

**Rules of  
 Department of Natural Resources  
 Division 24—Hazardous Substance  
 Emergency Response Office  
 Chapter 2—Definitions**

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## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 24—Hazardous Substance Emergency Response Office Chapter 2—Definitions

#### 10 CSR 24-2.010 Definitions

*PURPOSE: This rule provides definitions for terms used in 10 CSR 24.*

*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) Administrator—the administrator of the United States Environmental Protection Agency.

(2) Cleanup—all actions necessary to contain, collect, control, identify, analyze, cleanup, treat, disperse, remove or dispose of a hazardous substance.

(3) Cleanup costs—all costs incurred by the state or any of its political subdivisions or their agents or by any other person participating with the approval of the Department of Natural Resources in the prevention or mitigation of damages from a hazardous substance emergency or the cleanup of a hazardous substance involved in a hazardous substance emergency.

(4) Department—the Department of Natural Resources.

(5) Director—director of the Department of Natural Resources.

(6) Extremely hazardous substance—a substance listed under 40 CFR part 355 by the administrator.

(7) Hazardous substance—any substance or mixture of substances that presents a danger to the public health or safety or the environment and includes:

(A) Any hazardous waste identified or listed by the department under sections 260.350—260.430, RSMo;

(B) Any element, compound, mixture, solution or substance designated pursuant to Sections 101(14) and 102 of the Comprehensive Environment Response, Compensation and Liability Act (CERCLA) of 1980 or designated pursuant to section 304 of the Federal

Emergency Planning and Community Right-to-Know Act of 1986; and

(C) Any hazardous material designated by the secretary of the United States Department of Transportation under the Hazardous Materials Transportation Act.

(8) Hazardous substance emergency and emergency involving a hazardous substance—

(A) Any release of hazardous substances or extremely hazardous substances in quantities equal to or in excess of those determined pursuant to section 101(14) or 102 of the CERCLA of 1980 or section 304 of the Federal Emergency Planning and Community Right-to-Know Act of 1986;

(B) Any release of petroleum including crude oil or any fraction, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel (or mixture of natural gas and synthetic gas) in excess of fifty (50) gallons for liquids or three hundred (300) cubic feet for gases;

(C) Any release of a hazardous waste which is reportable under sections 260.350—260.430, RSMo;

(D) Any release of a hazardous substance which requires immediate notice under 49 CFR part 171; and

(E) The department shall promulgate rules identifying the substances and the quantities of substances which, if released, constitute a hazardous substance emergency.

(9) Hazardous Substance Emergency Response Plan—the plan, as specified in section 260.505, RSMo, developed and maintained by the Missouri Department of Natural Resources for response to hazardous substance emergencies.

(10) Local Emergency Planning Committee (LEPC) or committee—the people appointed by the Missouri Emergency Response Commission (MERC) for the purpose of improving hazardous chemical safety and preparedness.

(11) Local government—any county, township, municipal corporation, school district or other governmental body of equivalent rank.

(12) Person—any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity which is recognized by law as the subject of rights and duties.

(13) Person having control over a hazardous substance—any person producing, handling, storing, transporting, refining or disposing of a hazardous substance when a hazardous

substance emergency occurs, including bailees, carriers and any other person in control of a hazardous substance when a hazardous substance emergency occurs, whether they own the hazardous substance or are operating under a lease, contract or other agreement with the legal owner.

(14) Release—any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a substance into or onto the land, air or waters of the state unless done in compliance with the conditions of a federal or state permit, unless the substance is confined and is expected to stay confined to property owned, leased or otherwise controlled by the person having control over the substance or unless, in the case of pesticides, application is done in accordance with the product label.

(15) State of Missouri Basic Emergency Operations Plan—the state plan, its annexes and appendices as developed or maintained by the state emergency management agency for response to natural and man-made disasters in this state.

(16) Waters of the state—all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two (2) or more persons jointly or as tenants in common and include waters of the United States lying within the state.

*Auth: section 260.520, RSMo (Cum. Supp. 1993). \* Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed June 14, 1994, effective Jan. 29, 1995.*

*\*Original authority 1983, amended 1993.*