

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Hazardous Waste; Land

4 Disposal Restrictions

5

6 Rules as Adopted

7 7001.0150 TERMS AND CONDITIONS OF PERMITS.

8 Subpart 1. [Unchanged.]

9 Subp. 2. Special conditions. Each draft and final permit
10 must contain conditions necessary for the permittee to achieve
11 compliance with applicable Minnesota or federal statutes or
12 rules, including each of the applicable requirements in parts
13 7045.0450 to 7045.0642 and 7045.1300 to 7045.1380, and any
14 conditions that the agency determines to be necessary to protect
15 human health and the environment. If applicable to the
16 circumstances, the conditions must include:

17 A. to D. [Unchanged.]

18 Subp. 3. [Unchanged.]

19 7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF
20 APPLICATION.

21 Part B of the application must contain the following
22 information:

23 A. to U. [Unchanged.]

24 V. For land disposal facilities, if a case-by-case
25 extension has been approved under part 7045.0075, subpart 6, or
26 a petition has been granted under part 7045.0075, subpart 7, a
27 copy of the notice of approval for the extension or petition is
28 required.

29 7001.0650 INTERIM STATUS.

30 Subpart 1. to 3. [Unchanged.]

31 Subp. 4. Prohibitions. During the interim status period,
32 an owner or operator shall not:

33 A. to C. [Unchanged.]

34 D. alter a hazardous waste facility in a manner that

1 amounts to a reconstruction of the facility. For the purpose of
 2 this part, reconstruction occurs when the capital investment in
 3 the modification of the facility exceeds 50 percent of the
 4 capital cost of a comparable new hazardous waste facility.
 5 Reconstruction does not include changes made solely for the
 6 purpose of complying with the requirements of part 7045.0628,
 7 subparts 4 and 5, for tanks and ancillary equipment, or to treat
 8 or store in containers or tanks hazardous wastes subject to the
 9 land disposal restrictions under parts 7045.1300 to 7045.1380 or
 10 RCRA section 3004, if the changes are made solely to comply with
 11 parts 7045.1300 to 7045.1380 or RCRA section 3004.

12 Subp. 5. to 7. [Unchanged.]

13 7001.0730 MODIFICATION OF PERMITS; REVOCATION AND REISSUANCE OF
 14 PERMITS.

15 Subpart 1. to 3. [Unchanged.]

16 Subp. 4. **Minor modifications of permits.** In addition to
 17 the corrections or allowances listed in part 7001.0190, subparts
 18 2 and 3, if the permittee consents, the commissioner may modify
 19 a permit to make the corrections or allowances listed below
 20 without following the procedures in parts 7001.0100 to 7001.0130:

21 A. to K. [Unchanged.]

22 L. to allow treatment of hazardous wastes not
 23 previously specified in the permit if the following conditions
 24 are met:

25 (1) the hazardous waste has been prohibited from
 26 one or more methods of land disposal under parts 7045.1320 to
 27 7045.1330 or RCRA section 3004;

28 (2) treatment is in accordance with part
 29 7045.1310, if applicable, and part 7045.1305, and applicable
 30 standards established under parts 7045.1355 to 7045.1360 and
 31 part 7045.0075, subpart 8, or, where no treatment standards have
 32 been established, treatment renders the waste no longer subject
 33 to the applicable prohibitions of part 7045.1330 or RCRA section
 34 3004;

35 (3) handling or treatment of the restricted waste

1 will not present risks substantially different from those of
2 wastes listed in the permit; and

3 (4) federal or state approval of a minor permit
4 modification request is granted. No permit changes can occur
5 except for the addition of new waste codes and administrative or
6 technical changes necessary to handle new wastes. Changes in
7 treatment processes or physical equipment may not be made under
8 this item; and

9 M. to allow permitted facilities to change their
10 operations to treat or store hazardous wastes subject to land
11 disposal restrictions imposed by parts 7045.1300 to 7045.1380 or
12 RCRA section 3004, provided the treatment or storage occurs in
13 containers or tanks and the permittee:

14 (1) requests a major permit modification under
15 subparts 1 to 3;

16 (2) demonstrates in the request for a major
17 permit modification that the treatment or storage is necessary
18 to comply with the land disposal restrictions of parts 7045.1300
19 to 7045.1380 or RCRA section 3004; and

20 (3) ensures that the treatment or storage units
21 comply with the applicable standards of parts 7045.0552 to
22 7045.0642 and 7045.1300 to 7045.1380 pending final
23 administrative disposition of the major modification request.
24 The authorization to make the changes conferred in this item
25 terminates upon final administrative disposition of the
26 permittee's major modification request under subparts 1 to 3 or
27 termination of the permit under part 7001.0180.

28 Subp. 5. [Unchanged.]

29 7045.0020 DEFINITIONS.

30 Subpart 1. to 32. [Unchanged.]

31 Subp. 32a. Halogenated organic compounds or HOC's.

32 "Halogenated organic compounds" or "HOC's" means those compounds
33 having a carbon-halogen bond that are listed under Appendix III
34 of Code of Federal Regulations, title 40, part 268.

35 Subp. 33. to 47. [Unchanged.]

1 Subp. 47a. Land disposal. "Land disposal" means placement
2 in or on the land and includes, but is not limited to, placement
3 in a landfill, surface impoundment, waste pile, injection well,
4 land treatment facility, salt dome formation, salt bed
5 formation, underground mine or cave, or placement in a concrete
6 vault or bunker intended for disposal purposes.

7 Subp. 48. to 71. [Unchanged.]

8 Subp. 71a. Polychlorinated biphenyls or PCB's.

9 "Polychlorinated biphenyls" or "PCB's" are halogenated organic
10 compounds defined in accordance with Code of Federal
11 Regulations, title 40, section 761.3.

12 Subp. 72. to 108. [Unchanged.]

13 7045.0075 PETITIONS.

14 Subpart 1. to 5. [Unchanged.]

15 Subp. 6. Procedures for case-by-case extensions to an
16 effective date. A person who generates, treats, stores, or
17 disposes of hazardous waste may submit a petition to the EPA for
18 an extension to the effective date of any applicable restriction
19 established under parts 7045.1320 to 7045.1330. The petition
20 must be submitted in accordance with Code of Federal
21 Regulations, title 40, section 268.5.

22 Subp. 7. Petitions to allow land disposal of a prohibited
23 waste. A person seeking an exemption from a prohibition for the
24 disposal of a restricted hazardous waste in a particular unit or
25 units must submit a petition to the agency and to the EPA
26 demonstrating, to a reasonable degree of certainty, that there
27 will be no migration of hazardous constituents from the disposal
28 unit or injection zone for as long as the wastes remain
29 hazardous. The demonstration to the EPA must include the
30 provisions in Code of Federal Regulations, title 40, section
31 268.6. The demonstration to the agency must include an
32 identification of the specific waste and the specific unit for
33 which the demonstration will be made, a waste analysis to
34 describe fully the chemical and physical characteristics of the
35 subject waste, and a comprehensive characterization of the

1 disposal unit site including an analysis of background air,
2 soil, and water quality.

3 A. The demonstration must meet the following criteria:

4 (1) all waste and environmental sampling, test,
5 and analysis data must be accurate and reproducible to the
6 extent that state-of-the-art techniques allow;

7 (2) all sampling, testing, and estimation
8 techniques for chemical and physical properties of the waste and
9 all environmental parameters must have been approved by the
10 agency;

11 (3) simulation models must be calibrated for the
12 specific waste and site conditions, and verified for accuracy by
13 comparison with actual measurements;

14 (4) a quality assurance and quality control plan
15 that addresses all aspects of the demonstration must be approved
16 by the agency; and

17 (5) an analysis must be performed to identify and
18 quantify any aspects of the demonstration that contribute
19 significantly to uncertainty. This analysis must include an
20 evaluation of the consequences of predictable future events,
21 including but not limited to earthquakes, floods, severe storm
22 events, droughts, or other natural phenomena.

23 B. Each petition must include the following statement
24 signed by the petitioner or an authorized representative:

25 "I certify under penalty of law that I have personally
26 examined and am familiar with the information
27 submitted in this petition and all attached documents,
28 and that, based on my inquiry of those individuals
29 immediately responsible for obtaining the information,
30 I believe that the submitted information is true,
31 accurate, and complete. I am aware that there are
32 significant penalties for submitting false
33 information, including the possibility of fine and
34 imprisonment."

35 C. After receiving a petition, the commissioner may
36 request additional information that reasonably may be required

1 to evaluate the demonstration.

2 D. If approved, the petition will apply to land
3 disposal of the specific restricted waste at the individual
4 disposal unit described in the demonstration and will not apply
5 to any other restricted waste at that disposal unit, or to that
6 specific restricted waste at any other disposal unit.

7 E. The commissioner will give public notice in the
8 State Register of the intent to approve or deny a petition and
9 provide an opportunity for public comment. The final decision
10 on a petition will be published in the State Register.

11 F. The term of a petition granted under this part
12 must be no longer than the term of the RCRA permit if the
13 disposal unit is operating under an RCRA permit, or up to a
14 maximum of five years from the date of approval provided under
15 item G if the unit is operating under interim status. In either
16 case, the term of the granted petition expires upon the
17 termination or denial of an RCRA permit, or upon the termination
18 of interim status or when the volume limit of waste to be land
19 disposed during the term of petition is reached.

20 G. Before the agency's decision, the applicant must
21 comply with all restrictions on land disposal under parts
22 7045.1300 to 7045.1380 when the effective date for the waste has
23 been reached.

24 H. The petition granted by the agency does not
25 relieve the petitioner of responsibility for the management of
26 hazardous waste under chapters 7001 and 7045.

27 I. Liquid hazardous wastes containing polychlorinated
28 biphenyls at concentrations greater than or equal to 500 ppm are
29 not eligible for an exemption under this subpart.

30 Subp. 8. Petition for alternate treatment standard or
31 alternate technology. Where a treatment standard is expressed
32 as a concentration in a waste or waste extract and a waste
33 cannot be treated to a specified level, or where the treatment
34 technology is not appropriate to the waste, the generator or the
35 owner or operator of a treatment facility may request a variance
36 from the EPA to provide an alternate treatment standard. The

1 variance request must be submitted in accordance with Code of
2 Federal Regulations, title 40, sections 268.42(b) and 268.44.

3 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND
4 RECLAMATION.

5 Subpart 1. to 3. [Unchanged.]

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

7 Management of the following wastes when recycled, is not subject
8 to regulation under parts 7045.0205 to 7045.0685 and 7045.1300
9 to 7045.1380: industrial ethyl alcohol that is reclaimed,
10 except as provided in subpart 12; used batteries or used battery
11 cells returned to a battery manufacturer for regeneration; and
12 scrap metal.

13 Subp. 5. to 8. [Unchanged.]

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

18 A. If the recyclable hazardous waste is stored before
19 it is recycled, the owners or operators are subject to the
20 requirements of parts 7045.0450 to 7045.0534, 7045.0552 to
21 7045.0632, and 7045.1300 to 7045.1380, and chapter 7001.

22 B. If the recyclable hazardous waste is recycled
23 without storing before recycling, the owners or operators are
24 subject to the requirements of parts 7045.0556, subpart 2;
25 7045.0580; and 7045.0582.

26 Subp. 10. to 12. [Unchanged.]

27 7045.0127 RESIDUES IN EMPTY CONTAINERS AND EMPTY INNER LINERS.

28 Subpart 1. **Scope.** Any hazardous waste remaining in an
29 empty container or an empty inner liner removed from an empty
30 container, as defined in subparts 2 to 4 is not subject to
31 regulation under parts 7045.0100 to 7045.1030 and 7045.1300 to
32 7045.1380, or a hazardous waste facility permit. Any hazardous
33 waste in a container or an inner liner removed from a container
34 that is not empty, as defined in subparts 2 to 4, is subject to
35 regulation under parts 7045.0100 to 7045.1030 and 7045.1300 to

1 7045.1380, and the agency's permitting procedures.

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

3 7045.0135 LISTS OF HAZARDOUS WASTES.

4 Subpart 1. General. A waste is a hazardous waste if it is
5 listed under subparts 2 to 5 unless it has been excluded from
6 the list under part 7045.0075, subpart 2.

7 The basis for listing the classes or types of wastes listed
8 in subparts 2 to 5 is indicated by employing one or more of the
9 following hazard codes:

- 10 A. ignitable waste, (I);
- 11 B. corrosive waste, (C);
- 12 C. reactive waste, (R);
- 13 D. EP toxic waste, (E);
- 14 E. acute hazardous waste, (H); and
- 15 F. toxic waste, (T).

16 The constituent which caused the agency to list the waste
17 as an EP toxic waste (E) or toxic waste (T) in subparts 2 and 3
18 is identified in part 7045.0139.

19 Each listed hazardous waste is assigned a hazardous waste
20 number which precedes the name of the waste. This number must
21 be used in complying with the disclosure requirements of parts
22 7045.0205 to 7045.0304 and certain record keeping and reporting
23 requirements under parts 7045.0205 to 7045.1030, 7045.1300 to
24 7045.1380, and the agency's permitting procedures in chapter
25 7001.

26 The following hazardous wastes listed in subparts 2 and 3
27 are subject to the exclusion limits for acutely hazardous wastes
28 established in part 7045.0219: Hazardous Waste Numbers F020,
29 F021, F022, F023, F026, and F027.

30 Subp. 2. to 5. [Unchanged.]

31 7045.0214 EVALUATION OF WASTES.

32 Subpart 1. General requirement. Any person who produces a
33 waste within the state of Minnesota or any person who produces a
34 waste outside the state of Minnesota that is managed within the
35 state of Minnesota, must evaluate the waste to determine if it

1 is hazardous. A material is determined to be a waste in
2 accordance with the conditions specified under the definition of
3 other waste material in part 7045.0020. Any waste evaluated and
4 exempted under part 7045.0075 or 7045.0120 does not need to be
5 reevaluated under this part. If the waste is determined to be
6 hazardous, the generator must refer to parts 7045.0075,
7 7045.0450 to 7045.0685, and 7045.1300 to 7045.1380 for possible
8 exclusions or restrictions relating to management of the
9 specific waste.

10 Subp. 2. and 3. [Unchanged.]

11 7045.0365 TRANSFER FACILITY REQUIREMENTS.

12 Subpart 1. **Applicability.** A transporter who stores
13 manifested shipments of hazardous waste in containers meeting
14 the requirements of part 7045.0270, subpart 4 at a transfer
15 facility for a period of ten days or fewer is not subject to
16 regulation under parts 7045.0450 to 7045.0642 and 7045.1300 to
17 7045.1380, and a hazardous waste facility permit with respect to
18 the storage of those wastes. The owner or operator must notify
19 the commissioner in writing of his or her activity.

20 Subp. 2. and 3. [Unchanged.]

21 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

22 Subpart 1. **General requirements.** Parts 7045.0450 to
23 7045.0544 apply to owners and operators of all facilities which
24 treat, store, or dispose of hazardous waste except as
25 specifically provided otherwise in this part or in parts
26 7045.0100 to 7045.0304.

27 Parts 7045.0450 to 7045.0544 apply to the owners or
28 operators of publicly owned treatment works which treat, store,
29 or dispose of hazardous waste only to the extent they are
30 included in a permit-by-rule granted under the agency's
31 permitting procedures.

32 Parts 7045.0450 to 7045.0544 apply to a person disposing of
33 hazardous waste by means of ocean disposal subject to a permit
34 issued under the Marine Protection, Research, and Sanctuaries
35 Act of 1972, United States Code, title 16, sections 1431 to

1 1434, as amended through December 31, 1982, and United States
2 Code, title 33, section 1401, as amended through December 31,
3 1982, only to the extent they are included in a permit-by-rule
4 granted under the agency's permitting procedures. Parts
5 7045.0450 to 7045.0544 apply to the treatment or storage of
6 hazardous waste before it is loaded onto an ocean vessel for
7 incineration or disposal at sea.

8 Parts 7045.0450 to 7045.0544 apply to the owners and
9 operators of all facilities that treat, store, or dispose of
10 hazardous waste referred to in parts 7045.1300 to 7045.1380.

11 Subp. 2. and 3. [Unchanged.]

12 7045.0458 WASTE ANALYSIS REQUIREMENTS.

13 Subpart 1. **Waste analysis.** Waste analysis procedures are
14 as follows:

15 A. Before an owner or operator treats, stores, or
16 disposes of any hazardous waste, he or she shall obtain a
17 detailed chemical and physical analysis of a representative
18 sample of the waste. This analysis must contain all the
19 information which must be known in order to treat, store, or
20 dispose of the waste in accordance with the requirements of
21 parts 7045.0450 to 7045.0544 and 7045.1300 to 7045.1380, or with
22 the conditions of a permit issued under the agency's permitting
23 procedures.

24 B. to D. [Unchanged.]

25 Subp. 2. **Waste analysis plan.** The owner or operator shall
26 develop and follow a written waste analysis plan which describes
27 the procedures which he or she will carry out to comply with
28 subpart 1. The owner or operator shall keep this plan at the
29 facility. The plan must specify:

30 A. to E. [Unchanged.]

31 F. where applicable, the methods which will be used
32 to meet the additional waste analysis requirements for specific
33 waste management methods as specified in parts 7045.0456;
34 7045.0538, subpart 10; 7045.0542, subpart 2; and 7045.1315;

35 G. for off-site facilities, the waste analysis plan

1 must also specify the procedures which will be used to inspect
2 and, if necessary, analyze each movement of hazardous waste
3 received at the facility to ensure that it matches the identity
4 of the waste designated on the accompanying manifest or shipping
5 paper. The plan must describe:

6 (1) the procedures which will be used to
7 determine the identity of each movement of waste managed at the
8 facility; and

9 (2) the sampling method which will be used to
10 obtain a representative sample of the waste to be identified, if
11 the identification method includes sampling. The waste analysis
12 plan must be submitted with the permit application; and

13 H. for surface impoundments exempted from the land
14 disposal restrictions under part 7045.1310, the procedures and
15 schedules for:

16 (1) the sampling of impoundment contents;

17 (2) the analysis of test data; and

18 (3) the annual removal of residues that are not
19 delisted under part 7045.0075, subpart 2, and do not exhibit a
20 characteristic of hazardous waste under part 7045.0131, and that
21 do not meet the treatment standards of parts 7045.1350 to
22 7045.1360, or, where no treatment standards have been
23 established, the annual removal of residues that do not meet the
24 applicable prohibition levels in parts 7045.1320 to 7045.1330 or
25 RCRA section 3004(d).

26 7045.0478 OPERATING RECORD.

27 Subpart 1. and 2. [Unchanged.]

28 Subp. 3. Record information. All of the following
29 information must be recorded, as it becomes available, and
30 maintained in the operating record until closure of the facility:

31 A. to D. [Unchanged.]

32 E. Records and results of waste analysis performed as
33 specified in parts 7045.0456, 7045.0458, 7045.0538, subpart 10,
34 7045.0542, subpart 2, 7045.1310, and 7045.1315.

35 F. to L. [Unchanged.]

1 M. Records of the quantities and date of placement of
2 each shipment of hazardous waste placed in land disposal units
3 under an extension to the effective date of any land disposal
4 restriction granted under part 7045.0075, subpart 6 or 7, and
5 the notice required by a generator under part 7045.1315, subpart
6 1, item C.

7 N. For an off-site treatment facility, a copy of the
8 notice required by a generator under part 7045.1315, subpart 1,
9 item A.

10 O. For an on-site treatment facility, the information
11 contained in the notice required by the generator under part
12 7045.1315, subpart 1, item A, except for the manifest number
13 required under subitem (3).

14 P. For an off-site land disposal facility, a copy of
15 the notice and certification required by the owner or operator
16 of a treatment facility under part 7045.1315, subpart 2, items A
17 and B, or a copy of the notice and certification required by the
18 generator under part 7045.1315, subpart 1, item B, whichever is
19 applicable.

20 Q. For an on-site land disposal facility, the
21 information contained in the notice required under part
22 7045.1315, subpart 1, item B, except for the manifest number, or
23 the information contained in the notice required by a treater
24 under part 7045.1315, subpart 2, item A, except the manifest
25 number required under subitem (3), whichever is applicable.

26 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

27 Subpart 1. General requirements. Parts 7045.0552 to
28 7045.0642 establish minimum standards for the management of
29 hazardous waste during the period of interim status and until
30 certification of final closure or, if the facility is subject to
31 post-closure requirements, until post-closure responsibilities
32 are fulfilled. These standards apply to owners and operators of
33 existing facilities who have fully complied with the
34 requirements for state or federal interim status until a permit
35 is issued or until applicable interim status closure and

1 post-closure responsibilities are fulfilled, and those who have
2 failed to achieve state or federal interim status. These
3 standards apply to all treatment, storage, or disposal of
4 hazardous waste at these facilities after July 16, 1984, except
5 as specifically provided otherwise.

6 For existing facilities which were not required to obtain
7 federal interim status under the Resource Conservation and
8 Recovery Act, United States Code, title 42, sections 6901 to
9 6986, as amended through June 30, 1983, but are required to
10 obtain state interim status, the requirements of parts
11 7045.0590; 7045.0592; 7045.0632, subpart 4, items A and B;
12 7045.0634, subpart 2; 7045.0638, subparts 2, 7, and 8, become
13 effective 12 months after July 16, 1984, and the requirements of
14 parts 7045.0608 to 7045.0624 become effective 90 days after July
15 16, 1984.

16 Parts 7045.0552 to 7045.0642 apply to the owners and
17 operators of all facilities that treat, store, or dispose of
18 hazardous waste referred to in parts 7045.1300 to 7045.1380.

19 Subp. 1a. to 4. [Unchanged.]

20 7045.0564 WASTE ANALYSIS REQUIREMENTS.

21 Subpart 1. Waste analysis. The analysis must comply with
22 the following requirements:

23 A. Before an owner or operator treats, stores, or
24 disposes of any hazardous waste, he or she shall obtain a
25 detailed chemical and physical analysis of a representative
26 sample of the waste. This analysis must contain all the
27 information which must be known in order to treat, store, or
28 dispose of the waste in accordance with the requirements of
29 parts 7045.0552 to 7045.0642 and 7045.1300 to 7045.1380.

30 B. to D. [Unchanged.]

31 Subp. 2. Waste analysis plan. The owner or operator shall
32 develop and follow a written waste analysis plan which describes
33 the procedures the owner or operator will carry out to comply
34 with subpart 1. The owner or operator shall keep this plan at
35 the facility. The plan must specify:

1 A. to E. [Unchanged.]

2 F. Where applicable, the methods which will be used
3 to meet the additional waste analysis requirements for specific
4 waste management methods as specified in parts 7045.0628,
5 subpart 3; 7045.0630, subpart 4; 7045.0632, subpart 3;
6 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart
7 2; 7045.0642, subpart 3; and 7045.1315.

8 G. [Unchanged.]

9 H. For surface impoundments exempted from the land
10 disposal restrictions under part 7045.1310, the procedures and
11 schedule for:

12 (1) the sampling of impoundment contents;
13 (2) the analysis of test data; and
14 (3) the annual removal of residues that are not
15 delisted under part 7045.0075, subpart 2, and do not exhibit a
16 characteristic of hazardous waste under part 7045.0131, and that
17 do not meet the treatment standards of parts 7045.1350 to
18 7045.1360, or, where no treatment standards have been
19 established, the annual removal of residues that do not meet the
20 applicable prohibition levels in parts 7045.1320 to 7045.1330 or
21 RCRA section 3004(d).

22 7045.0584 OPERATING RECORD.

23 Subpart 1. and 2. [Unchanged.]

24 Subp. 3. Record information. The following information
25 must be recorded, as it becomes available, and maintained in the
26 operating record until closure of the facility:

27 A. to D. [Unchanged.]

28 E. Records and results of waste analysis and trial
29 tests performed as specified in parts 7045.0564; 7045.0628,
30 subpart 3; 7045.0630, subpart 4; 7045.0632, subpart 3;
31 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart
32 2; 7045.0642, subpart 3; 7045.1310; and 7045.1315.

33 F. to I. [Unchanged.]

34 J. Records of the quantities and date of placement of
35 each shipment of hazardous waste placed in land disposal units

1 under an extension to the effective date of any land disposal
2 restriction granted under part 7045.0075, subpart 6 or 7, and
3 the notice required by a generator under part 7045.1315, subpart
4 1, item C.

5 K. For an off-site treatment facility, the notice
6 required by a generator under part 7045.1315, subpart 1, item A.

7 L. For an on-site treatment facility, the information
8 contained in the notice required by a generator under part
9 7045.1315, subpart 1, item A, except for the manifest number
10 required under subitem (3).

11 M. For an off-site land disposal facility, the notice
12 and certification required by the owner or operator of a
13 treatment facility under part 7045.1315, subpart 2, items A and
14 B, or the certification required by the generator under part
15 7045.1315, subpart 1, item B, whichever is applicable.

16 N. For an on-site land disposal facility, the
17 information contained in the notice required by a generator
18 under part 7045.1315, subpart 1, item B, except for the manifest
19 number, or the information contained in the notice required by
20 the treatment facility under part 7045.1315, subpart 2, item A,
21 except the manifest number required under subitem (3), whichever
22 is applicable.

23 7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND
24 EXEMPTIONS.

25 Subpart 1. **Applicability.** This part identifies hazardous
26 wastes that are restricted from land disposal and defines those
27 limited circumstances under which an otherwise prohibited waste
28 may continue to be land disposed.

29 Except as specifically provided in subpart 2 or parts
30 7045.0100 to 7045.0141, the requirements of this part apply to
31 persons who generate or transport hazardous waste and owners and
32 operators of hazardous waste treatment, storage, and disposal
33 facilities.

34 Subp. 2. **Exemptions.** Prohibited wastes may continue to be
35 land disposed under the following conditions:

1 A. if an extension has been granted from the
2 effective date of a prohibition under part 7045.0075, subpart 6,
3 with respect to those wastes covered by the extension;

4 B. if an exemption has been granted from a
5 prohibition as a result of a petition under part 7045.0075,
6 subpart 7, with respect to those wastes and units covered by the
7 petition;

8 C. until November 8, 1988, if wastes are contaminated
9 soil or debris resulting from a response action taken under
10 section 104 or 106 of the Comprehensive Environmental Response,
11 Compensation, and Liability Act of 1980 or a corrective action
12 required under the Resource Conservation and Recovery Act;

13 D. if small quantity generators of less than 100
14 kilograms of nonacute hazardous waste per month, or less than
15 one kilogram acute hazardous waste per month, as defined in part
16 7045.0219; and

17 E. if a farmer is disposing of waste pesticides in
18 accordance with part 7045.0304.

19 7045.1305 DILUTION PROHIBITED AS A SUBSTITUTE FOR TREATMENT.

20 No generator, transporter, handler, or owner or operator of
21 a treatment, storage, or disposal facility shall in any way
22 dilute a restricted waste or the residual from treatment of a
23 restricted waste as a substitute for adequate treatment to
24 achieve compliance with parts 7045.1350 to 7045.1360, to
25 circumvent the effective date or otherwise avoid a prohibition
26 in parts 7045.1320 to 7045.1330, or to circumvent a land
27 disposal prohibition imposed by RCRA section 3004.

28 7045.1310 TREATMENT SURFACE IMPOUNDMENT EXEMPTION.

29 Subpart 1. Conditions. Wastes that are otherwise
30 prohibited from land disposal under parts 7045.1300 to 7045.1380
31 may be treated in a surface impoundment or series of
32 impoundments if:

33 A. treatment of the wastes occurs in the impoundments.

34 B. the residues of the treatment are analyzed, as
35 provided in part 7045.1315 or 7045.1330 to determine if they

1 meet the applicable treatment standards in parts 7045.1350 to
2 7045.1360, or, where no treatment standards have been
3 established for the waste, the applicable prohibition levels in
4 parts 7045.1320 to 7045.1330 or RCRA section 3004(d). The
5 sampling method, specified in the waste analysis plan under part
6 7045.0458 or 7045.0564 must be designed so the representative
7 samples of the sludge and the supernatant are tested separately
8 rather than mixed to form homogeneous samples. The treatment
9 residues, including any liquid waste, that do not meet the
10 treatment standards adopted under parts 7045.1350 to 7045.1360,
11 or the applicable prohibition levels adopted under parts
12 7045.1320 to 7045.1330, or imposed by statute where no treatment
13 standards have been established, or that are not delisted under
14 part 7045.0075, subpart 2, and no longer exhibit a
15 characteristic of hazardous waste, must be removed at least
16 annually. These residues may not be placed in any other surface
17 impoundment for later management. If the volume of liquid
18 flowing through the impoundment or series of impoundments
19 annually is greater than the volume of the impoundment or
20 impoundments, this flow-through constitutes removal of the
21 supernatant for the purpose of this requirement. The procedures
22 and schedule for the sampling of impoundment contents, the
23 analysis of test data, and the annual removal of residue that
24 does not meet the treatment standards in parts 7045.1350 to
25 7045.1360, or, where no treatment standards have been
26 established, the prohibition levels in parts 7045.1320 to
27 7045.1330 or RCRA section 3004(d), must be specified in the
28 facility's waste analysis plan as required under part 7045.0458
29 or 7045.0564.

30 C. the impoundment meets the design requirements of
31 Code of Federal Regulations, title 40, section 264.221(c) or
32 265.221(a), and be in compliance with applicable groundwater
33 monitoring requirements of part 7045.0484 or 7045.0590.

34 D. the owner or operator submits to the commissioner
35 a written certification that the requirements of item C, have
36 been met and a copy of the waste analysis plan required under

1 item B. The following certification is required:

2 "I certify under penalty of law that the requirements
3 of part 7045.1310, subpart 1, item C, have been met
4 for all surface impoundments being used to treat
5 restricted wastes. I believe that the submitted
6 information is true, accurate, and complete. I am
7 aware that there are significant penalties for
8 submitting false information, including the
9 possibility of fine and imprisonment."

10 Subp. 2. Prohibition of evaporation. Evaporation of
11 hazardous constituents as the principal means of treatment is
12 not considered to be treatment for purposes of an exemption
13 under this part.

14 7045.1315 WASTE ANALYSIS FOR RESTRICTED WASTES.

15 Subpart 1. Applicability. Except as provided in part
16 7045.1330, the generator must test waste or an extract developed
17 using the test method described in Code of Federal Regulations,
18 title 40, part 268, Appendix I, or use knowledge of the waste,
19 to determine if the waste is restricted from land disposal.

20 A. If a generator determines that the waste being
21 generated is a restricted waste and the waste does not meet the
22 applicable treatment standards, or where the waste does not
23 comply with the applicable prohibitions in part 7045.1330 or
24 RCRA section 3004(d), with each shipment of waste the generator
25 must notify the treatment facility in writing of the appropriate
26 treatment standards in parts 7045.1350 to 7045.1360 and any
27 applicable prohibitions in part 7045.1330 or RCRA section
28 3004(d).

29 The notice must include the following information:

- 30 (1) EPA Hazardous Waste Number;
- 31 (2) the corresponding treatment standards and all
32 applicable prohibitions in part 7045.1330 or RCRA section
33 3004(d);
- 34 (3) the manifest number associated with the
35 shipment of waste; and

1 (4) waste analysis data, where available.

2 B. If a generator determines that the waste being
3 generated is a restricted waste and determines that the waste
4 can be land disposed without further treatment, with each
5 shipment of waste the generator must submit, to the land
6 disposal facility, a notice and a certification stating that the
7 waste meets the applicable treatment standards in parts
8 7045.1350 to 7045.1360 and the applicable prohibitions in part
9 7045.1330 or RCRA section 3004(d).

10 (1) The notice must include the EPA Hazardous
11 Waste Number, the corresponding treatment standards and all
12 applicable prohibitions in part 7045.1330 or RCRA section
13 3004(d), the manifest number associated with the shipment of
14 waste, and waste analysis data, where available.

15 (2) The certification must be signed by an
16 authorized representative and must state the following:

17 "I certify under penalty of law that I personally have
18 examined and am familiar with the waste through
19 analysis and testing or through knowledge of the waste
20 to support this certification that the waste complies
21 with the treatment standards specified in parts
22 7045.1350 to 7045.1360 and all applicable prohibitions
23 in part 7045.1330 or RCRA section 3004(d). I believe
24 that the information I submitted is true, accurate,
25 and complete. I am aware that there are significant
26 penalties for submitting a false certification,
27 including the possibility of a fine and imprisonment."

28 C. If a generator's waste is subject to a
29 case-by-case extension under part 7045.0075, subpart 6, an
30 exemption under part 7045.0075, subpart 7, an extension under
31 part 7045.1300, subpart 2, item C, or a nationwide variance
32 under Code of Federal Regulations, title 40, part 268, subpart
33 C, a notice must be forwarded with the waste to the land
34 disposal facility receiving the waste, stating that the waste is
35 exempt from the land disposal restrictions.

36 D. If a generator's decision that a waste is

1 restricted is based solely on knowledge of the waste, all
2 supporting data used to make this determination must be
3 maintained on-site in the generator's files.

4 Subp. 2. Testing of wastes. For wastes with treatment
5 standards expressed as concentrations in the waste extract in
6 part 7045.1355, the owner or operator of the treatment facility
7 must test the treatment residues or an extract of the residues
8 developed using the test method described in Code of Federal
9 Regulations, title 40, part 268, Appendix I, to assure that the
10 treatment residues or extract meet the applicable treatment
11 standards. For wastes prohibited under part 7045.1330 or RCRA
12 section 3004(d) which are not subject to any treatment standards
13 under parts 7045.1350 to 7045.1360, the owner or operator of the
14 treatment facility must test the treatment residues according to
15 the generator testing requirements in part 7045.1330 to assure
16 that the treatment residues comply with the applicable
17 prohibitions. For both circumstances described above, the
18 testing must be performed according to the frequency specified
19 in the facility's waste analysis plan as required by part
20 7045.0458 or 7045.0564. Where the treatment residues do not
21 comply with the applicable treatment standards or prohibitions,
22 the treatment facility must comply with the notice requirements
23 applicable to generators in subpart 1, item A, if the treatment
24 residues will be further managed at a different treatment
25 facility.

26 A. A notice must be sent to the land disposal
27 facility that includes the following information:

- 28 (1) EPA Hazardous Waste Number;
- 29 (2) the corresponding treatment standards and all
30 applicable prohibitions in part 7045.1330 or RCRA section
31 3004(d);
- 32 (3) the manifest number associated with the
33 shipment of waste; and
- 34 (4) waste analysis data, where available.

35 B. The treatment facility must submit a certification
36 with each shipment of waste or treatment residue of a restricted

1 waste to the land disposal facility stating that the waste or
2 treatment residue has been treated in compliance with the
3 applicable performance standards in parts 7045.1350 to 7045.1360
4 and the applicable prohibitions in part 7045.1330 or RCRA
5 section 3004(d).

6 (1) For wastes with treatment standards expressed
7 as concentrations in the waste extract in part 7045.1355 or in
8 the waste, or for wastes prohibited under part 7045.1330 or RCRA
9 section 3004(d) which are not subject to any treatment standards
10 under parts 7045.1350 to 7045.1360, the certification must be
11 signed by an authorized representative and must state the
12 following:

13 "I certify under penalty of law that I have personally
14 examined and am familiar with the treatment technology
15 and operations of the treatment process used to
16 support this certification and that, based on my
17 inquiry of those individuals immediately responsible
18 for obtaining this information, I believe that the
19 treatment process has been operated and maintained
20 properly so as to comply with the performance levels
21 specified in parts 7045.1350 to 7045.1360 and all
22 applicable prohibitions in part 7045.1330 or RCRA
23 section 3004(d) without dilution of the prohibited
24 waste. I am aware that there are significant
25 penalties for submitting a false certification,
26 including the possibility of fine and imprisonment."

27 (2) For wastes with treatment standards expressed
28 as technologies in part 7045.1360, the certification must be
29 signed by an authorized representative and must state the
30 following:

31 "I certify under penalty of law that the waste has
32 been treated in accordance with the requirements of
33 part 7045.1360. I am aware that there are significant
34 penalties for submitting a false certification,
35 including the possibility of fine and imprisonment."

36 Subp. 3. Facility requirements. The owner or operator of

1 any land disposal facility disposing any waste subject to
2 restrictions under parts 7045.1300 to 7045.1380 must have
3 records of the notice and certification required in subpart 1 or
4 2. The owner or operator of the land disposal facility must
5 test the waste or an extract of the waste or treatment residue
6 developed using the test method described in Code of Federal
7 Regulations, title 40, part 268, Appendix I, or using any
8 methods required by generators under part 7045.1330, to assure
9 that the wastes or treatment residues are in compliance with the
10 applicable treatment standards in parts 7045.1350 to 7045.1360
11 and all applicable prohibitions in part 7045.1330 or RCRA
12 section 3004(d). The testing must be performed according to the
13 frequency specified in the facility's waste analysis plan as
14 required in part 7045.0458 or 7045.0564.

15 7045.1320 WASTE SPECIFIC PROHIBITIONS; SOLVENT WASTES.

16 Subpart 1. **Applicability.** The spent solvent wastes
17 specified in part 7045.0135 as Hazardous Waste Nos. F001, F002,
18 F003, F004, and F005, are prohibited from land disposal unless
19 one or more of the following conditions apply:

20 A. the generator of the solvent waste is a small
21 quantity generator;

22 B. the solvent waste is generated from any response
23 action taken under the Comprehensive Environmental Response,
24 Compensation, and Liability Act of 1980 (CERCLA), or any
25 corrective action taken under the Resource Conservation and
26 Recovery Act (RCRA), except where the waste is contaminated soil
27 or debris not subject to this chapter until November 8, 1988;

28 C. the initial generator's solvent waste is a
29 solvent-water mixture, solvent-containing sludge, or
30 solvent-contaminated soil (non-CERCLA or RCRA corrective action)
31 containing less than one percent total F001-F005 solvent
32 constituents listed in part 7045.1355, subpart 3; or

33 D. the solvent waste is a residue from treating a
34 waste described in items A to C; or the solvent waste is a
35 residue from treating a waste not described in items A to C,

1 provided the residue belongs to a different treatability group
2 than the waste as initially generated and wastes belonging to a
3 treatability group are described in item C.

4 Subp. 2. **Effective date.** Effective November 8, 1988, the
5 F001-F005 solvent wastes listed in subpart 1, items A to C, are
6 prohibited from land disposal. Until November 8, 1988, wastes
7 included in subpart 1, items A to C, may be disposed of in a
8 landfill or surface impoundment only if the facility is in
9 compliance with the requirements of Code of Federal Regulations,
10 title 40, section 268.5(h)(2).

11 Subp. 3. **Exceptions.** The requirements of subparts 1 and 2
12 do not apply if:

13 A. the wastes meet the standards of parts 7045.1350
14 to 7045.1360;

15 B. persons have been granted an exemption from a
16 prohibition under part 7045.0075, subpart 7, with respect to
17 those wastes and units covered by repetition; or

18 C. persons have been granted an extension to an
19 effective date of a prohibition under part 7045.0075, subpart 6
20 with respect to those wastes covered by the extension.

21 7045.1325 WASTE SPECIFIC PROHIBITION; DIOXIN-CONTAINING WASTES.

22 Subpart 1. **Applicability.** Effective November 8, 1988, the
23 dioxin-containing wastes specified in part 7045.0135 as
24 Hazardous Waste Nos. F020, F021, F022, F023, F026, F027, and
25 F028, are prohibited from land disposal.

26 Subp. 2. **Exceptions.** The requirements of subpart 1 do not
27 apply if:

28 A. the wastes meet the standards of parts 7045.1350
29 to 7045.1360;

30 B. persons have been granted an exemption from a
31 prohibition under part 7045.0075, subpart 7, with respect to
32 those wastes or units covered by the petition; or

33 C. persons have been granted an extension to an
34 effective date of a prohibition under part 7045.0075, subpart 6,
35 with respect to those wastes covered by the extension.

1 Subp. 3. **Effective date.** Until November 8, 1988, wastes
2 included in subpart 1 may be disposed of in a landfill or
3 surface impoundment only if the facility is in compliance with
4 the requirements of Code of Federal Regulations, title 40, part
5 268.5(h)(2) and all other applicable requirements of parts
6 7045.0450 to 7045.0642.

7 7045.1330 WASTE SPECIFIC PROHIBITIONS; CALIFORNIA LIST WASTES.

8 Subpart 1. **Application.** The following hazardous wastes
9 are prohibited from land disposal:

10 A. liquid hazardous wastes having a pH less than or
11 equal to two;

12 B. liquid hazardous wastes containing polychlorinated
13 biphenyls (PCB's) at concentrations greater than or equal to 50
14 ppm; and

15 C. liquid hazardous wastes that are primarily water
16 and contain halogenated organic compounds (HOC's) in total
17 concentration greater than or equal to 1,000 mg/l and less than
18 10,000 mg/l HOC's.

19 Subp. 2. **Exceptions.** The following items are an exception
20 from the prohibitions in subpart 1:

21 A. The requirements of subpart 1 do not apply until
22 November 8, 1988, where the wastes are contaminated soil or
23 debris resulting from a response action taken under section 104
24 or 106 of the Comprehensive Environmental Response,
25 Compensation, and Liability Act or a corrective action required
26 under RCRA, subtitle C.

27 B. Effective July 8, 1989, the following hazardous
28 wastes are prohibited from land disposal:

29 (1) liquid hazardous wastes that contain HOC's in
30 total concentration greater than or equal to 1,000 mg/l and are
31 not prohibited under subpart 1, item C; and

32 (2) nonliquid hazardous wastes containing HOC's
33 in total concentration greater than or equal to 1,000 mg/kg.

34 C. Until July 8, 1989, the wastes described in item
35 B, may be disposed of in a landfill or surface impoundment only

1 if the facility is in compliance with the requirements of Code
2 of Federal Regulations, title 40, part 268.5(h)(2).

3 D. The requirements of subparts 1 and 2, items A and
4 B, do not apply if:

5 (1) an exemption has been granted from a
6 prohibition as a result of a petition under part 7045.0075,
7 subpart 7, with respect to those wastes and units covered by the
8 petition;

9 (2) an extension to the effective date of a
10 prohibition under part 7045.0075, subpart 7, has been granted
11 with respect to those wastes covered by the extension; or

12 (3) the wastes meet the applicable standards in
13 parts 7045.1350 to 7045.1360 or, where treatment standards are
14 not specified, the wastes are in compliance with the applicable
15 prohibitions in this part or RCRA section 3004(d).

16 E. The prohibitions and effective dates in subpart 1,
17 item C, and subpart 2, items A and B, do not apply where the
18 waste is subject to an effective date and prohibition under
19 parts 7045.1320 to 7045.1330 for a specified HOC, such as a
20 hazardous waste chlorinated solvent.

21 Subp. 3. Waste analysis. The following provisions apply
22 to waste analysis:

23 A. To determine whether or not a waste is a liquid
24 under subparts 1 and 2, item B, and under RCRA section 3004(d),
25 the Paint Filter Liquids Test must be used, method 9095, as
26 described in "Test Methods for Evaluating Solid Wastes,
27 Physical/Chemical Methods," EPA Publication No. SW 846.

28 B. Except as otherwise provided in this item, the
29 waste analysis and record keeping requirements of part 7045.1315
30 are applicable to wastes prohibited under this part or RCRA
31 section 3004(d).

32 (1) The initial generator of a liquid hazardous
33 waste must test the waste, not an extract or filtrate, in
34 accordance with the procedures in part 7045.0131, subpart 4,
35 item A, or use knowledge of the waste, to determine if the waste
36 has a pH less than or equal to two. If the liquid waste has a

1 pH less than or equal to two, it is restricted from land
2 disposal and all requirements of parts 7045.1300 to 7045.1380
3 are applicable, except as otherwise provided in this part.

4 (2) The initial generator of either a liquid
5 hazardous waste containing polychlorinated biphenyls (PCB's) or
6 a liquid or nonliquid hazardous waste containing halogenated
7 organic compounds (HOC's) must test the waste, not an extract or
8 filtrate, or use knowledge of the waste, to determine whether
9 the concentration levels in the waste equal or exceed the
10 prohibition levels in this part. If the concentration of PCB's
11 or HOC's in the waste is greater than or equal to the
12 prohibition levels in this part, the waste is restricted from
13 land disposal and all requirements of parts 7045.1300 to
14 7045.1380 are applicable, except as otherwise provided in this
15 part.

16 7045.1350 TREATMENT STANDARDS.

17 Subpart 1. **Concentration standard.** A restricted waste
18 identified in this subpart may be land disposed without further
19 treatment only if an extract of the waste or of the treatment
20 residue of the waste developed using the test method in Code of
21 Federal Regulations, title 40, part 268, Appendix I, does not
22 exceed the value shown in part 7045.1355, subpart 3, for any
23 hazardous constituent listed for that waste.

24 Subp. 2. **Technology standard.** A restricted waste for
25 which a treatment technology is specified under part 7045.1360
26 may be land disposed after it is treated using that technology
27 or an equivalent treatment method approved under the procedures
28 in part 7045.0075, subpart 8.

29 7045.1355 TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN
30 WASTE EXTRACT.

31 Subpart 1. **Applicability.** Subpart 3 identifies the
32 restricted wastes and the concentrations of their associated
33 hazardous constituents that may not be exceeded by the extract
34 of a waste or waste treatment residual developed using the test
35 method in Appendix I of Code of Federal Regulations, title 40,

1 part 268, for the allowable land disposal of the waste.

2 Subp. 2. **Combined wastes.** When wastes with differing
3 treatment standards for a constituent of concern are combined
4 for purposes of treatment, the treatment residue must meet the
5 lowest treatment standard for the constituent of concern.

6 Subp. 3. **Constituents in waste extract.** Constituents in
7 waste extracts are listed with the applicable concentration
8 limits.

	Concentration (in mg/l)		
	Wastewaters	All other	
	containing	spent solvent	
	spent solvents	wastes	
9			
10			
11			
12	F001-F005 spent solvents		
13			
14	Acetone	0.05	0.59
15	n-Butyl alcohol	5.0	5.0
16	Carbon disulfide	1.05	4.81
17	Carbon tetrachloride	0.05	0.96
18	Chlorobenzene	0.15	0.05
19	Cresols (and cresylic acid)	2.82	0.75
20	Cyclohexanone	0.125	0.75
21	1,2-Dichlorobenzene	0.65	0.125
22	Ethyl acetate	0.05	0.75
23	Ethylbenzene	0.05	0.053
24	Ethyl ether	0.05	0.75
25	Isobutanol	5.0	5.0
26	Methanol	0.25	0.75
27	Methylene chloride	0.20	0.96
28	Methylene chloride (from the		
29	pharmaceutical industry)	12.7	0.96
30	Methyl ethyl ketone	0.05	0.75
31	Methyl isobutyl ketone	0.05	0.33
32	Nitrobenzene	0.66	0.125
33	Pyridine	1.12	0.33
34	Tetrachloroethylene	0.079	0.05
35	Toluene	1.12	0.33
36	1,1,1-Trichloroethane	1.05	0.41

1	1,1,2-Trichloro-1,2,2-Trifluoroethane	1.05	0.96
2	Trichloroethylene	0.062	0.091
3	Trichlorofluoromethane	0.05	0.96
4	Xylene	0.05	0.15
5			
6	F020-F023 and F026-F028 dioxin		
7	containing wastes		Concentration
8			
9	HxCDD - All Hexachlorodibenzo-p-dioxins	< 1	ppb
10	HxCDF - All Hexachlorodibenzofurans	< 1	ppb
11	PeCDD - All Pentachlorodibenzo-p-dioxins	< 1	ppb
12	PeCDF - All Pentachlorodibenzofurans	< 1	ppb
13	TCDD - All Tetrachlorodibenzo-p-dioxins	< 1	ppb
14	TCDF - All Tetrachlorodibenzofurans	< 1	ppb
15	2,4,5-Trichlorophenol	< 0.05	ppm
16	2,4,6-Trichlorophenol	< 0.05	ppm
17	2,3,4,6-Tetrachlorophenol	< 0.10	ppm
18	Pentachlorophenol	< 0.01	ppm

19 7045.1360 TREATMENT STANDARDS EXPRESSED AS SPECIFIED
20 TECHNOLOGIES.

21 The following wastes must be treated using the identified
22 technology or technologies, or an equivalent method approved
23 under part 7045.0075, subpart 8.

24 A. Liquid hazardous wastes containing polychlorinated
25 biphenyls (PCB's) at concentrations greater than or equal to 50
26 ppm but less than 500 ppm must be incinerated in accordance with
27 the technical requirements of Code of Federal Regulations, title
28 40, section 761.70, or burned in high efficiency boilers in
29 accordance with the technical requirements of Code of Federal
30 Regulations, title 40, section 761.60. Liquid hazardous wastes
31 containing polychlorinated biphenyls (PCB's) at concentrations
32 greater than or equal to 500 ppm must be incinerated in
33 accordance with the technical requirements of Code of Federal
34 Regulations, title 40, section 761.70. Thermal treatment under
35 this section must also be in compliance with applicable

1 regulations in chapter 7045.

2 B. Nonliquid hazardous wastes containing halogenated
3 organic compounds (HOC's) in total concentrations greater than
4 or equal to 1,000 mg/kg and liquid HOC-containing wastes that
5 are prohibited under part 7045.1330, subpart 2, item B, subitem
6 (1), must be incinerated in accordance with the requirements of
7 part 7045.0542 or 7045.0640. These treatment standards do not
8 apply if the waste is subject to a treatment standard in parts
9 7045.1320 to 7045.1330 for a specific HOC.

10 7045.1380 PROHIBITIONS ON STORAGE OF RESTRICTED WASTES.

11 Subpart 1. **Applicability.** Except as provided in this
12 part, the storage of hazardous wastes restricted from land
13 disposal under parts 7045.1320 to 7045.1330 or RCRA section 3004
14 is prohibited, unless the following conditions are met:

15 A. A generator stores the wastes in tanks or
16 containers on-site solely for the purpose of the accumulation of
17 quantities of hazardous waste necessary to facilitate proper
18 recovery, treatment, or disposal and the generator complies with
19 part 7045.0292. A generator who is in existence on the
20 effective date of a restriction under part 7045.0075, subparts
21 6, 7, and 8, and parts 7045.1300 to 7045.1380 and who must store
22 hazardous wastes for longer than 90 days becomes an owner or
23 operator of a storage facility and must obtain an RCRA permit.
24 The facility may qualify for interim status on compliance with
25 the rules governing interim status under parts 7001.0650 and
26 7045.0552.

27 B. An owner or operator of a hazardous waste
28 treatment, storage, or disposal facility stores wastes in tanks
29 or containers solely for the purpose of the accumulation of the
30 quantities of hazardous waste necessary to facilitate proper
31 recovery, treatment, or disposal if (1) each container is
32 clearly marked to identify its contents and the date each period
33 of accumulation begins and (2) each tank is clearly marked with
34 a description of its contents, the quantity of hazardous waste
35 received, and the date each period of accumulation begins. The

1 information for each tank may be recorded and maintained in the
2 operating record at the facility. Regardless of whether the
3 tank is marked, the owner or operator must comply with the
4 operating record requirements in part 7045.0478 or 7045.0584.

5 C. A transporter stores manifested shipments of the
6 wastes at a transfer facility for ten days or less.

7 Subp. 2. **Storage at facility.** An owner or operator of a
8 treatment, storage, or disposal facility may store wastes for up
9 to one year unless the agency can demonstrate that the storage
10 was not solely for the purpose of accumulation of quantities of
11 hazardous waste necessary to facilitate proper recovery,
12 treatment, or disposal.

13 Subp. 3. **Extensions to storage period.** An owner or
14 operator of a treatment, storage, or disposal facility may store
15 wastes beyond one year; however, the owner or operator bears the
16 burden of proving that the storage was solely for the purpose of
17 accumulation of quantities of hazardous waste necessary to
18 facilitate proper recovery, treatment, or disposal.

19 Subp. 4. **Petition exemptions.** The prohibition in subpart
20 1 does not apply to the wastes that are the subject of an
21 approved petition under part 7045.0075, subparts 7 and 8, or a
22 variance contained in parts 7045.1320 to 7045.1330.

23 Subp. 5. **Treated waste.** The prohibition in subpart 1 does
24 not apply to hazardous wastes that meet the treatment standards
25 in parts 7045.1355 to 7045.1360, or, if treatment standards are
26 not specified, wastes that are in compliance with the applicable
27 prohibitions in part 7045.1330 or RCRA section 3004.

28 Subp. 6. **PCB storage.** Liquid hazardous wastes containing
29 polychlorinated biphenyls (PCB's) at concentrations greater than
30 or equal to 50 ppm must be stored at a facility that meets the
31 requirements of Code of Federal Regulations, title 40, section
32 761.65(b) and must be removed from storage and treated or
33 disposed as required by this part within one year of the date
34 when the wastes are first placed into storage. Subpart 3 does
35 not apply to PCB wastes prohibited under part 7045.1330.