

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Hazardous Waste

4 Clarifications

5

6 Rules as Adopted

7 7045.0020 DEFINITIONS.

8 [For text of subps 1 to 14, see M.R.]

9 Subp. 15. **Designated facility.** "Designated facility"
10 means a hazardous waste treatment, storage, or disposal facility
11 which:

12 A. (1) has received interim status;

13 (2) has received an agency permit,

14 (3) is subject to the requirements of part
15 7045.0125, subpart 5, 6, or 10, or subpart 9, item B, or part
16 7045.0685; or

17 (4) if located outside Minnesota, has been
18 exempted from the requirements to obtain a permit by the United
19 States Environmental Protection Agency; has either received an
20 Environmental Protection Agency permit or a permit from an
21 authorized state, or has interim status;

22 B. has been designated on the manifest by the
23 generator pursuant to part 7045.0261, or has been designated on
24 a shipping paper or management plan required by part 7045.0125;
25 and

26 C. if located in an Environmental Protection Agency
27 authorized state which has not yet obtained authorization to
28 regulate the hazardous waste it is receiving as hazardous, must
29 be a facility allowed by the receiving state to accept the waste.

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

31 7045.0102 MIXTURES OF WASTES.

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

33 Subp. 2. **Mixtures of hazardous and nonhazardous wastes.**

34 The mixing of a hazardous waste with a nonhazardous waste as
35 described in this subpart constitutes treatment. Generators who

1 mix hazardous and nonhazardous wastes on site must meet the
2 requirements of part 7045.0211 for generators with on-site
3 facilities.

4 A. A mixture is a hazardous waste if it is a mixture
5 of nonhazardous waste and any waste which is hazardous solely
6 because it exhibits the characteristic of ignitability,
7 corrosivity, oxidativity, or reactivity as described in part
8 7045.0131, unless the resulting mixture does not exhibit any of
9 the characteristics of hazardous waste as defined in part
10 7045.0131.

11 B. A mixture is a hazardous waste if it is a mixture
12 of nonhazardous waste and any waste listed in part 7045.0135
13 solely because of ignitability, corrosivity, or reactivity,
14 unless:

15 (1) the resulting mixture does not exhibit any of
16 the characteristics of hazardous waste as defined in part
17 7045.0131;

18 (2) the resulting mixture has been excluded from
19 regulation pursuant to part 7045.0075, subpart 2; or

20 (3) the nonhazardous waste is exempt from
21 regulation under part 7045.0120, item I, and the resultant
22 mixture no longer exhibits any characteristic of hazardous waste
23 as defined in part 7045.0131 for which the hazardous waste
24 listed in part 7045.0135 was listed.

25 [For text of item C, see M.R.]

26 D. A mixture is a hazardous waste if it is a sewered
27 mixture of nonhazardous waste and any waste which is hazardous
28 because it exhibits the characteristics of extraction procedure
29 (EP) toxicity or toxicity as defined in part 7045.0131 unless:

30 (1) prior to entering the sewer the resulting
31 mixture no longer exhibits the characteristic of extraction
32 procedure (EP) toxicity or toxicity; and

33 (2) the sewerage of the mixture has been approved
34 by the agency pursuant to parts 7045.0220 to 7045.0255.

35 This provision does not apply to those mixtures defined as
36 nonhazardous under item F.

1 [For text of items E to G, see M.R.]

2 H. Any mixture of a waste from the extraction,
3 beneficiation, and processing of ores and minerals excluded
4 under part 7045.0120, item I, and any other waste exhibiting a
5 characteristic of hazardous waste under part 7045.0131 is a
6 hazardous waste only if:

7 (1) it exhibits a characteristic that would not
8 have been exhibited by the excluded waste alone if such mixture
9 had not occurred; or

10 (2) it continues to exhibit any of the
11 characteristics exhibited by the nonexcluded wastes prior to
12 mixture.

13 For the purposes of applying the toxicity characteristic of
14 part 7045.0131, subpart 7, to such mixtures, the mixture is also
15 a hazardous waste if it exceeds the maximum concentration for
16 any contaminant listed in part 7045.0131, subpart 8, that would
17 not have been exceeded by the excluded waste alone if the
18 mixture had not occurred or if it continues to exceed the
19 maximum concentration for any contaminant exceeded by the
20 nonexempt waste prior to mixture.

21 [For text of subp 3, see M.R.]

22 7045.0120 EXEMPT WASTES.

23 The following wastes may be stored, labeled, transported,
24 treated, processed, and disposed of without complying with the
25 requirements of this chapter:

26 [For text of items A to H, see M.R.]

27 I. waste from the extraction, beneficiation, and
28 processing of ores and minerals, including coal, and including
29 phosphate rock and overburden from the mining of uranium ore.
30 For purposes of this item, beneficiation of ores and minerals is
31 restricted to the following activities: crushing; grinding;
32 washing; dissolution; crystalization; filtration; sorting;
33 sizing; drying; sintering; pelletizing; briquetting; calcinizing
34 calcining to remove water or carbon dioxide; roasting,
35 autoclaving, or chlorination in preparation for leaching (except

1 where the roasting, autoclaving, or chlorination/leaching
 2 sequence produces a final or intermediate product that does not
 3 undergo further beneficiation or processing); gravity
 4 concentration; magnetic separation; electrostatic separation;
 5 flotation; ion exchange; solvent extraction; electrowinning;
 6 precipitation; amalgamation; and heap, dump, vat, tank, and in
 7 situ leaching. For the purposes of this item, waste from the
 8 processing of ores and minerals includes only the following
 9 wastes:

- 10 (1) red and brown muds from bauxite refining;
- 11 (2) slag from elemental phosphorus production;
- 12 (3) gasifier ash from coal gasification;
- 13 (4) process wastewater from coal gasification;
- 14 (5) slag tailings from primary copper processing;
- 15 (6) fluorogypsum from hydrofluoric acid
 16 production;
- 17 (7) iron blast furnace slag;
- 18 (8) treated residue from the roasting/leaching of
 19 chrome ore; and
- 20 (9) basic oxygen furnace and open hearth furnace
 21 slag from carbon steel production;

22 [For text of items J to P, see M.R.]

23 7045.0135 LISTS OF HAZARDOUS WASTES.

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

25 Subp. 2. **Hazardous wastes from nonspecific sources.**

26 Hazardous wastes from nonspecific sources are listed with the
 27 generic hazardous waste number and hazard code in items A to V.

28 [For text of items A to L, see M.R.]

29 M. F019, wastewater treatment sludges from the
 30 chemical conversion coating of aluminum, except from zirconium
 31 phosphating in aluminum can washing when such phosphating is an
 32 exclusive conversion coating process: (T);

33 [For text of items N to Q, see M.R.]

34 R. F024, process wastes, including but not limited
 35 to, distillation residues, heavy ends, tars, and reactor

1 cleanout wastes from the production of certain chlorinated
2 aliphatic hydrocarbons by free radical catalyzed processes.
3 These chlorinated aliphatic hydrocarbons are those having carbon
4 chain lengths ranging from one to and including five, with
5 varying amounts and positions of chlorine substitution. This
6 listing does not include wastewaters, wastewater treatment
7 sludges, spent catalysts, and wastes listed in this subpart and
8 subpart 3: (T);

9 S. F025, condensed light ends, spent filters and
10 filter aids, and spent ~~dessicant~~ desiccant wastes from the
11 production of certain chlorinated aliphatic hydrocarbons, by
12 free radical catalyzed processes. These chlorinated aliphatic
13 hydrocarbons are those having carbon chain lengths ranging from
14 one to and including five, with varying amounts and positions of
15 chlorine substitution: (T);

16 T. F026, wastes, except wastewater and spent carbon
17 from hydrogen chloride purification, from the production of
18 materials on equipment previously used for the manufacturing use
19 as a reactant, chemical intermediate, or component in a
20 formulating process of tetra-, penta-, or hexachlorobenzene
21 under alkaline conditions: (H);

22 U. F027, discarded unused formulations containing
23 tri-, tetra-, or pentachlorophenol or discarded unused
24 formulations containing compounds derived from these
25 chlorophenols. This listing does not include formulations
26 containing hexachlorophene synthesized from prepurified
27 2,4,5-trichlorophenol as the sole component: (H); and

28 V. F028, residues resulting from the incineration or
29 thermal treatment of soil contaminated with hazardous waste Nos.
30 F020, F021, F022, F023, F026, and F027: (T).

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

34 [For text of items A to D, see M.R.]

35 E. Pesticides:

36 [For text of subitems (1) to (18), see M.R.]

1 (19) K125, filtration, evaporation, and
2 centrifugation solids from the production of
3 ethylenebisdithiocarbamic acid and its salts: (T);

4 (20) K126, bag house dust and floor sweepings in
5 milling and packaging operations from the production or
6 formulation of ethylenebisdithiocarbamic acid and its salts:
7 (T);

8 (21) K131, wastewater from the reactor and spent
9 sulfuric acid from the acid dryer from the production of methyl
10 bromide: (C,T); and

11 (22) K132, spent absorbent and wastewater
12 separator solids from the production of methyl bromide: (T).

13 [For text of items F to L, see M.R.]

14 [For text of subps 4 and 5, see M.R.]

15 7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

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

17 Subp. 2. **Constituents.** The constituents which are the
18 basis for listing the wastes identified in part 7045.0135,
19 subparts 2 and 3 are listed in items A and B.

20 A. Constituents of wastes identified in part
21 7045.0135, subpart 2 are listed in subitems (1) to (22).

22 [For text of subitems (1) to (18), see M.R.]

23 (19) F025: Chloromethane; dichloromethane;
24 trichloromethane; carbon tetrachloride; chloroethylene;
25 1,1-dichloroethane; 1,2-dichloroethane;
26 trans-1,2-dichloroethylene; 1,1-dichloroethylene;
27 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene;
28 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane;
29 tetrachloroethylene; pentachloroethane; hexachloroethane; allyl
30 chloride (3-chloropropene); dichloropropane; dichloropropene;
31 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene;
32 hexachlorocyclopentadiene; benzene; chlorobenzene;
33 dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene;
34 pentachlorobenzene; hexachlorobenzene; toluene; naphthalene;
35 (20) F026: Tetra-, penta-, and

1 hexachlorodibenzo-p-dioxins; tetra-, penta-, and
2 hexachlorodibenzofurans;
3 (21) F027: Tetra-, penta-, and
4 hexachlorodibenzo-p-dioxins; tetra-, penta-, and
5 hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols
6 and their chlorophenoxy derivative acids, esters, ethers, amine,
7 and other salts; and

8 (22) F028: Tetra-, penta-, and
9 hexachlorodibenzo-p-dioxins; tetra-, penta-, and
10 hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols
11 and their chlorophenoxy derivative acids, esters, ethers, amine,
12 and other salts.

13 B. Constituents of wastes identified in part
14 7045.0135, subpart 3 are listed in subitems (1) to (91).

15 [For text of subitems (1) to (87), see M.R.]

16 (88) K126: Ethylene thiourea;
17 (89) K131: Dimethyl sulfate, methyl bromide;
18 (90) K132: Methyl bromide; and
19 (91) K136: Ethylene dibromide.

20 7045.0141 HAZARDOUS CONSTITUENTS.

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

22 Subp. 2. "A" constituents. Hazardous constituents
23 beginning with the letter A are as follows:

24 [For text of items A to L, see M.R.]

25 M. Allyl chloride, 107-18-6, ____;
26 N. Aluminum phosphide, 20859-73-8, P006;
27 O. 4-Aminobiphenyl, 92-67-1, ____;
28 P. 5-(Aminomethyl)-3-isoxazolol, 2763-96-4, P007;
29 Q. 4-Aminopyridine, 504-24-5, P008;
30 R. Amitrole, 61-82-5, U011;
31 S. Ammonium vanadate, 7803-55-6, P119;
32 T. Aniline, 62-53-3, U012;
33 U. Antimony, 7440-36-0, ____;
34 V. Antimony compounds, not otherwise specified in
35 this list, _____, _____;

- 1 W. Aramite, 140-57-8, _____;
- 2 X. Arsenic, 7440-38-2, _____;
- 3 Y. Arsenic compounds, not otherwise specified in this
- 4 list, _____, _____;
- 5 Z. Arsenic acid, 7778-39-4, P010;
- 6 AA. Arsenic pentoxide, 1303-28-2, P011;
- 7 BB. Arsenic trioxide, 1327-53-3, P012;
- 8 CC. Auramine, 492-80-8, P014; and
- 9 DD. Azaserine, 115-02-6, U015.

10 [For text of subps 3 to 23, see M.R.]

11 7045.0265 USE OF MANIFEST.

12 [For text of subps 1 to 3, see M.R.]

13 Subp. 4. **Out-of-state shipments.** When a shipment of
14 hazardous waste is to be delivered to a hazardous waste facility
15 located outside the state of Minnesota, the generator must
16 ensure that:

17 A. the copy of the hazardous waste manifest signed by
18 the facility operator is sent to the commissioner within 40 days
19 of the acceptance of the hazardous waste by the hazardous waste
20 facility; and

21 B. for shipments of a hazardous waste to a designated
22 facility in ~~an~~ a United States Environmental Protection Agency
23 authorized state which has not yet obtained authorization to
24 regulate that particular waste as hazardous, the designated
25 facility agrees to sign the manifest and return the manifest to
26 the generator, and that any out-of-state transporter signs and
27 forwards the manifest to the designated facility.

28 [For text of subp 5, see M.R.]