

**7045.0526 USE AND MANAGEMENT OF CONTAINERS.**

Subpart 1. **Scope.** This part applies to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as part 7045.0450 provides otherwise. Under part 7045.0127 and Code of Federal Regulations, title 40, section 261.33 (c), as incorporated in part 7045.0135, if a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is empty, as defined in part 7045.0127. In that event, management of the container is exempt from the requirements of this part.

Subp. 2. **Condition of containers.** Containers used to store hazardous waste must meet the following requirements:

A. be of sturdy leakproof construction, adequate wall thickness, adequate weld, hinge, and seam strength and sufficient strength to withstand side and bottom shock, while filled, without impairment of the ability of the container to fully contain the hazardous waste; and

B. have lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste.

If a container holding hazardous waste does not meet the requirements of items A and B, or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that does meet the requirements of items A and B or manage the waste in some other way that complies with the requirements of this part.

Subp. 3. **Compatibility of waste with container.** The owner or operator shall use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored and other substances that the container may foreseeably contact, so that the ability of the container to contain the waste is not impaired.

Subp. 4. **Management of containers.** A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste or when a generator is treating hazardous waste in that container in accordance with part 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K.

A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. Reuse of containers is governed by the United States Department of Transportation regulations, including those set forth in Code of Federal Regulations, title 49, section 173.28, as amended.

If exposure of the containers to moisture or direct sunlight may create a hazardous condition or adversely affect the container's ability to contain the hazardous waste, the

owner or operator must store the containers in an area with overhead roofing or other covering that does not obstruct the visibility of the labels.

Subp. 4a. **Labeling of containers.** Containers must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel. If it is not possible for the labels to be clearly visible for inspection, the information on the labels must be accessible in some other form that will allow ready identification of the contents without having to move the containers.

Subp. 5. **Inspections.** At least weekly, the owner or operator shall inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. The owner or operator shall comply with subpart 2, and part 7045.0452, subpart 5, item D if remedial action is required because deterioration or leaks are detected.

Subp. 6. **Containment.** Requirements for containment systems are as described in items A to E.

A. Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The containment system must:

(1) have a floor underlying the containers that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

(2) have a floor that is sloped, or be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or in some other manner are protected from contact with accumulated liquids; and

(3) have sufficient capacity to contain ten percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination.

B. Run-on into the containment system must be prevented, unless the agency waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in item A, subitem (3) to accommodate any run-on which might enter the system.

C. Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system. If the collected material is a hazardous waste as defined in parts 7045.0102 to 7045.0155, it must be managed as a hazardous waste in accordance with parts 7045.0205 to 7045.1030. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of section 402 of the federal Clean Water Act, as amended.

D. Except as provided by item E, storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by item A if:

- (1) the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or
- (2) the containers are elevated or are otherwise protected from contact with accumulated liquid.

E. Storage areas that store containers holding wastes F020, F021, F022, F023, F026, F027, and F028 from part 7045.0135, subpart 1a, item B, that do not contain free liquids must have a containment system defined by item A.

Subp. 7. **Special requirements for ignitable or reactive waste.** Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line when physically possible based on the dimensions of the property. When it is not physically possible to place containers at least 50 feet from the property line, based on the dimensions of the property, the ignitable or reactive waste must be placed at least as far as the specified minimum distance from property line found in the Minnesota State Fire Code, chapter 7510. Nothing in this subpart shall relieve the facility owner or operator from the obligation to comply with any local, state, or federal law governing storage of these wastes.

Subp. 8. **Special requirements for incompatible wastes.** Incompatible wastes or incompatible wastes and material must not be placed in the same container, unless compliance with part 7045.0456, subpart 2, is achieved.

Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material. As required by part 7045.0458, the waste analysis plan must include analyses needed to comply with these special requirements. Part 7045.0456, subpart 3, also requires waste analyses, trial tests, or other documentation to ensure compliance with part 7045.0456, subpart 2. As required by part 7045.0478, the owner or operator shall place the results of each waste analysis, trial test, and any other documented information in the operating record of the facility.

A storage container holding a hazardous waste that is incompatible with any waste or other materials located nearby must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

Subp. 9. **Closure.** At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, floors, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure and throughout the operating period, unless the owner or operator can demonstrate that the waste removed from the containment system

is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of parts 7045.0205 to 7045.1030.

Subp. 10. **Air emission standards.** The owner or operator must manage all hazardous waste placed in a container in accordance with parts 7045.0540, 7045.0549, and 7045.0551.

**Statutory Authority:** *MS s 116.07*

**History:** *9 SR 115; 10 SR 1212; 14 SR 2248; 16 SR 2102; 18 SR 1565; 20 SR 715; 22 SR 5; 22 SR 2300; 32 SR 10; 33 SR 2042*

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