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**Rules of**  
**Department of Natural Resources**  
**Division 25—Hazardous Waste Management Commission**  
**Chapter 6—Rules Applicable to Transporters**  
**of Hazardous Waste**

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**Title 10—DEPARTMENT OF  
NATURAL RESOURCES  
Division 25—Hazardous Waste  
Management Commission  
Chapter 6—Rules Applicable to  
Transporters of Hazardous Waste**

**10 CSR 25-6.010 License Requirements  
and Operating Procedures for Motor Vehicle Operators**

(Rescinded October 1, 1986)

*AUTHORITY:* sections 260.385 and 260.395, RSMo 1978. Original rule filed April 10, 1979, effective Jan. 1, 1980. Amended: Filed Dec. 9, 1980, effective May 12, 1981. Emergency amendment filed Oct. 30, 1981, effective Nov. 9, 1981, expired Feb. 27, 1982. Amended: Filed March 15, 1983, effective July 11, 1983. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.

**10 CSR 25-6.020 License Requirements  
and Operating Procedures for Railroads**

(Rescinded October 1, 1986)

*AUTHORITY:* sections 260.385 and 260.345, RSMo 1978. Original rule filed April 12, 1979, effective Jan. 1, 1980. Amended: Filed March 13, 1981, effective Sept. 11, 1981. Amended: Filed March 15, 1983, effective July 11, 1983. Amended: Filed March 14, 1984, effective Aug. 12, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.

**10 CSR 25-6.030 License Requirements  
and Operating Procedures for All Other  
Modes of Transport**

(Rescinded October 1, 1986)

*AUTHORITY:* sections 260.385 and 260.395, RSMo 1978. Original rule filed April 12, 1979, effective Jan. 1, 1980. Amended: Filed March 13, 1981, effective Sept. 11, 1981. Amended: Filed March 8, 1983, effective July 11, 1983. Amended: Filed March 14, 1984, effective Aug. 12, 1984. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.

**10 CSR 25-6.263 Standards for Transporters of Hazardous Waste**

*PURPOSE:* This rule sets forth standards for transporters of hazardous waste, incorporates 40 CFR part 263 and certain regulations in 49 CFR 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 incorporated 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 material. The entire text of the rule is printed here.

(1) The regulations set forth in 40 CFR part 263, July 1, 2013; 49 CFR parts 171–180, November 1, 1990, and December 1, 1997; and 49 CFR parts 40, 383, 387, 390–397, October 1, 1990, and October 1, 1997, 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, except for 49 CFR 390.3(f)(2), which is not incorporated by reference. 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) applies in this rule in addition to any other modifications set forth in section (2) of this rule except that the modifications do not apply to the 49 CFR parts incorporated in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent rules control.

(2) A hazardous waste transporter shall comply with the requirements of this section in addition to those set forth in section (1). Any reference to a 40 CFR cite in this section means as that provision is incorporated in 10 CSR 25. (Comment: This section has been organized in order within the corresponding subsection of this section. For example, the additional requirements being added to 40 CFR part 263 subpart A are found in subsection (2)(A).)

(A) In addition to the requirements in 40 CFR part 263 subpart A, the following applies:

1. In 40 CFR 263.10(a) and (c)(1), incorporated in this rule, substitute “the state of Missouri” for “United States”;

2. In the last paragraph of the note following 40 CFR 263.10(a), change “49 CFR parts 171 through 179” to “49 CFR parts 171 through 180 and parts 383, 387, and 390–397” and add the following to the note: “The parts of 49 CFR are incorporated to the extent that these regulations do not conflict with the laws and regulations of the state of Missouri, or, in the event the regulations con-

flict, the more stringent regulations control. The equipment used in the transportation of hazardous waste shall meet the standards of the Missouri Department of Transportation’s Division of Motor Carrier and Railroad Safety, the United States Department of Transportation, and the Federal Railroad Administration, or any combination of them, as applicable for the types of hazardous materials for which it will be used. The equipment to be used in the transportation of hazardous waste shall be compatible with that waste and adequate to protect the health of humans and prevent damage to the environment”;

3. License requirements for power unit transporters of hazardous waste, used oil, or infectious waste. In accordance with 10 CSR 25-6.263, 10 CSR 25-11.279(2)(E)1., or 10 CSR 80-7.010(4), to be licensed by the department hazardous waste transporters shall comply with the following requirements:

A. Power unit transporters shall submit to the department an application for a license on a form furnished by the department and completed with the following information:

(I) The applicant’s name, address, location of the principal office, or place of business, and the legal owner of the applicant company;

(II) A description of the service proposed to be rendered;

(III) The applicant’s Environmental Protection Agency (EPA) identification number;

(IV) The number of power units to be used;

(V) A certification that the applicant’s equipment and operating procedures meet the standards of the Missouri Division of Motor Carrier and Railroad Safety, the Federal Department of Transportation (DOT), or the Federal Railroad Administration, or both;

(VI) A description of each power unit to include make, model, year, vehicle identification number (VIN), licensed vehicle weight, and state and number of the license plate and a description of the trailers (cargo box, van, tank) and maximum trailer capacities used by the transporter;

(VII) A disclosure statement from the applicant, principal corporate officers, and the holders of more than twenty percent (20%) of the applicant company. If any of these persons were involved in hazardous waste management before their association with the applicant company, the applicant shall submit this information to the department including the names of these persons and the names and locations of the companies



with which they were associated; and

(VIII) For applicants who are not residents of Missouri, a written statement designating the director of the department as the authorized agent upon whom legal service may be made for all actions arising in Missouri from any operation of motor vehicles under authority of the department.

B. In addition to the completed application, an applicant shall submit each of the following:

(I) A fee as specified in 10 CSR 25-12.010;

(II) The insurance document(s) as specified in paragraph (2)(A)4. of this rule; and

(III) Statements, documents, or both, of the following, where applicable:

(a) If the applicant is a partnership, include an affidavit to this effect signed by the proprietor or include a copy of the partnership agreement. If no written partnership agreement has been entered into, include a statement summarizing the agreement between the parties which is signed by each of the partners and certified by a notary public;

(b) If the applicant is a Missouri corporation or a foreign corporation with authority to conduct business in Missouri or is a foreign corporation with facilities or employees in Missouri, a Certificate of Corporate Good Standing from the Missouri secretary of state and if the applicant is a non-resident corporation without facilities or employees in Missouri, a Certificate of Good Standing from the state or country of residence; and

(c) If the applicant is conducting its business under an assumed or fictitious name, a certified copy of the registration with the Missouri secretary of state of the assumed or fictitious name.

C. License renewal.

(I) At least sixty (60) days prior to the expiration date of his/her current license, a hazardous waste transporter wishing to renew his/her license shall submit a license renewal application on a form furnished by the department, including a Certificate of Corporate Good Standing issued within the twelve (12) months preceding the license expiration date, documents that satisfy the insurance requirements in paragraph (2)(A)4. of this rule, except for other than power unit carriers, and a fee as specified in 10 CSR 25-12.

D. Power unit additions, replacements, and temporary permits. Changes made to the power unit listings as shown on the current license application or renewal form shall be reported to the department as

follows: A power unit can be added by submitting a written description of the power unit to be added and paying a fee in accordance with 10 CSR 25-12.010. A power unit can be replaced for another without any charge by submitting a description of the original power unit and its replacement. A power unit can be issued a temporary permit for a thirty- (30-) day period by submitting a written description of the power unit and paying a fee in accordance with 10 CSR 25-12.010.

E. Proof of license. A transporter shall carry proof of license with each power unit transporting hazardous waste within Missouri. A legible copy of this certificate shall be in the possession of the driver of the power unit and shown upon demand to representatives of the department, officers of the Missouri State Highway Patrol, and other law enforcement officials;

4. Insurance.

A. Transporters licensed in accordance with this chapter shall at all times have on file with the department a certification of public liability (bodily injury and property damage) insurance which includes the required, uniform endorsements covering each motor vehicle in accordance with 49 CFR part 387 incorporated by reference in this rule. The minimum level of insurance coverage shall not be less than one (1) million dollars combined single limit. (Comment: The federal regulations at 49 CFR 387.9 set forth certain conditions which require five (5) million dollars coverage.)

B. The certificate of insurance shall—

(I) State that the insurer has issued to the motor carrier a policy of insurance which, by endorsement, provides automobile bodily injury and property damage liability insurance covering the obligations imposed upon the motor carrier by the provisions of the law of Missouri;

(II) Be duly completed and executed by the insurer on Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance;

(III) Be duly completed and executed by the insurer with the endorsements made on Form F—Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsements attached to the insurance policy and forming a part of that policy; and

(IV) Include a surety bond, duly completed and executed by the surety and principal, in the form set forth in Form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond.

C. An insurer under the provisions of this rule shall submit to the department not fewer than thirty (30) days' notice of cancel-

lation of motor carrier bodily injury and property damage liability insurance by filing with the department the form of notice set forth in Form K—Uniform Notice of Cancellation of Motor Carrier Insurance Policies. The notice shall be duly completed and executed by the insurer. A surety under the provisions of this rule shall give the department not fewer than thirty (30) days' notice of the cancellation of motor carrier bodily injury and property damage liability surety bond by filing with the department the form of notice set forth in Form L—Uniform Notice of Cancellation of Motor Carrier Surety Bond. The notice shall be duly completed and executed by the surety or motor carrier.

D. Forms E, F, G, K, and L referred to in subparagraphs (2)(A)4.B. and C. of this rule are the standard forms determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of section 202(b)(2) of the Interstate Commerce Act, 49 U.S.C. section 302(b)(2), 1994.

E. Before any policy of insurance will be accepted by the department, the insurance company issuing the policy or the carrier offering the same, upon request of the department, shall furnish evidence satisfactory to the department that the insurance company issuing the policy is duly authorized to transact business in Missouri and that it is financially able to meet the obligations of the policy offered.

F. All insurance certificates and surety bonds filed with the department shall remain on file with the department and shall not be removed except with the written permission of the director.

G. A new certificate of insurance shall be filed for reinstatement of insurance which has been canceled;

5. Vehicle marking. The transportation vehicle used to ship hazardous waste shall be marked in accordance with 49 CFR 390.21(b) and (c);

6. No hazardous waste shall be accepted for transport unless it has been properly loaded and secured in accordance with 49 CFR 177.834;

7. Incompatible wastes. A waste shall not be added to an unwashed or uncleaned container that previously held an incompatible material;

8. In addition to the requirements in 40 CFR 263.10(c)(1), add the following requirements: A transporter who accepts shipments of hazardous waste from a person not subject to registration as a generator in accordance with 10 CSR 25-5.262, and in so doing accumulates one hundred kilograms (100 kg) or



more of hazardous waste, becomes a generator and shall comply with 10 CSR 25-5.262 in addition to the requirements of this rule. (Note: This provision is not intended to apply to municipal waste haulers who may unknowingly pick up small quantities of hazardous waste that may have been deposited in solid waste containers along their routes.);

9. In addition to the requirements in 40 CFR 263.11, add the following: “In the event that an EPA identification number has not been assigned, the department will assign an EPA identification number.” The applicant shall also submit an application for license in accordance with this rule at the time of notification; and

10. In addition to the requirements in 40 CFR 263.12, the following rules apply to transfer facilities (Note: Used oil transfer facilities are regulated under 10 CSR 25-11.279.):

A. A hazardous waste transported intrastate or into the state by motor carrier shall arrive at its destination in ten (10) calendar days or less from the date the initial transporter signs the manifest, or when the waste first enters the state, unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

B. A hazardous waste destined for out-of-state treatment, storage, or disposal shall leave the state in ten (10) calendar days or less from the date the initial transporter signs the manifest unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

C. A hazardous waste transported through the state by motor carrier shall pass through the state in ten (10) calendar days or less unless departmental approval is obtained prior to the expiration of the ten- (10-) day period;

D. A secondary containment system for storage of hazardous waste in containers at a transfer facility shall be designed, maintained, and operated as follows:

(I) With a base under the container(s) 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;

(II) With the base sloped or the containment system 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;

(III) With 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.);

(IV) With run-on into the containment system prevented unless the collection system has sufficient excess capacity in addition to that specified in part (2)(A)10.D.(I) of this rule to contain any run-on which might enter the system; and

(V) With removal of spilled or leaked waste and accumulated precipitation from the sump or collection area as necessary to prevent overflow of the collection system; and

(VI) Including the containment system as part of the weekly inspections specified in 40 CFR 265.174 incorporated by reference in 10 CSR 25-7.265(1);

E. The following requirements apply to the transporter’s management of ignitable, reactive, incompatible, or volatile wastes at a transfer facility:

(I) Take precautions to prevent accidental ignition or reaction of ignitable or reactive wastes.

(II) Separate and protect wastes identified in E of this section from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (that is, from heat-producing chemical reactions), and radiant heat.

(III) While ignitable or reactive waste is being handled, confine smoking and open flame to specially designated locations.

(IV) Conspicuously place No Smoking signs wherever there is a hazard from ignitable or reactive waste;

F. Preparedness and prevention. A transporter shall equip the transfer station as specified in 40 CFR 265.32 incorporated by reference in 10 CSR 25-7.265(1). In addition, a transporter shall also provide safety equipment such as fire blankets, gas masks, and self-contained breathing apparatus unless the hazards posed by the type of waste managed does not warrant using this additional safety equipment;

G. Closure. At closure of the storage area, a transporter shall remove and properly dispose of all hazardous waste and hazardous residues. For the purpose of this subparagraph, closure shall occur when the storage of hazardous wastes has not occurred, or is not expected to occur for one (1) year, or when the transporter’s license lapses, whichever first occurs;

H. The contents of separate containers of hazardous waste may not be combined at a transfer facility. Individual lab packed containers may be placed in a larger container if, when containers are overpacked, the transporter affixes labels to the overpack con-

tainer, which are identical to the labels on the original shipping container; and

I. A transfer facility shall not be the same facility as designated in item 8 of the manifest.

(B) Compliance with the Manifest System and Record Keeping. This subsection sets forth requirements in addition to or in lieu of the requirements set forth in 40 CFR part 263 subpart B.

1. Manifests.

A. In lieu of the requirements in 40 CFR 263.20(a), the following shall apply:

(I) In addition to the requirements in 10 CSR 25-5.262, a transporter shall not accept hazardous waste from a generator unless it is accompanied by a completed uniform hazardous waste manifest signed and dated by the generator containing information in accordance with Subpart B of 40 CFR part 262, except that the transporter may accept shipments of hazardous waste without a manifest from persons not subject to registration as provided in 10 CSR 25-5.262(2)(A) provided that the waste is transported only to a facility which is permitted or certified to accept the waste. The transporter shall maintain records on wastes accepted from those generators which contain information including the type or identity of each waste, the source of each waste, and disposition of each waste. (Note: This paragraph is not intended to apply to municipal waste haulers who may unknowingly pick up small quantities of hazardous waste that may have been deposited in solid waste containers along their routes.);

(II) Hazardous waste shall be transferred between licensed transporters only; and

(III) For exports, the transporter shall also comply with the following:

(a) Accept no hazardous waste from a primary exporter or other person—1) if s/he knows the shipment does not conform to the EPA Acknowledgement of Consent, and 2) unless, in addition to a manifest signed in accordance with 10 CSR 25-5, the waste is also accompanied by an EPA Acknowledgement of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment));

(b) Use shipping papers for exports by water (bulk shipment) that contain all the information required on the manifest and, for exports, accompany the hazardous waste with an EPA Acknowledgement of Consent;

(c) If a rail transporter, ensure that a shipping paper contains all the information required on the manifest and, for exports, an EPA Acknowledgement of



Consent accompanies the hazardous waste at all times; and

(d) Provide a copy of the manifest to a United States Customs official at the point of departure from the United States.

B. In addition to requirements in 40 CFR 263.22, the following shall apply:

(I) Each day that a vehicle is used for the transportation of hazardous waste, the driver of that vehicle, prior to the transportation, shall inspect the vehicle to meet the requirements of 49 CFR 396.11 incorporated by reference in section (1) of this rule;

(II) Document the vehicle inspection in writing;

(III) At a minimum once annually, transporters shall provide and document hazardous waste/materials training for each driver employee who transports hazardous waste;

(IV) Make records relating to hazardous waste transportation available to representatives of the department for inspection and copying during regular business hours; and

(V) Maintain current files on driver vehicle inspections, vehicle maintenance, annual employee training, and records of incident reports for a period of three (3) years. Files shall be maintained by the licensed transporter regardless of whether the vehicle(s) is owned or leased. The period of record retention for these records also extends automatically during the course of any unresolved enforcement action, and the records shall be available to authorized representatives of the department for inspection and copying during regular business hours.

2. (Reserved)

(C) Immediate Action. In addition to the requirements in 40 CFR part 263 subpart C, the following shall apply:

1. In addition to requirements in 40 CFR 263.30(c)(1), the transporter shall also notify the department at the earliest practical moment of a hazardous waste discharge by calling the department's emergency number, (573) 634-2436 (634-CHEM); and

2. In addition to requirements in 40 CFR 263.30(c)(2), the transporter shall also submit a copy of that report to the department.

(D) Operations of Transporters by Modes Other Than Power Unit.

1. A person who transports hazardous waste by a mode other than power unit shall comply with paragraphs (2)(A)1. and 2., parts (2)(A)3.A.(V), (2)(A)3.B.(I) and (III), subparagraph (2)(A)3.C., paragraphs (2)(A)7., 8., 9., and 10., and subsections (2)(B) and (C) of this rule.

2. Application form. An applicant shall

submit a completed, department-furnished form which contains the following information: name, address, type of transport vehicles to be used in hazardous waste transport, and EPA identification number. If an EPA identification number has not been assigned by the EPA, the department will assign an identification number.

3. An applicant shall complete and submit a Non-Motor Carrier Certification of Financial Responsibility form provided by the department to satisfy the transporter insurance requirement.

(E) Transportation of Universal Waste.

1. The requirements of this chapter are not applicable to those transporting only universal waste as defined in 10 CSR 25-16.273.

2. Universal waste transporters shall comply with the universal waste transporter standards at 10 CSR 25-16.273(2)(D).

*AUTHORITY: sections 260.370, 260.373, 260.385, and 260.395, RSMo 2016.\* Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. Amended: Filed Feb. 3, 1987, effective Aug. 1, 1987. Amended: Filed Dec. 1, 1987, effective Aug. 12, 1988. Amended: Filed Feb. 16, 1990, effective Dec. 31, 1990. Amended: Filed Jan. 15, 1991, effective Aug. 1, 1991. Amended: Filed Feb. 14, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 5, 1993, effective Aug. 9, 1993. Amended: Filed June 3, 1993, effective Jan. 31, 1994. Amended: Filed Jan. 5, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 16, 1995, effective April 30, 1996. Amended: Filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 17, 2001, effective Aug. 30, 2002. Amended: Filed March 31, 2006, effective Dec. 30, 2006. Amended: Filed Oct. 15, 2008, effective June 30, 2009. Amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed April 15, 2015, effective Dec. 30, 2015. Amended: Filed June 14, 2018, effective March 30, 2019.*

*\*Original authority: 260.370, RSMo 1977, amended 1980, 1988, 1993, 1995, 2004, 2010; 260.373, RSMo 2012; 260.385, RSMo 1977, amended 1985; and 260.395, RSMo 1977, amended 1980, 1983, 1985, 1988, 2000, 2013, 2015.*