7045.0102 MIXTURES OF WASTES.

Subpart 1. **Scope.** Except as provided in part 7045.0665, subpart 1, mixtures of wastes are identified in subpart 2.

Subp. 2. **Mixtures of hazardous and nonhazardous wastes.** The mixing of a hazardous waste with a nonhazardous waste as described in this subpart constitutes treatment. Generators who mix hazardous and nonhazardous wastes on site must meet the requirements of part 7045.0211 for generators with on-site facilities. Mixtures excluded under part 7045.0075, subpart 2, are excluded from regulation. Wastes excluded under this subpart are subject to part 7045.1390, even if they no longer exhibit a characteristic at the point of land disposal.

A. A mixture is a hazardous waste if it contains a waste that is hazardous solely because it exhibits any of the characteristics of ignitability, corrosivity, oxidativity, or reactivity identified in part 7045.0131, or contains a hazardous waste listed in part 7045.0135 solely because of ignitability, corrosivity, or reactivity, and the resulting mixture exhibits any characteristic of a hazardous waste identified in part 7045.0131.

B. Except as provided in item D or E, a mixture is a hazardous waste if it contains a waste listed for toxicity in part 7045.0135.

C. Except as provided in item D, a mixture is a hazardous waste if it contains a waste that exhibits the characteristic of toxicity or lethality identified in part 7045.0131.

D. A mixture is a hazardous waste if it is a sewered mixture of nonhazardous waste and any waste which is hazardous because it exhibits the characteristics of toxicity or lethality as defined in part 7045.0131 unless:

(1) prior to entering the sewer the resulting mixture no longer exhibits the characteristic of toxicity or lethality; and

(2) the sewering of the mixture has been approved by the agency pursuant to parts 7045.0221 to 7045.0255.

This provision does not apply to those mixtures defined as nonhazardous under item E.

E. Except as otherwise provided in item A, B, or D, the following sewered mixtures are not hazardous wastes if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either section 307(b) or 402 of the Clean Water Act, including wastewater at facilities which have eliminated the discharge of wastewater; and

(1) one or more of the following spent solvents listed in part 7045.0135, subpart 1a, item B: carbon tetrachloride, tetrachloroethylene, trichloroethylene; provided that the solvents are discharged into the wastewater stream as a result of normal manufacturing operations and provided further that the maximum total weekly usage of

these solvents, other than the amounts that can be demonstrated not to be discharged to wastewater, divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed one part per million;

(2) one or more of the following spent solvents listed in part 7045.0135, subpart 1a, item B: methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents; provided that the solvents are discharged into the wastewater stream as a result of normal manufacturing operations and provided further that the maximum total weekly usage of these solvents, other than the amounts that can be demonstrated not to be discharged to wastewater, divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million;

(3) heat exchanger bundle cleaning sludge from the petroleum refining industry, EPA Hazardous Waste No. K050 as listed in part 7045.0135, subpart 1a, item C;

(4) a discarded commercial chemical product, or chemical intermediate listed in part 7045.0135, subpart 1a, item D, arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. De minimis losses include those from normal material handling operations (such as spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing;

(5) wastewater resulting from laboratory operations containing toxic wastes listed in part 7045.0135, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the waste's combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;

(6) one or more of the following wastes listed in part 7045.0135, subpart 1a, item C: wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine, including all amounts that can not be demonstrated to be reacted in the process, destroyed through treatment, or is recovered (i.e., what is discharged or volatilized), divided by the average weekly flow of process

wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of five parts per million by weight; or

(7) wastewaters derived from the treatment of one or more of the following wastes listed in part 7045.0135, subpart 1a, item C: organic waste, including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates, from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of five milligrams per liter.

For the purpose of this item, headworks refers to the influent plumbing of a privately owned national pollutant discharge elimination system, state disposal system, or pretreatment facility or to the facility's point of discharge to a municipal collection system when the treatment facility is a publicly owned wastewater treatment facility.

F. A mixture of used oil and a hazardous waste is a hazardous waste except as provided in part 7045.0800.

G. Any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under part 7045.0120, subpart 1, item I, and any other waste exhibiting a characteristic of hazardous waste under part 7045.0131 is a hazardous waste only if:

(1) it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred; or

(2) it continues to exhibit any of the characteristics exhibited by the nonexcluded wastes prior to mixture.

For the purposes of applying the toxicity characteristic of part 7045.0131, subpart 7, to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in part 7045.0131, subpart 8, that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

Subp. 3. [Repealed, 20 SR 715]

Statutory Authority: *MS s 115.03; 116.07*

History: *9 SR 115; 11 SR 1832; 14 SR 1718; 16 SR 197; 16 SR 2102; 18 SR 1565; 20 SR 715; 33 SR 2042*

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