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STANDARD PROCEDURES FOR WASTE PESTICIDE COLLECTION PROGRAMS IN MISSOURI UNDER THE UNIVERSAL WASTE RULE

OBJECTIVE

This document was drafted by staff of the Missouri Department of Natural Resources (MDNR) to provide procedures for the establishment and operation of waste pesticide collection programs in Missouri. MDNR prepared this document with the cooperation and input of the Missouri Department of Agriculture (MDA) and interest groups identified by that Agency. The regulatory authority for establishing the collection programs is granted under the federal Universal Waste Rule (40 CFR part 273) adopted in Missouri with modifications. In response to the many comments received in support of adding pesticides to the UWR, the MDNR modified the July 1, 1998 proposed rule published in the Missouri Register to include pesticides.

By reducing certain current hazardous waste regulatory requirements, the rule is intended to provide a mechanism whereby local governments, manufacturers, and others may establish environmentally sound collection programs. The UWR is expected to bolster environmental protection by increasing the availability of collection and recycling programs intended to ensure that the wastes are recycled or properly disposed, rather than stored indefinitely at farms and retailers, released into the environment or managed at less protective facilities. The UWR is less stringent than current requirements for managing hazardous waste pesticides under the Resource Conservation and Recovery Act (RCRA) and the Missouri Hazardous Waste Management Regulations.

SCOPE

The UWR and these Procedures cover any unused pesticide products managed under a collection program. The rule also allows the return of stocks of pesticides suspended and canceled by the registrant. By following certain minimal regulations and establishing an appropriate collection program, any entity has the option of collecting and managing pesticide products that have been recalled or banned from use, that are obsolete, damaged, or no longer needed due to changes in cropping patterns or other factors. In the final rule published in the Federal Register, Volume 60, Number 91, May 11, 1995, the Environmental Protection Agency stated "the Agency believes that waste pesticide collection programs will develop responsible procedures and would like to leave the decision of what requirements to impose, to the collection programs or States." Because of the toxic nature of pesticides and the potential for harm to human health and the environment if mismanaged, the MDNR has incorporated the Procedures outlined below into the rule. Note: Other hazardous wastes, which may be managed under the provisions of the rule, include hazardous batteries, mercury-containing lamps, mercury containing thermostats, and thermometers and manometers. These wastes may also be accepted at the collection program's discretion, if the collection program complies with the UWR in managing the wastes. The goal of Missouri's modifications to the federal rule is to prevent the improper management and release of toxic waste pesticides (and other hazardous wastes) to Missouri soil and water and to protect the health of humans and the environment.

For ease of review, existing federal UWR regulations (for which the state can be no less stringent) are in regular type. Changes and additional requirements are underlined which reviewers deem necessary to protect collection program interests, reduce collection program liabilities and to protect human health and the environment Therefore, under the streamlined regulatory requirements of the UWR as amended by the state, management requirements for universal waste pesticides by collection programs are as follows:

DEFINITION OF MISSOURI UNIVERSAL WASTE PESTICIDE COLLECTION PROGRAM

1. 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 these materials from both small and large quantity handlers of universal waste pesticides, universal waste transporters and other universal waste pesticide collection programs. All Missouri universal waste pesticide collection programs must operate in compliance with the Department of Natural Resources' Standard Procedures for Pesticide Collection Programs in Missouri and each must submit a Letter of Intent to the Director of the MDNR's Hazardous Waste Program.

GENERAL STANDARDS

1. A Letter of Intent must be submitted to the Director of the Hazardous Waste Program of the MDNR at least 14 calendar days prior to accepting unused pesticide products. The Letter of Intent must contain all of the following:
 - A. The name of the person, organization or agency sponsoring the collection program.
 - B. Name, telephone number and address of a contact person responsible for operating the collection program.
 - C. Location of the collection program.
 - D. Date and time of the collection
2. A collection program is prohibited from disposing of waste pesticides into the environment;
3. A collection program is prohibited from diluting or treating waste pesticides for the purpose of rendering the wastes non-hazardous, except by responding to releases or otherwise managing the wastes according to the UWR.
4. A collection program is prohibited from sending or taking waste pesticides to a place other than a Missouri-certified resource recovery facility, to a universal waste destination facility, a universal waste transfer facility or to another authorized universal waste pesticide collection program.
5. If a collection program will be managing 5,000 kilograms or more of hazardous waste pesticides, it must notify the MDNR and receive an EPA identification number before conducting the program. The notification must include:
 - A. The name and mailing address for the collection program;

- B. The name and business telephone number of the person at the collection program who should be contacted regarding management activities;
- C. The address or physical location of the waste management activities;
- D. The type of universal waste managed by the collection program (e.g., pesticides, batteries, mercury containing lamps, etc.); and
- E. A statement that the collection program is accumulating more than 5,000 kilograms of universal waste at one time and the types the collection program is accumulating above the quantity.

NOTE: This notification is in addition to the Letter of Intent in item one above.

6. A collection program that manages recalled universal waste pesticides as described in 40 CFR 273.3(a)(1) and that who has sent notification to MDNR as required by 40 CFR part 165 is not required to notify for those recalled universal waste pesticides.

7. The collection program must complete and submit updated notification information if the information filed with MDNR changes.

8. The collection program must have procedures and methods in place to discourage dumping and unsupervised materials drop-off and to keep the public away from hazardous materials.

9. At least one person must be present at the collection program when it is open to register what is coming in, supervise materials placement, note condition of containers and over pack if necessary, and to refuse unacceptable wastes.

10. The collection program must be operated and maintained to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous pesticides or pesticide constituents to air, soil or surface water which could threaten human health or the environment.

11. Collection programs must comply with all other applicable local, state, and federal environmental laws and regulations (possible examples--local areas fire codes, general permit under Clean Water Law, secondary containment requirements for agrichemical facilities).

12. Prior to establishing a pesticide collection program, the MDNR recommends that the pesticide collection program notify adjoining property owners and obtain their consent.

CONTAINER AND STORAGE REQUIREMENTS

NOTE: If a universal waste collection program is operated or managed at an agrichemical facility or other site that meets the definition of 10 CSR 20-2.020(3) and pesticides are stored in containers of 56 gallons or greater, the agrichemical facility or other site must comply with the permit and secondary containment requirements of 10 CSR 20-8.500 in addition to the container and storage requirements below. Where conflicting requirements exist, the more stringent shall apply.

1. Pesticides must be managed in a container that remains closed, is structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions (no severe rusting, apparent structural defects, or deterioration). Original packaging is preferable unless it does not meet these standards. If not, see item two of this section.

2. Pesticides that do not meet the standards noted in item one of this section must be over packed in a container that does meet the requirements of item one of this section.

3. All transport vehicles and vessels must be closed, structurally sound, compatible with the pesticide, and lacking evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

4. If the transport vehicle or vessel does not meet the standards noted in item 3 of this section above, over packing is required when the primary container does not meet the conditions noted in item one of this section.

5. Repackaging and consolidation/bulking of like contents of small pesticide containers into larger containers (i.e., transfer of waste pesticides from one container to another) is allowed although over packing is the preferred option when addressing a leaking or damaged container to reduce the potential of spillage and contact with the waste. If repackaging or consolidation is necessary, it must be accomplished in a way that prevents releases of any waste pesticide or component of the pesticide into the environment as follows:

- A. Any repackaging or consolidation at a collection program must be done over or in a containment device (e.g., tray, pan or structure) of sufficient size to collect and contain any amount of pesticide released during the procedure.
- B. The containment device must be constructed of a material that is compatible with the waste and must include a base which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills and accumulated precipitation until the collected material is removed.
- C. Spilled or leaked waste and accumulated precipitation shall be immediately removed from the sump or collection area and contained in compliance with item one of this section as soon as possible after the release is detected.
- D. The collection program pesticide handler must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of the Missouri hazardous waste management law and regulations. The collection program handler is considered the generator of the material resulting from the release, and must manage it in compliance with of 40 CFR parts 260 through 272 and the Missouri hazardous waste regulations.

6. A collection program must inspect the containment device daily when waste pesticides are being stored or handled looking for leaks and deterioration caused by corrosion or other factors. Any leaks or spills must be cleaned up and properly contained as soon as possible after the release and repairs must be made to the containment as soon as possible after detection.

7. Storage of containers of hazardous waste pesticides is allowed for up to one year from the date the universal waste is begins accumulating or is received if such activity is solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal. The collection program bears the burden of proving that such activity is solely for the purpose of accumulating such quantities necessary to facilitate proper recovery, treatment, or disposal.

8. A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides are contained must be labeled or marked clearly with:

- A. The label that was on or accompanied the product as sold or distributed; and
- B. The words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)."

9. A container, tank, or transport vehicle or vessel in which unused pesticide products are contained must be labeled or marked clearly with:

- A. The label that was on the product when purchased, if still legible, or
- B. The appropriate label as required under the Department of Transportation regulation 49 CFR Part 172, or
- C. Another label prescribed or designated by the pesticide collection program.

10. Collection programs must be able to demonstrate the length of time that the waste pesticide has been accumulated from the date it is received. The collection program may make this determination by one or more of the following methods:

- A. Placing the waste pesticides in a container and marking or labeling the container with the earliest date that the pesticide was received;
- B. Marking or labeling each individual waste pesticide container with the date it was received;
- C. Maintaining an inventory system onsite that identifies the date each pesticide container was received;
- D. Maintaining an inventory system onsite that identifies the earliest date that any waste pesticide in a group of pesticides items or a group of containers was received;
- E. Placing the waste pesticides in a specific accumulation area and identifying the earliest date that any waste pesticide in the area was received; or
- F. Any other method which clearly demonstrates the length of time that the waste pesticide has been accumulated from the date it is received.

11. Containers storing incompatible waste are required to be separated or protected from each other by a dike, berm or wall or other device. (NOTE: Tables in 40 CFR part 265 Appendix V may be used to evaluate incompatibility of waste pesticides.)

12. If more than 1,000 kilograms (2,200 pounds) of liquid waste pesticides are stored, the storage area is required to have a containment system which meets the requirements of 10 CSR 25-5.262(2)(C) 2.D (III).

13. The pesticide collection program must maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of these purposes.

14. Containers and tanks of ignitable or reactive pesticides must be stored at least 50 feet from the property line on which the collection program operates. If this distance is not feasible, a written waiver from this requirement must be obtained from the fire chief or fire marshall and retained onsite.

15. For hazardous waste pesticides stored in tanks or tank systems as defined in 40 CFR 260.10, the collection program must comply with the tank requirements in 40 CFR part 265 except for 265.197(c) [i.e., closure plan and contingency plan, cost estimates for closure and post-closure and financial assurances for closure], 265.200 [waste

analysis and trial tests], and 265.201 [general operating requirements for small quantity generators].

16. Hazardous waste tanks storing waste pesticides must also be in compliance with containment system requirements of 10 CSR 25-5.262(2)(C) 2.D (III) which include:

- A. Containment system free of cracks or gaps;
- B. Containment system sloped or designed to drain and remove liquids from precipitation or releases;
- C. Containment system is capable of containing 100 percent of the capacity of the largest tank; and
- D. Run-on onto the containment system is prevented or excess capacity is provided to contain the run-on.

17. Hazardous waste pesticides are prohibited from storage in open tanks.

EMERGENCY PREPAREDNESS AND PREVENTION

1. Whenever pesticides are being handled by the collection program, all employees and volunteers involved with collection and management must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee.

2. The collection program must be equipped with the following, unless none of the hazards posed by waste handled at the program require a particular kind of equipment specified below:

- A. An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- B. A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- C. Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment all appropriate to the waste(s) being managed;
- D. Fire blankets, gas masks and/or self-contained breathing apparatus;
- E. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems; and
- F. First aid supplies, eye protection for workers and wash stations.

3. All equipment noted in items one and two above, where required, must be tested and maintained to assure its proper operation in time of emergency.

4. The collection program must comply with local area fire codes.

5. The collection program must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. Such wastes shall be separated and protected 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. While ignitable

or reactive waste is being handled, the collection program must confine smoking and open flame to specially designated locations. No Smoking signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste pesticides.

6. The collection program must comply with all applicable local area fire codes.

EMPLOYEE TRAINING

1. Pesticide collection programs must ensure that all employees and volunteers associated with collection and management efforts are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

OFFSITE SHIPMENTS

1. If a collection program self-transportes universal waste off-site, the collection program becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of subpart D of the UWR while transporting the waste pesticides.

2. If a waste pesticide meets the definition of hazardous materials under 49 CFR 171 through 180, the collection program must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180.

3. If a collection program sends a shipment of universal waste to a Missouri-certified resource recovery facility, to a destination facility, or to another collection program, and the shipment is rejected by the receiving facility, the collection program must :

- A. Receive the waste back when notified that the shipment has been rejected, or
- B. Agree with the receiving facility on a destination facility to which the shipment will be sent.

4. If a collection program receives a shipment of non-hazardous, non-universal waste, the program may manage the waste in any way that is in compliance with applicable federal, state and local solid waste regulations.

SHIPMENTS AND SHIPMENT TRACKING

1. Receipt of shipments. Collection programs must keep a record of shipments of universal waste received by the program. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

- A. The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;
- B. The quantity and type of each universal waste received (e.g., pesticides, batteries, thermostats, etc.);

- C. The date of receipt of the shipment of universal waste.
- 2. Shipments offsite. Collection programs must keep a record of shipments of universal waste sent from the collection program to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:
 - A. The name and address of the universal waste collection program, Missouri certified resource recovery facility, destination facility or foreign destination to whom the universal waste was sent;
 - B. The quantity and type of each universal waste sent (e.g., pesticides, batteries, thermostats, etc.);
 - C. The date the shipment of universal waste left the collection program.
- 3. The collection program pesticide handler must retain the records described in items one and two of this section for at least three years from the date of receipt of a shipment of universal waste.
- 4. Pesticide handlers who send universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H) must:
 - A. Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4), (6), and (b) and 262.57;
 - B. Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262 of the UWR; and
 - C. Provide a copy of the Consent for the shipment to the transporter transporting the shipment for export.

TRANSPORT REQUIREMENTS

Note: This section is included for those collection programs that wish to transport waste to the Missouri-certified resource recovery facility, to a destination facility, or to another universal waste collection program.

- 1. This section applies to any person engaged in the offsite transportation of universal waste by air, rail, highway or water.
- 2. A universal waste transporter is:
 - A. Prohibited from disposing of universal waste into the environment; and
 - B. Prohibited from diluting or treating universal waste, except by responding to releases as provided in 40 CFR 273.54.
- 3. A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 40 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the DOT regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the DOT regulations.
- 4. Some universal waste materials are regulated by the DOT as hazardous materials

because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under 40 CFR 262, they may not be described by the DOT proper shipping name "hazardous waste, (1) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste."

5. A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

6. If a universal waste pesticide transporter stores universal waste pesticides for more than ten days, the transporter must comply with all applicable requirements of the universal waste rule for pesticides and the Container and Storage Requirements of these Procedures while storing the waste.

7. A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

8. A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of 40 CFR parts 260 through 272. If the waste is determined to be a hazardous waste, the transporter is subject to 40 CFR part 262.

9. Transporters accepting waste from collection programs are prohibited from taking the waste to a facility other than a Missouri-certified resource recovery facility, to a universal waste destination facility, to another universal waste collection program, or to a universal waste transfer facility.

10. If the universal waste being shipped offsite meets the DOT's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable DOT regulations under 49 CFR part 172.

11. A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58(a)(1) (in which case the transporter is subject to the requirements of 40 CFR part 262, subpart H) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must assure that:

- A. A copy of the EPA Acknowledgment of Consent accompanies the shipment; and
- B. The shipment is delivered to the facility designated by the person initiating the shipment.

TRANSFER FACILITY REQUIREMENTS

1. The transport requirements above apply to any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

