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ADMINISTRATIVE
HEARINGS

1 **Pollution Control Agency**

2 **Adopted Permanent Rules Relating to Hazardous Waste Licensing and Container**
3 **Management**

4 **7045.0020 DEFINITIONS.**

5 [For text of subps 1 to 37e, see M.R.]

6 Subp. 38. **Identification number.** "Identification number" means the number assigned
7 to each generator, transporter, and treatment, storage, or disposal facility by either the
8 Environmental Protection Agency, the state of Minnesota, or a state with a hazardous
9 waste program authorized by the Environmental Protection Agency pursuant to Code
10 of Federal Regulations, title 40, part 271, as amended.

11 [For text of subps 38a to 68, see M.R.]

12 Subp. 68a. **Petroleum.** "Petroleum" means:

13 A. liquid petroleum products as defined in Minnesota Statutes, section 115C.02,
14 subdivision 10;

15 B. an unused crude oil or fraction of unused crude oil that is liquid at a
16 temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch
17 absolute; or

18 C. constituents of gasoline and unused fuel oil as described under items A and B.

19 [For text of subps 69 to 73d, see M.R.]

20 Subp. 73e. **Recyclable fuel.** "Recyclable fuel" means any petroleum fuel which is no
21 longer fit for use and which requires reclamation to be used.

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

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

1 Subp. 73h. **Registered fuel recycling facility.** "Registered fuel recycling facility"
2 means a facility where the owners or operators have notified the commissioner of its
3 waste management activities according to part 7045.0125, subpart 9, item D, and have
4 received acknowledgment or confirmation by the commissioner that the agency is
5 aware of the facility's waste management activities.

6 Subp. 73i. **Remediation waste.** "Remediation waste" means all solid and hazardous
7 wastes, and all media (including groundwater, surface water, soils, and sediments) and
8 debris, which contain listed hazardous wastes or which themselves exhibit a hazardous
9 waste characteristic, that are managed for the purpose of implementing corrective action
10 requirements under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h).
11 For a given facility, remediation wastes may originate only from within the facility
12 boundary, but may include waste managed in implementing part 7045.0275, subpart 3,
13 or RCRA, section 3004(v) or 3008(h), for releases beyond the facility boundary.

14 Subp. 73j. **Replacement unit.** "Replacement unit" means a landfill, surface
15 impoundment, or waste pile unit (1) from which all or substantially all of the waste is
16 removed, and (2) that is subsequently reused to treat, store, or dispose of hazardous
17 waste. Replacement unit does not apply to a unit from which waste is removed during
18 closure, if the subsequent reuse solely involves the disposal of waste from that unit and
19 other closing units or corrective action areas at the facility, in accordance with an
20 approved closure plan or EPA or state-approved corrective action.

21 [For text of subps 74 to 109, see M.R.]

22 7045.0070 OTHER STANDARDS.

23 Nothing in this chapter shall relieve any person from any obligations or duties
24 imposed by any other laws, statutes, rules, standards, or ordinances of the federal, state,
25 or local governments or any agency thereof now in effect or which become effective in
26 the future, including county ordinances adopted under Minnesota Statutes, section

1 473.811. In the event this chapter conflicts with any such laws, statutes, rules, standards,
2 or ordinances, the more stringent shall apply. Nothing in this chapter shall be construed
3 to require any person to comply with any portion of this chapter if that portion should
4 at any time be preempted by federal law.

5 **7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.**

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

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

10 J. waste resulting from spills or emergency response actions if the exemption is
11 determined by the commissioner to be necessary to expedite the proper management of
12 the waste and to prevent, abate, or control pollution as an immediate response to an
13 emergency provided the waste, if hazardous, is ultimately managed as a hazardous
14 waste;

15 [For text of items K to T, see M.R.]

16 U. used chlorofluorocarbon refrigerants from totally enclosed heat transfer
17 equipment, including mobile air conditioning systems, mobile refrigeration, and
18 commercial and industrial air conditioning and refrigeration systems that use
19 chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the
20 refrigerant is reclaimed for further use;

21 V. used oil rerefining distillation bottoms that are used as feedstock to
22 manufacture asphalt products; or

23 W. sorbents, soil, and debris contaminated with petroleum fuel from spills and
24 emergencies that are contained and reported in accordance with Minnesota Statutes,
25 section 115.061, except for used oil spills and emergencies.

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

1 **7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND**
2 **RECLAMATION.**

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

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

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

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

11 (1) used as an ingredient in fuel;

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

13 (3) sent to a processing location for reclamation;

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

17 (1) used as an ingredient in fuel;

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

19 (3) sent to a processing location for reclamation;

20 N. recyclable fuel, if the following conditions are met:

21 (1) the recyclable fuel is immediately removed from the generation site by a
22 transporter in compliance with all applicable Minnesota Department of Transportation
23 requirements in Minnesota Statutes, sections 221.033 to 221.035, and Code of Federal
24 Regulations, title 49, parts 171 to 179;

25 (2) the recyclable fuel is delivered to a registered fuel recycling facility or

1 managed as provided in part 7045.0208 within five calendar days of being accepted by
2 the transporter. If the recyclable fuel is rejected after delivery to a recyclable fuel
3 recycling facility, the time it is held at the facility before it is rejected shall not count as
4 part of the allowed five calendar days;

5 (3) the recyclable fuel is not transferred, stored, or off-loaded between pickup
6 and delivery; and

7 (4) the recyclable fuel is placed into the recycling process within 24 hours of
8 receipt by a registered fuel recycling facility or, if managed under part 7045.0208, in
9 accordance with the applicable requirements of that part; and

10 (5) if, because of a need to conduct waste analysis, recyclable fuel cannot be
11 placed into the recycling process within 24 hours of receipt, the owner or operator of the
12 fuel recycling facility shall contact the commissioner to request an extension of the
13 storage time. A request for an extension can be for a single event or to address an
14 ongoing need for additional time. A request for an extension must be submitted in
15 writing to the commissioner and must include:

16 (a) the amount and type of waste being accepted;

17 (b) the amount of time that will be necessary to conduct waste evaluation;

18 and

19 (c) a description of how the waste will be managed during the storage period,
20 including the measures that will be in place to prevent releases and how spills will be
21 contained and cleaned up.

22 The commissioner's decision to approve holding the waste longer than 24 hours will
23 be based on an evaluation of whether the owner or operator of the recycling facility can
24 provide adequate protection of human health and the environment until the recyclable
25 fuel is placed into the recycling process; and

26 O. gasoline petroleum fuel filters contaminated with gasoline if they are burned for

1 energy recovery under subpart 3a, or recycled as scrap metal under item C, and are
2 managed during accumulation and transportation according to the requirements of part
3 7045.0990, subparts 3 to 5.

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

5 Subp. 9. **Facility requirements.** Unless exempted specifically in this part or parts
6 7045.0692 and 7045.0790 to 7045.0990, owners or operators of facilities which recycle
7 hazardous waste are subject to the following requirements:

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

9 D. Owners and operators of fuel recycling facilities that accept recyclable fuel must
10 register with the agency by submitting, on a form prescribed by the commissioner, a
11 notification of the owners' or operators' intent to accept recyclable fuel. The information
12 submitted must include the facility's name and address, a name and telephone number
13 of a designated contact person, and a description of the process and equipment that will
14 be used to manage the recyclable fuel. The facility will be considered to be registered to
15 accept recyclable fuel upon receipt of written confirmation from the commissioner that
16 the agency is aware of waste recycling activities at the facility.

17 [For text of subps 10 to 12, see M.R.]

18 **7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICALS.**

19 For purposes of licensing only under parts 7045.0225 to 7045.0250, a collection of
20 small amounts of unrelated but compatible chemicals, including those for which the
21 description of any sample or set of samples is not representative of the total waste, has
22 the hazardous waste number of MN02.

23 **7045.0208 HAZARDOUS WASTE MANAGEMENT.**

24 Subpart 1. **Management by generator.** A generator must manage hazardous waste by
25 using one of the methods described in items A to F, unless otherwise specifically
26 exempted under this chapter.

1 A. A generator may treat or dispose of hazardous waste at an on-site facility as
2 provided under part 7045.0211.

3 B. A generator may ensure delivery of hazardous waste to an off-site storage,
4 treatment, or disposal facility. If located in the United States, the facility used must be
5 permitted to accept hazardous waste under the agency's permitting procedures, have
6 interim status under parts 7045.0552 to 7045.0642, or be authorized to manage
7 hazardous waste by the Environmental Protection Agency or by a state with a
8 hazardous waste management program authorized by the Environmental Protection
9 Agency.

10 C. A generator may ensure delivery of hazardous waste to a facility that under
11 part 7045.0125 beneficially uses or reuses, legitimately recycles, or legitimately reclaims
12 the waste, or treats the waste before beneficial use or reuse, legitimate recycling, or
13 legitimate reclamation.

14 D. A generator may export hazardous waste to a foreign country under the
15 limitations in part 7045.0302.

16 E. A generator may discharge hazardous waste to a publicly owned treatment
17 works according to the notification requirements, prohibitions, limitations, and other
18 management requirements imposed by the publicly owned treatment works operating
19 authority, by federal statutes and regulations, or by state statutes and rules, providing:

20 (1) the wastes being discharged are compatible with all piping and
21 appurtenances ~~owned or utilized by the generator and the publicly owned treatment~~
22 ~~works operating authority~~ which would receive the waste and conduct it to the publicly
23 owned treatment works treatment plant; and

24 (2) no piping and appurtenances owned or utilized by the generator, and
25 leading to the ~~publicly owned treatment works~~ public sewers, will release the
26 discharged waste to the environment.

1 F. A generator may ensure delivery of hazardous waste to a very small quantity
2 generator collection program operated under part 7045.0320.

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

4 Subp. 2. **Relinquishing control.** A generator must not relinquish control of a
5 hazardous waste if:

6 A. the generator has reason to believe that the hazardous waste will not be
7 properly managed;

8 B. the transporter or the treatment, storage, or disposal facility is not exempt under
9 this chapter and has not received an identification number; or

10 C. the transporter is not currently licensed or permitted by the Minnesota
11 Department of Transportation as a hazardous waste transporter, except as exempted in
12 part 7045.0120.

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

14 **7045.0214 EVALUATION OF WASTES.**

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

16 Subp. 3. **Wastes generated by treatment, storage, or disposal.** Wastes generated by
17 treatment, storage, or disposal of hazardous waste are as follows:

18 A. Except as provided in items B to E, any waste generated from the treatment,
19 storage, or disposal of hazardous waste, including any sludge, spill residue, ash,
20 emission control dust or leachate, but not including precipitation run-off, is a hazardous
21 waste if it meets the criteria of subpart 2 or if it is derived from a waste that is listed in
22 part 7045.0135.

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

24 **7045.0221 IDENTIFICATION NUMBER.**

25 Within 75 days after first generating hazardous waste, prior to any transportation,

1 treatment, storage, or disposal of any hazardous waste, and prior to applying for a
2 license under part 7045.0240, a generator must apply for an identification number on
3 forms provided by the commissioner.

4 **7045.0230 CONTENT OF INITIAL LICENSE APPLICATION.**

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

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

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

14 C. a list of all used oils generated, the physical state, and the source or process
15 from which the waste was produced;

16 D. a management plan for each hazardous waste and used oil produced that
17 includes the following information:

18 (1) the amounts produced in the previous calendar year;

19 (2) the name and identification number of the most frequently used transporter;

20 (3) the names and identification numbers of the designated facilities involved in
21 the management of the hazardous waste;

22 (4) the methods of management, on and off-site, proposed for each hazardous
23 waste; and

24 (5) the year each hazardous waste was first produced;

25 E. the following certification signed by the generator or authorized representative:

1 "I certify under penalty of law that I have personally examined and am familiar
2 with the information submitted in this and all attached documents, and that based
3 on my inquiry of those individuals immediately responsible for obtaining the
4 information, I believe that the submitted information is true, accurate, and
5 complete. I am aware that there are significant penalties for submitting false
6 information, including the possibility of fine and imprisonment."; and

7 F. any additional information regarding the generator or the waste produced and
8 managed by the generator which is necessary to a decision on the application and which
9 has been requested by the commissioner.

10 Subp. 1a. **Very small quantity generator license application.** An application for a
11 very small quantity generator license must be on a form provided by the commissioner
12 and must include the following information:

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

14 F. the certification required under subpart 1, item E; and

15 G. additional information required under subpart 1 as requested by the
16 commissioner.

17 Subp. 4. [See repealer.]

18 **7045.0240 SUBMITTAL OF LICENSE APPLICATION.**

19 Subp. 3. **License application submittal.** Each generator who is producing hazardous
20 waste in Minnesota must submit a license application to the commissioner by the due
21 date specified by the commissioner. The specified due date shall be within one year of
22 the generator's application for an identification number under part 7045.0221. The
23 generator must at all times manage the waste in full compliance with parts 7045.0205 to
24 7045.0320. After the commissioner acts on the license application, the generator must
25 manage the waste according to the license conditions and the requirements of this
26 chapter or the generator must cease producing the waste if the license application is
27 denied.

7045.0240

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

2 **7045.0248 LICENSE RENEWAL APPLICATION.**

3 Subpart 1. **Applicability.** A licensed generator must submit a license renewal
4 application to the commissioner on forms provided by the commissioner. A generator
5 must submit the application by a date specified by the commissioner. The application
6 must contain the following information for each hazardous waste produced during the
7 preceding calendar year:

8 A. any changes to information submitted under part 7045.0230, subpart 1, items A
9 to F;

10 B. for large quantity generators, by March 1 of every even-numbered year, the
11 information required for the biennial report required by the EPA under Code of Federal
12 Regulations, title 40, section 262.41;

13 C. any additional information requested by the commissioner regarding the
14 generator or the waste produced and managed by the generator and which is necessary
15 to a decision on the application; and

16 D. the following certification signed by the generator or authorized representative:

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

23 Subp. 2. [See repealer.]

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

25 **7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.**

1 A person having hazardous waste subject to regulation under this chapter who is
2 only a hazardous waste generator for the one-time disposal of hazardous waste which is
3 not currently being produced, must comply with this chapter except as provided in
4 items A to D. The exemptions in this part do not apply to generators that generate
5 hazardous waste more than one time.

6 A. The generator is exempt from parts 7045.0225 to 7045.0250, license and license
7 reporting.

8 B. A large quantity generator is exempt from part 7045.0292, subpart 1, but must
9 instead comply with part 7045.0292, subpart 5, items A to F, and must meet the
10 requirements of part 7045.0566, relating to preparedness and prevention, and part
11 7045.1315, subpart 1, item D, relating to waste analysis for restricted wastes.

12 C. A small quantity generator is exempt from the requirements of part 7045.0292,
13 subpart 5, items G and H, but instead must meet the requirements of part 7045.0566,
14 relating to preparedness and prevention, and part 7045.1315, subpart 1, item D, relating
15 to waste analysis for restricted wastes.

16 D. A very small quantity generator is exempt from part 7045.0292, subpart 6, but
17 instead must comply with part 7045.0292, subpart 5, items A to F, and must meet the
18 requirements of part 7045.0566, relating to preparedness and prevention, and part
19 7045.1315, subpart 1, item D, relating to waste analysis for restricted wastes.

20 **7045.0292 ACCUMULATION OF HAZARDOUS WASTE.**

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

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

24 D. storage areas are protected from unauthorized access and inadvertent damage
25 from vehicles or equipment;

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

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

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

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

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

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

9 H. the generator complies with the following requirements:

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

11 (3) the generator must ensure and document that all employees are thoroughly
12 familiar with proper waste handling and emergency procedures relevant to their
13 responsibilities during normal facility operations and emergencies within six months
14 after the date of their employment or assignment to a new position; and

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

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

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

20 D. storage areas are protected from unauthorized access and inadvertent damage
21 from vehicles or equipment;

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

23 G. the generator meets the requirements of part 7045.0566, relating to preparedness
24 and prevention; and

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

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

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

4 A. A generator may, without a permit or interim status and without complying
5 with subparts 1 to 7, accumulate as much as 55 gallons of hazardous waste or one quart
6 of acute hazardous waste listed in part 7045.0135, subparts 2 and 4, item E, per waste
7 stream per each point of generation provided the generator complies with items B to D.

8 B. The generator must:

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

10 (3) comply with parts 7045.0566 and 7045.0568 if a large quantity or small
11 quantity generator, or with part 7045.0566 if a very small quantity generator;

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

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

14 Subp. 9. **Transportation time extension.** If waste accumulated under subparts 5 and 6
15 must be transported 200 miles or more to a facility, the generator may store the waste
16 for an additional 90 days beyond the established limits. In this event, the generator must
17 maintain evidence on site that arrangements have been made for the transport of the
18 waste to the facility and, if requested, show the evidence to the commissioner. During
19 this time extension a small quantity generator shall not at any time exceed the 3,000
20 kilogram accumulation limit established in subpart 5 and a very small quantity
21 generator shall not at any time exceed the 1,000 kilogram limit established in subpart 6.

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

23 Subp. 11. **Accumulation requiring a permit.** A large quantity generator who
24 accumulates hazardous waste for more than 90 days, or a small quantity generator who
25 accumulates more than 3,000 kilograms of hazardous waste at any time, is an operator

1 of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642
2 and the agency's permitting procedures in chapter 7001 and parts 7023.9000 to
3 7023.9050 unless the generator has been granted a time extension under subpart 10.

4 **7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF**
5 **HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.**

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

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

10 A. A transporter may not accept household hazardous waste from any operator
11 who establishes or operates all or part of a household hazardous waste management
12 program unless the waste is accompanied by either a manifest signed by the generator
13 according to parts 7045.0205 to 7045.0320 or a shipping paper prepared according to
14 subpart 3, item C, subitem (1).

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

16 C. If the household hazardous waste is destined for a collection site that has
17 obtained approval from the commissioner under subpart 6, the transporter shall comply
18 with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397,
19 except:

20 (1) part 7045.0361; and

21 (2) a shipping paper prepared according to subpart 3, item C, subitem (1), may
22 be used, in lieu of a manifest, to comply with the requirements of parts 7045.0351 to
23 7045.0395.

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

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

1 **7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE**
2 **COLLECTION PROGRAMS.**

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

4 Subp. 10. **Transport requirements.** A person or persons who transport waste
5 collected as a result of a collection program licensed under this part shall transport
6 collected waste in compliance with the requirements in items A to D.

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

8 C. If the collected waste is destined for a collection site that has obtained approval
9 from the commissioner under the licensing provisions of this part, the transporter shall
10 comply with the hazardous waste transporter requirements in parts 7045.0351 to
11 7045.0397, except:

12 (1) an identification number under part 7045.0361 is not required; and

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

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

15 **7045.0361 IDENTIFICATION NUMBERS.**

16 A person who transports hazardous waste that originates or terminates in Minnesota
17 must obtain an identification number on forms provided by the agency before
18 transporting the hazardous waste.

19 **7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.**

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

21 Subp. 3. **Exemptions.** The requirements of parts 7045.0450 to 7045.0544 do not apply
22 to the following specific waste management units, facilities, or activities, although all
23 other waste management activities of the owner or operator may be regulated:

24 A. a facility managing recyclable hazardous wastes subject to regulation under
25 part 7045.0125, 7045.0665, 7045.0675, or 7045.0685; however, this exemption does not

1 apply where part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 makes the requirements
2 of parts 7045.0450 to 7045.0544 applicable by cross-reference;

3 B. the accumulation of waste on-site in compliance with part 7045.0292;

4 C. the disposal of waste pesticides from a farmer's own use in compliance with
5 part 7045.0213, subpart 2;

6 D. a totally enclosed treatment facility;

7 E. an elementary neutralization unit, pretreatment unit, or a wastewater treatment
8 unit, but only if the unit does not receive hazardous waste from generators other than
9 the owner or operator of the unit;

10 F. the treatment, storage, or disposal of hazardous waste by the owner or operator
11 of a publicly owned treatment works with respect to hazardous waste which is
12 delivered to the treatment works by a transport vehicle or vessel or through a pipe,
13 unless the requirements of parts 7045.0450 to 7045.0544 are included in a permit-by-rule;

14 G. that portion of a combustion waste facility which is used to manage hazardous
15 waste produced in conjunction with the combustion of fossil fuels provided that the
16 wastes:

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

18 H. the storage of manifested shipments of hazardous waste in containers meeting
19 the requirements of part 7045.0270, subpart 4, at a transfer facility for a period of ten
20 days or less in compliance with part 7045.0365;

21 I. the addition of absorbent material to hazardous waste in a container or the
22 addition of hazardous waste to absorbent material in a container, provided that these
23 actions occur at the time waste is first placed in the container, and parts 7045.0456,
24 subpart 2, and 7045.0526, subparts 2 and 3, are complied with;

25 J. (1) except as provided in subitem (2), treatment or containment activities during

1 immediate response to any of the following situations: a discharge of a hazardous
2 waste, an imminent and substantial threat of a discharge of hazardous waste, or a
3 discharge of a material which, when discharged, becomes a hazardous waste;

4 (2) an owner or operator of a facility otherwise regulated by parts 7045.0450 to
5 7045.0544 shall comply with all applicable requirements of parts 7045.0395, 7045.0397,
6 7045.0454, and 7045.0462 to 7045.0470; or

7 (3) a person who is covered by subitem (1) and who continues or initiates
8 hazardous waste treatment or containment activities after the immediate response is
9 over is subject to all applicable requirements of parts 7045.0450 to 7045.0544 and the
10 agency's permitting procedures for those activities; or

11 K. treatment of hazardous waste by a generator in the generator's accumulation
12 tanks or containers in accordance with part 7045.0292. If the treatment involves
13 evaporation of aqueous waste or polymerization of polyester or other chemical fixation
14 treatment processes in open containers, the generator is exempt from parts 7045.0450 to
15 7045.0544, but before beginning the treatment process must submit to the commissioner
16 the information required under part 7045.0539, subpart 2, items A to C, that is relevant
17 to the treatment activity and must be notified by the commissioner that the treatment
18 activity is approved. The commissioner shall approve the treatment activity if the
19 commissioner finds that the treatment activity will not endanger human health and the
20 environment.

21 **7045.0454 PERSONNEL TRAINING.**

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

23 Subp. 5. **Training review.** Facility personnel shall take part at least once per calendar
24 year in a review of the initial training required in subparts 1 to 3.

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

26 **7045.0484 GROUNDWATER PROTECTION.**

7045.0484

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

2 Subp. 6. **Concentration limits.** The agency shall specify in the facility permit the
3 concentration limits in the ground water for hazardous constituents which are
4 reasonably expected to be in or derived from waste contained in a regulated unit or
5 which are detected as a result of ground water monitoring at the unit. The concentration
6 of a hazardous constituent:

7 A. must not exceed the background level of that constituent in the ground water at
8 the time that limit is specified in the permit;

9 B. for any of the constituents listed as health risk levels in parts 4717.7100 to
10 4717.7800 or as maximum concentration limits in Code of Federal Regulations, title 40,
11 part 141, must not exceed the lower of the respective values given in those parts if the
12 background level of the constituent is below the lower of the values given in those parts;
13 or

14 C. must not exceed an alternate limit established by the agency under subpart 8.

15 Subp. 7. [See repealer.]

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

17 **7045.0526 USE AND MANAGEMENT OF CONTAINERS.**

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

19 Subp. 4. **Management of containers.** A container holding hazardous waste must
20 always be closed during storage, except when it is necessary to add or remove waste or
21 when a generator is treating hazardous waste in that container in accordance with part
22 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K.

23 A container holding hazardous waste must not be opened, handled, or stored in a
24 manner which may rupture the container or cause it to leak. Reuse of containers is
25 governed by the United States Department of Transportation regulations, including
26 those set forth in Code of Federal Regulations, title 49, section 173.28, as amended.

1 If exposure of the containers to moisture or direct sunlight may create a hazardous
2 condition or adversely affect the container's ability to contain the hazardous waste, the
3 owner or operator must store the containers in an area with overhead roofing or other
4 covering that does not obstruct the visibility of the labels.

5 Subp. 4a. **Labeling of containers.** Containers must be clearly labeled with the words
6 "Hazardous Waste" and a description that clearly identifies their contents to employees
7 and emergency personnel. If it is not possible for the labels to be clearly visible for
8 inspection, the information on the labels must be accessible in some other form that will
9 allow ready identification of the contents without having to move the containers.

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

11 Subp. 7. **Special requirements for ignitable or reactive waste.** Containers holding
12 ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's
13 property line when physically possible based on the dimensions of the property. When
14 it is not physically possible to place containers at least 50 feet from the property line,
15 based on the dimensions of the property, the ignitable or reactive waste must be placed
16 at least as far as the specified minimum distance from property line found in Table
17 Number 79.503-F of the Minnesota Uniform Fire Code as incorporated by reference in
18 part 7510.3310. Nothing in this subpart shall relieve the facility owner or operator from
19 the obligation to comply with any local, state, or federal law governing storage of these
20 wastes.

21 [For text of subps 8 and 9, see M.R.]

22 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

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

24 Subp. 3. **Exemptions.** The requirements of parts 7045.0552 to 7045.0648 do not apply
25 to the following specific waste management units, facilities, or activities, although all
26 other waste management activities of the owner or operator may be regulated:

1 A. the treatment, storage, or disposal of hazardous waste by the owner or operator
2 of a publicly owned treatment works. The owner or operator of a publicly owned
3 treatment works is subject to the requirements of parts 7045.0450 to 7045.0544 to the
4 extent they are included in a permit-by-rule granted to such a person, under the agency
5 permitting procedures;

6 B. a facility managing recyclable hazardous wastes subject to regulation under part
7 7045.0125, 7045.0665, 7045.0675, or 7045.0685; however, this exemption does not apply
8 where part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 makes the requirements of
9 parts ~~7045.0522 to 7045.0642~~ 7045.0552 to 7045.0648 applicable by cross-reference;

10 C. the accumulation of waste on-site in compliance with part 7045.0292, except to
11 the extent the requirements are included in part 7045.0292;

12 D. the disposal of waste pesticides from a farmer's own use in compliance with
13 part 7045.0213, subpart 2;

14 E. a totally enclosed treatment facility;

15 F. an elementary neutralization unit, pretreatment unit, or wastewater treatment
16 unit, if the unit does not receive hazardous waste from generators other than the owner
17 or operator of the unit;

18 G. that portion of a combustion waste facility which is used to manage hazardous
19 wastes produced in conjunction with the combustion of fossil fuels if the wastes:

20 (1) are generated on-site;

21 (2) traditionally have been and actually are mixed with and codisposed or
22 cotreated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from
23 coal combustion; and

24 (3) are necessarily associated with the production of energy, such as boiler
25 cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, and cooling
26 tower blowdown;

1 H. the storage of manifested shipments of hazardous waste in containers meeting
2 the requirements of part 7045.0270, subpart 4 at a transfer facility for a period of ten
3 days or less in compliance with part 7045.0365;

4 I. the addition of absorbent material to hazardous waste in a container or the
5 addition of hazardous waste to absorbent material in a container if these actions occur at
6 the time hazardous waste is first placed in the container, and part 7045.0562, subpart 2,
7 and 7045.0626, subparts 2 and 3, are complied with;

8 J. (1) except as provided in subitem (2), treatment or containment activities during
9 immediate response to any of the following situations: a discharge of a hazardous
10 waste, an imminent and substantial threat of a discharge of a hazardous waste, or a
11 discharge of a material which, when discharged, becomes a hazardous waste;

12 (2) a facility otherwise regulated by parts 7045.0552 to 7045.0642 shall comply
13 with all applicable requirements of parts 7045.0395, 7045.0397, 7045.0558, and 7045.0566
14 to 7045.0576; or

15 (3) a person who is covered by subitem (1) and who continues or initiates
16 hazardous waste treatment or containment activities after the immediate response is
17 over is subject to all applicable requirements of parts 7045.0552 to 7045.0642 and the
18 agency's permitting procedures for those activities; or

19 K. treatment of hazardous waste by the generator in the generator's accumulation
20 tanks or containers in accordance with part 7045.0292. If the treatment involves
21 evaporation of aqueous waste or polymerization of polyester or other chemical fixation
22 treatment processes in open containers, the generator is exempt from parts 7045.0552 to
23 7045.0642, but before beginning the treatment process must submit to the commissioner
24 the information required under part 7045.0539, subpart 2, items A to C, that is relevant
25 to the treatment activity and must be notified by the commissioner that the treatment
26 activity is approved. The commissioner shall approve the treatment activity if the

1 commissioner finds that the treatment activity will not endanger human health and the
2 environment.

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

4 **7045.0558 PERSONNEL TRAINING.**

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

6 Subp. 5. **Training review.** Facility personnel shall take part at least once per calendar
7 year in a review of the initial training required in subparts 1 to 3.

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

9 **7045.0594 CLOSURE.**

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

11 Subp. 2. **Closure performance standard.** The owner or operator shall close the facility
12 in a manner minimizing the need for further maintenance. Closure procedures must
13 result in controlling, minimizing, or eliminating, to the extent necessary to protect
14 human health and the environment, postclosure escape of hazardous waste, hazardous
15 constituents, leachate, contaminated runoff, or hazardous waste decomposition
16 products to the ground or surface waters or to the atmosphere, in accordance with all
17 closure requirements including the requirements of parts 7045.0628, subpart 9;
18 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4;
19 7045.0640, subpart 5; and 7045.0642, subpart 5.

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

21 **7045.0626 USE AND MANAGEMENT OF CONTAINERS.**

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

23 Subp. 4. **Management of containers.** A container holding hazardous waste must
24 always be closed during storage, except when it is necessary to add or remove waste or
25 when a generator is treating hazardous waste in that container in accordance with part
26 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K.

7045.0626

1 A container holding hazardous waste must not be opened, handled, or stored in a
2 manner which may rupture the container or cause it to leak. Reuse of containers is
3 governed by United States Department of Transportation regulations, including those
4 set forth in Code of Federal Regulations, title 49, section 173.28, as amended.

5 The owner or operator shall store containers which if exposed to moisture or direct
6 sunlight may create a hazardous condition or adversely affect the container's ability to
7 contain the hazardous waste, in an area with overhead roofing or other covering that
8 does not obstruct the visibility of the labels.

9 Subp. 4a. **Labeling.** Containers must be clearly labeled with the words "Hazardous
10 Waste" and a description that clearly identifies their contents to employees and
11 emergency personnel. If it is not possible for the labels to be clearly visible for
12 inspection, the information on the labels must be accessible in some other form that will
13 allow ready identification of the contents without having to move the containers.

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

15 Subp. 7. **Special requirements for ignitable or reactive waste.** Containers holding
16 ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's
17 property line, when physically possible based on the dimensions of the property. When
18 it is not physically possible to place containers at least 50 feet from the property line,
19 based on the dimensions of the property, the ignitable or reactive waste must be placed
20 at least as far as the specified minimum distance from property line found in Table
21 Number 79.503-F of the Minnesota Uniform Fire Code as incorporated by reference in
22 part 7510.3310. Nothing in this subpart shall relieve the facility owner or operator from
23 the obligation to comply with any local, state, or federal law governing storage of these
24 wastes.

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

26 **7045.0665 USE CONSTITUTING DISPOSAL.**

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

2 Subp. 1b. **Evaporation disposal prohibition.** Generators must not by intentional
3 evaporation dispose of hazardous waste. The following specific treatment activities by
4 generators, when conducted in accordance with part 7045.0450, subpart 3, item K, or
5 7045.0552, subpart 3, item K, are not prohibited:

6 A. volume reduction through evaporation of water from an aqueous hazardous
7 waste that does not contain any volatile hazardous constituents; and

8 B. polymerization to solidify polyester wastes or other chemical fixation processes
9 which must be conducted in open containers to allow heat and pressure to be vented for
10 safety reasons.

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

12 **7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.**

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

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

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

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

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

2 **7045.0790 DEFINITIONS.**

3 Subp. 15. **Used oil collection center.** "Used oil collection center" means any site or
4 facility ~~that is licensed by the commissioner or by a county government to manage used~~
5 ~~oil and~~ that accepts or aggregates, or both, and stores used oil collected from
6 do-it-yourselfer used oil generators and/or used oil generators regulated under part
7 7045.0855 who bring used oil to the used oil collection center in shipments of no more
8 than 55 gallons under the provisions of part 7045.0855.

9 **7045.0855 STANDARDS FOR USED OIL GENERATORS.**

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

11 Subp. 2. **Storage.**

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

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

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

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

24 A. Generators may, without notifying the EPA that they are transporting used oil,
25 transport used oil that is generated at the generator's site; used oil generated at another

1 site by the generator, such as used oil generated by contractors at other businesses from
2 servicing equipment; and do-it-yourselfer used oil to a used oil collection center or a
3 used oil aggregation point owned by the generator provided that the generator
4 transports no more than 55 gallons of used oil at any time in a vehicle owned by the
5 generator or owned by an employee of the generator.

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

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

8 **7045.0990 USED OIL FILTERS.**

9 Subpart 1. **Definitions.** The definitions in this subpart apply to this part.

10 A. "Used oil filter broker" means any person or business who accepts used oil
11 filters from used oil filter transporters for purposes of sending used oil filters to a used
12 oil filter recycling intermediary or recycler.

13 B. "Used oil filter transporter" means any person or business who transports used
14 oil filters directly from used oil filter generators for the purposes of sending the used oil
15 filters to a used oil filter recycling intermediary or recycler. Scrap metal collectors who
16 incidentally receive small amounts of used oil filters with other scrap metal they collect
17 are not considered used oil filter collectors.

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

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

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

1 Unless disposed of as hazardous waste, used oil filters and portions of used oil filters
2 must be recycled either by scrap metal recycling or burning for energy recovery. Used
3 oil filters and portions of used oil filters may be recycled under the scrap metal
4 exemption of part 7045.0125, subpart 4, item C, if they meet the definition of scrap
5 metal. Used oil filters and portions of used oil filters that meet the definition of scrap
6 metal may be burned for energy recovery under part 7045.0805, item A, provided that
7 the scrap metal portion of the used oil filters is recovered and recycled. Used oil filters
8 and portions of used oil filters which do not meet the definition of scrap metal may be
9 burned for energy recovery under part 7045.0805, item A.

10 **Subp. 3. Requirements for generators.**

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

12 **C. Off-site shipments:**

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

15 (2) Used oil filter generators may transport used oil filters that they generate to
16 another site owned by the generator or to a used oil filter processor, recycler,
17 transporter, or broker, in their own vehicles without meeting the requirements of
18 subpart 4. Used oil filter generators transporting their own used oil filters must ensure
19 that used oil and used oil filters do not escape from the containers used during
20 transport. Used oil filter generators must keep records of all shipments of used oil filters
21 from their sites, including the date of the shipment, the quantity of used oil filters
22 shipped, and the facility to which the used oil filters were delivered. These records must
23 be kept at the site for at least three years after the date of shipment.

24 (3) Used oil filter generators must only allow used oil filters to be taken off-site
25 by used oil filter transporters that are licensed by the commissioner to transport used oil
26 filters under subpart 4, or by scrap metal collectors as specified in subpart 4. Used oil

1 filter generators must keep records of all shipments of used oil filters from their sites,
2 including the name, address, and license number of the transporter, the date of the
3 shipment, and the quantity of used oil filters shipped. Used oil filter generators must
4 keep these records at the site for at least three years after the date of shipment.

5 **Subp. 4. Requirements for used oil filter transporters.**

6 A. Any person who transports used oil filters from used oil filter generators, other
7 than scrap metal collectors who receive incidental quantities of used oil filters with
8 other scrap metal and persons handling used oil filters as hazardous waste, must be
9 licensed as a used oil filter transporter by the commissioner. Used oil filter transporters
10 must keep a copy of their license in each vehicle used to transport used oil filters and at
11 sites used to store used oil filters. To obtain a license and remain licensed, the used oil
12 filter transporter must submit the following information and meet the requirements of
13 this subpart. All persons transporting used oil filters must submit the following
14 information regarding the operations of their used oil filter transporting business in
15 writing to the commissioner:

16 (1) the name, address, and telephone number of the transporter and all facilities
17 the transporter uses for used oil filter transportation purposes;

18 (2) the name of a contact person for the transporter and all facilities the
19 transporter uses for used oil filter transportation purposes;

20 (3) a list of the names, addresses, and telephone numbers of all used oil filter
21 brokers, processors, and recyclers that will be used to recycle used oil filters handled by
22 the transporter;

23 (4) an approximation of the service area of the transporter; and

24 (5) an approximation of the amount of used oil filters the transporter expects to
25 collect on an annual basis.

26 The commissioner shall issue a used oil filter collector license to persons that submit

1 the above information. The collector must notify the commissioner in writing
2 immediately when any of the above information changes and provide the correct
3 information. The commissioner shall suspend or revoke the license of any used oil
4 transporter not in compliance with the requirements of this subpart.

5 B. Storage and transportation:

6 (1) Used oil filter transporters must store and transport used oil filters in
7 leakproof containers labeled with the words "Used Oil Filters." The containers must be
8 closed or otherwise covered to prevent precipitation from entering the container and to
9 prevent used oil filters and used oil from exiting the container during transport and
10 storage.

11 (2) Used oil filter transporters may only send used oil filters to used oil filter
12 recycling intermediaries or recyclers. Used oil filter transporters must send at least 75
13 percent of the used oil filters they take possession of each year for recycling.

14 C. Recordkeeping and receipts:

15 (1) Used oil filter transporters must keep records of each volume of used oil
16 filters they accept, including the name and address of the company offering the used oil
17 filters, the date of shipment, and the quantity of the shipment. Used oil filter
18 transporters must give a receipt to used oil filter generators containing the above
19 information, the used oil filter transporter's name and used oil filter transporter license
20 number, and a signed certification that the used oil filter transporter will ensure that the
21 used oil filters they are accepting will be recycled.

22 (2) Used oil filter transporters must keep records of each volume of used oil
23 filters they deliver to a used oil filter broker, processor, or recycler. These records must
24 include the name and address of the facility receiving the used oil filters, the date of
25 receipt, and the volume of used oil filters delivered.

26 D. By March 1 of every year beginning in 1997, used oil filter transporters must

1 report to the commissioner in writing the amount of used oil filters in pounds
2 transported by the transporter in the previous calendar year, and the amount of used oil
3 filters in pounds the used oil filter transporter delivered to used oil filter brokers,
4 processors, and recyclers in the previous calendar year. The reported amounts
5 transported must distinguish between the amount of used oil filters transported from
6 generators in Minnesota and the amount of used oil filters transported from generators
7 outside of Minnesota. The report must also contain a signed certification from the used
8 oil filter transporter certifying that the transporter sent used oil filters only to used oil
9 filter recycling intermediaries or recyclers.

10 E. Used oil filter transporters that generate used oil from their operations must
11 comply with parts 7045.0805 and 7045.0855, as applicable.

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

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

14 B. Used oil filter transporters must send at least 75 percent of the used oil filters
15 they take possession of each year for recycling.

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

17 **7045.1330 WASTE SPECIFIC PROHIBITIONS; CALIFORNIA LIST WASTES.**

18 Subpart 1. **Application.** Effective July 8, 1987, the following hazardous wastes are
19 prohibited from land disposal:

20 A. liquid hazardous wastes having a pH less than or equal to two;

21 B. liquid waste that is identified as hazardous waste under part 7045.0131,
22 subparts 2 to 5 and 7, or 7045.0135, subparts 1 to 4, containing polychlorinated
23 biphenyls (PCB's) at concentrations greater than or equal to 50 ppm;

24 [For text of items C to E, see M.R.]

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

1 **INSTRUCTION TO REVISOR.** The revisor shall change the terms "EPA identification
2 number," "Environmental Protection Agency identification number," and "United States
3 EPA 12-digit identification number" to "identification number" in Minnesota Rules,
4 chapter 7045.

5 **REPEALER.** Minnesota Rules, parts 7045.0020, subpart 21b; 7045.0230, subpart 4;
6 7045.0248, subpart 2; and 7045.0484, subpart 7, are repealed.