

1 Pollution Control Agency

2 Adopted Permanent Rules Relating to Universal Waste Rules

3 7001.0520 PERMIT REQUIREMENTS.

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

5 Subp. 2. **Exclusions.** A person who conducts any of the
6 following activities is not required to obtain a hazardous waste
7 facility permit for that activity:

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

9 N. Universal waste handlers and universal waste
10 transporters, as defined in part 7045.0020, managing universal
11 wastes under part 7045.1400.

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

13 7045.0020 DEFINITIONS.

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

15 Subp. 15a. **Destination facility.** "Destination facility"
16 has the meaning given at Code of Federal Regulations, title 40,
17 section ~~273.6~~ 273.9.

18 Subp. 15b. **Detect and detection.** "Detect" and "detection"
19 refer to the finding of statistically significant evidence of
20 contamination as described in part 7045.0484, subpart 12, item F.

21 [For text of subps 16 to 98b, see M.R.]

22 Subp. 98c. **Universal waste.** "Universal waste" has the
23 meaning given at Code of Federal Regulations, title 40, section
24 ~~273.6~~ 273.9.

25 Subp. 98d. **Universal waste handler.** "Universal waste
26 handler" has the meaning given at Code of Federal Regulations,

1 title 40, section ~~273.6~~ 273.9.

2 Subp. 98e. Universal waste transporter. "Universal waste
3 transporter" has the meaning given at Code of Federal
4 Regulations, title 40, section ~~273.6~~ 273.9.

5 [For text of subps 99 to 109, see M.R.]

6 7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

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

8 Subp. 2. Special requirements. The following waste is
9 exempt from the general requirements of this chapter if managed
10 as specified:

11 A. waste collected as a result of a household
12 hazardous waste management program under part 7045.0310;

13 B. spent or waste household batteries collected under
14 part 7045.0686;

15 C. waste collected as a result of a very small
16 quantity generator hazardous waste collection program under part
17 7045.0320;

18 D. feedstocks and by-products under part 7045.0125,
19 subparts 5 and 6; and

20 E. universal waste managed under part 7045.1400.

21 7045.0206 GENERATOR SIZE DETERMINATION.

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

23 Subp. 5. Waste exempt from size determination. A
24 generator shall not include the following waste when determining
25 the quantity of hazardous waste generated:

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

1 E. for mixtures of nonhazardous waste and hazardous
2 waste, waste that is nonhazardous under part 7045.0102, provided
3 that the volume of the hazardous waste before mixing is counted;

4 F. spent materials that are generated, reclaimed, and
5 subsequently reused on site, provided that the spent materials
6 have been counted once; and

7 G. universal waste managed under part 7045.1400.

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

9 7045.0208 HAZARDOUS WASTE MANAGEMENT.

10 Subpart 1. **Management by generator.** A generator must
11 manage hazardous waste by using one of the methods described in
12 items A to G, unless otherwise specifically exempted under this
13 chapter.

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

15 G. A generator of universal waste may ensure delivery
16 of universal waste to a universal waste handler or destination
17 facility under part 7045.1400.

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

19 7045.0214 EVALUATION OF WASTES.

20 Subpart 1. **General requirement.** Any person who produces a
21 waste within the state of Minnesota or any person who produces a
22 waste outside the state of Minnesota that is managed within the
23 state of Minnesota, must evaluate the waste to determine if it
24 is hazardous within 60 days of initially generating the waste.
25 The generation start date must be recorded and available for
26 inspection. Waste that is not evaluated within 60 days of the

1 generation start date must be managed as a hazardous waste and
2 the person who produces the waste must be considered a generator
3 until the waste is determined to be nonhazardous under parts
4 7045.0214 to 7045.0218. A material is determined to be a waste
5 in accordance with the conditions specified under the definition
6 of other waste material in part 7045.0020. Any waste evaluated
7 and exempted under part 7045.0075 or 7045.0120 does not need to
8 be reevaluated under this part. If the waste is determined to
9 be hazardous, the generator must refer to parts 7045.0075,
10 7045.0450 to 7045.0685, 7045.1300 to 7045.1380, and 7045.1400
11 for possible exclusions or restrictions relating to management
12 of the specific waste.

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

14 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

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

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

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

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

23 (3) a person who is covered by subitem (1) and
24 who continues or initiates hazardous waste treatment or
25 containment activities after the immediate response is over is
26 subject to all applicable requirements of parts 7045.0450 to
27 7045.0544 and the agency's permitting procedures for those

1 activities;

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

15 L. universal waste handlers and universal waste
16 transporters when managing universal waste under part 7045.1400.

17 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

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

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

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

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

26 (3) a person who is covered by subitem (1) and
27 who continues or initiates hazardous waste treatment or

1 containment activities after the immediate response is over is
2 subject to all applicable requirements of parts 7045.0552 to
3 7045.0642 and the agency's permitting procedures for those
4 activities;

5 K. treatment of hazardous waste by the generator in
6 the generator's accumulation tanks or containers in accordance
7 with part 7045.0292. If the treatment involves evaporation of
8 aqueous waste or polymerization of polyester or other chemical
9 fixation treatment processes in open containers, the generator
10 is exempt from parts 7045.0552 to 7045.0642, but before
11 beginning the treatment process must submit to the commissioner
12 the information required under part 7045.0539, subpart 2, items
13 A to C, that is relevant to the treatment activity and must be
14 notified by the commissioner that the treatment activity is
15 approved. The commissioner shall approve the treatment activity
16 if the commissioner finds that the treatment activity will not
17 endanger human health and the environment; or

18 L. universal waste handlers and universal waste
19 transporters when managing universal waste under part 7045.1400.

20 7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

21 Subpart 1. **Scope.** The requirements of this part apply to
22 persons who generate, transport, collect, store, or reclaim
23 spent lead-acid batteries that are recyclable. Except as
24 provided in subpart 2, persons who generate, transport, or
25 collect spent batteries, or who store spent batteries but do not
26 reclaim them, are not subject to regulation under parts
27 7023.9000 to 7023.9050, 7045.0205 to 7045.0685, and chapter 7001

1 for the generation, transportation, and storage of spent
2 batteries. Alternatively, spent lead-acid batteries may be
3 managed as universal wastes under part 7045.1400. For the
4 purpose of this part, indoor storage is storage within a
5 permanently constructed building consisting of at least a roof
6 and three walls permanently affixed to an impermeable floor
7 placed on the ground.

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

9 7045.1400 ADOPTION OF FEDERAL STANDARDS FOR UNIVERSAL WASTE
10 MANAGEMENT.

11 Subpart 1. **Adoption.** The requirements of Code of Federal
12 Regulations, title 40, part 273, as amended, regulating the
13 management of universal waste, are adopted and incorporated by
14 reference except as specified in subpart 2. In addition, the
15 provisions of part 7045.0090 also apply.

16 Subp. 2. **Exceptions.**

17 A. The requirements of Code of Federal Regulations,
18 title 40, sections 273.80 and 273.81, relating to petitions are
19 not adopted.

20 B. The requirements of Code of Federal Regulations,
21 title 40, section 273.8, regarding the regulation of
22 conditionally exempt generators are not adopted.

23 C. References in Code of Federal Regulations, title
24 40, sections 273.13(a)(3)(i) and 273.33(a)(3)(i), to the
25 requirements of title 40, parts 260 through 272, mean the
26 requirements of chapter 7045.

27 D. References in Code of Federal Regulations,

1 sections 273.13(b)(3) and 273.33(b)(3), to the requirements of
2 title 40, part 265, subparts I and J, mean the requirements of
3 parts 7045.0528 and 7045.0628.

4 E. References in Code of Federal Regulations,
5 sections 273.13(c)(3)(ii) and 273.33(c)(3)(ii), to the
6 requirements of title 40, parts 260 through 272, mean the
7 requirements of chapter 7045.

8 F. References in Code of Federal Regulations,
9 sections 273.17(b) and 273.37(b), to the requirements of title
10 40, parts 260 through 272, mean the requirements of chapter 7045.

11 G. References in Code of Federal Regulations, section
12 273.60(a), to the requirements of title 40, parts 124, 264, 265,
13 266, 268, and 270, mean the requirements of chapters 7001 and
14 7045.

15 Subp. 3. Financial assurance for universal waste handlers.

16 A. Except as excluded in item B, universal waste
17 handlers who accumulate more than 1,000 lamps shall, in addition
18 to complying with all requirements of this part, establish
19 financial assurance in an amount that the commissioner
20 determines is adequate to cover the cost of hiring a third party
21 to properly dispose of all of the lamps and close the
22 accumulation site. Evidence of financial assurance must be
23 provided to the commissioner and updated as necessary to cover
24 the maximum amount of lamps present at any time at the site.
25 Financial assurance must be provided either (1) as a closure
26 trust fund according to part 7045.0504, subpart 2, except that
27 the full amount of cash to cover financial assurance must be

1 deposited in the trust fund at the time the fund is established
2 rather than through annual payments, or (2) as a letter of
3 credit together with a standby trust fund according to part
4 7045.0504, subpart 5. For purposes of these financial assurance
5 requirements, references to closure costs in part 7045.0504,
6 subparts 2 and 5, mean the financial assurance costs described
7 in this item.

8 B. ~~A-universal-waste-handler-that-temporarily~~
9 ~~accumulates-more-than-1,000-lamps-at-any-time-as-the-result-of-a~~
10 ~~building-maintenance-project-is-not-required-to-provide~~
11 ~~financial-assurance-while-the-lamps-are-stored-on-site-for-not~~
12 ~~longer-than-30-business-days-prior-to-recycling-or-disposal.~~ The
13 following universal waste handlers are not required to provide
14 evidence of financial assurance for lamp accumulation:

15 (1) universal waste handlers who only accumulate
16 lamps generated from their own buildings;

17 (2) universal waste handlers who only accumulate
18 lamps generated incidental to their real estate management and
19 building maintenance activities; and

20 (3) household hazardous waste management programs
21 operating under part 7045.0310.

22 C. The commissioner may require universal waste
23 handlers of other types of universal waste to establish
24 financial assurance as specified in item A, if the commissioner
25 determines that:

26 (1) the volume or toxicity of the universal waste
27 represents a potential for significant risk to human health or

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1 the environment; or

2 (2) there is a potential for contamination at the

3 accumulation site.