

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Exports and Lists

4

5 Rules as Adopted

6 7045.0020 DEFINITIONS.

7 Subpart 1. to 10. [Unchanged.]

8 Subp. 10a. **Consignee.** "Consignee" means the ultimate
9 treatment, storage, or disposal facility in a receiving country
10 to which the hazardous waste will be sent.

11 Subp. 11. to 21. [Unchanged.]

12 Subp. 21a. **EPA Acknowledgment of Consent.** "EPA
13 Acknowledgment of Consent" means the cable sent to EPA from the
14 United States Embassy in a receiving country that acknowledges
15 the written consent of the receiving country to accept the
16 hazardous waste and describes the terms and conditions of the
17 receiving country's consent to the shipment.

18 Subp. 22. to 72. [Unchanged.]

19 Subp. 72a. **Primary exporter.** "Primary exporter" means any
20 person who is required to originate the manifest for a shipment
21 of hazardous waste in accordance with Code of Federal
22 Regulations, title 40, part 262, subpart B, or equivalent state
23 provision, that specifies a treatment, storage, or disposal
24 facility in a receiving country as the facility to which the
25 hazardous waste will be sent and any intermediary arranging for
26 the export.

27 Subp. 73. [Unchanged.]

28 Subp. 73a. **Receiving country.** "Receiving country" means a
29 foreign country to which a hazardous waste is sent for the
30 purpose of treatment, storage, or disposal, except short-term
31 storage incidental to transportation.

32 Subp. 73b. **Reclamation.** "Reclamation" means the
33 processing or regeneration of a waste to recover a useable
34 product. Examples are the recovery of lead values from spent
35 batteries and regeneration of spent solvents.

1 Subp. 73c. **Recycle.** "Recycle" means the reclamation,
2 reuse, or use of a hazardous waste.

3 Subp. 74. to 93. [Unchanged.]

4 Subp. 93a. **Transit country.** "Transit country" means any
5 foreign country, other than a receiving country, through which a
6 hazardous waste is transported.

7 Subp. 94. to 108. [Unchanged.]

8 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND
9 RECLAMATION.

10 Subpart 1. and 3. [Unchanged.]

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

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

17 Subp. 5. to 11. [Unchanged.]

18 Subp. 12. **Export of industrial ethyl alcohol.**

19 A. Unless provided otherwise in an international
20 agreement as authorized by Code of Federal Regulations, title
21 40, part 262.58, a person initiating a shipment of industrial
22 ethyl alcohol for reclamation in a foreign country, and any
23 intermediary arranging for the shipment, must: (1) comply with
24 the requirements applicable to a primary exporter in part
25 7045.0302, subpart 2; subpart 6, items A to D and F; and subpart
26 7; (2) export industrial ethyl alcohol for reclamation only upon
27 consent of the receiving country and in conformance with the EPA
28 Acknowledgment of Consent as specified in part 7045.0302; and
29 (3) provide a copy of the EPA Acknowledgment of Consent to the
30 transporter transporting the shipment for export.

31 B. Transporters transporting a shipment for export
32 may not accept a shipment if the shipment does not conform to
33 the EPA Acknowledgment of Consent, and must ensure that a copy
34 of the EPA Acknowledgment of Consent accompanies the shipment
35 and that the shipment is delivered to the designated facility.

1 7045.0135 LISTS OF HAZARDOUS WASTES.

2 Subpart 1. and 2. [Unchanged.]

3 Subp. 3. Hazardous waste from specific sources. Hazardous
4 wastes from specific sources are listed with the industry and
5 hazardous waste number and hazard code in items A to L.

6 A. to D. [Unchanged.]

7 E. Pesticides:

8 (1) to (14) [Unchanged.]

9 (15) K043, 2,6-Dichlorophenol waste from the
10 production of 2,4-D: (T);11 (16) K099, untreated wastewater from the
12 production of 2,4-D: (T);13 (17) K123, process wastewater (including
14 supernates, filtrates, and washwaters) from the production of
15 ethylenebisdithiocarbamic acid and its salts: (T);16 (18) K124, reactor vent scrubber water from the
17 production of ethylenebisdithiocarbamic acid and its salts:
18 (C,T);19 (19) K125, filtration, evaporation, and
20 centrifugation solids from the production of
21 ethylenebisdithiocarbamic acid and its salts: (T); and22 (20) K126, bag house dust and floor sweepings in
23 milling and packaging operations from the production or
24 formulation of ethylenebisdithiocarbamic acid and its salts:
25 (T).

26 F. to L. [Unchanged.]

27 Subp. 4. and 5. [Unchanged.]

28 7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

29 Subpart 1. [Unchanged.]

30 Subp. 2. Constituents. The constituents which are the
31 basis for listing the wastes identified in part 7045.0135,
32 subparts 2 and 3 are listed in items A and B.

33 A. [Unchanged.]

34 B. Constituents of wastes identified in part
35 7045.0135, subpart 3 are listed in subitems (1) to (89).

- 1 (1) to (83) [Unchanged.]
2 (84) K118: Ethylene dibromide;
3 (85) K123: Ethylene thiourea;
4 (86) K124: Ethylene thiourea;
5 (87) K125: Ethylene thiourea;
6 (88) K126: Ethylene thiourea; and
7 (89) K136: Ethylene dibromide.

8 7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF
9 HAZARDOUS WASTE.

10 Subpart 1. to 4. [Unchanged.]

11 Subp. 5. **Management requirements.**

12 A. [Unchanged.]

13 B. Unless explicitly exempted under subpart 4, all
14 small quantity generators must also comply with the following
15 requirements:

16 (1) to (7) [Unchanged.]

17 (8) The small quantity generator shall either
18 treat or dispose of the hazardous waste in an on-site facility
19 or ensure delivery to an off-site storage, treatment, or
20 disposal facility. If located in the United States, the
21 facility used must be: permitted to accept hazardous waste
22 under the agency's permitting procedures; or in interim status
23 under parts 7045.0552 to 7045.0642; or authorized to manage
24 hazardous waste by the Environmental Protection Agency or by a
25 state with a hazardous waste management program authorized by
26 the Environmental Protection Agency; or a facility which under
27 part 7045.0125 beneficially uses or reuses, or legitimately
28 recycles, or reclaims the waste or treats the waste before
29 beneficial use or reuse, or legitimate recycling or reclamation.

30 C. [Unchanged.]

31 Subp. 6. [Unchanged.]

32 7045.0296 ANNUAL REPORTING.

33 Subpart 1. **Generators who ship wastes.** A generator who
34 ships hazardous waste off site to a treatment, storage, or
35 disposal facility within the United States must submit annual

1 reports to the director on the forms provided no later than
2 March 1 for the preceding calendar year.

3 Subp. 2. Required information. The annual report must
4 contain the following information related for each hazardous
5 waste or wastes produced during the preceding calendar year:

6 A. the generator's name, address, and identification
7 number;

8 B. the calendar year covered by the report;

9 C. the name of the hazardous waste or wastes, the
10 hazardous waste number or numbers, and the United States
11 Department of Transportation hazard class;

12 D. the amount of each hazardous waste produced and
13 shipped off site to a facility within the United States;

14 E. the names and identification numbers of the
15 transporters used to transport shipments to facilities within
16 the United States;

17 F. the names and addresses of the hazardous waste
18 facilities used in the United States, their identification
19 numbers, the method of treatment or disposal, or both, and, as
20 applicable:

21 (1) the numbers of the hazardous waste facility
22 permits issued by the agency for those facilities located in
23 Minnesota;

24 (2) the addresses of those facilities located
25 outside Minnesota;

26 (3) the name of the wastewater treatment works to
27 which a sewer hazardous waste was discharged; and

28 (4) the national pollution discharge elimination
29 system or state disposal permit number for discharge to land and
30 waters of the state;

31 G. a description of the efforts undertaken during the
32 year to reduce the volume and toxicity of waste generated;

33 H. a description of the changes in volume and
34 toxicity of waste actually achieved during the year in
35 comparison to previous years to the extent the information is
36 available before 1984; and

1 I. the certification signed by the generator or
2 authorized representative.

3 Subp. 3. **Generators who do not ship wastes.** Any generator
4 who treats, stores, or disposes of hazardous waste on-site must
5 submit an annual report covering those wastes in accordance with
6 parts 7045.0450 to 7045.0642.

7 Subp. 4. **Generators who export waste.** Reporting for
8 exports of hazardous waste is not required under this part.
9 Export reporting requirements are set out in part 7045.0302,
10 subpart 6.

11 Subp. 5. **Approval of annual reports.** Annual reports shall
12 be subject to the director's procedures and approval under part
13 7045.0245.

14 Subp. 6. **Wastes which are recycled.** Generators of wastes
15 that are recycled in accordance with the provisions of part
16 7045.0125 and are exempt from the requirements of parts
17 7045.0261 and 7045.0265 must include the following information
18 in the annual report:

19 A. evidence that the waste was recycled as indicated
20 in the management plan; and

21 B. evidence that a continuing market exists for the
22 waste.

23 7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.

24 Subpart 1. **General requirement.** Any person who exports
25 hazardous waste to a foreign country from Minnesota or imports
26 hazardous waste from a foreign country into Minnesota must
27 comply with the special requirements of subparts 2 to 7.

28 Exports of hazardous waste are prohibited except in
29 compliance with the applicable requirements of this part and
30 parts 7045.0351 to 7045.0397. Exports of hazardous waste are
31 prohibited unless:

32 A. notification in accordance with subpart 2 has been
33 provided;

34 B. the receiving country has consented to accept the
35 hazardous waste;

1 C. a copy of the EPA Acknowledgment of Consent to the
2 shipment accompanies the hazardous waste shipment and, unless
3 exported by rail, is attached to the manifest, or for bulk
4 shipment exports by water to the shipping paper; and

5 D. the hazardous waste shipment conforms to the terms
6 of the receiving country's written consent as reflected in the
7 EPA Acknowledgment of Consent.

8 Subp. 2. Notification. When shipping hazardous waste
9 outside the state of Minnesota to a foreign country the primary
10 exporter must notify the director and the EPA of an intended
11 export before the waste is scheduled to leave the United
12 States. A complete notification should be submitted 60 days
13 before the initial shipment is intended to be shipped off site.
14 This notification may cover export activities extending over a
15 12-month or lesser period. The notification must be in writing,
16 signed by the primary exporter, and include the following
17 information:

18 A. name, mailing address, telephone number, and EPA
19 identification number of the primary exporter; and

20 B. by consignee, for each hazardous waste type:

21 (1) a description of the hazardous waste and the
22 EPA hazardous waste number (from Code of Federal Regulations,
23 title 40, part 261, subpart C or D), United States Department of
24 Transportation proper shipping name, hazard class, and
25 identification number (UN/NA) for each hazardous waste as
26 identified in Code of Federal Regulations, title 49, parts 171
27 to 177;

28 (2) the estimated frequency or rate at which the
29 waste is to be exported and the period over which the waste is
30 to be exported;

31 (3) the estimated total quantity of the hazardous
32 waste in units as specified in the instructions to the Uniform
33 Hazardous Waste Manifest Form (8700-22);

34 (4) all points of entry to and departure from
35 each foreign country through which the hazardous waste will pass;

36 (5) a description of the means by which each

1 shipment of the hazardous waste will be transported, such as by
2 air, highway, rail, water, etc., and the types of container to
3 be used, such as drums, boxes, or tanks;

4 (6) a description of how the hazardous waste will
5 be treated, stored, or disposed of in the receiving country,
6 such as land or ocean incineration, other land disposal, ocean
7 dumping, or recycling;

8 (7) the name and site address of the consignee
9 and any alternate consignee;

10 (8) the name of any transit countries through
11 which the hazardous waste will be sent and a description of the
12 approximate length of time the hazardous waste will remain in
13 those countries and the nature of its handling while there; and

14 (9) upon request by the EPA, a primary exporter
15 shall furnish to the EPA and the director any additional
16 information which a receiving country requests in order to
17 respond to a notification.

18 The notification shall be sent to the director at 520
19 Lafayette Road, Saint Paul, Minnesota ~~55115~~ 55155, and to the
20 Office of International Activities (A-106), EPA, 401 M Street,
21 S.W., Washington, DC 20460, with the phrase "Attention:
22 Notification to Export" prominently displayed on the front of
23 the envelope.

24 The primary exporter must provide the director and the EPA
25 with written renotification of any changes to the notification,
26 except for changes to the telephone number, decreases in the
27 quantity indicated in subitem (3), and changes in the means of
28 transport in subitem (5). The waste shall not be shipped until
29 the primary exporter receives an EPA Acknowledgment of Consent
30 reflecting the receiving country's consent to the changes.

31 Subp. 3. **Exception report.** A ~~generator~~ primary exporter
32 must file an exception report with the EPA and the director at
33 the addresses listed in subpart 2, item B if:

34 A. the ~~generator~~ primary exporter has not received a
35 copy of the manifest signed by the transporter stating the date
36 and place of departure from Minnesota within 45 days from the

1 date it was accepted by the initial transporter;

2 B. within 90 days from the date the waste was
3 accepted by the initial transporter, the primary exporter has
4 not received written confirmation from the consignee that the
5 hazardous waste was received; or

6 C. the waste is returned to the United States.

7 Subp. 4. **Importers manifest requirements.** When importing
8 hazardous waste, a person must use a Minnesota manifest and meet
9 all requirements of parts 7045.0261 and 7045.0265 for the
10 manifest except that:

11 A. and B. [Unchanged.]

12 Subp. 5. **Exporters manifest requirements.** When exporting
13 hazardous waste, a primary exporter must use a Minnesota
14 manifest and comply with parts 7045.0351 to 7045.0397, except
15 that:

16 A. In lieu of the name, site address, and the EPA
17 identification number of the designated permitted facility, the
18 primary exporter must enter the name and site address of the
19 consignee.

20 B. In lieu of the name, site address, and the EPA
21 identification number of a permitted alternate facility, the
22 primary exporter may enter the name and site address of any
23 alternate consignee.

24 C. In special handling instructions and additional
25 information, the primary exporter must identify the point of
26 departure from the United States.

27 D. The following statement must be added to the end
28 of the first sentence of the certification, Uniform Hazardous
29 Waste Manifest Form, item 16: "and conforms to the terms of the
30 attached EPA Acknowledgment of Consent."

31 E. The primary exporter must require the consignee to
32 confirm in writing the delivery of the hazardous waste to that
33 facility and to describe any significant discrepancies, as
34 described in part 7045.0476, between the manifest and the
35 shipment. A copy of the manifest signed by the facility may be
36 used to confirm delivery of the hazardous waste.

1 F. In lieu of the requirements of part 7045.0261,
2 subpart 4, where a shipment cannot be delivered for any reason
3 to the designated or alternate consignee, the primary exporter
4 must:

5 (1) renotify the EPA and the director of a change
6 in the conditions of the original notification to allow shipment
7 to a new consignee in accordance with subpart 2 and obtain an
8 EPA Acknowledgment of Consent before delivery; or

9 (2) instruct the transporter to return the waste
10 to the primary exporter in the United States or designate
11 another facility within the United States; and

12 (3) instruct the transporter to revise the
13 manifest in accordance with the primary exporter's instructions.

14 G. The primary exporter must attach a copy of the EPA
15 Acknowledgment of Consent for the shipment to the manifest which
16 must accompany the hazardous waste shipment. For exports by
17 rail or bulk shipments by water, the primary exporter must
18 provide the transporter with an EPA Acknowledgment of Consent
19 which must accompany the hazardous waste but which need not be
20 attached to the manifest except that for bulk shipment exports
21 by water, the primary exporter must attach the copy of the EPA
22 Acknowledgment of Consent to the shipping paper.

23 H. The primary exporter shall provide the transporter
24 with an additional copy of the manifest for delivery to the
25 United States Customs official at the point the hazardous waste
26 leaves the United States under part 7045.0381, subpart 4, item D.

27 Subp. 6. **Annual reports.** Primary exporters of hazardous
28 waste identified or listed under this chapter shall file with
29 the director and the EPA no later than March 1 of each year, a
30 report summarizing the types, quantities, frequency, and
31 ultimate destination of all hazardous waste exported during the
32 previous calendar year. The reports shall include the following:

33 A. the EPA identification number, name, and mailing
34 and site address of the exporter;

35 B. the calendar year covered by the report;

36 C. the name and site address of each consignee;

1 D. by consignee, for each hazardous waste exported, a
 2 description of the hazardous waste, the EPA hazardous waste
 3 number (from Code of Federal Regulations, title 40, part 261,
 4 subpart C or D), the Department of Transportation hazard class,
 5 the name and United States EPA identification number, where
 6 applicable, for each transporter used, the total amount of waste
 7 shipped, and number of shipments pursuant to each notification;

8 E. a description of the efforts undertaken during the
 9 year to reduce the volume and toxicity of waste generated and a
 10 description of the changes in volume and toxicity of waste
 11 actually achieved during the year in comparison to previous
 12 years to the extent the information is available for years
 13 before 1984; and

14 F. a certification signed by the primary exporter
 15 which states:

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

25 Reports shall be sent to the director at 520 Lafayette Road,
 26 Saint Paul, Minnesota 55155, and to the Office of International
 27 Activities (A-106), Environmental Protection Agency, 401 M
 28 Street S.W., Washington, DC 20460.

29 Subp. 7. Recordkeeping. For all exports, a primary
 30 exporter must:

31 A. keep a copy of each notification of intent to
 32 export for a period of at least three years from the date the
 33 hazardous waste was accepted by the initial transporter;

34 B. keep a copy of each EPA Acknowledgment of Consent
 35 for a period of at least three years from the date the hazardous
 36 waste was accepted by the initial transporter;

37 C. keep a copy of each confirmation of delivery of
 38 the hazardous waste from the consignee for at least three years
 39 from the date the hazardous waste was accepted by the initial
 40 transporter; and

1 D. keep a copy of each annual report for a period of
2 at least three years from the due date of the report.

3 The periods of retention referred to in this part are
4 extended automatically during any unresolved enforcement action
5 regarding the regulated activity or at the request of the
6 director.

7 7045.0375 THE MANIFEST SYSTEM; GENERAL REQUIREMENTS.

8 Subpart 1. **Acceptance of shipment.** A transporter may not
9 accept hazardous waste from a generator unless it is accompanied
10 by a manifest signed by the generator according to parts
11 7045.0205 to 7045.0304. In the case of exports, a transporter
12 may not accept waste:

13 A. if the shipment does not conform to the EPA
14 Acknowledgment of Consent; and

15 B. unless in addition to a signed manifest, the waste
16 is also accompanied by an EPA Acknowledgment of Consent that,
17 except for shipment by rail, is attached to the manifest or for
18 bulk shipment exports by water to the shipping paper.

19 Subp. 2. [Unchanged.]

20 Subp. 3. **Manifest with shipment.** The transporter must
21 ensure that the manifest accompanies the hazardous waste
22 shipment and is maintained in an accessible location during
23 transportation if required by part 7045.0381. In the case of
24 exports, the transporter must ensure that a copy of the EPA
25 Acknowledgment of Consent also accompanies the hazardous waste.

26 7045.0381 USE OF MANIFEST.

27 Subpart 1. [Unchanged.]

28 Subp. 2. **Delivery of bulk shipments by water.** The
29 requirements of subpart 1 do not apply to bulk shipments by
30 water if:

31 A. [Unchanged.]

32 B. a shipping paper containing all the information
33 required on the manifest, excluding the identification numbers,
34 generator certification, and signatures, and, for exports, an
35 EPA Acknowledgment of Consent accompanies the hazardous waste;

1 C. to E. [Unchanged.]

2 Subp. 3. Delivery of shipments by rail. The requirements
3 of subparts 1 and 2 do not apply to shipments by rail and the
4 requirements of items A to F do apply.

5 A. [Unchanged.]

6 B. Rail transporters must ensure that a shipping
7 paper containing all the information required on the manifest
8 excluding the identification numbers, generator certification,
9 and signatures and, for exports, an EPA Acknowledgment of
10 Consent accompanies the hazardous waste at all times.

11 C. to F. [Unchanged.]

12 Subp. 4. Transportation to foreign country from Minnesota.
13 Transporters who transport hazardous waste to a foreign country
14 from Minnesota must:

15 A. [Unchanged.]

16 B. sign the manifest and retain one copy according to
17 part 7045.0391;

18 C. return a signed copy of the manifest to the
19 generator; and

20 D. give a copy of the manifest to a United States
21 Customs official at the point of departure from the United
22 States.