

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: February 25, 1991

TO: CINDY PERUSSE
Minnesota Pollution Control Agency
Hazardous Waste Division

FROM: CHARLENE HATCHER CH
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Household Hazardous Waste

The above-referenced rule has been approved as to its legality by the Attorney General on February 19, 1991.

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

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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.

CH:sc
Enclosures
cc: Al Mitchell
William Brown, Chief Judge
MaryAnn Hruby

CH

RULE REVIEW CHECKLIST

File No. 1794
DATE RECEIVED 2-5-91
REVIEW DATE 2-14-91
DUE DATE 2-19-91
(DIS)APPROVED 2-19-91
WITHDRAWN _____

Docket No. 050009 0697
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 2-8-91
REVISOR (DIS)APPROVED 2-12-91
FILED W/SEC. OF STATE 2-22-91
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
January 2, 1990 Date published in State Register
_____ Comments

✓ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
September 25, 1990 Date adopted

✓ Proposed Rule no proposed rule
✓ Revisor's Certificate sent 2-7-91

✓ Notice of Intent to Adopt Rule
116.07 subd 4 Statutory Authority MN Laws, 1989 First Session Chapter 1, article 20 section 19, subd 4.1
_____ Small Business Statement
_____ Expenditure of public money statement
10-8-90 Signature

✓ Statement of Need and Reasonableness (if applicable)
O N/A ✓ Small Business Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
October 16, 1990 Dated (30)/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
October 22, 1990 Date (30)/25 days before adoption

✓ 180-day deadline from:
✓ not mandatory Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
January 23, 1991 Date adopted

_____ Findings of Fact, Conclusions & Order Adopting
✓ 1-22-91 Date see my notes

_____ ~~Written Requests, Submissions or Comments~~

_____ Declaration of Attorney
Alan Mitchell Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing

Pollution Control Agency

Adopted Permanent Rules Relating to Household Hazardous Waste

Rules as Adopted

7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final application and supporting materials for any solid waste management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

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

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts 7035.2525 to 7035.2875;

R. a household hazardous waste management plan according to part 7035.2535, subpart 6; and

S. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

7035.0300 DEFINITIONS.

[For text of subps 1 to 43, see M.R.]

Subp. 43a. **Household hazardous waste.** "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

[For text of subps 44 to 96, see M.R.]

Subp. 96a. **Segregated household hazardous waste.**

Approved by Revisor

"Segregated household hazardous waste" means household hazardous waste that is separated from other solid waste or arrives at a solid waste management facility separated from other solid waste.

[For text of subps 97 to 121, see M.R.]

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

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

Subp. 6. **Household hazardous waste management.** A solid waste management facility operator, not including a transfer facility operator, must develop a plan by June 30, 1992, addressing household hazardous wastes and must include in the plan an explanation of how it will comply with the requirements of items A to C.

A. The facility operator must provide a summary of the approved county plan for household hazardous waste education programs and management and a discussion of how the operator will participate in county activities and coordinate with that plan.

B. The facility operator shall participate with the operator's county in education programs or projects which will promote the identification and reduction of household hazardous waste use in the home and which will promote the proper handling and disposal of this waste. Such projects undertaken by the facility operator must be coordinated with county projects whenever possible and literature or other public information must be consistent with the county's household hazardous waste public education programs. In addition to activities conducted in conjunction with the county's program, facility activities may must include:

(1) providing public information on dates and times of household hazardous waste collections in the facility's service area;

(2) providing public information to help identify household hazardous waste; or and

(3) providing public information on ways to reduce household hazardous waste generation.

Approved by Revisor _____

The information in subitems (1) to (3) must be made available at the facility for public use, for the county, and for other entities that are associated with solid waste management in the facility's service area.

C. Household hazardous waste that is segregated from other solid waste and managed at the facility must be managed according to part 7045.0310 or applicable hazardous waste generator standards.

7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

[For text of subps 1 to 6, see M.R.]

Subp. 7. Treatment. Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

A. An operator intending to perform any treatment not specified in item B must submit a request for approval to the commissioner. The commissioner shall approve the request if the commissioner determines that the requirements of item C have been satisfied and that all other management practices at the collection site are adequate to protect human health and the environment.

B. Treatment methods which do not require approval of the commissioner are bulking of:

(1) paints;

(2) solvents;

(3) motor oil; and

(4) antifreeze.

When While bulking is being done, the personnel training and safety procedures required in subpart 4 must specifically address how this activity will be conducted.

C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities before any of those activities are begun. In addition to the information required in subpart 2, the

Approved by Revisor _____

notification must provide the following information:

(1) the name of the person appointed to direct and oversee the treatment process;

(2) a statement that individuals conducting treatment must have performed the specific treatment procedure at least once prior to performing that treatment procedure at a household hazardous waste collection site; and

(3) a detailed description of the treatment activity and an explanation of how human health and the environment will be protected; and

(4) evidence of liability insurance.

APPROVED AS TO LEGALITY
February 19, 1991
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 22 1991
Joan Anderson Growe
Secretary of State
4:05 pm

Approved
by Revisor _____

Stat Authority 116.07 subd 4
Pursuant and subject to the provisions of chapter 14 and the provisions thereof, the pollution control agency may adopt, amend and rescind rules

Laws 1989 First Special Session, Chapter 1, Article 20, Section 19 subd 4.5

end of comment period in Notice of Intent
November 26, 1990

Findings of Fact - no statement that the rule is needed and reasonable ~~disregard~~ in other part. have met the requirement

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

Ms. Patty Nolte
Legal Assistant
Office of the Attorney General
525 Park Street, Suite 500
St. Paul, Minnesota 55103

Dear Ms. Nolte:

Re: In the Matter of the Proposed Amendments of Minn. Rules Chs. 7001 and 7035 Governing Household Hazardous Waste Management Plans and Minn. Rules Ch. 7045 Governing Treatment Methods For Collected Household Hazardous Waste.

On January 22, 1991, the Minnesota Pollution Control Agency adopted the above-captioned rule amendments governing the household hazardous waste management plans and treatment methods for collected household hazardous waste. Enclosed for your review are the following:

1. Notice of Intent to Solicit Outside Opinion (14 S.R. 1721, January 2, 1990).

2. Certificate of Resolution Authorizing Rules (September 25, 1990).

3. Notice of Intent to Adopt Rule Amendments Without a Public Hearing, as mailed.

4. Statement of Need and Reasonableness.

5. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List.

6. Notice of Intent to Adopt Rule Amendments Without a Public Hearing and rule amendments as proposed (15 S.R., 951-953, October 22, 1990).

7. Affidavit that no comments were received from the public (January 24, 1990).

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

9. Certificate of Resolution Adopting Rules (January 23, 1991).

10. Findings of Fact, Conclusions, and Order Adopting Rules (two copies).

11. Affidavit stating that no requests were received for notification of submission of rules to the Attorney General (January 23, 1990).

12. Declaration of Counsel.

A copy of the Statement of Need and Reasonableness was sent to the Legislative Commission to Review Administrative Rules on October 11, 1990. A copy of the letter confirming this is also enclosed.

Sincerely,

Cindy Perusse

Cindy Perusse
Rules Unit
Program Development Section
Hazardous Waste Division

CP:jap

Enclosures

cc: Alan Mitchell, Attorney General's Office

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

October 11, 1990

Ms. Maryann Hruby, Director
Legislative Commission to Review
Administrative Rules
55 State Office Building
St. Paul, Minnesota 55155

Dear Ms. Hruby:

As required by 1990 amendments to the Administrative Procedures Act, we are forwarding copies of our Statement of Need and Reasonableness (SONAR) for five separate proposed rule and rule amendment packages. These SONARs support rulemakings which govern the following:

- Toxicity Characteristics Testing Procedures
- Household Hazardous Waste Management Plans
- Lead Abatement in Soils
- Minimum Technology (Double Liners) for Hazardous Waste Facilities
- Management of Household Batteries

If you have any questions please contact me at 612/643-3498.

Sincerely,

Randall G. Hukriede
for
Carol Nankivel, Supervisor
Rules Unit
Program Development Section
Hazardous Waste Division

CN/JAE:jao

Enclosures

RECEIVED
JAN 2 ? 1991
ATTORNEY GENERAL'S OFFICE
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

Board of Pharmacy

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Pharmacy Practice

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is seeking information or opinions from sources outside the agency in preparing to propose the adoption or amendment of rules governing licensure of pharmacies, patient counseling, practice standards for specialty areas, inactive status licensure, unprofessional conduct, use of FAX machines, prescription refills, use of computers, controlled substances, pharmacist preceptors and dispensing by practitioners. The adoption of these rules is authorized by *Minnesota Statutes*, section 151.06, subdivision 1c, which permits the agency to adopt rules to regulate the practice of pharmacy.

The Board of Pharmacy requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

David E. Holmstrom, Executive Director
Minnesota Board of Pharmacy
2700 University Ave. W. #107
St. Paul, MN 55114

Oral statements will be received during regular business hours over the telephone at (612) 642-0541 and in person at the above address.

All statements of information and opinions shall be accepted until March 1, 1990. Any written material received by the Board of Pharmacy shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that the rule is adopted.

Dated: 22 December 1989

David E. Holmstrom
Executive Director

Minnesota Pollution Control Agency

Division of Hazardous Waste

Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing the Management of Household Hazardous Waste and the Submittal of Management Plans for Separation of Household Hazardous Waste From Solid Waste Prior to Disposal or Processing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose rules governing the management of household hazardous waste and the submittal of management plans for separation of household waste from solid waste prior to disposal or processing. Specifically, the rules being developed will include: (1) management requirements for household hazardous waste that is collected as a result of a household hazardous waste management program; and (2) requirements for owners and operators of solid waste disposal facilities or resource recovery facilities to submit management plans for separation of household hazardous waste from solid waste prior to disposal or processing. The development of the rules is authorized by *Minnesota Statutes* §§ 116.07, subd. 4 (1988) and 116.07, subd. 4 (*Minnesota Laws, 1989 First Special Session*, Chapter 1, Article 20, Section 19).

The MPCA requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements should be directed to:

Patrick Carey
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: 612/643-3478

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until February 2, 1990. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet
Commissioner

CERTIFICATION OF AGENCY'S AUTHORIZING RESOLUTION

I, Gerald L. Willet, do hereby certify that I am the Commissioner 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 25th day of September, 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 Commissioner of the Minnesota Pollution Control Agency is hereby granted the authority to sign and to give notice of the Minnesota Pollution Control Agency's intent to adopt, without a public hearing, the attached rules regarding the development of household hazardous waste management plans and the approval of household hazardous waste treatment methods, to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and publish the notice and the rules in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Minnesota Pollution Control Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1988).

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Commissioner is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rule amendments as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for the Notice of Hearing, as well as acting as the Minnesota Pollution Control Agency's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25 day of September 1990.

Gerald L. Willet

GERALD L. WILLET
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Household Hazardous Waste Management Plans, Minn. Rules Chs. 7001 and 7035 and Proposed Rules Governing Treatment Methods For Collected Household Hazardous Waste, Minn. Rules Ch. 7045

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) 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 (1988). The MPCA's authority to adopt the rules is set forth in Minn. Stat. § 116.07, subd. 4 and in Minn. Laws, 1989 First Special Session, Chapter 1, Article 20, Section 19, subd. 4.k.

(2) All persons have until 4:30 p.m. on November 26, 1990 to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) 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 proposed rules within the comment period. (4) If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing.

(6) Any person requesting a public hearing must 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. (7) If a public hearing is required, the MPCA will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1988).

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

Cindy Perusse
Minnesota Pollution Control Agency
Hazardous Waste Division
520 Lafayette Road North
St. Paul, Minnesota 55155
612/643-3475

(11) 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.

(11) The proposed rules, if adopted, will govern household hazardous waste management plans for solid waste disposal facilities and treatment procedures for collected household hazardous waste. One free copy of the rules is available upon request from Cindy Perusse at the address and telephone number stated above.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments has been prepared and is available from Cindy Perusse upon request.

(14) You are hereby advised, pursuant to Minn. Stat. § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may have a negative impact on small businesses. The businesses impacted will be solid waste management facilities. As a result of the proposed rules facility operators will have to purchase educational materials and train staff in some aspects of household hazardous waste management.

Facility operators are not required to separate household hazardous waste from the other solid waste. However, if household hazardous waste is separated or arrives separately at a solid waste management facility, the facility operator will have to pay for the cost of disposal of the household hazardous waste.

(9) If no hearing is required, upon adoption of the rules, the rules and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent 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 rules, must submit the written request to Cindy Perusse at the above address.

Dated: 10-8-90

Barbara Lindsay Sims
for Gerald L. Willet
Commissioner

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the
Proposed Rule Amendments
Governing Household Hazardous
Waste Management Plans Submitted
by Solid Waste Management Facilities,
Minn. Rules Parts 7001.3300, 7035.0300,
and 7035.2535 and Proposed Rule
Amendments Governing Treatment Methods
for Collected Household Hazardous Waste,
Minn. Rules Part 7045.0310.

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this proceeding is the amendment of the rules of the Minnesota Pollution Control Agency (hereinafter "Agency") governing the management, treatment, storage, and disposal of hazardous and solid waste. Specifically, the amendments the Agency is proposing pertain to the following:

A. Requirements for household hazardous waste management plans that are to be submitted by the operators of solid waste management facilities.

B. Requirements regarding treatment of household hazardous waste at household hazardous waste collection sites.

In 1989 the Select Committee on Recycling and the Environment (SCORE) proposed legislation to require the operators of solid waste and resource recovery facilities to develop plans for the management of household hazardous waste. The resulting legislation required that there be three main components addressed in the plans: public education, a reduction strategy, and storage and disposal.

The goals of this legislation are to reduce solid waste in general and to prevent to the extent possible, household hazardous wastes from being disposed in landfills or incinerators where they have the potential to cause environmental damage. The Agency is proposing rules to address this goal, as mandated by the legislation.

The second amendment addressed in this rulemaking pertains to treatment methods for collected household hazardous waste. Treating household hazardous waste at the collection site can help to reduce the cost of operating a collection program. Cost is a valid reason for considering less stringent regulation of a process or operation. However, some types of treatment are more complex and have more hazards associated with them and therefore warrant more stringent regulation. The Agency is proposing amendments to address this issue and provide an acceptable standard of waste management.

This Statement of Need and Reasonableness is divided into eight parts. Following this introduction, Part II explains the Agency's statutory authority. Part III contains the Agency's explanation of the need for the proposed amendments. Part IV discusses the reasonableness of the proposed amendments. Part V documents how the Agency has considered the methods of reducing the impact of the proposed amendments on small businesses as required by Minn. Stat. § 14.115 (1988). Part VI discusses the economic factors the Agency considered in drafting the amendments as required by Minn. Stat. § 116.07, subd. 6 (1988). Part VII sets forth the Agency's conclusion regarding the amendments. Part VIII contains a list of exhibits relied on by the Agency to support the proposed amendments. The exhibits are available for review at the Agency's offices at 520 Lafayette Road North, St. Paul, Minnesota 55155.

II. STATUTORY AUTHORITY

The proposed amendments will provide requirements for household hazardous waste management plans submitted by the operators of solid waste disposal facilities and resource recovery facilities and will govern the treatment methods allowed at household hazardous waste collections. The Agency is given authority for these rulemakings under the Waste Reduction and Recycling Act, Article 20, Sec. 19, subd. 4.k. and Minn. Stat. § 116.07, subd. 4, respectively.

III. NEED FOR THE PROPOSED AMENDMENTS

Minn. Stat. ch. 14 (1988) 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 an agency is appropriate. Need is a broad test that does not lend itself to evaluation of each proposed revision. The need for the proposed amendments is discussed below.

The 1989 SCORE legislation amended Minn. Stat. § 116.07 (see Exhibit 1). The legislation says, "the agency shall adopt rules to require the owner or operator of a solid waste disposal facility or resource recovery facility to submit a management plan for the separation of household hazardous waste from solid waste prior to disposal or processing and for the proper disposal of the waste." Agency in this context means the Minnesota Pollution Control Agency. The directive of the statute establishes the need for the amendments relating to household hazardous waste management plans.

During a previous rulemaking to establish regulations governing household hazardous waste collection programs (Minn. Rules pt. 7045.0310), the issue of treatment procedures for household hazardous waste was discussed. There was debate between the Agency staff and the regulated community as to what types of treatment should be allowed to be done on-site at the household hazardous waste collection site. This issue remained unresolved at the time of the initial rulemaking. At that time Agency staff decided that further study of treatment procedures and practices was needed in order to adequately address the issue and that the issue of waste treatment would be addressed in a future rulemaking.

The Agency feels that the proposed amendments addressing household hazardous waste management plans are needed in order to fulfill the statutory requirement. The amendments addressing acceptable treatment methods at household hazardous waste collection sites are necessary to resolve an outstanding issue from a previous rulemaking.

IV. REASONABLENESS OF THE PROPOSED AMENDMENTS

The Agency is required by Minn. Stat. ch. 14 (1988) to make an affirmative presentation of facts establishing the reasonableness of the proposed rules or amendments. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Agency's proposed action. The reasonableness of the proposed amendments is discussed below.

A. General Reasonableness of the Proposed Amendments

The SCORE legislation requires that the Agency adopt rules governing household hazardous waste management plans submitted by solid waste disposal facilities and resource recovery facilities. The statute requires three main components to be addressed in the plan. The Agency, in developing the rules, used those three components as guidelines. Because solid waste management facilities are not operated exactly the same, the Agency intends that the proposed rules be broad enough to allow a reasonable level of flexibility among plans. Also, since each county is required to have a household hazardous waste management plan, the Agency feels it is reasonable to require that each facility plan be consistent with the county plan. Thus, the same information would be provided to the public and compatible measures taken to achieve the goal of proper management of household hazardous waste.

Because solid waste disposal facilities are regulated by these rules, the Agency believes it is appropriate to locate them in the solid waste chapter pertaining to permit application requirements.

Household hazardous waste collection programs are expensive to operate. A major expense comes from sending the collected wastes off site to be treated. One way of reducing the cost of the operation can be through on-site treatment of wastes by collection program staff. On-site treatment may reduce the volume of waste or actually eliminate its hazardous characteristics and must be addressed as a reasonable means of reducing the cost of operating a household hazardous waste collection program. The proposed amendments are reasonable because they allow the option of treatment of household hazardous waste on site and establish appropriate regulation so as to ensure that it can be done in a manner to protect human health and the environment.

B. Minn. Rules pt. 7035.0300 - Definitions

There are four terms defined in the proposed rules. The term "household hazardous waste" has been defined previously in the Waste Management Act (Minn. Stat. § 115A.96, subd. 1.b.) and the same definition is used in this proposed rule. It is reasonable to use the same definition to maintain consistency with the Waste Management Act and the proposed rules.

The term "solid waste management facility" has been defined in the solid waste rules (Minn. Rules pt. 7035.0300, subp. 103). Although the statute refers to "solid waste disposal facilities" and "resource recovery facilities" the proposed amendments instead rely on the definition of solid waste management facility. Solid waste disposal facility and resource recovery facility are not defined in any of the current Minnesota rules. Because solid waste management facility is rather broadly defined, the Agency believes it is appropriate to modify it in these rules to incorporate both types of facilities. The Agency feels that this is a more appropriate term to use. The Agency has changed the definition so that for purposes of this proposed rule, facilities which are included in the definition of "solid waste management facility" are: landfills,

incinerators, compost, and refuse derived fuel facilities operated for the management, treatment, storage and disposal of hazardous waste. All of these types of facilities manage solid waste in some manner and are within the intent of the legislation. Both "household hazardous waste" and "solid waste management facility," although defined elsewhere, are reasonably repeated in the proposed rule for clarity of understanding.

The term "facility" simply refers to solid waste management facility and is reasonably used in this proposed rule for brevity.

The term "segregated household hazardous waste" has been defined to mean household hazardous waste that is separated or arrives at the facility separate from the solid waste. Some facilities will separate certain types of wastes that will not go through the processing machines or that should not be in the solid waste, such as carpets or large metal parts, car batteries, and oil. They will in some cases also separate household hazardous waste. Also, haulers and individuals sometimes bring in special types of wastes that are separate from the solid waste. The separated wastes may include household hazardous wastes.

The proposed amendments do not require facility operators to separate the household hazardous waste from the solid waste. The proposed amendments only require that there be an effort made to identify and prevent household hazardous waste from entering the facility. This may be achieved through education as a reduction strategy, and in the event that household hazardous waste is identified at the facility and segregated, through managing it according to the requirements of Minn. Rules pt. 7035.2535, subp. 4.

It is reasonable to define these terms so that there can be a common understanding of the subject of these rules.

C. Minn. Rules pt. 7035.2535 - General Solid Waste Management Facility Requirements

Subpart 6 establishes an entirely new rule to address household hazardous waste management. This subpart establishes the applicability of the requirements and reiterates the directive of the statute, which is that facility operators are to submit a household hazardous waste management plan. However, the statute is not clear whether these plans are to be submitted at the time of permit renewal or by June 30, 1992. Solid waste facility permits are renewed every five years. Since facilities have varying time remaining before their permit renewal date, the Agency believes that all facility operators should be required to submit these plans on a set date in order to give all facility operators an equal amount of time to prepare their plan. That date will be June 30, 1992. After that date, the statute prohibits the Agency from issuing permits which do not address the requirements of these proposed rules.

The proposed requirements for the household hazardous waste management plan have four elements, each of which is discussed below.

Item 1. Consistency with County Plans. A separate amendment in the SCORE legislation (Article 20, Sec. 16, subd. 6) requires all counties to develop a household hazardous management plan and to include that plan in each county's solid waste master plan. The counties are to submit these plans to the Office of Waste Management.

Since the SCORE legislation pertaining to county and facility household hazardous waste management plans have similar requirements, it is reasonable that rules governing these programs ensure that both the county and facility plans are similar. Each county is responsible for managing the solid waste produced in the county. For this reason the county plan is the model that should be followed by all facilities within the county. Consistency of these

plans is necessary and reasonable to ensure that conflicting information is not being given out to the public regarding household hazardous waste. In many cases, the only facilities within the county will be owned and operated by the county and there is a reasonable assurance that their activities will be coordinated with the county plan. However, many facilities will be privately owned and the rules must ensure that coordination will take place.

Item 2. Public Education. The requirement for a "reduction strategy" is intended to promote an effort on the part of facility operators and the county to take as many steps as possible to prevent household hazardous wastes from entering the facility. Because public education is the primary means of reducing household hazardous waste that enters the solid waste stream and consequently solid waste disposal facilities, a public education program constitutes a reduction strategy.

Raising public awareness as to which household products are hazardous is the main tool in preventing improper disposal of this waste. If people realize the potential environmental damage household hazardous waste can cause, and if people are provided with services for proper disposal of this waste, then the likelihood of household hazardous waste disposal in the solid waste stream is reduced. It is reasonable to provide education to facilitate the removal of household hazardous waste and prevent subsequent environmental damage. Also, it is reasonable to coordinate this educational phase with existing or planned county activities to eliminate conflict or duplicative requests.

The Agency believes there are two ways to meet the requirements of the education element of the household hazardous waste management plan. Facilities can either develop their own educational materials and implement the distribution of these materials with the concurrence of the county, or facilities can contribute funds toward the county's household hazardous waste

program. Since the county must have a plan for managing household hazardous waste and since facility household hazardous waste plans need to be consistent with the county's plan, it would be duplicating efforts to require two educational plans. As long as facility operators participate in public education regarding household hazardous waste either through contributions to the county plan or through coordinated but separate efforts, the Agency believes this meets the educational component of the household hazardous waste management plan.

There are certain pieces of information regarding household hazardous waste that the Agency feels are particularly important to include in information given out to the public.

Subitem (a) requires that information regarding the dates and times of household hazardous waste collections must be provided. In order to be able to dispose of household hazardous waste properly, people need to know where and when to bring their household hazardous wastes for collection. This information may be in any form that will convey the necessary information, for example, brochures, posters, signs or other types of public announcements.

Subitem (b) requires that information be provided to give examples of the types of household hazardous wastes that can found in the home. In developing the amendments, MPCA staff went on tours of various resource recovery facilities. In speaking with the employees of these facilities, it became clear that many of them did not know what types of materials constituted household hazardous wastes. The same situation holds for the general public. People need to know what to look for before they can deal with it correctly.

Subitem (c) requires that the information give examples of ways to reduce household hazardous waste generation. Recycling, using non-toxic substitutes, or giving away unused portions are some of the methods that will help to reduce the disposal of household hazardous wastes.

Subitem (d) requires that the information mentioned above be made available to the general public and others associated with solid waste management. Public education will only be effective if it is made available and used by those people who could have an effect on the problem.

Based on the explanations of subitem 2, and subitems (a) to (d) stated above, and the statutory requirements, the Agency believes that these requirements are reasonable and will provide an acceptable level of environmental protection.

Item 3. Storage and Disposal of Segregated Household Hazardous Waste. This subdivision references Minn. Rules pt. 7045.0310. Part 7045.0310 establishes the special storage and disposal requirements that are part of the hazardous waste rules governing household hazardous waste collection programs. In the event that household hazardous waste is separated at a facility, operators will need to manage this waste correctly. Since the statute requires rules for storage and disposal of household hazardous waste in the plan, and rules regarding this have already been developed, the Agency feels it is necessary and reasonable to directly reference Minn. Rules pt. 7045.0310.

D. Minn. Rules pt. 7001.3300 - Permits

The SCORE legislation requires that a solid waste permit may not be renewed if a household hazardous waste management plan is not submitted. The statute makes the household hazardous waste management plan a condition of the solid waste facility permit. The Agency believes it is therefore reasonable to include this condition in the part of the solid waste rules pertaining to solid waste facility permit requirements.

E. Minn. Rules pt. 7045.0310, subp. 7. - Treatment

Household hazardous waste, once collected, is either sent to a permitted hazardous waste treatment facility or a hazardous waste disposal

facility. Household hazardous waste can be treated so as to reduce the volume, reclaim the waste, or render it nonhazardous. However, the hazardous waste rules require that anyone conducting treatment activities must obtain a hazardous waste permit. Currently, household hazardous waste collection programs are not allowed to perform any type of treatment on the collected household hazardous waste unless a permit is obtained.

County representatives who operate household hazardous waste collection programs raised the issue of allowing unpermitted on-site treatment of the collected wastes by program staff. These representatives stated that treatment methods such as bulking of similar waste types, acid-base neutralization, and solvent distillation can be done safely by trained collection staff. Allowing this would significantly reduce the costs paid by the sponsors of household hazardous waste collection programs for off-site treatment at permitted hazardous waste treatment facilities.

Agency staff studied the treatment methods that may be applied to household hazardous waste. After reviewing the procedures it became clear that some procedures, such as distillation and neutralization, had sufficient hazard associated with them to warrant some regulation.

Combining similar wastes from smaller containers into a larger container may technically be considered treatment. Combining or "bulking" household hazardous wastes is beneficial in terms of space at a collection site and in terms of ease of transport of these wastes. There are few hazards associated with bulking the same types of wastes into one container.

The proposed rule therefore allows bulking as a treatment which does not require the Commissioner's approval. Other types of treatment will be allowed on a case-by-case basis, conditional upon approval of the Commissioner. The Agency believes this requirement to be reasonable.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1988) requires the Agency, when proposing rules which may affect small businesses to consider the following methods for reducing the impact on small businesses: a) the establishment of less stringent compliance or reporting requirements for small businesses; b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; c) the consolidation or simplification of compliance or reporting requirements for small businesses; d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and e) the exemption of small businesses from any or all requirements of the rule.

The proposed rules will not have any effect on small businesses because there are no reporting requirements in this rule or design or operational standards. There is a deadline for compliance with regard to submitting a household hazardous waste management plan. Renewal of the solid waste facility permit is contingent upon submittal of this plan to the Agency. The deadline for submittal is July 1, 1992. This allows more than a year to comply with this requirement. The Agency feels that this is not a stringent deadline. The rule requirements allow all facility operators options for developing and implementing the plans. Considering these factors, these proposed rules will not create undue burden on small business facilities.

VI. CONSIDERATION OF ECONOMIC FACTORS

In exercising its powers, the Agency is required by Minn. Stat. § 116.07, subd. 6 (1988) to give due consideration to economic factors. The statute provides:

> In exercising all its powers the Pollution Control Agency shall give due consideration to the establishment, maintenance, operation, and expansion of business, commerce, trade, industry, traffic, and other economic factors and

> other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax that may result therefrom, and shall take or provide for such action as may be reasonable, feasible, practical under the circumstances.

In proposing the requirements of these amendments, the Agency has given due consideration to available information as to any economic impacts the proposed amendments would have. The major effect of the proposed amendments will be the cost to solid waste facilities of producing the information on household hazardous waste and possibly extra staff time for hauler and employee household hazardous waste management training. The costs of producing the public information would only be that of purchasing already developed materials from the county.

There may be costs in extra staff time and materials that would need to be provided, for the training of haulers and employees in the identification and proper management of household hazardous waste. The training could be done by in-house staff or coordinated with county staff or staff of the Minnesota Pollution Control Agency. These costs are expected to be minimal.

Certain types of treatment of household hazardous waste are allowed under the proposed rules. This represents a less stringent standard because currently all household hazardous wastes are to be treated off-site at a permitted hazardous waste treatment facility. Allowing treatment of collected household hazardous wastes on site by collection program staff results in an economic benefit, because the money that would be paid to a facility for treatment and disposal services can be reduced.

Household hazardous waste segregated at a solid waste facility has to be managed according to Minn. Rules pt. 7045.0310. Those household hazardous wastes which cannot be reused or recycled must be disposed of at a hazardous

waste disposal facility. The cost of this type of disposal can be significant and would have to be the responsibility of the facility managing the segregated household hazardous waste. However, because the separation of household hazardous waste is not required, facilities may not have to bear this cost.

VII. CONCLUSION

The Agency has, in this document and its exhibits, made its presentation of facts establishing the need for and reasonableness of the proposed amendments to Minnesota's Solid Waste and Hazardous Waste rules. This document constitutes the Agency's Statement of Need and Reasonableness for the proposed amendments to Minn. Rules pts. 7001.3300, 7035.0300, 7035.2535, and 7045.0310.

VIII. LIST OF EXHIBITS

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

Agency Ex. No.	Title
1	Waste Reduction and Recycling Legislation (SCORE legislation) 1989, Article 20, Sec. 19, Subd. 4.k.
2	Minn. Rules pt. 7045.0310

Date: September 13, 1990

for Gerald L. Willet
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Household Hazardous Waste Management Plans, Minn. Rules Chs. 7001 and 7035 and Proposed Rules Governing Treatment Methods for Collected Household Hazardous Waste, Minn. Rules Ch. 7045

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Cindy Perusse, being duly sworn says:

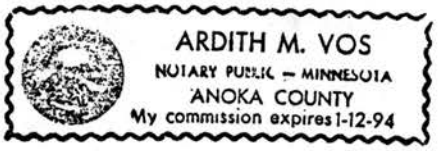
I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1988) that their names be placed on the Minnesota Pollution Control Agency's rulemaking mailing list is accurate, complete, and current as of the 16th day of October, 1990.

That on the 16th day of October, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt 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 a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Cindy Perusse

Subscribed and sworn to before me
this 24 day of October, 1990.

Ardith M. Vos
Notary Public



C. If the storage of spent or waste batteries meets the criteria of speculative accumulation as defined in part 7045.0020, the storage is also subject to the following requirements: parts 7045.0452 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and the permitting requirements of chapter 7001 for hazardous waste storage facilities.

Subp. 4. **Standards for operators of facilities that store spent or waste household batteries before reclaiming.** The operators of facilities that store batteries before reclaiming them are subject to regulation under parts 7045.0452 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and the permitting requirements of chapter 7001 for hazardous waste storage facilities.

INSTRUCTION TO REVISOR. Reletter Minnesota Rules, part 7045.0020, subparts 37b and 37c as subparts 37c and 37d respectively and correct internal references accordingly.

Pollution Control Agency

Proposed Permanent Rules Relating to Household Hazardous Waste

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) 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 *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rules is set forth in *Minnesota Statutes* § 116.07, subd. 4 and in *Minnesota Laws*, First Special Session, Chapter 1, Article 20, Section 19, subd. 4.k.

All persons have until 4:30 p.m. on November 26, 1990, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the 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 proposed rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Any person requesting a public hearing must 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 MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

Comments or written requests for a public hearing must be submitted to Cindy Perusse, Minnesota Pollution Control Agency, Hazardous Waste Division, 520 Lafayette Road North, St. Paul, Minnesota 55155, (612/643-3475).

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, if adopted, will govern household hazardous waste management plans for solid waste disposal facilities and treatment procedures for collected household hazardous waste. The proposed rules are published below. One free copy of the rules is available upon request from Cindy Perusse at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Cindy Perusse upon request.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules may have a negative impact on small businesses. The businesses impacted will be solid waste management facilities. As a result of the proposed rules, facility operators will have to purchase educational materials and train staff in some aspects of household hazardous waste management.

Facility operators are not required to separate household hazardous waste from the other solid waste. However, if household hazardous waste is separated or arrives separately at a solid waste management facility, the facility operator will have to pay for the cost of disposal of the household hazardous waste.

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.

If no hearing is required, upon adoption of the rules, the rules and required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent 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 rules, must submit the written request to Cindy Perusse at the above address.

Gerald L. Willet
Commissioner

Rules as Proposed

7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final application and supporting materials for any solid waste management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

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

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts 7035.2525 to 7035.2875; ~~and~~

R. a household hazardous waste management plan according to part 7035.2535, subpart 6; and

S. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

7035.0300 DEFINITIONS.

[For text of subps 1 to 43, see M.R.]

Subp. 43a. **Household hazardous waste.** "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

[For text of subps 44 to 96, see M.R.]

Subp. 96a. **Segregated household hazardous waste.** "Segregated household hazardous waste" means household hazardous waste that is separated from other solid waste or arrives at a solid waste management facility separated from other solid waste.

[For text of subps 97 to 121, see M.R.]

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

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

Subp. 6. **Household hazardous waste management.** A solid waste management facility operator, not including a transfer facility operator, must develop a plan by June 30, 1992, addressing household hazardous wastes and must include in the plan an explanation of how it will comply with the requirements of items A to C.

A. The facility operator must provide a summary of the approved county plan for household hazardous waste education programs and management and a discussion of how the operator will participate in county activities and coordinate with that plan.

B. The facility operator shall participate with the operator's county in education programs or projects which will promote the identification and reduction of household hazardous waste use in the home and which will promote the proper handling and disposal of this waste. Projects undertaken by the facility operator must be coordinated with county projects whenever possible and literature or other public information must be consistent with the county's household hazardous waste public education programs. In addition to activities conducted in conjunction with the county's program, facility activities may include:

(1) providing public information on dates and times of household hazardous waste collections in the facility's service area;

(2) providing public information to help identify household hazardous waste; or

(3) providing public information on ways to reduce household hazardous waste generation.

The information in subitems (1) to (3) must be made available at the facility for public use, for the county, and for other entities that are associated with solid waste management in the facility's service area.

C. Household hazardous waste that is segregated from other solid waste and managed at the facility must be managed according to part 7045.0310 or applicable hazardous waste generator standards.

7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Treatment.** Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

A. An operator intending to perform any treatment not specified in item B must submit a request for approval to the commissioner. The commissioner shall approve the request if the commissioner determines that the requirements of item C have been satisfied and that all other management practices at the collection site are adequate to protect human health and the environment.

B. Treatment methods which do not require approval of the commissioner are bulking of:

(1) paints;

(2) solvents;

(3) oil; and

(4) antifreeze.

When bulking is being done, the personnel training and safety procedures required in subpart 4 must specifically address how this activity will be conducted.

C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities. In addition to the information required in subpart 2, the notification must provide the following information:

(1) the name of the person appointed to direct and oversee the treatment process;

(2) a statement that individuals conducting treatment must have performed the specific treatment procedure at least once prior to performing that treatment procedure at a household hazardous waste collection site; and

(3) evidence of liability insurance.

Pollution Control Agency

Proposed Permanent Rules Relating to Owners and Operators of Hazardous Waste Facilities

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt rule amendments to *Minnesota Rules* pts. 7045.0075 (Petitions), 7045.0532 (Surface Impoundments, Facility Standards), 7045.0534 (Waste Piles, Facility Standards), 7045.0538 (Landfills, Facility Standards), 7045.0630 (Surface Impoundments, Interim Status Standards), 7045.0632 (Waste Piles, Interim Status Standards), and 7045.0638 (Landfills, Interim Status Standards) without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1988). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* 116.07, subd. 4 (1988).

All persons have until 4:30 p.m. on November 26, 1990, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20 (1988).

Comments or written requests for a public hearing must be submitted to Jeanne Eggleston, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155 (612/643-3476).

The proposed rule amendments 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 rule amendments as noticed.

The proposed rule amendments governing standards for owners and operators of hazardous waste facilities, if adopted, incorporate the federally mandated minimum technology rule for surface impoundments, landfills, and waste piles into state rules. The proposed

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.

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments of Minn. Rules Chs.7001 and 7035 Governing Household Hazardous Waste Management Plans and Minn. Rules Ch. 7045 Governing Treatment Methods for Collected

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Cindy Perusse, being duly sworn on oath deposes and says:

1. That she is the person named in the Notice of Intent to Adopt Rule Without A Public Hearing (15 SR 951-953, October 22, 1990) as the person to receive comments on the Minnesota Pollution Control Agency's intent to adopt the proposed rule concerning the above-entitled matter.

2. That the comment period set forth in the notice terminated at 4:30 p.m. on November 26, 1990.

3. That during the public comment period, there were no written comments received by the the Minnesota Pollution Control Agency regarding the above-entitled matter.

Cindy Perusse

Subscribed and sworn to before me this 24th day of January, 1991.

Jodi D. Rasmussen
Notary Public

JODI D. RASMUSSEN
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 10-23-94

Pollution Control Agency

Proposed Permanent Rules Relating to Household Hazardous Waste

Rules as Proposed

7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final application and supporting materials for any solid waste management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

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

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts 7035.2525 to 7035.2875; ~~and~~

R. a household hazardous waste management plan according to part 7035.2535, subpart 6; and

S. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

7035.0300 DEFINITIONS.

[For text of subps 1 to 43, see M.R.]

Subp. 43a. **Household hazardous waste.** "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

[For text of subps 44 to 96, see M.R.]

Subp. 96a. **Segregated household hazardous**

Approved by Revisor

waste. "Segregated household hazardous waste" means household hazardous waste that is separated from other solid waste or arrives at a solid waste management facility separated from other solid waste.

[For text of subps 97 to 121, see M.R.]

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

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

Subp. 6. **Household hazardous waste management.** A solid waste management facility operator, not including a transfer facility operator, must develop a plan by June 30, 1992, addressing household hazardous wastes and must include in the plan an explanation of how it will comply with the requirements of items A to C.

A. The facility operator must provide a summary of the approved county plan for household hazardous waste education programs and management and a discussion of how the operator will participate in county activities and coordinate with that plan.

B. The facility operator shall participate with the operator's county in education programs or projects which will promote the identification and reduction of household hazardous waste use in the home and which will promote the proper handling and disposal of this waste. Projects undertaken by the facility operator must be coordinated with county projects whenever possible and literature or other public information must be consistent with the county's household hazardous waste public education programs. In addition to activities conducted in conjunction with the county's program, facility activities may include:

(1) providing public information on dates and times of household hazardous waste collections in the facility's service area;

(2) providing public information to help identify household hazardous waste; or

(3) providing public information on ways to

Approved
by Revisor _____

reduce household hazardous waste generation.

The information in subitems (1) to (3) must be made available at the facility for public use, for the county, and for other entities that are associated with solid waste management in the facility's service area.

C. Household hazardous waste that is segregated from other solid waste and managed at the facility must be managed according to part 7045.0310 or applicable hazardous waste generator standards.

7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Treatment.** Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

A. An operator intending to perform any treatment not specified in item B must submit a request for approval to the commissioner. The commissioner shall approve the request if the commissioner determines that the requirements of item C have been satisfied and that all other management practices at the collection site are adequate to protect human health and the environment.

B. Treatment methods which do not require approval of the commissioner are bulking of:

(1) paints;

(2) solvents;

(3) oil; and

(4) antifreeze.

When bulking is being done, the personnel training and safety procedures required in subpart 4 must specifically address how this activity will be conducted.

C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities. In addition to the information required in subpart 2, the

Approved
by Revisor _____

notification must provide the following information:

(1) the name of the person appointed to direct and oversee the treatment process;

(2) a statement that individuals conducting treatment must have performed the specific treatment procedure at least once prior to performing that treatment procedure at a household hazardous waste collection site; and

(3) evidence of liability insurance.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Household Hazardous Waste

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapters 7001, 7035, and 7045

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

ATTACHMENT 1

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Household Hazardous Waste Management Plans, Minn. Rules Chs. 7001 and 7035 and Proposed Rules Governing Treatment Methods For Collected Household Hazardous Waste, Minn. Rules Ch. 7045

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the twenty-second day of January, 1991. 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, Conclusions, and Order:

FINDINGS OF FACT

(1) 1. Notice of the MPCA's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 22, 1990 and was sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a. and 14.22 (1990) on October 19, 1990.

(2) 2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

(4) 3. All persons were given the opportunity to submit comments on the rules for 34 days after notice of proposed rulemaking. The 34 day comment period, as set out in the notice, expired on November 26, 1990.

(5) 4. No requests for public hearing were received during the comment period.

(7) 5. No requests for notice of submission of the adopted rules to the Attorney General were received by the MPCA.

(16) 6. During the comment period the MPCA received no written comment letters from the public. MPCA staff had comments on the proposed rules. The MPCA finds that four modifications to the proposed rules are justified by the record in this proceeding, as follows:

a. Minn. Rules pt. 7035.2535, subpart 6B. The term "use" is being deleted. The phrase, "...reduction of household hazardous waste use in the home..." is not grammatically correct. People do not use hazardous waste in their home.

Also, the term "may" on line 28 of this part is being changed to the term "must" in order to be consistent with state statutes (Minn. Stat. § 116.07, subd. 4k) (1990). Public education activities are statutorily mandated and are not optional. These changes are not substantial and are being

made for clarification purposes and to maintain consistency with state statutes.

Minn. Rules pt. 7035.2535, subpart 6B, line 21 is modified to read:

"...projects which will promote the identification and reduction of household hazardous waste ~~use~~ in the home..."

Line 28 is modified to read:

"...facility activities ~~may~~ must include:"

b. Minn. Rules pt. 7045.0310, subpart 7B, item 3 is being changed to say "motor oil" instead of "oil." Other types of oil such as oil containing PCB's may be received at a household hazardous waste collection. PCB oils are very different from motor oil and will not be allowed to be bulked on site. This change makes it clear that motor oil is the only type of oil at this time which will be allowed to be bulked at a collection site. This change was made based on input from MPCA household hazardous waste program staff. The change is not substantial and is provided for clarity.

Minn. Rules pt. 7045.0310, subpart 7B, item 3 is modified to read:

"(3) motor oil;"

c. Minn. Rules pt. 7045.0310, subpart 7C, line 33. A phrase is being added to the end of the sentence. The phrase "...before any of those activities are begun" makes it clear that simply submitting a request for permission to treat collected household hazardous waste does not permit the operator to initiate treatment procedures. Approval must be obtained before beginning treatment on collected household hazardous waste. This is a minor change and will not cause a change in the regulatory nature of the rule.

Minn. Rules pt. 7045.0310, subpart 7C, line 33 is modified to read:

"C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities before any of those activities are begun."

d. Minn. Rules pt. 7045.0310, subpart 7C, item 3. An additional item is being proposed to require a detailed description of the treatment activity. The MPCA believes that when a request to perform treatment is submitted more information is needed than was previously proposed in order for the MPCA staff reviewing the request to make a better determination as to the safety of the treatment procedure requested. This is a minor change which only requires some additional information from facility operators.

Minn. Rules pt. 7045.0310, subpart 7C, item 3 is modified to read:

"(3) a detailed description of the treatment activity and an explanation of how human health and the environment will be protected; and"

7. The MPCA adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The MPCA hereby incorporates the Statement of Need and Reasonableness into these findings, except as modified in Finding No. 6 above.

8. The above-captioned rules, together with the modifications made by the MPCA in Finding No. 6 above to respond to comments received during the comment period, are needed and reasonable.

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 the rules without a public hearing.

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

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change in the proposed rules.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules chs. 7001, 7035, and 7045 governing Household Hazardous Waste Management Plans and Treatment Methods For Collected Household Hazardous Waste are adopted pursuant to the authority vested in the MPCA by Minn. Stat. § 116.07, subds. 4 and 4k (1990).

Dated: 1-22-91

Barbara Lindsey Sims
Acting Commissioner

ATTACHMENT 1

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Household Hazardous Waste Management Plans, Minn. Rules Chs. 7001 and 7035 and Proposed Rules Governing Treatment Methods For Collected Household Hazardous Waste, Minn. Rules Ch. 7045

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the twenty-second day of January, 1991. 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, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the MPCA's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 22, 1990 and was sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a. and 14.22 (1990) on October 19, 1990.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

3. All persons were given the opportunity to submit comments on the rules for 34 days after notice of proposed rulemaking. The 34 day comment period, as set out in the notice, expired on November 26, 1990.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission of the adopted rules to the Attorney General were received by the MPCA.

6. During the comment period the MPCA received no written comment letters from the public. MPCA staff had comments on the proposed rules. The MPCA finds that four modifications to the proposed rules are justified by the record in this proceeding, as follows:

a. Minn. Rules pt. 7035.2535, subpart 6B. The term "use" is being deleted. The phrase, "...reduction of household hazardous waste use in the home..." is not grammatically correct. People do not use hazardous waste in their home.

Also, the term "may" on line 28 of this part is being changed to the term "must" in order to be consistent with state statutes (Minn. Stat. § 116.07, subd. 4k) (1990). Public education activities are statutorily mandated and are not optional. These changes are not substantial and are being

made for clarification purposes and to maintain consistency with state statutes.

Minn. Rules pt. 7035.2535, subpart 6B, line 21 is modified to read:

"...projects which will promote the identification and reduction of household hazardous waste ~~use~~ in the home..."

Line 28 is modified to read:

"...facility activities ~~may~~ must include:"

b. Minn. Rules pt. 7045.0310, subpart 7B, item 3 is being changed to say "motor oil" instead of "oil." Other types of oil such as oil containing PCB's may be received at a household hazardous waste collection. PCB oils are very different from motor oil and will not be allowed to be bulked on site. This change makes it clear that motor oil is the only type of oil at this time which will be allowed to be bulked at a collection site. This change was made based on input from MPCA household hazardous waste program staff. The change is not substantial and is provided for clarity.

Minn. Rules pt. 7045.0310, subpart 7B, item 3 is modified to read:

"(3) motor oil;"

c. Minn. Rules pt. 7045.0310, subpart 7C, line 33. A phrase is being added to the end of the sentence. The phrase "...before any of those activities are begun" makes it clear that simply submitting a request for permission to treat collected household hazardous waste does not permit the operator to initiate treatment procedures. Approval must be obtained before beginning treatment on collected household hazardous waste. This is a minor change and will not cause a change in the regulatory nature of the rule.

Minn. Rules pt. 7045.0310, subpart 7C, line 33 is modified to read:

"C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities before any of those activities are begun."

d. Minn. Rules pt. 7045.0310, subpart 7C, item 3. An additional item is being proposed to require a detailed description of the treatment activity. The MPCA believes that when a request to perform treatment is submitted more information is needed than was previously proposed in order for the MPCA staff reviewing the request to make a better determination as to the safety of the treatment procedure requested. This is a minor change which only requires some additional information from facility operators.

Minn. Rules pt. 7045.0310, subpart 7C, item 3 is modified to read:

"(3) a detailed description of the treatment activity and an explanation of how human health and the environment will be protected; and"

7. The MPCA adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The MPCA hereby incorporates the Statement of Need and Reasonableness into these findings, except as modified in Finding No. 6 above.

8. The above-captioned rules, together with the modifications made by the MPCA in Finding No. 6 above to respond to comments received during the comment period, are needed and reasonable.

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 the rules without a public hearing.

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

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change in the proposed rules.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules chs. 7001, 7035, and 7045 governing Household Hazardous Waste Management Plans and Treatment Methods For Collected Household Hazardous Waste are adopted pursuant to the authority vested in the MPCA by Minn. Stat. § 116.07, subds. 4 and 4k (1990).

Dated: 1-22-91

Barbara Lindsey Sims
Acting Commissioner

ATTACHMENT 1

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Household Hazardous Waste Management Plans, Minn. Rules Chs. 7001 and 7035 and Proposed Rules Governing Treatment Methods For Collected Household Hazardous Waste, Minn. Rules Ch. 7045

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (MPCA) on the twenty-second day of January, 1991. 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, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the MPCA's intent to adopt the above-entitled rules without a public hearing was published in the State Register on October 22, 1990 and was sent by mail to all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a. and 14.22 (1990) on October 19, 1990.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

3. All persons were given the opportunity to submit comments on the rules for 34 days after notice of proposed rulemaking. The 34 day comment period, as set out in the notice, expired on November 26, 1990.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission of the adopted rules to the Attorney General were received by the MPCA.

6. During the comment period the MPCA received no written comment letters from the public. MPCA staff had comments on the proposed rules. The MPCA finds that four modifications to the proposed rules are justified by the record in this proceeding, as follows:

a. Minn. Rules pt. 7035.2535, subpart 6B. The term "use" is being deleted. The phrase, "...reduction of household hazardous waste use in the home..." is not grammatically correct. People do not use hazardous waste in their home.

Also, the term "may" on line 28 of this part is being changed to the term "must" in order to be consistent with state statutes (Minn. Stat. § 116.07, subd. 4k) (1990). Public education activities are statutorily mandated and are not optional. These changes are not substantial and are being

made for clarification purposes and to maintain consistency with state statutes.

Minn. Rules pt. 7035.2535, subpart 6B, line 21 is modified to read:

"...projects which will promote the identification and reduction of household hazardous waste ~~use~~ in the home..."

Line 28 is modified to read:

"...facility activities ~~may~~ must include:"

b. Minn. Rules pt. 7045.0310, subpart 7B, item 3 is being changed to say "motor oil" instead of "oil." Other types of oil such as oil containing PCB's may be received at a household hazardous waste collection. PCB oils are very different from motor oil and will not be allowed to be bulked on site. This change makes it clear that motor oil is the only type of oil at this time which will be allowed to be bulked at a collection site. This change was made based on input from MPCA household hazardous waste program staff. The change is not substantial and is provided for clarity.

Minn. Rules pt. 7045.0310, subpart 7B, item 3 is modified to read:

"(3) motor oil;"

c. Minn. Rules pt. 7045.0310, subpart 7C, line 33. A phrase is being added to the end of the sentence. The phrase "...before any of those activities are begun" makes it clear that simply submitting a request for permission to treat collected household hazardous waste does not permit the operator to initiate treatment procedures. Approval must be obtained before beginning treatment on collected household hazardous waste. This is a minor change and will not cause a change in the regulatory nature of the rule.

Minn. Rules pt. 7045.0310, subpart 7C, line 33 is modified to read:

"C. All other methods of waste treatment must be identified in the notification required under subpart 2 and the commissioner's approval obtained for those specific activities before any of those activities are begun."

d. Minn. Rules pt. 7045.0310, subpart 7C, item 3. An additional item is being proposed to require a detailed description of the treatment activity. The MPCA believes that when a request to perform treatment is submitted more information is needed than was previously proposed in order for the MPCA staff reviewing the request to make a better determination as to the safety of the treatment procedure requested. This is a minor change which only requires some additional information from facility operators.

Minn. Rules pt. 7045.0310, subpart 7C, item 3 is modified to read:

"(3) a detailed description of the treatment activity and an explanation of how human health and the environment will be protected; and"

7. The MPCA adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The MPCA hereby incorporates the Statement of Need and Reasonableness into these findings, except as modified in Finding No. 6 above.

8. The above-captioned rules, together with the modifications made by the MPCA in Finding No. 6 above to respond to comments received during the comment period, are needed and reasonable.

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 the rules without a public hearing.

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

4. The modifications to the proposed rules are supported by the record and do not result in a substantial change in the proposed rules.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules chs. 7001, 7035, and 7045 governing Household Hazardous Waste Management Plans and Treatment Methods For Collected Household Hazardous Waste are adopted pursuant to the authority vested in the MPCA by Minn. Stat. § 116.07, subds. 4 and 4k (1990).

Dated: 1-22-91

Barbara Lindsey Sims
Acting Commissioner

CERTIFICATE OF RESOLUTION ADOPTING RULES

I, Barbara Lindsey Sims do hereby certify that I am the Acting Commissioner 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 22nd day of January, 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 attached amendments to the MPCA's hazardous and solid waste rules governing the development of household hazardous waste management plans and the approval of household hazardous waste treatment methods, Minn. Rules chs. 7001, 7035, and 7045 pursuant to the authority vested in the MPCA by Minn. Stat. § 116.07, subds. 4 and 4k (1990).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Deputy Commissioner 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 (1990).

BE IT FURTHER RESOLVED, that the MPCA adopts the Findings of Fact, Conclusions, and Order Adopting Rule Amendments and that the Acting Commissioner is hereby authorized to sign the above-mentioned document on behalf of the MPCA and to perform the necessary acts to provide that the rule amendments shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 23 day of January 1991.

Barbara Lindsey Sims

BARBARA LINDSEY SIMS
Acting Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Household Hazardous Waste Management Plans, Minn. Rules Chs. 7001 and 7035 and Proposed Rules Governing Treatment Methods For Collected Household Waste, Minn. Rules Ch. 7045

AFFIDAVIT OF RECEIVING NO REQUESTS FOR NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Cindy Perusse, being duly sworn says:

1. That she is the person named in the Notice of Intent to Adopt Rules Without a Public Hearing (15 SR 957-963, October 22, 1990) as the person to receive requests for notification of submission of rule adopted without a public hearing to the Attorney General concerning the above-entitled matter.

2. That there were no requests received by the the Minnesota Pollution Control Agency for notification of submission of rule adopted without a public hearing to the Attorney General concerning the above-entitled matter.

Cindy Perusse

Subscribed and sworn to before me this 23rd day of Jan, 1990.

Jodi D. Rasmussen
Notary Public

JODI D. RASMUSSEN
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 10-23-94

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments
of Minn. Rules Chs. 7001 and 7035
Governing Household Hazardous Waste
Management Plans and Minn. Rules Ch.
7045 Governing Treatment Methods
For Collected Household Hazardous
Waste.

DECLARATION OF COUNSEL

I, Alan R. Mitchell, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules Ch. 2010 have been followed.

Alan R. Mitchell

ALAN R. MITCHELL
Special Assistant
Attorney General

January 24, 1991

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

October 11, 1990

Ms. Maryann Hruby, Director
Legislative Commission to Review
Administrative Rules
55 State Office Building
St. Paul, Minnesota 55155

Dear Ms. Hruby:

As required by 1990 amendments to the Administrative Procedures Act, we are forwarding copies of our Statement of Need and Reasonableness (SONAR) for five separate proposed rule and rule amendment packages. These SONARs support rulemakings which govern the following:

- Toxicity Characteristics Testing Procedures
- Household Hazardous Waste Management Plans
- Lead Abatement in Soils
- Minimum Technology (Double Liners) for Hazardous Waste Facilities
- Management of Household Batteries

If you have any questions please contact me at 612/643-3498.

Sincerely,

Randall G. Hukriede
for
Carol Nankivel, Supervisor
Rules Unit
Program Development Section
Hazardous Waste Division

CN/JAE:jao

Enclosures