

# Highlights of the Federal RCRA Rules Package

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2024

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Ian Johnson, Rules Unit

“RCRA is not a delegated program; it’s authorized. And if Missouri wants to keep it’s authorization, it must adopt Federal RCRA rules. A rules package featuring HWGIR, pharmaceuticals, airbags, ignitable liquids and wood treaters is moving through **the approval process and is likely to be effective a year from now**. Find out more about what’s in this rules package with an emphasis on the HWGIR.” – Kevin Perry, REGFORM (Moderator)

Ian Johnson is a Rulemaking Coordinator and can provide high-level information about the rule content. His specialization is in the rulemaking process. If you have in depth questions on the filing of rules with the Joint Committee on Administrative Rules, Secretary of States Office or Missouri Register, he is more than capable of talking your ear off. However, if you have in-depth questions on the details and applicability of the rules themselves, he will be deferring those questions to the capable hands of experts. (In this case, Brandon Backus.)

# **DISCLAIMER**

# Schedule Highlights

- Initiated the formal rulemaking process 2024.
- Public Hearing at HW Commission Meeting 9/19/2024.
- Adoption of Rule at HW Commission Meeting on 11/7/2024.
- Date Rule becomes effective 2/28/2025.
- Seek authorization from the EPA once the rules are effective or close to it.

# Rules in Development

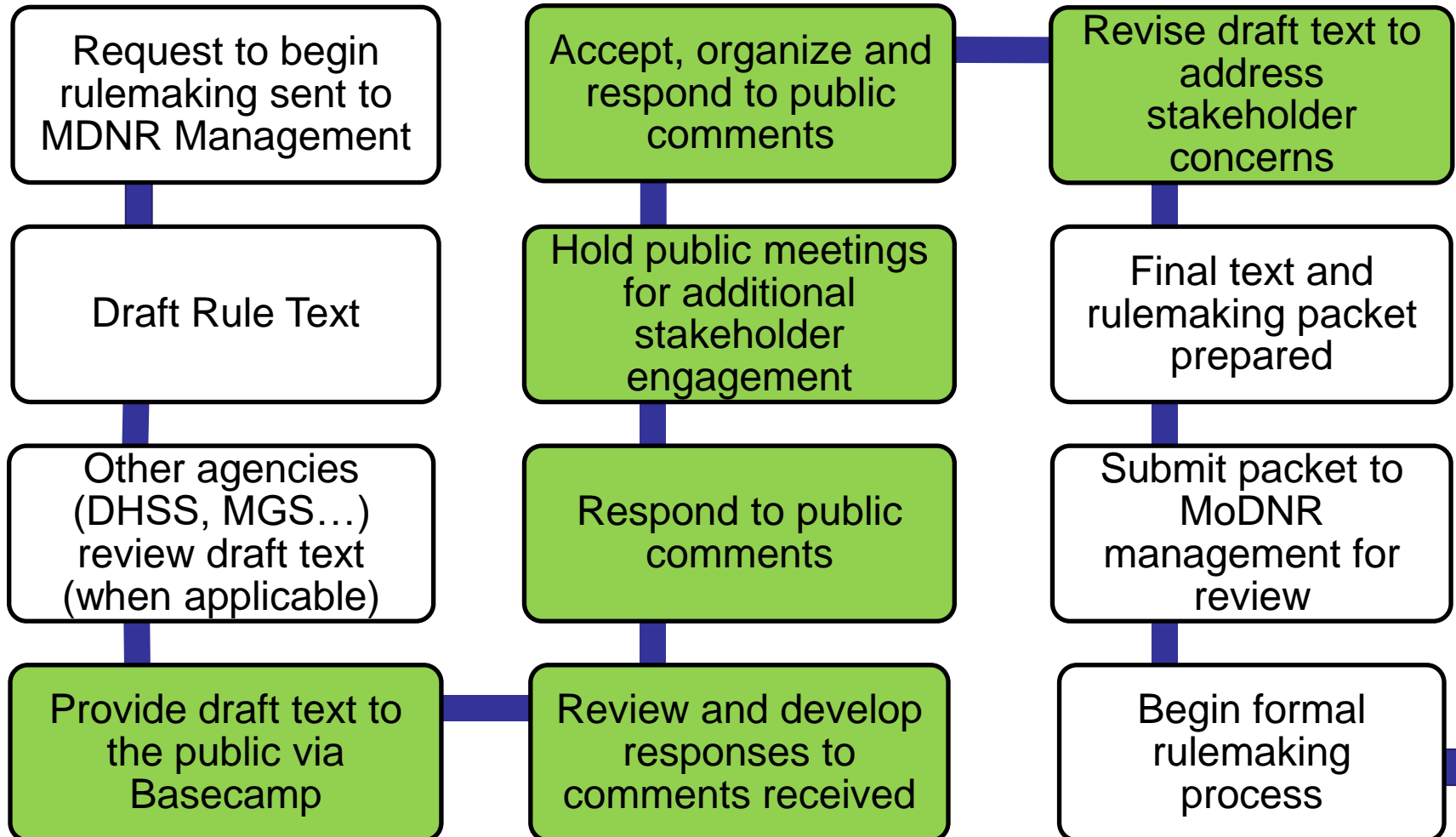
- 10 CSR 25 – 3.260
- 10 CSR 25 – 4.261
- 10 CSR 25 – 5.262
- 10 CSR 25 – 7.264
- 10 CSR 25 – 7.265
- 10 CSR 25 – 7.266
- 10 CSR 25 – 7.268
- 10 CSR 25 – 7.270
- 10 CSR 25 – 11.279
- 10 CSR 25 – 11.279
- 10 CSR 25 – 12.010
- 10 CSR 25 – 12.020
- 10 CSR 25 – 16.237
- 10 CSR 80 – 2.010
- 10 CSR 80 – 3.010
- 10 CSR 80 – 9.060
- 10 CSR 80 – 12.010
- 10 CSR 80 – 12.020

# Authorizations

- Separate Presentation on Authorizations can be provided upon request

Why does the process take so long?

# Informal Rulemaking Process



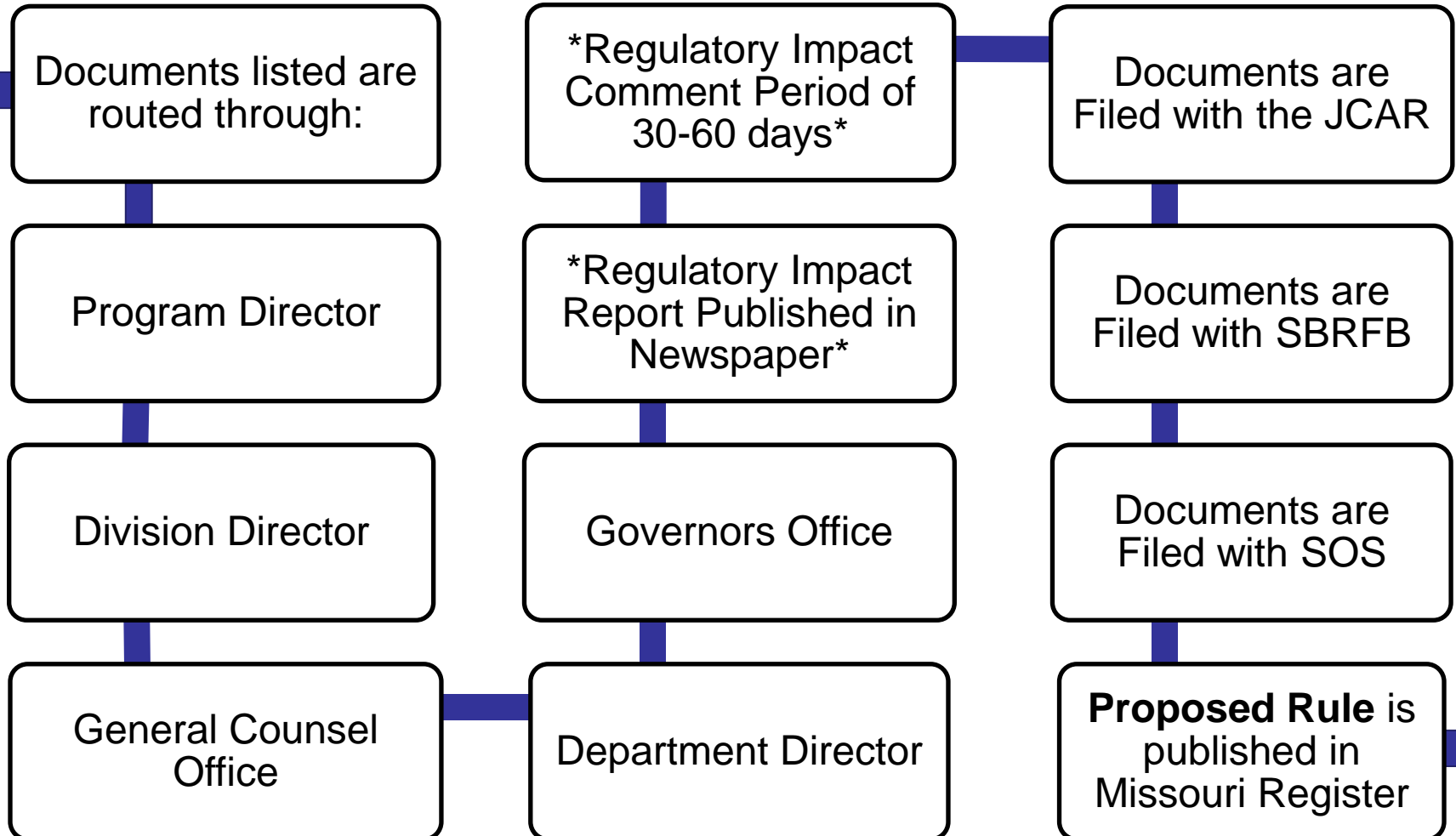


# Formal Rulemaking Process

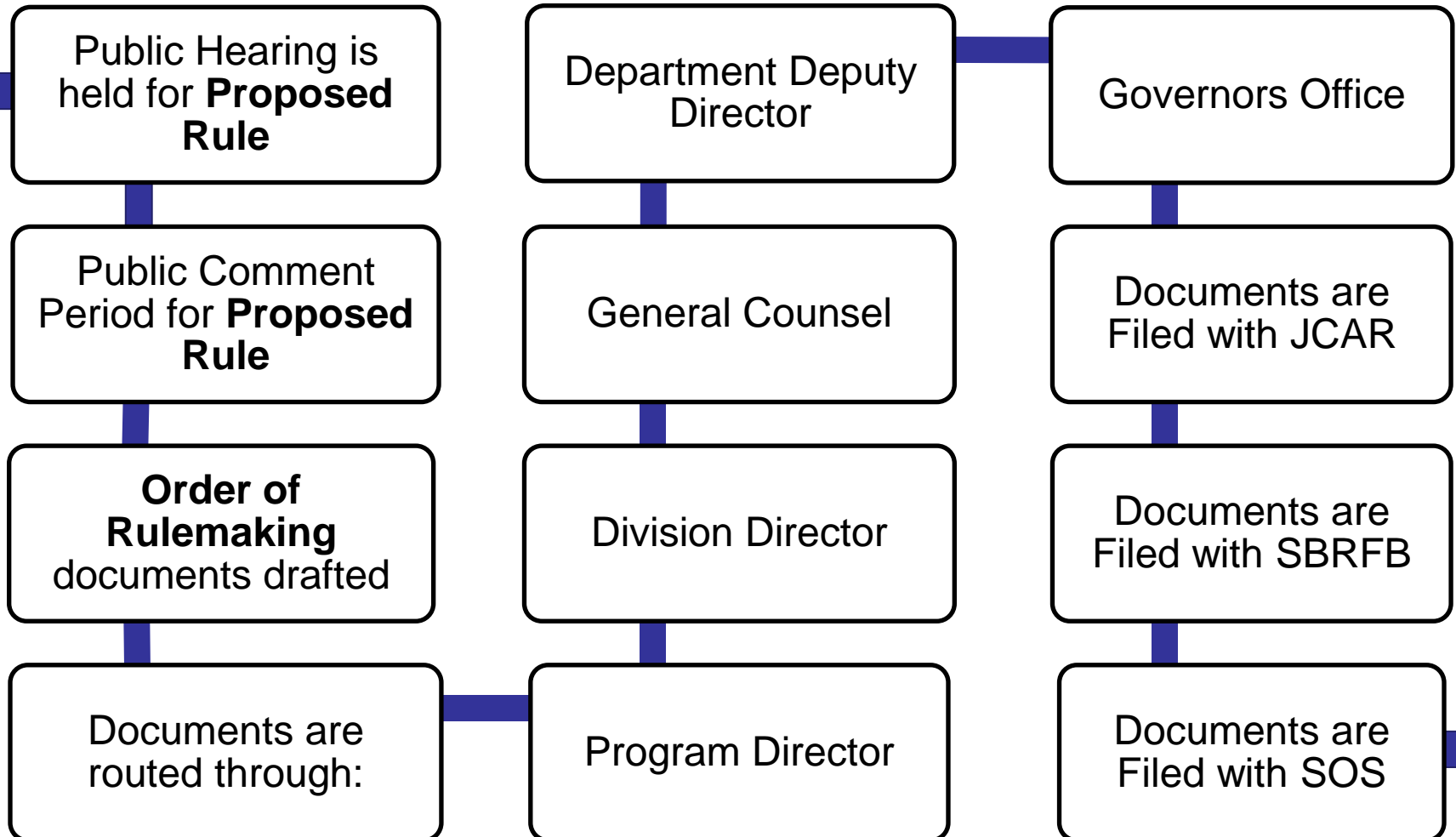
## Documents Prepared

- Proposed Rule Text
- Regulatory Impact Report (RIR) (if required)
- Small Business Impact Statement (if required)
- Finding of Necessity
- Takings Analysis Determination
- Secretary of State (SOS) Cover Letters (proposed and order)
- Joint Committee on Administrative Rules (JCAR) Cover Letters (proposed & order)
- Small Business Regulatory Fairness Board Cover Letter (if required)
- Declaration for Public Entity Costs
- Fiscal Note – Private (if required)
- Fiscal Note – Public (if required)

# Formal Rulemaking Process



# Formal Rulemaking Process



# Formal Rulemaking Process

Rule is published in Missouri Register

Rule is published in Code

Rule becomes effective

Formal Rulemaking  
Timeline:  
Minimum 18 months

Rulemaking Complete

Statement of Actual Cost is  
filed with SOS

# Timelines

- Informal Rulemaking Process
  - 1 to 2 years
- Formal Rulemaking Process
  - 18 months to 2 years

# Contact

1. Basecamp: see the next slide for instructions
2. Rules email address:  
[SWMPrules@dnr.mo.gov](mailto:SWMPrules@dnr.mo.gov) OR  
[ian.johnson@dnr.mo.gov](mailto:ian.johnson@dnr.mo.gov)

# Basecamp Instructions

- To be added to basecamp, send an email to [SWMPrules@dnr.mo.gov](mailto:SWMPrules@dnr.mo.gov) requesting to be added.
- If new to Basecamp, the facilitator will send you an email invitation link to create a username and password.
- If already a member of Basecamp, an email will be sent to reset your password.

# Comments Policy

Comments will be accepted in the following formats:

- A message posted on the Basecamp site
- An email sent to [SWMPrules@dnr.mo.gov](mailto:SWMPrules@dnr.mo.gov)
- A written comment(s) to:

Solid Waste Management Program

Rules Unit

P.O. Box 176

Jefferson City, MO 65102-0176



# Comments Policy (cont.)

- Please do **not** provide comments via telephone, voice mail or emails to individuals you may know in WMP or the department
- No guarantee comments received through these avenues will be given proper consideration

# Comments Policy (cont.)

In order for WMP to properly respond to comments, please provide:

- Full name, email address and phone number.
- If you represent a business or other entity, list who you are representing and your title.
- All written comments will be scanned and uploaded to Basecamp.

# Comments Policy (cont.)

- All comments received, as well as WMP's responses, will be made publicly available on Basecamp.
- Depending on the number of comments received, similar comments may be grouped together and will be responded to in the grouped themes rather than responding to individual comments.
- Comments will be addressed as expeditiously as possible.
- Thank you for your patience, it is much appreciated.

Thank you!

Ian Johnson  
Waste Management Program  
MDNR

# Hazardous Waste Generator Improvements Rule

- General reorganization of regulations for ease of reading.
- Renaming of CESQG to VSQG.
- Allows VSQG to LQG waste consolidation.
- Episodic generation regulations.
- Indication of hazard required to be marked on tanks and containers in both satellite and central accumulation.
- Applicable waste codes or bar coding on containers on both satellite and central accumulation.
- Quick Reference Guide for LQGs.

# Pharmaceutical Rule.

- Sewering ban effective nation wide 8/21/19.
- Relaxes nicotine (P075) definition.
- Hazardous waste pharmaceuticals managed under §266 Subpart P do not count toward generation total.
- Empty container revisions for hazardous waste pharmaceuticals.
- Potentially Creditable vs. Non-creditable.

# Safe Management of Recalled Airbags.

- Airbag waste at handler or during transport to collection facility or destination facility not subject to §262-268 provided requirements are met.
  - <250 modules or inflators.
  - Not accumulated for longer than 180 days.
  - Suitable container labeled “Airbag waste- do not reuse”.
  - Sent to an airbag waste collection facility or designated facility.
  - Transport complies with DOT regulations.
  - Three years of records for shipments maintained.
- Subject to all hazardous waste regulations upon arrival at airbag waste collection facility or designated facility.

# Subpart W-Drip Pads, Modernizing Ignitable Liquids Determination, and E-Manifest.

- Subpart W-Drip Pads.
  - Establishes standards for new or pre-existing drip pads.
  - Design and operation, inspection, and closure requirements.
  - Missouri flexibility of having two years to establish compliance with the requirements with potential to request up to an additional year.
- Modernizing Ignitable Liquids Determination.
  - Allows use of non-mercury thermometers in ignitability characteristic determination as well as other modern equipment and techniques.
  - Defines “aqueous” as 50% water by weight.
- E-Manifest.
  - Timely and accurate information on waste shipments.
  - Allows generators and transporters to create, edit, view, and sign manifests electronically.