

10 CSR 25-16.273 Standards For Universal Waste Management

PURPOSE: This rule provides standards for managing certain widely generated hazardous wastes, which due to their ease of safe transport, wide diversity of generators, and the ready availability of recycling technology, are considered universal wastes when recycled or disposed in compliance with the rule.

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 273, July 1, 2010, and the changes made at 72 FR 35666, June 29, 2007, 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\(1\)\(A\)](#) shall apply 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 control.

(2) Small and large quantity handlers of universal waste, universal waste transporters, universal waste collection programs, and owners/operators of a universal waste destination facility shall comply with the requirements noted in this section in addition to requirements set forth in [40 CFR part 273](#) incorporated in this rule. (Comment: This section has been organized such that Missouri additions or changes to a particular federal subpart are noted in the corresponding subsection of this section. For example, the requirements to be added to [40 CFR part 273](#) subpart A are found in subsection (2)(A) of this rule.)

(2)(A) General. In addition to the requirements in [40 CFR part 273](#) subpart A, the following regulations also apply:

(2)(A)1. (Reserved)

(2)(A)2. Applicability--batteries.

(2)(A)2.A. The additional state specific requirements described in this rule do not apply to batteries as described in [40 CFR 273.2](#);

(2)(A)3. Applicability--pesticides.

(2)(A)3.A. [40 CFR 273.3\(a\)\(2\)](#) is modified as follows: Stocks of other unused pesticide products that are collected and managed as part of a universal waste pesticide collection program, as defined in paragraph [\(2\)\(A\)9.](#) of this rule.

(2)(A)3.B. The words "or reclamation" in [40 CFR 273.3\(d\)\(1\)\(ii\)](#) are not incorporated in this rule;

(2)(A)4. *(Reserved)*

(2)(A)5. *(Reserved)*

(2)(A)6. *(Reserved)*

(2)(A)7. *(Reserved)*

(2)(A)8. Applicability--household and conditionally exempt small quantity generator waste.

(2)(A)8.A. In addition to the requirements of [40 CFR 273.8\(a\)\(1\)](#) incorporated in this rule, household hazardous wastes which are of the same type as universal wastes defined at [40 CFR 273.9](#) as amended by paragraph (2)(A)9. of this rule, and which are segregated from the solid waste stream must either be managed in compliance with this rule or [10 CSR 25-4.261\(2\)\(A\)10.](#);

(2)(A)9. Definitions.

(2)(A)9.A. *(Reserved)*

(2)(A)9.B. Universal Waste Pesticide Collection Program--a Missouri universal waste pesticide collection program is any site where stocks of unused pesticide products are collected and managed. The collection program may accept unused pesticide products from both small and large quantity handlers of universal waste pesticides, universal waste transporters, and other universal waste pesticide collection programs. The collection program must operate in compliance with the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri and submit a Letter of Intent to the director of the Hazardous Waste Program at least fourteen (14) days prior to accepting unused pesticide products. The Letter of Intent shall contain all of the following:

(2)(A)9.B.(I) The name of the organization/agency sponsoring the collection program;

(2)(A)9.B.(II) Name, telephone number, and address of a contact person responsible for operating the collection program;

(2)(A)9.B.(III) Location of the collection program; and

(2)(A)9.B.(IV) Date and time of the collection.

(2)(B) Standards for Small Quantity Handlers of Universal Wastes. In addition to the requirements in [40 CFR part 273](#) subpart B, the following regulations also apply except that additional state specific requirements do not apply to batteries as described in [40 CFR 273.2](#), as incorporated in this rule:

(2)(B)1. In addition to the requirements of [40 CFR 273.11](#), a small quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving small quantity handler operates a universal waste pesticide collection program as defined in paragraph [\(2\)\(A\)9.](#) of this rule;

(2)(B)2. The phrase "or received from another handler" in [40 CFR 273.15\(a\)](#) in regards to universal waste pesticides is not incorporated in this rule because in Missouri small quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler. If a small quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section [\(2\)](#) of this rule, the handler shall comply with the accumulation time limits specified in the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri;

(2)(B)3. In [40 CFR 273.18\(a\)](#), with respect to universal waste pesticides, remove the phrase "another universal waste handler" and replace it with "a Missouri-certified resource recovery facility, a universal waste pesticide collection program";

(2)(B)4. Subsections [40 CFR 273.18\(d\)](#) through [\(g\)](#) are not incorporated in this rule in regards to universal waste pesticides. In lieu of these subsections, the following requirements apply. If a shipment of universal waste pesticides is rejected by the Missouri-certified resource recovery facility or destination facility, the originating handler must either--

(2)(B)4.A. Receive the waste back when notified that the shipment has been rejected; or

(2)(B)4.B. Send the pesticides to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;

(2)(B)5. *(Reserved)*

(2)(B)6. The substitution of terms in [10 CSR 25-3.260\(1\)\(A\)](#) does not apply in [40 CFR 273.20](#), as incorporated in this rule. The state may not assume authority from the Environmental Protection Agency (EPA) to receive notifications of intent to export or to transmit this information to other countries through the Department of State or to transmit Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

(2)(C) Standards for Large Quantity Handlers of Universal Wastes. In addition to the requirements in [40 CFR part 273](#) subpart C, the following regulations also apply:

(2)(C)1. In addition to the requirements of [40 CFR 273.31](#), a large quantity handler of universal waste is prohibited from accepting universal waste pesticides from other universal waste pesticide handlers unless the receiving large quantity handler operates a universal waste pesticide collection program as defined in paragraph [\(2\)\(A\)9.](#) of this rule;

(2)(C)2. A large quantity handler of universal waste who manages recalled universal waste pesticides as described in [40 CFR 273.3\(a\)\(1\)](#) as modified by [10 CSR 25-16.273\(2\)\(A\)3](#), and who has sent notification to EPA as required by [40 CFR part 165](#) is not required to notify EPA for those recalled universal waste pesticides under this section;

(2)(C)3. In addition to the requirements in [40 CFR 273.33](#), a large quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:

(2)(C)3.A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of [40 CFR 262.34](#); and

(2)(C)3.B. Ensure that the area in which containers are stored is ventilated;

(2)(C)4. In addition to the requirements in [40 CFR 273.33](#), a large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or components of universal waste to the environment, as follows:

(2)(C)4.A. Ensure that a mercury clean-up system is readily available to immediately transfer any mercury-contaminated residue resulting from breakage, spills, or leaks into a container that meets the requirements of [40 CFR 262.34](#);

(2)(C)4.B. Ensure that the area in which containers are stored is ventilated; and

(2)(C)4.C. Ensure that employees handling universal waste lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of spillage or released material into appropriate containers;

(2)(C)5. In [40 CFR 273.35\(a\)](#) and [\(b\)](#), the phrase "or received from another handler" is not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler. If a large quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section [\(2\)](#) of this rule, the handler shall comply with the accumulation time limits specified in the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri;

(2)(C)6. In [40 CFR 273.35\(c\)\(1\)](#) through [\(c\)\(6\)](#), the phrases "or is received" and "or was received" are not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from accepting universal waste pesticides from another handler. If a large quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section [\(2\)](#) of this rule, the handler shall comply with the requirements for marking, labeling, and accumulation time limits that are specified in the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri;

(2)(C)7. In [40 CFR 273.38\(a\)](#), with respect to pesticide, remove the phrase "another universal waste handler" and replace it with "a Missouri-certified resource recovery facility, a universal waste pesticide collection program";

(2)(C)8. [40 CFR 273.38\(d\)](#) through [\(f\)](#) are not incorporated in this rule with regards to universal waste pesticides. In lieu of these subsections, the following requirements apply. If a shipment of universal waste pesticides from a large quantity generator is rejected by the Missouri-certified resource recovery facility or destination facility, the original handler must either--

(2)(C)8.A. Receive waste back when notified that the shipment has been rejected; or

(2)(C)8.B. Send the waste to another Missouri-certified resource recovery facility or to a destination facility which agrees to take the waste;

(2)(C)9. *(Reserved)*

(2)(C)10. 40 CFR 273.39(c)(1) is not incorporated in this rule in regards to universal waste pesticides because in Missouri large quantity handlers of universal waste pesticides are prohibited from receiving shipments of universal waste pesticides from another handler. If a large quantity handler of universal waste pesticides operates a universal waste pesticide collection program as defined in section [\(2\)](#) of this rule, the handler shall comply with the record retention requirements that are specified in the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri;

(2)(C)11. The substitution of terms in [10 CSR 25-3.260\(1\)\(A\)](#) does not apply in [40 CFR 273.40](#), as incorporated in this rule. The state may not 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 Acknowledgments of Consent to the exporter. This modification does not relieve the regulated person of the responsibility to comply with the Resource Conservation and Recovery Act (RCRA) or other pertinent export control laws and regulations issued by other agencies.

(2)(D) Standards for Universal Waste Transporters.

(2)(D)1. In addition to the requirements set forth in [40 CFR part 273](#), subpart D, universal waste transporters shall--

(2)(D)1.A. Comply with all provisions of [10 CSR 25-6.263](#) if hazardous waste, as defined at [10 CSR 25-4.261](#) and not managed under the provisions of this rule, is transported in the state of Missouri;

(2)(D)1.B. Comply with the provisions of [10 CSR 25-6.263\(2\)\(C\)](#) following a discharge of universal waste.

(2)(D)2. In addition to the prohibitions in [40 CFR 273.51\(a\)](#) and [\(b\)](#), a transporter of universal waste pesticides is prohibited from delivering this waste to another universal waste handler

except by delivery back to the original handler upon rejection of shipment by the Missouri-certified resource recovery facility or destination facility.

(2)(D)3. In [40 CFR 273.51\(a\)](#) add the phrase "into the environment" after the phrase "prohibited from disposing of universal waste."

(2)(E) Standards for Destination Facilities. In addition to the requirements in [40 CFR part 273](#) subpart E, the following regulations also apply:

(2)(E)1. A universal waste destination facility that is also a permitted or interim status hazardous waste storage, treatment, or disposal facility must manage all universal wastes in an area which is separate from the permitted area or the waste loses its identity as universal waste and must be managed in compliance with the facility's permit or interim status;

(2)(E)2. A universal waste destination facility may be a Missouri-certified resource recovery facility if operating in compliance with the requirements for the universal waste in question and the standards of an R2 resource recovery facility as described in [10 CSR 25-9.020\(3\)\(A\)3.](#)

(2)(F) *(Reserved)*

(2)(G) In addition to the requirements in [40 CFR 273](#) subpart G, any person seeking to add a hazardous waste or a category of hazardous waste to this rule shall-

(2)(G)1. Comply with those provisions of section 536.041, RSMo, that describe a petition process to adopt, amend, or repeal any rule.