

1 Pollution Control Agency

2 Adopted Permanent Rules Relating to Hazardous Waste

3 7045.0020 DEFINITIONS.

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

5 Subp. 13a. [See repealer.]

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

7 Subp. 24. **Facility.** "Facility" means:

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

9 B. for the purpose of implementing corrective action
10 under part 7045.0485, all contiguous property under the control
11 of an owner or operator seeking a permit under parts 7001.0010
12 to 7001.0730 or subtitle C of RCRA, including facilities
13 implementing corrective action under part 7045.0275, subpart 3,
14 or RCRA, section 3008(h); however a remediation waste management
15 site is not a facility that is subject to part 7045.0485, unless
16 the remediation waste management site is located within a
17 facility that is subject to part 7045.0485.

18 [For text of subps 24a to 47, see M.R.]

19 Subp. 47a. **Land disposal.** "Land disposal" means placement
20 in or on the land, except in a corrective action management unit
21 or staging pile, and includes, but is not limited to, placement
22 in a landfill, surface impoundment, waste pile, injection well,
23 land treatment facility, salt dome formation, salt bed
24 formation, underground mine or cave, or placement in a concrete
25 vault or bunker intended for disposal purposes.

26 [For text of subps 48 to 58, see M.R.]

27 Subp. 58a. **Miscellaneous unit.** "Miscellaneous unit" means

1 a hazardous waste management unit where hazardous waste is
2 treated, stored, or disposed of and that is not a container,
3 tank, surface impoundment, pile, land treatment unit, landfill,
4 incinerator, boiler, industrial furnace, underground injection
5 well with appropriate technical standards under Code of Federal
6 Regulations, title 40, part 146, containment building,
7 corrective action management unit, staging pile, or unit
8 eligible for a research, development, and demonstration permit
9 under part 7001.0712.

10 [For text of subps 58b to 73h, see M.R.]

11 Subp. 73i. **Remediation waste.** "Remediation waste" means
12 all solid and hazardous wastes, and all media (including
13 groundwater, surface water, soils, and sediments) and debris,
14 that are managed for implementing cleanup.

15 Subp. 73j. **Remediation waste management site.**
16 "Remediation waste management site" means a facility where an
17 owner or operator is or will be treating, storing, or disposing
18 of hazardous remediation wastes. A remediation waste management
19 site is not a facility that is subject to corrective action
20 under part 7045.0485, but is subject to corrective action
21 requirements if the site is located in a facility that is
22 subject to part 7045.0485.

23 Subp. 73k. **Replacement unit.** "Replacement unit" means a
24 landfill, surface impoundment, or waste pile unit (1) from which
25 all or substantially all of the waste is removed, and (2) that
26 is subsequently reused to treat, store, or dispose of hazardous
27 waste. Replacement unit does not apply to a unit from which

1 waste is removed during closure, if the subsequent reuse solely
2 involves the disposal of waste from that unit and other closing
3 units or corrective action areas at the facility, in accordance
4 with an approved closure plan or EPA or state-approved
5 corrective action.

6 [For text of subps 74 to 85, see M.R.]

7 Subp. 85a. **Staging pile.** "Staging pile" means an
8 accumulation of solid, nonflowing remediation waste that is not
9 a containment building and is used only during remedial
10 operations for temporary storage at a facility. Staging piles
11 must be designated by the commissioner according to the
12 requirements of part 7045.0547.

13 [For text of subps 86 to 109, see M.R.]

14 7045.0090 ADOPTION AND INCORPORATION BY REFERENCE.

15 Subpart 1. **Applicability.** Except as specified in subpart
16 2, the terms in this subpart apply whenever federal regulations
17 are adopted or incorporated by reference in this chapter whether
18 or not this part is specifically referenced.

19 A. Terms defined in Minnesota Rules and Minnesota
20 Statutes that are also defined in Code of Federal Regulations,
21 title 40, have the meaning given in part 7045.0020 and the
22 applicable Minnesota statute.

23 B. "EPA" and "agency" mean the Pollution Control
24 Agency and its commissioner.

25 C. "Generator" has the meaning given in part
26 7045.0020.

27 D. "Hazardous waste" has the meaning given in part

1 7045.0020.

2 E. "Regional administrator" and "director" mean the
3 commissioner of the Pollution Control Agency.

4 F. "State," "authorized state," "approved state," or
5 "approved program" means Minnesota.

6 G. "Waste" has the meaning given in part 7045.0020.

7 H. References to "Code of Federal Regulations, title
8 40, part 261, subpart C," or "Code of Federal Regulations, title
9 40, parts 261.20 to 261.24," or "characteristic hazardous waste"
10 mean the characteristics established in part 7045.0131.

11 I. References to "Code of Federal Regulations, title
12 40, part 260, subpart C," or "Code of Federal Regulations, title
13 40, parts 260.20 to 260.41," mean the petition processes
14 established in part 7045.0075.

15 J. References to "Code of Federal Regulations, title
16 40, part 261.4," mean the exclusions listed in part 7045.0120.

17 K. References to "Code of Federal Regulations, title
18 40, part 270, subparts A to H," or "Code of Federal Regulations,
19 title 40, parts 270.1 to 270.230," or any other reference to a
20 hazardous waste facility permit mean the hazardous waste
21 facility permit requirements in parts 7001.0500 to 7001.0730.

22 L. References to "Code of Federal Regulations, title
23 40, part 261.6," mean the use, reuse, recycling, and reclamation
24 requirements of part 7045.0125.

25 M. References to "Code of Federal Regulations, title
26 40, part 264, subpart F," or "Code of Federal Regulations, title
27 40, parts 264.90 to 264.101," or "Code of Federal Regulations,

1 title 40, part 265, subpart F," or "Code of Federal Regulations,
2 title 40, parts 265.90 to 265.94," mean the requirements of
3 parts 7045.0484, 7045.0485, 7045.0590, and 7045.0592 relating to
4 groundwater protection, monitoring, and corrective action
5 actions for releases.

6 N. References to "Code of Federal Regulations, title
7 40, part 264, subpart H," or "Code of Federal Regulations, title
8 40, parts 264.140 to 264.151," or "Code of Federal Regulations,
9 title 40, part 265, subpart H," or "Code of Federal Regulations,
10 title 40, parts 265.140 to 265.150," mean the financial
11 assurance requirements of parts 7045.0498 to 7045.0524 and
12 7045.0608 to 7045.0624.

13 O. References to "Code of Federal Regulations, title
14 40, part 264, subpart O," or "Code of Federal Regulations, title
15 40, parts 264.340 to 264.351," or "Code of Federal Regulations,
16 title 40, part 265, subpart O," or "Code of Federal Regulations,
17 title 40, parts 265.340 to 265.352," mean the thermal treatment
18 standards of parts 7045.0542 and 7045.0640.

19 P. References to "Code of Federal Regulations, title
20 40, part 264, subpart N," or "Code of Federal Regulations, title
21 40, parts 264.300 to 264.317," or "Code of Federal Regulations,
22 title 40, part 265, subpart N," or "Code of Federal Regulations,
23 title 40, parts 265.300 to 265.316," mean the landfill standards
24 of parts 7045.0538 and 7045.0638.

25 Subp. 2. **Exceptions.** In the following cases, the terms
26 identified in subpart 1 do not apply and the terms in items A
27 and B continue to have the meaning in accordance with applicable

1 EPA regulations.

2 A. "EPA identification numbers," "EPA hazardous waste
3 numbers," "EPA test methods," "EPA publications," "EPA form(s),"
4 "EPA guidance," or "EPA acknowledgment of consent."

5 B. "EPA," "administrator," or a synonymous term in
6 any section of EPA regulations for which EPA does not grant the
7 state authorization. These include:

8 (1) Code of Federal Regulations, title 40, part
9 262, subparts E and H, and part 263, subpart B, regarding
10 governmental oversight of exports and transfrontier shipments of
11 hazardous waste;

12 (2) Code of Federal Regulations, title 40, parts
13 268.5, 268.6, 268.42(b), and 268.44, regarding land disposal
14 restrictions; and

15 (3) Code of Federal Regulations, title 40, part
16 279.82(b) regarding state petitions to allow use of used oil as
17 a dust suppressant.

18 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

19 Subpart 1. **General requirements.**

20 A. Parts 7045.0450 to 7045.0551 apply to owners and
21 operators of all facilities that treat, store, or dispose of
22 hazardous waste except as specifically provided otherwise in
23 this part or in parts 7045.0102 to 7045.0320.

24 B. Parts 7045.0450 to 7045.0551 apply to the owners
25 or operators of publicly owned treatment works that treat,
26 store, or dispose of hazardous waste only to the extent they are
27 included in a permit-by-rule granted under the agency's

1 permitting procedures.

2 C. Parts 7045.0450 to 7045.0551 apply to a person
3 disposing of hazardous waste by means of ocean disposal subject
4 to a permit issued under the Marine Protection, Research, and
5 Sanctuaries Act of 1972, United States Code, title 16, sections
6 1431 to 1434, as amended, and United States Code, title 33,
7 section 1401, as amended, only to the extent they are included
8 in a permit-by-rule granted under the agency's permitting
9 procedures. Parts 7045.0450 to 7045.0551 apply to the treatment
10 or storage of hazardous waste before it is loaded onto an ocean
11 vessel for incineration or disposal at sea.

12 D. Parts 7045.0450 to 7045.0551 apply to the owners
13 and operators of all facilities that treat, store, or dispose of
14 hazardous waste referred to in parts 7045.1300 to 7045.1380.

15 E. The requirements of parts 7045.0452 to 7045.0470
16 and 7045.0485 do not apply to remediation waste management
17 sites. The requirements of Code of Federal Regulations, title
18 40, section 264.1(j), as amended, are adopted by reference and
19 apply to remediation waste management sites. In addition, the
20 provisions of part 7045.0090 also apply.

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

22 7045.0478 OPERATING RECORD.

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

24 Subp. 3. **Record information.** The information in items A
25 to T must be recorded, as it becomes available, and maintained
26 in the operating record until closure of the facility.

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

1 T. Any records required under part 7045.0450, subpart
2 1, item E.

3 7045.0485 CORRECTIVE ACTION FOR SOLID AND HAZARDOUS WASTE
4 MANAGEMENT UNITS.

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

6 Subp. 4. **Exception.** Subparts 1 to 3 do not apply to
7 remediation waste management sites unless they are part of a
8 facility subject to a permit for treating, storing, or disposing
9 of hazardous wastes that are not remediation wastes.

10 7045.0545 CORRECTIVE ACTION MANAGEMENT UNITS (CAMU).

11 Subpart 1. [See repealer.]

12 Subp. 1a. **Federal regulations adopted.** The requirements
13 of Code of Federal Regulations, title 40, sections 264.550 to
14 264.552, as amended, are adopted and incorporated by reference
15 to apply to the regulation of corrective action management
16 units, except as provided in subpart 2a. In addition, the
17 provisions of part 7045.0090 also apply.

18 Subp. 2. [See repealer.]

19 Subp. 2a. **Exceptions.**

20 A. For purposes of the reference to Code of Federal
21 Regulations, title 40, section 264.314(f), in Code of Federal
22 Regulations, title 40, section 264.552(a)(3)(iii), the
23 demonstration must be made to the commissioner according to the
24 requirements of Code Federal Regulations, title 40, section
25 264.314(f).

26 B. Where Code of Federal Regulations, title 40,

1 sections 264.551(a) and 264.552(a), specify that the regional
2 administrator may designate a facility as a CAMU, the
3 authorities cited to implement remedies shall also include part
4 7045.0275, subpart 3.

5 C. Where Code of Federal Regulations, title 40,
6 section 264.552(e)(4)(i)(A)(1) refers to principal hazardous
7 constituents and section 264.552(e)(4)(i)(C)(iv) refers to
8 treatment standards, those standards apply except when the
9 commissioner determines that more stringent standards are
10 appropriate. The commissioner's determination shall be based on:

11 (1) site-specific considerations, including the
12 proximity to drinking water supplies, site geology, or
13 engineered features;

14 (2) the nature and effect of the constituents
15 present at the site;

16 (3) the design of the CAMU, the schedule for
17 completion of the site activities and postclosure care, and
18 monitoring of the CAMU; or

19 (4) other factors that will increase the
20 potential for adverse effects on human health or the environment.

21 Subp. 3. [See repealer.]

22 Subp. 4. [See repealer.]

23 Subp. 5. [See repealer.]

24 Subp. 6. [See repealer.]

25 Subp. 7. [See repealer.]

26 Subp. 8. [See repealer.]

27 7045.0546 TEMPORARY UNITS.

1 Subpart 1. [See repealer.]

2 Subp. 1a. Adoption of federal rule. The requirements of
3 Code of Federal Regulations, title 40, section 264.553(a), as
4 amended, are adopted and incorporated by reference to apply to
5 the owners and operators of temporary units. The remedial
6 activities cited in Code of Federal Regulations, title 40,
7 section 264.553, also include remedial activities required under
8 part 7045.0275, subpart 3. In addition, the provisions of part
9 7045.0090 also apply.

10 [For text of subps 2 to 7, see M.R.]

11 7045.0547 STAGING PILES; FEDERAL REGULATIONS ADOPTED.

12 The requirements of Code of Federal Regulations, title 40,
13 section 264.554, as amended, are adopted and incorporated by
14 reference to apply to the owners and operators of staging
15 piles. In addition, the provisions of part 7045.0090 also apply.

16 7045.0548 DISPOSAL OF CAMU-ELIGIBLE WASTES IN PERMITTED
17 HAZARDOUS WASTE LANDFILLS; FEDERAL REGULATIONS ADOPTED.

18 The requirements of Code of Federal Regulations, title 40,
19 section 264.555, as amended, are adopted and incorporated by
20 reference to apply to the disposal of CAMU-eligible wastes,
21 except as provided in items A and B. In addition, the
22 provisions of part 7045.0090 also apply.

23 A. Code of Federal Regulations, title 40, section
24 264.555(e)(2) and (3), are not adopted.

25 B. The reference to Code of Federal Regulations,
26 title 40, part 124.10(c)(1)(ix), regarding public notice, means

1 part 7001.0200.

2 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

3 Subpart 1. General requirements. Parts 7045.0552 to
4 7045.0642 establish minimum standards for the management of
5 hazardous waste during the period of interim status and until
6 certification of final closure or, if the facility is subject to
7 postclosure requirements, until postclosure responsibilities are
8 fulfilled. These standards, and those in parts 7045.0545 to
9 7045.0547, apply to owners and operators of existing facilities
10 who have fully complied with the requirements for state or
11 federal interim status until a permit is issued or until
12 applicable interim status closure and postclosure
13 responsibilities are fulfilled, and those who have failed to
14 achieve state or federal interim status.

15 Parts 7045.0552 to 7045.0642 apply to the owners and
16 operators of all facilities that treat, store, or dispose of
17 hazardous waste referred to in parts 7045.1300 to 7045.1380,
18 land disposal restrictions, and those restrictions are
19 considered material conditions or requirements of parts
20 7045.0552 to 7045.0642, interim status standards.

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

22 **RENUMBERER.** Minnesota Rules, parts 7045.0547 and 7045.0548, are
23 renumbered as parts 7045.0549 and 7045.0551, respectively. The
24 Revisor of Statutes shall correct references to those parts in
25 Minnesota Rules. The revisor shall change references from
26 "7045.0544" to "7045.0551" in the phrase "7045.0450 to
27 7045.0544."

09/20/04

[REVISOR] CMR/DI AR3437

- 1 REPEALER. Minnesota Rules, parts 7045.0020, subpart 13a;
- 2 7045.0545, subparts 1, 2, 3, 4, 5, 6, 7, and 8; and 7045.0546,
- 3 subpart 1, are repealed.