

# **Red Tape Reduction Rule Changes and How They Impact Generators**

**Missouri Red Tape Webinar  
Hazardous Waste &  
Hazardous Secondary Materials  
December 5, 2018**

**David Shanks &  
Kevin Perry  
REGFORM**

## **Red Tape Reduction Rules for Hazardous Waste Program**

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

**-adopted November 13, 2018, with some modifications from proposed text**

# Overview

**19 rules total**

- **15 amendments**
- **3 rescissions**
- **1 rule withdrawn**

# Reminder

## **Context:**

**The Hazardous Waste Generator Improvement Rule (HWGIR) has not yet 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.**

**Mostly July 1, 2013 CFR, but with exceptions for solvent wipes rule, Definition of Solid Waste, et.al.**

**Revised and rescinded MO rules adopted on Nov. 13 are effective March 30, 2019.**

# Biggest Changes

**Hazard labeling**

**Satellite Accumulation Areas (SAAs)**

**Resource Recovery and Definition of Solid Waste (DSW)**

# Hazard Labeling

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

Effective March 30, 2019

Pre-transport hazard 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 carrier

A temporary reprieve: HWGIR will bring back hazard labeling

- More flexible than former MO rule: compliant hazard warnings: DOT, OSHA, NFPA, or waste characteristic
- Hazard warnings extend to satellite accumulation areas
- Work on MO HWGIR 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)

## 10 CSR 25-4.261 Methods for Identifying Hazardous Waste

strikes references to RR certification

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

# Adoption of 2018 Federal Definition of Solid Waste (DSW)

## 10 CSR 25-4.261 Methods for Identification of Hazardous Waste

Adopts 83 Fed Reg 24664, May 30, 2018 federal DSW rule by reference

2018 DSW rule is result of 2017 D.C. Circuit Court of Appeals ruling that voided portions of the 2015 DSW rule

Provides conditional exclusions from RCRA solid waste definition if hazardous secondary materials are reclaimed per conditions in the rule

- Generator and reclaimer bear burden of documenting compliance with DSW conditions
- Unlike MO Resource Recovery Certifications, DNR does not pre-certify that reclamation is legitimate

# The List, Rescissions

**10 CSR 25-10.010 Abandoned or Uncontrolled Hazardous Waste Disposal Sites.** Rescinds the registry regulation that almost entirely duplicated statutory language

**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 statute

# 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 (MO waste code D096)

**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 no longer in use

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

**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, final federal aerosol rule delayed to Sept. 2019

# 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 conditional allowance to store ignitibles and reactives less than 50' from property boundary (HWGIR takes different approach).

## 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 UST Technical Regulations, including Risk Based Target Levels.** Outdated. Originally proposed for amendment. Authority existed elsewhere. Will be rescinded in the future.

# Contact Information

**Kevin Perry, Assistant Director**

**REGFORM**

**238 East High St., 2<sup>nd</sup> Floor**

**Jefferson City, MO 65101**

**[kperry@regform.org](mailto:kperry@regform.org)**

**Cell phone: 573 680-5069**

**David Shanks, Boeing EHS Policy Analysis**

**[david.l.shanks@boeing.com](mailto:david.l.shanks@boeing.com)**

**(314) 777-9227**