include, but are not limited to: storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of hazardous waste, hazardous substances, or contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive materials; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; any monitoring reasonably needed to assure that these actions protect the public health and environment; or any combination of these actions.

4. Remedial action plan means the specific procedures to be followed in implementation of any remedial action and all necessary, related procedures including, but not limited to, safety, analysis, sampling, handling, packaging, storing, removing, transporting, labeling, registering, and site security. A remedial action plan has a defined endpoint, agreed to in advance, which will complete the plan. Additional remedial actions may be necessary after completion of a remedial action plan dependent upon results of sample analysis or development of new information.

5. Responsible party means any person(s) liable for costs of removal actions or remedial action or other response costs or damages pursuant to Section 107 of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9607–9657 as amended by P.L. 99-499 Superfund Amendments, and Reauthorization Act of 1986, or any current owners or other person willing to assume responsibility.

6. Universal waste means any of the hazardous wastes that are defined under the universal waste requirements of 10 CSR 25-16.273(2)(A).

7. Used oil. The definition of used oil at 40 CFR 260.10 is amended to include, but not be limited to, petroleum-derived and synthetic oils which have been spilled into the environment or used for any of the following:
   - Lubrication/cutting oil;
   - Heat transfer;
   - Hydraulic power;
   - Insulation in dielectric transformers.

8. United States importer means a United States-based person who is in corporate good standing with the U.S. state in which they are registered to conduct business and who will be assuming all generator responsibilities and liabilities specified in sections 260.350–260.430, RSMo, for wastes which the United States importer has arranged to be imported from a foreign country.

9. Waste means any material for which no use or sale is intended and which will be discarded or any material which has been or is being discarded. Waste also means certain residual materials which may be sold for purposes of energy or materials reclamation, reuse, or transformation into new products which are not wastes.