

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1255 03.0004.0100

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-11-86
DATE FOR REVIEW 7-21-86
DATE DUE 7-25-86

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 7/24/86 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 7-30-86 Revisor approved 7-14-86
disapproved ~~7-30-86~~

✓ Rule as Adopted

✓ Rule as Proposed See S.R.

✓ Order Adopting 5-20-86 Date

✓ Notice of Intent to Solicit Outside Opinion S.R. 2-3-86 comment

✓ Order for rulemaking
NA date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking cite
? Sufficiency small biz stmt

✓ Affidavit of Mailing Notice or rulemaking
3-20-86 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
3-24-86 At least 30/20 days prior to hearing/adoption

NA Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

NA LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

NA Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

NA Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

NA Notice of Submission to the Attorney General

✓ Affidavit re: Comments received

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: THOMAS J. KALITOWSKI, Executive Director
Minnesota Pollution Control Agency

DATE: 7/30/86

ATTN: LISA R. TIEGEL
Special Assistant Attorney General

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Rules Amenment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

The above-referenced rule has been approved as to its legality by the Attorney General on July 24, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1288

Pollution Control Agency

Adopted Rule Relating to Hazardous Waste Solvent Mixtures

Rule as Adopted

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; 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; all spent solvent mixtures/blends containing, before use, a total of ten percent or more by volume of one or more	(I,T)

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.

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 Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations (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-tri-chlorophenol. (H)

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 aliphatic hydrocarbons, 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 (H)

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.

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. to 5. [Unchanged.]

APPROVED AS TO FORM AND LEGALITY

7/24 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 30 1986
Joan Anderson Growe,
Secretary of State
4:00 P.M.

AG Copy ①
extras?

Pollution Control Agency

Adopted Rule Relating to Hazardous Waste Solvent Mixtures

Rule as Adopted

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; 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; all spent solvent mixtures/blends containing, before use, a total of ten percent or more by volume of one or more	(I,T)

		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.	
	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	Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations	(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-tri-chlorophenol.	(H)
	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 aliphatic hydrocarbons, 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	(H)

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.

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. to 5. [Unchanged.]

APPROVED AS TO FORM AND LEGALITY

7/24 19 84

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

ORDER ADOPTING RULES

Notice of the Minnesota Pollution Control Agency's (MPCA's) intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on March 24, 1986 (10 S.R. 1975) and was sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat § 14.14 (supp. 1985) on March 20, 1986. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received no comments during the comment period, and after determining the need for and reasonableness of the above-captioned rule amendments,

NOW THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pt. 7045.0135, Lists of Hazardous Wastes, are adopted pursuant to the authority vested in the MPCA by Minn. Stat. § 116.07, subd. 4 (supp. 1985).

Duane A Dahlberg

Duane Dahlberg
Chairperson

Michael Roberts

for Thomas J. Kalitowski
Executive Director

Dated: May 20, 1986

Pollution Control Agency
Solid and Hazardous Waste Division

Outside Opinion Sought Concerning Amendments to Rules Governing Hazardous Waste

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding possible amendments to Minn. Rules ch. 7045 governing hazardous waste.

Consideration is being given to the addition of mixtures and blends of waste solvents to the list of hazardous wastes from non-specific sources. Mixtures and blends of spent solvents containing ten percent or more by volume of one or more of the currently listed solvents and still bottoms from the recovery of spent solvents and solvent mixtures will be added to the list of hazardous waste. These amendments are considered in response to similar amendments to the federal hazardous waste regulations.

The MPCA requests information and comments concerning the subject matter of the proposed amendments. Written or oral information or comments will be accepted until February 25, 1986. Written statements should be addressed to:

Carol Nankivel
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113

Oral statements will be received during regular business hours at 612/296-7260.

January 27, 1986

Barbara Lindsey Sims
for
Thomas J. Kalitowski
Executive Director

Department of Revenue
Property Equalization Division

Outside Opinion Sought Regarding Proposed Rules Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies)

Notice is hereby given that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to promulgate revised rules governing the valuation and assessment of utility companies. The promulgation of these rules is authorized by Minnesota Statutes section 270.06 (14), which permits the agency to make rules and regulations for the administration and enforcement of the property tax law.

The State Department of Revenue requests information and comments concerning the subject matter of these revised rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Ronald Cook
Property Equalization Division
Minnesota Department of Revenue
P. O. Box 64446
St. Paul, Minnesota 55164

Oral statements will be received during regular business hours over the telephone at (612) 642-0486 and in person at:

Brown and Bigelow Building
Garden Level, Suite 10
450 North Syndicate Street
St. Paul, Minnesota 55104

(6)

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135	ORDER FOR NOTICE OF INTENT TO ADOPT AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING

It is hereby ordered this 7th day of March, 1986, that Notice of Intent to Adopt Amendments to Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

Michael Robertson

THOMAS J. KALITOWSKI
for Executive Director

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION

I, Thomas J. Kalitowski, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency (Agency), an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Agency duly and properly called and held on the 25th day of February, 1986, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

> BE IT RESOLVED, that the Executive Director of the Minnesota Pollution Control Agency (MPCA) is hereby granted the authority to sign an order of the MPCA directing that notice be given of the MPCA's intent to adopt, without a public hearing, the attached amendments to the MPCA's hazardous waste rules governing the addition of solvent mixtures, Minn. Rules pt. 7045.0135, to sign the Notice thereof, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the MPCA to make in order to obtain the revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1984).
>
> BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Executive Director is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any acts incidental thereto, including but not limited to signing an Order and Notice for Hearing, as well as acting as the MPCA's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7 day of March, 1986.

for THOMAS J. KALITOWSKI
Executive Director

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

NOTICE OF INTENT TO ADOPT AMENDMENTS TO RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt without a public hearing amendments to Minn. Rules Part 7045.0135, governing the lists of hazardous wastes.

The proposed amendments, if adopted, will add solvent mixtures to the list of hazardous wastes from nonspecific sources. The amendments are proposed in order to make Minnesota's hazardous waste rules consistent with federal regulations.

The proposed amendments are authorized by Minn. Stat. §116.07, subd. 4 (1984). One free copy of the rules is available on request from the Agency. Please contact the person whose name and address appears below.

The Agency has prepared 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 by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available and may be obtained by contacting:

Carol Nankivel
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7260

Interested persons have until 4:30 p.m. on April 25, 1986, to submit comments on the proposed amendments. The Agency encourages persons to comment. Comments should be submitted to Carol Nankivel at the address stated above and should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the data and views received by the Agency before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed amendments.

Unless the Agency receives twenty-five written requests for a public hearing on the proposed amendments during the comment period, a public hearing will not be held. If twenty-five written requests for a hearing on the proposed amendments are submitted within the comment period, a public hearing will be held in which case the Agency will proceed according to the provisions of Minn. Stat. §§14.131 - 14.20 (Supp. 1985). Persons wishing to request a hearing should send a written request to Carol Nankivel at the address above. This written request should include the name and address of the person requesting the hearing. Persons asking for a public hearing are also requested to identify the particular provisions they object to, the modifications to the proposed amendments they suggest, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the amendments by the Agency Board, the amendments as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final amendments as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final amendments as adopted, should submit a written statement of such request to Carol Nankivel at the address previously stated.

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. First, the MPCA is merely adopting as a state rule a regulation already in effect on the federal level. Second, some solvent mixtures may already be regulated as hazardous wastes in Minnesota as a result of their toxicity. Finally, alternatives for the management of nonhazardous solvents are currently limited and in many cases the only available management option is to treat them as if they were hazardous wastes.

for THOMAS J. KALITOWSKI
Executive Director

Dated: March 7, 1986

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment
of Hazardous Waste Rules Governing the
Lists of Hazardous Wastes, Minn. Rules
Pt. 7045.0135

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Penny Nickles, being duly sworn, deposes and says:

That on the 20 day of March, 1986, at the City of Roseville, County of Ramsey, State of Minnesota, s/he served the attached Notice of Intent to Adopt Amendments to Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing at said City of Roseville, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by the Pollution Control Agency.

Penny Nickles

Subscribed and sworn to before me this
20 day of March, 1986.

Cynthia B Gillingham
Notary Public

CYNTHIA B. GILLINGHAM
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY

ADHESIVE & SEALANT COUNCIL
SUITE 515
1500 NORTH WILSON BLVD
ARLINGTON VA 22209 1

BADGER STATE ETHANOL LLC
PO BOX 239
ELLSWORTH WI 54011 1

BROEKER HARTLEBY HEDGES & GRANT ATTORNEY AT LAW
ATTN JOHN M BROEKER
2850 METRO DRIVE SUITE 800
MINNEAPOLIS MN 55420 1

AM INSURANCE ASSOC
ATTN FRED McGARVEY
230 W MONROE ST
CHICAGO IL 60606 1

BARR ENGINEERING CO
7803 GLENROY RD
SUITE 100
MINNEAPOLIS MN 55435 1

CITY OF BROOKLYN CENTER
ATTN PATTY PAGE
6301 SHINGLE CREEK PKWY
BROOKLYN CE MN 55430 1

AM LUNG ASSN RAMSEY COUNTY
BARBARA L HUGHES MNG DIR
614 PORTLAND AVE
ST PAUL MN 55102 1

BENDIX
ENVIR & PROCESS INST DIV
P O DRAWER 831
LEWISBURG W VA 24901 1

BILL BUDD
4270 JEFFERSON STREET
EXCELSIOR MN 55331 1

AMERICAN CRYSTAL SUGAR
ATTN W W BARR MGR ENV CONTR
101 N THIRD ST
MOORHEAD MN 56560 1

BRUCE E BENSON
ZONING OFFICER
COURTHOUSE
CARLTON MN 55718 1

ROBERT S BURK
4344 IDS CENTER
MINNEAPOLIS MN 55402 1

AMOCO PIPELINE CO
C W BERGSTROM DIV CHIEF ENG
2200 S MAIN ST
LOMBARD IL 60148 1

BIO-CLEAN INC
RUSS LOWTHIAN
7900 XERXES AVE S
SUITE 902
BLOOMINGTON MN 55431 1

BURLINGTON NORTHERN RLRD CO
9401 INDIAN CREEK PKWY
P O BOX 29136
OVERLAND PARK, KS 66201 1

ANOKA CO COMM HEALTH & SOC SERV DEPT
ATTN GERTRUDE M JAMES
COURTHOUSE 4TH FL
ANOKA MN 55303 1

BLACK & VEATCH/MICHIGAN
ATTN ENVIRONMENTAL SPECIAL
200 RENAISSANCE CE #1220
DETROIT MI 48243 1

BURLINGTON NORTHERN
LAW DEPARTMENT
176 EAST FIFTH STREET
ST PAUL MN 55101 1

API INC
ATTN TERRY WOLD
2366 ROSE PLACE
ST PAUL MN 55113 1

BLANDIN PAPER COMPANY
ATTN W J LICKE
115 FIRST STREET S W
GRAND RAPIDS MN 55744 1

CALC
ATTN PAM BARBOUR
122 W FRANKLIN AVE RM 302
MINNEAPOLIS MN 55404 1

ARMOUR & COMPANY
ATTN ROBERT J SHERMAN
CONAGRA CENTER
ONE CENTRAL PARK PLAZA
OMAHA NE 68102-1679 1

BLANDIN WOOD PRODUCTS CO
ATTN CURT R FIRMAN
WAFERBOARD PLANT SITE BOX N
GRAND RAPIDS MN 55744 1

CENEX
ATTN RALPH SCHLETTY
BOX 43089
ST PAUL MN 55164 1

ASHLAND PETROLEUM COMPANY
ATTN RICHARD HETLAND
P O BOX 9
ST PAUL PARK MN 55071 1

BOISE CASCADE CORPORATION
ATTN MR RUSS SUMMER
ENVIRONMENTAL ENGINEER
INT'L FALLS MN 56649 1

DAVID CERA
2010 JERSEY AVE SO
ST LOUIS PARK MN 55426 1

ASSN OF MN COUNTIES
SUITE 300
555 PARK STREET
ST PAUL MN 55103 1

BOLTON & MENK INC
ATTN THOMAS A ROUSHAR
515 N FRONT ST
MANKATO MN 56001 1

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703 S 10TH ST
MINNEAPOLIS MN 55404 SHW

ERIKA SITZ
IZAAK WALTON LEAGUE
6521 154TH LANE N W
RAMSEY MN 55303 SHW

MIDWESTERN GAS TRANS CO
ATTN MICHAEL CATT
P O BOX 2511
HOUSTON TX 77001 SHW

C J SCHULTZ LEGAL ASST
DEWITT SUNDBY HUGGETT
SCHUMACHER & MORGAN
6515 GRAND TETON PLAZA #120
MADISON WI 53719 SHW

RUTH JOHNSON
129 RIVERVIEW BLVD
INT'L FALLS MN 56649 SHW

MN AUDUBON COUNCIL
SUITE O BOYD PLACE
2929 4TH AVE S
MINNEAPOLIS MN 55404 SHW

RICHARD O'HARA
DNR
P O BOX 7921
MADISON WI 53707 SHW

DR BOB KOOB
1219 4TH AVE S
MOORHEAD MN 56560 SHW

VIRGINIA GREENMAN
MN HOSPITAL ASSOC
2221 UNIVERSITY AVE SE
MINNEAPOLIS MN 55414 SHW

MN TAXPAYERS ASSOC
480 CEDAR AVE
ST PAUL MN 55101 SHW

[illegible] WAYZATA BLVD
[illegible]NEAPOLIS MN 55426 SH[illegible]

GAIL SUCHMAN
MPIRG
2412 UNIVERSITY AVE SE
MINNEAPOLIS MN 55414 SHW

WINONA DAILY NEWS
ATTN DON STUART
401 N FRANKLIN
WINONA MN 55987 SHW

JOHN KEARNEY
N AMER WATER OFFICE
1519 A EAST FRANKLIN AVE
MINNEAPOLIS MN 55404 SHW

WRIGHT CHEMICAL CO
ATTN PATRICK REILLY
10740 RIVERVIEW PLACE
COON RAPIDS MN 55433 SHW

PORTAGE SANITARY LANDFILL
AUTHORITY
CRANE LAKE MN 55725 SHW

DOUG PROEHL
R F D 2
WINTHROP MN 55396 SHW

PHIL DUFF
RED WING REP EAGLE
P O BOX 15
RED WING MN 55066 SHW

TOM REES
22300 PENN AVENUE
LAKEVILLE MN 55044 SHW

A B SCHAEFER JR
CHAIRMAN WASHINGTON CO
BOARD OF COMMISSIONERS
14900 61ST ST NO
STILLWATER MN 55082 SHW

PHIL KLEIN
TWIN CITIES ASSN OF
METAL FINISHERS
2222 PILLSBURY AVE SO
MINNEAPOLIS MN 55404 SHW&WQ

UNIVERSITY OF MN
ATTN LASZLO FULOP
DIR OF PHYSICAL PLANNING
503 MORRILL HALL
MINNEAPOLIS MN 55455 SHW

American Insurance Association
Stolpestad, Brown and Smith, P.A.
2000 N. Central Life Tower, 445 MN St.
St. Paul, MN 55101
Jeffrey A. Redmon

Anchor Glass Container Corporation
4108 Valley Ind. Blvd. N.
P.O. Box 69
Shakopee, MN 55379
Attn: B. K. Meierbachtol

Ashland Petroleum Company
Post Office Box 391
Ashland, KY 41114
Attn: Bruce Churton

Atwater McMillian Inc.
445 Minnesota Street, Suite 900
St. Paul, MN 55101
Attn: Kae Scott

Badger Foundry Company
Post Office Box 1306
Winona, MN 55987
Attn: Barry Owen

Barth, Carole Ann
1224 Newton Avenue North, #2W
Minneapolis, MN 55411

Big Dipper Enterprises, Inc.
1016 - 11th Avenue South
Wahpeton, ND 58075
Attn: John Beardmore

Briggs and Morgan
2200 First National Bank Building
St. Paul, MN 55101
Attn: Ann Huntrods

Bureau of Engraving, Inc.
3311 Broadway, Northeast
Minneapolis, MN 55413
Attn: Kenneth Ische/Steve Meyers

C. W. Olson, Inc.
Post Office Box 231
Minneapolis, MN 55440
Attn: John Mackenzie

California Dept. of Health Services
744 P Street
Sacramento, CA 95814
Attn: Eric Workman

Capsule Environmental Engineering
4765 Kent Street
Shoreview, MN 55112
Attn: David Cushman

Circuit Service, Corp.
9305 Hamilton Road
Eden Prairie, MN 55344
Attn: John Foster

City of Bloomington
2215 West Old Shakopee Road
Bloomington, MN 55431
Attn: J. K. Nelson

City of Fridley
6431 University Avenue Northeast
Fridley, MN 55432
Attn: John Flora

City of Redwood Falls
404 East Wyoming
Redwood Falls, MN 56283
Attn: Neil Ruddy

Conklin Company, Inc.
551 Valley Park Drive
Shakopee, MN 55379
Attn: Lawrence Bass

Continental Machines, Inc.
5505 West 123rd Street
Savage, MN 55378
Attn: Jack Hosford

Control Data Corporation
Post Office Box 0
Minneapolis, MN 55440
Attn: Bob Kaiser HQN7KX

Dakota County
1600 Highway 55
Hastings, MN 55033
Attn: Gerald Stahnke

DeZurik Corporation
250 Riverside Avenue
Sartell, MN 56377
Attn: Lee Walz

Dorsey and Whitney
2200 First Bank Place East
Minneapolis, MN 55402
Attn: Becky Comstock

E. A. Hickok and Associates
545 Indian Mound
Wayzata, MN 55391
Attn: John Lichter

E/M Lubricants, Inc.
Post Office Box 2200
W. Lafayette, IN 47906
Attn: Gregory Keough

A T & T
1 South Wacker Drive, Room 13J
Chicago, IL 60606
Attn: B. Durkin

Advance Circuit Inc.
15102 Minnetonka Ind. Rd.
Minnetonka, MN 55345
Attn: D. J. Berg

Advance Circuits Inc.
560 - 16th Avenue South
Hopkins, MN 55454

Advance Circuits, Inc.
1633 Terrace Drive
Roseville, MN 55113

Advance Circuits, Inc.
1633 Terrace Drive
Roseville, MN 55113
Attn: Farook Meeh

Alan Shilepsky Consulting
19 South First Street, Suite 82507
Minneapolis, MN 55401
Attn: Alan Shilepsky

American Chemical Service
Post Office Box 190
Griffith, IN 46319
Attn: W. S. Wagoner Jr.

[illegible] Systems, Inc. 225 South Cordova Avenue LeCenter, MN 56057 Attn: Joe Appelhof	Finishing Equipment, Inc. 3640 Kennebec Drive Eagan, MN 55122 Attn: Win Sabatka	Great Lakes Gas Transmission Co. 2100 Buhl Building Detroit, MI 48226 Attn: Eugene Morabito
Eaton, Corporation Hydraulics Division 15151 Highway 5 Eden Prairie, MN 55344 Attn: Marvin Miller	FMC Corp., Northern Ordinance 4800 East River Road Minneapolis, MN 55421 Attn: William Warren	Gresen Mfg./Div. of Dana Corporation 600 Hoover Street Minneapolis, MN 55413 Attn: Dale C. Halverson
Economics Laboratory, Inc. Osborn Building St. Paul, MN 55102 Attn: Charles McDuff	FMC Corp., Northern Ordinance 4800 East River Road Minneapolis, MN 55421 Attn: Douglas Hildre	H. B. Fuller Company 3530 Lexington Avenue North Shoreview, MN 55112 Attn: Chong-Hue Brian Lim
Economics Laboratory, Inc. Osborn Building St. Paul, MN 55102 Attn: John Keenan	Ford Motor Company 15201 Century Drive Dearborn, MI 48120 Attn: C. H. Porter	Hall Estill etal 4100 BOK Tower Tulsa, OK 74172 Attn: Vicki Ford
Electro Mold Corporation 616 Industrial Boulevard Minneapolis, MN 55413 Attn: Ken Dutton	Fort McCoy Commander, AFZR-DEH-E Sparta, WI 54656 Attn: Robert Starck	Hanft, Fride, O'Brien, Harries, and Bujold, P.A. Mining and Utility Representatives 1200 Alworth Building Duluth, MN 55802
Environmental Engineering and Management, Ltd. 7400 Metro Boulevard, #400 Minneapolis, MN 55435 Attn: Cary Perket	Franklin Manufacturing 701 33rd Avenue North St. Cloud, MN 56301 Attn: Dick Clute	Hanson, David 1030 Angelo Drive Minneapolis, MN 55422
Environmental Research Group, Inc. 135 State Street St. Paul, MN 55107 Attn: Bruce G. Cunningham	General Battery Corporation 654 Penn Street, P.O. Box 1262 Reading, PA 19603 Attn: Jeffrey Leed	Hazardous Material Technical Center Post Office Box 8168 Rockville, Maryland 20856 Attn: Erica Perlow
Environmental Transportation Services Post Office Box 36118 Oklahoma City, OK 73136 Attn: Scarlett Perkins	General Mills, Inc. Post Office Box 1113 Minneapolis, MN 55440 Attn: Donald J. Thimsen	HDR 5401 Gamble Drive Minneapolis, MN 55416 Attn: Mark Wollschlager
Etchit, Inc. 643-13th Avenue South Hopkins, MN 55343 Attn: Richard Dunn	GNB, Incorporated Post Office Box 64100 St. Paul, MN 55164 Attn: E. C. Milton	Hennepin County 320 Washington Avenue South Hopkins, MN 55343 Attn: Edward Monteleone
Ex-Cell-O Corporation 2855 Coolidge Troy, MI 48084 Attn: Terence Filipiak	Gopher Smelting 3385 Highway 149 Eagan, MN 55121 Attn: John Tapper	Hennepin County Board of Commissioners A2400 Government Center Minneapolis, MN 55487 Attn: The Honorable Jeff Spartz
Federal Cartridge Corporation 9th and Tyler Anoka MN 55303 Attn: Luke Davich	Governor's Waste Management Board 325 North Salisbury Street Room 513, Albemarle Building Raleigh, NC 27611 Attn: Dr. Linda Little	Hennepin County Department of Environment and Energy Hennepin Cty. Government Center, A1603 Minneapolis, MN 55487 Attn: Luther Nelson
Federal Cartridge Corporation 9th and Tyler Anoka, MN 55303 Attn: A. G. Drury	Graco, Inc. Post Office Box 1441 Minneapolis, MN 55440 Attn: Kristen Nelson	Honeywell, MN02-3100 5700 Smetana Drive Minnetonka, MN 55343 Attn: Jay Johnson

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MN-17-2512
Minneapolis, MN 55440
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Post Office Box 64596
St. Paul, MN 55164
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Redwood Hospital
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Minneapolis, MN 55440
Attn: Richard L. Barrett

Imperial, Inc.
Post Office Box 423
Shenandoah, IA 51601
Attn: Gene Currie

Koppers Company, Inc.
Koppers Building
Pittsburgh, PA 15219
Attn: Jordan Dern

Metropolitan Waste Control Commission
350 Metro Square Building
St. Paul, MN 55101
Attn: Robert C. Polta 10

Indianhead Truck Line, Inc.
1947 County Road C
Post Office Box 64355
St. Paul, MN 55164
Attn: Lester Wilsey, Jr.

KTCA-TV
1640 Como Avenue
St. Paul, MN 55108
Attn: Mary Freeman

Milwaukee Road, Inc.
516 West Jackson Blvd., #809
Chicago, IL 60606
Attn: Robert Fronczak

Industrial Health Engineering
Post Office Box 9342
Minneapolis, MN 55420
Attn: James Thill

Lyle Wilson Power Corporation
800 Valley Industrial Circle
Shakopee, MN 55379
Attn: Lyle Wilson

Minnegasco, Inc.
6161 Golden Valley Road
Minneapolis, MN 55422
Attn: Paul Deneka

Interconics
245 East 6th Street
St. Paul, MN 55101
Attn: Don Whitehurst

Land O'Lakes, Inc.
Post Office Box 116
Minneapolis, MN 55440
Attn: James Bosch

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6161 Golden Valley Road
Minneapolis, MN 55422
Attn: Karen Studders

International Paper Company
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Norcross, GA 30092
Attn: Gil Swerer

Land O'Lakes, Inc.
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Minnesota Automobile Dealers Association
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St. Paul, MN 55103
Attn: James Schutjer

Interplastic Corporation
2015 Northeast Broadway
Minneapolis, MN 55413
Attn: R. T. McCabe

Larson Boat Company
702 West River Road
Little Falls, MN 56345
Attn: Allen Kuebelbeck

Minnesota Chapter of the
Solid Waste Management Assoc.
4649 Bloomington Avenue South
Minneapolis, MN 55407
Attn: Mary Ayde

Interstate Power Company
129 North St. Paul Avenue
Fulda, MN 56131
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Attn: Tomas Klaseus

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402 Drovers Bank Building
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Minnesota Dept. of Natural Resources
Box 10C, DNR Building
500 Lafayette Road
St. Paul, MN 55146 10
Attn: Tom Balcom

Johnson, Bo
420 St. Louis River Road
Proctor, MN 55810

Metal Recovery, Inc.
547 Tamarack Avenue
Long Lake, MN 55356
Attn: George Gulso

Minnesota Dept. of Transportation
3485 Hadley Avenue, North
Box 9050
North St. Paul, MN 55109
Attn: Gary Christiansen/Jack Pirkl

Jostens
5501 Norman Center Drive
Minneapolis, Minnesota 55437
Attn: Joe Maccani

Metalcasters of Minnesota
Box 900, 245 East 6th Street
St. Paul, MN 55101
Attn: Barbara Battiste Kelley

Minnesota Dept. of Transportation
Room 704, Transportation Building
St. Paul, MN 55155
Attn: John Dustman

Kleer-Flo Company
6970 Shady Oak Road
Eden Prairie, MN 55344
Attn: Wallace Hilgren

Metalcasters, Mpls. Elec. Steel
3901 University Avenue, Northeast
Minneapolis, MN 55421
Attn: Craig Malmberg

Minnesota Dept. of Transportation
Room 704 Transportation Bldg.
St. Paul, MN 55155
Attn; Cheryl Heide

Minnesota Pesticide Control Association
3860 Minnehaha Ave.
Minneapolis, MN 55406
Attn: Greg O'Reilly

Minnesota Plant Food and
Chemical Association
1821 University Avenue, Room 253
St. Paul, MN 55104
Attn: Craig Sallstrom

Minnesota Service Station Association
2700 North Rice Street
St. Paul, MN 55113
Attn: Brian Ettesvold

Minnesota Solvents and Chemicals
14765 West Bobolink Avenue
Menomonee Falls, WI 53051
Attn: C. A. Douthitt

Minnesota Solvents and
Chemicals Corporation
2340 Rose Place
Roseville, MN 55113
Attn: A. G. Hale

Minnesota Solvents and
Chemicals Corporation
Post Office Box 444
Butler, WI 53007
Attn: C. A. Douthitt

Minnesota Waste Management Board
7323 58th Avenue North
Crystal, MN 55428
Attn: Sharon Decker

Moersfelder, Edward
1200 Natl' City Bank Bldg.
510 Marquette Avenue
Minneapolis, MN 55402

Moss and Burnett
1200 Pillsbury Center
Minneapolis, MN 55402
Attn: Michael Ahern

National Association of
Recycling Industries
2500 Elm Street, Southeast
Minneapolis, MN 55414
Attn: Michael J. Abrams

National Association of
Recycling Industries
330 Madison Avenue
New York, NY 10017
Attn: Paul Parker

National Association of
Solvent Recyclers
1333 New Hampshire Avenue, Northwest
Washington, D.C. 20036
Attn: Faith Kuhn

NCR Comten, Inc.
1752 Terrace Drive
Roseville, MN 55113
Attn: David Moline

Norgaard, Mark
4826 Chicago Ave. S., Suite 203
Minneapolis, MN 55417

North American Water Office
1519A East Franklin
Minneapolis, MN 55404
Attn: Lea Foushee

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7901 Xerxes Avenue South, #209
Minneapolis, MN 55431
Attn: T. D. Humason

Northern States Power Company
Env. and Reg. Act. Dept.
414 Nicollet Mall
Minneapolis, MN 55401
Attn: R. D. Clough

Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55402
Attn: Pamela Graika

Otter Tail Power Company
215 South Cascade
Fergus Falls, MN 56537
Attn: Terry Graumann

Outdoors Committee
Box 88
Longville, MN 56655
Attn: James Shields

Peerless Chain Company
1416 East Sanborn
Winona, MN 55987
Attn: Orville Broch

Pillsbury Company
Pillsbury Center, #3612
Minneapolis, MN 55402
Attn: Carl Smith

Pope-Reid Associates, Inc.
245 East 6th Street, #813
St. Paul, MN 55101
Attn: Robert Reid

Popham, Haik, Schnobrich, Kaufman
and Doty, Ltd.
4344 IDS Center
Minneapolis, MN 55402
Attn: James A. Payne

Portable Elevator Company
Post Office Box 160
Glencoe, MN 55336
Attn: Dale Johnson

PPG Industries, Inc.
260 Kappa Drive
Pittsburgh, PA 15238
Attn: Christine Babka

Purex Corporation
24600 South Main Street
Carson, CA 90749
Attn: John Dougherty C-20

Rexnord Chemical Products Inc.
7711 Computer Avenue
Minneapolis, MN 55435
Attn: Lawrence Benjamin

S. B. Foot Tanning Co., Red Wing, MN
Post Office Box 745
Dumas, TX 79029
Attn: David Guthe

Safety-Kleen Corporation
777 Big Timber Road
Elgin, IL 60120
Attn: Ellen Jurczak

Saint Mary's Hospital
1216-2nd Street, Southwest
Rochester, MN 55902
Attn: Clyde Douglass

Saint Mary's Hospital
Safety and Security
1216 - 2nd Street Southwest
Rochester, MN 55902
Attn: Alan Knutson

Scott County Local Project
Review Committee
27466 Delmar Avenue
New Prague, MN 56071
Attn: DeAnn Croatt

Scott County, Planning,
Inspections & Environmental Health
428 South Holmes Street
Shakopee, MN 55379
Attn: Peter Schmitt

SERCO, Sanitary Engineering
Laboratories, Inc.
1931 West County Road C2
St. Paul, MN 55113
Attn: Gerald Allen

Sheldahl, Inc.
Post Office Box 170
Northfield, MN 55057
Attn: David B. Miller

Sierra Club/Project Environment
2929 4th Avenue South
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Smith System Manufacturing Co.
1100 South 10th Street
Princeton, MN 55371
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Soil Exploration Company
662 Cromwell Avenue
St. Paul, MN 55114
Attn: Derric Iles

Solv-Oil Service and Supply Company
Box 338
Hopkins, MN 55343
Attn: David L. Tollefson

Soo Line Railroad Company
804 Soo Line Building, Box 530
Minneapolis, MN 55440
Attn: Michael Mullins

Sperry Corporation
Semiconductor Operations
Post Office Box 64724, M.S. H2R27
St. Paul, MN 55164
Attn: Jean Krueger

SPRTC
100 Freeman Avenue
St. Peter, MN 56082
Attn: Vern Kowal

St. John's Hospital
403 Maria Avenue
St. Paul, MN 55106
Attn: John Pelant

Stone Container Corporation
3805 Presidential Parkway, #101
Atlanta, Georgia 30340
Attn: Curtis Barton

STS Consultants Ltd.
2405 Annapolis Lane, #280
Minneapolis, MN 55441
Attn: Ross Urman

Telex Communications, Inc.
9600 Aldrich Avenue South
Minneapolis, MN 55420
Attn: Gayle Hamel

Thermo King Corporation
314 West 90th Street
Minneapolis, MN 55420
Attn: P. Skujins

Union Carbide Corp-Linde Division
120 S. Riverside Plaza, 11th Floor
Chicago, IL 60606
Attn: Michael A. Mikovich

United States Environmental
Protection Agency, WH565E
401 M Street, Southwest
Washington, D.C. 20460
Attn: B. W. Vincent

United States Environmental
Protection Agency
230 South Dearborn Street
Chicago, IL 60604
Attn: Lillian Bagus, 5HS-JOK-13

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1903 Hendon Avenue
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Attn: Professor Robert Munter

University of Minnesota
Department of Physical Plant Operations
319 15th Avenue Southeast, #200
Minneapolis, MN 55455
Attn: Robert Silvagni

University of Minnesota
MNTAP, Boynton Health Service
W-163
Minneapolis, MN 55455
Attn: Donna Peterson

University of Wisconsin-Eau Claire
Division of Allied Health
Eau Claire, WI 54701
Attn: Lon Couillard

Van Hoven Company, Inc.
Box 56
South St. Paul, MN 55075
Attn: E. G. Van Hoven Jr.

Ver-Tech Inc.
13225 Industrial Park Boulevard
Minneapolis, MN 55441
Attn: Chuck Rang

Washington County Community
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2000 Industrial Boulevard
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Attn: Michael Ayers

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Attn: Terry Miller

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3M
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Attn: Gene Johnson

3M
3M Center
270-5N-05
Maplewood, MN 55144
Attn: Loren Pecore

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6800 South County Road 18
Minneapolis, MN 55435
Attn: John Findley

Watkins, Inc.
150 Liberty Street
Winona, MN 55987
Attn: L. M. Ferdinandsen

Mr. Robert Hutchison
Anoka County Health Department
County Courthouse
Anoka, Minnesota 55303

Mr. Brian Hauge
Carver County Courthouse
600 East 4th Street
Chaska, Minnesota 55318

Mr. Ronald Spong/George Kinney
Dakota County Community
Health Services
1600 West Highway 55
Hastings, Minnesota 55033

Mr. Greg Lie
Hennepin County Department
of Public Works
320 Washington Avenue South
Hopkins, Minnesota 55343

Mr. Lee Holden
Ramsey County Division of
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1910 West County Road B, #209
Roseville, Minnesota 55113

Mr. Al Frechette
Scott County Environmental
Health Specialist
428 South Holmes
Shakopee, Minnesota 55379

Mr. Tom Dellenbach
Washington County Community
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2000 Industrial Boulevard
Stillwater, Minnesota 55082

MICA Environmental Committee
Metropolitan Inter-County Assoc.
114 Metro Square, 7th and Robert
St. Paul, MN 55101

Minnesota Association of
Commerce and Industry
480 Cedar St., 300 Hanover Bldg.
St. Paul, MN 55101
Attn: Ann Duff

Westinghouse Electric Corp.
205 Bishops Way
Post Office Box 1000
Elm Grove, WI 53122
Attn: G. W. Hammond

Weyerhaeuser Company
200 Grand Avenue
Rothschild, WI 54474
Attn: William Hall

Winona Van Norman
4730 West Highway 61
P.O. Box 145
Winona, MN 55987
Attn: Walter B. Rotach

Worum Chemical Company
2130 Energy Park Drive
St. Paul, MN 55108
Attn: John Pallansch

Zenk Engineering, Inc.
Post Office Box 689
Albert Lea, MN 56007
Attn: William Trygstad

3M
Post Office Box 33331
Bldg. 21-2W-06
St. Paul, MN 55133
Attn: Georjean Adams

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment
of Hazardous Waste Rules Governing the
Lists of Hazardous Wastes, Minn. Rules
Pt. 7045.0135

CERTIFICATE

I hereby certify that the list of persons, associations and other interested groups who have requested, pursuant to Minn. Stat. §14.14 (Supp. 1985), that their names be placed on file with the Minnesota Pollution Control Agency (Agency) for the purpose of receiving notice of the proposed adoption of rules by the Agency is accurate and complete as of 10:00 a.m., this 20 day of March, 1986.

Elaine A. Zoch

Pollution Control Agency

Proposed Rule Relating to Hazardous Waste Solvent Mixtures

Notice of Intent to Adopt Amendments to Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt without a public hearing amendments to Minn. Rule Part 7045.0135, governing the lists of hazardous wastes.

The proposed amendments, if adopted, will add solvent mixtures to the list of hazardous wastes from nonspecific sources. The amendments are proposed in order to make Minnesota's hazardous waste rules consistent with federal regulations.

The proposed amendments are authorized by Minn. Stat. § 116.07, subd. 4 (1984). The proposed rule amendments are published below. One free copy of the rules is available on request from the Agency. Please contact the person whose name and address appears below.

The Agency has prepared 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 by the Agency to support the proposed amendments. Copies of the Statement of Need and Reasonableness and of the proposed amendments are available and may be obtained by contacting:

Carol Nankivel
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone: (612) 296-7260

Interested persons have until 4:30 p.m. on April 25, 1986, to submit comments on the proposed amendments. The Agency encourages persons to comment. Comments should be submitted to Carol Nankivel at the address stated above and should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the data and views received by the Agency before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed amendments.

Unless the Agency receives twenty-five written requests for a public hearing on the proposed amendments during the comment period, a public hearing will not be held. If twenty-five written requests for a hearing on the proposed amendments are submitted within the comment period, a public hearing will be held in which case the Agency will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (Supp. 1985). Persons wishing to request a hearing should send a written request to Carol Nankivel at the address above. This written request should include the name and address of the person requesting the hearing. Persons asking for a public hearing are also requested to identify the particular provisions they object to, the modifications to the proposed amendments they suggest, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the amendments by the Agency Board, the amendments as proposed, this notice, the Statement of Need and Reasonableness, all written comments received, and the final amendments as adopted will be sent to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final amendments as adopted, should submit a written statement of such request to Carol Nankivel at the address previously stated.

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. First, the MPCA is merely adopting as a state rule a regulation already in effect on the federal level. Second, some solvent mixtures may already be regulated as hazardous wastes in Minnesota as a result of their toxicity. Finally, alternatives for the management of nonhazardous solvents are currently limited and in many cases the only available management option is to treat them as if they were hazardous wastes.

March 7, 1986

Michael Robertson
for Thomas J. Kalitowski
Executive 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.

Rule as Proposed

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~~,~~ ~~and sludges from the recovery of these solvents in degreasing operations~~; 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~~,~~; 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)

Hazardous Waste No.	Hazardous Waste	Hazard Code
Generic:		
F005	The following spent nonhalogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine~~,~~; 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	Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations	(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-tri-chlorophenol.	(H)

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.

Hazardous Waste No.	Hazardous Waste	Hazard Code
Generic:		
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 aliphatic hydrocarbons, 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. to 5. [Unchanged.]

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the 20th day of May, 1986. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the MPCA, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the MPCA, being fully advised in the premises, hereby adopts the following Findings of Fact and Conclusions.

FINDINGS OF FACT

1. The MPCA published its notice of intent to adopt the above-captioned rule amendments, together with the proposed rule amendments, in the State Register on March 24, 1986 (10 S.R. 1975).

2. On March 20, 1986, the MPCA gave the same notice by mail to all persons who have registered their names with the MPCA pursuant to Minn. Stat. § 14.14 (supp. 1985).

3. The notice of the MPCA's intent to amend the rules afforded all interested persons 30 days to submit data and views on the proposed rules. The notice was in all respects in compliance with the requirements of Minn. Stat. § 14.22 (supp. 1985).

4. The MPCA prepared a Statement of Need and Reasonableness and made it available to the public upon the date of mailing of the notice of intent to adopt the rule amendments.

5. The 30 day comment period, as set out in the notice, expired on April 25, 1986.

6. During the comment period, the MPCA received no written comments.

7. The MPCA adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the amendments to the rules. The MPCA hereby incorporates the Statement of Need and Reasonableness into these findings.

CONCLUSIONS

1. The MPCA duly acquired and has jurisdiction over this proceeding.

2. The MPCA published and served due, timely and adequate notice of the intent to adopt amendments to the rules without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

MINNESOTA POLLUTION CONTROL AGENCY

Duane Dahlberg
Chairperson

jm Thomas J. Kalitowski
Executive Director

Dated: May 20, 1986

(3)

CERTIFICATE OF AGENCY'S RESOLUTION ADOPTING RULES

I, Thomas J. Kalitowski, do hereby certify that I am the Executive Director of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 20th day of May, 1986, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified.

> BE IT RESOLVED, that the Minnesota Pollution Control Agency (MPCA) hereby approves and adopts the amendments to the MPCA's hazardous waste rules governing the lists of hazardous wastes with regard to solvent mixtures, Minn. Rules pt. 7045.0135, pursuant to the authority vested in the MPCA by Minn. Stat. § 116.07, subd. 4 (supp. 1985).
>
> BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Director is authorized to make any form changes in the rules that the Revisor of Statutes requires the MPCA to make in order to obtain the revisor's certification as required by Minn. Stat. §14.07, subd. 2 (supp. 1985).
>
> BE IT FURTHER RESOLVED, that the MPCA adopts the Findings of Fact and Conclusions and Order Adopting Rule Amendments and that the Chairperson and Executive Director are hereby authorized to execute the above-mentioned documents on behalf of the MPCA.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of July, 1986.

Thomas Kalitowski

THOMAS J. KALITOWSKI
Executive Director

Subscribed and Sworn to before me this 9th day of July, 1986.

Marianne Gibbons

Notary Public

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The subject of this proceeding is the revision of rules of the Minnesota Pollution Control Agency (hereinafter "Agency") governing the lists of hazardous wastes. This rule is proposed for amendment pursuant to the Agency's authority under Minn. Stat. § 116.07, subd. 4 (1984).

The proposed amendments to the Agency's rules add mixtures of solvents to the list of hazardous wastes from nonspecific sources.

This Statement of Need and Reasonableness is divided into several parts. Part II contains the Agency's explanation of the need for the proposed amendments. Part III contains the Agency's explanation of the reasonableness of the proposed amendments. Pursuant to the requirements of Minn. Stat. § 14.115 (1984), Part IV documents how the Agency has considered the methods of reducing the impact of the proposed amendments on small businesses. Part VI contains a reference to the exhibits relied on by the Agency to support the proposed amendments. The exhibits are available for review at the Agency's office at 1935 West County Road B-2, Roseville, Minnesota 55113.

II. NEED FOR THE PROPOSED AMENDMENTS TO THE HAZARDOUS WASTE RULES

Minn. Stat. ch. 14 (1984) requires an agency to make an affirmative presentation of facts establishing the need for and reasonableness of the rules or amendments proposed. In general terms this means that an agency must set forth the reasons for its proposal and the reasons must not be arbitrary or

capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention and reasonableness means that the solution proposed by the Agency is appropriate.

Need is a broad test that does not easily lend itself to an evaluation of each proposed revision. In this broad sense the need for amendments to the Agency's rules has two bases: the need for consistency with the federal hazardous waste regulations and the need to extend regulation to wastes that present a hazard to human health and the environment.

A. Need for Consistency with Federal Regulations.

In 1976, Congress adopted the Resource Conservation and Recovery Act (hereinafter "RCRA") to regulate the management of hazardous waste 42 U.S.C. §§ 6901 et seq. In adopting RCRA, Congress provided for eventual state control of the hazardous waste program and set up the mechanism for the United States Environmental Protection Agency (hereinafter "EPA") to grant authority to states to operate the program. In states that receive authorization, the state program operates in lieu of the federal program. To receive and maintain authorization, the state must have a program which is "equivalent" to the federal program and consistent with federal or state programs applicable in other states. EPA has defined "equivalent" to mean that the state requirements are at least as stringent as federal requirements. In terms of consistency, EPA's goal is to achieve an integrated national program which requires that final state programs do not conflict with each other or with the federal program.

Minnesota received final authorization for its hazardous waste program from EPA effective February 11, 1985. See 50 Fed. Reg. 3756 (January 28, 1985). A state with final authorization administers its hazardous waste program entirely in lieu of the EPA. When new more stringent federal requirements are promulgated by EPA, the state is required, within specified time frames, to enact equivalent requirements. Under 40 C.F.R. § 271.21, an authorized state is required to enact equivalent provisions within one year of the date of promulgation of the federal requirement, unless a statutory amendment is required, in which case the time limit is two years. However, until they are adopted as state requirements, the federal requirements promulgated under RCRA do not take effect in an authorized state.

Congress enacted the Hazardous and Solid Waste Amendments of 1984 (hereinafter "HSWA") when they reauthorized RCRA. Under HSWA, EPA is directed to promulgate new hazardous waste regulations and amendments within specified time frames to address specific areas of concern. In order to address these concerns in a timely manner, Congress has directed EPA to require regulations and amendments promulgated under HSWA to become effective nationwide on the specified effective date without regard for any state's authorization status. Therefore, regulations and amendments promulgated under HSWA become effective in Minnesota prior to any amendment of state rules. However, under 40 C.F.R. § 271.21, authorized states are required, within specified time frames, to enact requirements equivalent to those self-implementing provisions promulgated under HSWA.

The amendments proposed here are in response to amendments to the federal

regulations which cause the federal regulations to be more stringent than the current State rules. The federal amendments were promulgated under HSWA.

EPA has adopted amendments to 40 C.F.R. § 261.31 to add solvent mixtures to the list of hazardous wastes from nonspecific sources. 50 Fed Reg 53315 (December 31, 1985) (Exhibit 1). These amendments make EPA's regulations listing hazardous wastes more extensive and are therefore more stringent than the Agency's existing rules. These amendments should be incorporated into the State rules to ensure correctness and consistency. The proposed amendments to Minn. Rules pt. 7045.0135 will provide for the incorporation of the additional hazardous wastes to the lists of hazardous wastes in the State rules.

These amendments are needed in order to maintain equivalency and promote consistency between federal and Agency rules regarding the listing of hazardous wastes.

B. Need to Extend Regulation to Wastes that Present a Hazard to Human Health and the Environment.

Spent solvents are currently listed as hazardous wastes because of their toxic or ignitable properties. By listing these wastes the Agency has made the determination that they present a hazard to human health and the environment. It has become apparent, at both the State and federal level, that the lists did not clearly address a major category of waste solvents which presented the same level of hazard. The current rules may be interpreted so that the lists of hazardous wastes only regulate the pure form of the listed wastes. In the case of the listed solvents, mixtures of listed solvents could then be considered unregulated even though the mixture presented the same hazards as the listed

solvents. The amendments are needed in order to clearly extend regulation to a category of hazardous wastes that presents a significant hazard.

III. REASONABLENESS OF THE PROPOSED AMENDMENTS TO THE HAZARDOUS WASTE RULES.

The Agency is required by Minn. Stat. ch. 14 (1984) to make an affirmative presentation of facts establishing the reasonableness of the rules or amendments proposed. Reasonableness is the opposite of arbitrariness and capriciousness. It means that there is a rational basis for the Agency's action.

The reasonableness of the proposed amendments is discussed below:

Minn. Rules Pt. 7045.0135. The Agency is proposing to amend Minn. Rules pt. 7045.0135, subp. 2 to add mixtures of solvents to the list of hazardous wastes from nonspecific sources. The solvent mixtures being added are those that contain ten percent or more by volume of the various halogenated and nonhalogenated solvents currently listed. Also included are still bottoms from the recovery of these solvent mixtures.

Currently, Minn. Rules pt. 7045.0135, subp. 2 lists individual solvents under hazardous waste numbers F001, F002, F003, F004 and F005. The EPA and the Agency have identified a concern that these listings limit the universe of spent solvents considered hazardous waste to only single ingredient solvents of technical grade or pure form. It is reasonable to clarify the listings of solvents to reflect the intent of the Agency. Solvents that are mixtures or not in the pure form may still retain the toxic or ignitable characteristics that caused the Agency to list the pure form of the solvent. Many industries use commercial solvent mixtures for degreasing operations. In many cases solvents are deliberately mixed to achieve improved performance or special

characteristics. However, there is a concern that these mixtures of solvents are not clearly covered by the hazardous waste regulations which, to this point, were perceived as only regulating pure solvents. Because solvent mixtures that retain the properties of pure solvents clearly present similar risks to human health and the environment, it is reasonable to extend full regulation to these mixtures when they become wastes.

The amendments will extend regulations to mixtures of solvents containing ten percent or more, by volume, of any of the listed solvents. This ten percent threshold is not based on clearly defined health criteria but is based on typical solvent use patterns. The EPA has found that specific health based thresholds have not been established for all solvents and solvent mixtures. The ten percent limit represents a level which will bring the majority of solvent mixtures used in commerce into regulation. Ten percent represents a level well below the minimum concentration needed to maintain practical application as a solvent and retain desirable solvent characteristics (50 Fed Reg 5317).

The lists of hazardous wastes in the State rules were exactly the same as the lists in the federal regulations. It has been determined that it is reasonable for the State rules to parallel the federal regulations regarding the universe of wastes regulated as hazardous. Because EPA has amended the federal lists of hazardous wastes to include solvent mixtures, it is reasonable to make the same changes to the State rules to maintain consistency. These amendments promulgated under HSWA, cause solvent mixtures to be regulated as hazardous wastes in all states on January 30, 1986, even if the State hazardous waste rules have not been amended to add these wastes. It is reasonable to

incorporate this federal provision into the State rules to avoid confusion to the regulated community and to facilitate the Agency's application to EPA for authorization to conduct the hazardous waste program in lieu of the EPA.

IV. CONSIDERATION OF SMALL BUSINESS

Minn. Stat. § 14.115 (1984) requires Minnesota agencies, when proposing amendments to existing rules which may affect small businesses, to consider reducing the impact of the rule on small businesses. The objective of Minn. Stat. ch. 116 (1984) is to protect the public health and welfare and the environment from the adverse effects which will result when hazardous waste is mismanaged. Considerations which would apply less stringent requirements to the hazardous waste generated by small businesses would be contrary to the MPCA's mandate.

The proposed amendments will have minimal impact on small businesses. Minnesota's rules differ from the federal regulation in that they provide for the management of wastes which exhibit toxic characteristics but which are not listed. Solvent mixtures, though previously unlisted, may be regulated in Minnesota as a hazardous waste as a result of their toxicity. Therefore, it is likely that small businesses generating solvent mixtures will not be brought into regulation for the first time as a result of these amendments. Additionally, alternatives are limited for the management of nonhazardous solvents and in many cases the only available management option is the same as that for solvents which are hazardous wastes. In these cases, the proposed amendments will not affect the current management practices of small businesses.

V. CONCLUSION

The Agency has, in this document and its exhibits, made its presentation of facts establishing the need for and reasonableness of the proposed amendment to Minnesota's hazardous waste rules. This document constitutes the Agency's Statement of Need and Reasonableness for the proposed amendment to the hazardous waste rules.

VI. LIST OF EXHIBITS

The Agency is relying on the following documents to support these amendments:

MPCA Ex. No.	Title
1	Federal Register, Volume 50, Number 251, pages 53315-53320, December 31, 1985.
2	Federal Register, Volume 50, Number 83, pages 18378-18381, April 30, 1985

Dated: February 11, 1986

Thomas J. Kalitowski
Executive Director

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Amendment of Hazardous Waste Rules
Governing the Lists of Hazardous
Wastes, Minn. Rules Pt. 7045.0135

STATEMENT OF COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General Lisa R. Tiegel, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act and the rules of the Attorney General have been followed.

LISA R. TIEGEL
Special Assistant
Attorney General

Dated: 9 July 1986

(14)

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

AFFIDAVIT REGARDING REQUESTS FOR NOTIFICATION AS TO SUBMISSION OF RULES TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol Nankivel, being duly sworn on oath deposes and says:

1. That she is the person named in the Notice of Intent to Adopt Rules Without a Public Hearing (10 S.R. 1975, March 24, 1986) as the person to receive comments on the Agency's intent to adopt rules concerning the above-entitled subject.

2. That the comment period set forth in the notice terminated at 4:30 p.m. on April 25, 1986.

3. That during the public comment period no person requested that they be notified as to the submission of the rule amendments to the Attorney General.

FURTHER AFFIANT SAYETH NOT.

Carol R Nankivel

Subscribed and sworn to before me
this 7th day of July, 1986.

Maryanne Gibbons
Notary Public

MARYANNE GIBBONS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 9-24-91

(9)

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol Nankivel, being duly sworn on oath deposes and says:

1. That she is the person named in the Notice of Intent to Adopt Rules Without a Public Hearing (10 S.R. 1975, March 24, 1986) as the person to receive comments on the Agency's intent to adopt rules concerning the above-entitled subject.

2. That the comment period set forth in the notice terminated at 4:30 p.m. on April 25, 1986.

3. That during the public comment period no comments were received by the Agency.

FURTHER AFFIANT SAYETH NOT.

Carol R Nankivel

Subscribed and sworn to before me
this 9th day of July, 1986.

Maryanne Gibbons
Notary Public

MARYANNE GIBBONS
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 9-24-91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

9 July 1986

Mr. Mike Miles
Assistant Attorney General
Office of the Attorney General
Administration Building
St. Paul, MN 55155

Re: In the Matter of the Proposed Rules Amendment of Hazardous Waste Rules Governing the Lists of Hazardous Wastes, Minn. Rules Pt. 7045.0135

Dear Mr. Miles:

On May 20, 1986, the Minnesota Pollution Control Agency (MPCA) adopted the above-captioned amendments governing the lists of hazardous wastes, Minn. Rules Pt. 7045.0135.

In accordance with provisions of Minn. Stat. §14.26 (Supp. 1985), the MPCA hereby submits for Attorney General review the following:

1. Rules as adopted (original and three copies).

2. Order Adopting Rules (two copies).

3. Certificate of Agency's Resolution Adopting Rules.

4. Notice of Intent to Solicit Outside Opinion (10 S.R. 1617, February 3, 1986).

5. A Copy of the one written comment received pursuant to notice of intent to solicit outside opinion.

6. Order for Notice of Intent to Adopt Rules Without a Public Hearing.

7. Certificate of Agency's Authorizing Resolution.

8. Notice of Intent to Adopt Rules Without A Public Hearing and rules as proposed (10 S.R. 1975, March 24, 1986).

9. Affidavit Regarding Comments Received Pursuant to Notice of Intent to Adopt Rules Without a Public Hearing.

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10. Notice of Intent to Adopt Rules Without a Public Hearing, as mailed.

11. Affidavit of Mailing, mailing list, and Certificate concerning mailing list.

12. Rules as proposed.

13. Findings of Fact and Conclusions.

14. Statement of Need and Reasonableness.

15. Statement of Compliance with Rulemaking Procedures.

16. Affidavit Regarding Requests for Notification as to Submission of Rules to the Attorney General.

Very truly yours,

LISA R. TIEGEL
Special Assistant
Attorney General

LRT:lt
Enc.

cc: Carol Nankivel, MPCA