

7045.0206 GENERATOR SIZE DETERMINATION.

Subpart 1. **Applicability.** This part applies to all generators for purposes of determining generator size.

Subp. 2. **Large quantity generator.** A large quantity generator is a generator who, in a calendar month, generates 1,000 kilograms of hazardous waste or more.

Subp. 3. **Small quantity generator.** A small quantity generator is a generator who, in a calendar month, generates more than 100 kilograms and less than 1,000 kilograms of hazardous waste.

Subp. 4. **Very small quantity generator.** A very small quantity generator is a generator who, in a calendar month, generates 100 kilograms of hazardous waste or less.

Subp. 4a. **Acute hazardous waste generation and spill cleanup.** A generator of acute hazardous waste is a large quantity generator if, in a calendar month, that person generates:

- A. more than one kilogram of acute hazardous waste; or
- B. more than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any acute hazardous waste into or on any land or water.

A generator who generates less than the amounts in items A and B of acute hazardous waste in a calendar month shall determine his or her generator size under subparts 2 to 4. Hazardous waste quantity determinations under subparts 2 to 4 shall include the amount of acute hazardous waste generated.

Subp. 5. **Waste exempt from size determination.** A generator shall not include the following waste when determining the quantity of hazardous waste generated:

- A. exempt waste under part 7045.0120;
- B. recycled waste under part 7045.0125, subparts 4, 5, and 6;
- C. used oil, excluding hazardous waste which has been mixed with used oil under part 7045.0800, that is exempt under part 7045.0125, subpart 3a;
- D. sewered hazardous waste that is pretreated as provided in part 7045.0305, subpart 2;
- E. for mixtures of nonhazardous waste and hazardous waste, waste that is nonhazardous under part 7045.0102, provided that the volume of the hazardous waste before mixing is counted;
- F. spent materials that are generated, reclaimed, and subsequently reused on site, provided that the spent materials have been counted once; and

G. universal waste managed under part 7045.1400.

Subp. 6. **Change in generator size status.** If a small quantity generator exceeds the quantity limits listed in subpart 3, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter unless the generator regains small quantity generator status under item A or B.

If a very small quantity generator exceeds the quantity limits listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter unless very small quantity generator status is regained under item A or C.

A. Once generator size status is lost, the generator shall not regain that status until the generator is notified in writing by the commissioner that the original generator size status has been approved. The commissioner shall only approve generator size status under this item if the generator can demonstrate to the satisfaction of the commissioner that the waste quantities that will be generated in the future will meet the limits established in subpart 3 or 4, as applicable. The generator shall make this demonstration by submitting a written statement to the commissioner requesting reclassification as a small or very small quantity generator, as applicable, and including the information necessary for the commissioner to evaluate the request. The information shall include an explanation of the circumstances that resulted in each instance of overgeneration during the past year, an explanation of the measures that the generator has taken to correct the cause of overgeneration, and other information as necessary to document that the overgeneration will not reoccur.

B. For small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 3 and the cause of the overgeneration is a spill or accidental release of hazardous waste that is not acute hazardous waste; the shutdown or cleanup of some part of the generation process; or the replacement of PCB containing equipment, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter. However, in any of these cases, a generator will automatically regain small quantity generator status without applying to the commissioner for approval if the generator:

- (1) resumes generation within the quantity limits in subpart 3; and
- (2) complies with the quantity limits in subpart 3 during the other 11 months of the calendar year.

A generator who cannot automatically regain small quantity generator status under this subpart may apply for reclassification under item A.

C. For very small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 4 but does not exceed the quantity listed in subpart 3, the generator loses very small quantity generator

status and is subject to the small quantity generator requirements of this chapter. However, a generator shall automatically regain very small quantity generator status without applying to the commissioner for approval if the generator:

- (1) resumes generation within the quantity limits in subpart 4; and
- (2) complies with the quantity limits in subpart 4 during the other 11 months of the calendar year.

A generator who cannot automatically regain very small quantity generator status under this subpart may apply for reclassification under item A.

A very small quantity generator who generates hazardous waste in any calendar month exceeding the quantities listed in subpart 3 is subject to item A or B.

Statutory Authority: *MS s 116.07*

History: *16 SR 2102; 18 SR 1565; 20 SR 715; 30 SR 43*

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