

CHAPTER 7100
MINNESOTA POLLUTION CONTROL AGENCY
WATER QUALITY DIVISION
MISCELLANEOUS

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STORAGE OR KEEPING OF OIL AND OTHER LIQUID SUBSTANCES

7100.0010 DEFINITIONS.

Subpart 1. **Scope.** The definitions given in this part shall obtain for the purposes of parts 7100.0010 to 7100.0090 except as otherwise specified or indicated by the context.

Subp. 2. **Safeguard.** "Safeguard" means a facility or device or any system or combination thereof designed to prevent the escape or movement of any substance or solution thereof from the place of storage or keeping thereof under such conditions that pollution of any waters of the state might result therefrom.

Subp. 3. **Site.** "Site" means any tract or parcel of land, including any constructed storage tank or artificial or natural basin or containment facility, except underground or buried tanks where any substance is stored or kept and which is so located that the escape or movement of such substance or a solution therefrom the site or into the underlying ground might result in pollution of any waters of the state.

Subp. 4. **Stored liquid material.** "Stored liquid material" means liquid material which is within a container or containment device located within the state other than a mobile type unit while in transit, used for transporting said material from one location to another.

Subp. 5. **Substance.** "Substance" means any liquid material which might cause pollution of any waters of the state if mixed therewith.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0020 PROHIBITION.

No substance shall be stored, kept, or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of the substance or a solution thereof from the site under any conditions of failure of the storage facility whereby pollution of any waters of the state might result therefrom. It shall be the duty of every owner of such stored substances, or other person responsible therefor, to obtain from the Water Pollution Control Commission a permit for the use of the site for the storage of liquid substances as provided in part 7100.0040 or 7100.0050.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0030 SAFEGUARDS.

Unless otherwise prescribed by a permit issued under part 7100.0040 or 7100.0050 as hereinafter provided, every safeguard shall comply with the requirements of this part, and shall consist of the following features:

A. a continuous dike or wall entirely surrounding the site of such dimensions and construction that the emergency storage volume thereby created will be equal to not less than the total capacity of the largest storage tank or other container located within the area enclosed by the dike and will hold securely all of the aforesaid tank contents or any solution

thereof in case of any failure of the container and the escape or movement of the substance or solution from its container or place of storage or keeping;

B. a reasonably impervious bottom under the entire site and enclosure of such construction or composition either natural or artificial as to prevent in case of any failure of the container the seepage, percolation, or other movement of any substance stored or kept on the site or within the enclosure or any solution thereof into the underlying ground in such quantity that substantial pollution of the waters of the state in the vicinity might reasonably be expected to result therefrom under conditions prevailing at the site.

Any alternative method of adequate safeguards submitted by owners of stored liquid substances may be reviewed by the Water Pollution Control Commission. Upon finding that any such alternative safeguards are satisfactory and that they will reasonably protect any waters of the state against pollution by the stored liquid, the commission may approve the use of said alternate safeguards in lieu of the above standards and may thereafter issue a permit in accordance with part 7100.0040 or 7100.0050.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0040 PERMITS.

Subpart 1. Issuance. On application for a permit by the owner or other person responsible for the keeping or storage of any substance on any site, the Water Pollution Control Commission may require plans showing the features and method of operation of existing or proposed safeguards in accordance with these parts. Such plans must be accompanied by a certification as to the adequacy of such safeguards. The commission may thereafter issue a permit therefor upon such conditions as it shall prescribe to prevent pollution of any waters of the state by such substance. Such permit shall be subject to modification or revocation by the commission in like manner as provided by law for permits for the installation or operation of disposal systems or parts thereof.

Subp. 2. Hearing. Before the issuance, denial, revocation, or modification of a permit by the commission any person whose vested rights may be adversely affected thereby shall, upon request therefor, be entitled to a hearing before the commission for the purpose of presenting evidence thereat. Written notice of the hearing stating the time and place thereof shall be given by the commission to any person known by it to be directly affected by such action of the commission either personally or by registered mail not less than 30 days before the date of the hearing.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0050 FLAMMABLE LIQUIDS.

Notwithstanding the provisions of part 7100.0040, a permit may be issued to owners of a flammable liquid storage facility upon certification by the Minnesota state fire marshal that the requirements of the Minnesota state fire marshal's flammable liquids code as amended and part 7100.0020, have been complied with and are currently being fulfilled.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0060 INADEQUATE SAFEGUARDS.

In case the commission shall find that any substance is stored or kept on any site without a safeguard, or that any existing safeguard is inadequate, it may by order require the owner or other responsible person to immediately remove the substance from the site and to refrain from further storage or keeping of any substance therein unless and until an adequate safeguard is provided as hereinbefore prescribed.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0070 NOTICE CONCERNING LOSS.

It shall be the duty of the owner of a liquid storage facility or other responsible person in charge thereof to notify the Water Pollution Control Commission at its office in the Minnesota Department of Health building at the university campus, Minneapolis, of any loss of stored liquids either by accident or otherwise when such loss involves a liquid substance which would be likely to enter any waters of the state. Said notice shall be by telephone or other comparable means and shall be made immediately upon discovery of the loss. The notifica-

tion shall include the location and nature of the loss and other pertinent information as may be available at the time.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0080 VIOLATIONS.

Violation of any provision of parts 7100.0010 to 7100.0090 shall be punishable as provided by law.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

7100.0090 SCOPE.

Parts 7100.0010 to 7100.0090 shall not apply to the disposal of sewage, industrial waste, or other wastes under permits issued by the commission as provided by law.

Statutory Authority: *MS s 115.03 subd 1 para (c),(g)*

CLEANING AGENTS AND WATER CONDITIONERS

7100.0150 POLICY AND PURPOSE.

The official policy and purpose of the state of Minnesota in regard to these matters is set forth in Minnesota Statutes 1971, sections 116.21 to 116.35, which are stated in part as follows:

“Section 116.21. Nutrients in cleaning agents and water conditioners, control; statement of policy.

The legislature seeks to encourage the Minnesota Pollution Control Agency through the passage of sections 116.21 to 116.35, to set standards limiting the amount of nutrients in various cleaning agents and water conditioning agents. The legislature realizes that the nutrients contained in many of these products serve a valuable purpose in increasing their overall effectiveness, but we are also aware that they overstimulate the growth of aquatic life and eventually lead to an acceleration of the natural eutrophication process of our state's waters. Limitations imposed under sections 116.21 to 116.35 should, however, be made taking the following factors into consideration:

- (1) The availability of safe, nonpolluting and effective substitutes.
- (2) The difference in the mineral content of water in various parts of the state.
- (3) The differing needs of industrial, commercial, and household users of cleaning agents and chemical water conditioners.

Section 116.24. Regulations.

The Pollution Control Agency may make regulations:

- (a) Prescribing, for the purpose of section 116.23, nutrients and the maximum permissible concentration, if any, of a prescribed nutrient in any cleaning agent or chemical water conditioner;
- (b) Respecting the manner in which the concentration of any prescribed nutrient in a cleaning agent or chemical water conditioner shall be determined; and
- (c) Requiring persons who manufacture in Minnesota any cleaning agent or chemical water conditioner to maintain books and records necessary for the proper enforcement of sections 116.21 to 116.35 and regulations thereunder, and to submit samples of cleaning agents or water conditioners to the Pollution Control Agency.”

Statutory Authority: *MS s 116.24*

7100.0160 SCOPE.

The following controls, prohibitions, or restrictions hereby adopted and established shall apply to all ingredients of cleaning agents and chemical water conditioners distributed, sold, offered, or exposed for sale in the state of Minnesota within the scope of parts 7100.0150 to 7100.0240.

Statutory Authority: *MS s 116.24*

7100.0170 PROHIBITION.

No person shall sell, offer, expose for sale, or distribute for use in Minnesota any cleaning agent or chemical water conditioner which contains a prescribed nutrient in a concentra-

tion that is greater than the prescribed maximum permissible concentration of that nutrient in that cleaning agent or chemical water conditioner.

Statutory Authority: *MS s 116.24*

7100.0180 SEVERABILITY.

The provisions of this rule shall be severable, and the validity of any lettered paragraph or any subparagraph or subdivision thereof shall not make void any other lettered paragraph, subparagraph, subdivision, or any other part thereof.

Statutory Authority: *MS s 116.24*

7100.0190 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7100.0150 to 7100.0240, the terms defined in this part shall have the meanings given them:

Subp. 2. **Chemical water conditioner.** "Chemical water conditioner" means a water softening chemical, antiscaling chemical, corrosion inhibitor, or other substance intended to be used to treat water.

Subp. 3. **Cleaning agent.** "Cleaning agent" means a heavy duty laundry detergent, laundry additive, dishwashing compound, household cleaner, industrial cleaner, phosphate compound, or other substance intended to be used for cleaning purposes.

Subp. 4. **Dishwashing machine.** "Dishwashing machine" means equipment manufactured for the purpose of cleaning dishes, glassware, and other utensils involved in food preparation, consumption, or use, using a combination of water agitation and high temperature.

Subp. 5. **Nutrient.** "Nutrient" means a substance or combination of substances which, if added to waters in sufficient quantities, provide nourishment that promotes growth of aquatic vegetation in densities which:

A. interfere with use of the waters by humans or by any animal, fish, or plant useful to humans; or

B. contribute to degradation or alteration of the quality of the waters to an extent detrimental to their use by humans or by any animal, fish, or plant that is useful to humans.

Subp. 6. **Other terms and abbreviations.** Other terms and abbreviations used herein not specifically defined in the law shall be construed in conformance within the context and professional usage.

Statutory Authority: *MS s 116.24*

History: 17 SR 1279

7100.0200 PRESCRIBED NUTRIENT.

Phosphorus, as elemental phosphorus, is prescribed as a nutrient for the purpose of parts 7100.0150 to 7100.0240 pursuant to Minnesota Statutes, section 116.23.

Statutory Authority: *MS s 116.24*

7100.0210 NUTRIENT LIMITATION.

After January 1, 1977, the maximum permissible concentrations of the prescribed nutrient in the below listed cleaning agents or chemical water conditioners shall be as follows:

A. laundry detergents and built soaps for machine laundry excluding chemical water conditioners: not to exceed 0.5 percent phosphorus, by weight;

B. household and commercial detergents for machine dishwashing: not to exceed 11 percent phosphorus, by weight;

C. all household cleaning agents except those listed in items A and B intended to be used in the home: not to exceed 0.5 percent phosphorus, by weight; and

D. chemical water conditioners for machine laundry use: not to exceed 20 percent phosphorus, by weight.

Statutory Authority: *MS s 116.24*

7100.0220 EXCEPTIONS.

The amounts of phosphorus permissible in all cleaning agents and chemical water conditioners other than those identified in part 7100.0210 are not limited by parts 7100.0150 to 7100.0240.

Statutory Authority: *MS s 116.24*

7100.0230 DETERMINATION OF CONCENTRATION BY WEIGHT.

The concentration by weight of prescribed nutrient in any cleaning agent or chemical water conditioner shall be determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.).

Statutory Authority: *MS s 116.24*

7100.0240 VARIANCE.

In any case where, upon application of the responsible person or persons, the agency finds that by reason of exceptional circumstances the strict enforcement of any provision of parts 7100.0150 to 7100.0240 would cause undue hardship; that the use of cleaning or water conditioning agents containing phosphorus in excess of the permissible levels set forth herein is necessary for the public health, safety, or welfare; or that strict conformities with these limits would be unreasonable, impractical, or not feasible under the circumstances, the agency in its discretion may permit a variance therefrom upon such conditions as it may prescribe for prevention, control, or abatement of pollution in harmony with the general purpose of parts 7100.0150 to 7100.0240 and the intent of applicable state and national laws.

Statutory Authority: *MS s 116.24*

7100.0300 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7100.0310 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7100.0320 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7100.0330 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7100.0335 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7100.0340 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7100.0350 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7100.0360 [Repealed, 15 SR 1515]