

1 Minnesota Pollution Control Agency

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3 Solid and Hazardous Waste Division

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5 Adopted Amendment of Rules Governing Generators of, and the
6 Identification, Transportation and Management of, Hazardous
7 Waste

8

9 Rules as Adopted

10 Chapter One: Definitions, References,
11 Petitions, and Other Standards

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13 6 MCAR S 4.9100 Definitions.

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18

19 Chapter One: Definitions, References,
20 Petitions, and Other Standards

21 6 MCAR S 4.9100 Definitions.

22 As used in 6 MCAR SS 4.9100-4.9560 the following words
23 shall have the meanings given them.

24 A. Act. "Act" means the Solid Waste Disposal Act, as
25 amended by the Resource Conservation and Recovery Act of 1976,
26 United States Code, title 42, sections 3259 and 6901-6986, as
27 amended through June 30, 1983.

28 B. Active portion. "Active portion" means that portion of a
29 facility, other than a closed portion, where treatment, storage,
30 or disposal operations are being or have been conducted after
31 the effective date of 6 MCAR SS 4.9100-4.9560.

32 C. Agency. "Agency" means the Minnesota Pollution Control
33 Agency.

34 D. Aquifer. "Aquifer" means a geologic formation, group of
35 formations, or part of a formation capable of yielding a
36 significant amount of ground water to wells or springs.

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1 E. Authorized representative. "Authorized representative"
2 means the person responsible for the overall operation of a
3 facility or an operational unit which is part of a facility,
4 such as the plant manager, superintendent, or a person of
5 equivalent responsibility.

6 F. Certification. "Certification" means a statement of
7 professional opinion based upon knowledge and belief.

8 G. Chemical composition. "Chemical composition" means any
9 of the following:

10 1. a standard chemical nomenclature such as those adopted
11 by the International Union of Pure and Applied Chemistry or the
12 Chemical Abstracts' Service;

13 2. a common chemical name when it is documented to the
14 director that the number of isomers, related compounds of
15 similar chemical structure and property, etc., make chemical
16 analysis or delineation impractical; or

17 3. a common chemical name of a mixture of components with
18 similar properties, but not including a trade name.

19 H. Closed portion. "Closed portion" means that portion of a
20 facility which an owner or operator has closed in accordance
21 with the approved facility closure plan and all applicable
22 closure requirements.

23 I. Confined aquifer. "Confined aquifer" means an aquifer
24 bounded above and below by impermeable beds or by beds of
25 distinctly lower permeability than that of the aquifer itself;
26 an aquifer containing confined ground water.

27 J. Container. "Container" means any portable device in
28 which a material is stored, transported, treated, disposed of,
29 or otherwise handled.

30 K. Contingency plan. "Contingency plan" means a document
31 setting out an organized, planned, and coordinated course of
32 action to be followed in case of a fire, explosion, or release
33 of hazardous waste or hazardous waste constituents which could
34 threaten human health or the environment.

35 L. Control equipment. "Control equipment" means an "air
36 containment treatment facility" or a "treatment facility" as

1 defined in Minnesota Statutes, section 116.06, subdivision 6.

2 M. Demolition debris. "Demolition debris" means concrete,
3 blacktop, bricks, stone facing, concrete block, stucco, glass,
4 structural metal, and wood from demolished structures.

5 N. Designated facility. "Designated facility" means a
6 hazardous waste treatment, storage, or disposal facility which:

7 1. has received an agency permit, or if located outside
8 Minnesota, has either received an Environmental Protection
9 Agency permit or a permit from an authorized state, or has
10 interim status; and

11 2. has been designated on the manifest by the generator
12 pursuant to 6 MCAR S 4.9212.

13 O. Dike. "Dike" means an embankment or ridge of either
14 natural or man-made materials used to prevent the movement of
15 liquids, sludges, solids, or other materials.

16 P. Director. "Director" means the executive director of the
17 Minnesota Pollution Control Agency or his designee.

18 Q. Discarded. "Discarded" means abandoned by being:

19 1. disposed of; or

20 2. burned or incinerated, except where the material is
21 being burned as a fuel for the purpose of recovering useable
22 energy; or

23 3. physically, chemically, or biologically treated (other
24 than burned or incinerated) in lieu of or prior to being
25 disposed of.

26 R. Disposal. "Disposal" means the discharge, deposit,
27 injection, dumping, spilling, leaking, or placing of waste into
28 or on any land or water so that the waste or any constituent
29 thereof may enter the environment or be emitted into the air or
30 discharged into any waters, including ground waters.

31 S. Disposal facility. "Disposal facility" means a facility
32 or part of a facility at which hazardous waste is intentionally
33 placed into or on any land or water, and at which waste will
34 remain after closure.

35 T. Elementary neutralization unit. "Elementary
36 neutralization unit" means a device which:

1 1. is used for neutralizing wastes which are hazardous
2 wastes only because they exhibit the corrosivity characteristic
3 defined in 6 MCAR S 4.9132 D., or are listed in 6 MCAR S 4.9134
4 only for this reason; and

5 2. meets the definition of tank, container, transport
6 vehicle, or vessel.

7 U. Equivalent method. "Equivalent method" means any testing
8 or analytical method approved by the director under 6 MCAR S
9 4.9104 A.

10 V. Existing portion. "Existing portion" means the land
11 surface area of an existing waste management unit that is
12 included in the original Part A permit application, and on which
13 wastes have been placed before a permit has been issued.

14 W. Facility. "Facility" means all contiguous land,
15 structures, other appurtenances, and improvements on the land
16 used for treating, storing, or disposing of hazardous waste. A
17 facility may consist of several treatment, storage, or disposal
18 operational units, such as one or more landfills, surface
19 impoundments, or combinations thereof.

20 X. Flash point. "Flash point" means the minimum temperature
21 at which a material gives off vapor in sufficient concentration
22 to form an ignitable mixture with air near the surface of the
23 material when in contact with a spark or flame.

24 Y. Food chain crops. "Food chain crops" means tobacco,
25 crops grown for human consumption, and crops grown for feed for
26 animals whose products are consumed by humans.

27 Z. Formation. "Formation" means a body of soil or rock
28 characterized by a degree of lithologic homogeneity which is
29 prevailing, but not necessarily tabular, and is mappable on the
30 earth's surface or traceable in the subsurface.

31 AA. Freeboard. "Freeboard" means the vertical distance
32 between the top of a tank or surface impoundment dike, and the
33 surface of the waste contained therein.

34 BB. Free liquids. "Free liquids" means liquids which
35 readily separate from the solid portion of a waste under ambient
36 temperature and pressure.

1 CC. Garbage. "Garbage" means discarded material resulting
2 from the handling, processing, storage, preparation, serving,
3 and consumption of food.

4 DD. Generator. "Generator" means any person, by site, whose
5 act or process produces hazardous waste identified or listed in
6 6 MCAR SS 4.9128-4.9137, or whose act first causes a hazardous
7 waste to become subject to regulation.

8 EE. Ground water or underground water. "Ground water" or
9 "underground water" has the meaning given in 6 MCAR S 4.8022.

10 FF. Hazardous waste. "Hazardous waste" has the meaning
11 given in Minnesota Statutes, section 116.06, subdivision 13.

12 GG. Hazardous waste constituent. "Hazardous waste
13 constituent" means a constituent that caused the director to
14 list the waste in 6 MCAR S 4.9134 or a constituent listed in
15 Exhibit 6 MCAR S 4.9137-1.

16 HH. Hazardous waste incinerator. "Hazardous waste
17 incinerator" means an enclosed device using controlled flame
18 combustion, a purpose of which is to thermally break down
19 hazardous waste. Examples of incinerators are rotary kiln,
20 fluidized bed, and liquid injection incinerators.

21 II. Hazardous waste management. "Hazardous waste
22 management" means the total system for the identification,
23 storage, collection, source separation, and removal of hazardous
24 waste from public or private property, the transportation of the
25 waste to a hazardous waste facility, and the processing,
26 treatment, recovery, and disposal of the waste by approved
27 methods in accordance with 6 MCAR SS 4.9100-4.9560. Any
28 reference to hazardous waste being managed shall refer to the
29 foregoing.

30 JJ. Hazardous waste number. "Hazardous waste number" means
31 the number assigned to each hazardous waste listed in 6 MCAR S
32 4.9134 and to each characteristic identified in 6 MCAR S 4.9132.

33 KK. Identification number. "Identification number" means
34 the number assigned to each generator, transporter, and
35 treatment, storage, or disposal facility.

36 LL. In operation. "In operation" means a facility which is

1 treating, storing, or disposing of hazardous waste.

2 MM. Inactive portion. "Inactive portion" means that portion
3 of a facility which is not operated after the effective date of
4 6 MCAR SS 4.9100-4.9560.

5 NN. Incompatible wastes. "Incompatible wastes" means a
6 hazardous waste which is unsuitable for:

7 1. placement in a particular device or facility because
8 it may cause corrosion or decay of containment materials such as
9 the container inner liners or tank walls; or

10 2. commingling with another waste or material under
11 uncontrolled conditions because the commingling might produce
12 heat or pressure, fire or explosion, violent reactions, toxic
13 dusts, mists, fumes, or gases, or flammable fumes or gases.

14 OO. Independent registered engineer. "Independent
15 registered engineer" means a registered engineer who is not a
16 regular employee of the owner or operator of the facility, but
17 rather is consulted on an intermittent basis.

18 PP. Individual generation site. "Individual generation site"
19 means the contiguous site at or on which one or more hazardous
20 wastes are generated. An individual generation site, such as a
21 large manufacturing plant, may have one or more sources of
22 hazardous waste but is considered a single or individual
23 generation site if the site or property is contiguous.

24 QQ. Injection well. "Injection well" means a well into
25 which fluids are injected.

26 RR. Inner liner. "Inner liner" means a continuous layer of
27 material placed inside a tank or container which protects the
28 construction materials of the tank or container from the
29 contained waste or reagents used to treat the waste.

30 SS. Interim status. "Interim status" has the meaning given
31 in 6 MCAR S 4.9381.

32 TT. International shipment. "International shipment" means
33 the transportation of hazardous waste into or out of the
34 jurisdiction of the United States.

35 UU. Land treatment facility. "Land treatment facility"
36 means a facility or part of a facility at which hazardous waste

1 is applied onto or incorporated into the soil surface. Such
2 facilities are disposal facilities if the waste will remain
3 after closure.

4 VV. Landfill. "Landfill" means a disposal facility or part
5 of a facility where hazardous waste is placed in or on land and
6 which is not a land treatment facility, a surface impoundment,
7 or an injection well.

8 WW. Landfill cell. "Landfill cell" means a discrete volume
9 of a hazardous waste landfill which uses a liner to provide
10 isolation of wastes from adjacent cells or wastes. Examples of
11 landfill cells are trenches and pits.

12 XX. Leachate. "Leachate" means any liquid including any
13 suspended components in the liquid, that has percolated through
14 or drained from hazardous waste.

15 YY. Liner. "Liner" means a continuous layer of reworked
16 natural or man-made materials beneath or on the sides of a
17 surface impoundment, landfill, landfill cell, or waste pile,
18 which restricts the downward or lateral escape of hazardous
19 waste, hazardous waste constituents, or leachate.

20 ZZ. Manifest. "Manifest" means the shipping document
21 originated and signed by the generator which contains the
22 information required by 6 MCAR S 4.9212.

23 AAA. Manifest document number. "Manifest document number"
24 means the serially increasing number assigned to the manifest by
25 the generator for recording and reporting purposes.

26 BBB. Manufacturing or mining by-product. "Manufacturing or
27 mining by-product" means a material that is not one of the
28 primary products of a particular manufacturing or mining
29 operation, and is a secondary and incidental product of the
30 particular operation and would not be solely and separately
31 manufactured or mined by the particular manufacturing or mining
32 operation. The term does not include an intermediate
33 manufacturing or mining product which results from one of the
34 steps in a manufacturing or mining process and is typically
35 processed through the next step of the process within a short
36 time.

1 CCC. Median lethal concentration. "Median lethal
2 concentration" means the calculated concentration at which a
3 material kills 50 percent of a group of test animals within a
4 specified time.

5 DDD. Median lethal dose. "Median lethal dose" means the
6 calculated dose at which a material kills 50 percent of a group
7 of test animals within a specified time.

8 EEE. Mining overburden returned to the mine site. "Mining
9 overburden returned to the mine site" means any material
10 overlying an economic mineral deposit which is removed to gain
11 access to that deposit and is then used for reclamation of a
12 surface mine.

13 FFF. Movement. "Movement" means hazardous waste that is
14 transported to a facility in an individual vehicle.

15 GGG. On-site. "On-site" means the same or geographically
16 contiguous property which may be divided by public or private
17 right-of-way, provided the entrance and exit between the
18 properties is at a crossroads intersection, and access is by
19 crossing as opposed to going along the right-of-way.
20 Noncontiguous properties owned by the same person but connected
21 by a right-of-way which he or she controls and to which the
22 public does not have access, is also considered on-site property.

23 HHH. Open burning. "Open burning" means the combustion of
24 any material without the following characteristics:

- 25 1. control of combustion air to maintain adequate
26 temperature for efficient combustion;
- 27 2. containment of the combustion-reaction in an enclosed
28 device to provide sufficient residence time and mixing for
29 complete combustion; or
- 30 3. control of emission of the gaseous combustion products.

31 III. Operator. "Operator" means the person responsible for
32 the overall operation of a facility.

33 JJJ. Other waste material. "Other waste material" means any
34 solid, liquid, semi-solid, or gaseous material, resulting from
35 industrial, commercial, mining, or agricultural operations, or
36 from community activities, and which:

1 1. is discarded or is being accumulated, stored, or
2 physically, chemically, or biologically treated prior to being
3 discarded; or

4 2. has served its original intended use and sometimes is
5 discarded; or

6 3. is a manufacturing or mining by-product and sometimes
7 is discarded.

8 KKK. Owner. "Owner" means the person who owns a facility or
9 part of a facility.

10 LLL. Partial closure. "Partial closure" means the closure
11 of a discrete part of a facility in accordance with the
12 applicable closure requirements of 6 MCAR SS 4.9280-4.9322 or
13 4.9380-4.9422. For example, partial closure may include the
14 closure of a trench, a unit operation, a landfill cell, or a
15 pit, while other parts of the same facility continue in
16 operation or will be placed in operation in the future.

17 MMM. Person. "Person" has the meaning given in Minnesota
18 Statutes, section 116.06, subdivision 8.

19 NNN. Personnel; facility personnel. "Personnel" or
20 "facility personnel" means all persons who work at or oversee
21 the operation of a hazardous waste facility, and whose actions
22 or failure to act may result in noncompliance with the
23 requirements of 6 MCAR SS 4.9100-4.9560.

24 OOO. Pesticide. "Pesticide" means any substance or mixture
25 of substances intended for preventing, destroying, repelling, or
26 mitigating any pest, and any substance or mixture of substances
27 intended for use as a plant regulator, defoliant, or desiccant.

28 PPP. Petroleum-derived waste oil. "Petroleum-derived waste
29 oil" means a waste that:

- 30 1. lacks a defined chemical structure;
- 31 2. contains mixtures of isomers; and
- 32 3. contains three or more members of a homologous series
33 that differ by a fixed carbon-containing increment.

34 QQQ. Pile. "Pile" means any noncontainerized accumulation
35 of solid, nonflowing hazardous waste that is used for treatment
36 or storage.

1 RRR. Point source. "Point source" has the meaning given in
2 Minnesota Statutes, section 115.03, subdivision 15, but does not
3 include irrigation return flows.

4 SSS. Pretreatment unit. "Pretreatment unit" means a device
5 which:

6 1. is part of a wastewater treatment facility which is
7 subject to regulation under the Federal Water Pollution Control
8 Act Amendments of 1972, United States Code, title 33, section
9 1317(b), as amended through June 30, 1983;

10 2. receives and treats or stores an influent wastewater
11 which is a hazardous waste as defined in 6 MCAR SS
12 4.9128-4.9137; or generates and accumulates a wastewater
13 treatment sludge which is a hazardous waste as defined in 6 MCAR
14 SS 4.9128-4.9137; or treats or stores a wastewater treatment
15 sludge which is a hazardous waste as defined in 6 MCAR SS
16 4.9128-4.9137; and

17 3. meets the definition of "tank" as defined in KKKK.

18 TTT. Publicly owned treatment works. "Publicly owned
19 treatment works" means any device or system used in the
20 treatment of municipal sewage or industrial wastes of a liquid
21 nature, including recycling and reclamation, which is owned by a
22 state or municipality as defined in the Federal Water Pollution
23 Control Act Amendments of 1972, United States Code, title 33,
24 section 1362(4), as amended through June 30, 1983. This
25 definition includes sewers, pipes, or other conveyances only if
26 they convey wastewater to a publicly owned treatment works
27 providing treatment.

28 UUU. Representative sample. "Representative sample" means a
29 sample of a universe or whole, such as a waste pile, lagoon, or
30 ground water which can be expected to exhibit the average
31 properties of the universe or whole.

32 VVV. Resource recovery. "Resource recovery" has the meaning
33 given in Minnesota Statutes, section 115A.03, subdivision 27.

34 WWW. Rubbish. "Rubbish" means discarded paper, cardboard,
35 yard clippings, crop residues, brush, wood, glass, bedding,
36 crockery, or litter.

1 XXX. Run-off. "Run-off" means any rainwater, leachate, or
2 other liquid that drains over land from any part of a facility.

3 YYY. Run-on. "Run-on" means any rainwater, leachate, or
4 other liquid that drains over land onto any part of a facility.

5 ZZZ. Saturated zone or zone of saturation. "Saturated zone"
6 or "zone of saturation" means that part of the earth's crust in
7 which all voids are filled with water.

8 AAAA. Seasonal high water table. "Seasonal high water table"
9 means the highest level the water table reaches during a given
10 year.

11 BBBB. Sewage. "Sewage" has the meaning given in Minnesota
12 Statutes, section 115.01, subdivision 2.

13 CCCC. Sewer system. "Sewer system" has the meaning given in
14 Minnesota Statutes, section 115.01, subdivision 6.

15 DDDD. Shoreland. "Shoreland" has the meaning given in
16 Minnesota Statutes, section 105.485, subdivision 2 and rules
17 adopted pursuant to that section.

18 EEEE. Sludge. "Sludge" has the meaning given in Minnesota
19 Statutes, section 116.06.

20 FFFF. Spill. "Spill" means the accidental or intentional
21 spilling, leaking, pumping, pouring, emitting, or dumping into
22 or on any land or water of hazardous wastes or materials which,
23 when spilled, become hazardous wastes.

24 GGGG. State. "State" means the state of Minnesota.

25 HHHH. Storage. "Storage" means the holding of hazardous
26 waste for a temporary period at the end of which the hazardous
27 waste is treated, disposed of, or stored elsewhere.

28 IIII. Surface impoundment or impoundment. "Surface
29 impoundment" or "impoundment" means a facility or part of a
30 facility which is a natural topographic depression, man-made
31 excavation, or diked area formed primarily of earthen materials
32 which is designed to hold an accumulation of liquid wastes or
33 wastes containing free liquids and which is not an injection
34 well or seepage facility. Examples of surface impoundments are
35 holding, storage, settling, and aeration pits, ponds, and
36 lagoons. Impoundments may be lined with man-made materials.

1 JJJJ. Surficial karst features. "Surficial karst features"
2 means features formed in soluble bedrock and which have
3 surficial expressions or are shallow enough to potentially
4 affect the integrity of an overlying facility.

5 KKKK. Tank. "Tank" means a stationary device designed to
6 contain an accumulation of hazardous waste which is constructed
7 primarily of nonearthen materials, such as wood, concrete,
8 steel, and plastic, which provide structural support.

9 LLLL. Thermal treatment. "Thermal treatment" means the
10 treatment of hazardous waste in a device which uses elevated
11 temperatures as the primary means to change the chemical,
12 physical, or biological character or composition of the
13 hazardous waste. "Thermal treatment" includes processes of
14 incineration, molten salt, pyrolysis, calcination, wet air
15 oxidation, and microwave discharge.

16 MMMM. Totally enclosed treatment facility. "Totally
17 enclosed treatment facility" means a facility for the treatment
18 of hazardous waste which is directly connected to an industrial
19 production process and which is constructed and operated in a
20 manner which prevents the release of any hazardous waste or any
21 constituent thereof into the environment during treatment. An
22 example is a pipe in which waste acid is neutralized.

23 NNNN. Transfer facility. "Transfer facility" means any
24 transportation-related facility including loading docks, parking
25 areas, storage areas, and other similar areas where shipments of
26 hazardous waste are held during the normal course of
27 transportation.

28 OOOO. Transportation. "Transportation" means the movement
29 of hazardous waste by air, rail, highway, or water.

30 PPPP. Transport vehicle. "Transport vehicle" means a motor
31 vehicle or rail car used for the transportation of cargo by any
32 mode. Each cargo-carrying body, such as a trailer or railroad
33 freight car, is a separate transport vehicle.

34 QQQQ. Transporter. "Transporter" means a person engaged in
35 the off-site transportation of hazardous waste by air, rail,
36 highway, or water.

1 RRRR. Treatment. "Treatment" means any method, technique,
 2 or process, including neutralization, designed to change the
 3 physical, chemical, or biological character or composition of
 4 any hazardous waste so as to neutralize the waste, or so as to
 5 recover energy or material resources from the waste, or so as to
 6 render the waste nonhazardous, or less hazardous, safer to
 7 transport, store, or dispose of, or amenable for recovery,
 8 amenable for storage, or reduced in volume.

9 SSSS. Treatment zone. "Treatment zone" means a soil area of
 10 the unsaturated zone of a land treatment unit within which
 11 hazardous constituents are degraded, transformed, or immobilized.

12 TTTT. Unsaturated zone; zone of aeration. "Unsaturated
 13 zone" or "zone of aeration" means the zone between the land
 14 surface and the water table.

15 UUUU. Uppermost aquifer. "Uppermost aquifer" means the
 16 geologic formation nearest the natural ground surface that is an
 17 aquifer, as well as lower aquifers that are hydraulically
 18 interconnected with this aquifer within the facility's property
 19 boundary.

20 VVVV. Vessel. "Vessel" means every description of
 21 watercraft used or capable of being used as a means of
 22 transportation on the water.

23 WWW. Waste. "Waste" means ~~any discarded material~~
 24 ~~including, but not limited to, solids, semisolids, sludges,~~
 25 ~~liquids, gases, and their vapors, mists, or dusts~~ has the
 26 meaning given in Minnesota Statutes, section 116.06, subdivision
 27 9a.

28 XXXX. Wastewater treatment unit. "Wastewater treatment
 29 unit" means a device which:

- 30 1. is part of a wastewater treatment facility which is
 31 subject to regulation under the Federal Water Pollution Control
 32 Act Amendments of 1972, United States Code, title 33, sections
 33 1317(b) and 1342, as amended through June 30, 1983;
- 34 2. receives and treats or stores an influent wastewater
 35 which is a hazardous waste as defined in 6 MCAR SS
 36 4.9128-4.9137; or generates and accumulates a wastewater

1 treatment sludge which is a hazardous waste as defined in 6 MCAR
2 SS 4.9128-4.9137; or treats or stores a wastewater treatment
3 sludge which is a hazardous waste as defined in 6 MCAR SS
4 4.9128-4.9137; and

5 3. meets the definition of "tank" as defined in KKKK.

6 YYY. Water bulk shipment. "Water bulk shipment" means the
7 bulk transportation of hazardous waste which is loaded or
8 carried on board a vessel without containers or labels.

9 ZZZ. Waters of the state. "Waters of the state" has the
10 meaning given in Minnesota Statutes, section 115.01, subdivision
11 9.

12 AAAA. Water table. "Water table" means the surface of the
13 ground water at which the pressure is atmospheric. Generally,
14 this is the top of the saturated zone.

15 BBBB. Well. "Well" means any shaft or pit dug or bored
16 into the earth, generally of a cylindrical form, and often
17 walled with bricks or tubing to prevent the earth from caving in.

18 CCCC. Wetland. "Wetland" has the meaning given to
19 "wetlands" in Minnesota Statutes, section 105.37, subdivision 15.

20 6 MCAR S 4.9101 Variances.

21 Any person who applies for a variance from any requirement
22 of 6 MCAR SS 4.9100 to 4.9560 shall comply with 6 MCAR S
23 4.3007. An application for a variance must be acted upon by the
24 agency according to Minnesota Statutes, section 116.07,
25 subdivision 5 and 6 MCAR S 4.3007. However, no variance may be
26 granted if granting the variance would result in noncompliance
27 with EPA regulations for the generation, storage, processing,
28 treatment, transportation, or disposal of hazardous waste or the
29 operation of hazardous waste facilities.

30 6 MCAR S 4.9102 Availability of references.

31 The documents referred to in 6 MCAR SS 4.9100-4.9560 may be
32 obtained by contacting the appropriate offices as listed in A.-H.

33 A. Standards of the American Society for Testing and
34 Materials, in the Annual Book of ASTM Standards, 1916 Race
35 Street, Philadelphia, Pennsylvania 19103, available at the

1 Engineering Library of the University of Minnesota;

2 B. Flammable and Combustible Liquids Code in the National
3 Fire Codes, 1981, issued by the National Fire Protection
4 Association, Batterymarch Park, Quincy, Massachusetts 02269,
5 available at the Engineering Library of the University of
6 Minnesota;

7 C. Implicit Price Deflator for Gross National Product in the
8 Survey of Current Business, Bureau of Economic Analysis, United
9 States Department of Commerce, 110 4th Street South,
10 Minneapolis, Minnesota 55401, available at the St. Paul Public
11 Library;

12 D. The Manual on Disposal of Refinery Wastes, volume 1,
13 issued by the American Petroleum Institute, (Washington, D.C.,
14 1969), available at the state of Minnesota Law Library;

15 E. Methods for Chemical Analysis of Water and Wastes,
16 publication number 600/4-79-020, March 1979, issued by the
17 Environmental Monitoring and Support Laboratory, 26 West St.
18 Clair, Cincinnati, Ohio 45268, available at the state of
19 Minnesota Law Library;

20 F. Standard TM-01-69 of the National Association of
21 Corrosion Engineers, P.O. Box 218340, Houston, Texas 77218,
22 available at the state of Minnesota Law Library;

23 G. Test Methods for ~~the-Evaluation-of~~ Evaluating Solid
24 Waste, Physical/Chemical Methods, publication number SW 846,
25 1980 First Edition, 1980 as updated by Revisions A (August
26 1980), B (July 1981), and C (February 1982) or Second Edition,
27 1982, of the Office of Solid Waste, United States Environmental
28 Protection Agency, 401 M Street S.W., Washington, D.C. 20460,
29 available at the state of Minnesota Law Library and by
30 subscription from the Superintendent of Documents, United States
31 Government Printing Office, Washington, D.C. 20402, (202)
32 783-3238; and

33 H. Uniform Customs and Practice for Documentary Credits
34 (Publication 290), 1975: International Chamber of Commerce
35 Publishing Corporation, Incorporated, 156 5th Avenue, Suite 820,
36 New York, New York 10017.

1 6 MCAR S 4.9103 Other standards.

2 Nothing in 6 MCAR SS 4.9100-4.9560 shall relieve any person
3 from any obligations or duties imposed by any other laws,
4 statutes, rules, standards, or ordinances of the federal, state,
5 or local governments or any agency thereof now in effect or
6 which become effective in the future. In the event 6 MCAR SS
7 4.9100-4.9560 conflict with any such laws, statutes, rules,
8 standards, or ordinances, the more stringent shall apply.
9 Nothing in 6 MCAR SS 4.9100-4.9560 shall be construed to require
10 any person to comply with any portion of 6 MCAR SS 4.9100-4.9560
11 if that portion should at any time be preempted by federal law.

12 6 MCAR S 4.9104 Petitions.

13 A. Petitions for equivalent testing or analytical methods.
14 Any person seeking to use a testing or analytical method other
15 than those described in 6 MCAR SS 4.9128-4.9137, 4.9280-4.9322,
16 or 4.9380-4.9422 may petition under these provisions. The
17 person must demonstrate to the satisfaction of the director that
18 the proposed method is equal to or superior to the corresponding
19 method prescribed in 6 MCAR SS 4.9128-4.9137, 4.9280-4.9322, or
20 4.9380-4.9422 in terms of its sensitivity, accuracy, precision,
21 and reproducibility. Each petition must include:

- 22 1. the petitioner's name and address;
- 23 2. a statement of the petitioner's interest in the
24 proposed action;
- 25 3. a full description of the proposed method, including
26 all procedural steps and equipment used in the method;
- 27 4. a description of the types of wastes or waste matrices
28 for which the proposed method may be used;
- 29 5. comparative results obtained from using the proposed
30 method with those obtained from using the relevant or
31 corresponding methods prescribed in 6 MCAR SS 4.9128-4.9137,
32 4.9280-4.9322, or 4.9380-4.9422;
- 33 6. an assessment of any factors which may interfere with,
34 or limit the use of, the proposed method; and
- 35 7. a description of the quality control procedures

1 necessary to ensure the sensitivity, accuracy, and precision of
2 the proposed method.

3 After receiving a petition for an equivalent testing or
4 analytical method, the director may request any additional
5 information on the proposed method which he may reasonably
6 require to evaluate the method.

7 B. Petitions to exclude a waste produced at a particular
8 facility.

9 1. Any person seeking to exclude a waste at a particular
10 generating facility from regulation under 6 MCAR SS
11 4.9100-4.9560 may petition under these provisions. The
12 petitioner must demonstrate to the satisfaction of the agency
13 that the waste produced by a particular generating facility does
14 not meet any of the criteria under which the waste was listed as
15 a hazardous waste and, in the case of an acutely hazardous waste
16 meeting the criteria in 6 MCAR S 4.9131 A.2., that it also does
17 not meet the criteria of 6 MCAR S 4.9131 A.3. A waste which is
18 so excluded may still, however, be a hazardous waste by
19 operation of 6 MCAR S 4.9132.

20 2. These procedures may also be used to petition the
21 agency to exclude from 6 MCAR S 4.9205 B.1. or C. a waste which
22 is described in those rules and is either a waste listed in 6
23 MCAR S 4.9134, contains a waste listed in 6 MCAR S 4.9134, or is
24 derived from a waste listed in 6 MCAR S 4.9134. This exclusion
25 may only be issued for a particular generating, storage,
26 treatment, or disposal facility. The petitioner must make the
27 same demonstration as required by 1., except that where the
28 waste is a mixture of solid waste and one or more listed
29 hazardous wastes or is derived from one or more hazardous
30 wastes, this demonstration may be made with respect to each
31 constituent listed waste or the waste mixture as a whole. A
32 waste which is so excluded may still be a hazardous waste by
33 operation of 6 MCAR S 4.9132.

34 3. Demonstration samples must consist of enough
35 representative samples, but in no case less than four samples,
36 taken over a period of time sufficient to represent the

1 variability or the uniformity of the waste.

2 4. If the waste is listed with codes "I," "C," "R," or
3 "E" in 6 MCAR S 4.9134, the petitioner must show that
4 demonstration samples of the waste do not exhibit a relevant
5 characteristic defined in 6 MCAR S 4.9132 using any applicable
6 test methods prescribed in 6 MCAR S 4.9132.

7 5. If the waste is listed with code "T" in 6 MCAR S
8 4.9134, the petitioner must demonstrate that:

9 a. demonstration samples of the waste do not contain
10 the constituent that caused the agency to list the waste, using
11 the appropriate test methods prescribed in Code of Federal
12 Regulations, title 40, part 261, appendix III (1983); or

13 b. the waste does not meet the criterion of 6 MCAR S
14 4.9131 A.3. when considering the factors in 6 MCAR S 4.9131
15 A.3.a.-k.

16 6. If the waste is listed with the code "H" in 6 MCAR S
17 4.9134, the petitioner must demonstrate that the waste does not
18 meet the criterion of 6 MCAR S 4.9131 A.2. and that the waste
19 does not meet the criterion of 6 MCAR S 4.9131 A. when
20 considering the factors listed in 6 MCAR S 4.9131 A.3.a.-k.

21 7. Each petition must include in addition to the
22 information required by 2.:

23 a. the petitioner's name and address;

24 b. a statement of the petitioner's interest in the
25 proposed action;

26 c. the name and address of the laboratory facility
27 performing the sampling or testing of the waste;

28 d. the names and qualifications of the persons
29 sampling and testing the waste;

30 e. the dates of sampling and testing;

31 f. the location of the generating facility;

32 g. a description of the manufacturing processes or
33 other operations and feed materials producing the waste and an
34 assessment of whether such processes, operations, or feed
35 materials can or might produce a waste that is not covered by
36 the demonstration;

1 h. a description of the waste and an estimate of the
2 average and maximum monthly and annual quantities of waste
3 covered by the demonstration;

4 i. pertinent data on and discussion of the factors
5 delineated in the respective criterion for listing a hazardous
6 waste, when the demonstration is based on the factors in 6 MCAR
7 S 4.9131 A.3.a.-k.;

8 j. a description of the methodologies and equipment
9 used to obtain the representative samples;

10 k. a description of the sample handling and
11 preparation techniques, including techniques used for
12 extraction, containerization, and preservation of the samples;

13 l. a description of the tests performed, including
14 results;

15 m. the names and model numbers of the instruments used
16 in performing the tests; and

17 n. the following statement signed by the generator of
18 the waste or his authorized representative:

19 "I certify under penalty of law that I have personally
20 examined and am familiar with the information submitted in this
21 demonstration and all attached documents, and that, based on my
22 inquiry of those individuals immediately responsible for
23 obtaining the information, I believe that the submitted
24 information is true, accurate, and complete. I am aware that
25 there are significant penalties for submitting false
26 information, including the possibility of fine and imprisonment."

27 8. After receiving a petition for an exclusion, the
28 agency or the director may request any additional information
29 which it may reasonably require to evaluate the petition. An
30 exclusion will only apply to the waste generated at the
31 individual facility covered by the demonstration and will not
32 apply to waste from any other facility. The agency may exclude
33 only part of the waste for which the demonstration is submitted
34 when it has reason to believe that variability of the waste
35 justifies a partial exclusion. The agency may grant a temporary
36 exclusion before making a final decision whenever it finds that

- 1 there is a substantial likelihood that an exclusion will be
- 2 finally granted.