

1 Pollution Control Agency
2 Adopted Permanent Rules Relating to Hazardous Waste Manifests
3 7045.0020 DEFINITIONS.

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

5 Subp. 15. **Designated facility.**

6 A. "Designated facility" means:

7 (1) a hazardous waste treatment, storage, or
8 disposal facility which has been designated on the manifest by
9 the generator pursuant to part 7045.0261 and:

10 (a) has received an agency permit or has
11 interim status;

12 (b) has received a permit or has interim
13 status from a state authorized by the United States
14 Environmental Protection Agency; or

15 (c) is subject to the requirements of part
16 7045.0125, subpart 5 or 6, or 9, item B, or part 7045.0675; and

17 (2) a generator site designated on the manifest
18 to receive its waste as a return shipment from a facility that
19 has rejected the waste according to part 7045.0476, subpart 6,
20 or 7045.0582, subpart 6.

21 B. If a designated facility is located in an
22 Environmental Protection Agency authorized state which has not
23 yet obtained authorization to regulate the hazardous waste it is
24 receiving as hazardous, the designated facility must be a
25 facility allowed by the receiving state to accept the waste.

26 [For text of subps 15a to 52, see M.R.]

27 Subp. 53. **Manifest.** "Manifest" means the shipping

1 document EPA Form 8700-22 (including, if necessary, EPA Form
2 8700-22A) originated and signed by the generator or offeror in
3 accordance with the instructions in the appendix to Code of
4 Federal Regulations, title 40, part 262, and the applicable
5 requirements of this chapter.

6 Subp. 54. [See repealer.]

7 Subp. 54a. **Manifest tracking number.** "Manifest tracking
8 number" means the alphanumeric identification number (a unique
9 three-letter suffix preceded by nine numerical digits), which is
10 preprinted in item 4 of the manifest by a registered source.

11 [For text of subps 55 to 62, see M.R.]

12 Subp. 62a. **Organization for Economic Cooperation and**
13 **Development or OECD.** "Organization for Economic Cooperation and
14 Development" or "OECD" means the organization defined in Code of
15 Federal Regulations, title 40, section 262.58(a)(1).

16 [For text of subps 63 to 109, see M.R.]

17 7045.0090 ADOPTION AND INCORPORATION BY REFERENCE.

18 Subpart 1. **Applicability.** Except as specified in subparts
19 2 and 3, the terms and standards identified in subparts 1a to 1e
20 apply whenever federal regulations are adopted or incorporated
21 by reference in this chapter whether or not this part is
22 specifically referenced.

23 Subp. 1a. **General terms.** Terms defined in Minnesota Rules
24 and Minnesota Statutes that are also defined in Code of Federal
25 Regulations, title 40, have the meaning given in part 7045.0020
26 and the applicable Minnesota statute.

27 A. "EPA" and "agency" mean the Pollution Control

1 Agency and its commissioner.

2 B. "Generator" has the meaning given in part

3 7045.0020.

4 C. "Hazardous waste" has the meaning given in part

5 7045.0020.

6 D. "Regional administrator" and "director" mean the
7 commissioner of the Pollution Control Agency.

8 E. "State," "authorized state," "approved state," or
9 "approved program" means Minnesota.

10 F. "Waste" has the meaning given in part 7045.0020.

11 Subp. 1b. Hazardous waste management system general
12 standards; Code of Federal Regulations, title 40, part 260.

13 References to "Code of Federal Regulations, title 40, part
14 260, subpart C," or "Code of Federal Regulations, title 40,
15 sections 260.20 to 260.41," mean the petition processes
16 established in part 7045.0075.

17 Subp. 1c. Identification and listing standards; Code of
18 Federal Regulations, title 40, part 261.

19 A. References to "Code of Federal Regulations, title
20 40, part 261, subpart C," "Code of Federal Regulations, title
21 40, sections 261.20 to 261.24," or "characteristic hazardous
22 waste" mean the characteristics established in part 7045.0131.

23 B. References to "Code of Federal Regulations, title
24 40, section 261.4," mean the exclusions listed in part 7045.0120.

25 C. References to "Code of Federal Regulations, title
26 40, section 261.6," mean the use, reuse, recycling, and
27 reclamation requirements of part 7045.0125.

1 Subp. 1d. Permitted and interim status standards for
2 owners and operators of hazardous waste treatment, storage, and
3 disposal facilities; Code of Federal Regulations, title 40,
4 parts 264 and 265.

5 A. References to "Code of Federal Regulations, title
6 40, part 264, subpart F," "Code of Federal Regulations, title
7 40, sections 264.90 to 264.101," "Code of Federal Regulations,
8 title 40, part 265, subpart F," or "Code of Federal Regulations,
9 title 40, sections 265.90 to 265.94," mean the requirements of
10 parts 7045.0484, 7045.0485, 7045.0590, and 7045.0592 relating to
11 groundwater protection, monitoring, and corrective action for
12 releases.

13 B. References to "Code of Federal Regulations, title
14 40, part 264, subpart H," "Code of Federal Regulations, title
15 40, sections 264.140 to 264.151," "Code of Federal Regulations,
16 title 40, part 265, subpart H," or "Code of Federal Regulations,
17 title 40, sections 265.140 to 265.150," mean the financial
18 assurance requirements of parts 7045.0498 to 7045.0524 and
19 7045.0608 to 7045.0624.

20 C. References to "Code of Federal Regulations, title
21 40, part 264, subpart O," "Code of Federal Regulations, title
22 40, sections 264.340 to 264.351," "Code of Federal Regulations,
23 title 40, part 265, subpart O," or "Code of Federal Regulations,
24 title 40, sections 265.340 to 265.352," mean the thermal
25 treatment standards of parts 7045.0542 and 7045.0640.

26 D. References to "Code of Federal Regulations, title
27 40, part 264, subpart N," "Code of Federal Regulations, title

1 40, sections 264.300 to 264.317," "Code of Federal Regulations,
2 title 40, part 265, subpart N," or "Code of Federal Regulations,
3 title 40, sections 265.300 to 265.316," mean the landfill
4 standards of parts 7045.0538 and 7045.0638.

5 Subp. 1e. **Permit requirements; Code of Federal**
6 **Regulations, title 40, part 270.** References to "Code of Federal
7 Regulations, title 40, part 270, subparts A to H," "Code of
8 Federal Regulations, title 40, sections 270.1 to 270.230," or
9 any other reference to a hazardous waste facility permit mean
10 the hazardous waste facility permit requirements in parts
11 7001.0500 to 7001.0730.

12 Subp. 2. **Exceptions to general terms.** In the following
13 cases, the terms identified in subpart 1a do not apply and the
14 terms continue to have the meaning in accordance with applicable
15 EPA regulations.

16 A. "EPA identification numbers," "EPA hazardous waste
17 numbers," "EPA test methods," "EPA publications," "EPA form(s),"
18 "EPA guidance," or "EPA acknowledgment of consent."

19 B. "EPA," "administrator," or a synonymous term in
20 any section of EPA regulations for which the Resource
21 Conservation and Recovery Act, as amended, does not allow the
22 EPA to delegate its authority to the states.

23 Subp. 3. **Exceptions to adoption of standards; Code of**
24 **Federal Regulations, title 40.** In the following cases, the
25 standards identified in subparts 1b to 1e do not apply and the
26 standards continue to have the meaning in accordance with
27 applicable EPA regulations.

1 A. Code of Federal Regulations, title 40, part 262,
2 subparts E and H, regarding exports and transfrontier shipments
3 of hazardous waste;

4 B. Code of Federal Regulations, title 40, sections
5 268.5, 268.6, 268.42(b), and 268.44, regarding land disposal
6 restrictions;

7 C. Code of Federal Regulations, title 40, section
8 279.82(b) regarding state petitions to allow use of used oil as
9 a dust suppressant; and

10 D. Code of Federal Regulations, title 40, Appendix to
11 part 262, regarding the hazardous waste manifest.

12 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND
13 RECLAMATION.

14 [For text of subs 1 to 8, see M.R.]

15 Subp. 9. **Facility requirements.** Unless exempted
16 specifically in this part or parts 7045.0692 and 7045.0790 to
17 7045.0990, owners or operators of facilities which recycle
18 hazardous waste are subject to the following requirements:

19 A. If the recyclable hazardous waste is stored before
20 it is recycled, the owners or operators are subject to the
21 requirements of parts 7023.9000 to 7023.9050, 7045.0450 to
22 7045.0534, 7045.0552 to 7045.0632, and 7045.1300 to 7045.1380,
23 and chapter 7001. The recycling process itself is exempt from
24 regulation except as provided in item C.

25 B. If the recyclable hazardous waste is recycled
26 without storing before recycling, the owners or operators are
27 subject to the requirements of parts 7045.0482, subpart 2;

1 7045.0556, subpart 2; 7045.0580; and 7045.0582.

2 C. Owners or operators of facilities subject to RCRA
3 permitting requirements with hazardous waste management units
4 that recycle hazardous wastes are subject to the process vent
5 and equipment leak standards in parts 7045.0549 and 7045.0551
6 and 7045.0647 and 7045.0648.

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

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

20 Subp. 13. **Exports and imports.** Hazardous waste that is
21 exported to or imported from designated member countries of the
22 Organization for Economic Cooperation and Development (OECD), as
23 defined in Code of Federal Regulations, title 40, section
24 262.58(a)(1), for purposes of recovery is subject to the
25 requirements of part 7045.0322 if it is subject to either the
26 manifesting requirements of parts 7045.0261 to 7045.0265 or the
27 universal waste management standards of part 7045.1400.

1 7045.0127 RESIDUES IN EMPTY CONTAINERS AND EMPTY INNER LINERS.

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

3 Subp. 2. **Empty containers or inner liners; definition.** A

4 container or an inner liner removed from a container that has

5 held any hazardous waste, except a waste that is a compressed

6 gas or that is identified as an acute hazardous waste in part

7 7045.0135, subpart 2, 3, or 4, item E, is empty if:

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

9 C. no more than three percent by weight of the total

10 capacity of the container remains in the container or inner

11 liner if the container or inner liner is less than or equal to

12 119 gallons in size; or

13 D. no more than 0.3 percent by weight of the total

14 capacity of the container remains in the container or inner

15 liner if the container or inner liner is greater than 119

16 gallons in size.

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

18 7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICALS.

19 A collection of small amounts of unrelated but compatible

20 chemicals, including those for which the description of any

21 sample or set of samples is not representative of the total

22 waste, for example a lab pack, has the hazardous waste number of

23 MN02.

24 7045.0212 TRANSFRONTIER SHIPMENTS.

25 A. Any person who exports or imports hazardous waste

26 subject to the manifesting requirements of parts 7045.0261 to

1 7045.0265 or the universal waste management standards of part
2 7045.1400 to or from countries listed in Code of Federal
3 Regulations, title 40, section 262.58(a)(1), for recovery must
4 comply with part 7045.0322.

5 B. Any person who imports hazardous waste into the
6 state of Minnesota from a source outside the United States must
7 comply with the standards applicable to generators established
8 in parts 7045.0205 to 7045.0325.

9 7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

10 Subpart 1. When required. Except as exempted in subpart
11 1a, a generator who transports or offers for transportation
12 hazardous waste for off-site treatment, storage, or disposal or
13 the owner or operator of a treatment, storage, and disposal
14 facility who offers for transport a rejected hazardous waste
15 load, must prepare a manifest (OMB Control number 2050-0039) on
16 EPA Form 8700-22 and, if necessary, EPA Form 8700-22A, before
17 transporting the waste off-site. Generators shall complete the
18 manifest in accordance with subpart 6 and the instructions
19 included in the appendix to Code of Federal Regulations, title
20 40, part 262, as adopted by reference in part 7045.0325.

21 Subp. 1a. Exemptions. A generator may transport hazardous
22 waste without a manifest under the following conditions:

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

24 C. Feedstock and by-products being managed according
25 to part 7045.0125, subparts 5 and 6, may be transported without
26 a manifest.

27 D. Universal waste being managed by a handler

1 according to part 7045.1400 may be transported without a
2 manifest.

3 E. Waste being transported on-site as described in
4 part 7045.0351, subpart 2, item A, may be transported without a
5 manifest.

6 F. Spent lead-acid batteries being managed according
7 to part 7045.0685 may be transported without a manifest.

8 Subp. 2. **Designation of facility.** A generator must
9 designate on the manifest one facility which is permitted to
10 handle the waste described on the manifest.

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

12 Subp. 5. [See repealer.]

13 Subp. 6. **Specific Minnesota hazardous wastes.**

14 A. If a generator located in the state of Minnesota
15 produces a waste classified as hazardous in Minnesota which is
16 not classified as hazardous in the state where the receiving
17 facility is located, the generator must ensure that the facility
18 is permitted to accept and manage the waste by the appropriate
19 state agency.

20 B. If a waste is classified as hazardous in Minnesota
21 and is assigned a Minnesota waste code, the Minnesota waste
22 codes must be identified on the manifest in item 13.

23 Subp. 7. **Manifest information.** Manifest information
24 requirements include those required by United States Department
25 of Transportation and United States Environmental Protection
26 Agency regulations and consist of the numbered items on the
27 manifest set forth in the Appendix to Code of Federal

1 Regulations, title 40, part 262, as amended, and adopted by
2 reference in part 7045.0325.

3 Subp. 8. **Availability of manifests.** Manifests are
4 available from any source that is registered with the United
5 States Environmental Protection Agency as a supplier of
6 manifests.

7 Subp. 9. [See repealer.]

8 Subp. 10. **Continuation sheets.** A generator shall use a
9 continuation sheet to the manifest if:

10 A. more than two transporters are to be used to
11 transport the waste; or

12 B. more space is required for the United States
13 Department of Transportation description and related information
14 in item 9 of United States EPA form 8700-22. Only EPA Form
15 8700-22A may be used and it must be completed and copies
16 distributed in accordance with parts 7045.0265 and 7045.0325. A
17 generator using a continuation sheet shall attach the sheet to
18 the manifest.

19 7045.0262 WASTE MINIMIZATION CERTIFICATION.

20 The requirements of Code of Federal Regulations, title 40,
21 section 262.27, as amended, are incorporated by reference to
22 apply to large and small quantity generators making a waste
23 minimization certification on their hazardous waste manifests.

24 7045.0265 USE OF MANIFEST.

25 Subpart 1. **General requirements.** The generator must:

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

1 D. send one copy of the manifest with the signatures
2 of the generator and transporter and the date of waste
3 acceptance to the commissioner within five working days of the
4 initial transporter's acceptance of the hazardous waste shipment.
5 Copies to be sent to the commissioner must be sent to the
6 Minnesota Pollution Control Agency, 520 Lafayette Road, Saint
7 Paul, Minnesota 55155-4194, Attention: HWIMS. A very small
8 quantity generator who ships waste from a site in Anoka, Carver,
9 Dakota, Hennepin, Ramsey, Scott, or Washington County must, in
10 lieu of sending a copy of the manifest to the commissioner, send
11 a copy of the manifest, with the signatures of the generator and
12 the transporter and the date of waste acceptance, to the address
13 provided in the conditions for the generator's hazardous waste
14 license issued by the county. The copy of the manifest must be
15 sent within five working days of the initial transporter's
16 acceptance of the hazardous waste shipment; and

17 E. give the transporter the remaining copies of the
18 manifest except as provided in subparts 2 and 3.

19 **Subp. 2. Shipments by water.** For bulk shipments of
20 hazardous waste within the United States solely by water the
21 generator must:

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

23 B. send one copy of the manifest with the signatures
24 of the generator and transporter and the date of waste
25 acceptance to the commissioner within five working days of the
26 initial transporter's acceptance of the hazardous waste shipment.
27 Copies to be sent to the commissioner must be sent to the

1 Minnesota Pollution Control Agency, 520 Lafayette Road, Saint
2 Paul, Minnesota 55155-4194, Attention: HWIMS. A very small
3 quantity generator who ships waste from a site in Anoka, Carver,
4 Dakota, Hennepin, Ramsey, Scott, or Washington County must, in
5 lieu of sending a copy of the manifest to the commissioner, send
6 a copy of the manifest, with the signatures of the generator and
7 the transporter and the date of waste acceptance, to the address
8 provided in the conditions for the generator's hazardous waste
9 license issued by the county. The copy of the manifest must be
10 sent within five working days of the initial transporter's
11 acceptance of the hazardous waste shipment.

12 **Subp. 3. Shipments by rail.** For a rail shipment of
13 hazardous waste within the United States which originates at the
14 site of generation, the generator must:

15 A. send at least three copies of the manifest dated
16 and signed in accordance with subpart 1 to:

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

18 B. send one copy of the manifest with the signatures
19 of the generator and transporter and the date of waste
20 acceptance to the commissioner within five working days of the
21 initial transporter's acceptance of the hazardous waste shipment.
22 Copies to be sent to the commissioner must be sent to the
23 Minnesota Pollution Control Agency, 520 Lafayette Road, Saint
24 Paul, Minnesota 55155-4194, Attention: HWIMS. A very small
25 quantity generator who ships waste from a site in Anoka, Carver,
26 Dakota, Hennepin, Ramsey, Scott, or Washington County must, in
27 lieu of sending a copy of the manifest to the commissioner, send

1 a copy of the manifest, with the signatures of the generator and
2 the transporter and the date of waste acceptance, to the address
3 provided in the conditions for the generator's hazardous waste
4 license issued by the county. The copy of the manifest must be
5 sent within five working days of the initial transporter's
6 acceptance of the hazardous waste shipment.

7 Subp. 4. Notification of facility receipt. When a
8 shipment of hazardous waste is delivered to a hazardous waste
9 facility, the generator must ensure that:

10 A. the copy of the hazardous waste manifest signed by
11 the facility operator and sent to the generator under part
12 7045.0474 or 7045.0580, is also sent to the commissioner within
13 40 days of the acceptance of the hazardous waste by the
14 hazardous waste facility. Copies to be sent to the commissioner
15 must be sent to the Minnesota Pollution Control Agency, 520
16 Lafayette Road, Saint Paul, Minnesota 55155-4194, Attention:
17 HWIMS. A very small quantity generator who ships from a site in
18 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington
19 County must, in lieu of ensuring that a copy of the manifest
20 signed by the facility operator is sent to the commissioner,
21 ensure that a copy of the manifest signed by the facility
22 operator is sent to the address provided in the conditions for
23 the generator's hazardous waste license issued by the county.
24 The generator must send a copy of the manifest signed by the
25 facility operator within 40 days of the acceptance of the
26 hazardous waste by the hazardous waste facility; and

27 B. for shipments of a hazardous waste to a designated

1 facility in a United States Environmental Protection Agency
 2 authorized state which has not yet obtained authorization to
 3 regulate that particular waste as hazardous, the designated
 4 facility agrees to sign the manifest and return the manifest to
 5 the generator, and that any out-of-state transporter signs and
 6 forwards the manifest to the designated facility.

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

8 7045.0270 PRETRANSPORT REQUIREMENTS.

9 Subpart 1. **Marking.** Before transporting or offering
 10 hazardous waste for transportation off-site, a generator must:

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

12 B. mark each container of 119 gallons or less used in
 13 such transportation with the following words and information
 14 according to the Code of Federal Regulations, title 49, section
 15 172.304:

16 (1) HAZARDOUS WASTE - Federal Law Prohibits
 17 Improper Disposal. If found, contact the nearest police or
 18 public safety authority or the U.S. Environmental Protection
 19 Agency.

20 (2) Generator's Name and Address

21 _____

22 (3) Manifest Tracking Number

23 _____

24 (4) Generator's Identification Number

25 _____

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

1 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

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

3 Subp. 12. **Rejected shipments.** A generator who sends a
4 shipment of hazardous waste to a designated facility with the
5 understanding that the designated facility can accept and manage
6 the waste and later receives that shipment back as a rejected
7 load or residue according to the manifest discrepancy provisions
8 of part 7045.0476 or 7045.0582 may accumulate the returned waste
9 on-site according to subparts 1 to 7 and 9 and 10, depending on
10 the amount of hazardous waste on-site in that calendar month.

11 Upon receipt of the returned shipment, the generator must:

12 A. sign item 18c of the manifest, if the transporter
13 returned the shipment using the original manifest; or

14 B. sign item 20 of the manifest, if the transporter
15 returned the shipment using a new manifest.

16 7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.

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

18 Subp. 1a. **International agreements.** Any person who
19 exports or imports hazardous waste subject to the federal
20 manifest requirements of Code of Federal Regulations, title 40,
21 part 262, or subject to parts 7045.0261 and 7045.0265 or part
22 7045.1400, to or from designated member countries of the OECD as
23 defined in Code of Federal Regulations, title 40, section
24 262.58(a)(1) for purposes of recovery, is subject to part
25 7045.0322 and the requirements of this part do not apply.

26 Subp. 2. **Notification.** When shipping hazardous waste
27 outside the state of Minnesota to a foreign country the primary

1 exporter must notify the commissioner and the EPA of an intended
2 export before the waste is scheduled to leave the United
3 States. A complete notification should be submitted 60 days
4 before the initial shipment is intended to be shipped off site.
5 This notification may cover export activities extending over a
6 12-month or lesser period.

7 The notification must be sent to the commissioner at 520
8 Lafayette Road, Saint Paul, Minnesota 55155-4194, and to the
9 Office of Enforcement and Compliance Assurance, Office of
10 Federal Activities, International Compliance Assurance Division
11 (2254A), Environmental Protection Agency, 1200 Pennsylvania
12 Avenue N.W., Washington, DC 20460. Hand-delivered notifications
13 must be sent to the Office of Enforcement and Compliance
14 Assurance, Office of Federal Activities, International
15 Compliance Assurance Division (2254A), Environmental Protection
16 Agency, Ariel Rios Building, 12th Street and Pennsylvania Avenue
17 N.W., Washington, DC 20460. In both cases, the following must
18 be prominently displayed on the front of the envelope:
19 "Attention: Notification of Intent to Export."

20 The primary exporter must provide the commissioner and the
21 EPA with written renotification of any changes to the
22 notification, except for changes to the telephone number,
23 decreases in the quantity indicated in item B, subitem (3), and
24 changes in the means of transport in item B, subitem (5). The
25 waste shall not be shipped until the primary exporter receives
26 an EPA Acknowledgment of Consent reflecting the receiving
27 country's consent to the changes.

1 The notification must be in writing, signed by the primary
2 exporter, and include the following information:

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

4 B. by consignee, for each hazardous waste type:

5 [For text of subitems (1) to (9), see M.R.]

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

7 Subp. 4. **Importers manifest requirements.** When importing
8 hazardous waste, a person may obtain the manifest form from any
9 source that is registered with the United States Environmental
10 Protection Agency as a supplier of manifests and must meet all
11 requirements of parts 7045.0261 and 7045.0265 for the manifest
12 except that:

13 A. in place of the generator's name, address, and
14 identification number, the name and address of the foreign
15 generator and the importer's name, address, and identification
16 number must be used;

17 B. in place of the generator's signature on the
18 certification statement, the United States importer or the
19 importer's agent must sign and date the certification and obtain
20 the signature of the initial transporter;

21 C. in the international shipments block, the importer
22 must check the import box and enter the point of entry (city and
23 state) into the United States; and

24 D. the importer must provide the transporter with an
25 additional copy of the manifest to be submitted by the receiving
26 facility to the United States Environmental Protection Agency
27 according to part 7045.0474, subpart 2, item B, or 7045.0580,

1 subpart 2, item B.

2 Subp. 5. **Exporters manifest requirements.** When exporting
3 hazardous waste, a primary exporter must comply with parts
4 7045.0351 to 7045.0397, except that:

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

6 C. In the international shipments block, the primary
7 exporter must check the export box and enter the point of exit
8 (city and state) from the United States.

9 [For text of items D to H, see M.R.]

10 Subp. 6. **Annual reports.** Primary exporters of hazardous
11 waste identified or listed under this chapter shall file with
12 the commissioner and the EPA no later than March 1 of each year,
13 a report summarizing the types, quantities, frequency, and
14 ultimate destination of all hazardous waste exported during the
15 previous calendar year. The reports shall include the following:

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

17 F. a certification signed by the primary exporter
18 which states:

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

1 Reports shall be sent to the commissioner at 520 Lafayette
2 Road, Saint Paul, Minnesota 55155, and to the Office of
3 Enforcement and Compliance Assurance, Office of Federal
4 Activities, International Compliance Assurance Division (2254A),
5 Environmental Protection Agency, 1200 Pennsylvania Avenue N.W.,
6 Washington, DC 20460. Hand-delivered reports to the
7 Environmental Protection Agency should be sent to the Office of
8 Enforcement and Compliance Assurance, Office of Federal
9 Activities, International Compliance Assurance Division (2254A),
10 Environmental Protection Agency, Ariel Rios Building, 12th
11 Street and Pennsylvania Avenue N.W., Washington, DC 20460.

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

13 7045.0322 TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR
14 RECOVERY WITHIN THE OECD.

15 The requirements of Code of Federal Regulations, title 40,
16 sections 262.80 to 262.89, as amended, are incorporated by
17 reference to apply to transfrontier shipments of hazardous waste.

18 7045.0325 APPENDIX TO GENERATOR STANDARDS; MANIFEST AND
19 INSTRUCTIONS.

20 Subpart 1. **Incorporation.** The appendix found in Code of
21 Federal Regulations, title 40, part 262, regarding the hazardous
22 waste manifest and instructions, as amended, is incorporated by
23 reference, subject to subpart 2.

24 Subp. 2. **Additions, modifications, and exceptions to**
25 **incorporation.**

26 A. Where the instructions for the use of the manifest

1 use the term "offeror," it shall only mean either the generator
2 of the waste or the owner or operator of the designated facility.

3 B. In item 18 of the instructions for the use of the
4 manifest, references to discrepancies shall include all
5 discrepancies and responses to discrepancies identified in parts
6 7045.0476 and 7045.0582.

7 7045.0375 THE MANIFEST SYSTEM; GENERAL REQUIREMENTS.

8 Subpart 1. **Acceptance of shipment.** A transporter may not
9 accept hazardous waste from a generator unless it is accompanied
10 by a manifest signed by the generator according to part
11 7045.0265.

12 Subp. 1a. **Exports.**

13 A. In the case of exports, other than those subject
14 to the requirements of Code of Federal Regulations, title 40,
15 part 262, subpart H, Transfrontier Shipments of Hazardous Waste
16 For Recovery Within the OECD, a transporter may not accept waste
17 from a primary exporter or other person:

18 (1) if the transporter knows the shipment does
19 not conform to the EPA Acknowledgment of Consent; and

20 (2) unless, in addition to a manifest signed by
21 the generator, the waste is also accompanied by an EPA
22 Acknowledgment of Consent that, except for shipment by rail, is
23 attached to the manifest or, for bulk shipment exports by water,
24 attached to the shipping paper.

25 B. For exports of hazardous waste subject to the
26 requirements of Code of Federal Regulations, title 40, part 262,
27 subpart H, Transfrontier Shipments of Hazardous Waste For

1 Recovery Within the OECD, a transporter may not accept hazardous
2 waste without a tracking document that includes all information
3 required by Code of Federal Regulations, title 40, section
4 262.84.

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

6 7045.0385 COMPLIANCE WITH THE MANIFEST.

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

8 Subp. 2. Return of shipment to generator.

9 A. If the hazardous waste cannot be delivered
10 according to subpart 1, because of an emergency condition other
11 than the rejection of the waste by the designated facility, the
12 transporter must immediately contact the generator for further
13 instructions and must revise the manifest according to the
14 generator's instructions.

15 B. If hazardous waste is rejected by the designated
16 facility while the transporter is on the facility's premises,
17 the transporter must obtain the following:

18 (1) for a partial load rejection or for regulated
19 quantities of container residues, a copy of the original
20 manifest that includes the facility's date and signature, the
21 manifest tracking number of the new manifest that will accompany
22 the shipment, and a description of the partial rejection or
23 container residue in the discrepancy block of the original
24 manifest. The transporter must retain a copy of this manifest
25 according to part 7045.0391 and give the remaining copies of the
26 original manifest to the rejecting designated facility. If the
27 transporter is forwarding the rejected part of the shipment or a

1 regulated container residue to an alternate facility or
2 returning it to the generator, the transporter must obtain a new
3 manifest to accompany the shipment and the new manifest must
4 include all of the information required in parts 7045.0476,
5 subparts 5 and 6, and 7045.0582, subparts 5 and 6; and
6 (2) for a full load rejection that will be taken
7 back by the transporter, a copy of the original manifest that
8 includes the rejecting facility's signature and date attesting
9 to the rejection, the description of the rejection in the
10 discrepancy block of the manifest, and the name, address,
11 telephone number, and identification number for the alternate
12 facility or generator to whom the shipment must be delivered.
13 The transporter must retain a copy of the manifest according to
14 part 7045.0391 and give a copy of the manifest containing this
15 information to the rejecting designated facility. If the
16 original manifest is not used, the transporter must obtain a new
17 manifest for the shipment and comply with parts 7045.0476,
18 subparts 5 and 6, and 7045.0582, subparts 5 and 6.

19 7045.0452 GENERAL FACILITY STANDARDS.

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

21 Subp. 3. **Required notices.** The owner or operator of a
22 facility shall give notice in the following situations:

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

24 E. The owner or operator of a recovery facility that
25 has arranged to receive hazardous waste subject to part
26 7045.0322 must provide a copy of the tracking document bearing
27 all required signatures to the notifier, to the Office of

1 Enforcement and Compliance Assurance, Office of Federal
2 Activities, International Compliance Assurance Division (2254A),
3 Environmental Protection Agency, 1200 Pennsylvania Avenue N.W.,
4 Washington, DC 20460, and to the competent authorities of all
5 other concerned countries within three working days of receipt
6 of the shipment. The original of the signed tracking document
7 must be maintained at the facility for at least three years.

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

9 7045.0474 MANIFEST SYSTEM.

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

11 Subp. 2. **General manifest requirements.**

12 A. If a facility receives hazardous waste accompanied
13 by a manifest, the owner or operator, or this person's agent,
14 shall:

15 (1) sign and date, by hand, each copy of the
16 manifest to certify that the hazardous waste covered by the
17 manifest was received, except as noted in the discrepancy space
18 of the manifest, or rejected as noted in the manifest
19 discrepancy space;

20 (2) note any discrepancies in the manifest on
21 each copy of the manifest. The owner or operator of a facility
22 whose procedures under part 7045.0458, subpart 2, item G,
23 include waste analysis need not perform that analysis before
24 signing the manifest and giving it to the transporter. However,
25 part 7045.0476 requires reporting any discrepancy discovered
26 during later analysis;

27 (3) immediately give the transporter at least one

1 copy of the signed manifest;

2 (4) within 30 days after the delivery, send a
3 copy of the manifest to the generator; and

4 (5) retain at the facility a copy of each
5 manifest for at least three years from the date of delivery.

6 B. If a facility receives hazardous waste imported
7 from a foreign source, the receiving facility must mail a copy
8 of the manifest to the following address within 30 days of
9 delivery: International Compliance Assurance Division, OFA/OECA
10 (2254A), United States Environmental Protection Agency, Ariel
11 Rios Building, 1200 Pennsylvania Avenue N.W., Washington, DC
12 20460.

13 Subp. 3. Rail and water shipment requirements. If a
14 facility receives hazardous waste from a rail or water bulk
15 shipment transporter and the waste is accompanied by a shipping
16 paper containing all the information required on the manifest,
17 excluding the identification numbers, generator's certification,
18 and signatures, the owner or operator, or this person's agent,
19 shall do all of the following:

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

21 D. Within 30 days after the delivery, send a copy of
22 the signed and dated manifest, or a signed and dated copy of the
23 shipping paper if the manifest has not been received within 30
24 days of delivery, to the generator. The generator is required
25 under part 7045.0265 to send three copies of the manifest to the
26 facility when hazardous waste is sent by rail or water bulk
27 shipment.

1 E. Retain at the facility a copy of the manifest and
2 shipping paper, if signed in lieu of the manifest at the time of
3 delivery, for at least three years from the date of delivery.

4 Subp. 4. **Tracking document.** Within three working days of
5 the receipt of a shipment subject to part 7045.0322, the owner
6 or operator of the facility must provide a copy of the tracking
7 document bearing all required signatures to the notifier, to the
8 Office of Enforcement and Compliance Assurance, Office of
9 Federal Activities, International Compliance Assurance Division
10 (2254A), Environmental Protection Agency, 1200 Pennsylvania
11 Avenue N.W., Washington, DC 20460, and to competent authorities
12 of all other concerned countries. The original copy of the
13 tracking document must be maintained at the facility for at
14 least three years from the date of signature.

15 Subp. 5. **State-only wastes.** The owner or operator of a
16 facility must determine whether the consignment state for a
17 shipment regulates any additional wastes, beyond those regulated
18 federally, as hazardous wastes under its state hazardous waste
19 program. The owner or operator of a facility must also
20 determine whether the consignment state or generator state
21 requires the facility to submit any copies of the manifest to
22 these states.

23 7045.0476 MANIFEST DISCREPANCIES.

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

25 Subp. 2. **Definition of discrepancy.** Manifest
26 discrepancies are defined as major or minor as follows:

27 A. Major manifest discrepancies are:

1 (1) significant differences, as described in
2 subpart 2a, between the quantity or type of hazardous waste
3 designated on the manifest or shipping paper and the quantity or
4 type of hazardous waste a facility actually receives;

5 (2) rejected wastes, which may be full or partial
6 shipment of hazardous waste the facility cannot accept; and

7 (3) container residues, which are residues that
8 exceed the quantity limits for empty containers in part
9 7045.0127.

10 B. Minor manifest discrepancies are all other
11 discrepancies such as use of manifests other than the manifest
12 specified in part 7045.0325, incomplete manifests or shipping
13 papers, manifests or shipping papers which are inconsistent, and
14 a container or portable tank containing hazardous waste which is
15 not properly labeled.

16 Subp. 2a. **Significant differences.**

17 A. Significant differences are differences in
18 quantity or type as described in items B and C.

19 B. Significant differences in quantity are:

20 (1) for bulk waste, variations greater than ten
21 percent in weight; and

22 (2) for batch waste, any variation in piece count
23 such as a discrepancy of one drum in a truckload.

24 C. Significant differences in type are obvious
25 differences that can be discovered by inspection or waste
26 analysis, such as waste solvent substituted for waste acid or
27 toxic constituents not reported on the manifest or shipping

1 paper.

2 Subp. 3. **Handling of discrepancies.** Upon discovering a
3 discrepancy, the owner or operator of a facility shall take
4 action as described in item A, B, or C, as applicable:

5 A. Upon discovering a major discrepancy, the owner or
6 operator shall attempt to reconcile the discrepancy with the
7 waste generator and the transporter. If the discrepancy is not
8 resolved within 15 days after receiving the waste, the owner or
9 operator shall immediately submit to the commissioner a letter
10 describing the discrepancy, attempts made to reconcile it, and a
11 copy of the manifest or shipping paper at issue.

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

13 C. Upon rejecting a waste or identifying a container
14 residue that exceeds the quantity limits for empty containers in
15 part 7045.0127, the owner or operator of a facility must:

16 (1) consult with the generator prior to
17 forwarding the waste to another facility that can manage the
18 waste. If it is impossible to locate an alternative facility
19 that can receive the waste, the facility owner or operator may
20 return the rejected waste or residue to the generator. The
21 facility owner or operator must send the waste to the
22 alternative facility or to the generator within 60 days of the
23 rejection or the container residue identification;

24 (2) while making arrangements for forwarding
25 rejected wastes or residues to another facility under this part,
26 either ensure that the delivering transporter retains custody of
27 the waste or provide for secure, temporary custody of the waste,

1 pending delivery of the waste to the first transporter
2 designated on the manifest prepared under subpart 4 or 5; and

3 (3) notify the commissioner immediately if a
4 movement of hazardous waste is delivered to a facility not
5 allowed to manage the waste under the facility's hazardous waste
6 permit.

7 Subp. 4. Rejections sent to alternate facility.

8 A. Except as provided in item B, for full or partial
9 load rejections and residues that are to be sent off-site to an
10 alternate facility, the facility must prepare a new manifest
11 according to part 7045.0261, subpart 1, and:

12 (1) write the generator's United States EPA
13 identification number in item 1 of the new manifest. Write the
14 generator's name and mailing address in item 5 of the new
15 manifest. If the mailing address is different from the
16 generator's site address, then write the generator's site
17 address in the designated space for item 5;

18 (2) write the name of the alternate designated
19 facility and the facility's United States EPA identification
20 number in the designated facility block (item 8) of the new
21 manifest;

22 (3) copy the manifest tracking number found in
23 item 4 of the old manifest to the special handling and
24 additional information block of the new manifest and indicate
25 that the shipment is a residue or rejected waste from the
26 previous shipment;

27 (4) copy the manifest tracking number found in

1 item 4 of the new manifest to the manifest reference number line
2 in the discrepancy block of the old manifest (item 18a);

3 (5) write the United States Department of
4 Transportation description for the rejected load or the residue
5 in item 9 (United States Department of Transportation
6 description) of the new manifest and write the container types,
7 quantity, and volumes of the waste; and

8 (6) sign the generator's/offeror's certification
9 to certify, as the offeror of the shipment, that the waste has
10 been properly packaged, marked, and labeled and is in proper
11 condition for transportation.

12 B. For full load rejections that are made while the
13 transporter remains present at the facility, the facility may
14 forward the rejected shipment to the alternate facility by
15 completing item 18b of the original manifest and supplying the
16 information on the next destination facility in the alternate
17 facility space. The facility must retain a copy of this
18 manifest for its records and then give the remaining copies of
19 the manifest to the transporter to accompany the shipment. If
20 the original manifest is not used, the facility must use a new
21 manifest and comply with item A.

22 Subp. 5. Rejections returned to generator.

23 A. Except as provided in item B, for rejected wastes
24 and residues that must be sent back to the generator, the
25 facility is required to prepare a new manifest according to part
26 7045.0261, subpart 1, and:

27 (1) write the facility's United States EPA

1 identification number in item 1 of the new manifest. Write the
2 generator's name and mailing address in item 5 of the new
3 manifest. If the mailing address is different from the
4 generator's site address, then write the generator's site
5 address in the designated space for item 5;

6 (2) write the name of the initial generator and
7 the generator's United States EPA identification number in the
8 designated facility block (item 8) of the new manifest;

9 (3) copy the manifest tracking number found in
10 item 4 of the old manifest to the special handling and
11 additional information block of the new manifest and indicate
12 that the shipment is a residue or rejected waste from the
13 previous shipment;

14 (4) copy the manifest tracking number found in
15 item 4 of the new manifest to the manifest reference number line
16 in the discrepancy block of the old manifest (item 18a);

17 (5) write the United States Department of
18 Transportation description for the rejected load or the residue
19 in item 9 (United States Department of Transportation
20 description) of the new manifest and write the container types,
21 quantity, and volumes of the waste; and

22 (6) sign the generator's/offeror's certification
23 to certify, as the offeror of the shipment, that the waste has
24 been properly packaged, marked, and labeled, and is in proper
25 condition for transportation.

26 B. For full load rejections that are made while the
27 transporter remains present at the facility, the facility may

1 return the shipment to the generator with the original manifest
2 by completing items 18a and 18b of the manifest and supplying
3 the generator's information in the alternate facility space.
4 The facility must retain a copy of this manifest for its records
5 and then give the remaining copies of the manifest to the
6 transporter to accompany the shipment. If the original manifest
7 is not used, the facility must use a new manifest and comply
8 with item A.

9 **Subp. 6. Rejections after delivery.** If a facility rejects
10 a waste or identifies a container residue that exceeds the
11 quantity limits for empty containers in part 7045.0127 after it
12 has signed, dated, and returned a copy of the manifest to the
13 delivering transporter or to the generator, the facility must
14 amend its copy of the manifest to indicate the rejected wastes
15 or residues in the discrepancy space of the amended manifest.
16 The facility must also copy the manifest tracking number from
17 item 4 of the new manifest to the discrepancy space of the
18 amended manifest and must re-sign and date the manifest to
19 certify to the information as amended. The facility must retain
20 the amended manifest for at least three years from the date of
21 the amendment and must, within 30 days, send a copy of the
22 amended manifest to the transporter and generator that received
23 copies prior to their being amended.

24 7045.0482 REQUIRED REPORTS.

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

26 **Subp. 3. Unmanifested waste report.** If a facility accepts
27 for treatment, storage, or disposal any hazardous waste from an

1 off-site source without an accompanying manifest, or without an
2 accompanying shipping paper as described in part 7045.0381,
3 subpart 2, and if the waste is not excluded from the manifest
4 requirement, the owner or operator must prepare and submit an
5 unmanifested waste report to the commissioner within 15 days
6 after receiving the waste. The unmanifested waste report must
7 contain the following information:

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

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

10 7045.0556 GENERAL FACILITY STANDARDS.

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

12 Subp. 3. **Required notices.** Notices are required in the
13 following situations:

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

15 D. The owner or operator of a recovery facility that
16 has arranged to receive hazardous waste subject to the
17 transfrontier requirements of part 7045.0322 must provide a copy
18 of the tracking document bearing all required signatures to the
19 notifier, to the Office of Enforcement and Compliance Assurance,
20 Office of Federal Activities, International Compliance Assurance
21 Division (2254A), Environmental Protection Agency, 1200
22 Pennsylvania Avenue N.W., Washington, DC 20460, and to the
23 competent authorities of all other concerned countries within
24 three working days of receipt of the shipment. The original of
25 the signed tracking document must be maintained at the facility
26 for at least three years.

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

1 7045.0580 MANIFEST SYSTEM.

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

3 Subp. 2. **General manifest requirements.**

4 A. If a facility receives hazardous waste accompanied
5 by a manifest, the owner or operator, or this person's agent,
6 shall:

7 (1) sign and date, by hand, each copy of the
8 manifest to certify that the hazardous waste covered by the
9 manifest was received, except as noted in the discrepancy space
10 of the manifest, or rejected as noted in the manifest
11 discrepancy space;

12 (2) note any discrepancies in the manifest on
13 each copy of the manifest. The owner or operator of a facility
14 whose procedures under part 7045.0564, subpart 2, item G,
15 include waste analysis need not perform that analysis before
16 signing the manifest and giving it to the transporter. However,
17 part 7045.0582, subpart 3, requires reporting any discrepancy
18 discovered during later analysis;

19 (3) immediately give the transporter at least one
20 copy of the signed manifest;

21 (4) within 30 days after the delivery, send a
22 copy of the manifest to the generator; and

23 (5) retain at the facility a copy of each
24 manifest for at least three years from date of delivery.

25 B. If a facility receives hazardous waste imported
26 from a foreign source, the receiving facility must mail a copy
27 of the manifest to the following address within 30 days of

1 delivery: International Compliance Assurance Division, OFA/OECA
2 (2254A), United States Environmental Protection Agency, Ariel
3 Rios Building, 1200 Pennsylvania Avenue N.W., Washington, DC
4 20460.

5 Subp. 3. **Rail and water shipment requirements.** If a
6 facility receives from a rail or water bulk shipment transporter
7 hazardous waste which is accompanied by a shipping paper
8 containing all the information required on the manifest, the
9 owner or operator, or agent shall:

10 A. Sign and date each copy of the manifest, or
11 shipping paper if the manifest has not been received, to certify
12 that the hazardous waste covered by the manifest or shipping
13 paper was received.

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

15 D. Within 30 days after the delivery, send a copy of
16 the signed and dated manifest, or a signed and dated copy of the
17 shipping paper if the manifest has not been received within 30
18 days of delivery, to the generator. The generator is required
19 under part 7045.0265 to send three copies of the manifest to the
20 facility when hazardous waste is sent by rail or water bulk
21 shipment.

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

23 Subp. 4. **Tracking document.** Within three working days of
24 the receipt of a shipment subject to part 7045.0322, the owner
25 or operator of the facility must provide a copy of the tracking
26 document bearing all required signatures to the notifier, to the
27 Office of Enforcement and Compliance Assurance, Office of

1 Federal Activities, International Compliance Assurance Division
2 (2254A), Environmental Protection Agency, 1200 Pennsylvania
3 Avenue N.W., Washington, DC 20460, and to competent authorities
4 of all other concerned countries. The original copy of the
5 tracking document must be maintained at the facility for at
6 least three years from the date of signature.

7 Subp. 5. **State-only wastes.** The owner or operator of a
8 facility must determine whether the consignment state for a
9 shipment regulates any additional wastes, beyond those regulated
10 federally, as hazardous wastes under its state hazardous waste
11 program. The owners or operators of facilities must also
12 determine whether the consignment state or generator state
13 requires the facility to submit any copies of the manifest to
14 these states.

15 7045.0582 MANIFEST DISCREPANCIES.

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

17 Subp. 2. **Definition of discrepancy.** Manifest
18 discrepancies are defined as major or minor as follows:

19 A. Major manifest discrepancies are:

20 (1) significant differences, as described in
21 subpart 2a, between the quantity or type of hazardous waste
22 designated on the manifest or shipping paper and the quantity or
23 type of hazardous waste a facility actually receives;

24 (2) rejected wastes, which may be full or partial
25 shipment of hazardous waste the facility cannot accept; and

26 (3) container residues, which are residues that
27 exceed the quantity limits for empty containers in part

1 7045.0127.

2 B. Minor discrepancies are all other discrepancies
3 such as manifests other than the manifest specified in part
4 7045.0325, incomplete manifests or shipping papers, manifests or
5 shipping papers which are inconsistent, and a container or
6 portable tank containing hazardous waste which is not properly
7 labeled.

8 Subp. 2a. **Significant differences.**

9 A. Significant differences are differences in
10 quantity or type as described in items B and C.

11 B. Significant differences in quantity are:

12 (1) for bulk waste, variations greater than ten
13 percent in weight; and

14 (2) for batch waste, any variation in piece count
15 such as a discrepancy of one drum in a truckload.

16 C. Significant differences in type are obvious
17 differences that can be discovered by inspection or waste
18 analysis, such as waste solvent substituted for waste acid or
19 toxic constituents not reported on the manifest or shipping
20 paper.

21 Subp. 3. **Handling of discrepancies.** Upon discovering a
22 discrepancy, the owner or operator of a facility shall take
23 action as described in item A, B, or C, as applicable:

24 A. Upon discovering a significant discrepancy, the
25 owner or operator shall attempt to reconcile the discrepancy
26 with the waste generator and transporter. If the discrepancy is
27 not resolved within 15 days after receiving the waste, the owner

1 or operator shall immediately submit to the commissioner a
2 letter describing the discrepancy, attempts made to reconcile
3 it, and a copy of the manifest or shipping paper at issue.

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

5 C. Upon rejecting a waste or identifying a container
6 residue that exceeds the quantity limits for empty containers in
7 part 7045.0127, the owner or operator of a facility must:

8 (1) consult with the generator prior to
9 forwarding the waste to another facility that can manage the
10 waste. If it is impossible to locate an alternative facility
11 that can receive the waste, the facility owner or operator may
12 return the rejected waste or residue to the generator. The
13 facility owner or operator must send the waste to the
14 alternative facility or to the generator within 60 days of the
15 rejection or the container residue identification;

16 (2) while making arrangements for forwarding
17 rejected wastes or residues to another facility under this part,
18 either ensure that the delivering transporter retains custody of
19 the waste or provide for secure, temporary custody of the waste,
20 pending delivery of the waste to the first transporter
21 designated on the manifest prepared under subpart 4 or 5; and

22 (3) notify the commissioner immediately if a
23 movement of hazardous waste is delivered to a facility not
24 allowed to manage the waste under the facility's hazardous waste
25 permit.

26 **Subp. 4. Rejections sent to alternate facility.**

27 A. Except as provided in item B, for full or partial

1 load rejections and residues that are to be sent off-site to an
2 alternate facility, the facility must prepare a new manifest
3 according to part 7045.0261, subpart 1, and:

4 (1) write the generator's United States EPA
5 identification number in item 1 of the new manifest. Write the
6 generator's name and mailing address in item 5 of the new
7 manifest. If the mailing address is different from the
8 generator's site address, then write the generator's site
9 address in the designated space for item 5;

10 (2) write the name of the alternate designated
11 facility and the facility's United States EPA identification
12 number in the designated facility block (item 8) of the new
13 manifest;

14 (3) copy the manifest tracking number found in
15 item 4 of the old manifest to the special handling and
16 additional information block of the new manifest and indicate
17 that the shipment is a residue or rejected waste from the
18 previous shipment;

19 (4) copy the manifest tracking number found in
20 item 4 of the new manifest to the manifest reference number line
21 in the discrepancy block of the old manifest (item 18a);

22 (5) write the United States Department of
23 Transportation description for the rejected load or the residue
24 in item 9 (United States Department of Transportation
25 description) of the new manifest and write the container types,
26 quantity, and volumes of the waste; and

27 (6) sign the generator's/offerior's certification

1 to certify, as the offeror of the shipment, that the waste has
2 been properly packaged, marked, and labeled and is in proper
3 condition for transportation.

4 B. For full load rejections that are made while the
5 transporter remains present at the facility, the facility may
6 forward the rejected shipment to the alternate facility by
7 completing item 18b of the original manifest and supplying the
8 information on the next destination facility in the alternate
9 facility space. The facility must retain a copy of the manifest
10 for its records and give the remaining copies of the manifest to
11 the transporter to accompany the shipment. If the original
12 manifest is not used, the facility must use a new manifest and
13 comply with item A.

14 **Subp. 5. Rejections returned to generator.**

15 A. Except as provided in item B, for rejected wastes
16 and residues that must be sent back to the generator, the
17 facility must prepare a new manifest according to part
18 7045.0261, subpart 1, and:

19 (1) write the facility's United States EPA
20 identification number in item 1 of the new manifest. Write the
21 generator's name and mailing address in item 5 of the new
22 manifest. If the mailing address is different from the
23 generator's site address, then write the generator's site
24 address in the designated space for item 5;

25 (2) write the name of the initial generator and
26 the generator's United States EPA identification number in the
27 designated facility block (item 8) of the new manifest;

1 (3) copy the manifest tracking number found in
2 item 4 of the old manifest to the special handling and
3 additional information block of the new manifest and indicate
4 that the shipment is a residue or rejected waste from the
5 previous shipment;

6 (4) copy the manifest tracking number found in
7 item 4 of the new manifest to the manifest reference number line
8 in the discrepancy block of the old manifest (item 18a);

9 (5) write the United States Department of
10 Transportation description for the rejected load or the residue
11 in item 9 (United States Department of Transportation
12 description) of the new manifest and write the container types,
13 quantity, and volumes of the waste; and

14 (6) sign the generator's/offeror's certification
15 to certify, as the offeror of the shipment, that the waste has
16 been properly packaged, marked, and labeled and is in proper
17 condition for transportation.

18 B. For full load rejections that are made while the
19 transporter remains present at the facility, the facility may
20 return the shipment to the generator with the original manifest
21 by completing items 18a and 18b of the manifest and supplying
22 the generator's information in the alternate facility space.
23 The facility must retain a copy of the manifest for its records
24 and give the remaining copies of the manifest to the transporter
25 to accompany the shipment. If the original manifest is not
26 used, the facility must use a new manifest and comply with item
27 A.

1 **Subp. 6. Rejections after delivery.** If a facility rejects
2 a waste or identifies a container residue that exceeds the
3 quantity limits for empty containers in part 7045.0127 after it
4 has signed, dated, and returned a copy of the manifest to the
5 delivering transporter or to the generator, the facility must
6 amend its copy of the manifest to indicate the rejected wastes
7 or residues in the discrepancy space of the amended manifest.
8 The facility must also copy the manifest tracking number from
9 item 4 of the new manifest to the discrepancy space of the
10 amended manifest and must re-sign and date the manifest to
11 certify to the information as amended. The facility must retain
12 the amended manifest for at least three years from the date of
13 the amendment and must, within 30 days, send a copy of the
14 amended manifest to the transporter and generator that received
15 copies prior to their being amended.

16 7045.0588 REQUIRED REPORTS.

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

18 **Subp. 3. Unmanifested waste report.** If a facility accepts
19 for treatment, storage, or disposal any hazardous waste from an
20 off-site source without an accompanying manifest, or without an
21 accompanying shipping paper as described in part 7045.0381,
22 subpart 2, and if the waste is not excluded from the manifest
23 requirement, the owner or operator must prepare and submit an
24 unmanifested waste report to the commissioner within 15 days
25 after receiving the waste. The unmanifested waste report must
26 contain the following information:

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

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

2 7045.0675 RECYCLABLE HAZARDOUS WASTE USED FOR PRECIOUS METAL
3 RECOVERY.

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

5 Subp. 5. Transfrontier requirements for persons who
6 generate, transport, or store precious metals for recovery. The
7 requirements of parts 7045.0322 and 7045.0556, subpart 3, item
8 D, apply to precious metals exported to or imported from
9 designated OECD member countries for recovery. The requirements
10 of part 7045.0302 apply to precious metals exported to or
11 imported from non-OECD countries for recovery.

12

13 RANGE REFERENCE RENUMBERING. The range reference "parts
14 7045.0205 to 7045.0320" is changed to "parts 7045.0205 to
15 7045.0325" wherever it appears in Minnesota Rules, chapter 7045.

16 REPEALER. Minnesota Rules, parts 7045.0020, subpart 54; and
17 7045.0261, subparts 5 and 9, are repealed.