

1 Department of Transportation

2

3 Adopted Permanent Rules Relating to Licensing of Hazardous Waste

4 Transporters

5

6 Rules as Adopted

7 8870.0100 DEFINITIONS.

8 Subpart 1. Scope. The terms used in this chapter have the  
9 meanings given them in this part.

10 Subp. 2. Commissioner. "Commissioner" means the  
11 commissioner of transportation.

12 Subp. 3. Department. "Department" means the Department of  
13 Transportation.

14 Subp. 4. Hazardous waste. "Hazardous waste" means waste  
15 considered hazardous under Minnesota Statutes, section 116.06,  
16 subdivision 13.

17 Subp. 5. Person. "Person" has the meaning given it in  
18 Minnesota Statutes, section 221.011, subdivision 6.

19 Subp. 6. Trailer. "Trailer" includes a semitrailer and  
20 any other cargo-carrying unit.

21 Subp. 7. Transport. "Transport" means to move hazardous  
22 waste by motor vehicle over a public highway.

23 Subp. 8. Vehicle. "Vehicle" has the meaning given it in  
24 Minnesota Statutes, section 221.011, subdivision 3.

25 8870.0200 SCOPE.

26 Subpart 1. License required. Parts 8870.0100 to 8870.1100  
27 apply to the transportation of hazardous waste on a public  
28 highway. Except as provided in subpart 2, no person shall  
29 transport a hazardous waste without a license.

30 Subpart 2. Exceptions. The following hazardous wastes may  
31 be transported without a hazardous waste transporter license:

32 A. exempt wastes described in part 7045.0120;

33 B. farm pesticide wastes exempt under parts 7045.0213  
34 and 7045.0304 that are disposed of in a manner consistent with  
35 the disposal instructions on the pesticide label;

1 C. wastes identified under part 7045.0131, subpart 6,  
2 items A and B, and exempted under part 7045.0133;

3 D. industrial ethyl alcohol that is reclaimed;

4 E. used batteries returned to a manufacturer for  
5 regeneration;

6 F. scrap metal that exhibits a hazardous  
7 characteristic but is being recycled;

8 G. used oil that does not contain a waste listed  
9 under part 7045.0135, and ~~that does not exhibit a hazardous~~  
10 ~~characteristic described in part 7045.0131~~, that is to be  
11 recycled; and

12 H. spent lead-acid batteries that are being reclaimed.

13 8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

14 Subpart 1. **Application procedure.** An applicant for a  
15 license shall submit to the commissioner:

16 A. the information described in this part;

17 B. the fees described in Laws of Minnesota 1987,  
18 chapter 393, article 1, section 1, subdivision 1, paragraph (b);  
19 and

20 C. an insurance certificate under Minnesota Statutes,  
21 section 221.141.

22 Subp. 2. **Information required.** The applicant shall submit  
23 the following information on a form prescribed by the  
24 commissioner:

25 A. the applicant's name, including an assumed or  
26 fictitious name used by the applicant in doing business;

27 B. the location from which applicant's transportation  
28 business is conducted;

29 C. the addresses of applicant's Minnesota terminals,  
30 if any;

31 D. the address of applicant's principal place of  
32 business;

33 E. the state where applicant's business is  
34 incorporated;

35 F. the applicant's mailing address;

1 G. if the applicant is a foreign corporation  
2 authorized to transact business in Minnesota, the name and  
3 address of its registered agent ~~for-service-of-process, if any;~~

4 H. the names of corporate officers, general partners,  
5 associates, or other owners of applicant's business;

6 I. the name and phone number of a person who can  
7 answer questions about the applicant's transportation business;

8 J. the Environmental Protection Agency identification  
9 number of the applicant;

10 K. the Interstate Commerce Commission MC number of  
11 the applicant, if any;

12 L. the intrastate permit or certificate number of the  
13 applicant, if any;

14 M. whether the applicant's business is a corporation,  
15 partnership, association, or sole proprietorship;

16 N. whether the transporter is also a generator,  
17 recycler, or a treatment, storage, or disposal facility as  
18 defined in chapter 7045, or a combination of them;

19 O. other states in which the applicant has authority  
20 to transport hazardous wastes; and

21 P. a description of any conviction, plea of guilty,  
22 or payment of a civil or criminal fine for violating a law,  
23 ordinance, or regulation related to transporting hazardous waste.

24 Subp. 3. Fee. The license fee is \$500.

25 Subp. 4. Insurance requirements. The applicant shall file  
26 a certificate of insurance with the commissioner. This  
27 certificate must state that the applicant's policy meets federal  
28 public liability requirements prescribed in Code of Federal  
29 Regulations, title 49, part 387.

30 8870.0400 HAZARDOUS WASTE TRANSPORTER LICENSE.

31 Subpart 1. Issuance of license. The commissioner shall  
32 issue a license to an applicant who meets the requirements of  
33 part 8870.0300. The license must be numbered and bear an  
34 effective date.

35 Subp. 2. Maintenance of license. The license must be

1 maintained at the licensee's principal place of business and,  
2 upon request, must be available for inspection by the  
3 commissioner or law enforcement officer.

4 Subp. 3. Duration. The license expires three years from  
5 its effective date.

6 Subp. 4. Transferability. A license may not be  
7 transferred to another person.

8 Subp. 5. Records. The commissioner shall keep a record of  
9 each hazardous waste transporter license issued.

10 8870.0500 VEHICLE IDENTIFICATION DECAL REQUIRED.

11 A single-unit vehicle and each trailer used to transport  
12 hazardous waste must bear one valid and readily legible decal.  
13 The decal must be kept clean and legible.

14 8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

15 Subpart 1. Information required. An applicant for a decal  
16 shall submit the following information on a form prescribed by  
17 the commissioner:

18 A. the applicant's name, including an assumed or  
19 fictitious name used by the applicant in doing business, mailing  
20 address, and telephone number;

21 B. the applicant's Minnesota hazardous waste  
22 transporter license number;

23 C. the name, address, and telephone number of a  
24 person who can answer questions about the applicant's  
25 transportation business;

26 D. if the licensee does not own the vehicle, the name  
27 and address of the owner;

28 E. the state and license plate number of vehicle  
29 registration;

30 F. the vehicle identification number;

31 G. the vehicle year and make; and

32 H. a description of the type of vehicle or vehicle  
33 combination.

34 Subp. 2. Fees. An applicant shall pay a fee of \$25 for  
35 each decal.

1 8870.0700 VEHICLE IDENTIFICATION DECAL.

2 Subpart 1. Issuance. The commissioner shall issue a  
3 vehicle identification decal for each vehicle for which vehicle  
4 identification information is provided in an application.

5 Subp. 2. Description. Vehicle identification decals must  
6 ~~be serially-numbered-and~~ bear an identifying number and the  
7 month and year of expiration and the words "hazardous waste  
8 transporter."

9 Subp. 3. Placement. The decal must be affixed on the side  
10 of the vehicle opposite the driver and within three feet of the  
11 front of each trailer or the cargo part of the single-unit  
12 vehicle.

13 Subp. 4. Duration. The decal expires one year from the  
14 effective date of the decal or upon expiration of the person's  
15 hazardous waste transporter license, whichever occurs first.

16 Subp. 5. Transferability. A vehicle identification decal  
17 may not be transferred to another vehicle.

18 Subp. 6. Department record. The commissioner shall keep a  
19 record of each vehicle identification decal issued.

20 8870.0800 ACKNOWLEDGMENT.

21 Subpart 1. Signature required. An application for a  
22 hazardous waste transporter license or for a vehicle  
23 identification decal must be signed by a corporate officer,  
24 general partner, or sole proprietor. An application may not be  
25 signed by an agent or attorney.

26 Subp. 2. Certification. An applicant for a hazardous  
27 waste transporter license or vehicle identification decal shall  
28 sign the following statement: "I understand that the  
29 transportation of hazardous waste under the license or decal for  
30 which I am applying is subject to the Hazardous Waste  
31 Transporter License Law, Laws of Minnesota 1987, chapter 393,  
32 article 1; Minnesota Statutes, section 221.033; the federal  
33 motor carrier safety regulations; and the Minnesota Pollution  
34 Control Agency rules applicable to hazardous waste  
35 transportation. I understand and agree to comply with those

1 laws, rules, and regulations."

2 Subp. 3. **Statement of truth and accuracy.** An applicant  
3 for a hazardous waste transporter license or vehicle  
4 identification decal shall sign the following statement: "The  
5 above information is, to the best of my knowledge, complete,  
6 truthful, and accurate."

7 Subp. 4. **Signature notarized.** The signatures of corporate  
8 officers and general partners must be notarized.

9 8870.0900 TRAINING.

10 Subpart 1. **Requirement.** The applicant or licensee shall  
11 instruct employees about the regulations in Code of Federal  
12 Regulations, title 49, parts 170 to 179.

13 Subp. 2. **Certification.** The applicant or licensee must  
14 sign the following statement: "I have complied with the  
15 requirement of Code of Federal Regulations, title 49, section  
16 177.800, and have instructed my employees about the regulations  
17 in Code of Federal Regulations, title 49, parts 170 to 179."

18 8870.1000 REPORTING REQUIREMENTS.

19 Subpart 1. **Information change.** The licensee shall report  
20 to the commissioner within ten days any change in the following  
21 information:

- 22 A. the licensee's name, including an assumed or  
23 fictitious name used by the applicant in doing business;  
24 B. the licensee's physical business location;  
25 C. the licensee's mailing address; or  
26 D. the name and telephone number of a person who can  
27 answer questions about the applicant's transportation business.

28 Subp. 2. **Accident report.** Within 30 days after the  
29 occurrence, the licensee shall report to the commissioner, on a  
30 form prescribed by the commissioner, an accident involving a  
31 vehicle transporting hazardous waste that results in:

- 32 A. the death of a human being;  
33 B. bodily injury to a person who, as a result of the  
34 injury, immediately receives medical treatment away from the  
35 scene of the accident; or

1 C. total damage to all property aggregating \$4,400 or  
2 more based on actual costs or reliable estimates.

3 Subp. 3. **Exceptions.** An accident does not include:

4 A. an occurrence involving only entering and leaving  
5 a stationary motor vehicle; and

6 B. an occurrence involving only the loading or  
7 unloading of cargo.

8 Subp. 4. **Report of hazardous waste incident.** A licensee  
9 must report hazardous waste incidents as required by Minnesota  
10 Statutes, section 221.034, and Code of Federal Regulations,  
11 title 49, sections 171.15 and 171.16.

12 Subp. 5. **Grounds for suspension, revocation.** Failure to  
13 comply with the requirements in this part is grounds for  
14 suspension or revocation of a license.

15 8870.1100 RENEWAL PROCEDURE.

16 Renewal applications must be made according to the  
17 procedure described in part 8870.0300 for new applications.