

Rules of
Department of Natural Resources
Division 25—Hazardous Waste
Management Commission
Chapter 9—Resource Recovery

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 9—Resource Recovery**

10 CSR 25-9.010 Resource Recovery
(Rescinded December 31, 1990)

**10 CSR 25-9.020 Hazardous Waste
Resource Recovery Processes**

PURPOSE: This rule requires resource recovery facilities that generate small quantities of hazardous waste to notify the department of their resource recovery activities. Resource recovery facilities that accept hazardous waste from off-site are required to comply with certification requirements and to provide financial assurance. This rule further describes the standards for various resource recovery facilities, the certification procedures and the duties of generators and transporters who use hazardous waste resource recovery facilities.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Applicability.

(A) This rule applies to the owner/operator of the facility which reclaims or reuses hazardous waste defined or listed in 10 CSR 25-4.261 for materials, or transforms hazardous waste into new products which are not hazardous waste. This rule does not apply to facilities managing recyclable materials used for precious metal recovery in accordance with 40 CFR 266.70 as incorporated by reference in 10 CSR 25-7.266(1), and hazardous waste processes required to be permitted in accordance with 40 CFR part 264 subpart M, O or X as incorporated in 10 CSR 25-7.264 or 40 CFR part 266 subpart H as incorporated in 10 CSR 25-7.266. This rule does not apply to the owner/operator of a totally enclosed treatment facility referenced in 40 CFR 264.1(g)(5) incorporated by reference in 10 CSR 25-7.264(1) and 40 CFR 265.1(c)(9) incorporated by reference in 10 CSR 25-7.265(1). A certification is not required under this rule for the owner/oper-

tor of a facility managing used oil in accordance with 40 CFR part 279 as incorporated in 10 CSR 25-11.279. Hazardous waste shall be stored in accordance with 10 CSR 25-5.262—10 CSR 25-12.010.

1. A generator, not exempt by section (2) of this rule, who utilizes a certified resource recovery facility shall comply with 10 CSR 25-5.262 but is exempt from certain generator fees and taxes to the extent specified in 10 CSR 25-12.

2. Transportation of hazardous waste to a resource recovery facility shall be in compliance with 10 CSR 25-6.

3. The owner/operator of a facility which uses, reuses, legitimately recycles or reclaims hazardous waste shall apply for and operate in accordance with a resource recovery facility certification issued by the department except as provided otherwise in this rule.

4. The owner/operator of a facility that recycles hazardous wastes in units defined in 10 CSR 25-7.264(2)(AA) and (BB) and 10 CSR 25-7.265(2)(AA) and (BB), and is subject to the permitting requirements in 10 CSR 25-7.270 shall comply with 10 CSR 25-7.264(2)(AA) and (BB), and 10 CSR 25-7.265(2)(AA) and (BB).

5. The owner/operator of a facility exempt from permitting requirements in 40 CFR part 266 subpart H, as incorporated in 10 CSR 25-7.266(1), that recycles materials used for precious metal recovery in units defined in 40 CFR 266.100, as incorporated in 10 CSR 25-7.266(1), shall comply with the requirements in 40 CFR 266.100(f) as incorporated in 10 CSR 25-7.266.

(B) *(Reserved)*

(2) Exempt Resource Recovery Facilities.

(A) Applicability. A resource recovery facility is an exempt resource recovery facility in a calendar month if the facility uses, reuses, legitimately reclaims or recycles less than one thousand kilograms (1000 kg) of hazardous waste from on-site in a calendar month.

(B) Exempt resource recovery facilities shall notify the Missouri Department of Natural Resources (MDNR), Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102 of their resource recovery activities. This notification shall identify the owner/operator, the name and location of the facility, an identification of the waste(s) recovered, method(s) of recovery and approximate annual quantity of waste recovered.

(C) These facilities are exempt from other sections of this rule until the time the facility no longer qualifies as an exempt resource recovery facility.

(3) The owner/operator of a facility which uses, reuses, legitimately recycles or reclaims hazardous waste and is not exempted from certification requirements under section (2) of this rule shall apply for and operate in accordance with a resource recovery facility certification issued by the department.

(A) Based on the hazardous wastes accepted and the method of management, resource recovery facilities not exempted under section (2) will be certified as a U, R1 or R2 facility. This designation will be made as follows:

1. U—This classification applies to facilities that use, reuse, legitimately reclaim or recycle more than one thousand kilograms (1000 kg) of hazardous waste on-site in a calendar month;

2. R1—This classification applies to the owner/operator of mobile recycling processes that recycles hazardous waste for reuse at the site of generation and does not involve the recycling of hazardous waste to be reused off-site of generation; and

3. R2—This classification applies to a facility which accepts hazardous waste from off-site.

A. R2 facilities must meet and provide verification of adequate financial assurances to close the resource recovery facility in accordance with paragraphs (3)(C)3. and 4. of this rule.

B. *(Reserved)*

(B) The owner/operator of a resource recovery facility not exempt under subsection (2)(A) of this rule, shall submit an application to the department for a resource recovery facility certificate which includes, as applicable, the following information:

1. A certified resource recovery facility application form provided by the department and completed according to directions;

2. A flowsheet depicting the flow of waste throughout the process. The flowsheet shall commence at the point of generation of the MDNR waste and shall continue through the reclamation process;

3. A quality control plan which includes the following unless determined by the department not to be applicable:

A. A plan to insure that the quality and type of waste processed are compatible with the successful operation of the resource recovery unit so that—

(I) Specific waste streams are defined in this plan;

(II) Test results are maintained at the facility for a period of at least three (3) years; and

(III) A contingency plan is formulated for incoming shipments which do not meet the specified limitations provided;

B. A plan outlining all tests performed on the product of the reclamation unit(s); and

C. A plan for treatment or disposal, or both, of any residues generated as a result of the process;

4. A legible drawing having a scale adequate to delineate the following:

A. The boundary of the facility;

B. The different facility segments or processes which generate hazardous waste(s);

C. Areas where hazardous waste is stored;

D. The location(s) of resource recovery unit(s) or process(es), or both;

E. Areas where the reclaimed product of the facility is stored; and

F. Any spill control equipment located at the facility; and

5. Identification of emergency response procedures and capabilities at the facility.

(C) In addition to the requirements in subsection (3)(B) of this rule, the owner/operator of an R2 facility shall comply with the following:

1. Submit a sampling and analysis plan for incoming shipments to assure that the quality and type of wastes accepted are compatible with the successful operation of the facility;

2. Maintain a daily log which indicates the manifest number associated with each hazardous waste received and the immediate disposition of those wastes as part of its operating record in compliance with paragraph (3)(E)5. of this rule. The analytical data obtained as a result of the sampling and analysis plan shall correspond directly with the manifest;

3. Provide a closure plan and cost estimate for closure of the resource recovery activity at the facility prepared in accordance with 10 CSR 25-7.264(2)(G); and

4. Provide, as specified in 10 CSR 25-7.264, a financial assurance mechanism to cover the closure cost estimate.

(D) Upon receipt of a complete application, the department will have ninety (90) days to issue a certificate for operation or to reject the application for stated cause. The resource recovery certification may be issued for no longer than two (2) years. The applicant may appeal the decision in accordance with 10 CSR 25-8. Operation of the resource recovery facility shall not occur until the resource recovery certification has been issued.

(E) Operating Standards for All Certified Resource Recovery Facilities.

1. At least sixty (60) days prior to a major change at the resource recovery facility, the owner/operator of the certified

resource recovery facility shall submit a written request to the department for approval of that change. A major change shall include, but not be limited to, a change in a recovery process, the addition of a new recovery process, a ten percent (10%) or greater increase in the monthly quantity of any hazardous waste recovered, a change in ownership or operational control, or the closure of a resource recovery unit.

A. If any reclamation unit is removed from use, a plan addressing the disposition of the unit and the hazardous waste shall accompany the written request.

B. Within thirty (30) days after closure of any resource recovery unit, the owner/operator must submit written notice to the department that the resource recovery unit has been closed and all hazardous waste or hazardous waste residue which was not recovered or recycled prior to the closure was disposed of in accordance with 10 CSR 25-3—10 CSR 25-7.

2. The owner/operator shall submit a written request to the department for approval of a minor change at least thirty (30) days prior to the change. A minor change shall include, but not be limited to, the addition or deletion of a recyclable waste stream or a change in the operational procedures of the recycling process.

3. The owner/operator shall maintain a copy of the certification and all approved modifications in an orderly manner at the facility. Modification of the resource recovery facility shall not occur until approval has been obtained from the department. The owner/operator shall operate in accordance with the certification as it was approved or modified by the department.

4. The owner/operator shall comply with manifest system requirements in 40 CFR 264.71 and 264.72 as incorporated in 10 CSR 25-7.264.

5. The owner/operator shall comply with requirements for the operating record in 10 CSR 25-7.264(2)(E)2. and 40 CFR 264.73(b)(1) and (2) as incorporated in 10 CSR 25-7.264.

6. The owner/operator shall comply with reporting requirements in 10 CSR 25-7.264(2)(E)3. and 40 CFR 264.76 as incorporated in 10 CSR 25-7.264.

7. Storage of hazardous waste as defined in 10 CSR 25-4.261, prior to resource recovery, does not require a permit or interim status pursuant to 10 CSR 25-7 if the following conditions are met:

A. Interim status or a permit for this storage is not required under 40 CFR part 270 as incorporated in 10 CSR 25-7.270;

B. Still bottoms produced from resource recovery processes may be stored in accordance with the satellite accumulation provisions of 10 CSR 25-5.262(2)(C)3. until necessary to move to a storage area prior to shipment or disposal, or both. Once satellite accumulation ends, the facility has ninety (90) days to ship or dispose, or both of the still bottoms, irrespective of any accumulation times of the waste solvents prior to reclamation; and

C. Storage of hazardous waste shall be in compliance with 10 CSR 25-5—10 CSR 25-9.020. (Note: Underground storage tanks may need to meet additional requirements (that is, 40 CFR part 280) as directed by the United States Environmental Protection Agency and MDNR Water Pollution Control Program.)

(4) The applicant for a resource recovery certificate shall submit a fee with the application. The fee shall cover each application for issuance or renewal and is not refundable. If the certificate is issued, the fee shall cover the full term of the original or renewal certificate. The applicant shall pay the following fee in accordance with 10 CSR 25-12: If the application is for a resource recovery facility which legitimately reclaims or recycles hazardous waste for reuse on-site and does not accept waste from off-site, the fee shall be one hundred dollars (\$100); or, if the application is for a resource recovery facility which legitimately reclaims or recycles hazardous waste and accepts waste from off-site, the fee shall be five hundred dollars (\$500).

AUTHORITY: sections 260.370 and 260.437, RSMo 1994. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective March 31, 1993. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996.

**Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995 and 260.437, RSMo 1983, amended 1995.*