

7037.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms in this part have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Batch of petroleum contaminated soil.** "Batch of petroleum contaminated soil" means the entire volume of soil removed or planned to be removed from a property which has been contaminated by one or more releases of petroleum.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 5. **Generator.** "Generator" means a person who is responsible or assumes responsibility for the removal of petroleum contaminated soil.

Subp. 6. **Land treatment.** "Land treatment" means the placement and incorporation of petroleum contaminated soil into the native soil surface for the purpose of biodegradation of organic waste components.

Subp. 7. **Land treatment facility.** "Land treatment facility" means a facility for the land treatment of petroleum contaminated soil that is permitted under chapter 7035.

Subp. 8. **Land treatment site.** "Land treatment site" means a parcel of land which is used for land treatment of petroleum contaminated soil and which operates or is proposed to operate within the limits in part 7037.1000. Land treatment site includes the storage areas associated with the site.

Subp. 9. **Native soil.** "Native soil" means the soil of a land treatment site prior to the spreading of petroleum contaminated soil.

Subp. 10. **Operator.** "Operator" means the person responsible for the overall management of the land treatment site.

Subp. 11. **Ordinary high water level.** "Ordinary high water level" has the meaning given it in part 6120.2500, subpart 11.

Subp. 12. **Owner.** "Owner" means a person who is the fee owner of real property where a land treatment site is proposed or operated.

Subp. 13. **Person.** "Person" means an individual, partnership, association, public or private corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state, but does not include the agency.

Subp. 14. **Petroleum.** "Petroleum" has the meaning given it in part 7150.0030, subpart 36. Petroleum does not include a fraction of crude oil or constituents of gasoline if

they were used or were intended for use in virgin or pure form including but not limited to benzene, toluene, and xylene.

Subp. 15. **Petroleum contaminated soil.** "Petroleum contaminated soil" means mineral or organic soil or unconsolidated earthen material into which petroleum has been released.

Subp. 16. **Place of habitation.** "Place of habitation" means a house, apartment, manufactured home, dwelling, residence, or other structure, occupied or intended to be occupied on a day-to-day basis by an individual or group of individuals, a family unit, or group of family units.

Subp. 17. **Plot.** "Plot" means a subdivided area of an approved land treatment site designated for a single batch of petroleum contaminated soil.

Subp. 18. **Recreational area.** "Recreational area" means a public park, trail, campground, playground, athletic field, picnic ground, botanical or zoological garden, swimming beach or pool, fairground, or wayside and any commercial campground, resort, tourist court, amusement park, riding stable, or golf course.

Subp. 19. **Release.** "Release" means the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum into the environment but does not include discharges, designed venting, or land treatment at an approved land treatment site allowed under agency rules.

Subp. 20. **Residential development.** "Residential development" means ten or more places of habitation concentrated within ten acres of land. Residential development includes schools, churches, hospitals, nursing homes, businesses, offices, and apartment buildings or complexes having ten or more living units.

Subp. 21. **Rivers and streams.** "Rivers and streams" means a watercourse defined as natural watercourses, altered natural watercourses, or public waters in Minnesota Statutes, section 103G.005, subdivisions 3, 13, and 15.

Subp. 22. **Run-off.** "Run-off" means a liquid that drains over land from any part of an approved land treatment site or area for storage of petroleum contaminated soil.

Subp. 23. **Run-on.** "Run-on" means a liquid that drains over land onto any part of an approved land treatment site or area for storage of petroleum contaminated soil.

Subp. 24. **Seasonal high water table.** "Seasonal high water table" means the highest level the water table reaches during a given year or the highest level it has reached in the recent past as indicated by soil mottling or color changes. Methods for determining the seasonal high water table are given in part 7037.3300, subpart 5.

Subp. 25. **Soil texture.** "Soil texture" means the relative portion of sand, silt, and clay in a soil, as determined using the methods given in part 7037.3300, subpart 4. The

soil textural classifications of the United States Department of Agriculture are used for this chapter. These soil textural classifications are provided in the publication entitled "Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys," written and published by the United States Department of Agriculture, USDA-SCS Agricultural Handbook No. 436, 1975.

Subp. 26. **Tank.** "Tank" has the meaning given it in Minnesota Statutes, section 115C.02, subdivision 14.

Subp. 27. **Ten-year floodplain.** "Ten-year floodplain" means land that is subject to a ten percent or greater chance of flooding in any given year from any source.

Subp. 28. **Treatment zone.** "Treatment zone" means the total thickness of native soil above the seasonal high water table or bedrock, whichever is closest to the surface of the native soil. If the thickness of native soil existing above both of these features exceeds five feet, then the treatment zone is established as five feet. If a subsurface tile drainage system is present which is designed according to or equivalent to Natural Resources Conservation Service engineering standards and criteria, the depth of the treatment zone is established as the depth of the tile drainage system.

Subp. 29. **Used oil.** "Used oil" has the meaning given it in part 7045.0020, subpart 100a.

Subp. 30. **Waste.** "Waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 34.

Subp. 31. **Water table.** "Water table" means the surface of the groundwater at which the pressure is atmospheric. Generally this is at the top of the saturated zone.

Subp. 32. **Wetland.** "Wetland" means "wetlands" and "public waters wetlands" as defined in Minnesota Statutes, section 103G.141, subdivisions 18 and 19.

Statutory Authority: *MS s 116.07*

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