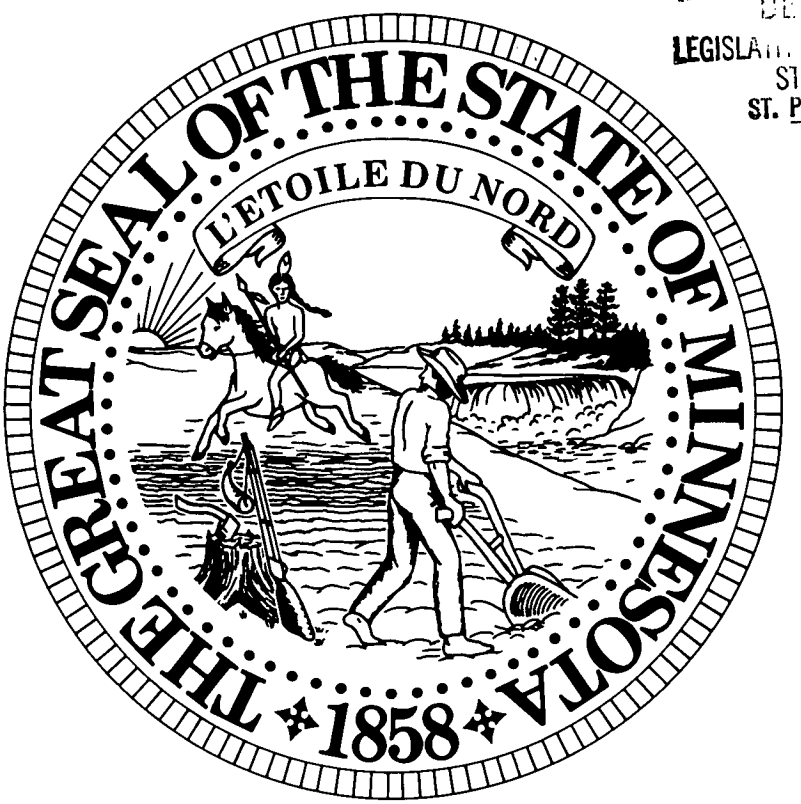
86, November 24

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



Monday 24 November 1986

VOLUME 11, NUMBER 21

Pages 909-964

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases scheduled to be heard by the state supreme court.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
21	Monday 10 November	Monday 17 November	Monday 24 November
22	Monday 17 November	Friday 21 November	Monday 1, December
23	Friday 21 November	Monday 1 December	Monday 8 December
24	Monday 1 December	Monday 8 December	Monday 15 December

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55155, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

CONTENTS

NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

The PROPOSED RULES section contains:

- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless requested by an agency.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issues 27-38, inclusive
Issue 39, cumulative for 1-39
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture

Proposed Permanent Rules Relating to Seed Potato Certification

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture intends to amend the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22-14.28. The statutory authority to adopt these rules is Minnesota Statutes, Sections 21.113 and 21.118.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed amendments or any part or subpart of the amendment. Comment is encouraged. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to Minnesota Statutes, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed amendments may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed amendments is attached to this Notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Ms. Milligan.

The proposed amendments will not have a negative impact upon small business as defined in Minnesota Statutes, Section 14.115, because these rules will place no additional economic restraints or demands on producers or any other businesses.

If no hearing is required, upon adoption of the final rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules must submit a written request to Ms. Milligan.

Dated: 31 October 1986

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed

1555.6950 MINNESOTA CERTIFIED SEED POTATO GRADES AND TOLERANCES.

Subpart 1. [Unchanged.]

Subp. 2. **Minnesota blue tag certified seed potato grade.** To be graded as Minnesota blue tag certified seed potatoes, the potatoes must meet the following requirements:

A. The potatoes must be, at the time of final inspection, of one variety, fairly well-shaped, free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown, and free from injury by surface or pitted scab, and from damage caused by dirt or other foreign matter, second growth, growth cracks, air cracks, cuts, shriveling, sprouts, pitted scab, surface scab, russet scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by ~~sunburn,~~ hollow heart~~,~~ or internal discoloration other than hollow heart. Sunburn is not a factor.

B. [Unchanged.]

C. Lot tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are provided:

(1) For defects:

(a) 10 percent for potatoes seriously damaged by hollow heart;

(b) ~~10 percent for potatoes seriously damaged by sunburn;~~

~~(c)~~ 5 percent for potatoes seriously damaged by internal discoloration (other than hollow heart);

~~(d)~~ (c) 8 percent for potatoes injured by (slight) scab;

~~(e)~~ (d) 10 percent for potatoes damaged by dirt or other foreign matter;

~~(f)~~ (e) 10 percent for potatoes damaged by sprouts; and

~~(g)~~ (f) 6 percent for potatoes which fail to meet the remaining requirements of the grade, provided that included in that amount not more than the following percentages are allowed for the following defects:

i. Soft rot, frozen, or wet breakdown, 0.5 percent;
ii. Damage by surface or pitted scab, 2.0 percent;
iii. Damage by dry rot, 2.0 percent;
iv. Bacterial ring rot, 0.0 percent; and
v. Powdery scab, 0.0 percent.

(2) For offsize:

(a) 5 percent for potatoes which fail to meet the required or specified minimum size,

(b) 10 percent for potatoes which fail to meet the required maximum size.

Subp. 3. **Minnesota yellow tag certified seed potato grade.** To be graded as Minnesota yellow tag certified seed potatoes, the potatoes must meet the following requirements.

A. The potatoes must be, at the time of final inspection, of one variety, fairly well-shaped, and free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown, and from damage caused by second growth, growth cracks, air cracks, cuts, shriveling, sprouts (after April 15, sprouts are not a factor), pitted scab, surface scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by dirt or other foreign matter, russet scab, hollow heart, or internal discoloration other than hollow heart. Pressure bruising, or flattened or depressed areas with or without underlying flesh discoloration, and sunburn are not factors.

B. and C. [Unchanged.]

Subp. 4. to 7. [Unchanged.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste Codification

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State of Minnesota intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28. The statutory authority to adopt the rules is Minn.Stat. § 116.07, subd. 4 (1984).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Interested persons have until 4:30 p.m. on December 23, 1986 to submit comments on the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Minnesota Pollution Control Agency (MPCA) will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Carol Nankivel
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
520 Lafayette Road
St. Paul, Minnesota 55155

The proposed rules may be modified if the modifications are supported by data and views submitted to the MPCA and do not result in a substantial change in the proposed rules as noticed.

The proposed rules follow this notice. One free copy of the proposed rules is available from the MPCA. Contact Carol Nankivel at 612/296-7260 or at the address listed above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Carol Nankivel upon request at 612/296-7260 or at the address listed above.

You are hereby advised pursuant to Minn. Stat.§ 14.115 (supp. 1985), "Small business considerations in rulemaking," that the proposed amendments will have a minimal impact on small businesses. Since most of the amendments are already required under the federal hazardous waste program, the MPCA is merely adopting as State rules the regulations already in effect on the federal level. The amendments which are not based on federal requirements only address the MPCA's change of address and the identification of the hazardous waste manifest form. These are informational changes which will not result in the imposition of additional restrictions on small businesses.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Carol Nankivel at the address listed above.

Dated: November 10, 1986

Thomas J. Kalitowski
Executive Director

Rules as Proposed

7001.0150 TERMS AND CONDITIONS OF PERMITS.

Subpart 1. [Unchanged.]

Subp. 2. **Special conditions.** Each draft and final permit must contain conditions necessary for the permittee to achieve compliance with applicable Minnesota or federal statutes or rules and any conditions that the agency determines to be necessary to protect human health and the environment. If applicable to the circumstances, the conditions must include:

A. and B. [Unchanged.]

C. A requirement that the permittee retain the following items for at least three years from the date of the sample, measurement, report, certification, or application, after which time this period must be automatically extended during the course of an unresolved enforcement action or at the request of the director:

(1) and (2) [Unchanged.]

(3) records of the date, exact location, and time of monitoring and testing which is related to compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules, the name of the individual who performed the sampling or measurements, the date the analysis was performed, the name of the individual who performed the analysis, the analytical techniques or methods used, and the results of the analysis; ~~and~~

(4) if applicable, reports required by part 7001.0720, subpart 2, item E; and

(5) if applicable, the certification required by part 7045.0478, subpart 3.

D. [Unchanged.]

Subp. 3. [Unchanged.]

7001.0520 PERMIT REQUIREMENTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Permits by rule.** The owner or operator of the following facilities shall be deemed to have obtained a hazardous waste facility permit without making application for it unless the director finds that the following conditions are not met:

A. [Unchanged.]

B. Publicly owned treatment works that accept hazardous waste for treatment, if the owner or operator:

(1) and (2) [Unchanged.]

(3) complies with parts 7045.0452, subpart 2; 7045.0474; 7045.0476; 7045.0478, subparts 1, 2, and 3, items A to C; and 7045.0482, subparts 1, 2, and 3; and for National Pollutant Discharge Elimination System permits issued after November 8, 1984, part 7045.0485; and

(4) accepts a waste that meets all applicable federal, Minnesota, and local pretreatment requirements for that waste if it were to be discharged into the publicly owned treatment works through a sewer, pipe, or other conveyance.

C. and D. [Unchanged.]

Subp. 4. [Unchanged.]

7001.0590 PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS.

Except as otherwise provided in part 7045.0532, subpart 1, if the applicant proposes to store, treat, or dispose of hazardous waste in surface impoundment facilities, the applicant shall submit detailed plans and specifications accompanied by an engineering report which collectively includes the following information in addition to the information required by part 7001.0560:

A. to K. [Unchanged.]

L. Information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous waste constituents through releases related to the unit. At a minimum, the information must address:

(1) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(2) the potential pathways of human exposure to hazardous wastes or constituents resulting from releases described in subitem (1); and

(3) the potential magnitude and nature of the human exposure resulting from the releases.

M. Owners and operators of surface impoundments who have already submitted a Part B application and were required to submit the exposure information required in item L to EPA by Code of Federal Regulations, title 40, section 270.10(j), must also submit that information to the director.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

7001.0600 PART B INFORMATION REQUIREMENTS FOR WASTE PILES.

Except as otherwise provided by part 7045.0534, subpart 1, if the applicant proposes to store or treat hazardous waste in waste piles, the applicant shall furnish the information required by items A to ~~L~~ M in addition to the information required by part 7001.0560:

A. [Unchanged.]

B. If an exemption is sought to parts 7045.0534, subparts 2, items A and B, and 3; and 7045.0484 as provided by part 7045.0534, subpart 1, an explanation of compliance with part 7045.0534, subpart 1, items A to D or detailed plans and an engineering report describing how the requirements of part 7045.0534, subpart 1, items A to D will be met.

C. to L. [Unchanged.]

M. A description of how each waste pile, including the liners and appurtenances for control of run-on and run-off will be inspected in order to meet the requirements of part 7045.0534, subpart 6. This information shall be included in the inspection plan required by part 7001.0560, item E.

7001.0620 PART B INFORMATION REQUIREMENTS FOR LANDFILLS.

Except as otherwise provided by part 7045.0538, subpart 1, if the applicant proposes to dispose of hazardous waste in a landfill, the applicant shall furnish the information designated in items A to ~~J~~ L in addition to the information required by part 7001.0560:

A. to G. [Unchanged.]

H. If bulk or noncontainerized liquid waste or waste containing free liquids ~~is to be~~ were landfilled before May 8, 1985, and an explanation of compliance with the requirements of part 7045.0538, subpart 10 was submitted to EPA by Code of Federal Regulations, title 40, section 270.21(h), that explanation must also be submitted to the director.

I. and J. [Unchanged.]

K. Information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous constituents through releases related to the unit. At a minimum, the information must address:

(1) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(2) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described in subitem (1);

(3) the potential magnitude and nature of the human exposure resulting from the releases.

L. Owners or operators of a landfill who have already submitted a Part B application and were required to submit the exposure information required in item K to EPA by Code of Federal Regulations, title 40, section 270.10(j), must also submit that information to the director.

7001.0650 INTERIM STATUS.

Subpart 1. **Qualifying for interim status.** Except as provided in subpart 2, during the period after the submission of Part A of a hazardous waste facility permit application to the Environmental Protection Agency or to the director and prior to a final determination by the agency on the permit application, the owner or operator of an existing hazardous waste facility or a facility in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a hazardous waste facility permit shall be considered to be in compliance with the requirement to obtain a permit if the director finds that the Environmental Protection Agency has granted the owner or operator interim status or if the director finds:

A. that the owner or operator has submitted a timely and complete Part A of the hazardous waste facility permit application to the Environmental Protection Agency or to the director; ~~and~~

B. that the owner or operator is in compliance with parts 7045.0552 to 7045.0642;

C. that the agency or the EPA has not previously refused to issue a new or modified hazardous waste facility permit for the facility; and

D. that the agency or the EPA has not previously revoked without reissuance a hazardous waste facility permit for the facility.

Subp. 2. to 6. [Unchanged.]

Subp. 7. **Termination of interim status.** Interim status terminates automatically when the agency has taken final administrative action on the permit application or when terminated by Code of Federal Regulations, title 40, section 270.73(c). The following constitute justification for the director to commence proceedings to terminate interim status:

A. and B. [Unchanged.]

7001.0712 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.

Subpart 1. **Scope.** This part applies to research, development, or demonstration facilities other than land treatment demonstration facilities governed by part 7001.0710.

Subp. 2. **Permit requirement.** A person who desires to own or operate a research, development, or demonstration facility utilizing an innovative and experimental hazardous waste treatment technology or process for which permit standards have not been adopted in chapter 7045 shall request a permit from the agency.

Subp. 3. **Terms of permit.** A permit governed by this part is effective for a fixed term not to exceed one year. At the request of the permittee, the director shall renew the permit for one additional year if the director finds that the permittee is in compliance with the conditions of the permit and that the operation of the facility does not pose a threat to human health and the environment. In no event shall the director renew the permit more than three times.

Subp. 4. **Conditions of permit.** The permit shall authorize the receipt and treatment by the facility of only those types and quantities of hazardous waste that the director considers necessary for the purpose of determining the efficiency and performance capabilities of the technology or process and the effects of the technology or process on human health and the environment.

The permit shall contain all applicable special and general conditions in parts 7001.0150 and 7001.0720 and conditions concerning financial responsibility under parts 7045.0498 to 7045.0524, closure, and remedial action. The permit shall provide for the immediate termination of all operations at the facility at any time upon receipt of notification from the director that termination of operations is necessary to protect human health or the environment.

7001.0720 TERMS AND CONDITIONS OF HAZARDOUS WASTE FACILITY PERMITS.

Subpart 1. **Term of permit.** Except as provided in part 7001.0712, subpart 3, a hazardous waste facility permit is effective for a fixed term not to exceed five years.

Subp. 2. [Unchanged.]

7045.0020 DEFINITIONS.

Subpart 1. to 55. [Unchanged.]

Subp. 55a. **Marketer.** "Marketer" means a person who, for the purpose of burning for energy recovery, processes, blends, or distributes waste oil, used oil, or hazardous waste. "Marketer" includes a generator who processes, distributes, or blends such fuel directly to a person who burns it.

Subp. 56. to 102. [Unchanged.]

Subp. 102a. **Waste oil.** "Waste oil" means virgin oil that is discarded before use.

Subp. 103. to 108. [Unchanged.]

7045.0075 PETITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Petitions to exclude a waste produced at a particular facility.** Petitions to exclude a waste produced at a particular facility are as follows:

A. Any person seeking to exclude a waste at a particular generating facility from regulation under this chapter may petition under these provisions. The petitioner must demonstrate to the satisfaction of the agency that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous waste and, in the case of an acutely hazardous waste meeting the criteria in part 7045.0129, subpart 1, item B, that it also does not meet the criteria of part 7045.0129, subpart 1, item C. In determining whether to exclude a waste as requested by the petition, the agency must consider the factors considered at the time the waste was listed and, if the agency has reason to believe that other factors, including additional constituents, could also cause the waste to be hazardous, the agency must also consider these other factors. In order to exclude a waste as requested by the petition, the agency must determine that no factor exists that warrants retaining the classification of the waste as hazardous. A waste which is so excluded may still, however, be a hazardous waste by operation of part 7045.0131.

B. and C. [Unchanged.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

D. If the waste is listed with codes "I," "C," "R," or "E" in part 7045.0135, the petitioner must show that ~~demonstration samples of~~ the waste ~~do~~ does not exhibit a relevant characteristic defined in part 7045.0131 using any applicable ~~test~~ methods prescribed in part 7045.0131. The petitioner also must show that the waste does not exhibit any of the other characteristics in part 7045.0131 using any applicable method prescribed in part 7045.0131. In determining whether to exclude a waste as requested by the petition, the agency must consider the factors considered at the time the waste was listed and, if the agency has reason to believe that other factors, including additional constituents, could also cause the waste to be hazardous, the agency must also consider these other factors. In order to exclude a waste as requested by the petition, the agency must determine that no factor exists that warrants retaining the classification of the waste as hazardous. A waste which is so excluded, however, may still be a hazardous waste by operation of part 7045.0131.

E. If the waste is listed with code "T" in part 7045.0135, ~~the petitioner must demonstrate that:~~ subitems (1) to (4) apply.

(1) ~~demonstration samples of the waste do~~ The petitioner must demonstrate that the waste:

(a) does not contain the constituent or constituents that caused the agency to list the waste, using the appropriate test methods prescribed in Code of Federal Regulations, title 40, part 261, appendix III ~~(1983)~~; or

~~(2)~~ (b) although containing one or more of the hazardous constituents, as defined in part 7045.0141, that caused the agency to list it, the waste does not meet the criterion of part 7045.0129, subpart 1, item C, when considering the factors in part 7045.0129, subpart 1, item C, subitems (1) to (11).

(2) In determining whether to exclude a waste as requested by the petition, the agency must consider the factors considered at the time the waste was listed and, if the agency has reason to believe that other factors, including additional constituents, could also cause the waste to be hazardous, the agency must also consider these other factors. In order to exclude a waste as requested by the petition, the agency must determine that no factor exists that warrants retaining the classification of the waste as hazardous.

(3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics defined in part 7045.0131 using any applicable methods prescribed therein.

(4) A waste which is so excluded, however, still may be a hazardous waste by operation of part 7045.0131.

F. If the waste is listed with the code "H" in part 7045.0135, the petitioner must demonstrate that the waste does not meet the criterion of part 7045.0129, subpart 1, item B~~, and that the waste does not meet the criterion of part 7045.0129, subpart 1, when considering the factors listed in part 7045.0129, subpart 1, item C, subitems (1) to (11)~~.

(1) In determining whether to exclude a waste as requested by the petition, the agency must consider the factors considered at the time the waste was listed and, if the agency has reason to believe that other factors, including additional constituents, could also cause the waste to be hazardous, the agency must also consider these other factors. In order to exclude a waste as requested by the petition, the agency must determine that no factor exists that warrants retaining the classification of the waste as hazardous.

(2) The petitioner must demonstrate that the waste does not exhibit any of the characteristics defined in part 7045.0131 using any applicable methods prescribed therein.

(3) A waste which is so excluded, however, still may be a hazardous waste by operation of part 7045.0131.

G. [Unchanged.]

H. After receiving a petition for an exclusion, the agency or the director may request any additional information which it may reasonably require to evaluate the petition. An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility. The agency may exclude only part of the waste for which the demonstration is submitted when it has reason to believe that variability of the waste justifies a partial exclusion. ~~The agency may grant a temporary exclusion before making a final decision whenever it finds that there is a substantial likelihood that an exclusion will be finally granted.~~

Subp. 3. and 4. [Unchanged.]

7045.0080 DATA AVAILABILITY.

Subpart 1. **Applicability.** The following apply to requests to the Minnesota Pollution Control Agency for information relating to facilities and sites for treatment, storage, and disposal of hazardous waste.

Subp. 2. **Response to requests.** Except as provided in subpart 3, the director shall issue a written response to a requester of information within ten working days of receiving the request for information. The written response shall state what information will and will not be provided and shall state the reason for denying any portion of the request.

Subp. 3. **Extensions.** The following provisions apply to extensions of time to respond to requests for information:

A. If the request for information does not reasonably identify the information sought, the director shall so notify the requester. There shall be excluded from the ten-day response period established under subpart 2, or any extension to that response

period provided under item B, any time that elapses between the date that a requester is notified by the director that the request does not reasonably identify the records sought, and the date that the requester furnishes a reasonable identification.

B. In circumstances in which an extension is necessary due to one or more of the following reasons, the ten-day response period established in subpart 2 shall be extended by the director for a period of days commensurate with the additional response time required, not to exceed ten additional working days:

(1) there is a need to search for and collect the requested records from field regional offices or other establishments that are separate from the agency's central office;

(2) there is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) there is a need for consultation with another agency having a substantial interest in the determination of the request.

The director must notify the requester within the initial ten-day period that the ten-day extension is required and must state the reasons for the extension and the date by which the agency expects to be able to issue its response to the request for information.

Subp. 4. **Failure to act.** If the director fails to issue a response within the response time provided in subpart 2, or an extension provided under subpart 3, a requester may commence an action under Minnesota Statutes, section 13.08 to obtain the requested information.

7045.0102 MIXTURES OF HAZARDOUS AND NONHAZARDOUS WASTES.

Except as provided in parts 7045.0125, subpart 10 and 7045.0665, subpart 5, mixtures of hazardous and nonhazardous wastes are as follows:

A. to G. [Unchanged.]

7045.0120 EXEMPT WASTES.

The following wastes may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

A. ~~normal refuse from households including garbage, trash, and sanitary wastes in septic tanks. Households include single and multiple residences, hotels, and motels;~~ household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (for example, refuse derived fuel) or reused. "Household waste" means any material including garbage, trash, and sanitary wastes in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. A resource recovery facility managing municipal solid waste shall not be considered to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this chapter, if the facility:

(1) Receives or burns only:

(a) household waste from single and multiple dwellings, hotels, motels, and other residential sources; and

(b) solid waste from commercial or industrial sources that does not contain hazardous waste.

(2) Does not accept hazardous wastes and the owner or operator of the facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in the facility.

(3) The owner or operator complies with the following requirements in the event hazardous waste is inadvertently received at the facility:

(a) the owner or operator makes an effort to determine the source of the hazardous waste, to return the waste to the generator and to notify the agency of the responsible generator; and, it is not possible for the owner or operator to return the waste to the generator, the owner or operator maintains a record of known hazardous waste received with a description of the waste, quantity received, and date received;

(b) the owner or operator complies with the following requirements for hazardous waste generators: parts 7045.0221; 7045.0261; 7045.0265; 7045.0270; 7045.0275; 7045.0292, subpart 1, items B to G; 7045.0294; and 7045.0296;

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(c) all hazardous wastes are shipped for treatment, storage, or disposal to a permitted facility within one year after receipt; and

(d) the owner or operator has a solid waste permit, if required.

Such inadvertently received hazardous waste is not subject to the quantity limitations of part 7045.0219, subpart 1, nor the accumulation provisions of part 7045.0292, subpart 1, item A.

(4) The owner or operator evaluates the ash in accordance with the procedures in part 7045.0214, subpart 2, and the solid waste permit conditions.

B. to P. [Unchanged.]

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

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Hazardous waste which is beneficially used by burning.** Hazardous waste that is transported or stored ~~prior to~~ before a beneficial use by burning is subject to regulation under the following:

A. and B. [Unchanged.]

C. A cement kiln that burns hazardous waste is subject to the following requirements:

(1) No fuel that contains any hazardous waste may be burned in any cement kiln unless the kiln fully complies with the thermal treatment standards of part 7045.0542.

(2) This requirement does not apply to petroleum refinery hazardous wastes containing oil that are converted into petroleum coke at the same facility at which the wastes were generated unless the resulting coke product would exhibit one or more of the characteristics of hazardous waste in part 7045.0131.

D. No person who produces, distributes, or markets any fuel that contains a hazardous waste may distribute or market the fuel if the invoice or bill of sale fails:

(1) to bear the following statement: "WARNING: THIS FUEL CONTAINS HAZARDOUS WASTE"; and

(2) to list the hazardous waste contained therein. The statement must be located in a conspicuous place on every invoice or bill of sale and must appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the invoice or bill of sale.

Subp. 11. **Hazardous wastes from petroleum refining.** The following hazardous wastes that are produced from petroleum refining are not subject to the labeling requirements of subpart 10, item D.

A. Fuels produced from petroleum refining hazardous waste containing oil if:

(1) the materials are generated and reinserted on-site into the refining process;

(2) the contaminants are removed; and

(3) refining waste containing oil is converted along with normal process streams into petroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Industrial Classification Manual.

B. Fuels produced from oily materials resulting from normal petroleum refining production and transportation practices; if

(1) contaminants are removed; and

(2) the oily materials are converted along with normal process streams into petroleum-derived fuel products at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Industrial Classification Manual.

C. Hazardous wastes containing oil which are converted into petroleum coke at the same facility at which the wastes were generated, unless the resulting coke product would exceed one or more of the characteristics of hazardous waste in part 7045.0131.

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. [Unchanged.]

Subp. 2. **Hazardous wastes from nonspecific sources.** Hazardous wastes from nonspecific sources are listed as follows:

Hazardous Waste No.	Hazardous Waste	Hazard Code
Generic:		
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more by volume of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, ~~and~~ trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more by volume of one or more of the above halogenated solvents or those solvents listed in F001, F004, and F005; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F003	The following spent nonhalogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent nonhalogenated solvents; and all spent solvent mixtures/blends, containing, before use, one or more of the above nonhalogenated solvents and a total of ten percent or more by volume of one or more of those solvents listed in F001, F002, F004, and F005; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I)
F004	The following spent nonhalogenated solvents: cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten percent or more by volume of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, and F005; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F005	The following spent nonhalogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, ~~and~~ pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more by volume of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, and F004; and the still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I,T)
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum, (2) tin plating on carbon steel, (3) zinc plating (segregated basis) on carbon steel, (4) aluminum or zinc-aluminum plating on carbon steel, (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel, and (6) chemical etching and milling of aluminum	(T)
F007	Spent cyanide plating bath solutions from electroplating operations	(R,T)
F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process	(R,T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process	(R,T)
F010	Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process	(R,T)
F011		(R,T)
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum	(T)
F020	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.	(H)

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Hazardous Waste No.	Substance	Hazard Code
F021	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)
F022	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the manufacturing use as a reactant, chemical intermediate, or component in a formulating process of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	(H)
F023	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the production or manufacturing use as a reactant,chemical intermediate, or component in a formulating process of tri- and tetrachlorophenols. This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.	(H)
F024	Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatichydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. This does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, and spent catalysts.	(T)
F026	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the manufacturing use as a reactant, chemical intermediate, or component in a formulating process of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	(H)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.	(H)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste Nos. F020, F021, F022, F023, F026, and F027.	(T)

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed as follows:

Industry and Hazardous Waste No.	Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments, anhydrous and hydrated	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments	(T)
K008	Oven residue from the production of chrome oxide green pigments	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile	(R,T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile	(T)
K015	Still bottoms from the distillation of benzyl chloride	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production	(T)

Hazardous Waste No.	Substance	Hazard Code
K021	Aqueous spent antimony catalyst waste from fluoromethanes production	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene	(T)
K024	Distillation bottoms from the production of phthalic anhydride from napthalene	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane	(T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene	(T)
K083	Distillation bottoms from aniline production	(T)
K103	Process residues from aniline extraction from the production of aniline	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes	(T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene	(T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, when separately prepurified brine is not used	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production	(T)
Pesticides:		
K031	By-product salts generated in the production of monosodium methanearsonate (MSMA) and cacodylic acid	(T)
K032	Wastewater treatment sludge from the production of chlordane	(T)
K033	Wastewater and scrub water from the chlorination of cyclo-pentadiene in the production of chlordane	(T)

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Hazardous Waste No.	Substance	Hazard Code
K034	Filter solids from the filtration of hexachloro-cyclopentadiene in the production of chlordane	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane	(T)
K035	Wastewater treatment sludges generated in the production of creosote	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton	(T)
K037	Wastewater treatment sludges from the production of disulfoton	(T)
K038	Wastewater from the washing and stripping of phorate production	(T)
K039	Filter cake from the filtration of diethylphos-phorodithioic acid in the production of phorate	(T)
K040	Wastewater treatment sludge from the production of phorate	(T)
K041	Wastewater treatment sludge from the production of toxaphene	(T)
K098	Untreated process wastewater from the production of toxaphene	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D	(T)
K099	Untreated wastewater from the production of 2,4-D	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives	(R)
K045	Spent carbon from the treatment of wastewater containing explosives	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds	(T)
K047	Pink/red water from operations involving 2,4,6-trinitro-toluene (TNT)	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry	(T)
K049	Slop oil emulsion solids from the petroleum refining industry	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry	(T)
K051	American Petroleum Institute separator sludge from the petroleum refining industry as specified in The Manual on Disposal of Refinery Wastes, volume 1, issued by the American Petroleum Institute, (Washington, D.C., 1969), available at the State of Minnesota Law Library	(T)
K052	Tank bottoms (leaded) from the petroleum refinery industry	(T)
Iron and Steel:		
K061	Emission control dust or sludge from the primary production of steel in electric furnaces	(T)
K062	Spent pickle liquor ~~from~~ generated by steel finishing operations of plants that produce iron or steel	(C,T)
Secondary Lead:		
K069	Emission control dust or sludge from secondary lead smelting	(T)
K100	Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting	(T)
Veterinary Pharmaceuticals:		
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds	(T)
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds	(T)
Ink Formulation:		
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead	(T)
Coke:		
K060	Ammonia still lime sludge from coking operations	(T)
K087	Decanter tank tar sludge from coking operations	(T)

Subp. 4. **Discarded commercial chemical products, off-specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded ~~as defined in part 7045.0020, when they are burned for purposes of energy recovery in lieu of their original intended use, when they are used to produce fuels in lieu~~

~~of their original intended use, when they are applied to the land in lieu of their original intended use, or when they are contained in products that are applied to the land in lieu of their original intended use;~~ when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; or when, in lieu of their original use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

A. to D. [Unchanged.]

E. the commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in items A to D and listed in the following table, are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, items B and C. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), and R (reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. These wastes and their corresponding hazardous waste numbers are listed as follows:

Hazardous Wastes from Commercial Chemical Products

Hazardous Waste No.	Substance	Hazard Code
P023	Acetaldehyde, chloro-	
P002	Acetamide, N-(aminothioxomethyl)-	
P057	Acetamide, 2-fluoro-	
P058	Acetic acid, fluoro-, sodium salt	
P066	Acetimidic acid, N-[(methylcarbamoyl)oxy] thio-, methyl ester	
P001	3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts when present at concentrations greater than 0.3 percent	
P002	1-Acetyl-2-thiourea	
P003	Acrolein	
P070	Aldicarb	
004	Aldrin	
P005	Allyl alcohol	
P006	Aluminum phosphide	(R,T)
P007	5-(Aminomethyl)-3-isoxazolol	
P008	4-Aminopyridine	
P009	Ammonium picrate	(R)
P119	Ammonium vanadate	
P010	Arsenic acid	
P012	Arsenic (III) oxide	
P011	Arsenic (V) oxide	
P011	Arsenic pentoxide	
P012	Arsenic trioxide	
P038	Arsine, diethyl-	
P054	Aziridine	
P013	Barium cyanide	
P024	Benzenamine, 4-chloro-	
P077	Benzenamine, 4-nitro-	
P028	Benzene, (chloromethyl)-	
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methyl-amino)ethyl]-	
P014	Benzenethiol	
P028	Benzyl chloride	
P015	Beryllium dust	
P016	Bis(chloromethyl) ether	

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Hazardous Waste No.	Substance	Hazard Code
P017	Bromoacetone	
P018	Brucine	
P021	Calcium cyanide	
P123	Camphene, octachloro-	
P103	Carbamimidoselenoic acid	
P022	Carbon bisulfide	
P022	Carbon disulfide	
P095	Carbonyl chloride	
P033	Chlorine cyanide	
P023	Chloroacetaldehyde	
P024	p-Chloroaniline	
P026	1-(o-Chlorophenyl)thiourea	
P027	3-Chloropropionitrile	
P029	Copper cyanides	
P030	Cyanides (soluble cyanide salts), not elsewhere specified	
P031	Cyanogen	
P033	Cyanogen chloride	
P036	Dichlorophenylarsine	
P037	Dieldrin	
P038	Diethylarsine	
P039	O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	
P041	Diethyl-p-nitrophenyl phosphate	
P040	O,O-Diethyl O-pyrazinyl phosphorothioate	
P043	Diisopropyl fluorophosphate	
P044	Dimethoate	
P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime	
P071	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	
P082	Dimethylnitrosamine	
P046	alpha, alpha-Dimethylphenethylamine	
P047	4,6-Dinitro-o-cresol and salts	
P034	4,6-Dinitro-o-cyclohexylphenol	
P048	2,4-Dinitrophenol	
P020	Dinoseb	
P085	Diphosphoramide, octamethyl-	
P039	Disulfoton	
P049	2,4-Dithiobiuret	
P109	Dithiopyrophosphoric acid, tetraethyl ester	
P050	Endosulfan	
P088	Endothall	
P051	Endrin	
P042	Epinephrine	
P046	Ethanamine, 1,1-dimethyl-2-phenyl-	
P084	Ethenamine, N-methyl-N-nitroso-	
P101	Ethyl cyanide	
P054	Ethylenimine	
P097	Famphur	
P056	Fluorine	
P057	Fluoroacetamide	
P058	Fluoroacetic acid, sodium salt	
P065	Fulminic acid, mercury(II) salt	(R,T)
P059	Heptachlor	
P051	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene	
P037	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene	
P060	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene	
P004	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene	

Hazardous Waste No.	Substance	Hazard Code
P060	Hexachlorohexahydro-endo,endo-dimethanonaphthalene	
P062	Hexaethyl tetraphosphate	
P116	Hydrazinecarbothioamide	
P068	Hydrazine, methyl-	
P063	Hydrocyanic acid	
P063	Hydrogen cyanide	
P096	Hydrogen phosphide	
P064	Isocyanic acid, methyl ester	
P007	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P092	Mercury, (acetato-O)phenyl-	
P065	Mercury fulminate	(R,T)
P016	Methane, oxybis(chloro)-	
P112	Methane, tetranitro-	(R)
P118	Methanethiol, trichloro-	
P059	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-hep-tachloro-3a,4,7,7a-tetrahydro-	
P066	Methomyl	
P067	2-Methylaziridine	
P068	Methyl hydrazine	
P064	Methyl isocyanate	
P069	2-Methyllactonitrile	
P071	Methyl parathion	
P072	alpha-Naphthylthiourea	
P073	Nickel carbonyl	
P074	Nickel cyanide	
P074	Nickel(II) cyanide	
P073	Nickel tetracarbonyl	
P075	Nicotine and salts	
P076	Nitric oxide	
P077	p-Nitroaniline	
P078	Nitrogen dioxide	
P076	Nitrogen(II) oxide	
P078	Nitrogen(IV) oxide	
P081	Nitroglycerine	(R)
P082	N-Nitrosodimethylamine	
P084	N-Nitrosomethylvinylamine	
P050	5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	
P085	Octamethylpyrophosphoramide	
P087	Osmium oxide	
P087	Osmium tetroxide	
P088	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	
P089	Parathion	
P034	Phenol, 2-cyclohexyl-4,6-dinitro-	
P048	Phenol, 2,4-dinitro-	
P047	Phenol, 2,4-dinitro-6-methyl-, and salts	
P020	Phenol, 2,4-dinitro-6-(1-methylpropyl)-	
P009	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P036	Phenyl dichloroarsine	
P092	Phenylmercuric acetate	
P093	N-Phenylthiourea	

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Hazardous Waste No.	Substance	Hazard Code
P094	Phorate	
P095	Phosgene	
P096	Phosphine	
P041	Phosphoric acid, diethyl p-nitrophenyl ester	
P044	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl]ester	
P043	Phosphorofluoridic acid, bis(1-methylethyl) ester	
P094	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester	
P089	Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester	
P040	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	
P097	Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)-sulfonyl)phenyl]ester	
P110	Plumbane, tetraethyl-	
P098	Potassium cyanide	
P099	Potassium silver cyanide	
P070	Propanal, 2-methyl-2-(methylthio)-, O- [(methylamino)carbonyl]oxime	
P101	Propanenitrile	
P027	Propanenitrile, 3-chloro-	
P069	Propanenitrile, 2-hydroxy-2-methyl-	
P081	1,2,3-Propanetriol, trinitrate-	(R)
P017	2-Propanone, 1-bromo-	
P102	Propargyl alcohol	
P003	2-Propenal	
P005	2-Propen-1-ol	
P067	1,2-Propylenimine	
P102	2-Propyn-1-ol	
P008	4-Pyridinamine	
P075	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts	
P111	Pyrophosphoric acid, tetraethyl ester	
P103	Selenourea	
P104	Silver cyanide	
P105	Sodium azide	
P106	Sodium cyanide	
P107	Strontium sulfide	
P108	Strychnidin-10-one, and salts	
P018	Strychnidin-10-one, 2,3-dimethoxy-	
P108	Strychnine and salts	
P115	Sulfuric acid, thallium(I) salt	
P109	Tetraethyldithiopyrophosphate	
P110	Tetraethyl lead	
P111	Tetraethylpyrophosphate	
P112	Tetranitromethane	(R)
P062	Tetraphosphoric acid, hexaethyl ester	
P113	Thallic oxide	
P113	Thallium(III) oxide	
P114	Thallium(I) selenide	
P115	Thallium(I) sulfate	
P045	Thiofanox	
P049	Thioimidodicarbonic diamide	
P014	Thiophenol	
P116	Thiosemicarbazide	
P026	Thiourea, (2-chlorophenyl)-	
P072	Thiourea, 1-naphthalenyl-	
P093	Thiourea, phenyl-	
P123	Toxaphene	

Hazardous Waste No.	Substance	Hazard Code
P118	Trichloromethanethiol	
P119	Vanadic acid, ammonium salt	
P120	Vanadium pentoxide	
P120	Vanadium(V) oxide	
P001	Warfarin when present at concentrations greater than 0.3 percent	
P121	Zinc cyanide	
P122	Zinc phosphide when present at concentrations greater than 10 percent	(R,T)

F. The commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products referred to in items A to D, and listed in the following table are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, item A. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). Absence of a letter indicates that the compound is listed only for toxicity. These wastes and their corresponding hazardous waste numbers are listed as follows:

Hazardous Wastes from Commercial Chemical Products

Hazardous Waste No.	Substance	Hazard Code
U001	Acetaldehyde	(I)
U034	Acetaldehyde, trichloro-	
U187	Acetamide, N-(4-ethoxyphenyl)-	
U005	Acetamide, N-9H-fluoren-2-yl-	
U112	Acetic acid, ethyl ester	(I)
U144	Acetic acid, lead salt	
U214	Acetic acid, thallium(I) salt	
U002	Acetone	(I)
U003	Acetonitrile	(I,T)
U248	3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts when present at concentrations of 0.3 percent or less	
U004	Acetophenone	
U005	2-Acetylaminofluorene	
U006	Acetyl chloride	(C,R,T)
U007	Acrylamide	
U008	Acrylic acid	(I)
U009	Acrylonitrile	
U150	Alanine, 3-[p-bis(2-chloroethyl)amino] phenyl-,L-	
U011	Amitrole	
U328	2-Amino-1-methylbenzene	
U353	4-Amino-1-methylbenzene	
U012	Aniline	(I,T)
U014	Auramine	
U015	Azaserine	
U010	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4, 7-dione, 6-amino-8-[((aminocarbonyl) oxy)methyl]-1,1a,2,8,8a,8b-Hexahydro-8a-methoxy-5-methyl-	
U157	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	
U016	Benz[c]acridine	
U016	3,4-Benzacridine	
U017	Benzal chloride	
U018	Benz[a]anthracene	

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Hazardous Waste No.	Substance	Hazard Code
U018	1,2-Benzanthracene	
U094	1,2-Benzanthracene, 7,12-dimethyl-	
U012	Benzenamine	(I,T)
U014	Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl)-	
U049	Benzenamine, 4-chloro-2-methyl-	
U093	Benzenamine, N,N'-dimethyl-4-phenylazo-	
U158	Benzenamine, 4,4'-methylenebis (2-chloro)-	
U222	Benzenamine, 2-methyl-, hydrochloride	
U181	Benzenamine, 2-methyl-5-nitro	
U019	Benzene	(I,T)
U038	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	
U030	Benzene, 1-bromo-4-phenoxy-	
U037	Benzene, chloro-	
U190	1,2-Benzenedicarboxylic acid anhydride	
U028	1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)] ester	
U069	1,2-Benzenedicarboxylic acid, dibutyl ester	
U088	1,2-Benzenedicarboxylic acid, diethyl ester	
U102	1,2-Benzenedicarboxylic acid, dimethyl ester	
U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester	
U070	Benzene, 1,2-dichloro-	
U071	Benzene, 1,3-dichloro-	
U072	Benzene, 1,4-dichloro-	
U017	Benzene, (dichloromethyl)-	
U223	Benzene, 1,3-diisocyanatomethyl-	(R,T)
U239	Benzene, dimethyl-	(I,T)
U201	1,3-Benzenediol	
U127	Benzene, hexachloro-	
U056	Benzene, hexahydro-	(I)
U188	Benzene, hydroxy-	
U220	Benzene, methyl-	
U105	Benzene, 1-methyl-1-2,4-dinitro-	
U106	Benzene, 1-methyl-2,6 dinitro-	
U203	Benzene, 1,2-methylenedioxy-4-allyl-	
U141	Benzene, 1,2-methylenedioxy-4-propenyl-	
U090	Benzene, 1,2-methylenedioxy-4-propyl-	
U055	Benzene, (1-methylethyl)-	(I)
U169	Benzene, nitro-	(I,T)
U183	Benzene, pentachloro-	
U185	Benzene, pentachloronitro-	
U020	Benzenesulfonic acid chloride	(C,R)
U020	Benzenesulfonyl chloride	(C,R)
U207	Benzene, 1,2,4,5-tetrachloro-	
U023	Benzene, (trichloromethyl)-	(C,R,T)
U234	Benzene, 1,3,5-trinitro-	(R,T)
U021	Benzidine	
U202	1,2-Benzisothiazolin-3-one,1,1-dioxide and salts	
U120	Benzo[j,k]fluorene	
U022	Benzo[a]pyrene	
U022	3,4-Benzopyrene	
U197	p-Benzoquinone	
U023	Benzotrichloride	(C,R,T)
U050	1,2-Benzphenanthrene	
U085	2,2'-Bioxirane	(I,T)
U021	(1,1'-Biphenyl)-4,4'-diamine	
U073	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	

Hazardous Waste No.	Substance	Hazard Code
U091	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U024	Bis(2-chloroethoxy) methane	
U027	Bis(2-chloroisopropyl) ether	
U244	Bis(dimethylthiocarbamoyl) disulfide	
U028	Bis(2-ethylhexyl) phthalate	
U246	Bromine cyanide	
U225	Bromoform	
U030	4-Bromophenyl phenyl ether	
U128	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	
U172	1-Butanamine, N-butyl-N-nitroso-	
U035	Butanoic acid, 4-[bis(2-chloroethyl) amino] benzene-	
U031	1-Butanol	(I)
U159	2-Butanone	(I,T)
U160	2-Butanone peroxide	(R,T)
U053	2-Butenal	
U074	2-Butene, 1,4-dichloro-	(I,T)
U031	n-Butyl alcohol	(I)
U136	Cacodylic acid	
U032	Calcium chromate	
U238	Carbamic acid, ethyl ester	
U178	Carbamic acid, methylnitroso-, ethyl ester	
U176	Carbamide, N-ethyl-N-nitroso-	
U177	Carbamide, N-methyl-N-nitroso-	
U219	Carbamide, thio-	
U097	Carbamoyl chloride, dimethyl-	
U215	Carbonic acid, dithallium(I) salt	
U156	Carbonochloridic acid, methyl ester	(I,T)
U033	Carbon oxyfluoride	(R,T)
U211	Carbon tetrachloride	
U033	Carbonyl fluoride	(R,T)
U034	Chloral	
U035	Chlorambucil	
U036	Chlordane, technical	
U026	Chlornaphazine	
U037	Chlorobenzene	
U039	4-Chloro-m-cresol	
U041	1-Chloro-2,3-epoxypropane	
U042	2-Chloroethyl vinyl ether	
U044	Chloroform	
U046	Chloromethyl methyl ether	
U047	beta-Chloronaphthalene	
U048	o-Chlorophenol	
U049	4-Chloro-o-toluidine, hydrochloride	
U032	Chromic acid, calcium salt	
U050	Chrysene	
U051	Creosote	
U052	Cresols	
U052	Cresylic acid	

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Hazardous Waste No.	Substance	Hazard Code
U053	Crotonaldehyde	
U055	Cumene	(I)
U246	Cyanogen bromide	
U197	1,4-Cyclohexadienedione	
U056	Cyclohexane	(I)
U057	Cyclohexanone	(I)
U130	1,3-Cyclopentadiene, 1,2,3,4,5, 5-hexachloro-	
U058	Cyclophosphamide	
U240	2,4-D, salts and esters	
U059	Daunomycin	
U060	DDD, 1,1-(2,2-dichloroethylidene)-bis-4-chlorobenzene	
U061	DDT, 1,1'-(2,2,2-trichloroethylidene)-bis-4-chlorobenzene	
U142	Decachlorooctahydro-1,3,4-metheno -2H-cyclobuta[c,d]-pentalen-2-one	
U062	Diallate	
U133	Diamine	(R,T)
U221	Diaminotoluene	
U063	Dibenz[a,h]anthracene	
U063	1,2:5,6-Dibenzanthracene	
U064	1,2:7,8-Dibenzopyrene	
U064	Dibenz[a,i]pyrene	
U066	1,2-Dibromo-3-chloropropane	
U069	Dibutyl phthalate	
U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	
U070	o-Dichlorobenzene	
U071	m-Dichlorobenzene	
U072	p-Dichlorobenzene	
U073	3,3'-Dichlorobenzidine	
U074	1,4-Dichloro-2-butene	(I,T)
U075	Dichlorodifluoromethane	
U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	
U060	Dichloro diphenyl dichloroethane	
U061	Dichloro diphenyl trichloroethane	
U078	1,1-Dichloroethylene	
U079	1,2-Dichloroethylene	
U025	Dichloroethyl ether	
U081	2,4-Dichlorophenol	
U082	2,6-Dichlorophenol	
U240	2,4-Dichlorophenoxyacetic acid, salts and esters	
U083	1,2-Dichloropropane	
U084	1,3-Dichloropropene	
U085	1,2:3,4-Diepoxybutane	(I,T)
U108	1,4-Diethylene dioxide	
U086	N,N-Diethylhydrazine	
U087	O,O-Diethyl-S-methyl-dithiophosphate	
U088	Diethyl phthalate	
U089	Diethylstilbestrol	
U148	1,2-Dihydro-3,6-pyridazinedione	
U090	Dihydrosafrole	
U091	3,3'-Dimethoxybenzidine	
U092	Dimethylamine	(I)
U093	Dimethylaminoazobenzene	
U094	7,12-Dimethylbenz[a]anthracene	
U095	3,3'-Dimethylbenzidine	
U096	alpha,alpha-Dimethylbenzylhydroperoxide	(R)
U097	Dimethylcarbamoyl chloride	

Hazardous Waste No.	Substance	Hazard Code
U098	1,1-Dimethylhydrazine	
U099	1,2-Dimethylhydrazine	
U101	2,4-Dimethylphenol	
U102	Dimethyl phthalate	
U103	Dimethyl sulfate	
U105	2,4-Dinitrotoluene	
U106	2,6-Dinitrotoluene	
U107	Di-n-octyl phthalate	
U108	1,4-Dioxane	
U109	1,2-Diphenylhydrazine	
U110	Dipropylamine	(I)
U111	Di-n-propylnitrosamine	
U001	Ethanal	(I)
U174	Ethanamine, N-ethyl-N-nitroso-	
U067	Ethane, 1,2-dibromo-	
U076	Ethane, 1,1-dichloro-	
U077	Ethane, 1,2-dichloro-	
U114	1,2-Ethanediylbiscarbamodithioic acid	
U131	Ethane, 1,1,1,2,2,2-hexachloro-	
U024	Ethane, 1,1'[methylenebis(oxy)]bis [2-chloro]-	
U003	Ethanenitrile	(I,T)
U117	Ethane, 1,1'-oxybis-	(I)
U025	Ethane, 1,1'-oxybis[2-chloro]-	
U184	Ethane, pentachloro-	
U208	Ethane, 1,1,1,2-tetrachloro-	
U209	Ethane, 1,1,2,2-tetrachloro-	
U218	Ethanethioamide	
U227	Ethane, 1,1,2-trichloro-	
U247	Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenyl)	
U043	Ethene, chloro-	
U042	Ethene, 2-chloroethoxy-	
U078	Ethene, 1,1-dichloro-	
U079	Ethene, trans-1,2-dichloro-	
U210	Ethene, 1,1,2,2-tetrachloro-	
U173	Ethanol, 2,2'-(nitrosoimino)bis-	
U004	Ethanone, 1-phenyl-	
U006	Ethanoyl chloride	(C,R,T)
U359	2-Ethoxyethanol	
U112	Ethyl acetate	(I)
U113	Ethyl acrylate	(I)
U238	Ethyl carbamate(urethan)	
U038	Ethyl 4,4'-dichlorobenzilate	
U114	Ethylenebis(dithiocarbamic acid), salts and esters	
U067	Ethylene dibromide	
U077	Ethylene dichloride	
U359	Ethylene glycol monoethyl ether	
U115	Ethylene oxide	(I,T)
U116	Ethylene thiourea	
U117	Ethyl ether	(I)

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Hazardous Waste No.	Substance	Hazard Code
U076	Ethylidene dichloride	
U118	Ethyl methacrylate	
U119	Ethyl methanesulfonate	
U139	Ferric dextran	
U120	Fluoranthene	
U122	Formaldehyde	
U123	Formic acid	(C,T)
U124	Furan	(I)
U125	2-Furancarboxaldehyde	(I)
U147	2,5-Furandione	
U213	Furan, tetrahydro-	(I)
U125	Furfural	(I)
U124	Furfuran	(I)
U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-	
U126	Glycidylaldehyde	
U163	Guanidine, N-nitroso-N-methyl-N'-nitro-	
U127	Hexachlorobenzene	
U128	Hexachlorobutadiene	
U129	Hexachlorocyclohexane (gamma isomer)	
U130	Hexachlorocyclopentadiene	
U131	Hexachloroethane	
U132	Hexachlorophene	
U243	Hexachloropropene	
U133	Hydrazine	(R,T)
U086	Hydrazine, 1,2-diethyl-	
U098	Hydrazine, 1,1-dimethyl-	
U099	Hydrazine, 1,2-dimethyl-	
U109	Hydrazine, 1,2-diphenyl-	
U134	Hydrofluoric acid	(C,T)
U134	Hydrogen fluoride	(C,T)
U135	Hydrogen sulfide	
U096	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U136	Hydroxydimethylarsine oxide	
U116	2-Imidazolidinethione	
U137	Indeno[1,2,3-cd]pyrene	
U139	Iron dextran	
U140	Isobutyl alcohol	(I,T)
U141	Isosafrole	
U142	Kepone	
U143	Lasiocarpine	
U144	Lead acetate	
U145	Lead phosphate	
U146	Lead subacetate	
U129	Lindane	
U147	Maleic anhydride	
U148	Maleic hydrazide	
U149	Malononitrile	
U150	Melphalan	
U151	Mercury	
U152	Methacrylonitrile	(I,T)
U092	Methanamine, N-methyl-	(I)
U029	Methane, bromo-	
U045	Methane, chloro-	(I,T)
U046	Methane, chloromethoxy-	
U068	Methane, dibromo-	

Hazardous Waste No.	Substance	Hazard Code
U080	Methane, dichloro-	
U075	Methane, dichlorodifluoro-	
U138	Methane, iodo-	
U119	Methanesulfonic acid, ethyl ester	
U211	Methane, tetrachloro-	
U121	Methane, trichlorofluoro-	
U153	Methanethiol	(I,T)
U225	Methane, tribromo-	
U044	Methane, trichloro-	
U121	Methane, trichlorofluoro-	
U123	Methanoic acid	(C,T)
U036	4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-	
U154	Methanol	(I)
U155	Methapyrilene	
U247	Methoxychlor	
U154	Methyl alcohol	(I)
U029	Methyl bromide	
U186	1-Methylbutadiene	(I)
U045	Methyl chloride	(I,T)
U156	Methyl chlorocarbonate	(I,T)
U226	Methyl chloroform	
U157	3-Methylcholanthrene	
U158	4,4'-Methylenebis(2-chloroaniline)	
U132	2,2'-Methylenebis(3,4,6-trichlorophenol)	
U068	Methylene bromide	
U080	Methylene chloride	
U122	Methylene oxide	
U159	Methyl ethyl ketone	(I,T)
U160	Methyl ethyl ketone peroxide	(R,T)
U138	Methyl iodide	
U161	Methyl isobutyl ketone	(I)
U162	Methyl methacrylate	(I,T)
U163	N-Methyl-N'-nitro-N-nitrosoquanidine	
U161	4-Methyl-2-pentanone	(I)
U164	Methylthiouracil	
U010	Mitomycin C	
U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-	
U165	Naphthalene	
U047	Naphthalene, 2-chloro-	
U166	1,4-Naphthalenedione	
U236	2,7-Naphthalenedisulfonic acid, 3,3'-[3,3'-dimethyl-(1,1'-biphenyl)-4,4'diyl)]-bis(azo)bis(5-amino-4-hydroxy)-,tetrasodium salt	
U166	1,4 -Naphthoquinone	
U167	1-Naphthylamine	
U168	2-Naphthylamine	
U167	alpha-Naphthylamine	
U168	beta-Naphthylamine	
U026	2-Naphthylamine, N,N-bis(2-chloro-ethyl)-	

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Hazardous Waste No.	Substance	Hazard Code
U169	Nitrobenzene	(I,T)
U170	p-Nitrophenol	
U171	2-Nitropropane	(I,T)
U172	N-Nitrosodi-n-butylamine	
U173	N-Nitrosodiethanolamine	
U174	N-Nitrosodiethylamine	
U111	N-Nitrosodi-N-propylamine	
U176	N-Nitroso-N-ethylurea	
U177	N-Nitroso-N-methylurea	
U178	N-Nitroso-N-methylurethane	
U179	N-Nitrosopiperidine	
U180	N-Nitrosopyrrolidine	
U181	5-Nitro-o-toluidine	
U193	1,2-Oxathiolane, 2,2-dioxide	
U058	2H-1,3,2-Oxazaphosphorine, 2 [bis(2-chloro-ethyl)amino]-tetrahydro-, 2-oxide	
U115	Oxirane	(I,T)
U041	Oxirane, 2-(chloromethyl)-	
U182	Paraldehyde	
U183	Pentachlorobenzene	
U184	Pentachloroethane	
U185	Pentachloronitrobenzene	
U186	1,3-Pentadiene	(I)
U187	Phenacetin	
U188	Phenol	
U048	Phenol, 2-chloro-	
U039	Phenol, 4-chloro-3-methyl-	
U081	Phenol, 2,4-dichloro-	
U082	Phenol, 2,6-dichloro-	
U101	Phenol, 2,4-dimethyl-	
U170	Phenol, 4-nitro-	
U137	1,10-(1,2-Phenylene)pyrene	
U145	Phosphoric acid, lead salt	
U087	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U189	Phosphorus sulfide	(R)
U190	Phthalic anhydride	
U191	2-Picoline	
U192	Pronamide	
U194	1-Propanamine	(I,T)
U110	1-Propanamine, N-propyl-	(I)
U066	Propane, 1,2-dibromo-3-chloro-	
U149	Propanedinitrile	
U171	Propane, 2-nitro-	(I,T)
U027	Propane, 2,2'oxybis[2-chloro]-	
U193	1,3-Propane sultone	
U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U126	1-Propanol, 2,3-epoxy-	
U140	1-Propanol, 2-methyl-	(I,T)
U002	2-Propanone	(I)
U007	2-Propenamide	
U084	Propene, 1,3-dichloro-	
U243	1-Propene, 1,1,2,3,3,3-hexachloro-	
U009	2-Propenenitrile	
U152	2-Propenenitrile, 2-methyl-	(I,T)
U008	2-Propenoic acid	(I)
U113	2-Propenoic acid, ethyl ester	(I)

Hazardous Waste No.	Substance	Hazard Code
U118	2-Propenoic acid, 2-methyl-, ethyl ester	
U162	2-Propenoic acid, 2-methyl-, methyl ester,	(I,T)
U194	n-Propylamine	(I,T)
U083	Propylene dichloride	
U196	Pyridine	
U155	Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-	
U179	Pyridine, hexahydro-N-nitroso-	
U191	Pyridine, 2-methyl-	
U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U180	Pyrrole, tetrahydro-N-nitroso-	
U200	Reserpine	
U201	Resorcinol	
U202	Saccharin and salts	
U203	Safrole	
U204	Selenious acid	
U204	Selenium dioxide	
U205	Selenium disulfide	(R,T)
U015	L-Serine, diazoacetate (ester)	
U089	4,4'-Stilbenediol, alpha,alpha'-diethyl-	
U206	Streptozotocin	
U135	Sulfur hydride	
U103	Sulfuric acid, dimethyl ester	
U189	Sulfur phosphide	(R)
U205	Sulfur selenide	(R,T)
U207	1,2,4,5-Tetrachlorobenzene	
U208	1,1,1,2-Tetrachloroethane	
U209	1,1,2,2-Tetrachloroethane	
U210	Tetrachloroethylene	
U213	Tetrahydrofuran	(I)
U214	Thallium(I) acetate	
U215	Thallium(I) carbonate	
U216	Thallium(I) chloride	
U217	Thallium(I) nitrate	
U218	Thioacetamide	
U153	Thiomethanol	(I,T)
U219	Thiourea	
U244	Thiram	
U220	Toluene	
U221	Toluenediamine	
U223	Toluene diisocyanate	(R,T)
U328	o-Toluidine	
U353	p-Toluidine	
U222	o-Toluidine hydrochloride	
U011	1H-1,2,4-Triazol-3-amine	
U226	1,1,1-Trichloroethane	
U227	1,1,2-Trichloroethane	
U228	Trichloroethene	
U228	Trichloroethylene	
U121	Trichloromonofluoromethane	

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Hazardous Waste No.	Substance	Hazard Code
U234	sym-Trinitrobenzene	(R,T)
U182	1,3,5-Trioxane, 2,4,6-trimethyl-	
U235	Tris (2,3-dibromopropyl) phosphate	
U236	Trypan blue	
U237	Uracil, 5[bis(2-chloroethyl)amino]-	
U237	Uracil mustard	
U043	Vinyl chloride	
U248	Warfarin when present at concentrations of 0.3 percent or less	
U239	Xylene	(I)
U200	Yohimban-16-carboxylic acid, 11, 17-di-methoxy-18-[(3,4,5-trimethoxy-benzoyl)oxy]-, methyl ester,	
U249	Zinc phosphide when present at concentrations of 10 percent or less	

Subp. 5. [Unchanged.]

7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

The following table lists the constituents which caused the agency to list wastes as hazardous in part 7045.0135, subparts 2 and 3. The notation "N.A." indicates the waste is hazardous because it fails the test for the characteristics of ignitability, corrosivity, reactivity, or toxicity, and the listing of a chemical name is not applicable.

Basis for Listing Hazardous Wastes

Hazardous Waste No.	Hazardous Constituents For Which Listed
F001	Tetrachloroethylene, methylene chloride, trichloro-ethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons
F002	Tetrachloroethylene, methylene chloride, trichloro-ethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, o-dichlorobenzene, trichlorofluoromethane
F003	N.A.
F004	Cresols and cresylic acid, nitrobenzene
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane
F006	Cadmium, hexavalent chromium, nickel, cyanide (complexed)
F007	Cyanide (salts)
F008	Cyanide (salts)
F009	Cyanide (salts)
F010	Cyanide (salts)
F011	Cyanide (salts)
F012	Cyanide (complexed)
F019	Hexavalent chromium, cyanide (complexed)
F020	Tetra- and pentachlorodibenzo-p-dioxins; tetra-and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
F021	Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives
F022	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans
F023	Tetra- and pentachlorodibenzo-p-dioxins; tetra-and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
F024	Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopenta-diene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzene, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene
F026	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans
F027	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts

Hazardous Waste No.	Substance	Hazard Code
F028	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts	
K001	Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenyl, 2,4-dinitrophenol, trichloro-, phenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno (1,2,3,cd)pyrene, benz(a)-anthracene, dibenz(a)anthracene, acenaphthalene	
K002	Hexavalent chromium, lead	
K003	Hexavalent chromium, lead	
K004	Hexavalent chromium	
K005	Hexavalent chromium, lead	
K006	Hexavalent chromium	
K007	Cyanide (complexed), hexavalent chromium	
K008	Hexavalent chromium	
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid	
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde	
K011	Acrylonitrile, acetonitrile, hydrocyanic acid	
K013	Hydrocyanic acid, acrylonitrile, acetonitrile	
K014	Acetonitrile, acrylamide	
K015	Benzyl chloride, chlorobenzene, toluene, benzotrichloride	
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene	
K017	Epichlorohydrin, chloroethers [bis (chloromethyl) ether and bis (2-chloroethyl) ethers], trichloropropane, dichloropropanols	
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene	
K019	Ethylene dichloride, 1,1,1-trichloroethane,1,1,2-trichloroethane, tetrachloroethanes(1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetra-chloride, chloroform, vinyl chloride, vinylidene chloride	
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetra-chloroethane and 1,1,1,2-tetrachloroethane), trichloro-ethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride	
K021	Antimony, carbon tetrachloride, chloroform	
K022	Phenol, tars (polycyclic aromatic hydrocarbons	
K023	Phthalic anhydride, maleic anhydride	
K024	Phthalic anhydride, 1,4-naphthoquinone	
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene	
K026	Paraldehyde, pyridines, 2-picoline	
K027	Toluene diisocyanate, toluene-2, 4-diamine	
K028	1,1,1-trichloroethane, vinyl chloride	
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform	
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride	
K031	Arsenic	
K032	Hexachlorocyclopentadiene	
K033	Hexachlorocyclopentadiene	
K034	Hexachlorocyclopentadiene	
K035	Creosote, chrysene, naphthalene, fluoranthene, benzo-(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene	
K036	Toluene, phosphorodithioic and phosphorothioic acid esters	
K037	Toluene, phosphorodithioic and phosphorothioic acid esters	

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Hazardous Waste No.	Substance	Hazard Code
K038	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters	
K039	Phosphorodithioic and phosphorothioic acid esters	
K040	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters	
K041	Toxaphene	
K042	Hexachlorobenzene, ortho-dichlorobenzene	
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol	
K044	N.A.	
K045	N.A.	
K046	Lead	
K047	N.A.	
K048	Hexavalent chromium, lead	
K049	Hexavalent chromium, lead	
K050	Hexavalent chromium	
K051	Hexavalent chromium, lead	
K052	Lead	
K060	Cyanide, naphthalene, phenolic compounds, arsenic	
K061	Hexavalent chromium, lead, cadmium	
K062	Hexavalent chromium, lead	
K069	Hexavalent chromium, lead, cadmium	
K071	Mercury	
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloro-ethylene, 1,1,2,2-tetrachloroethane	
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine	
K084	Arsenic	
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetra-chlorobenzenes, pentachlorobenzene, hexachloro-benzene, benzyl chloride	
K086	Lead, hexavalent chromium	
K087	Phenol, naphthalene	
K093	Phthalic anhydride, maleic anhydride	
K094	Phthalic anhydride	
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane	
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane	
K097	Chlordane, heptachlor	
K098	Toxaphene	
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol	
K100	Hexavalent chromium, lead, cadmium	
K101	Arsenic	
K102	Arsenic	
K103	Aniline, nitrobenzene, phenylenediamine	
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine	
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol	
K106	Mercury	
K111	2,4-Dinitrotoluene	
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline	
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline	
K114	2,4-Toluenediamine, o-toluidine, p-toluidine	
K115	2,4-Toluenediamine	
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene	
K117	Ethylene dibromide	
K118	Ethylene dibromide	
K136	Ethylene dibromide	

7045.0141 HAZARDOUS CONSTITUENTS.

Hazardous constituents are as follows:

Acetonitrile
Acetophenone
3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts
2-Acetylaminofluorene
Acetyl chloride
1-Acetyl-2-thiourea
Acrolein
Acrylamide
Acrylonitrile
Aflatoxins
Aldrin
Allyl alcohol
Aluminum phosphide
4-Aminobiphenyl
6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methylcarbamate azirino(2',3':3,4) pyrrolo(1,2-a)indole-4,7-dione, (ester), (Mitomycin C)
5-(Aminomethyl)-3-isoxazolol
Amitrole
Aniline
Antimony and compounds not otherwise specified in this list
Aramite
Arsenic and compounds not otherwise specified in this list
Arsenic acid
Arsenic pentoxide
Arsenic trioxide
Auramine
Azaserine
Barium and compounds not otherwise specified in this list
Barium cyanide
Benz[c]acridine
Benz[a]anthracene
Benzene
Benzene, 2-amino-1-methyl (o-Toluidine)
Benzene, 4-amino-1-methyl (p-Toluidine)
Benzenearsonic acid
Benzene, dichloromethyl-
Benzenethiol
Benzidine
Benzo[b]fluoranthene
Benzo[j]fluoranthene
Benzo[a]pyrene
p-Benzoquinone
Benzotrichloride
Benzyl chloride
Beryllium and compounds not otherwise specified in this list
Bis(2-chloroethoxy)methane
Bis(2-chloroethyl) ether
N,N-Bis(2-chloroethyl)-2-naphthylamine

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Bis(2-chloroisopropyl) ether
Bis(chloromethyl) ether
Bis(2-ethylhexyl) phthalate
Bromoacetone
Bromomethane
4-Bromophenyl phenyl ether
Brucine
2-Butanone peroxide
Butyl benzyl phthalate
2-sec-Butyl-4,6-dinitrophenol (DNBP)
Cadmium and compounds not otherwise specified in this list
Calcium chromate
Calcium cyanide
Carbon disulfide
Carbon oxyfluoride
Chloral
Chlorambucil
Chlordane (alpha and gamma isomers)
Chlorinated benzenes not otherwise specified in this list
Chlorinated ethane not otherwise specified in this list
Chlorinated fluorocarbons not otherwise specified in this list
Chlorinated naphthalene not otherwise specified in this list
Chlorinated phenol not otherwise specified in this list
Chloroacetaldehyde
Chloroalkyl ethers not otherwise specified in this list
p-Chloroaniline
Chlorobenzene
Chlorobenzilate
2-Chloro-1,3-butadiene (chloroprene)
p-Chloro-m-cresol
1-Chloro-2,3-epoxybutane
1-Chloro-2,3-epoxypropane
2-Chloroethyl vinyl ether
Chloroform
Chloromethane
Chloromethyl methyl ether
2-Chloronaphthalene
2-Chlorophenol
1-(o-Chlorophenyl)thiourea
3-Chloropropene (allyl chloride)
3-Chloropropionitrile
Chromium and compounds not otherwise specified in this list
Chrysene
Citrus red No. 2
Coal Tars
Copper cyanide
Creosote
Cresols
Crotonaldehyde
Cyanides (soluble salts and complexes) not otherwise specified in this list
Cyanogen
Cyanogen bromide
Cyanogen chloride
Cycasin
2-Cyclohexyl-4,6-dinitrophenol
Cyclophosphamide
Daunomycin

DDD (1,1-(2,2-dichloroethylidene)-bis-4-chlorobenzene)
DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
DDT (1,1'-(2,2,2-trichloroethylidene)-bis-4-chlorobenzene)
Diallate
Dibenz[a,h]acridine
Dibenz[a,j]acridine
Dibenz[a,h]anthracene
7H-Dibenzo[c,g]carbazole
Dibenzo[a,e]pyrene
Dibenzo[a,h]pyrene
Dibenzo[a,i]pyrene
1,2-Dibromo-3-chloropropane
1,2-Dibromoethane
Dibromomethane
Di-n-butyl phthalate
o-Dichlorobenzene
m-Dichlorobenzene
p-Dichlorobenzene
Dichlorobenzene not otherwise specified in this list
3,3'-Dichlorobenzidine
1,4-Dichloro-2-butene
Dichlorodifluoromethane
1,1-Dichloroethane
1,2-Dichloroethane
trans-1,2-Dichloroethene
Dichloroethylene not otherwise specified in this list
1,1-Dichloroethylene
Dichloromethane
2,4-Dichlorophenol
2,6-Dichlorophenol
2,4-Dichlorophenoxyacetic acid, salts and esters (2,4-D)
Dichlorophenylarsine
Dichloropropane not otherwise specified in this list
1,2-Dichloropropane
Dichloropropanol not otherwise specified in this list
Dichloropropene not otherwise specified in this list
1,3-Dichloropropene
Dieldrin
1,2:3,4-Diepoxybutane
Diethylarsine
N,N-Diethylhydrazine
O,O-Diethyl-S-methyl ester of phosphorodithioic acid
O,O-Diethylphosphoric acid, O-p-nitrophenyl ester
Diethyl phthalate
O,O-Diethyl-O-(2-pyrazinyl)phosphorothioate
Diethylstilbestrol
Dihydrosafrole
3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol
Di-isopropylfluorophosphate (DFP)
Dimethoate
3,3'-Dimethoxybenzidine

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p-Dimethylaminoazobenzene
7,12-Dimethylbenz[a]anthracene
3,3'-Dimethylbenzidine
Dimethylcarbamoyl chloride
1,1-Dimethylhydrazine
1,2-Dimethylhydrazine
3,3-Dimethyl-1-(methylthio)-2-butanone-O-[(methylamino) carbonyl] oxime
alpha, alpha-Dimethylphenethylamine
2,4-Dimethylphenol
Dimethyl phthalate
Dimethyl sulfate
Dinitrobenzene not otherwise specified in this list
4,6-Dinitro-o-cresol and salts
2,4-Dinitrophenol
2,4-Dinitrotoluene
2,6-Dinitrotoluene
Di-n-octyl phthalate
1,4-Dioxane
Diphenylamine
1,2-Diphenylhydrazine
Di-n-propylnitrosamine
Disulfoton
2,4-Dithiobiuret
Endosulfan
Endrin and metabolites
Ethyl carbamate
Ethyl cyanide
Ethylenebisdithiocarbamic acid, salts and esters
Ethylene glycol monoethyl ether (Ethanol, 2-ethoxy)
Ethyleneimine
Ethylene oxide
Ethylenethiourea
Ethyl methacrylate
Ethyl methanesulfonate
Fluoranthene
Fluorine
2-Fluoroacetamide
Fluoroacetic acid, sodium salt
Formaldehyde
Formic acid
Glycidylaldehyde
Halomethane not otherwise specified in this list
Heptachlor
Heptachlor epoxide (alpha, beta, and gamma isomers)
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclohexane (all isomers)
Hexachlorocyclopentadiene
Hexachlorodibenzo-p-dioxins
Hexachlorodibenzofurans
Hexachloroethane
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo, endo-dimethanonaphthalene
Hexachlorophene
Hexachloropropene
Hexaethyl tetraphosphate
Hydrazine
Hydrocyanic acid

Hydrofluoric acid
Hydrogen sulfide
Hydroxydimethylarsine oxide
Indeno(1,2,3-cd)pyrene
Iodomethane
Iron dextran
Isocyanic acid, methyl ester
Isobutyl alcohol
Isosafrole
Kepone
Lasiocarpine
Lead and compounds not otherwise specified in this list
Lead acetate
Lead phosphate
Lead subacetate
Maleic anhydride
Maleic hydrazide
Malononitrile
Melphalan
Mercury fulminate
Mercury and compounds not otherwise specified in this list
Methacrylonitrile
Methanethiol
Methapyrilene
Methomyl
Methoxychlor
2-Methylaziridine
3-Methylcholanthrene
Methyl chlorocarbonate
4,4'-Methylene-bis-(2-chloroaniline)
Methyl ethyl ketone (MEK)
Methyl hydrazine
2-Methyllactonitrile
Methyl methacrylate
Methyl methanesulfonate
2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime
N-Methyl-N'-nitro-N-nitrosoguanidine
Methyl parathion
Methylthiouracil
Mustard gas
Naphthalene
1,4-Naphthoquinone
1-Naphthylamine
2-Naphthylamine
1-Naphthyl-2-thiourea
Nickel and compounds not otherwise specified in this list
Nickel carbonyl
Nickel cyanide
Nicotine and salts
Nitric oxide
p-Nitroaniline

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Nitrobenzene
Nitrogen dioxide
Nitrogen mustard and hydrochloride salt
Nitrogen mustard N-oxide and hydrochloride salt
Nitroglycerine
4-Nitrophenol
2-Nitropropane (Propane, 2-nitro)
4-Nitroquinoline-1-oxide
Nitrosamine not otherwise specified in this list
N-Nitrosodi-N-butylamine
N-Nitrosodiethanolamine
N-Nitrosodiethylamine
N-Nitrosodimethylamine
N-Nitroso-N-ethylurea
N-Nitrosomethylethylamine
N-Nitroso-N-methylurea
N-Nitroso-N-methylurethane
N-Nitrosomethylvinylamine
N-Nitrosomorpholine
N-Nitrosonornicotine
N-Nitrosopiperidine
N-Nitrosopyrrolidine
N-Nitrososarcosine
5-Nitro-o-toluidine
Octamethylpyrophosphoramide
Osmium tetroxide
7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
Paraldehyde
Parathion
Pentachlorobenzene
Pentachlorodibenzo-p-dioxins
Pentachlorodibenzofurans
Pentachloroethane
Pentachloronitrobenzene (PCNB)
Pentachlorophenol
Phenacetin
Phenol
Phenylenediamine
Phenylmercury acetate
N-Phenylthiourea
Phosgene
Phosphine
Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl]ester (Phorate)
Phosphorothioic acid, O,O-dimethyl O-[p-(dimethylamino-sulfonyl)phenyl] ester
Phthalic acid esters not otherwise specified in this list
Phthalic anhydride
2-Picoline
Polychlorinated biphenyl not otherwise specified in this list
Potassium cyanide
Potassium silver cyanide
Pronamide
1,3-Propane sultone
n-Propylamine
Propylthiouracil
2-Propyn-1-ol
Pyridine
Reserpine

Recorcinol
Saccharin and salts
Safrole
Selenious acid
Selenium and compounds not otherwise specified in this list
Selenium sulfide
Selenourea
Silver and compounds not otherwise specified in this list
Silver cyanide
Sodium cyanide
Streptozotocin
Strontium sulfide
Strychnine and salts
1,2,4,5-Tetrachlorobenzene
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
Tetrachlorodibenzo-p-dioxins not otherwise specified in this list
Tetrachlorodibenzofurans
Tetrachloroethane not otherwise specified in this list
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
Tetrachloroethylene
Tetrachloromethane
2,3,4,6-Tetrachlorophenol
Tetraethyldithiopyrophosphate
Tetraethyl lead
Tetraethylpyrophosphate
Tetranitromethane
Thallium and compounds not otherwise specified in this list
Thallic oxide
Thallium (I) acetate
Thallium (I) carbonate
Thallium (I) chloride
Thallium (I) nitrate
Thallium selenide
Thallium (I) sulfate
Thioacetamide
Thiosemicarbazide
Thiourea
Thiuram
Toluene
Toluenediamine, N.O.S.
2,4-Toluenediamine
2,6-Toluenediamine
3,4-Toluenediamine
o-Toluidine hydrochloride
Tolylene diisocyanate
Toxaphene
Tribromomethane
1,2,4-Trichlorobenzene
1,1,1-Trichloroethane
1,1,2-Trichloroethane

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Trichloroethene
Trichloromethanethiol
Trichloromonofluoromethane
2,4,5-Trichlorophenol
2,4,6-Trichlorophenol
2,4,5-Trichlorophenoxyacetic acid (2,4,5-T)
2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex)
Trichloropropane not otherwise specified in this list
1,2,3-Trichloropropane
0,0,0-Triethyl phosphorothioate
sym-Trinitrobenzene
Tris(1-azridinyl)phosphine sulfide
Tris(2,3-dibromopropyl) phosphate
Trypan blue
Uracil mustard
Vanadic acid, ammonium salt
Vanadium pentoxide
Vinyl chloride
Zinc cyanide
Zinc phosphide

7045.0214 EVALUATION OF WASTES.

Subpart 1. and 2. [Unchanged.]

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

A. [Unchanged.]

B. Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from ~~the~~ iron and steel industry~~, standard industrial classification codes 331 and 332~~ facilities which are classified as number 331 or 332 facilities under the Office of Management and Budget Standard Industrial Classification Manual, is not a hazardous waste unless it exhibits one or more characteristics of hazardous waste under part 7045.0131.

C. [Unchanged.]

7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

Subpart 1. **When required.** A generator who transports or offers for transportation hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site. Generators shall use manifests in accordance with the requirements of items A to C and shall complete the manifest in accordance with the instructions on the manifest.

A. For shipments from either in-state or out-of-state to a facility located in Minnesota, the generator shall use a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~ and, if necessary, continuation sheets as provided in subpart 10.

B. For shipments from Minnesota to a facility located in a state (consignment state) that neither supplies nor requires the use of a manifest which is specific for that state, the generator shall use a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~ and, if necessary, continuation sheets as provided in subpart 10.

C. [Unchanged.]

Subp. 2. to 6. [Unchanged.]

Subp. 7. **Manifest information.** The Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~ is based on the Uniform National Manifest ~~(EPA Form 8700-22)~~ that is required under United States Department of Transportation and United States Environmental Protection Agency regulations, as contained in Code of Federal Regulations, title 40, part 262, and Code of Federal Regulations, title 49, part 172. Manifest information requirements include those required by United States Department of Transportation and United States Environmental Protection Agency regulations and consist of the numbered items on the manifest set forth in the Appendix to Code of Federal Regulations, title 40, part 262. Additional state information requirements consist of the telephone number of the designated facility and the hazardous waste numbers specified in parts 7045.0100 to 7045.0141 for each hazardous waste specified on the manifest. Manifests must include the information specified in this subpart and in the instructions on the manifest.

Subp. 8. **Availability of manifests.** Minnesota manifests ~~(Minnesota Form PQ-00371-01)~~ are available from the agency or the documents section of the Minnesota Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155.

Subp. 9. **Number of copies.** The manifest must consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records, another copy to be returned to the generator by the facility, and the required copies to be returned to the director, pursuant to parts 7045.0265; 7045.0474, subpart 2, item D; and 7045.0580, subpart 2, item D, and any additional copies required by the generator's or designated facility's state, if other than Minnesota. Copies to be returned to the director shall be sent to: Minnesota Pollution Control Agency, Solid and Hazardous Waste Division, ~~1935 West County Road B2, Roseville~~ 520 Lafayette Road, Saint Paul, Minnesota ~~55113~~ 55155, Attention: HWIMS.

Subp. 10. **Continuation sheets.** A generator using a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~ shall use a continuation sheet to the manifest if more than two transporters are to be used to transport the waste. A generator using a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~ shall use either a continuation sheet to the manifest or an additional manifest which is completed in its entirety, if more space is required for the United States Department of Transportation description and related information on the manifest. Any United States Environmental Protection Agency approved continuation sheet may be used if it is completed and copies are distributed in accordance with this part and United States Environmental Protection Agency regulations as contained in Code of Federal Regulations, title 40, part 262. A generator using a continuation sheet to a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~ shall enter the preprinted State Manifest Document Number of the manifest into the appropriate space on the continuation sheet, and shall attach the sheet to the manifest. Continuation sheets are not provided by the state. For shipments not requiring a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~, generators shall use continuation sheets in accordance with applicable consignment state requirements.

7045.0275 PROPER HAZARDOUS WASTE MANAGEMENT.

Subpart 1. [Unchanged.]

Subp. 2. **Spills; duty to report.** Any person in control of a hazardous waste that spills, leaks, or otherwise escapes from a container, tank, or other containment system, including its associated piping, shall immediately notify the agency if the hazardous waste may cause pollution of the air, land resources, or waters of the state. The person shall use the agency's 24-hour telephone number, (612) ~~296-7373~~ 296-8100.

Subp. 3. [Unchanged.]

7045.0296 ANNUAL REPORTING.

Subpart 1. [Unchanged.]

Subp. 2. **Required information.** The annual report must contain the following information related for each hazardous waste or wastes produced during the preceding calendar year:

A. to E. [Unchanged.]

F. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

G. a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available before 1984; and

H. the certification signed by the generator or authorized representative.

Subp. 3. to 5. [Unchanged.]

7045.0302 INTERNATIONAL SHIPMENTS; SPECIAL CONDITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Procedures.** When shipping hazardous waste outside the state of Minnesota to a foreign country the generator must:

A. notify the administrator of the Environmental Protection Agency and the director in writing four weeks before the initial shipment of hazardous waste to each country in each calendar year. The waste must be identified by its hazardous waste identification number and its United States Department of Transportation shipping description and the name and address of the foreign consignee must be included in this notice. These notices must be sent to: "Office of International Activities (A-106)," United States Environmental Protection Agency, Washington, D.C. 20460; and Minnesota Pollution Control Agency, Division of Solid and Hazardous Waste, ~~1935 West County Road B2, Roseville~~ 520 Lafayette Road, Saint Paul, Minnesota ~~55113~~ 55155;

B. and C. [Unchanged.]

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D. use a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~.

Subp. 3. [Unchanged.]

Subp. 4. **Manifest.** When importing hazardous waste, a person must use a Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~ and meet all requirements of parts 7045.0261 and 7045.0265 for the manifest except that:

A. and B. [Unchanged.]

Subp. 5. **Annual report.** Any person exporting hazardous waste identified or listed under this chapter shall file with the agency and the United States Environmental Protection Agency at the Office of International Activities (A-106) United States Environmental Protection Agency, Washington, D.C. 20460 no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all the hazardous waste exported during the previous calendar year.

7045.0395 HAZARDOUS WASTE DISCHARGES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Notification.** An air, rail, highway, or water transporter who has discharged hazardous waste must:

A. Immediately notify the agency if the hazardous waste may cause pollution of the air, land, or waters of the state. The person shall use the agency's 24-hour telephone notification service (612) ~~296-7373~~ 296-8100;

B. to D. [Unchanged.]

Subp. 4. and 5. [Unchanged.]

7045.0458 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. **Waste analysis plan.** The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which he or she will carry out to comply with subpart 1. The owner or operator shall keep this plan at the facility. The plan must specify:

A. to E. [Unchanged.]

F. where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0456; 7045.0538, subpart 10; and 7045.0542, subpart 2; and

G. [Unchanged.]

7045.0460 LOCATION STANDARDS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Underground mines and caves.** The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, or underground mine or cave is prohibited.

7045.0468 EMERGENCY PROCEDURES.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Report on released material.** If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, the findings must be reported as provided in items A and B.

A. [Unchanged.]

B. The agency's emergency response unit must be immediately notified at the 24-hour telephone number, (612) ~~296-7373~~ 296-8100, and notification must also be given to either the governmental official designated as the on-scene coordinator for that geographical area in the applicable regional contingency plan under Code of Federal Regulations, title 40, part 1510 (1983) or to the National Response Center using their 24-hour toll free telephone number, (800) 424-8802. The report must include:

(1) to (6) [Unchanged.]

Subp. 6. **Duty to notify.** The hazardous waste coordinator shall immediately notify the agency if the released hazardous waste may cause pollution of the air, land resources, or waters of the state. The emergency coordinator shall use the agency's 24-hour telephone number (612) ~~296-7373~~ 296-8100.

Subp. 7. and 8. [Unchanged.]

7045.0476 MANIFEST DISCREPANCIES.

Subpart 1. [Unchanged.]

Subp. 2. **Definition of a discrepancy.** Manifest discrepancies are defined as significant or minor as follows:

A. [Unchanged.]

B. Minor discrepancies are all other discrepancies including, but not limited to, manifests other than the required Minnesota manifest ~~(Minnesota Form PQ-00371-01)~~, incomplete manifests or shipping papers, manifests or shipping papers which are inconsistent, and a container or portable tank containing hazardous waste which is not properly labeled.

Subp. 3. [Unchanged.]

7045.0478 OPERATING RECORD.

Subpart 1. and 2. [Unchanged.]

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

A. to D. [Unchanged.]

E. Records and results of waste analysis performed as specified in parts 7045.0456, 7045.0458, 7045.0538, subpart 10, and 7045.0542, subpart 2.

F. to J. [Unchanged.]

K. A certification that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates to the degree determined by the permittee to be economically practicable; and the method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

L. The certification signed by the owner or operator of the facility or an authorized representative.

7045.0482 REQUIRED REPORTS.

Subpart 1. [Unchanged.]

Subp. 2. **Annual report.** The owner or operator shall prepare and submit a single copy of an annual report to the director no later than March 1 for the preceding calendar year. The report form and instructions to be used may be obtained from the director. The annual report must cover facility activities during the previous calendar year and must include the following information:

A. to E. [Unchanged.]

F. the most recent closure cost estimate under part 7045.0502 and, for disposal facilities, the most recent post-closure cost estimates under part 7045.0506; ~~and~~

G. for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated;

H. for generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years before 1984; and

I. the certification signed by the owner or operator of the facility or ~~his~~ an authorized representative.

Subp. 3. and 4. [Unchanged.]

7045.0484 GROUND WATER PROTECTION.

Subpart 1. **Scope.** This part applies as follows:

A. Except as provided in item B, the requirements of ~~subparts 2 to 14 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste in surface impoundments, waste piles, land treatment units, or landfills. The owner or operator shall satisfy the requirements of subparts 2 to 14 for all wastes or waste constituents contained in a waste management unit at a facility that receives hazardous waste after the effective date of subparts 2 to 14. This type of waste management unit is hereinafter referred to as a "regulated unit." Owners and operators of closed facilities that have treated, stored, or disposed of hazardous waste in surface impoundments, waste piles, land treatment units, or landfills between January 26, 1983, and July 16, 1984 shall comply with Code of Federal Regulations, title 40 (1983). A waste or a waste constituent migrating beyond the waste management~~

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~~area under subpart 9 is assumed to originate from a regulated unit unless the director finds that the waste or waste constituent originated from another source~~ this part apply to owners or operators of facilities that treat, store, or dispose of hazardous waste. The owner or operator must comply with the requirements in subitems (1) to (3) for all wastes or waste constituents contained in solid or hazardous waste management units at the facility regardless of the time the waste was placed in such units:

(1) all solid waste management units must comply with part 7045.0485;

(2) a surface impoundment, waste pile, land treatment unit, or landfill that receives hazardous waste after July 26, 1982, is a regulated unit and must comply with the requirements of subparts 2 to 14 for detecting, characterizing, and responding to releases; and

(3) the financial responsibility requirements of part 7045.0485 apply to regulated units.

B. The owner or operator is not subject to subparts 2 to 14 if the criteria in subitem (1), (2), or (3) are met:

(1) ~~he or she~~ the owner or operator is exempted under part 7045.0450;

(2) ~~he or she~~ the owner or operator designs and operates a waste pile in compliance with part 7045.0534, subpart 1 ~~or 5~~; or

(3) the director finds, under part 7045.0536, subpart 8, item D, that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of part 7045.0536, subpart 6, has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption can only relieve an owner or operator of responsibility to meet the requirements of subparts 2 to 14 during the post-closure care period.

C. and D. [Unchanged.]

Subp. 2. to 11. [Unchanged.]

Subp. 12. **Detection monitoring program.** An owner or operator required to establish a detection monitoring program under this part shall perform the following:

A. to D. [Unchanged.]

E. The owner or operator of ~~single lined~~ waste piles, land treatment units that have detected a significant increase in hazardous constituents or monitoring parameters below the treatment zone, and double lined surface impoundments~~, waste piles,~~ and landfills where liquids have been detected in the leak detection system, shall comply with subitems (1) and (2):

(1) and (2) [Unchanged.]

F. to K. [Unchanged.]

Subp. 13. and 14. [Unchanged.]

7045.0485 CORRECTIVE ACTION FOR SOLID AND HAZARDOUS WASTE MANAGEMENT UNITS.

Subpart 1. **Applicability.** The owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any hazardous or solid waste management unit at the facility, regardless of the time at which waste was placed in the unit.

Subp. 2. **Conditions.** Corrective action as required under subpart 1 must be specified in the permit. The permit must contain schedules of compliance for corrective action and assurances of financial responsibility for completing corrective action. Assurance of financial responsibility must be provided in addition to the applicable requirements of parts 7045.0498 to 7045.0524.

7045.0538 LANDFILLS.

Subpart 1. to 9. [Unchanged.]

Subp. 10. **Special requirements for liquid waste.** Special requirements for liquid waste are as follows:

A. ~~Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless, before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically, such as by mixing with an absorbent solid, so that free liquids are no longer present~~ The placement of bulk or noncontainerized liquid hazardous waste or waste containing free liquids, whether or not absorbents have been added, is prohibited.

B. [Unchanged.]

C. The presence or absence of free liquids in containerized or bulk waste must be demonstrated using the Paint Filter

Liquids Test, Method 9095 as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, EPA publication number SW 846.

Subp. 11. to 13. [Unchanged.]

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. [Unchanged.]

Subp. 1a. **Applicability for owners and operators of facilities not regulated as hazardous waste facilities by federal regulation.** Owners and operators of hazardous waste facilities that are not federally regulated as hazardous waste facilities that are, for example, regulated as facilities by state rule only, are subject to the applicable requirements of parts 7045.0552 to 7045.0642 on the effective date of any rules that make the facility subject to regulation. The facility shall submit a Part B application for a hazardous waste facility permit to the director within one year of the effective date of any rules that first make the facility subject to the requirement to obtain a hazardous waste facility permit.

Subp. 2. to 4. [Unchanged.]

7045.0556 GENERAL FACILITY STANDARDS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Prohibition.** Placement of a hazardous waste in a salt dome, salt bed formation, underground mine, or cave is prohibited.

7045.0564 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. **Waste analysis plan.** The owner or operator shall develop and follow a written waste analysis plan which describes the procedures ~~which he~~ the owner or operator will carry out to comply with subpart 1. ~~He or she~~ The owner or operator shall keep this plan at the facility. The plan must specify:

A. to E. [Unchanged.]

F. Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0628, subpart 3; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; and 7045.0642, subpart 3.

G. [Unchanged.]

7045.0584 OPERATING RECORD.

Subpart 1. and 2. [Unchanged.]

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

A. to D. [Unchanged.]

E. Records and results of waste analysis and trial tests performed as specified in parts 7045.0564; 7045.0628, subpart 3; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; and 7045.0642, subpart 3.

F. to I. [Unchanged.]

7045.0588 REQUIRED REPORTS.

Subpart 1. [Unchanged.]

Subp. 2. **Annual report.** The owner or operator shall prepare and submit a single copy of an annual report to the director, no later than March 1 for the preceding calendar year. The report form and instructions to be used may be obtained from the director. The annual report must cover facility activities during the previous calendar year and must include the following information:

A. to F. [Unchanged.]

G. the most recent closure cost estimate under part 7045.0610 and for disposal facilities, the most recent post-closure cost estimate under part 7045.0614; ~~and~~

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H. for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated;

I. for generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984; and

J. the certification signed by the owner or operator of the facility or ~~the~~ an authorized representative.

Subp. 3. and 4. [Unchanged.]

7045.0638 LANDFILLS.

Subpart 1. [Unchanged.]

Subp. 2. **General operating requirements.** The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

Collecting and holding facilities, such as tanks or basins, associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

The owner or operator of a landfill containing hazardous waste which is subject to dispersal by wind shall cover or otherwise manage the landfill so that wind dispersal of the hazardous waste is controlled. As required by part 7045.0564, the waste analysis plan must include analyses needed to comply with subparts 5 ~~and~~, 6, and 7. As required by part 7045.0584, the owner or operator shall place the results of these analyses in the operating record of the facility.

Subp. 3. to 6. [Unchanged.]

Subp. 7. **Special requirements for liquid waste.** Bulk or noncontainerized liquid waste or waste containing free liquids, whether or not absorbents have been added, must not be placed in a landfill.

A. A container holding liquid waste or waste containing free liquids must not be placed in a landfill, unless:

~~A.~~ (1) all free-standing liquid has been removed by decanting, or other methods; has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or has been otherwise eliminated;

~~B.~~ (2) the container is a laboratory pack as defined in subpart 9 and is disposed of in accordance with subpart 9;

~~C.~~ (3) the container is designed to hold liquids or free liquids for a use other than storage, such as a battery or capacitor; or

~~D.~~ (4) the container is very small, such as an ampule.

B. The presence or absence of free liquids in containerized or bulk waste must be demonstrated using the Paint Filter Liquids Test, Method 9095 as described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, publication number SW 846.

Subp. 8. and 9. [Unchanged.]

REPEALER. Minnesota Rules, part 7045.0534, subparts 4 and 5 are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Human Services

Adopted Permanent Rules Relating to Commissioner's Consent to Paternity Suit Settlements

The rules proposed and published at *State Register*, Volume 11, Number 3, pages 69-73, July 21, 1986 (11 S.R. 69) are adopted as proposed.

Department of Public Safety
State Patrol Division

Adopted Rules Relating to Slow Moving Vehicle Emblems

The rules proposed and published at *State Register*, Volume 10, Number 51, pages 2508-2511, June 16, 1986 (10 S.R. 2508) are adopted with the following modifications:

Rules as Adopted

7440.0300 DESCRIPTION OF SMV AND ALTERNATE SMV EMBLEMS.

Subp. 2. **Alternate SMV emblem.** The alternate SMV emblem consists of a dull black triangle with a white reflective border. In normal weather conditions, the white reflective border must be visible from a distance of not less than 600 feet to the rear when properly mounted.

7440.0350 PERMIT TO DISPLAY ALTERNATE SMV EMBLEM.

Subpart 1. **Conflicting beliefs.** Persons who ~~are members of a local congregation of a recognized church or religious denomination that professes principles or tenets that conflict with the display of the~~ have sincerely held religious beliefs prohibiting their use of the standard SMV emblem may apply for a permit to display the alternate SMV emblem.

Subp. 5. **Appeal.** The decision granting or denying permit requests must be in writing and must set forth the reasons for the action. A person whose application is denied may request a contested case hearing to review the denial, by writing to the commissioner of public safety.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Human Services Long Term Care Management Division

End of Solicitation Period for Comment Concerning Rules Relating to Nursing Home Operating Cost Payment Rate Determination

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning rules relating to nursing home operating cost payment rate determination, parts 9549.0050 to 9549.0059, published in the *State Register* on August 4, 1986 (Cite 11 S.R. 145) will end on December 1, 1986.

Questions concerning the comment period may be addressed to:

Jane Delage
Rules Unit
4th Floor, Centennial Building
St. Paul, Minnesota 55155
Telephone: 612/297-4302

Department of Human Services

Outside Opinion Sought Concerning Respite Care Amendment to Adopted Rule Governing Parental Fees for Children in 24-Hour Out-of-Home Care

Notice is hereby given that the Department of Human Services is seeking information or opinions from sources outside the department in preparing an amendment to adopted administrative rule parts 9550.6200 to 9550.6240 governing parental fees for children placed in 24-hour out-of-home care. The amendments would specify how parental fees would be determined when a child is placed in respite care. Authority for the amendments is contained in Minnesota Statutes 252.27 and 256.511.

All interested or affected persons or groups are invited to submit statements of information in writing or comment orally to:

Gordon Buyse
Social Services Division
Department of Human Services
4th Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: 612/296-3979

All statements of information and comment shall be accepted until further notice. All written material received by the Department shall become part of the rule record.

Metropolitan Waste Control Commission

Public Notice for Prequalifications for the Preparation of a Design for the Empire Wastewater Treatment Plant Expansion

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting prequalifications for the preparation of a design for the Empire Wastewater Treatment Plant expansion.

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstratable experience of the firm.

The prequalification should include information on the firm's programs for compliance with equal employment opportunities,

affirmative action and utilization of minority firms. The prequalifications will be used by the Commission as a mechanism for selecting a firm to prepare a predesign report, plans and specifications for the Empire Wastewater Treatment Plant Expansion.

The existing 6 MGD plant has been designed for staged modular expansion in incremental 3 MGD units to an ultimate capacity of 12 MGD. The process operation and design considerations associated with plant piping system hydraulics, site layout and future expandability are based on the continuation of the plant as a two stage nitrification activated sludge plant. The existing planning proposal is to provide a 3 MGD unit expansion. Effluent discharge will be to the Vermillion River. Additional thickening and an additional sludge holding tank are also proposed as well as miscellaneous required plant improvements.

Firms not currently on the Commission's prequalification list should submit a letter stating their interest in the projects or services and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating their interest in the project and the necessary information, if any, to update their prior prequalifications.

Please submit letters with prequalifications or updated information within one week of this notice to the Chief Administrator of the Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 55101. Inquiries regarding the solicitation should be directed to Mr. Ray Payne, Assistant Director of Engineering, 612-222-8423.

By Order of the
Metropolitan Waste Control Commission
Mr. Louis J. Breimhurst, Chief Administrator

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612)296-2805. Application deadline is December 16, 1986.

MINNESOTA COUNCIL FOR THE HEARING IMPAIRED has 1 vacancy open for a member at large. Members are appointed by the Commissioner of Human Services. Terms are staggered. Members receive $35 per diem except for full time state employees or full time employees of political subdivisions of the state shall not receive the $35 per diem. Quarterly meetings. The council shall advise the Commissioner on policies, programs, services affecting hearing impaired citizens; create public awareness of needs and potential of hearing impaired people and to provide the Commissioner with a review of programs. For specific information contact the Minnesota Council for the Hearing Impaired, Mark Prowatzke, Deaf Services Division, Dept. of Human Services, 4th Floor Centennial Bldg., 658 Cedar St., St. Paul 55155; (612)297-1872 V/TDD.

ADVISORY COUNCIL ON THE MINNESOTA STATE ACADEMY FOR THE DEAF AND MINNESOTA STATE ACADEMY FOR THE BLIND has 1 vacancy open for a member. The council shall advise the Board of Education on policies pertaining to the control, management, and administration of these academies. Members shall be representative of the various geographic regions of the state. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children. Members are appointed by the Board of Education. Members receive $35 per diem. For specific information contact the Advisory Council on the Minnesota State Academy for the Deaf and Minnesota State Academy for the Blind, Wade M. Karli, P.O. Box 308, Faribault 55021; (507)332-3363.

MEDICAL SERVICES REVIEW BOARD has 1 vacancy open for an alternate member for a labor representative. The board advises the department on medical matters relating to workers compensation and hears appeals on decisions of the department. Members are appointed by the Commissioner of Labor and Industry. Members receive $35 per diem plus expenses. Members must file with the Ethical Practices Board. For specific information contact the Medical Services Review Board, Dept. of Labor and Industry, Office of Public Affairs, 444 Lafayette Rd., St. Paul 55101; (612)297-4373.

SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL has 3 vacancies open for members. The council advises the Commissioner of Administration on the small business procurement program, reviews complaints from vendors and reviews compliance reports. Members are appointed by the Commissioner of Administration. Members receive no compensation. For specific information contact the Small Business Procurement Advisory Council, 112 Administration Bldg., St. Paul 55155; (612)297-4412.

WORKERS COMPENSATION COURT OF APPEALS has 1 vacancy open for a member who must be learned in the law. Must be selected on the basis of experience with and knowledge of workers' compensation and the workers' compensation laws of Minnesota. The court of appeals has appellate jurisdiction on all workers compensation claims and original jurisdiction on peace officers dependent claims. Members are appointed by the Governor and confirmed by the Senate. Members serve 6 year terms.

Members must file with the Ethical Practices Board. Full time position; members receive $56,600 per year. For specific information contact the Workers Compensation Court of Appeals, M.E.A. Bldg., 55 Sherburne Ave., St. Paul 55103; (612)296-6526.

ADVISORY COUNCIL ON BATTERED WOMEN has 7 vacancies open for members. The council advises the Dept. of Corrections on funding for emergency shelters and programs for battered women. Members are appointed by the Commissioner of Corrections and include persons knowledgeable in the field of health, law enforcement, social services to battered women and public members. Monthly meetings. Delegate members are compensated for expenses. For specific information contact the Advisory Council on Battered Women, Dept. of Corrections, 300 Bigelow Bldg., 450 N. Syndicate Ave., St. Paul 55104; (612)642-0253.

ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE BOARD has 1 vacancy open for a public member. The board licenses and regulates architects, engineers, land surveyors and landscape architects. Members are appointed by the Governor. Members must file with the Ethical Practices Board. Meetings are held four times a year; members receive $35 per diem plus authorized expenses. For specific information contact the Architecture, Engineering, Land Surveying and Landscape Architecture Board, 162 Metro Square Bldg., St. Paul 55101; (612)296-2388.

A GOVERNOR'S ADVISORY COUNCIL ON TECHNOLOGY AND PERSONS WITH DISABILITIES has 15 vacancies open for members. Members shall represent the private sector, consumers, service agencies, third party funding sources, education and library systems. There is no compensation or per diem. Members are appointed by the Governor. The council shall coordinate, support and advance technology uses for persons with disabilities through implementation and training, information dissemination, technical services, research and development and technology transfer. For specific information contact the Governor's Advisory Council on Technology and Persons with Disabilities, 130 Capitol, St. Paul 55155; (612)296-3391.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Implement Tires	November 25, 1986	Correctional Facility	Stillwater	Price-Contract
Used Truck	November 25, 1986	State Hospital	Brainerd	55-304-07240
Van	November 25, 1986	State Hospital	St. Peter	55-105-07398
Carpeting & Install	November 25, 1986	Correctional Facility	Stillwater	78-620-00083
Ballast Lampholder Starter	November 25, 1986	Transportation	St. Paul	79-000-72484
Test Steel Pedestals	November 26, 1986	Transportation	St. Paul	79-990-00049
U.P.M. Bituminous mix	December 1, 1986	Transportation	Morris	79-450-A

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Fiber Optics Power Meter	December 1, 1986	State University	St. Cloud	26073-19195
Spectrophotometer	December 1, 1986	State University	St. Cloud	26073-19264

Minnesota Historical Society

Notice of Availability of Contract for Restoration of Tracker Organ

The Minnesota Historical Society is seeking qualified individuals and firms to perform restoration work on the 1890 Hutchings organ located in the James J. Hill House, 240 Summit Avenue, St. Paul, Minnesota.

These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-8378. The deadline for submitting completed proposals is the end of the business day (5:00 p.m.) December 29, 1986. Late proposals will not be accepted.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Energy and Economic Development Energy Division

Notice of Availability of Community Energy Council Grant Funds

Pursuant to Minnesota Rules 4160.5100-4160.5900 the Department of Energy and Economic Development announces that it is accepting applications for community energy council grants from cities and counties, individually, collectively, or through the exercise of joint powers agreements. The maximum amount of a grant to an individual applicant is $15,000. The maximum amount of a grant to joint application is $15,000 for the first applicant and $12,000 for each additional applicant to a maximum of $50,000. All grants require a ten percent local match.

Funds are available as follows:

Legislative appropriations of $23,000.
Exxon oil overcharge funds of $300,000.

Funds are available from these sources to support a variety of local energy programs in different energy use sectors.

Applications must be received no later than 4:30 p.m. on January 12, 1987, at the address given below.

Application forms, program rules and other information can be obtained by contacting:

Mark Schoenbaum
Department of Energy and Economic Development
900 American Center Bldg.
150 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 297-3602

SUPREME COURT DECISIONS

Decisions Filed Friday 14 November 1986

Compiled by Wayne O. Tschimperle, Clerk

C9-85-2154 State of Minnesota v. Guy Phillip Jackman, Appellant. Hennepin County.

Trial court properly used bifurcated trial procedure where appellant refused to admit or deny elements of crime and pled not guilty by reason of mental illness.

Trial court properly entered plea of not guilty for appellant where appellant entered single plea of not guilty by reason of mental illness.

Trial court properly refused to admit psychiatric testimony relating to issues of premeditation and intent.

Evidence was sufficient to sustain jury verdict of first-degree murder and to support finding that appellant did not prove mental illness by a preponderance of the evidence.

Affirmed. Amdahl, C.J.

Took no part, Wahl, J.

C4-85-2210 In the Matter of the Application for the Discipline of Robert J. Tieso, an Attorney at Law of the State of Minnesota. Supreme Court.

Attorney who filed frivolous, vexatious lawsuit with intent to harass and embarrass is subject to suspension from practice of law for 3 months with reinstatement conditioned on satisfying certain requirements.

Amdahl, C.J.

C9-85-1442 Dan Germann v. F. L. Smithe Machine Company, defendant and third party plaintiff, petitioner, Appellant, Quality Park Products. Court of Appeals.

Manufacturer of industrial machine that posed danger of injury to operator if operated without a manufacturer-provided safety device had the duty to warn users or operators of the machine of the existence of the danger, when removal of the safety device by others was foreseeable.

Answers of the jury to interrogatories on the special verdict were neither inconsistent, nor were they clearly erroneous.

Affirmed. Kelley, J.

Orders

CX-86-343 In the Matter of the Application for the Discipline of Norman Perl, an Attorney at Law of the State of Minnesota. Supreme Court.

Petition for rehearing denied. Amdahl, C.J.

Took no part, Scott, J., and Coyne, J.

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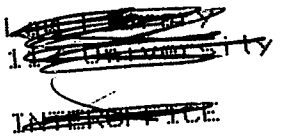

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