

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Hazardous Waste Housekeeping

4

5 Rules as Adopted

6 7001.0620 PART B INFORMATION REQUIREMENTS FOR LANDFILLS.

7 Except as otherwise provided by part 7045.0538, subpart 1,
8 if the applicant proposes to dispose of hazardous waste in a
9 landfill, the applicant shall furnish the information designated
10 in items A to L in addition to the information required by part
11 7001.0560:

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

13 C. Detailed plans and an engineering report
14 describing how the landfill is or will be designed, constructed,
15 operated, and maintained to comply with the requirements of part
16 7045.0538, subpart 3. This submission must address the
17 following items as specified in part 7045.0538, subpart 3:

18 [For text of subitems (1) to (5), see M.R.]

19 (6) the phased development plan in accordance
20 with the requirements of part 7045.0538, subpart 3, item I; and

21 [For text of subitem (7), see M.R.]

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

23 7001.0712 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.

24 Subpart 1. **Scope.** This part applies to research,
25 development, or demonstration facilities other than land
26 treatment demonstration facilities governed by part 7001.0710 or
27 facilities meeting the treatability study exemption requirements
28 of part 7045.0121.

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

30 7045.0020 DEFINITIONS.

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

32 Subp. 6c. **Burner.** "Burner" means an owner or operator of
33 an industrial furnace, industrial boiler, or utility boiler
34 meeting the definition of industrial furnace in subpart 43b or



1 boiler in subpart 6a.

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

3 Subp. 13. **Control equipment.** "Control equipment" means an
4 "air containment treatment facility" or a "treatment facility"
5 as defined in Minnesota Statutes, section 116.06, subdivision 3.

6 [For text of subps 13a to 14, see M.R.]

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

10 A. (1) has received interim status;

11 (2) has received an agency permit;

12 (3) is subject to the requirements of part

13 7045.0125, subpart 5 or 6, or 9, item B, or part 7045.0685; or

14 [For text of subitem (4), see M.R.]

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

16 [For text of subps 15a to 30, see M.R.]

17 Subp. 31. **Generator.** "Generator" means any person, by
18 site, whose act or process produces hazardous waste identified
19 or listed in parts 7045.0102 to 7045.0143, or whose act first
20 causes a hazardous waste to become subject to regulation.

21 "Generator" means all size generators including large quantity
22 generators, small quantity generators, and very small quantity
23 generators, unless specifically stated otherwise.

24 [For text of subps 32 and 32a, see M.R.]

25 Subp. 33. **Hazardous waste.** "Hazardous waste" has the
26 meaning given in Minnesota Statutes, section 116.06, subdivision
27 11.

28 [For text of subps 34 to 60, see M.R.]

29 Subp. 60a. **On-specification used oil.** "On-specification
30 used oil" means used oil fuel that does not exceed the
31 specification levels for the constituents in subpart 59c, and
32 has a flash point equal to or greater than 100 degrees
33 Fahrenheit.

34 [For text of subps 61 to 65, see M.R.]

35 Subp. 66. **Person.** "Person" has the meaning given in
36 Minnesota Statutes, section 116.06, subdivision 17.

1 [For text of subps 67 to 70, see M.R.]

2 Subp. 71. **Point source.** "Point source" has the meaning
3 given in Minnesota Statutes, section ~~115.03~~ 115.01, subdivision
4 11, but does not include irrigation return flows.

5 [For text of subp 71a, see M.R.]

6 Subp. 72. **Pretreatment unit.** "Pretreatment unit" means a
7 device which:

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

9 B. receives and treats or stores an influent
10 wastewater which is a hazardous waste as defined in parts
11 7045.0102 to 7045.0143; or generates and accumulates a
12 wastewater treatment sludge which is a hazardous waste as
13 defined in parts 7045.0102 to 7045.0143; or treats or stores a
14 wastewater treatment sludge which is a hazardous waste as
15 defined in parts 7045.0102 to 7045.0143; and

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

17 [For text of subps 72a to 73c, see M.R.]

18 Subp. 73d. **Record or record keeping.** "Record" or "record
19 keeping" means storing information either in printed form or
20 ~~electronically~~ in a computer storage system or other electronic
21 medium.

22 Subp. 73e. **Recycle.** "Recycle" means the reclamation,
23 reuse, or use of a hazardous waste.

24 Subp. 73f. **Regional administrator.** "Regional
25 administrator" means the regional administrator for the United
26 States Environmental Protection Agency, Region V, Chicago,
27 Illinois.

28 [For text of subps 74 to 80a, see M.R.]

29 Subp. 81. **Sewage.** "Sewage" has the meaning given in
30 Minnesota Statutes, section 115.01, subdivision 17.

31 Subp. 82. **Sewer system.** "Sewer system" has the meaning
32 given in Minnesota Statutes, section 115.01, subdivision 18.

33 Subp. 83. **Shoreland.** "Shoreland" has the meaning given in
34 Minnesota Statutes, section 103F.205, subdivision 4, and rules
35 adopted pursuant to that section.

36 Subp. 84. **Sludge.** "Sludge" has the meaning given in

1 Minnesota Statutes, section 116.06, subdivision 21.

2 [For text of subps 84a to 101, see M.R.]

3 Subp. 102. **Waste.** "Waste" has the meaning given in

4 Minnesota Statutes, section 116.06, subdivision 23.

5 [For text of subps 102a to 102c, see M.R.]

6 Subp. 103. **Wastewater treatment unit.** "Wastewater
7 treatment unit" means a device which:

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

9 B. receives and treats or stores an influent
10 wastewater which is a hazardous waste as defined in parts
11 7045.0102 to 7045.0143; or generates and accumulates a
12 wastewater treatment sludge which is a hazardous waste as
13 defined in parts 7045.0102 to 7045.0143; or treats or stores a
14 wastewater treatment sludge which is a hazardous waste as
15 defined in parts 7045.0102 to 7045.0143; and

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

17 [For text of subp 104, see M.R.]

18 Subp. 105. **Waters of the state.** "Waters of the state" has
19 the meaning given in Minnesota Statutes, section 115.01,
20 subdivision 22.

21 [For text of subps 106 and 107, see M.R.]

22 Subp. 108. **Wetland.** "Wetland" has the meaning given to
23 "wetlands" in Minnesota Statutes, section ~~105.37~~ 103G.005,
24 subdivision ~~19~~ 18.

25 [For text of subp 109, see M.R.]

26 7045.0102 MIXTURES OF WASTES.

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

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

29 The mixing of a hazardous waste with a nonhazardous waste as
30 described in this subpart constitutes treatment. Generators who
31 mix hazardous and nonhazardous wastes on site must meet the
32 requirements of part 7045.0211 for generators with on-site
33 facilities.

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

35 D. A mixture is a hazardous waste if it is a sewered

1 mixture of nonhazardous waste and any waste which is hazardous
2 because it exhibits the characteristics of toxicity or lethality
3 as defined in part 7045.0131 unless:

4 (1) prior to entering the sewer the resulting
5 mixture no longer exhibits the characteristic of toxicity or
6 lethality; and

7 (2) the sewerage of the mixture has been approved
8 by the agency pursuant to parts 7045.0221 to 7045.0255.

9 This provision does not apply to those mixtures defined as
10 nonhazardous under item F.

11 [For text of items E to H, see M.R.]

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

13 7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

14 Subpart 1. Exempt types of waste. The following waste may
15 be stored, labeled, transported, treated, processed, and
16 disposed of without complying with the requirements of this
17 chapter:

18 A. household waste except as provided for collected
19 ~~household-hazardous-waste-and-collected-spent-or-waste-household~~
20 ~~batteries-which-must-meet-the-requirements-of-subpart-2-as~~
21 ~~specified~~ under subpart 2, items A and B;

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

23 N. pulping liquors (for example, black liquor) that
24 are reclaimed in a pulping liquor recovery furnace and then
25 reused in the pulping process, unless they are accumulated
26 speculatively as defined in part 7045.0020, subpart 84a;

27 O. spent sulfuric acid used to produce virgin
28 sulfuric acid, unless it is accumulated speculatively as defined
29 in part 7045.0020, subpart 84a;

30 [For text of items P to U, see M.R.]

31 Subp. 2. Special requirements. The following waste is
32 exempt from the general requirements of this chapter if managed
33 as specified:

34 A. ~~collected-household-hazardous~~ waste collected as a
35 result of a household hazardous waste management program under

1 part 7045.0310;

2 B. ~~collected~~ spent or waste household batteries
3 collected under part 7045.0686; and

4 C. ~~collected-hazardous~~ waste from collected as a
5 result of a very small quantity generators generator hazardous
6 waste collection program under part 7045.0320.

7 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND
8 RECLAMATION.

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

10 Subp. 4. Management of specific hazardous wastes.

11 Management of the following wastes when recycled, is not subject
12 to regulation under parts 7045.0205 to 7045.0695 and 7045.1300
13 to 7045.1380:

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

15 F. coke and coal tar from the iron and steel industry
16 that contain EPA Hazardous Waste No. K087 listed under part
17 7045.0135, subpart 3, item Q, subitem (2), (decanter tank tar
18 sludge from coking operations) from the iron and steel
19 production process;

20 [For text of items G to J, see M.R.]

21 Subp. 5. Requirements for use of hazardous waste as
22 feedstock.

23 A. Except as provided in items B to D, hazardous
24 wastes that are shown to be recycled by being used in a manner
25 specified in subitems (1) to (3), are not subject to regulation
26 under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380.
27 This subpart does not apply to wastes being accumulated
28 speculatively as defined in part 7045.0020, subpart 84a, or
29 being managed by use constituting disposal as regulated under
30 part 7045.0665 or burning for energy recovery, as regulated in
31 part 7045.0692. Hazardous wastes are considered to be used as
32 feedstock if they are:

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

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

35 Subp. 6. Requirements for reclamation of specific

1 hazardous waste.

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

3 B. This subpart does not apply to hazardous wastes
4 being accumulated speculatively as defined in part 7045.0020,
5 subpart 84a, or being managed by use constituting disposal, as
6 regulated under part 7045.0665 or being burned for energy
7 recovery as regulated by part 7045.0692.

8 Subp. 7. Generator requirements. Unless exempted
9 specifically in this part or part 7045.0695, a generator of
10 hazardous waste that is destined for recycling is subject to the
11 requirements of parts 7045.0205 to 7045.0320.

12 Subp. 8. Transporter requirements. Unless exempted
13 specifically in this part or part 7045.0695, transporters of
14 hazardous waste destined for recycle are subject to the
15 requirements of parts 7045.0351 to 7045.0397.

16 Subp. 9. Facility requirements. Unless exempted
17 specifically in this part or parts 7045.0692 and 7045.0695,
18 owners or operators of facilities which recycle hazardous waste
19 are subject to the following requirements:

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

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

22 7045.0133 EXEMPTION FROM REGULATION DUE TO LETHALITY.

23 Subpart 1. In general. A generator's waste that exhibits
24 the characteristics of lethality as described in part 7045.0131,
25 subpart 6, may be exempted from regulation under parts 7045.0102
26 to 7045.1380 if the generator can demonstrate to the
27 satisfaction of the agency that the waste is not capable of
28 posing a present or potential hazard to human health and the
29 environment if the waste were to be improperly treated,
30 transported, stored, disposed, or managed under routine waste
31 management methods.

32 Subp. 2. Factors to be considered. In demonstrating that
33 a waste should be exempt from regulation under parts 7045.0102
34 to 7045.1380, the generator must present information related to
35 the following factors:

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

2 7045.0206 GENERATOR SIZE DETERMINATION.

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

4 Subp. 2. **Large quantity generator.** A large quantity
5 generator is a ~~large-quantity~~ generator who, in a calendar
6 month, generates 1,000 kilograms of hazardous waste or more.

7 Subp. 3. **Small quantity generator.** A small quantity
8 generator is a ~~small-quantity~~ generator who, in a calendar
9 month, generates more than 100 kilograms and less than 1,000
10 kilograms of hazardous waste.

11 Subp. 4. **Very small quantity generator.** A very small
12 quantity generator is a ~~very-small-quantity~~ generator who, in a
13 calendar month, generates 100 kilograms of hazardous waste or
14 less.

15 Subp. 4a. **Acute hazardous waste generation and spill**
16 **cleanup.** A generator of acute hazardous waste is a large
17 quantity generator ~~who~~ if, in a calendar month, that person
18 generates:

19 A. more than one kilogram of acute hazardous waste;
20 or

21 B. more than 100 kilograms of any residue or
22 contaminated soil, water, or other debris resulting from the
23 cleanup of a spill of any acute hazardous waste into or on any
24 land or water.

25 A generator who generates less than the amounts in items A
26 and B of acute hazardous waste in a calendar month shall
27 determine his or her generator size under subparts 2 to 4.
28 Hazardous waste quantity determinations under subparts 2 to 4
29 shall include the amount of acute hazardous waste generated.

30 [For text of subps 5 and 6, see M.R.]

31 7045.0208 HAZARDOUS WASTE MANAGEMENT.

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

33 Subp. 1a. **Abandonment.** A generator must not dispose of or
34 abandon hazardous waste or arrange for the disposal of hazardous
35 waste at a location other than as provided under subpart 1.

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

2 Subp. 3. **Effect on liability.** Nothing in subparts 1 and 2
3 is intended to restrict, enlarge, or affect, in any way, any
4 liability the generator may have to correct the mismanagement of
5 the hazardous waste or pay for damages or alleviate any
6 pollution caused by the mismanagement of the hazardous waste.

7 7045.0214 EVALUATION OF WASTES.

8 Subpart 1. **General requirement.** Any person who produces a
9 waste within the state of Minnesota or any person who produces a
10 waste outside the state of Minnesota that is managed within the
11 state of Minnesota, must evaluate the waste to determine if it
12 is hazardous within 60 days of initially generating the waste.
13 The generation start date must be recorded and available for
14 inspection. Waste that is not evaluated within 60 days of the
15 generation start date must be managed as a hazardous waste and
16 the person who produces the waste must be considered a generator
17 until the waste is determined to be nonhazardous under parts
18 7045.0214 to 7045.0218. A material is determined to be a waste
19 in accordance with the conditions specified under the definition
20 of other waste material in part 7045.0020. Any waste evaluated
21 and exempted under part 7045.0075 or 7045.0120 does not need to
22 be reevaluated under this part. If the waste is determined to
23 be hazardous, the generator must refer to parts 7045.0075,
24 7045.0450 to 7045.0685, and 7045.1300 to 7045.1380 for possible
25 exclusions or restrictions relating to management of the
26 specific waste.

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

28 7045.0215 TIMING OF WASTE EVALUATION.

29 Subpart 1. **Individual wastes; combined wastes.** Waste
30 evaluation must be of the individual waste prior to any mingling
31 or combining with other wastes. If wastes are subsequently
32 mingled or combined, except for wastes that are mingled or
33 combined in a sewer system, the generator must also evaluate the
34 waste resulting from the mingling or combining within 60 days of
35 the act of mingling or combining. Failure to do so means that

1 the commingled or mixed waste must be managed as a hazardous
2 waste and the person who produces the waste must be considered a
3 generator until the waste is determined to be nonhazardous under
4 parts 7045.0214 to 7045.0218.

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

6 7045.0230 CONTENT OF LICENSE APPLICATION.

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

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

11 E. a management plan for each hazardous waste and oil
12 produced that includes the following information:

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

14 (7) the methods of treatment and/or disposal
15 proposed for each hazardous waste;

16 [For text of subitems (8) and (9), see M.R.]

17 [For text of item F, see M.R.]

18 [For text of subps 1a and 4, see M.R.]

19 7045.0240 SUBMITTAL OF LICENSE APPLICATION.

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 75 days of first
23 producing a hazardous waste. The generator must at all times
24 manage the waste in full compliance with parts 7045.0205 to
25 7045.0320. The generator must not treat, dispose of, or
26 relinquish control of the waste until at least 15 days after the
27 application is received by the commissioner. The date of
28 receipt is the postmark date if mailed or the agency date of
29 receipt if hand delivered. In the period between 15 days after
30 the generator's license application receipt and the
31 commissioner's action under part 7045.0245, the generator may
32 treat, dispose of, and relinquish control of the hazardous waste
33 as provided in part 7045.0208 until written response to the
34 generator's license application is received under part
35 7045.0245. After the commissioner acts on the license

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

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

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

12 7045.0243 TERM AND CONDITIONS OF LICENSE.

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

14 Subp. 3. **General conditions.** Each license must include
15 the general conditions described in items A to J and the
16 commissioner shall incorporate these conditions into all
17 licenses either expressly or by specific reference to this part.

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

19 G. If the licensee begins generation of a hazardous
20 waste that was not included on the license application and is
21 therefore not authorized under the existing license, the
22 licensee must submit an amended application providing
23 information required in part 7045.0230 within 75 days of first
24 producing the new hazardous waste. The generator must at all
25 times manage the new waste in full compliance with parts
26 7045.0205 to 7045.0320. The generator must not treat, dispose
27 of, or relinquish control of the new waste until at least 15
28 days after the amended license application is received by the
29 commissioner. The date of receipt is the postmark date if
30 mailed or the agency date of receipt if hand delivered. In the
31 period between 15 days after receipt and the commissioner's
32 action under part 7045.0245, the generator may treat, dispose
33 of, and relinquish control of the new waste as provided in part
34 7045.0208 until written response to the generator's amended
35 license application is received under part 7045.0245. After the

1 commissioner acts on the amended license application, the
 2 generator must manage the new waste according to the amended
 3 license conditions and the requirements of this chapter or the
 4 generator must cease producing the new waste if the amended
 5 license application is denied.

6 [For text of items H to J, see M.R.]

7 7045.0248 LICENSE RENEWAL APPLICATION.

8 Subpart 1. **Applicability.** A licensed generator must
 9 submit a license renewal application to the commissioner on
 10 forms provided by the commissioner. A generator must submit the
 11 application by a date specified by the commissioner. Except as
 12 provided in subpart 2, the application must contain the
 13 following information for each hazardous waste produced during
 14 the preceding calendar year:

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

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

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

19 (7) the methods of treatment and/or disposal for
 20 each hazardous waste; and

21 [For text of subitem (8), see M.R.]

22 [For text of items F to H, see M.R.]

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

24 Subp. 3. **Recycled waste.** A generator of waste that is
 25 recycled according to part 7045.0125, and is exempt from the
 26 requirements of parts 7045.0261 and 7045.0265, must include as
 27 part of the application required under subpart 1 or 2:

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

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

30 7045.0250 LICENSE REVOCATION.

31 Subpart 1. **Justification to revoke.** Any one of the
 32 following constitutes justification for the commissioner to
 33 revoke a license:

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

35 B. licensee failure to disclose fully the facts

1 relevant to issuance of the license or submittal of false or
2 misleading information to the commissioner; or

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

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

5 Subp. 4. **Revocation without reissuance.** The commissioner
6 shall give notice to the licensee of a proposal to revoke a
7 license without reissuance. The notice must state that within
8 30 days of the receipt of the notice the licensee may request
9 that a contested case hearing be held on the proposed action.
10 If the licensee requests a contested case hearing, the agency
11 shall hold the hearing in accordance with the rules of the
12 Office of Administrative Hearings, parts 1400.5100 to 1400.8401.

13 7045.0275 MANAGEMENT OF HAZARDOUS WASTE SPILLS.

14 Subp. 2. **Spills; duty to report.** Any person in control of
15 a hazardous waste that spills, leaks, or otherwise escapes from
16 a container, tank, or other containment system, including its
17 associated piping, shall immediately notify the agency if the
18 hazardous waste may cause pollution of the air, land resources,
19 or waters of the state. The person shall use the ~~agency's~~
20 appropriate Minnesota duty officer's 24-hour telephone number,
21 (612)-296-8100:

22 A. (612) 649-5451 for Twin Cities' local calling area
23 and outside Minnesota;

24 B. (800) 422-0798 for greater Minnesota;

25 C. (612) 297-5353 for TDD for Twin Cities' local
26 calling area and outside Minnesota; or

27 D. (800) 627-3529 for TDD for greater Minnesota.

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

29 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

30 Subpart 1. **Large quantity generator.** A large quantity
31 generator may accumulate hazardous waste on site without a
32 permit or without having interim status if:

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

34 C. tanks and containers are clearly labeled with the
35 waste accumulation start date, which must be visible for

1 inspection; or for tanks or containers that are not used as
2 shipping containers, the generator may maintain a clearly
3 designated and legible log of ~~tank-or-container,-for-containers~~
4 ~~that-are-never-shipped,~~ transactions which includes accumulation
5 start dates, clearly ~~identifying~~ identifies each tank and or
6 container, and is ~~maintained-and~~ available for inspection;

7 D. outdoor storage areas are protected from
8 unauthorized access and inadvertent damage from vehicles or
9 equipment;

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

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

17 G. the requirements of parts 7045.0558; 7045.0562,
18 subparts 1 and 2; 7045.0566 to 7045.0576; and 7045.1315, subpart
19 1, item D are fulfilled regarding personnel training, ignitable,
20 reactive, or incompatible waste, preparedness and prevention,
21 contingency planning, and waste analysis for restricted wastes.

22 Subp. 2. Accumulation start date. A ~~large-quantity-or~~
23 ~~small-quantity~~ generator's accumulation start date begins when
24 the generator initiates accumulation in a container or tank. A
25 ~~very-small-quantity-generator's-accumulation-start-date-begins~~
26 ~~on-the-date-the-accumulated-waste-exceeds-1,000-kilograms.~~ The
27 accumulation start date for ~~acute-hazardous-waste~~ satellite
28 accumulation is provided for in ~~subpart-7,-and~~ subpart 8, item
29 ~~e,-provides-for-satellite-accumulation~~ D.

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

35 C. tanks and containers are clearly labeled with the
36 waste accumulation start date, which must be visible for

1 inspection; or for tanks or waste containers that are not used
2 as shipping containers, the generator may maintain a clearly
3 designated and legible log of ~~tank-or-container,--for-containers~~
4 ~~that-are-never-shipped,~~ transactions which includes accumulation
5 start dates, clearly ~~identifying~~ identifies each tank ~~and or~~
6 container, ~~and is maintained-and~~ available for inspection;

7 D. outdoor storage areas are protected from
8 unauthorized access and inadvertent damage from vehicles or
9 equipment;

10 E. containers that hold free liquids are placed on a
11 containment surface that is impermeable to the waste stored and,
12 if outside, is curbed;

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

16 G. the generator meets the requirements of parts
17 7045.0566, relating to preparedness and prevention; 7045.0568,
18 relating to the arrangements with local authorities for
19 emergencies; and 7045.1315, subpart 1, item D, relating to waste
20 analysis for restricted wastes; and

21 H. the generator complies with the following
22 requirements:

23 [For text of subitems (1) to (4), see M.R.]

24 Subp. 6. **Very small quantity generator.** A very small
25 quantity generator may accumulate up to 1,000 kilograms of
26 hazardous waste that is not acute hazardous waste on site
27 without a permit or without having interim status if:

28 A. all accumulated hazardous waste when disposed of
29 is treated on site in compliance with part 7045.0211 or shipped
30 off site in compliance with part 7045.0208;

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

32 C. tanks and containers are clearly labeled with the
33 waste accumulation start date, which must be visible for
34 inspection; or for tanks or containers that are not used as
35 shipping containers, the generator may maintain a clearly
36 designated and legible log of transactions which includes

1 accumulation start dates, clearly identifies each tank or
2 container, and is available for inspection;

3 D. outdoor storage areas are protected from
4 unauthorized access and inadvertent damage from vehicles or
5 equipment;

6 ~~D.~~ E. containers that hold free liquids are placed on
7 a containment surface that is impermeable to the waste stored
8 and, if outside, is curbed;

9 ~~E.~~ F. all waste containers and tanks are labeled with
10 the words "Hazardous Waste" and a description that clearly
11 identifies their contents to employees and emergency personnel;

12 ~~F.~~ G. the generator meets the requirements of part
13 7045.0566, relating to preparedness and prevention, and part
14 7045.0568, relating to the arrangements with local authorities
15 for emergencies; and

16 ~~G.~~ H. if the generator accumulates at any one time
17 more than 1,000 kilograms of hazardous waste, the
18 generator becomes a small quantity generator and is subject to
19 regulation under subpart 5 with-the-accumulation-start-date
20 being-the-date-the-accumulated-waste-exceeds-1,000

21 kilograms. For generators in this circumstance, all accumulated
22 hazardous waste must be treated on site in compliance with part
23 7045.0211 or shipped off site in compliance with part 7045.0208
24 within 180 days of the date the 1,000 kilogram limit is reached.

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

1 requirements in items A and B.

2 A. For the period preceding the accumulation start
3 date, the generator must comply with subpart 5, items B to H.

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

5 Subp. 8. **Satellite accumulation.** Items A to E D apply to
6 all generators of hazardous waste.

7 A. A generator may, without a permit or interim
8 status and without complying with subparts 1 to 7, ~~as~~
9 ~~applicable,~~ accumulate ~~in-a-single-container-at-each-individual~~
10 ~~point-of-generation~~ as much as 55 gallons of hazardous waste or
11 one quart of acute hazardous waste listed in part 7045.0135,
12 subpart 4, item E, ~~located-at-or-near-any-point-of-generation~~
13 ~~where-wastes-initially-accumulate-that-is-under-the-control-of~~
14 ~~the-operator-of-the-process-generating-the-waste,~~ per waste
15 stream per each point of generation provided the generator
16 complies with items B ~~and-E~~ to D.

17 B. ~~During-satellite-accumulation,~~ The generator must:

18 (1) comply with part 7045.0626, subparts ~~1~~ 2 to 4
19 and 6; and

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

23 (3) comply with parts 7045.0566 and 7045.0568;

24 (4) provide that outdoor satellite accumulation
25 areas are protected from unauthorized access and inadvertent
26 damage from vehicles or equipment; and

27 (5) provide that containers that hold free
28 liquids are placed on a containment surface that is impermeable
29 to the waste stored and, if outside, is curbed.

30 C. In addition, the generator must:

31 (1) for a container or containers located within
32 the immediate working area of the specific process producing the
33 waste, provide direct control and visual inspection of the
34 satellite accumulation area by persons directly responsible for
35 the specific process producing the waste; or

36 (2) for a container or containers not located in

1 the immediate working area, inspect the containers and areas
2 where containers are stored, at least weekly, looking for leaks
3 and for deterioration caused by corrosion or other factors and
4 keep a written record of the dates and findings of these
5 inspections.

6 D. On the date on which the volume limit prescribed
7 in item A is reached, the generator must:

8 (1) clearly label the container or containers
9 with that date (that date is then the accumulation start date);

10 (2) within three days thereafter, transfer the
11 entire satellite container's or containers' contents to the
12 hazardous waste storage area and comply with subparts 1 to 7, as
13 applicable; and

14 (3) during the three-day period for compliance,
15 continue to comply with ~~item~~ items B and C.

16 [For text of subp 9, see M.R.]

17 Subp. 10. **Time extension.** One extension may be granted
18 for up to 30 days by the commissioner if hazardous waste must
19 remain on site for longer than the maximum allowable time under
20 subparts 1 to 9, as applicable, due to unforeseen, temporary,
21 and uncontrollable circumstances. A request for an extension
22 must be submitted in writing to the commissioner and must
23 include:

24 A. the amount and type of waste to be stored over the
25 maximum allowable number of days;

26 B. the date the stored waste will exceed the maximum
27 allowable number of days;

28 C. the location of the waste needing an extension;

29 D. the reason for the extension request; and

30 E. documentation of the generator's effort to ship
31 the waste off site within the applicable time limit.

32 [For text of subp 11, see M.R.]

33 7045.0294 RECORD KEEPING.

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

35 Subp. 3a. **Training records.** A generator must keep

1 training records required under part 7045.0292, subparts 1, item
 2 G, and 5, item G, on current personnel until closure of the
 3 licensed site. Training records on former employees must be
 4 kept for at least three years from the date of the employee's
 5 termination. Personnel training records may accompany personnel
 6 transferred within the same company.

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

8 Subp. 5. **Location of records.** The records required in
 9 subparts 1 to 3a must be located at the licensed site. The
 10 records must be easily available for agency inspection.

11 7045.0365 TRANSFER FACILITY REQUIREMENTS.

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

13 Subp. 3. **Storage of 1,000 kilograms or more.** A
 14 transporter who stores 1,000 kilograms or more of hazardous
 15 waste at any time shall comply with the following requirements:

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

17 B. part 7045.0292, subpart 1, items D and E;

18 [For text of items C to J, see M.R.]

19 7045.0395 HAZARDOUS WASTE DISCHARGES.

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

21 Subp. 3. **Notification.** An air, rail, highway, or water
 22 transporter who has discharged hazardous waste must:

23 A. Immediately notify the agency if the hazardous
 24 waste may cause pollution of the air, land, or waters of the
 25 state. The person shall use the agency's appropriate Minnesota
 26 duty officer's 24-hour telephone notification service {612}
 27 296-8100:

28 (1) (612) 649-5451 for Twin Cities' local calling
 29 area and outside Minnesota;

30 (2) (800) 422-0798 for greater Minnesota;

31 (3) (612) 297-5353 for TDD for Twin Cities' local
 32 calling area and outside Minnesota; or

33 (4) (800) 627-3529 for TDD for greater Minnesota;

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

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

1 7045.0464 ARRANGEMENTS WITH LOCAL AUTHORITIES FOR EMERGENCIES.

2 Subpart 1. Arrangements required. The owner or operator
3 shall attempt to make the following arrangements, as appropriate
4 for the type of waste handled at the facility and the potential
5 need for the services of these organizations:

6 A. arrangements to familiarize the police, fire
7 departments, and emergency response teams with the location of
8 storage and accumulation areas within the facility, properties
9 of hazardous waste handled at the facility and associated
10 hazards, places where facility personnel would normally be
11 working, entrances to and roads inside the facility, and
12 possible evacuation routes;

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

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

15 Subp. 3. Record keeping. The owner or operator shall
16 document attempts under subpart 1 to make arrangements with
17 local authorities in the operating record.

18 7045.0468 EMERGENCY PROCEDURES.

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

20 Subp. 2. Notification of emergency. Whenever the
21 contingency plan is implemented, the emergency coordinator or
22 designee when the emergency coordinator is on call, shall
23 immediately activate internal facility alarms or communication
24 systems, where applicable, to notify all facility personnel and
25 notify appropriate state or local agencies with designated
26 response roles with at least the information listed in subparts
27 3 and 4.

28 Subp. 3. Identification of released material. Whenever
29 the contingency plan is implemented, the emergency coordinator
30 shall immediately identify the character, exact source, amount,
31 and areal extent of any released materials. He or she may do
32 this by observation or review of facility records or manifests,
33 and, if necessary, by chemical analysis.

34 Subp. 4. Assessment of hazards. Concurrently, the
35 emergency coordinator shall assess possible hazards to human

1 health or the environment that may result from the event that
 2 required the implementation of the contingency plan. This
 3 assessment must consider both direct and indirect effects of the
 4 release, fire, or explosion; the effects of any toxic,
 5 irritating, or asphyxiating gases that are generated; and the
 6 effects of any hazardous surface water run-off from water or
 7 chemical agents used to control fire and heat-induced explosions.

8 Subp. 5. **Report on released material.** If the emergency
 9 coordinator determines that the effects of an event requiring
 10 the contingency plan to be implemented could threaten human
 11 health or the environment outside the facility, the findings
 12 must be reported as provided in items A ~~and~~ B to C.

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

14 B. The ~~agency's~~ Minnesota duty officer must be
 15 immediately notified at the appropriate 24-hour telephone number
 16 ~~7-(612)-296-8100,~~ and:

17 (1) (612) 649-5451 for Twin Cities' local calling
 18 area and outside Minnesota;

19 (2) (800) 422-0798 for greater Minnesota;

20 (3) (612) 297-5353 for TDD for Twin Cities' local
 21 calling area and outside Minnesota; or

22 (4) (800) 627-3529 for TDD for greater Minnesota.

23 C. Notice must be given to the National Response
 24 Center using its 24-hour toll-free telephone number, (800)
 25 424-8802. The report must include:

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

27 Subp. 6. **Duty to notify.** The emergency coordinator shall
 28 immediately notify the ~~agency~~ Minnesota duty officer if the
 29 released hazardous waste may cause pollution of the air, land
 30 resources, or waters of the state. The emergency coordinator
 31 shall use the ~~agency's~~ appropriate Minnesota duty officer's
 32 24-hour telephone number ~~(612)-296-8100:~~

33 A. (612) 649-5451 for Twin Cities' local calling area
 34 and outside Minnesota;

35 B. (800) 422-0798 for greater Minnesota;

36 C. (612) 297-5353 for TDD for Twin Cities' local

1 calling area and outside Minnesota; or

2 D. (800) 627-3529 for TDD for greater Minnesota.

3 Subp. 7. **Containment measures.** During an event that
4 requires the implementation of the contingency plan, the
5 emergency coordinator shall take all reasonable measures
6 necessary to ensure that fires, explosions, and releases do not
7 occur, recur, or spread to other hazardous waste at the
8 facility. These measures must include, where applicable,
9 stopping processes and operations, collecting and containing
10 released waste, and removing or isolating containers.

11 Subp. 8. **Facility monitoring.** If the facility stops
12 operations in response to an event requiring the implementation
13 of the contingency plan, the emergency coordinator shall monitor
14 for leaks, pressure buildup, gas generation, or ruptures in
15 valves, pipes, or other equipment, wherever this is appropriate.

16 7045.0470 POST EMERGENCY REQUIREMENTS.

17 Subpart 1. **Cleanup.** Immediately after an event requiring
18 the implementation of the contingency plan, the emergency
19 coordinator shall provide for treating, storing, or disposing of
20 recovered waste, contaminated soil or water, or any other
21 material that results from a release, fire, or explosion at the
22 facility in a manner approved by the commissioner. Unless the
23 owner or operator can demonstrate that the recovered material is
24 not a hazardous waste, the owner or operator becomes a generator
25 of hazardous waste and shall manage it in accordance with all
26 applicable requirements of parts 7045.0102 to 7045.0397. The
27 emergency coordinator shall ensure that in the affected area or
28 areas of the facility no waste that may be incompatible with the
29 released material is treated, stored, or disposed of until
30 cleanup procedures are completed, and all emergency equipment
31 listed in the contingency plan is cleaned and fit for its
32 intended use before operations are resumed.

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

34 7045.0488 CLOSURE ACTIVITIES.

35 [For text of subs 1 to 3, see M.R.]

1 Subp. 4. Certification of closure. Within 60 days after
2 each hazardous waste management unit is closed, and within 60
3 days after final closure is completed, the owner or operator
4 shall submit to the commissioner, by registered mail,
5 certification by the owner or operator and by an independent
6 registered professional engineer that the hazardous waste
7 management unit or facility, as applicable, has been closed in
8 accordance with the specifications in the approved closure plan.

9 Documentation supporting the independent registered
10 professional engineer's certification must be furnished to the
11 commissioner upon request until the commissioner releases the
12 owner or operator from the financial assurance requirements for
13 closure under part 7045.0504, subpart 10.

14 7045.0526 USE AND MANAGEMENT OF CONTAINERS.

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

16 Subp. 6. Containment. Requirements for containment
17 systems are as described in items A to E.

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

19 C. Spilled or leaked waste and accumulated
20 precipitation must be removed from the sump or collection area
21 in as timely a manner as is necessary to prevent overflow of the
22 collection system. If the collected material is a hazardous
23 waste as defined in parts 7045.0102 to 7045.0143, it must be
24 managed as a hazardous waste according to all applicable
25 requirements of parts 7045.0205 to 7045.1030. If the collected
26 material is discharged through a point source to waters of the
27 United States, it is subject to the requirements of the federal
28 Water Pollution Control Act Amendments of 1972, United States
29 Code, title 33, section 1342, as amended, through June 30, 1983.

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

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

32 Subp. 8. Special requirements for incompatible wastes.

33 Incompatible wastes or incompatible wastes and material must not
34 be placed in the same container, unless compliance with part
35 7045.0456, subpart 2, is achieved.

1 Hazardous waste must not be placed in an unwashed container
2 that previously held an incompatible waste or material. As
3 required by part 7045.0458, the waste analysis plan must include
4 analyses needed to comply with these special requirements. Part
5 7045.0456, subpart 3, also requires waste analyses, trial tests,
6 or other documentation to ensure compliance with part 7045.0456,
7 subpart 2. As required by part 7045.0478, the owner or operator
8 shall place the results of each waste analysis, trial test, and
9 any other documented information in the operating record of the
10 facility.

11 A storage container holding a hazardous waste that is
12 incompatible with any waste or other materials located nearby
13 must be adequately separated from the other materials or
14 protected from them by means of a dike, berm, wall, or other
15 device.

16 [For text of subp 9, see M.R.]

17 7045.0534 WASTE PILES.

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

19 Subp. 7. Closure and postclosure care. Closure and
20 postclosure requirements are as follows:

21 A. At closure, the owner or operator shall remove or
22 decontaminate all waste residues, contaminated containment
23 system components including liners, contaminated subsoils, and
24 structures and equipment contaminated with waste and leachate;
25 and manage them as hazardous waste unless they are shown to not
26 be hazardous according to parts 7045.0102 to 7045.0143.

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

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

29 Subp. 9. Special requirements for incompatible wastes.

30 Incompatible wastes, or incompatible wastes and materials, must
31 not be placed in the same pile unless compliance with part
32 7045.0456, subpart 2, is maintained.

33 A pile of hazardous waste that is incompatible with waste
34 or other material located nearby must be adequately separated
35 from the other materials, or protected from them by means of a

1 dike, berm, wall, or other device.

2 Hazardous waste must not be piled on the same base where
3 incompatible wastes or materials were previously piled, unless
4 the base has been decontaminated sufficiently to ensure
5 compliance with part 7045.0456, subpart 2.

6 [For text of subp 10, see M.R.]

7 7045.0568 ARRANGEMENTS WITH LOCAL AUTHORITIES FOR EMERGENCIES.

8 Subpart 1. Arrangements required. The owner or operator
9 shall attempt to make the following arrangements, as appropriate
10 for the type of waste handled at the facility and the potential
11 need for the services of these organizations:

12 A. arrangements to familiarize the police, fire
13 departments, and emergency response teams with the location of
14 storage and accumulation areas within the facility, properties
15 of hazardous waste handled at the facility and associated
16 hazards, places where facility personnel would normally be
17 working, entrances to and roads inside the facility, and
18 possible evacuation routes;

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

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

21 Subp. 3. Record keeping. The owner or operator shall
22 document attempts under subpart 1 to make arrangements with
23 local authorities in the operating record.

24 7045.0574 EMERGENCY PROCEDURES.

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

26 Subp. 2. Notification of emergency. Whenever the
27 contingency plan is implemented, the emergency coordinator or
28 designee when the emergency coordinator is on call, shall
29 immediately activate internal facility alarms or communication
30 systems, where applicable, to notify all facility personnel and
31 notify appropriate state or local agencies with designated
32 response roles with at least the information listed in subparts
33 3 and 4.

34 Subp. 3. Identification of released material. Whenever
35 the contingency plan is implemented, the emergency coordinator

1 shall immediately identify the character, exact source, amount,
2 and areal extent of any released materials. He or she may do
3 this by observation or review of facility records or manifests,
4 and, if necessary, by chemical analysis.

5 Subp. 4. **Assessment of hazards.** Concurrently, the
6 emergency coordinator shall assess possible hazards to human
7 health or the environment that may result from the event that
8 required the implementation of the contingency plan. This
9 assessment must consider both direct and indirect effects of the
10 release, fire, or explosion; the effects of any toxic,
11 irritating, or asphyxiating gases that are generated; and the
12 effects of any hazardous surface water run-off from water or
13 chemical agents used to control fire and heat-induced explosions.

14 Subp. 5. **Report on released material.** If the emergency
15 coordinator determines that the effects of an event requiring
16 the contingency plan to be implemented could threaten human
17 health or the environment outside the facility, the findings
18 must be reported as provided in items A ~~and~~ B to C:

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

20 B. The ~~agency's~~ Minnesota duty officer must be
21 immediately notified at the appropriate 24-hour telephone number
22 ~~7-(612)-296-8100~~ and:

23 (1) (612) 649-5451 for Twin Cities' local calling
24 area and outside Minnesota;

25 (2) (800) 422-0798 for greater Minnesota;

26 (3) (612) 297-5353 for TDD for Twin Cities' local
27 calling area and outside Minnesota; or

28 (4) (800) 627-3529 for TDD for greater Minnesota.

29 C. Notice must be given to the National Response
30 Center using its 24-hour toll-free telephone number, (800)
31 424-8802. The report must include:

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

33 Subp. 6. **Duty to notify.** The emergency coordinator shall
34 immediately notify the ~~agency~~ Minnesota duty officer if the
35 released hazardous waste may cause pollution of the air, land
36 resources, or waters of the state. The emergency coordinator

1 shall use the agency's appropriate Minnesota duty officer's
2 24-hour telephone number (612)-296-8100:

3 A. (612) 649-5451 for Twin Cities' local calling area
4 and outside Minnesota;

5 B. (800) 422-0798 for greater Minnesota;

6 C. (612) 297-5353 for TDD for Twin Cities' local
7 calling area and outside Minnesota; or

8 D. (800) 627-3529 for TDD for greater Minnesota.

9 Subp. 7. **Containment measures.** During an event that
10 requires the implementation of the contingency plan, the
11 emergency coordinator shall take all reasonable measures
12 necessary to ensure that fires, explosions, and releases do not
13 occur, recur, or spread to other hazardous waste at the
14 facility. These measures must include, where applicable,
15 stopping processes and operations, collecting and containing
16 released waste, and removing or isolating containers.

17 Subp. 8. **Facility monitoring.** If the facility stops
18 operations in response to an event requiring the implementation
19 of the contingency plan, the emergency coordinator shall monitor
20 for leaks, pressure buildup, gas generation, or ruptures in
21 valves, pipes, or other equipment, wherever this is appropriate.

22 7045.0576 POST EMERGENCY REQUIREMENTS.

23 Subpart 1. **Cleanup.** Immediately after an event requiring
24 the implementation of the contingency plan, the emergency
25 coordinator shall provide for treating, storing, or disposing of
26 recovered waste, contaminated soil or water, or any other
27 material that results from a release, fire, or explosion at the
28 facility in a manner approved by the commissioner. Unless the
29 owner or operator can demonstrate that the recovered material is
30 not a hazardous waste, the owner or operator becomes a generator
31 of hazardous waste and shall manage it in accordance with all
32 applicable requirements of parts 7045.0102 to 7045.0397. The
33 emergency coordinator shall ensure that, in the affected area or
34 areas of the facility, no waste that may be incompatible with
35 the released material is treated, stored, or disposed of until

1 cleanup procedures are completed, and all emergency equipment
2 listed in the contingency plan is cleaned and fit for its
3 intended use before operations are resumed.

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

5 7045.0596 CLOSURE ACTIVITIES.

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

7 Subp. 4. Certification of closure. Within 60 days after
8 closure is completed for each hazardous waste management unit
9 and within 60 days after final closure is completed, the owner
10 or operator shall submit to the commissioner, by registered
11 mail, certification by the owner or operator and by an
12 independent registered professional engineer that the hazardous
13 waste management unit or facility, as applicable, has been
14 closed in accordance with the specifications in the approved
15 closure plan. Documentation supporting the independent
16 registered professional engineer's certification must be
17 furnished to the commissioner upon request until he or she
18 releases the owner or operator from the financial assurance
19 requirements for closure under part 7045.0612, subpart 9.

20 7045.0610 COST ESTIMATE FOR FACILITY CLOSURE.

21 Subpart 1. Cost estimate requirements. The owner or
22 operator shall prepare a detailed written estimate, in current
23 dollars, of the cost of closing the facility in accordance with
24 the closure plan in part 7045.0594 and applicable closure
25 requirements in parts 7045.0626, subpart 8; 7045.0628, subpart
26 5; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634,
27 subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and
28 7045.0642, subpart 5. The closure cost estimate must equal the
29 cost of closure at the point in the facility's operating life
30 when the extent and manner of its operation would make closure
31 the most expensive, as indicated by its closure plan. The
32 closure cost shall be estimated as follows:

33 A. The closure cost estimate must be based on the
34 costs to the owner or operator of hiring a third party to close
35 the facility. A third party is a party who is neither a parent

1 nor a subsidiary of the owner or operator. The owner or
2 operator may use costs for on-site disposal if it can be
3 demonstrated that on-site disposal capacity will exist at all
4 times through the life of the facility.

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

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

7 7045.0626 USE AND MANAGEMENT OF CONTAINERS.

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

9 Subp. 6. **Special requirements for incompatible wastes.**

10 Incompatible wastes or incompatible wastes and materials must
11 not be placed in the same container, unless compliance with part
12 7045.0562, subpart 2, is maintained.

13 Hazardous waste must not be placed in an unwashed container
14 that previously held an incompatible waste or material unless
15 compliance with part 7045.0562, subpart 2, is maintained.

16 A storage container holding a hazardous waste that is
17 incompatible with any waste or other materials located nearby
18 must be adequately separated from the other materials or
19 protected from them by means of a dike, berm, wall, or other
20 device. The purpose of this requirement is to prevent fires,
21 explosions, gaseous emissions, leaching, or other discharge of
22 hazardous waste or hazardous waste constituents which could
23 result from the mixing of incompatible wastes or materials if
24 containers break or leak.

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

26 7045.0632 WASTE PILES.

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

28 Subp. 6. **Special requirements for incompatible waste.**

29 Incompatible wastes, or incompatible wastes and materials must
30 not be placed in the same pile, unless part 7045.0562, subpart 2
31 is followed.

32 A pile of hazardous waste that is incompatible with any
33 waste or other material located nearby must be adequately
34 separated from the other materials, or protected from them by
35 means of a dike, berm, wall, or other device. The purpose of

1 this requirement is to prevent fires, explosions, gaseous
2 emissions, leaching, or other discharge of hazardous waste or
3 hazardous waste constituents which could result from the contact
4 or mixing of incompatible wastes or materials.

5 Hazardous wastes must not be piled on the same area where
6 incompatible wastes or materials were previously piled, unless
7 that area has been decontaminated sufficiently to ensure
8 compliance with part 7045.0562, subpart 2.

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

10 7045.1010 COUNTY ORDINANCES.

11 Subpart 1. **Agency approval.** A county that seeks agency
12 approval of a hazardous waste ordinance under Minnesota
13 Statutes, section 400.161, or a metropolitan county which seeks
14 agency approval of a hazardous waste ordinance under Minnesota
15 Statutes, section 473.811, subdivision 5b, shall submit a copy
16 of the ordinance to the agency. The commissioner shall, within
17 30 days of receiving the ordinance, advise the county in writing
18 whether the ordinance ~~or any portion of the ordinance~~ is
19 approved or suspended. If the commissioner suspends a county
20 ordinance ~~or any portion of the ordinance~~, the commissioner
21 shall follow the procedure described in subpart 2. The
22 commissioner shall approve a county ordinance that embodies and
23 is consistent with the standards and requirements in this
24 chapter.

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

26 7045.1315 WASTE ANALYSIS FOR RESTRICTED WASTES.

27 Subpart 1. **Applicability.** Except as provided in part
28 7045.1330 or 7045.1358, if a waste is listed in part 7045.0135,
29 the generator must test the waste, or test an extract using the
30 test method described in Code of Federal Regulations, title 40,
31 part 261, Appendix II, or use knowledge of the waste, to
32 determine if the waste is restricted from land disposal. Except
33 as specified in part 7045.1330, if a generator's waste exhibits
34 one or more of the characteristics in part 7045.0131, the
35 generator must test an extract using the test method in Code of

1 Federal Regulations, title 40, part 268, Appendix IX, or use
2 knowledge of the waste to determine if the waste is restricted
3 from land disposal under this part.

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

5 F. If a generator determines that the generator is
6 managing a restricted waste that is excluded from the definition
7 of hazardous or solid waste or exempt from hazardous waste
8 regulation under Code of Federal Regulations, title 40, sections
9 261.2 to 261.6, subsequent to the point of generation, the
10 generator must place a one-time notice stating the generation,
11 subsequent exclusion from the definition of hazardous or solid
12 waste, or exemption from the hazardous waste regulation, and the
13 disposition of the waste on-site, in the generator's file.

14 [For text of items G to J, see M.R.]

15 Subp. 2. Testing of wastes. Treatment facilities must
16 test their wastes according to the frequency specified in their
17 waste analysis plans under part 7045.0458 or 7045.0564. The
18 testing must be performed as provided in items A to C.

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

20 G. When the wastes are recyclable materials used in a
21 manner constituting disposal subject to part 7045.0665, subpart
22 1, item B, subitem (3), regarding treatment standards and
23 prohibition levels, the owner or operator of a treatment
24 facility is not required to notify the receiving facility under
25 item D. With each shipment of the wastes, the owner or operator
26 of the recycling facility must submit the certification in item
27 E, and a notice that includes the information in item D, except
28 the manifest number, to the commissioner's delegated
29 representative. The recycling facility also must keep records
30 of the name and location of each entity receiving the hazardous
31 waste-derived product.

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

33 7045.1360 TREATMENT STANDARDS EXPRESSED AS SPECIFIED
34 TECHNOLOGIES.

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

1 Subp. 9. Organometallic lab packs. Hazardous waste with
2 the following EPA Hazardous Waste Nos. may be placed in an
3 organometallic lab pack: P001; P002; P003; P004; P005; P006;
4 P007; P008; P009; P013; P014; P015; P016; P017; P018; P020;
5 P022; P023; P024; P025; P026; P027; P028; P031; P034; P036;
6 P037; P038; P039; P040; P041; P042; P043; P044; P045; P047;
7 P048; P049; P050; P051; P054; P056; P057; P058; P059; P060;
8 P062; P063; P064; P065; P066; P067; P068; P069; P070; P071;
9 P072; P073; P074; P075; P077; P081; P082; P084; P085; P087;
10 P088; P089; P092; P093; P094; P095; P096; P097; P098; P099;
11 P101; P102; P103; P104; P105; P108; P109; P110; P112; P113;
12 P114; P115; P116; P118; P119; P120; P122; P123; U001; U002;
13 U003; U004; U005; U006; U007; U008; U009; U010; U011; U012;
14 U014; U015; U016; U017; U018; U019; U020; U021; U022; U023;
15 U024; U025; U026; U027; U028; U029; U030; U031; U032; U033;
16 U034; U035; U036; U037; U038; U039; U041; U042; U043; U044;
17 U045; U046; U047; U048; U049; U050; U051; U052; U053; U055;
18 U056; U057; U058; U059; U060; U061; U062; U063; U064; U066;
19 U067; U068; U069; U070; U071; U072; U073; U074; U075; U076;
20 U077; U078; U079; U080; U081; U082; U083; U084; U085; U086;
21 U087; U088; U089; U090; U091; U092; U093; U094; U095; U096;
22 U097; U098; U099; U101; U102; U103; U105; U106; U107; U108;
23 U109; U110; U111; U112; U113; U114; U115; U116; U117; U118;
24 U119; U120; U121; U122; U123; U124; U125; U126; U127; U128;
25 U129; U130; U131; U132; U133; U134; U135; U136; U137; U138;
26 U140; U141; U142; U143; U144; U145; U146; U147; U148; U149;
27 U150; U152; U153; U154; U155; U156; U157; U158; U159; U160;
28 U161; U162; U163; U164; U165; U166; U167; U168; U169; U170;
29 U171; U172; U173; U174; U176; U177; U178; U179; U180; U181;
30 U182; U183; U184; U185; U186; U187; U188; U189; U190; U191;
31 U192; U193; U194; U196; U197; U200; U201; U202; U203; U204;
32 U205; U206; U207; U208; U209; U210; U211; U213; U214; U215;
33 U216; U217; U218; U219; U220; U221; U222; U223; U225; U226;
34 U227; U228; U234; U235; U236; U237; U238; U239; U240; U243;
35 U244; U246; U247; U248; U249; U328; U353; U359; F001; F002;
36 F003; F004; F005; F006; F010; F020; F021; F023; F024; F026;

1 F027; F028; K001; K002; K008; K009; K010; K011; K013; K014;
 2 K015; K016; K017; K018; K019; K020; K021; K022; K023; K024;
 3 K025; K026; K027; K028; K029; K030; K031; K032; K033; K034;
 4 K035; K036; K037; K038; K039; K040; K041; K042; K043; K044;
 5 K045; K046; K047; K048; K049; K050; K051; K052; K054; K060;
 6 K061; K064; K065; K066; K069; K071; K073; K083; K084; K085;
 7 K086; K087; K093; K094; K095; K096; K097; K098; K099; K101;
 8 K102; K103; K104; K105; K111; K112; K113; K114; K115; K116;
 9 K117; K118; K123; K124; K125; K126; K136; D001; D002; D003;
 10 D004; D005; D006; D007; D008; D010; D011; D012; D013; D014;
 11 D015; D016; and D017.

12 Subp. 10. **Organic lab packs.** Hazardous wastes with the
 13 following EPA Hazardous Waste Nos. may be placed in an organic
 14 lab pack: P001; P002; P003; P004; P005; P006; P007; P008; P009;
 15 P013; P014; P015; P016; P017; P018; P020; P022; P023; P024;
 16 P025; P026; P027; P028; P031; P034; P036; P037; P038; P039;
 17 P040; P041; P042; P043; P044; P045; P046; P047; P048; P049;
 18 P050; P051; P054; P057; P058; P059; P060; P062; P063; P064;
 19 P065; P066; P067; P068; P069; P070; P071; P072; P073; P074;
 20 P075; P077; P081; P082; P084; P085; P087; P088; P089; P092;
 21 P093; P094; P095; P096; P097; P098; P099; P101; P102; P103;
 22 P104; P105; P108; P109; P110; P111; P112; P113; P114; P115;
 23 P116; P118; P119; P120; P122; P123; U001; U002; U003; U004;
 24 U005; U006; U007; U008; U009; U010; U011; U012; U014; U015;
 25 U016; U017; U018; U019; U020; U021; U022; U023; U024; U025;
 26 U026; U027; U028; U029; U030; U031; U033; U034; U035; U036;
 27 U037; U038; U039; U041; U042; U043; U044; U045; U046; U047;
 28 U048; U049; U050; U051; U052; U053; U055; U056; U057; U058;
 29 U059; U060; U061; U062; U063; U064; U066; U067; U068; U069;
 30 U070; U071; U072; U073; U074; U075; U076; U077; U078; U079;
 31 U080; U081; U082; U083; U084; U085; U086; U087; U088; U089;
 32 U090; U091; U092; U093; U094; U095; U096; U097; U098; U099;
 33 U101; U102; U103; U105; U106; U107; U108; U109; U110; U111;
 34 U112; U113; U114; U115; U116; U117; U118; U119; U120; U121;
 35 U122; U123; U124; U125; U126; U127; U128; U129; U130; U131;
 36 U132; U133; U135; U137; U138; U140; U141; U142; U143; U147;

1 U148; U149; U150; U153; U154; U155; U156; U157; U158; U159;
2 U160; U161; U162; U163; U164; U165; U166; U167; U168; U169;
3 U170; U171; U172; U173; U174; U176; U177; U178; U179; U180;
4 U181; U182; U183; U184; U185; U186; U187; U188; U189; U190;
5 U191; U192; U193; U194; U196; U197; U200; U201; U202; U203;
6 U205; U206; U207; U208; U209; U210; U211; U213; U214; U218;
7 U219; U220; U221; U222; U223; U225; U226; U227; U228; U234;
8 U235; U236; U237; U238; U239; U240; U243; U244; U246; U247;
9 U248; U249; U328; U353; U359; F001; F002; F003; F004; F005;
10 F010; F020; F021; F023; F024; F026; F027; F028; K001; K009;
11 K010; K011; K013; K014; K015; K016; K017; K018; K019; K020;
12 K021; K022; K023; K024; K025; K026; K027; K029; K030; K031;
13 K032; K033; K034; K035; K036; K037; K038; K039; K040; K041;
14 K042; K043; K044; K045; K046; K047; K048; K049; K050; K051;
15 K052; K054; K060; K065; K073; K083; K084; K085; K086; K087;
16 K093; K094; K095; K096; K097; K098; K099; K101; K102; K103;
17 K104; K105; K111; K112; K113; K114; K115; K116; K117; K118;
18 K123; K124; K125; K126; K136; D001; D012; D013; D014; D015;
19 D016; and D017.

20 [For text of subp 11, see M.R.]

21

22 RENUMBERER. Renumber part 7045.0100 as part 7045.0102 in the
23 following parts: 7001.0530, subpart 3; 7001.0550, item E;
24 7001.0710, subpart 1; 7045.0075, subpart 1; 7045.0121, subparts
25 1 and 3; 7045.0127, subpart 1; 7045.0261, subpart 7; 7045.0300;
26 7045.0450, subpart 1; 7045.0458, subpart 1; 7045.0532, subpart
27 7; 7045.0564, subpart 1; 7045.0655, subparts 6 and 7; 7045.1300,
28 subpart 1; 7047.0020, subpart 7; and 9205.0110, subpart 10.