

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Acceptance of Hazardous

4 Waste at the Stabilization and Containment Facility

5

6 Rules as Adopted

7 7047.0010 SCOPE AND APPLICABILITY.

8 Subpart 1. **Scope.** This chapter applies to the owner and

9 operator of the ~~stabilization-and-containment~~ S/C facility,

10 proposers of waste to be contained at the S/C facility,

11 generators of hazardous waste to be stabilized or contained at

12 the S/C facility, and operators of hazardous waste treatment

13 facilities that treat hazardous waste proposed to be stabilized

14 or contained at the S/C facility.

15 Subp. 2. **Limitation.** Compliance with this chapter does

16 not authorize acceptance of any waste at the S/C facility if the

17 acceptance of that waste would violate any operating permit for

18 the S/C facility or conflict with any restriction on the

19 acceptance of waste imposed by any other agency of the state

20 authorized to control the operation of the S/C facility,

21 including restrictions in any contract entered into by that

22 state agency with the county where the S/C facility is located

23 or with the operator of the S/C facility.

24 7047.0020 DEFINITIONS.

25 Subpart 1. **Scope.** As used in this chapter, the terms

26 defined in this part have the meanings given them.

27 Subp. 2. **Agency.** "Agency" means the Minnesota Pollution

28 Control Agency.

29 Subp. 3. **Characteristic hazardous waste.** "Characteristic

30 hazardous waste" means a hazardous waste that has one or more of

31 the characteristics of a hazardous waste as specified in part

32 7045.0131 or Code of Federal Regulations, title 40, sections

33 261.20 to 261.24, and is not a listed hazardous waste.

34 Subp. 4. **Commissioner.** "Commissioner" means the

35 commissioner of the Pollution Control Agency.

1 Subp. 5. Containment. "Containment" means isolating,
2 controlling, and monitoring waste in ~~a-waste~~ the S/C facility in
3 order to prevent a release of waste from the S/C facility that
4 would have an adverse impact upon human health and the
5 environment. Containment occurs at the S/C facility.

6 Subp. 6. Facility. "Facility" means ~~the-hazardous-waste~~
7 ~~stabilization-and-containment-facility-sited-in-Minnesota-under~~
8 ~~Minnesota-Statutes, sections 115A.175 to 115A.30.~~ all contiguous
9 land, structures, other appurtenances, and improvements on the
10 land used for treating hazardous waste. A facility may consist
11 of several treatment units, such as one or more landfills,
12 surface impoundments, or combinations thereof.

13 Subp. 7. Generator. "Generator" means any person, by
14 site, whose act or process produces hazardous waste identified
15 or listed in ~~this-chapter~~ parts 7045.0100 to 7045.0141, or whose
16 act first causes a hazardous waste to become subject to
17 regulation. ~~Generator-includes-primary-generators-of-hazardous~~
18 ~~waste, operators-of-facilities-who-become-generators-as-a-result~~
19 ~~of-treatment-or-consolidation-activities-conducted-on-waste~~
20 ~~received-from-off-site, and the operator of the stabilization~~
21 ~~and-containment-facility.~~

22 Subp. 8. Hazardous waste. "Hazardous waste" has the
23 meaning given in Minnesota Statutes, section 116.06, subdivision
24 13.

25 Subp. 9. Industrial waste. "Industrial waste" has the
26 meaning given in Minnesota Statutes, section 115A.03,
27 subdivision 13a.

28 Subp. 10. Industrial waste management plan. "Industrial
29 waste management plan" means the plan required under part
30 7035.2535, subpart 5.

31 Subp. 11. Listed hazardous waste. "Listed hazardous
32 waste" means a hazardous waste that is listed in part 7045.0135
33 or in Code of Federal Regulations, title 40, sections 261.30 to
34 261.33.

35 Subp. 12. Minimization. "Minimization" means any activity
36 that either reduces the total volume or reduces the hazardous

1 properties of hazardous waste that would otherwise be stabilized
2 and contained at the S/C facility. Minimization includes is
3 source reduction, waste recovery, and waste recycling.

4 Subp. 13. Operator. "Operator" means the person
5 responsible for the overall operation of a hazardous waste
6 treatment facility or the S/C facility.

7 Subp. 14. Owner. "Owner" means the person who owns the
8 S/C facility or part of the S/C facility.

9 ~~Subp. 13.~~ 15. Person. "Person" has the meaning given it
10 in Minnesota Statutes, section 116.06, subdivision 8.

11 ~~Subp. 14.~~ 16. Proposer. "Proposer" means any person who
12 seeks approval from the commissioner to contain a waste at
13 the S/C facility. ~~A-proposer-may-be-the-operator-of-the~~
14 ~~facility, a-generator, or the operator of a hazardous waste~~
15 ~~treatment-facility.~~

16 ~~Subp. 15.~~ 17. Recycling. "Recycling" means the use or
17 reuse of hazardous waste as an effective substitute for a
18 commercial product or as an ingredient or feedstock in an
19 industrial process. Recycling includes is the reclamation of
20 useful constituent fractions within a waste material or the
21 removal of contaminants from a waste to allow it to be reused.

22 ~~Subp. 16.~~ 18. Source reduction. "Source reduction" means
23 the reduction or elimination of hazardous waste at the source,
24 ~~usually within a process. Source-reduction-measures-include~~
25 ~~process-modifications, feedstock-substitutions, improvements in~~
26 ~~feedstock-purity, housekeeping and management practice changes,~~
27 ~~increases in the efficiency of equipment, and recycling within a~~
28 ~~process.~~

29 Subp. 19. Stabilization and containment facility or S/C
30 facility. "Stabilization and containment facility" or "S/C
31 facility" means the stabilization and containment facility sited
32 in Minnesota under authority of Minnesota Statutes, sections
33 115A.175 to 115A.30.

34 ~~Subp. 17.~~ 20. Stabilization. "Stabilization" has the
35 meaning given it in Minnesota Statutes, section 115A.03,
36 subdivision 32a.

1 7047.0030 WASTES THAT MAY BE ACCEPTED FOR CONTAINMENT.

2 Subpart 1. Acceptance of industrial wastes. The
3 commissioner shall approve an industrial waste for containment
4 at the S/C facility if the proposer provides to the commissioner
5 a certification that the waste will be managed by at the S/C
6 facility in compliance with parts 7035.0300 to 7035.2875 and
7 with all applicable provisions of the S/C facility's industrial
8 waste management plan. ~~Industrial-wastes-that-are-hazardous-or~~
9 ~~hazardous-wastes-rendered-nonhazardous-shall-also-meet-the~~
10 ~~requirements-of-subparts-2-and-3.~~

11 Subp. 2. Acceptance of hazardous waste rendered
12 nonhazardous. The commissioner shall approve a hazardous waste
13 that has been rendered nonhazardous for containment at the S/C
14 facility in accordance with the following procedures:

15 A. For a characteristic hazardous waste, the proposer
16 must demonstrate that the waste has been treated to eliminate
17 the characteristics that caused the waste to be subject to
18 regulation as a hazardous waste. To demonstrate such treatment,
19 the proposer must submit to the commissioner and obtain the
20 commissioner's approval of an evaluation report for the treated
21 waste as required by part 7045.0216.

22 B. For a listed hazardous waste, the proposer must
23 submit to the agency and obtain the agency's approval, under
24 part 7045.0075, subpart 2, of a petition for exclusion of the
25 waste from regulation as a hazardous waste. If agency approval
26 of the petition does not satisfy the requirements of Code of
27 Federal Regulations, title 40, section 260.22, the proposer must
28 also obtain Environmental Protection Agency approval to exclude
29 the waste from regulation as a hazardous waste.

30 C. For any hazardous waste rendered nonhazardous, as
31 provided in items A and B, the proposer must provide the
32 following information to the commissioner:

33 (1) a certification that the waste ~~is~~ will be
34 managed by at the S/C facility in compliance with parts
35 7035.0300 to 7035.2875 and with applicable provisions of the S/C

1 facility's industrial waste management plan; and

2 ~~D. (2)~~ If required under part 7047.0060, the
3 generator must ~~submit-to-the-commissioner-and~~ obtain the
4 commissioner's approval of a waste minimization plan for that
5 hazardous waste as provided in part 7047.0060.

6 Subp. 3. Acceptance of listed hazardous waste that is not
7 rendered nonhazardous. The commissioner shall approve ~~a-listed~~
8 ~~hazardous-waste~~ for containment at a the S/C facility a
9 hazardous waste that has not been rendered nonhazardous if the
10 following conditions are met:

11 A. ~~the-proposer-demonstrates-an-acceptable-attempt-to~~
12 ~~render-the-waste-nonhazardous-as-provided-in-part~~
13 ~~7047.0040;~~ Before the commissioner will approve the acceptance
14 of a hazardous waste that has not been rendered nonhazardous,
15 the proposer must first demonstrate to the commissioner that a
16 satisfactory attempt has been made to render the waste
17 nonhazardous. The proposer must make that demonstration
18 according to part 7047.0040.

19 B. Following the agency's determination that the
20 proposer has made a satisfactory but unsuccessful attempt to
21 have the waste rendered nonhazardous, the proposer must comply
22 with the following requirements in order to obtain the
23 commissioner's approval to contain the waste in the S/C facility
24 as a hazardous waste:

25 B. (1) ~~the proposer demonstrates~~ must demonstrate
26 that there is no feasible and prudent alternative to containment
27 of the waste that would minimize adverse impact upon human
28 health and the environment as provided in part 7047.0050,
29 subpart 3;

30 E. (2) ~~the proposer demonstrates~~ must demonstrate
31 that the waste is treated using feasible and prudent technology
32 that minimizes the possibility of migration of any hazardous
33 constituents of the waste as provided in part 7047.0050, subpart
34 2;

35 B. (3) ~~the proposer demonstrates~~ must demonstrate
36 that the waste meets the applicable land disposal restrictions

1 provided in chapter 7045 and Code of Federal Regulations, title
 2 40, section 268, as provided in part 7047.0050, subpart 1, ~~and,~~
 3 if no land disposal restrictions are provided in chapter 7045 or
 4 Code of Federal Regulations, title 40, section 268, for a
 5 particular hazardous waste, the waste may not be accepted for
 6 containment at the S/C facility.

7 E. (4) the proposer must provide evidence that
 8 the generator submits to the commissioner and obtains has
 9 obtained the commissioner's approval of a waste minimization
 10 plan for that hazardous waste as provided in part 7047.0060.

11 ~~Subp. 4. -- Listed hazardous wastes with no standard under~~
 12 ~~land disposal restrictions. -- If no treatment standard has been~~
 13 ~~adopted for a particular listed hazardous waste under the land~~
 14 ~~disposal restrictions provided in chapter 7045 or Code of~~
 15 ~~Federal Regulations, title 40, section 268, the waste may not be~~
 16 ~~accepted for containment at the facility.~~

17 ~~Subp. 5. -- Characteristic hazardous waste prohibited from~~
 18 ~~acceptance at a facility. -- No characteristic hazardous waste may~~
 19 ~~be accepted for containment at the facility. -- All characteristic~~
 20 ~~hazardous waste must be rendered nonhazardous before the waste~~
 21 ~~may be accepted for containment at the facility.~~

22 Subp. 6. 4. Written notice of approval. If the
 23 commissioner approves acceptance of a waste for containment
 24 under this part, the commissioner shall provide written notice
 25 of the approval to the proposer.

26 7047.0040 DEMONSTRATION OF ATTEMPT TO RENDER A LISTED HAZARDOUS
 27 WASTE NONHAZARDOUS.

28 ~~Subpart 1. -- Submittal of information by proposer. -- To~~
 29 ~~demonstrate an acceptable attempt to render a listed hazardous~~
 30 ~~waste nonhazardous, a proposer must submit to the agency and~~
 31 ~~obtain the agency's approval, pursuant to part 7045.0075,~~
 32 ~~subpart 2, of a petition requesting that the waste be excluded~~
 33 ~~from regulation as a hazardous waste. -- If agency approval of the~~
 34 ~~petition does not satisfy the requirements of Code of Federal~~
 35 ~~Regulations, title 40, section 260.22, the proposer must also~~

1 ~~obtain-Environmental-Protection-Agency-approval-to-exclude-the~~
 2 ~~waste-from-regulation-as-a-hazardous-waste.~~

3 ~~Subp.-2.--Agency-review.--If, upon-review-of-the-petition~~
 4 ~~submitted-under-subpart-1, the-agency-finds-that-the-proposer~~
 5 ~~was-unable-to-render-the-waste-nonhazardous, the-agency-shall~~
 6 ~~determine-whether-the-proposer-made-an-acceptable-attempt-to~~
 7 ~~render-the-waste-nonhazardous.--The-determination-must-be-based~~
 8 ~~upon-the-information-provided-in-the-petition-and-any-additional~~
 9 ~~information-or-explanation-relevant-to-the-determination-that~~
 10 ~~may-be-submitted-by-the-proposer.--In-making-the-determination,~~
 11 ~~the-agency-shall-consider-the-completeness-and-technical~~
 12 ~~adequacy-of-the-petition.--The-factors-the-agency-shall-consider~~
 13 ~~in-determining-whether-a-reasonable-amount-of-information-has~~
 14 ~~been-submitted-are:~~

15 ~~A.--the-number-of-constituents-of-the-waste-subject-to~~
 16 ~~testing-and-the-frequency-of-tests-required;~~

17 ~~B.--the-availability-of-treatment-technologies-that~~
 18 ~~could-be-applied-to-treat-the-waste-sufficiently, and~~

19 ~~C.--the-degree-of-variability-of-the-waste-or-waste~~
 20 ~~streams.~~

21 Subpart 1. Request by proposer. A proposer who is unable
 22 to render a hazardous waste nonhazardous so that the waste may
 23 be contained at the S/C facility under part 7047.0030, subpart
 24 2, and who wishes to contain the waste at the S/C facility as a
 25 hazardous waste, must request the agency to determine whether
 26 the proposer has made a satisfactory attempt to render the waste
 27 nonhazardous. The proposer shall submit the request in writing
 28 to the commissioner.

29 Subp. 2. Information required for a listed hazardous
 30 waste. A proposer who requests the agency to determine whether
 31 a satisfactory attempt has been made to have a listed hazardous
 32 waste excluded from regulation as a hazardous waste shall submit
 33 the following information to the agency:

34 A. the petition required under part 7047.0030,
 35 subpart 2, item B;

36 B. an identification of the hazardous constituents in

1 the hazardous waste;

2 C. the results of tests conducted to evaluate the
3 hazardous characteristics of the constituents in the hazardous
4 waste;

5 D. a discussion of the potential for the waste to
6 exhibit additional hazardous properties or to contain additional
7 hazardous constituents;

8 E. an assessment of the availability of treatment
9 technologies to render the waste nonhazardous;

10 F. the degree of variability of the waste;

11 G. any other information that the proposer has
12 available that relates to the potential for the waste to have
13 hazardous characteristics or adverse effects on human health and
14 the environment; and

15 H. a discussion of why the proposer believes the
16 waste cannot be rendered nonhazardous.

17 Subp. 3. Information required for a characteristic waste.

18 A proposer who requests the agency to determine whether a
19 satisfactory attempt has been made to have a characteristic
20 waste excluded from regulation as a hazardous waste shall submit
21 the following information to the agency:

22 A. an identification of all hazardous characteristics
23 of the waste;

24 B. a discussion of the treatment used to attempt to
25 eliminate the hazardous characteristics;

26 C. the results of tests conducted to evaluate the
27 hazardous characteristics of the hazardous waste;

28 D. an assessment of the availability of treatment
29 technologies to render the waste nonhazardous;

30 E. the degree of variability of the waste;

31 F. any other information that the proposer has
32 available that relates to the potential for the waste to have
33 hazardous characteristics or adverse effects on human health and
34 the environment; and

35 H. a discussion of why the proposer believes the
36 waste cannot be rendered nonhazardous.

1 Subp. 4. Additional information. The agency, in making
 2 its determination whether the proposer has made a satisfactory
 3 attempt to render a waste nonhazardous, shall consider the
 4 information submitted by the proposer, any other information the
 5 agency has available, and any other information submitted by
 6 other persons that is relevant to the determination.

7 Subp. 5. Agency review. The agency shall determine that
 8 the proposer has made a satisfactory attempt to render a
 9 hazardous waste nonhazardous if the following findings are made
 10 by the agency:

11 A. that the characteristics and the constituents of
 12 the waste have been reasonably identified;

13 B. that the proposer has been unable to render the
 14 hazardous waste nonhazardous through the implementation of
 15 reasonable methods of treatment, generation, and handling so as
 16 to qualify for containment under part 7047.0030, subpart 2.

17 Subp. 6. Procedure. The proposer may request, pursuant to
 18 chapter 7001, that a contested case hearing be held on the
 19 determination whether the proposer has made a satisfactory
 20 attempt to render a hazardous waste nonhazardous. Any other
 21 person may also request a contested case hearing pursuant to
 22 part 7000.1000.

23 7047.0050 DEMONSTRATION OF COMPLIANCE WITH LAND DISPOSAL
 24 RESTRICTIONS, FEASIBLE AND PRUDENT TREATMENT, AND NO FEASIBLE
 25 AND PRUDENT ALTERNATIVE TO CONTAINMENT.

26 Subpart 1. Compliance with land disposal restrictions. To
 27 demonstrate that ~~the~~ a hazardous waste meets the applicable land
 28 disposal restrictions provided in chapter 7045 and Code of
 29 Federal Regulations, title 40, section 268, the proposer shall
 30 submit to the commissioner a certification that the waste has
 31 been treated to the applicable standard established by the land
 32 disposal restrictions.

33 Subp. 2. Treatment using feasible and prudent technology.
 34 To demonstrate that a ~~listed~~ hazardous waste was treated using
 35 feasible and prudent technology that minimizes the possibility

1 of migration of any hazardous constituent of the waste, the
2 proposer shall submit the following to the commissioner:

3 A. certification as required under subpart 1;

4 B. for any residual of a listed hazardous waste
5 treated in compliance with applicable land disposal restrictions
6 that possesses a characteristic that would make it a
7 characteristic hazardous waste if it were not derived from a
8 listed hazardous waste, certification that the residual has been
9 treated again to the same standards applicable to an untreated
10 characteristic waste that possesses the same characteristics;
11 and

12 C. certification that the waste, after treatment as
13 certified under items A and B, was stabilized using the
14 stabilization process permitted for use at the S/C facility.

15 Subp. 3. **No feasible and prudent alternative to**
16 **containment.** A proposer who has made the demonstrations
17 required under subparts 1 and 2, and who has made **an-acceptable**
18 **a satisfactory** attempt to render the waste nonhazardous as
19 determined by the agency under part 7047.0040, subpart 2, is
20 deemed to have demonstrated there is no prudent and feasible
21 alternative to containment of the waste.

22 7047.0060 WASTE MINIMIZATION PLAN.

23 Subpart 1. **Minimization plan requirement.** A generator of
24 waste that is proposed for containment at the S/C facility, that
25 was a hazardous waste when it was accepted for stabilization or
26 proposed for containment at the S/C facility, must prepare and
27 submit to the commissioner a waste minimization plan for that
28 hazardous waste. The plan must evaluate management alternatives
29 for the reduction, recovery, and recycling of the waste and must
30 identify specific minimization activities that will be
31 undertaken by the generator during the term of the plan. The
32 operator of the S/C facility is not required to prepare a
33 minimization plan.

34 Subp. 2. **Content of minimization plan.** A waste
35 minimization plan must include the following elements:

1 A. a description of the processes generating the
2 hazardous waste;

3 B. an inventory of the hazardous wastes that provides
4 the hazardous waste codes and the quantities of wastes that are
5 being sent to the S/C facility for management, and includes
6 wastes that are currently being generated and that are
7 anticipated to be generated for the term of the plan;

8 C. an evaluation of current waste management
9 activities and costs;

10 D. an evaluation of the management activities and
11 costs associated with management of the hazardous waste at the
12 S/C facility;

13 E. an assessment of the potential for reducing the
14 volume and hazardous properties of the hazardous waste to be
15 managed at the S/C facility;

16 F. an assessment of the potential for recycling or
17 recovering the hazardous waste to be contained at the S/C
18 facility;

19 G. a description of the steps that have been
20 implemented to minimize the amount of hazardous waste to be
21 managed at the S/C facility; and

22 H. a specific plan describing additional efforts to
23 be undertaken in the next five years to minimize the amount or
24 hazardous properties of the hazardous waste to be managed at the
25 S/C facility.

26 Subp. 3. ~~Operators of hazardous-waste-treatment~~
27 ~~facilities.~~ An operator of a ~~hazardous-waste-treatment~~ facility
28 ~~other-than-the-stabilization-and-containment-facility,~~ that
29 treats hazardous wastes generated at other sites, ~~may~~ must
30 submit to the commissioner a waste minimization plan for wastes
31 treated ~~by~~ at the facility. This plan ~~may~~ must be submitted in
32 lieu of any plan required under subpart 1. A minimization plan
33 submitted by the operator of a ~~treatment~~ facility must include
34 the following elements:

35 A. a description of the efforts undertaken by the
36 operator to minimize the hazardous waste to be managed at the

1 S/C facility, including an evaluation of potential treatment
2 processes that could reduce the volume or hazardous properties
3 of the waste, an evaluation of all potential activities directed
4 at the recycling or recovery of the wastes, and a discussion of
5 any processes or activities that have been implemented to reduce
6 the volume or hazardous properties of the waste and of the
7 present method of managing the hazardous waste; and

8 B. a discussion of the efforts undertaken by the
9 operator of the ~~multiple-waste-treatment~~ facility to educate its
10 client generators of waste minimization practices and to
11 encourage them to minimize hazardous waste generation.

12 Subp. 4. **Revision of minimization plan.** The generator
13 shall revise and resubmit the minimization plan when the
14 generator makes changes in production or waste management
15 methods that materially affect the minimization activities
16 included in the plan but, in any event, at least every five
17 years after the submission of the most recent plan or revised
18 plan.

19 Subp. 5. **Term of minimization plan.** The minimization plan
20 must address the generator's minimization activities for five
21 years ~~from~~ after the date the plan is submitted to the
22 commissioner.

23 Subp. 6. **Commissioner's review of minimization plans.** The
24 commissioner shall review each minimization plan that is
25 submitted and determine whether the requirements of this part
26 have been met. ~~If the commissioner determines that the~~
27 ~~requirements of this part have been met,~~ The commissioner shall
28 issue to the generator written documentation of ~~such approval~~
29 the commissioner's decision.

30 7047.0070 PROHIBITIONS.

31 Subpart 1. **Acceptance prohibited without approval of**
32 **agency or commissioner.** The operator of a the S/C facility may
33 not accept any waste for containment and may not place any waste
34 in a containment cell at the S/C facility unless the waste has
35 been approved for containment at the S/C facility under part

1 7047.0030.

2 Subp. 2. **Knowing submittal of false information or**
3 **certification.** A person submitting any information or
4 certification to the agency or commissioner under parts
5 7047.0010 to 7047.0060 shall not submit any information or
6 certification that the person knows is false in any material
7 respect.