# Rules of

**Department of Natural Resources**

**Division 25—Hazardous Waste Management Commission**

**Chapter 5—Rules Applicable to Generators of Hazardous Waste**

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Title 10—DEPARTMENT OF
NATURAL RESOURCES
Division 25—Hazardous Waste
Management Commission
Chapter 5—Rules Applicable to
Generators of Hazardous Waste

10 CSR 25-5.010 Generator Requirements
(Rescinded October 1, 1986)

AUTHORITY: section 260.370 and 260.437,
12, 1979, effective Jan. 1, 1980. Amended:
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10 CSR 25-5.020 Generator Fee
(Rescinded October 1, 1986)

Original rule filed Aug. 6, 1981, effective
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1982, effective Dec. 13, 1982. Rescinded:

10 CSR 25-5.262 Standards Applicable to
Generators of Hazardous Waste

PURPOSE: This rule sets forth standards for
generators of hazardous waste, incorporates
40 CFR part 262 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 incorpo-
rated 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 ma-
terial. The entire text of the rule is printed
here.

(1) The regulations set forth in 49 CFR part
172, October 1, 1999, 40 CFR 302.4 and .5,
July 1, 2006, and 40 CFR part 262, July 1,
2006, except Subpart H, 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.

This rule does not incorporate any subse-
quent amendments or additions. Except as
provided otherwise in this rule, the substitu-
tion of terms set forth in 10 CSR 25-
3.260(1)(A) shall apply in this rule in addi-
tion to any other modifications set forth in
section (2) of this rule. Where conflicting
rules exist in 10 CSR 25, the more stringent
shall control.

(2) A generator located in Missouri, except as
conditionally exempted in accordance with 10
CSR 25-4.261, shall comply with the
requirements of this section in addition to
the requirements incorporated in section (1).
Where contradictory or conflicting require-
ments exist in 10 CSR 25, the more stringent
shall control. (Comment: This section has
been organized so that all Missouri additions,
changes, or deletions to any part of the
federal regulations are noted within the cor-
responding subsection of this section. For
example, the additional storage standards
which are added to 40 CFR part 262 subpart
C are found in subsection (2)(C) of this rule.)

(A) General. The following registration
requirements are additional requirements to,
or modifications of, the requirements speci-
fied in 40 CFR part 262 subpart A:

1. In lieu of 40 CFR 262.12(a) and (c),
a generator located in Missouri shall comply
with the following requirements:

A. A person generating in one (1)
month or accumulating at any one (1) time
the quantities of hazardous waste specified in
10 CSR 25-4.261 and a transporter who is
required to register as a generator under 10
CSR 25-6.263 shall register and is subject to
applicable rules under 10 CSR 25-3.260–10
CSR 25-9.020 and 10 CSR 25-12.010;

B. A person generating hazardous
waste on a “one (1)-time” basis may apply
for a temporary registration. A temporary
registration shall be valid for one (1) initial
thirty (30)-day period with the possibility of
an extension of one (1) additional thirty (30)-
day period. Should a temporary registration
exceed the total sixty (60)-day period outlined
here, the department shall consider the regis-
tration to be permanent rather than tempo-
rary. All reporting requirements and registra-
tion fees outlined in this chapter shall apply
to temporary registrations; and

C. Conditionally exempt generators
may choose to register and obtain
Environmental Protection Agency (EPA) and
Missouri identification numbers, but in doing
so will be subject to any initial registration
fee and annual renewal fee outlined in this
chapter;

2. An owner/operator of a treatment,
storage, disposal, or resource recovery facili-
ty who ships hazardous waste from the facil-
ity shall comply with this rule;

3. The following constitutes the proce-
dure for registering:

A. A person who is required to regis-
ter shall file a completed registration form
furnished by the department. The department
shall require an original ink signature on all
registration forms before processing. In the
event the department develops the ability to
accept electronic submission of the registra-
tion form, the signature requirement will be
consistent with the legally-accepted standards
in Missouri for an electronic signature on
documents. All generators located in
Missouri shall use only the Missouri version
of the registration form;

B. A person required to register shall
also complete an file an updated generator
registration form if the information filed with
the department changes;

C. The department may request addi-
tional information, including information
concerning the nature and hazards associated
with a particular waste or any information or
reports concerning the quantities and disposi-
tion of any hazardous wastes as necessary to
authorize storage, treatment, or disposal and
to ensure proper hazardous waste manage-
ment;

D. A person who is required to regis-
ter, and those conditionally-exempt genera-
tors who choose to register, shall pay a one
hundred-dollar ($100) initial or reactivation
registration fee at the time their registration
form is filed with the department. If a gener-
ator site has an inactive registration, and a
generator required to register reactivates that
registration, the generator shall file a registra-
tion form and pay the one hundred-dollar
($100) registration reactivation fee. The
department shall not process any form for an
initial registration or reactivation of a registra-
tion if the one hundred-dollar ($100) fee is
not included. Generators required to register
shall thereafter pay an annual renewal fee of
one hundred dollars ($100) in order to main-
tain their registration in good standing; and

E. Any person who pays the registra-
tion fee with what is found to be an insuffi-
cient check shall have their registration
immediately revoked;

4. The following constitutes the proce-
dure for registration renewal:

A. The calendar year shall constitute the
annual registration period;

B. Annual registration renewal
billings will be sent by December 1 of each
year to all generators holding an active registra-
tion;

C. Any generator initially registering
between October 1 and December 31 of any
given year shall pay the initial registration fee, but shall not pay the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;

D. Any generator required to register who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

E. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay the fifteen percent (15%) late fee required by section 260.380.4, RSMo, in addition to the one hundred-dollar ($100) annual renewal fee for each applicable registration year and shall file an updated generator registration form with the department before their registration is reactivated by the department;

F. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay the fifteen percent (15%) late fee required by 260.380.4 RSMo in addition to the one hundred-dollar ($100) annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

G. Any person who pays the annual renewal fee with what is found to be an insufficient check shall have their registration immediately revoked;

5. The department may administratively inactivate the registration of generators that fail to pay any applicable hazardous waste fees and taxes in a timely manner after appropriate notice to do so.

(B) The Manifest. Additional manifest and reporting requirements are set forth in subsections (2)(D) and (E). This subsection is applicable to all Missouri generators and to all other generators who deposit hazardous waste in Missouri. (Note: This section is not applicable to an out-of-state or international generator who is shipping hazardous waste through, in less than ten (10) days, but not depositing hazardous waste in Missouri. This subsection does not prevent a transporter from voluntarily carrying information in addition to the manifest. Any reference to the United States Environmental Protection Agency (EPA) form 8700-22 means the form as revised by EPA and approved by the federal Office of Management and Budget (OMB)).

1. Generators must list the Missouri waste code MH02 if the hazardous waste is 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) as listed in 10 CSR 25-4.261(2)(D)(3).

2. If the waste contains MH02 or MH01, these must be one (1) of the six (6) waste codes listed on the manifest.

3. Generators must list the Missouri waste code D098 if the hazardous waste is a used oil as described in 10 CSR 25-11.279(2)(I)(1).

4. Generators must record either the total weight in kilograms or pounds or the specific gravity for wastes listed or measured in gallons, liters, or cubic yards.

5. Manifest reporting. This paragraph sets forth additional requirements for manifest reporting. The generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the hazardous waste was accepted by the initial transporter. A generator, in addition to this requirement, and where applicable under paragraph (2)(D)(2) of this rule, shall file exception reports.

(C) Pretransport, Containerization, and Labeling Requirements.

1. During the entire time hazardous waste is accumulated in storage on-site, generators shall package, mark, and label hazardous waste containers in compliance with the requirements of 40 CFR 262.32 and 40 CFR part 262 subpart C, as incorporated and modified within these regulations. The generator is not required to mark the manifest document number for the shipment on the container until it is prepared for off-site shipment.

2. This paragraph sets forth requirements for storage of hazardous waste based on the quantity of waste generated or accumulated.

A. Notwithstanding any other provisions of this rule to the contrary, a person who generates one hundred kilograms (100 kg) or more, but fewer than one thousand kilograms (1000 kg) of nonacute hazardous waste in a calendar month may store these hazardous wastes in quantities, according to time frames and under the conditions specified in 40 CFR 262.34(d) as incorporated in this rule. However, upon accumulating one thousand kilograms (1000 kg) of nonacute hazardous waste, the generator must also comply with 40 CFR 262.34(a)(1) incorporated in this rule rather than 40 CFR 262.34(d)(3) incorporated in this rule, 40 CFR part 265 subpart D as incorporated in 10 CSR 25-7.265(1) and modified in 10 CSR 25-7.265(2)(D) in addition to the requirements of 40 CFR 262.34(d) incorporated in this rule.

B. A person who generates one kilogram (1 kg) of acutely hazardous waste defined by or listed in 10 CSR 25-4.261 or one gram (1 g) of 2,3,7,8-TCDD or one thousand kilograms (1000 kg) of nonacute hazardous waste, or an aggregate of one thousand kilograms (1000 kg) of hazardous waste, as listed in 10 CSR 25-4.261 shall comply with 40 CFR 262.34(a) and (b) as incorporated in this rule.

C. General inspection requirements. In addition to the requirements in 40 CFR Part 262, a generator shall also comply with the following requirements.

(I) The owner/operator shall inspect his/her facility for malfunction, deterioration, or both, operator error, and any evidence of discharges which may be causing or could cause the release of hazardous waste constituents to the environment or could pose a threat to human health. The owner/operator shall conduct these inspections often enough to identify and correct any problems that nature before they cause harm to human health or the environment.

(II) The frequency of inspection may vary for the items that require inspection. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule shall include the terms and frequencies set forth in the applicable regulations in 40 CFR 265.174 and 40 CFR 265.195, incorporated in 10 CSR 25-7.265; and

(III) The owner/operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

D. Container for storage in containers. This subparagraph sets forth additional requirements for storage of hazardous waste in containers.

(I) Container storage areas shall have a containment system that is designed and operated in accordance with part (2)(C)(2). D.(III) of this rule, except as provided in part (2)(C)(2). D. (II) of this rule.
II. Storage areas that store containers holding only wastes that do not contain free liquids or storage areas that store less than one thousand kilograms (1000 kg) of nonacute hazardous waste containing free liquids need not have a containment system as described in part (2)(C)(2).D.(I) of this rule, provided that the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or the containers are elevated or are otherwise protected from contact with accumulated liquid.

III. 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 container;

(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 subparagraph (2)(C).B.(III)(c) 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.

IV. The containment system must also be inspected as part of the weekly inspections required by 40 CFR 265.32, incorporated in 10 CSR 25-7.265, a generator shall also provide safety equipment such as fire blankets, gas masks, and self-contained breathing apparatus.

3. Satellite accumulation. In addition to the requirements in 40 CFR 262.34(c), the generator shall comply with the following requirements: Within one (1) year from the date satellite storage begins, irrespective of the quantity of hazardous waste in the satellite storage area, the hazardous waste shall be transferred to the area where hazardous waste is stored during the ninety (90)-, one hundred eighty (180)-, two hundred seventy (270)-day storage period. And in 40 CFR 262.34(c)(1)(ii), add the words “Mark his containers either with the words ‘Hazardous Waste’ or with other words that identify the contents of the containers and the beginning date of satellite storage.”

4. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.

5. In addition to requirements in 40 CFR 262.34(d), a generator, upon generating one thousand kilograms (1000 kg) of nonacute hazardous waste, in a calendar month or accumulating one thousand kilograms (1000 kg) of nonacute hazardous waste, shall comply with paragraph (2)(C).2. of this rule.

6. All generators shall meet the special requirements for ignitable or reactive waste set forth in 40 CFR 265.176 incorporated in 10 CSR 25-7.265 and, therefore, the following language in 40 CFR 262.34(d)(2) is not incorporated in this rule: “except the generator need not comply with subsection 256.176.”

7. Closure. At closure of the storage area, the generator shall remove and properly dispose of all hazardous waste and hazardous residues. For the purpose of this paragraph, closure shall occur when the storage of hazardous wastes has not occurred or is not expected to occur for one (1) year.

(D) Record Keeping and Reporting. In addition to requirements in 40 CFR 262.40, generators shall retain registration information required in subsection (2)(A) of this rule and the Generator’s Hazardous Waste Summary Report required in paragraph (2)(D).1. of this rule for no fewer than three (3) years. The period of record retention referred to in 40 CFR 262.40(d) begins the day the initial transporter signs the manifest. The period of record retention referred to extends upon the written requests of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity.

I. This paragraph establishes requirements for quarterly Generator’s Hazardous Waste Summary Reports.

A. All generators who are required to register in accordance with subsection (2)(A) of this rule shall complete a Generator’s Hazardous Waste Summary Report. This report shall be completed on a form provided by the department or on a reproduction of the form provided by the department in the same format as the form provided by the department after review and approval by the department.

B. Persons who do not ship any hazardous wastes or who make only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or are defined as a small quantity generator for the entire reporting year, may file an annual report by August 14 following the reporting year period. However, persons who are defined as a large quantity generator and have more than one (1) shipment of hazardous waste during the reporting years shall file quarterly.

C. A generator who is registered with the department shall report the quantity, type, and status of all hazardous waste(s) shipped off-site during the reporting period on the Generator’s Hazardous Waste Summary Report regardless of the destination of the shipment(s).

D. The Generator’s Hazardous Waste Summary Report shall be signed and certified by an authorized representative as defined in 40 CFR 260.10 incorporated by reference in 10 CSR 25-3. The certification statement shall read as follows: “CERTIFICATION: I certify under penalty of law that I personally examined and am familiar with the information submitted on this form and all attached documents and, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and
complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.” The handwritten signature of the authorized representatives shall follow this certification.

E. The generator shall submit the completed Generator’s Hazardous Waste Summary Report within forty-five (45) days after the end of each reporting period. The reporting periods and submittal dates are as follows: January 1 through March 31, with a submittal date of May 14 of the same year; April 1 through June 30, with a submittal date of August 14 of the same year; July 1 through September 30, with a submittal date of November 14 of the same year; and October 1 through December 31, with a submittal date of February 14 of the following year.

F. A generator shall submit the information required in 40 CFR 261.4(e)(2)(v)(C) incorporated by reference in 10 CSR 25-4.261(1) to the department along with the completed Generator’s Hazardous Waste Summary Report.

G. Generators failing to file the reports required by this rule shall have their registration administratively inactivated. Their registration shall be reactivated after all required reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.

2. Exception reporting. 40 CFR 262.42 is not incorporated in this rule. In lieu of those requirements, a generator shall comply with the following requirements:

A. A generator shall contract with the designated facility to return the completed manifest to the generator within thirty-five (35) days after the date the waste was accepted by the initial transporter. A generator, in addition to the requirements of this subsection, shall comply with manifest reporting requirements in paragraph (2)(B)(6) of this rule;

B. A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter shall contact the transporter, the owner, or both, or operator of the designated facility, to determine the status of the hazardous waste;

C. A generator who has not received the completed manifest with the handwritten signature of the designated facility operator within thirty-five (35) days from the date the waste was accepted by the initial transporter shall submit a completed exception report to the department within forty-five (45) days from the date the waste was accepted by the initial transporter; and

D. The exception report may be completed on the exception report form provided by the department or in a format which shall include the following: the generator’s EPA identification number (if applicable), the Missouri generator identification number and the generator’s name, address, and telephone number; the name, address, phone number, EPA identification number (if applicable), and Missouri transporter license number for each transporter; the EPA identification number of the facility (if applicable), the Missouri facility identification number, the facility telephone number, and the designated facility’s name and address; the Missouri and EPA hazardous waste manifest document numbers followed by the date of shipment; the waste description and EPA waste code identification number as listed in 10 CSR 25-4 for each hazardous waste appearing on the manifest; the total quantity of each hazardous waste and the appropriate abbreviation for units of measure as follows: G—gallons (liquids only); P—pounds; T—tons (2,000 lbs.); Y—cubic yards; L—liters (liquids only); K—kilograms; M—metric tons (1,000 kg); N—cubic meters; the following certification statement, signed and dated by an authorized representative of the generator: “I have personally examined and am familiar with the information submitted on this form. I hereby certify that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information which include fine and imprisonment”; a legible copy of the manifest document originated by the generator and signed by the initial transporter which was retained by the generator and for which the generator does not have confirmation of delivery; and a cover letter signed by the generator or his/her authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts. The director may require a generator to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 10 CSR 25-4.261 as the director deems necessary under section 260.375(7), RSMo.

3. Reporting requirements for small quantity generators. 40 CFR 262.44 is not incorporated in this rule.

(E) Exports of Hazardous Waste. This subsection modifies the incorporation of 40 CFR part 262 subpart E. The state cannot assume authority from the EPA to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit acknowledgements of consent to the exporter. In addition, the annual reports and exception reports required in 40 CFR 262.55 and 262.56, incorporated in this rule, shall be filed with the EPA administrator and copies shall be provided to the department. The substitution of terms in 10 CSR 25-3.260(1)(A) does not apply in 40 CFR 262.51, 262.52, 262.53, 262.54, 262.55, 262.56, and 262.57, as incorporated in this rule. This modification does not relieve the regulated person of his/her responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies (for example, the federal Department of Transportation and the Bureau of the Census of the Department of Commerce).

(F) Imports of Hazardous Waste. The United States importer shall also comply with the following requirements:

1. In addition to registration requirements specified in this section, the United States importer shall register as generator in accordance with this section and shall be responsible for compliance with all applicable requirements specified in this section. The United States importer shall register with the department as a generator, and four (4) weeks in advance of the date the waste is expected to enter the United States, shall specifically identify hazardous waste(s) intended to be imported by their EPA waste number(s) found in 40 CFR 261 and this section; and

2. The United States importer shall keep and maintain the following information on each shipment which is imported and made available upon departmental request:

A. If the waste is a mixed bulk shipment of multi-generator wastes, the individual original foreign generator’s names and addresses and the wastes’ technical chemical names from each source;

B. Quantity of waste from each imported source; and

C. List of EPA waste numbers found in 40 CFR 261 and this section which are applicable to the waste(s) from each source.

(G) Farmers. (Reserved)

(H) 40 CFR 262, subpart H, Transfrontier shipments of hazardous waste for recovery within the OECD, is not incorporated in this rule.

(I) Emergency Procedures. In the event of a spill of hazardous waste at the generator’s site, where there is clear and imminent danger to humans or the environment, the generator shall take reasonable action to eliminate the danger. In the event of a spill of a reportable quantity of material under 40 CFR 302.4 and 302.5 (Note: this includes table 302.4), a generator shall notify the department in
accordance with the notification procedure set forth in 10 CSR 24-3.010.

(J) Generator Fee and Taxes. A generator who is required to register under this rule, unless otherwise exempted, shall pay fees and taxes in accordance with 10 CSR 25-12.010. Generators failing to pay the fees, taxes, or applicable late fees outlined in 10 CSR 25-12.010 by the due date shall have their registration administratively inactivated. Their registration shall be reactivated after all applicable fees, taxes, and late fees are paid and an updated generator registration form is submitted to the department.
