

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Generators of Hazardous
4 Waste

5

6 Rules as Adopted

7 7001.0520 PERMIT REQUIREMENTS.

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

9 Subp. 2. Exclusions. A person who conducts any of the
10 following activities is not required to obtain a hazardous waste
11 facility permit for that activity:

12 A. The accumulation by generators of hazardous waste
13 on site within the time limits specified in part 7045.0292.

14 B. The disposal by farmers of hazardous waste that
15 ~~have~~ has been generated by their own use of pesticides as
16 provided in part 7045.0213, subpart 2.

17 [For text of items C to G, see M.R.]

18 H. The management of hazardous waste as provided in
19 part 7045.0120, subpart 1, item ~~F~~ L; 7045.0127, subpart 1;
20 7045.0135, subpart 5, items C and E; or 7045.0218.

21 [For text of items I to L, see M.R.]

22 M. Very small quantity generator hazardous waste
23 collection programs meeting the requirements of part 7045.0320.

24 Subp. 3. Permits by rule. The owner or operator of the
25 following facilities shall be deemed to have obtained a
26 hazardous waste facility permit without making application for
27 it unless the commissioner finds that the following conditions
28 are not met:

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

30 E. Containers or tanks where generators mix
31 characteristic hazardous waste as identified in part 7045.0131,
32 subpart 2, with used oil if:

33 [For text of subitem (1), see M.R.]

34 (2) the generators who produce less than 1,000
35 kilograms per calendar month of hazardous waste meet the

1 requirements of part ~~7045-0102~~ 7045.0292, subpart ~~37--item-E~~ 5 or
2 6, as applicable.

3 [For text of subps 4 to 6, see M.R.]

4 7001.0550 CONTENTS OF PART A OF APPLICATION.

5 Part A of the application must contain the following
6 information:

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

8 E. a list of the waste designated under parts
9 7045.0100 to 7045.0143 as hazardous to be treated, stored, or
10 disposed of by the applicant and an estimate of the quantity of
11 each hazardous waste to be treated, stored, or disposed of
12 annually by the applicant;

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

14 7001.0710 LAND TREATMENT DEMONSTRATION PERMITS.

15 Subpart 1. Letters of approval. A person who desires to
16 conduct controlled laboratory demonstrations of hazardous waste
17 land treatment for the purpose of collecting preliminary data
18 shall request a letter of approval from the agency.

19 The agency shall issue a letter of approval if the
20 demonstration will be conducted under supervised conditions in a
21 closed system capable of providing adequate protection to human
22 health and the environment, and if the data obtained will not be
23 used as the only basis for the issuance of a facility permit.
24 The letter of approval must specify the general conditions for
25 conducting demonstrations, the duration of approval, and the
26 specific waste types.

27 The letter of approval may only provide approval for
28 controlled laboratory demonstrations of hazardous waste
29 treatment and does not provide exemptions from the hazardous
30 waste management and disposal requirements of chapter 7045.
31 Materials resulting from the demonstration that meet the
32 criteria of parts 7045.0100 to 7045.0143 must be managed as
33 hazardous waste.

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

1 7045.0020 DEFINITIONS.

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

3 Subp. 3a. Acute hazardous waste. "Acute hazardous waste"
4 means waste listed as acute hazardous waste in part 7045.0135 or
5 waste designated acute hazardous waste in part 7045.0129,
6 subpart 3.

7 [For text of subps 4 to 6c, see M.R.]

8 Subp. 6d. Cathodic protection. "Cathodic protection"
9 means the technique to prevent corrosion of a metal surface by
10 making that surface the cathode of the an electrochemical cell.
11 A tank can be cathodically protected through the application of
12 either galvanic anodes or impressed current.

13 [For text of subps 7 to 9c, see M.R.]

14 Subp. 9d. Compatible. "Compatible" means the ability of
15 two or more substances to maintain their respective physical and
16 chemical properties upon contact with one another. For a
17 secondary containment seal, ~~this means that~~ the impermeability
18 of the seal must be maintained upon contact with a stored
19 substance. For substances, ~~this means that~~ two or more
20 substances, if mixed, must not create a new hazard.

21 Subp. 9e. Component. "Component" means either the a tank
22 or ancillary equipment of a tank system.

23 [For text of subps 10 to 13a, see M.R.]

24 Subp. 13b. Corrosion protection. "Corrosion protection"
25 means a method used to protect a metal tank, piping, or other
26 components from corroding. Corrosion protection includes, but
27 is not limited to, cathodic protection, keeping the metal of the
28 tank from being in direct contact with other surfaces, and the
29 application of coatings designed and maintained to prevent
30 corrosion.

31 [For text of subps 14 to 30, see M.R.]

32 Subp. 31. Generator. "Generator" means any person, by
33 site, whose act or process produces hazardous waste identified
34 or listed in parts 7045.0100 to 7045.0143, or whose act first
35 causes a hazardous waste to become subject to regulation.
36 "Generator" means all size generators including large quantity

1 generators, small quantity generators, and very small quantity
2 generators, unless specifically stated otherwise.

3 [For text of subps 32 to 37c, see M.R.]

4 Subp. 37d. Household hazardous waste collection site or
5 collection site. "Household hazardous waste collection site" or
6 "collection site" as used in part 7045.0310 has the meaning
7 established under Minnesota Statutes, section 115A.96,
8 subdivision 1, paragraph (c).

9 Subp. 37e. Household waste. "Household waste" means any
10 material including garbage, trash, and sanitary waste in septic
11 tanks derived from households, including single and multiple
12 residences, hotels and motels, bunkhouses, ranger stations, crew
13 quarters, campgrounds, picnic grounds, and day-use recreation
14 areas.

15 [For text of subp 38, see M.R.]

16 Subp. 38a. Impermeable. "Impermeable" means ~~a-substance~~
17 ~~is-not-able~~ unable to ~~pass~~ be passed through the ~~depth-of-a~~
18 ~~containment-area~~.

19 [For text of subps 39 to 43, see M.R.]

20 Subp. 43a. Indoor storage. "Indoor storage" means storage
21 within a permanently constructed building consisting of at least
22 a roof and three walls permanently affixed to ~~a-masonry-or-other~~
23 ~~nonabsorbent~~ an impermeable floor placed on the ground.

24 Subp. 43b. Industrial furnace. "Industrial furnace" means
25 any of the following enclosed devices that are integral
26 components of manufacturing processes and that use controlled
27 flame devices to accomplish recovery of materials or energy:
28 cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke
29 ovens; blast furnaces; smelting, melting, and refining furnaces,
30 including pyrometallurgical devices, such as cupolas,
31 reverberator furnaces, sintering machines, roasters, and foundry
32 furnaces; titanium dioxide chloride process oxidation reactors;
33 methane reforming furnaces; pulping liquor recovery furnaces;
34 combustion devices used in the recovery of sulfur values from
35 spent sulfuric acid; and such other devices as the commissioner
36 determines qualify for inclusion based on one or more of the

1 following factors:

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

3 Subp. 43c. Inground tank. "Inground tank" means a device
4 meeting the definition of "tank" in subpart 90 whereby a portion
5 of the tank wall is situated to any degree within the ground,
6 thereby preventing visual inspection of that external surface
7 area of the tank that is in the ground.

8 [For text of subps 44 to 64, see M.R.]

9 Subp. 64a. Outdoor storage. "Outdoor storage" means
10 storage that does not meet the minimum requirements of indoor
11 storage as defined in subpart 43a.

12 [For text of subps 65 to 71a, see M.R.]

13 Subp. 72. Pretreatment unit. "Pretreatment unit" means a
14 device which:

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

16 B. receives and treats or stores an influent
17 wastewater which is a hazardous waste as defined in parts
18 7045.0100 to 7045.0143; or generates and accumulates a
19 wastewater treatment sludge which is a hazardous waste as
20 defined in parts 7045.0100 to 7045.0143; or treats or stores a
21 wastewater treatment sludge which is a hazardous waste as
22 defined in parts 7045.0100 to 7045.0143; and

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

24 [For text of subps 72a to 80, see M.R.]

25 Subp. 80a. Secondary containment. "Secondary containment"
26 means a safeguard specifically designed to contain releases of
27 hazardous waste or hazardous waste constituents from a container
28 or a storage tank or its appurtenances.

29 [For text of subps 81 to 100b, see M.R.]

30 Subp. 100c. Vault system. "Vault system" means an
31 underground, concrete or equivalent, impermeable secondary
32 containment structure consisting of four walls, a floor, and
33 roof used to encapsulate one or more tanks.

34 [For text of subps 101 to 102b, see M.R.]

35 Subp. 103. Wastewater treatment unit. "Wastewater
36 treatment unit" means a device which:

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

2 B. receives and treats or stores an influent
3 wastewater which is a hazardous waste as defined in parts
4 7045.0100 to 7045.0143; or generates and accumulates a
5 wastewater treatment sludge which is a hazardous waste as
6 defined in parts 7045.0100 to 7045.0143; or treats or stores a
7 wastewater treatment sludge which is a hazardous waste as
8 defined in parts 7045.0100 to 7045.0143; and

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

10 [For text of subps 104 to 109, see M.R.]

11 7045.0075 PETITIONS.

12 Subpart 1. Petitions for equivalent testing or analytical
13 methods. Any person seeking to use a testing or analytical
14 method other than those described in parts 7045.0100 to
15 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 may
16 petition under these provisions. The person must demonstrate to
17 the satisfaction of the commissioner that the proposed method is
18 equal to or superior to the corresponding method prescribed in
19 parts 7045.0100 to 7045.0143, 7045.0450 to 7045.0544, or
20 7045.0552 to 7045.0642 in terms of its sensitivity, accuracy,
21 precision, and reproducibility. Each petition must include:

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

23 E. comparative results obtained from using the
24 proposed method with those obtained from using the relevant or
25 corresponding methods prescribed in parts 7045.0100 to
26 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642;

27 [For text of items F and G, see M.R.]

28 [For text of subps 2 to 4, see M.R.]

29 Subp. 5. Petition for use of alternate manifest. A person
30 who meets the criteria in item A may submit a petition to the
31 commissioner for approval of the use of an alternate manifest
32 system as described in item B. The criteria the commissioner
33 shall use in determining whether to approve the use of the
34 alternate manifest system are provided in item C.

35 A. Only persons meeting the following criteria are

1 eligible to file a petition under this subpart:

2 (1) the person proposing to use the alternate
3 manifest system must agree to only use the alternate manifest
4 for the transportation of waste from small quantity or very
5 small quantity generators;

6 [For text of subitems (2) and (3), see M.R.]

7 [For text of items B and C, see M.R.]

8 [For text of subps 6 to 12, see M.R.]

9 7045.0102 MIXTURES OF WASTE.

10 [For text of subps 1 and 2, see M.R.]

11 Subp. 3. **Mixtures of used oil and hazardous waste.** Items
12 A to C apply to used oil that is intentionally mixed with
13 hazardous waste.

14 A. Except as provided in item C, used oil mixed with
15 a hazardous waste that exhibits any of the characteristics of
16 part 7045.0131, subparts 2 to 7, is regulated as hazardous
17 waste. If it is burned for energy recovery, it is regulated as
18 a hazardous waste fuel under part 7045.0692 provided the mixture
19 continues to exhibit any of those characteristics. If the
20 mixture no longer exhibits any of those characteristics and is
21 to be burned for energy recovery, it is regulated as a used oil
22 fuel under part 7045.0695. If the mixture no longer exhibits
23 any of those characteristics and is not burned for energy
24 recovery, it is subject to the requirements of part 7045.0125.

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

26 C. A very small quantity generator may mix used oil
27 that is generated on site and regulated as used oil fuel under
28 part 7045.0695 with a waste that is hazardous solely for the
29 characteristic of ignitability under part 7045.0131, subpart 2,
30 if the following conditions are met:

31 (1) the ignitable waste has a flash point of 100
32 degrees Fahrenheit or greater, is not a metal bearing paint
33 waste, and is not gasoline; and

34 (2) the concentration of ignitable waste in the
35 used oil does not exceed ten percent by volume.

1 7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

2 Subpart 1. Exempt types of waste. The following waste may
3 be stored, labeled, transported, treated, processed, and
4 disposed of without complying with the requirements of this
5 chapter:

6 A. household waste;

7 B. sewage and any mixture of untreated sanitary
8 sewage and other wastes that is formed by the combination of
9 untreated sanitary sewage and one or more other wastes
10 discharged through a sewage system to a publicly owned treatment
11 works for treatment, except that this exemption does not include
12 any of the individual wastes which form the composite
13 wastewater;

14 [For text of items C to I, see M.R.]

15 J. waste resulting from spills if the exemption is
16 determined by the commissioner to be necessary to expedite the
17 proper management of the spilled material and to prevent, abate,
18 or control pollution as an immediate response to an emergency
19 provided the waste is ultimately taken to a hazardous waste
20 facility as specified in part 7045.0208;

21 [For text of items K to O, see M.R.]

22 P. secondary materials that are reclaimed and
23 returned to the original process or processes in which they were
24 generated where they are reused in the production process
25 provided that:

26 [For text of subitems (1) to (3), see M.R.]

27 (4) the reclaimed material is not used to produce
28 a fuel, or used to produce products that are used in a manner
29 constituting disposal;

30 Q. petroleum-contaminated media and debris that fail
31 the test for the toxicity characteristic in part 7045.0131,
32 subpart 7 (hazardous waste codes D018 to D043 only), and are
33 subject to corrective action regulations under chapter 7150;

34 R. pesticides as provided in part 7045.0213, subpart
35 2; or

1 S. samples of hazardous waste being collected or
2 shipped for the purpose of conducting treatability studies as
3 provided in part 7045.0121.

4 Subp. 2. **Special requirements.** The following waste is
5 exempt from the general requirements of this chapter if managed
6 as specified:

7 A. collected household hazardous waste under part
8 7045.0310;

9 B. collected spent or waste household batteries under
10 part 7045.0686; and

11 C. collected hazardous waste from very small quantity
12 generators under part 7045.0320.

13 7045.0121 TREATABILITY STUDY EXEMPTIONS.

14 Subpart 1. **Applicability.** Except as provided in subpart
15 2, persons who generate or collect samples for the purpose of
16 conducting treatability studies, as defined in part 7045.0020,
17 are not subject to any requirement of parts 7045.0100 to
18 7045.0397, or to the notification requirements of the Resource
19 Conservation and Recovery Act, United States Code, title 42,
20 section 6930 when:

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

22 Subp. 2. **Conditions of exemption.** The exemption in
23 subpart 1 is applicable to samples of hazardous waste being
24 collected and shipped for the purpose of conducting treatability
25 studies provided that:

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

27 F. the generator reports the information required
28 under item E, subitem (3), in its report to the commissioner as
29 specified in part 7045.0248.

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

31 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND
32 RECLAMATION.

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

34 Subp. 3. **Out-of-state waste.** Hazardous waste from an
35 out-of-state generator that is to be beneficially used, reused,

1 or legitimately recycled or reclaimed by methods other than
 2 burning, is exempt from the requirements of parts 7045.0221 to
 3 7045.0255.

4 [For text of subps 3a and 4, see M.R.]

5 Subp. 5. Requirements for use of hazardous waste as
 6 feedstock.

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

8 B. A generator of hazardous waste for use as
 9 feedstock is subject to the following generator requirements:

10 (1) parts 7045.0214 to 7045.0217 for waste
 11 evaluation requirements;

12 (2) part 7045.0221 for identification number
 13 requirements;

14 (3) parts 7045.0225 to 7045.0250 for licensing
 15 and license reporting requirements;

16 [For text of subitems (4) and (5), see M.R.]

17 [For text of items C and D, see M.R.]

18 Subp. 6. Requirements for reclamation of specific
 19 hazardous waste.

20 A. A by-product or a sludge that is hazardous only
 21 because it exhibits a characteristic of hazardous waste as
 22 defined in part 7045.0131 and is reclaimed is subject to the
 23 following requirements:

24 (1) A generator of such a hazardous waste is
 25 subject to the requirements of subpart 5, item B.

26 [For text of subitems (2) and (3), see M.R.]

27 [For text of item B, see M.R.]

28 Subp. 7. Generator requirements. Except as provided in
 29 subpart 3a, 4, 5, or 6, or part 7045.0695, a generator of
 30 hazardous waste that is destined for ~~recycle~~ recycling is
 31 subject to the requirements of parts 7045.0205 to 7045.0320.

32 [For text of subps 8 to 12, see M.R.]

33 7045.0135 LISTS OF HAZARDOUS WASTES.

34 Subpart 1. General. A waste is a hazardous waste if it is
 35 listed under subparts 2 to 5 unless it has been excluded from

1 the list under part 7045.0075, subpart 2.

2 The basis for listing the classes or types of waste listed
3 in subparts 2 to 5 is indicated by employing one or more of the
4 following hazard codes:

5 [For text of items A to F, see M.R.]

6 The constituent which caused the agency to list the waste
7 as a toxicity characteristic waste (E) or toxic waste (T) in
8 subparts 2 and 3 is identified in part 7045.0139.

9 Each listed hazardous waste is assigned a hazardous waste
10 number which precedes the name of the waste. ~~This number must
11 be used in complying with the license requirements of parts
12 7045.0205 to 7045.0320 and certain record-keeping and reporting
13 requirements under parts 7045.0205 to 7045.1030, 7045.1300 to
14 7045.1380, and the agency's permitting procedures in chapter
15 7001.~~

16 [For text of subps 2 and 3, see M.R.]

17 Subp. 4. Discarded commercial chemical products, off
18 specification species, containers, and spill residues. The
19 following materials or items are hazardous wastes when they are
20 discarded or intended to be discarded as described in part
21 7045.0020, subpart 18; when they are mixed with waste oil or
22 used oil or other material and applied to the land for dust
23 suppression or road treatment; when they are otherwise applied
24 to the land in lieu of their original intended use; when they
25 are contained in products that are applied to the land in lieu
26 of their original intended use; or when, in lieu of their
27 original intended use, they are produced for use as, or as a
28 component of a fuel, distributed for use as a fuel, or burned as
29 a fuel.

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

31 E. The commercial chemical products or manufacturing
32 chemical intermediates, or off specification commercial chemical
33 products or manufacturing chemical intermediates referred to in
34 items A to D and listed in subitems (1) to (17) are identified
35 as acute hazardous wastes (H). The primary hazardous properties
36 of these materials have been indicated by the letters T

1 (toxicity), and R (reactivity). Absence of a letter indicates
2 that the compound is listed only for acute toxicity. These
3 wastes and their corresponding hazardous waste numbers, Chemical
4 Abstract Service registry numbers, if available, and hazard
5 codes are listed in subitems (1) to (17).

6 [For text of subitems (1) to (17), see M.R.]

7 F. The commercial chemical products or manufacturing
8 chemical intermediates, or off-specification commercial chemical
9 products referred to in items A to D, and listed in subitems (1)
10 to (24) are identified as toxic wastes (T) unless otherwise
11 designated. The primary hazardous properties of these materials
12 have been indicated by the letters T (toxicity), R (reactivity),
13 I (ignitability), and C (corrosivity). Absence of a letter
14 indicates that the compound is listed only for toxicity. These
15 wastes and their corresponding hazardous waste numbers, Chemical
16 Abstract Service registry numbers, if available, and hazard
17 codes are listed as follows:

18 [For text of subitems (1) to (24), see M.R.]

19 Subp. 5. PCB wastes. Requirements for PCB wastes are as
20 follows:

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

22 B. PCB materials or items are hazardous waste if and
23 when they are discarded or stored prior to being discarded.

24 C. A generator of PCB wastes who stores on-site prior
25 to disposal is exempt from the agency's hazardous waste storage
26 facility permit requirements and parts 7045.0292 and 7045.0450
27 to 7045.0642 for the storage of those wastes except for the
28 following requirements:

29 (1) the storage standards described in Code of
30 Federal Regulations, title 40, section 761.65 (1983); and

31 (2) the requirements of part 7045.0292, subpart
32 1, items C, D, and H I regarding proper labeling and marking,
33 personnel training, preparedness, prevention, and contingency
34 planning.

35 [For text of items D to F, see M.R.]

1 7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICALS.

2 For purposes of licensing only under parts 7045.0225 to
3 7045.0250, a collection of small amounts of unrelated chemicals
4 as described in part 7045.0230, subpart 4, has the hazardous
5 waste number of MN02.

6 7045.0205 APPLICABILITY OF GENERATOR STANDARDS.

7 Subpart 1. **Applicability to generators.** Parts 7045.0205
8 to 7045.0320 apply to generators of hazardous waste. A
9 generator shall comply with the generator requirements
10 applicable to generator size as determined under part 7045.0206.

11 Subp. 2. **Applicability to transporters.** The standards
12 applicable to generators established in parts 7045.0205 to
13 7045.0320 apply to transporters of hazardous waste if a
14 transporter transports hazardous waste into Minnesota from a
15 foreign country or mixes hazardous waste of different United
16 States Department of Transportation shipping descriptions by
17 placing them into a single container as provided in part
18 7045.0355.

19 Subp. 3. **Applicability to owners or operators of hazardous**
20 **waste facilities.** The standards applicable to generators
21 established in parts 7045.0205 to 7045.0320 apply to owners or
22 operators of hazardous waste treatment, storage, or disposal
23 facilities if a hazardous waste facility initiates a shipment of
24 hazardous waste as provided in parts 7045.0472 and 7045.0578.

25 7045.0206 GENERATOR SIZE DETERMINATION.

26 Subpart 1. **Applicability.** This part applies to all
27 generators for purposes of determining generator size.

28 Subp. 2. **Large quantity generator.** A generator is a large
29 quantity generator if, in a calendar month, waste is generated
30 in any of the following quantities:

31 A. greater than or equal to 1,000 kilograms of
32 hazardous waste ~~not-listed-as-acute-hazardous-waste-in-part~~
33 ~~7045-01357-subpart-27-37-or-47-item-E~~, excluding acute hazardous
34 waste;

35 B. greater than one kilogram of acute hazardous waste

1 ~~listed-in-part-7045-01357-subpart-27-37-or-47-item-E~~; or
 2 C. greater than 100 kilograms of any residue or
 3 contaminated soil, water, or other debris resulting from the
 4 cleanup of a spill, into or on any land or water, of any acute
 5 hazardous waste ~~listed-in-part-7045-01357-subpart-27-37-or-47~~
 6 ~~item-E~~.

7 Subp. 3. Small quantity generator. A generator is a small
 8 quantity generator if, in a calendar month, waste is generated
 9 in all of the following quantities:

10 A. greater than 100 kilograms and less than 1,000
 11 kilograms of hazardous waste ~~not-listed-as-acute-hazardous-waste~~
 12 ~~in-part-7045-01357-subpart-27-37-or-47-item-E~~, excluding acute
 13 hazardous waste;

14 B. less than or equal to one kilogram of acute
 15 hazardous waste ~~listed-in-part-7045-01357-subpart-27-37-or-47~~
 16 ~~item-E~~; and

17 C. less than or equal to 100 kilograms of any residue
 18 or contaminated soil, water, or other debris resulting from the
 19 cleanup of a spill, into or on any land or water, of any acute
 20 hazardous waste ~~listed-in-part-7045-01357-subpart-27-37-or-47~~
 21 ~~item-E~~.

22 Subp. 4. Very small quantity generator. A generator is a
 23 very small quantity generator if, in a calendar month, waste is
 24 generated in all of the following quantities:

25 A. less than or equal to 100 kilograms of hazardous
 26 waste ~~not-listed-as-acute-hazardous-waste-in-part-7045-01357~~
 27 ~~subpart-27-37-or-47-item-E~~, excluding acute hazardous waste;

28 B. less than or equal to one kilogram of acute
 29 hazardous waste ~~listed-in-part-7045-01357-subpart-27-37-or-47~~
 30 ~~item-E~~; and

31 C. less than or equal to 100 kilograms of any residue
 32 or contaminated soil, water, or other debris resulting from the
 33 cleanup of a spill, into or on any land or water, of any acute
 34 hazardous waste ~~listed-in-part-7045-01357-subpart-27-37-or-47~~
 35 ~~item-E~~.

36 Subp. 5. Exempt Waste for exempt from size determination.

- 1 A generator shall not include the following waste when
2 determining the quantity of hazardous waste generated:
- 3 A. exempt waste under part 7045.0120;
 - 4 B. recycled waste under part 7045.0125, subparts 4,
5 5, and 6;
 - 6 C. used oil managed as follows:
 - 7 (1) used oil that is recycled in some other
8 manner than being burned for energy recovery; and
 - 9 (2) used oil that is to be burned for energy
10 recovery as regulated under part 7045.0695;
 - 11 D. sewered hazardous waste under that is pretreated
12 as provided in part 7045.0305, subpart 27-item-B7-subitem-(2);
 - 13 E. for mixtures of nonhazardous waste and hazardous
14 waste, waste that is nonhazardous under part 7045.0102, provided
15 that the volume of the hazardous waste before mixing is counted;
16 and
 - 17 F. spent materials that are generated, reclaimed, and
18 subsequently reused on site, provided that the spent materials
19 have been counted once.
- 20 Subp. 6. Change in generator size status. If a small
21 quantity generator exceeds the quantity limits listed in subpart
22 3, the generator loses small quantity generator status and is
23 subject to all the generator requirements of this chapter unless
24 the generator regains small quantity generator status under item
25 A or B.
- 26 If a very small quantity generator exceeds the quantity
27 limits listed in subpart 4, the generator loses very small
28 quantity generator status and is subject to the small quantity
29 generator requirements of this chapter unless very small
30 quantity generator status is regained under item A or C.
- 31 A. Once generator size status is lost, the generator
32 shall not regain that status until the generator is notified in
33 writing by the commissioner that the original generator size
34 status has been approved. The commissioner shall only approve
35 generator size status under this item if the generator can
36 demonstrate to the satisfaction of the commissioner that the

1 waste quantities that will be generated in the future will meet
2 the limits established in ~~subparts~~ subpart 3 and or 4, as
3 applicable. The generator shall make this demonstration by
4 submitting a written statement to the commissioner requesting
5 reclassification as a small or very small quantity generator, as
6 applicable, and including the information necessary for the
7 commissioner to evaluate the request. The information shall
8 include an explanation of the circumstances that resulted in
9 each instance of overgeneration during the past year, an
10 explanation of the measures that the generator has taken to
11 correct the cause of overgeneration, and other information as
12 necessary to document that the overgeneration will not reoccur.

13 B. For small quantity generators, if the quantity of
14 hazardous waste generated in any calendar month exceeds the
15 quantities listed in subpart 3 and the cause of the
16 overgeneration is a spill or accidental release of a hazardous
17 ~~waste not-listed-as-acute-hazardous-waste-in-part-7045-0135,~~
18 ~~subpart-27-37-or-47-item-E~~ that is not acute hazardous waste;
19 the shutdown or cleanup of some part of the generation process;
20 or the replacement of PCB containing equipment, the generator
21 loses small quantity generator status and is subject to all the
22 generator requirements of this chapter. However, in any of
23 these cases, a generator will automatically regain small
24 quantity generator status without applying to the commissioner
25 for approval if the generator:

26 (1) resumes generation within the quantity limits
27 in subpart 3; and

28 (2) complies with the quantity limits in subpart
29 3 during the other 11 months of the calendar year.

30 A generator who cannot automatically regain small quantity
31 generator status under this subpart may apply for
32 reclassification under item A.

33 C. For very small quantity generators, if the
34 quantity of hazardous waste generated in any calendar month
35 exceeds the quantities listed in subpart 4 but does not exceed
36 the quantity listed in subpart 3, the generator loses very small

1 quantity generator status and is subject to the small quantity
2 generator requirements of this chapter. However, a generator
3 shall automatically regain very small quantity generator status
4 without applying to the commissioner for approval if the
5 generator:

6 (1) resumes generation within the quantity limits
7 in subpart 4; and

8 (2) complies with the quantity limits in subpart
9 4 during the other 11 months of the calendar year.

10 A generator who cannot automatically regain very small
11 quantity generator status under this subpart may apply for
12 reclassification under item A.

13 A very small quantity generator who generates hazardous
14 waste in any calendar month exceeding the quantities listed in
15 subpart 3 is subject to item A or B.

16 7045.0208 HAZARDOUS WASTE MANAGEMENT.

17 Subpart 1. Management by generator. A generator must
18 manage hazardous waste by using one of the methods described in
19 items A to D, unless otherwise specifically exempted under this
20 chapter.

21 A. ~~The hazardous waste~~ A generator may be treated
22 treat or disposed ~~dispose~~ of at an on-site facility as provided
23 under part 7045.0211.

24 B. ~~The~~ A generator may ensure delivery to an off-site
25 storage, treatment, or disposal facility. If located in the
26 United States, the facility used must be permitted to accept
27 hazardous waste under the agency's permitting procedures, have
28 interim status under parts 7045.0552 to 7045.0642, or be
29 authorized to manage hazardous waste by the Environmental
30 Protection Agency or by a state with a hazardous waste
31 management program authorized by the Environmental Protection
32 Agency.

33 C. ~~The~~ A generator may ensure delivery to a facility
34 that:

35 ~~(1)~~ under part 7045.0125 beneficially uses or

1 reuses, legitimately recycles, or legitimately reclaims the
2 waste, or

3 (2) treats the waste before beneficial use or
4 reuse, legitimate recycling, or legitimate reclamation.

5 D. The A generator may export to a foreign country
6 under the limitations in part 7045.0302.

7 Subp. 2. Relinquishing control. A generator must not
8 relinquish control of a hazardous waste if:

9 A. the generator has reason to believe that the
10 hazardous waste will not be properly managed; or

11 B. the transporter or the treatment, storage, or
12 disposal facility is not exempt under this chapter and has not:

13 (1) received an identification number from a state
14 with a hazardous waste program authorized by the Environmental
15 Protection Agency pursuant to Code of Federal Regulations, title
16 40, part 271; or

17 (2) received an identification number from the
18 Environmental Protection Agency.

19 Subp. 3. Effect on liability. Nothing in subpart 1 or 2
20 is intended to restrict, enlarge, or affect, in any way, any
21 liability the generator may have to correct the mismanagement of
22 the hazardous waste or pay for damages or alleviate any
23 pollution caused by the mismanagement of the hazardous waste.

24 7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.

25 Subpart 1. Waste procedures. A generator who treats,
26 stores, or disposes of a hazardous waste on site which ~~have~~ has
27 been produced on site must comply with this chapter and chapter
28 7001, as applicable.

29 Subp. 2. and 3. [See repealer.]

30 7045.0212 IMPORTERS OF HAZARDOUS WASTE.

31 Any person who imports hazardous waste into the state of
32 Minnesota from a source outside the United States must comply
33 with the standards applicable to generators established in parts
34 7045.0205 to 7045.0320.

1 7045.0213 FARMERS; PESTICIDES.

2 Subpart 1. General applicability. A farmer who generates
3 waste pesticides which are hazardous waste must comply with the
4 standards applicable to generators established in parts
5 7045.0205 to 7045.0320 except as provided in subpart 2.

6 Subp. 2. Special conditions. A farmer who generates waste
7 pesticides which are hazardous waste and who triple rinses each
8 emptied pesticide container and disposes of the pesticide
9 residues on the farmer's farm in a manner consistent with the
10 disposal instructions on the pesticide label is not required
11 with respect to those pesticides to comply with other standards
12 in parts 7045.0205 to 7045.0320 or to comply with parts
13 7045.0450 to 7045.1380, or to obtain a hazardous waste facility
14 permit, provided that:

15 A. the container or inner liner has been triple
16 rinsed using a solvent capable of removing the commercial
17 chemical product or manufacturing chemical intermediate;

18 B. the container or inner liner has been cleaned by
19 another method that has been shown in the scientific literature,
20 or by tests conducted by the generator, to achieve equivalent
21 removal; or

22 C. in the case of a container, the inner liner that
23 prevented contact of the commercial chemical product or
24 manufacturing chemical intermediate with the container has been
25 removed.

26 7045.0225 GENERATOR LICENSE.

27 Subpart 1. Applicability. A person who generates
28 hazardous waste must obtain a hazardous waste generator license
29 for each individual generation site. The procedures for
30 application and issuance are described in parts 7045.0225 to
31 7045.0250. The fees associated with the license are set forth
32 in parts 7046.0031 to 7046.0070.

33 Subp. 2. Posting. A generator must prominently display
34 the hazardous waste generator license in a public area at the
35 licensed site.

1 7045.0230 CONTENT OF INITIAL LICENSE APPLICATION.

2 Subpart 1. Information required. Except as provided in
 3 subpart 1a, an application must be on a form provided by the
 4 commissioner and must include the following information:

5 A. the generator's company name, location address,
 6 mailing address, type of business, principal products or
 7 service, contact person, telephone number, and EPA
 8 identification number or date applied for;

9 B. a list of all hazardous wastes generated, their
 10 corresponding hazardous waste numbers from parts 7045.0131 and
 11 7045.0135, the physical state, and the source or process from
 12 which the wastes are generated;

13 B. C. a list of all nonexempt wastes of the generator
 14 that have been determined by the generator to be nonhazardous
 15 wastes. The list must include the type of waste, the physical
 16 state, and the source or process from which the waste was
 17 produced;

18 ~~E.--the-chemical-composition-of-each-waste-which-is~~
 19 ~~hazardous-due-to-one-of-the-characteristics-identified-in-part~~
 20 ~~7045.0131-and-the-anticipated-fluctuations-in-the-chemical~~
 21 ~~composition-that-will-occur-during-normal-operations;~~

22 ~~D.--the-concentration-of-each-component-in-part~~
 23 ~~7045.0131,-subpart-8-that-is-known-or-suspected-to-be-in-the~~
 24 ~~leachate-of-the-waste-following-the-toxicity-characteristic~~
 25 ~~leaching-procedure.--If-a-component-listed-in-that-exhibit-is~~
 26 ~~known-or-suspected-to-be-in-the-waste,-the-results-from-the~~
 27 ~~toxicity-characteristic-leaching-procedure-for-that-component~~
 28 ~~must-be-included-unless-alternative-data-approved-by-the~~
 29 ~~commissioner-is-submitted;~~

30 ~~E.--the-hazardous-properties-of-the-waste-and-the~~
 31 ~~source-of-the-data-or-information-used-to-identify-the-hazardous~~
 32 ~~properties;~~

33 ~~F.--in-the-event-any-tests-were-conducted-to-evaluate~~
 34 ~~the-waste,-the-results-of-all-tests-conducted;~~

35 ~~G.--a-copy-of-the-contingency-plan-prepared-pursuant~~

1 ~~to part 7045.0292, subpart 1, item H, and a certification~~
2 ~~stating that the contingency plan is being maintained for~~
3 ~~currency of information on site and is available for staff~~
4 ~~review;~~

5 D. a list of all used and waste oils generated, the
6 physical state, and the source or process from which the waste
7 was produced;

8 ~~H.~~ E. a management plan for each hazardous waste and
9 oil produced that includes the following information:

10 [For text of subitems (1) to (6), see M.R.]

11 (7) the method(s) of treatment and/or disposal
12 proposed for each hazardous waste;

13 (8) the date hazardous waste was first produced;

14 and

15 (9) in the event any tests were conducted to
16 evaluate the waste, the results of all tests conducted; and

17 ~~F. any other information that the generator deems~~
18 ~~important.~~

19 F. the following certification signed by the
20 generator or authorized representative:

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

30 Subp. 1a. Very small quantity generator license
31 application. An application for a very small quantity generator
32 license must be on a form provided by the commissioner and must
33 include the following information:

34 A. the generator's company name, location address,
35 mailing address, type of business, contact person, telephone
36 number, and identification number;

1 B. the date each hazardous waste was first produced;

2 C. the name or a description of each hazardous waste
3 generated;

4 D. the estimated amount of each hazardous waste to be
5 produced in a one year period;

6 E. the methods of treatment and/or disposal;

7 F. the certification required under subpart 1, item
8 F; and

9 G. additional information required under subpart 1 as
10 requested by the commissioner.

11 Subp. 3. [See repealer.]

12 Subp. 4. Laboratory waste. A person who produces a waste
13 from a laboratory or pilot plant that is a mixture of small
14 amounts of unrelated but compatible chemicals such that the
15 description of any sample or set of samples is not
16 representative of the total waste is exempt from subpart 1,
17 items-C, D, and-F item E, subitem (9).

18 7045.0240 SUBMITTAL OF LICENSE APPLICATION.

19 Subpart 1. and 2. [See repealer.]

20 Subp. 3. License application submittal. Each generator
21 who is producing hazardous waste in Minnesota must submit a
22 license application to the commissioner within ~~30~~ 75 days of
23 first producing a hazardous waste. The generator must at all
24 times manage the waste in full compliance with parts 7045.0205
25 to 7045.0320. The generator must not treat, dispose of, or
26 relinquish control of the waste until at least ~~30~~ 15 days after
27 the application is submitted to the commissioner. In the period
28 between ~~30~~ 15 days after the generator's license application
29 submittal and the ~~commissioner's license approval and issuance~~
30 commissioner's action under part 7045.0245, the generator may
31 treat, dispose of, and relinquish control of the hazardous waste
32 as provided in ~~parts-7045.0205-to-7045.0320~~ part 7045.0208 until
33 written response to the generator's license application is
34 received under part 7045.0245. After the commissioner acts on
35 the license application, the generator must manage the waste

1 according to the license conditions and the requirements of this
 2 chapter or the generator must cease producing the waste if the
 3 license application is denied.

4 A generator who has ~~disclosed~~ notified the commissioner of
 5 the generator's waste under this chapter before ~~October-17-1991~~
 6 April 1, 1992, need not submit a license application under this
 7 part. A license will be issued by the commissioner after the
 8 submittal and approval of the generator's next scheduled report
 9 and payment of generator fees under chapter 7046.

10 Subp. 4. Prohibition on generation. A generator who is
 11 denied a generator license or who fails to submit a timely
 12 application for a generator license shall immediately stop
 13 generating the hazardous waste until a license is obtained.

14 7045.0243 TERM AND CONDITIONS OF LICENSE.

15 Subpart 1. Term of license. A hazardous waste generator
 16 license is issued for ~~the following terms:~~

17 ~~A.---for large quantity generators and small quantity~~
 18 ~~generators,--the term is not to exceed one year,--except that the~~
 19 ~~initial license issuance may be for a term of up to 18 months;~~
 20 and

21 ~~B.---for very small quantity generators,--the term is~~
 22 ~~not to exceed two years~~ a term to be determined by the
 23 commissioner. The term of a license shall not exceed two years.

24 Subp. 2. Special conditions. Each license will contain or
 25 reference conditions necessary for the licensee to achieve
 26 compliance with applicable Minnesota or federal statutes or
 27 rules, including each of the applicable requirements in parts
 28 7045.0205 to 7045.0320, and any conditions that the commissioner
 29 determines and shows with reasonable justification to be
 30 necessary to protect human health and the environment.

31 Subp. 3. General conditions. Each license must include
 32 the general conditions described in items A to J and the
 33 commissioner shall incorporate these conditions into all
 34 licenses either expressly or by specific reference to this part.

35 A. The commissioner's issuance of a license does not

1 release the licensee from any liability, penalty, or duty
2 imposed by Minnesota or federal statutes or rules or local
3 ordinances, except the obligation to obtain the license.

4 B. The commissioner's issuance of a license does not
5 prevent the future adoption by the agency of pollution control
6 rules, standards, or orders more stringent than those now in
7 existence and does not prevent the enforcement of this chapter,
8 standards, or orders against the licensee.

9 C. The commissioner's issuance of a license does not
10 obligate the agency to enforce local laws, rules, or plans
11 beyond that authorized by Minnesota statutes.

12 D. The licensee may not knowingly make a false or
13 misleading statement, representation, or certification in a
14 record, report, or other document required to be submitted to
15 the agency or to the commissioner by the licensee or this
16 chapter. The licensee must immediately upon discovery report to
17 the commissioner an error or omission in these records, reports,
18 or other documents.

19 E. When authorized by Minnesota Statutes, sections
20 115.04; 115B.17, subdivision 4; and 116.091, and upon
21 presentation of proper credentials, the agency, or an authorized
22 employee or agent of the agency, shall be allowed by the
23 licensee to enter at reasonable times upon the licensed property
24 of the licensee to examine and copy books, papers, records, or
25 memoranda pertaining to the activity covered by the license; and
26 to conduct surveys and investigations, including sampling or
27 monitoring, pertaining to the activity covered by the license.

28 F. If the licensee discovers, through any means,
29 including notification by the commissioner, that noncompliance
30 with a condition of the license has occurred, the licensee shall
31 take all reasonable steps to minimize the adverse impacts on
32 human health, public drinking water supplies, or the environment
33 resulting from the noncompliance. ~~The licensee must then~~
34 ~~correct the noncompliance within 24 hours after discovery or, if~~
35 ~~the licensee demonstrates that correction is not possible within~~
36 ~~24 hours, at the earliest practical time as agreed to by the~~

1 commissioner.

2 . G. If the licensee begins generation of a hazardous
3 waste that was not included on the license application and is
4 therefore not authorized under the existing license, the
5 licensee must submit an amended application providing
6 information required in part 7045.0230 within ~~30~~ 75 days of
7 first producing that the new hazardous waste. ~~The licensee may~~
8 ~~continue generation and the commissioner will review the amended~~
9 ~~application under the process provided in part 7045.0240.~~ The
10 generator must at all times manage the new waste in full
11 compliance with parts 7045.0205 to 7045.0320. The generator
12 must not treat, dispose of, or relinquish control of the new
13 waste until at least 15 days after the amended license
14 application is submitted to the commissioner. In the period
15 between 15 days after submittal and the commissioner's action
16 under part 7045.0245, the generator may treat, dispose of, and
17 relinquish control of the new waste as provided in part
18 7045.0208 until written response to the generator's amended
19 license application is received under part 7045.0245. After the
20 commissioner acts on the amended license application, the
21 generator must manage the new waste according to the amended
22 license conditions and the requirements of this chapter or the
23 generator must cease producing the new waste if the amended
24 license application is denied.

25 H. If the licensee changes management of a hazardous
26 waste during the term of the license, the licensee must report
27 the change in the next ~~report~~ license renewal application
28 required under part 7045.0248.

29 I. The license is not transferable. If the owner or
30 operator to whom the license has been issued changes, the new
31 owner or operator must apply for a new license not later than 30
32 days after the change.

33 J. The license authorizes the licensee to perform the
34 activities described in or referenced by the license under the
35 conditions of the license. In issuing the license, the state
36 and agency assume no responsibility for damage to persons,

1 property, or the environment caused by the activities of the
2 licensee in the conduct of its actions, including those
3 activities authorized under the license. To the extent the
4 state and agency may be liable for the activities of its
5 employees, that liability is explicitly limited to that provided
6 in the Tort Claims Act, Minnesota Statutes, section 3.736.

7 7045.0245 LICENSE APPROVAL AND ISSUANCE.

8 Subpart 1. Review and approval. The commissioner shall
9 conduct a review of the license application and shall:

10 A. approve the hazardous waste generator license
11 application;

12 B. require the submission of additional information
13 or management plans or both to make the license application
14 complete and approvable;

15 C. require changes in the management of the hazardous
16 waste or wastes to make the license application approvable; or

17 D. deny approval of the license application ~~within 45~~
18 ~~days of the last submittal of information by the license~~
19 ~~applicant.~~

20 Subp. 2. License issuance. The commissioner will issue a
21 hazardous waste generator license upon approval of the
22 application under subpart 1 and payment in full of generator
23 fees required under chapter 7046.

24 7045.0247 LICENSE REISSUANCE RENEWAL AND CONTINUATION OF
25 EXPIRED LICENSE.

26 Subpart 1. License reissuance renewal. The commissioner
27 will reissue renew the license after receipt, review, and
28 approval of the license reissuance renewal application and
29 ~~report~~ required under part 7045.0248 and payment in full of
30 generator fees required under chapter 7046.

31 Subp. 2. Continuation of expired license. A generator who
32 holds an expired license may continue to conduct the licensed
33 activity according to the terms and conditions of the expired
34 license until the commissioner takes final action on the
35 reissuance renewal application if the commissioner determines

1 that items A to D are true.

2 A. The licensee has submitted the application and
3 report required under part 7045.0248 no later than 30 days after
4 receipt of license ~~reissuance~~ renewal application.

5 B. The licensee responds to requests by the
6 commissioner for additional ~~report~~ application information
7 within 14 days of receiving the written ~~or-verbal~~ request.

8 C. The licensee is in compliance with the terms and
9 conditions of the expired license.

10 D. The licensee has made payment in full of generator
11 fees required under chapter 7046.

12 7045.0248 LICENSE REISSUANCE RENEWAL APPLICATION AND-REPORT.

13 Subpart 1. Applicability. A licensed generator must
14 submit a license ~~reissuance~~ renewal application and-report to
15 the commissioner on forms provided by the commissioner. A
16 generator must submit the application and-report-at-least-30
17 ~~days-before-the-expiration-date-of-the-generator-license~~ by a
18 date specified by the commissioner. Except as provided in
19 subpart 2, the application and-report must contain the following
20 information for each hazardous waste produced during the
21 preceding calendar year:

22 A. the generator's company name, location address,
23 mailing address, type of business, principal products or
24 service, contact person, telephone number, and EPA
25 identification number;

26 B. the calendar year covered by the report renewal
27 application;

28 C. ~~the-name-of-the-hazardous-waste,-the-hazardous~~
29 ~~waste-number-or-numbers,-and-the-United-States-Department-of~~
30 ~~Transportation-hazard-class~~ a list of all hazardous wastes
31 generated, their corresponding hazardous waste numbers from
32 parts 7045.0131 and 7045.0135, and the physical state;

33 D. ~~the-amount-of-each-hazardous-waste-produced~~ a list
34 of all used and waste oils generated, the type of waste, and the
35 physical state;

1 ~~E. the names and identification numbers of the~~
 2 ~~transporters used to transport shipments to facilities within~~
 3 ~~the United States;~~

4 ~~F. the names and addresses of the hazardous waste~~
 5 ~~facilities used in the United States, their identification~~
 6 ~~numbers, the method of treatment or disposal, or both, and, as~~
 7 ~~applicable:~~

8 ~~(1) the numbers of the hazardous waste facility~~
 9 ~~licenses issued by the agency for those facilities located in~~
 10 ~~Minnesota;~~

11 ~~(2) the addresses of those facilities located~~
 12 ~~outside Minnesota;~~

13 ~~(3) the name of the wastewater treatment works to~~
 14 ~~which a sewer hazardous waste was discharged, and~~

15 ~~(4) the national pollution discharge elimination~~
 16 ~~system or state disposal license number for discharge to land~~
 17 ~~and waters of the state;~~

18 E. for each hazardous waste and oil produced during
 19 the reported calendar year the following information:

20 (1) the amounts produced;

21 (2) the names and identification numbers of the
 22 transporters used;

23 (3) the frequency with which the hazardous waste
 24 was transported or discharged;

25 (4) the name of the wastewater treatment works to
 26 which a sewer hazardous waste was discharged;

27 (5) the national pollutant discharge elimination
 28 system or state disposal permit number for discharges to sewers
 29 and waters of the state;

30 (6) the names of the hazardous waste facilities
 31 involved in the management of the hazardous waste and, as
 32 applicable, the numbers of the hazardous waste facility permits
 33 issued by the agency for those facilities located in Minnesota,
 34 or the addresses and identification numbers of those facilities
 35 located outside of Minnesota;

36 (7) the method(s) of treatment and/or disposal

1 proposed for each hazardous waste; and

2 (8) the date hazardous waste was first produced;

3 G. F. a description of the efforts undertaken during
4 the year to reduce the volume and toxicity of waste generated;

5 H. G. a description of the changes in volume and
6 toxicity of waste actually achieved during the year in
7 comparison to previous years to the extent the information is
8 available before 1984; and

9 F. H. the following certification signed by the
10 generator or authorized representative:

11 "I certify under penalty of law that I have personally
12 examined and am familiar with the information
13 submitted in this and all attached documents, and that
14 based on my inquiry of those individuals immediately
15 responsible for obtaining the information, I believe
16 that the submitted information is true, accurate, and
17 complete. I am aware that there are significant
18 penalties for submitting false information, including
19 the possibility of fine and imprisonment. ~~I also~~
20 ~~certify that I have a program in place to reduce the~~
21 ~~volume and toxicity of waste generated to the degree~~
22 ~~that I have determined to be economically practicable~~
23 ~~and I have selected the method of treatment, storage,~~
24 ~~or disposal currently available to me which minimizes~~
25 ~~the present and future threat to human health and~~
26 ~~environment."~~

27 Subp. 2. Very small quantity generator license renewal
28 application. A very small quantity generator must submit a
29 license renewal application to the commissioner on forms
30 provided by the commissioner. A generator must submit the
31 application by a date specified by the commissioner. The
32 application must contain the following information for each
33 hazardous waste produced during the preceding calendar year:

34 A. the name or a description of the hazardous waste;

35 B. the amount of each hazardous waste produced;

36 C. the methods of treatment and/or disposal;

1 D. the certification required under subpart 1, item
2 H; and

3 E. additional information required under subpart 1 as
4 requested by the commissioner.

5 Subp. 2- 3. Recycled waste. A generator of waste that is
6 recycled according to part 7045.0125, and is exempt from the
7 requirements of parts 7045.0261 and 7045.0265, must include as
8 part of the report required under subpart 1 or 2:

9 A. evidence that the waste was recycled ~~as-indicated~~
10 ~~in-the-management-plan~~; and

11 B. evidence that a continuing market exists for the
12 waste.

13 Subp. 3- 4. Exported waste. Reporting for exports of
14 hazardous waste is not required under this part. Export
15 reporting requirements are set out in part 7045.0302, subpart 6.

16 Subp. 4- 5. Approval of application. License ~~reissuance~~
17 renewal applications shall be subject to the commissioner's
18 review and approval procedures under part 7045.0245, subpart 1.

19 7045.0250 LICENSE REVOCATION.

20 Subpart 1. ~~Justifications~~ Justification to revoke. The
21 following constitute justification for the commissioner to
22 revoke a license:

23 A. existence at the licensed site of unresolved
24 noncompliance with applicable state and federal pollution
25 statutes or rules or a condition of the license, and failure of
26 the licensee to undertake a schedule of compliance to resolve
27 the noncompliance;

28 B. licensee failure to disclose fully the facts
29 relevant to issuance of the license or ~~submits~~ submittal of
30 false or misleading information to the commissioner; and

31 C. licensee failure to pay or escrow a penalty owed
32 under Minnesota Statutes, section 116.072.

33 Subp. 2. Procedure. The commissioner must give a written
34 30-day notice to the licensee of the commissioner's intent to
35 revoke the hazardous waste generator license. Included in the

1 notice must be specific justification for the revocation as
2 described under subpart 1.

3 Subp. 3. Reinstatement. The licensee may apply to the
4 commissioner for license reinstatement by providing written
5 documentation that the justifications for revocation have been
6 remedied. The commissioner will review the request within 30
7 calendar days and deny or approve the request in writing. A
8 reinstatement is for the remaining term of the license.
9 Generator fees under chapter 7046 will not be refunded for the
10 period that the license is revoked nor will the fees be credited
11 towards a subsequent fee cycle.

12 Subp. 4. Revocation without reissuance. The commissioner
13 shall give notice to the licensee of a proposal to revoke a
14 license without reissuance. The notice must state that within
15 30 days of the receipt of the notice the licensee may request
16 that a contested case hearing be held on the proposed action.
17 If the licensee requests a contested case hearing, the agency
18 shall hold the hearing in accordance with the rules of the
19 Office of Administrative Hearings, parts 1400.5100 to 1400.8402.

20 7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.

21 A person having hazardous waste subject to regulation under
22 this chapter who is only a hazardous waste generator for the
23 one-time disposal of hazardous waste which is not currently
24 being produced, must comply with this chapter except as provided
25 in items A and B.

26 A. The generator is exempt from parts 7045.0225 to
27 7045.0250, license and license reporting, except that the
28 generator must submit a management plan meeting the requirements
29 of part 7045.0230, subpart 1, item H E, for approval by the
30 commissioner of on forms provided by the commissioner.

31 B. For accumulation requirements, the generator is
32 exempt from the large quantity generator requirements of part
33 7045.0292. The generator must meet requirements applicable to
34 small quantity generators in part 7045.0292, subparts 5, 9, 10,
35 and 11.

1 7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

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

3 Subp. 1a. Exemptions. A generator may transport without a
4 manifest as described in item A or B. Transporters exempt under
5 this subpart must comply with all applicable requirements of
6 Minnesota Statutes, sections 221.033 and 221.034, and Code of
7 Federal Regulations, title 49, parts 171 to 199.

8 A. A very small quantity generator may transport the
9 generator's own hazardous waste without a manifest if
10 transportation is via the generator's own vehicle and if that
11 transportation is to a very small quantity generator hazardous
12 waste collection program under part 7045.0320.

13 B. A small quantity or a very small quantity
14 generator may use an alternate manifest system as provided under
15 part 7045.0075, subpart 5.

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

17 Subp. 7. Manifest information. The Minnesota manifest is
18 based on the Uniform National Manifest that is required under
19 United States Department of Transportation and United States
20 Environmental Protection Agency regulations, as contained in
21 Code of Federal Regulations, title 40, part 262, and Code of
22 Federal Regulations, title 49, part 172. Manifest information
23 requirements include those required by United States Department
24 of Transportation and United States Environmental Protection
25 Agency regulations and consist of the numbered items on the
26 manifest set forth in the Appendix to Code of Federal
27 Regulations, title 40, part 262. Additional state information
28 requirements consist of the telephone number of the designated
29 facility and the hazardous waste numbers specified in parts
30 7045.0100 to 7045.0143 for each hazardous waste specified on the
31 manifest. Manifests must include the information specified in
32 this subpart and in the instructions on the manifest.

33 [For text of subps 8 to 10, see M.R.]

34 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

35 Subpart 1. Large quantity generator. A large quantity

1 generator may accumulate hazardous waste on site without a
2 permit or without having interim status if:

3 A. all accumulated hazardous waste is, within 90 days
4 of the accumulation start date, treated on site in compliance
5 with part 7045.0211 or shipped off site in compliance with part
6 7045.0208;

7 [For text of items B to E, see M.R.]

8 F. containers that hold free liquids are placed on a
9 containment surface that is impermeable to the wastes stored
10 and, if outside, is curbed;

11 [For text of item G, see M.R.]

12 H. all waste containers and tanks are labeled with
13 the words "Hazardous Waste" and a description that clearly
14 identifies their contents to employees and emergency personnel;
15 and

16 I. the requirements of parts 7045.0558, 7045.0562,
17 subparts 1 and 2, and 7045.0566 to 7045.0576 are fulfilled
18 regarding personnel training, ignitable, reactive, or
19 incompatible waste, preparedness and prevention, and contingency
20 planning;--and

21 ~~F. --all-waste-containers-and-tanks-are-labeled-with~~
22 ~~the-words-"Hazardous-Waste"--and-a-description-that-clearly~~
23 ~~identifies-their-contents-to-employees-and-emergency-personnel.~~

24 Subp. 2. Starting date. A generator's accumulation
25 starting date begins when the generator initiates accumulation
26 in a container or tank, except as provided in subpart 6 for very
27 small quantity generators, subpart 7 for acute hazardous waste,
28 and subpart 8, item B, subitem (3), for satellite accumulation.

29 Subp. 3. and 4. [See repealer.]

30 Subp. 5. Small quantity generator. A small quantity
31 generator may accumulate up to 3,000 kilograms of hazardous
32 waste that is not acute hazardous waste on site without a permit
33 or without having interim status if:

34 A. all accumulated hazardous waste is, within 180
35 days of the accumulation start date, treated on site in
36 compliance with part 7045.0211 or shipped off site in compliance

1 with part 7045.0208;

2 B. ~~the quantity of waste accumulated on site never~~
3 ~~exceeds 3,000 kilograms of waste not listed as acute hazardous~~
4 ~~waste in part 7045.0135, subpart 2, 3, or 4, item E~~ the waste is
5 placed in containers which meet the standards of part 7045.0270,
6 subpart 4, and are managed in accordance with part 7045.0626; or
7 in tanks provided the generator complies with the requirements
8 of part 7045.0629;

9 C. ~~the generator meets the requirements of subpart 1,~~
10 ~~items E to G and F~~ tanks and containers are clearly labeled with
11 the waste accumulation start date; alternatively, containers are
12 so labeled while a clearly designated and legible log of tank
13 transactions which includes accumulation start dates is
14 maintained; all of these dates must be available for inspection;

15 D. each container and tank is properly labeled and
16 marked according to part 7045.0270, subparts 1 and 5;

17 E. outdoor storage areas are protected from
18 unauthorized access and inadvertent damage from vehicles or
19 equipment;

20 F. containers that hold free liquids are placed on a
21 containment surface that is impermeable to the waste stored and,
22 if outside, is curbed;

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

31 H. all waste containers and tanks are labeled with
32 the words "Hazardous Waste" and a description that clearly
33 identifies their contents to employees and emergency personnel;

34 D. I. the generator meets the requirements of parts
35 7045.0566, relating to preparedness and prevention, and
36 7045.0568, relating to the arrangements with local authorities

1 for emergencies; and

2 ~~E. J.~~ J. the generator complies with the following
3 requirements:

4 ~~(1) the waste must be placed in containers that~~
5 ~~meet the standards of part 7045.0270, subpart 4, and are managed~~
6 ~~according to part 7045.0626, or in tanks, provided the generator~~
7 ~~complies with the requirements of part 7045.0629;~~

8 ~~(2)~~ the generator must ensure that there is
9 available at all times at least one employee, identified as the
10 emergency coordinator, responsible for coordinating all
11 emergency response measures provided in subitem ~~(5)~~ (4); the
12 emergency coordinator must be either on the generator's premises
13 or available to respond to an emergency by reaching the premises
14 within a short period of time;

15 ~~(3)~~ (2) the generator must post the following
16 information next to the telephone on the premises: the name and
17 telephone number of the emergency coordinator, the location of
18 fire extinguishers and spill control material, the fire alarm,
19 if present, and the telephone number of the fire department,
20 unless there is a direct alarm;

21 ~~(4)~~ (3) the generator must ensure and document
22 that all employees are thoroughly familiar with proper waste
23 handling and emergency procedures relevant to their
24 responsibilities during normal facility operations and
25 emergencies; and

26 ~~(5)~~ (4) the emergency coordinator or a designee
27 must respond to any emergencies that arise. Appropriate
28 responses include: in the event of a fire, call the fire
29 department or try to extinguish the fire by using a fire
30 extinguisher; in the event of a spill, contain the flow of
31 hazardous waste to the extent possible and as soon as
32 practicable, clean up the hazardous waste and any contaminated
33 materials or soils; in the event of a fire, explosion, or other
34 release that could threaten human health outside the premises or
35 when the generator has knowledge that a spill has reached
36 surface water, the generator must immediately comply with part

1 7045.0275, subparts 2 and 3, and notify the National Response
 2 Center using its 24-hour toll free number (800) 424-8802 and
 3 provide the name, address, identification number of the
 4 generator, date, time, type of incident, and the estimated
 5 quantity and disposition of any recovered materials.

6 Subp. 6. Very small quantity generator. A very small
 7 quantity generator may accumulate waste on site indefinitely
 8 without a permit or without having interim status until 1,000
 9 kilograms of hazardous waste not-listed-as-acute-hazardous-waste
 10 in-part-7045.0135, subpart 2, 3, or 4, item E, that is not acute
 11 hazardous waste is accumulated.---From the date the 1,000
 12 kilogram limit is reached (accumulation start date), the entire
 13 quantity of waste must, within 180 days of accumulation start
 14 date, be treated on site or shipped off site in compliance with
 15 part 7045.0208.---A very small quantity generator accumulating
 16 waste under this subpart must meet the requirements of subpart
 17 5, except for items B and E, subitems (2) to (5). if:

18 A. all accumulated hazardous waste is, within 180
 19 days of the date the 1,000 kilogram limit is reached, treated on
 20 site in compliance with part 7045.0211 or shipped off site in
 21 compliance with part 7045.0208;

22 B. the waste is placed in containers which meet the
 23 standards of part 7045.0270, subpart 4, and are managed in
 24 accordance with part 7045.0626; or in tanks provided the
 25 generator complies with the requirements of part 7045.0629;

26 C. tanks and containers are clearly labeled with the
 27 waste accumulation start date; alternatively, containers are so
 28 labeled while a clearly designated and legible log of tank
 29 transactions which includes accumulation start dates is
 30 maintained; all of these dates must be available for inspection;

31 D. each container and tank is properly labeled and
 32 marked according to part 7045.0270, subparts 1 and 5;

33 E. outdoor storage areas are protected from
 34 unauthorized access and inadvertent damage from vehicles or
 35 equipment;

36 F. containers that hold free liquids are placed on a

1 containment surface that is impermeable to the waste stored and,
2 if outside, is curbed;

3 G. containers holding hazardous wastes which exhibit
4 the characteristics of ignitability or reactivity or which
5 exhibit the potential for creating vapor pressures capable of
6 causing containers to leak, deform, or otherwise fail if not
7 shaded are shaded from direct sunlight; however, nothing in this
8 item shall relieve the generator from the obligation to comply
9 with any local, state, or federal law governing storage of these
10 wastes;

11 H. all waste containers and tanks are labeled with
12 the words "Hazardous Waste" and a description that clearly
13 identifies their contents to employees and emergency personnel;
14 and

15 I. the generator meets the requirements of part
16 7045.0566, relating to preparedness and prevention, and part
17 7045.0568, relating to the arrangements with local authorities
18 for emergencies.

19 Subp. 7. Acute hazardous waste accumulation. A small
20 quantity generator or a very small quantity generator who
21 generates ~~waste-listed-as~~ acute hazardous waste in-part
22 ~~7045.01357-subpart-27-37-or-47-item-E7~~ may accumulate that waste
23 on site indefinitely until one kilogram of acute hazardous waste
24 or 100 kilograms of residue, contaminated soil, water, or other
25 debris resulting from the cleanup of a spill of an acute
26 hazardous waste into or on any land or water, is accumulated.
27 From the date the applicable limit is reached (accumulation
28 start date), the entire quantity of waste must be treated on
29 site in compliance with part 7045.0211 or shipped off site in
30 compliance with part 7045.0208 within 90 days. A generator
31 accumulating wastes under this subpart must meet the
32 requirements in items A and B.

33 A. For the period preceding the accumulation start
34 date, the generator must comply with subpart 5, items E B to
35 E J.

36 B. For the period following the accumulation start

1 date, the generator must comply with subpart 1.

2 .Subp. 8. Satellite accumulation. Items A to C apply to
3 all generators of hazardous waste.

4 A. A generator may, without a permit or interim
5 status and without complying with subparts 1 to 7, as
6 applicable, accumulate as much as 55 gallons of hazardous waste
7 or one quart of ~~acutely~~ acute hazardous waste listed in part
8 7045.0135, subpart 4, item E, in containers located at or near
9 any point of generation where wastes initially accumulate that
10 is under the control of the operator of the process generating
11 the waste, provided the generator complies with items B and C.

12 B. The generator must:

13 (1) comply with part 7045.0626;

14 (2) clearly label each container with the words
15 "Hazardous Waste" and a description that clearly identifies its
16 contents to employees and emergency personnel; and

17 (3) clearly label each container with the
18 earliest of either the date on which the container became full
19 or the date on which the volume limits prescribed in item A are
20 reached.

21 C. A generator of any size who accumulates either
22 hazardous waste or ~~acutely~~ acute hazardous waste listed in part
23 7045.0135, subpart 4, item E, in excess of the amounts listed in
24 item A at or near any point of generation must, with respect to
25 the amount of excess waste, comply within three days with
26 subparts 1 to 7, as applicable. During the three-day period for
27 compliance, the generator must continue to comply with item B.

28 Subp. 9. Transportation time extension. If waste
29 accumulated under subparts 5 and 6 must be transported 200 miles
30 or more to a facility, the generator may store the waste for an
31 additional 90 days beyond the established limits. In this
32 event, the generator must maintain evidence on site that
33 arrangements have been made for the transport of the waste to
34 the facility and, if requested, show the evidence to the
35 commissioner.

36 Subp. 10. Time extension. One extension may be granted

1 for up to 30 days by the commissioner if hazardous waste must
2 remain on site for longer than the maximum allowable time under
3 subparts 1 to 9, as applicable, due to unforeseen, temporary,
4 and uncontrollable circumstances.

5 Subp. 11. Accumulation requiring a permit. No-person
6 ~~shall accumulate hazardous waste beyond the maximum allowable~~
7 ~~time under subparts 1 to 10 without a hazardous waste facility~~
8 ~~permit.~~ A large quantity generator who accumulates hazardous
9 waste for more than ~~the maximum allowable time~~ 90 days is an
10 operator of a storage facility and is subject to the
11 requirements of parts 7045.0450 to 7045.0642 and the agency's
12 permitting procedures in chapter 7001 unless the generator has
13 been granted a time extension under subpart 10.

14 For small quantity and very small quantity generators, if
15 the quantity of hazardous waste accumulated at any time exceeds
16 the quantities in subpart 5 or 6, whichever applies, the
17 generator must manage all of the accumulated waste in accordance
18 with all the generator requirements of parts 7045.0205 to
19 7045.0320. The generator does not lose small quantity or very
20 small quantity generator status, as applicable.

21 7045.0294 RECORD KEEPING.

22 Subpart 1. Manifests. A generator must keep a copy of
23 each manifest signed according to part 7045.0265, subpart 1, for
24 three years or until the generator receives a signed copy from
25 the designated facility which received the waste. This signed
26 copy must be retained as a record for at least three years from
27 the date the waste was accepted by the initial transporter.

28 Subp. 1a. Alternate manifests. Record keeping
29 requirements under the alternate manifest system provided in
30 part 7045.0075, subpart 5, include:

31 A. a generator must maintain a copy of the
32 reclamation and transport agreement during the term of the
33 agreement and for a period of at least three years after
34 termination or expiration of the agreement; and

35 B. for each shipment of waste using an alternate

1 manifest, a generator must submit a completed copy of that
2 alternate manifest to the commissioner within five working days
3 of the transporter's acceptance of the waste shipment.

4 Subp. 1b. Very small quantity generator collection program
5 receipt. A generator must keep a copy of each signed receipt
6 for waste delivered to a collection site under part 7045.0320.
7 This signed copy must be retained as a record for at least three
8 years from the date the waste was accepted at the collection
9 site.

10 Subp. 2. Reports. A generator must keep a copy of the
11 license application, each ~~annual-report~~ license renewal
12 application, and each exception report for at least three years
13 from the due date of the report.

14 Subp. 2a. Container inspection reports. A generator must
15 keep a copy of each weekly container inspection report required
16 for generator accumulation under part 7045.0292 for a period of
17 at least three years from the date of the inspection. Part
18 ~~7045-0292-references-part-7045-0626-as-a-requirement-for-all~~
19 ~~size-generators.~~

20 [For text of subps 3 and 4, see M.R.]

21 Subp. 5. Location of records. The records required in
22 subparts 1 to 3 must be located at the licensed site. The
23 records must be easily available for agency inspection.

24 7045.0298 EXCEPTION REPORTING.

25 Subpart 1. When applicable. A generator who does not
26 receive a copy of the manifest with the handwritten signature of
27 the owner or operator of the designated facility within 35 days
28 of the date the waste was accepted by the initial transporter
29 must contact the transporter and the owner or operator of the
30 designated facility to determine the status of the hazardous
31 waste. A generator must submit an exception report to the
32 commissioner if the generator has not received a copy of the
33 manifest with the handwritten signature of the owner or operator
34 of the designated facility within 45 days of the date the waste
35 was accepted by the initial transporter.

1 Subp. 2. Content of report. The exception report must
2 include:

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

4 B. a cover letter signed by the generator or the
5 generator's authorized representative explaining the efforts
6 taken to locate the hazardous waste and the results of those
7 efforts.

8 7045.0300 ADDITIONAL REPORTING.

9 The commissioner, when necessary to determine compliance
10 with the requirements of this chapter, may require generators to
11 furnish additional reports concerning the quantities and
12 disposition of waste identified or listed in parts 7045.0100 to
13 7045.0143.

14 7045.0305 STANDARDS FOR GENERATORS WHO SEWER HAZARDOUS WASTE.

15 Subpart 1. Applicability. This part applies to generators
16 who discharge their own hazardous waste to a sanitary sewer.

17 Subp. 2. Generator size determination. A generator who
18 sewers hazardous waste shall ~~determine-the-generator-size~~
19 ~~according-to-items-A-and-B.~~

20 ~~A.--For-hazardous-waste-discharged-to-a-sewer-system~~
21 ~~not-owned-or-operated-by-a-publicly-owned-treatment-works, the~~
22 ~~generator-shall-include-quantities-of-pretreated-and~~
23 ~~nonpretreated-waste-in-the-generator-size-determination.~~

24 ~~B.--For-hazardous-waste-discharged-to-a-sewer-system~~
25 ~~owned-or-operated-by-a-publicly-owned-treatment-works, the~~
26 ~~generator-shall-include-quantities-of-waste-in-the-generator~~
27 ~~size-determination-as-described-in-subitems-(1)-to-(3):~~

28 ~~(1)-the-volume-of-an-untreated-hazardous-waste~~
29 ~~shall-be-included;~~

30 ~~(2) include the quantity of sewered hazardous~~
31 ~~waste in their size determination under part 7045.0206 except~~
32 ~~for the volume of a hazardous waste that has been pretreated~~
33 ~~provided that:~~

34 A. an 80 percent reduction of the quantity of the
35 hazardous waste constituent mass is achieved before

1 sewerage shall not be included if the following requirements are
2 met;

3 (a) B. the discharge is under agreement with
4 the approved by a publicly owned treatment works permitted under
5 part 7001.0520, subpart 3, item B;

6 (b) C. the generator has the commissioner's approval
7 under the licensing provisions of is licensed to sewer their
8 waste under parts 7045.0225 to 7045.0250; and

9 (c) D. the generator has met the conditions of part
10 7001.0520; and, subpart 3, item C.

11 (3) ~~the volume of a pretreated hazardous waste~~
12 ~~not meeting the conditions of subitem (2) will be included.~~

13 Subp. 3. Management. A generator who sewers hazardous
14 waste shall comply with the requirements of this chapter
15 applicable to the their generator size except with the following
16 exception. A generator whose quantity determination is zero
17 because the generator meets the conditions of subpart 2; ~~item B,~~
18 ~~subitem (2),~~ are met will be classified as a very small quantity
19 generator and shall meet the requirements of this chapter that
20 apply to very small quantity generators.

21 7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF
22 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

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

24 Subp. 2. Notification. An operator who intends to
25 establish or operate all or part of a household hazardous waste
26 management program shall ensure that the information required in
27 items A to J is submitted to the commissioner at least 30 days
28 before initiating the household hazardous waste management
29 program.

30 The notification shall provide a complete description of
31 the program including, as applicable:

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

33 I. a description of the safety and emergency
34 procedures established for the program; and

35 J. the name and address of all waste transporters and

1 the facilities which will treat or dispose of the waste.

2 Operators who submit a notification and subsequently change
3 any aspect of the program as described in the notification must
4 submit, within 30 days of making the change, an amended
5 notification to the commissioner fully describing the program
6 changes.

7 Subp. 3. **Management requirements.** An operator who
8 establishes or operates all or part of a household hazardous
9 waste management program must comply with the standards
10 applicable to large quantity generators established in parts
11 7045.0205 to 7045.0320, except as modified in items A to G E.

12 A. The operator need not comply with the license and
13 license reporting requirements of parts 7045.0225 to 7045.0250.

14 ~~B. If the operator transports or offers for transport~~
15 ~~household hazardous waste for off-site treatment, storage, or~~
16 ~~disposal at a permitted hazardous waste facility, the operator~~
17 ~~must obtain a generator identification number as required in~~
18 ~~part 7045.0221.~~

19 ~~E.~~ The operator may only transport or offer for
20 transport household hazardous waste for off-site activities ~~to a~~
21 ~~facility that either has a hazardous waste permit as provided in~~
22 part 7045.0208 or to a collection site that has obtained the
23 commissioner's approval under subpart 6.

24 ~~E.~~ C. If the operator transports or offers for
25 transport household hazardous waste for off-site activities at a
26 collection site that has obtained the commissioner's approval
27 under subpart 6, the operator:

28 (1) may, in lieu of a manifest, prepare and use a
29 shipping paper containing all the information required on a
30 manifest in part 7045.0261, excluding the identification number,
31 to comply with the requirements of parts 7045.0205 to 7045.0320;

32 (2) may designate an alternate collection site
33 which meets the requirements of subpart 6 or an alternate
34 facility and must indicate the alternate collection site or
35 facility on the shipping paper prepared under subitem (1); and

36 (3) must instruct the transporter to return the

1 waste, if the transporter is unable to deliver the household
2 hazardous waste to the facility or collection site designated on
3 the shipping paper.

4 ~~F.~~ D. If the operator intends to store household
5 hazardous waste for more than 90 days after the accumulation
6 start date, the operator must obtain the approval of the
7 commissioner as set out in subpart 6, but no facility permit is
8 required unless the operator intends to perform treatment
9 procedures other than those specified in subpart 7 or disposes
10 of the waste on site.

11 ~~G.~~ E. The operator need not comply with the record
12 keeping requirements of part 7045.0294, subparts 2 and 3.

13 Subp. 4. [See repealer.]

14 Subp. 5. **Transportation requirements.** An operator or
15 other persons who transport waste collected as a result of a
16 household hazardous waste management program shall transport
17 collected waste in compliance with the requirements in items A
18 to D.

19 A. A transporter may not accept household hazardous
20 waste from any operator who establishes or operates all or part
21 of a household hazardous waste management program unless the
22 waste is accompanied by either a manifest signed by the
23 generator according to parts 7045.0205 to 7045.0320 or a
24 shipping paper prepared according to subpart 3, item E, subitem
25 (1).

26 B. If the household hazardous waste is destined for a
27 hazardous waste facility, the transporter shall comply with all
28 of the hazardous waste transporter requirements in parts
29 7045.0351 to 7045.0397.

30 C. If the household hazardous waste is destined for a
31 collection site that has obtained approval from the commissioner
32 under subpart 6, the transporter shall comply with the hazardous
33 waste transporter requirements in parts 7045.0351 to 7045.0397,
34 except:

35 [For text of subitems (1) and (2), see M.R.]

36 [For text of item D, see M.R.]

1 Subp. 6. Storage of collected wastes. An operator who
2 accepts household hazardous waste from another collection site
3 or stores household hazardous waste for more than 90 days must
4 comply with the requirements of items A to E.

5 A. No operator may accept household hazardous waste
6 from another collection site or store household hazardous waste
7 for more than 90 days after the accumulation start date as
8 provided in part 7045.0292, without the approval of the
9 commissioner.

10 B. An operator intending to accept household
11 hazardous waste from another collection site or store household
12 hazardous waste for more than 90 days must submit a request for
13 approval to the commissioner at least 30 days before initiating
14 a household hazardous waste program. The commissioner shall
15 approve the request if the commissioner determines that, based
16 on the information contained in the request, the storage and
17 management practices employed at the storage facility will
18 appropriately protect human health and the environment from any
19 adverse effects associated with the household hazardous waste.

20 C. If the commissioner approves a request, the
21 operator shall manage the waste in compliance with the
22 applicable standards in parts 7045.0526 and 7045.0528 for the
23 use and management of containers and tanks.

24 D. If the commissioner does not approve a request,
25 the operator must transport or arrange to transport the
26 household hazardous waste for off-site activities at a facility
27 that either has a hazardous waste permit or a collection site
28 that has obtained the commissioner's approval under this
29 subpart. Operators who store household hazardous waste for more
30 than 90 days without the commissioner's approval are in
31 violation of this chapter.

32 E. If the operator has not submitted a request as
33 required under item B, or if the commissioner does not approve a
34 request, the commissioner may still grant a storage extension if
35 household hazardous waste must remain on-site for longer than 90
36 days due to unforeseen, temporary, and uncontrollable

1 circumstances as provided in part 7045.0292, subpart-3 subparts
2 10 and 11.

3 Subp. 7. Treatment. Operators conducting treatment of
4 collected household hazardous wastes are subject to the
5 requirements of items A to C.

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

7 B. Treatment methods which do not require approval of
8 the commissioner are bulking of:

9 (1) paints;

10 (2) solvents;

11 (3) motor used or waste oil; and

12 (4) antifreeze.

13 While bulking is being done, the personnel training and safety
14 procedures must specifically address how this activity will be
15 conducted.

16 C. All other methods of waste treatment must be
17 identified in the notification required under subpart 2 and the
18 commissioner's approval obtained for those specific activities
19 before any of those activities are begun. In addition to the
20 information required in subpart 2, the notification must provide
21 the following information:

22 (1) the name of the person appointed to direct
23 and oversee the treatment process; and

24 (2) a detailed description of the treatment
25 activity and an explanation of how human health and the
26 environment will be protected.

27 7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE
28 COLLECTION PROGRAMS.

29 Subpart 1. Applicability. This part provides the
30 requirements for the management and transportation of waste
31 collected as part of a very small quantity generator hazardous
32 waste collection program. Full compliance with this part
33 exempts the program operator from the permit requirements of
34 part 7001.0520.

35 An operator of a hazardous waste facility permitted under

1 chapter 7001 is exempt from the requirements of this part to the
2 extent that the facility permit specifically allows the facility
3 to accept and store waste from other generators.

4 Subp. 2. Generators who operate collection programs. A
5 generator who is also a program operator must comply with the
6 applicable provisions of parts 7045.0205 to 7045.0320 as they
7 apply to the generator's hazardous waste. A generator who
8 operates a collection program must maintain separate records for
9 the collected waste and waste generated by the generator.

10 Subp. 3. Definitions. When used in this part, the terms
11 in items A to D have the meanings given them.

12 A. "Collection program" means a program licensed
13 under this part to accept, collect, transport, store, or treat
14 hazardous waste from very small quantity generators.

15 B. "Collection site" means a site established as part
16 of a collection program under this part.

17 C. "Program operator" means a person or persons who
18 establish a collection program and arrange for the acceptance,
19 collection, transportation, storage, and treatment of collected
20 hazardous waste from very small quantity generators.

21 D. "Site operator" means a person or persons who
22 operate a collection site.

23 Subp. ~~3~~ 4. Program license. A program operator must
24 apply for and obtain a collection program license from the
25 commissioner before accepting any waste. The program operator
26 must renew the license annually.

27 Subp. ~~4~~ 5. License application. The license application
28 must provide a complete description of the program including, as
29 applicable:

30 A. the name, address, and telephone number of persons
31 establishing the program;

32 B. the name, address, and telephone number of persons
33 operating the program, if different than item A;

34 C. the location and EPA identification number of all
35 collection sites, designating central facilities and satellite
36 facilities;

1 D. the duration and operating hours of the program;

2 E. the intended program service area;

3 F. a description of the application operator's
4 administrative process for accepting waste from very small
5 quantity generators;

6 G. the anticipated types and amounts of waste to be
7 collected, stored, treated, transported, and disposed of;

8 H. a description of how the waste is to be collected,
9 analyzed, stored, treated, transported, and disposed of;

10 I. except as provided in item J, if treatment of
11 collected waste is applied for under this license, the following
12 additional information must be submitted for each method of
13 waste treatment proposed:

14 (1) the name of the person appointed to direct
15 and oversee the treatment process;

16 (2) a detailed description of the treatment
17 activity and an explanation of how human health and the
18 environment will be protected; and

19 (3) evidence of compliance with part 7045.0210
20 addressing financial responsibility;

21 J. the bulking of paints, solvents, motor used or
22 waste oil, and antifreeze does not require submittal of the
23 additional information under item I but must be addressed under
24 items G and H;

25 K. the amount of time the site operator intends to
26 store collected waste at individual collection sites;

27 L. a description of the physical structures ~~to be~~
28 ~~used-to-collect~~ where collection and ~~store-collected-waste~~
29 storage will occur;

30 M. a description of personnel safety training;

31 N. a description of the safety and emergency
32 procedures established;

33 O. the name and, address, and EPA identification
34 number of all hazardous waste transporters to be used; and

35 P. the name and, address, and EPA identification
36 number of all hazardous waste facilities which will treat or

1 dispose of the waste.

2 Subp. 5- 6. Changes to license conditions. A program
3 operator may change the conditions of management or operation
4 during the time period for which the license is valid, except
5 for treatment changes approved under subpart ~~4~~ 5, item I, which
6 require the commissioner's written approval before the operator
7 may implement the treatment changes. If the program operator
8 changes any of the conditions of management or operation during
9 the life of the license, the operator shall report the changes
10 in the next annual report.

11 Subp. 6- 7. License issuance and ~~reissuance~~ renewal.

12 After receiving the license application or annual report, as
13 applicable, the commissioner will conduct a review of the
14 submitted information and will:

15 A. issue or reissue, as applicable, a collection
16 program license;

17 B. request in writing the submittal of additional
18 information to make the license application or annual report, as
19 applicable, complete and approvable;

20 C. request in writing facility operational or waste
21 management changes to make the application or annual report, as
22 applicable, approvable; or

23 D. deny approval of license application within 45
24 days of last submittal of information by license applicant.

25 Subp. 7- 8. Reporting requirements. A program operator
26 must meet the reporting requirements ~~applicable-to-large~~
27 ~~quantity-generators~~ established in part 7045.0248, subpart 1.

28 In addition, the site operator must keep a written
29 operating record at the collection site and available for
30 inspection that contains the following information for each
31 collection time a waste is collected:

32 A. the generator name names and identification number
33 numbers as required under part 7045.0221 from whom waste was
34 collected;

35 B. the name or a description of the hazardous waste
36 ~~or-wastes, the hazardous waste number or numbers, and the United~~

1 ~~States-Department-of-Transportation-hazard-class~~ collected;

2 C. the amount of each hazardous waste collected:

3 D. the date the waste was received at the collection
4 site; and

5 E. the date the waste was treated or shipped from the
6 collection site.

7 Subp. ~~8-~~ 9. Management requirements. A person or persons
8 involved in management of hazardous waste from very small
9 quantity generators as part of a collection program shall comply
10 with the requirements of items A to E F.

11 A. The program operator must comply with the
12 standards applicable to large quantity generators established in
13 parts 7045.0205 to 7045.0320 with respect to collected hazardous
14 waste except as modified in this part.

15 B. The license ~~and-reporting~~ requirements of parts
16 7045.0225 to 7045.0250 are replaced by the requirements of
17 subparts ~~3-4~~ to 7 8.

18 C. A site operator may accumulate hazardous waste on
19 site without a permit or without interim status if the site
20 operator complies with the accumulation time limits and
21 management requirements provided in part 7045.0292. The site
22 operator is a generator whose size shall be ~~determine~~ determined
23 by applying part 7045.0206. The site operator shall comply with
24 the requirements applicable to a generator of the appropriate
25 size.

26 D. The site operator may ~~only~~ transport or offer for
27 transport collected waste for off-site activities ~~to-a-facility~~
28 ~~that-either-has-a-hazardous-waste-permit~~ as provided in part
29 7045.0208 or to a collection site that ~~has-obtained-the~~
30 ~~commissioner's-approval-under-the-licensing-provisions-of~~ is
31 part of the same collection program licensed under this part.

32 E. If the site operator transports or offers for
33 transport collected waste for off-site activities ~~at~~ to a
34 collection site that ~~has-obtained-the-commissioner's-approval~~ is
35 part of the same collection program licensed under this part,
36 the operator:

1 (1) may, in lieu of a manifest, prepare and use a
2 shipping paper containing all the information required on a
3 manifest in part 7045.0261, excluding the identification number,
4 to comply with the requirements of parts 7045.0261 to 7045.0265;

5 (2) may designate an alternate collection site
6 that has obtained the commissioner's approval or an alternate
7 facility and must indicate the alternate collection site or
8 facility on the shipping paper prepared under subitem (1); and

9 (3) must instruct the transporter to return the
10 waste, if the transporter is unable to deliver the collected
11 waste to the facility or collection site designated on the
12 shipping paper.

13 F. The site operator must provide a written receipt
14 to the generator immediately upon receipt of waste. The receipt
15 must include:

16 (1) the date the waste was received at the
17 collection site;

18 (2) the name or a description of the hazardous
19 waste received;

20 (3) the amount of each hazardous waste received;

21 (4) the generator name and identification number;

22 and

23 (5) the signature of the generator or authorized
24 representative.

25 Subp. 9- 10. Transport requirements. A person or persons
26 who transport waste collected as a result of a collection
27 program licensed under this part shall transport collected waste
28 in compliance with the requirements in items A to D.

29 A. A transporter may not accept collected waste from
30 a program operator or a site operator unless the waste is
31 accompanied by either a manifest signed by the program operator
32 or a shipping paper prepared according to subpart 8 9, item E,
33 subitem (1).

34 B. If the collected waste is destined for a hazardous
35 waste facility, the transporter shall comply with all of the
36 hazardous waste transporter requirements in parts 7045.0351 to

1 7045.0397.

2 C. If the collected waste is destined for a
3 collection site that has obtained approval from the commissioner
4 under the licensing provisions of this part, the transporter
5 shall comply with the hazardous waste transporter requirements
6 in parts 7045.0351 to 7045.0397, except:

7 (1) a transporter identification number under
8 part 7045.0361 is not required; and

9 (2) a shipping paper prepared according to
10 subpart 8 9, item E, subitem (1), may be used, in lieu of a
11 manifest, to comply with the manifest requirements of parts
12 7045.0351 to 7045.0395.

13 D. An operator who transports waste for hire in
14 Minnesota must obtain for-hire operating authority from the
15 Minnesota Transportation Regulation Board as required by
16 Minnesota Statutes, chapter 221.

17 ~~Subp. 10. --Generators who operate collection programs. --A~~
18 ~~generator who is also a program operator must comply with the~~
19 ~~applicable provisions of parts 7045.0205 to 7045.0320 as they~~
20 ~~apply to the generator's hazardous waste. --A generator who~~
21 ~~operates a collection program must maintain separate records for~~
22 ~~the collected waste and waste generated by the generator.~~

23 7045.0351 APPLICABILITY AND EXEMPTIONS.

24 Subpart 1. **Applicability.** The provisions of parts
25 7045.0355 to 7045.0391 establish standards that apply to persons
26 transporting hazardous waste that originates or terminates
27 within the state of Minnesota if the transportation requires a
28 manifest under parts 7045.0205 to 7045.0320. Parts 7045.0395
29 and 7045.0397 apply to the transportation of all hazardous waste
30 within the state of Minnesota.

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

32 7045.0375 THE MANIFEST SYSTEM; GENERAL REQUIREMENTS.

33 Subpart 1. **Acceptance of shipment.** A transporter may not
34 accept hazardous waste from a generator unless it is accompanied
35 by a manifest signed by the generator according to parts

1 7045.0205 to 7045.0320. In the case of exports, a transporter
2 may not accept waste:

3 [For text of items A and B, see M.R.]

4 [For text of subps 2 and 3, see M.R.]

5 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

6 Subpart 1. General requirements. Parts 7045.0450 to
7 7045.0544 apply to owners and operators of all facilities that
8 treat, store, or dispose of hazardous waste except as
9 specifically provided otherwise in this part or in parts
10 7045.0100 to 7045.0320.

11 Parts 7045.0450 to 7045.0544 apply to the owners or
12 operators of publicly owned treatment works that treat, store,
13 or dispose of hazardous waste only to the extent they are
14 included in a permit-by-rule granted under the agency's
15 permitting procedures.

16 Parts 7045.0450 to 7045.0544 apply to a person disposing of
17 hazardous waste by means of ocean disposal subject to a permit
18 issued under the Marine Protection, Research, and Sanctuaries
19 Act of 1972, United States Code, title 16, sections 1431 to
20 1434, as amended through December 31, 1982, and United States
21 Code, title 33, section 1401, as amended through December 31,
22 1982, only to the extent they are included in a permit-by-rule
23 granted under the agency's permitting procedures. Parts
24 7045.0450 to 7045.0544 apply to the treatment or storage of
25 hazardous waste before it is loaded onto an ocean vessel for
26 incineration or disposal at sea.

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

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

31 Subp. 3. Exemptions. Parts 7045.0450 to 7045.0544 do not
32 apply to the following:

33 [For text of items A and B, see M.R.]

34 C. a farmer disposing of waste pesticides from the
35 farmer's own use in compliance with part 7045.0213, subpart 2;

1 [For text of items D to J, see M.R.]

2 7045.0458 WASTE ANALYSIS REQUIREMENTS.

3 Subpart 1. Waste analysis. Waste analysis procedures are
4 listed in items A to D.

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

6 B. The analysis may include data developed under
7 parts 7045.0100 to 7045.0143 and existing published or
8 documented data on the hazardous waste or on hazardous waste
9 generated from similar processes, including data obtained from
10 the generator.

11 [For text of items C and D, see M.R.]

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

13 7045.0472 FACILITY SHIPPING REQUIREMENTS.

14 When a shipment of hazardous waste is initiated from a
15 facility, the owner or operator of that facility shall comply
16 with the requirements of parts 7045.0205 to 7045.0320.

17 7045.0488 CLOSURE ACTIVITIES.

18 [For text of subps 1 and 2, see M.R.]

19 Subp. 3. Disposal or decontamination of equipment,
20 structures, and soils. During the partial and final closure
21 periods, all contaminated facility equipment, structures, and
22 soils must be properly disposed of or decontaminated unless
23 otherwise specified in part 7045.0528, subpart 9; 7045.0532,
24 subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; or
25 7045.0538, subpart 7, or under the authority of part 7045.0539,
26 subparts 2 and 4. By removing any hazardous waste or hazardous
27 waste constituents during partial and final closure, the owner
28 or operator may become a generator of hazardous waste and must
29 handle that waste according to all applicable requirements of
30 parts 7045.0205 to 7045.0320.

31 [For text of subp 4, see M.R.]

32 7045.0526 USE AND MANAGEMENT OF CONTAINERS.

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

34 Subp. 6. Containment. Requirements for containment

1 systems are as described in items A to E.

2 A. Container storage areas must have a containment
3 system that is capable of collecting and holding spills, leaks,
4 and precipitation. The containment system must:

5 (1) have a floor underlying the containers that
6 is free of cracks or gaps and is ~~impermeable~~ sufficiently
7 impervious to contain leaks, spills, and accumulated
8 precipitation until the collected material is detected and
9 removed;

10 (2) have a floor that is sloped, or be otherwise
11 designed and operated to drain and remove liquids resulting from
12 leaks, spills, or precipitation, unless the containers are
13 elevated or in some other manner are protected from contact with
14 accumulated liquids; and

15 [For text of subitem (3), see M.R.]

16 [For text of item B, see M.R.]

17 C. Spilled or leaked waste and accumulated
18 precipitation must be removed from the sump or collection area
19 in as timely a manner as is necessary to prevent overflow of the
20 collection system. If the collected material is a hazardous
21 waste as defined in parts 7045.0100 to 7045.0143, it must be
22 managed as a hazardous waste according to all applicable
23 requirements of parts 7045.0205 to 7045.1030. If the collected
24 material is discharged through a point source to waters of the
25 United States, it is subject to the requirements of the federal
26 Water Pollution Control Act Amendments of 1972, United States
27 Code, title 33, section 1342, as amended, through June 30, 1983.

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

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

30 Subp. 9. Closure. At closure, all hazardous waste and
31 hazardous waste residues must be removed from the containment
32 system. Remaining containers, liners, floors, and soil
33 containing or contaminated with hazardous waste or hazardous
34 waste residues must be decontaminated or removed. At closure
35 and throughout the operating period, unless the owner or
36 operator can demonstrate that the waste removed from the

1 containment system is not a hazardous waste, the owner or
2 operator becomes a generator of hazardous waste and shall manage
3 it in accordance with all applicable requirements of parts
4 7045.0205 to 7045.1030.

5 7045.0532 SURFACE IMPOUNDMENTS.

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

7 Subp. 7. Closure and postclosure care. The requirements
8 of closure and postclosure care are as follows:

9 A. At closure, the owner or operator shall:

10 (1) remove or decontaminate all waste residues,
11 contaminated containment system components including liners,
12 contaminated subsoils, and structures and equipment contaminated
13 with waste and leachate, and manage them as hazardous waste
14 unless they are shown to not be hazardous according to parts
15 7045.0100 to 7045.0143; or

16 [For text of subitem (2), see M.R.]

17 [For text of items B to E, see M.R.]

18 [For text of subps 8 to 10, see M.R.]

19 7045.0534 WASTE PILES.

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

21 Subp. 7. Closure and postclosure care. Closure and
22 postclosure requirements are as follows:

23 A. At closure, the owner or operator shall remove or
24 decontaminate all waste residues, contaminated containment
25 system components including liners, contaminated subsoils, and
26 structures and equipment contaminated with waste and leachate;
27 and manage them as hazardous waste unless they are shown to not
28 be hazardous according to parts 7045.0100 to 7045.0143.

29 [For text of items B to D, see M.R.]

30 [For text of subps 8 to 10, see M.R.]

31 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

32 [For text of subps 1 to 2, see M.R.]

33 Subp. 3. Exemptions. The requirements of parts 7045.0522
34 to 7045.0642 do not apply to:

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

2 D. A farmer disposing of waste pesticides from the
3 farmer's own use in compliance with part 7045.0213, subpart 2.

4 [For text of items E to J, see M.R.]

5 [For text of subp 4, see M.R.]

6 7045.0564 WASTE ANALYSIS REQUIREMENTS.

7 Subpart 1. Waste analysis. The analysis must comply with
8 the requirements in items A to D.

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

10 B. The analysis may include data developed under
11 parts 7045.0100 to 7045.0143, and existing published or
12 documented data on the hazardous waste or on hazardous waste
13 generated from similar processes, including data obtained from
14 the generator.

15 [For text of items C and D, see M.R.]

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

17 7045.0578 FACILITY SHIPMENT REQUIREMENTS.

18 Whenever a shipment of hazardous waste is initiated from a
19 facility, the owner or operator of that facility shall comply
20 with the requirements of parts 7045.0205 to 7045.0320.

21 7045.0596 CLOSURE ACTIVITIES.

22 [For text of subps 1 and 2, see M.R.]

23 Subp. 3. Disposal or decontamination of equipment,
24 structures, and soils. During the partial and final closure
25 periods, all contaminated facility equipment, structures, and
26 soils must be properly disposed of or decontaminated, unless
27 otherwise specified in part 7045.0628, subpart 9; 7045.0630,
28 subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; or
29 7045.0638, subpart 4. By removing any hazardous wastes or
30 hazardous constituents during partial or final closure, the
31 owner or operator may become a generator of hazardous waste and
32 must handle that waste according to all applicable requirements
33 of parts 7045.0205 to 7045.0320.

34 [For text of subp 4, see M.R.]

1 7045.0629 REQUIREMENTS FOR SMALL QUANTITY AND VERY SMALL
2 QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

3 Subpart 1. Scope. The requirements of this part apply to
4 small quantity and very small quantity generators that
5 accumulate hazardous waste in tanks, and do not exceed
6 accumulation amounts as provided in part 7045.0292.

7 Subp. 2. General operating requirements. Small-quantity
8 Generators regulated under this part must comply with the
9 following general operating requirements:

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

11 Subp. 3. Inspections. Small-quantity Generators regulated
12 under this part must inspect, where present:

13 [For text of items A to E, see M.R.]

14 Subp. 4. Closure. Small-quantity Generators regulated
15 under this part must, upon closure of the facility, remove all
16 hazardous waste from tanks, discharge control equipment, and
17 discharge confinement structures.

18 Subp. 5. Ignitable and reactive wastes. Small-quantity
19 Generators regulated under this part must comply with the
20 following special requirements for ignitable or reactive waste:

21 [For text of items A and B, see M.R.]

22 Subp. 6. Incompatible wastes. Small-quantity Generators
23 regulated under this part must comply with the following special
24 requirements for incompatible wastes:

25 [For text of items A and B, see M.R.]

26 7045.0655 GENERAL FACILITY STANDARDS.

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

28 Subp. 6. Closure. At closure, the owner or operator of an
29 elementary neutralization unit, pretreatment unit, or wastewater
30 treatment unit shall remove all hazardous waste and hazardous
31 waste residues from the unit.

32 At closure, the owner or operator of a combustion waste
33 facility shall analyze the waste present in the facility
34 according to parts 7045.0100 to 7045.0143 and shall submit the
35 waste analysis results and proposed closure methods to the

1 commissioner. Based on the waste analysis and proposed closure
2 methods, the agency shall determine which closure standards from
3 parts 7045.0450 to 7045.0544, if any, apply to the facility.

4 Subp. 7. Treated wastes. Treated waste generated by an
5 elementary neutralization unit, pretreatment unit, or wastewater
6 treatment unit is subject to regulation under parts 7045.0100 to
7 7045.0320.

8 7045.0665 USE CONSTITUTING DISPOSAL.

9 [For text of subps 1 and 1a, see M.R.]

10 Subp. 2. Standards applicable to generators of wastes used
11 in a manner that constitutes disposal. Generators of wastes
12 that are used in a manner that constitutes disposal are subject
13 to the requirements of parts 7045.0205 to 7045.0320.

14 [For text of subps 3 and 4, see M.R.]

15 7045.0675 RECYCLABLE HAZARDOUS WASTE USED FOR PRECIOUS METAL
16 RECOVERY.

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

18 Subp. 2. Requirements for generators. Generators of
19 recyclable hazardous waste regulated under this part are subject
20 to the requirements of parts 7045.0205 to 7045.0320.

21 [For text of subps 3 and 4, see M.R.]

22 7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

23 Subpart 1. Scope. The requirements of this part apply to
24 persons who generate, transport, collect, store, or reclaim
25 spent lead-acid batteries that are recyclable. Except as
26 provided in subpart 2, persons who generate, transport, or
27 collect spent batteries, or who store spent batteries but do not
28 reclaim them, are not subject to regulation under parts
29 7045.0205 to 7045.0685 and chapter 7001 for the generation,
30 transportation, and storage of spent batteries. For the purpose
31 of this part, indoor storage is storage within a permanently
32 constructed building consisting of at least a roof and three
33 walls permanently affixed to ~~a masonry or other nonabsorbent~~ an
34 impermeable floor placed on the ground.

1 [For text of subps 2 and 3, see M.R.]

2 7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

3 Subpart 1. Scope. This part applies to hazardous wastes
4 that are burned for energy recovery in a boiler or industrial
5 furnace that is not regulated by the thermal treatment standards
6 in part 7045.0542 or 7045.0640, except:

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

8 D. Mixtures of used oil and waste that is hazardous
9 solely for the characteristic of ignitability in part 7045.0131,
10 subpart 2, provided the waste is generated by a person who in a
11 calendar month generates no more than 100 kilograms of hazardous
12 waste. This mixture is regulated as provided in part 7045.0102,
13 subpart 3. If the waste is generated by a person who in a
14 calendar month generates more than 100 kilograms of hazardous
15 waste, part 7045.0102, subpart 3, item A, applies.

16 [For text of item E, see M.R.]

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

18 Subp. 3. Standards applicable to generators of hazardous
19 waste fuel. Generators of hazardous waste that is used as a
20 fuel or used to produce a fuel are subject to parts 7045.0205 to
21 7045.0320. Generators who market hazardous waste fuel to a
22 burner are also subject to subpart 5. Generators who are
23 burners are also subject to subpart 6.

24 [For text of subp 4, see M.R.]

25 Subp. 5. Standards applicable to marketers of hazardous
26 waste fuel. Marketers are subject to the requirements in items
27 A to F.

28 [For text of items A and B, see M.R.]

29 C. If a marketer is a generator, or becomes a
30 generator by initiating a shipment of hazardous waste fuel, the
31 marketer must comply with parts 7045.0205 to 7045.0320. If the
32 marketer operates a facility, the marketer must comply with
33 parts 7045.0450 to 7045.0534. If the marketer is operating a
34 facility under interim status, the marketer must comply with
35 parts 7045.0552 to 7045.0632. If the marketer stores hazardous

1 waste, the marketer must comply with the agency's permitting
2 procedures in chapter 7001 for storage of hazardous waste.

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

4 F. In addition to the applicable record keeping
5 requirements of parts 7045.0205 to 7045.0320, 7045.0450 to
6 7045.0534, and 7045.0552 to 7045.0632, a marketer must keep a
7 copy of each certification notice received or sent for three
8 years from the date the marketer last engaged in a hazardous
9 waste fuel marketing transaction with the person who sent or
10 received the certification notice.

11 Subp. 6. Standards applicable to burners of hazardous
12 waste fuel. Owners and operators of industrial furnaces and
13 boilers identified in subpart 2, item B, that burn hazardous
14 fuel are subject to the requirements in items A to F.

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

16 D. Generators who accumulate hazardous waste fuel
17 before burning on site within the accumulation time period
18 allowed in part 7045.0292 must comply with that part. Small
19 quantity generators who accumulate hazardous waste fuel before
20 burning on site within the accumulation time period allowed in
21 part 7045.0292 must comply with that part. Burning by the
22 generator of a hazardous waste that is a sludge or is or
23 contains a waste listed in part 7045.0135 for reasons other than
24 ignitability or is or contains a waste that is toxic under part
25 7045.0131, subpart 6, is subject to the additional requirements
26 of item E, subitem (2).

27 [For text of items E and F, see M.R.]

28 7045.1020 EFFECT OF AGENCY APPROVAL OF COUNTY ORDINANCE.

29 If a county has adopted a hazardous waste ordinance that is
30 approved in writing by the agency:

31 A. each generator who produces a hazardous waste
32 within the county must obtain a generator license and must
33 submit reports to the county as required by the county ordinance
34 in lieu of submission to the agency unless specifically
35 requested in writing by the commissioner to submit a copy of the

1 license application or ~~annual~~ license renewal report to the
2 commissioner; and

3 B. each collection program operator who operates a
4 collection program under part 7045.0310 or 7045.0320 within the
5 county must obtain a program license and must submit reports to
6 the county as required by the county ordinance in lieu of
7 submission to the agency unless specifically requested in
8 writing by the commissioner to submit a copy of the license or
9 license renewal report to the commissioner; and

10 C. all persons shall comply with all other
11 requirements of this chapter, the agency's permitting
12 procedures, and all requirements of the county ordinance.

13 7045.1030 COUNTY ACTIONS.

14 [For text of subps 1 and 2, see M.R.]

15 Subp. 3. Reporting. A county shall submit to the
16 commissioner, upon request, a copy of any information submitted
17 under parts 7045.0225 to 7045.0250, ~~license and license~~
18 ~~reporting requirements~~ (generator licenses), 7045.0310, and
19 7045.0320 (collection programs), manifest, exception report, or
20 other document that has been submitted to the county in lieu of
21 submission to the agency pursuant to part 7045.1020. A county
22 shall submit to the commissioner, upon request but not to exceed
23 semi-annually, summary data based on the documents cited in this
24 subpart.

25 Subp. 4. [See repealer.]

26 7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND
27 EXEMPTIONS.

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

29 Subp. 2. Exemptions for restricted wastes. Prohibited
30 Restricted wastes may continue to be land disposed under the
31 following conditions:

32 A. if an extension has been granted from the
33 effective date of a prohibition under part 7045.0075, subpart 8,
34 with respect to those wastes covered by the extension; and

35 B. if an exemption has been granted from a

1 prohibition as a result of a petition under part 7045.0075,
 2 subpart 9, with respect to those wastes and units covered by the
 3 petition.

4 ~~C---until-November-8,1988,if-wastes-are-contaminated~~
 5 ~~soil-or-debris-resulting-from-a-response-action-taken-under~~
 6 ~~section-104-or-106-of-the-Comprehensive-Environmental-Response,~~
 7 ~~Compensation-and-Liability-Act-of-1980-or-a-corrective-action~~
 8 ~~required-under-the-Resource-Conservation-and-Recovery-Act;~~

9 ~~D---if-very-small-quantity-generators-as-defined-in~~
 10 ~~part-7045.0206,--and~~

11 ~~E---if-a-farmer-is-disposing-of-waste-pesticides-in~~
 12 ~~accordance-with-part-7045.0213,--subpart-2.~~

13 7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

14 Subpart 1. Basis of fees. The agency shall charge
 15 nonmetropolitan area generator fees that are based on the
 16 license application and licensing reports submitted by
 17 generators and or other appropriate information available to the
 18 agency.

19 For the purposes of this part, one gallon of hazardous
 20 waste equals ten pounds of hazardous waste.

21 [For text of subs 2 and 3, see M.R.]

22 Subp. 4. Annual fees. An annual fee is the sum of the
 23 waste generation volume fees and the base fee. Nonmetropolitan
 24 area generators shall submit annual fees as described in items A
 25 and B.

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

27 B. A base fee must be paid by all nonmetropolitan
 28 area generators based on generator size as follows:

29 (1) a large quantity generator must pay a base
 30 fee of \$350;

31 (2) a small quantity generator must pay a base
 32 fee of \$105 130; and

33 (3) a very small quantity generator must pay a
 34 base fee of \$35 62.

35 ~~Subp.-5---Follow-up-action-fee---A-nonmetropolitan-area~~

1 generator-is-subject-to-payment-of-a-follow-up-action-fee-if-the
2 generator-fails-to-respond-within-30-days-of-receipt-of-a
3 certified-letter-from-the-commissioner-concerning-the
4 generator's-noncompliance-with-part-7045.0216-requiring
5 submission-of-an-evaluation-report-or-parts-7045.0225-to
6 7045.02507-license-and-license-reporting-requirements.--The
7 agency-shall-charge-a-follow-up-action-fee-only-if-the
8 commissioner's-follow-up-action-involves-sending-the-generator
9 one-or-more-additional-certified-letters-or-causing-an
10 authorized-representative-of-the-agency-to-make-an-inspection
11 for-the-purpose-of-obtaining-the-required-information.--The-fee
12 for-each-follow-up-certified-letter7-not-to-include-the-initial
13 certified-letter7-is-\$25.--The-fee-for-each-follow-up-inspection
14 is-\$200.

15 [For text of subps 6 and 7, see M.R.]

16 7046.0050 GENERATOR FEE EXEMPTIONS.

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

18 Subp.4.--Certain-nonmetro-area-generators.--Small-quantity
19 nonmetropolitan-area-generators-whose-sole-hazardous-wastes-are
20 degreasing-or-drycleaning-solvent-related-wastes-reclaimed-off
21 site-under-a-maintenance-agreement7-lead-acid-batteries7
22 gasoline-tank-bottoms7-and-scrap-metal-are-not-subject-to-annual
23 fees-for-those-calendar-years-for-which-they-obtain-a-license
24 under-parts-7045.0225-to-7045.02507-but-rather-are-subject-to-a
25 flat-annual-fee-of-\$25.--For-the-purposes-of-this-part7-a
26 maintenance-agreement-is-a-written-agreement-acceptable-to-the
27 commissioner-between-a-generator-and-a-transporter-and-a
28 reclaimer-under-which-waste-is-removed-from-the-generator's-site
29 on-a-regularly-scheduled-basis-for-reclamation-by-distillation.
30 If-a-small-quantity-nonmetropolitan-area-generator7-who
31 qualifies-for-this-exemption7-fails-to-submit-the-annual-report
32 by-March-1-under-part-7045.02487-the-generator-shall-pay-a-full
33 annual-fee.--If-the-generator-is-also-subject-to-retroactive
34 fees7-the-retroactive-fees-must-be-based-on-the-flat-annual-fee
35 of-\$25.

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

2 Subp. 6. Waste collected as a result of a very small
3 quantity generator hazardous waste collection program. An
4 operator of a very small quantity generator hazardous waste
5 collection program is exempt from generator fees for waste
6 collected under part 7045.0320.

7 An operator who is also a generator is not exempt from
8 generator fees for the waste that the operator generates
9 separate as distinct from the waste that the operator collects
10 from other generators.

11 A very small quantity generator participating in a
12 collection program under part 7045.0320 is not exempt from
13 generator fees.

14 REPEALER. Minnesota Rules, parts 7045.0211, subparts 2 and 3;
15 7045.0219; 7045.0220; 7045.0230, subpart 3; 7045.0235;
16 7045.0240, subparts 1 and 2; 7045.0249; 7045.0275, subpart 1;
17 7045.0290; 7045.0292, subparts 3 and 4; 7045.0296; 7045.0304;
18 7045.0310, subpart 4; and 7045.1030, subpart 4; 7046.0031,
19 subpart 5; and 7046.0050, subpart 4, are repealed.