

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Drip Pads for Wood Treatment

4

5 Rules as Adopted

6 7001.0623 PART B INFORMATION REQUIREMENTS FOR DRIP PADS.

7 Subpart 1. Federal regulations adopted by reference.

8 Except as provided in part 7045.0450, subparts 1 and 3, owners  
9 and operators of hazardous waste treatment, storage, or disposal  
10 facilities that collect, store, or treat hazardous waste on drip  
11 pads must provide to the commissioner the information required  
12 in Code of Federal Regulations, title 40, section 270.26, as  
13 amended, except subsection 270.26(b).

14 Subp. 2. Exceptions to adopted federal regulation. Where  
15 the federal regulations adopted in subpart 1 refer to other  
16 federal regulations, the other federal regulations referred to  
17 are superseded by their corresponding state rules. Where no  
18 corresponding state rule exists, the federal regulations  
19 referred to do not apply.

20 Subp. 3. Effective date. This part is effective ~~six~~  
21 ~~months-after-the-publication-of-the-notice-of-adoption~~ July 25,  
22 1994.

23 7045.0020 DEFINITIONS.

24 [For text of subps 1 to 9b, see M.R.]

25 Subp. 9c. Commissioner. "Commissioner" means the  
26 commissioner of the Minnesota Pollution Control Agency or the  
27 commissioner's designee. In federal regulations adopted by  
28 reference, the terms "regional administrator" and "director"  
29 mean "commissioner."

30 [For text of subps 9d to 20, see M.R.]

31 Subp. 20a. Drip pad. "Drip pad" means an engineered  
32 structure consisting of a curbed, free-draining base,  
33 constructed of nonearthen materials and designed to convey  
34 preservative kick-back or drippage from treated wood,  
35 precipitation, and surface water run-on to an associated

1 collection system at wood preserving plants.

2 [For text of subps 21 to 22a, see M.R.]

3 Subp. 22b. Existing drip pad. "Existing drip pad" means a  
4 drip pad that:

5 A. is or was used to manage hazardous waste with the  
6 waste code of F032 and was constructed, or for which the owner  
7 or operator had a design and had entered into binding financial  
8 or other agreements for construction, before December 6, 1990;  
9 or

10 B. is used to manage hazardous waste with the waste  
11 code of F034 or F035 and was constructed, or for which the owner  
12 or operator had a design and had entered into binding financial  
13 or other agreements for construction, before the effective date  
14 of part 7045.0644.

15 [For text of subps 23 to 59, see M.R.]

16 Subp. 59a. New drip pad. "New drip pad" means a drip pad  
17 that:

18 A. is or was used to manage hazardous waste with the  
19 waste code of F032 and was constructed, or for which the owner  
20 or operator had or has a design and had or has entered into  
21 binding financial or other agreements for construction, on or  
22 after December 6, 1990; or

23 B. is used to manage hazardous waste with the waste  
24 code of F034 or F035 and was constructed, or for which the owner  
25 or operator had or has a design and had or has entered into  
26 binding financial or other agreements for construction, on or  
27 after the effective date of part 7045.0644.

28 Subp. 59b. New tank system or new tank component. "New  
29 tank system" or "new tank component" means a tank system or  
30 component that will be used for the storage or treatment of  
31 hazardous waste and for which installation has commenced after  
32 August 8, 1988, or a tank system or component that is regulated  
33 as a new tank system or component under Code of Federal  
34 Regulations, title 40, section 260.10. However, for purposes of  
35 obtaining approval for a petition under part 7045.0075, subpart  
36 7, a new tank system is one for which construction commences

1 after the applicable effective dates of regulation as required  
2 in this subpart.

3 Subp. 59c. **Nonwastewater.** "Nonwastewater" means hazardous  
4 waste that is not wastewater as defined in subpart 102c.

5 Subp. 59d. **Off-specification used oil.** "Off-specification  
6 used oil" means a used oil fuel that exceeds any of the  
7 specification levels for the following constituents or has a  
8 flash point less than 100 degrees Fahrenheit.

9 Constituent	10 Allowable level
11 Arsenic, total	5 parts per million maximum
12 Cadmium, total	2 parts per million maximum
13 Chromium, total	10 parts per million maximum
14 Lead, total	100 parts per million maximum
15 Total Halogens	4,000 parts per million maximum

16  
17 Subp. 59e. **Onground tank.** "Onground tank" means a device  
18 meeting the definition of "tank" in subpart 90 and that is  
19 situated in such a way that the bottom of the tank is on the  
20 same level as the adjacent surrounding surface so that the  
21 external tank bottom cannot be visually inspected.

22 [For text of subps 60 to 109, see M.R.]

23 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

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

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

28 B. the waste is placed in containers which meet the  
29 standards of part 7045.0270, subpart 4, and are managed in  
30 accordance with part 7045.0626; in tanks provided the generator  
31 complies with the requirements of part 7045.0628 except part  
32 7045.0628, subpart 9, item C, and subpart 12; or for wood  
33 preserving operations on drip pads, provided the generator  
34 complies with part 7045.0644 and maintains records containing a  
35 description of procedures that will be followed to ensure that  
36 all wastes are removed from drip pads and associated collection  
37 systems at least once every 90 days, and maintains documentation  
38 of the quantities, dates, and times of each waste removal.  
39 These records relating to drip pads must be maintained at the

1 licensed site and must be easily available for agency  
2 inspection;

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

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

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

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

10 B. the waste is placed in containers which meet the  
11 standards of part 7045.0270, subpart 4, and are managed in  
12 accordance with part 7045.0626; in tanks provided the generator  
13 complies with the requirements of part 7045.0629; or for wood  
14 preserving operations on drip pads, provided the generator  
15 complies with part 7045.0644 and maintains records containing a  
16 description of procedures that will be followed to ensure that  
17 all wastes are removed from drip pads and associated collection  
18 systems at least once every 180 days, and maintains  
19 documentation of the quantities, dates, and times of each waste  
20 removal. These records relating to drip pads must be maintained  
21 at the licensed site and must be easily available for agency  
22 inspection;

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

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

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

30 B. the waste is placed in containers which meet the  
31 standards of part 7045.0270, subpart 4, and are managed in  
32 accordance with part 7045.0626; in tanks provided the generator  
33 complies with the requirements of part 7045.0629; or for wood  
34 preserving operations on drip pads, provided the generator  
35 complies with part 7045.0644 and maintains records containing a  
36 description of procedures that will be followed to ensure that

1 all wastes are removed from drip pads and associated collection  
2 systems at least once every 180 days, and maintains  
3 documentation of the quantities, dates, and times of each waste  
4 removal. These records relating to drip pads must be maintained  
5 at the licensed site and must be easily available for agency  
6 inspection;

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

8 [For text of subps 7 to 11, see M.R.]

9 7045.0528 TANK SYSTEMS.

10 Subpart 1. **Scope.** This part applies to owners and  
11 operators of facilities that use tank systems, including tank  
12 systems, sumps, and other such collection devices or systems  
13 used in conjunction with drip pads, as defined in part 7045.0020  
14 and regulated under part 7045.0541, to treat or store hazardous  
15 waste, except as part 7045.0450, and items A and B provide  
16 otherwise.

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

18 7045.0541 DRIP PADS.

19 Subpart 1. **Federal regulations adopted by reference.**  
20 Owners and operators of facilities that use new or existing drip  
21 pads to convey treated wood drippage, precipitation, and/or  
22 surface water runoff to an associated collection system are  
23 subject to the requirements of Code of Federal Regulations,  
24 title 40, part 264, subpart W, as amended. Existing drip pads  
25 and new drip pads are defined in part 7045.0020.

26 Subp. 2. **Leak collection system requirements.** The  
27 requirement of Code of Federal Regulations, title 40, section  
28 264.573(b)(3), as amended, to install a leak collection system  
29 applies only to:

30 A. drip pads that are or were used to manage  
31 hazardous waste with the waste code of F032 that are constructed  
32 after December 24, 1992, except those for which the owner or  
33 operator had a design and entered into binding financial or  
34 other agreements for construction prior to December 24, 1992;  
35 and

1 B. drip pads that are used to manage hazardous waste  
2 with the waste code of F034 or F035 that are constructed after  
3 the effective date of this part, except those for which the  
4 owner or operator had a design and entered into binding  
5 financial or other agreements for construction prior to the  
6 effective date of this part.

7 Subp. 3. Indoor drip pads. The owner or operator of any  
8 drip pad that is inside or under a structure that provides  
9 protection from precipitation so that neither runoff nor run-on  
10 is generated is not subject to regulation under Code of Federal  
11 Regulations, title 40, section 264.573(e) or 264.573(f), as  
12 amended, as appropriate.

13 Subp. 4. Incidental drippage in storage yards. The  
14 requirements of Code of Federal Regulations, title 40, part 264,  
15 subpart W, as amended, are not applicable to the management of  
16 infrequent and incidental drippage in storage yards provided  
17 that the owner or operator maintains and complies with a written  
18 contingency plan~~7-approved-by-the-agency7~~, that describes how the  
19 owner or operator will respond immediately to the discharge of  
20 such infrequent and incidental drippage. At a minimum, the  
21 contingency plan must describe how the owner or operator will do  
22 the following:

- 23 A. clean up the drippage;  
24 B. document the cleanup of the drippage;  
25 C. retain documents regarding cleanup for three  
26 years; and  
27 D. manage the contaminated media in a manner  
28 consistent with chapters 7001 and 7045.

29 Subp. 5. Exceptions to adopted federal regulations.  
30 ~~Exceptions-to-the-federal-regulations-adopted-in-subpart-1-are~~  
31 ~~as-follows:~~

32 A~~7~~ Where the federal regulations adopted in subpart 1  
33 refer to other federal regulations, the other federal  
34 regulations referred to are superseded by their corresponding  
35 state rules; where no corresponding state rule exists, the  
36 federal regulations referred to do not apply~~7-and~~

1 ~~B.---references-in-the-adopted-regulations-to--"regional~~  
2 ~~administrator"--mean--"commissioner."~~

3 Subp. 6. Effective date. This part is effective ~~six~~  
4 ~~months-after-the-publication-of-the-notice-of-adoption~~ July 25,  
5 1994.

6 7045.0628 TANK SYSTEMS.

7 Subpart 1. Scope. This part applies to owners and  
8 operators of facilities that use tank systems, including tank  
9 systems, sumps, and other such collection devices or systems  
10 used in conjunction with drip pads, as defined in part 7045.0020  
11 and regulated under part 7045.0644, to treat or store hazardous  
12 waste, except as items A and B and part 7045.0552 provide  
13 otherwise.

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

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

16 7045.0644 DRIP PADS.

17 Subpart 1. Federal regulations adopted by reference.  
18 Owners and operators of facilities that use new or existing drip  
19 pads to convey treated wood drippage, precipitation, and/or  
20 surface water runoff to an associated collection system are  
21 subject to the requirements of Code of Federal Regulations,  
22 title 40, part ~~264~~ 265, subpart W, as amended. Existing drip  
23 pads and new drip pads are defined in part 7045.0020.

24 Subp. 2. Leak collection system requirements. The  
25 requirement of Code of Federal Regulations, title 40, section  
26 265.443(b)(3), as amended, to install a leak collection system  
27 applies only to:

28 A. drip pads that are or were used to manage  
29 hazardous waste with the waste code of F032 that are constructed  
30 after December 24, 1992, except those for which the owner or  
31 operator had a design and entered into binding financial or  
32 other agreements for construction prior to December 24, 1992;  
33 and

34 B. drip pads that are used to manage hazardous waste  
35 with the waste code of F034 or F035 that are constructed after

1 the effective date of this part, except those for which the  
 2 owner or operator had a design and entered into binding  
 3 financial or other agreements for construction prior to the  
 4 effective date of this part.

5 Subp. 3. Indoor drip pads. The owner or operator of any  
 6 drip pad that is inside or under a structure that provides  
 7 protection from precipitation so that neither runoff nor run-on  
 8 is generated is not subject to regulation under Code of Federal  
 9 Regulations, title 40, section 264.573(e) or 264.573(f), as  
 10 amended, as appropriate.

11 Subp. 4. Incidental drippage in storage yards. The  
 12 requirements of Code of Federal Regulations, title 40, part 264,  
 13 subpart W, as amended, are not applicable to the management of  
 14 infrequent and incidental drippage in storage yards provided  
 15 that the owner or operator maintains and complies with a written  
 16 contingency plan~~7-approved-by-the-agency7~~, that describes how the  
 17 owner or operator will respond immediately to the discharge of  
 18 such infrequent and incidental drippage. At a minimum, the  
 19 contingency plan must describe how the owner or operator will do  
 20 the following:

- 21 A. clean up the drippage;
- 22 B. document the cleanup of the drippage;
- 23 C. retain documents regarding cleanup for three
- 24 years; and
- 25 D. manage the contaminated media in a manner
- 26 consistent with chapters 7001 and 7045.

27 Subp. 5. Exceptions to adopted federal regulations.  
 28 ~~Exceptions-to-the-federal-regulations-adopted-in-subpart-1-are~~  
 29 ~~as-follows:~~

30 ~~A:~~ Where the federal regulations adopted in subpart 1  
 31 refer to other federal regulations, the other federal  
 32 regulations referred to are superseded by their corresponding  
 33 state rules; where no corresponding state rule exists, the  
 34 federal regulations referred to do not apply~~7-and~~

35 ~~B:--references-in-the-adopted-regulations-to-"regional~~  
 36 ~~administrator"-mean-"commissioner."~~



10/04/93

[REVISOR ] CMR/BD AR2225

1 Subp. 6. Effective date. This part is effective ~~six~~  
2 ~~months-after-the-publication-of-the-notice-of-adoption~~ July 25,  
3 1994.