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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Chapter 6—Rules Applicable to Transporters of Hazardous Waste

Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 6—Rules Applicable to
Transporters of Hazardous Waste

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(Rescinded October 1, 1986)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

(Rescinded October 1, 1986)


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(Rescinded October 1, 1986)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 publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.051.4, RSMo. Such material will be provided at the cost established by state law.

1. In 40 CFR 263.10(a) and (c)(1), incorporated in this rule, substitute “the state of Missouri” for “United States”;

2. In the last paragraph of the note following 40 CFR 263.10(a), change “49 CFR parts 171 through 179” to “49 CFR parts 171 through 180 and parts 383, 387 and 390—397” and add the following to the note: “The parts of 49 CFR are incorporated to the extent that these regulations do not conflict with the laws and regulations of the state of Missouri, or, in the event the regulations conflict, the more stringent shall control. The equipment used in the transportation of hazardous waste shall meet the standards of the Missouri Department of Economic Development’s Division of Transportation, the United States Department of Transportation, or any combination of them, the Federal Railroad Administration, 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 shall be adequate to protect the health of humans and prevent damage to the environment”;

3. License requirements for motor vehicle operators:

A. Motor vehicle operators shall submit to the department an application for a license on a form furnished by the department. The form shall be completed with the following information:

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

(II) A description of the service proposed to be rendered;

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

(IV) The type of transport vehicle to be used;

(V) A certification that the applicant’s equipment and operating procedures meet the standards of the Missouri Department of Economic Development’s Division of Transportation, the Federal Department of Transportation (DOT), or the Federal Railroad Administration, or both;

(VI) A description of each motor vehicle to be used including make, model, year, identification number, capacity, type (for cargo tanks the specification rating, DOT exemption, for both, and extension papers if applicable), and state and number of the license plate; except that if the applicant’s motor vehicles are short-term leased, with different motor vehicles leased for each job, the motor vehicle descriptions may be omitted;

(VII) 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 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:

(I) A fee as specified in 10 CSR 25-12;

(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 shall be included. If the applicant is a nonresident corporation without facilities or employees in Missouri, a Certificate of Good Standing from the state or country of residence shall be included; 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 shall be included.

C. License renewal.

(I) A hazardous waste transporter wishing to renew his/her license shall submit a renewal application on a form furnished by the department and shall submit other applicable information, as specified in this section, to the department at least sixty (60) days prior to the expiration date of his/her current license. A Certificate of Corporate Good Standing must be submitted with the renewal. This certificate must have been issued in the twelve (12) months preceding the license expiration date. Insurance requirements must be satisfied as specified in paragraph (2)(A)4. of this rule. The renewal application shall be accompanied by a fee as specified in 10 CSR 25-12.

D. Motor vehicle additions and substitutions. Changes made to the motor vehicle listing as shown on the transporter’s current license application or renewal form shall be reported to the department as follows: A motor vehicle may be added by submitting a written description of the vehicle to be added and paying a fee in accordance with 10 CSR 25-12. The licensing of a motor vehicle which is being added will become effective upon the transporter’s receipt of the license certificate. One (1) motor vehicle may be substituted for another by submitting a description of the original motor vehicle and its replacement, returning the license certificate of the vehicle being replaced and paying a substitution fee in accordance with 10 CSR 25-12. A substitution made in this manner will be effective upon the transporter’s receipt of the license certificate for the replacement vehicle.

E. Proof of license. A transporter shall carry proof of license with each vehicle transporting hazardous waste within Missouri. Proof of license shall consist of a Hazardous Waste Transporter License Certificate issued to the transporter by the department. Original certificates, not copies, shall be carried with each vehicle. The department will issue a sufficient number of originals for this purpose. A certificate shall be in the possession of the driver of the vehicle and shall be shown to representatives of the department, officers of the Missouri State Highway Patrol and other law enforcement officials upon demand;

F. Insurance.

A. Transports 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 shall include 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 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. The certificate shall be duly completed and executed by the insurer on Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance. The endorsements shall be attached to the insurance policy and shall form a part of that policy. The endorsements shall be made on Form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsements. The certificate shall be duly completed and executed by the insurer. The surety bond shall be in the form set forth in Form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond. The bond shall be duly completed and executed by the surety and principal.

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.

D. Forms E, F, G, K and L referred to in subparagraphs (2)(A)4. and (C) of this rule are the standard forms determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of section 202(b)(2) of the Interstate Commerce Act, 49 U.S.C. section 302(b)(2), 1994.

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 incompati-

8. In addition to the requirements in 40 CFR 263.10(c)(1), add the following requirements: A transporter who accepts shipments of hazardous waste from a person not required to register 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 gen-

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 notifi-

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) cal-

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, or when the waste first enters the state, 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 meet the following requirements: I. A containment system shall be designed, maintained and operated as follows: (a) The containment system shall include a base which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is detected and removed. The base shall be under the contain-

(b) The base shall be sloped or the containment system shall be designed and operated to drain and remove liquids resulting from leaks, spills or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids; (c) The containment system shall have a capacity equal to ten percent (10%) of the containerized waste volume or the volume of the largest container, whichever is greater (Containers that do not contain free liquids need not be considered in this calculation.); (d) Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in part (2)(A)10.D. (I) of this rule to contain any run-on which might enter the system; and (e) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area as necessary to prevent overflow of the collection system; and (II) The containment system shall be inspected as part of the weekly inspections required by 40 CFR 265.174 incorporated by reference in 10 CSR 25-7.265(1); E. The following requirements apply to the management of ignitable, reactive, incompatible or volatile wastes at a transfer facility: A transporter shall take precautions to prevent accidental ignition or reaction of ignitable or reactive wastes. These hazardous wastes shall be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (that is, from heat-producing chemical reactions) and radiant heat. While ignitable or reactive waste is being handled, a transporter shall confine smoking and open flame to specially designated locations. No Smoking signs shall be conspicu-

F. Preparedness and prevention. A transporter shall equip the transfer station as specified in 40 CFR 265.32 incorporated by reference in 10 CSR 25-7.265(1). In addi-

G. Closure. At closure of the storage area, a transporter shall remove and properly dispose of all hazardous waste and hazardous residues. For the purpose of this subpara-

H. Recontainization of hazardous waste at a transfer facility is prohibited; however, hazardous waste containers may be overpackaged to contain leaking or to safeguard against potential leaking. When containers are overpackaged, the transporter shall affix labels to the overpack container, which are identical to the labels on the original shipping container; and I. A transfer facility shall not be the same facility as designated in item 9 of the manifest.

11. In addition to the requirements in 40 CFR 263.20(a), the following shall apply: (I) In addition to the requirements in 10 CSR 25-5.262, a transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed and dated by the generator which contains federally required information in accordance with 10 CSR 25-5.262, except that the trans-

(j) 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 departmen-

(t) 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; (2) 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 meet the following requirements: (I) A containment system shall be

Rebecca McDowell Cook  (12/31/98)
and 2) unless, in addition to a manifest signed in accordance with 10 CSR 25-5, the waste is also accompanied by an EPA Acknowledgement of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). The shipping paper for exports by water (bulk shipment) shall contain all the information required on the manifest and, for exports, an EPA Acknowledgement of Consent shall accompany the hazardous waste. Rail transporters shall ensure that a shipping paper contains all the information required on the manifest and, for exports, an EPA Acknowledgement of Consent accompanies the hazardous waste at all times. A transporter shall also 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: 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. The vehicle inspection shall be documented in writing. At a minimum once annually, transporters shall provide and document hazardous waste/materials training for each driver employee who transports hazardous waste. Records relating to hazardous waste transportation shall be available to representatives of the department for inspection and copying during regular business hours. Current files on driver vehicle inspections, vehicle maintenance, annual employee training and records of incident reports shall also be maintained for a period of three (3) years 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 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 Motor Vehicle.

1. A person who transports hazardous waste by a mode other than motor vehicle 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)2.C., paragraphs (2)(A)7., 8. and 10. and subsections (2)(B) and (C) of this rule.

2. Application form. An applicant shall submit a completed, department-furnished form which shall contain 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 as provided to the department by the EPA.

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).


FORM E

Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate Of Insurance

(Executed in Triplicate)

Filed with __________________________________________ (hereinafter called Commission)

(Name of Commission)

This is to certify, that the __________________________________________ (Name of Company)

(hereinafter called Company) of __________________________________________

(Home Office Address of Company)

has issued to __________________________________________ of __________________________________________

(Name of Motor Carrier) (Address of Motor Carrier)

a policy or policies of insurance effective from ________________ 12:01 a.m. Standard Time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days’ notice in writing to the State Commission, such thirty (30) days’ notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at __________________________________________

(Street Address) (City) (State) (Zip Code)

this ________________ day of ________________, 19__________.

________________________________________________________________________

(Authorized Company Representative)

Insurance Company File No. __________________________________________

(Policy Number)

MC1633 (Ed. 6-71) UNIFORM PRINTING & SUPPLY DIV.
FORM F

Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement

It is agreed that:

1. The certification of the policy, as proof of financial responsibility under the provisions of any State motor carrier law or regulations promulgated by any State Commission having jurisdiction with respect thereto, amends the policy to provide insurance for automobile bodily injury and property damage liability in accordance with the provisions of such law or regulations to the extent of the coverage and limits of liability required thereby; provided only that the insured agrees to reimburse the company for any payment made by the company which it would not have been obligated to make under the terms of this policy except by reason of the obligation assumed in making such certification.

2. The Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance has been filed with the State Commissions indicated on the reverse side hereof.

3. This endorsement may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the company or the insured giving thirty (30) days’ notice in writing to the State Commission with which such certificate has been filed, such thirty (30) days’ notice to commence to run from the date the notice is actually received in the office of such Commission.

Attached to and forming part of policy No. __________________________

issued by __________________________________________________________________________________________, herein called Company, of __________________________________________________________________________________________________

to __________________________________________ of ______________________________________________________

Dated at_______________________________ this___________  day of ______________________, 19____________________

Countersigned by _______________________________________________________________________________________________

(Authorized Company Representative)

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., sec. 302(b)(2)).
FORM K
Uniform Notice of Cancellation of
Motor Carrier Insurance Policies

(Executed in Triplicate)

Check Type Canceled:

☐ BI and PD
☐ Cargo

Filed with __________________________________________ (hereinafter called Commission)

(Name of Commission)

This is to advise that under the terms of a policy or policies issued to:

____________________________________________________

(Name of Motor Carrier)

of __________________________________________________

(Address of Motor Carrier)

by __________________________________________________

(Name of Company)

of __________________________________________________

(Address)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the ____________ day of _______________, 19_____, 12:01 a.m., Standard Time at the address of the insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. ______________

(Policy Number) ____________________________

(Signature of Insurer) _______________________

MC 2445 (Ed. 4-68) U.P. & S. DIV.