

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.**Subpart 1. General requirements.**

A. Parts 7045.0450 to 7045.0551 apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0102 to 7045.0320.

B. Parts 7045.0450 to 7045.0551 apply to the owners or operators of publicly owned treatment works that treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

C. Parts 7045.0450 to 7045.0551 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, United States Code, title 16, sections 1431 to 1434, as amended, and United States Code, title 33, section 1401, as amended, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0551 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

D. Parts 7045.0450 to 7045.0551 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in part 7045.1390.

E. The requirements of parts 7045.0452 to 7045.0470 and 7045.0485 do not apply to remediation waste management sites. The requirements of Code of Federal Regulations, title 40, section 264.1(j), as amended, are adopted by reference and apply to remediation waste management sites. In addition, the provisions of part 7045.0090 also apply.

Subp. 2. Relationship to interim status standards. A facility owner or operator who has fully complied with the requirements for interim status under part 7045.0554 shall comply with parts 7045.0552 to 7045.0649 in lieu of parts 7045.0450 to 7045.0551 until final administrative disposition of the permit application is made. The treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit and except for the extent to which parts 7045.0552 to 7045.0649 provide for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made, except as provided under parts 7045.0485, 7045.0545, and 7045.0546.

Subp. 3. Exemptions. The requirements of parts 7045.0450 to 7045.0551 do not apply to the following specific waste management units, facilities, or activities, although all other waste management activities of the owner or operator may be regulated:

A. a facility managing recyclable hazardous wastes subject to regulation under part 7045.0125, 7045.0665, 7045.0675, or 7045.0685; however, this exemption does not apply where part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 makes the requirements of parts 7045.0450 to 7045.0551 applicable by cross-reference;

- B. the accumulation of waste on-site in compliance with part 7045.0292;
- C. the disposal of waste pesticides from a farmer's own use in compliance with part 7045.0213, subpart 2;
- D. a totally enclosed treatment facility;
- E. an elementary neutralization unit, a pretreatment unit, or a wastewater treatment unit, but only if the unit does not receive hazardous waste from generators other than the owner or operator of the unit, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Code of Federal Regulations, title 40, section 268.40, Table of Treatment Standards for Hazardous Wastes, as incorporated in part 7045.1390) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with part 7045.0456, subpart 2;
- F. the treatment, storage, or disposal of hazardous waste by the owner or operator of a publicly owned treatment works with respect to hazardous waste which is delivered to the treatment works by a transport vehicle or vessel or through a pipe, unless the requirements of parts 7045.0450 to 7045.0551 are included in a permit-by-rule;
- G. that portion of a combustion waste facility which is used to manage hazardous waste produced in conjunction with the combustion of fossil fuels provided that the wastes:
 - (1) are generated on-site;
 - (2) traditionally have been and actually are mixed with and codisposed or cotreated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion; and
 - (3) are necessarily associated with the production of energy; such as boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, and cooling tower blowdown;
- H. the storage of manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4, at a transfer facility for a period of ten days or less in compliance with part 7045.0365;
- I. the addition of absorbent material to hazardous waste in a container or the addition of hazardous waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container, and parts 7045.0456, subpart 2, and 7045.0526, subparts 2 and 3, are complied with;
- J. (1) except as provided in subitem (2), treatment or containment activities during immediate response to any of the following situations: a discharge of a hazardous waste,

an imminent and substantial threat of a discharge of hazardous waste, or a discharge of a material which, when discharged, becomes a hazardous waste;

(2) an owner or operator of a facility otherwise regulated by parts 7045.0450 to 7045.0551 shall comply with all applicable requirements of parts 7045.0395, 7045.0397, 7045.0454, and 7045.0462 to 7045.0470; or

(3) a person who is covered by subitem (1) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of parts 7045.0450 to 7045.0551 and the agency's permitting procedures for those activities;

K. treatment of hazardous waste by a generator in the generator's accumulation tanks or containers in accordance with part 7045.0292. If the treatment involves evaporation of aqueous waste or polymerization of polyester or other chemical fixation treatment processes in open containers, the generator is exempt from parts 7045.0450 to 7045.0551, but before beginning the treatment process must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. The commissioner shall approve the treatment activity if the commissioner finds that the treatment activity will not endanger human health and the environment; or

L. universal waste handlers and universal waste transporters when managing universal waste under part 7045.1400.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 10 SR 929; 10 SR 1688; 13 SR 1238; 16 SR 2102; 18 SR 1565; 20 SR 714; 20 SR 715; 22 SR 5; 29 SR 947; 30 SR 43; 33 SR 2042*

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