# Rules of Department of Natural Resources
## Division 25—Hazardous Waste Management Commission
### Chapter 6—Rules Applicable to Transporters of Hazardous Waste

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10 CSR 25-6.010 License Requirements and Operating Procedures for Motor Vehicle Operators

(Rescinded October 1, 1986)


10 CSR 25-6.020 License Requirements and Operating Procedures for Railroads

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10 CSR 25-6.030 License Requirements and Operating Procedures for All Other Modes of Transport

(Rescinded October 1, 1986)


10 CSR 25-6.263 Standards for Transporters of Hazardous Waste

PURPOSE: This rule sets forth standards for transporters of hazardous waste, incorporates 40 CFR part 263 and certain regulations in 49 CFR 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 263, July 1, 2013; 49 CFR parts 171–180, November 1, 1990, and December 1, 1997; and 49 CFR parts 40, 383, 387, 390–397, October 1, 1990, and October 1, 1997, 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, except for 49 CFR 390.3(f)(2), which is not 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) applies in this rule in addition to any other modifications set forth in section (2) of this rule except that the modifications do not apply to the 49 CFR parts incorporated in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control.

2. A hazardous waste transporter shall comply with the requirements of this section in addition to those set forth in section (1). Any reference to a 40 CFR cite in this section means as that provision is incorporated in 10 CSR 25. (Comment: This section has been organized in order within the corresponding subsection of this section. For example, the additional requirements being added to 40 CFR part 263 are found in subsection (2)(A).) A description of the service proposed to be rendered.

3. The applicant’s name, address, location of the principal office, or place of business, and the legal owner of the applicant company;

4. The applicant’s Environmental Protection Agency (EPA) identification number;

5. The number of power units to be used;

6. A description of each power unit to include make, model, year, vehicle identification number (VIN), licensed vehicle weight, and state and number of the license plate and a description of the trailers (cargo box, van, tank) and maximum trailer capacities used by the transporter;

7. A disclosure statement for the applicant, principal corporate officers, and the holders of more than twenty percent (20%) of the applicant company. If any of these persons were involved in hazardous waste management before their association with the applicant company, the applicant shall submit this information to the department including the names of these persons and the names and locations of the companies otherwise in this rule.

8. The more stringent regulations control. The equipment used in the transportation of hazardous waste shall meet the standards of the Missouri Department of Transportation’s Division of Motor Carrier and Railroad Safety, the United States Department of Transportation, and the Federal Railroad Administration, or any combination of them, as applicable for the types of hazardous materials for which it will be used. The equipment to be used in the transportation of hazardous waste shall be compatible with that waste and adequate to protect the health of humans and prevent damage to the environment.

9. Transportation of hazardous waste shall be compatible with that waste and adequate to protect the health of humans and prevent damage to the environment;
with which they were associated; and

(VIII) For applicants who are not residents of Missouri, a written statement designating the director of the department as the authorized agent upon whom legal service may be made for all actions arising in Missouri from any operation of motor vehicles under authority of the department.

B. In addition to the completed application, an applicant shall submit each of the following:

(1) A fee as specified in 10 CSR 25-12.010;

(II) The insurance document(s) as specified in paragraph (2)(A)(4.) of this rule; and

(III) Statements, documents, or both, of the following, where applicable:
(a) If the applicant is a partnership, include an affidavit to this effect signed by the proprietor or include a copy of the partnership agreement. If no written partnership agreement has been entered into, include a statement summarizing the agreement between the parties which is signed by each of the partners and certified by a notary public;
(b) If the applicant is a Missouri corporation or a foreign corporation with authority to conduct business in Missouri or is a foreign corporation with facilities or employees in Missouri, a Certificate of Corporate Good Standing from the Missouri secretary of state and if the applicant is a non-resident corporation without facilities or employees in Missouri, a Certificate of Good Standing from the state or country of residence; and

c) If the applicant is conducting its business under an assumed or fictitious name, a certified copy of the registration with the Missouri secretary of state of the assumed or fictitious name.

C. License renewal.

(I) At least sixty (60) days prior to the expiration date of his/her current license, a hazardous waste transporter wishing to renew his/her license shall submit a license renewal application on a form furnished by the department, including a Certificate of Corporate Good Standing issued within the twelve (12) months preceding the license expiration date, documents that satisfy the insurance requirements in paragraph (2)(A)(4.) of this rule, except for other than power unit carriers, and a fee as specified in 10 CSR 25-12.12.

D. Power unit additions, replacements, and temporary permits. Changes made to the power unit listings as shown on the current license application or renewal form shall be reported to the department as follows: A power unit can be added by submitting a written description of the power unit to be added and paying a fee in accordance with 10 CSR 25-12.010. A power unit can be replaced for another without any charge by submitting a description of the original power unit and its replacement. A power unit can be issued a temporary permit for a thirty- (30-) day period by submitting a written description of the power unit and paying a fee in accordance with 10 CSR 25-12.010.

E. Proof of license. A transporter shall carry proof of license with each power unit transporting hazardous waste within Missouri. A legible copy of this certificate shall be in the possession of the driver of the power unit and shown upon demand to representatives of the department, officers of the Missouri State Highway Patrol, and other law enforcement officials;

4. Insurance.

A. Transporters licensed in accordance with this chapter shall at all times have on file with the department a certification of public liability (bodily injury and property damage) insurance which includes the required, uniform endorsements covering each motor vehicle in accordance with 49 CFR part 387 incorporated by reference in this rule. The minimum level of insurance coverage shall not be less than one (1) million dollars combined single limit. (Comment: The federal regulations at 49 CFR 387.9 set forth certain conditions which require five (5) million dollars coverage.)

B. The certificate of insurance shall—

(I) State that the insurer has issued to the motor carrier a policy of insurance which, by endorsement, provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon the motor carrier by the provisions of the law of Missouri;

(II) Be duly completed and executed by the insurer or the carrier;

(III) Be duly completed and executed by the insurer with the endorsements made on Form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance; and

(IV) Include a surety bond, duly completed and executed by the surety or motor carrier.

C. An insurer under the provisions of this rule shall submit to the department not fewer than thirty (30) days’ notice of cancellation of motor carrier bodily injury and property damage liability insurance by filing with the department the form of notice set forth in Form K—Uniform Notice of Cancellation of Motor Carrier Insurance Policies. The notice shall be duly completed and executed by the insurer. A surety under the provisions of this rule shall give the department not fewer than thirty (30) days’ notice of the cancellation of motor carrier bodily injury and property damage liability surety bond by filing with the department the form of notice set forth in Form L—Uniform Notice of Cancellation of Motor Carrier Surety Bond. The notice shall be duly completed and executed by the surety or motor carrier.


E. Before any policy of insurance will be accepted by the department, the insurance company issuing the policy or the carrier offering the same, upon request of the department, shall furnish evidence satisfactory to the department that the insurance company issuing the policy is duly authorized to transact business in Missouri and that it is financially able to meet the obligations of the policy offered.

F. All insurance certificates and surety bonds filed with the department shall remain on file with the department and shall not be removed except with the written permission of the director.

G. A new certificate of insurance shall be filed for reinstatement of insurance which has been canceled;

5. Vehicle marking. The transportation vehicle used to ship hazardous waste shall be marked in accordance with 49 CFR 390.21(b) and (c);

6. No hazardous waste shall be accepted for transport unless it has been properly loaded and secured in accordance with 49 CFR 177.834;

7. Incompatible wastes. A waste shall not be added to an unwashed or uncleared container that previously held an incompatible material;

8. In addition to the requirements in 40 CFR 263.10(c)(1), the following requirements: A transporter who accepts shipments of hazardous waste from a person not subject to registration as a generator in accordance with 10 CSR 25-5.262, and in so doing accumulates one hundred kilograms (100 kg) or
more of hazardous waste, becomes a generator and shall comply with 10 CSR 25-5.262 in addition to the requirements of this rule. (Note: This provision is not intended to apply to municipal waste haulers who may unknowingly pick up small quantities of hazardous waste that may have been deposited in solid waste containers along their routes.)

9. In addition to the requirements in 40 CFR 263.11, add the following: “In the event that an EPA identification number has not been assigned, the department will assign an EPA identification number.” The applicant shall also submit an application for license in accordance with this rule at the time of notification; and

10. In addition to the requirements in 40 CFR 263.12, the following rules apply to transfer facilities (Note: Used oil transfer facilities are regulated under 10 CSR 25-11.279.)

A. A hazardous waste transported intrastate or into the state by motor carrier shall arrive at its destination in ten (10) calendar days or less from the date the initial transporter signs the manifest, or when the waste first enters the state, unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

B. A hazardous waste destined for out-of-state treatment, storage, or disposal shall leave the state in ten (10) calendar days or less from the date the initial transporter signs the manifest unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

C. A hazardous waste transported through the state by motor carrier shall pass through the state in ten (10) calendar days or less unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

D. A secondary containment system for storage of hazardous waste in containers at a transfer facility shall be designed, maintained, and operated as follows:

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A. In lieu of the requirements in 40 CFR 265.12, the following rules apply to transfer facilities (Note: Used oil transfer facilities are regulated under 10 CSR 25-11.279.)

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Consent accompanies the hazardous waste at all times; and

(d) Provide a copy of the manifest to a United States Customs official at the point of departure from the United States.

B. In addition to requirements in 40 CFR 263.22, the following shall apply:

(I) Each day that a vehicle is used for the transportation of hazardous waste, the driver of that vehicle, prior to the transportation, shall inspect the vehicle to meet the requirements of 49 CFR 396.11 incorporated by reference in section (1) of this rule;

(II) Document the vehicle inspection in writing;

(III) At a minimum once annually, transporters shall provide and document hazardous waste/materials training for each driver employee who transports hazardous waste;

(IV) Make records relating to hazardous waste transportation available to representatives of the department for inspection and copying during regular business hours; and

(V) Maintain current files on driver vehicle inspections, vehicle maintenance, annual employee training, and records of incident reports for a period of three (3) years. Files shall be maintained by the licensed transporter regardless of whether the vehicle(s) is owned or leased. The period of record retention for these records also extends automatically during the course of any unresolved enforcement action, and the records shall be available to authorized representatives of the department for inspection and copying during regular business hours.

2. (Reserved)

(C) Immediate Action. In addition to the requirements in 40 CFR part 263 subpart C, the following shall apply:

1. In addition to requirements in 40 CFR 263.30(c)(1), the transporter shall also notify the department at the earliest practical moment of a hazardous waste discharge by calling the department’s emergency number, (573) 634-2436 (634-CHEM); and

2. In addition to requirements in 40 CFR 263.30(c)(2), the transporter shall also submit a copy of that report to the department.

(D) Operations of Transporters by Modes Other Than Power Unit.

1. A person who transports hazardous waste by a mode other than power unit shall comply with paragraphs (2)(A)1. and 2., parts (2)(A)3. A.(V), (2)(A)3. B.(I) and (III), subparagraph (2)(A)3. C., paragraphs (2)(A)7., 8., 9., and 10., and subsections (2)(B) and (C) of this rule.

2. Application form. An applicant shall submit a completed, department-furnished form which contains the following information: name, address, type of transport vehicles to be used in hazardous waste transport, and EPA identification number. If an EPA identification number has not been assigned by the EPA, the department will assign an identification number.

3. An applicant shall complete and submit a Non-Motor Carrier Certification of Financial Responsibility form provided by the department to satisfy the transporter insurance requirement.

(E) Transportation of Universal Waste.

1. The requirements of this chapter are not applicable to those transporting only universal waste as defined in 10 CSR 25-16.273.

2. Universal waste transporters shall comply with the universal waste transporter standards at 10 CSR 25-16.273(2)(D).
