

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Used Oil and Miscellaneous  
4 Amendments

5

6 Rules as Adopted

7 7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF  
8 APPLICATION.

9 Part B of the application must contain the following  
10 information:

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

12 E. A copy of the general inspection schedule required  
13 by part 7045.0452, subpart 5, item B, including, if applicable,  
14 the information in parts 7045.0526, subpart 5; 7045.0528,  
15 subpart 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6;  
16 7045.0536, subpart 4; 7045.0538, subpart 5; 7045.0539, subpart  
17 3; and 7045.0542, subpart 7; and the process vent and equipment  
18 leak standards in Code of Federal Regulations, title 40,  
19 sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

20 [For text of items F to V, see M.R.]

21 7001.0650 INTERIM STATUS.

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

23 Subp. 4. Prohibitions. During the interim status period,  
24 an owner or operator shall not:

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

26 D. alter a hazardous waste facility in a manner that  
27 amounts to a reconstruction of the facility. For the purpose of  
28 this part, reconstruction occurs when the capital investment in  
29 the modification of the facility exceeds 50 percent of the  
30 capital cost of a comparable new hazardous waste facility.  
31 Reconstruction does not include changes made solely for the  
32 purpose of complying with the requirements of part 7045.0623,  
33 subpart 4, for tanks and ancillary equipment, or to treat or  
34 store in containers or tanks hazardous wastes subject to the  
35 land disposal restrictions under parts 7045.1300 to 7045.1380 or

1 RCRA section 3004, if the changes are made solely to comply with  
2 parts 7045.1300 to 7045.1380 or RCRA section 3004.

3 [For text of subps 5 to 7, see M.R.]

4 7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

5 Subpart 1. **Unacceptable wastes.** The owner or operator of  
6 a solid waste management facility must not accept the following  
7 wastes for treatment, storage, processing, or disposal:

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

9 D. used oil, except as provided in subpart 5, item B;

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

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

12 7045.0020 DEFINITIONS.

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

14 Subp. 6a. **Boiler.** "Boiler" means an enclosed device using  
15 controlled flame combustion and having the characteristics  
16 specified in item A or B. If used oil or hazardous waste is to  
17 be used as a fuel in an industrial boiler or a utility boiler,  
18 these boilers must meet the additional criteria in items C and D.

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

20 C. An industrial boiler burning used oil or hazardous  
21 waste as a fuel must be located on the site of an establishment  
22 engaged in a manufacturing process where substances are  
23 transformed into new products, including the component parts of  
24 products, by mechanical or chemical processes.

25 D. A utility boiler burning used oil or hazardous  
26 waste as a fuel must be one that is used to produce electric  
27 power, steam, heated or cooled air, or other gases or fluids for  
28 sale.

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

30 Subp. 34a. **Hazardous waste fuel.** "Hazardous waste fuel"  
31 means a hazardous waste that is burned for energy recovery and  
32 includes fuel that is produced from hazardous waste by  
33 processing, blending, or other treatment, except for those  
34 blended fuels described as used oil in part 7045.0800.

35 [For text of subps 35 to 73, see M.R.]

1 Subp. 73a. RCRA. "RCRA" means the Resource Conservation  
2 and Recovery Act, as amended.

3 [For text of subps 73b to 100, see M.R.]

4 Subp. 100a. Used oil. "Used oil" means any oil which has  
5 been refined from crude oil or any synthetic oil derived from  
6 coal, shale, or polymer or nonpolymer base, that has been used  
7 as a lubricant, heat transfer fluid, hydraulic fluid, or for  
8 similar uses, and as a result of such use has become  
9 contaminated by physical or chemical impurities. Lubricants  
10 include, but are not limited to motor oil, greases, metalworking  
11 lubricants including aqueous metalworking lubricants containing  
12 petroleum oil, emulsions, and refrigerant oils. Heat transfer  
13 fluids include, but are not limited to, coolants, heating media,  
14 and electrical insulation oils. Hydraulic fluids include, but  
15 are not limited to, transmission fluids, power steering fluids,  
16 and brake fluids. Virgin oils of the types described in this  
17 subpart that are intentionally disposed in solid waste, or in or  
18 on the land or waters of the state before being used for their  
19 original intended purpose are used oil. Used oil does not  
20 include: petroleum-based products used as solvents; product  
21 fuels; ethylene and propylene glycol antifreeze; wastewater from  
22 which used oil has been recovered to the extent possible; used  
23 oil residues and sludges generated from used oil storage,  
24 processing, and rerefining that are not usable as used oil fuel  
25 and are not able to be processed into used oil fuel; and virgin  
26 oil that is unintentionally disposed. Other terms related to  
27 used oil are defined in part 7045.0790.

28 Subp. 100b. Used oil filter. "Used oil filter" means a  
29 device attached to a vehicle, machine, or piece of equipment  
30 used for removing contaminants from lubricating oil that as a  
31 result of being used has become contaminated with oil and other  
32 contaminants.

33 Subp. 100c. Used oil fuel. "Used oil fuel" means used oil  
34 that is burned for energy recovery, and includes fuel produced  
35 from used oil by processing, blending, or other treatment,  
36 except for those blended fuels described as hazardous waste in

1 part 7045.0800.

2 Subp. 100d. **Vault system.** "Vault system" means an  
3 underground, concrete or equivalent, impermeable secondary  
4 containment structure consisting of four walls, a floor, and  
5 roof used to encapsulate one or more tanks.

6 [For text of subps 101 to 102a, see M.R.]

7 Subp. 102b. [See repealer.]

8 [For text of subps 102c to 107, see M.R.]

9 Subp. 108. **Wetland.** "Wetland" has the meaning given to  
10 "wetlands" in part 7050.0130, item F.

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

## 12 7045.0065 AVAILABILITY OF REFERENCES.

13 The documents referred to in this chapter may be obtained  
14 by contacting the appropriate offices as listed in this part.

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

16 B. Minnesota Uniform Fire Code, as incorporated by  
17 reference in part 7510.3310;

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

19 I. Standard Industrial Classification Manual issued  
20 by the Office of Management and Budget, Executive Office of the  
21 President of the United States, available from the National  
22 Technical Information Service, 5285 Port Royal Road,  
23 Springfield, Virginia 22161.

## 24 7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

25 Subpart 1. **Exempt types of waste.** The following waste may  
26 be stored, labeled, transported, treated, processed, and  
27 disposed of without complying with the requirements of this  
28 chapter:

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

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 Code of Federal  
34 Regulations, title 40, part 280, as amended;

35 [For text of items R and S, see M.R.]

1 T. spent wood preserving solutions that have been  
2 reclaimed and reused for their original intended purpose, and  
3 wastewaters from the wood preserving process that have been  
4 reclaimed and are reused to treat wood;

5 U. used chlorofluorocarbon refrigerants from totally  
6 enclosed heat transfer equipment, including mobile air  
7 conditioning systems, mobile refrigeration, and commercial and  
8 industrial air conditioning and refrigeration systems that use  
9 chlorofluorocarbons as the heat transfer fluid in a  
10 refrigeration cycle, provided the refrigerant is reclaimed for  
11 further use; or

12 V. used oil rerefining distillation bottoms that are  
13 used as feedstock to manufacture asphalt products.

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

15 7045.0121 TREATABILITY STUDY EXEMPTIONS.

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

17 Subp. 3. **Facilities and sample handling.** A mobile  
18 treatment unit may qualify as a laboratory or testing facility  
19 subject to requirements of this subpart. Where a group of  
20 mobile treatment units are located at the same site, the  
21 limitations specified in this subpart apply to the entire group  
22 of mobile treatment units involved in treatability studies  
23 collectively as if the group were one mobile treatment unit.  
24 Samples undergoing treatability studies and the laboratory or  
25 testing facility conducting the treatability studies, to the  
26 extent the facilities are engaged directly in treatability  
27 studies and are not otherwise subject to the Resource  
28 Conservation and Recovery Act requirements, United States Code,  
29 title 42, section 6901 et seq., as amended, are not subject to  
30 any requirements of Code of Federal Regulations, title 40, part  
31 124, as amended; parts 7045.0102 to 7045.0685 except this part  
32 and applicable references; parts 7023.9000 to 7023.9050;  
33 7045.1300 to 7045.1380; chapter 7001; or to the notification  
34 requirements of the Resource Conservation and Recovery Act,  
35 United States Code, title 42, section 6930, as amended,

1 providing that the conditions in items A to K are met.

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

3 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND  
4 RECLAMATION.

5 Subpart 1. **Scope.** This part regulates hazardous waste and  
6 used oil that is to be recycled except for use constituting  
7 disposal as provided in part 7045.0665, hazardous waste used for  
8 precious metals recovery as provided in part 7045.0675; spent  
9 lead-acid batteries being reclaimed as provided in part  
10 7045.0685; hazardous waste fuel being burned for energy recovery  
11 as provided in part 7045.0692; or used oil fuel being burned for  
12 energy recovery as provided in part 7045.0885.

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

14 Subp. 3a. **Management requirements for used oil.** Used oil  
15 that is recycled by reuse, rerefining, reclamation,  
16 reprocessing, or burning for energy recovery, is subject only to  
17 parts 7045.0790 to ~~7045.0995~~ 7045.0990, unless otherwise  
18 specified in that part. "Burning for energy recovery" means the  
19 combustion of used oil with a heating value of over 5,000 Btus  
20 per pound to recover an energy value from it. Used oil that is  
21 not recycled is hazardous waste and is subject to this chapter  
22 and chapter 7046.

23 Subp. 4. **Management of specific hazardous wastes.**  
24 Management of the following wastes when recycled, is not subject  
25 to regulation under parts 7045.0205 to 7045.0695 and 7045.1300  
26 to 7045.1380:

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

28 G. hazardous waste fuel produced from oil-bearing  
29 hazardous wastes from petroleum refining, production, or  
30 transportation practices, or produced from oil reclaimed from  
31 the hazardous wastes, where the hazardous wastes are  
32 reintroduced into a process that does not use distillation or  
33 does not produce products from crude oil if the resulting fuel  
34 meets the used oil specification under part 7045.0840, and no  
35 other hazardous wastes are used to produce the hazardous waste

1 fuel;

2 H. hazardous waste fuel produced from oil-bearing  
3 hazardous waste from petroleum refining, production, and  
4 transportation practices, where the hazardous wastes are  
5 reintroduced into a refining process after a point at which  
6 contaminants are removed, if the fuel meets the used oil fuel  
7 specification under part 7045.0840;

8 I. oil that is reclaimed from oil-bearing hazardous  
9 wastes from petroleum refining, production, and transportation  
10 practices, and is burned as a fuel without reintroduction to a  
11 refining process, if the reclaimed oil meets the used oil fuel  
12 specification under part 7045.0840;

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

14 K. nonwastewater splash condenser dross residue from  
15 the treatment of K061 in high temperature metals recovery units,  
16 provided it is shipped in drums, if shipped, and not land  
17 disposed before recovery;

18 L. pipeline interface material, provided that the  
19 material is transported solely in a pipeline system as defined  
20 in Code of Federal Regulations, title 49, part 195, as amended,  
21 and is:

22 (1) used as an ingredient in fuel;

23 (2) sent to a refinery for use as an ingredient  
24 in a refining process; or

25 (3) sent to a processing location for  
26 reclamation; and

27 M. mixtures of different petroleum fuel products that  
28 met all fuel specifications required by Minnesota Statutes,  
29 section 239.761, before being mixed together, and that contain  
30 no other added water or waste, provided the mixtures are:

31 (1) used as an ingredient in fuel;

32 (2) sent to a refinery for use as an ingredient  
33 in a refining process; or

34 (3) sent to a processing location for reclamation.

35 Subp. 5. Requirements for use of hazardous waste as  
36 feedstock.

1           A. Except as provided in items B to D, hazardous  
2 wastes that are shown to be recycled by being used in a manner  
3 specified in subitems (1) to (3), are not subject to regulation  
4 under parts 7045.0205 to ~~7045-0995~~ 7045.0990 and 7045.1300 to  
5 7045.1380. This subpart does not apply to wastes being  
6 accumulated speculatively as defined in part 7045.0020, subpart  
7 84a, or being managed by use constituting disposal as regulated  
8 under part 7045.0665 or burning for energy recovery, as  
9 regulated in part 7045.0692. Hazardous wastes are considered to  
10 be used as feedstock if they are:

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

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

13           C. Transporters of hazardous wastes for use as  
14 feedstock must comply with all applicable requirements of  
15 Minnesota Statutes, sections 221.033 and 221.034, and with  
16 221.035 if applicable, and Code of Federal Regulations, title  
17 49, parts 171 to 179, as amended.

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

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

20           Subp. 7. **Generator requirements.** Unless exempted  
21 specifically in this part or parts 7045.0790 to ~~7045-0995~~  
22 7045.0990, a generator of hazardous waste that is destined for  
23 recycling is subject to the requirements of parts 7045.0205 to  
24 7045.0320.

25           Subp. 8. **Transporter requirements.** Unless exempted  
26 specifically in this part or parts 7045.0790 to ~~7045-0995~~  
27 7045.0990, transporters of hazardous waste destined for recycle  
28 are subject to the requirements of parts 7045.0351 to 7045.0397.

29           Subp. 9. **Facility requirements.** Unless exempted  
30 specifically in this part or parts 7045.0692 and 7045.0790 to  
31 ~~7045-0995~~ 7045.0990, owners or operators of facilities which  
32 recycle hazardous waste are subject to the following  
33 requirements:

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

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



## 1 7045.0131 CHARACTERISTICS OF HAZARDOUS WASTE.

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

3 Subp. 3. **Oxidizers.** A waste exhibits the characteristics  
4 of an oxidizer if a representative sample of the waste has the  
5 following properties:

6 A. it is an oxidizer as defined in Code of Federal  
7 Regulations, title 49, section 173.127, as amended; or

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

9 [For text of subps 4 to 8, see M.R.]

## 10 7045.0135 LISTS OF HAZARDOUS WASTES.

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

12 Subp. 4. **Discarded commercial chemical products, off**  
13 **specification species, containers, and spill residues.** The  
14 following materials or items are hazardous wastes when they are  
15 discarded or intended to be discarded as described in part  
16 7045.0020, subpart 18; when they are mixed with used oil or  
17 other material and applied to the land for dust suppression or  
18 road treatment; when they are otherwise applied to the land in  
19 lieu of their original intended use; when they are contained in  
20 products that are applied to the land in lieu of their original  
21 intended use; or when, in lieu of their original intended use,  
22 they are produced for use as, or as a component of a fuel,  
23 distributed for use as a fuel, or burned as a fuel.

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

25 C. any residue remaining in a container or inner  
26 liner removed from a container that has held any commercial  
27 chemical product or manufacturing chemical intermediate having  
28 the generic names listed in item E or F, unless the container or  
29 inner liner is empty as defined in part 7045.0127, subpart 3;

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

31 Subp. 5. **PCB wastes.** Requirements for PCB wastes are as  
32 follows:

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

34 C. A generator of PCB wastes who stores on-site prior  
35 to disposal is exempt from the agency's hazardous waste storage

1 facility permit requirements and parts 7045.0292 and 7045.0450  
2 to 7045.0642 for the storage of those wastes except for the  
3 following requirements:

4 (1) the storage standards described in Code of  
5 Federal Regulations, title 40, section 761.65, as amended; and

6 (2) the requirements applicable to the generator  
7 based on generator size of part 7045.0292, subpart 1, 5, or 6,  
8 regarding proper labeling, personnel training, preparedness,  
9 prevention, and contingency planning. However, PCB items in use  
10 or in storage prior to disposal that are ~~regulated-under~~ labeled  
11 as PCBs according to Code of Federal Regulations, title 40, ~~part~~  
12 ~~761~~ sections 761.40, 761.45, and 761.65, as amended, are not  
13 subject to the hazardous waste labeling requirements of part  
14 7045.0292.

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

16 E. Thermal treatment of PCB wastes at concentrations  
17 less than 500 parts per million. High efficiency boilers as  
18 defined in Code of Federal Regulations, title 40, section  
19 761.60, as amended, which are used for treatment of mineral oil  
20 dielectric fluid containing less than 500 ppm PCB, are exempt  
21 from the agency's hazardous waste facility permit requirements  
22 in chapter 7001 and parts 7023.9000 to 7023.9050, 7045.0292, and  
23 7045.0450 to 7045.0642 for storage and treatment of those  
24 wastes, except for the following requirements:

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

26 F. PCB wastes have the hazardous waste number of MN03.

27 7045.0143 GROUNDWATER PROTECTION HAZARDOUS CONSTITUENTS LIST.

28 Subpart 1. **Scope.** For the purposes of the groundwater  
29 protection requirements in parts 7001.0640, subpart 1, item D,  
30 subitem (2); and 7045.0484, subparts 12, item G, subitem (2),  
31 and 13, item E, the hazardous constituents are listed with their  
32 corresponding Chemical Abstract Service registry numbers in  
33 subparts 2 to 27. Where "total" is entered for the Chemical  
34 Abstract Service registry number, all species in the groundwater  
35 that contain this element are included.

1 [For text of subps 2 to 27, see M.R.]

2 7045.0145 DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING  
3 EQUIPMENT CLEANING AND REPLACEMENT AT WOOD PRESERVING PLANTS.

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

5 Subp. 2. **Process equipment cleaning and replacement.**

6 Generators must either clean or replace all process equipment  
7 that may have come into contact with chlorophenolic formulations  
8 or constituents thereof, including, but not limited to,  
9 treatment cylinders, sumps, tanks, piping systems, drip pads,  
10 fork lifts, and trams. Cleaning and replacement of process  
11 equipment must be performed in a manner which minimizes or  
12 eliminates the escape of hazardous waste or waste constituents,  
13 leachate, contaminated drippage, or hazardous waste  
14 decomposition products to the groundwater, surface water, or  
15 atmosphere. Generators must either:

16 A. prepare and follow an equipment cleaning plan and  
17 clean equipment in accordance with this item by:

18 (1) preparing and following a written equipment  
19 cleaning plan that describes the equipment to be cleaned, how  
20 the equipment will be cleaned, the solvent chosen to be used in  
21 the cleaning, how solvent rinses will be tested, and how  
22 cleaning residues will be disposed;

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

24 B. prepare, sign, and follow a written equipment  
25 replacement plan that describes the equipment to be replaced,  
26 how the equipment will be replaced, and how the equipment will  
27 be disposed of as F032 waste; or

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

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

30 7045.0206 GENERATOR SIZE DETERMINATION.

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

32 Subp. 5. **Waste exempt from size determination.** A

33 generator shall not include the following waste when determining  
34 the quantity of hazardous waste generated:

35 A. exempt waste under part 7045.0120;

1 B. recycled waste under part 7045.0125, subparts 4,  
2 5, and 6;

3 C. used oil, excluding hazardous waste which has been  
4 mixed with used oil under part 7045.0800, that is exempt under  
5 part 7045.0125, subpart 3a;

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

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

8 7045.0208 HAZARDOUS WASTE MANAGEMENT.

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

10 Subp. 4. Land disposal. Except as specified in part  
11 7045.1300, subparts 2 and 3, hazardous wastes are subject to the  
12 requirements of parts 7045.1300 to 7045.1380.

13 7045.0221 [Withdrawn at 20 SR ....]

14 7045.0225 [Withdrawn at 20 SR ....]

15 7045.0230 [Withdrawn at 20 SR ....]

16 7045.0240 [Withdrawn at 20 SR ....]

17 7045.0243 TERM AND CONDITIONS OF LICENSE.

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

19 Subp. 3. General conditions. Each license must include  
20 the general conditions described in items A to J and the  
21 commissioner shall incorporate these conditions into all  
22 licenses either expressly or by specific reference to this  
23 part. Licensees must comply with all conditions of the license  
24 at all times.

25 [For text of items A to J, see M.R.]

26 7045.0248 [Withdrawn at 20 SR ....]

27 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

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

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

32 B. the waste is placed in containers which meet the

1 standards of part 7045.0270, subpart 4, and are managed in  
2 accordance with parts 7045.0594, subpart 2, 7045.0596, subpart  
3 3, and 7045.0626; in tanks provided the generator complies with  
4 the requirements of parts 7045.0594, subpart 2, 7045.0596,  
5 subpart 3, and 7045.0628 except part 7045.0628, subpart 9, item  
6 C, and subpart 12; or for wood preserving operations on drip  
7 pads, provided the generator complies with parts 7045.0594,  
8 subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains  
9 records containing a description of procedures that will be  
10 followed to ensure that all wastes are removed from drip pads  
11 and associated collection systems at least once every 90 days,  
12 and maintains documentation of the quantities, dates, and times  
13 of each waste removal. These records relating to drip pads must  
14 be maintained at the licensed site and must be easily available  
15 for agency inspection;

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

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

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

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

23 B. the waste is placed in containers which meet the  
24 standards of part 7045.0270, subpart 4, and are managed in  
25 accordance with parts 7045.0594, subpart 2, 7045.0596, subpart  
26 3, and 7045.0626; in tanks provided the generator complies with  
27 the requirements of parts 7045.0594, subpart 2, 7045.0596,  
28 subpart 3, and 7045.0629; or for wood preserving operations on  
29 drip pads, provided the generator complies with parts 7045.0594,  
30 subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains  
31 records containing a description of procedures that will be  
32 followed to ensure that all wastes are removed from drip pads  
33 and associated collection systems at least once every 180 days,  
34 and maintains documentation of the quantities, dates, and times  
35 of each waste removal. These records relating to drip pads must  
36 be maintained at the licensed site and must be easily available

1 for agency inspection;

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

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

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

8 B. the waste is placed in containers which meet the  
9 standards of part 7045.0270, subpart 4, and are managed in  
10 accordance with parts 7045.0594, subpart 2, 7045.0596, subpart  
11 3, and 7045.0626; in tanks provided the generator complies with  
12 the requirements of parts 7045.0594, subpart 2, 7045.0596,  
13 subpart 3, and 7045.0629; or for wood preserving operations on  
14 drip pads, provided the generator complies with parts 7045.0594,  
15 subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains  
16 records containing a description of procedures that will be  
17 followed to ensure that all wastes are removed from drip pads  
18 and associated collection systems at least once every 180 days,  
19 and maintains documentation of the quantities, dates, and times  
20 of each waste removal. These records relating to drip pads must  
21 be maintained at the licensed site and must be easily available  
22 for agency inspection;

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

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

25 7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF  
26 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

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

28 Subp. 7. Treatment. Operators conducting treatment of  
29 collected household hazardous wastes are subject to the  
30 requirements of items A to C.

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

32 B. Treatment methods which do not require approval of  
33 the commissioner are bulking of:

34 (1) paints;

35 (2) solvents;

- 1 (3) used oil; and
- 2 (4) antifreeze.

3 While bulking is being done, the personnel training and safety  
 4 procedures must specifically address how this activity will be  
 5 conducted.

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

7 7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE  
 8 COLLECTION PROGRAMS.

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

10 Subp. 5. License application. The license application  
 11 must provide a complete description of the program including, as  
 12 applicable:

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

14 J. the bulking of paints, solvents, used oil, and  
 15 antifreeze does not require submittal of the additional  
 16 information under item I but must be addressed under items G and  
 17 H;

18 [For text of items K to P, see M.R.]

19 [For text of subps 6 to 10, see M.R.]

20 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

21 Subpart 1. General requirements. Parts 7045.0450 to  
 22 7045.0544 apply to owners and operators of all facilities that  
 23 treat, store, or dispose of hazardous waste except as  
 24 specifically provided otherwise in this part or in parts  
 25 7045.0102 to 7045.0320.

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

31 Parts 7045.0450 to 7045.0544 apply to a person disposing of  
 32 hazardous waste by means of ocean disposal subject to a permit  
 33 issued under the Marine Protection, Research, and Sanctuaries  
 34 Act of 1972, United States Code, title 16, sections 1431 to  
 35 1434, as amended, and United States Code, title 33, section

1 1401, as amended, only to the extent they are included in a  
2 permit-by-rule granted under the agency's permitting  
3 procedures. Parts 7045.0450 to 7045.0544 apply to the treatment  
4 or storage of hazardous waste before it is loaded onto an ocean  
5 vessel for incineration or disposal at sea.

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

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

10 7045.0454 PERSONNEL TRAINING.

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

12 Subp. 4. **Effective date.** Facility personnel shall  
13 successfully complete the program required in subpart 3 within  
14 six months after the date of their employment or assignment to a  
15 facility or assignment to a new position at a facility.

16 Facility personnel not subject to the requirements of Code of  
17 Federal Regulations, title 40, section 264.18, as amended, shall  
18 successfully complete the program required in subpart 3 within  
19 six months after the date of their employment or assignment to a  
20 facility or assignment to a new position at a facility.

21 Employees hired after July 16, 1984 shall not work in  
22 unsupervised positions until they have completed the training  
23 requirements of subparts 1 to 3.

24 [For text of subps 5 to 7, see M.R.]

25 7045.0456 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR  
26 INCOMPATIBLE WASTE.

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

28 Subp. 1a. **Segregation of incompatible waste.** Hazardous  
29 waste that is incompatible with any waste or other materials  
30 located nearby must be adequately separated from the other  
31 materials or protected from them by means of a dike, berm, wall,  
32 or other device.

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

34 Subp. 3. **Documentation of compliance.** When required to  
35 comply with this part, the owner or operator shall document that



1 compliance. This documentation may be based on reference to  
2 published scientific or engineering literature, data from trial  
3 tests, waste analyses, or the results of the treatment of  
4 similar wastes by similar treatment processes and under similar  
5 operating conditions.

6 7045.0478 OPERATING RECORD.

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

8 Subp. 3. Record information. The information in items A  
9 to S must be recorded, as it becomes available, and maintained  
10 in the operating record until closure of the facility.

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

12 H. Monitoring, testing, or analytical data and  
13 corrective action where required by parts 7045.0461; 7045.0484;  
14 7045.0528, subparts 2, 4, and 7; 7045.0532, subparts 4a, 4b, and  
15 5; 7045.0534, subparts 4a, 5, 5a, and 6; 7045.0536, subparts 5,  
16 6, and 8; 7045.0538, subparts 4a, 5, 5a, and 6; 7045.0539,  
17 subpart 3; and 7045.0542, subpart 7; and the process vent and  
18 equipment leak test methods and procedures and record keeping  
19 requirements in Code of Federal Regulations, title 40, sections  
20 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064,  
21 as amended.

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

23 7045.0518 LIABILITY REQUIREMENTS.

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

25 Subp. 2. Coverage for nonsudden accidental occurrences.

26 An owner or operator of a surface impoundment, landfill, land  
27 treatment facility, or miscellaneous disposal unit which is used  
28 to manage hazardous waste, or a group of such facilities, shall  
29 demonstrate financial responsibility for bodily injury and  
30 property damage to third parties caused by nonsudden accidental  
31 occurrences arising from operations of the facility or group of  
32 facilities. The owner or operator shall have and maintain  
33 liability coverage for nonsudden accidental occurrences in the  
34 amount of at least \$3,000,000 per occurrence with an annual  
35 aggregate of at least \$6,000,000, exclusive of legal defense

1 costs. This liability coverage may be demonstrated in one of  
2 the following ways:

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

4 [For text of subps 3 to 7, see M.R.]

5 7045.0528 TANK SYSTEMS.

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

13 A. Tank systems that are used to store or treat  
14 hazardous waste that contains no free liquids and are situated  
15 inside a building with an impermeable floor are exempted from  
16 the requirements in subpart 4. To demonstrate the absence or  
17 presence of free liquids in the stored or treated waste, EPA  
18 Method 9095 (Paint Filter Liquids Test) as described in "Test  
19 Methods for Evaluating Solid Wastes, Physical/Chemical Methods"  
20 (EPA Publication No. SW-846) must be used.

21 B. Tank systems, including sumps, as defined in part  
22 7045.0020, that serve as part of a secondary containment system  
23 to collect or contain releases of hazardous wastes are exempt  
24 from the requirements in subpart 4.

25 Subp. 2. **Assessment of existing tank system's integrity.**

26 The following requirements apply to existing tank systems:

27 A. For each existing tank system that does not have  
28 secondary containment meeting the requirements of subpart 4, the  
29 owner or operator must determine whether the tank system is  
30 leaking or is unfit for use. Except as provided in item C, the  
31 owner or operator must obtain and keep on file at the facility a  
32 written assessment reviewed and certified by an independent,  
33 qualified registered professional engineer, that attests to the  
34 tank system's integrity. The certification must include the  
35 statements in parts 7001.0070 and 7001.0540.

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

2 C. Owners or operators of tank systems that were  
3 required to conduct this assessment by Code of Federal  
4 Regulations, title 40, section 264.191(a), as amended, must  
5 conduct and keep this assessment on file as required by that  
6 section. Owners or operators of all other existing tank systems  
7 must conduct this assessment by February 8, 1990. Owners or  
8 operators of tank systems that store or treat materials that  
9 become hazardous wastes must conduct this assessment within 12  
10 months after the date the waste becomes a hazardous waste.

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

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

13 Subp. 4. **Containment and detection of releases.** The  
14 following requirements apply to the containment and detection of  
15 releases from tanks:

16 A. In order to prevent the release of hazardous waste  
17 or hazardous constituents to the environment, secondary  
18 containment that meets the requirements of this part must be  
19 provided, except as provided in item H.

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

21 Subp. 5. [See repealer.]

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

23 Subp. 8. **Response to leaks or spills and disposition of**  
24 **leaking or unfit for use tank systems.** The owner or operator of  
25 a tank system or secondary containment system from which there  
26 has been a leak or spill, or which is unfit for use, must  
27 satisfy the following requirements:

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

29 C. The owner or operator must immediately conduct a  
30 visual inspection of the release and, based upon that inspection:

31 (1) prevent further migration of the leak or  
32 spill to soils or surface water; and

33 (2) remove and properly manage any visible  
34 contamination of the soil or surface water.

35 D. Notification and reports.

36 (1) Any release to the environment must be

1 reported immediately upon detection to the Minnesota duty  
2 officer at (612) 649-5451 or (800) 627-3529.

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

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

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

6 Subp. 10. **Special requirements for ignitable or reactive**  
7 **waste.** Ignitable or reactive waste must not be placed in a tank  
8 unless:

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

10 C. the tank is used solely for emergencies.

11 The owner or operator of a facility that treats or stores  
12 ignitable or reactive waste in a tank shall comply with the  
13 requirements for the maintenance of protective distances between  
14 the waste management area and any public ways, streets, alleys,  
15 or an adjoining property line that can be built upon, as  
16 required in the buffer zone requirements for tanks contained in  
17 article 79 of the Minnesota Uniform Fire Code, as incorporated  
18 by reference in part 7510.3310. As required by part 7045.0458,  
19 the waste analysis plan must include analyses needed to comply  
20 with these special requirements for ignitable or reactive waste.  
21 Additional requirements for ignitable and reactive wastes are  
22 contained in part 7045.0456, subpart 1. Part 7045.0456, subpart  
23 3 also requires waste analysis, trial tests, or other  
24 documentation to ensure compliance with part 7045.0456, subpart  
25 2. As required by part 7045.0478, the owner or operator shall  
26 place the results of each waste analysis and trial test, and any  
27 documented information, in the operating record of the facility.

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

29 7045.0541 DRIP PADS.

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

31 Subp. 2. **Leak collection system requirements.** The  
32 requirements of Code of Federal Regulations, title 40, section  
33 264.573(b)(3), as amended, apply only to:

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

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

1 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

2 Subpart 1. General requirements Parts 7045.0552 to  
3 7045.0642 establish minimum standards for the management of  
4 hazardous waste during the period of interim status and until  
5 certification of final closure or, if the facility is subject to  
6 postclosure requirements, until postclosure responsibilities are  
7 fulfilled. These standards apply to owners and operators of  
8 existing facilities who have fully complied with the  
9 requirements for state or federal interim status until a permit  
10 is issued or until applicable interim status closure and  
11 postclosure responsibilities are fulfilled, and those who have  
12 failed to achieve state or federal interim status.

13 Parts 7045.0552 to 7045.0642 apply to the owners and  
14 operators of all facilities that treat, store, or dispose of  
15 hazardous waste referred to in parts 7045.1300 to 7045.1380,  
16 land disposal restrictions, and those restrictions are  
17 considered material conditions or requirements of parts  
18 7045.0552 to 7045.0642, interim status standards.

19 [For text of subps 1a to 4, see M.R.]

20 7045.0556 GENERAL FACILITY STANDARDS.

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

22 Subp. 5. General inspection requirements. General  
23 inspection requirements are listed in items A to E.

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

25 C. The frequency of inspection may vary for the items  
26 on the schedule. However, it must be based on the rate of  
27 possible deterioration of the equipment and the probability of  
28 an environmental or human health incident if the deterioration  
29 or malfunction or any operator error goes undetected between  
30 inspections. Areas subject to spills, such as loading and  
31 unloading areas, must be inspected daily when in use. The  
32 inspection schedule must include the terms and frequencies  
33 called for in parts 7045.0626, subpart 5; 7045.0628, subparts 4  
34 and 7; 7045.0630, subpart 5; 7045.0632, subpart 9; 7045.0634,  
35 subpart 4; 7045.0638, subpart 2c; 7045.0640, subpart 4; and

1 7045.0642, subpart 4; and the process vent and equipment leak  
2 standards in Code of Federal Regulations, title 40, sections  
3 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

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

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

6 7045.0558 PERSONNEL TRAINING.

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

8 Subp. 4. **Effective date.** Facility personnel shall  
9 successfully complete the program required in subpart 3 within  
10 six months after the date of their employment or assignment to a  
11 facility or to a new position at a facility. Facility personnel  
12 not subject to the requirements of Code of Federal Regulations,  
13 title 40, section 265.16, as amended, shall successfully  
14 complete the program required in subpart 3 within six months  
15 after the date of their employment or assignment to a facility  
16 or assignment to a new position at a facility. Employees hired  
17 after July 16, 1984, shall not work in unsupervised positions  
18 until they have completed the training requirements of subparts  
19 1 to 3.

20 [For text of subps 5 to 7, see M.R.]

21 7045.0562 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR  
22 INCOMPATIBLE WASTE.

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

24 Subp. 1a. **Segregation of incompatible waste.** Hazardous  
25 waste that is incompatible with any waste or other materials  
26 located nearby must be adequately separated from the other  
27 materials or protected from them by means of a dike, berm, wall,  
28 or other device.

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

30 Subp. 3. **Documentation of compliance.** When required to  
31 comply with this part, the owner or operator shall document that  
32 compliance. This documentation may be based on reference to  
33 published scientific or engineering literature, data from trial  
34 tests, waste analyses, or the results of the treatment of  
35 similar wastes by similar treatment processes and under similar

1 operating conditions.

2 7045.0584 OPERATING RECORD.

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

4 Subp. 3. **Record information.** The following information  
5 must be recorded, as it becomes available, and maintained in the  
6 operating record until closure of the facility:

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

8 H. Monitoring, testing, or analytical data, and  
9 corrective action where required by parts 7045.0556, subpart 8;  
10 7045.0590, subparts 1, 6, 7, and 8; 7045.0592, subparts 1 and 7;  
11 7045.0628, subparts 2, 4, and 7; 7045.0630, subparts 2a, 3, and  
12 5; 7045.0632, subparts 4b, 8, and 9; 7045.0634, subparts 4 and  
13 6, item D, subitem (1); 7045.0636; 7045.0638, subparts 2a, 2b,  
14 and 2c; and 7045.0640, subpart 4, and the process vent and  
15 equipment leak test methods and procedures and record keeping  
16 requirements in Code of Federal Regulations, title 40, sections  
17 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064,  
18 as amended. As required by parts 7045.0590, subparts 6 and 7;  
19 and 7045.0592, subpart 7, monitoring data at disposal facilities  
20 must be kept throughout the postclosure period.

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

22 7045.0594 CLOSURE.

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

24 Subp. 2. **Closure performance standard.** The owner or  
25 operator shall close the facility in a manner minimizing the  
26 need for further maintenance. Closure procedures must result in  
27 controlling, minimizing, or eliminating, to the extent necessary  
28 to protect human health and the environment, post closure escape  
29 of hazardous waste, hazardous constituents, leachate,  
30 contaminated runoff, or hazardous waste decomposition products  
31 to the ground or surface waters or to the atmosphere, in  
32 accordance with all closure requirements including the  
33 requirements of parts 7045.0630, subpart 6; 7045.0632, subpart  
34 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640,  
35 subpart 5; and 7045.0642, subpart 5.

1 Subp. 3. Submittal of closure plan. The closure plans  
2 must be submitted as follows:

3 A. A copy of the written closure plan and all  
4 revisions to the plan must be furnished to the commissioner upon  
5 request, including request by mail until final closure is  
6 completed and certified. For facilities without approved  
7 closure plans, the plan must also be provided to the  
8 commissioner as requested, during site inspections on the day of  
9 the inspection. The plan must identify steps necessary to  
10 perform partial and/or final closure of the facility at any  
11 point during its active life. The closure plan must include:

12 (1) A description of how each hazardous waste  
13 management unit will be closed, if applicable, and how the  
14 facility will be finally closed, in accordance with subpart 2.  
15 The description must identify the maximum extent of the  
16 operation which will be unclosed during the active life of the  
17 facility and how the requirements of subpart 2, part 7045.0596,  
18 and the applicable closure requirements of parts 7045.0626,  
19 subpart 8; 7045.0630, subpart 6; 7045.0632, subpart 7;  
20 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart  
21 5; 7045.0642, subpart 5; and 7045.0655, subpart 6, will be met;

22 [For text of subitems (2) to (6), see M.R.]

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

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

25 7045.0610 COST ESTIMATE FOR FACILITY CLOSURE.

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



1 as indicated by its closure plan. The closure cost shall be  
2 estimated as follows:

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

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

5 7045.0620 LIABILITY REQUIREMENTS.

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

7 Subp. 2. Coverage for nonsudden accidental occurrences.

8 An owner or operator of a surface impoundment, landfill, or land  
9 treatment facility which is used to manage hazardous waste, or a  
10 group of these facilities, shall demonstrate financial  
11 responsibility for bodily damage and property damage to third  
12 parties caused by nonsudden accidental occurrences arising from  
13 operations of the facility or group of facilities. The owner or  
14 operator shall have and maintain liability coverage for  
15 nonsudden accidental occurrences in the amount of at least  
16 \$3,000,000 per occurrence with an annual aggregate of at least  
17 \$6,000,000, exclusive of legal defense costs. This liability  
18 coverage may be demonstrated in one of three ways as specified  
19 in items A, B, and C:

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

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

22 7045.0628 TANK SYSTEMS.

23 Subpart 1. Scope. This part applies to owners and  
24 operators of facilities that use tank systems, including tank  
25 systems, sumps, and other such collection devices or systems  
26 used in conjunction with drip pads, as defined in part 7045.0020  
27 and regulated under part 7045.0644, to treat or store hazardous  
28 waste, except as items A and B and part 7045.0552 provide  
29 otherwise.

30 A. Tank systems that are used to store or treat  
31 hazardous waste containing no free liquids and that are located  
32 inside a building with an impermeable floor are exempt from the  
33 requirements of subpart 4. To demonstrate the absence or  
34 presence of free liquids in the stored or treated waste, EPA  
35 Method 9095 (Paint Filter Liquids Test) as described in "Test

1 Methods for Evaluating Solid Wastes, Physical/Chemical Methods"  
2 (EPA Publication No. SW-846) must be used.

3 B. Tank systems, including sumps, as defined in part  
4 7045.0020 that serve as part of a secondary containment system  
5 to collect or contain releases of hazardous wastes are exempted  
6 from the requirements in subpart 4.

7 Subp. 2. Assessment of existing tank system's integrity.  
8 The following requirements apply to existing tank systems:

9 A. For each existing tank system that does not have  
10 secondary containment meeting the requirements of subpart 4, the  
11 owner or operator must determine whether the tank system is  
12 leaking or is unfit for use. Except as provided in item C, the  
13 owner or operator must obtain and keep on file at the facility a  
14 written assessment reviewed and certified by an independent,  
15 qualified, registered professional engineer that attests to the  
16 tank system's integrity. The certification must include the  
17 statements in parts 7001.0070 and 7001.0540.

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

19 C. Owners or operators of tank systems that were  
20 required to conduct this assessment by Code of Federal  
21 Regulations, title 40, section 265.191(a), as amended, must  
22 conduct and keep this assessment on file as required by that  
23 section. Owners or operators of all other existing tank systems  
24 must conduct this assessment by February 8, 1990. Owners or  
25 operators of tank systems that store or treat materials that  
26 become hazardous wastes must conduct this assessment within 12  
27 months after the date that the waste becomes a hazardous waste.

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

29 Subp. 3. Design and installation of new tank systems or  
30 components.

31 A. Owners or operators of new tank systems or  
32 components must ensure that the foundation, structural support,  
33 seams, connections, and pressure controls, if applicable, are  
34 adequately designed and that the tank system has sufficient  
35 structural strength, compatibility with the waste to be stored  
36 or treated, and corrosion protection so that it will not

1 collapse, rupture, or fail. The owner or operator must obtain a  
2 written assessment reviewed and certified by an independent,  
3 qualified, registered professional engineer, attesting that the  
4 system has sufficient structural integrity and is acceptable for  
5 the storing and treating of hazardous waste. Owners or  
6 operators of new tank systems that were required to conduct this  
7 assessment by Code of Federal Regulations, title 40, section  
8 265.192(a), as amended, must conduct and keep this assessment on  
9 file as required by that regulation. Owners and operators of  
10 other new tank systems shall conduct this assessment by February  
11 8, 1989, and keep it on file at the facility. The certification  
12 must include the statements in parts 7001.0070 and 7001.0540.

13 This assessment must include the following information:

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

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

16 **Subp. 4. Containment and detection of releases.**

17 A. In order to prevent the release of hazardous waste  
18 or hazardous constituents to the environment, secondary  
19 containment that meets the requirements of this part must be  
20 provided, except as provided in item H.

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

22 **Subp. 5. [See repealer.]**

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

24 **Subp. 8. Responses to leaks or spills and disposition of**  
25 **unfit for use tank systems.** A tank system or secondary  
26 containment system from which there has been a leak or spill, or  
27 which is unfit for use, must be removed from service  
28 immediately, and the owner or operator must satisfy the  
29 following requirements:

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

31 C. The owner or operator must immediately conduct a  
32 visual inspection of the release and, based upon that inspection:

33 (1) prevent further migration of the leak or  
34 spill to soils or surface water; and

35 (2) remove, and properly manage, any visible  
36 contamination of the soil or surface water.

1 D. Notifications, reports.

2 (1) Any release to the environment must be  
3 reported immediately upon detection to the Minnesota duty  
4 officer at (612) 649-5451 or (800) 627-3529.

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

6 E. Provision of secondary containment, repair, or  
7 closure.

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

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

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

11 Subp. 10. **Special requirements for ignitable or reactive**  
12 **waste.** Ignitable or reactive waste must not be placed in a tank  
13 unless:

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

15 B. the waste is stored or treated in such a way that  
16 it is protected from any material or conditions which may cause  
17 the waste to ignite or react; or

18 C. the tank is used solely for emergencies.

19 The owner or operator of a facility which treats or stores  
20 ignitable or reactive waste in a tank shall comply with the  
21 requirements for the maintenance of protective distances between  
22 the waste management area and any public ways, streets, alleys,  
23 or an adjoining property line that can be built upon, as  
24 required in the buffer zone requirements for tanks, contained in  
25 article 79 of the Minnesota Uniform Fire Code, as incorporated  
26 by reference in part 7510.3310.

27 [For text of subps 11 and 12, see M.R.]

28 7045.0629 REQUIREMENTS FOR SMALL QUANTITY AND VERY SMALL  
29 QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

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

31 Subp. 5. **Ignitable and reactive wastes.** Generators  
32 regulated under this part must comply with the following special  
33 requirements for ignitable or reactive waste:

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

35 B. The owner or operator of a facility which treats

1 or stores ignitable or reactive waste in covered tanks must  
2 comply with the buffer zone requirements for tanks contained in  
3 article 79 of the Minnesota Uniform Fire Code, as incorporated  
4 by reference in part 7510.3310.

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

6 7045.0644 DRIP PADS.

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

8 Subp. 2. **Leak collection system requirements.** The  
9 requirement of Code of Federal Regulations, title 40, section  
10 265.443(b)(3), as amended, applies only to:

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

12 Subp. 3. **Indoor drip pads.** The owner or operator of any  
13 drip pad that is inside or under a structure that provides  
14 protection from precipitation so that neither runoff nor run-on  
15 is generated is not subject to regulation under Code of Federal  
16 Regulations, title 40, section 265.573(e) or 265.573(f), as  
17 amended, as appropriate.

18 Subp. 4. **Incidental drippage in storage yards.** The  
19 requirements of Code of Federal Regulations, title 40, part 265,  
20 subpart W, as amended, are not applicable to the management of  
21 infrequent and incidental drippage in storage yards provided  
22 that the owner or operator maintains and complies with a written  
23 contingency plan that describes how the owner or operator will  
24 respond immediately to the discharge of such infrequent and  
25 incidental drippage. At a minimum, the contingency plan must  
26 describe how the owner or operator will do the following:

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

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

29 7045.0665 USE CONSTITUTING DISPOSAL.

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

31 Subp. 1a. **Land application prohibition.** The following  
32 materials may not be placed in solid waste, in or on the land,  
33 or in or on waters of the state unless approved by the  
34 commissioner:

35 A. hazardous waste; and

1 B. a mixture of hazardous waste and other material.

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

3 7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

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

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

9 B. Used oil that exhibits a characteristic of  
10 hazardous waste as identified in part 7045.0131, provided that  
11 it has not been intentionally mixed with a characteristic  
12 hazardous waste, and is regulated as a used oil fuel in parts  
13 7045.0790 to ~~7045-0995~~ 7045.0990.

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

15 D. Mixtures of used oil and waste that is hazardous  
16 solely for the characteristic of ignitability in part 7045.0131,  
17 subpart 2, provided the waste is generated by a person who in a  
18 calendar month generates no more than 100 kilograms of hazardous  
19 waste. This mixture is regulated as provided in part  
20 7045.0800. If the waste is generated by a person who in a  
21 calendar month generates more than 100 kilograms of hazardous  
22 waste, part 7045.0800 applies.

23 E. Used oil being burned for energy recovery as  
24 regulated in parts 7045.0790 to ~~7045-0995~~ 7045.0990.

25 [For text of subs 2 to 6, see M.R.]

26 **MANAGEMENT OF USED OIL**

27 7045.0790 DEFINITIONS.

28 Subpart 1. **Scope.** The following terms used in parts  
29 7045.0790 to ~~7045-0995~~ 7045.0990 have the meanings given them in  
30 this part. Terms defined in part 7045.0020 have the same  
31 meanings when used in parts 7045.0790 to ~~7045-0995~~ 7045.0990.  
32 The terms "used oil" and "used oil filters" are defined in part  
33 7045.0020.

34 Subp. 2. **Aboveground tank.** "Aboveground tank" means a  
35 tank used to store or process used oil that is not an

1 underground storage tank as defined in Code of Federal  
2 Regulations, title 40, section 280.12, as amended.

3 Subp. 3. **Container.** "Container" means any portable device  
4 in which a material is stored, transported, treated, disposed  
5 of, or otherwise handled.

6 Subp. 4. **Do-it-yourselfer used oil.** "Do-it-yourselfer  
7 used oil" means used oil that is derived from households, such  
8 as used oil generated by individuals who generate used oil  
9 through the maintenance of their personal vehicles, machinery,  
10 or equipment.

11 Subp. 5. **Do-it-yourselfer used oil collection center.**  
12 "Do-it-yourselfer used oil collection center" means any site or  
13 facility that accepts or aggregates, or both, and stores used  
14 oil collected only from do-it-yourselfer used oil generators.

15 Subp. 6. **Do-it-yourselfer used oil generator.**  
16 "Do-it-yourselfer used oil generator" means an individual who  
17 generates do-it-yourselfer used oil.

18 Subp. 7. **Existing tank.** "Existing tank" means a tank that  
19 is used for the storage or processing of used oil and that is in  
20 operation, or for which installation has commenced on or prior  
21 to the effective date of this part. Installation is considered  
22 to have commenced if the owner or operator has obtained all  
23 federal, state, and local approvals or permits necessary to  
24 begin installation of the tank and if either a continuous  
25 on-site installation program has begun, or the owner or operator  
26 has entered into binding contractual obligations for  
27 installation of the tank to be completed within a reasonable  
28 time.

29 Subp. 8. **New tank.** "New tank" means a tank that will be  
30 used to store or process used oil and for which installation has  
31 commenced after the effective date of this part.

32 Subp. 9. **Petroleum refining facility.** "Petroleum refining  
33 facility" means an establishment primarily engaged in producing  
34 gasoline, kerosene, distillate fuel oils, residual fuel oils,  
35 and lubricants through fractionation and straight distillation  
36 of crude oil, redistillation of unfinished petroleum

1 derivatives, cracking, or other processes. Only facilities  
2 classified as Standard Industrial Code 2911 are petroleum  
3 refining facilities. Rerefinerries are not considered petroleum  
4 refining facilities.

5 Subp. 10. **Processing.** "Processing" means chemical or  
6 physical operations designed to produce from used oil, or to  
7 make used oil more amenable for production of, fuel oils,  
8 lubricants, or other used oil-derived products. Processing  
9 includes, but is not limited to: blending used oil with virgin  
10 petroleum products, blending used oils to meet the fuel  
11 specifications, filtration, simple distillation, chemical or  
12 physical separation, and rerefining.

13 Subp. 11. **Rerefining distillation bottoms.** "Rerefining  
14 distillation bottoms" means the heavy fraction produced by  
15 vacuum distillation of filtered and dehydrated used oil. The  
16 composition of used oil bottoms varies with column operation and  
17 feedstock.

18 Subp. 12. **Tank.** "Tank" means any stationary device,  
19 designed to contain used oil, which is constructed primarily of  
20 nonearthen materials and which provides structural support.

21 Subp. 13. **Used oil aggregation point.** "Used oil  
22 aggregation point" means any site or facility that accepts,  
23 aggregates, and/or stores used oil collected only from other  
24 used oil generation sites owned or operated by the owner or  
25 operator of the aggregation point in shipments of no more than  
26 55 gallons. Used oil aggregation points may also accept  
27 do-it-yourselfer used oil.

28 Subp. 14. **Used oil burner.** "Used oil burner" means a  
29 facility where used oil not meeting the used oil fuel  
30 specifications of part 7045.0840 is burned for energy recovery  
31 in devices identified in part 7045.0885.

32 Subp. 15. **Used oil collection center.** "Used oil  
33 collection center" means any site or facility that is licensed  
34 by the commissioner or by a county government to manage used oil  
35 and that accepts or aggregates, or both, and stores used oil  
36 collected from do-it-yourselfer used oil generators and/or used



1 oil generators regulated under part 7045.0855 who bring used oil  
 2 to the used oil collection center in shipments of no more than  
 3 55 gallons under the provisions of part 7045.0855.

4 Subp. 16. Used oil fuel marketer. "Used oil fuel marketer"  
 5 means any person who directs a shipment of off-specification  
 6 used oil to a used oil burner, or who first claims that used oil  
 7 that is to be burned for energy recovery meets the used oil fuel  
 8 specifications in part 7045.0840.

9 Subp. 17. Used oil generator. "Used oil generator" means  
 10 any person, by site, whose act or process produces used oil or  
 11 other waste contaminated with used oil or whose act first causes  
 12 used oil or other waste contaminated with used oil to become  
 13 subject to regulation.

14 Subp. 18. Used oil processor/rerefiner. "Used oil  
 15 processor/rerefiner" means a facility that processes used oil.

16 Subp. 19. Used oil transfer facility. "Used oil transfer  
 17 facility" means any transportation-related facility, including  
 18 loading docks, parking areas, storage areas, or other areas,  
 19 where shipments of used oil are held for more than 24 hours, but  
 20 not longer than 35 days during the normal course of  
 21 transportation or prior to an activity performed pursuant to  
 22 part ~~7045-0853~~ 7045.0855, subpart 8 7, item B. ~~Used-oil~~  
 23 ~~transfer-facilities-are-subject-to-part-7045-0875-~~

24 Subp. 20. Used oil transporter. "Used oil transporter"  
 25 means any person who transports used oil, any person who  
 26 collects used oil from more than one used oil generator and  
 27 transports the collected oil, and owners and operators of used  
 28 oil transfer facilities.

29 7045.0795 APPLICABILITY.

30 Parts 7045.0790 to ~~7045-0995~~ 7045.0990 identify those  
 31 materials that are and are not subject to regulation as used oil  
 32 under parts 7045.0790 to ~~7045-0995~~ 7045.0990. For reporting  
 33 purposes, the waste code number for used oil ~~and-wastes-subject~~  
 34 ~~to-regulation-as-used-oil~~ that ~~are~~ is not intended for recycling  
 35 or that is managed as hazardous waste is ~~M100~~ the appropriate

1 hazardous waste number for any waste listed in part 7045.0135  
2 contained in the used oil, the appropriate hazardous waste  
3 number for any hazardous waste characteristic of part 7045.0131  
4 the used oil displays, or, if no other waste numbers are  
5 applicable, MN04. Parts 7045.0790 to ~~7045.0995~~ 7045.0990 also  
6 identify parties who are subject to the requirements of parts  
7 7045.0790 to ~~7045.0995~~ 7045.0990 for the used oil activities  
8 they perform, and the requirements they must follow.

9 7045.0800 MIXTURES OF USED OIL AND HAZARDOUS WASTE.

10 Subpart 1. **Generally.** Hazardous waste that is to be mixed  
11 with used oil is subject to this chapter until it is mixed with  
12 used oil. Hazardous wastes that are mixed with used oil are  
13 included in the determination of generator size under part  
14 7045.0206 and generator fees under this chapter. After mixing  
15 has occurred, the mixture is regulated as specified in this part.

16 Subp. 2. **Listed waste.** Mixtures of used oil and hazardous  
17 waste that is listed in part 7045.0135 are regulated as the  
18 listed waste or wastes that are contained in the mixture, except  
19 as specified in subpart 4.

20 Subp. 3. **Rebuttable presumption of mixing.** Except as  
21 provided in items A ~~and B~~ to C, used oil containing more than  
22 1,000 ppm total halogens is presumed to have been mixed with a  
23 halogenated hazardous waste listed in part 7045.0135, and thus  
24 is subject to regulation as a listed hazardous waste. Persons  
25 may rebut this presumption by demonstrating that the used oil  
26 does not contain hazardous waste. Demonstration must either  
27 involve applying knowledge of the source of halogens or the use  
28 of an analytical method from SW-846, Edition III, (such as  
29 method ~~8010~~ 8010A or 8021) as incorporated by reference in part  
30 7045.0065, to show that the used oil does not contain greater  
31 than 100 ppm of any individual halogenated hazardous constituent  
32 listed in part 7045.0139.

33 A. Metalworking oils and fluids containing  
34 chlorinated paraffins processed through a tolling arrangement  
35 described in part 7045.0855, subpart 5 4, item B, are not

1 presumed to be mixed with halogenated hazardous waste listed in  
2 part 7045.0135.

3 B. Used oils contaminated with chlorofluorocarbons  
4 (CFCs) removed from refrigeration units where the CFCs present  
5 in the used oil are destined for reclamation are not presumed to  
6 be mixed with halogenated hazardous waste listed in part  
7 7045.0135. The rebuttable presumption does apply to used oils  
8 contaminated with CFCs that have been mixed with used oil from  
9 sources other than refrigeration units.

10 C. Used oil contaminated with household waste exempt  
11 from regulation as hazardous waste by part 7045.0120, subpart 1,  
12 item A, is regulated as used oil under parts 7045.0790 to  
13 7045.0990. The source of contaminants in the used oil must be  
14 shown to be from a household source for the used oil to qualify  
15 for this exemption.

16 Subp. 4. **Characteristic waste.** Mixtures of used oil and  
17 hazardous waste that solely exhibits one or more of the  
18 hazardous waste characteristics identified in part 7045.0131 and  
19 mixtures of used oil and hazardous waste that is listed in part  
20 7045.0135 solely because it exhibits one or more of the  
21 characteristics of hazardous waste identified in part 7045.0131  
22 are subject to:

23 A. except as provided in items B~~7~~-E~~7~~, and D C,  
24 regulation as hazardous waste under this chapter, rather than as  
25 used oil under parts 7045.0790 to ~~7045-0995~~ 7045.0990;

26 B. except as provided in ~~items~~ item C and-D,  
27 regulation as used oil under parts 7045.0790 to ~~7045-0995~~  
28 7045.0990 and regulation under the land disposal restrictions of  
29 parts 7045.1300 to 7045.1380, if the resultant mixture does not  
30 exhibit any characteristic of hazardous waste identified in part  
31 7045.0131; or

32 ~~C. regulation-as-used-oil-under-parts-7045-0790-to~~  
33 ~~7045-0995-if-the-mixture-is-of-used-oil-and-a-waste-which-is~~  
34 ~~hazardous-solely-because-it-exhibits-the-characteristic-of~~  
35 ~~ignitability,provided-the-resultant-mixture-does-not-exhibit~~  
36 ~~the-characteristic-of-ignitability-under-part-7045-0131,subpart~~

1 ~~27-0r~~

2 ~~D.~~ regulation as used oil under parts 7045.0790 to  
3 ~~7045.0995~~ 7045.0990 if the following conditions are met:

4 (1) the mixture is a mixture of a very small  
5 quantity generator's hazardous waste and used oil;

6 (2) the very small quantity generator's hazardous  
7 waste is a nonchlorinated, petroleum-based solvent with a flash  
8 point of greater than 100 degrees Fahrenheit, and is not a paint  
9 waste containing heavy metals found on the list of contaminants  
10 for the toxicity characteristic in part 7045.0131, subpart 8, in  
11 excess of their maximum concentrations; and

12 (3) the concentration of hazardous waste in the  
13 resulting mixture does not exceed ten percent by volume.

14 7045.0805 WASTE CONTAINING OR CONTAMINATED WITH USED OIL.

15 A. Waste contaminated with used oil that is destined  
16 for disposal is subject to evaluation under ~~part-7045-0131~~ parts  
17 7045.0102 to 7045.0143 to determine if it is hazardous waste,  
18 and subsequent the appropriate solid or hazardous waste  
19 management standards based on the results of the evaluation,  
20 unless the waste is:

21 (1) recycled as used oil under parts 7045.0790 to  
22 ~~7045.0995~~ 7045.0990; and

23 (2) rated at at least 5,000 Btus per pound, if  
24 recycled by burning for energy recovery.

25 B. Waste contaminated with used oil must be free of  
26 all visible signs of free-flowing oil before leaving the  
27 generator's site.

28 C. Used oil drained or removed from waste  
29 contaminated with used oil is subject to regulation as used oil  
30 under parts 7045.0790 to ~~7045.0995~~ 7045.0990.

31 D. Generators of waste contaminated with used oil  
32 that is recycled according to this part are subject to part  
33 7045.0855, subparts ~~27-37~~ and 5 4, and if burning waste on-site,  
34 subpart ~~4~~ 3.

35 E. This part does not apply to used oil filters

1 recycled under the scrap metal exemption of part 7045.0125,  
2 subpart 4, item C, and the requirements of part ~~7045-0995~~  
3 7045.0990.

4 7045.0810 MIXTURES OF USED OIL WITH FUEL PRODUCTS AND REUSE OF  
5 USED OIL.

6 A. Except as provided in items B and C, mixtures of  
7 used oil and fuels or other fuel products are subject to  
8 regulation as used oil under parts 7045.0790 to ~~7045-0995~~  
9 7045.0990.

10 B. Mixtures of used oil and diesel fuel mixed on-site  
11 by the generator of the used oil for use in the generator's own  
12 vehicles are not subject to regulation as used oil under parts  
13 7045.0790 to ~~7045-0995~~ 7045.0990 once the used oil and diesel  
14 fuel have been mixed. Prior to mixing, the used oil is subject  
15 to the requirements of part 7045.0855.

16 C. Persons intending to use used oil or materials  
17 contaminated with used oil either as an ingredient in a product  
18 or as a product used in a dissimilar manner from the original  
19 intended use of the oil must submit information to the  
20 commissioner:

21 (1) explaining how the product will be used in a  
22 manner that does not constitute improper disposal under part  
23 7045.0845; and

24 (2) proving that the product will not exhibit the  
25 toxicity characteristic of part 7045.0131, subpart 7, such as  
26 proof that the used oil used in the product does not exhibit the  
27 toxicity characteristic. Additional proof must be submitted to  
28 the commissioner if the source or nature of the used oil used in  
29 the product or as the product changes in a manner that may cause  
30 the product to exhibit the toxicity characteristic.

31 D. Used oil that is reused for its original intended  
32 purpose or a similar purpose without first being processed is  
33 not subject to regulation under this chapter.

34 7045.0815 MATERIALS DERIVED FROM USED OIL.

35 A. Materials that are reclaimed from used oil that

1 are used beneficially and are not burned for energy recovery or  
2 used in a manner constituting disposal, for example, rerefined  
3 lubricants, are considered to be a product and are:

4 (1) not used oil and thus not subject to parts  
5 7045.0790 to ~~7045-0995~~ 7045.0990; and

6 (2) not hazardous waste and thus not subject to  
7 this chapter.

8 B. Materials produced from used oil that are burned  
9 for energy recovery (used oil fuels) are subject to regulation  
10 as used oil under parts 7045.0790 to ~~7045-0995~~ 7045.0990, unless  
11 the materials meet the fuel specifications of part 7045.0840.

12 C. Materials derived from used oil that are disposed  
13 of or used in a manner constituting disposal are:

14 (1) not used oil and thus not subject to parts  
15 7045.0790 to ~~7045-0995~~ 7045.0990; and

16 (2) wastes subject to evaluation under part  
17 7045.0131 to determine whether or not they are hazardous wastes  
18 subject to this chapter.

19 7045.0820 WASTEWATER.

20 Wastewater, the discharge of which is subject to regulation  
21 under either section 307(b) or 402 of the Clean Water Act,  
22 including wastewaters at facilities which have eliminated the  
23 discharge of wastewaters, contaminated with de minimis  
24 quantities of used oil are not subject to the requirements of  
25 parts 7045.0790 to ~~7045-0995~~ 7045.0990. For purposes of this  
26 part, "de minimis quantities of used oil" means unintentional,  
27 unavoidable small spills, leaks, or drippings from pumps,  
28 machinery, pipes, and other similar equipment during normal  
29 operations or small amounts of used oil lost to the wastewater  
30 treatment systems during washing or draining operations. This  
31 exception does not apply if the used oil is discarded  
32 intentionally or as a result of abnormal manufacturing  
33 operations resulting in substantial leaks, spills, or other  
34 releases, or to used oil recovered from wastewaters. Wastewater  
35 from which used oil has been removed to the extent possible is

1 not subject to the requirements of parts 7045.0790 to 7045.0990.

2 7045.0825 USED OIL INTRODUCED INTO CRUDE OIL PIPELINES OR A  
3 PETROLEUM REFINING FACILITY.

4           A. Used oil mixed with crude oil or natural gas  
5 liquids (for example, in a production separator or crude oil  
6 stock tank) for insertion into a crude oil pipeline is exempt  
7 from the requirements of parts 7045.0790 to ~~7045.0995~~ 7045.0990.  
8 The used oil is subject to the requirements of parts 7045.0790  
9 to ~~7045.0995~~ 7045.0990 prior to the mixing of used oil with  
10 crude oil or natural gas liquids.

11           B. Mixtures of used oil and crude oil or natural gas  
12 liquids containing less than one percent used oil that are being  
13 stored or transported to a crude oil pipeline or petroleum  
14 refining facility for insertion into the refining process at a  
15 point prior to crude distillation or catalytic cracking are  
16 exempt from the requirements of parts 7045.0790 to  
17 ~~7045.0995~~ 7045.0990.

18           C. Used oil that is inserted into the petroleum  
19 refining facility process before crude distillation or catalytic  
20 cracking without prior mixing with crude oil is exempt from the  
21 requirements of parts 7045.0790 to ~~7045.0995~~ 7045.0990, provided  
22 that the used oil constitutes less than one percent of the crude  
23 oil feed to any petroleum refining facility process unit at any  
24 given time. Prior to insertion into the petroleum refining  
25 facility process, the used oil is subject to the requirements of  
26 parts 7045.0790 to ~~7045.0995~~ 7045.0990.

27           D. Except as provided in item E, used oil that is  
28 introduced into a petroleum refining facility process after  
29 crude distillation or catalytic cracking is exempt from the  
30 requirements of parts 7045.0790 to ~~7045.0995~~ 7045.0990 only if  
31 the used oil meets the specifications of part 7045.0840. Prior  
32 to insertion into the petroleum refining facility process, the  
33 used oil is subject to the requirements of parts 7045.0790 to  
34 ~~7045.0995~~ 7045.0990.

35           E. Used oil that is incidentally captured by a

1 hydrocarbon recovery system or wastewater treatment system as  
2 part of routine process operations at a petroleum refining  
3 facility process is exempt from the requirements of parts  
4 7045.0790 to ~~7045-0995~~ 7045.0990. This exemption does not  
5 extend to used oil which is intentionally introduced into a  
6 hydrocarbon recovery system, for example, by pouring collected  
7 used oil into the wastewater treatment system.

8 F. Tank bottoms from stock tanks containing exempt  
9 mixtures of used oil and crude oil, or natural gas liquids, are  
10 exempt from parts 7045.0790 to 7045.0990.

11 7045.0830 USED OIL ON VESSELS.

12 Used oil generated on vessels from normal shipboard  
13 operations is not subject to parts 7045.0790 to ~~7045-0995~~  
14 7045.0990 until it is transported ashore.

15 7045.0835 USED OIL CONTAINING PCBS.

16 A. In addition to the requirements of parts 7045.0790  
17 to ~~7045-0995~~ 7045.0990, marketers and burners of used oil who  
18 market used oil containing at least two ppm PCBs are subject to  
19 the requirements of Code of Federal Regulations, title 40,  
20 section 761.20(e), as amended.

21 B. Used oil containing at least 50 ppm PCBs is  
22 subject to the requirements of part 7045.0135, subpart 5.

23 7045.0840 USED OIL SPECIFICATIONS.

24 A. Used oil burned for energy recovery, and any fuel  
25 produced from used oil by processing, blending, or other  
26 treatment, is subject to regulation under parts 7045.0790 to  
27 ~~7045-0995~~ 7045.0990 unless it is shown not to exceed any of the  
28 allowable levels in ~~items~~ item B and-E. Once used oil that is  
29 to be burned for energy recovery has been shown not to exceed  
30 any of the specifications in ~~items~~ item B and-E and the person  
31 making that showing complies with part 7045.0895, subparts 4, 5,  
32 and 6, item B, the used oil is considered on-specification used  
33 oil and is no longer subject to the burning requirements of  
34 parts 7045.0790 to ~~7045-0995~~ 7045.0990. Used oil to be burned



1 as on-specification used oil must be shown to meet the  
 2 specifications of ~~items~~ item B and-E at least once per source.  
 3 Additional evaluation is not required unless the source of the  
 4 used oil changes in some manner that may cause used oil from  
 5 that source to exceed the specifications of item B.

6 B. Used oil to be burned for energy recovery is  
 7 considered on-specification if it does not exceed any of the  
 8 following allowable levels,~~except as provided in item E:~~

9	CONSTITUENT/PROPERTY	ALLOWABLE LEVEL
10		
11	Arsenic, total	5 ppm maximum
12	Cadmium, total	2 ppm maximum
13	Chromium, total	10 ppm maximum
14	Lead, total	100 ppm maximum
15	Flash point	100 degrees Fahrenheit minimum
16	Halogens, total	<del>17,000</del> 4,000 ppm maximum
17	PCBs, total	2 ppm maximum
18		

19 C. ~~Used oil that has been shown to not be a hazardous~~  
 20 ~~waste under parts 7045.0800, subpart 3, is on-specification used~~  
 21 ~~oil if it does not contain more than 4,000 ppm total halogens.~~

22 D. Persons who burn used oil that contains PCBs must  
 23 comply with the requirements of Code of Federal Regulations,  
 24 title 40, section 761.20(e), as amended.

25 7045.0845 PROHIBITIONS ON DISPOSAL OF USED OIL.

26 Subpart 1. Land disposal and land application  
 27 prohibition. No person shall place used oil in solid waste,  
 28 apply used oil as a dust suppressant or for road treatment, or  
 29 otherwise place used oil in or on the land or waters of the  
 30 state, including wastewater and stormwater collection systems,  
 31 except as provided in part 7045.0820 or unless approved by the  
 32 commissioner.

33 Subp. 2. Burning limitations. Persons shall burn  
 34 off-specification used oil fuel ~~for energy recovery~~ in only the  
 35 following devices:

36 A. industrial furnaces identified in part 7045.0020,  
 37 subpart 43b;

38 B. boilers, as defined in part 7045.0020, subpart 6a,  
 39 items C and D, or used oil-fired burning units provided the  
 40 burner meets the requirements of part 7045.0855, subpart ~~4~~ 3; or

1 C. hazardous waste incinerators subject to regulation  
2 under parts 7045.0542 and 7045.0640; or  
3 D. marine and diesel engines.

4 7045.0855 STANDARDS FOR USED OIL GENERATORS.

5 Subpart 1. **Applicability.** Except as provided in items A  
6 to C, this part applies to all used oil generators, owners and  
7 operators of do-it-yourselfer used oil collection centers,  
8 owners and operators of used oil collection centers, and owners  
9 and operators of used oil aggregation points. All of these  
10 parties may accept do-it-yourselfer used oil.

11 A. Do-it-yourselfer used oil generators are not  
12 subject to parts 7045.0790 to ~~7045-0995~~ 7045.0990.

13 B. Vessels at sea or at port are not subject to this  
14 part. For purposes of this part, used oil produced on vessels  
15 from normal shipboard operations is considered to be generated  
16 at the time it is transported ashore. The owner or operator of  
17 the vessel and the persons removing or accepting used oil from  
18 the vessel are cogenerators of the used oil and are both  
19 responsible for managing the waste in compliance with this part  
20 once the used oil is transported ashore. The cogenerators may  
21 decide among them which party will fulfill the requirements of  
22 this part.

23 C. Farmers who generate an average of no more than 25  
24 gallons per month of used oil from vehicles or machinery used on  
25 the farm in a calendar year are not subject to the requirements  
26 of parts 7045.0790 to ~~7045-0995~~ 7045.0990, except for parts  
27 7045.0845, subpart 1, and ~~7045-0995~~ 7045.0990, subpart 2.

28 Subp. 2. [Withdrawn at 20 SR ....]

29 Subp. 3 2. **Storage.**

30 A. Used oil generators shall comply with all  
31 applicable spill prevention, control, and countermeasures  
32 requirements of Code of Federal Regulations, title 40, part 112,  
33 as amended, in addition to the requirements of this part. Used  
34 oil generators shall also comply with the underground storage  
35 tank standards of Code of Federal Regulations, title 40, part

1 280, for used oil stored in underground tanks whether or not the  
2 used oil exhibits any characteristic of hazardous waste, in  
3 addition to the requirements of this part.

4 B. Used oil generators who store used oil for more  
5 than seven days in aboveground tanks of at least 110 gallons in  
6 size are subject to parts 7100.0010 to 7100.0090, in addition to  
7 the requirements of this part. Used oil generators who store at  
8 least 10,000 gallons of used oil at one time are subject to the  
9 requirements of Minnesota Statutes, chapter 115E, to prepare and  
10 maintain a discharge prevention and response plan, in addition  
11 to the requirements of this part. All used oil generators shall  
12 comply with the storage and use requirements of article 79 of  
13 the Minnesota Uniform Fire Code, as incorporated by reference in  
14 part 7510.3310, in addition to the requirements of this part.

15 C. Used oil generators shall not store used oil in  
16 units other than containers or tanks and must ensure that the  
17 following requirements for containers and tanks are met.  
18 Containers and tanks used to store used oil at generator sites  
19 must be in good condition and not leaking. Containers must be  
20 closed, except for containers that receive used oil directly  
21 from used oil filter crushing equipment or oil and water  
22 separation equipment. Containers must be placed on a  
23 surface that is reasonably impervious to used oil. Containers,  
24 aboveground tanks, and fill pipes of underground tanks used to  
25 store used oil at generator sites must be marked with the words  
26 "Used Oil."

27 D. Upon detection of a release of used oil to the  
28 environment not subject to the requirements of Code of Federal  
29 Regulation, title 40, part 280, subpart F, as amended, a  
30 generator must stop the release, contain the released used oil,  
31 clean up and manage properly the released used oil and other  
32 materials contaminated with used oil, and repair or replace any  
33 leaking used oil storage equipment prior to returning it to  
34 service to prevent future releases. A generator who disposes  
35 more than five gallons of used oil is subject to the  
36 notification requirements of Minnesota Statutes, section 115.061.

1           Subp. 4 3. On-site burning in small burning units designed  
2 to burn used oil. Generators who store used oil in vessels  
3 directly connected to burning units shall comply with article 61  
4 of the Minnesota Uniform Fire Code, as incorporated by reference  
5 in part 7510.3310. Generators may burn used oil in burning  
6 units designed to burn used oil provided that:

7           A. the unit burns used oil that the owner or operator  
8 generates, do-it-yourselfer used oil, used oil proven to be  
9 on-specification under part 7045.0840, or used oil aggregated at  
10 the site where the unit is located if the site is a used oil  
11 aggregation point;

12           B. the unit burns used oil for energy recovery;

13           C. the unit is designed to have a maximum capacity of  
14 not more than 0.5 million Btus per hour;

15           D. the combustion gases from the unit are vented to  
16 the out-of-doors; and

17           E. the unit is used in accordance with Minnesota  
18 Statutes, section 299F.015.

19           Subp. 5 4. Off-site shipments. Except as provided in  
20 items A and B, generators must ensure that their used oil is  
21 transported only by transporters who have obtained EPA  
22 identification numbers.

23           A. Generators may, without notifying the EPA that  
24 they are transporting used oil, transport used oil that is  
25 generated at the generator's site; used oil generated at another  
26 site by the generator, such as used oil generated by contractors  
27 at other businesses from servicing equipment; and  
28 do-it-yourselfer used oil to a licensed used oil collection  
29 center or a licensed used oil aggregation point owned by the  
30 generator provided that the generator transports no more than 55  
31 gallons of used oil at any time in a vehicle owned by the  
32 generator or owned by an employee of the generator.

33           B. Used oil generators may arrange for used oil to be  
34 transported by a transporter without an EPA identification  
35 number if the used oil is reclaimed under a contractual  
36 agreement pursuant to which reclaimed oil is returned by the

1 processor/rerefiner to the generator for use as a lubricant,  
2 cutting oil, or coolant. The tolling arrangement contract must  
3 indicate the type of oil and the frequency of shipments, that  
4 the vehicle used to transport the used oil to the  
5 processing/rerefining facility and to deliver recycled used oil  
6 back to the generator is owned and operated by the used oil  
7 processor/rerefiner, and that the reclaimed oil will be returned  
8 to the generator.

9 C. Used oil generators must keep records, for  
10 example, receipts or a log, of every shipment of used oil  
11 leaving the generator site. Records for each shipment must  
12 include the quantity of used oil shipped, the date of the  
13 shipment, and the name and EPA identification number of the  
14 transporter, if applicable. Used oil generators must maintain  
15 these records at the generator site or at the offices of the  
16 generator for sites that are not staffed by the generator for a  
17 minimum of three years from the date of shipment.

18 Subp. 6 5. Hazardous waste mixing.

19 A. Generators shall not mix hazardous waste with used  
20 oil, except as provided in part 7045.0800. The rebuttable  
21 presumption of part 7045.0800, subpart 3, applies to used oil  
22 managed by generators.

23 B. Generators that mix hazardous waste with used oil  
24 under part 7045.0800 must keep records for each act of mixing of  
25 the dates the mixing was performed, the amounts of used oil and  
26 hazardous waste mixed together, and the results of any analyses  
27 used to determine if the used oil is classified as hazardous  
28 waste under part 7045.0800. Hazardous waste mixed with used oil  
29 under part 7045.0800 is not exempt from the generator size  
30 determination requirements of part 7045.0206, subpart 5, item C.

31 Subp. 7 6. Closure.

32 A. ~~Owners-and-operators~~ Generators who store or  
33 process used oil in aboveground tanks must to the extent  
34 practical, at closure of the tank system, remove or  
35 decontaminate visible residues in tanks, contaminated  
36 containment system components, contaminated soils, and

1 structures and equipment contaminated with used oil and manage  
2 them as hazardous waste unless the materials are not hazardous  
3 waste under parts 7045.0102 to 7045.0143. ~~If the owner or~~  
4 ~~operator demonstrates that not all contaminated soils can be~~  
5 ~~practicably removed or decontaminated as required in this item,~~  
6 ~~then the owner or operator must close the tank system and~~  
7 ~~perform postclosure care in accordance with the closure and~~  
8 ~~postclosure care requirements of part 7045.0638, subpart 4, that~~  
9 ~~apply to hazardous waste landfills.~~

10 B. Owners and operators who store used oil in  
11 containers must, at closure, remove containers holding used oils  
12 or residues of used oil from the site. The owner or operator  
13 must remove or decontaminate used oil residues, contaminated  
14 containment system components, contaminated soils, and  
15 structures and equipment contaminated with used oil, and manage  
16 them as hazardous waste unless the materials are not hazardous  
17 waste under parts 7045.0102 to 7045.0143.

18 Subp. 8 7. **Other applicable provisions.** Used oil  
19 generators who conduct the following activities are subject to  
20 the requirements of other applicable provisions of parts  
21 7045.0790 to ~~7045.0995~~ 7045.0990 as indicated in items A to D.

22 A. Generators who transport used oil, except under  
23 subpart 5 4, item A, must also comply with part 7045.0865.

24 B. Except as provided in this item, generators who  
25 process or rerefine used oil must also comply with part  
26 7045.0875. Generators or agents of generators who perform the  
27 following activities are not processors provided the used oil is  
28 generated on site ~~and is not being sent off site to a burner of~~  
29 ~~on-specification or off-specification used oil fuel:~~ on-site  
30 filtering, cleaning, or otherwise reconditioning used oil before  
31 on site reuse by the generator; separating used oil from  
32 wastewater generated on site to make the wastewater acceptable  
33 for discharge or reuse pursuant to section 307(b) or 402 of the  
34 Clean Water Act or other applicable federal or state regulations  
35 governing the management or discharge of wastewaters; using oil  
36 mist collectors to remove small droplets of used oil from

1 in-plant air to make plant air suitable for continued  
2 recirculation; draining or otherwise removing used oil from  
3 materials containing or otherwise contaminated with used oil in  
4 order to remove excessive oil to the extent possible pursuant to  
5 part 7045.0805; and filtering, separating, or otherwise  
6 reconditioning used oil before burning in accordance with  
7 subpart ~~4~~ 3.

8 C. Generators who burn off-specification used oil for  
9 energy recovery, except under the on-site burner provisions of  
10 subpart ~~4~~ 3 must also comply with part 7045.0885.

11 D. Generators who direct shipments of  
12 off-specification used oil from their facility to a used oil  
13 burner or first claim that the used oil that is to be burned  
14 meets the used oil fuel specifications in part 7045.0840 must  
15 also comply with part 7045.0895.

16 7045.0865 STANDARDS FOR USED OIL TRANSPORTERS AND TRANSFER  
17 FACILITIES.

18 Subpart 1. **Applicability.** Except as provided in this  
19 subpart, this part applies to all used oil transporters.

20 A. This part does not apply to on-site transportation  
21 of used oil.

22 B. This part does not apply to generators who  
23 transport shipments of used oil in accordance with part  
24 7045.0855, subpart 5 4, item A.

25 C. This part does not apply to transportation of  
26 do-it-yourselfer used oil to a regulated used oil generator,  
27 collection center, aggregation point, processor/rerefiner, or  
28 burner subject to the requirements of parts 7045.0790 to  
29 ~~7045.0995~~ 7045.0990. Except as provided in items A and B, this  
30 part does apply to transportation of collected do-it-yourselfer  
31 used oil from regulated used oil generators, collection centers,  
32 aggregation points, or other facilities where do-it-yourselfer  
33 used oil is collected.

34 Subp. 2. **Imports and exports.** Transporters who import  
35 used oil from abroad or export used oil outside of the United

1 States are subject to the requirements of this part from the  
2 time the used oil enters and until the time it exits the United  
3 States.

4 Subp. 3. Trucks used to transport hazardous waste. Unless  
5 trucks previously used to transport hazardous waste are emptied  
6 as described in part 7045.0127 prior to transporting used oil,  
7 the used oil is considered to have been mixed with a hazardous  
8 waste and the used oil transporter must manage the mixture as a  
9 hazardous waste unless, under the provisions of part 7045.0800,  
10 the mixture is determined not to be hazardous waste.

11 Subp. 4. Restrictions on transporters who are not also  
12 processors or rerefiners.

13 A. Used oil transporters may consolidate or aggregate  
14 loads of used oil for purposes of transportation. However,  
15 except as provided in items B and C, used oil transporters must  
16 not process used oil unless they also comply with the  
17 requirements for processors/rerefiners in part 7045.0875.

18 B. Transporters may conduct incidental processing  
19 operations that occur in the normal course of used oil  
20 transportation (for example, settling, particulate filtering,  
21 and water separation), but shall not conduct processing  
22 operations that are designed to produce or make used oil more  
23 amenable for the production of used oil-derived products.

24 C. Transporters may remove used oil from oil-bearing  
25 electrical transformers and turbines and filter the used oil at  
26 the site of generation or at a transfer facility prior to  
27 returning the used oil to its original use.

28 Subp. 5. Notification. Used oil transporters who have not  
29 notified the United States Environmental Protection Agency that  
30 they are transporters of used oil must submit a completed EPA  
31 form 8700-12 to EPA indicating their used oil transportation  
32 activities.

33 Subp. 6. Used oil transportation.

34 A. A used oil transporter must deliver all used oil  
35 received to either another used oil transporter with an EPA  
36 identification number, a used oil processor/rerefiner with an



1 EPA identification number, an off-specification used oil burner  
2 facility with an EPA identification number, or an  
3 on-specification used oil burner facility.

4           B. Used oil transporters must comply with all  
5 applicable requirements under the United States Department of  
6 Transportation regulations in Code of Federal Regulations, title  
7 49, parts 171 to 180, as amended. Persons transporting used oil  
8 that meets the definition of a hazardous material in Code of  
9 Federal Regulations, title 49, section 171.8, must comply with  
10 all applicable regulations in Code of Federal Regulations, title  
11 49, parts 171 to 180, as amended.

12           Subp. 7. **Used oil discharges.**

13           A. Transporters who transport more than 10,000  
14 gallons of used oil per month are subject to the requirements of  
15 Minnesota Statutes, chapter 115E, for preparedness to respond to  
16 discharges.

17           B. In the event of a discharge of used oil during  
18 transportation, the transporter must take appropriate immediate  
19 action to protect human health and the environment (for example,  
20 notify local authorities, dike the discharge area). Used oil  
21 transporters are subject to the requirements of Minnesota  
22 Statutes, section 115.061, and chapter 115E. In the event of a  
23 discharge of more than five gallons of used oil during  
24 transportation, the transporter must report the discharge to the  
25 state duty officer at (612) 649-5451 or (800) 422-0798.

26           C. If a discharge of used oil occurs during  
27 transportation and a government official acting within the scope  
28 of official responsibilities determines that immediate removal  
29 of the used oil is necessary to protect human health or the  
30 environment, that official may authorize the removal of the used  
31 oil by transporters who do not have EPA identification numbers.

32           D. An air, rail, highway, or water transporter who  
33 has discharged used oil must give notice, if required by Code of  
34 Federal Regulations, title 49, section 171.15, as amended, to  
35 the National Response Center (800) 424-8802, and report in  
36 writing as required by Code of Federal Regulations, title 49,

1 section 171.16, as amended, to the Director, Office of Hazardous  
2 Materials Regulations, Materials Transportation Bureau,  
3 Department of Transportation, Washington, D.C. 20590.

4 E. A water transporter who has discharged used oil  
5 must give notice as required by Code of Federal Regulations,  
6 title 33, section 153.203, as amended.

7 F. A transporter must clean any used oil discharge  
8 that occurs during transportation or take such actions as may be  
9 required or approved by federal, state, or local officials so  
10 that the used oil discharge no longer presents a hazard to human  
11 health or the environment.

12 Subp. 8. **Rebuttable presumption for used oil.**

13 A. To ensure that used oil is not a hazardous waste  
14 under the rebuttable presumption of part 7045.0800, subpart 3,  
15 the used oil transporter must determine whether the total  
16 halogen content of used oil being transported or stored at a  
17 transfer facility is above or below 1,000 ppm, unless the used  
18 oil is exempt from the rebuttable presumption by part 7045.0800,  
19 subpart 3, items A and B.

20 B. The transporter must make this determination by  
21 testing the used oil, or by applying knowledge of the halogen  
22 content of the used oil in light of the materials or processes  
23 used in generating the used oil.

24 C. If the used oil contains at least 1,000 ppm total  
25 halogens, it is presumed to be a hazardous waste because it has  
26 been mixed with halogenated hazardous waste listed in part  
27 7045.0135. The owner or operator may rebut the presumption by  
28 demonstrating that the used oil does not contain hazardous waste  
29 as allowed for in part 7045.0800, subpart 3.

30 D. The transporter must maintain records of analyses  
31 conducted or information used to comply with items A to C for at  
32 least three years.

33 Subp. 9. **Used oil storage at transfer facilities.** This  
34 subpart applies to used oil transfer facilities where used oil  
35 is stored for more than 24 hours and no more than 35 days.  
36 Transfer facilities where used oil is stored for more than 35

1 days are subject to regulation under part 7045.0875.

2           A. Used oil transporters shall comply with all  
3 applicable spill prevention, control, and countermeasures  
4 requirements of Code of Federal Regulations, title 40, part 112,  
5 as amended, in addition to the requirements of this part. Used  
6 oil transporters shall also comply with the underground storage  
7 tank standards of Code of Federal Regulations, title 40, part  
8 280, as amended, for used oil stored in underground tanks  
9 whether or not the used oil exhibits any characteristic of  
10 hazardous waste, in addition to the requirements of this part.

11           B. Used oil transporters who store used oil for more  
12 than seven days in aboveground tanks of at least 110 gallons in  
13 size are subject to parts 7100.0010 to 7100.0090, in addition to  
14 the requirements of this part. Used oil transporters who store  
15 at least 10,000 gallons of used oil at one time are subject to  
16 the requirements of Minnesota Statutes, chapter 115E, to prepare  
17 and maintain a discharge prevention and response plan, in  
18 addition to the requirements of this part. All used oil  
19 transporters shall comply with the storage and use requirements  
20 of article 79 of the Minnesota Uniform Fire Code, as  
21 incorporated by reference in part 7510.3310, in addition to the  
22 requirements of this part.

23           C. Used oil transporters shall not store used oil in  
24 units other than containers or tanks and shall ensure that the  
25 following requirements for containers and tanks are met.  
26 Containers and tanks used to store used oil at transfer  
27 facilities must be in good condition, not leaking, and closed.  
28 Containers must be equipped with a secondary containment system  
29 consisting of dikes, berms, or retaining walls and a floor that  
30 covers the entire area within the dikes, berms, or retaining  
31 walls, or an equivalent secondary containment system. The  
32 entire containment system, including walls and floors, must be  
33 sufficiently impervious to used oil to prevent any used oil  
34 released into the containment system from migrating out of the  
35 system to the soil, groundwater, or surface water. Containers,  
36 aboveground tanks, and fill pipes of underground tanks used to

1 store used oil at transfer facilities must be marked with the  
2 words "Used Oil." Aboveground tanks used to store used oil at  
3 transfer facilities are subject to the secondary containment  
4 requirements of parts 7100.0010 to 7100.0090. Double-walled  
5 tanks meet this secondary containment requirement.

6 D. Upon detection of a release of used oil to the  
7 environment not subject to the requirements of Code of Federal  
8 Regulations, title 40, part 280, subpart F, as amended, a  
9 transporter must stop the release, contain the released used  
10 oil, clean up, and manage properly the released used oil and  
11 other materials contaminated with used oil, and repair or  
12 replace any leaking used oil storage equipment prior to  
13 returning it to service to prevent future releases. A  
14 transporter who discharges more than five gallons of used oil is  
15 subject to the notification requirements of Minnesota Statutes,  
16 section 115.061.

17 Subp. 10. **Tracking.** Used oil transporters must maintain  
18 the records listed in this subpart for at least three years.  
19 Upon request of the commissioner, the transporter must supply  
20 information regarding the amount of used oil collected in the  
21 previous calendar year.

22 A. Used oil transporters must keep a record of each  
23 used oil shipment accepted for transport. Records for each  
24 shipment must include: the name, address, and identification  
25 number of the generator, transporter, or processor/rerefiner who  
26 provided the used oil for transport; the quantity of used oil  
27 accepted; the date of acceptance; and, except for intermediate  
28 rail transporters, the signature, dated upon receipt of the used  
29 oil, of a representative of the generator, transporter, or  
30 processor/rerefiner who provided the used oil for transport.

31 B. Used oil transporters must keep a record of each  
32 shipment of used oil that is delivered to another used oil  
33 transporter, or to a used oil burner, processor/rerefiner.  
34 Records of each delivery must include: the name and address of  
35 the receiving facility or transporter; the EPA identification  
36 number of the receiving facility or transporter; the quantity of

1 used oil delivered; the date of delivery; and, except for  
2 intermediate rail transporters, the signature, dated upon  
3 receipt of the used oil, of a representative of the receiving  
4 facility or transporter.

5 C. Used oil transporters must maintain the records  
6 described in item B for each shipment of used oil to any foreign  
7 country.

8 Subp. 11. **Receipts.** Used oil transporters must provide  
9 receipts to all parties from which they accept used oil. The  
10 receipts must clearly indicate the name, address, and EPA  
11 identification number of the transporter, the date of  
12 acceptance, and the quantity of used oil accepted.

13 Subp. 12. **Management of residues.** Transporters who  
14 generate residues from the storage or transport of used oil must  
15 manage the residues as specified in part 7045.0815.

16 Subp. 13. **Closure.**

17 A. Owners and operators who store or process used oil  
18 in aboveground tanks must, at closure of the tank system, remove  
19 or decontaminate residues in tanks, contaminated containment  
20 system components, contaminated soils, and structures and  
21 equipment contaminated with used oil and manage them as  
22 hazardous waste unless the materials are not hazardous waste  
23 under parts 7045.0102 to 7045.0143. If the owner or operator  
24 demonstrates that not all contaminated soils can be practicably  
25 removed or decontaminated as required in this item, then the  
26 owner or operator must close the tank system and perform  
27 postclosure care in accordance with the closure and postclosure  
28 care requirements of part 7045.0638, subpart 4, that apply to  
29 hazardous waste landfills.

30 B. Owners and operators who store used oil in  
31 containers must, at closure, remove containers holding used oils  
32 or residues of used oil from the site. The owner or operator  
33 must remove or decontaminate used oil residues, contaminated  
34 containment system components, contaminated soils, and  
35 structures and equipment contaminated with used oil, and manage  
36 them as hazardous waste unless the materials are not hazardous

1 waste under parts 7045.0102 to 7045.0143.

2 Subp. 14. **Other applicable provisions.** Used oil  
3 transporters who conduct the following activities are also  
4 subject to other applicable provisions of this part as indicated  
5 in items A to D.

6 A. Transporters who generate used oil must also  
7 comply with part 7045.0855.

8 B. Transporters who process or rerefine used oil,  
9 except as provided in subpart 4, must also comply with part  
10 7045.0875.

11 C. Transporters who burn off-specification used oil  
12 for energy recovery must also comply with part 7045.0885.

13 D. Transporters who direct shipments of  
14 off-specification used oil from their facility to a used oil  
15 burner or first claim that the used oil that is to be burned  
16 meets the used oil fuel specifications in part 7045.0840 must  
17 also comply with part 7045.0895.

18 7045.0875 STANDARDS FOR USED OIL PROCESSORS AND REREFINERS.

19 Subpart 1. **Applicability.** The requirements of this part  
20 apply to owners and operators of facilities that process used  
21 oil. The requirements of this part do not apply to:

22 A. transporters that conduct incidental processing  
23 operations that occur during the normal course of transportation  
24 as provided in part 7045.0865, subpart 4; and

25 B. burners that conduct incidental processing  
26 operations that occur during the normal course of used oil  
27 management prior to burning as provided in part 7045.0885,  
28 subpart 3.

29 Subp. 2. **Notification.** Used oil processors/rerefiners who  
30 have not notified the EPA that they are processors/rerefiners of  
31 used oil must submit a completed EPA form 8700-12 to EPA  
32 indicating their used oil processing/rerefining activities.

33 Subp. 3. **Preparedness and prevention.** Owners and  
34 operators of used oil processing and rerefining facilities must  
35 comply with the requirements in this subpart:

1           A. Facilities must be maintained and operated by the  
2 owner or operator to minimize the possibility of a fire,  
3 explosion, or an unplanned release of used oil to air, soil, or  
4 surface water which could threaten human health or the  
5 environment.

6           B. Owners and operators must ensure that facilities  
7 are equipped with the following equipment, unless none of the  
8 hazards posed by used oil handled at the facility could require  
9 a particular kind of equipment specified in this item:

10                   (1) an internal communications or alarm system  
11 capable of providing immediate emergency voice or signal  
12 instruction to facility personnel;

13                   (2) a device, such as a telephone immediately  
14 available at the scene of operation or a hand held two-way  
15 radio, capable of summoning emergency assistance from local  
16 police departments, fire departments, or state or local  
17 emergency response teams;

18                   (3) portable fire extinguishers, fire control  
19 equipment, spill control equipment, and decontamination  
20 equipment; and

21                   (4) water at adequate volume and pressure to  
22 supply water hose streams, foam producing equipment, automatic  
23 sprinklers, or water spray systems.

24           C. All facility communications or alarm systems, fire  
25 protection equipment, spill control equipment, and  
26 decontamination equipment, where required, must be tested and  
27 maintained by the owner or operator as necessary to ensure their  
28 proper operation in time of emergency.

29           D. Whenever used oil is being poured, mixed, spread,  
30 or otherwise handled, all personnel involved in the operation  
31 must have immediate access to an internal alarm or emergency  
32 communication device, either directly or through visual or voice  
33 contact with another employee, unless such a device is not  
34 required in item B. If there is ever only one employee on the  
35 premises while the facility is operating, the employee must have  
36 immediate access to a device, such as a telephone immediately

1 available at the scene of operation or a hand held two-way  
2 radio, capable of summoning external emergency assistance,  
3 unless such a device is not required in item B.

4 E. The owner or operator must maintain aisle space to  
5 allow the unobstructed movement of personnel, fire protection  
6 equipment, spill control equipment, and decontamination  
7 equipment to any area of facility operation in an emergency,  
8 unless aisle space is not needed for any of these purposes.

9 F. The owner or operator must attempt to make the  
10 arrangements described in this item, as appropriate for the type  
11 of used oil handled at the facility and the potential need for  
12 the services of these organizations.

13 (1) The owner or operator must attempt to make  
14 arrangements to familiarize police, fire departments, and  
15 emergency response teams with the layout of the facility,  
16 properties of used oil handled at the facility and associated  
17 hazards, places where facility personnel would normally be  
18 working, entrances to roads inside the facility, and possible  
19 evacuation routes. Where more than one police and fire  
20 department might respond to an emergency, the owner or operator  
21 must attempt to make agreements designating primary emergency  
22 authority to a specific police and a specific fire department,  
23 and agreements with any others to provide support to the primary  
24 emergency authority. The owner or operator must attempt to make  
25 agreements with state emergency response teams, emergency  
26 response contractors, and equipment suppliers. The owner or  
27 operator must attempt to make arrangements to familiarize local  
28 hospitals with the properties of used oil handled at the  
29 facility and the types of injuries or illnesses which could  
30 result from fires, explosions, or releases at the facility.

31 (2) Where state or local authorities decline or  
32 accept to enter into such arrangements, the owner or operator  
33 must document the refusal or acceptance in the operating record.

34 G. Owners and operators of used oil processing and  
35 rerefining facilities must comply with the requirements  
36 described in this item.



1 (1) Each owner or operator must have a  
2 contingency plan for the facility. The contingency plan must be  
3 designed to minimize hazards to human health or the environment  
4 from fires, explosions, or any unplanned release of used oil to  
5 air, soil, or surface water. The owner or operator must carry  
6 out the provisions of the plan immediately whenever there is a  
7 fire, explosion, or release of used oil which could threaten  
8 human health or the environment.

9 (2) The contingency plan must describe the  
10 actions facility personnel must take to comply with subitems (1)  
11 and (6) in response to fires, explosions or any unplanned  
12 release of used oil to air, soil, or surface water at the  
13 facility. If the owner or operator has already prepared a Spill  
14 Prevention, Control, and Countermeasures (SPCC) Plan in  
15 accordance with Code of Federal Regulations, title 40, part 112  
16 or 1510, as amended, a prevention and response plan under  
17 Minnesota Statutes, chapter 115E, or some other emergency or  
18 contingency plan, the owner or operator need only amend that  
19 plan to incorporate used oil management provisions that are  
20 sufficient to comply with the requirements of parts 7045.0790 to  
21 ~~7045.0995~~ 7045.0990. The plan must describe arrangements agreed  
22 to by local police departments, fire departments, hospitals,  
23 contractors, and state and local emergency response teams to  
24 coordinate emergency services, pursuant to item F. The plan  
25 must list the up-to-date names, addresses, and telephone  
26 numbers, both office and home, of all persons qualified to act  
27 as emergency coordinator. Where more than one person is listed,  
28 one must be named as primary emergency coordinator and others  
29 must be listed in the order in which they will assume  
30 responsibility as alternates. The plan must include an  
31 up-to-date list of all emergency equipment at the facility,  
32 where this equipment is required. In addition, the plan must  
33 include the location and a physical description of each item on  
34 the list and its capabilities. The plan must include an  
35 evacuation plan for facility personnel where there is a  
36 possibility that evacuation could be necessary. This plan must

1 describe signals to be used to begin evacuation, evacuation  
2 routes, and alternate evacuation routes.

3 (3) The owner or operator must maintain a copy of  
4 the contingency plan and all revisions to the plan at the  
5 facility, and submit copies of the plan to all local police  
6 departments, fire departments, hospitals, and state and local  
7 emergency response teams that may be called upon to provide  
8 emergency services.

9 (4) The owner or operator must review and  
10 immediately amend the contingency plan, if necessary, whenever  
11 applicable regulations are revised, the plan fails in an  
12 emergency; the facility's design, operation, construction,  
13 maintenance, or other aspects change in a way that materially  
14 increases the potential for fires, explosions, releases of used  
15 oil, or changes the response necessary in an emergency; the list  
16 of emergency coordinators changes; or the list of emergency  
17 equipment changes.

18 (5) At all times, there must be at least one  
19 employee either on the facility premises or available to respond  
20 to an emergency by reaching the facility in a short period of  
21 time with the responsibility for coordinating all emergency  
22 response measures. This emergency coordinator must be  
23 thoroughly familiar with all aspects of the facility's  
24 contingency plan, all operations and activities at the facility,  
25 the location and characteristic of used oil handled, the  
26 location of all records within the facility, and facility  
27 layout. In addition, the owner or operator must have the  
28 authority to commit the resources needed to carry out the  
29 contingency plan.

30 (6) Whenever there is an imminent or actual  
31 emergency situation, the emergency coordinator, or the designee  
32 when the emergency coordinator is on-call, must immediately  
33 activate internal facility alarms or communications systems  
34 where applicable to notify all facility personnel, and notify  
35 appropriate state or local agencies with designated response  
36 roles if their help is needed. Whenever there is a release,

1 fire, or explosion, the emergency coordinator must immediately  
2 identify the character, exact source, amount, and extent of any  
3 released materials. The emergency coordinator may do this by  
4 observation or review of facility records of manifests and, if  
5 necessary, by chemical analysis.

6 Concurrently, the emergency coordinator must assess  
7 possible hazards to human health and the environment that may  
8 result from the release, fire, or explosion. This assessment  
9 must consider both direct and indirect effects of the release,  
10 fire, or explosion for example, effects of released gases or  
11 water runoff from fire control measures.

12 If the emergency coordinator determines that the facility  
13 has had a release, fire, or explosion which could threaten human  
14 health or the environment outside the facility, such findings  
15 must be reported as follows. If the assessment indicates that  
16 evacuation of local areas may be advisable, the coordinator must  
17 immediately notify appropriate local authorities. The emergency  
18 coordinator must be available to help appropriate officials  
19 decide whether local areas should be evacuated. The emergency  
20 coordinator must immediately notify either the government  
21 official designated as the on-scene coordinator for the  
22 geographical area in the applicable regional contingency plan  
23 under Code of Federal Regulations, title 40, part 1510, as  
24 amended, or the National Response Center at (800) 424-8802. The  
25 report must include: name and telephone number of the reporter;  
26 name and address of facility; time and type of incident, name  
27 and quantity of materials involved, to the extent known; the  
28 extent of injuries, if any; and the possible hazards to human  
29 health and the environment outside the facility.

30 During an emergency, the emergency coordinator must take  
31 all reasonable measures necessary to ensure that fires,  
32 explosions, and releases do not occur, recur, or spread to other  
33 used oil or hazardous waste at the facility. These measures  
34 must include, where applicable, stopping processes and  
35 operation, collecting and containing released used oil, and  
36 removing or isolating containers.

1 If the facility stops operation in response to a fire,  
2 explosion, or release, the emergency coordinator must monitor  
3 for leaks, pressure build-up, gas generation, or ruptures in  
4 valves, pipes, or other equipment, wherever this is  
5 appropriate. Immediately after an emergency, the emergency  
6 coordinator must provide for recycling, storing, or disposal of  
7 recovered used oil, contaminated soil or surface water, or any  
8 other material that results from a release, fire, or explosion  
9 at the facility.

10 The emergency coordinator must ensure that, in the affected  
11 areas of the facility, no waste or used oil that may be  
12 incompatible with the released material is recycled, treated,  
13 stored, or disposed of until cleanup procedures are completed,  
14 and all emergency equipment listed in the contingency plan is  
15 cleaned and fit for its intended use before operations are  
16 resumed. The owner or operator must notify the commissioner,  
17 and appropriate state and local authorities, that the facility  
18 is in compliance with this subitem before operations are resumed  
19 in the affected areas of the facility.

20 The owner or operator must note in the operating record the  
21 time, date, and details of any incident that requires  
22 implementation of the contingency plan. Within 15 days after  
23 the incident, the emergency coordinator must submit a written  
24 report on the incident to the commissioner. The report must  
25 include: the name, address, and telephone number of the owner  
26 or operator; the name, address, and telephone number of the  
27 facility; the date, time, and type of incident; the name and  
28 quantity of materials involved; the extent of injuries, if any;  
29 an assessment of actual or potential hazards to human health and  
30 the environment, where applicable; and the estimated quantity  
31 and disposition of recovered material that resulted from the  
32 incident.

33 **Subp. 4. Rebuttable presumption for used oil.**

34 A. To ensure that used oil managed at a used oil  
35 processing/rerefining facility is not a hazardous waste under  
36 the rebuttable presumption of part 7045.0800, subpart 3, the

1 used oil processor/rerefiner must determine whether the total  
2 halogen content of used oil managed at the facility is above or  
3 below 1,000 ppm, unless the used oil is exempt from the  
4 rebuttable presumption by part 7045.0800, subpart 3, items A and  
5 B.

6 B. The used oil processor/rerefiner must make this  
7 determination by testing the used oil, or by applying knowledge  
8 of the halogen content of the used oil in light of the materials  
9 or processes used in generating the used oil.

10 C. If the used oil contains at least 1,000 ppm total  
11 halogens, it is presumed to be a hazardous waste because it has  
12 been mixed with halogenated hazardous waste listed in part  
13 7045.0135. The used oil processor/rerefiner may rebut the  
14 presumption by demonstrating that the used oil does not contain  
15 hazardous waste as allowed for in part 7045.0800, subpart 2 3.

16 D. The used oil processor/rerefiner must maintain  
17 records of analyses conducted or information used to comply with  
18 items A to C for at least three years.

19 Subp. 5. **Used oil storage and management.**

20 A. Used oil processors/rerefiners shall comply with  
21 all applicable spill prevention, control, and countermeasures  
22 requirements of Code of Federal Regulations, title 40, part 112,  
23 as amended, in addition to the requirements of this part. Used  
24 oil processors/rerefiners shall also comply with the underground  
25 storage tank standards of Code of Federal Regulations, title 40,  
26 part 280, as amended, for used oil stored in underground tanks  
27 whether or not the used oil exhibits any characteristic of  
28 hazardous waste, in addition to the requirements of this part.

29 B. Used oil processors/rerefiners who store used oil  
30 for more than seven days in aboveground tanks of at least 110  
31 gallons in size are subject to parts 7100.0010 to 7100.0090, in  
32 addition to the requirements of this part. Used oil  
33 processors/rerefiners who store at least 10,000 gallons of used  
34 oil at one time are subject to the requirements of Minnesota  
35 Statutes, chapter 115E, to prepare and maintain a discharge  
36 prevention and response plan, in addition to the requirements of

1 this part. All used oil processors/rerefiners shall comply with  
2 the storage and use requirements of article 79 of the Minnesota  
3 Uniform Fire Code, as incorporated by reference in part  
4 7510.3310, in addition to the requirements of this part.

5 C. Used oil processors/rerefiners shall not store  
6 used oil in units other than containers or tanks and shall  
7 ensure that the following requirements for containers and tanks  
8 are met. Containers and tanks used to store used oil at  
9 processing/rerefining facilities must be in good condition, not  
10 leaking, and closed. Containers must be equipped with a  
11 secondary containment system. The secondary containment system  
12 must consist of, at a minimum, dikes, berms, or retaining walls,  
13 and a floor which covers the entire area within the dike, berm,  
14 or retaining wall. An equivalent secondary containment system  
15 may be used for containers. The entire containment system,  
16 including walls and floor, must be sufficiently impervious to  
17 used oil to prevent any used oil released into the containment  
18 system from migrating out of the system to the soil,  
19 groundwater, or surface water. Containers, aboveground tanks,  
20 and fill pipes of underground tanks used to store used oil at  
21 transfer facilities must be marked with the words "Used Oil."  
22 Aboveground tanks used to store used oil at transfer facilities  
23 are subject to the secondary containment requirements of parts  
24 7100.0010 to 7100.0090. Double-walled tanks meet this secondary  
25 containment requirement.

26 D. Upon detection of a release of used oil to the  
27 environment not subject to the requirements of Code of Federal  
28 Regulations, title 40, part 280, subpart F, as amended, a  
29 processor/rerefiner must stop the release, contain the released  
30 used oil, clean up and properly manage the released used oil and  
31 other materials contaminated with used oil, and repair or  
32 replace any leaking used oil storage equipment prior to  
33 returning it to service to prevent future releases. A  
34 processor/rerefiner who discharges more than five gallons of  
35 used oil is subject to the notification requirements of  
36 Minnesota Statutes, section 115.061.

## 1 E. Closure:

2 (1) Owners and operators who store or process  
3 used oil in aboveground tanks must, at closure of the tank  
4 system, remove or decontaminate residues in tanks, contaminated  
5 containment system components, contaminated soils, and  
6 structures and equipment contaminated with used oil, and manage  
7 them as hazardous waste unless the materials are not hazardous  
8 waste under parts 7045.0102 to 7045.0143. If the owner or  
9 operator demonstrates that not all contaminated soils can be  
10 practicably removed or decontaminated as required in this  
11 subitem, then the owner or operator must close the tank system  
12 and perform postclosure care in accordance with the closure and  
13 postclosure care requirements of part 7045.0638, subpart 4, that  
14 apply to hazardous waste landfills.

15 (2) Owners and operators who store used oil in  
16 containers must, at closure, remove containers holding used oils  
17 or residues of used oil from the site. The owner or operator  
18 must remove or decontaminate used oil residues, contaminated  
19 containment system components, contaminated soils, and  
20 structures and equipment contaminated with used oil, and manage  
21 them as hazardous waste unless the materials are not hazardous  
22 waste under parts 7045.0102 to 7045.0143.

23 Subp. 6. **Analysis plan.** Owners and operators of used oil  
24 processing and rerefining facilities must develop and follow a  
25 written analysis plan in accordance with items A and B  
26 describing the procedures that will be used to comply with the  
27 total halogen analysis requirements of subpart 4, and, if  
28 applicable, the fuel specification analysis requirements of part  
29 7045.0895, subpart 4. The owner or operator must keep the plan  
30 at the facility.

31 A. The plan must specify whether sample analyses or  
32 knowledge of the halogen content of the used oil will be used to  
33 make the determination of the content and source of halogens in  
34 used oil.

35 If sample analyses are used to make this determination, the  
36 sampling method used to obtain representative samples to be

1 analyzed must be specified in the plan. A representative sample  
2 may be obtained using either one of the sampling methods in Code  
3 of Federal Regulations, title 40, part 261, Appendix I, as  
4 amended, or a method shown to be equivalent under part  
5 7045.0075, subpart 1. The plan must specify the frequency of  
6 sampling to be performed, whether the analysis will be performed  
7 on-site or off-site, and the methods used to analyze used oil  
8 for parameters specified in subpart 4.

9 The plan must also specify the type of information that  
10 will be used to determine the halogen content of the used oil.

11 B. The plan must specify whether sample analyses or  
12 other information will be used to make the determination of  
13 whether the used oil meets the used oil fuel specifications.

14 If sample analyses are used to make this determination, the  
15 sampling method used to obtain representative samples to be  
16 analyzed must be specified in the plan. A representative sample  
17 may be obtained using either one of the sampling methods in Code  
18 of Federal Regulations, title 40, part 261, Appendix I, as  
19 amended, or a method shown to be equivalent under part  
20 7045.0075, subpart 1. The plan must specify whether used oil  
21 will be sampled and analyzed prior to or after any  
22 processing/rerefining, the frequency of sampling to be  
23 performed, whether the analysis will be performed on-site or  
24 off-site, and the methods used to analyze used oil for  
25 parameters specified in part 7045.0895, subpart 4.

26 The plan must also specify the type of information that  
27 will be used to determine the halogen content of the used oil.

28 **Subp. 7. Tracking.**

29 A. Used oil processors/rerefiners must keep a record  
30 of each used oil shipment accepted for processing/rerefining.  
31 These records may take the form of a log, invoice, manifest,  
32 bill of lading, or other shipping documents. Records for each  
33 shipment must include the following information:

34 (1) the name and address of the transporter who  
35 delivered the used oil to the processor/rerefiner;

36 (2) the name and address of the generator or



1 processor/rerefiner from whom the used oil was sent for  
2 processing/rerefining, if applicable;

3 (3) the EPA identification number of the  
4 transporter who delivered the used oil to the used oil  
5 processor/rerefiner;

6 (4) the EPA identification number of the  
7 generator or processor/rerefiner from whom the used oil was sent  
8 for processing/rerefining, if applicable;

9 (5) the quantity of used oil accepted; and

10 (6) the date of acceptance.

11 B. Used oil processors/rerefiners must keep a record  
12 of each shipment of used oil that is shipped to a used oil  
13 burner or processor/rerefiner. These records may take the form  
14 of a log, invoice, manifest, bill of lading, or other shipping  
15 documents. Records of each shipment must include the following  
16 information:

17 (1) the name and address of the transporter who  
18 delivers the used oil to the burner or processor/rerefiner;

19 (2) the name and address of the burner or  
20 processor/rerefiner who will receive the used oil;

21 (3) the EPA identification of the used oil  
22 transporter who delivers the used oil to the burner or  
23 processor/rerefiner;

24 (4) the EPA identification number of the burner  
25 or processor/rerefiner who will receive the used oil;

26 (5) the quantity of used oil shipped; and

27 (6) the date of shipment.

28 C. Used oil processors/rerefiners must maintain the  
29 records described in items A and B for at least three years.

30 **Subp. 8. Operating record and reporting.**

31 A. The owner or operator must keep a written  
32 operating record at the facility. The following information  
33 must be recorded, as it becomes available, and maintained in the  
34 operating record until closure of the facility:

35 (1) records and results of used oil analyses  
36 performed as described in the analysis plan required under

1 subpart 6; and

2 (2) summary reports and details of all incidents  
3 that require implementation of the contingency plan as specified  
4 under subpart 3, item G.

5 B. A used oil processor/rerefiner must report to the  
6 commissioner, in the form of a letter, on a biennial basis (by  
7 March 1 of each even-numbered year), the following information  
8 concerning used oil activities during the previous calendar year:

9 (1) the EPA identification number, name, and  
10 address of the processor/rerefiner;

11 (2) the calendar year covered by the report; and

12 (3) the quantities of used oil accepted for  
13 processing/rerefining and the manner in which the used oil is  
14 processed/rerefined, including the specific process employed.

15 Subp. 9. Off-site shipments of used oil. Used oil  
16 processors/rerefiners who initiate shipments of used oil  
17 off-site must ship the used oil using a used oil transporter who  
18 has obtained an EPA identification number.

19 Subp. 10. **Management of residues.** Owners and operators  
20 who generate residues from the storage, processing, or  
21 rerefining of used oil must manage the residues as specified in  
22 part 7045.0815.

23 Subp. 11. **Other applicable provisions.** Used oil  
24 processors/rerefiners who conduct the following activities are  
25 also subject to the requirements of other applicable provisions  
26 of parts 7045.0790 to ~~7045-0995~~ 7045.0990 as follows:

27 A. processors/rerefiners who generate used oil must  
28 also comply with part 7045.0855;

29 B. processors/rerefiners who transport used oil must  
30 also comply with part 7045.0865;

31 C. except for used oil processors/rerefiners that  
32 burn used oil in an on-site burning unit that meets the  
33 requirements of part 7045.0855, subpart 4 3, or that burn used  
34 oil for purposes of processing used oil (which is considered  
35 burning incidentally to used oil processing), used oil  
36 processors/rerefiners who burn off-specification used oil for

1 energy recovery must also comply with part 7045.0885; and  
2 D. processors/rerefiners who direct shipments of  
3 off-specification used oil from their facility to a used oil  
4 burner or first claim that the used oil that is to be burned for  
5 energy recovery meets the used oil fuel specifications set forth  
6 in part 7045.0840 must also comply with part 7045.0895.

7 7045.0885 STANDARDS FOR USED OIL BURNERS WHO BURN  
8 OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY.

9 Subpart 1. **Applicability.** The requirements of this part  
10 apply to used oil burners, except persons or facilities burning  
11 used oil under the following conditions:

12 A. the used oil is burned by the generator in an  
13 on-site burning unit under the provisions of part 7045.0855,  
14 subpart 4 3;

15 B. the used oil is burned by a processor/rerefiner  
16 for purposes of processing used oil which is considered burning  
17 incidentally to used oil processing; or

18 C. the used oil meets the used oil fuel  
19 specifications of part 7045.0840, provided that the burner  
20 complies with the requirements of part 7045.0895.

21 Subp. 2. **Restrictions on burning.** No person shall burn  
22 off-specification used oil fuel for energy recovery in other  
23 than the following devices:

24 A. industrial furnaces defined in part 7045.0020,  
25 subpart 43b;

26 B. boilers, as defined in part 7045.0020, subpart 6a;

27 C. used oil-fired burning units provided the unit  
28 meets the provisions of part 7045.0855, subpart 4 3; or

29 D. hazardous waste incinerators subject to regulation  
30 under part 7045.0542 or 7045.0640; or

31 E. marine and diesel engines.

32 Subp. 3. **Restrictions on processing.** Used oil burners may  
33 not process used oil unless they also comply with the  
34 requirements of this part, with the following exception. Used  
35 oil burners may aggregate off-specification used oil with virgin

1 oil or on-specification used oil for purposes of burning, but  
2 must not aggregate for purposes of producing on-specification  
3 used oil.

4 Subp. 4. **Notification.** Used oil burners who have not  
5 notified the United States Environmental Protection Agency that  
6 they are burners of used oil must submit a completed EPA form  
7 8700-12 to EPA indicating their used oil burning activities.

8 Subp. 5. **Rebuttable presumption for used oil.**

9 A. To ensure that used oil managed at a used oil  
10 burning facility is not a hazardous waste under the rebuttable  
11 presumption of part 7045.0800, subpart 3, the used oil burner  
12 must determine whether the total halogen content of used oil  
13 managed at the facility is above or below 1,000 ppm, unless the  
14 used oil is exempt from the rebuttable presumption by part  
15 7045.0800, subpart 3, items A and B.

16 B. The burner must make this determination by testing  
17 the used oil, by applying knowledge of the halogen content of  
18 the used oil in light of the materials or processes used in  
19 generating the used oil. If the used oil has been received from  
20 a processor/rerefiner subject to regulation under this part, by  
21 using information provided by the processor/rerefiner.

22 C. If the used oil contains at least 1,000 ppm total  
23 halogens, it is presumed to be a hazardous waste because it has  
24 been mixed with halogenated hazardous waste listed in part  
25 7045.0135. The owner or operator may rebut the presumption by  
26 demonstrating that the used oil does not contain hazardous waste  
27 as allowed for in part 7045.0800, subpart 3.

28 D. Records of analyses conducted or information used  
29 to comply with items A to C must be maintained by the burner for  
30 at least three years.

31 Subp. 6. **Used oil storage.**

32 A. **Applicability of federal storage regulations.**  
33 Used oil burners must comply with all applicable spill  
34 prevention, control, and countermeasures requirements of Code of  
35 Federal Regulations, title 40, part 112, as amended, in addition  
36 to the requirements of this subpart. Used oil burners must

1 comply with the underground storage tank standards of Code of  
2 Federal Regulations, title 40, part 280, as amended, for used  
3 oil stored in underground tanks whether or not the used oil  
4 exhibits any characteristic of hazardous waste, in addition to  
5 the requirements of this part.

6           B. Used oil burners who store used oil for more than  
7 seven days in aboveground tanks of at least 110 gallons in size  
8 are subject to parts 7100.0010 to 7100.0090, in addition to the  
9 requirements of this subpart. Used oil burners who store at  
10 least 10,000 gallons of used oil at one time are subject to the  
11 requirements of Minnesota Statutes, chapter 115E, to prepare and  
12 maintain a discharge prevention and response plan, in addition  
13 to the requirements of this part. All used oil burners shall  
14 comply with the storage and use requirements of article 79 of  
15 the Minnesota Uniform Fire Code, as incorporated by reference in  
16 part 7510.3310, in addition to the requirements of this part.

17           C. Used oil burners shall not store used oil in units  
18 other than containers or tanks and must ensure that the  
19 following requirements for containers and tanks are met.  
20 Containers and tanks used to store used oil at burning  
21 facilities must be in good condition, not leaking, and closed.  
22 Containers must be equipped with a secondary containment system.  
23 The secondary containment system must consist of, at a minimum,  
24 dikes, berms, or retaining walls, and a floor which covers the  
25 entire area within the dike, berm, or retaining wall. An  
26 equivalent secondary containment system may be used for  
27 containers. The entire containment system, including walls and  
28 floor, must be sufficiently impervious to used oil to prevent  
29 any used oil released into the containment system from migrating  
30 out of the system to the soil, groundwater, or surface water.  
31 Containers, aboveground tanks, and fill pipes of underground  
32 tanks used to store used oil at transfer facilities must be  
33 marked with the words "Used Oil." Aboveground tanks used to  
34 store used oil at burning facilities are subject to the  
35 secondary containment requirements of parts 7100.0010 to  
36 7100.0090. Double-walled tanks meet this secondary containment

1 requirement.

2 D. Upon detection of a release of used oil to the  
3 environment not subject to the requirements of Code of Federal  
4 Regulations, title 40, part 280, subpart F, as amended, a burner  
5 must stop the release, contain the released used oil, clean up  
6 and properly manage the released used oil and other materials  
7 contaminated with used oil, and repair or replace any leaking  
8 used oil storage equipment prior to returning it to service to  
9 prevent future releases. A burner who discharges more than five  
10 gallons of used oil is subject to the notification requirements  
11 of Minnesota Statutes, section 115.061.

12 Subp. 7. **Tracking and acceptance.** Used oil burners must  
13 keep a record of each used oil shipment accepted for burning.  
14 These records may take the form of a log, invoice, manifest,  
15 bill of lading, or other shipping documents. Used oil burners  
16 must maintain these records for at least three years. Upon  
17 request of the commissioner, the burner must supply information  
18 regarding the amount of used oil received at the burning  
19 facility in the previous calendar year. Records for each  
20 shipment must include the following information:

21 A. the name and address of the transporter who  
22 delivered the used oil to the burner;

23 B. the name and address of the generator or  
24 processor/rerefiner from whom the used oil was sent to the  
25 burner, if applicable;

26 C. the EPA identification number of the transporter  
27 who delivered the used oil to the burner;

28 D. the EPA identification number of the generator or  
29 processor/rerefiner from whom the used oil was sent to the  
30 burner, if applicable;

31 E. the quantity of used oil accepted; and

32 F. the date of acceptance.

33 Subp. 8. **Notices and certification.** Before a burner  
34 accepts the first shipment of off-specification used oil fuel  
35 from a generator, transporter, or processor/rerefiner, the  
36 generator must provide the generator, transporter, or

1 processor/rerefiner a one-time, written, and signed notice  
2 certifying that the burner has notified the EPA of used oil  
3 management activities at the facility and the location of the  
4 facility, and that the burner will burn used oil only in an  
5 industrial furnace or boiler identified in subpart 2. This  
6 certification must be maintained for at least three years from  
7 the date the burner last receives shipment of off-specification  
8 used oil from the generator, transporter, or processor/rerefiner.

9       **Subp. 9. Management of residues.** Burners who generate  
10 residues from the storage or burning of used oil must manage the  
11 residues as specified in part 7045.0815.

12       **Subp. 10. Closure.**

13           A. Owners and operators who store or process used oil  
14 in aboveground tanks must, at closure of the tank system, remove  
15 or decontaminate residues in tanks, contaminated containment  
16 system components, contaminated soils, and structures and  
17 equipment contaminated with used oil, and manage them as  
18 hazardous waste unless the materials are not hazardous waste  
19 under parts 7045.0102 to 7045.0143. If the owner or operator  
20 demonstrates that not all contaminated soils can be practicably  
21 removed or decontaminated as required in this item, then the  
22 owner or operator must close the tank system and perform  
23 postclosure care in accordance with the closure and postclosure  
24 care requirements of part 7045.0638, subpart 4, that apply to  
25 hazardous waste landfills.

26           B. Owners and operators who store used oil in  
27 containers must, at closure, remove containers holding used oils  
28 or residues of used oil from the site. The owner or operator  
29 must remove or decontaminate used oil residues, contaminated  
30 containment system components, contaminated soils, and  
31 structures and equipment contaminated with used oil, and manage  
32 them as hazardous waste unless the materials are not hazardous  
33 waste under parts 7045.0102 to 7045.0143.

34       **Subp. 11. Other applicable provisions.** Used oil burners  
35 who conduct the following activities are also subject to the  
36 requirements of other applicable provisions as indicated below:

1           A. burners who generate used oil must also comply  
2 with part 7045.0855;

3           B. burners who transport used oil must also comply  
4 with part 7045.0865;

5           C. except as provided in subpart 3, burners who  
6 process or rerefine used oil must also comply with part  
7 7045.0875; and

8           D. burners who direct shipments of off-specification  
9 used oil from their facility to a used oil burner or first claim  
10 that used oil that is to be burned for energy recovery meets the  
11 used oil fuel specifications in part 7045.0795, must also comply  
12 with part 7045.0895.

13 7045.0895 STANDARDS FOR USED OIL FUEL MARKETERS.

14           Subpart 1. **Applicability.** Any person who conducts either  
15 of the following activities is subject to the requirements of  
16 this part:

17           A. any person who directs a shipment of  
18 off-specification used oil from their facility to a used oil  
19 burner; or

20           B. any person who first claims that used oil that is  
21 to be burned for energy recovery meets the used oil fuel  
22 specifications in part 7045.0840.

23           Subp. 2. **Persons who are not marketers.** The following  
24 persons are not marketers subject to this part:

25           A. used oil generators and transporters who transport  
26 used oil received only from generators, unless the generator or  
27 transporter directs a shipment of off-specification used oil  
28 from their facility to a used oil burner. However,  
29 processors/rerefiners who burn some used oil fuel for purposes  
30 of processing are considered to be burning incidentally to  
31 processing. Thus, generators and transporters who direct  
32 shipments of off-specification used oil to processor/rerefiners  
33 who incidentally burn used oil are not marketers subject to this  
34 part;

35           B. persons who direct shipments of on-specification



1 used oil and who are not the first to claim the oil meets the  
2 used oil specifications of part 7045.0840; and

3 C. used oil generators who direct shipments of used  
4 oil to used oil aggregation points which burn used oil in  
5 burning units in accordance with part 7045.0865, subpart 4.

6 Subp. 3. **Prohibitions.** A used oil fuel marketer must  
7 initiate a shipment of off-specification used oil only to a  
8 burner who has an EPA identification number and burns used oil  
9 in an industrial furnace or boiler identified in part 7045.0885,  
10 subpart 2, or to a burner who burns used oil in marine or diesel  
11 engines.

12 Subp. 4. **On-specification used oil fuel.** Analysis of used  
13 oil fuel. A generator, transporter, processor/rerefiner, or  
14 burner may determine that used oil that is to be burned for  
15 energy recovery meets the fuel specifications of part 7045.0840  
16 by performing analyses or obtaining copies of analyses or other  
17 information documenting that the used oil fuel meets the  
18 specifications. Persons claiming that used oil meets the  
19 specifications of part 7045.0840 must keep copies of analyses of  
20 the used oil or other information used to make the determination  
21 for at least three years.

22 Subp. 5. **Notification.** Used oil fuel marketers who have  
23 not notified the EPA that they are marketers of used oil must  
24 submit a completed EPA form 8700-12 to EPA indicating their used  
25 oil marketing activities.

26 Subp. 6. **Tracking.**

27 A. Any used oil marketer who directs a shipment of  
28 off-specification used oil to a burner must keep a record of  
29 each shipment of used oil to a used oil burner. These records  
30 may take the form of a log, invoice, manifest, bill of lading,  
31 or other shipping documents. Records for each shipment must  
32 include: the name and address of the transporter who delivers  
33 the used oil to the burner; the name and address of the burner  
34 who will receive the used oil; the EPA identification number of  
35 the transporter who delivers the used oil to the burner; the EPA  
36 identification number of the burner; the quantity of used oil

1 shipped; and the date of shipment.

2           B. A generator, transporter, processor/rerefiner, or  
3 burner who first claims that used oil that is to be burned for  
4 energy recovery meets the fuel specifications under part  
5 7045.0840 must keep records of each shipment of used oil to an  
6 on-specification used oil burner. Records must include the  
7 following information: the name and address of the facility  
8 receiving the shipment; the quantity of used oil fuel delivered;  
9 the date of shipment or delivery; and a cross-reference to the  
10 record of used oil analyses or other information used to make  
11 the determination that the used oil meets the specification as  
12 required in subpart 4. These records must be maintained by the  
13 person making the claim that the oil is on-specification for at  
14 least three years.

15           Subp. 7. **Notices and certification.** Before a used oil  
16 generator, transporter, or processor/rerefiner directs the first  
17 shipment of off-specification used oil fuel to a burner, that  
18 person must obtain a one-time written and signed notice from the  
19 burner certifying that the burner has notified EPA stating the  
20 location of the burning facility and a general description of  
21 used oil management activities at the burning facility, and that  
22 the burner will burn the off-specification used oil only in an  
23 industrial furnace or boiler identified in subpart 2. This  
24 certification must be maintained by the person who obtains the  
25 certification for at least three years from the date the last  
26 shipment of off-specification used oil is shipped to the burner.

27           Subp. 8. **Other applicable provisions.** Any person subject  
28 to the requirements of this part must also comply with one of  
29 the following:

30           A. part 7045.0855, standards for used oil generators;

31           B. part 7045.0865, standards for used oil  
32 transporters and transfer facilities;

33           C. part 7045.0875, standards for used oil processors  
34 and rerefiners;

35           D. part 7045.0885, standards for used oil burners who  
36 burn off-specification used oil for energy recovery.

1 7045.0990 USED OIL FILTERS.

2 Subpart 1. Definitions. The definitions in this subpart  
3 apply to this part.

4 A. "Used oil filter broker" means any person or  
5 business who accepts used oil filters from used oil filter  
6 collectors for purposes of sending used oil filters to a used  
7 oil filter recycling intermediary or recycler.

8 B. "Used oil filter collector" means any person or  
9 business who collects used oil filters directly from used oil  
10 filter generators for the purposes of sending the used oil  
11 filters to a used oil filter recycling intermediary or  
12 recycler. Scrap metal collectors who incidentally receive small  
13 amounts of used oil filters with other scrap metal they collect  
14 are not considered used oil filter collectors.

15 C. "Used oil filter processor" means a person or  
16 business who accepts used oil filters from used oil filter  
17 generators, brokers, or collectors for purposes of making the  
18 filters more amenable for recycling.

19 D. "Used oil filter recycler" means any person or  
20 business that accepts used oil filters and through some process  
21 transforms them into a recycled product.

22 E. "Used oil filter recycling intermediary" means a  
23 used oil filter broker or processor.

24 Subp. 2. General requirements. No person shall dispose of  
25 used oil filters or portions of used oil filters in solid waste  
26 or in or on the land. Used oil filter brokers, collectors,  
27 processors, recyclers, and generators are subject to regulation  
28 under this part and must ensure that used oil filters and  
29 portions of used oil filters are managed as specified in this  
30 subpart.

31 ~~Except-as-specified-below~~ Unless disposed of as hazardous  
32 waste, used oil filters and portions of used oil filters must be  
33 recycled either by scrap metal recycling or burning for energy  
34 recovery. Used oil filters and portions of used oil filters may  
35 be recycled under the scrap metal exemption of part 7045.0125,

1 subpart 4, item C, if they meet the definition of scrap  
 2 metal. Used oil filters and portions of used oil filters that  
 3 meet the definition of scrap metal may be burned for energy  
 4 recovery under part 7045.0805, item A, provided that the scrap  
 5 metal portion of the used oil filters is recovered and  
 6 recycled. Used oil filters and portions of used oil filters  
 7 which do not meet the definition of scrap metal,~~in-addition-to~~  
 8 ~~being-prohibited-from-solid-waste-disposal,~~ may be burned for  
 9 energy recovery under part 7045.0805, item A. Nonmetallic  
 10 ~~portions-of-used-oil-filters-are-not-prohibited-from-solid-waste~~  
 11 ~~disposal,~~~~but-are-subject-to-the-requirements-of-part~~  
 12 ~~7045.0805.--Any-type-of-used-oil-filter-or-portion-of-used-oil~~  
 13 ~~filter-may-be-disposed-of-as-a-hazardous-waste-if-it-is-found-to~~  
 14 ~~display-any-characteristic-of-hazardous-waste-found-in-part~~  
 15 ~~7045.0131.--For-reporting-purposes,~~~~used-oil-filters-that-are~~  
 16 ~~recycled-have-the-waste-code-of-M200.~~

17 Subp. 3. Requirements for generators.

18 A. [Withdrawn at 20 SR ....]

19 B A. Used oil filter generators must store used oil  
 20 filters in closed, leakproof containers labeled with the words  
 21 "Used Oil Filters."

22 C B. Used oil filter generators burning used oil  
 23 filters or portions of used oil filters on-site must comply with  
 24 part 7045.0855, subpart 4 3.

25 D C. Off-site shipments:

26 (1) Used oil filter generators must ensure that  
 27 used oil filters are not in a condition to readily release any  
 28 free-flowing oil when they leave the generator site.

29 (2) Used oil filter generators may transport used  
 30 oil filters that they generate to another licensed site owned by  
 31 the generator or to a used oil filter processor, recycler,  
 32 collector, or broker, in their own vehicles without meeting the  
 33 requirements of subpart 4. Used oil filter generators  
 34 transporting their own used oil filters must ensure that used  
 35 oil and used oil filters do not escape from the containers used  
 36 during transport. Used oil filter generators must keep records

1 of all shipments of used oil filters from their sites, including  
2 the date of the shipment, the quantity of used oil filters  
3 shipped, and the facility to which the used oil filters were  
4 delivered. These records must be kept at the licensed site for  
5 at least three years after the date of shipment.

6 (3) Used oil filter generators must only allow  
7 used oil filters to be taken off-site by used oil filter  
8 collectors that are licensed by the commissioner to transport  
9 used oil filters under subpart 4, or by scrap metal collectors  
10 as specified in subpart 4. Used oil filter generators must keep  
11 records of all shipments of used oil filters from their sites,  
12 including the name, address, and license number of the  
13 collector, the date of the shipment, and the quantity of used  
14 oil filters shipped. Used oil filter generators must keep these  
15 records at the licensed site for at least three years after the  
16 date of shipment.

17 Subp. 4. Requirements for used oil filter collectors.

18 A. Any person who collects used oil filters from used  
19 oil filter generators, other than scrap metal collectors who  
20 receive incidental quantities of used oil filters with other  
21 scrap metal and persons handling used oil filters as hazardous  
22 waste, must be licensed as a used oil filter collector by the  
23 commissioner. Used oil filter collectors must keep a copy of  
24 their license in each vehicle used to transport used oil filters  
25 and at sites used to store used oil filters. To obtain a  
26 license and remain licensed, the used oil filter collector must  
27 submit the following information and meet the requirements of  
28 this subpart. All persons transporting used oil filters must  
29 submit the following information regarding the operations of  
30 their used oil filter transporting business in writing to the  
31 commissioner:

32 (1) the name, address, and telephone number of  
33 the collector and all facilities the collector uses for used oil  
34 filter transportation purposes;

35 (2) the name of a contact person for the  
36 collector and all facilities the collector uses for used oil

1 filter transportation purposes;

2 (3) a list of the names, addresses, and telephone  
3 numbers of all used oil filter brokers, processors, and  
4 recyclers that will be used to recycle used oil filters handled  
5 by the collector;

6 (4) an approximation of the service area of the  
7 collector; and

8 (5) an approximation of the amount of used oil  
9 filters the collector expects to collect on an annual basis.

10 The commissioner shall issue a used oil filter collector  
11 license and license number to persons that submit the above  
12 information. The collector must notify the commissioner in  
13 writing immediately when any of the above information changes  
14 and provide the correct information. The commissioner shall  
15 suspend or revoke the license of any used oil collector not in  
16 compliance with the requirements of this subpart.

17 B. Storage and transportation:

18 (1) Used oil filter collectors must store and  
19 transport used oil filters in leakproof containers labeled with  
20 the words "Used Oil Filters." The containers must be closed or  
21 otherwise covered to prevent precipitation from entering the  
22 container and to prevent used oil filters and used oil from  
23 exiting the container during transport and storage.

24 (2) Used oil filter collectors may only send used  
25 oil filters to used oil filter recycling intermediaries or  
26 recyclers. Used oil filter collectors must send at least 75  
27 percent of the used oil filters they take possession of each  
28 year for recycling.

29 C. Record keeping and receipts:

30 (1) Used oil filter collectors must keep records  
31 of each volume of used oil filters they accept, including the  
32 name and address of the company offering the used oil filters,  
33 the date of shipment, and the quantity of the shipment. Used  
34 oil filter collectors must give a receipt to used oil filter  
35 generators containing the above information, the used oil filter  
36 collector's name and used oil filter collector license number,

1 and a signed certification that the used oil filter collector  
2 will ensure that the used oil filters they are accepting will be  
3 recycled.

4 (2) Used oil filter collectors must keep records  
5 of each volume of used oil filters they deliver to a used oil  
6 filter broker, processor, or recycler. These records must  
7 include the name and address of the facility receiving the used  
8 oil filters, the date of receipt, and the volume of used oil  
9 filters delivered.

10 D. By March 1 of every year beginning in 1997, used  
11 oil filter collectors must report to the commissioner in writing  
12 the amount of used oil filters in pounds collected by the  
13 collector in the previous calendar year, and the amount of used  
14 oil filters in pounds the used oil filter collector delivered to  
15 used oil filter brokers, processors, and recyclers in the  
16 previous calendar year. The reported amounts collected must  
17 distinguish between the amount of used oil filters collected  
18 from generators in Minnesota and the amount of used oil filters  
19 collected from generators outside of Minnesota. The report must  
20 also contain a signed certification from the used oil filter  
21 collector certifying that the collector sent used oil filters  
22 only to used oil filter recycling intermediaries or recyclers.

23 E. Used oil filter collectors that generate used oil  
24 from their operations must comply with parts 7045.0805 and  
25 7045.0855, as applicable.

26 Subp. 5. **Requirements for used oil filter brokers,**  
27 **processors, and recyclers.**

28 A. Used oil filter brokers, processors, and recyclers  
29 must ensure that used oil filters they manage are stored,  
30 processed, and handled in a manner which prevents used oil from  
31 entering the environment. Used oil filter brokers, processors,  
32 and recyclers must store and transport used oil filters in  
33 leakproof containers labeled with the words "Used Oil Filters."  
34 The containers must be closed or otherwise covered to prevent  
35 precipitation from entering the container and to prevent used  
36 oil filters and used oil from exiting the containers during

1 transport and storage. Used oil filters stored in units other  
2 than containers must not leak used oil into the environment and  
3 must be protected from precipitation.

4 B. Used oil filter collectors must send at least 75  
5 percent of the used oil filters they take possession of each  
6 year for recycling.

7 C. Used oil filter brokers, processors, and recyclers  
8 that generate used oil or waste contaminated with used oil from  
9 their used oil filter management activities are subject to the  
10 requirements of parts 7045.0805 and 7045.0855, as applicable.

11 D. Used oil filter brokers and processors may only  
12 send used oil filters to used oil filter brokers, processors, or  
13 recyclers.

14 7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND  
15 EXEMPTIONS.

16 Subpart 1. **Applicability.** Parts 7045.1300 to 7045.1380  
17 ~~identifies~~ identify hazardous wastes that are restricted from  
18 land disposal and defines those limited circumstances under  
19 which an otherwise prohibited waste may continue to be land  
20 disposed.

21 Except as specifically provided in subpart 2 or parts  
22 7045.0102 to 7045.0143, the requirements of parts 7045.1300 to  
23 7045.1380 apply to persons who generate or transport hazardous  
24 waste and owners and operators of hazardous waste treatment,  
25 storage, and disposal facilities. For purposes of parts  
26 7045.1300 to 7045.1380, a certification statement that complies  
27 with Code of Federal Regulations, title 40, part 268, as  
28 amended, also complies with the certification statement  
29 requirements of parts 7045.1300 to 7045.1380.

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

31 7045.1339 EFFECTIVE DATES OF SURFACE DISPOSED WASTES REGULATED  
32 IN LAND DISPOSAL RESTRICTIONS.

33 The comprehensive list of effective dates of surface  
34 disposed wastes regulated in the land disposal restrictions is  
35 found in Code of Federal Regulations, title 40, section 268,



1 Appendix VII, Tables 1 and 2, as amended. This table does not  
2 include mixed radioactive wastes which are receiving a national  
3 capacity variance until May 8, 1992, for all applicable  
4 treatment technologies.

5 INSTRUCTION TO REVISOR. The revisor shall add the words, "as  
6 amended," and, where they appear, delete the words, "(1983)" and  
7 "through June 30, 1983," following the citations to United  
8 States Code and Code of Federal Regulations in Minnesota Rules,  
9 parts:

10 7001.0590, item M;  
11 7001.0620, items H and L;  
12 7001.0650, subparts 5, item E, and 7;  
13 7045.0020, subparts 2, 9b, 24b, 32a, 59b, 71a, 72, 72a, 73,  
14 and 103, item A;  
15 7045.0075, subparts 2, item E, 8, and 10;  
16 7045.0102, subpart 2, item F;  
17 7045.0121, subparts 1 and 2, item D;  
18 7045.0125, subparts 6, item A, and 12, item A;  
19 7045.0131, subparts 1, 2, item C, and 5, item H;  
20 7045.0208, subpart 2, item B;  
21 7045.0261, subparts 1a, 5, 7, and 10;  
22 7045.0270, subparts 1, 4, 5, and 6;  
23 7045.0302, subparts 2, item B, subitem (1), and 6, item D;  
24 7045.0355;  
25 7045.0371;  
26 7045.0395, subparts 3, items B and D, and 5, item A;  
27 7045.0458, subpart 2, item C, subitem (1);  
28 7045.0466, subpart 4, item B;  
29 7045.0478, subpart 3, items M, N, P, Q, R, and S;  
30 7045.0494, subpart 2;  
31 7045.0498, subpart 2, item A, subitem (5);  
32 7045.0504, subparts 6, item H, subitem (4), and 7, item D;  
33 7045.0508, subparts 6, item H, subitem (4), and 7, item D;  
34 7045.0514, subpart 6, item H, subitem (4);  
35 7045.0522, subpart 1;  
36 7045.0524, subparts 1, item A, 6, 7, 8, and 8a;

- 1 7045.0526, subparts 4 and 6, item C;
- 2 7045.0538, subpart 12, items A, B, and F;
- 3 7045.0542, subpart 4, item C;
- 4 7045.0552, subpart 2;
- 5 7045.0564, subpart 2, item C, subitem (1);
- 6 7045.0572, subpart 4, item B;
- 7 7045.0584, subpart 3, items J, K, L, M, N, O, and P;
- 8 7045.0590, subparts 6, item B, subitem (1), and 8, item A,
- 9 subitem (1);
- 10 7045.0592, subpart 2;
- 11 7045.0608, subpart 2, item A, subitem (3);
- 12 7045.0622, subpart 1;
- 13 7045.0626, subpart 4;
- 14 7045.0630, subpart 2;
- 15 7045.0632, subpart 4, item B;
- 16 7045.0638, subpart 9, items A and B;
- 17 7045.1310, subpart 1, items B, subitems (2) and (3), and C;
- 18 7045.1315;
- 19 7045.1333, subparts 1, item D, 3, and 4;
- 20 7045.1334, subparts 1, item D, 2, item D, and 3;
- 21 7045.1335, subparts 4, 5, 9, item C, and 10;
- 22 7045.1350, subparts 1 and 3;
- 23 7045.1355, subparts 1 and 3;
- 24 7045.1360, subparts 1, item A, 4, and 5;
- 25 7045.1380, subpart 6.

26 REPEALER. Minnesota Rules, parts 7045.0020, subpart 102b;  
 27 7045.0102, subpart 3; 7045.0528, subpart 5; 7045.0628, subpart  
 28 5; and 7045.0695, are repealed.

29

30 EFFECTIVE DATE. ~~Minnesota Rules, part 7045.0805, is effective~~  
 31 ~~July 17, 1995.~~ Minnesota Rules, part 7045.0990, subpart 3, item  
 32 ~~D~~ C, subitem (3), and subpart 4, are effective January 1, 1996.