

Red Tape Reduction Rule Changes and How They Impact Generators

Missouri Hazardous Waste Seminar
November 15, 2018

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REGFORM

Scope for Today

-Red Tape Reduction Rules for Hazardous Waste Program only

-published in *Missouri Register* July 16, 2018 & August 1, 2018

-adopted November 13, 2018

Overview

19 rules in play*

15 amendments

3 rescissions

1 rule withdrawn

***complete list at the end of this presentation**

Reminder

Context:

The HWGIR has not been adopted in Missouri.

“Federal” means the US EPA RCRA provisions that have been adopted (and excluded) in Missouri regulations and are on the books right now.

New rules adopted on Nov. 13 are effective March 30, 2019.

Biggest Changes

Hazard labeling

Satellite Accumulation Areas (SAAs)

See David Shanks' presentation

Resource Recovery and Definition of Solid Waste (DSW)

See David Epema's presentation

Hazard Labeling

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

Pre-transport labels no longer required

DOT labels

Toxic, ignitable, corrosive, reactive

NFPA diamond no longer required (by regulation) for hazardous
waste tanks

Check your local ordinance

Check your insurance policy

Effective March 30, 2019

A temporary reprieve: HWGIR brings back hazard labeling

DOT label is compliant

Other flexibilities, e.g., OSHA

Work on MO adoption begins in early 2019

Satellite Accumulation Areas

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

The “Missouri Approach” (time-limited) retained
Accumulation start date, One year limit
One container per waste stream
55 gallons per waste stream

New: you can have both “Missouri Approach” SAAs and
Federal Approach SAAs in one facility
Federal: volume-limited, multiple containers ok
Total of all waste streams cannot exceed 55 gallons

Effective March 30, 2019

CAUTION: Subsection F. prohibits mixing of approaches at a single SAA

If you display an accumulation start date, it will be treated as a Missouri SAA

Resource Recovery (RR)

RR Program and RR Certificates eliminated

10 CSR 25-4.261 Methods for Identifying Hazardous Waste

incorporates key FR notices previously not incorporated

strikes previous FR notices and Federal Regulations that were excepted
(now will be in effect in MO)

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 4—Methods for Identifying Hazardous Waste**

PROPOSED AMENDMENT

10 CSR 25-4.261 Methods for Identifying Hazardous Waste. The commission proposes to amend sections (1) and (2) of the rule.

PURPOSE: All of the rules in Title 10, Division 25 relating to hazardous waste generators, permitted hazardous waste facilities, and hazardous waste transporters were reviewed as part of the department's Red Tape Reduction initiative for the purpose of reducing regulations that unnecessarily burden individuals and businesses while doing little to protect or improve public health and safety and our natural resources. The purpose of this amendment is to make changes consistent with this initiative to this rule.

(1) The regulations set forth in 40 CFR part 261, July 1, 2013, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, and the changes made at 78 FR [O] 46447, July 31, 2013, **80 FR 1693, January 13, 2015, and 83 FR 24664, May 30, 2018**, are incorporated by reference, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, 63 FR 33823, June 19, 1998, 70 FR 53453, September 8, 2005, [73 FR 64667 to 73 FR 64788, October 30, 2008,] and 73 FR 77954, December 19, 2008. 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) [*shall apply*] **applies** in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent [*shall*] **rules control**.

(A) General. The following are changes to 40 CFR part 261 subpart A incorporated in this rule:

1. [In Table 1 of 40 CFR 261.2, add an asterisk in column 3, row 6, Reclamation of Commercial Chemical Products listed in 40 CFR 261.33 and add the following additional footnotes: "Note 2. Commercial chemical products listed in 40 CFR 261.33 are not solid wastes when the original manufacturer uses, reuses, or legitimately recycles the material in his/her manufacturing process"; "Note 3. Gasoline and diesel fuels are not solid wastes if they are legitimately used as fuels;"] (Reserved)

2. (Reserved)

3. (Reserved)

4. (Reserved)

5. (Reserved)

6. (Reserved)

7. 40 CFR 261.4(a)(16) is not incorporated in this rule (Note: The paragraph at 40 CFR 261.4(a)(16) added by 63 FR 33823, June 19, 1998, is the paragraph not incorporated by 10 CSR 25-4.261(2)(A)9.);

8. [40 CFR 261.4(a)(20) and (21) are not incorporated in this rule;] (Reserved)

TABLE 1

	Use constituting disposal (§261.2(c)(1))	Energy recovery/fuel (§261.2(c)(2))	Reclamation (§261.2(c)(3)), except as provided in §§261.4(a)(17), 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27)	Speculative accumulation (§261.2(c)(4))
	1	2	3	4
Spent Materials	(*)	(*)	(*)	(*)
Sludges (listed in 40 CFR Part 261.31 or 261.32)	(*)	(*)	(*)	(*)
Sludges exhibiting a characteristic of hazardous waste	(*)	(*)	-	(*)
By-products (listed in 40 CFR 261.31 or 261.32)	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic of hazardous waste	(*)	(*)	-	(*)
Commercial chemical products listed in 40 CFR 261.33	(*)	(*)	-	-
Scrap metal that is not excluded under 40 CFR 261.4(a)(13)	(*)	(*)	(*)	(*)

NOTE: The terms "spent materials," "sludges," "by-products," and "scrap metal" and "processed scrap metal" are defined in §261.1.

Resource Recovery (RR), cont'd

10 CSR 25-4.261 Methods for Identifying Hazardous Waste

strikes references to RR

estimates fees lost to HWP at \$203,698

15. *[The resource recovery of hazardous waste is regulated by 10 CSR 25-9.020. An owner or operator of a facility that uses, reuses, or recycles hazardous waste shall be certified under 10 CSR 25-9 or permitted under 10 CSR 25-7, unless otherwise excluded. Therefore, the parenthetical text in 40 CFR 261.6(c)(1) is not incorporated in this rule;] and (Reserved)*

16. In accordance with section 260.432.5(2), RSMo, used cathode ray tubes (CRTs) may not be placed in a sanitary landfill, except as permitted by section 260.380.3, RSMo.

*AUTHORITY: section 260.370, RSMo [Supp. 2013] 2016. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 14, 2018.*

PUBLIC COST: This proposed amendment will cost public entities two hundred three thousand six hundred ninety-eight dollars (\$203,698) annually in the aggregate. These costs are detailed in the attached public entity fiscal note for this rule.

Resource Recovery (RR), cont'd

10 CSR 25-8.124 Procedures for Decision Making

This rule addresses permits, permit modifications, public notices, public hearings, permit application deadlines, and transporter licenses.

Section (4), Resource Recovery Facility Certifications is removed entirely

Resource Recovery (RR), cont'd

10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes

Rescinds the RR program

Annual loss of \$82,561 in fees in fiscal note

The List, Rescissions

10 CSR 25-10.010 Abandoned or Uncontrolled Hazardous Waste Disposal Sites. Rescinds the registry regulation

10 CSR 25-9.020 Hazardous Waste Resource Recovery Processes. (see above)

10 CSR 25-2.020 Hazardous Waste Management Commission Appeals and Requests for Hearings. Rescinds rule because it restates what is in law

The List, Amendments

10 CSR 25-11.279 Recycled Used Oil Management Standards.

Rewording for removal of restrictive language; removes MO requirements for low concentration PCB used oil

10 CSR 25-12.010 Fees and Taxes. Removes references to past dates; rewording for removal of restrictive language, references to RR removed

10 CSR 25-13.010 Polychlorinated Biphenyls. Rewording for removal of restrictive language; removes 12 Missouri waste codes for PCBs

10 CSR 25-15.010 Hazardous Substance Environmental Remediation (VCP). Strikes definitions; rewording for removal of restrictive language ; strike provisions found in law

10 CSR 25-16.273 Standards for Universal Waste Management. Changes some requirements for pesticide collection; eliminates references to RR; does not add aerosol cans, like Federal proposal

The List, Amendments, cont'd

10 CSR 25-2.010 Voting Procedures. Rewording to get rid of “shalls”; add news release requirement when Commission lacks quorum

10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information. Includes FR notices previously not adopted in MO; rewording for removal of restrictive language; removes RR definitions and references to RR

10 CSR 25-6.263 Standards for Transporters of Hazardous Waste. rewording; lab pack containers can be placed in larger containers

10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities. Removes RR references; removes restatement of GW monitoring requirement required elsewhere; removes 50' rule language

The List, Amendments, cont'd

10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities. Removes RR references; removes 50' rule language; removes railcar management language

10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. Removes references to RR; removes special MO-specific language regarding the following recyclable materials: spent lead acid batteries and hazardous waste burned in boilers

10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program. Rewording

The List, Withdrawal

10 CSR 26-2.080 Risk Based Target Levels. Outdated. Originally proposed for amendment. Authority existed elsewhere. Will be rescinded in the future.

Recap: Biggest Changes

Hazard labeling

Satellite Accumulation Areas (SAAs)

See David Shanks' presentation

Resource Recovery and Definition of Solid Waste (DSW)

See David Epema's presentation

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