

1 Pollution Control Agency

2

3 Adopted Rules Relating to Hazardous Waste Recycling and Reuse

4

5 Rules as Adopted

6 7001.0520 PERMIT REQUIREMENTS.

7 Subpart 1. [Unchanged.]

8 Subp. 2. Exclusions. A person who conducts any of the
9 following activities is not required to obtain a hazardous waste
10 facility permit for that activity:

11 A. The accumulation by generators of hazardous waste
12 on site for fewer than 90 days as provided in part 7045.0292.

13 B. The disposal by farmers of hazardous wastes that
14 have been generated by their own use of pesticides as provided
15 in part 7045.0304.


16 C. The ownership or operation of a totally enclosed
17 treatment facility as defined in part 7045.0020.

18 D. The storage by transporters of manifested
19 shipments of hazardous waste in containers that meet the
20 requirements of part 7045.0270, subpart 4, at a transfer
21 facility for a period of ten days or fewer as provided in part
22 7045.0365.

23 E. An activity conducted to immediately contain or
24 treat a spill or an imminent and substantial threat of a spill
25 of hazardous waste or a material that, when spilled, becomes a
26 hazardous waste. This exclusion does not apply to a person who
27 treats, stores, or disposes of the spilled material or spill
28 residue or debris after the immediate response activities have
29 been completed.

30 F. The addition of absorbent material to hazardous
31 waste in a container, or the addition of hazardous waste to
32 absorbent material in a container, if the addition occurs at the
33 time waste is first placed in the container, and if the addition
34 is accomplished in accordance with parts 7045.0456, subpart 2,
35 and 7045.0526, subparts 2 and 3.

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1 G. To the extent provided by part 7045.0125, the
2 ownership or operation of a facility that recycles hazardous
3 waste.

4 H. The management of hazardous waste as provided in
5 part 7045.0120, item L; 7045.0127, subpart 1; 7045.0135, subpart
6 5, items C and E; 7045.0218; or 7045.0219, subpart 2.

7 I. To the extent provided by part 7045.0675, the
8 ownership or operation of a facility that stores or reclaims
9 hazardous waste for recovery of economically significant amounts
10 of precious metals.

11 J. To the extent provided in part 7045.0685, the
12 ownership or operation of a facility that stores or reclaims
13 spent lead-acid batteries.

14 Subp. 3. and 4. [Unchanged.]

15 7045.0020 DEFINITIONS.

16 Subpart 1. to 6. [Unchanged.]

17 Subp. 6a. **Boiler.** "Boiler" means an enclosed device using
18 controlled flame combustion and having the characteristics
19 specified in item A or B.

20 A. (1) The unit must have physical provisions for
21 recovering and exporting thermal energy in the form of steam,
22 heated fluid, or heated gases.

23 (2) The unit's combustion chamber and primary
24 energy recovery sections must be of integral design (physically
25 formed into one manufactured or assembled unit). A unit in
26 which the combustion chamber and the primary energy recovery
27 sections are joined only by ducts or connections carrying flue
28 gas is not integrally designed; secondary energy recovery
29 equipment (such as air preheaters or economizers) need not be
30 physically formed into the same unit as the combustion chamber
31 and the primary energy recovery section. Process heaters which
32 transfer energy directly to a process stream and fluidized bed
33 combustion units are not precluded from being considered boilers
34 under this definition solely because they are not of integral
35 design.

1 (3) While in operation, the unit must maintain a
2 thermal energy efficiency of at least 60 percent, calculated in
3 terms of the recovered energy compared with the thermal value of
4 the fuel.

5 (4) The unit must export and utilize at least 75
6 percent of the recovered energy, calculated on an annual basis.
7 No credit shall be given for recovered heat used internally in
8 the same unit for purposes such as preheating fuel or combustion
9 air or the driving of induced or forced draft fans or feedwater
10 pumps.

11 B. The unit is one which the director has determined
12 meets the criteria for a boiler after considering the standards
13 in part 7045.0075, subpart 4.

14 Subp. 6b. **By-product.** "By-product" means a material that
15 is not one of the primary products of a production process and
16 is not solely or separately produced by the production process.
17 Examples are process residues such as slags or distillation
18 column bottoms.

19 Subp. 7. to 14. [Unchanged.]

20 Subp. 15. **Designated facility.** "Designated facility"
21 means a hazardous waste treatment, storage, or disposal facility
22 which:

23 A. (1) has received interim status;
24 (2) has received an agency permit,
25 (3) is subject to the requirements of part
26 7045.0125, subpart 5, 6, or 10, or subpart 9, item B, or part
27 7045.0685; or
28 (4) if located outside Minnesota, has been
29 exempted from the requirements to obtain a permit by the United
30 States Environmental Protection Agency; 7 has either received an
31 Environmental Protection Agency permit or a permit from an
32 authorized state, or has interim status; and

33 B. has been designated on the manifest by the
34 generator pursuant to part 7045.0261, or has been designated on
35 a shipping paper or management plan required by part 7045.0125.

36 Subp. 16. and 17. [Unchanged.]

1 Subp. 18. **Discarded.** "Discarded" means abandoned by being:

2 A. disposed of;

3 B. burned or incinerated; or

4 C. accumulated, stored, or treated, but not recycled,
5 before or in lieu of being disposed of, burned, or incinerated.

6 Subp. 19. to 34. [Unchanged.]

7 Subp. 35. **Hazardous waste incinerator.** "Hazardous waste
8 incinerator" means an enclosed device using controlled flame
9 combustion, a purpose of which is to thermally break down
10 hazardous waste and that neither meets the criteria for
11 classification as a boiler nor is listed or can be classified as
12 an industrial furnace.

13 Subp. 36. to 43. [Unchanged.]

14 Subp. 43a. **Industrial furnace.** "Industrial furnace" means
15 any of the following enclosed devices that are integral
16 components of manufacturing processes and that use controlled
17 flame devices to accomplish recovery of materials or energy:
18 cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke
19 ovens; blast furnaces; smelting, melting, and refining furnaces,
20 including pyrometallurgical devices, such as cupolas,
21 reverberator furnaces, sintering machines, roasters, and foundry
22 furnaces; titanium dioxide chloride process oxidation reactors;
23 methane reforming furnaces; pulping liquor recovery furnaces;
24 combustion devices used in the recovery of sulfur values from
25 spent sulfuric acid; and such other devices as the director
26 determines qualify for inclusion based on one or more of the
27 following factors:

28 A. the design and use of the device primarily to
29 accomplish recovery of material products;

30 B. the use of the device to burn or reduce raw
31 materials to make a material product;

32 C. the use of the device to burn or reduce secondary
33 materials as effective substitutes for raw materials, in
34 processes using raw materials as feedstocks;

35 D. the use of the device to burn or reduce secondary
36 materials as ingredients in an industrial process to make a

1 material product; or

2 E. the use of the device in common industrial
3 practice to produce a material product.

4 Subp. 44. to 62. [Unchanged.]

5 Subp. 63. **Other waste material.** "Other waste material"
6 means any solid, liquid, semi-solid, or gaseous material,
7 resulting from industrial, commercial, mining, or agricultural
8 operations, or from community activities, and which:

9 A. is discarded or is being accumulated, stored, or
10 physically, chemically, or biologically treated prior to being
11 discarded; or

12 B. is recycled or is accumulated, stored, or treated
13 prior to being recycled; or

14 C. is a spent material or by-product.

15 Subp. 64. to 68. [Unchanged.]

16 Subp. 69. [See Repealer.]

17 Subp. 70. to 73. [Unchanged.]

18 Subp. 73a. **Reclamation.** "Reclamation" means the
19 processing or regeneration of a waste to recover a usable
20 product. Examples are the recovery of lead values from spent
21 batteries and regeneration of spent solvents.

22 Subp. 73b. **Recycle.** "Recycle" means the reclamation,
23 reuse, or use of a hazardous waste.

24 Subp. 74. and 75. [Unchanged.]

25 Subp. 75a. **Reuse.** "Reuse" means employing a waste as an
26 ingredient in an industrial process to make a product or as an
27 effective substitute for a commercial product, provided that
28 distinct components of the waste are not recovered as end
29 products.

30 Subp. 76. to 79. [Unchanged.]

31 Subp. 79a. **Scrap metal.** "Scrap metal" means bits and
32 pieces of metal parts (for example, bars, turnings, rods,
33 sheets, wire) or metal pieces that may be combined together with
34 bolts or soldering (for example, radiators, scrap automobiles,
35 railroad box cars) which when worn or superfluous can be
36 recycled.

1 Subp. 80. to 84. [Unchanged.]

2 Subp. 84a. **Speculative accumulation.** "Speculative
3 accumulation" means accumulation of a hazardous waste before it
4 is recycled. Speculative accumulation does not include
5 accumulation of a waste if there is a feasible method of
6 recycling for the waste and at least 75 percent by volume or
7 weight of the waste is recycled during a calendar year. The 75
8 percent requirement applies to each waste of the same type that
9 is recycled in the same way.

10 Subp. 84b. **Spent material.** "Spent material" means a
11 material that has been used and as a result of contamination can
12 no longer serve the purpose for which it was produced without
13 processing.

14 Subp. 85. to 100. [Unchanged.]

15 Subp. 100a. **Used oil.** "Used oil" means any oil which has
16 been refined from crude oil, used, and as a result of such use
17 has become contaminated by physical or chemical impurities.

18 Subp. 101. to 108. [Unchanged.]

19 7045.0075 PETITIONS.

20 Subpart 1. and 2. [Unchanged.]

21 Subp. 3. **Petition for reduced regulation of hazardous**
22 **waste being speculatively accumulated or reclaimed prior to**
23 **use.** The agency may, upon presentation of a petition for those
24 purposes, reduce any of the requirements of chapter 7045
25 applicable to reclamation, reuse, or recycling. The agency
26 shall apply the standards and criteria set forth below in
27 determining whether to grant a petition to reduce the regulatory
28 requirements for the following recycled hazardous wastes.

29 A. Any person seeking a reduction in regulation of
30 hazardous wastes that are accumulated speculatively as defined
31 in part 7045.0020 without sufficient amounts being recycled as
32 defined in part 7045.0020 may petition under this subpart. The
33 petitioner must demonstrate to the satisfaction of the agency
34 that sufficient amounts will be recycled or transferred for
35 recycling in the following year. Such a reduction in regulation

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1 is valid only for the following year, but may be renewed on an
2 annual basis by filing a new petition. The agency's decision to
3 grant the petition shall be based on the following standards and
4 criteria:

5 (1) the manner in which the hazardous waste is to
6 be recycled, ~~where~~ when the waste is expected to be recycled,
7 and whether the expected disposition is likely to be affected by
8 past practice, market factors, the nature of the hazardous
9 waste, or contractual arrangements for recycling;

10 (2) the reason that the applicant has accumulated
11 the hazardous waste for one or more years without recycling 75
12 percent of the volume accumulated at the beginning of the
13 previous year;

14 (3) the quantity of the hazardous waste already
15 accumulated and the quantity expected to be generated and
16 accumulated before the hazardous waste is recycled;

17 (4) the extent to which the hazardous waste is
18 handled to minimize loss; and

19 (5) any additional information the director may
20 reasonably request which may be required to evaluate the
21 petition.

22 B. Any person seeking a reduction in regulation of
23 hazardous wastes that are reclaimed and then reused as feedstock
24 within the original primary production process in which the
25 hazardous wastes were generated if the reclamation is an
26 essential part of the production process may petition under
27 these provisions. The agency's decision regarding the petition
28 shall be based on the following standards and criteria:

29 (1) how economically viable the production
30 process would be if it were to use virgin materials rather than
31 the reclaimed hazardous waste;

32 (2) the prevalence of the practice on an
33 industry-wide basis;

34 (3) the extent to which the hazardous waste is
35 handled before reclamation to minimize loss;

36 (4) the time periods between generating the

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1 hazardous waste and its reclamation, and between reclamation and
2 return to the original primary production process;

3 (5) the location of the reclamation operation in
4 relation to the production process;

5 (6) whether the hazardous waste as reclaimed is
6 used for the purpose for which it was originally produced when
7 it is returned to the original process, and whether it is
8 returned to the process in substantially its original form;

9 (7) whether the person who generates the
10 hazardous waste also reclaims it; and

11 (8) any additional information the director may
12 reasonably request which may be required to evaluate the
13 petition.

14 C. Any person seeking a reduction in regulation of
15 hazardous waste that has been reclaimed but must be reclaimed
16 further before recovery is completed if, after initial
17 reclamation, the resulting material is used like a commodity,
18 may petition under this subpart. The agency's decision to grant
19 the petition shall be based on the following standards and
20 criteria:

21 (1) the degree of processing the hazardous waste
22 has undergone and the degree of further processing that is
23 required;

24 (2) the value of the hazardous waste after it has
25 been reclaimed;

26 (3) the degree to which the reclaimed hazardous
27 waste is like an analogous raw material;

28 (4) the extent to which an end market for the
29 reclaimed hazardous waste is guaranteed;

30 (5) the extent to which the reclaimed hazardous
31 waste is handled to minimize loss; and

32 (6) any additional information the director may
33 reasonably request that may be required to evaluate the petition.

34 Subp. 4. Petition to be classified as a boiler. In
35 accordance with the definition of boiler in part 7045.0020, the
36 director may determine that certain enclosed devices using

1 controlled flame combustion are boilers, although they do not
2 otherwise meet the definition of boiler, based on the following
3 standards and criteria:

4 A. the extent to which the unit has provisions for
5 recovering and exporting thermal energy in the form of steam,
6 heated fluids, or heated gases;

7 B. the extent to which the combustion chamber and
8 energy recovery equipment are of integral design;

9 C. the efficiency of energy recovery, calculated in
10 terms of the recovered energy compared with the thermal value of
11 fuel;

12 D. the extent to which the exported energy is
13 utilized;

14 E. the extent to which the device is in common and
15 customary use as a "boiler" functioning to produce steam, heated
16 fluids, or heated gases; and

17 F. any additional information the director may
18 reasonably request which may be required to evaluate the
19 petition.

20 7045.0120 EXEMPT WASTES.

21 The following wastes may be stored, labeled, transported,
22 treated, processed, and disposed of without complying with the
23 requirements of this chapter:

24 A. to L. [Unchanged.]

25 M. used oil which does not contain waste listed in
26 part 7045.0135 and is to be recycled;

27 N. [Unchanged.]

28 O. pulping liquors (for example, black liquor) that
29 are reclaimed in a pulping liquor recovery furnace and then
30 reused in the pulping process, unless they are accumulated
31 speculatively as defined in part 7045.0020; or

32 P. spent sulfuric acid used to produce virgin
33 sulfuric acid, unless it is accumulated speculatively as defined
34 in part 7045.0020.

35 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND

1 RECLAMATION.

2 Subpart 1. **Scope.** This part regulates hazardous waste
3 that is to be recycled except for use constituting disposal as
4 provided in parts part 7045.0665, hazardous waste utilized for
5 precious metals recovery as provided in part 7045.0675~~7~~; and; or
6 spent lead-acid batteries being reclaimed as provided in part
7 7045.0685.

8 Subp. 2. [See Repealer.]

9 Subp. 3. [Unchanged.]

10 Subp. 4. **Management of specific hazardous wastes.**

11 Management of the following wastes when recycled, is not subject
12 to regulation under parts 7045.0205 to 7045.0685: industrial
13 ethyl alcohol that is reclaimed; used batteries or used battery
14 cells returned to a battery manufacturer for regeneration; and
15 scrap metal.

16 Subp. 5. **Requirements for use of hazardous wastes as**
17 **feedstock.**

18 A. Except as provided in items B to D, hazardous
19 wastes that are shown to be recycled by being utilized in a
20 manner specified in subitems (1) to (3), are not subject to
21 regulation under parts 7045.0205 to 7045.0685. This subpart
22 does not apply to wastes being accumulated speculatively as
23 defined in part 7045.0020, or being managed by use constituting
24 disposal, or burning for energy recovery, as regulated under
25 part 7045.0665, or subpart 10. Hazardous wastes are considered
26 to be used as feedstock if they are:

27 (1) used or reused as ingredients in an
28 industrial process to make a product, provided the hazardous
29 wastes are not being reclaimed;

30 (2) used or reused as effective substitutes for
31 commercial products; or

32 (3) returned to the original process from which
33 they are generated, without first being reclaimed. The
34 hazardous waste must be returned as a substitute for raw
35 material feedstock, and the process must use raw materials as
36 principal feedstocks.

1 B. Generators of hazardous wastes for use as
2 feedstock are subject to the following requirements:

3 (1) parts 7045.0214 to 7045.0217;

4 (2) parts 7045.0220 to 7045.0249;

5 (3) part 7045.0296, subpart 5;

6 (4) within 45 days of shipment, the generator
7 must provide the director a copy of the shipping papers
8 confirming that the hazardous waste was delivered to the
9 designated facility as indicated in the management plan; and

10 (5) the generator must keep records showing: the
11 volume of these wastes stored at the beginning of the calendar
12 year; the amount of these hazardous wastes generated during the
13 calendar year; the amount of these hazardous wastes used as a
14 feedstock during the calendar year; and the amount of these
15 hazardous wastes remaining at the end of the calendar year.

16 C. Transporters of hazardous wastes for use as
17 feedstock must comply with all applicable requirements of
18 Minnesota Statutes, section 221.033, and Code of Federal
19 Regulations, title 49, parts 171 to 179.

20 D. Owners or operators of facilities that manage
21 hazardous wastes for use as feedstock are subject to the
22 following requirements:

23 (1) prior to receiving the waste, as a designated
24 facility, the owner or operator must provide the director with
25 written evidence to document that the hazardous waste is used as
26 specified in item A and that the facility has the equipment
27 necessary to manage the hazardous waste; and

28 (2) the owner or operator must keep records
29 showing: the volume of these hazardous wastes stored at the
30 beginning of the calendar year; the amount of these wastes
31 received during the calendar year; the amount of these hazardous
32 wastes used as a feedstock during the calendar year; and the
33 amount of these hazardous wastes remaining at the end of the
34 calendar year.

35 Subp. 6. Requirements for reclamation of specific
36 hazardous wastes.

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1 A. A by-product or a sludge that is hazardous only
2 because it exhibits a characteristic of hazardous waste and is
3 reclaimed is subject to the following requirements:

4 (1) Generators of such a hazardous waste are
5 subject to regulation under parts 7045.0214 to 7045.0217;
6 7045.0220 to 7045.0255; and 7045.0296, subpart 5. In addition,
7 within 45 days of shipment the generator must provide the
8 director a copy of the shipping papers confirming that the waste
9 was delivered to the designated facility as indicated in the
10 management plan. The generator must keep records showing: the
11 volume of such hazardous wastes stored at the beginning of the
12 calendar year; the amount of these wastes generated during the
13 calendar year; the amount of such waste reclaimed during the
14 calendar year; and the amount of such hazardous wastes remaining
15 at the end of the calendar year.

16 (2) Transporters of such a hazardous waste must
17 comply with all applicable requirements of Minnesota Statutes,
18 section 221.033, and Code of Federal Regulations, title 49,
19 parts 171 to 179.

20 (3) Owners or operators of designated facilities
21 receiving a hazardous characteristic by-product or sludge must
22 provide written evidence to the director prior to receiving such
23 hazardous waste that the owner or operator has the equipment and
24 capability to reclaim such hazardous waste, and must keep
25 records showing: the volumes of such hazardous waste stored at
26 the beginning of the year; the amount of such hazardous waste
27 received during the calendar year; the amount of such hazardous
28 waste reclaimed during the calendar year; and the amount of such
29 hazardous waste remaining at the end of the calendar year.

30 B. This subpart does not apply to hazardous wastes
31 being accumulated speculatively as defined in part 7045.0020 or
32 being managed by use constituting disposal, as regulated under
33 part 7045.0665 or being burned for energy recovery under subpart
34 10.

35 Subp. 7. Generator requirements. Except as provided in
36 subpart 4, 5, 6, or 10, generators of hazardous waste destined

1 for recycle, are subject to the requirements of parts 7045.0205
2 to 7045.0304.

3 Subp. 8. **Transporter requirements.** Except as provided in
4 subpart 4, 5, 6, or 10, transporters of hazardous waste destined
5 for recycle are subject to the requirements of parts 7045.0351
6 to 7045.0397.

7 Subp. 9. **Facility requirements.** Except as provided in
8 subpart 4, 5, 6, or 10, owners or operators of facilities which
9 recycle hazardous waste are subject to the following
10 requirements:

11 A. If the recyclable hazardous waste is stored before
12 it is recycled, the owners or operators are subject to the
13 requirements of parts 7045.0450 to 7045.0534, 7045.0552 to
14 7045.0632, and chapter 7001.

15 B. If the recyclable hazardous waste is recycled
16 without storing before recycling, the owners or operators are
17 subject to the requirements of parts 7045.0556, subpart 2;
18 7045.0580; and 7045.0582.

19 Subp. 10. **Hazardous waste which is beneficially used by**
20 **burning.** Hazardous waste that is transported or stored prior to
21 a beneficial use by burning is subject to regulation under the
22 following:

23 A. A waste that is hazardous solely due to
24 ignitability and is transported or stored prior to a beneficial
25 use involving burning is subject to the agency's permitting
26 procedures in chapter 7001 for hazardous waste storage
27 facilities and the requirements of parts 7045.0205 to 7045.0534,
28 7045.0544, 7045.0552 to 7045.0632, and 7045.1000 to 7045.1030.

29 B. A hazardous waste that is a sludge, or is or
30 contains a waste listed in part 7045.0135 for reasons other than
31 ignitability, or is or contains a waste that is toxic under part
32 7045.0131, subpart 6, and is transported or stored prior to a
33 beneficial use involving burning is subject to the agency's
34 permitting procedures in chapter 7001 for hazardous waste
35 storage facilities and the following requirements: parts
36 7045.0205 to 7045.0534; 7045.0544; 7045.0542, except subpart 4,

1 item C, and subpart 7, item A, subitem (2); 7045.0552 to
 2 7045.0632; 7045.0640; and 7045.1000 to 7045.1030; and must apply
 3 for or have an air quality facility permit as required.

4 7045.0135 LISTS OF HAZARDOUS WASTES.

5 Subpart 1. [Unchanged.]

6 Subp. 2. Hazardous wastes from nonspecific sources.

7 Hazardous wastes from nonspecific sources are listed as follows:

8	Hazardous		Hazard
9	Waste No.	Hazardous Waste	Code
10			
11	Generic:		
12	F001	The following spent halogenated solvents used in	(T)
13		degreasing: tetrachloroethylene, trichloroethylene,	
14		methylene chloride, 1,1,1-trichloroethane, carbon	
15		tetrachloride, and chlorinated fluorocarbons, and	
16		sludges from the recovery of these solvents in	
17		degreasing operations	
18	F002	The following spent halogenated solvents:	(T)
19		tetrachloroethylene, methylene chloride,	
20		trichloroethylene, 1,1,1-trichloroethane,	
21		chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane,	
22		orthodichlorobenzene, and trichlorofluoromethane, and	
23		the still bottoms from the recovery of these solvents	
24	F003	The following spent nonhalogenated solvents:	(I)
25		xylene, acetone, ethyl acetate, ethyl benzene,	
26		ethyl ether, methyl isobutyl ketone, n-butyl	
27		alcohol, cyclohexanone, and methanol, and the	
28		still bottoms from the recovery of these solvents	
29	F004	The following spent nonhalogenated solvents:	(T)
30		cresols and cresylic acid, and nitrobenzene, and the	
31		still bottoms from the recovery of these solvents	
32	F005	The following spent nonhalogenated solvents:	(I,T)
33		toluene, methyl ethyl ketone, carbon disulfide,	
34		isobutanol, and pyridine, and the still	
35		bottoms from the recovery of these solvents	
36	F006	Wastewater treatment sludges from electroplating	(T)
37		operations except from the following processes:	
38		(1) sulfuric acid anodizing of aluminum,	
39		(2) tin plating on carbon steel, (3) zinc plating	
40		(segregated basis) on carbon steel, (4) aluminum	
41		or zinc-aluminum plating on carbon steel,	
42		(5) cleaning/stripping associated with tin, zinc	
43		and aluminum plating on carbon steel, and	
44		(6) chemical etching and milling of aluminum	
45	F019	Wastewater treatment sludges from the chemical	(T)
46		conversion coating of aluminum	
47	F007	Spent cyanide plating bath solutions from	(R,T)
48		electroplating operations	
49	F008	Plating bath sludges from the bottom of plating	(R,T)
50		baths from electroplating operations where	
51		cyanides are used in the process	
52	F009	Spent stripping and cleaning bath solutions	(R,T)
53		from electroplating operations where cyanides	
54		are used in the process	
55	F010	Quenching bath residues from oil baths from	(R,T)
56		metal heat-treating operations where cyanides	
57		are used in the process	
58	F011	Spent cyanide solutions from salt bath	(R,T)
59		pot cleaning from metal heat-treating operations	
60	F012	Quenching wastewater treatment sludges from	(T)
61		metal heat-treating operations where cyanides	
62		are used in the process	
63		Subp. 3. [Unchanged.]	

1 Subp. 4. Discarded commercial chemical products,
2 off-specification species, containers, and spill residues. The
3 following materials or items are hazardous wastes when they are
4 discarded or intended to be discarded as defined in part
5 7045.0020, when they are burned for purposes of energy recovery
6 in lieu of their original intended use, when they are used to
7 produce fuels in lieu of their original intended use, when they
8 are applied to the land in lieu of their original intended use,
9 or when they are contained in products that are applied to the
10 land in lieu of their original intended use.

11 A. to F. [Unchanged.]

12 Subp. 5. [Unchanged.]

13 7045.0214 EVALUATION OF WASTES.

14 Subpart 1. General requirement. Any person who produces a
15 waste within the state of Minnesota or any person who produces a
16 waste outside the state of Minnesota that is managed within the
17 state of Minnesota, must evaluate the waste to determine if it
18 is hazardous. A material is determined to be a waste in
19 accordance with the conditions specified under the definition of
20 other waste material in part 7045.0020. Any waste evaluated and
21 exempted under part 7045.0075 or 7045.0120 does not need to be
22 reevaluated under this part.

23 Subp. 2. [Unchanged.]

24 Subp. 3. Wastes generated by treatment, storage, or
25 disposal. Wastes generated by treatment, storage, or disposal
26 of hazardous waste are as follows:

27 A. Except as provided in items B and C, any waste
28 generated from the treatment, storage, or disposal of hazardous
29 waste, including any sludge, spill residue, ash, emission
30 control dust or leachate, but not including precipitation
31 run-off, is a hazardous waste if it meets the criteria of
32 subpart 2 or if it is derived from a waste that is listed in
33 part 7045.0135.

34 B. Waste pickle liquor sludge generated by lime
35 stabilization of spent pickle liquor from the iron and steel

1 industry, standard industrial classification codes 331 and 332,
2 is not a hazardous waste unless it exhibits one or more
3 characteristics of hazardous waste under part 7045.0131.

4 C. Materials that have been reclaimed from hazardous
5 wastes and from wastes that have been reclaimed that are
6 beneficially used are not hazardous wastes unless the reclaimed
7 material is used in a manner constituting disposal under part
8 7045.0665 or burned for energy recovery under part 7045.0125,
9 subpart 10.

10 7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF
11 HAZARDOUS WASTE.

12 Subpart 1. **Applicability; quantities.** A generator is a
13 small quantity generator subject to the requirements of subparts
14 2 to 6 if, in a calendar month, he generates less than:

15 A. a total of 1,000 kilograms of hazardous waste not
16 listed in part 7045.0135, subpart 4, item E; and

17 B. a total of one kilogram of commercial chemical
18 products and manufacturing chemical intermediates having the
19 generic names listed in part 7045.0135, subpart 4, item E and
20 off-specification commercial chemical products and manufacturing
21 chemical intermediates which, if they met specification, would
22 have the generic names listed in part 7045.0135, subpart 4, item
23 E; and

24 C. a total of 100 kilograms of any residue or
25 contaminated soil, water, or other debris resulting from the
26 cleanup of a spill, into or on any land or water, of any
27 commercial chemical products or manufacturing chemical
28 intermediates having the generic names listed in part 7045.0135,
29 subpart 4, item E, or any residue or contaminated soil, water,
30 or other debris resulting from the cleanup of a spill, into or
31 on any land or water, of any off-specification commercial
32 chemical products or manufacturing chemical intermediates which,
33 if they met specification would have the generic names listed in
34 part 7045.0135, subpart 4, item E.

35 A generator shall not consider the wastes specified under

1 part 7045.0125, subparts 4, 5, and 6 when calculating the volume
2 of waste generated.

3 Subp. 2. to 6. [Unchanged.]

4 7045.0296 ANNUAL REPORTING.

5 Subpart 1. to 4. [Unchanged.]

6 Subp. 5. **Wastes which are recycled.** Generators of wastes
7 that are recycled in accordance with the provisions of part
8 7045.0125 and are exempt from the requirements of parts
9 7045.0261 and 7045.0265 must include the following information
10 in the annual report:

11 A. evidence that the waste was recycled as indicated
12 in the management plan; and

13 B. evidence that a continuing market exists for the
14 waste.

15 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

16 Subpart 1. and 2. [Unchanged.]

17 Subp. 3. **Exemptions.** Parts 7045.0450 to 7045.0544 do not
18 apply to the following:

19 A. the owner or operator of a facility managing
20 recyclable hazardous wastes subject to regulation under part
21 7045.0125, 7045.0665, 7045.0675, or 7045.0685, ~~except to the~~
22 ~~extent that;~~ however, this exemption does not apply where part
23 7045.0125, 7045.0665, 7045.0675, or 7045.0685 ~~apply and~~
24 ~~make makes~~ the requirements of parts 7045.0450 to 7045.0544
25 applicable; by cross-reference.

26 B. to J. [Unchanged.]

27 7045.0542 THERMAL TREATMENT.

28 Subpart 1. **Scope.** This part applies as follows:

29 A. This part applies to owners and operators of
30 facilities that thermally treat hazardous waste, except as part
31 7045.0450 provides otherwise. The following facility owners or
32 operators are considered to thermally treat hazardous waste:
33 owners or operators of hazardous waste incinerators as defined
34 in part 7045.0020; and owners or operators who burn hazardous

1 waste in boilers or in industrial furnaces in order to destroy
2 the waste.

3 B. to F. [Unchanged.]

4 Subp. 2. to 9. [Unchanged.]

5 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

6 Subpart 1. and 2. [Unchanged.]

7 Subp. 3. Exemptions. The requirements of parts 7045.0522
8 to 7045.0642 do not apply to:

9 A. [Unchanged.]

10 B. The owner or operator of a facility managing
11 recyclable hazardous wastes subject to regulation under part
12 7045.0125, 7045.0665, 7045.0675, or 7045.0685~~7~~except to the
13 extent that; however, this exemption does not apply where part
14 7045.0125, 7045.0665, 7045.0675, or 7045.0685 ~~apply~~7and
15 make makes the requirements of parts ~~7045-0450~~ 7045.0522 to
16 ~~7045-0544~~ 7045.0642 applicable by cross-reference.

17 C. to J. [Unchanged.]

18 7045.0640 THERMAL TREATMENT FACILITIES.

19 Subpart 1. Scope. This part applies to owners and
20 operators of facilities that thermally treat hazardous waste,
21 except as part 7045.0552 provides otherwise.

22 The following facility owners or operators are considered
23 to thermally treat hazardous waste: owners or operators of
24 hazardous waste incinerators as defined in part 7045.0020; and
25 owners or operators who burn hazardous wastes in boilers or in
26 industrial furnaces in order to destroy the wastes.

27 Owners and operators of thermal treatment facilities that
28 thermally treat hazardous waste are exempt from all the
29 requirements of this part except subpart 5, if the owner or
30 operator has documented, in writing, that the waste would not
31 reasonably be expected to contain constituents listed in part
32 7045.0141, and the documentation is kept at the facility, and
33 the waste to be treated is:

34 A. to D. [Unchanged.]

35 Subp. 2 to 6. [Unchanged.]

1 7045.0665 USE CONSTITUTING DISPOSAL.

2 Subpart 1. **Scope.** This part applies to hazardous wastes
3 that are used in a manner constituting disposal. For the
4 purposes of this part, use constituting disposal means the
5 application or placement of recyclable wastes in or on the land:

6 A. without mixing with other substances;

7 B. after mixing with any other substances unless the
8 recyclable waste undergoes a chemical reaction so as to become
9 inseparable from the other substances by physical means; or

10 C. after combination with any other substances if the
11 resulting material is not produced for the general public's
12 use. Products produced for the general public's use that are
13 used in a manner constituting disposal and that contain
14 recyclable wastes that have undergone a chemical reaction in the
15 course of producing a product so as to become inseparable by
16 physical means are exempt from regulation under this
17 part. Commercial fertilizers that are produced for the general
18 public's use that contain recyclable materials also are not
19 subject to regulation under this chapter.

20 Subp. 2. **Standards applicable to generators of wastes used**
21 **in a manner that constitutes disposal.** Generators of wastes
22 that are used in a manner that constitutes disposal are subject
23 to the requirements of parts 7045.0205 to 7045.0304.

24 Subp. 3. **Standards applicable to transporters of wastes**
25 **used in a manner that constitutes disposal.** Transporters of
26 wastes that are used in a manner that constitutes disposal are
27 subject to the requirements of parts 7045.0351 to 7045.0397.

28 Subp. 4. **Standards applicable to facilities managing**
29 **wastes that are to be used in a manner that constitutes**
30 **disposal.** Facilities managing wastes in a manner that
31 constitutes disposal are subject to the following requirements:

32 A. owners or operators of facilities that store
33 recyclable wastes that are to be used in a manner that
34 constitutes disposal, but who are not the ultimate users of the
35 wastes are subject to all applicable provisions of parts

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1 7045.0450 to 7045.0534, 7045.0544, 7045.0552 to 7045.0632, and
2 chapter 7001; and

3 B. owners or operators of facilities that use
4 recyclable wastes that are to be used in a manner that
5 constitutes disposal are subject to all applicable provisions of
6 parts 7045.0450 to 7045.0538, 7045.0544, 7045.0552 to 7045.0638,
7 and chapter 7001.

8 7045.0675 RECYCLABLE HAZARDOUS WASTE UTILIZED FOR PRECIOUS METAL
9 RECOVERY.

10 Subpart 1. **Scope.** This part applies to recyclable
11 hazardous waste that is reclaimed to recover economically
12 significant amounts of gold, silver, platinum, palladium,
13 irridium, osmium, rhodium, ruthenium, or any combination of
14 these.

15 Subp. 2. **Requirements for generators.** Generators of
16 recyclable hazardous waste regulated under this part are subject
17 to the requirements of parts 7045.0205 to 7045.0304.

18 Subp. 3. **Requirements for transporters.** Transporters of
19 recyclable hazardous waste regulated under this part are subject
20 to the requirements of parts 7045.0351 to 7045.0397.

21 Subp. 4. **Requirements for persons who store.** Persons who
22 store recyclable hazardous waste that is regulated under this
23 part are subject to the following requirements:

24 A. If the hazardous waste is not being accumulated
25 speculatively as defined in part 7045.0020, the following apply:

26 (1) parts 7045.0556, subpart 2, 7045.0580, and
27 7045.0582;

28 (2) the generator and facility owner or operator
29 must keep records showing: the volume of the hazardous wastes
30 stored at the beginning of the calendar year; the amount of the
31 hazardous wastes generated or received during the calendar year;
32 and the amount of hazardous wastes remaining at the end of the
33 calendar year.

34 B. If the hazardous waste is being accumulated
35 speculatively as defined in part 7045.0020, the recyclable

1 hazardous waste is subject to all applicable requirements of
2 parts 7045.0205 to 7045.0642 and chapter 7001.

3 7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

4 Subpart 1. **Scope.** The requirements of this part apply to
5 persons who generate, transport, collect, store, or reclaim
6 spent lead-acid batteries that are recyclable. Except as
7 provided in subpart 2, persons who generate, transport, or
8 collect spent batteries, or who store spent batteries but do not
9 reclaim them are not subject to regulation under parts 7045.0205
10 to 7045.0685 and chapter 7001 for such generation,
11 transportation, and storage of spent batteries. For the purpose
12 of this part, indoor storage is storage within a permanently
13 constructed building consisting of at least a roof and three
14 walls permanently affixed to a masonry or other composition
15 floor placed on the ground.

16 Subp. 2. **Standards for storage of spent batteries.**

17 Storage of spent batteries by persons who do not reclaim them is
18 subject to the following requirements:

19 A. Storage of batteries indoors shall be on an
20 impermeable curbed surface and provisions shall be made to
21 recontainerize leaking or broken batteries, with regular
22 inspection to assure the integrity of the stored batteries.

23 B. Storage of spent batteries in a manner other than
24 by indoor storage as defined in subpart 1 shall be subject to
25 the following requirements:

26 (1) If the storage does not meet the criteria of
27 speculative accumulation as described in part 7045.0020, the
28 storage is subject to the following requirements: storage shall
29 be on an impermeable curbed surface and provisions shall be made
30 to recontainerize leaking or broken batteries, with regular
31 inspection to assure the integrity of the stored batteries; and
32 the requirements of part 7045.0526, subparts 2 to 6, and 9.

33 (2) If the storage of spent batteries meets the
34 criteria of speculative accumulation as defined in part
35 7045.0020, the storage is subject to the following

1 requirements: parts 7045.0452 to 7045.0456; 7045.0460 to
2 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to
3 7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and
4 the permitting requirements of chapter 7001 for hazardous waste
5 storage facilities.

6 Subp. 3. Standards for owners or operators of facilities
7 that store spent batteries before reclaiming them. The owners
8 or operators of facilities that store batteries before
9 reclaiming them are subject to regulation under parts 7045.0452
10 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534;
11 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578;
12 7045.0584 to 7045.0632; and the permitting requirements of
13 chapter 7001 for hazardous waste storage facilities.

14

15 REPEALER. Minnesota Rules, parts 7045.0020, subpart 69;
16 7045.0125, subpart 2; and 7045.0142 are repealed.