

1 Pollution Control Agency

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3 Solid and Hazardous Waste Division

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5 Adopted Permanent Rules Relating to Hazardous Waste

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7 Rules as Adopted

8 7001.0520 PERMIT REQUIREMENTS.

9 Subpart 1. Permit required. Except as provided in subpart
10 2, no person may do any of the following without obtaining a
11 hazardous waste facility permit from the agency:

12 A. treat, store, or dispose of hazardous waste;

13 B. establish, construct, operate, close, or provide
14 post-closure care at a hazardous waste facility;

15 C. make an expansion, a production increase, or a
16 process modification that results in new or increased
17 capabilities of a permitted hazardous waste facility; or

18 D. operate a permitted hazardous waste facility or
19 part of a facility that has been changed, added to, or extended,
20 or that has new or increased capabilities.

21 Owners or operators of surface impoundments, landfills,
22 land treatment units, and waste piles that received wastes after
23 July 26, 1982, or that certified closure according to part
24 7045.0596, subpart 4, after January 26, 1983, must have a
25 hazardous waste facility permit from the agency, unless they
26 demonstrate closure by removal as provided in subparts 5 and 6.
27 If a permit is required, the permit must address the applicable
28 groundwater monitoring, unsaturated zone monitoring, corrective
29 action, and post-closure care requirements in chapter 7045.

30 [For text of subps 2 to 6, see M.R. 1989]

31 7045.0020 DEFINITIONS.

32 [For text of subps 1 to 96, see M.R. 1989]

33 Subp. 96a. Treatability study. "Treatability study" means
34 a study in which a hazardous waste is subjected to a treatment
35 process to determine:



1 A. whether the waste is amenable to the treatment
2 process;

3 B. what pretreatment might be required;

4 C. the optimal process conditions needed to achieve
5 the desired treatment;

6 D. the efficiency of a treatment process for a
7 specific waste or wastes; or

8 E. the characteristics and volumes of residuals from
9 a particular treatment process.

10 Also included in this definition, for the purpose of the
11 exemptions of part 7045.0121, are liner compatibility,
12 corrosion, and other material compatibility studies and
13 toxicological and health effects studies. A treatability study
14 is not a means to commercially treat or dispose of hazardous
15 waste.

16 [For text of subps 97 to 109, see M.R. 1989]

17 7045.0075 PETITIONS.

18 [For text of subpart 1, see M.R. 1989]

19 Subp. 2. **Petitions to exclude a waste produced at a**
20 **particular facility.** Petitions to exclude a waste produced at a
21 particular facility are as follows:

22 [For text of items A to G, see M.R. 1989]

23 H. After receiving a petition for an exclusion, the
24 agency or the commissioner may request any additional
25 information which may reasonably be required to evaluate the
26 petition. An exclusion will only apply to the waste generated
27 at the individual facility and covered by the demonstration and
28 will not apply to waste from any other facility. The agency may
29 limit the exclusion to portions of the waste for which
30 sufficient affirmative demonstration is provided when it has
31 reason to believe that the hazardous characteristics may not be
32 consistent throughout the waste or that the demonstration may
33 not be representative of the entire petitioned waste.

34 [For text of subps 3 to 10, see M.R. 1989]

35 Subp. 11. **Petition for additional treatability study**

1 quantities. The commissioner may grant requests for quantity
 2 limits in excess of those specified in part 7045.0121, subpart
 3 2, item A, for up to an additional 500 kilograms of nonacute
 4 hazardous waste, one kilogram of acute hazardous waste, and 250
 5 kilograms of soils, water, or debris contaminated with acute
 6 hazardous waste, to conduct further treatability study
 7 evaluation. Item A of this subpart prescribes the conditions
 8 which the petitioner must meet in order for the commissioner to
 9 grant a petition to increase the quantity limits for waste,
 10 destined for use in treatability studies, to a maximum of the
 11 limits described in this subpart. Item B of this subpart
 12 prescribes what the petition must contain.

13 A. Conditions for granting a petition to increase
 14 quantity limits of waste for use in a treatability study are:

15 (1) there has been an equipment or mechanical
 16 failure during the conduct of a treatability study;

17 (2) there is a need to verify the results of a
 18 previously conducted treatability study;

19 (3) there is a need to study and analyze
 20 alternative techniques within a previously evaluated treatment
 21 process; or

22 (4) there is a need to do further evaluation of
 23 an ongoing treatability study to determine final specifications
 24 for treatment.

25 B. The generator or sample collector must apply to
 26 the commissioner and provide in writing the following
 27 information:

28 (1) the reason why the generator or sample
 29 collector requires additional quantity of sample for the
 30 treatability study evaluation and the additional quantity
 31 needed;

32 (2) documentation accounting for all samples of
 33 hazardous waste from the waste stream that have been sent for or
 34 undergone treatability studies including the date each previous
 35 sample from the waste stream was shipped, the quantity of each
 36 previous shipment, the laboratory or testing facility to which

1 it was shipped, what treatability study processes were conducted
2 on each sample shipped, and the available results of each
3 treatability study;

4 (3) a description of the technical modifications
5 or change in specifications that will be evaluated and the
6 expected results; and

7 (4) if a further study is required due to
8 equipment or mechanical failure, the applicant shall include
9 information regarding the reason for the failure or breakdown
10 and include what procedures or equipment improvements have been
11 made to protect against further breakdowns; and

12 (5) any additional information requested by the
13 commissioner which may reasonably be required to evaluate the
14 petition.

15 C. Upon receiving approval of the petition, the
16 generator must manage the additional samples as specified in
17 part 7045.0121.

18 7045.0120 EXEMPT WASTES.

19 The following wastes may be stored, labeled, transported,
20 treated, processed, and disposed of without complying with the
21 requirements of this chapter:

22 [For text of items A to I, see M.R. 1989]

23 J. wastes resulting from spills if the exemption is
24 determined by the commissioner to be necessary to expedite the
25 proper management of the spilled material and to prevent, abate,
26 or control pollution as an immediate response to an emergency
27 provided the waste is ultimately taken to a hazardous waste
28 facility as specified in part 7045.0219, subpart 5, item B,
29 subitem (8);

30 [For text of items K to Q, see M.R. 1989]

31 7045.0121 TREATABILITY STUDY EXEMPTIONS.

32 Subpart 1. **Applicability.** Except as provided in subpart
33 2, persons who generate or collect samples for the purpose of
34 conducting treatability studies, as defined in part 7045.0020,
35 are not subject to any requirement of parts 7045.0100 to

1 7045.0397, or to the notification requirements of the Resource
2 Conservation and Recovery Act, United States Code, title 42,
3 section 6930, nor are such samples included in the quantity
4 determinations of part 7045.0219 when:

5 A. the sample is being collected and prepared for
6 transportation by the generator or sample collector;

7 B. the sample is being accumulated or stored by the
8 generator or sample collector before transportation to a
9 laboratory or testing facility; or

10 C. the sample is being transported to the laboratory
11 or testing facility for the purpose of conducting a treatability
12 study.

13 Subp. 2. Conditions of exemption. The exemption in
14 subpart 1 is applicable to samples of hazardous waste being
15 collected and shipped for the purpose of conducting treatability
16 studies provided that:

17 A. no more than 1,000 kilograms of nonacute hazardous
18 waste, one kilogram of acute hazardous waste, or 250 kilograms
19 of soils, water, or debris contaminated with acute hazardous
20 waste is used for each process being evaluated for each
21 generated waste stream;

22 B. each sample shipment does not exceed 1,000
23 kilograms of nonacute hazardous waste, one kilogram of acute
24 hazardous waste, or 250 kilograms of soils, water, or debris
25 contaminated with acute hazardous waste;

26 C. the sample is packaged so that it will not leak,
27 spill, or vaporize from its packaging during shipment and the
28 requirements of either of the following subitems are met:

29 (1) the transportation of each sample shipment
30 complies with United States Department of Transportation, United
31 States Postal Service, and any other applicable shipping
32 requirements; or

33 (2) if the United States Department of
34 Transportation, United States Postal Service, or other shipping
35 requirements do not apply to the shipment of the sample, the
36 following information must accompany the sample: the name,

1 mailing address, and telephone number of the originator of the
2 sample; the name, address, and telephone number of the facility
3 that will perform the treatability study; the quantity of the
4 sample; the date of shipment; and a description of the sample,
5 including its Environmental Protection Agency hazardous waste
6 number;

7 D. the sample is shipped to a laboratory or testing
8 facility that is exempt under this part, or has an appropriate
9 permit under the Resource Conservation and Recovery Act, United
10 States Code, title 42, section 6901 et seq., or interim status;

11 E. the generator or sample collector maintains the
12 following records for a period ending three years after
13 completion of the treatability study:

14 (1) copies of shipping documents;

15 (2) a copy of the contract with the facility
16 conducting the treatability study; and

17 (3) documentation showing the amount of waste
18 shipped under this exemption; the name, address, and
19 Environmental Protection Agency identification number of the
20 laboratory or testing facility that received the waste; the date
21 the shipment was made; and whether or not unused samples and
22 residues were returned to the generator.

23 F. the generator reports the information required
24 under item E, subitem (3), in its report to the commissioner as
25 specified in part 7045.0296.

26 Subp. 3. Facilities and sample handling. A mobile
27 treatment unit may qualify as a laboratory or testing facility
28 subject to requirements of this subpart. Where a group of
29 mobile treatment units are located at the same site, the
30 limitations specified in this subpart apply to the entire group
31 of mobile treatment units involved in treatability studies
32 collectively as if the group were one mobile treatment unit.
33 Samples undergoing treatability studies and the laboratory or
34 testing facility conducting the treatability studies, to the
35 extent the facilities are engaged directly in treatability
36 studies and are not otherwise subject to the Resource

1 Conservation and Recovery Act, United States Code, title 42,
2 section 6901 et seq. requirements, are not subject to any
3 requirements of Code of Federal Regulations, title 40, part 124;
4 parts 7045.0100 to 7045.0685 except this part and applicable
5 references; parts 7045.1300 to 7045.1380; chapter 7001; or to
6 the notification requirements of the Resource Conservation and
7 Recovery Act, United States Code, title 42, section 6930,
8 providing that the conditions in items A to K are met.

9 A. No less than 45 days before conducting
10 treatability studies, the facility operator notifies the
11 commissioner in writing that it intends to conduct treatability
12 studies under this item.

13 B. The laboratory or testing facility conducting the
14 treatability study has an Environmental Protection Agency
15 identification number.

16 C. No more than a total of 250 kilograms of hazardous
17 waste sample of which no more than one kilogram may be acute
18 hazardous waste, as received, is subjected to initiation of
19 treatment in all treatability studies in any single day. The
20 term "as received" refers to the hazardous waste sample in the
21 form received in the shipment from the generator or sample
22 collector for the purpose of evaluation in treatability studies.

23 D. The quantity of as received hazardous waste sample
24 stored at the facility for the purpose of evaluation in
25 treatability studies does not exceed 1,000 kilograms, the total
26 of which can include 500 kilograms of soils, water, or debris
27 contaminated with acute hazardous waste or one kilogram of acute
28 hazardous waste. This quantity limitation does not include:

29 (1) treatability study residues; and
30 (2) treatment materials, including nonhazardous
31 solid waste, added to as received hazardous waste sample.

32 E. Any unused sample or residues generated from the
33 treatability study must be returned to the generator or sample
34 collector, or must be sent to a designated facility with a
35 current Environmental Protection Agency identification number
36 within 90 days after completion of the treatability study or

1 within one year of the date the generator or sample collector
2 shipped the sample to the laboratory or testing facility,
3 whichever date occurs first.

4 F. The treatability study does not involve the
5 placement of hazardous waste on the land or open burning of
6 hazardous waste.

7 G. The facility maintains records for three years
8 following completion of each treatability study conducted and
9 these records track compliance with the limits on treatment
10 rate, storage time, and quantity ~~limits~~ and also include the
11 following information:

12 (1) the name, address, and Environmental
13 Protection Agency identification number of the generator or
14 sample collector of each hazardous waste sample;

15 (2) the date the waste sample shipment was
16 received;

17 (3) the quantity of waste sample accepted;

18 (4) the quantity of as received waste sample in
19 storage each day;

20 (5) the date the treatment study was initiated,
21 and the amount of as received waste sample introduced to
22 treatment each day;

23 (6) the date the treatability study was
24 concluded; and

25 (7) the date any unused sample or residues
26 generated from the treatability study were returned to the
27 generator or sample collector or, if sent to a designated
28 facility, the name of the facility and its Environmental
29 Protection Agency identification number.

30 H. The facility must keep, on-site, a copy of the
31 treatability study contract and all shipping papers associated
32 with the transport of treatability study samples to and from the
33 facility for a period ending three years from the completion
34 date of each treatability study.

35 I. The facility prepares and submits a report to the
36 commissioner by March 15 of each year that estimates the number

1 of studies and the amount of waste expected to be used in
2 treatability studies during the current year and includes the
3 following information for the previous calendar year:

4 (1) the name, address, and Environmental
5 Protection Agency identification number of the facility
6 conducting the treatability studies;

7 (2) the types, by process, of treatability
8 studies conducted;

9 (3) the names and addresses of persons for whom
10 studies have been conducted, including their Environmental
11 Protection Agency identification numbers;

12 (4) the total quantity of waste in storage each
13 day;

14 (5) the quantity and types of waste subjected to
15 treatability studies;

16 (6) when each treatability study was conducted;

17 and

18 (7) the final disposition of residues and unused
19 sample from each treatability study.

20 J. The facility determines whether any unused sample
21 or residues generated by the treatability study are hazardous
22 waste under parts 7045.0100 to 7045.0143, and, if so, are
23 subject to chapters 7001 and 7045, unless the residues and
24 unused samples are returned to the sample originator, in which
25 case the sample originator is responsible to make this
26 determination.

27 K. The facility notifies the commissioner by letter
28 when the facility is no longer planning to conduct any
29 treatability studies at the site.

30 7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.

31 Except for persons who are generators under part 7045.0205,
32 subparts 2 and 3, a person having hazardous waste subject to
33 regulation under these parts who is only a hazardous waste
34 generator for the one-time disposal of hazardous waste which is
35 not currently being produced, must comply with this chapter

1 except parts 7045.0205, subpart 3; 7045.0211; 7045.0212;
2 7045.0292; and 7045.0296. This kind of hazardous waste
3 generator is exempt from parts 7045.0220 to 7045.0249 except
4 that the generator must obtain an identification number and a
5 management plan must be submitted to the commissioner for
6 approval on the forms provided.

7 7045.0290 HAZARDOUS WASTE MANAGEMENT.

8 Subpart 1. Proper hazardous waste management. The
9 generator shall ensure treatment, storage, or disposal of its
10 hazardous waste in an on-site facility or delivery to an
11 off-site treatment, storage, or disposal facility in accordance
12 with all applicable requirements. The generator shall ensure
13 that any off-site facility to which the waste is being shipped
14 for treatment, storage, or disposal is capable of managing the
15 waste and is authorized to receive the waste. If located in the
16 United States, the facility used must be:

17 A. permitted to accept hazardous waste under the
18 agency's permitting procedures;

19 B. in interim status under parts 7045.0552 to
20 7045.0642;

21 C. authorized to manage hazardous waste by the United
22 States Environmental Protection Agency or by a state with a
23 hazardous waste management program authorized by the
24 Environmental Protection Agency; or

25 D. a facility that under part 7045.0125 beneficially
26 uses, reuses, legitimately recycles, or reclaims the waste or
27 treats the waste before beneficial use, reuse, legitimate
28 recycling, or reclamation.

29 Subp. 2. Improper hazardous waste management. No
30 generator shall relinquish control of a hazardous waste when the
31 generator has reason to believe that the hazardous waste is not
32 being properly managed.

33 Subp. 3. Effect on liability. Nothing in subpart 1 or 2
34 is intended to restrict or enlarge or affect in any way, any
35 liability the generator may have to correct the mismanagement of

1 the hazardous waste or pay for damages or alleviate any
2 pollution caused by the mismanagement of the hazardous waste.

3 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

4 Subpart 1. When allowed without a permit. A generator may
5 accumulate hazardous waste on-site without a permit or without
6 having interim status if:

7 [For text of item A, see M.R. 1989]

8 B. the waste is placed in containers which meet the
9 standards of part 7045.0270, subpart 4 and are managed in
10 accordance with part 7045.0626; or in tanks provided the
11 generator complies with the requirements of part 7045.0628
12 except part 7045.0628, subpart 9, item C, and subpart 12;

13 C. tanks and containers are clearly labeled with the
14 waste accumulation start date; alternatively, containers are so
15 labeled while a clearly designated and legible log of tank
16 transactions which includes accumulation start dates is
17 maintained; all of these dates must be available for inspection;

18 [For text of items D and E, see M.R. 1989]

19 F. containers in outdoor storage areas which hold
20 free liquids are placed on a curbed containment surface which is
21 impermeable to the wastes stored;

22 G. containers holding hazardous wastes which exhibit
23 the characteristics of ignitability or reactivity or which
24 exhibit the potential for creating vapor pressures capable of
25 causing containers to leak, deform, or otherwise fail if not
26 shaded are shaded from direct sunlight; however, nothing in this
27 item shall relieve the generator from the obligation to comply
28 with any local, state, or federal law governing storage of these
29 wastes;

30 H. the requirements of parts 7045.0558 and 7045.0566
31 to 7045.0576 are fulfilled regarding personnel training,
32 preparedness, prevention, and contingency planning; and

33 I. all waste containers and tanks are labeled with
34 the words "Hazardous Waste" and a description that clearly
35 identifies their contents to employees and emergency personnel.

1 [For text of subp 2, see M.R. 1989]

2 Subp. 3. **Accumulation requiring a permit.** A generator who
3 accumulates hazardous waste for more than 90 days is an operator
4 of a storage facility and is subject to the requirements of
5 parts 7045.0450 to 7045.0642 and the agency's permitting
6 procedures in chapter 7001 unless the generator has been granted
7 an extension to the 90-day period. An extension may be granted
8 by the commissioner if hazardous wastes must remain on-site for
9 longer than 90 days due to unforeseen, temporary, and
10 uncontrollable circumstances. An extension of up to 30 days may
11 be granted at the discretion of the commissioner on a
12 case-by-case basis.

13 Subp. 4. **Accumulation of waste by generator.** The
14 following apply to generators of hazardous waste:

15 [For text of item A, see M.R. 1989]

16 B. The generator must:

17 (1) comply with part 7045.0626;

18 (2) clearly label each container with the words
19 "Hazardous Waste" and a description which clearly identifies its
20 contents to employees and emergency personnel; and

21 (3) clearly label each container with the
22 earliest of either the date on which the container became full
23 or the date on which the volume limits prescribed in item A are
24 reached.

25 C. A generator who accumulates either hazardous waste
26 or acutely hazardous waste listed in part 7045.0135, subpart 4,
27 item E in excess of the amounts listed in item A of this subpart
28 at or near any point of generation must, with respect to the
29 amount of excess waste, comply within three days with subpart 1
30 or, if applicable, part 7045.0219 or other applicable provisions
31 of this chapter. During the three-day period for compliance the
32 generator must continue to comply with item B.

33 7045.0454 PERSONNEL TRAINING.

34 [For text of subps 1 to 5, see M.R. 1989]

35 Subp. 6. **Personnel records.** The following documents and

1 records must be maintained at the facility:

2 [For text of items A to C, see M.R. 1989]

3 D. records that document that the training or job
4 experience required under subparts 1 to 5 has been given to, and
5 completed by, facility personnel.

6 [For text of subp 7, see M.R. 1989]

7 7045.0526 USE AND MANAGEMENT OF CONTAINERS.

8 [For text of subps 1 to 6, see M.R. 1989]

9 Subp. 7. **Special requirements for ignitable or reactive**
10 **waste.** Containers holding ignitable or reactive waste must be
11 located at least 15 meters (50 feet) from the facility's
12 property line. Nothing in this subpart shall relieve the
13 facility owner or operator from the obligation to comply with
14 any local, state, or federal law governing storage of these
15 wastes.

16 [For text of subps 8 and 9, see M.R. 1989]

17 7045.0558 PERSONNEL TRAINING.

18 [For text of subps 1 to 5, see M.R. 1989]

19 Subp. 6. **Personnel records.** The following documents and
20 records must be maintained at the facility:

21 [For text of items A to C, see M.R. 1989]

22 D. Records that document that the training or job
23 experience required under subparts 1 to 5 has been given to, and
24 completed by, facility personnel.

25 [For text of subp 7, see M.R. 1989]

26 7045.0574 EMERGENCY PROCEDURES.

27 [For text of subps 1 to 4, see M.R. 1989]

28 Subp. 5. **Report on released material.** If the emergency
29 coordinator determines that the facility has had a release,
30 fire, or explosion which could threaten human health or the
31 environment outside the facility, the findings must be reported
32 as provided in items A and B:

33 A. If the assessment indicates that evacuation of
34 local areas may be advisable, the appropriate local authorities

1 must be immediately notified, and the emergency coordinator
2 shall be available to help appropriate officials decide whether
3 local areas should be evacuated.

4 B. The agency's emergency response unit must be
5 immediately notified at the 24-hour telephone number, (612)
6 296-8100, and notification must also be given to either the
7 governmental official designated as the on-scene coordinator for
8 that geographical area in the applicable regional contingency
9 plan under Code of Federal Regulations, title 40, part 1510
10 (1983) or to the National Response Center using their 24-hour
11 toll free telephone number, (800) 424-8802. The report must
12 include:

- 13 (1) name and telephone number of reporter;
14 (2) name and address of facility;
15 (3) time and type of incident;
16 (4) name and quantity of material involved, to
17 the extent known;
18 (5) the extent of injuries, if any; and
19 (6) the possible hazards to human health or the
20 environment outside the facility.

21 Subp. 6. **Duty to notify.** The emergency coordinator shall
22 immediately notify the agency if the released hazardous waste
23 may cause pollution of the air, land resources, or waters of the
24 state. The emergency coordinator shall use the agency's 24-hour
25 telephone number (612) 296-8100.

26 [For text of subps 7 and 8, see M.R. 1989]

27 7045.0626 USE AND MANAGEMENT OF CONTAINERS.

28 [For text of subps 1 to 4, see M.R. 1989]

29 Subp. 5. **Inspections.** The owner or operator shall inspect
30 hazardous waste containers and areas where containers are
31 stored, at least weekly, looking for leaks and for deterioration
32 caused by corrosion or other factors and shall keep a written
33 record of the dates and findings of these inspections.

34 [For text of subp 6, see M.R. 1989]

35 Subp. 7. **Special requirements for ignitable or reactive**

1 waste. Containers holding ignitable or reactive waste must be
2 located at least 15 meters (50 feet) from the facility's
3 property line. Nothing in this subpart shall relieve the
4 facility owner or operator from the obligation to comply with
5 any local, state, or federal law governing storage of these
6 wastes.

7 [For text of subp 8, see M.R. 1989]