

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Small Quantity Generators

4

5 Rules as Adopted

6 7045.0075 PETITIONS.

7 Subpart 1. to 4. [Unchanged.]

8 Subp. 5. Petition for use of alternate manifest. A person  
9 who meets the criteria in item A may submit a petition to the  
10 director for approval of the use of an alternate manifest system  
11 as described in item B. The criteria the director shall use in  
12 determining whether to approve the use of the alternate manifest  
13 system are provided in item C.

14 A. Only persons meeting the following criteria are  
15 eligible to file a petition under this subpart:

16 (1) the person proposing to use the alternate  
17 manifest system must agree to only use the alternate manifest  
18 for the transportation of waste from small quantity generators;

19 (2) the person proposing to use the alternate  
20 manifest system must agree to only use the alternate manifest  
21 for waste that will be reclaimed under a contractual agreement  
22 specifying the type and frequency of waste shipments; and

23 (3) the person proposing to use the alternate  
24 manifest system must own and operate the recycling facility to  
25 which the waste is proposed to be transported, and must also own  
26 the vehicle to be used in transporting the waste to the  
27 recycling facility and in delivering reclaimed material back to  
28 the generator.

29 B. Upon approval, an alternate manifest system may be  
30 used in lieu of the manifest system described in parts 7045.0261  
31 to 7045.0265. The director shall only approve alternate  
32 manifest systems meeting the following criteria:

33 (1) The alternate manifest system must include a  
34 manifest form to be used by the generator to notify the director  
35 each time waste is transported under this subpart. The manifest

1 form must include: a space for the generator's name, mailing  
2 address, telephone number, and United States Environmental  
3 Protection Agency identification number; a space for the  
4 transporter's name and United States Environmental Protection  
5 Agency identification number; a space for the name, address,  
6 telephone number, and United States Environmental Protection  
7 Agency identification number of the recycling facility; a space  
8 for the United States Department of Transportation shipping  
9 name, hazard class, and identification number of the waste as  
10 specified in the United States Department of Transportation  
11 Code, title 49, parts 171 to 179; a space for the number and  
12 type of containers and total volume of the waste being shipped;  
13 a space for the waste identification number as specified in part  
14 7045.0131, 7045.0135, or 7045.0137; a space for the signature of  
15 the generator or the generator's authorized representative  
16 affirming the correctness of the information; the mailing  
17 address of the director; and a statement advising the generator  
18 to complete the form and submit it to the director within five  
19 working days of transporting waste.

20 (2) The alternate manifest system must provide  
21 for the petitioner's submittal, on a monthly basis, of summaries  
22 of the names and identification numbers of generators who  
23 transported wastes using the alternate manifest and the volume  
24 and number of containers of each waste type shipped by each  
25 generator.

26 (3) The alternate manifest system must allow  
27 generators the option of using the manifest system provided in  
28 parts 7045.0261 and 7045.0265 in lieu of the alternate manifest  
29 system.

30 C. To obtain the director's approval of the alternate  
31 manifest system, the petitioner must:

32 (1) submit information demonstrating that the  
33 petitioner meets the criteria in item A;

34 (2) submit information demonstrating that the  
35 proposed alternate manifest system meets the criteria in item B;  
36 and

1           (3) submit information demonstrating the  
2 effectiveness and reliability of the alternate manifest system,  
3 including the following: information on the waste that will be  
4 managed and the general type of customers who will be using the  
5 alternate manifest system; information on the type of recycling  
6 service provided by the petitioner and a description of the  
7 petitioner's recycling facility; information on the type of  
8 vehicle to be used and the system to be used to pick up and  
9 deliver waste from the generator to the petitioner's recycling  
10 facility; and a discussion of the measures to be taken to  
11 educate generators on the use of the alternate manifest and  
12 their responsibilities as waste generators.

13 7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF  
14 HAZARDOUS WASTE.

15       Subpart 1. [Unchanged.]

16       Subp. 2. **Exemption.** A generator maintaining small  
17 quantity generator status is only required to comply with the  
18 generator requirements of parts 7045.0205 to 7045.0304 as  
19 provided in subpart 5.

20       Subp. 3. **Excessive generation.** Except as provided in item  
21 B, if the quantity of hazardous waste generated in any calendar  
22 month exceeds the quantities listed in subpart 1, the small  
23 quantity generator loses small quantity generator status and  
24 thereafter is subject to all the generator requirements of this  
25 chapter.

26       A. Once small quantity generator status is lost, the  
27 generator shall not regain that status until the generator is  
28 notified in writing by the director that small quantity  
29 generator status has been approved. The director shall only  
30 approve small quantity generator status under this subpart if  
31 the generator can demonstrate to the satisfaction of the  
32 director that the waste quantities that will be generated in the  
33 future will meet the limits established in subpart 1. The  
34 generator shall make this demonstration by submitting a written  
35 statement to the director requesting reclassification as a small

1 quantity generator and including the information necessary for  
2 the director to evaluate the request. The information shall  
3 include an explanation of the circumstances that resulted in  
4 each instance of overgeneration during the past year; an  
5 explanation of the measures that the generator has taken to  
6 correct the cause of overgeneration; and other information as  
7 may be necessary to document that the overgeneration will not  
8 reoccur.

9           B. If the quantity of hazardous waste generated in  
10 any calendar month exceeds the quantities listed in subpart 1  
11 and the cause of the overgeneration is a spill or accidental  
12 release of a hazardous waste not listed as acute hazardous waste  
13 in part 7045.0135, subpart 2, 3, or 4, item E; the shut-down or  
14 cleanup of some part of the generation process; or the  
15 replacement of PCB containing equipment, the small quantity  
16 generator loses small quantity generator status and is subject  
17 to all the generator requirements of this chapter. However, in  
18 any of these cases, a generator will automatically regain small  
19 quantity generator status without applying to the director for  
20 approval if the generator:

21                   (1) resumes generation within the quantity limits  
22 in subpart 1; and

23                   (2) complies with the quantity limits in subpart  
24 1 during the other eleven months of the calendar year.

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

28           C. Wastes accumulated when small quantity generator  
29 status is lost are ineligible for management under part  
30 7045.0219 and must be managed in accordance with the generator  
31 requirements in this chapter, regardless of the cause of the  
32 excessive generation.

33           Subp. 4. **Accumulation on-site.** A small quantity generator  
34 who does not have a permit or interim status may accumulate  
35 hazardous waste on-site under the following conditions: if the  
36 quantity of hazardous waste accumulated at any time exceeds the

1 quantities set forth in item A or B, whichever applies, the  
2 small quantity generator must manage all of the accumulated  
3 waste in accordance with all the generator requirements set  
4 forth in parts 7045.0205 to 7045.0304, excluding this part, but  
5 does not lose the small quantity generator status.

6 A. The following provisions apply to waste not listed  
7 as acute hazardous waste:

8 (1) A small quantity generator who in a calendar  
9 month generates at least 100 kilograms of waste not listed as  
10 acute hazardous waste in part 7045.0135, subpart 2, 3, or 4,  
11 item E may accumulate that waste on-site for 180 days or less if  
12 the quantity of waste accumulated on-site never exceeds 3,000  
13 kilograms and the small quantity generator meets all the  
14 requirements of subpart 5. For purposes of this subitem, the  
15 time period for accumulation begins when the generator begins  
16 accumulation in a container or tank.

17 (2) A small quantity generator who in a calendar  
18 month generates less than 100 kilograms of waste not listed as  
19 acute hazardous waste in part 7045.0135, subpart 2, 3, or 4,  
20 item E may accumulate that waste on-site indefinitely until  
21 1,000 kilograms of waste are accumulated, at which point the  
22 small quantity generator may only store the waste on-site for a  
23 period of 180 days following the date the 1,000 kilogram limit  
24 is reached. A small quantity generator accumulating waste under  
25 this subitem must meet the requirements of subpart 5, except for  
26 subpart 5, item B, subitems (2) to (5).

27 (3) If waste accumulated under item A, subitem  
28 (1) or (2) must be transported 200 miles or more to a facility,  
29 the small quantity generator may store the wastes for an  
30 additional 90 days beyond the established limits. In this  
31 event, the small quantity generator must maintain evidence  
32 on-site that arrangements have been made for the transport of  
33 the waste to the facility and, if requested, show the evidence  
34 to the director.

35 B. The following provisions apply to waste listed as  
36 acute hazardous waste: a small quantity generator who generates

1 waste listed as acute hazardous waste in part 7045.0135, subpart  
2 2, 3, or 4, item E may accumulate that waste on-site  
3 indefinitely until the limit of subpart 1, item B or C is met,  
4 at which point the small quantity generator must manage the  
5 waste on-site in accordance with all the generator requirements  
6 in parts 7045.0205 to 7045.0304, excluding this part. Until  
7 then, a small quantity generator accumulating wastes under this  
8 item must meet the requirements of subpart 5, except for subpart  
9 5, item B, subitems (2) to (5).

10 Subp. 5. Management requirements.

11 A. Small quantity generators shall comply with the  
12 following requirements of this chapter:

13 (1) parts 7045.0214 to 7045.0217;

14 (2) parts 7045.0220 to 7045.0255 except part  
15 7045.0230, subpart 1, item G;

16 (3) parts 7045.0261 to 7045.0290, except that an  
17 alternate manifest system may be used if the director approves  
18 such system under part 7045.0075, subpart 5;

19 (4) part 7045.0292, subpart 1, items C to F and  
20 as applicable, subpart 4;

21 (5) parts 7045.0294 to 7045.0302;

22 (6) parts 7045.0566 and 7045.0568; and

23 (7) parts 7045.0626 and 7045.0628.

24 B. Unless explicitly exempted under subpart 4, all  
25 small quantity generators must also comply with the following  
26 requirements:

27 (1) Small quantity generators shall label all  
28 containers and tanks in a manner generally identifying their  
29 contents to employees and emergency personnel. The labels must  
30 contain an easily understood description of the waste.

31 (2) Small quantity generators shall ensure that  
32 there is available at all times at least one employee  
33 responsible for coordinating all emergency response measures  
34 provided in subitem (5). This employee, identified as the  
35 emergency coordinator, must be either on the generator's  
36 premises or available to respond to an emergency by reaching the

1 premises within a short period of time.

2 (3) Small quantity generators shall post the  
3 following information next to the telephone on the premises:  
4 the name and telephone number of the emergency coordinator; the  
5 location of fire extinguishers and spill control material, and,  
6 if present, the fire alarm; and the telephone number of the fire  
7 department, unless there is a direct alarm.

8 (4) Small quantity generators must ensure and  
9 document that all employees are thoroughly familiar with proper  
10 waste handling and emergency procedures relevant to their  
11 responsibilities during normal facility operations and  
12 emergencies.

13 (5) The emergency coordinator or a designee must  
14 respond to any emergencies that arise. Appropriate responses  
15 include: in the event of a fire, call the fire department or  
16 try to extinguish the fire by using a fire extinguisher; in the  
17 event of a spill, contain the flow of hazardous waste to the  
18 extent possible and as soon as practicable, clean up the  
19 hazardous waste and any contaminated materials or soils; in the  
20 event of a fire, explosion, or other release that could threaten  
21 human health outside the premises or when the generator has  
22 knowledge that a spill has reached surface water, the generator  
23 must immediately comply with part 7045.0275, subparts 2 and 3  
24 and notify the National Response Center using their 24-hour  
25 toll-free number (800) 424-8802 and provide the name, address,  
26 identification number of the generator, date, time, type of  
27 incident, and the estimated quantity and disposition of any  
28 recovered materials.

29 (6) If waste generated by a small quantity  
30 generator is transported using an alternate manifest for waste  
31 transport as provided in part 7045.0075, subpart 5, the small  
32 quantity generator shall maintain a copy of the reclamation and  
33 transport agreement during the term of the agreement and for a  
34 period of at least three years after termination or expiration  
35 of the agreement.

36 (7) For each shipment of waste using an alternate

1 manifest for waste transport as provided in part 7045.0075,  
2 subpart 5, the small quantity generator shall submit a completed  
3 copy of that alternate manifest to the director within five  
4 working days of the transporter's acceptance of the waste  
5 shipment.

6 (8) The small quantity generator shall either  
7 treat or dispose of the hazardous waste in an on-site facility  
8 or ensure delivery to an off-site storage, treatment, or  
9 disposal facility. The facility used must be: permitted to  
10 accept hazardous waste under the agency's permitting procedures;  
11 or in interim status under parts 7045.0552 to 7045.0642; or  
12 authorized to manage hazardous waste by the Environmental  
13 Protection Agency or by a state with a hazardous waste  
14 management program authorized by the Environmental Protection  
15 Agency; or a facility which in accordance with part 7045.0125  
16 beneficially uses or reuses, or legitimately recycles, or  
17 reclaims the waste or treats the waste prior to beneficial use  
18 or reuse, or legitimate recycling or reclamation.

19 C. A contingency plan meeting the requirements of  
20 part 7045.0466 may be used to fulfill the requirements of item  
21 B, subitems (2) to (5).

22 Subp. 6. [Unchanged.]

23 7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

24 Subpart 1. [Unchanged.]

25 Subp. 2. **Designation of facility.** A generator must  
26 designate on the manifest either one facility which is permitted  
27 to handle the waste described on the manifest or one facility  
28 which in accordance with part 7045.0125 beneficially uses or  
29 reuses, or legitimately recycles, or reclaims the waste or  
30 treats the waste before beneficial use or reuse, or legitimate  
31 recycling or reclamation.

32 Subp. 3. to 10. [Unchanged.]

33 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

34 Subpart 1. **When allowed without a permit.** A generator may  
35 accumulate hazardous waste on-site without a permit or without



1 having interim status if:

2           A. to H. [Unchanged.]

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

4 7045.0381 USE OF MANIFEST.

5           Subpart 1. to 4. [Unchanged.]

6           Subp. 5. Use of an alternate manifest. Transporters who  
7 transport hazardous waste accompanied by an alternate manifest  
8 as provided in part 7045.0075, subpart 5 must:

9           A. for each shipment, record on a log or shipping  
10 paper the name, address, and United States Environmental  
11 Protection Agency identification number of the waste generator,  
12 the quantity of waste accepted, all United States Department of  
13 Transportation shipping information, and the date the waste was  
14 accepted;

15           B. carry the information required in item A when  
16 transporting waste to the reclamation facility; and

17           C. maintain a copy of the information required in  
18 item A and the reclamation agreement during the term of the  
19 agreement and for three years after termination or expiration of  
20 the agreement.