



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(Rescinded October 1, 1986)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, RSMo Supp. 1983. Original rule filed April 12, 1979, effective Jan. 1, 1980. Amended: Filed Dec. 9, 1980, effective May 12, 1981. Amended: Filed March 13, 1981, effective Sept. 11, 1981. Amended: Filed June 15, 1983, effective Oct. 17, 1983. Amended: Filed March 14, 1984, effective Aug. 12, 1984. Amended: Filed March 14, 1985, effective July 19, 1985. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.

10 CSR 25-5.020 Generator Fee
(Rescinded October 1, 1986)

AUTHORITY: section 260.370, RSMo 1978. Original rule filed Aug. 6, 1981, effective Dec. 14, 1981. Amended: Filed Aug. 13, 1982, effective Dec. 13, 1982. Rescinded: Filed Dec. 16, 1985, effective Oct. 1, 1986.

**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 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 49 CFR part 172, October 1, 2013, 40 CFR 302.4 and .5, July 1, 2013, and 40 CFR part 262, July 1, 2013, 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 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. Where conflicting rules exist in 10 CSR 25, the more stringent rules 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). (Comment: This section has been organized so that all Missouri additions, changes, or deletions to any subpart of the federal regulations are noted within the corresponding subsection of this section.)

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

1. In lieu of 40 CFR 262.12(a) and (c), a generator located in Missouri 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 subject to registration 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; and

B. 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 or operator of a treatment, storage, disposal facility who ships hazardous waste from the facility shall comply with this rule;

3. The following constitutes the procedure for registering:

A. A person subject to registration shall file a completed registration form furnished by the department. The department requires an original ink signature on all registration forms before processing. In the event the department develops the ability to accept electronic submission of the registration 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 subject to registration

shall also complete and file an updated generator registration form if the information filed with the department changes;

C. The department may request additional information, including information concerning the nature and hazards associated with a particular waste or any information or reports concerning the quantities and disposition of any hazardous wastes as necessary to authorize storage, treatment, or disposal and to ensure proper hazardous waste management;

D. A person subject to generator registration, and those conditionally-exempt generators 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 generator site has an inactive registration, and a generator subject to registration reactivates that registration, the generator shall file a registration form and pay the one hundred dollar (\$100) registration reactivation fee. The department will not process any form for an initial registration or reactivation of a registration if the one hundred dollar (\$100) fee is not included. Generators subject to registration shall thereafter pay an annual renewal fee of one hundred dollars (\$100) in order to maintain their registration in good standing; and

E. The department will immediately revoke the registration of any person who pays the registration fee with what is found to be an insufficient check;

4. The following constitutes the procedure for registration renewal:

A. The calendar year constitutes the annual registration period;

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

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

D. The department will administratively inactivate the registration of any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing, and the generator will be 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 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 in section 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. The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check ; and

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) *(Reserved)*

(C) Pretransport, Containerization, and Labeling Requirements.

1. Satellite accumulation. As an alternative to compliance with the accumulation limits in 40 CFR 262.34(c)(1), generators who instead wish to store up to fifty-five (55) gallons of each non-acute hazardous waste stream, or up to one (1) quart of each acutely hazardous waste stream in a satellite accumulation area may do so if they comply with the other applicable requirements of 40 CFR 262.34(c) and the following additional requirements:

A. Each container must be marked with its beginning date of satellite storage;

B. The generator may not use more than one (1) container per waste stream;

C. A container of hazardous waste stored in a satellite accumulation area pursuant to this paragraph 3. shall be removed from the satellite accumulation area within three (3) calendar days if any of the following occurs:

(I) One (1) year has passed since the accumulation start date;

(II) The container is full; or

(III) The container has reached its volume limit;

D. A container of hazardous waste removed from the satellite accumulation area pursuant to subparagraph C. above must be taken to the generator storage area, shipped off-site for proper hazardous waste management, or managed in accordance with an

approved hazardous waste permit or certification at the site;

E. In lieu of 40 CFR 262.34(c)(2), during the three (3) day period referenced in subparagraph D. above, the generator may start a new satellite container for that waste stream if in compliance with all other requirements of paragraph 3. and 40 CFR 262.34(c)(1) as modified by this paragraph 3; and

F. For generators that have more than one satellite accumulation area in a single facility, a generator may use the federal option in 40 CFR 262.34(2)(C)1. or the option described in 10 CSR 25-5.262(2)(C)3. for any satellite accumulation area; however, in no case shall a generator employ both methods in the same satellite accumulation area at the same time.

2. 40 CFR 262.34(a)(1)(iii) is not incorporated in this rule.

(D) Record Keeping and Reporting. In addition to requirements in 40 CFR 262.40, generators shall retain registration information in subsection (2)(A) of this rule and the Generator's Hazardous Waste Summary Report in paragraph (2)(D)1. of this rule for no fewer than three (3) years.

1. This paragraph establishes requirements for quarterly Generator's Hazardous Waste Summary Reports.

A. All generators subject to registration in accordance with subsection (2)(A) of this rule shall complete a Generator's Hazardous Waste Summary Report that is completed on a form provided by the department or on a reproduction of the form provided by the department or in the same format as the form provided by the department after review and approval by the department.

B. A person who does not ship any hazardous wastes or who makes only one (1) shipment of hazardous waste during the entire reporting year, July 1 through June 30, or is defined as a small quantity generator for the entire reporting year, or is defined as a large quantity generator and filing their report electronically in a manner prescribed by the department, may file an annual report by August 14 following the reporting year period. However, a person who is defined as a large quantity generator and has more than one (1) shipment of hazardous waste during the reporting years, and does not file their report using the electronic method prescribed by the department, 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 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. The department will administratively inactivate the registration of any generator that fails to file the Generator's Hazardous Waste Summary Report. The generator's registration will be reactivated after all reporting is filed, applicable fees are paid, and an updated generator registration form is submitted to the department.

2. 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 in 40 CFR 262.55 and 262.56, incorporated in this rule, shall be filed with the EPA



administrator with copies 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 has responsibility 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, 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 make 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) *(Reserved)*

(J) Generator Fee and Taxes. A generator who is subject to registration under this rule, unless otherwise exempted, shall pay fees and taxes in accordance with 10 CSR 25-12.010. The department will administratively inactivate the registration of any generator who fails to pay the fees, taxes, or applicable late fees outlined in 10 CSR 25-12.010 by the due date. The department will reactivate the generator's registration after all applicable fees, taxes, and late fees are paid and an updated

generator registration form is submitted to the department.

AUTHORITY: section 260.370, RSMo 2016, and section 260.380, RSMo Supp. 2018. This rule was previously filed as 10 CSR 25-5.010. 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 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 Feb. 1, 2001, effective Oct. 30, 2001. 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 and 260.380, RSMo 1977, amended 1980, 1985, 2000, 2004, 2005, 2011, 2013, 2014, 2018.*

***Pursuant to Executive Orders 20-04 and 20-10, 10 CSR 25-5.262, subparagraph (2)(A)3.A. was suspended from April 8, 2020 through June 15, 2020.*