


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

NJC
2/25/92

# RULE REVIEW CHECKLIST

File No. 1899 Docket No. 05 0009 0697
DATE RECEIVED 2-21-92 ADOPTED W/O HEARING _____
REVIEW DATE 3-2-92 EMERGENCY RULE _____
DUE DATE 3-6-92 TO REVISOR ON 2-25-92
(DIS)APPROVED 3-3-92 mc REVISOR (DIS)APPROVED 2-27-92
WITHDRAWN _____ FILED W/SEC. OF STATE 3-4-92
RETURNED TO AGENCY 3-4-92

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✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
May 14 1990 Date published in State Register
2 NO Comments

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution
July 23, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
116.07 subd 4 Statutory Authority
✓ Small Business Statement
_____ Expenditure of public money statement
Aug 1, 1991 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
~~August 16, 1991~~ ✓ Dated 30/25 days before ~~adoption~~
✓ Notice attached indicates it is attached
_____ ~~Copy of rule~~ or summary attached

✓ Publication in State Register
August 19, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ 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
Jan 28, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
2-11-92 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Mark Challont Name of SAAG representing agency

2-21-92 Notice of Submission to Attorney General (if applicable)

2-21-92 Affidavit of Mailing Notice to Attorney General (if applicable)

Rules--rel

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

# OFFICE MEMORANDUM

DATE: March 4, 1992

TO: JEANNE EGGLESTON
Minnesota Pollution Control Agency
520 Lafayette Road North

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

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

The above-referenced rule has been approved as to its legality by the Attorney General on March 3, 1992.

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.

MJC:jj

cc: Mark Chalfant
William Brown, Chief Judge
MaryAnn Hruby

Pollution Control Agency

Adopted Permanent Rules Relating to Generators of Hazardous Waste

Rules as Adopted

7001.0520 PERMIT REQUIREMENTS.

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

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

A. The accumulation by generators of hazardous waste on site within the time limits specified in part 7045.0292.

B. The disposal by farmers of hazardous waste that ~~have~~ has been generated by their own use of pesticides as provided in part 7045.0213, subpart 2.

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

H. The management of hazardous waste as provided in part 7045.0120, subpart 1, item ~~J~~ L; 7045.0127, subpart 1; 7045.0135, subpart 5, items C and E; or 7045.0218.

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

M. Very small quantity generator hazardous waste collection programs meeting the requirements of part 7045.0320.

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

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

E. Containers or tanks where generators mix characteristic hazardous waste as identified in part 7045.0131, subpart 2, with used oil if:

[For text of subitem (1), see M.R.]

(2) the generators who produce less than 1,000 kilograms per calendar month of hazardous waste meet the



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requirements of part ~~7045.0102~~ 7045.0292, subpart ~~3, item C~~ 5 or 6, as applicable.

[For text of subps 4 to 6, see M.R.]

7001.0550 CONTENTS OF PART A OF APPLICATION.

Part A of the application must contain the following information:

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

E. a list of the waste designated under parts 7045.0100 to 7045.0143 as hazardous to be treated, stored, or disposed of by the applicant and an estimate of the quantity of each hazardous waste to be treated, stored, or disposed of annually by the applicant;

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

7001.0710 LAND TREATMENT DEMONSTRATION PERMITS.

Subpart 1. **Letters of approval.** A person who desires to conduct controlled laboratory demonstrations of hazardous waste land treatment for the purpose of collecting preliminary data shall request a letter of approval from the agency.

The agency shall issue a letter of approval if the demonstration will be conducted under supervised conditions in a closed system capable of providing adequate protection to human health and the environment, and if the data obtained will not be used as the only basis for the issuance of a facility permit. The letter of approval must specify the general conditions for conducting demonstrations, the duration of approval, and the specific waste types.

The letter of approval may only provide approval for controlled laboratory demonstrations of hazardous waste treatment and does not provide exemptions from the hazardous waste management and disposal requirements of chapter 7045. Materials resulting from the demonstration that meet the criteria of parts 7045.0100 to 7045.0143 must be managed as hazardous waste.

[For text of subps 2 to 6, see M.R.]



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7045.0020 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **Acute hazardous waste.** "Acute hazardous waste" means waste listed as acute hazardous waste in part 7045.0135 or waste designated acute hazardous waste in part 7045.0129, subpart 3.

[For text of subps 4 to 6c, see M.R.]

Subp. 6d. **Cathodic protection.** "Cathodic protection" means the technique to prevent corrosion of a metal surface by making that surface the cathode of ~~the~~ an electrochemical cell. A tank can be cathodically protected through the application of either galvanic anodes or impressed current.

[For text of subps 7 to 9c, see M.R.]

Subp. 9d. **Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another. For a secondary containment seal, ~~this means that~~ the impermeability of the seal must be maintained upon contact with a stored substance. For substances, ~~this means that~~ two or more substances, if mixed, must not create a new hazard.

Subp. 9e. **Component.** "Component" means either ~~the~~ a tank or ancillary equipment of a tank system.

[For text of subps 10 to 13a, see M.R.]

Subp. 13b. **Corrosion protection.** "Corrosion protection" means a method used to protect a metal tank, piping, or other components from corroding. Corrosion protection includes, but is not limited to, cathodic protection, keeping the metal of the tank from being in direct contact with other surfaces, and the application of coatings designed and maintained to prevent corrosion.

[For text of subps 14 to 30, see M.R.]

Subp. 31. **Generator.** "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in parts 7045.0100 to 7045.0143, or whose act first causes a hazardous waste to become subject to regulation. "Generator" means all size generators including large quantity



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generators, small quantity generators, and very small quantity generators, unless specifically stated otherwise.

[For text of subps 32 to 37c, see M.R.]

Subp. 37d. **Household hazardous waste collection site or collection site.** "Household hazardous waste collection site" or "collection site" as used in part 7045.0310 has the meaning established under Minnesota Statutes, section 115A.96, subdivision 1, paragraph (c).

Subp. 37e. **Household waste.** "Household waste" means any material including garbage, trash, and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

[For text of subp 38, see M.R.]

Subp. 38a. **Impermeable.** "Impermeable" means ~~a substance is not able~~ unable to ~~pass~~ be passed through ~~the depth of a containment area~~.

[For text of subps 39 to 43, see M.R.]

Subp. 43a. **Indoor storage.** "Indoor storage" means storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to ~~a masonry or other nonabsorbent~~ an impermeable floor placed on the ground.

Subp. 43b. **Industrial furnace.** "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy: cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke ovens; blast furnaces; smelting, melting, and refining furnaces, including pyrometallurgical devices, such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces; titanium dioxide chloride process oxidation reactors; methane reforming furnaces; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and such other devices as the commissioner determines qualify for inclusion based on one or more of the



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following factors:

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

Subp. 43c. **Inground tank.** "Inground tank" means a device meeting the definition of "tank" in subpart 90 whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

[For text of subps 44 to 64, see M.R.]

Subp. 64a. **Outdoor storage.** "Outdoor storage" means storage that does not meet the ~~minimum~~ requirements of indoor storage as defined in subpart 43a.

[For text of subps 65 to 71a, see M.R.]

Subp. 72. **Pretreatment unit.** "Pretreatment unit" means a device which:

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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0100 to 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to 7045.0143; and

[For text of item C, see M.R.]

[For text of subps 72a to 80, see M.R.]

Subp. 80a. **Secondary containment.** "Secondary containment" means a safeguard specifically designed to contain releases of hazardous waste or hazardous waste constituents from a container or a storage tank or its appurtenances.

[For text of subps 81 to 100b, see M.R.]

Subp. 100c. **Vault system.** "Vault system" means an underground, concrete or equivalent, impermeable secondary containment structure consisting of four walls, a floor, and roof used to encapsulate one or more tanks.

[For text of subps 101 to 102b, see M.R.]

Subp. 103. **Wastewater treatment unit.** "Wastewater treatment unit" means a device which:



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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0100 to 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to 7045.0143; and

[For text of item C, see M.R.]

[For text of subps 104 to 109, see M.R.]

7045.0075 PETITIONS.

Subpart 1. **Petitions for equivalent testing or analytical methods.** Any person seeking to use a testing or analytical method other than those described in parts 7045.0100 to 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 may petition under these provisions. The person must demonstrate to the satisfaction of the commissioner that the proposed method is equal to or superior to the corresponding method prescribed in parts 7045.0100 to 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 in terms of its sensitivity, accuracy, precision, and reproducibility. Each petition must include:

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

E. comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in parts 7045.0100 to 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642;

[For text of items F and G, see M.R.]

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

Subp. 5. **Petition for use of alternate manifest.** A person who meets the criteria in item A may submit a petition to the commissioner for approval of the use of an alternate manifest system as described in item B. The criteria the commissioner shall use in determining whether to approve the use of the alternate manifest system are provided in item C.

A. Only persons meeting the following criteria are



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eligible to file a petition under this subpart:

(1) the person proposing to use the alternate manifest system must agree to only use the alternate manifest for the transportation of waste from small quantity or very small quantity generators;

[For text of subitems (2) and (3), see M.R.]

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

[For text of subps 6 to 12, see M.R.]

7045.0102 MIXTURES OF WASTE.

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

Subp. 3. **Mixtures of used oil and hazardous waste.** Items A to C apply to used oil that is intentionally mixed with hazardous waste.

A. Except as provided in item C, used oil mixed with a hazardous waste that exhibits any of the characteristics of part 7045.0131, subparts 2 to 7, is regulated as hazardous waste. If it is burned for energy recovery, it is regulated as a hazardous waste fuel under part 7045.0692 provided the mixture continues to exhibit any of those characteristics. If the mixture no longer exhibits any of those characteristics and is to be burned for energy recovery, it is regulated as a used oil fuel under part 7045.0695. If the mixture no longer exhibits any of those characteristics and is not burned for energy recovery, it is subject to the requirements of part 7045.0125.

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

C. A very small quantity generator may mix used oil that is generated on site and regulated as used oil fuel under part 7045.0695 with a waste that is hazardous solely for the characteristic of ignitability under part 7045.0131, subpart 2, if the following conditions are met:

(1) the ignitable waste has a flash point of 100 degrees Fahrenheit or greater, is not a metal bearing paint waste, and is not gasoline; and

(2) the concentration of ignitable waste in the used oil does not exceed ten percent by volume.



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7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

Subpart 1. **Exempt types of waste.** The following waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

A. household waste;

B. sewage and any mixture of untreated sanitary sewage and other wastes that is formed by the combination of untreated sanitary sewage and one or more other wastes discharged through a sewage system to a publicly owned treatment works for treatment, except that this exemption does not include any of the individual wastes which form the composite wastewater;

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

J. waste resulting from spills if the exemption is determined by the commissioner to be necessary to expedite the proper management of the spilled material and to prevent, abate, or control pollution as an immediate response to an emergency provided the waste is ultimately taken to a hazardous waste facility as specified in part 7045.0208;

[For text of items K to O, see M.R.]

P. secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided that:

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

(4) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal;

Q. petroleum-contaminated media and debris that fail the test for the toxicity characteristic in part 7045.0131, subpart 7 (hazardous waste codes D018 to D043 only), and are subject to corrective action regulations under chapter 7150;

R. pesticides as provided in part 7045.0213, subpart 2; or



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S. samples of hazardous waste being collected or shipped for the purpose of conducting treatability studies as provided in part 7045.0121.

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

A. collected household hazardous waste under part 7045.0310;

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

C. collected hazardous waste from very small quantity generators under part 7045.0320.

7045.0121 TREATABILITY STUDY EXEMPTIONS.

Subpart 1. **Applicability.** Except as provided in subpart 2, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in part 7045.0020, are not subject to any requirement of parts 7045.0100 to 7045.0397, or to the notification requirements of the Resource Conservation and Recovery Act, United States Code, title 42, section 6930 when:

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

Subp. 2. **Conditions of exemption.** The exemption in subpart 1 is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

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

F. the generator reports the information required under item E, subitem (3), in its report to the commissioner as specified in part 7045.0248.

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

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

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

Subp. 3. **Out-of-state waste.** Hazardous waste from an out-of-state generator that is to be beneficially used, reused,



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or legitimately recycled or reclaimed by methods other than burning, is exempt from the requirements of parts 7045.0221 to 7045.0255.

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

Subp. 5. **Requirements for use of hazardous waste as feedstock.**

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

B. A generator of hazardous waste for use as feedstock is subject to the following generator requirements:

(1) parts 7045.0214 to 7045.0217 for waste evaluation requirements;

(2) part 7045.0221 for identification number requirements;

(3) parts 7045.0225 to 7045.0250 for licensing and license reporting requirements;

[For text of subitems (4) and (5), see M.R.]

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

Subp. 6. **Requirements for reclamation of specific hazardous waste.**

A. A by-product or a sludge that is hazardous only because it exhibits a characteristic of hazardous waste as defined in part 7045.0131 and is reclaimed is subject to the following requirements:

(1) A generator of such a hazardous waste is subject to the requirements of subpart 5, item B.

[For text of subitems (2) and (3), see M.R.]

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

Subp. 7. **Generator requirements.** Except as provided in subpart 3a, 4, 5, or 6, or part 7045.0695, a generator of hazardous waste that is destined for ~~recycle~~ recycling is subject to the requirements of parts 7045.0205 to 7045.0320.

[For text of subps 8 to 12, see M.R.]

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. **General.** A waste is a hazardous waste if it is listed under subparts 2 to 5 unless it has been excluded from



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the list under part 7045.0075, subpart 2.

The basis for listing the classes or types of waste listed in subparts 2 to 5 is indicated by employing one or more of the following hazard codes:

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

The constituent which caused the agency to list the waste as a toxicity characteristic waste (E) or toxic waste (T) in subparts 2 and 3 is identified in part 7045.0139.

Each listed hazardous waste is assigned a hazardous waste number which precedes the name of the waste. ~~This number must be used in complying with the license requirements of parts 7045.0205 to 7045.0320 and certain record keeping and reporting requirements under parts 7045.0205 to 7045.1030, 7045.1300 to 7045.1380, and the agency's permitting procedures in chapter 7001.~~

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

Subp. 4. **Discarded commercial chemical products, off specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

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

E. The commercial chemical products or manufacturing chemical intermediates, or off specification commercial chemical products or manufacturing chemical intermediates referred to in items A to D and listed in subitems (1) to (17) are identified as acute hazardous wastes (H). The primary hazardous properties of these materials have been indicated by the letters T



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(toxicity), and R (reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed in subitems (1) to (17).

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

F. The commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products referred to in items A to D, and listed in subitems (1) to (24) are identified as toxic wastes (T) unless otherwise designated. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). Absence of a letter indicates that the compound is listed only for toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed as follows:

[For text of subitems (1) to (24), see M.R.]

Subp. 5. **PCB wastes.** Requirements for PCB wastes are as follows:

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

B. PCB materials or items are hazardous waste if and when they are discarded or stored prior to being discarded.

C. A generator of PCB wastes who stores on-site prior to disposal is exempt from the agency's hazardous waste storage facility permit requirements and parts 7045.0292 and 7045.0450 to 7045.0642 for the storage of those wastes except for the following requirements:

(1) the storage standards described in Code of Federal Regulations, title 40, section 761.65 (1983); and

(2) the requirements of part 7045.0292, subpart 1, items C, D, and H I regarding proper labeling and marking, personnel training, preparedness, prevention, and contingency planning.

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



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7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICALS.

For purposes of licensing only under parts 7045.0225 to 7045.0250, a collection of small amounts of unrelated chemicals as described in part 7045.0230, subpart 4, has the hazardous waste number of MN02.

7045.0205 APPLICABILITY OF GENERATOR STANDARDS.

Subpart 1. **Applicability to generators.** Parts 7045.0205 to 7045.0320 apply to generators of hazardous waste. A generator shall comply with the generator requirements applicable to generator size as determined under part 7045.0206.

Subp. 2. **Applicability to transporters.** The standards applicable to generators established in parts 7045.0205 to 7045.0320 apply to transporters of hazardous waste if a transporter transports hazardous waste into Minnesota from a foreign country or mixes hazardous waste of different United States Department of Transportation shipping descriptions by placing them into a single container as provided in part 7045.0355.

Subp. 3. **Applicability to owners or operators of hazardous waste facilities.** The standards applicable to generators established in parts 7045.0205 to 7045.0320 apply to owners or operators of hazardous waste treatment, storage, or disposal facilities if a hazardous waste facility initiates a shipment of hazardous waste as provided in parts 7045.0472 and 7045.0578.

7045.0206 GENERATOR SIZE DETERMINATION.

Subpart 1. **Applicability.** This part applies to all generators for purposes of determining generator size.

Subp. 2. **Large quantity generator.** A generator is a large quantity generator if, in a calendar month, waste is generated in any of the following quantities:

A. greater than or equal to 1,000 kilograms of hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~, excluding acute hazardous waste;

B. greater than one kilogram of acute hazardous waste



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~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~; or

C. greater than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~.

Subp. 3. **Small quantity generator.** A generator is a small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. greater than 100 kilograms and less than 1,000 kilograms of hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~, excluding acute hazardous waste;

B. less than or equal to one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~.

Subp. 4. **Very small quantity generator.** A generator is a very small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. less than or equal to 100 kilograms of hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~, excluding acute hazardous waste;

B. less than or equal to one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~.

Subp. 5. **Exempt Waste ~~for~~ exempt from size determination.**



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A generator shall not include the following waste when determining the quantity of hazardous waste generated:

A. exempt waste under part 7045.0120;

B. recycled waste under part 7045.0125, subparts 4, 5, and 6;

C. used oil managed as follows:

(1) used oil that is recycled in some other manner than being burned for energy recovery; and

(2) used oil that is to be burned for energy recovery as regulated under part 7045.0695;

D. sewered hazardous waste ~~under~~ that is pretreated as provided in part 7045.0305, subpart 2~~, item B, subitem (2)~~;

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

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

Subp. 6. **Change in generator size status.** If a small quantity generator exceeds the quantity limits listed in subpart 3, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter unless the generator regains small quantity generator status under item A or B.

If a very small quantity generator exceeds the quantity limits listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter unless very small quantity generator status is regained under item A or C.

A. Once generator size status is lost, the generator shall not regain that status until the generator is notified in writing by the commissioner that the original generator size status has been approved. The commissioner shall only approve generator size status under this item if the generator can demonstrate to the satisfaction of the commissioner that the



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waste quantities that will be generated in the future will meet the limits established in ~~subparts~~ subpart 3 ~~and~~ or 4, as applicable. The generator shall make this demonstration by submitting a written statement to the commissioner requesting reclassification as a small or very small quantity generator, as applicable, and including the information necessary for the commissioner to evaluate the request. The information shall include an explanation of the circumstances that resulted in each instance of overgeneration during the past year, an explanation of the measures that the generator has taken to correct the cause of overgeneration, and other information as necessary to document that the overgeneration will not reoccur.

B. For small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 3 and the cause of the overgeneration is a spill or accidental release of ~~a~~ hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~ that is not acute hazardous waste; the shutdown or cleanup of some part of the generation process; or the replacement of PCB containing equipment, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter. However, in any of these cases, a generator will automatically regain small quantity generator status without applying to the commissioner for approval if the generator:

(1) resumes generation within the quantity limits in subpart 3; and

(2) complies with the quantity limits in subpart 3 during the other 11 months of the calendar year.

A generator who cannot automatically regain small quantity generator status under this subpart may apply for reclassification under item A.

C. For very small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 4 but does not exceed the quantity listed in subpart 3, the generator loses very small



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quantity generator status and is subject to the small quantity generator requirements of this chapter. However, a generator shall automatically regain very small quantity generator status without applying to the commissioner for approval if the generator:

(1) resumes generation within the quantity limits in subpart 4; and

(2) complies with the quantity limits in subpart 4 during the other 11 months of the calendar year.

A generator who cannot automatically regain very small quantity generator status under this subpart may apply for reclassification under item A.

A very small quantity generator who generates hazardous waste in any calendar month exceeding the quantities listed in subpart 3 is subject to item A or B.

7045.0208 HAZARDOUS WASTE MANAGEMENT.

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

A. ~~The hazardous waste~~ A generator may ~~be treated~~ treat or ~~disposed~~ dispose of at an on-site facility as provided under part 7045.0211.

B. ~~The~~ A generator may ensure delivery to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be permitted to accept hazardous waste under the agency's permitting procedures, have interim status under parts 7045.0552 to 7045.0642, or be authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency.

C. ~~The~~ A generator may ensure delivery to a facility that~~:~~

~~(1)~~ under part 7045.0125 beneficially uses or



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reuses, legitimately recycles, or legitimately reclaims the waste~~,~~ _,_ or

~~(2)~~ treats the waste before beneficial use or reuse, legitimate recycling, or legitimate reclamation.

D. ~~The~~ A generator may export to a foreign country under the limitations in part 7045.0302.

Subp. 2. **Relinquishing control.** A generator must not relinquish control of a hazardous waste if:

A. the generator has reason to believe that the hazardous waste will not be properly managed; or

B. the transporter or the treatment, storage, or disposal facility is not exempt under this chapter and has not:

(1) received an identification number from a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271; or

(2) received an identification number from the Environmental Protection Agency.

Subp. 3. **Effect on liability.** Nothing in subpart 1 or 2 is intended to restrict, enlarge, or affect, in any way, any liability the generator may have to correct the mismanagement of the hazardous waste or pay for damages or alleviate any pollution caused by the mismanagement of the hazardous waste.

7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.

Subpart 1. **Waste procedures.** A generator who treats, stores, or disposes of a hazardous waste on site which ~~have~~ has been produced on site must comply with this chapter and chapter 7001, as applicable.

Subp. 2. and 3. [See repealer.]

7045.0212 IMPORTERS OF HAZARDOUS WASTE.

Any person who imports hazardous waste into the state of Minnesota from a source outside the United States must comply with the standards applicable to generators established in parts 7045.0205 to 7045.0320.



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7045.0213 FARMERS; PESTICIDES.

Subpart 1. **General applicability.** A farmer who generates waste pesticides which are hazardous waste must comply with the standards applicable to generators established in parts 7045.0205 to 7045.0320 except as provided in subpart 2.

Subp. 2. **Special conditions.** A farmer who generates waste pesticides which are hazardous waste and who triple rinses each emptied pesticide container and disposes of the pesticide residues on the farmer's farm in a manner consistent with the disposal instructions on the pesticide label is not required with respect to those pesticides to comply with other standards in parts 7045.0205 to 7045.0320 or to comply with parts 7045.0450 to 7045.1380, or to obtain a hazardous waste facility permit, provided that:

A. the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B. the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C. in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

7045.0225 GENERATOR LICENSE.

Subpart 1. **Applicability.** A person who generates hazardous waste must obtain a hazardous waste generator license for each individual generation site. The procedures for application and issuance are described in parts 7045.0225 to 7045.0250. The fees associated with the license are set forth in parts 7046.0031 to 7046.0070.

Subp. 2. **Posting.** A generator must prominently display the hazardous waste generator license in a public area at the licensed site.



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7045.0230 CONTENT OF ~~INITIAL~~ LICENSE APPLICATION.

Subpart 1. **Information required.** Except as provided in subpart 1a, an application must be on a form provided by the commissioner and must include the following information:

A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and EPA identification number or date applied for;

B. a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135, the physical state, and the source or process from which the wastes are generated;

~~B.~~ C. a list of all ~~nonexempt~~ wastes of the generator that have been determined by the generator to be nonhazardous wastes. The list must include the type of waste, the physical state, and the source or process from which the waste was produced;

~~C.--the-chemical-composition-of-each-waste-which-is hazardous-due-to-one-of-the-characteristics-identified-in-part 7045.0131-and-the-anticipated-fluctuations-in-the-chemical composition-that-will-occur-during-normal-operations;~~

~~D.--the-concentration-of-each-component-in-part 7045.0131,-subpart-8-that-is-known-or-suspected-to-be-in-the leachate-of-the-waste-following-the-toxicity-characteristic leaching-procedure.--If-a-component-listed-in-that-exhibit-is known-or-suspected-to-be-in-the-waste,-the-results-from-the toxicity-characteristic-leaching-procedure-for-that-component must-be-included-unless-alternative-data-approved-by-the commissioner-is-submitted;~~

~~E.--the-hazardous-properties-of-the-waste-and-the source-of-the-data-or-information-used-to-identify-the-hazardous properties;~~

~~F.--in-the-event-any-tests-were-conducted-to-evaluate the-waste,-the-results-of-all-tests-conducted;~~

~~G.--a-copy-of-the-contingency-plan-prepared-pursuant~~



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~~to part 7045.0292, subpart 1, item H, and a certification stating that the contingency plan is being maintained for currency of information on site and is available for staff review;~~

D. a list of all used and waste oils generated, the physical state, and the source or process from which the waste was produced;

~~H.~~ E. a management plan for each hazardous waste and oil produced that includes the following information:

[For text of subitems (1) to (6), see M.R.]

(7) the method(s) of treatment and/or disposal proposed for each hazardous waste;

(8) the date hazardous waste was first produced; and

(9) in the event any tests were conducted to evaluate the waste, the results of all tests conducted; and

~~I. any other information that the generator deems important.~~

F. the following certification signed by the generator or authorized representative:

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

Subp. 1a. **Very small quantity generator license application.** An application for a very small quantity generator license must be on a form provided by the commissioner and must include the following information:

A. the generator's company name, location address, mailing address, type of business, contact person, telephone number, and identification number;



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B. the date each hazardous waste was first produced;

C. the name or a description of each hazardous waste generated;

D. the estimated amount of each hazardous waste to be produced in a one year period;

E. the methods of treatment and/or disposal;

F. the certification required under subpart 1, item F; and

G. additional information required under subpart 1 as requested by the commissioner.

Subp. 3. [See repealer.]

Subp. 4. **Laboratory waste.** A person who produces a waste from a laboratory or pilot plant that is a mixture of small amounts of unrelated but compatible chemicals such that the description of any sample or set of samples is not representative of the total waste is exempt from subpart 1, ~~items C, D, and F~~ item E, subitem (9).

7045.0240 SUBMITTAL OF LICENSE APPLICATION.

Subpart 1. and 2. [See repealer.]

Subp. 3. **License application submittal.** Each generator who is producing hazardous waste in Minnesota must submit a license application to the commissioner within ~~30~~ 75 days of first producing a hazardous waste. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the waste until at least ~~30~~ 15 days after the application is submitted to the commissioner. In the period between ~~30~~ 15 days after the generator's license application submittal and the ~~commission's license approval and issuance~~ commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the hazardous waste as provided in ~~parts 7045.0205 to 7045.0320~~ part 7045.0208 until written response to the generator's license application is received under part 7045.0245. After the commissioner acts on the license application, the generator must manage the waste



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according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has ~~disclosed~~ notified the commissioner of the generator's waste under this chapter before ~~October 1, 1991~~ April 1, 1992, need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

Subp. 4. **Prohibition on generation.** A generator who is denied a generator license or who fails to submit a timely application for a generator license shall immediately stop generating the hazardous waste until a license is obtained.

7045.0243 TERM AND CONDITIONS OF LICENSE.

Subpart 1. **Term of license.** A hazardous waste generator license is issued for ~~the following terms:~~

~~A. for large quantity generators and small quantity generators, the term is not to exceed one year, except that the initial license issuance may be for a term of up to 18 months; and~~

~~B. for very small quantity generators, the term is not to exceed two years~~ a term to be determined by the commissioner. The term of a license shall not exceed two years.

Subp. 2. **Special conditions.** Each license will contain or reference conditions necessary for the licensee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts 7045.0205 to 7045.0320, and any conditions that the commissioner determines and shows with reasonable justification to be necessary to protect human health and the environment.

Subp. 3. **General conditions.** Each license must include the general conditions described in items A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part.

A. The commissioner's issuance of a license does not



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release the licensee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the license.

B. The commissioner's issuance of a license does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of this chapter, standards, or orders against the licensee.

C. The commissioner's issuance of a license does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

D. The licensee may not knowingly make a false or misleading statement, representation, or certification in a record, report, or other document required to be submitted to the agency or to the commissioner by the license or this chapter. The licensee must immediately upon discovery report to the commissioner an error or omission in these records, reports, or other documents.

E. When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the licensee to enter at reasonable times upon the <u>licensed</u> property of the licensee to examine and copy books, papers, records, or memoranda pertaining to the activity covered by the license; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the activity covered by the license.

F. If the licensee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the license has occurred, the licensee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. ~~The licensee must then correct the noncompliance within 24 hours after discovery or, if the licensee demonstrates that correction is not possible within 24 hours, at the earliest practical time as agreed to by the~~



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~~commissioner.~~

G. If the licensee begins generation of a hazardous waste that was not included on the license application and is therefore not authorized under the existing license, the licensee must submit an amended application providing information required in part 7045.0230 within ~~30~~ 75 days of first producing ~~that~~ the new hazardous waste. ~~The licensee may continue generation and the commissioner will review the amended application under the process provided in part 7045.0240.~~ The generator must at all times manage the new waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the new waste until at least 15 days after the amended license application is submitted to the commissioner. In the period between 15 days after submittal and the commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the new waste as provided in part 7045.0208 until written response to the generator's amended license application is received under part 7045.0245. After the commissioner acts on the amended license application, the generator must manage the new waste according to the amended license conditions and the requirements of this chapter or the generator must cease producing the new waste if the amended license application is denied.

H. If the licensee changes management of a hazardous waste during the term of the license, the licensee must report the change in the next ~~report~~ license renewal application required under part 7045.0248.

I. The license is not transferable. If the owner or operator to whom the license has been issued changes, the new owner or operator must apply for a new license not later than 30 days after the change.

J. The license authorizes the licensee to perform the activities described in or referenced by the license under the conditions of the license. In issuing the license, the state and agency assume no responsibility for damage to persons,



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property, or the environment caused by the activities of the licensee in the conduct of its actions, including those activities authorized under the license. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

7045.0245 LICENSE APPROVAL AND ISSUANCE.

Subpart 1. **Review and approval.** The commissioner shall conduct a review of the license application and shall:

A. approve the hazardous waste generator license application;

B. require the submission of additional information or management plans or both to make the license application complete and approvable;

C. require changes in the management of the hazardous waste or wastes to make the license application approvable; or

D. deny ~~approval of~~ the license ~~application within 45 days of the last submittal of information by the license applicant~~.

Subp. 2. **License issuance.** The commissioner will issue a hazardous waste generator license upon approval of the application under subpart 1 and payment in full of generator fees required under chapter 7046.

7045.0247 LICENSE ~~REISSUANCE~~ RENEWAL AND CONTINUATION OF EXPIRED LICENSE.

Subpart 1. **License ~~reissuance~~ renewal.** The commissioner will ~~reissue~~ renew the license after receipt, review, and approval of the license ~~reissuance~~ renewal application ~~and report~~ required under part 7045.0248 and payment in full of generator fees required under chapter 7046.

Subp. 2. **Continuation of expired license.** A generator who holds an expired license may continue to conduct the licensed activity according to the terms and conditions of the expired license until the commissioner takes final action on the ~~reissuance~~ renewal application if the commissioner determines



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that items A to D are true.

A. The licensee has submitted the application ~~and report~~ required under part 7045.0248 no later than 30 days after receipt of license ~~reissuance~~ renewal application.

B. The licensee responds to requests by the commissioner for additional ~~report~~ application information within 14 days of receiving the written ~~or verbal~~ request.

C. The licensee is in compliance with the terms and conditions of the expired license.

D. The licensee has made payment in full of generator fees required under chapter 7046.

7045.0248 LICENSE ~~REISSUANCE~~ RENEWAL APPLICATION ~~AND REPORT~~.

Subpart 1. **Applicability.** A licensed generator must submit a license ~~reissuance~~ renewal application ~~and report~~ to the commissioner on forms provided by the commissioner. A generator must submit the application ~~and report at least 30 days before the expiration date of the generator license~~ by a date specified by the commissioner. Except as provided in subpart 2, the application ~~and report~~ must contain the following information for each hazardous waste produced during the preceding calendar year:

A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and EPA identification number;

B. the calendar year covered by the ~~report~~ renewal application;

C. ~~the name of the hazardous waste, the hazardous waste number or numbers, and the United States Department of Transportation hazard class~~ a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135, and the physical state;

D. ~~the amount of each hazardous waste produced~~ a list of all used and waste oils generated, the type of waste, and the physical state;



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~~E.--the-names-and-identification-numbers-of-the transporters-used-to-transport-shipments-to-facilities-within the-United-States;~~

~~F.--the-names-and-addresses-of-the-hazardous-waste facilities-used-in-the-United-States,-their-identification numbers,-the-method-of-treatment-or-disposal,-or-both,-and,-as applicable:~~

~~(1)-the-numbers-of-the-hazardous-waste-facility licenses-issued-by-the-agency-for-those-facilities-located-in Minnesota;~~

~~(2)-the-addresses-of-those-facilities-located outside-Minnesota;~~

~~(3)-the-name-of-the-wastewater-treatment-works-to which-a-sewered-hazardous-waste-was-discharged;-and~~

~~(4)-the-national-pollution-discharge-elimination system-or-state-disposal-license-number-for-discharge-to-land and-waters-of-the-state;~~

E. for each hazardous waste and oil produced during the reported calendar year the following information:

(1) the amounts produced;

(2) the names and identification numbers of the transporters used;

(3) the frequency with which the hazardous waste was transported or discharged;

(4) the name of the wastewater treatment works to which a sewered hazardous waste was discharged;

(5) the national pollutant discharge elimination system or state disposal permit number for discharges to sewers and waters of the state;

(6) the names of the hazardous waste facilities involved in the management of the hazardous waste and, as applicable, the numbers of the hazardous waste facility permits issued by the agency for those facilities located in Minnesota, or the addresses and identification numbers of those facilities located outside of Minnesota;

(7) the method(s) of treatment and/or disposal



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proposed for each hazardous waste; and

(8) the date hazardous waste was first produced;

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

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

~~I.~~ H. the following certification signed by the generator or authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. ~~I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree that I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment.~~"

Subp. 2. **Very small quantity generator license renewal application.** A very small quantity generator must submit a license renewal application to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. The application must contain the following information for each hazardous waste produced during the preceding calendar year:

A. the name or a description of the hazardous waste;

B. the amount of each hazardous waste produced;

C. the methods of treatment and/or disposal;



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D. the certification required under subpart 1, item H; and

E. additional information required under subpart 1 as requested by the commissioner.

Subp. ~~2.~~ 3. **Recycled waste.** A generator of waste that is recycled according to part 7045.0125, and is exempt from the requirements of parts 7045.0261 and 7045.0265, must include as part of the report required under subpart 1 or 2:

A. evidence that the waste was recycled ~~as indicated in the management plan~~; and

B. evidence that a continuing market exists for the waste.

Subp. ~~3.~~ 4. **Exported waste.** Reporting for exports of hazardous waste is not required under this part. Export reporting requirements are set out in part 7045.0302, subpart 6.

Subp. ~~4.~~ 5. **Approval of application.** License ~~reissuance~~ renewal applications shall be subject to the commissioner's review and approval procedures under part 7045.0245, subpart 1.

7045.0250 LICENSE REVOCATION.

Subpart 1. ~~**Justifications**~~ **Justification to revoke.** The following constitute justification for the commissioner to revoke a license:

A. existence at the licensed site of unresolved noncompliance with applicable state and federal pollution statutes or rules or a condition of the license, and failure of the licensee to undertake a schedule of compliance to resolve the noncompliance;

B. licensee failure to disclose fully the facts relevant to issuance of the license or ~~**submits**~~ submittal of false or misleading information to the commissioner; and

C. licensee failure to pay or escrow a penalty owed under Minnesota Statutes, section 116.072.

Subp. 2. **Procedure.** The commissioner must give a written 30-day notice to the licensee of the commissioner's intent to revoke the hazardous waste generator license. Included in the



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notice must be specific justification for the revocation as described under subpart 1.

Subp. 3. **Reinstatement.** The licensee may apply to the commissioner for license reinstatement by providing written documentation that the justifications for revocation have been remedied. The commissioner will review the request within 30 calendar days and deny or approve the request in writing. A reinstatement is for the remaining term of the license. Generator fees under chapter 7046 will not be refunded for the period that the license is revoked nor will the fees be credited towards a subsequent fee cycle.

Subp. 4. **Revocation without reissuance.** The commissioner shall give notice to the licensee of a proposal to revoke a license without reissuance. The notice must state that within 30 days of the receipt of the notice the licensee may request that a contested case hearing be held on the proposed action. If the licensee requests a contested case hearing, the agency shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402.

7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.

A person having hazardous waste subject to regulation under this chapter who is only a hazardous waste generator for the one-time disposal of hazardous waste which is not currently being produced, must comply with this chapter except as provided in items A and B.

A. The generator is exempt from parts 7045.0225 to 7045.0250, license and license reporting, except that the generator must submit a management plan meeting the requirements of part 7045.0230, subpart 1, item H E, for approval by the commissioner ~~of~~ on forms provided by the commissioner.

B. For accumulation requirements, the generator is exempt from the large quantity generator requirements of part 7045.0292. The generator must meet requirements applicable to small quantity generators in part 7045.0292, subparts 5, 9, 10, and 11.



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7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

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

Subp. 1a. **Exemptions.** A generator may transport without a manifest as described in item A or B. Transporters exempt under this subpart must comply with all applicable requirements of Minnesota Statutes, sections 221.033 and 221.034, and Code of Federal Regulations, title 49, parts 171 to 199.

A. A very small quantity generator may transport the generator's own hazardous waste without a manifest if transportation is via the generator's own vehicle and if that transportation is to a very small quantity generator hazardous waste collection program under part 7045.0320.

B. A small quantity or a very small quantity generator may use an alternate manifest system as provided under part 7045.0075, subpart 5.

[For text of subps 2 to 6, see M.R.]

Subp. 7. **Manifest information.** The Minnesota manifest is based on the Uniform National Manifest that is required under United States Department of Transportation and United States Environmental Protection Agency regulations, as contained in Code of Federal Regulations, title 40, part 262, and Code of Federal Regulations, title 49, part 172. Manifest information requirements include those required by United States Department of Transportation and United States Environmental Protection Agency regulations and consist of the numbered items on the manifest set forth in the Appendix to Code of Federal Regulations, title 40, part 262. Additional state information requirements consist of the telephone number of the designated facility and the hazardous waste numbers specified in parts 7045.0100 to 7045.0143 for each hazardous waste specified on the manifest. Manifests must include the information specified in this subpart and in the instructions on the manifest.

[For text of subps 8 to 10, see M.R.]

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **Large quantity generator.** A large quantity



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generator may accumulate hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

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

F. containers that hold free liquids are placed on a containment surface that is impermeable to the wastes stored and, if outside, is curbed;

[For text of item G, see M.R.]

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

I. the requirements of parts 7045.0558, 7045.0562, subparts 1 and 2, and 7045.0566 to 7045.0576 are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness and prevention, and contingency planning; and

~~I. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel.~~

Subp. 2. **Starting date.** A generator's accumulation starting date begins when the generator initiates accumulation in a container or tank, except as provided in subpart 6 for very small quantity generators, subpart 7 for acute hazardous waste, and subpart 8, item B, subitem (3), for satellite accumulation.

Subp. 3. and 4. [See repealer.]

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 180 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance



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with part 7045.0208;

B. ~~the quantity of waste accumulated on site never exceeds 3,000 kilograms of waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~ the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or in tanks provided the generator complies with the requirements of part 7045.0629;

C. ~~the generator meets the requirements of subpart 1, items C to G and I~~ tanks and containers are clearly labeled with the waste accumulation start date; alternatively, containers are so labeled while a clearly designated and legible log of tank transactions which includes accumulation start dates is maintained; all of these dates must be available for inspection;

D. each container and tank is properly labeled and marked according to part 7045.0270, subparts 1 and 5;

E. outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

F. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

G. containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

~~D.~~ I. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention, and 7045.0568, relating to the arrangements with local authorities



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for emergencies; and

~~E.~~ J. the generator complies with the following requirements:

~~(1) the waste must be placed in containers that meet the standards of part 7045.0270, subpart 4, and are managed according to part 7045.0626, or in tanks, provided the generator complies with the requirements of part 7045.0629;~~

~~(2)~~ the generator must ensure that there is available at all times at least one employee, identified as the emergency coordinator, responsible for coordinating all emergency response measures provided in subitem ~~(5)~~ (4); the emergency coordinator must be either on the generator's premises or available to respond to an emergency by reaching the premises within a short period of time;

~~(3)~~ (2) the generator must post the following information next to the telephone on the premises: the name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, the fire alarm, if present, and the telephone number of the fire department, unless there is a direct alarm;

~~(4)~~ (3) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies; and

~~(5)~~ (4) the emergency coordinator or a designee must respond to any emergencies that arise. Appropriate responses include: in the event of a fire, call the fire department or try to extinguish the fire by using a fire extinguisher; in the event of a spill, contain the flow of hazardous waste to the extent possible and as soon as practicable, clean up the hazardous waste and any contaminated materials or soils; in the event of a fire, explosion, or other release that could threaten human health outside the premises or when the generator has knowledge that a spill has reached surface water, the generator must immediately comply with part



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7045.0275, subparts 2 and 3, and notify the National Response Center using its 24-hour toll free number (800) 424-8802 and provide the name, address, identification number of the generator, date, time, type of incident, and the estimated quantity and disposition of any recovered materials.

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate waste on site ~~indefinitely~~ without a permit or without having interim status until 1,000 kilograms of hazardous waste ~~not-listed-as-acute-hazardous-waste-in-part-7045.0135,-subpart-2,-3,-or-4,-item-E,~~ that is not acute hazardous waste is accumulated~~.--From-the-date-the-1,000-kilogram-limit-is-reached-(accumulation-start-date),-the-entire-quantity-of-waste-must,-within-180-days-of-accumulation-start-date,-be-treated-on-site-or-shipped-off-site-in-compliance-with-part-7045.0208.--A-very-small-quantity-generator-accumulating-waste-under-this-subpart-must-meet-the-requirements-of-subpart-5,-except-for-items-B-and-E,-subitems-(2)-to-(5).~~ if:

A. all accumulated hazardous waste is, within 180 days of the date the 1,000 kilogram limit is reached, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or in tanks provided the generator complies with the requirements of part 7045.0629;

C. tanks and containers are clearly labeled with the waste accumulation start date; alternatively, containers are so labeled while a clearly designated and legible log of tank transactions which includes accumulation start dates is maintained; all of these dates must be available for inspection;

D. each container and tank is properly labeled and marked according to part 7045.0270, subparts 1 and 5;

E. outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

F. containers that hold free liquids are placed on a



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containment surface that is impermeable to the waste stored and, if outside, is curbed;

G. containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

I. the generator meets the requirements of part 7045.0566, relating to preparedness and prevention, and part 7045.0568, relating to the arrangements with local authorities for emergencies.

Subp. 7. **Acute hazardous waste accumulation.** A small quantity generator or a very small quantity generator who generates ~~waste listed as~~ acute hazardous waste ~~in part 7045.0135, subpart 2, 3, or 4, item E,~~ may accumulate that waste on site indefinitely until one kilogram of acute hazardous waste or 100 kilograms of residue, contaminated soil, water, or other debris resulting from the cleanup of a spill of an acute hazardous waste into or on any land or water, is accumulated. From the date the applicable limit is reached (accumulation start date), the entire quantity of waste must be treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208 within 90 days. A generator accumulating wastes under this subpart must meet the requirements in items A and B.

A. For the period preceding the accumulation start date, the generator must comply with subpart 5, items ~~C~~ B to ~~E~~ J.

B. For the period following the accumulation start



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date, the generator must comply with subpart 1.

Subp. 8. **Satellite accumulation.** Items A to C apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, as applicable, accumulate as much as 55 gallons of hazardous waste or one quart of ~~acutely~~ acute hazardous waste listed in part 7045.0135, subpart 4, item E, in containers located at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste, provided the generator complies with items B and C.

B. The generator must:

(1) comply with part 7045.0626;

(2) clearly label each container with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel; and

(3) clearly label each container with the earliest of either the date on which the container became full or the date on which the volume limits prescribed in item A are reached.

C. A generator of any size who accumulates either hazardous waste or ~~acutely~~ acute hazardous waste listed in part 7045.0135, subpart 4, item E, in excess of the amounts listed in item A at or near any point of generation must, with respect to the amount of excess waste, comply within three days with subparts 1 to 7, as applicable. During the three-day period for compliance, the generator must continue to comply with item B.

Subp. 9. **Transportation time extension.** If waste accumulated under subparts 5 and 6 must be transported 200 miles or more to a facility, the generator may store the waste for an additional 90 days beyond the established limits. In this event, the generator must maintain evidence on site that arrangements have been made for the transport of the waste to the facility and, if requested, show the evidence to the commissioner.

Subp. 10. **Time extension.** One extension may be granted



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for up to 30 days by the commissioner if hazardous waste must remain on site for longer than the maximum allowable time under subparts 1 to 9, as applicable, due to unforeseen, temporary, and uncontrollable circumstances.

Subp. 11. **Accumulation requiring a permit.** ~~No person shall accumulate hazardous waste beyond the maximum allowable time under subparts 1 to 10 without a hazardous waste facility permit.~~ A large quantity generator who accumulates hazardous waste for more than ~~the maximum allowable time~~ 90 days is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642 and the agency's permitting procedures in chapter 7001 unless the generator has been granted a time extension under subpart 10.

For small quantity and very small quantity generators, if the quantity of hazardous waste accumulated at any time exceeds the quantities in subpart 5 or 6, whichever applies, the generator must manage all of the accumulated waste in accordance with all the generator requirements of parts 7045.0205 to 7045.0320. The generator does not lose small quantity or very small quantity generator status, as applicable.

7045.0294 RECORD KEEPING.

Subpart 1. **Manifests.** A generator must keep a copy of each manifest signed according to part 7045.0265, subpart 1, for three years or until the generator receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

Subp. 1a. **Alternate manifests.** Record keeping requirements under the alternate manifest system provided in part 7045.0075, subpart 5, include:

A. a generator must maintain a copy of the reclamation and transport agreement during the term of the agreement and for a period of at least three years after termination or expiration of the agreement; and

B. for each shipment of waste using an alternate



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manifest, a generator must submit a completed copy of that alternate manifest to the commissioner within five working days of the transporter's acceptance of the waste shipment.

Subp. 1b. **Very small quantity generator collection program receipt.** A generator must keep a copy of each signed receipt for waste delivered to a collection site under part 7045.0320. This signed copy must be retained as a record for at least three years from the date the waste was accepted at the collection site.

Subp. 2. **Reports.** A generator must keep a copy of the license application, each ~~annual report~~ license renewal application, and each exception report for at least three years from the due date of the report.

Subp. 2a. **Container inspection reports.** A generator must keep a copy of each weekly container inspection report required for generator accumulation under part 7045.0292 for a period of at least three years from the date of the inspection. ~~Part 7045.0292 references part 7045.0626 as a requirement for all size generators.~~

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

Subp. 5. **Location of records.** The records required in subparts 1 to 3 must be located at the licensed site. The records must be easily available for agency inspection.

7045.0298 EXCEPTION REPORTING.

Subpart 1. **When applicable.** A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and the owner or operator of the designated facility to determine the status of the hazardous waste. A generator must submit an exception report to the commissioner if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.



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Subp. 2. **Content of report.** The exception report must include:

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

B. a cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

7045.0300 ADDITIONAL REPORTING.

The commissioner, when necessary to determine compliance with the requirements of this chapter, may require generators to furnish additional reports concerning the quantities and disposition of waste identified or listed in parts 7045.0100 to 7045.0143.

7045.0305 STANDARDS FOR GENERATORS WHO SEWER HAZARDOUS WASTE.

Subpart 1. **Applicability.** This part applies to generators who discharge their own hazardous waste to a sanitary sewer.

Subp. 2. **Generator size determination.** A generator who sewers hazardous waste shall ~~determine the generator size according to items A and B.~~

~~A. For hazardous waste discharged to a sewer system not owned or operated by a publicly owned treatment works, the generator shall include quantities of pretreated and nonpretreated waste in the generator size determination.~~

~~B. For hazardous waste discharged to a sewer system owned or operated by a publicly owned treatment works, the generator shall include quantities of waste in the generator size determination as described in subitems (1) to (3):~~

~~(1) the volume of an untreated hazardous waste shall be included;~~

~~(2)~~ include the quantity of sewered hazardous waste in their size determination under part 7045.0206 except for the volume of a hazardous waste that has been pretreated provided that:

A. an 80 percent reduction of the quantity of the hazardous waste constituent mass is achieved before



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sewering ~~shall-not-be-included-if-the-following-requirements-are met:~~;

~~(a)~~ B. the discharge is ~~under-agreement-with the~~ approved by a publicly owned treatment works permitted under part 7001.0520, subpart 3, item B;

~~(b)~~ C. the generator ~~has-the-commissioner's-approval under-the-licensing-provisions-of~~ is licensed to sewer their waste under parts 7045.0225 to 7045.0250; and

~~(c)~~ D. the generator has met the conditions of part 7001.0520~~;-and~~, subpart 3, item C.

~~(3)-the-volume-of-a-pretreated-hazardous-waste not-meeting-the-conditions-of-subitem-(2)-will-be-included.~~

Subp. 3. **Management.** A generator who sewers hazardous waste shall comply with the requirements of this chapter applicable to ~~the~~ their generator size ~~except~~ with the following exception. A generator whose quantity determination is zero because the generator meets the conditions of subpart 2~~,-item-B,-subitem-(2),-are-met~~ will be classified as a very small quantity generator and shall meet the requirements of this chapter that apply to very small quantity generators.

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

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

Subp. 2. **Notification.** An operator who intends to establish or operate all or part of a household hazardous waste management program shall ensure that the information required in items A to J is submitted to the commissioner at least 30 days before initiating the household hazardous waste management program.

The notification shall provide a complete description of the program including, as applicable:

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

I. a description of the safety and emergency procedures established for the program; and

J. the name and address of all waste transporters and



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the facilities which will treat or dispose of the waste.

Operators who submit a notification and subsequently change any aspect of the program as described in the notification must submit, within 30 days of making the change, an amended notification to the commissioner fully describing the program changes.

Subp. 3. **Management requirements.** An operator who establishes or operates all or part of a household hazardous waste management program must comply with the standards applicable to large quantity generators established in parts 7045.0205 to 7045.0320, except as modified in items A to ~~G~~ E.

A. The operator need not comply with the license and license reporting requirements of parts 7045.0225 to 7045.0250.

B. ~~If the operator transports or offers for transport household hazardous waste for off-site treatment, storage, or disposal at a permitted hazardous waste facility, the operator must obtain a generator identification number as required in part 7045.0221.~~

~~C.~~ The operator may ~~only~~ transport or offer for transport household hazardous waste for off-site activities ~~to a facility that either has a hazardous waste permit~~ as provided in part 7045.0208 or to a collection site that has obtained the commissioner's approval under subpart 6.

~~E.~~ C. If the operator transports or offers for transport household hazardous waste for off-site activities at a collection site that has obtained the commissioner's approval under subpart 6, the operator:

(1) may, in lieu of a manifest, prepare and use a shipping paper containing all the information required on a manifest in part 7045.0261, excluding the identification number, to comply with the requirements of parts 7045.0205 to 7045.0320;

(2) may designate an alternate collection site which meets the requirements of subpart 6 or an alternate facility and must indicate the alternate collection site or facility on the shipping paper prepared under subitem (1); and

(3) must instruct the transporter to return the



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waste, if the transporter is unable to deliver the household hazardous waste to the facility or collection site designated on the shipping paper.

~~F.~~ D. If the operator intends to store household hazardous waste for more than 90 days after the accumulation start date, the operator must obtain the approval of the commissioner as set out in subpart 6, but no facility permit is required unless the operator intends to perform treatment procedures other than those specified in subpart 7 or disposes of the waste on site.

~~G.~~ E. The operator need not comply with the record keeping requirements of part 7045.0294, subparts 2 and 3.

Subp. 4. [See repealer.]

Subp. 5. **Transportation requirements.** An operator or other persons who transport waste collected as a result of a household hazardous waste management program shall transport collected waste in compliance with the requirements in items A to D.

A. A transporter may not accept household hazardous waste from any operator who establishes or operates all or part of a household hazardous waste management program unless the waste is accompanied by either a manifest signed by the generator according to parts 7045.0205 to 7045.0320 or a shipping paper prepared according to subpart 3, item E, subitem (1).

B. If the household hazardous waste is destined for a hazardous waste facility, the transporter shall comply with all of the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397.

C. If the household hazardous waste is destined for a collection site that has obtained approval from the commissioner under subpart 6, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397, except:

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

[For text of item D, see M.R.]



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Subp. 6. **Storage of collected wastes.** An operator who accepts household hazardous waste from another collection site or stores household hazardous waste for more than 90 days must comply with the requirements of items A to E.

A. No operator may accept household hazardous waste from another collection site or store household hazardous waste for more than 90 days after the accumulation start date as provided in part 7045.0292, without the approval of the commissioner.

B. An operator intending to accept household hazardous waste from another collection site or store household hazardous waste for more than 90 days must submit a request for approval to the commissioner at least 30 days before initiating a household hazardous waste program. The commissioner shall approve the request if the commissioner determines that, based on the information contained in the request, the storage and management practices employed at the storage facility will appropriately protect human health and the environment from any adverse effects associated with the household hazardous waste.

C. If the commissioner approves a request, the operator shall manage the waste in compliance with the applicable standards in parts 7045.0526 and 7045.0528 for the use and management of containers and tanks.

D. If the commissioner does not approve a request, the operator must transport or arrange to transport the household hazardous waste for off-site activities at a facility that either has a hazardous waste permit or a collection site that has obtained the commissioner's approval under this subpart. Operators who store household hazardous waste for more than 90 days without the commissioner's approval are in violation of this chapter.

E. If the operator has not submitted a request as required under item B, or if the commissioner does not approve a request, the commissioner may still grant a storage extension if household hazardous waste must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable



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circumstances as provided in part 7045.0292, ~~subpart 3~~ subparts 10 and 11.

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

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

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

(1) paints;

(2) solvents;

(3) ~~motor~~ used or waste oil; and

(4) antifreeze.

While bulking is being done, the personnel training and safety procedures 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 notification must provide the following information:

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

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

7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

Subpart 1. **Applicability.** This part provides the requirements for the management and transportation of waste collected as part of a very small quantity generator hazardous waste collection program. Full compliance with this part exempts the program operator from the permit requirements of part 7001.0520.

An operator of a hazardous waste facility permitted under



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chapter 7001 is exempt from the requirements of this part to the extent that the facility permit specifically allows the facility to accept and store waste from other generators.

Subp. 2. **Generators who operate collection programs.** A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.

Subp. 3. **Definitions.** When used in this part, the terms in items A to D have the meanings given them.

A. "Collection program" means a program licensed under this part to accept, collect, transport, store, or treat hazardous waste from very small quantity generators.

B. "Collection site" means a site established as part of a collection program under this part.

C. "Program operator" means a person or persons who establish a collection program and arrange for the acceptance, collection, transportation, storage, and treatment of collected hazardous waste from very small quantity generators.

D. "Site operator" means a person or persons who operate a collection site.

Subp. ~~3.~~ 4. **Program license.** A program operator must apply for and obtain a collection program license from the commissioner before accepting any waste. The program operator must renew the license annually.

Subp. ~~4.~~ 5. **License application.** The license application must provide a complete description of the program including, as applicable:

A. the name, address, and telephone number of persons establishing the program;

B. the name, address, and telephone number of persons operating the program, if different than item A;

C. the location and EPA identification number of all collection sites, designating central facilities and satellite facilities;



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D. the duration and operating hours of the program;

E. the intended program service area;

F. a description of the ~~application~~ operator's administrative process for accepting waste from very small quantity generators;

G. the anticipated types and amounts of waste to be collected, stored, treated, transported, and disposed of;

H. a description of how the waste is to be collected, analyzed, stored, treated, transported, and disposed of;

I. except as provided in item J, if treatment of collected waste is applied for under this license, the following additional information must be submitted for each method of waste treatment proposed:

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

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

(3) evidence of compliance with part 7045.0210 addressing financial responsibility;

J. the bulking of paints, solvents, ~~motor~~ used or waste oil, and antifreeze does not require submittal of the additional information under item I but must be addressed under items G and H;

K. the amount of time the site operator intends to store collected waste at individual collection sites;

L. a description of the physical structures ~~to be used to collect~~ where collection and ~~store collected waste~~ storage will occur;

M. a description of personnel safety training;

N. a description of the safety and emergency procedures established;

O. the name ~~and~~, address, and EPA identification number of all hazardous waste transporters to be used; and

P. the name ~~and~~, address, and EPA identification number of all hazardous waste facilities which will treat or



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dispose of the waste.

Subp. ~~5.~~ 6. **Changes to license conditions.** A program operator may change the conditions of management or operation during the time period for which the license is valid, except for treatment changes approved under subpart ~~4~~ 5, item I, which require the commissioner's written approval before the operator may implement the treatment changes. If the program operator changes any of the conditions of management or operation during the life of the license, the operator shall report the changes in the next annual report.

Subp. ~~6.~~ 7. **License issuance and ~~reissuance~~ renewal.** After receiving the license application or annual report, as applicable, the commissioner will conduct a review of the submitted information and will:

A. issue or reissue, as applicable, a collection program license;

B. request in writing the submittal of additional information to make the license application or annual report, as applicable, complete and approvable;

C. request in writing facility operational or waste management changes to make the application or annual report, as applicable, approvable; or

D. deny approval of license application within 45 days of last submittal of information by license applicant.

Subp. ~~7.~~ 8. **Reporting requirements.** A program operator must meet the reporting requirements ~~applicable-to-large-quantity-generators~~ established in part 7045.0248, subpart 1.

In addition, the site operator must keep a written operating record at the collection site and available for inspection that contains the following information for each ~~collection~~ time a waste is collected:

A. the generator ~~name~~ names and identification ~~number~~ numbers as required under part 7045.0221 from whom waste was collected;

B. the name or a description of the hazardous waste ~~or-wastes,-the-hazardous-waste-number-or-numbers,-and-the-United~~



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~~States-Department-of-Transportation-hazard-class~~ collected;

C. the amount of each hazardous waste collected:

D. the date the waste was received at the collection site; and

E. the date the waste was treated or shipped from the collection site.

Subp. ~~8.~~ 9. **Management requirements.** A person or persons involved in management of hazardous waste from very small quantity generators as part of a collection program shall comply with the requirements of items A to ~~E~~ F.

A. The program operator must comply with the standards applicable to large quantity generators established in parts 7045.0205 to 7045.0320 with respect to collected hazardous waste except as modified in this part.

B. The license ~~and-reporting~~ requirements of parts 7045.0225 to 7045.0250 are replaced by the requirements of subparts ~~3~~ 4 to ~~7~~ 8.

C. A site operator may accumulate hazardous waste on site without a permit or without interim status if the site operator complies with the accumulation time limits and management requirements provided in part 7045.0292. The site operator is a generator whose size shall be ~~determine~~ determined by applying part 7045.0206. The site operator shall comply with the requirements applicable to a generator of the appropriate size.

D. The site operator may ~~only~~ transport or offer for transport collected waste for off-site activities ~~to-a-facility that-either-has-a-hazardous-waste-permit~~ as provided in part 7045.0208 or to a collection site that ~~has-obtained-the commissioner's-approval-under-the-licensing-provisions-of~~ is part of the same collection program licensed under this part.

E. If the site operator transports or offers for transport collected waste for off-site activities ~~at~~ to a collection site that ~~has-obtained-the-commissioner's-approval~~ is part of the same collection program licensed under this part, the operator:



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(1) may, in lieu of a manifest, prepare and use a shipping paper containing all the information required on a manifest in part 7045.0261, excluding the identification number, to comply with the requirements of parts 7045.0261 to 7045.0265;

(2) may designate an alternate collection site that has obtained the commissioner's approval or an alternate facility and must indicate the alternate collection site or facility on the shipping paper prepared under subitem (1); and

(3) must instruct the transporter to return the waste, if the transporter is unable to deliver the collected waste to the facility or collection site designated on the shipping paper.

F. The site operator must provide a written receipt to the generator immediately upon receipt of waste. The receipt must include:

(1) the date the waste was received at the collection site;

(2) the name or a description of the hazardous waste received;

(3) the amount of each hazardous waste received;

(4) the generator name and identification number; and

(5) the signature of the generator or authorized representative.

Subp. ~~9.~~ 10. **Transport requirements.** A person or persons who transport waste collected as a result of a collection program licensed under this part shall transport collected waste in compliance with the requirements in items A to D.

A. A transporter may not accept collected waste from a program operator or a site operator unless the waste is accompanied by either a manifest signed by the program operator or a shipping paper prepared according to subpart ~~8~~ 9, item E, subitem (1).

B. If the collected waste is destined for a hazardous waste facility, the transporter shall comply with all of the hazardous waste transporter requirements in parts 7045.0351 to



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7045.0397.

C. If the collected waste is destined for a collection site that has obtained approval from the commissioner under the licensing provisions of this part, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397, except:

(1) a transporter identification number under part 7045.0361 is not required; and

(2) a shipping paper prepared according to subpart ~~8~~ 9, item E, subitem (1), may be used, in lieu of a manifest, to comply with the manifest requirements of parts 7045.0351 to 7045.0395.

D. An operator who transports waste for hire in Minnesota must obtain for-hire operating authority from the Minnesota Transportation Regulation Board as required by Minnesota Statutes, chapter 221.

~~Subp. 10. Generators who operate collection programs. A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.~~

7045.0351 APPLICABILITY AND EXEMPTIONS.

Subpart 1. **Applicability.** The provisions of parts 7045.0355 to 7045.0391 establish standards that apply to persons transporting hazardous waste that originates or terminates within the state of Minnesota if the transportation requires a manifest under parts 7045.0205 to 7045.0320. Parts 7045.0395 and 7045.0397 apply to the transportation of all hazardous waste within the state of Minnesota.

[For text of subp 2, see M.R.]

7045.0375 THE MANIFEST SYSTEM; GENERAL REQUIREMENTS.

Subpart 1. **Acceptance of shipment.** A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed by the generator according to parts



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7045.0205 to 7045.0320. In the case of exports, a transporter may not accept waste:

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

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

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subpart 1. **General requirements.** Parts 7045.0450 to 7045.0544 apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0100 to 7045.0320.

Parts 7045.0450 to 7045.0544 apply to the owners or operators of publicly owned treatment works that treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

Parts 7045.0450 to 7045.0544 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, United States Code, title 16, sections 1431 to 1434, as amended through December 31, 1982, and United States Code, title 33, section 1401, as amended through December 31, 1982, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0544 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

Parts 7045.0450 to 7045.0544 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

[For text of subp 2, see M.R.]

Subp. 3. **Exemptions.** Parts 7045.0450 to 7045.0544 do not apply to the following:

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

C. a farmer disposing of waste pesticides from the farmer's own use in compliance with part 7045.0213, subpart 2;



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

7045.0458 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. **Waste analysis.** Waste analysis procedures are listed in items A to D.

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

B. The analysis may include data developed under parts 7045.0100 to 7045.0143 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator.

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

[For text of subp 2, see M.R.]

7045.0472 FACILITY SHIPPING REQUIREMENTS.

When a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of parts 7045.0205 to 7045.0320.

7045.0488 CLOSURE ACTIVITIES.

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

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in part 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; or 7045.0538, subpart 7, or under the authority of part 7045.0539, subparts 2 and 4. By removing any hazardous waste or hazardous waste constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste according to all applicable requirements of parts 7045.0205 to 7045.0320.

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

7045.0526 USE AND MANAGEMENT OF CONTAINERS.

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

Subp. 6. **Containment.** Requirements for containment



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systems are as described in items A to E.

A. Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The containment system must:

(1) have a floor underlying the containers that is free of cracks or gaps and is ~~impermeable~~ sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

(2) have a floor that is sloped, or be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or in some other manner are protected from contact with accumulated liquids; and

[For text of subitem (3), see M.R.]

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

C. Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system. If the collected material is a hazardous waste as defined in parts 7045.0100 to 7045.0143, it must be managed as a hazardous waste according to all applicable requirements of parts 7045.0205 to 7045.1030. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of the federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1342, as amended, through June 30, 1983.

[For text of items D and E, see M.R.]

[For text of subps 7 and 8, see M.R.]

Subp. 9. **Closure.** At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, floors, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure and throughout the operating period, unless the owner or operator can demonstrate that the waste removed from the



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containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of parts 7045.0205 to 7045.1030.

7045.0532 SURFACE IMPOUNDMENTS.

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

Subp. 7. **Closure and postclosure care.** The requirements of closure and postclosure care are as follows:

A. At closure, the owner or operator shall:

(1) remove or decontaminate all waste residues, contaminated containment system components including liners, contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless they are shown to not be hazardous according to parts 7045.0100 to 7045.0143; or

[For text of subitem (2), see M.R.]

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

[For text of subps 8 to 10, see M.R.]

7045.0534 WASTE PILES.

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

Subp. 7. **Closure and postclosure care.** Closure and postclosure requirements are as follows:

A. At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components including liners, contaminated subsoils, and structures and equipment contaminated with waste and leachate; and manage them as hazardous waste unless they are shown to not be hazardous according to parts 7045.0100 to 7045.0143.

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

[For text of subps 8 to 10, see M.R.]

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

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

Subp. 3. **Exemptions.** The requirements of parts 7045.0522 to 7045.0642 do not apply to:



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

D. A farmer disposing of waste pesticides from the farmer's own use in compliance with part 7045.0213, subpart 2.

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

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

7045.0564 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. **Waste analysis.** The analysis must comply with the requirements in items A to D.

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

B. The analysis may include data developed under parts 7045.0100 to 7045.0143, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator.

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

[For text of subp 2, see M.R.]

7045.0578 FACILITY SHIPMENT REQUIREMENTS.

Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of parts 7045.0205 to 7045.0320.

7045.0596 CLOSURE ACTIVITIES.

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

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in part 7045.0628, subpart 9; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; or 7045.0638, subpart 4. By removing any hazardous wastes or hazardous constituents during partial or final closure, the owner or operator may become a generator of hazardous waste and must handle that waste according to all applicable requirements of parts 7045.0205 to 7045.0320.

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



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7045.0629 REQUIREMENTS FOR SMALL QUANTITY AND VERY SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

Subpart 1. **Scope.** The requirements of this part apply to small quantity and very small quantity generators that accumulate hazardous waste in tanks, and do not exceed accumulation amounts as provided in part 7045.0292.

Subp. 2. **General operating requirements.** ~~Small-quantity~~ Generators regulated under this part must comply with the following general operating requirements:

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

Subp. 3. **Inspections.** ~~Small-quantity~~ Generators regulated under this part must inspect, where present:

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

Subp. 4. **Closure.** ~~Small-quantity~~ Generators regulated under this part must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures.

Subp. 5. **Ignitable and reactive wastes.** ~~Small-quantity~~ Generators regulated under this part must comply with the following special requirements for ignitable or reactive waste:

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

Subp. 6. **Incompatible wastes.** ~~Small-quantity~~ Generators regulated under this part must comply with the following special requirements for incompatible wastes:

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

7045.0655 GENERAL FACILITY STANDARDS.

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

Subp. 6. **Closure.** At closure, the owner or operator of an elementary neutralization unit, pretreatment unit, or wastewater treatment unit shall remove all hazardous waste and hazardous waste residues from the unit.

At closure, the owner or operator of a combustion waste facility shall analyze the waste present in the facility according to parts 7045.0100 to 7045.0143 and shall submit the waste analysis results and proposed closure methods to the



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commissioner. Based on the waste analysis and proposed closure methods, the agency shall determine which closure standards from parts 7045.0450 to 7045.0544, if any, apply to the facility.

Subp. 7. **Treated wastes.** Treated waste generated by an elementary neutralization unit, pretreatment unit, or wastewater treatment unit is subject to regulation under parts 7045.0100 to 7045.0320.

7045.0665 USE CONSTITUTING DISPOSAL.

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

Subp. 2. **Standards applicable to generators of wastes used in a manner that constitutes disposal.** Generators of wastes that are used in a manner that constitutes disposal are subject to the requirements of parts 7045.0205 to 7045.0320.

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

7045.0675 RECYCLABLE HAZARDOUS WASTE USED FOR PRECIOUS METAL RECOVERY.

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

Subp. 2. **Requirements for generators.** Generators of recyclable hazardous waste regulated under this part are subject to the requirements of parts 7045.0205 to 7045.0320.

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

7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

Subpart 1. **Scope.** The requirements of this part apply to persons who generate, transport, collect, store, or reclaim spent lead-acid batteries that are recyclable. Except as provided in subpart 2, persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them, are not subject to regulation under parts 7045.0205 to 7045.0685 and chapter 7001 for the generation, transportation, and storage of spent batteries. For the purpose of this part, indoor storage is storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to ~~a masonry or other nonabsorbent~~ an impermeable floor placed on the ground.



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

7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

Subpart 1. **Scope.** This part applies to hazardous wastes that are burned for energy recovery in a boiler or industrial furnace that is not regulated by the thermal treatment standards in part 7045.0542 or 7045.0640, except:

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

D. Mixtures of used oil and waste that is hazardous solely for the characteristic of ignitability in part 7045.0131, subpart 2, provided the waste is generated by a person who in a calendar month generates no more than 100 kilograms of hazardous waste. This mixture is regulated as provided in part 7045.0102, subpart 3. If the waste is generated by a person who in a calendar month generates more than 100 kilograms of hazardous waste, part 7045.0102, subpart 3, item A, applies.

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

[For text of subp 2, see M.R.]

Subp. 3. **Standards applicable to generators of hazardous waste fuel.** Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to parts 7045.0205 to 7045.0320. Generators who market hazardous waste fuel to a burner are also subject to subpart 5. Generators who are burners are also subject to subpart 6.

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

Subp. 5. **Standards applicable to marketers of hazardous waste fuel.** Marketers are subject to the requirements in items A to F.

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

C. If a marketer is a generator, or becomes a generator by initiating a shipment of hazardous waste fuel, the marketer must comply with parts 7045.0205 to 7045.0320. If the marketer operates a facility, the marketer must comply with parts 7045.0450 to 7045.0534. If the marketer is operating a facility under interim status, the marketer must comply with parts 7045.0552 to 7045.0632. If the marketer stores hazardous



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waste, the marketer must comply with the agency's permitting procedures in chapter 7001 for storage of hazardous waste.

[For text of items D and E, see M.R.]

F. In addition to the applicable record keeping requirements of parts 7045.0205 to 7045.0320, 7045.0450 to 7045.0534, and 7045.0552 to 7045.0632, a marketer must keep a copy of each certification notice received or sent for three years from the date the marketer last engaged in a hazardous waste fuel marketing transaction with the person who sent or received the certification notice.

Subp. 6. **Standards applicable to burners of hazardous waste fuel.** Owners and operators of industrial furnaces and boilers identified in subpart 2, item B, that burn hazardous fuel are subject to the requirements in items A to F.

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

D. Generators who accumulate hazardous waste fuel before burning on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Small quantity generators who accumulate hazardous waste fuel before burning on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Burning by the generator of a hazardous waste that is a sludge or is or contains a waste listed in part 7045.0135 for reasons other than ignitability or is or contains a waste that is toxic under part 7045.0131, subpart 6, is subject to the additional requirements of item E, subitem (2).

[For text of items E and F, see M.R.]

7045.1020 EFFECT OF AGENCY APPROVAL OF COUNTY ORDINANCE.

If a county has adopted a hazardous waste ordinance that is approved in writing by the agency:

A. each generator who produces a hazardous waste within the county must obtain a generator license and must submit reports to the county as required by the county ordinance in lieu of submission to the agency unless specifically requested in writing by the commissioner to submit a copy of the



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license application or ~~annual~~ license renewal report to the commissioner; ~~and~~

B. each collection program operator who operates a collection program under part 7045.0310 or 7045.0320 within the county must obtain a program license and must submit reports to the county as required by the county ordinance in lieu of submission to the agency unless specifically requested in writing by the commissioner to submit a copy of the license or license renewal report to the commissioner; and

C. all persons shall comply with all other requirements of this chapter, the agency's permitting procedures, and all requirements of the county ordinance.

7045.1030 COUNTY ACTIONS.

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

Subp. 3. **Reporting.** A county shall submit to the commissioner, upon request, a copy of any information submitted under parts 7045.0225 to 7045.0250~~,-license-and-license reporting-requirements~~ (generator licenses), 7045.0310, and 7045.0320 (collection programs), manifest, exception report, or other document that has been submitted to the county in lieu of submission to the agency pursuant to part 7045.1020. A county shall submit to the commissioner, upon request but not to exceed semi-annually, summary data based on the documents cited in this subpart.

Subp. 4. [See repealer.]

7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

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

Subp. 2. **Exemptions for restricted wastes.** ~~Prohibited~~ Restricted wastes may continue to be land disposed under the following conditions:

A. if an extension has been granted from the effective date of a prohibition under part 7045.0075, subpart 8, with respect to those wastes covered by the extension; and

B. if an exemption has been granted from a



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prohibition as a result of a petition under part 7045.0075, subpart 9, with respect to those wastes and units covered by the petition~~;~~.

~~C.--until November 8, 1988, if wastes are contaminated soil or debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or a corrective action required under the Resource Conservation and Recovery Act;~~

~~D.--if very small quantity generators as defined in part 7045.0206; and~~

~~E.--if a farmer is disposing of waste pesticides in accordance with part 7045.0213, subpart 2.~~

7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subpart 1. **Basis of fees.** The agency shall charge nonmetropolitan area generator fees ~~that are~~ based on the license application and licensing reports submitted by generators ~~and~~ or other appropriate information available to the agency.

For the purposes of this part, one gallon of hazardous waste equals ten pounds of hazardous waste.

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

Subp. 4. **Annual fees.** An annual fee is the sum of the waste generation volume fees and the base fee. Nonmetropolitan area generators shall submit annual fees as described in items A and B.

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

B. A base fee must be paid by all nonmetropolitan area generators based on generator size as follows:

(1) a large quantity generator must pay a base fee of $350;

(2) a small quantity generator must pay a base fee of ~~$105~~ 130; and

(3) a very small quantity generator must pay a base fee of ~~$35~~ 62.

~~Subp. 5.--Follow-up action fee.--A nonmetropolitan area~~



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~~generator is subject to payment of a follow-up action fee if the generator fails to respond within 30 days of receipt of a certified letter from the commissioner concerning the generator's noncompliance with part 7045.0216 requiring submission of an evaluation report or parts 7045.0225 to 7045.0250, license and license reporting requirements. The agency shall charge a follow-up action fee only if the commissioner's follow-up action involves sending the generator one or more additional certified letters or causing an authorized representative of the agency to make an inspection for the purpose of obtaining the required information. The fee for each follow-up certified letter, not to include the initial certified letter, is $25. The fee for each follow-up inspection is $200.~~

[For text of subps 6 and 7, see M.R.]

7046.0050 GENERATOR FEE EXEMPTIONS.

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

~~Subp. 4. Certain nonmetro area generators. Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or drycleaning solvent related wastes reclaimed off site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they obtain a license under parts 7045.0225 to 7045.0250, but rather are subject to a flat annual fee of $25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a reclaimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.~~

~~If a small quantity nonmetropolitan area generator, who qualifies for this exemption, fails to submit the annual report by March 1 under part 7045.0248, the generator shall pay a full annual fee. If the generator is also subject to retroactive fees, the retroactive fees must be based on the flat annual fee of $25.~~



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

Subp. 6. **Waste collected as a result of a very small quantity generator hazardous waste collection program.** An operator of a very small quantity generator hazardous waste collection program is exempt from generator fees for waste collected under part 7045.0320.

An operator who is also a generator is not exempt from generator fees for the waste that the operator generates ~~separate~~ as distinct from the waste that the operator collects from other generators.

A very small quantity generator participating in a collection program under part 7045.0320 is not exempt from generator fees.

REPEALER. Minnesota Rules, parts 7045.0211, subparts 2 and 3; 7045.0219; 7045.0220; 7045.0230, subpart 3; 7045.0235; 7045.0240, subparts 1 and 2; 7045.0249; 7045.0275, subpart 1; 7045.0290; 7045.0292, subparts 3 and 4; 7045.0296; 7045.0304; 7045.0310, subpart 4; ~~and~~ 7045.1030, subpart 4; 7046.0031, subpart 5; and 7046.0050, subpart 4, are repealed.



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APPROVED AS TO FORM AND LEGALITY

March 3 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 4 1992

Joan Anderson Growe
Secretary of State

10:50 AM
PRB

Stat authority 116.07 subd 4
Pursuant and subject to the provisions of chapter 14 .. the pollution control agency may adopt amend and rescind rules and standards having the force of law.

end of comment period Sept 20, 1991

SONAR
no justificatn for 7045.0292 subp 11, page 34 of proposed rules

many changes to rule

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing The Management, Treatment, Storage, and Disposal of Hazardous Waste, Minn. Rules Pts. 7001.0520, 7001.0530, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0305, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7045.1300, 7046.0031, and 7046.0050

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 waste. The Agency is proposing hazardous waste rule amendments that are separated for discussion into three categories: requirements for very small quantity generators, changes to the hazardous waste disclosure and reporting requirements, and changes to provide clarification to existing rules.

The first category pertains to the level of regulation for very small quantity generators (VSQGS). VSQGS are generators who produce less than 100 kilograms or 22 gallons per month of hazardous waste. The proposed amendments

provide the regulatory structure for the operation of and participation in VSQG hazardous waste collection programs.

The second category relates to hazardous waste generator disclosure and reporting requirements. Under current rules, all hazardous waste generators must disclose their wastes, submit a management plan for approval, and submit an annual report. The proposed amendments replace the disclosure requirement with a "Hazardous Waste Generator License" requirement.

The third category includes several and varied housekeeping measures to refine parts of the rules that have been identified by MPCA staff, metropolitan county hazardous waste personnel, and hazardous waste generators as needing clarification. Some revisions have also been made simply to enhance readability.

This statement of need and reasonableness is divided into six parts. Following this introduction, part II contains the agency's explanation of the need for the proposed amendments. Part III discusses the reasonableness of the proposed amendments. Part IV 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 (1990). Part V discusses the economic factors the Agency considered in drafting the amendments as required by Minn. Stat. § 116.07, subd. 6 (1990). Part VI sets forth the agency's conclusion regarding the amendments. Authority to adopt these amendments is provided under Minn. Stat. § 116.07, subd. 4 (1990).

## II. NEED FOR THE PROPOSED AMENDMENTS

Minn. Stat. ch. 14 (1990) 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. In the broad sense, the need to amend the Agency's rules governing the management of hazardous waste has three foundations: (1) the need to provide a reasonable disposal option for very small quantity generators; (2) the need to change the generator hazardous waste disclosure system to a more formalized license system; and (3) the need to improve the accessibility for generators and enforceability for the Agency of the rules by improving the clarity of the rules through language and format revisions.

Under item (1), various sources inside and outside the Agency, including the staff of the Minnesota Technical Assistance Program (MnTAP), advised the Agency that transport and disposal of hazardous waste for VSQGs is complicated and costly, and that the Agency should consider amending the rules to allow waste consolidation options. The rules currently require that all transport of hazardous waste must be done by a licensed hazardous waste transporter to a permitted hazardous waste facility using a hazardous waste manifest. Because of the expense and effort involved in making such arrangements, MPCA staff believe that many VSQG's simply stored their waste indefinitely or worse, disposed of it illegally. By allowing a practical option for disposal, hazardous waste from VSQGs will not be accumulated for very long periods of time and will be less likely to be disposed of improperly.

For item (2), the license amendment proposal was Agency staff-initiated after being identified as a potentially useful enforcement and public information tool. The proposed hazardous waste generator licensing requirements

will provide staff and other government regulatory personnel, such as fire marshals, with practical and easily accessible hazardous waste information.

For item (3), housekeeping revisions to clarify, strengthen, and correct existing rule language are needed as an ongoing part of an active and complex program, especially a regulatory program with a large state-wide clientele.

The proposed amendments will continue to ensure protection of human health and the environment while allowing more flexibility in the management of hazardous waste for VSQGs by providing options for waste consolidation and by enabling easier access to hazardous waste information through the license requirement. It is necessary to adopt the proposed amendments for these reasons.

## III. REASONABLENESS OF THE PROPOSED AMENDMENTS

The Agency is required by Minn. Stat. ch. 14 (1990) to make an affirmative presentation of facts establishing the reasonableness of the proposed rules or amendments. The reasonableness of the proposed amendments is discussed below.

### MINN. RULES CHAPTER 7001

### PERMITS

MINN. RULES PT. 7001.0520 PERMIT REQUIREMENTS.

Subpart 2. Exclusions.

Item A. The clause "for fewer than 90 days" is deleted from this exclusion that allows generators to accumulate waste for a period of time without obtaining a permit. The time period for small and very small quantity generators is 180 days, therefore the 90 day reference is deleted.

Item B. The reference to Minn. Rules pt. 7045.0304 is changed to Minn. Rules pt. 7045.0213, subp. 2 due to the repeal of Minn. Rules pt. 7045.0304 and its incorporation into Minn. Rules pt. 7045.0213, subp. 2.

Item H. Waste managed as provided in Minn. Rules pt. 7045.0219, subp. 2 had been exempt from permit requirements. That phrase is deleted since it referenced accumulation time limits for small and very small quantity generators now located in item A.

Item M. This item proposes to exclude very small quantity generator hazardous waste collection programs from the permit requirements of this chapter if the operator meets the requirements of Minn. Rules pt. 7045.0320. This exclusion is reasonable because it removes the disincentive of obtaining a permit for operator/owners of collection programs. The VSQG collection programs will provide a service to the generators but also a public service by providing a practical disposal option for hazardous waste. The VSQG hazardous waste collection program requirements of Minn. Rules pt. 7045.0320 require that the collection program operator meet large quantity generator management requirements including personnel training, preparedness and prevention, contingency planning, and container requirements.

**MINN. RULES CHAPTER 7045**

**HAZARDOUS WASTE**

The reference to "parts 7045.0205 to 7045.0304" is changed to "parts 7045.0205 to 7045.0320." This rule citation is used throughout Minn. Rules Chapter 7045 as a generic reference to generator standards. Minn. Rules pts. 7045.0310 (Special Requirements for Waste Collected as Result of Household Hazardous Waste Management Program) and Minn. Rules pt. 7045.0320 (Requirements for Waste Collected as Result of Very Small Quantity Generator Hazardous Waste Collection Program) were recently added; thereby, requiring the change in this reference. Minn. Rule Pts. affected are: 7045.0125, 7045.0135, 7045.0205,

7045.0212, 7045.0213, 7045.0219, 7045.0310, 7045.0351, 7045.0375, 7045.0450, 7045.0472, 7045.0488, 7045.0578, 7045.0596, 7045.0655, 7045.0665, 7045.0675 and 7045.0692.

The reference to "parts 7045.0100 to 7045.0141" is changed to "parts 7045.0100 to 7045.0143." This rule citation is used throughout Minn. Rules Chapters 7001 and 7045 as a generic reference to identification and listing of hazardous waste rules. Minn. Rules pt. 7045.0143 (Groundwater Protection Hazardous Constituents List) was recently added (13 SR 577); thereby, requiring the change in this reference. Minn. Rules Pts. affected are: 7001.0530, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0261, 7045.0300, 7045.0458, 7045.0526, 7045.0532, 7045.0534, 7045.0564 and 7045.0655.

MINN. RULES PT. 7045.0020 DEFINITIONS.

The following definitions have been added to or amended in this Rulemaking:

Subp. 6d. Cathodic protection. "Cathodic protection" is defined as the primary means of preventing corrosion of a metal surface by making that surface the cathode of an electrochemical cell. An aboveground storage tank system can be cathodically protected through the application of either galvanic anodes or impressed current. It is reasonable to define cathodic protection because it is the primary method of preventing corrosion in metal tanks and pipes, thereby keeping them from leaking. This definition is the standard definition used in the industry.

Subp. 9d. Compatible. Two or more substances are "compatible" if they maintain their respective physical and chemical properties upon contact with one another. It is reasonable to define this term because compatibility is an important factor in determining which materials can be used with particular substances to construct the safeguards which are required in the rules.

Subp. 13b. Corrosion protection. "Corrosion protection" is a method used to protect a metal tank, piping, or other components from corroding. The term is widely used in the storage tank industry and in the Agency's hazardous waste tank programs. The definition is the industry standard and is consistently used in Agency storage tank programs.

Subp. 31. Generator. The definition of generator is expanded such that the term generator means all size generators unless the rule provision specifically states otherwise. This is reasonable to avoid confusion.

Subp. 37d. Household Hazardous Waste Collection Site or Collection Site. The term "collection site" is being added in order to distinguish between a "facility" and a site which accepts and stores only household hazardous wastes. The rule currently uses the term facility in a general way to refer to both types of sites. Staff in the Agency's permits unit commented that the term "facility" has a specific meaning in the regulatory sense and it is confusing to refer to a non-permitted site, such as a household hazardous waste collection site, and a permitted site, such as a fully permitted hazardous waste storage and disposal facility, both as "facility." The term "collection site" is therefore added throughout the rule where appropriate for clarification.

Subp. 38e. Impermeable. "Impermeable" means a substance is not able to pass through the depth of a containment area. The term is widely used in the storage tank industry and in the Agency's hazardous waste tank programs. The term is sometimes defined using specific design standards. This definition uses a more general approach which sets forth the outcome without a specific design standard.

Subp. 43a. Indoor storage. It is reasonable to define the term "indoor storage" as storage within a permanently constructed building with at least a roof, three walls, and a nonabsorbent floor because this type of structure affords adequate protection from the elements for containers.

Subp. 64a. Outdoor storage. It is reasonable to define the term "outdoor storage" as storage that does meet the minimum requirements of "indoor storage" because it draws a clear regulatory line between two types of structures. The generator accumulation requirements (Minn. Rules pt. 7045.0292) have different requirements for indoor and outdoor storage and a generator's storage area clearly needs to fall into one category.

Subp. 80a. Secondary Containment. "Secondary containment" is a safeguard designed to contain a release. The term is widely used in the storage tank industry and in the hazardous waste tank programs. The definition is the industry standard and is consistent across Agency storage tank programs.

Subp. 100c. Vault system. This system is an underground, concrete, impermeable secondary containment structure with four walls, a floor, and roof used to encapsulate one or more tanks. It is reasonable to define a vault system in this manner because it provides a common term for the regulated community, the storage tank industry, and the Agency.

MINN. RULES PT. 7045.0102 MIXTURES OF HAZARDOUS AND NONHAZARDOUS WASTES.

Subp. 3. Mixtures of used oil and hazardous waste. Item C is added to provide a limited very small quantity generator exception to the used oil mixture provisions. There is no change from what was previously provided under Minn. Rules pt. 7045.0219, subps. 4 and 6, which is repealed in this rulemaking.

MINN. RULES PT. 7045.0120 EXEMPT WASTES.

Subp. 1. Exempt types of waste. The amendments propose to separate this part into 2 subparts. Subp. 1 will continue to list waste exempt from regulation under this chapter. Subp. 2 will list waste that is exempt under certain conditions.

Item A. Household waste continues to be exempt by collected household waste and collected household batteries are exempt only under certain conditions and are therefore relocated in subp. 2.

Item B. The exemption for mixtures of untreated sanitary sewage and other wastes that are discharged to a publicly owned treatment works is removed from this item. The exemption for sewage remains. The requirements for pretreated and unpretreated discharges to a sanitary sewer system are now found in Minn. Rules pt. 7045.0305.

Item I. The reference to hazardous waste facility as specified in Minn. Rules pt. 7045.0219, subp. 5, item B is changed to Minn. Rules pt. 7045.0208 because Minn. Rules pt. 7045.0219 is repealed and relocated without substantive change in Minn. Rules pt. 7045.0208.

Item Q. Pesticides meeting the requirements of Minn. Rules pt. 7045.0213, subp. 2 are exempt from the requirements of this chapter. This exemption currently is provided in Minn. Rules pt. 7045.0213 but for consistency it is included in this part.

Item R. Samples from treatability studies under Minn. Rules pt. 7045.0121 are exempt waste. This exemption is not new but is now located in this part in addition to Minn. Rules pt. 7045.0121 so that all exempt wastes are in one part and may be easily referenced.

Subp. 2. Waste regulated under collection programs. The listing of exempt waste under this part has recently, within the past two years, expanded to included waste that is exempt if it is collected as provided in specific collection program directives. For clarity, the proposed amendments group collected wastes under one subpart.

Items A and B. Collect household hazardous waste and collected household batteries are relocated from subp. 1, item A without change to the requirements.

Item C. Collected hazardous waste from very small quantity generator hazardous waste collection programs licensed under Minn. Rules pt. 7045.0320 is and exempt waste under specific conditions. While not totally exempt from regulation under Minn. Rules ch. 7045, by meeting specially developed requirements (see Part 7045.0320 of this SONAR), this waste is exempt from the other requirements of Minn. Rules ch. 7045.

MINN. RULES PT. 7045.0121 TREATABILITY STUDY EXEMPTION.

Subp. 1. Applicability. The quantity determination exclusion in this part is deleted. The exclusion is relocated in Minn. Rules pt. 7045.0120 (Exempt wastes), item R. Minn. Rules pt. 7045.0120 is referenced in Minn. Rules pt. 7045.0206, subp. 2, item A. as exempt from quantity determinations. It is reasonable to locate the rules governing all exempt wastes in one part for easy reference.

Subp. 2. Conditions of exemption. The reference in item F to Minn. Rules pt. 7045.0296 (Annual reporting) is changed to Minn. Rules pt. 7045.0248 (License reissuance application and report) because Minn. Rules pt. 7045.0296 under the former disclosure requirements is repealed and replaced by Minn. Rules pt. 7045.0248 under the new licensing requirements. There is no change in the information that a generator needs to report to the commissioner.

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

Subp. 3. Out-of-State Wastes. Out-of-state wastes were exempt from reporting requirements previously under Minn. Rules pt. 7045.0296 which is now repealed. The reporting requirements are now under Minn. Rules pt. 7045.0248 and out-of-state wastes are still exempt.

Subp. 5. Requirements for use of hazardous wastes as feedstock. This subpart is revised to reflect the changes in license and reporting subpart numbering. The language is also expanded to enhance readability.

Subp. 6. Requirements for reclamation of specific hazardous wastes. This subpart is revised to incorporate by reference the requirements of subpart 5, item B. This is reasonable because it eliminates duplicative language. In addition, this change makes it immediately apparent that these requirements are identical to the feedstock requirements.

MINN. RULES PT. 7045.0135 LIST OF HAZARDOUS WASTES.

Subp. 1. General. The word "disclosure" is changed to "license". The disclosure requirements of the generator rules are being replaced by license requirements. See the discussion provided in parts 7045.0225 to 7045.0250 of SONAR.

The listing of acutely hazardous wastes listed in subps. 2 and 3 and the statement related to quantity determination is deleted because it is unnecessary. The material is now located in Minn. Rules pt. 7045.0206 (Generator size determination).

Subp. 4. Discarded commercial chemical products, off specification species, containers, and spill residues. The statements in items E and F related to quantity determination are deleted because they are unnecessary. Detailed instructions for generator size determination are now located in

Minn. Rules pt. 7045.0206. These waste do count towards size determination because they are not exempted under Minn. Rules pt. 7045.0206, subp. 2.

Subp. 5. PCB wastes. The statement in item B related to quantity determination is deleted for reasons given under Minn. Rules pt. 7045.0135, subp. 4. This waste is also to be counted towards size determination.

MINN. RULES PT. 7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICAL.

Language is inserted that limits the hazardous waste number of MN02 to use for licensing purposes only. This change is for clarification to inform the generator of the limited use of this waste number. The clarification is needed since a generator is required to more fully characterize each waste code for manifesting and disposal purposes. In addition, the reference to Minn. Rules pt. 7045.0235 is changed to Minn. Rules pt. 7045.0230, subp. 4 where the provision has been relocated.

MINN. RULES PT. 7045.0205 APPLICABILITY OF GENERATOR STANDARDS.

Subp. 2. Applicability to generators and Subp. 3 Applicability to owners or operators of hazardous waste facilities. The language in these subparts is expanded for readability to include both the parts that are cross-referenced and a short description of the parts. There is no change in the actual requirements of this part.

MINN. RULES PT. 7045.0206 GENERATOR SIZE DETERMINATION.

Subp. 1. Applicability. This part applies to all generators in determining generator size.

Subp. 2. Large quantity generator. A large quantity generator was previously described as a generator who did not meet the quantity definitions of small quantity generator or very small quantity generator. For clarity the

quantities are specifically stated in this subpart. There is not change in this definition from the size quantities for a large quantity generator from the former rules.

Subp. 3. Small quantity generators. This size definition was formerly located in Minn. Rules pt. 7045.0219, subp. 1 and has been relocated to this part with no change.

Subp. 4. Very small quantity generators. This size definition was formerly located in Minn. Rules pt. 7045.0219, subp. 4, item A, subitem 2 although it was not specifically identified as applying to very small quantity generators but was a subcategory of small quantity generator: ". . .a small quantity generator who in a calendar year generates less than 100 kilograms of waste . . ." There are also other parts of the chapter that provide special requirements for this subcategory of small quantity generator, for example, the used oil mixtures requirement (Minn. Rules pt. 7045.0102, subp. 3, item C). This rulemaking also includes a specialized collection program limited to this size generator. It is reasonable to define and name this category separately for clarity.

Subp. 5. Exempt wastes. Items A to F provide that the waste streams listed in this subpart are not included when a generator counts his or her hazardous wastes to determine generator size. Except for item D, the exemptions are fully based on what the federal program (40 CFR Part 261.5) provides and it is reasonable to incorporate these exceptions. Wastes exempt from regulation; recycled wastes meeting the requirements under Minn. Rules pt. 7045.0125; used oil that is recycled; mixtures of hazardous and nonhazardous waste if the resultant mixture is nonhazardous under Minn. Rules pt. 7045.0102; and spent materials that are reclaimed and reused on-site provided the spent material has

been counted once. These are reasonable in that they are based in fairness (counting only once) and common sense (not counting what is not regulated). The recycling exemption offers an incentive to recycling. Since all of the above are based on federal regulations and the state rule had not previous specifically addressed the size determination issue, these provisions are to a great extent already used in the implementation of the state hazardous waste program.

Subp. 6. Changes in generator status. This subpart provides the process for determining generator size when a generator's rates of monthly generation temporarily exceed the maximum amounts provided in subps. 3 and 4. The requirements for this process were formerly located in Minn. Rules pt. 7045.0219, subp. 3 (Excessive generation). The requirements are not changed although the language is expanded to include the process for very small quantity generators. Very small quantity generators need not seek written reinstatement to very small quantity generator status from the commissioner if their volume of generation returns to the allowable quantity limits and the very small quantity generator complies with the allowable quantity limits during the other 11 months of the calendar year. This is reasonable because the number of very small quantity generators in the hazardous waste management system (approximately 10,000) makes micromanagement by the Agency unrealistic.

MINN. RULES PT. 7045.0208 TREATMENT OR DISPOSAL.

Subp. 1. Treatment or disposal options. Items A to D list out a generator's options for treatment or disposal. The language is identical to language formerly located in Minn. Rules pt. 7045.0219 for small quantity generators, Minn. Rules pt. 7045.0292 for large quantity generators, and Minn. Rules pt. 7045.0290 for all generators. This new part emphasizes the importance

of these regulations by placing them in a separate part. This part can then be easily referenced where treatment or disposal options are found in other parts of the rules; thereby, enhancing consistency and text clarity.

Subp. 2. Relinquishing control. This language was formerly located in Minn. Rules pts. 7045.0275, subp. 1 and 7045.0290, subp. 2. The text has been consolidated with the requirements remaining the same. The revision is made to improve the format of the rules.

Subp. 3. Effect on liability. This language, formerly located in part 7045.0290, subpart 3, is relocated to improve the format of the rules. There is no change in the requirement.

MINN. RULES PT. 7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.

Subp. 1. Waste procedures. Items A to G, referencing specific generator management requirements, are deleted. A generator with an on-site facility is currently exempt from Minn. Rules pts. 7045.0261 to 7045.0290. It is not necessary to have the rules specifically exempt the generator from these parts because the parts only apply to wastes being transported, which is not the case with on-site facilities. It is reasonable to clearly indicate to this type of generator that he or she is fully regulated under this chapter. One change is that the generator is required to comply with Minn. Rules pt. 7045.0210 (Financial responsibility of hazardous waste generators). There is no reason for this type of generator to be exempt from the financial responsibility provision that applies to all other generators.

Subp. 2. Standards for wastes shipped off-site and Subp. 3. On-site facility standards. Both subparts are repealed because they are redundant with subp. 1.

MINN. RULES PT. 7045.0213 FARMERS; PESTICIDES.

Minn. Rules pt. 7045.0304 is included in this part as subpart 2 with no change in the requirements. It's inclusion is reasonable because this part and Minn. Rules pt. 7045.0304 both pertain to farmers and pesticides. The clarity of the rule is improved by combining rule parts relating to the same subject.

MINN. RULES PT. 7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE.

This part is repealed. All of the provisions of this part are now located in other parts of this chapter with no substantive change. For example, accumulation requirements for all generators are now located in Minn. Rules pt. 7045.0292. This format change emphasizes the fact that small and very small quantity generators must meet the requirements of Minn. Rules pts. 7045.0205 to 7044.0320 with limited exceptions.

Subp. 1. Applicability; quantities. Relocated to Minn. Rules pt. 7045.0206.

Subp. 2. Exemption. No longer needed because of change in rule format.

Subp. 3. Excessive generation. Relocated to Minn. Rules pt. 7045.0206.

Subp. 4. Accumulation on-site. Relocated to Minn. Rules pts. 7045.0292 and 7045.0102.

Subp. 5. Management requirements.

Item A. No longer needed because of change in rule format.

Item B. Relocated to Minn. Rules pt. 7045.0292.

Item B., subitems 6 and 7. Relocated to Minn. Rules pt. 7045.0294, subp. 1a.

Item B., subitem 8. Relocated to Minn. Rules pt. 7045.0208.

Subp. 6. Mixtures. Relocated to Minn. Rules pt. 7045.0102.

Subp. 7. Testing. This part is no longer needed since the one time exemption date of March 29, 1991 is past. The current language of Minn. Rules pt. 7045.0131, subp. 7 (Toxicity) applies to all size generators.

MINN. RULES PT. 7045.0220 DISCLOSURE; MANAGEMENT PLAN.

This part is repealed. The disclosure requirement is replace by a license requirement as set forth in Minn. Rules pt. 7045.0225. See Part 7045.0225 of this SONAR.

MINN. RULES PT. 7045.0225 GENERATOR LICENSE.

The information required by the MPCA under the proposed licensing rules remains essentially the same as that already required under the disclosure, management plan and annual reporting requirements. However, the proposed licensing provisions provide more detail concerning the terms and conditions to be met by a generator than are currently in effect under the disclosure provisions. It is reasonable to change from a disclosure requirement to a licensing requirement because the concept of disclosure is not easily understood by hazardous waste generators. Licensing is clearly understood as a process that includes applications, approval and issuance of a license, and a contractual relationship between the licensor and licensee. Those elements were contained in the disclosure process but it was often confusing to the regulated community. In addition, the metropolitan counties, under the authority provided allowing the counties to manage county hazardous waste programs, already require generator licenses. Using licensing language and processes in the state non-metropolitan program will provide statewide consistency A new requirement under subp. 2 is that the generator must post the license in a public area at the licensed site. This is reasonable because it provides easily accessible

hazardous waste information to government personnel for inspection or emergency purposes. It also serves as a tool for public information regarding hazardous waste.

MINN. RULES PT. 7045.0230 CONTENT OF LICENSE APPLICATION.

Subp. 1. Information required. The information required in an application is the same as previously required in a disclosure. However, the proposed rules state that the commissioner will provide a form for license application.

Subp. 3. Prohibition. The prohibition against making a false statement is repealed in this part and is now included in Minn. Rules pt. 7045.0243, subp. 3, item D.

Subp. 4. Laboratory wastes. See part 7045.0235 of this SONAR.

MINN. RULES PT. 7045.0235 LABORATORY WASTES.

This part is repealed. The substance of this part is relocated to Minn. Rules pt. 7045.0230, subp. 4 because the exemptions provided for these wastes is limited to application requirements; therefore, it is appropriate to locate the exemption as a subpart of Minn. Rules pt. 7045.0230.

MINN. RULES PT. 7045.0240 SUBMISSION OF LICENSE APPLICATION.

Subp. 1. Existing hazardous waste and subp. 2. New hazardous waste. Subps. 1 and 2 are repealed because they address application submittal under timelines that are replaced by subp. 3. The requirement for generators outside the state of Minnesota who transport waste to a hazardous waste facility within the state to notify the commissioner is repealed. This is reasonable because the agency receives the hazardous waste information needed through the manifest notification system.

Subp. 3 License application submittal. This part provides that a generator must submit a license application within 30 days of first producing a hazardous waste. The generator must not treat, dispose of, or relinquish the waste until at least 30 days after application submittal. After that period, the generator may proceed to manage his or her waste including management under Minn. Rules pt. 7045.0208 which provides treatment and disposal options. This schedule affords the Agency 30 days to respond if the Agency perceives that there is a problem with the application. At the same time it provides the generator the opportunity to proceed with his or her operation while waiting for the license application process to be completed.

Subp. 4. Prohibition on generation. This part states that a generator who is denied a license or does not submit a timely application must immediately stop generating hazardous waste. While it is stated in Minn. Rules pt. 7045.0225 that a generator must obtain a license to generate, this provision clarifies the results of not obtaining a license.

MINN. RULES PT. 7045.0243 TERM AND CONDITIONS OF LICENSE.

Subp. 1. Term of license. The term of license for large and small quantity generators is one year with a provision for the initial license to be issued for from nine to eighteen months in order for the Agency to bring new licensees into the annual fee and report cycle. The former disclosure and reporting requirements, including the fee cycle under Minn. Rules ch. 7046, were on an annual cycle and the licensing process continues on an annual cycle.

The term of license for very small generators is not to exceed two years. The option of a longer term allows the Agency to place very small quantity generators on a two year cycle when it is appropriate.

Subp. 2. Special conditions. This subpart provides the Agency with the ability to specialize a license. This affords the agency the opportunity to customize conditions for specific generators which is reasonable in a contractual relationship. It is possible for the licensee to negotiate a special condition with the Agency as long as it is within the requirements of existing state law and administrative rule.

Subp. 3. General conditions. The general conditions are not an expansion of existing state law or administrative rule. They are placed in this part to offer clear guidance to the licensee about the Agency's requirements.

MINN. RULES PT. 7045.0245 LICENSE APPROVAL AND ISSUANCE.

Subp. 1. Review and approval. The review and approval process is similar to that process formerly in place for disclosures. The new component is the Agency's process for approval or denial of the application. Inherent to a licensing process is the ability to approve or deny the license.

Subp. 2. License issuance. In order for a license to be issued, the application must be approved and generator fees must be paid. It is reasonable to include payment of fees as a condition of license issuance because the fees collected support the operating costs of the licensing program.

MINN. RULES PT. 7045.0247 LICENSE REISSUANCE AND CONTINUATION OF EXPIRED LICENSE.

Subp. 1. License reissuance. The generator's license will be reissued if the generator meets the reporting requirements of Minn. Rules pt. 7045.0248 and pays generator fees required under Minn. Rules ch. 7046. It is reasonable to require a report and payment of fees in order to allow a generator to continue to generate hazardous waste because it is substantially the same requirement as found under the previous disclosure provisions.

Subp. 2. Continuation of expired license. This subpart allows the generator to continue operation under the conditions of the expired license if the licensee has submitted an application for reissuance, responds to Agency requests for information, pays generator fees, and is in compliance with the conditions of the expired license. It is reasonable to allow continued operation if these basic requirements are met.

MINN. RULES PT. 7045.0248 LICENSE REPORTING REQUIREMENTS.

This part is substantially the same as Minn. Rules pt. 7045.0296 (Annual reporting) that is being repealed. The contents of this part are relocated within the licensing section of the chapter (Minn. Rules pts. 7045.0225 to 7045.0250) because the report is an integral part of the license requirements and the reissuance process. Subp. 1, item H has been expanded to include the actual certification language for clarity.

MINN. RULES PT. 7045.0249 MANAGEMENT CHANGES.

This part is repealed. Minn. Rules pt. 7045.0243 (Term and conditions of license), item H now addresses management changes.

MINN. RULES PT. 7045.0250 LICENSE REVOCATION.

This part is similar in format and in substance to the process provided for the revocation of a hazardous waste facility permit under Minn. Rules pts. 7001.0180 and 7001.0190. It is reasonable to incorporate a process that is already in place and with which the public and the Agency is familiar. A revocation provision is an integral part of a license program as is reasonable so long as it provides a clear understanding of what is expected, in addition to a hearing process.

Subp. 1. Justifications to revoke. The commissioner may revoke a license if the licensee has failed to comply with existing laws or license conditions, to disclose relevant or truthful information, or to pay a penalty owed under Minn. Stat. § 116.072.

Subp. 2. Procedure. The commissioner must give a 30 day written notice of intent to revoke with specific justification. It is reasonable for a licensee to be given formal and written notice of the commissioner's intent to revoke. This clearly documents the commissioner's justification which then allows the licensee to respond specifically.

Subp. 3. Reinstatement. This subpart provides a process for the licensee to respond to the commissioner's notice to revoke under subp. 2. It is reasonable to provide for a response and subsequent review by the commissioner before proceeding to a formal contested case hearing as provided under subp. 4.

Subp. 4. Revocation without reissuance. This subpart provides that the commissioner give notice to the licensee of intent to revoke the license without reissuance. The licensee may request a contested case hearing in accordance with the rules of the Office of Administrative Hearings. This process parallels the facility permit revocation process in Minn. Rules pt. 7001.0190. It is reasonable to use the same process since permitting and licensing procedures are similar in format and impact for the regulated community.

MINN. RULES PT. 7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.

This language is revised for clarity and to replace disclosure terms with license terms. There is no change in the actual requirements.

MINN. RULES PT. 7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

Subp. 1a. Exemptions. This subpart lists generators who may transport without a manifest. Item A provides that very small quantity generators may transport their own wastes to very small quantity generator hazardous waste

collection programs licensed under Minn. Rules pt. 7045.0320. This is reasonable because transport and disposal of small quantities of hazardous waste for this size of generator is costly and not easily available. Item B provides for the use of the alternate manifest system that is relocated from Minn. Rules pt. 7045.0219. There is no change in the requirements of item B.

MINN. RULES PT. 7045.0275 PROPER HAZARDOUS WASTE MANAGEMENT.

Subp. 1. Relinquishing control. This subpart is repealed and relocated in Minn. Rules pt. 7045.0208, subp. 2 without change in the actual requirement.

MINN. RULES PT. 7045.0290 HAZARDOUS WASTE MANAGEMENT.

This part is repealed and are relocated in Minn. Rules pt. 7045.0208 with no change in the actual requirements.

MINN. RULES PT. 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

The overall change in this part is incorporating the small quantity and very small quantity generator accumulation requirements from Minn. Rules pt. 7045.0219. This incorporation has necessitated some revision to format and subpart order.

Subp. 1. When allowed without a permit. This subpart sets forth the accumulation requirements for large quantity generators. The language in item A that delineates the treatment and disposal options is replaced by a reference to subpart 7045.0208. There is no substantive change to the requirements for large quantity generators except:

Item F. Containers that hold free liquids that are stored indoors must be place on an impermeable surface. For outdoor storage, the current rule requires placement of containers on a curbed impermeable surface. It is reasonable to expand the rule to include inside storage areas because containers stored on surfaces that are not impermeable pose an environment hazard if the containers leak.

Item H. Minn. Rules pt. 7045.0562, subps. 1 and 2 (General requirements for ignitable, reactive, or incompatible waste for interim status facilities) is incorporated by reference into the large quantity generator accumulation requirements for large quantity generators. This requires the generator to take precautions to prevent reactions that generate extreme heat or other reactions. This is a reasonable requirement for a potentially dangerous situation.

Subp. 2. Start date. This part defines the date on which accumulation starts. The part is expanded to include the accumulation start dates for small and very small quantity generators. The start dates remain the same as they were under Minn. Rules pt. 7045.0219.

Subp. 3. Accumulation requiring a permit. This part is repealed and relocated without substantive change in subp. 10.

Subp. 4. Accumulation of waste by generator. This part is repealed, renamed and relocated without substantive change in subp. 8.

Subp. 5. Small quantity generators. This subpart is relocated from Minn. Rules pt. 7045.0219, subp. 4, item A, subitem 1 without substantive change.

Subp. 6. Very small quantity generators. This subpart is relocated from Minn. Rules pt. 7045.0219, subp. 4, item A, subitem 2 without substantive change.

Subp. 7. Acute hazardous waste accumulation. This subpart is relocated from Minn. Rules pt. 7045.0219, subp. 4, item B without substantive change.

Subp. 8. Satellite accumulation. Formerly located in subp. 4.

Subp. 9. Transportation time extension. Formerly located in Minn. Rules pt. 7045.0219, subp. 4, item A, subitem 3. There is no substantive change in the requirements.

Subp. 10. Time extension and Subp. 11. Accumulation requiring a permit. These requirements were formerly located in subp. 3 for large quantity generators and in Minn. Rules pt. 7045.0219, subp. 5 for small and very small quantity generators. There is no substantive change in the requirement.

MINN. RULES PT. 7045.0294 RECORD KEEPING.

Subp. 1. Manifests. A reference to the generic "he" is changed to gender neutral language.

Subp. 1a. Alternate Manifests. The record keeping requirements for the alternate manifest system under Minn. Rules pt. 7045.0075, subp. 5 have been relocated from Minn. Rules pt. 7045.0219, subp. 5, item B to this part without any change in the actual requirements.

Subp. 2. Reports. The term "disclosure" is changed to "license application". See part 7045.0225 of SONAR.

Subp. 2a. Container Inspection Reports. Containers that are used for the accumulation of hazardous waste under Minn. Rules pt. 7045.0292 must currently be inspected at least weekly and a written record must be kept. See Minn. Rules pt. 7045.0626, subp. 5 (use and management of containers) which is incorporated by reference in Minn. Rules pt. 7045.0292. It is reasonable to incorporate this requirement in this part and to include a retention time of three years which is consistent with other record retention requirements.

Subp. 5. Location of Records. The records required under this part must be located at the license site and must be accessible for review. This is reasonable because Agency inspection personnel cannot complete an onsite inspection without reviewing the records required in this part.

MINN. RULES PT. 7045.0296 ANNUAL REPORTING.

This part is repealed. The requirements of this part are now located in Minn. Rules pt. 7045.0248 with modifications. The relocation places the

requirements within the generator licensing requirements of Minn. Rules pts. 7045.0225 to 7045.0250 which is reasonable because re-licensing for generators is contingent upon meeting the reporting requirements.

MINN. RULES PT. 7045.0298 EXCEPTION REPORTING.

Two references to the generic "he" and "his" are change to gender neutral language.

MINN. RULES PT. 7045.0304 FARMERS; SPECIAL CONDITIONS.

This part is repealed. The substance of this part is now located in part 7045.0213, subpart 2. See part 7045.0213 of SONAR.

MINN. RULES PT. 7045.0305 STANDARD FOR GENERATORS WHO SEWER HAZARDOUS WASTE.

This part addresses the counting of sewered waste for size determination purposes. It provides that untreated hazardous waste disposed of by sewering will be fully counted. The pretreated waste that meets an 80 percent reduction of the quantity of the hazardous waste constituent mass prior to sewering will not be counted. It also provides that a generator who has a volume of zero under the pretreatment exemption will be classified as a very small quantity generator and must meet requirements applicable to very small quantity generators. This approach is reasonable because it acknowledges that the sewering option for disposal does not eliminate the need for a generator to participate in hazardous waste management practices, including licensing and reporting requirements. At the same time, the pretreatment exemption provides an incentive for pretreatment.

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

Subp. 2. Notification.

The notification exemption for permitted facilities is being deleted. Staff believes it is necessary to be informed via a notification form, of all household hazardous waste collection sites established whether or not the collection site is established at a permitted facility. When this rule was originally adopted, staff felt that a facility permit could be a means of providing this information. However, staff now realize that the permit process will not necessarily provide this information, and in order to provide consistency in the rules to all operators of collection sites, staff feels it is necessary to require a notification from everyone.

Item K. The requirement for, "any other information necessary to describe all aspects of the program" is being deleted because it is a vague requirement. The original intent of this provision was to allow the Agency to request additional information on the notification if necessary. Because the Agency has general authority to request additional information from an operator if needed, this particular requirement is not necessary. Also, because of the vagueness of the language, operators have no way of determining which information would be necessary to include. Therefore the deletion of this item is reasonable.

Subp. 3. Management Requirements.

Item B. The language of this item has been changed in order to make the statement more clear and is for grammatical purposes only.

Item C. The requirements for personnel training, preparedness, prevention and contingency planning were originally to be covered under Minn. Rules chs. 7045.0454, 7045.0462, 7045.0464, 7045.0468, 7045.0470, and

7045.0572 as referenced in subpart 4 of this rule. However, after closer review of these sections staff discovered that these requirements are identical to what is required under Minn. Rules pt. 7045.0292, subp. 1, item H as referenced here in item C as an exemption. Because Chapter 7045.0292, subp. 1, item H is located within 7045.0205 through 7045.0304 which are referenced under the management requirements of subpart 3, staff decided to delete the requirements of subpart 4 of this rule and to include the requirements of Minn. Rules pt. 7045.0292 subp. 1, item H. The way to achieve that is to delete this item so that it will not be exempted. This change is reasonable in order to remove the redundancy and clarify the personnel training, preparedness, prevention and contingency planning requirements.

Item E. The new term "collection site" has been added to this item for reasons mentioned in Minn. Rules pt. 7045.0020 above. Also, the language of this item needed to be restructured for grammatical purposes.

Item E (2): This item is being amended to include the term "collection site" and to restructure the sentence to make it more clear.

Item F. This subpart is being amended to include the phrase "intends to perform treatment procedures other than those allowed in subpart 7." This phrase is being added to reflect the language of subpart 7, which allows for certain types of treatment methods for collected household hazardous waste at the collection site. If an operator wants to perform a treatment procedure not mentioned in subpart 7, then the operator will need special permission from the Commissioner. This amendment is reasonable in order to provide consistency with all parts of the rule.

Item H. This item is being deleted because Minn. Rules Pt. 7045.0296 is repealed. The reporting requirements are located in Minn. Rules pt. 7045.0248 which is already exempt under item A.

Subp. 4. Additional Requirements.

Currently, this subpart and subpart 3 item C contain different rule part references but the requirements in each rule reference are identical. In subpart 3, item C, operators are exempt from the personnel training, preparedness, prevention, and contingency planning requirements of Minn. Rules pt. 7045.0292. In this subpart the requirements for these same procedures are added back in but reference a rule part from a different section of the hazardous waste rules. Therefore, staff is proposing to delete the language of subpart 4 and keep the requirements of subpart 3, item C in order to remove the redundancy, clarify the management requirements and to maintain consistency with the other rule references given throughout this amendment.

Subp. 5. Transportation Requirements.

Items B and C. These items are being amended to change the sentence structure and are for grammatical purposes only.

Subp. 6. Storage of Collected Wastes.

Items A and B. This subpart is amended to add the phrase "accept household hazardous waste from another collection site" to the language. This subpart currently states that the requirements apply to an operator who stores household hazardous wastes for more than 90 days. It is important to specify that an operator of a household hazardous waste collection site may "accept" collected household hazardous waste from off-site because otherwise this would not be allowed without a permit. It is not the Agency's intent that a permit be required in order for operators to accept collected household hazardous waste from other sites. The addition of this phrase is necessary in order to clarify the intent of this subpart.

Item C. The reference to Minn. Rules Part 7045.0528 has been added because of staff's comment that the operators of some collection sites, particularly those held at facilities, may wish to store the collected wastes in tanks instead of barrels. It is necessary therefore to reference the storage tank management rules. The last sentence of this item is deleted because it refers to treatment of collected wastes and it is irrelevant with regard to this specific subpart and unnecessary because the requirements for on-site treatment have been stated elsewhere in the rule.

Item D. The phrase "...which allows management of the waste..." is being added to make it clear that a hazardous waste permit must specifically allow for the acceptance and management of household hazardous waste from collection sites. This amendment is needed in order to emphasize that while wastes from households are exempt from regulation, collected household hazardous wastes delivered from collection sites are regulated wastes and must be managed appropriately.

Subp. 7. Treatment.

Item C, Subitem 2. This part currently requires that the person performing the treatment procedure must have experience or training in the particular procedure. However, this requirement is already implied under subpart 2, item H for personnel safety training procedures. In these procedures it is required that employees be trained relative to their duties. Therefore, this item is being deleted to remove the redundancy.

Item C, Subitem 4. The requirement for evidence of liability insurance is being deleted because it is beyond the scope of the Agency's duties to delve into the financial aspects of the operation of collection sites or facilities. If liability insurance is a requirement of these rules then it would be necessary to also indicate what amount of insurance would be sufficient. The

Agency does not believe that this is an appropriate regulatory function and is not requiring such information from the generator. Financial issues should be the responsibility of the operator. Therefore the Agency feels it is reasonable to delete this requirement.

MINN. RULES PT. 7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

The proposed amendments allow very small quantity generators to consolidate their wastes at an off-site location prior to final transport and disposal. Proposed rules also provide that very small quantity generators may transport their own wastes to the collection site without hazardous waste manifests and without employing Department of Transportation licensed transporters (Minn. Rules pt. 7045.0261). Persons who operate a consolidation site must be licensed under this part and must meet management requirements that parallel those required of large quantity generators.

Subp. 1. Applicability. This part identifies the regulated community governed by this part as being persons who establish or operate a hazardous waste collection program for very small quantity generators.

Subp. 2. Definitions. The definitions of a collection program, collection site, program operator, and site operator are provided for clarity. The program and the site definitions limit applicability to programs and sites licensed under this part.

Subp. 3. Licensing. An operator of a program must obtain a license to operate and must reapply annually. Generators of hazardous waste are required to obtain a license and hazardous waste facilities are required to obtain a permit. Although a collection program is neither a generator or a facility, the level of environmental risk it presents falls somewhere in between. Licensing a program allows for Agency review of the operation and management procedures and

for the potential denial of a license if the Agency determines that the operation would not sufficiently protect human health and the environment.

Subp. 4. License application. The application requests standard site and operation information such as owner and operator names and addresses, collection site locations, service area, operating hours, anticipated waste streams and a description of how the waste is to be managed including information regarding proposed onsite treatment. The applicant must also provide a description of personnel safety training and emergency procedures. The names and addresses of proposed transporters and facilities to be used must also be provided. It is reasonable to require the submittal of such information so that the Agency can evaluate the collection program's ability to manage hazardous waste.

Subp. 5. Changes to license conditions. An operator of a program is required to report changes to the conditions of the license in the next annual report for treatment changes addressing the bulking of paints, solvents, motor oil, and antifreeze. Treatment changes other than bulking must be approved by the commissioner before being implemented by the collection program. This process is reasonable because it allows the program to continue operation without interruption. At the same time, the Agency through the annual review process is able to monitor activities sufficiently. The exceptions are changes to treatment processes other than bulking which require closer monitoring for potential problems.

Subp. 6. License issuance and reissuance. The license issuance and reissuance requirements are based on the same process used for generators. This is reasonable since the process is familiar to the regulated community and lends consistency to the review and approval methods used within the hazardous waste program.

Subp. 7. Reporting requirements. The reporting requirements include the reporting requirements for generators under Minn. Rules pt. 7045.0248 but are adjusted to apply to collection program circumstances. It is reasonable to require a level of reporting similar to that required of generators.

Subp. 8. Management requirements. An operator of a program must comply with essentially the same standards applicable to large quantity generators although the licensing and reporting requirements somewhat are modified to fit collection program circumstances. The accumulation limit of 90 days for large quantity generators under Minn. Rules pt. 7045.0292, subp. 1 is modified to allow small scale collection programs that collect amounts that correspond to small or very small quantity generator amounts to accumulate wastes according to the provisions of Minn. Rules pt. 7045.0292, subp. 3 or 4 as applicable. This allows the program operator to store small amounts of collected wastes for longer periods of time. This could be a financial benefit and the Agency believes it will not endanger the environment due to the smaller amounts accumulated.

Subp. 9. Transporting. Collected waste may be transported within the program without obtaining an identification number and without the use of a manifest. Within the program means that collect waste may be transported between collection sites within the same program. This allows larger amounts to be consolidated prior to final transport and is reasonable in that it allows for cost savings. The transporters are still required to meet transportation requirements under Minn. Rules pts. 7045.0351 to 7045.0397 which incorporate by reference the federal Department of Transportation hazardous waste transport regulations, including container standards.

Subp. 10. Generators who operate collection programs. Generators who operate collection programs are required to comply fully with generator management standards for their own wastes and to maintain separate records. Generators are not relieved of their responsibility under this chapter for their own wastes. This subpart reinforces requirements already in place and serves to clarify existing requirements.

MINN. RULES PT. 7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subp. 3. Exemptions. The reference to Minn. Rules pt. 7045.0304 is changed to Minn. Rules pt. 7045.0213 due to the repeal of Minn. Rules pt. 7045.0304 and its incorporation into Minn. Rules pt. 7045.0213. See part 7045.0213 of SONAR.

MINN. RULES PT. 7045.0526 USE AND MANAGEMENT OF CONTAINERS.

Subp. 6 Containment and subp. 9 Closure. The term "bases" is changed to "floors" because floors is consistent with terminology used in the indoor storage definition (subpart 7045.0020, item 43a).

MINN. RULES PT. 7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

The reference to Minn. Rules pt. 7045.0304 is changed to Minn. Rules pt. 7045.0213 due to the repeal of Minn. Rules pt. 7045.0304 and its incorporation into Minn. Rules pt. 7045.0213. See part 7045.0213 of SONAR.

MINN. RULES PT. 7045.0629 REQUIREMENTS FOR SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

Subp. 1. Scope. The reference to the accumulation limits of "7045.0219" is changed to "7045.0292" where the small quantity accumulation limits have been relocated without substantive change.

MINN. RULES PT. 7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

Subp. 1. Scope. The term "composition" is changed to "nonabsorbent" because nonabsorbent is consistent with terminology used in the indoor storage definition (subpart 7045.0020, item 43a).

MINN. RULES PT. 7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

Subp. 1. Scope. In Item D the reference to Minn. Rules pt. 7045.0219, subp. 6 is changed to Minn. Rules pt. 7045.0102, subp. 3. The very small quantity generator used oil mixture regulations are relocated without change to the requirement. See part 7045.0102 of SONAR.

MINN. RULES PT. 7045.1020 EFFECT OF AGENCY APPROVAL OF COUNTY ORDINANCE.

The reference to disclosure requirements are replaced with license requirement citations. See parts 7045.0225 to 7045.0250 of SONAR.

MINN. RULES PT. 7045.1030 COUNTY ACTIONS.

Subp. 3. Reporting. Disclosure language is changed to license language. See parts 7045.0225 to 7045.0250 of SONAR. A general summary requirement replaces the previous specific requirements repealed in subpart 4. Subpart 4 is obsolete because most of the information is provided by the counties to the Agency on an ongoing basis through the use of electronic data transfers. The transfer of information is a dynamic system that warrants the flexibility provided in the new language.

Subp. 4. Annual summary. Repealed. See subp. 3.

MINN RULES PT. 7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

Subp. 2. Exemptions. Language describing generator size quantities is deleted because Minn. Rules pt. 7045.0206 provides a comprehensive description of very small quantity generator status. Also, the reference to Minn. Rules pt. 7045.0304 is changed to Minn. Rules pt. 7045.0213 due to the repeal of Minn. Rules pt. 7045.0304 and its incorporation into Minn. Rules pt. 7045.0213. See part 7045.0213 of SONAR.

CHAPTER 7046

FACILITY AND GENERATOR FEES

MINN. RULES PT. 7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subp. 1. Basis of fees. The word "disclosure" is changed to "license." The disclosure requirements of the generator rules are being replaced by license requirements. See parts 7045.0225 to 7045.0250 of SONAR.

Subp. 4. Annual fees. The three references to Minn. Rules pt. 7045.0219 and generator size descriptive language are deleted. Subpart 7045.0219 is repealed in this rulemaking and a replacement reference is not needed because the terms "small quantity generator" and "very small quantity generator" are now defined under Minn. Rules pt. 7045.0020.

Subp. 5. Follow-up action fee. The reference to disclosure requirements are replaced with license requirement citations, including the annual reporting requirement (Minn. Rules pt. 7045.0296) that is now license reissuance application and report (Minn. Rules pt. 7045.0248). See parts 7045.0225 to 7045.0250 of SONAR.

MINN. RULES PT. 7046.0050 GENERATOR FEE EXEMPTIONS.

Subp. 4. Certain nonmetro area generators. The word "disclosure" is changed to "license." The disclosure requirements of the generator rules are being replaced by license requirements. See parts 7045.0225 to 7045.0250 of SONAR.

The reference to Minn. Rules pt. 7045.0296 (Annual reporting) is changed to Minn. Rules pt. 7045.0248 (License reissuance application and report) because Minn. Rules pt. 7045.0296 is replaced by Minn. Rules pt. 7045.0248 under the new licensing requirements. See part 7045.0248 of SONAR.

Subp. 6. Wastes collected as a result of a very small quantity generator hazardous waste collection program. A program operator is exempt from generator fees for the waste collected. This is reasonable because to collect fees from the collection program operators would mean that fees would be paid for the same wastes twice, initially by the very small quantity generator and subsequently by the program operator. The Agency is considering proposing a program fee from the collection program operator during a later rulemaking.

## IV. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

To comply with Minn. Stat. § 14.115 (1990), the Agency has considered the statutory methods for reducing the impact of the proposed rules on small businesses. The statute requires that each of the following methods be considered:

1. The establishment of less stringent compliance or reporting requirements;
2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements;
3. The consolidation or simplification of compliance or reporting requirements;
4. The establishment of performance standards for small businesses to replace design or operational standards in the rule; and,
5. The exemption of small businesses from any or all requirements of the rule.

None of the proposed amendments will have a negative impact on small businesses. The proposed amendments are designed to allow for flexibility in the rules and in some cases are less stringent than current rules, thus having a beneficial effect on all businesses to which they apply.

## V. CONSIDERATION OF ECONOMIC FACTORS

In exercising its powers, the Agency is required by Minn. Stat. § 116.07, subd. 6 (1990) 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, and practical under the circumstances.

The proposed amendments reduce the burden of the hazardous waste rules. The proposed amendments are designed to allow for flexibility in the rules and are less stringent than current rules, thus having a beneficial economic effect on all businesses to which they apply. The proposed amendments not will incur any adverse economic impacts on any business.

## VI. 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 hazardous waste rules. The Agency has also stated in this document that the proposed amendments will not adversely affect small businesses and will not incur greater economic costs. This document constitutes the Agency's Statement of Need and Reasonableness for the proposed amendments to Minnesota's hazardous waste rules.

Date: July 22, 1991

Charles W. Williams
Commissioner

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

Celebrate MINNESOTA 1990

February 21, 1992

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

Re: In the Matter of the Proposed Amendments of Rules Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minnesota Rules, chapters 7001, 7045, and 7046

Dear Ms. Nolte:

On January 28, 1992, the Minnesota Pollution Control Agency adopted the above-captioned rule amendments governing the management, treatment, storage, and disposal of hazardous waste. Enclosed for your review are the following:

1. Rule as adopted (original and three copies).
2. Notice of Intent to Solicit Outside Opinion (14 SR 2655, May 14, 1990).
3. Affidavit of no written comments received pursuant to Notice of Intent to Solicit Outside Opinion.
4. Certificate of Agency's Authorizing Resolution.
5. Rule as proposed with Revisor's Certificate.
6. Notice of Intent to Adopt Rule Amendments Without a Public Hearing, as mailed.
7. Statement of Need and Reasonableness.
8. Affidavit of Mailing the Notice of Intent to Adopt Rule Amendments Without a Public Hearing and Certificate of Mailing List.
9. Notice of Intent to Adopt Rule Amendments Without a Public Hearing and rule amendments as proposed as published in the State Register (16 SR 323-349, August 19, 1991).

10. Certificate of Resolution Adopting Rule Amendments.

11. Findings of Fact, Conclusions, and Order Adopting Rule Amendments.

12. Comments received during the comment period (Wms. Pipe Line Company and Minnesota Power).

13. Declaration of Counsel.

14. Notice of Submission of Rule Amendments Adopted Without a Public Hearing to the Attorney General.

15. Affidavit of Mailing of Notice of Submission of Rule Amendments Adopted Without Public Hearing to the Attorney General.

Please call me at 297-8371 with questions.

Very truly yours,

Jeanne Eggleston
Rules Unit
Program Development Section
Hazardous Waste Division

Enclosures

cc: Mark Chalfant, Special Assistant Attorney General

# Minnesota Pollution Control Agency

## Division of Air Quality

## Notice of Intent to Solicit Outside Information Regarding Proposed New Rules Regarding the Removal of Lead Paint from Residences, Bridges and Water Towers

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking information or comments from outside sources in preparing to propose the adoption of new rules restricting the use of abrasive blasting and other paint removal methods to remove lead paint from residences, bridges and water towers. The adoption of the rules is authorized by *Minnesota Statutes* § 116.07 (1988), which authorizes the MPCA to adopt and amend rules for the prevention, abatement or control of air pollution.

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

Gordon Anderson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-7667

Oral comments and inquiries will be received by Mr. Anderson during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All written or oral statements will be accepted until June 15, 1990. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the rule is adopted.

Gerald L. Willet
Commissioner

# Minnesota Pollution Control Agency

## Division of Hazardous Waste

## Notice of Intent to Solicit Outside Information Regarding Proposed Revision of Rule Governing Small Quantity Generators of Hazardous Waste

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources regarding the possible amendment of rules governing small quantity generators of hazardous waste. These rules are authorized by *Minnesota Statutes* sec. 116.07, subd. 4, which allows the Agency to adopt rules relating to the regulation of hazardous waste generators. The existing rules under consideration for revision are found at *Minnesota Rules* pts. 7045.0219 (Special Requirements for Small Quantity Generators of Hazardous Waste), 7045.0220 (Disclosure; Management Plan), 7045.0230 (Content of Disclosure), 7045.0240 (Submission of a Disclosure to the Commissioner), 7045.0245 (Approval of Disclosures), 7045.0249 (Management Changes), 7045.0296 (Annual Reporting), 7045.0298 (Exception Reporting), and 7046.0311 (Nonmetropolitan Area Generator Fees as it relates to small quantity generators). Among the revisions under consideration is the establishment of a very small quantity generator category with reduced hazardous waste management requirements.

The Agency 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 comments should be directed to:

Jeanne Eggleston
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155
Telephone: (612) 643-3476

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until June 14, 1990. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minnesota Rules, Chapters 7001, 7045, and 7046

**AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

I, Jeanne Eggleston, being sworn say:

1. That I am the person named in the Notice of Intent to Solicit Outside Opinion (14 SR 2655, May 14, 1990) as the person to receive comments on the Minnesota Pollution Control Agency's intent to adopt rule amendments concerning the above-entitled matter.

2. That the comment period set forth in the notice terminated at 5:00 p.m. on June 14, 1990.

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

Jeanne Eggleston
Rules Unit
Program Development Section
Hazardous Waste Division

Subscribed and sworn to before me
this 13th day of February, 1992

Janet E. Hjellming
Notary Public

JANET E. HJELLMING
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
My Comm. Expires Dec. 22, 1993

CERTIFICATE OF RESOLUTION AUTHORIZING RULES

I, Charles W. Williams 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 23rd day of July 1991, 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 amendments to the Minnesota Pollution Control Agency's Hazardous Waste Rules governing the permitting, management, storage, treatment, and disposal of hazardous waste, Minn. Rules pts. 7001.0520, 7001.0530, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0305, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7046.0031, 7046.0050 to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and publish the notice and the rule amendments in the State Register, and to perform any acts incidental thereto, including making any form changes in the rule amendments 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 (1990).

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 23 day of July, 1991.

CHARLES W. WILLIAMS
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minn. Rules pts. 7001.0520, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0305, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7045.1300, 7046.0031, and 7046.0050

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 28th day of January, 1992. 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 rule amendments without a public hearing was published in the State Register on August 19, 1991 (16 SR 323-349), 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 August 16, 1991.

(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 rule amendments for 32 days after notice of proposed rulemaking. The 32 day comment period, as set out in the notice, expired on September 20, 1991.

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

period.

(7) 5. One request for notice of submission of the adopted rule amendments to the Attorney General was received by the MPCA.

(6) 6. During the comment period the MPCA received 2 written comment letters. In addition, the MPCA received verbal comments from the staff of the metropolitan counties and verbal comments from the staff of the MPCA and the Minnesota Department of Transportation. The MPCA finds that modifications to the proposed rule amendments are justified by the record in this proceeding, as follows:

a. MINN. RULES PT. 7001.0520 PERMIT REQUIREMENTS.

A grammatical error and a cross-reference citation are corrected.

Minn. Rules pt. 7001.0520, subp. 2, items B and H are modified to read:

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

B. The disposal by farmers of hazardous waste that ~~have~~ has been generated by their own use of pesticides as provided in part 7045.0213, subpart 2.

H. The management of hazardous waste as provided in part 7045.0120, subpart 1, item ~~J~~ L; 7045.0127, subpart 1; 7045.0135, subpart 5, items C and E; or 7045.0218.

b. MINN. RULES PT. 7045.0020 DEFINITIONS.

In Minn. Rules pt. 7045.0020, subp. 3a, a definition of acute hazardous waste is added to the rules. The definition includes a reference to Minn. Rules pt. 7045.0129, subp. 3 which is where the criteria for listing acute hazardous waste is currently described. The change is not substantive because the criteria is not changed. The previous rule references to acute hazardous waste have been incomplete. Defining acute hazardous waste allows references throughout Minn. Rules ch. 7045 to now be consistent and accurate.

Minn. Rules pt. 7045.0020, subp. 43a replaces the term "impermeable" for "masonry or other nonabsorbent". This is to provide more consistency in the rules for the impermeability requirement. The requirement of "nonabsorbent" has been interpreted and enforced by the MPCA as "impermeable"; therefore, the revision is not substantive.

Minn. Rules pt. 7045.0020, subps. 6d, 9d, 9e, 38a, and 64a are revised grammatically.

Minn. Rules pt. 7045.0020, subps. 3a, 6d, 9d, 9e, 38a, 43a, and 64a are modified to read:

Subpart 1. Scope. As used in this chapter, the following words shall have the meanings given them.

Subp. 3a. Acute hazardous waste. "Acute hazardous waste" means waste listed as acute hazardous waste in part 7045.0135 or waste designated acute hazardous waste in part 7045.0129, subpart 3.

Subp. 6d. Cathodic protection. "Cathodic protection" means the technique to prevent corrosion of a metal surface by making that surface of the cathode of ~~the~~ an electrochemical cell. A tank can be cathodically protected through the application of either galvanic anodes or impressed current.

Subp. 9d. Compatible. "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another. For a secondary containment seal, ~~this means that~~ the impermeability of the seal must be maintained upon contact with a stored substance. For substances, this means that two or more substances, if mixed, must not create a new hazard.

Subp. 9e. Component. "Component" means either ~~the~~ a tank or ancillary equipment of a tank system.

Subp. 38a. Impermeable "Impermeable" means unable ~~a substance is not able~~ to be passed ~~pass~~ through ~~the depth of a containment area~~.

Subp. 43a. Indoor storage. "indoor storage" means storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to ~~a masonry or other nonabsorbent~~ an impermeable floor placed on the ground.

Subp. 64a. Outdoor storage. "Outdoor storage" means storage that does not meet the ~~minimum~~ requirements of indoor storage as defined in subpart 43a.

c. MINN. RULES PT. 7045.0075 PETITIONS.

Very small quantity generators are included in the eligible category of generators. In the previous rules, the category of small quantity generator had also included very small quantity generators. The amended rules separate very small quantity generators into a distinct category. Therefore, it is necessary to specifically name them as eligible to submit a petition. They were previously eligible so this is not a substantive change.

Minn. Rules pt. 7045.0075, subp. 5, item A, subitem 1 is modified to read:

Subp. 5. Petition for use of alternate manifest. A person who meets the criteria in item A may submit a petition to the commissioner for approval of the use of an alternate manifest system as described in item B. The criteria the commissioner shall use in determining whether to approve the use of the alternate manifest system are provided in item C.

A. Only persons meeting the following criteria are eligible to file a petition under this subpart:

(1) the person proposing to use the alternate manifest system must agree to only use the alternate manifest for the transportation of waste from small quantity or very small quantity generators;

d. MINN. RULES PT. 7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

The original language for the sewer exemption is reinstated. This was deleted in error in the proposal.

Minn. Rules pt. 7045.0120, subp. 1, item B is modified to read:

Subpart 1. Exempt types of waste. The following waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

B. sewage and any mixture of untreated sanitary sewage and other wastes that is formed by the combination of untreated sanitary sewage and one or more other wastes discharged through a sewage system to a publicly owned treatment works for treatment, except that this exemption does not include any of the individual wastes which form the composite wastewater;

e. MINN. RULES PT. 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.

Minn. Rules pt. 7045.0125, subp. 6 includes a reference to Minn. Rules pt. 7045.0131 to aid the reader. There is no substantive change in the requirements. Minn. Rules pt. 7045.0125, subp. 7 includes grammatical changes only.

Minn. Rules pt. 7045.0125, subp. 6, item A and subp. 7 are modified to read:

Subp. 6. Requirements for reclamation of specific hazardous waste.

A. A by-product or a sludge that is hazardous only because it exhibits a characteristic of hazardous waste as defined

in part 7045.0131 and is reclaimed is subject to the following requirements:

Subp. 7. Generator requirements. Except as provided in subpart 3a, 4, 5, or 6, or part 7045.0695, a generator of hazardous waste that is destined for ~~recycle~~ recycling is subject to the requirements of parts 7045.0205 to 7045.0320.

f. MINN. RULES PT. 7045.0135 LISTS OF HAZARDOUS WASTES.

The last clause in Minn. Rules pt. 7045.0135, subp. 1 is not necessary and is being deleted. For the documents that do require use of the hazardous waste number, it is clearly stated in the specific rule part that requires the document.

Minn. Rules pt. 7045.0135, subp. 1 is modified to read:

Subpart 1. General. A waste is a hazardous waste if it is listed under subparts 2 to 5 unless it has been excluded from the list under part 7045.0075, subpart 2.

The basis for listing the classes or types of waste listed in subparts 2 to 5 is indicated by employing one or more of the following hazard codes:

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

The constituent which caused the agency to list the waste as a toxicity characteristic waste (E) or toxic waste (T) in subparts 2 and 3 is identified in part 7045.0139.

Each listed hazardous waste is assigned a hazardous waste number which precedes the name of the waste. ~~This number must be used in complying with the license requirements of parts 7045.0205 to 7045.0320 and certain record keeping and reporting requirements under parts 7045.0205 to 7045.1030, 7045.1300 to 7045.1380, and the agency's permitting procedures in chapter~~

g. MINN. RULES PT. 7045.0205 APPLICABILITY OF GENERATOR STANDARDS.

The included clause was inadvertently left out of the proposed rules. This is non-substantive because it is already required under Minn. Rules pt. 7045.0355.

Minn. Rules pt. 7045.0205, subp. 2 is modified to read:

Subp. 2. Applicability to transporters. The standards applicable to generators established in parts 7045.0205 to 7045.0320 apply to transporters of hazardous waste if a transporter transports hazardous waste into Minnesota from a foreign country or mixes hazardous waste of different United States Department of Transportation shipping descriptions by placing them into a single container as provided in part 7045.0355.

h. MINN. RULES PT. 7045.0206 GENERATOR SIZE DETERMINATION.

Minn. Rules pt. 7045.0206, subps. 2, 3, 4, and subp. 6, item B are revised so that references to "acute hazardous waste" are now dependent on the definition in Minn. Rules pt. 7045.0020, subp. 3a. There is no substantive change in the requirement.

Minn. Rules pt. 7045.0206, subp. 5 revises the wording from "sewered waste" to "hazardous waste to be sewered" for clarity. There is no substantive change in the requirement.

Minn. Rules pt. 7045.0206, subp. 6, item C is revised to incorporate the new category of very small quantity generator. Therefore, it is necessary to specifically designate the applicable requirements. The change in generator status requirement previous covered the very small quantity generators as a subset of small quantity generator so this is not a substantive change.

Minn. Rules pt. 7045.0206, subps. 2, 3, 4, 5, and 6 are modified to read:

Subp. 2. Large quantity generator. A generator is a large quantity generator if, in a calendar month, waste is generated in any of the following quantities:

A. greater than or equal to 1,000 kilograms of hazardous waste excluding acute hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~;

B. greater than one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~; or

C. greater than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~.

Subp. 3. Small quantity generator. A generator is a small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. greater than 100 kilograms and less than 1,000 kilograms of hazardous waste excluding acute hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~;

B. less than or equal to one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the

cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~.

Subp. 4. Very small quantity generator. A generator is a very small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. less than or equal to 100 kilograms of hazardous waste excluding acute hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~;

B. less than or equal to one kilogram of acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste ~~listed in part 7045.0135, subpart 2, 3, or 4, item E~~.

Subp. 5. ~~Exempt~~ Waste ~~for~~ exempt from size determination. A generator shall not include the following waste when determining the quantity of hazardous waste generated:

D. sewered Hazardous waste that is pretreated as provided in ~~under~~ part 7045.0305, subpart 2~~, item B, subitem (2)~~;

Subp. 6. Change in generator size status. If a small quantity generator exceeds the quantity limits listed in subpart 3, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter unless the generator regains small quantity generator status under item A or B.

If a very small quantity generator exceeds the quantity limits listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter unless very small quantity generator status is regained under item A or C.

A. Once generator size status is lost, the generator shall not regain that status until the generator is notified in writing by the commissioner that the original generator size status has been approved. The commissioner shall only approve generator size status under this item if the generator can demonstrate to the satisfaction of the commissioner that the waste quantities that will be generated in the future will meet the limits established in subpart 3 ~~and~~ or 4, as applicable. The generator shall make this demonstration by submitting a written statement to the commissioner requesting reclassification as a small or very small quantity generator, as applicable, and including the information necessary for the commissioner to evaluate the request. The information

shall include an explanation of the circumstances that resulted in each instance of overgeneration during the past year, an explanation of the measures that the generator has taken to correct the cause of overgeneration, and other information as necessary to document that the overgeneration will not reoccur.

B. For small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 3 and the cause of the overgeneration is a spill or accidental release of a hazardous waste that is not acute hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E~~; the shutdown or cleanup of some part of the generation process; or the replacement of PCB containing equipment, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter. However, in any of these cases, a generator will automatically regain small quantity generator status without applying to the commissioner for approval if the generator:

[For text of subitems 1 and 2, see 16 SR 331]

A generator who cannot automatically regain small quantity generator status under this subpart may apply for reclassification under item A.

C. For very small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 4 but does not exceed the quantity listed in subpart 3, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter. However, a generator shall automatically regain very small quantity generator status without applying to the commissioner for approval if the generator:

[For text of subitems 1 and 2, see 16 SR 331]

A generator who cannot automatically regain very small quantity generator status under this subpart may apply for reclassification under item A.

A very small quantity generator who generates hazardous waste in any calendar month exceeding the quantities listed in subpart 3 is subject to items A or B.

i. MINN. RULES PT. 7045.0208 HAZARDOUS WASTE MANAGEMENT.

The revisions are grammatical only. There is no substantive change.

Minn. Rules pt. 7045.0208, subp. 1, items A to D are modified to read:

Subpart 1. Management by generator. A generator must manage hazardous waste by using one of the methods described in

items A to D, unless otherwise specifically exempted under this chapter.

A. A generator ~~The hazardous waste~~ may ~~be~~ treated ~~or~~ disposed ~~of~~ at an on-site facility as provided under part 7045.0211.

B. ~~The~~ A generator may ensure delivery to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be permitted to accept hazardous waste under the agency's permitting procedures, have interim status under parts 7045.0552 to 7045.0642, or be authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency.

C. ~~The~~ A generator may ensure delivery to a facility that~~:~~

~~(1)~~ under part 7045.0125 beneficially uses or reuses, legitimately recycles, or legitimately reclaims the waste~~;~~ , or

~~(2)~~ treats the waste before beneficial use or reuse, legitimate recycling, or legitimate reclamation.

D. ~~The~~ A generator may export to a foreign country under the limitations in part 7045.0302.

j. MINN. RULES PT. 7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.

The revisions are grammatical only. There is no substantive change.

Minn. Rules pt. 7045.0211, subp. 1 is modified to read:

Subpart 1. Waste procedures. A generator who treats, stores, or disposes of a hazardous waste on-site which ~~have~~ has been produced on-site must comply with this chapter and chapter 7001, as applicable.

k. MINN. RULES PT. 7045.0230 CONTENT OF ~~INITIAL~~ LICENSE APPLICATION.

Minn. Rules pt. 7045.0230, subp. 1, is revised as requested by MPCA staff to accurately reflect the information that has been required on the disclosure form used by the MPCA for the past several years. The information required under items C, D, E, and G is not currently being collected by the Agency and MPCA staff has determined that the information is not necessary for the statewide management of hazardous waste. The above are non-substantive because the information required of the generator does not change from what is currently being requested under current disclosure requirements.

Minn. Rules pt. 7045.0230, subp. 1a is added to specifically set forth the license application requirements of the newly defined very small quantity generator category. It is reasonable to require simplified information from generators that generate less hazardous waste because generally they have less access to sophisticated data. The change is non-substantive because the MPCA is requesting similar basic information, just in a less technical format. In addition, the MPCA still has the authority under Minn. Rules pt. 7045.0230, subp. 1a, item G, to require the submittal of all data under Minn. Rules pt. 7045.0230, subp. 1.

Minn. Rules pt. 7045.0230, subps. 1, 1a, and 4 are modified to read:

Subpart 1. Information required. Except as provided in subpart 1a, an application must be on a form provided by the commissioner and must include the following information:

A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and EPA identification number or date applied for;

~~A~~ B. a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135, the physical state, and the source or process from which the disclosed wastes are generated;

~~B~~ C. a list of all ~~nonexempt~~ wastes of the generator that have been determined by the generator to be nonhazardous wastes. The list must include the type of waste, the physical state, and the source or process from which the waste was produced;

~~C. the chemical composition of each waste which is hazardous due to one of the characteristics identified in part 7045.0131 and the anticipated fluctuations in the chemical composition that will occur during normal operations;~~

~~D. the concentration of each component in part 7045.0131, subpart 8 that is known or suspected to be in the leachate of the waste following the toxicity characteristic leaching procedure. If a component listed in that exhibit is known or suspected to be in the waste, the results from the toxicity characteristic leaching procedure for that component must be included unless alternative data approved by the commissioner is submitted;~~

D. a list of all used and waste oils generated, the physical state, and the source or process from which the waste was produced;

~~E. the hazardous properties of the waste and the source of the data or information used to identify the hazardous properties;~~

~~F. in the event any tests were conducted to evaluate the waste, the results of all tests conducted;~~

~~G. a copy of the contingency plan prepared pursuant to part 7045.0292, subpart 1, item H and a certification stating that the contingency plan is being maintained for currency of information on site and is available for staff review;~~

~~H~~ E. a management plan for each hazardous waste and oil produced that includes the following information:

(6) the names of the hazardous waste facilities to be involved in the management of the hazardous waste and, as applicable, the numbers of the Hazardous Waste Facility Permits issued by the agency for those facilities located in the state of Minnesota, or the addresses and identification numbers of those facilities located outside the state of Minnesota; ~~and~~

(7) the method(s) of treatment and/or disposal proposed for each hazardous waste; ~~and~~

(8) the date hazardous waste was first produced; and

(9) in the event any tests were conducted to evaluate the waste, the results of all tests conducted; and

F. the following certification signed by the generator or authorized representative:

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

Subp. 1a. Very small quantity generator license application. An application must be on a form provided by the commissioner and must include the following information:

A. the generator's company name, location address, mailing address, type of business, contact person, telephone number, and identification number;

B. the date each hazardous waste was first produced;

C. the name or a description of each hazardous waste

generated;

D. the estimated amount of each hazardous waste to be produced in a one year period;

E. the method(s) of treatment and/or disposal;

F. the certification required under subp. 1, item F; and

G. additional information required under subpart 1 as requested by the commissioner.

Subp. 4. Laboratory waste. A person who produces a waste from a laboratory or pilot plant that is a mixture of small amounts of unrelated but compatible chemicals such that the description of any sample or set of samples is not representative of the total waste is exempt from subpart 1, items ~~C, D, and F~~ E, subitem 9

1. MINN. RULES PT. 7045.0240 SUBMITTAL OF LICENSE APPLICATION.

The license application dates were proposed as 30 days for submittal, with a 30 day wait period before the generator treats or disposes of the waste. Several metropolitan counties commented that the original deadlines of 75 days for submittal with a 15 day wait period were already well accepted and working well. The shortened 30 day submittal period could cause some problems for generators who need to test their waste. The MPCA is reverting to the previous 75/15 day deadlines.

In addition, a reference to Minn. Rules pt. 7045.0208 replaces the previous reference to Minn. Rules pts. 7045.0205 to 7045.0320. It is not a substantive change, but just specifically cites to part of the general reference citation that is required.

The transition date from the previous disclosure requirement to the new license requirement is changed from October 1, 1991 to April 1, 1992 to coincide with MPCA's transition schedule for converting existing disclosures to licenses.

Minn. Rules pt. 7045.0240, subp. 3 is modified to read:

Subp. 3. License application submittal. Each generator who is producing hazardous waste in Minnesota must submit a license application to the commissioner within ~~30~~ 75 days of first producing a hazardous waste. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the waste until at least ~~30~~ 15 days after the application is submitted to the commissioner. In the period between ~~30~~ 15 days after the generator's license application submittal and the commissioner's action ~~license approval and issuance~~ under part 7045.0245, the generator may treat, dispose of, and relinquish control of the hazardous waste as provided in parts

~~7045.0205 to 7045.0320~~ 7045.0208 until written response to the generator's license application is received under part 7045.0245. After the commission acts on the license application, the generator must manage the waste according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has ~~disclosed~~ notified the commissioner of the generator's waste under this chapter before ~~October 1, 1991~~ April 1, 1992 need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

m. MINN. RULES PT. 7045.0243 TERM AND CONDITIONS OF LICENSE.

Minn. Rules pt. 7045.0243, subp. 1 is revised to allow some flexibility for MPCA in processing and issuing licenses, especially initially while changing the existing disclosure system to a licensing system.

In Minn. Rules pt. 7045.0243, subp. 2, the addition of "or reference" clarifies that referenced conditions will be used in issuing licenses. This is a clarification not a change. The subpart is also revised to require the MPCA to show reasonable justification for adding special conditions to a generator's license. A generator comment letter requested this addition and it is a reasonable constraint on the MPCA.

Minn. Rules pt. 7045.0243, subp. 3, item E limits the MPCA's authority to the "licensed" property. This was always the intent so it has been clarified. Item F deletes the specific timetables for corrective action. Metropolitan county hazardous waste personnel pointed out that several circumstances could require a quicker response than provided here and that such specificity could limit the state's ability to require a shorter response time. Item G reverts to the 75 day deadline as explained in Minn. Rules pt. 7045.0240 of this document. Language is added that parallels the process provided in Minn. Rules pt. 7045.0240. Therefore, the process for initially obtaining a license and for adding a new waste will be the same. Item H incorporates the new term "license renewal application." Item J clarifies that the conditions of a license may be incorporated by reference.

Minn. Rules pt. 7045.0243, subps. 1, 2, and 3 are modified to read:

Subpart 1. Term of license. A hazardous waste generator license is issued for ~~the following terms:~~

~~A. for large quantity generators and small quantity generators, the term is not to exceed one year, except that the initial license issuance may be for a term of up to 18 month; and~~

~~B. for very small quantity generators, the term is not to exceed two years.~~
a term to be determined by the commissioner. The term of a license shall not exceed two years.

Subp. 2. Special conditions. Each license will contain or reference conditions necessary for the licensee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts 7045.0205 to 7045.0320, and conditions that the commissioner determines and shows with reasonable justification to be necessary to protect human health and the environment.

Subp. 3. General conditions. Each license must include the general conditions described in item A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part.

E. When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4: and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the licensee to enter at reasonable times upon the licensed property of the licensee to examine and copy books, papers, records, or memoranda pertaining to the activity covered by the license; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the activity covered by the license.

F. If the licensee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the license has occurred, the licensee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from noncompliance. ~~The licensee must then correct the noncompliance within 24 hours after discovery or, if the licensee demonstrates that correction is not possible within 24 hours, at the earliest practical time as agreed to by the commissioner.~~

G. If the licensee begins generation of a hazardous waste that was not included on the license application and is therefore not authorized under the existing license, the licensee must submit an amended application providing information required in part 7045.0230 within ~~30~~ 75 days of first producing ~~that~~ the new hazardous waste. The generator must at all times manage the new waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish control of the new waste until at least 15 days after the amended license application is submitted to the commissioner. In the period between 15 days after submittal and the commissioner's action under part 7045.0245, the generator may treat, disposed of, and relinquish control of the new waste as provided in parts 7045.0208 until written response to the generator's amended license application is received under part 7045.0245. After the

commissioner acts on the amended license application, the generator must manage the new waste according to the amended license conditions and the requirements of this chapter or the generator must cease producing the new waste if the amended license application is denied. ~~The licensee may continue generation and the commissioner will review the amended application under the process provided in part 7045.0240.~~

H. If the licensee changes management of a hazardous waste during the term of the license, the licensee must report the change in the next ~~report~~ license renewal application required under part 7045.0248.

J. The license authorizes the licensee to perform the activities described in or referenced by the license under the conditions of the license. In issuing the license, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the licensee in the conduct of its actions, including those activities authorized under the license. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

n. MINN. RULES PT. 7045.0245 LICENSE APPROVAL AND ISSUANCE.

The provision that requires a response by the MPCA within 45 days is deleted. The limit on the MPCA's review time is not necessary to assist a generator who needs to continue business because a generator is already allowed under Minn. Rules pt. 7045.0240 to continue generation. The time limit imposes an unnecessary burden on the MPCA at this time since more than 7,500 generators were brought into the hazardous waste system during 1991. An evaluation of the turnaround time on license applications will be most appropriate after the licensing system is in place for two or three years.

Minn. Rules pt. 7045.0245, subp. 1, item D is modified to read:

Subpart 1. Review and approval. The commissioner shall conduct a review of the license application and shall:

D. deny ~~approval of~~ the license ~~application within 45 days of the last submittal of information by the license applicant~~.

o. MINN. RULES PT. 7045.0247 LICENSE ~~REISSUANCE~~ RENEWAL AND CONTINUATION OF EXPIRED LICENSE.

The term "reissuance" is changed to "renewal". Minn. Rules pt. 7045.0247, subp. 2, item B deletes the "verbal" component of the commissioner's request because it is difficult to enforce. Neither change affects the substantive provisions of this part.

Minn. Rules pt. 7045.0247, subp. 1, and subp. 2, items A and B are modified to read:

Subpart 1. License ~~reissuance~~ renewal. The commissioner will ~~reissue~~ renew the license after receipt, review, and approval of the license ~~reissuance~~ renewal application ~~and report~~ required under part 7045.0248 and payment in full of generator fees required under chapter 7046.

Subp. 2. Continuation of expired license. A generator who holds an expired license may continue to conduct the licensed activity according to the terms and conditions of the expired license until the commissioner takes final action on the ~~reissuance~~ renewal application if the commissioner determines that items A to D are true.

A. The licensee has submitted the application ~~and report~~ required under part 7045.0248 no later than 30 days after receipt of license ~~reissuance~~ renewal application.

B. The licensee responds to requests by the commissioner for additional ~~report~~ application information within 14 days of receiving the written ~~or verbal~~ request.

p. MINN. RULES PT. 7045.0248 LICENSE ~~REISSUANCE~~ RENEWAL APPLICATION ~~AND REPORT~~.

Subpart 1 is modified to follow the same format of Minn. Rules pt. 7045.0230 since the renewal application is essentially and update of information provided previously under part 7045.0230. This is not a change from what is required on the MPCA's current annual report form.

Minn. Rules pt. 7045.0248, subp. 2. is added to specifically set forth the license renewal requirements of the newly defined very small quantity generator category. It is reasonable to require simplified information from generators that generate less hazardous waste because generally they have less access to sophisticated data. The change is non-substantive because the MPCA is requesting similar basic information, just in a less technical format. In addition, the MPCA still has the authority under Minn. Rules pt. 7045.0248, subp. 2, item D, to require the submittal of all data under Minn. Rules pt. 7045.0248, subp. 1.

Minn. Rules pt. 7045.0248, subps. 1, 2, and 4 are modified to read:

Subpart 1. Applicability. A licensed generator must submit a license ~~reissuance~~ renewal application ~~and report~~ to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. ~~and report at least 30 days before the expiration date of the generator license.~~ Except as provided in subpart 2, the application ~~and report~~ must contain the following information

for each hazardous waste produced during the preceding calendar year:

A. the generator's company name, location address, mailing address, type of business, principal products or service, contact person, telephone number, and EPA identification number;

B. the calendar year covered by the ~~report~~ renewal application;

C. ~~the name of the hazardous waste, the hazardous waste number or numbers, and the United States Department of Transportation hazard class~~ a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135, and the physical state;

D. a list of all used and waste oils generated, the type of waste, and the physical state;

~~D. the amount of each hazardous waste produced;~~

~~E. the names and identification numbers of the transporters used to transport shipments to facilities within the United States;~~

~~F. the names and addresses of the hazardous waste facilities used in the United States, their identification numbers, the method of treatment or disposal, or both, and, as applicable:~~

~~(1) the numbers of the hazardous waste facility permits issued by the agency for those facilities located in Minnesota;~~

~~(2) the addresses of those facilities located outside Minnesota;~~

~~(3) the name of the wastewater treatment works to which a sewered hazardous waste was discharged; and~~

~~(4) the national pollution discharge elimination system or state disposal permit number for discharge to land and waters of the state;~~

E. for each hazardous waste and oil produced during the reported calendar year the following information:

(1) the amounts produced:

(2) the names and identification numbers of the transporters used;

(3) the frequency with which the hazardous waste was transported or discharged;

(4) the name of the wastewater treatment works to which a sewered hazardous waste was discharged;

(5) the national pollutant discharge elimination system or state disposal permit number for discharges to sewers and waters of the state;

(6) the names of the hazardous waste facilities involved in the management of the hazardous waste and, as applicable, the numbers of the Hazardous Waste Facility Permits issued by the agency for those facilities located in the state of Minnesota, or the addresses and identification numbers of those facilities located outside the state of Minnesota;

(7) the method(s) of treatment and/or disposal proposed for each hazardous waste; and

(8) the date hazardous waste was first produced; and

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

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

~~I~~ H. the following certification signed by the generator or authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. ~~I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree that I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment."~~

Subp. 2. Very small quantity generator license renewal application. A very small quantity generator must submit a license renewal application to the commissioner on forms provided by the commissioner. A generator must submit the application by a date specified by the commissioner. The application must contain the following information for each hazardous waste produced during the preceding calendar year:

A. the name or a description of the hazardous waste;

B. the amount of each hazardous waste produced; and

C. the method(s) of treatment and/or disposal.

D. the certification required under subp. 1, item H

E. Additional information required under subpart 1 as requested by the commissioner.

Subp. ~~2~~ 3. Recycled waste. A generators of waste that is recycled according to part 7045.0125 and is exempt from the requirements of parts 7045.0261 and 7045.0265 must include as part of the report required under subpart 1 or 2:

A. evidence that the waste was recycled ~~as indicated in the management plan~~; and

Subp. 4 5. Approval of application. License ~~reissuance~~ renewal applications shall be subject to the commissioner's review and approval procedures under part 7045.0245, subpart 1.

q. MINN. RULES PT. 7045.0250 LICENSE REVOCATION.

The modification to Minn. Rules pt. 7045.0250, subp. 1, item B is grammatical only. Minn. Rules pt. 7045.0250, subp. 1, item C is revised to include a provision for payment of a penalty to be escrowed. This was requested by a generator in a comment letter and the MPCA agrees that is is reasonable.

Minn. Rules pt. 7045.0250, subp. 1, items 2 and 3 are modified to read:

Subpart 1. ~~Justifications~~ Justification to revoke. The following constitute justification for the commissioner to revoke a license:

B. Licensee failure to disclose fully the facts relevant to issuance of the license or ~~submits~~ submittal of false or misleading information to the commissioner; and

C. licensee failure to pay or escrow a penalty owed under Minnesota Statutes, section 116.072.

r. MINN. RULES PT. 7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.

Minn. Rules pt. 7045.0255, item A corrects a cross-reference with no substantive change and corrects a spelling error.

Minn. Rules pt. 7045.0255, item A is modified to read:

A person having hazardous waste subject to regulation under this chapter who is only a hazardous waste generator for the one-time disposal of hazardous waste which is not currently being

produced, must comply with this chapter as provided in items A and B.

A. The generator is exempt from parts 7045.0225 to 7045.0250, license and license reporting, except that the generator must submit a management plan meeting the requirements of part 7045.0230, subpart 1, item ~~H~~ E, for approval by the commissioner ~~of~~ on forms provided by the commissioners.

s. MINN. RULES PT. 7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

In the previous rules, the category of small quantity generator had included very small quantity generators. The amended rules separate very small quantity generators into a distinct category. Therefore, it is necessary to specifically name them as eligible to use the alternate manifest system. They were previously eligible so this is not a substantive change.

The Minnesota Department of Transportation (MnDOT) requested that the MPCA insert the reference to MnDOT's administrative rules and the Federal hazardous materials transport regulations. The additional language does not constitute a substantive change because the requirements already exist in law.

Minn. Rules pt. 7045.0261, subp. 1a, item B is modified to read:

Subp. 1a. Exemptions. A generator may transport without a manifest as described in item A or B. Transporters exempt under this subpart must comply with all applicable requirements of Minnesota Statutes, sections 221.033 and 221.034, and Code of Federal Regulations, title 49, parts 171 to 199.

B. A small quantity or a very small quantity generator may use an alternate manifest system as provided under part 7045.0075, subpart 5.

t. MINN. RULES PT. 7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

The changes in this part are made in direct response to MPCA staff comments that this part of the rule was too difficult for generators to understand. Staff requested that the small quantity and very small quantity generator requirements in subparts 5 and 6 be specifically stated. Staff maintained that even though this is a verbatim repetition of the requirements found in subpart 1, the cross-referencing was difficult for the generator and this change would be worthwhile.

Minn. Rules pt. 7045.0292, subp. 1, item A references Minn. Rules pt. 7045.0211 to aid the reader. Subparts H and I are reversed with no change in content so that they follow the same order of the requirements of subparts 5 and 6. Subparts 5 and 6 now include the language of what were formerly the cross-referenced citations. There is no change in the requirements.

Minn. Rules pt. 7045.0292, subps. 6 and 7 are revised such that the reference to "acute hazardous waste" is now dependent on the definition in Minn. Rules pt. 7045.0020, subp. 3a. There is no substantive change in the requirement. Minn. Rules pt. 7045.0020, subp. 8 changes "acutely" to "acute" for consistency within Minn. Rules ch. 7045.

Minn. Rules pt. 7045.0292, subp. 11 is changed to reflect the different consequences for each size generator. The requirements of paragraph two are the same as previously found in Minn. Rules pt. 7045.0219, subp. 4 which is repealed in this rulemaking.

Minn. Rules pt. 7045.0292, subp. 1, items A, H, and I; subp. 5; subp. 6; subp. 7; subp. 8, items A and C; and subp. 11 are modified to read:

Subpart 1. Large quantity generator. A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

~~I.~~H. all waste containers and tans are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel~~.~~; and

~~H.~~I. the requirements of parts 7045.0558, 7045.0562, subparts 1 and 2, and 7045.0566 to 7045.0576 are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness and prevention, and contingency planning~~; and~~.

Subp. 5. Small quantity generator. A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 180 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

~~B. the quantity of waste accumulated on site never exceeds 3,000 kilograms of waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;~~

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or in tanks provided the generator complies with the requirements of part 7045.0629;

~~C. the generator meets the requirements of subpart 1, items C to G and I;~~

C. tanks and containers are clearly labeled with the waste accumulation start date; alternatively, containers are so labeled while a clearly designated and legible log of tank transactions which includes accumulation start dates is maintained; all of these dates must be available for inspection;

D. each container and tank is properly labeled and marked according to part 7045.0270, subparts 1 and 5;

E. outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

F. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

G. containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

~~D~~ I. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention, and 7045.0568, relating to the arrangements with local authorities for emergencies; and

~~E~~ J. the generator complies with the following requirements:

~~(1) the waste must be placed in containers that meet the standards of part 7045.0270, subpart 4, and are managed according to part 7045.0626; or in tanks, provided the generator complies with the requirements of part 7045.0629;~~

(~~2~~ 1) the generator must ensure that there is available at all times at least one employee, identified as the emergency coordinator, responsible for coordinating all emergency response measures provided in subitem (5); the emergency coordinator must be either on the generator's premises or available to respond to an emergency by reaching the premises within a short period of time;

(~~3~~ 2) the generator must post the following information next to the telephone on the premises: the name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, the fire alarm, if present, and the telephone number of the fire department, unless there is a direct alarm;

(~~4~~ 3) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies; and

(~~5~~ 4) the emergency coordinator or a designee must respond to any emergencies that arise. Appropriate responses include: in the event of a fire, call the fire department or try to extinguish the fire by using a fire extinguisher; in the event of a spill, contain the flow of hazardous waste to the extent possible and as soon as practicable, clean up the hazardous waste and any contaminated materials or soils; in the event of a fire, explosion, or other release that could threaten human health outside the premises or when the generator has knowledge that a spill has reached surface water, the generator must immediately comply with part 7045.0275, subparts 2 and 3, and notify the National Response Center using its 24-hour toll free number (800) 424-8802 and provide the name, address, identification number of the generator, date, time, type of incident, and the estimated quantity and disposition of an recovered materials.

Subp. 6. Very small quantity generator. A very small quantity generator may accumulate waste on site without a permit or without having interim status ~~indefinitely~~ until 1,000 kilograms of hazardous waste that is not acute hazardous waste ~~not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E,~~ is accumulated~~.~~ if ~~From the date the 1,000 kilogram limit is reached (accumulation start date), the entire quantity of waste must, within 180 days of accumulation start date, be treated on site or shipped off site in compliance with part 7045.0208. A very small quantity generator accumulating waste under this subpart must meet the requirements of subpart 5, except for items B and E, subitems (2) to (5).~~:

A. all accumulated hazardous waste is, within 180 days of the date the 1,000 kilogram limit is reached, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with part 7045.0626; or in tanks provided the generator complies with the requirements of part 7045.0629;

C. tanks and containers are clearly labeled with the waste accumulation start date; alternatively, containers are so labeled while a clearly designated and legible log of tank

transactions which includes accumulation start dates is maintained; all of these dates must be available for inspection;

D. each container and tank is properly labeled and marked according to part 7045.0270, subparts 1 and 5;

E. outdoor storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

F. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

G. containers holding hazardous wastes which exhibit the characteristics of ignitability or reactivity or which exhibit the potential for creating vapor pressures capable of causing containers to leak, deform, or otherwise fail if not shaded are shaded from direct sunlight; however, nothing in this item shall relieve the generator from the obligation to comply with any local, state, or federal law governing storage of these wastes;

H. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

I. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention, and 7045.0568, relating to the arrangements with local authorities for emergencies.

Subp. 7. Acute hazardous waste accumulation. A small quantity generator or a very small quantity generator who generates ~~waste listed as~~ acute hazardous waste ~~in part 7045.0135, subpart 2, 3, or 4, item E,~~ may accumulate that waste on site indefinitely until one kilogram of acute hazardous waste or 100 kilograms of residue, contaminated woil, water, or other debris resulting from the cleanup of a spill of an acute hazardous waste into or on any land or water, is accumulated. From the date the applicable limit is reached (accumulation start date), the entire quantity of waste must be treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208 within 90 days. A generator accumulating wastes under this subpart must meet the requirements in items A and B.

A. For the period preceding the accumulation start date, the generator must comply with subpart 5, items ~~G~~ B to ~~E~~ J.

Subp. 8. Satellite accumulation. Item A to C apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, as applicable, accumulate as much as 55 gallons of hazardous waste or one quart of

~~acutely~~ acute hazardous waste listed in part 7045.0135, subpart 4, item E, in containers located at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste.

C. A generator of any size who accumulates either hazardous waste or ~~acutely~~ acute hazardous waste listed in part 7045.0135, subpart 4, item E, in excess of the amounts listed in item A of this subpart at or near any point of generation must, with respect to the amount of excess waste, comply within three days with subpart 1 to 7 as applicable. During the three-day period for compliance the generator must continue to comply with item B.

Subp. 11. Accumulation requiring a permit. ~~No person shall accumulate hazardous waste beyond the maximum allowable time under subparts 1 to 10 without a hazardous waste facility permit.~~ A large quantity generator who accumulates hazardous waste for more than ~~the maximum allowable time~~ 90 days is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642 and the agency's permitting procedures in chapter 7001 unless the generator has been granted a time extension under subpart 10.

For small quantity and very small quantity generators, if the quantity of hazardous waste accumulated at any time exceeds the quantities in subpart 5 or 6, whichever applies, the generator must manage all of the accumulated waste in accordance with all the generator requirements of parts 7045.0205 to 7045.0320. The generator does not lose small quantity or very small quantity generator status, as applicable.

u. MINN. RULES PT. 7045.0294 RECORD KEEPING.

This part is revised to incorporate language pertaining to licenses, as opposed to the previous language referring to disclosures. Upon verbal request by several metropolitan county hazardous waste program staff persons, receipts for waste delivered to very small quantity hazardous waste collection programs must be retained for three years. This provides a necessary tracking mechanism. It is not a substantive change since it is similar, though less restrictive, to the manifest record keeping requirement.

Minn. Rules pt. 7045.0294, subps. 1b, 2, and 2a are modified to read:

Subp. 1b. Very small quantity generator collection program receipt. A generator must keep a copy of each signed receipt for waste delivered to a collection site under part 7045.0320. This signed copy must be retained as a record for at least three years from the date the waste was accepted at the collection site.

Subp. 2. Reports. A generator must keep a copy of the license application, ~~each annual report~~ each license renewal

application, and each exception report for at least three years from the due date of the report.

Subp. 2a. Container inspection reports. A generator must keep a copy of each weekly container inspection report required for generator accumulation under part 7045.0292 for a period of at least three years from the date of the inspection. ~~Part 7045.0292 reference part 7045.0626 as a requirement for all size generators.~~

v. MINN. RULES PT. 7045.0305 STANDARDS FOR GENERATORS WHO SEWER HAZARDOUS WASTE.

Minn. Rules pt. 7045.0305 is reformatted for clarity. Subpart 2, item B is revised to provide for approval by the publicly owned treatment works instead of an agreement. Staff for the Metropolitan Waste Control Commission (MWCC) commented that the "agreement" language implied a formal document that they would be unable to provide individually to generators, as they interpreted the rule to mean. The MWCC would be able to provide generic approvals for types of waste. The MPCA will be able to establish a method of determining if a discharge is approved.

Minn. Rules pt. 7045.0305, item B provides more specificity to aid the reader but does not change the requirement.

Minn. Rules pt. 7045.0305, subparts 2 and 3 are modified to read:

Subp. 2. Generator size determination. A generator who sewers hazardous waste shall ~~determine the generator size according to items A and B.~~ include the quantity of sewered hazardous waste in their size determination under part 7045.0206 except for

~~A. For hazardous waste discharged to a sewer system not owned or operated by a publicly owned treatment works, the generator shall include quantities of pretreated and nonpretreated waste in the generator size determination.~~

~~B. For hazardous waste discharged to a sewer system owned or operated by a publicly owned treatment works, the generator shall include quantities of waste in the generator size determination as described in subitems (1) to (3):~~

~~(2)~~ the volume of a hazardous waste that has been pretreated provided that:

A. an 80 percent reduction of the quantity of the hazardous waste constituent mass is achieved before sewering; ~~shall not be included if the following requirements are met:~~;

B. ~~(a)~~ the discharge is ~~under agreement with~~ approved by ~~the~~ a publicly owned treatment works permitted under part 7001.0520, subp. 3, item B;

C. ~~(b)~~ the generator ~~has the commissioner's approval under the licensing provisions of~~ is licensed to sewer their waste under parts 7045.0225 to 7045.0250; and

D. ~~(c)~~ the generator has met the conditions of part 7001.0520, subpart 3, item C~~; and~~.

~~(3) the volume of a pretreated hazardous waste not meeting the conditions of subitem (2) will be included.~~

Subp. 3. Management. A generator who sewers hazardous waste shall comply with the requirements of this chapter applicable to their generator size ~~except~~ with the following exception. A generator whose quantity determination is zero because the generator meets the conditions of subpart 2~~, item B, subitem (2) are met~~ will be classified as a very small quantity generator and shall meet the requirements of this chapter that apply to very small quantity generators.

w. MINN. RULES PT. 7045.0310 SPECIAL REQUIREMENTS FOR WASTE COLLECTED AS RESULT OF HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM.

Minn. Rules pt. 7045.0310, subp. 3, item B is deleted because the operator is already required to comply with Minn. Rules pt. 7045.0211 under the general provisions of meeting the standards applicable to large quantity generators established in Minn. Rules pts. 7045.0205 to 7045.0320 (Subp. 3).

Minn. Rules pt. 7045.0310, subp. 3, item C is changed to reference the new Minn. Rules pt. 7045.0208 that provides specific guidance for the types of acceptable disposal. This change is consistent with the overall construction of this part. If operators must meet the requirements for large quantity generators, operators should be provided with the same disposal options as large quantity generators.

Minn. Rules pt. 7045.0310, subp. 3, items B, C, and G; and subp. 7, item B, subitem 3 is modified to read:

Subp. 3. Management requirements. An operator who establishes or operates all or part of a household hazardous waste management program must comply with the standards applicable to large quantity generators established in parts 7045.0205 to 7045.0320, except as modified in items A to G.

~~B. If the operator transports or offers for transport household hazardous waste for off-site treatment, storage, or disposal at a permitted hazardous waste facility, the operator must obtain a generator identification number as required in part 7045.0221~~.

C. The operator may ~~only~~ transport or offer for transport household hazardous waste for off-site activities ~~to a~~

~~facility that either has a hazardous waste permit~~ as provided in part 7045.0208 or to a collection site that has obtained the commissioner's approval under subpart 6.

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

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

(3) ~~motor~~ used or waste oil; and

x. MINN. RULES PT. 7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

Minn. Rules pt. 7045.0320, subp. 1 advises the reader that a permit exclusion is in effect for this program. The exclusion exists under Minn. Rules pt. 7001.0520, subp. 2, item M. In response to Minnesota Power's comment letter, facilities that are permitted for acceptance and storage of waste from other generation sites will not be required to obtain a license under this part. This is limited to only those activities approved under the permit. If the permittee expands their consolidation efforts, the permittee must apply for a permit modification or obtain a license for such activities under this part. This is reasonable since the permit requirements under Minn. Rules ch. 7001 are more restrictive than what is required under this part.

Minn. Rules pt. 7045.0320, subp. 10 is relocated and renumbered as Minn. Rules pt. 7045.0320, subp. 2 without other changes. The subsequent subparts are renumbered accordingly.

The licensing requirements of Minn. Rules pt. 7045.0320, subp. 4 are expanded to include providing EPA identification numbers. EPA identification numbers are required by federal law and also by Minn. Rules pt. 7045.0221 so providing such information does not constitute a substantive change. Other language changes in subp. 4 are grammatical only.

Revisions to Minn. Rules pt. 7045.0320, subp. 7 provide for clarification without substantive change. Minn. Rules pt. 7045.0320, subp. 7, item B deletes the requirement for Department of Transportation hazard class numbers because they are available to the MPCA when the manifests are submitted. Minn. Rules pt. 7045.0320, subp. 7, item E requires recording the dates when waste is treated. This will provide a full record since the collection program does allow the operator to do some types of treatment (part 7045.0320, subp. 4, item J).

Minn. Rules pt. 7045.0320, subp. 8 is changed to reference to the new Minn. Rules pt. 7045.0208 that provides specific guidance for the type of acceptable disposal. This change is consistent with the overall construction of this part that

operators must meet the requirements for large quantity generators; therefore, operators should be provided with the same disposal options as large quantity generators.

Minn. Rules pt. 7045.0320 is modified to read:

Subpart 1. Applicability. This part provides the requirements for the management and transportation of waste collected as part of a very small quantity generator hazardous waste collection program. Full compliance with this part exempts the program operator from the permit requirements of part 7001.0520.

An operator of a hazardous waste facility permitted under chapter 7001 is exempt from the requirements of this part to the extent that the facility permit specifically allows the facility to accept and store waste from other generators.

Subp. 2. Generators who operate collection programs. A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.

Subp. ~~4~~ 5. License application. The license application must provide a complete description of the program including, as applicable:

C. the location and EPA identification number of all collection sites, designating central facilities and satellite facilities;

F. a description of the ~~application~~ operator's administrative process for accepting waste from very small quantity generators;

J. the bulking of paints, solvents, ~~motor~~ used or waste oil, and antifreeze does not require submittal of the additional information under item I but must be addressed under items G and H;

L. a description of the physical structures ~~to be used to collect~~ where collection and ~~store collected waste~~ storage will occur;

O. the name ~~and~~, address, and EPA identification number of all hazardous waste transporters to be used; and

P. the name ~~and~~, address, and EPA identification number of all hazardous waste facilities which will treat or dispose of the waste.

Subp. ~~7~~ 8. Reporting requirements. A program operator must meet the reporting requirements ~~applicable to large quantity generators~~ established in part 7045.0248, subpart 1.

In addition, the site operator must keep a written operating record at the collection site and available for inspection that contains the following information for each collection ~~time a waste is collected~~:

A. the generator ~~name~~ names and identification ~~number~~ numbers as required under part 7045.0221 from whom waste was collected;

B. the name or a description of the hazardous waste ~~or wastes, the hazardous waste number or numbers, and the United States Department of Transportation hazard class~~ collected;

E. the date the waste was treated or shipped from the collection site.

Subp. ~~8~~ 9. Management requirements. A person or persons involved in management of hazardous waste from very small quantity generators as part of a collection program shall comply with the requirements of items A to E.

B. The license ~~and reporting~~ requirements of parts 7045.0225 to 7045.0250 are replaced by the requirements of subparts 3 to 7.

C. A site operator may accumulate hazardous waste on site without a permit or without interim status if the site operator complies with the accumulation time limits and management requirements provided in part 7045.0292. The site operator is a generator whose size shall be ~~determine~~ determined by applying part 7045.0206. The site operator shall comply with the requirements applicable to a generator of the appropriate size.

D. The site operator may ~~only~~ transport or offer for transport collected waste for off-site activities ~~to a facility that either has a hazardous waste permit~~ as provided in part 7045.0208 or to a collection site that ~~has obtained the commissioner's approval under the licensing provisions of~~ is part of the same collection program licensed under this part.

E. If the site operator transports or offers for transport collected waste for off-site activities ~~at~~ to a collection site that ~~has obtained the commissioner's approval~~ is part of the same collection program licensed under this part, the operator:

F. The site operator must provide a written receipt to the generator immediately upon receipt of waste. The receipt must include:

(1) the date the waste was received at the collection site;

(2) the name or a description of the hazardous waste received;

(3) the amount of each hazardous waste received;

(4) the generator name and identification number; and

(5) the signature of the generator or ~~generator's~~ authorized representative.

~~Subp. 10. Generators who operate collection programs. A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.~~

y. MINN. RULES PT. 7045.0526 USE AND MANAGEMENT OF CONTAINERS.

Minn. Rules pt. 7045.0526, subp. 6, item A, subitem 1 proposed the substitution of the word "impermeable" for "sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed." The change was proposed to consistently use the term "impermeable" throughout Minn. Rules ch. 7045. This particular language though, specifically incorporates federal language and MPCA permit staff requested more time to consider any effects of a language change. The MPCA has reverted to the original rule language in Minn. Rules pt. 7045.0526, subp. 6, item A, subitem 1.

Minn. Rules pt. 7045.0526, subp. 6, item A, subitem 1 is modified to read:

Subp. 6. Containment. Requirements for containment systems are as described in items A to E.

A. Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The containment system must:

(1) have a floor underlying the containers that is free of cracks or gaps and is ~~impermeable~~ sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

z. MINN. RULES PT. 7045.0629 REQUIREMENTS FOR SMALL QUANTITY AND VERY SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

The revisions provide for the inclusion of very small quantity generators. This is not a substantive change because very small quantity generators were previous included as a subset of small quantity generators. The language must now reflect that separation but the requirements are not changed.

Minn. Rules pt. 7045.0629, subps. 1 to 6 are modified to read:

Subpart 1. Scope. The requirements of this part apply to small quantity and very small quantity generators that accumulate hazardous waste in tanks, and do not exceed accumulation amounts as provided in part 7045.0292.

Subp. 2. General operating requirements. ~~Small quantity~~ Generators regulated under this part must comply with the following general operating requirements:

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

Subp. 3. Inspections. ~~Small quantity~~ Generators regulated under this part must inspect, where present:

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

Subp. 4. Closure. ~~Small quantity~~ Generators regulated under this part must, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures.

Subp. 5. Ignitable and reactive wastes. ~~Small quantity~~ Generators regulated under this part must comply with the following special requirements for ignitable or reactive waste:

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

Subp. 6. Incompatible wastes. ~~Small quantity~~ Generators regulated under this part must comply with the following special requirements for incompatible wastes:

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

aa. MINN. RULES PT. 7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

Minn. Rules pt. 7045.0685, subp. 1 adds the term "impermeable" for "masonry or other nonabsorbent". This is to provide more consistency in the rules for the impermeable requirement. The requirement of "nonabsorbent" has been interpreted and enforced as "impermeable"; therefore, the revisions is not substantive.

Minn. Rules pt. 7045.0685, subp. 1 is modified to read:

Subpart 1. Scope. The requirements of this part apply to persons who generate, transport, collect, store, or reclaim spent lead-acid batteries that are recyclable. Except as provided in subpart 2, persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them are not subject to regulation under parts 7045.0205 to 7045.0685 and chapter 7001 for such generation, transportation, and storage of spent batteries. For the purpose of this part, indoor storage is

storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to ~~a masonry or other nonabsorbent~~ an impermeable floor placed on the ground.

bb. MINN. RULES PT. 7045.1020 EFFECT OF AGENCY APPROVAL OF COUNTY ORDINANCE.

Minn. Rules pt. 7045.1020, item B is added to provide the same type of licensing and reporting requirements for collection program operators under county regulation as provided for generators under county regulation. This is not a substantive change since the MPCA would not approve a county's ordinance under Minn. Rules pt. 7045.1010 without such a provision to make it consistent with the state rules. The revised rule part provides clarification.

Minn. Rules pt. 7045.1020, item B is modified to read:

If a county has adopted a hazardous waste ordinance that is approved in writing by the agency:

A. Each generator who produces a hazardous waste within the county must obtain a generator license and must submit reports to the county as required by the county ordinance in lieu of submission to the agency unless specifically requested in writing by the commissioner to submit a copy of the license application or ~~annual~~ license renewal report to the commissioner; ~~and~~

B. Each collection program operator who operates a collection program under part 7045.0310 or 7045.0320 within the county must obtain a program license and must submit reports to the county as required by the county ordinance in lieu of submission to the agency unless specifically requested in writing by the commissioner to submit a copy of the license or license renewal report to the commissioner; and

~~B~~ C. All persons shall comply with all other requirements of this chapter, the agency's permitting procedures, and all requirements of the county ordinance.

cc. MINN. RULES PT. 7045.1030 COUNTY ACTIONS.

Minn. Rules pt. 7045.1030, subp. 3 is revised to provide a county reporting requirement for the county to provide information on collection programs. This is not a substantive change since the MPCA would not approve a county's ordinance under Minn. Rules pt. 7045.1010 without such a provision. The revised rule part provides clarification.

Minn. Rules pt. 7045.1030, Subp. 3 is modified to read:

Subp. 3. Reporting. A county shall submit to the commissioner, upon request, a copy of any information submitted under parts 7045.0225 to 7045.0250 (generator licenses), ~~license~~

~~and license report requirements,~~ parts 7045.0310 and 7045.0320 (collection programs), manifest, exception report, or other document that has been submitted to the county in lieu of submission to the agency pursuant to part 7045.1020. A county shall submit to the commissioner, upon request but not to exceed semiannually, summary data based on the documents cited in this subpart.

dd. MINN. RULES PT. 7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

Minn. Rules pt. 7045.1300 is currently proposed for amendment under the MPCA's land disposal restrictions rulemaking. See 16 SR 845. The following revisions are made to be consistent with the land disposal restrictions rulemaking.

Minn. Rules pt. 7045.1300, subp. 2 is modified to read:

Subp. 2. Exemptions for restricted wastes. ~~Prohibited~~ Restricted wastes may continue to be land disposed under the following conditions:

A. if an extension has been granted from the effective date of a prohibition under part 7045.0075, subpart 8, with respect to those wastes covered by the extension; and

B. if an exemption has been granted from a prohibition as a result of a petition under part 7045.0075, subpart 9, with respect to those wastes and units covered by the petition;

~~C. until November 8, 1988, if wastes are contaminated soil or debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or a corrective action required under the Resource Conservation and Recovery Act;~~

~~D. if small quantity generators of less than 100 kilograms of nonacute hazardous waste per month, or less than one kilogram acute hazardous waste per month, as defined in part 7045.0219; and~~

~~E. if a farmer is disposing of waste pesticides in accordance with part 7045.0304.~~

ee. MINN. RULES PT. 7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Minn. Rules pt. 7045.0031 has been amended under a separate MPCA rulemaking specific to hazardous waste facility and generator fees. See 16 SR 1646-1647. The following revisions are made to be consistent with the hazardous waste fee rulemaking.

Minn. Rules pt. 7046.0031, subps. 1, 4, and 5 are modified to read:

Subpart 1. Basis of fees. The agency shall charge nonmetropolitan area generator fees ~~that are~~ based on the license application and licensing reports submitted by generators ~~and~~ or other appropriate information available to the agency.

For the purposes of this part, one gallon of hazardous waste equals ten pounds of hazardous waste.

Subp. 4. Annual fees. An annual fee is the sum of the waste generation volume fees and the base fee. Nonmetropolitan area generators shall submit annual fees as described in items A and B.

B. A base fee must be paid by all nonmetropolitan area generators based on generator size as follows:

(1) a large quantity generator must pay a base fee of $350;

(2) a small quantity generator must pay a base fee of $~~105~~ 130; and

(3)a very small quantity generator must pay a base fee of $~~35~~ 62.

~~Subp. 5. Follow up action fee. A nonmetropolitan area generator is subject to payment of a follow up action fee if the generator fails to respond within 30 days of receipt of a certified letter from the commissioner concerning the generator's noncompliance with part 7045.0240 requiring submission of a disclosure, part 7045.0216 requiring submission of an evaluation report, or part 7045.0296 requiring submission of an annual report. The agency shall charge a follow up action fee only if the commissioner's follow up action involves sending the generator one or more additional certified letters or causing an authorized representative of the agency to make an inspection for the purpose of obtaining the required information. The fee for each follow up certified letter, not to include the initial certified letter, is $25. The fee for each follow up inspection is $200.~~

ff. MINN. RULES PT. 7046.0050 GENERATOR FEE EXEMPTIONS.

Minn. Rules pt. 70456.0050 has been amended under a separate MPCA rulemaking specific to hazardous waste facility and generator fees. See 16 SR 1646-1647. The following revisions are made to be consistent with the hazardous waste fee rulemaking.

Minn. Rules pt. 7046.0050, subps. 4 and 6 are modified to read:

~~Subp. 4. Certain nonmetro area generators. Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or dry cleaning solvent related wastes reclaimed off site under a maintenance agreement, lead acid batteries, gasoline~~

~~tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they obtain a license under parts 7045.0225 to 7045.0250, but rather are subject to a flat annual fee of $25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a reclaimer under which waste is removed from the generator's site a regularly scheduled basis for reclamation by distillation.~~

~~If a small quantity nonmetropolitan area generator, who qualifies for this exemption, fails to submit the annual report by March 1 under part 7045.0248, the generator shall pay a full annual fee. If the generator is also subject to retroactive fees, the retroactive fees must be based on the flat annual fee of $25.~~

Subp. 6. Waste collected as a result of a very small quantity generator hazardous waste collection program. An operator of a very small quantity generator hazardous waste collection program is exempt from generator fees for waste collected under part 7045.0320.

An operator who is also a generator is not exempt from generator fees for the waste that the operator generates ~~separate~~ as distinct from the waste that the operator collects from other generators.

A very small quantity generator participating in a collection program under part 7045.0320 is not exempt from generator fees.

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 rule amendments, 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 rule amendments 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 rule amendments are supported by the record and do not result in a substantial change in the proposed rule amendments.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pts. 7001.0520, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0305, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7045.1300, 7046.0031, and 7046.0050 governing the management, treatment, storage, and disposal of hazardous waste are adopted pursuant to the authority vested in the MPCA by Minn. Stat. § 116.07, subd. 4 (1990).

(9)

MINNESOTA POLLUTION CONTROL AGENCY

Dated: 2/11/92

Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Adoption of Rule Amendments Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minn. Rules Chs. 7001, 7045, and 7046

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 rule amendments to Minn. Rules chs. 7001, 7045, and 7046 without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rule amendments is set forth in Minn. Stat. § 116.07, subd. 4 (1990).

(2) All persons have until 4:30 p.m. on September 20, 1991 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. Comment is encouraged. (3) 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 rule amendments 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 request 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 rule amendments 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 (1990).

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

Jeanne Eggleston
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-3898
Telephone 612/297-8371

(8) 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.

(11) The proposed rule amendments govern standards for generators of hazardous waste and, if adopted, incorporate revisions to Minnesota's Hazardous Waste Rules that include requirements for the operation of and participation in Very Small Quantity Generator Hazardous Waste Collection Programs. The proposed rule amendments also include revisions to the generator disclosure requirements to

allow annual issuance of licenses to all hazardous waste generators. In addition to the above proposed rule amendments, several revisions have been incorporated into this rulemaking to clarify unclear provisions and to enhance readability. This rulemaking does not include changes to hazardous waste facility or generator fees. One free copy of the rules is available upon request from Jeanne Eggleston 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 Jeanne Eggleston upon request.

(14) You are hereby advised, pursuant to Minn. Stat. § 14.115 (1990), "Small business considerations in rulemaking," that the proposed rule amendments will not have a negative impact on small businesses. The proposed amendments may positively impact small businesses by providing an opportunity for businesses that generate very small quantities of hazardous waste (less than 100 kilograms per month) to consolidate waste.

(13) As required under Minn. Stat. § 14.11 (1990), you are hereby advised that the proposed rule amendments will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption.

(9) If no hearing is required, upon adoption of the rule amendments, the rule amendments 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 Jeanne Eggleston.

Dated: 8/6/91

Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minn. Rules Chs. 7001, 7045, and 7046

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 )

Jeanne Eggleston, 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 (1990) that their names be placed on the Minnesota Pollution Control Agency's rulemaking mailing list is accurate, complete, and current as of this 16th day of August, 1991.

That on the 16th day of August, 1991, 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 th United States mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Jeanne Eggleston

Subscribed and sworn to before me
this 26th day of August, 1991.

Diane Fox
Notary Public

DIANE FOX
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 2-25-96

**5210.0584 EXPEDITED PROCEEDING.**

On the application of any party or intervenor, or on the commissioner's own motion, the commissioner may order an expedited proceeding. When an expedited proceeding is ordered, the commissioner shall notify all parties and intervenors. The administrative law judge assigned in an expedited proceeding shall make necessary rulings concerning the time for filing pleadings and all other matters, without reference to the times set forth in these rules, and shall order daily transcripts of the hearing. The administrative law judge shall do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

**5210.0810 EFFECT ON VARIANCES.**

All variances granted pursuant to this part shall have only future effect. In his discretion, the commissioner may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employer involved and a proceeding on the citation or a related issue concerning a proposed penalty or period of abatement is pending before ~~the Occupational Safety and Health Review Board~~ an administrative law judge until the completion of ~~such~~ the proceeding.

**5210.0860 ~~CONTEST OF~~ OBJECTION TO VARIANCE DENIAL ~~BEFORE REVIEW BOARD~~.**

Any employer who has been denied a variance may ~~under *Minnesota Statutes*, section 182.664, subdivision 2~~ notify the commissioner in writing that ~~he~~ the employer intends to ~~contest such a~~ object to the variance denial ~~before the review board~~. ~~Such notice of intention to contest~~ The objection shall be postmarked within 15 days of receipt by the employer of the variance denial. The commissioner shall, within seven days of receipt of ~~notice of contest~~ the objection, transmit the original ~~notice~~ objection to ~~the review board~~ an administrative law judge together with copies of all relevant documents ~~in accordance with~~ according to the rules of procedure prescribed by the ~~board~~ commissioner.

Any affected employee shall be given notice of ~~such~~ the application and an opportunity to participate in ~~such a~~ the hearing as required under *Minnesota Statutes*, section 182.654, subdivision 5.

**REPEALER.** *Minnesota Rules*, part 5210.0010, is repealed.

# Pollution Control Agency

## Proposed Permanent Rules Relating to Generators of Hazardous Waste

### Notice of Intent to Adopt Rule Amendments Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to adopt rule amendments to *Minnesota Rules*, chapters 7001, 7045, and 7046 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*, sections 14.22 to 14.28 (1990). The statutory authority to adopt the rule amendments is set forth in *Minnesota Statutes*, section 116.07, subd. 4 (1990).

All persons have until 4:30 p.m. on September 20, 1991 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. 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 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 request 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*, sections 14.131 to 14.20 (1990).

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

Jeanne Eggleston
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-3898
(612/297-8371)

**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.

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 govern standards for generators of hazardous waste and, if adopted, incorporate revisions to Minnesota's Hazardous Waste Rules that include requirements for the operation of and participation in Very Small Quantity Generator Hazardous Waste Collection Programs. The proposed rule amendments also include revisions to the generator disclosure requirements to allow annual issuance of licenses to all hazardous waste generators. In addition to the above proposed rule amendments, several revisions have been incorporated into this rulemaking to clarify unclear provisions and to enhance readability. This rulemaking does not include changes to hazardous waste facility or generator fees.

The proposed rule amendments are published below. In addition, one free copy of the rules is available upon request from Jeanne Eggleston 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 rule amendments has been prepared and is available from Jeanne Eggleston upon request.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115 (1990), "Small business considerations in rulemaking," that the proposed rule amendments will not have a negative impact on small businesses. The proposed amendments may positively impact small businesses by providing an opportunity for businesses that generate very small quantities of hazardous waste (less than 100 kilograms per month) to consolidate waste.

As required under *Minnesota Statutes*, section 14.11 (1990), you are hereby advised that the proposed rule amendments will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption.

If no hearing is required, upon adoption of the rule amendments, the rule amendments 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 Jeanne Eggleston.

Charles W. Williams
Commissioner

## Rules as Proposed

### 7001.0520 PERMIT REQUIREMENTS.

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

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

A. The accumulation by generators of hazardous waste on site ~~for fewer than 90 days as provided~~ within the time limits specified in part 7045.0292.

B. The disposal by farmers of hazardous ~~wastes~~ waste that have been generated by their own use of pesticides as provided in part ~~7045.0304~~ 7045.0213, subpart 2.

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

H. The management of hazardous waste as provided in part 7045.0120, item ~~L~~ J; 7045.0127, subpart 1; 7045.0135, subpart 5, items C and E; or 7045.0218~~; or 7045.0219, subpart 2~~.

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

M. Very small quantity generator hazardous waste collection programs meeting the requirements of part 7045.0320.

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

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

E. Containers or tanks where generators mix characteristic hazardous waste as identified in part 7045.0131, subpart 2, with used oil if:

[For text of subitem (1), see M.R.]

(2) the generators who produce less than 1,000 kilograms per calendar month of hazardous waste meet the requirements of part ~~7045.0219~~ 7045.0102, subpart ~~4~~ 3, item ~~A~~ C.

[For text of subps 4 to 6, see M.R.]

### 7001.0550 CONTENTS OF PART A OF APPLICATION.

Part A of the application must contain the following information:

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

E. a list of the ~~wastes~~ waste designated under parts 7045.0100 to ~~7045.0141~~ 7045.0143 as hazardous to be treated, stored, or disposed of by the applicant and an estimate of the quantity of each hazardous waste to be treated, stored, or disposed of annually by the applicant;

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

**7001.0710 LAND TREATMENT DEMONSTRATION PERMITS.**

Subpart 1. **Letters of approval.** A person who desires to conduct controlled laboratory demonstrations of hazardous waste land treatment for the purpose of collecting preliminary data shall request a letter of approval from the agency.

The agency shall issue a letter of approval if the demonstration will be conducted under supervised conditions in a closed system capable of providing adequate protection to human health and the environment, and if the data obtained will not be used as the only basis for the issuance of a facility permit. The letter of approval must specify the general conditions for conducting demonstrations, the duration of approval, and the specific waste types.

The letter of approval may only provide approval for controlled laboratory demonstrations of hazardous waste treatment and does not provide exemptions from the hazardous waste management and disposal requirements of chapter 7045. Materials resulting from the demonstration that meet the criteria of parts 7045.0100 to ~~7045.0141~~ 7045.0143 must be managed as hazardous waste.

[For text of subps 2 to 6, see M.R.]

**7045.0020 DEFINITIONS.**

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

Subp. 6d. **Cathodic protection.** "Cathodic protection" means the technique to prevent corrosion of metal surface by making that surface the cathode of the electrochemical cell. A tank can be cathodically protected through the application of either galvanic anodes or impressed current.

[For text of subps 7 to 9c, see M.R.]

Subp. 9d. **Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another. For a secondary containment seal, this means that the impermeability of the seal must be maintained upon contact with a stored substance. For substances, this means that two or more substances, if mixed, must not create a new hazard.

Subp. 9e. **Component.** "Component" means either the tank or ancillary equipment of a tank system.

[For text of subps 10 to 13a, see M.R.]

Subp. 13b. **Corrosion protection.** "Corrosion protection" means a method used to protect a metal tank, piping, or other components from corroding. Corrosion protection includes, but is not limited to, cathodic protection, keeping the metal of the tank from being in direct contact with other surfaces, and the application of coatings designed and maintained to prevent corrosion.

[For text of subps 14 to 30, see M.R.]

Subp. 31. **Generator.** "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in parts 7045.0100 to ~~7045.0141~~ 7045.0143, or whose act first causes a hazardous waste to become subject to regulation. "Generator" means all size generators including large quantity generators, small quantity generators, and very small quantity generators, unless specifically stated otherwise.

[For text of subps 32 to 37c, see M.R.]

Subp. 37d. **Household hazardous waste collection site or collection site.** "Household hazardous waste collection site" or "collection site" as used in part 7045.0310 has the meaning established under *Minnesota Statutes*, section 115A.96, subdivision 1, paragraph (c).

Subp. 37e. **Household waste.** "Household waste" means any material including garbage, trash, and sanitary ~~wastes~~ waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

[For text of subp 38, see M.R.]

**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.

Subp. 38a. **Impermeable.** "Impermeable" means a substance is not able to pass through the depth of a containment area.

[For text of subps 39 to 43, see M.R.]

Subp. 43a. **Indoor storage.** "Indoor storage" means storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to a masonry or other nonabsorbent floor placed on the ground.

Subp. 43b. **Industrial furnace.** "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy: cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke ovens; blast furnaces; smelting, melting, and refining furnaces, including pyrometallurgical devices, such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces; titanium dioxide chloride process oxidation reactors; methane reforming furnaces; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and such other devices as the commissioner determines qualify for inclusion based on one or more of the following factors:

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

Subp. ~~43b.~~ 43c. **Inground tank.** "Inground tank" means a device meeting the definition of "tank" in subpart 90 whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

[For text of subps 44 to 64, see M.R.]

Subp. 64a. **Outdoor storage.** "Outdoor storage" means storage that does not meet the minimum requirements of indoor storage as defined in subpart 43a.

[For text of subps 65 to 71a, see M.R.]

Subp. 72. **Pretreatment unit.** "Pretreatment unit" means a device which:

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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; and

[For text of item C, see M.R.]

[For text of subps 72a to 80, see M.R.]

Subp. 80a. **Secondary containment.** "Secondary containment" means a safeguard specifically designed to contain releases of hazardous waste or hazardous waste constituents from a container or a storage tank or its appurtenances.

[For text of subps 81 to 100b, see M.R.]

Subp. 100c. **Vault system.** "Vault system" means an underground, concrete or equivalent, impermeable secondary containment structure consisting of four walls, a floor, and roof used to encapsulate one or more tanks.

[For text of subps 101 to 102b, see M.R.]

Subp. 103. **Wastewater treatment unit.** "Wastewater treatment unit" means a device which:

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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; and

[For text of item C, see M.R.]

[For text of subps 104 to 109, see M.R.]

**7045.0075 PETITIONS.**

Subpart 1. **Petitions for equivalent testing or analytical methods.** Any person seeking to use a testing or analytical method other than those described in parts 7045.0100 to ~~7045.0141~~ 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 may petition under these provisions. The person must demonstrate to the satisfaction of the commissioner that the proposed method is equal to or superior to the corresponding method prescribed in parts 7045.0100 to ~~7045.0141~~ 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 in terms of its sensitivity, accuracy, precision, and reproducibility. Each petition must include:

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

E. comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in parts 7045.0100 to ~~7045.0141~~ 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642;

[For text of items F and G, see M.R.]

[For text of subps 2 to 12, see M.R.]

**7045.0102 MIXTURES OF ~~WASTES~~ WASTE.**

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

Subp. 3. **Mixtures of used oil and hazardous waste.** Items A ~~and B~~ to C apply to used oil that is intentionally mixed with hazardous waste.

A. Except as provided in item C, used oil mixed with a hazardous waste that exhibits any of the characteristics of part 7045.0131, subparts 2 to 7, is regulated as hazardous waste. If it is burned for energy recovery, it is regulated as a hazardous waste fuel under part 7045.0692 provided the mixture continues to exhibit any of those characteristics. If the mixture no longer exhibits any of those characteristics and is to be burned for energy recovery, it is regulated as a used oil fuel under part 7045.0695. If the mixture no longer exhibits any of those characteristics and is not burned for energy recovery, it is subject to the requirements of part 7045.0125.

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

C. A very small quantity generator may mix used oil that is generated on site and regulated as used oil fuel under part 7045.0695 with a waste that is hazardous solely for the characteristic of ignitability under part 7045.0131, subpart 2, if the following conditions are met:

(1) the ignitable waste has a flash point of 100 degrees Fahrenheit or greater, is not a metal bearing paint waste, and is not gasoline; and

(2) the concentration of ignitable waste in the used oil does not exceed ten percent by volume.

**7045.0120 ~~EXEMPT WASTES~~ EXEMPTIONS AND SPECIAL REQUIREMENTS.**

Subpart 1. **Exempt types of ~~wastes~~ waste.** The following ~~wastes~~ waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

A. household waste~~, including:~~

~~(1) collected household hazardous waste to the extent that the requirements of part 7045.0310 are met; and~~

~~(2) collected spent or waste household batteries to the extent that the requirements of part 7045.0686 are met~~;

B. sewage ~~and any mixture of untreated sanitary sewage and other wastes that is formed by the combination of untreated sanitary sewage and one or more other wastes discharged through a sewage system to a publicly owned treatment works for treatment, except that this exemption does not include any of the individual wastes which form the composite wastewater~~;

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

J. ~~wastes~~ waste resulting from spills if the exemption is determined by the commissioner to be necessary to expedite the proper management of the spilled material and to prevent, abate, or control pollution as an immediate response to an emergency provided the waste is ultimately taken to a hazardous waste facility as specified in part ~~7045.0219, subpart 5, item B, subitem (8)~~ 7045.0208;

[For text of items K to O, see M.R.]

P. secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided that:

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

(4) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; ~~or~~

Q. petroleum-contaminated media and debris that fail the test for the toxicity characteristic in part 7045.0131, subpart 7 (hazardous waste codes D018 to D043 only), and are subject to corrective action regulations under chapter 7150;

R. pesticides as provided in part 7045.0213, subpart 2; or

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S. samples of hazardous waste being collected or shipped for the purpose of conducting treatability studies as provided in part 7045.0121.

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

A. collected household hazardous waste under part 7045.0310;

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

C. collected hazardous waste from very small quantity generators under part 7045.0320.

**7045.0121 TREATABILITY STUDY EXEMPTIONS.**

Subpart 1. **Applicability.** Except as provided in subpart 2, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in part 7045.0020, are not subject to any requirement of parts 7045.0100 to 7045.0397, or to the notification requirements of the Resource Conservation and Recovery Act, United States Code, title 42, section 6930~~, nor are such samples included in the quantity determinations of part 7045.0219~~ when:

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

Subp. 2. **Conditions of exemption.** The exemption in subpart 1 is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

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

F. the generator reports the information required under item E, subitem (3), in its report to the commissioner as specified in part ~~7045.0296~~ 7045.0248.

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

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

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

Subp. 3. **Out-of-state ~~wastes~~ waste.** Hazardous waste from an out-of-state generator that is to be beneficially used, reused, or legitimately recycled or reclaimed by methods other than burning, is exempt from the requirements of parts ~~7045.0220~~ 7045.0221 to 7045.0255~~, and 7045.0296~~.

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

Subp. 5. **Requirements for use of hazardous ~~wastes~~ waste as feedstock.**

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

B. ~~Generators~~ A generator of hazardous ~~wastes~~ waste for use as feedstock ~~are~~ is subject to the following generator requirements:

(1) parts 7045.0214 to 7045.0217 for waste evaluation requirements;

(2) ~~parts 7045.0220 to 7045.0249~~ part 7045.0221 for identification number requirements;

(3) ~~part 7045.0296, subpart 5~~ parts 7045.0225 to 7045.0250 for licensing and license reporting requirements;

[For text of subitems (4) and (5), see M.R.]

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

Subp. 6. **Requirements for reclamation of specific hazardous ~~wastes~~ waste.**

A. A by-product or a sludge that is hazardous only because it exhibits a characteristic of hazardous waste and is reclaimed is subject to the following requirements:

(1) ~~Generators~~ A generator of such a hazardous waste ~~are~~ is subject to ~~regulation under parts 7045.0214 to 7045.0217, 7045.0220 to 7045.0255, and 7045.0296, subpart 5. In addition, within 45 days of shipment the generator must provide the commissioner a copy of the shipping papers confirming that the waste was delivered to the designated facility as indicated in the management plan. The generator must keep records showing: the volume of such hazardous wastes stored at the beginning of the calendar year; the amount of these wastes generated during the calendar year; the amount of such waste reclaimed during the calendar year; and the amount of such hazardous wastes remaining at the end of the calendar year~~ the requirements of subpart 5, item B.

[For text of subitems (2) and (3), see M.R.]

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

Subp. 7. **Generator requirements.** Except as provided in subpart 3a, 4, 5, or 6, or part 7045.0695, ~~generators~~ a generator of hazardous waste destined for recycle ~~are~~ is subject to the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

[For text of subps 8 to 12, see M.R.]

**7045.0135 LISTS OF HAZARDOUS WASTES.**

Subpart 1. **General.** A waste is a hazardous waste if it is listed under subparts 2 to 5 unless it has been excluded from the list under part 7045.0075, subpart 2.

The basis for listing the classes or types of ~~wastes~~ waste listed in subparts 2 to 5 is indicated by employing one or more of the following hazard codes:

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

The constituent which caused the agency to list the waste as a toxicity characteristic waste (E) or toxic waste (T) in subparts 2 and 3 is identified in part 7045.0139.

Each listed hazardous waste is assigned a hazardous waste number which precedes the name of the waste. This number must be used in complying with the ~~disclosure~~ license requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320 and certain record keeping and reporting requirements under parts 7045.0205 to 7045.1030, 7045.1300 to 7045.1380, and the agency's permitting procedures in chapter 7001.

~~The following hazardous wastes listed in subparts 2 and 3 are subject to the exclusion limits for acutely hazardous wastes established in part 7045.0219: Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027.~~

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

Subp. 4. **Discarded commercial chemical products, off specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

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

E. The commercial chemical products or manufacturing chemical intermediates, or off specification commercial chemical products or manufacturing chemical intermediates referred to in items A to D and listed in subitems (1) to (17)~~,~~ are identified as acute hazardous wastes (H) ~~and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, items B and C~~. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), and R (reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed in subitems (1) to (17).

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

F. The commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products referred to in items A to D, and listed in subitems (1) to (24) are identified as toxic wastes (T) unless otherwise designated ~~and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, item A~~. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). Absence of a letter indicates that the compound is listed only for toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed as follows:

[For text of subitems (1) to (24), see M.R.]

Subp. 5. **PCB wastes.** Requirements for PCB wastes are as follows:

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

B. PCB materials or items are hazardous waste if and when they are discarded or stored prior to being discarded ~~and are subject to the small quantity generator exemption limit specified in part 7045.0219, subpart 1, item A~~.

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

**7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICALS.**

For purposes of licensing only under parts 7045.0225 to 7045.0250, a collection of small amounts of unrelated chemicals as described in part ~~7045.0235~~ 7045.0230, subpart 4, has the hazardous waste number of MN02.

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**7045.0205 APPLICABILITY OF GENERATOR STANDARDS.**

Subpart 1. **Applicability to generators.** Parts 7045.0205 to ~~7045.0304~~ 7045.0320 apply to generators of hazardous waste. A generator shall comply with the generator requirements applicable to generator size as determined under part 7045.0206.

Subp. 2. **Applicability to transporters.** The standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320 apply to transporters of hazardous waste if a transporter transports hazardous waste into Minnesota from a foreign country or mixes hazardous waste of different United States Department of Transportation shipping descriptions as provided in part 7045.0355.

Subp. 3. **Applicability to owners or operators of hazardous waste facilities.** The standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320 apply to owners or operators of hazardous waste treatment, storage, or disposal facilities if ~~the~~ a hazardous waste facility initiates a shipment of hazardous waste as provided in parts 7045.0472 and 7045.0578.

**7045.0206 GENERATOR SIZE DETERMINATION.**

Subpart 1. **Applicability.** This part applies to all generators for purposes of determining generator size.

Subp. 2. **Large quantity generator.** A generator is a large quantity generator if, in a calendar month, waste is generated in any of the following quantities:

A. greater than or equal to 1,000 kilograms of hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

B. greater than one kilogram of acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E; or

C. greater than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E.

Subp. 3. **Small quantity generator.** A generator is a small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. greater than 100 kilograms and less than 1,000 kilograms of hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

B. less than or equal to one kilogram of acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E.

Subp. 4. **Very small quantity generator.** A generator is a very small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. less than or equal to 100 kilograms of hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

B. less than or equal to one kilogram of acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E.

Subp. 5. **Exempt waste for size determination.** A generator shall not include the following waste when determining the quantity of hazardous waste generated:

A. exempt waste under part 7045.0120;

B. recycled waste under part 7045.0125, subparts 4, 5, and 6;

C. used oil managed as follows:

(1) used oil that is recycled in some other manner than being burned for energy recovery; and

(2) used oil that is to be burned for energy recovery as regulated under part 7045.0695;

D. sewered waste under part 7045.0305, subpart 2, item B, subitem (2);

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

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

Subp. 6. **Change in generator size status.** If a small quantity generator exceeds the quantity limits listed in subpart 3, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter unless the generator regains small quantity generator status under item A or B.

If a very small quantity generator exceeds the quantity limits listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter unless very small quantity generator status is regained under item A or C.

A. Once generator size status is lost, the generator shall not regain that status until the generator is notified in writing by the commissioner that the original generator size status has been approved. The commissioner shall only approve generator size status under this item if the generator can demonstrate to the satisfaction of the commissioner that the waste quantities that will be generated in the future will meet the limits established in subparts 3 and 4, as applicable. The generator shall make this demonstration by submitting a written statement to the commissioner requesting reclassification as a small or very small quantity generator, as applicable, and including the information necessary for the commissioner to evaluate the request. The information shall include an explanation of the circumstances that resulted in each instance of overgeneration during the past year, an explanation of the measures that the generator has taken to correct the cause of overgeneration, and other information as necessary to document that the overgeneration will not reoccur.

B. For small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 3 and the cause of the overgeneration is a spill or accidental release of a hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E; the shutdown or cleanup of some part of the generation process; or the replacement of PCB containing equipment, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter. However, in any of these cases, a generator will automatically regain small quantity generator status without applying to the commissioner for approval if the generator:

(1) resumes generation within the quantity limits in subpart 3; and

(2) complies with the quantity limits in subpart 3 during the other 11 months of the calendar year.

A generator who cannot automatically regain small quantity generator status under this subpart may apply for reclassification under item A.

C. For very small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter. However, a generator shall automatically regain very small quantity generator status without applying to the commissioner for approval if the generator:

(1) resumes generation within the quantity limits in subpart 4; and

(2) complies with the quantity limits in subpart 4 during the other 11 months of the calendar year.

A generator who cannot automatically regain very small quantity generator status under this subpart may apply for reclassification under item A.

**7045.0208 HAZARDOUS WASTE MANAGEMENT.**

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

A. The hazardous waste may be treated or disposed of at an on-site facility as provided under part 7045.0211.

B. The generator may ensure delivery to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be permitted to accept hazardous waste under the agency's permitting procedures, have interim status under parts 7045.0552 to 7045.0642, or be authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency.

C. The generator may ensure delivery to a facility that:

(1) under part 7045.0125 beneficially uses or reuses, legitimately recycles, or legitimately reclaims the waste; or

(2) treats the waste before beneficial use or reuse, legitimate recycling, or legitimate reclamation.

D. The generator may export to a foreign country under the limitations in part 7045.0302.

Subp. 2. **Relinquishing control.** A generator must not relinquish control of a hazardous waste if:

A. the generator has reason to believe that the hazardous waste will not be properly managed; or

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B. the transporter or the treatment, storage, or disposal facility is not exempt under this chapter and has not:

(1) received an identification number from a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271; or

(2) received an identification number from the Environmental Protection Agency.

Subp. 3. **Effect on liability.** Nothing in subpart 1 or 2 is intended to restrict, enlarge, or affect, in any way, any liability the generator may have to correct the mismanagement of the hazardous waste or pay for damages or alleviate any pollution caused by the mismanagement of the hazardous waste.

**7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.**

Subpart 1. **Waste procedures.** A generator who treats, stores, or disposes of hazardous ~~wastes on-site~~ waste on site which have been produced ~~on-site~~ on site must ~~only~~ comply with ~~the following parts with respect to that waste:~~ this chapter and chapter 7001, as applicable.

~~A. parts 7045.0214 to 7045.0217 for determining whether he has a hazardous waste;~~

~~B. parts 7045.0220 to 7045.0255 for obtaining an identification number;~~

~~C. parts 7045.0220 to 7045.0255 for submitting a disclosure;~~

~~D. part 7045.0292 for accumulation time;~~

~~E. part 7045.0294, subparts 3 and 4 for record keeping;~~

~~F. part 7045.0300 for additional reporting; and~~

~~G. if applicable, part 7045.0304 for farmers.~~

Subp. 2. and 3. [See repealer.]

**7045.0212 IMPORTERS OF HAZARDOUS WASTE.**

Any person who imports hazardous waste into the state of Minnesota from a source outside the United States must comply with the standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320.

**7045.0213 FARMERS; PESTICIDES.**

Subpart 1. **General applicability.** A farmer who generates waste pesticides which are hazardous waste ~~and who complies~~ must comply with ~~all of~~ the ~~requirements of part 7045.0304 is not required with respect to those pesticides, to comply with other~~ standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320 except as provided in subpart 2.

Subp. 2. **Special conditions.** A farmer who generates waste pesticides which are hazardous waste and who triple rinses each emptied pesticide container and disposes of the pesticide residues on the farmer's farm in a manner consistent with the disposal instructions on the pesticide label is not required with respect to those pesticides to comply with other standards in parts 7045.0205 to 7045.0320 or to comply with parts 7045.0450 to 7045.1380, or to obtain a hazardous waste facility permit~~.~~, provided that:

A. the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B. the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C. in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

**7045.0225 GENERATOR LICENSE.**

Subpart 1. **Applicability.** A person who generates hazardous waste must obtain a hazardous waste generator license for each individual generation site. The procedures for application and issuance are described in parts 7045.0225 to 7045.0250. The fees associated with the license are set forth in parts 7046.0031 to 7046.0070.

Subp. 2. **Posting.** A generator must prominently display the hazardous waste generator license in a public area at the licensed site.

**7045.0230 CONTENT OF ~~DISCLOSURE~~ INITIAL LICENSE APPLICATION.**

Subpart 1. **Information required.** ~~Each disclosure~~ An application must be on a form provided by the commissioner and must include the following information:

A. a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135 and the source or process from which the ~~disclosed~~ wastes are generated;

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

G. a copy of the contingency plan prepared pursuant to part 7045.0292, subpart 1, item H, and a certification stating that the contingency plan is being maintained for currency of information on-site and is available for staff review;

H. a management plan for each hazardous waste produced that includes the following information ~~relating to the management of the hazardous waste~~:

[For text of subitems (1) to (6), see M.R.]

(7) the method(s) of treatment and/or disposal proposed for each hazardous waste~~.~~; and

I. any other information that the generator deems important.

Subp. 3. [See repealer.]

Subp. 4. **Laboratory waste.** A person who produces a waste from a laboratory or pilot plant that is a mixture of small amounts of unrelated but compatible chemicals such that the description of any sample or set of samples is not representative of the total waste is exempt from subpart 1, items C, D, and F.

**7045.0240 ~~SUBMISSION~~ SUBMITTAL OF ~~A DISCLOSURE TO THE COMMISSIONER~~ LICENSE APPLICATION.**

Subpart 1. and 2. [See repealer.]

Subp. 3. **License application submittal.** Each generator who is producing hazardous waste in Minnesota must submit a license application to the commissioner within 30 days of first producing a hazardous waste. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish the waste until at least 30 days after the application is submitted to the commissioner. In the period between 30 days after the generator's license application submittal and the commission's license approval and issuance under part 7045.0245, the generator may treat, dispose of, and relinquish the hazardous waste as provided in parts 7045.0205 to 7045.0320 until written response to the generator's license application is received under part 7045.0245. After the commissioner acts on the license application, the generator must manage the waste according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has disclosed the generator's waste under this chapter before October 1, 1991, need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

Subp. 4. **Prohibition on generation.** A generator who is denied a generator license or who fails to submit a timely application for a generator license shall immediately stop generating the hazardous waste until a license is obtained.

**7045.0243 TERM AND CONDITIONS OF LICENSE.**

Subpart 1. **Term of license.** A hazardous waste generator license is issued for the following terms:

A. for large quantity generators and small quantity generators, the term is not to exceed one year, except that the initial license issuance may be for a term of up to 18 months; and

B. for very small quantity generators, the term is not to exceed two years.

Subp. 2. **Special conditions.** Each license will contain conditions necessary for the licensee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts 7045.0205 to 7045.0320, and any conditions that the commissioner determines to be necessary to protect human health and the environment.

Subp. 3. **General conditions.** Each license must include the general conditions described in items A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part.

A. The commissioner's issuance of a license does not release the licensee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the license.

B. The commissioner's issuance of a license does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of this chapter, standards, or orders against the licensee.

C. The commissioner's issuance of a license does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by *Minnesota Statutes*.

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D. The licensee may not knowingly make a false or misleading statement, representation, or certification in a record, report, or other document required to be submitted to the agency or to the commissioner by the license or this chapter. The licensee must immediately upon discovery report to the commissioner an error or omission in these records, reports, or other documents.

E. When authorized by *Minnesota Statutes*, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the licensee to enter at reasonable times upon the property of the licensee to examine and copy books, papers, records, or memoranda pertaining to the activity covered by the license; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the activity covered by the license.

F. If the licensee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the license has occurred, the licensee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. The licensee must then correct the noncompliance within 24 hours after discovery or, if the licensee demonstrates that correction is not possible within 24 hours, at the earliest practical time as agreed to by the commissioner.

G. If the licensee begins generation of a hazardous waste that was not included on the license application and is therefore not authorized under the existing license, the licensee must submit an amended application providing information required in part 7045.0230 within 30 days of first producing that hazardous waste. The licensee may continue generation and the commissioner will review the amended application under the process provided in part 7045.0240.

H. If the licensee changes management of a hazardous waste during the term of the license, the licensee must report the change in the next report required under part 7045.0248.

I. The license is not transferable. If the owner or operator to whom the license has been issued changes, the new owner or operator must apply for a new license not later than 30 days after the change.

J. The license authorizes the licensee to perform the activities described in the license under the conditions of the license. In issuing the license, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the licensee in the conduct of its actions, including those activities authorized under the license. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, *Minnesota Statutes*, section 3.736.

**7045.0245 LICENSE APPROVAL ~~OF DISCLOSURES~~ AND ISSUANCE.**

~~After receiving the disclosure,~~ Subpart 1. **Review and approval.** The commissioner shall conduct a review of the ~~submitted information~~ license application and shall:

A. ~~issue an approval of the disclosure and management plan or plans~~ approve the hazardous waste generator license application;

B. require the submission of additional information or management plans or both to make the ~~disclosure~~ license application complete and approvable; ~~or~~

C. require changes in the management of the ~~disclosed~~ hazardous waste or wastes to make the ~~disclosure~~ license application approvable; or

D. deny approval of license application within 45 days of the last submittal of information by the license applicant.

Subp. 2. **License issuance.** The commissioner will issue a hazardous waste generator license upon approval of the application under subpart 1 and payment in full of generator fees required under chapter 7046.

**7045.0247 LICENSE REISSUANCE AND CONTINUATION OF EXPIRED LICENSE.**

Subpart 1. **License reissuance.** The commissioner will reissue the license after receipt, review, and approval of the license reissuance application and report required under part 7045.0248 and payment in full of generator fees required under chapter 7046.

Subp. 2. **Continuation of expired license.** A generator who holds an expired license may continue to conduct the licensed activity according to the terms and conditions of the expired license until the commissioner takes final action on the reissuance application if the commissioner determines that items A to D are true.

A. The licensee has submitted the application and report required under part 7045.0248 no later than 30 days after receipt of license reissuance application.

B. The licensee responds to requests by the commissioner for additional report information within 14 days of receiving the written or verbal request.

C. The licensee is in compliance with the terms and conditions of the expired license.

D. The licensee has made payment in full of generator fees required under chapter 7046.

**7045.0248 LICENSE REISSUANCE APPLICATION AND REPORT.**

Subpart 1. **Applicability.** A licensed generator must submit a license reissuance application and report to the commissioner on forms provided by the commissioner. A generator must submit the application and report at least 30 days before the expiration date of the generator license. The application and report must contain the following information for each hazardous waste produced during the preceding calendar year:

A. the generator's name, address, and identification number;

B. the calendar year covered by the report;

C. the name of the hazardous waste, the hazardous waste number or numbers, and the United States Department of Transportation hazard class;

D. the amount of each hazardous waste produced;

E. the names and identification numbers of the transporters used to transport shipments to facilities within the United States;

F. the names and addresses of the hazardous waste facilities used in the United States, their identification numbers, the method of treatment or disposal, or both, and, as applicable:

(1) the numbers of the hazardous waste facility licenses issued by the agency for those facilities located in Minnesota;

(2) the addresses of those facilities located outside Minnesota;

(3) the name of the wastewater treatment works to which a sewered hazardous waste was discharged; and

(4) the national pollution discharge elimination system or state disposal license number for discharge to land and waters of the state;

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

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

I. the following certification signed by the generator or authorized representative;

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree that I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment."

Subp. 2. **Recycled waste.** A generator of waste that is recycled according to part 7045.0125, and is exempt from the requirements of parts 7045.0261 and 7045.0265, must include as part of the report required under subpart 1:

A. evidence that the waste was recycled as indicated in the management plan; and

B. evidence that a continuing market exists for the waste.

Subp. 3. **Exported waste.** Reporting for exports of hazardous waste is not required under this part. Export reporting requirements are set out in part 7045.0302, subpart 6.

Subp. 4. **Approval of application.** License reissuance applications shall be subject to the commissioner's review and approval procedures under part 7045.0245, subpart 1.

**7045.0250 LICENSE REVOCATION.**

Subpart 1. **Justifications to revoke.** The following constitute justification for the commissioner to revoke a license:

A. existence at the licensed site of unresolved noncompliance with applicable state and federal pollution statutes or rules or a condition of the license, and failure of the licensee to undertake a schedule of compliance to resolve the noncompliance;

B. licensee failure to disclose fully the facts relevant to issuance of the license or submits false or misleading information to the commissioner; and

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C. licensee failure to pay a penalty owed under *Minnesota Statutes*, section 116.072.

Subp. 2. **Procedure.** The commissioner must give a written 30-day notice to the licensee of the commissioner's intent to revoke the hazardous waste generator license. Included in the notice must be specific justification for the revocation as described under subpart 1.

Subp. 3. **Reinstatement.** The licensee may apply to the commissioner for license reinstatement by providing written documentation that the justifications for revocation have been remedied. The commissioner will review the request within 30 calendar days and deny or approve the request in writing. A reinstatement is for the remaining term of the license. Generator fees under chapter 7046 will not be refunded for the period that the license is revoked nor will the fees be credited towards a subsequent fee cycle.

Subp. 4. **Revocation without reissuance.** The commissioner shall give notice to the licensee of a proposal to revoke a license without reissuance. The notice must state that within 30 days of the receipt of the notice the licensee may request that a contested case hearing be held on the proposed action. If the licensee requests a contested case hearing, the agency shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402.

**7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.**

~~Except for persons who are generators under part 7045.0205, subparts 2 and 3,~~ A person having hazardous waste subject to regulation under ~~these parts~~ this chapter who is only a hazardous waste generator for the one-time disposal of hazardous waste which is not currently being produced, must comply with this chapter except ~~parts 7045.0205, subpart 3; 7045.0211; 7045.0212; 7045.0292; and 7045.0296. This kind of hazardous waste generator is exempt from parts 7045.0220 to 7045.0249 except that the generator must obtain an identification number and a management plan must be submitted to the commissioner for approval on the forms~~ as provided in items A and B.

A. The generator is exempt from parts 7045.0225 to 7045.0250, license and license reporting, except that the generator must submit a management plan meeting the requirements of part 7045.0230, subpart 1, item H, for approval by the commissioner of forms provided by the commissioner.

B. For accumulation requirements, the generator is exempt from the large quantity generator requirements of part 7045.0292. The generator must meet requirements applicable to small quantity generators in part 7045.0292, subparts 5, 9, 10, and 11.

**7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.**

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

Subp. 1a. **Exemptions.** A generator may transport without a manifest as described in item A or B.

A. A very small quantity generator may transport the generator's own hazardous waste without a manifest if transportation is via the generator's own vehicle and if that transportation is to a very small quantity generator hazardous waste collection program under part 7045.0320.

B. A small quantity generator may use an alternate manifest system as provided under part 7045.0075, subpart 5.

[For text of subps 2 to 6, see M.R.]

Subp. 7. **Manifest information.** The Minnesota manifest is based on the Uniform National Manifest that is required under United States Department of Transportation and United States Environmental Protection Agency regulations, as contained in Code of Federal Regulations, title 40, part 262, and Code of Federal Regulations, title 49, part 172. Manifest information requirements include those required by United States Department of Transportation and United States Environmental Protection Agency regulations and consist of the numbered items on the manifest set forth in the Appendix to Code of Federal Regulations, title 40, part 262. Additional state information requirements consist of the telephone number of the designated facility and the hazardous waste numbers specified in parts 7045.0100 to ~~7045.0141~~ 7045.0143 for each hazardous waste specified on the manifest. Manifests must include the information specified in this subpart and in the instructions on the manifest.

[For text of subps 8 to 10, see M.R.]

**7045.0292 ACCUMULATION OF HAZARDOUS WASTE.**

Subpart 1. ~~**When allowed without a permit**~~ **Large quantity generator.** A large quantity generator may accumulate hazardous waste ~~on-site~~ on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, ~~shipped off-site to a designated facility or placed in an on-site facility either of which has interim status under parts 7045.0552 to 7045.0642 or has a hazardous waste facility permit issued by the agency; or has a hazardous waste facility permit issued by a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271 (1983); or has a hazardous waste facility permit issued by the Environmental Protection Agency~~ treated on site or shipped off site in compliance with part 7045.0208;

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

F. containers ~~in outdoor storage areas which~~ that hold free liquids are placed on a ~~curbed~~ containment surface ~~which~~ that is impermeable to the wastes stored and, if outside, is curbed;

[For text of item G, see M.R.]

H. the requirements of parts 7045.0558, 7045.0562, subparts 1 and 2, and 7045.0566 to 7045.0576 are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness~~,~~ and prevention, and contingency planning; and

[For text of item I, see M.R.]

Subp. 2. **Starting date.** A generator's accumulation starting date begins when the generator initiates accumulation in a container or tank, except as provided in subpart 6 for very small quantity generators, subpart 7 for acute hazardous waste, and subpart 8, item B, subitem (3), for satellite accumulation.

Subp. 3. and 4. [See repealer.]

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 180 days of the accumulation start date, treated on site or shipped off site in compliance with part 7045.0208;

B. the quantity of waste accumulated on site never exceeds 3,000 kilograms of waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

C. the generator meets the requirements of subpart 1, items C to G and I;

D. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention, and 7045.0568, relating to the arrangements with local authorities for emergencies; and

E. the generator complies with the following requirements:

(1) the waste must be placed in containers that meet the standards of part 7045.0270, subpart 4, and are managed according to part 7045.0626; or in tanks, provided the generator complies with the requirements of part 7045.0629;

(2) the generator must ensure that there is available at all times at least one employee, identified as the emergency coordinator, responsible for coordinating all emergency response measures provided in subitem (5); the emergency coordinator must be either on the generator's premises or available to respond to an emergency by reaching the premises within a short period of time;

(3) the generator must post the following information next to the telephone on the premises: the name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, the fire alarm, if present, and the telephone number of the fire department, unless there is a direct alarm;

(4) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies; and

(5) the emergency coordinator or a designee must respond to any emergencies that arise. Appropriate responses include: in the event of a fire, call the fire department or try to extinguish the fire by using a fire extinguisher; in the event of a spill, contain the flow of hazardous waste to the extent possible and as soon as practicable, clean up the hazardous waste and any contaminated materials or soils; in the event of a fire, explosion, or other release that could threaten human health outside the premises or when the generator has knowledge that a spill has reached surface water, the generator must immediately comply with part 7045.0275, subparts 2 and 3, and notify the National Response Center using its 24-hour toll free number (800) 424-8802 and provide the name, address, identification number of the generator, date, time, type of incident, and the estimated quantity and disposition of any recovered materials.

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate waste on site indefinitely until 1,000 kilograms of waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E, is accumulated. From the date the 1,000 kilogram limit is reached (accumulation start date), the entire quantity of waste must, within 180 days of accumulation start date, be treated on site or shipped off site in compliance with part 7045.0208. A very small quantity generator accumulating waste under this subpart must meet the requirements of subpart 5, except for items B and E, subitems (2) to (5).

Subp. 7. **Acute hazardous waste accumulation.** A small quantity generator or a very small quantity generator who generates waste listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E, may accumulate that waste on site indefinitely

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until one kilogram of acute hazardous waste or 100 kilograms of residue, contaminated soil, water, or other debris resulting from the cleanup of a spill of an acute hazardous waste into or on any land or water, is accumulated. From the date the applicable limit is reached (accumulation start date), the entire quantity of waste must be treated on site or shipped off site in compliance with part 7045.0208. A generator accumulating wastes under this subpart must meet the requirements in items A and B.

A. For the period preceding the accumulation start date, the generator must comply with subpart 5, items C to E.

B. For the period following the accumulation start date, the generator must comply with subpart 1.

Subp. 8. **Satellite accumulation.** Items A to C apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, as applicable, accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in part 7045.0135, subpart 4, item E, in containers located at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste, provided the generator complies with items B and C.

B. The generator must:

(1) comply with part 7045.0626;

(2) clearly label each container with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel; and

(3) clearly label each container with the earliest of either the date on which the container became full or the date on which the volume limits prescribed in item A are reached.

C. A generator of any size who accumulates either hazardous waste or acutely hazardous waste listed in part 7045.0135, subpart 4, item E, in excess of the amounts listed in item A at or near any point of generation must, with respect to the amount of excess waste, comply within three days with subparts 1 to 7, as applicable. During the three-day period for compliance, the generator must continue to comply with item B.

Subp. 9. **Transportation time extension.** If waste accumulated under subparts 5 and 6 must be transported 200 miles or more to a facility, the generator may store the waste for an additional 90 days beyond the established limits. In this event, the generator must maintain evidence on site that arrangements have been made for the transport of the waste to the facility and, if requested, show the evidence to the commissioner.

Subp. 10. **Time extension.** One extension may be granted for up to 30 days by the commissioner if hazardous waste must remain on site for longer than the maximum allowable time under subparts 1 to 9, as applicable, due to unforeseen, temporary, and uncontrollable circumstances.

Subp. 11. **Accumulation requiring a permit.** No person shall accumulate hazardous waste beyond the maximum allowable time under subparts 1 to 10 without a hazardous waste facility permit. A generator who accumulates hazardous waste for more than the maximum allowable time is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642 and the agency's permitting procedures in chapter 7001.

**7045.0294 RECORD KEEPING.**

Subpart 1. **Manifests.** A generator must keep a copy of each manifest signed ~~in accordance with~~ according to part 7045.0265, subpart 1, for three years or until ~~he~~ the generator receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

Subp. 1a. **Alternate manifests.** Record keeping requirements under the alternate manifest system provided in part 7045.0075, subpart 5, include:

A. a generator must maintain a copy of the reclamation and transport agreement during the term of the agreement and for a period of at least three years after termination or expiration of the agreement; and

B. for each shipment of waste using an alternate manifest, a generator must submit a completed copy of that alternate manifest to the commissioner within five working days of the transporter's acceptance of the waste shipment.

Subp. 2. **Reports.** A generator must keep a copy of the ~~disclosure~~ license application, each annual report, and each exception report for ~~a period of~~ at least three years from the due date of the report.

Subp. 2a. **Container inspection reports.** A generator must keep a copy of each weekly container inspection report required for generator accumulation under part 7045.0292 for a period of at least three years from the date of the inspection. Part 7045.0292 references part 7045.0626 as a requirement for all size generators.

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

Subp. 5. **Location of records.** The records required in subparts 1 to 3 must be located at the licensed site. The records must be easily available for agency inspection.

**7045.0298 EXCEPTION REPORTING.**

Subpart 1. **When applicable.** A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and the owner or operator of the designated facility to determine the status of the hazardous waste. A generator must submit an exception report to the commissioner if ~~he~~ the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

Subp. 2. **Content of report.** The exception report must include:

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

B. a cover letter signed by the generator or ~~his~~ the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

**7045.0300 ADDITIONAL REPORTING.**

The commissioner, when necessary to determine compliance with the requirements of this chapter, may require generators to furnish additional reports concerning the quantities and disposition of ~~wastes~~ waste identified or listed in parts 7045.0100 to ~~7045.0141~~ 7045.0143.

**7045.0305 STANDARDS FOR GENERATORS WHO SEWER HAZARDOUS WASTE.**

Subpart 1. **Applicability.** This part applies to generators who discharge their own hazardous waste to a sanitary sewer.

Subp. 2. **Generator size determination.** A generator who sewers hazardous waste shall determine the generator size according to items A and B.

A. For hazardous waste discharged to a sewer system not owned or operated by a publicly owned treatment works, the generator shall include quantities of pretreated and nonpretreated waste in the generator size determination.

B. For hazardous waste discharged to a sewer system owned or operated by a publicly owned treatment works, the generator shall include quantities of waste in the generator size determination as described in subitems (1) to (3):

(1) the volume of an untreated hazardous waste shall be included;

(2) the volume of a hazardous waste that has been pretreated provided that an 80 percent reduction of the quantity of the hazardous waste constituent mass is achieved before sewering shall not be included if the following requirements are met:

(a) the discharge is under agreement with the publicly owned treatment works;

(b) the generator has the commissioner's approval under the licensing provisions of parts 7045.0225 to 7045.0250; and

(c) the generator has met the conditions of part 7001.0520; and

(3) the volume of a pretreated hazardous waste not meeting the conditions of subitem (2) will be included.

Subp. 3. **Management.** A generator shall comply with the requirements of this chapter applicable to the generator size except a generator whose quantity determination is zero because the conditions of subpart 2, item B, subitem (2), are met will be classified as a very small quantity generator and shall meet the requirements of this chapter that apply to very small quantity generators.

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

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

Subp. 2. **Notification.** An operator who intends to establish or operate all or part of a household hazardous waste management program shall ensure that the information required in items A to ~~K~~ J is submitted to the commissioner at least 30 days before initiating the household hazardous waste management program. ~~This notification is not required for collection sites for which a permit is required under part 7001.0520.~~

The notification shall provide a complete description of the program including, as applicable:

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

I. a description of the safety and emergency procedures established for the program; and

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J. ~~any other information necessary to describe all aspects of the program; and~~

~~K.~~ the name and address of all waste transporters and the facilities which will treat or dispose of the waste.

Operators who submit a notification and subsequently change any aspect of the program as described in the notification must submit, within 30 days of making the change, an amended notification to the commissioner fully describing the program changes.

Subp. 3. **Management requirements.** An operator who establishes or operates all or part of a household hazardous waste management program ~~shall ensure that collected waste is managed in compliance with the hazardous waste generator requirements~~ must comply with the standards applicable to large quantity generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320, except as modified in items A to ~~H~~ G.

A. The operator need not comply with the ~~disclosure and management plan~~ license and license reporting requirements of parts ~~7045.0220, 7045.0230, and 7045.0240~~ 7045.0225 to ~~7045.0249~~ 7045.0250.

B. ~~The operator need not obtain a generator identification number as required in part 7045.0221, unless or until~~ If the operator transports or offers for transport household hazardous waste for off-site treatment, storage, or disposal at a permitted hazardous waste facility, the operator must obtain a generator identification number as required in part 7045.0221.

C. ~~The operator need not meet the personnel training, preparedness, prevention, and contingency planning requirements of part 7045.0292, subpart 1, item H.~~

~~D.~~ The operator may only transport or offer for transport household hazardous waste for off-site activities to a facility that either has a hazardous waste permit or a collection site that has obtained the commissioner's approval under subpart 6.

E. If the operator transports or offers for transport household hazardous waste for off-site activities at a ~~facility~~ collection site that has obtained the commissioner's approval under subpart 6, the operator:

(1) may, in lieu of a manifest, prepare and use a shipping paper containing all the information required on a manifest in part 7045.0261, excluding the identification number, to comply with the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320;

(2) may~~, in lieu of designating a facility or alternate facility as required in part 7045.0261, subpart 2,~~ designate ~~a facility approved under~~ an alternate collection site which meets the requirements of subpart 6 or an alternate facility and must indicate the alternate collection site or facility on the shipping paper prepared under subitem (1); and

(3) must ~~either designate another facility approved under subpart 6 or~~ instruct the transporter to return the waste, if the transporter is unable to deliver the household hazardous waste to the facility or collection site designated on the shipping paper~~; and~~

~~(4) need not comply with the waste management requirements of part 7045.0275, subpart 1~~.

F. If the operator intends to store household hazardous waste for more than 90 days after the accumulation start date ~~as provided in part 7045.0292~~, the operator must obtain the approval of the commissioner as set out in subpart 6, but no facility permit is required unless the operator ~~treats~~ intends to perform treatment procedures other than those specified in subpart 7 or disposes of the waste ~~on-site~~ on site.

G. The operator need not comply with the record keeping requirements of part 7045.0294, subparts 2 and 3.

~~H. The operator need not comply with the annual reporting requirements of part 7045.0296.~~

Subp. 4. **[See repealer.]**

Subp. 5. **Transportation requirements.** An operator or other persons who transport waste collected as a result of a household hazardous waste management program shall transport collected waste in compliance with the requirements in items A to ~~C~~ D.

A. A transporter may not accept household hazardous waste from any operator who establishes or operates all or part of a household hazardous waste management program unless the waste is accompanied by either a manifest signed by the generator according to parts 7045.0205 to ~~7045.0304~~ 7045.0320 or a shipping paper prepared according to subpart 3, item E, subitem (1).

B. If the ~~designated facility to which the~~ household hazardous waste is destined ~~has~~ for a hazardous waste facility ~~permit~~, the transporter shall comply with all of the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397.

C. If the ~~designated facility to which the~~ household hazardous waste is destined ~~is~~ for a ~~facility~~ collection site that has obtained approval from the commissioner under subpart 6, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to ~~7045.0395~~ 7045.0397, except:

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

[For text of item D, see M.R.]

Subp. 6. **Storage of collected wastes.** An operator who accepts household hazardous waste from another collection site or stores household hazardous waste for more than 90 days must comply with the requirements of items A to E.

A. No operator may accept household hazardous waste from another collection site or store household hazardous waste for

more than 90 days after the accumulation start date as provided in part 7045.0292, without the approval of the commissioner. ~~A operator may request approval from the commissioner to store household hazardous waste for more than 90 days.~~

B. An operator intending to accept household hazardous waste from another collection site or store household hazardous waste for more than 90 days must submit a request for approval to the commissioner at least 30 days before initiating a household hazardous waste program. The commissioner shall approve the request if the commissioner determines that, based on the information contained in the request, the storage and management practices employed at the storage facility will appropriately protect human health and the environment from any adverse effects associated with the household hazardous waste.

C. If the commissioner approves a request, the operator shall manage the waste in compliance with the applicable standards in ~~part~~ parts 7045.0526 and 7045.0528 for the use and management of containers~~, but no hazardous waste facility permit is required unless the operator treats or disposes of the waste on-site~~ and tanks.

D. If the commissioner does not approve a request, the operator must transport or arrange to transport the household hazardous waste for off-site activities at a facility that either has a hazardous waste permit or a collection site that has obtained the commissioner's approval under this subpart. Operators who store household hazardous waste for more than 90 days without the commissioner's approval are in violation of this chapter.

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

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

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

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

(1) paints;

(2) solvents;

(3) motor oil; and

(4) antifreeze.

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 notification must provide the following information:

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

(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;~~

~~(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~~.

**7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.**

Subpart 1. **Applicability.** This part provides the requirements for the management and transportation of waste collected as part of a very small quantity generator hazardous waste collection program.

Subp. 2. **Definitions.** When used in this part, the terms in items A to D have the meanings given them.

A. "Collection program" means a program licensed under this part to accept, collect, transport, store, or treat hazardous waste from very small quantity generators.

B. "Collection site" means a site established as part of a collection program under this part.

C. "Program operator" means a person or persons who establish a collection program and arrange for the acceptance, collection, transportation, storage, and treatment of collected hazardous waste from very small quantity generators.

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D. "Site operator" means a person or persons who operate a collection site.

Subp. 3. **Program license.** A program operator must apply for and obtain a collection program license from the commissioner before accepting any waste. The program operator must renew the license annually.

Subp. 4. **License application.** The license application must provide a complete description of the program including, as applicable:

A. the name, address, and telephone number of persons establishing the program;

B. the name, address, and telephone number of persons operating the program, if different than item A;

C. the location of all collection sites, designating central facilities and satellite facilities;

D. the duration and operating hours of the program;

E. the intended program service area;

F. a description of the application process for very small quantity generators;

G. the anticipated types and amounts of waste to be collected, stored, treated, transported, and disposed of;

H. a description of how the waste is to be collected, analyzed, stored, treated, transported, and disposed of;

I. except as provided in item J, if treatment of collected waste is applied for under this license, the following additional information must be submitted for each method of waste treatment proposed:

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

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

(3) evidence of compliance with part 7045.0210 addressing financial responsibility;

J. the bulking of paints, solvents, motor oil, and antifreeze does not require submittal of the additional information under item I but must be addressed under items G and H;

K. the amount of time the site operator intends to store collected waste at individual collection sites;

L. a description of the physical structures to be used to collect and store collected waste;

M. a description of personnel safety training;

N. a description of the safety and emergency procedures established;

O. the name and address of all hazardous waste transporters to be used; and

P. the name and address of all facilities which will treat or dispose of the waste.

Subp. 5. **Changes to license conditions.** A program operator may change the conditions of management or operation during the time period for which the license is valid, except for treatment changes approved under subpart 4, item I, which require the commissioner's written approval before the operator may implement the treatment changes. If the program operator changes any of the conditions of management or operation during the life of the license, the operator shall report the changes in the next annual report.

Subp. 6. **License issuance and reissuance.** After receiving the license application or annual report, as applicable, the commissioner will conduct a review of the submitted information and will:

A. issue or reissue, as applicable, a collection program license;

B. request in writing the submittal of additional information to make the license application or annual report, as applicable, complete and approvable;

C. request in writing facility operational or waste management changes to make the application or annual report, as applicable, approvable; or

D. deny approval of license application within 45 days of last submittal of information by license applicant.

Subp. 7. **Reporting requirements.** A program operator must meet the reporting requirements applicable to large quantity generators established in part 7045.0248.

In addition, the site operator must keep a written operating record at the collection site and available for inspection that contains the following information for each collection:

A. the generator name and identification number as required under part 7045.0221;

B. the name of the hazardous waste or wastes, the hazardous waste number or numbers, and the United States Department of Transportation hazard class;

C. the amount of each hazardous waste collected:

D. the date the waste was received at the collection site; and

E. the date the waste was shipped from the collection site.

Subp. 8. **Management requirements.** A person or persons involved in management of hazardous waste from very small quantity generators as part of a collection program shall comply with the requirements of items A to E.

A. The program operator must comply with the standards applicable to large quantity generators established in parts 7045.0205 to 7045.0320 with respect to collected hazardous waste except as modified in this part.

B. The license and reporting requirements of parts 7045.0225 to 7045.0250 are replaced by the requirements of subparts 3 to 7.

C. A site operator may accumulate hazardous waste on site without a permit or without interim status if the site operator complies with the accumulation time limits and management requirements provided in part 7045.0292. The site operator is a generator whose size shall be determine by applying part 7045.0206. The site operator shall comply with the requirements applicable to a generator of the appropriate size.

D. The site operator may only transport or offer for transport collected waste for off-site activities to a facility that either has a hazardous waste permit or a collection site that has obtained the commissioner's approval under the licensing provisions of this part.

E. If the site operator transports or offers for transport collected waste for off-site activities at a collection site that has obtained the commissioner's approval, the operator:

(1) may, in lieu of a manifest, prepare and use a shipping paper containing all the information required on a manifest in part 7045.0261, excluding the identification number, to comply with the requirements of parts 7045.0261 to 7045.0265;

(2) may designate an alternate collection site that has obtained the commissioner's approval or an alternate facility and must indicate the alternate collection site or facility on the shipping paper prepared under subitem (1); and

(3) must instruct the transporter to return the waste, if the transporter is unable to deliver the collected waste to the facility or collection site designated on the shipping paper.

Subp. 9. **Transport requirements.** A person or persons who transport waste collected as a result of a collection program licensed under this part shall transport collected waste in compliance with the requirements in items A to D.

A. A transporter may not accept collected waste from a program operator or a site operator unless the waste is accompanied by either a manifest signed by the program operator or a shipping paper prepared according to subpart 8, item E, subitem (1).

B. If the collected waste is destined for a hazardous waste facility, the transporter shall comply with all of the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397.

C. If the collected waste is destined for a collection site that has obtained approval from the commissioner under the licensing provisions of this part, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397, except:

(1) a transporter identification number under part 7045.0361 is not required; and

(2) a shipping paper prepared according to subpart 8, item E, subitem (1), may be used, in lieu of a manifest, to comply with the manifest requirements of parts 7045.0351 to 7045.0395.

D. An operator who transports waste for hire in Minnesota must obtain for-hire operating authority from the Minnesota Transportation Regulation Board as required by *Minnesota Statutes*, chapter 221.

Subp. 10. **Generators who operate collection programs.** A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.

**7045.0351 APPLICABILITY AND EXEMPTIONS.**

Subpart 1. **Applicability.** The provisions of parts 7045.0355 to 7045.0391 establish standards that apply to persons transporting hazardous waste that originates or terminates within the state of Minnesota if the transportation requires a manifest under parts

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7045.0205 to ~~7045.0304~~ 7045.0320. Parts 7045.0395 and 7045.0397 apply to the transportation of all hazardous waste within the state of Minnesota.

[For text of subp 2, see M.R.]

**7045.0375 THE MANIFEST SYSTEM; GENERAL REQUIREMENTS.**

Subpart 1. **Acceptance of shipment.** A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed by the generator according to parts 7045.0205 to ~~7045.0304~~ 7045.0320. In the case of exports, a transporter may not accept waste:

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

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

**7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.**

Subpart 1. **General requirements.** Parts 7045.0450 to 7045.0544 apply to owners and operators of all facilities ~~which~~ that treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0100 to ~~7045.0304~~ 7045.0320.

Parts 7045.0450 to 7045.0544 apply to the owners or operators of publicly owned treatment works ~~which~~ that treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

Parts 7045.0450 to 7045.0544 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, United States Code, title 16, sections 1431 to 1434, as amended through December 31, 1982, and United States Code, title 33, section 1401, as amended through December 31, 1982, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0544 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

Parts 7045.0450 to 7045.0544 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

[For text of subp 2, see M.R.]

Subp. 3. **Exemptions.** Parts 7045.0450 to 7045.0544 do not apply to the following:

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

C. a farmer disposing of waste pesticides from ~~his~~ the farmer's own use in compliance with part ~~7045.0304~~ 7045.0213, subpart 2;

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

**7045.0458 WASTE ANALYSIS REQUIREMENTS.**

Subpart 1. **Waste analysis.** Waste analysis procedures are ~~as follows:~~ listed in items A to D.

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

B. The analysis may include data developed under parts 7045.0100 to ~~7045.0141~~ 7045.0143 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator.

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

[For text of subp 2, see M.R.]

**7045.0472 FACILITY SHIPPING REQUIREMENTS.**

When a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

**7045.0488 CLOSURE ACTIVITIES.**

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

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in part 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; or 7045.0538, subpart 7, or under the authority of part 7045.0539, subparts 2 and 4. By removing any hazardous ~~wastes~~ waste or hazardous waste constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste ~~in accordance with~~ according to all applicable requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

**7045.0526 USE AND MANAGEMENT OF CONTAINERS.**

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

Subp. 6. **Containment.** Requirements for containment systems are as ~~follows:~~ described in items A to E.

A. Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The containment system must:

(1) have a ~~base~~ floor underlying the containers ~~which~~ that is free of cracks or gaps and is ~~sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed~~ impermeable;

(2) have a ~~base which~~ floor that is sloped, or be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or in some other manner are protected from contact with accumulated liquids; and

[For text of subitem (3), see M.R.]

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

C. Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system. If the collected material is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143, it must be managed as a hazardous waste ~~in accordance with~~ according to all applicable requirements of parts 7045.0205 to 7045.1030. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of the federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1342, as amended, through June 30, 1983.

[For text of items D and E, see M.R.]

[For text of subps 7 and 8, see M.R.]

Subp. 9. **Closure.** At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, ~~bases~~ floors, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure and throughout the operating period, unless the owner or operator can demonstrate that the waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of parts 7045.0205 to 7045.1030.

**7045.0532 SURFACE IMPOUNDMENTS.**

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

Subp. 7. **Closure and postclosure care.** The requirements of closure and postclosure care are as follows:

A. At closure, the owner or operator shall:

(1) remove or decontaminate all waste residues, contaminated containment system components including liners, contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless they are shown to not be hazardous ~~in accordance with~~ according to parts 7045.0100 to ~~7045.0141~~ 7045.0143; or

[For text of subitem (2), see M.R.]

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

[For text of subps 8 to 10, see M.R.]

**7045.0534 WASTE PILES.**

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

Subp. 7. **Closure and postclosure care.** Closure and postclosure requirements are as follows:

A. At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components including liners, contaminated subsoils, and structures and equipment contaminated with waste and leachate; and manage them as hazardous waste unless they are shown to not be hazardous ~~in accordance with~~ according to parts 7045.0100 to ~~7045.0141~~ 7045.0143.

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

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[For text of subps 8 to 10, see M.R.]

**7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.**

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

Subp. 3. **Exemptions.** The requirements of parts 7045.0522 to 7045.0642 do not apply to:

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

D. A farmer disposing of waste pesticides from ~~his~~ the farmer's own use in compliance with part ~~7045.0304~~ 7045.0213, subpart 2.

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

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

**7045.0564 WASTE ANALYSIS REQUIREMENTS.**

Subpart 1. **Waste analysis.** The analysis must comply with the ~~following~~ requirements: in items A to D.

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

B. The analysis may include data developed under parts 7045.0100 to ~~7045.0141~~ 7045.0143, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator.

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

[For text of subp 2, see M.R.]

**7045.0578 FACILITY SHIPMENT REQUIREMENTS.**

Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

**7045.0596 CLOSURE ACTIVITIES.**

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

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in part 7045.0628, subpart 9; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; or 7045.0638, subpart 4. By removing any hazardous wastes or hazardous constituents during partial or final closure, the owner or operator may become a generator of hazardous waste and must handle that waste ~~in accordance with~~ according to all applicable requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

**7045.0629 REQUIREMENTS FOR SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.**

Subpart 1. **Scope.** The requirements of this part apply to small and very small quantity generators that accumulate hazardous waste in tanks, and do not ~~accumulate over 3,000 kilograms on site at any time~~ exceed accumulation amounts as provided in part ~~7045.0219~~ 7045.0292.

[For text of subps 2 to 6, see M.R.]

**7045.0655 GENERAL FACILITY STANDARDS.**

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

Subp. 6. **Closure.** At closure, the owner or operator of an elementary neutralization unit, pretreatment unit, or wastewater treatment unit shall remove all hazardous waste and hazardous waste residues from the unit.

At closure, the owner or operator of a combustion waste facility shall analyze the waste present in the facility ~~in accordance with~~ according to parts 7045.0100 to ~~7045.0141~~ 7045.0143 and shall submit the waste analysis results and proposed closure methods to the commissioner. Based on the waste analysis and proposed closure methods, the agency shall determine which closure standards from parts 7045.0450 to 7045.0544, if any, apply to the facility.

Subp. 7. **Treated wastes.** Treated waste generated by an elementary neutralization unit, pretreatment unit, or wastewater treatment unit is subject to regulation under parts 7045.0100 to ~~7045.0304~~ 7045.0320.

**7045.0665 USE CONSTITUTING DISPOSAL.**

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

Subp. 2. **Standards applicable to generators of wastes used in a manner that constitutes disposal.** Generators of wastes that are used in a manner that constitutes disposal are subject to the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

**7045.0675 RECYCLABLE HAZARDOUS WASTE UTILIZED USED FOR PRECIOUS METAL RECOVERY.**

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

Subp. 2. **Requirements for generators.** Generators of recyclable hazardous waste regulated under this part are subject to the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

**7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.**

Subpart 1. **Scope.** The requirements of this part apply to persons who generate, transport, collect, store, or reclaim spent lead-acid batteries that are recyclable. Except as provided in subpart 2, persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them, are not subject to regulation under parts 7045.0205 to 7045.0685 and chapter 7001 for ~~such~~ the generation, transportation, and storage of spent batteries. For the purpose of this part, indoor storage is storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to a masonry or other ~~composition~~ nonabsorbent floor placed on the ground.

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

**7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.**

Subpart 1. **Scope.** This part applies to hazardous wastes that are burned for energy recovery in a boiler or industrial furnace that is not regulated by the thermal treatment standards in part 7045.0542 or 7045.0640, except:

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

D. Mixtures of used oil and waste that is hazardous solely for the characteristic of ignitability in part 7045.0131, subpart 2, provided the waste is generated by a person who in a calendar month generates ~~less~~ no more than 100 kilograms of hazardous waste. This mixture is regulated as provided in part ~~7045.0219~~ 7045.0102, subpart ~~6~~ 3. If the waste is generated by a person who in a calendar month generates ~~at least~~ more than 100 kilograms of hazardous waste, part 7045.0102, subpart 3, item A, applies.

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

[For text of subp 2, see M.R.]

Subp. 3. **Standards applicable to generators of hazardous waste fuel.** Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to parts 7045.0205 to ~~7045.0304~~ 7045.0320. Generators who market hazardous waste fuel to a burner are also subject to subpart 5. Generators who are burners are also subject to subpart 6.

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

Subp. 5. **Standards applicable to marketers of hazardous waste fuel.** Marketers are subject to the requirements in items A to F.

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

C. If a marketer is a generator, or becomes a generator by initiating a shipment of hazardous waste fuel, the marketer must comply with parts 7045.0205 to ~~7045.0304~~ 7045.0320. If the marketer operates a facility, the marketer must comply with parts 7045.0450 to 7045.0534. If the marketer is operating a facility under interim status, the marketer must comply with parts 7045.0552 to 7045.0632. If the marketer stores hazardous waste, the marketer must comply with the agency's permitting procedures in chapter 7001 for storage of hazardous waste.

[For text of items D and E, see M.R.]

F. In addition to the applicable record keeping requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320, 7045.0450 to 7045.0534, and 7045.0552 to 7045.0632, a marketer must keep a copy of each certification notice received or sent for three years from the date the marketer last engaged in a hazardous waste fuel marketing transaction with the person who sent or received the certification notice.

Subp. 6. **Standards applicable to burners of hazardous waste fuel.** Owners and operators of industrial furnaces and boilers identified in subpart 2, item B, that burn hazardous fuel are subject to the requirements in items A to F.

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

D. Generators who accumulate hazardous waste fuel before burning ~~on-site~~ on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Small quantity generators who accumulate hazardous waste fuel before burning ~~on-site~~ on site within the accumulation time period allowed in part ~~7045.0219~~ 7045.0292 must comply with that part. Burning by the generator of a hazardous waste that is a sludge or is or contains a waste listed in part 7045.0135 for reasons other than ignitability or is or contains a waste that is toxic under part 7045.0131, subpart 6, is subject to the additional requirements of item E, subitem (2).

[For text of items E and F, see M.R.]

**7045.1020 EFFECT OF AGENCY APPROVAL OF COUNTY ORDINANCE.**

If a county has adopted a hazardous waste ordinance that is approved in writing by the agency:

A. Each generator who produces a hazardous waste within the county ~~shall submit~~ must obtain a ~~disclosure~~ generator license and ~~annual~~ must submit reports to the county as required by the county ordinance in lieu of submission to the agency unless specifically requested in writing by the commissioner to submit a copy of the ~~disclosure~~ license application or annual report to the commissioner; and

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

**7045.1030 COUNTY ACTIONS.**

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

Subp. 3. **Reporting.** A county shall submit to the commissioner, upon request, a copy of any ~~disclosure~~ information submitted under parts 7045.0225 to 7045.0250, license and license reporting requirements, manifest, ~~annual report,~~ exception report, or other document that has been submitted to the county in lieu of submission to the agency pursuant to part 7045.1020. A county shall submit to the commissioner, upon request but not to exceed semi-annually, summary data based on the documents cited in this subpart.

Subp. 4. [See repealer.]

**7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.**

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

Subp. 2. **Exemptions.** Prohibited wastes may continue to be land disposed under the following conditions:

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

D. if very small quantity generators ~~of less than 100 kilograms of nonacute hazardous waste per month, or less than one kilogram acute hazardous waste per month,~~ as defined in part ~~7045.0219~~ 7045.0206; and

E. if a farmer is disposing of waste pesticides in accordance with part ~~7045.0304~~ 7045.0213, subpart 2.

**7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.**

Subpart 1. **Basis of fees.** The agency shall charge nonmetropolitan area generator fees that are based on the ~~annual~~ license application and licensing reports submitted by generators~~, disclosures,~~ and other appropriate information available to the agency.

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

Subp. 4. **Annual fees.** An annual fee is the sum of the waste generation volume fees and the base fee. Nonmetropolitan area generators shall submit annual fees as ~~follows:~~ described in items A and B.

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

B. A base fee must be paid by all nonmetropolitan area generators as follows:

(1) a ~~nonmetropolitan area~~ large quantity generator ~~who does not qualify as a small quantity generator in part~~ 7045.0219 must pay a base fee of $350;

(2) ~~a nonmetropolitan area generator, who qualifies as~~ a small quantity generator ~~in part 7045.0219 and is not a small quantity generator as described in subitem (3),~~ must pay a base fee of $105; and

(3) ~~a nonmetropolitan area generator, who qualifies as~~ a very small quantity generator ~~in part 7045.0219 and generates less than 100 kilograms of hazardous waste per calendar month,~~ must pay a base fee of $35.

Subp. 5. **Follow-up action fee.** A nonmetropolitan area generator is subject to payment of a follow-up action fee if the generator fails to respond within 30 days of receipt of a certified letter from the commissioner concerning the generator's noncompliance with ~~part 7045.0240 requiring submission of a disclosure,~~ part 7045.0216 requiring submission of an evaluation report~~,~~ or ~~part 7045.0296 requiring submission of an annual report~~ parts 7045.0225 to 7045.0250, license and license reporting requirements. The agency shall charge a follow-up action fee only if the commissioner's follow-up action involves sending the generator one or more additional certified letters or causing an authorized representative of the agency to make an inspection for the purpose of obtaining the required information.

The fee for each follow-up certified letter, not to include the initial certified letter, is $25. The fee for each follow-up inspection is $200.

[For text of subps 6 and 7, see M.R.]

**7046.0050 GENERATOR FEE EXEMPTIONS.**

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

Subp. 4. **Certain nonmetro area generators.** Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or drycleaning solvent related wastes reclaimed ~~off-site~~ off site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they ~~submit accurate disclosures~~ obtain a license under ~~part 7045.0240~~ parts 7045.0225 to 7045.0250, but rather are subject to a flat annual fee of $25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a reclaimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.

If a small quantity nonmetropolitan area generator, who qualifies for this exemption, fails to submit the annual report by March 1 under part ~~7045.0296~~ 7045.0248, the generator shall pay a full annual fee. If the generator is also subject to retroactive fees, the retroactive fees must be based on the flat annual fee of $25.

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

Subp. 6. **Waste collected as a result of a very small quantity generator hazardous waste collection program.** An operator of a very small quantity generator hazardous waste collection program is exempt from generator fees for waste collected under part 7045.0320.

An operator who is also a generator is not exempt from generator fees for the waste that the operator generates separate from the waste that the operator collects from other generators.

A very small quantity generator participating in a collection program under part 7045.0320 is not exempt from generator fees.

**REPEALER.** *Minnesota Rules,* parts 7045.0211, subparts 2 and 3; 7045.0219; 7045.0220; 7045.0230, subpart 3; 7045.0235; 7045.0240, subparts 1 and 2; 7045.0249; 7045.0275, subpart 1; 7045.0290; 7045.0292, subparts 3 and 4; 7045.0296; 7045.0304; 7045.0310, subpart 4; and 7045.1030, subpart 4, are repealed.

# Pollution Control Agency

## Water Quality Division

## Proposed Permanent Rules Relating to Individual On-Site Wastewater Treatment Grants Program

### Notice of Intent to Adopt Rule Amendments Without a Public Hearing

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to adopt rule amendments to *Minnesota Rules,* chapter 7077 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,* sections 14.22 to 14.28 (1990). The statutory authority to adopt the rule amendments is set forth in *Minnesota Statutes,* section 116.18 subd. 3c (1990).

All persons have until 4:30 p.m. on September 20, 1991 to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. 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 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 request in writing. Any person requesting a public hearing must state his or her name and address, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes,* sections 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to Scott R. Thompson, Minnesota Pollution Control Agency, Water Quality Division/APS, 520 Lafayette Road, St. Paul, Minnesota 55155-3898 (612) 296-7223.

**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.

CERTIFICATE OF RESOLUTION ADOPTING RULES

I, Charles W. Williams, 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 twenty-eighth day of January, 1992, 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 hereby approves and adopts the attached rule amendments to the Minnesota Pollution Control Agency's hazardous waste rules, Minn. Rules pts. 7001.0520, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7046.0031, and 7046.0050 pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. § 116.07, subd. 4 (1990).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Commissioner is authorized to make any form changes to 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 (1990).

BE IT FURTHER RESOLVED, that the Minnesota Pollution Control Agency adopts the Findings of Fact, Conclusions, and Order Adopting Rule Amendments and that the Commissioner is hereby granted the authority to sign the above-mentioned document on behalf of the Minnesota Pollution Control Agency 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 28th day of January, 1992.

CHARLES W. WILLIAMS
Commissioner

WILLIAMS PIPE LINE COMPANY
ONE OF THE WILLIAMS COMPANIES, INC.

September 20, 1991

RECEIVED
SEP 26 1991
MPCA, HAZARDOUS
WASTE DIVISION

Ms. Jeanne Eggleston
Minnesota Pollution Control Agency
520 LaFayette Road North
St. Paul, Minnesota 55155-3898

RE: Proposed Permanent Rules Relating to Generators of Hazardous Waste

Dear Ms. Eggleston:

Williams Pipe Line Company (WPL) offers the following comments on the proposed regulation change. Of major concern to Williams are the increased restrictions the Minnesota Pollution Control Agency (MPCA) is imposing on industry and itself. Due to the time constraints on responding to the issue, only superficial effects are discussed with little analysis being given to the long term detrimental effects associated with this proposal as compared to utilizing existing rules and regulations presently available through other programs such as the industrial pre-treatment program. The costs associated with this proposed rule and other associated proposed rules (Proposed Rule Amendments Governing Waste Quality Permit Fees, Minn Rule Parts 7002.0210 to 7002.0310) also concern Williams Pipe Line Company.

The removal of the sewage exclusion (7045.0120 B) and the requirement of all people who generate hazardous waste to obtain a license (7045.0225 subpart 1) would appear to make this revision a major change rather than the suggested minor change allowed without public notice. Additionally, the costs associated with these changes while not clearly evident, appear to be potentially substantial (e.g., $1500.00 per TCLP test to be in compliance with 7045.0248 G and H, and 7045.0300 Subpart 2.B).

The proposed regulation, as written, appears to stymie waste minimization through recycling, reclamation, reuse, etc., by limiting the management option available (ref. 7045.0208, especially Subpart 1.B). In this proposed management scheme, there is no provision to allow transportation of material to a company (or a branch of the same company) located in another state where facilities exist to adequately reclaim, reuse, recycle, etc., this material for beneficial use. This issue is extremely obvious and important where the MPCA may classify a substance as "hazardous waste" and other states, EPA regions and even the federal government may not classify the material as hazardous.



P. O. BOX 3448 • TULSA, OKLAHOMA 74101

Additionally, there are no provisions for the emergency handling of spill site material (ref. 7045.0240, Subpart 3 and 7045.0292 Subpart 5.(5) line 5, page 32).

Throughout the regulation it appears the MPCA is requiring private industry to perform the MPCA's record keeping by repetitiously supplying data (1) furnished on the original application, (2) available through site visits, or (3) required in POTW industrial discharge permits. (Ref. 7045.0248 Subpart 1 C, E, F, G, H; Subpart 2.B; 7045.0292 Subpart 5.E.(5) [I.D. # of generator]; 7045.0294 Subpart 5; 7045.0300 Subpart 2.B.)

It appears that additional fees will be collected on all sewered waste as it now must be reported due to the elimination of the exclusion. This means that in addition to the industrial pretreatment expenses and/or fees paid to the POTW's (who are regulated by the MPCA), a direct fee will be paid to the MPCA. This fee will be mostly based on the sewered water weight, not the pollutant's weight in the water nor the treatability of the water (7045.0120 Subpart 1.B), as this type of waste is a characteristic waste and of generally low concentration and high volume. Also, it appears double fees could be charged for the same waste in the Metro County area (7046.0031 Subpart 4.B(1)), with one fee paid to the county and a $350 fee paid to the MPCA.

Does this regulation intend to require all gasoline/hydrocarbon spill remediation sites to obtain hazardous waste generator's licenses? Williams Pipe Line hopes not, but requests an exclusion for these sites if it is the MPCA's intention to do so.

The following are recommended insertions/deletions:

1. **7045.0243 Subpart 2, <u>Add</u> to the end of line 6, page 22:** ...that the commission determines ... "and shows with reasonable justification" ... to be necessary to protect human health and the environment.

2. **7045.0243 Subpart 3.E, line 35, page 22, <u>Add:</u>** licensee to enter at reasonable times upon the ..."licensed"... property of the licensee... **line 1, page 23 <u>Add:</u>** ...Activity covered by the license... "not to exceed three years prior";...

3. **7045.0247 Subpart 2.A. line 1, page 25, <u>change</u>** 30 days to 90 days.
   **B. line 5, page 25, <u>remove</u>** "or verbal" as it is too difficult to prove who is at fault due to a misunderstanding.

4. **7045.0248 Subpart 1, Line 13, page 25 <u>Add</u>:** ...on forms "or copies thereof"...
   **Line 14, page 25 <u>delete</u>:** "At least 30 days before". This is provided for in 7045.0247 Subpart 2.D. Additionally, this would result in the MPCA collecting interest on someone else's

money for a month.

**C. line 22, page 25 delete:** "And the United States Department of Transportation hazard class". Why is this needed if the material is treated or used on site or given to a POTW. This can be checked, if needed, by site inspection.

**F.(3) line 2, page 26: delete** (3) and (4) of this section as the treatment works may be in a different state with different rules. The address of the facilities would be provided should contact be required. If Minnesota were to start regulating/monitoring other states' activities/regulations, potential lawsuits involving the MPCA could erupt due to potential interference with interstate commerce, etc.

**I. line 15-30, page 26:** This needs to be changed, as economics do not necessarily minimize threats and without value engineering and statistical evaluations, this statement cannot be made. The cost associated with either technique is very large.

**Subpart 2.B, line 1, page 27: delete** this entire item as markets are volatile and it is indirectly covered in item A.

5. **7045.0250 Subpart 1.B, line 19, page 27 Add:** ...the facts relevant to issuance of the license... "as is relevant for the material handling within the State of Minnesota"...or submits.

**C. line 21, page 27 Add:** to pay ... "or escrow" ... a penalty... This is needed to provide a method to protest the matter without violating the regulations until such time the issue is resolved.

**Subpart 2, line 27, page 27 Add:** ... described under Subpart 1... "and necessary action required by licensee to prevent revocation".

6. **7045.0292 Subpart 5.E.(1)**
WPL recommends an exclusion be inserted at this point for characteristically hazardous wastes stored in tanks as they are normally high volume and low concentration, and as such would probably dilute to non-toxic levels if spilled. Additionally, if an exclusion is not provided for both here and at the "impermeable liners" section, all of the POTW facilities, collection lines, large industrial storage tanks (1/2 million gallons and up) etc., will be looking at millions of dollars to retrofit and replace their facilities.

Again, WPL believes there is a need to rewrite this regulation so that it will encourage rather than discourage waste reduction efforts. It should allow flexibility for a company to utilize a centralized waste handling/reclamation facility. As proposed, it

appears if a centralized waste handling unit were not in the State of Minnesota, or governed by the same rules, the MPCA would be making it illegal to ship and use the material elsewhere in the country. This restriction in trade/commerce could quickly result in lawsuits. The industrial pretreatment program is sufficient to monitor/treat sewered waste if administered properly. Instead of imposing potentially impractical secondary containment rules for characteristic hazardous waste and eliminating the sewer mixture exclusion, the MPCA may want to work to improve the industrial pre-treatment program utilizing its existing laws and regulations. WPL believes the benefits and cost reduction to all involved would greatly outweigh MPCA's regulation proposal.

Once again, WPL appreciates the opportunity to comment on these important issues and we trust you will give our comments your most serious consideration. Please direct any follow-up questions to me at 918-588-3486.

Sincerely,

Edward D. Mize

Edward D. Mize
Environmental Engineer

EDM:fwb

cc: J. L. Langley
J. T. Huso
D. P. Batow
File: Minnesota Pollution Control Agency

minnesota power / 30 west superior street / duluth, minnesota 55802 / telephone 218-722-2641

September 18, 1991

Ms. Jeanne Eggleston
Minnesota Pollution Control Agency
Hazardous Waste Program Development Section
520 Lafayette Road North
St. Paul, MN 55155-3898

**Re: Comments to Rule Amendments**
**Minnesota Rules, Chapters 7001, 7045, and 7046**
**16 S.R. 323, (19 August 1991)**

Dear Ms. Eggleston:

Last week I spoke with you on the telephone regarding the above August 19, 1991 proposed rule changes. In particular, we discussed the proposed very small quantity generator hazardous waste collection program requirements. Of concern to Minnesota Power is the proposed collection program license.

Minnesota Power has identified twelve (12) facilities that generate hazardous wastes; most of these sites are very small quantity generators. A collection program was developed a number of years ago where all hazardous wastes are funnelled to Minnesota Power's 15th Avenue West Hazardous Waste Storage Facility in Duluth. This is a RCRA Part B permitted facility. It is Minnesota Power's opinion that this and other similar collection programs coordinated through a RCRA Part B permitted storage facility, should not be required to obtain additional permits or licenses.

We suggest that a new Subpart 3 be added to § 7045.0225: Subp.3. **Exemption.** A generator of hazardous waste who has applied for a hazardous waste facility permit shall not be required to obtain the license described in this section for any generation site owned or operated by such person.

Ms. Jeanne Eggleston
September 18, 1991

We would very much appreciated this comment being considered in the development of the final rules.

Sincerely,

Daniel J. Croke

Daniel J. Croke
Environmental Engineer

DJC:jmm
cc: D. A. Amberg
C. J. Anderson
G. T. Beatty
L. J. Hansmeyer
File 0744

**STATE OF MINNESOTA**
**POLLUTION CONTROL AGENCY**

In the Matter of the Proposed Rule Amendments Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minn. Rules Pts. 7001.0520, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0305, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7045.1300, 7046.0031, and 7046.0050

**DECLARATION OF COUNSEL**

## DECLARATION OF COUNSEL

I, Mark Chalfant, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposed, the four-digit docket client code is 0697.

Mark A.R. Chalfant

Mark Chalfant
Special Assistant
Attorney General

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minn. Rules pts. 7001.0520, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0305, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7045.1300, 7046.0031, and 7046.0050

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

**PLEASE TAKE NOTICE** that the above-captioned rule amendments as adopted have been submitted to the Office of the Attorney General on the date of this notice, February 21, 1992, for review as to legality and form to the extent form relates to legality. The proposed rule amendments, the rule amendments as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The proposed rule amendments which were published in the State Register (16 SR 323-349) and made available to the public on August 19, 1991, have been modified. A free copy of the rule amendments as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rule is available upon request from Jeanne Eggleston, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155, telephone (612) 297-8371.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of the submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The Attorney General standards for review are set forth in Minnesota Rules, pt. 2010.1000. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
Public Finance Division
515 Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155
Telephone: 297-2040

Any written comments submitted to the Attorney General must also be submitted to Jeanne Eggleston of the Minnesota Pollution Control Agency at the address stated above.

Dated: 2/21/92

Jeanne Eggleston
Rules Unit
Program Development Section
Hazardous Waste Division

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing the Management, Treatment, Storage, and Disposal of Hazardous Waste, Minn. Rules pts. 7001.0520, 7001.0550, 7001.0710, 7045.0020, 7045.0075, 7045.0102, 7045.0120, 7045.0121, 7045.0125, 7045.0135, 7045.0137, 7045.0205, 7045.0206, 7045.0208, 7045.0211, 7045.0212, 7045.0213, 7045.0219, 7045.0220, 7045.0225, 7045.0230, 7045.0235, 7045.0240, 7045.0243, 7045.0245, 7045.0247, 7045.0248, 7045.0249, 7045.0250, 7045.0255, 7045.0261, 7045.0275, 7045.0290, 7045.0292, 7045.0294, 7045.0296, 7045.0298, 7045.0300, 7045.0304, 7045.0305, 7045.0310, 7045.0320, 7045.0351, 7045.0375, 7045.0450, 7045.0458, 7045.0472, 7045.0488, 7045.0526, 7045.0532, 7045.0534, 7045.0552, 7045.0564, 7045.0578, 7045.0596, 7045.0629, 7045.0655, 7045.0665, 7045.0675, 7045.0685, 7045.0692, 7045.1020, 7045.1030, 7045.1300, 7046.0031, and 7046.0050

**AFFIDAVIT OF MAILING NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

I, Jeanne Eggleston, being sworn say:

That on the 21st day of February, 1992, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the United States Mail for first class mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Jeanne Eggleston
Rules Unit
Program Development Unit
Hazardous Waste Division

Subscribed and sworn to before me
this 21st day of February, 1992.

Thomas W. Nash
Notary Public

THOMAS W. NASH
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My commission expires 3-19-95

# Office of the Revisor of Statutes

## Administrative Rules

**TITLE:** Proposed Permanent Rules Relating to Generators of Hazardous Waste

**AGENCY:** Pollution Control Agency

**MINNESOTA RULES:** Chapters 7001, 7045, and 7046

The attached rules are approved for publication in the State Register

Carla M. Riehle
Assistant Revisor

Pollution Control Agency

Proposed Permanent Rules Relating to Generators of Hazardous Waste

Rules as Proposed

7001.0520 PERMIT REQUIREMENTS.

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

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

A. The accumulation by generators of hazardous waste on site ~~for fewer than 90 days as provided~~ within the time limits specified in part 7045.0292.

B. The disposal by farmers of hazardous ~~wastes~~ waste that have been generated by their own use of pesticides as provided in part ~~7045.0304~~ 7045.0213, subpart 2.

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

H. The management of hazardous waste as provided in part 7045.0120, item ~~b~~ J; 7045.0127, subpart 1; 7045.0135, subpart 5, items C and E; or 7045.0218~~; or 7045.0219, subpart 2~~.

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

M. Very small quantity generator hazardous waste collection programs meeting the requirements of part 7045.0320.

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

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

E. Containers or tanks where generators mix characteristic hazardous waste as identified in part 7045.0131, subpart 2, with used oil if:

[For text of subitem (1), see M.R.]

(2) the generators who produce less than 1,000



Approved by Revisor

kilograms per calendar month of hazardous waste meet the requirements of part ~~7045.0219~~ 7045.0102, subpart ~~4~~ 3, item ~~A~~ C.

[For text of subps 4 to 6, see M.R.]

7001.0550 CONTENTS OF PART A OF APPLICATION.

Part A of the application must contain the following information:

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

E. a list of the ~~wastes~~ waste designated under parts 7045.0100 to ~~7045.0141~~ 7045.0143 as hazardous to be treated, stored, or disposed of by the applicant and an estimate of the quantity of each hazardous waste to be treated, stored, or disposed of annually by the applicant;

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

7001.0710 LAND TREATMENT DEMONSTRATION PERMITS.

Subpart 1. **Letters of approval.** A person who desires to conduct controlled laboratory demonstrations of hazardous waste land treatment for the purpose of collecting preliminary data shall request a letter of approval from the agency.

The agency shall issue a letter of approval if the demonstration will be conducted under supervised conditions in a closed system capable of providing adequate protection to human health and the environment, and if the data obtained will not be used as the only basis for the issuance of a facility permit. The letter of approval must specify the general conditions for conducting demonstrations, the duration of approval, and the specific waste types.

The letter of approval may only provide approval for controlled laboratory demonstrations of hazardous waste treatment and does not provide exemptions from the hazardous waste management and disposal requirements of chapter 7045. Materials resulting from the demonstration that meet the criteria of parts 7045.0100 to ~~7045.0141~~ 7045.0143 must be managed as hazardous waste.

[For text of subps 2 to 6, see M.R.]



Approved by Revisor _____

7045.0020 DEFINITIONS.

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

Subp. 6d. **Cathodic protection.** "Cathodic protection" means the technique to prevent corrosion of metal surface by making that surface the cathode of the electrochemical cell. A tank can be cathodically protected through the application of either galvanic anodes or impressed current.

[For text of subps 7 to 9c, see M.R.]

Subp. 9d. **Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another. For a secondary containment seal, this means that the impermeability of the seal must be maintained upon contact with a stored substance. For substances, this means that two or more substances, if mixed, must not create a new hazard.

Subp. 9e. **Component.** "Component" means either the tank or ancillary equipment of a tank system.

[For text of subps 10 to 13a, see M.R.]

Subp. 13b. **Corrosion protection.** "Corrosion protection" means a method used to protect a metal tank, piping, or other components from corroding. Corrosion protection includes, but is not limited to, cathodic protection, keeping the metal of the tank from being in direct contact with other surfaces, and the application of coatings designed and maintained to prevent corrosion.

[For text of subps 14 to 30, see M.R.]

Subp. 31. **Generator.** "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in parts 7045.0100 to ~~7045.0141~~ 7045.0143, or whose act first causes a hazardous waste to become subject to regulation. "Generator" means all size generators including large quantity generators, small quantity generators, and very small quantity generators, unless specifically stated otherwise.

[For text of subps 32 to 37c, see M.R.]

Subp. 37d. **Household hazardous waste collection site or**



Approved
by Revisor _____

**collection site.** "Household hazardous waste collection site" or "collection site" as used in part 7045.0310 has the meaning established under Minnesota Statutes, section 115A.96, subdivision 1, paragraph (c).

Subp. 37e. **Household waste.** "Household waste" means any material including garbage, trash, and sanitary ~~wastes~~ waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

[For text of subp 38, see M.R.]

Subp. 38a. **Impermeable.** "Impermeable" means a substance is not able to pass through the depth of a containment area.

[For text of subps 39 to 43, see M.R.]

Subp. 43a. **Indoor storage.** "Indoor storage" means storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to a masonry or other nonabsorbent floor placed on the ground.

Subp. 43b. **Industrial furnace.** "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy: cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke ovens; blast furnaces; smelting, melting, and refining furnaces, including pyrometallurgical devices, such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces; titanium dioxide chloride process oxidation reactors; methane reforming furnaces; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and such other devices as the commissioner determines qualify for inclusion based on one or more of the following factors:

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

Subp. ~~43b.~~ 43c. **Inground tank.** "Inground tank" means a device meeting the definition of "tank" in subpart 90 whereby a portion of the tank wall is situated to any degree within the



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ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

[For text of subps 44 to 64, see M.R.]

Subp. 64a. **Outdoor storage.** "Outdoor storage" means storage that does not meet the minimum requirements of indoor storage as defined in subpart 43a.

[For text of subps 65 to 71a, see M.R.]

Subp. 72. **Pretreatment unit.** "Pretreatment unit" means a device which:

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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; and

[For text of item C, see M.R.]

[For text of subps 72a to 80, see M.R.]

Subp. 80a. **Secondary containment.** "Secondary containment" means a safeguard specifically designed to contain releases of hazardous waste or hazardous waste constituents from a container or a storage tank or its appurtenances.

[For text of subps 81 to 100b, see M.R.]

Subp. 100c. **Vault system.** "Vault system" means an underground, concrete or equivalent, impermeable secondary containment structure consisting of four walls, a floor, and roof used to encapsulate one or more tanks.

[For text of subps 101 to 102b, see M.R.]

Subp. 103. **Wastewater treatment unit.** "Wastewater treatment unit" means a device which:

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

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as



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defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143; and

[For text of item C, see M.R.]

[For text of subps 104 to 109, see M.R.]

7045.0075 PETITIONS.

Subpart 1. **Petitions for equivalent testing or analytical methods.** Any person seeking to use a testing or analytical method other than those described in parts 7045.0100 to ~~7045.0141~~ 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 may petition under these provisions. The person must demonstrate to the satisfaction of the commissioner that the proposed method is equal to or superior to the corresponding method prescribed in parts 7045.0100 to ~~7045.0141~~ 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 in terms of its sensitivity, accuracy, precision, and reproducibility. Each petition must include:

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

E. comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in parts 7045.0100 to ~~7045.0141~~ 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642;

[For text of items F and G, see M.R.]

[For text of subps 2 to 12, see M.R.]

7045.0102 MIXTURES OF ~~WASTES~~ WASTE.

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

Subp. 3. **Mixtures of used oil and hazardous waste.** Items A ~~and B~~ to C apply to used oil that is intentionally mixed with hazardous waste.

A. Except as provided in item C, used oil mixed with a hazardous waste that exhibits any of the characteristics of part 7045.0131, subparts 2 to 7, is regulated as hazardous waste. If it is burned for energy recovery, it is regulated as a hazardous waste fuel under part 7045.0692 provided the mixture continues to exhibit any of those characteristics. If the



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mixture no longer exhibits any of those characteristics and is to be burned for energy recovery, it is regulated as a used oil fuel under part 7045.0695. If the mixture no longer exhibits any of those characteristics and is not burned for energy recovery, it is subject to the requirements of part 7045.0125.

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

C. A very small quantity generator may mix used oil that is generated on site and regulated as used oil fuel under part 7045.0695 with a waste that is hazardous solely for the characteristic of ignitability under part 7045.0131, subpart 2, if the following conditions are met:

(1) the ignitable waste has a flash point of 100 degrees Fahrenheit or greater, is not a metal bearing paint waste, and is not gasoline; and

(2) the concentration of ignitable waste in the used oil does not exceed ten percent by volume.

7045.0120 ~~EXEMPT-WASTES~~ EXEMPTIONS AND SPECIAL REQUIREMENTS.

Subpart 1. **Exempt types of ~~wastes~~** waste. The following ~~wastes~~ waste may be stored, labeled, transported, treated, processed, and disposed of without complying with the requirements of this chapter:

A. household waste~~,-including:~~

~~(1)-collected-household-hazardous-waste-to-the extent-that-the-requirements-of-part-7045.0310-are-met;-and~~

~~(2)-collected-spent-or-waste-household-batteries to-the-extent-that-the-requirements-of-part-7045.0686-are-met;~~

B. sewage ~~and-any-mixture-of-untreated-sanitary sewage-and-other-wastes-that-is-formed-by-the-combination-of untreated-sanitary-sewage-and-one-or-more-other-wastes discharged-through-a-sewage-system-to-a-publicly-owned-treatment works-for-treatment,-except-that-this-exemption-does-not-include any-of-the-individual-wastes-which-form-the-composite wastewater;~~

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

J. ~~wastes~~ waste resulting from spills if the



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exemption is determined by the commissioner to be necessary to expedite the proper management of the spilled material and to prevent, abate, or control pollution as an immediate response to an emergency provided the waste is ultimately taken to a hazardous waste facility as specified in part ~~7045.0219, subpart 5, item B, subitem (8)~~ 7045.0208;

[For text of items K to O, see M.R.]

P. secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided that:

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

(4) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; ~~or~~

Q. petroleum-contaminated media and debris that fail the test for the toxicity characteristic in part 7045.0131, subpart 7 (hazardous waste codes D018 to D043 only), and are subject to corrective action regulations under chapter 7150;

R. pesticides as provided in part 7045.0213, subpart 2; or

S. samples of hazardous waste being collected or shipped for the purpose of conducting treatability studies as provided in part 7045.0121.

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

A. collected household hazardous waste under part 7045.0310;

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

C. collected hazardous waste from very small quantity generators under part 7045.0320.

7045.0121 TREATABILITY STUDY EXEMPTIONS.

Subpart 1. **Applicability.** Except as provided in subpart



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2, persons who generate or collect samples for the purpose of conducting treatability studies, as defined in part 7045.0020, are not subject to any requirement of parts 7045.0100 to 7045.0397, or to the notification requirements of the Resource Conservation and Recovery Act, United States Code, title 42, section 6930~~,-nor-are-such-samples-included-in-the-quantity determinations-of-part-7045.0219~~ when:

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

Subp. 2. **Conditions of exemption.** The exemption in subpart 1 is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

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

F. the generator reports the information required under item E, subitem (3), in its report to the commissioner as specified in part ~~7045.0296~~ 7045.0248.

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

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

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

Subp. 3. **Out-of-state ~~wastes~~ waste.** Hazardous waste from an out-of-state generator that is to be beneficially used, reused, or legitimately recycled or reclaimed by methods other than burning, is exempt from the requirements of parts ~~7045.0220~~ 7045.0221 to 7045.0255~~,-and-7045.0296~~.

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

Subp. 5. **Requirements for use of hazardous ~~wastes~~ waste as feedstock.**

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

B. ~~Generators~~ A generator of hazardous ~~wastes~~ waste for use as feedstock ~~are~~ is subject to the following generator requirements:

(1) parts 7045.0214 to 7045.0217 for waste evaluation requirements;

(2) ~~parts-7045.0220-to-7045.0249~~ part 7045.0221



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for identification number requirements;

(3) ~~part 7045.0296, subpart 5~~ parts 7045.0225 to 7045.0250 for licensing and license reporting requirements;

[For text of subitems (4) and (5), see M.R.]

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

Subp. 6. **Requirements for reclamation of specific hazardous ~~wastes~~ waste.**

A. A by-product or a sludge that is hazardous only because it exhibits a characteristic of hazardous waste and is reclaimed is subject to the following requirements:

(1) ~~Generators~~ A generator of such a hazardous waste ~~are~~ is subject to ~~regulation under parts 7045.0214 to 7045.0217, 7045.0220 to 7045.0255, and 7045.0296, subpart 5. In addition, within 45 days of shipment the generator must provide the commissioner a copy of the shipping papers confirming that the waste was delivered to the designated facility as indicated in the management plan. The generator must keep records showing: the volume of such hazardous wastes stored at the beginning of the calendar year, the amount of these wastes generated during the calendar year, the amount of such waste reclaimed during the calendar year, and the amount of such hazardous wastes remaining at the end of the calendar year~~ the requirements of subpart 5, item B.

[For text of subitems (2) and (3), see M.R.]

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

Subp. 7. **Generator requirements.** Except as provided in subpart 3a, 4, 5, or 6, or part 7045.0695, ~~generators~~ a generator of hazardous waste destined for recycle ~~are~~ is subject to the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

[For text of subps 8 to 12, see M.R.]

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. **General.** A waste is a hazardous waste if it is listed under subparts 2 to 5 unless it has been excluded from the list under part 7045.0075, subpart 2.

The basis for listing the classes or types of ~~wastes~~ waste



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listed in subparts 2 to 5 is indicated by employing one or more of the following hazard codes:

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

The constituent which caused the agency to list the waste as a toxicity characteristic waste (E) or toxic waste (T) in subparts 2 and 3 is identified in part 7045.0139.

Each listed hazardous waste is assigned a hazardous waste number which precedes the name of the waste. This number must be used in complying with the ~~disclosure~~ license requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320 and certain record keeping and reporting requirements under parts 7045.0205 to 7045.1030, 7045.1300 to 7045.1380, and the agency's permitting procedures in chapter 7001.

~~The following hazardous wastes listed in subparts 2 and 3 are subject to the exclusion limits for acutely hazardous wastes established in part 7045.0219: Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027.~~

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

Subp. 4. **Discarded commercial chemical products, off specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

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

E. The commercial chemical products or manufacturing chemical intermediates, or off specification commercial chemical products or manufacturing chemical intermediates referred to in items A to D and listed in subitems (1) to (17), are identified



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as acute hazardous wastes (H) ~~and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, items B and C~~. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), and R (reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed in subitems (1) to (17).

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

F. The commercial chemical products or manufacturing chemical intermediates, or off-specification commercial chemical products referred to in items A to D, and listed in subitems (1) to (24) are identified as toxic wastes (T) unless otherwise designated ~~and are subject to the small quantity exclusion defined in part 7045.0219, subpart 1, item A~~. The primary hazardous properties of these materials have been indicated by the letters T (toxicity), R (reactivity), I (ignitability), and C (corrosivity). Absence of a letter indicates that the compound is listed only for toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed as follows:

[For text of subitems (1) to (24), see M.R.]

Subp. 5. **PCB wastes.** Requirements for PCB wastes are as follows:

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

B. PCB materials or items are hazardous waste if and when they are discarded or stored prior to being discarded ~~and are subject to the small quantity generator exemption limit specified in part 7045.0219, subpart 1, item A~~.

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

7045.0137 SMALL AMOUNTS OF UNRELATED CHEMICALS.

For purposes of licensing only under parts 7045.0225 to 7045.0250, a collection of small amounts of unrelated chemicals



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as described in part ~~7045.0235~~ 7045.0230, subpart 4, has the hazardous waste number of MN02.

7045.0205 APPLICABILITY OF GENERATOR STANDARDS.

Subpart 1. **Applicability to generators.** Parts 7045.0205 to ~~7045.0304~~ 7045.0320 apply to generators of hazardous waste. A generator shall comply with the generator requirements applicable to generator size as determined under part 7045.0206.

Subp. 2. **Applicability to transporters.** The standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320 apply to transporters of hazardous waste if a transporter transports hazardous waste into Minnesota from a foreign country or mixes hazardous waste of different United States Department of Transportation shipping descriptions as provided in part 7045.0355.

Subp. 3. **Applicability to owners or operators of hazardous waste facilities.** The standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320 apply to owners or operators of hazardous waste treatment, storage, or disposal facilities if ~~the~~ a hazardous waste facility initiates a shipment of hazardous waste as provided in parts 7045.0472 and 7045.0578.

7045.0206 GENERATOR SIZE DETERMINATION.

Subpart 1. **Applicability.** This part applies to all generators for purposes of determining generator size.

Subp. 2. **Large quantity generator.** A generator is a large quantity generator if, in a calendar month, waste is generated in any of the following quantities:

A. greater than or equal to 1,000 kilograms of hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

B. greater than one kilogram of acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E; or

C. greater than 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute



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hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E.

Subp. 3. **Small quantity generator.** A generator is a small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. greater than 100 kilograms and less than 1,000 kilograms of hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

B. less than or equal to one kilogram of acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E.

Subp. 4. **Very small quantity generator.** A generator is a very small quantity generator if, in a calendar month, waste is generated in all of the following quantities:

A. less than or equal to 100 kilograms of hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

B. less than or equal to one kilogram of acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E; and

C. less than or equal to 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in part 7045.0135, subpart 2, 3, or 4, item E.

Subp. 5. **Exempt waste for size determination.** A generator shall not include the following waste when determining the quantity of hazardous waste generated:

A. exempt waste under part 7045.0120;

B. recycled waste under part 7045.0125, subparts 4, 5, and 6;



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C. used oil managed as follows:

(1) used oil that is recycled in some other manner than being burned for energy recovery; and

(2) used oil that is to be burned for energy recovery as regulated under part 7045.0695;

D. sewered waste under part 7045.0305, subpart 2, item B, subitem (2);

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

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

Subp. 6. **Change in generator size status.** If a small quantity generator exceeds the quantity limits listed in subpart 3, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter unless the generator regains small quantity generator status under item A or B.

If a very small quantity generator exceeds the quantity limits listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter unless very small quantity generator status is regained under item A or C.

A. Once generator size status is lost, the generator shall not regain that status until the generator is notified in writing by the commissioner that the original generator size status has been approved. The commissioner shall only approve generator size status under this item if the generator can demonstrate to the satisfaction of the commissioner that the waste quantities that will be generated in the future will meet the limits established in subparts 3 and 4, as applicable. The generator shall make this demonstration by submitting a written statement to the commissioner requesting reclassification as a small or very small quantity generator, as applicable, and



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including the information necessary for the commissioner to evaluate the request. The information shall include an explanation of the circumstances that resulted in each instance of overgeneration during the past year, an explanation of the measures that the generator has taken to correct the cause of overgeneration, and other information as necessary to document that the overgeneration will not reoccur.

B. For small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 3 and the cause of the overgeneration is a spill or accidental release of a hazardous waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E; the shutdown or cleanup of some part of the generation process; or the replacement of PCB containing equipment, the generator loses small quantity generator status and is subject to all the generator requirements of this chapter. However, in any of these cases, a generator will automatically regain small quantity generator status without applying to the commissioner for approval if the generator:

(1) resumes generation within the quantity limits in subpart 3; and

(2) complies with the quantity limits in subpart 3 during the other 11 months of the calendar year.

A generator who cannot automatically regain small quantity generator status under this subpart may apply for reclassification under item A.

C. For very small quantity generators, if the quantity of hazardous waste generated in any calendar month exceeds the quantities listed in subpart 4, the generator loses very small quantity generator status and is subject to the small quantity generator requirements of this chapter. However, a generator shall automatically regain very small quantity generator status without applying to the commissioner for approval if the generator:

(1) resumes generation within the quantity limits in subpart 4; and



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(2) complies with the quantity limits in subpart 4 during the other 11 months of the calendar year.

A generator who cannot automatically regain very small quantity generator status under this subpart may apply for reclassification under item A.

7045.0208 HAZARDOUS WASTE MANAGEMENT.

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

A. The hazardous waste may be treated or disposed of at an on-site facility as provided under part 7045.0211.

B. The generator may ensure delivery to an off-site storage, treatment, or disposal facility. If located in the United States, the facility used must be permitted to accept hazardous waste under the agency's permitting procedures, have interim status under parts 7045.0552 to 7045.0642, or be authorized to manage hazardous waste by the Environmental Protection Agency or by a state with a hazardous waste management program authorized by the Environmental Protection Agency.

C. The generator may ensure delivery to a facility that:

(1) under part 7045.0125 beneficially uses or reuses, legitimately recycles, or legitimately reclaims the waste; or

(2) treats the waste before beneficial use or reuse, legitimate recycling, or legitimate reclamation.

D. The generator may export to a foreign country under the limitations in part 7045.0302.

Subp. 2. **Relinquishing control.** A generator must not relinquish control of a hazardous waste if:

A. the generator has reason to believe that the hazardous waste will not be properly managed; or

B. the transporter or the treatment, storage, or



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disposal facility is not exempt under this chapter and has not:

(1) received an identification number from a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271; or

(2) received an identification number from the Environmental Protection Agency.

Subp. 3. **Effect on liability.** Nothing in subpart 1 or 2 is intended to restrict, enlarge, or affect, in any way, any liability the generator may have to correct the mismanagement of the hazardous waste or pay for damages or alleviate any pollution caused by the mismanagement of the hazardous waste.

7045.0211 REQUIREMENTS FOR GENERATORS WITH ON-SITE FACILITIES.

Subpart 1. **Waste procedures.** A generator who treats, stores, or disposes of hazardous ~~wastes on site~~ waste on site which have been produced ~~on site~~ on site must ~~only~~ comply with ~~the following parts with respect to that waste:~~ this chapter and chapter 7001, as applicable.

~~A. parts 7045.0214 to 7045.0217 for determining whether he has a hazardous waste;~~

~~B. parts 7045.0220 to 7045.0255 for obtaining an identification number;~~

~~C. parts 7045.0220 to 7045.0255 for submitting a disclosure;~~

~~D. part 7045.0292 for accumulation time;~~

~~E. part 7045.0294, subparts 3 and 4 for record keeping;~~

~~F. part 7045.0300 for additional reporting; and~~

~~G. if applicable, part 7045.0304 for farmers.~~

Subp. 2. and 3. [See repealer.]

7045.0212 IMPORTERS OF HAZARDOUS WASTE.

Any person who imports hazardous waste into the state of Minnesota from a source outside the United States must comply with the standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320.



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7045.0213 FARMERS; PESTICIDES.

Subpart 1. **General applicability.** A farmer who generates waste pesticides which are hazardous waste ~~and who complies~~ must comply with ~~all of~~ the ~~requirements of part 7045.0304 is not required with respect to those pesticides, to comply with other~~ standards applicable to generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320 except as provided in subpart 2.

Subp. 2. **Special conditions.** A farmer who generates waste pesticides which are hazardous waste and who triple rinses each emptied pesticide container and disposes of the pesticide residues on the farmer's farm in a manner consistent with the disposal instructions on the pesticide label is not required with respect to those pesticides to comply with other standards in parts 7045.0205 to 7045.0320 or to comply with parts 7045.0450 to 7045.1380, or to obtain a hazardous waste facility permit~~.~~, provided that:

A. the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B. the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C. in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

7045.0225 GENERATOR LICENSE.

Subpart 1. **Applicability.** A person who generates hazardous waste must obtain a hazardous waste generator license for each individual generation site. The procedures for application and issuance are described in parts 7045.0225 to 7045.0250. The fees associated with the license are set forth in parts 7046.0031 to 7046.0070.

Subp. 2. **Posting.** A generator must prominently display



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the hazardous waste generator license in a public area at the licensed site.

7045.0230 CONTENT OF ~~DISCLOSURE~~ INITIAL LICENSE APPLICATION.

Subpart 1. **Information required.** ~~Each disclosure~~ An application must be on a form provided by the commissioner and must include the following information:

A. a list of all hazardous wastes generated, their corresponding hazardous waste numbers from parts 7045.0131 and 7045.0135 and the source or process from which the ~~disclosed~~ wastes are generated;

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

G. a copy of the contingency plan prepared pursuant to part 7045.0292, subpart 1, item H, and a certification stating that the contingency plan is being maintained for currency of information on-site and is available for staff review;

H. a management plan for each hazardous waste produced that includes the following information ~~relating to the management of the hazardous waste~~:

[For text of subitems (1) to (6), see M.R.]

(7) the method(s) of treatment and/or disposal proposed for each hazardous waste~~.~~; and

I. any other information that the generator deems important.

Subp. 3. [See repealer.]

Subp. 4. **Laboratory waste.** A person who produces a waste from a laboratory or pilot plant that is a mixture of small amounts of unrelated but compatible chemicals such that the description of any sample or set of samples is not representative of the total waste is exempt from subpart 1, items C, D, and F.

7045.0240 ~~SUBMISSION~~ SUBMITTAL OF ~~A DISCLOSURE TO THE COMMISSIONER~~ LICENSE APPLICATION.

Subpart 1. and 2. [See repealer.]

Subp. 3. **License application submittal.** Each generator



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who is producing hazardous waste in Minnesota must submit a license application to the commissioner within 30 days of first producing a hazardous waste. The generator must at all times manage the waste in full compliance with parts 7045.0205 to 7045.0320. The generator must not treat, dispose of, or relinquish the waste until at least 30 days after the application is submitted to the commissioner. In the period between 30 days after the generator's license application submittal and the commission's license approval and issuance under part 7045.0245, the generator may treat, dispose of, and relinquish the hazardous waste as provided in parts 7045.0205 to 7045.0320 until written response to the generator's license application is received under part 7045.0245. After the commissioner acts on the license application, the generator must manage the waste according to the license conditions and the requirements of this chapter or the generator must cease producing the waste if the license application is denied.

A generator who has disclosed the generator's waste under this chapter before October 1, 1991, need not submit a license application under this part. A license will be issued by the commissioner after the submittal and approval of the generator's next scheduled report and payment of generator fees under chapter 7046.

Subp. 4. **Prohibition on generation.** A generator who is denied a generator license or who fails to submit a timely application for a generator license shall immediately stop generating the hazardous waste until a license is obtained.

7045.0243 TERM AND CONDITIONS OF LICENSE.

Subpart 1. **Term of license.** A hazardous waste generator license is issued for the following terms:

A. for large quantity generators and small quantity generators, the term is not to exceed one year, except that the initial license issuance may be for a term of up to 18 months; and

B. for very small quantity generators, the term is



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not to exceed two years.

Subp. 2. **Special conditions.** Each license will contain conditions necessary for the licensee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts 7045.0205 to 7045.0320, and any conditions that the commissioner determines to be necessary to protect human health and the environment.

Subp. 3. **General conditions.** Each license must include the general conditions described in items A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part.

A. The commissioner's issuance of a license does not release the licensee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the license.

B. The commissioner's issuance of a license does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of this chapter, standards, or orders against the licensee.

C. The commissioner's issuance of a license does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

D. The licensee may not knowingly make a false or misleading statement, representation, or certification in a record, report, or other document required to be submitted to the agency or to the commissioner by the license or this chapter. The licensee must immediately upon discovery report to the commissioner an error or omission in these records, reports, or other documents.

E. When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the licensee to enter at reasonable times upon the property of the licensee to examine and copy books, papers, records, or



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memoranda pertaining to the activity covered by the license; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the activity covered by the license.

F. If the licensee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the license has occurred, the licensee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. The licensee must then correct the noncompliance within 24 hours after discovery or, if the licensee demonstrates that correction is not possible within 24 hours, at the earliest practical time as agreed to by the commissioner.

G. If the licensee begins generation of a hazardous waste that was not included on the license application and is therefore not authorized under the existing license, the licensee must submit an amended application providing information required in part 7045.0230 within 30 days of first producing that hazardous waste. The licensee may continue generation and the commissioner will review the amended application under the process provided in part 7045.0240.

H. If the licensee changes management of a hazardous waste during the term of the license, the licensee must report the change in the next report required under part 7045.0248.

I. The license is not transferable. If the owner or operator to whom the license has been issued changes, the new owner or operator must apply for a new license not later than 30 days after the change.

J. The license authorizes the licensee to perform the activities described in the license under the conditions of the license. In issuing the license, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the licensee in the conduct of its actions, including those activities authorized under the license. To the extent the state and agency may be liable for the activities of its employees, that liability is



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explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

7045.0245 LICENSE APPROVAL ~~OF DISCLOSURES~~ AND ISSUANCE.

~~After receiving the disclosure,~~ Subpart 1. **Review and approval.** The commissioner shall conduct a review of the ~~submitted information~~ license application and shall:

A. ~~issue an approval of the disclosure and management plan or plans~~ approve the hazardous waste generator license application;

B. require the submission of additional information or management plans or both to make the ~~disclosure~~ license application complete and approvable; ~~or~~

C. require changes in the management of the ~~disclosed~~ hazardous waste or wastes to make the ~~disclosure~~ license application approvable; or

D. deny approval of license application within 45 days of the last submittal of information by the license applicant.

Subp. 2. **License issuance.** The commissioner will issue a hazardous waste generator license upon approval of the application under subpart 1 and payment in full of generator fees required under chapter 7046.

7045.0247 LICENSE REISSUANCE AND CONTINUATION OF EXPIRED LICENSE.

Subpart 1. **License reissuance.** The commissioner will reissue the license after receipt, review, and approval of the license reissuance application and report required under part 7045.0248 and payment in full of generator fees required under chapter 7046.

Subp. 2. **Continuation of expired license.** A generator who holds an expired license may continue to conduct the licensed activity according to the terms and conditions of the expired license until the commissioner takes final action on the reissuance application if the commissioner determines that items A to D are true.

A. The licensee has submitted the application and



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report required under part 7045.0248 no later than 30 days after receipt of license reissuance application.

B. The licensee responds to requests by the commissioner for additional report information within 14 days of receiving the written or verbal request.

C. The licensee is in compliance with the terms and conditions of the expired license.

D. The licensee has made payment in full of generator fees required under chapter 7046.

7045.0248 LICENSE REISSUANCE APPLICATION AND REPORT.

Subpart 1. **Applicability.** A licensed generator must submit a license reissuance application and report to the commissioner on forms provided by the commissioner. A generator must submit the application and report at least 30 days before the expiration date of the generator license. The application and report must contain the following information for each hazardous waste produced during the preceding calendar year:

A. the generator's name, address, and identification number;

B. the calendar year covered by the report;

C. the name of the hazardous waste, the hazardous waste number or numbers, and the United States Department of Transportation hazard class;

D. the amount of each hazardous waste produced;

E. the names and identification numbers of the transporters used to transport shipments to facilities within the United States;

F. the names and addresses of the hazardous waste facilities used in the United States, their identification numbers, the method of treatment or disposal, or both, and, as applicable:

(1) the numbers of the hazardous waste facility licenses issued by the agency for those facilities located in Minnesota;

(2) the addresses of those facilities located



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outside Minnesota;

(3) the name of the wastewater treatment works to which a sewered hazardous waste was discharged; and

(4) the national pollution discharge elimination system or state disposal license number for discharge to land and waters of the state;

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

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

I. the following certification signed by the generator or authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree that I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and environment."

Subp. 2. **Recycled waste.** A generator of waste that is recycled according to part 7045.0125, and is exempt from the requirements of parts 7045.0261 and 7045.0265, must include as part of the report required under subpart 1:

A. evidence that the waste was recycled as indicated in the management plan; and



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B. evidence that a continuing market exists for the waste.

Subp. 3. **Exported waste.** Reporting for exports of hazardous waste is not required under this part. Export reporting requirements are set out in part 7045.0302, subpart 6.

Subp. 4. **Approval of application.** License reissuance applications shall be subject to the commissioner's review and approval procedures under part 7045.0245, subpart 1.

7045.0250 LICENSE REVOCATION.

Subpart 1. **Justifications to revoke.** The following constitute justification for the commissioner to revoke a license:

A. existence at the licensed site of unresolved noncompliance with applicable state and federal pollution statutes or rules or a condition of the license, and failure of the licensee to undertake a schedule of compliance to resolve the noncompliance;

B. licensee failure to disclose fully the facts relevant to issuance of the license or submits false or misleading information to the commissioner; and

C. licensee failure to pay a penalty owed under Minnesota Statutes, section 116.072.

Subp. 2. **Procedure.** The commissioner must give a written 30-day notice to the licensee of the commissioner's intent to revoke the hazardous waste generator license. Included in the notice must be specific justification for the revocation as described under subpart 1.

Subp. 3. **Reinstatement.** The licensee may apply to the commissioner for license reinstatement by providing written documentation that the justifications for revocation have been remedied. The commissioner will review the request within 30 calendar days and deny or approve the request in writing. A reinstatement is for the remaining term of the license. Generator fees under chapter 7046 will not be refunded for the period that the license is revoked nor will the fees be credited



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towards a subsequent fee cycle.

Subp. 4. **Revocation without reissuance.** The commissioner shall give notice to the licensee of a proposal to revoke a license without reissuance. The notice must state that within 30 days of the receipt of the notice the licensee may request that a contested case hearing be held on the proposed action. If the licensee requests a contested case hearing, the agency shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402.

7045.0255 ONE-TIME DISPOSAL REQUIREMENTS.

~~Except for persons who are generators under part 7045.0205, subparts 2 and 3,~~ A person having hazardous waste subject to regulation under ~~these parts~~ this chapter who is only a hazardous waste generator for the one-time disposal of hazardous waste which is not currently being produced, must comply with this chapter except ~~parts 7045.0205, subpart 3; 7045.0211; 7045.0212; 7045.0292; and 7045.0296. This kind of hazardous waste generator is exempt from parts 7045.0220 to 7045.0249 except that the generator must obtain an identification number and a management plan must be submitted to the commissioner for approval on the forms~~ as provided in items A and B.

A. The generator is exempt from parts 7045.0225 to 7045.0250, license and license reporting, except that the generator must submit a management plan meeting the requirements of part 7045.0230, subpart 1, item H, for approval by the commissioner of forms provided by the commissioner.

B. For accumulation requirements, the generator is exempt from the large quantity generator requirements of part 7045.0292. The generator must meet requirements applicable to small quantity generators in part 7045.0292, subparts 5, 9, 10, and 11.

7045.0261 MANIFEST DOCUMENT; GENERAL REQUIREMENTS.

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

Subp. 1a. **Exemptions.** A generator may transport without a manifest as described in item A or B.



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A. A very small quantity generator may transport the generator's own hazardous waste without a manifest if transportation is via the generator's own vehicle and if that transportation is to a very small quantity generator hazardous waste collection program under part 7045.0320.

B. A small quantity generator may use an alternate manifest system as provided under part 7045.0075, subpart 5.

[For text of subps 2 to 6, see M.R.]

Subp. 7. **Manifest information.** The Minnesota manifest is based on the Uniform National Manifest that is required under United States Department of Transportation and United States Environmental Protection Agency regulations, as contained in Code of Federal Regulations, title 40, part 262, and Code of Federal Regulations, title 49, part 172. Manifest information requirements include those required by United States Department of Transportation and United States Environmental Protection Agency regulations and consist of the numbered items on the manifest set forth in the Appendix to Code of Federal Regulations, title 40, part 262. Additional state information requirements consist of the telephone number of the designated facility and the hazardous waste numbers specified in parts 7045.0100 to ~~7045.0141~~ 7045.0143 for each hazardous waste specified on the manifest. Manifests must include the information specified in this subpart and in the instructions on the manifest.

[For text of subps 8 to 10, see M.R.]

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **~~When allowed without a permit~~ Large quantity generator.** A large quantity generator may accumulate hazardous waste ~~on-site~~ on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, ~~shipped off site to a designated facility or placed in an on-site facility either of which has interim status under parts 7045.0552 to 7045.0642 or has a~~



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~~hazardous-waste-facility-permit-issued-by-the-agency;-or-has-a hazardous-waste-facility-permit-issued-by-a-state-with-a hazardous-waste-program-authorized-by-the-Environmental Protection-Agency-pursuant-to-Code-of-Federal-Regulations,-title 40,-part-271-(1983);-or-has-a-hazardous-waste-facility-permit issued-by-the-Environmental-Protection-Agency~~ treated on site or shipped off site in compliance with part 7045.0208;

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

F. containers ~~in-outdoor-storage-areas-which~~ that hold free liquids are placed on a ~~curbed~~ containment surface ~~which~~ that is impermeable to the wastes stored and, if outside, is curbed;

[For text of item G, see M.R.]

H. the requirements of parts 7045.0558, 7045.0562, subparts 1 and 2, and 7045.0566 to 7045.0576 are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness~~,~~ and prevention, and contingency planning; and

[For text of item I, see M.R.]

Subp. 2. **Starting date.** A generator's accumulation starting date begins when the generator initiates accumulation in a container or tank, except as provided in subpart 6 for very small quantity generators, subpart 7 for acute hazardous waste, and subpart 8, item B, subitem (3), for satellite accumulation.

Subp. 3. and 4. [See repealer.]

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 180 days of the accumulation start date, treated on site or shipped off site in compliance with part 7045.0208;

B. the quantity of waste accumulated on site never exceeds 3,000 kilograms of waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E;

C. the generator meets the requirements of subpart 1, items C to G and I;



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D. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention, and 7045.0568, relating to the arrangements with local authorities for emergencies; and

E. the generator complies with the following requirements:

(1) the waste must be placed in containers that meet the standards of part 7045.0270, subpart 4, and are managed according to part 7045.0626; or in tanks, provided the generator complies with the requirements of part 7045.0629;

(2) the generator must ensure that there is available at all times at least one employee, identified as the emergency coordinator, responsible for coordinating all emergency response measures provided in subitem (5); the emergency coordinator must be either on the generator's premises or available to respond to an emergency by reaching the premises within a short period of time;

(3) the generator must post the following information next to the telephone on the premises: the name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, the fire alarm, if present, and the telephone number of the fire department, unless there is a direct alarm;

(4) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies; and

(5) the emergency coordinator or a designee must respond to any emergencies that arise. Appropriate responses include: in the event of a fire, call the fire department or try to extinguish the fire by using a fire extinguisher; in the event of a spill, contain the flow of hazardous waste to the extent possible and as soon as practicable, clean up the hazardous waste and any contaminated materials or soils; in the event of a fire, explosion, or other release that could threaten human health outside the premises or when the generator has



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knowledge that a spill has reached surface water, the generator must immediately comply with part 7045.0275, subparts 2 and 3, and notify the National Response Center using its 24-hour toll free number (800) 424-8802 and provide the name, address, identification number of the generator, date, time, type of incident, and the estimated quantity and disposition of any recovered materials.

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate waste on site indefinitely until 1,000 kilograms of waste not listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E, is accumulated. From the date the 1,000 kilogram limit is reached (accumulation start date), the entire quantity of waste must, within 180 days of accumulation start date, be treated on site or shipped off site in compliance with part 7045.0208. A very small quantity generator accumulating waste under this subpart must meet the requirements of subpart 5, except for items B and E, subitems (2) to (5).

Subp. 7. **Acute hazardous waste accumulation.** A small quantity generator or a very small quantity generator who generates waste listed as acute hazardous waste in part 7045.0135, subpart 2, 3, or 4, item E, may accumulate that waste on site indefinitely until one kilogram of acute hazardous waste or 100 kilograms of residue, contaminated soil, water, or other debris resulting from the cleanup of a spill of an acute hazardous waste into or on any land or water, is accumulated. From the date the applicable limit is reached (accumulation start date), the entire quantity of waste must be treated on site or shipped off site in compliance with part 7045.0208. A generator accumulating wastes under this subpart must meet the requirements in items A and B.

A. For the period preceding the accumulation start date, the generator must comply with subpart 5, items C to E.

B. For the period following the accumulation start date, the generator must comply with subpart 1.

Subp. 8. **Satellite accumulation.** Items A to C apply to



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all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, as applicable, accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in part 7045.0135, subpart 4, item E, in containers located at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste, provided the generator complies with items B and C.

B. The generator must:

(1) comply with part 7045.0626;

(2) clearly label each container with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel; and

(3) clearly label each container with the earliest of either the date on which the container became full or the date on which the volume limits prescribed in item A are reached.

C. A generator of any size who accumulates either hazardous waste or acutely hazardous waste listed in part 7045.0135, subpart 4, item E, in excess of the amounts listed in item A at or near any point of generation must, with respect to the amount of excess waste, comply within three days with subparts 1 to 7, as applicable. During the three-day period for compliance, the generator must continue to comply with item B.

Subp. 9. **Transportation time extension.** If waste accumulated under subparts 5 and 6 must be transported 200 miles or more to a facility, the generator may store the waste for an additional 90 days beyond the established limits. In this event, the generator must maintain evidence on site that arrangements have been made for the transport of the waste to the facility and, if requested, show the evidence to the commissioner.

Subp. 10. **Time extension.** One extension may be granted for up to 30 days by the commissioner if hazardous waste must remain on site for longer than the maximum allowable time under



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subparts 1 to 9, as applicable, due to unforeseen, temporary, and uncontrollable circumstances.

Subp. 11. **Accumulation requiring a permit.** No person shall accumulate hazardous waste beyond the maximum allowable time under subparts 1 to 10 without a hazardous waste facility permit. A generator who accumulates hazardous waste for more than the maximum allowable time is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0642 and the agency's permitting procedures in chapter 7001.

7045.0294 RECORD KEEPING.

Subpart 1. **Manifests.** A generator must keep a copy of each manifest signed ~~in accordance with~~ according to part 7045.0265, subpart 1, for three years or until ~~he~~ the generator receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

Subp. 1a. **Alternate manifests.** Record keeping requirements under the alternate manifest system provided in part 7045.0075, subpart 5, include:

A. a generator must maintain a copy of the reclamation and transport agreement during the term of the agreement and for a period of at least three years after termination or expiration of the agreement; and

B. for each shipment of waste using an alternate manifest, a generator must submit a completed copy of that alternate manifest to the commissioner within five working days of the transporter's acceptance of the waste shipment.

Subp. 2. **Reports.** A generator must keep a copy of the ~~disclosure~~ license application, each annual report, and each exception report for ~~a period of~~ at least three years from the due date of the report.

Subp. 2a. **Container inspection reports.** A generator must keep a copy of each weekly container inspection report required



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for generator accumulation under part 7045.0292 for a period of at least three years from the date of the inspection. Part 7045.0292 references part 7045.0626 as a requirement for all size generators.

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

Subp. 5. **Location of records.** The records required in subparts 1 to 3 must be located at the licensed site. The records must be easily available for agency inspection.

7045.0298 EXCEPTION REPORTING.

Subpart 1. **When applicable.** A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and the owner or operator of the designated facility to determine the status of the hazardous waste. A generator must submit an exception report to the commissioner if ~~he~~ the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

Subp. 2. **Content of report.** The exception report must include:

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

B. a cover letter signed by the generator or ~~his~~ the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

7045.0300 ADDITIONAL REPORTING.

The commissioner, when necessary to determine compliance with the requirements of this chapter, may require generators to furnish additional reports concerning the quantities and disposition of ~~wastes~~ waste identified or listed in parts 7045.0100 to ~~7045.0141~~ 7045.0143.

7045.0305 STANDARDS FOR GENERATORS WHO SEWER HAZARDOUS WASTE.



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Subpart 1. **Applicability.** This part applies to generators who discharge their own hazardous waste to a sanitary sewer.

Subp. 2. **Generator size determination.** A generator who sewers hazardous waste shall determine the generator size according to items A and B.

A. For hazardous waste discharged to a sewer system not owned or operated by a publicly owned treatment works, the generator shall include quantities of pretreated and nonpretreated waste in the generator size determination.

B. For hazardous waste discharged to a sewer system owned or operated by a publicly owned treatment works, the generator shall include quantities of waste in the generator size determination as described in subitems (1) to (3):

(1) the volume of an untreated hazardous waste shall be included;

(2) the volume of a hazardous waste that has been pretreated provided that an 80 percent reduction of the quantity of the hazardous waste constituent mass is achieved before sewering shall not be included if the following requirements are met:

(a) the discharge is under agreement with the publicly owned treatment works;

(b) the generator has the commissioner's approval under the licensing provisions of parts 7045.0225 to 7045.0250; and

(c) the generator has met the conditions of part 7001.0520; and

(3) the volume of a pretreated hazardous waste not meeting the conditions of subitem (2) will be included.

Subp. 3. **Management.** A generator shall comply with the requirements of this chapter applicable to the generator size except a generator whose quantity determination is zero because the conditions of subpart 2, item B, subitem (2), are met will be classified as a very small quantity generator and shall meet the requirements of this chapter that apply to very small quantity generators.



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

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

Subp. 2. **Notification.** An operator who intends to establish or operate all or part of a household hazardous waste management program shall ensure that the information required in items A to ~~K~~ J is submitted to the commissioner at least 30 days before initiating the household hazardous waste management program. ~~This notification is not required for collection sites for which a permit is required under part 7001.0520.~~

The notification shall provide a complete description of the program including, as applicable:

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

I. a description of the safety and emergency procedures established for the program; and

J. ~~any other information necessary to describe all aspects of the program; and~~

~~K.~~ the name and address of all waste transporters and the facilities which will treat or dispose of the waste.

Operators who submit a notification and subsequently change any aspect of the program as described in the notification must submit, within 30 days of making the change, an amended notification to the commissioner fully describing the program changes.

Subp. 3. **Management requirements.** An operator who establishes or operates all or part of a household hazardous waste management program ~~shall ensure that collected waste is managed in compliance with the hazardous waste generator requirements~~ must comply with the standards applicable to large quantity generators established in parts 7045.0205 to ~~7045.0304~~ 7045.0320, except as modified in items A to H G.

A. The operator need not comply with the ~~disclosure and management plan~~ license and license reporting requirements of parts ~~7045.0220, 7045.0230, and 7045.0240~~ 7045.0225 to ~~7045.0249~~ 7045.0250.



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B. ~~The operator need not obtain a generator identification number as required in part 7045.0221, unless or until~~ If the operator transports or offers for transport household hazardous waste for off-site treatment, storage, or disposal at a permitted hazardous waste facility, the operator must obtain a generator identification number as required in part 7045.0221.

C. ~~The operator need not meet the personnel training, preparedness, prevention, and contingency planning requirements of part 7045.0292, subpart 1, item H.~~

~~D.~~ The operator may only transport or offer for transport household hazardous waste for off-site activities to a facility that either has a hazardous waste permit or a collection site that has obtained the commissioner's approval under subpart 6.

E. If the operator transports or offers for transport household hazardous waste for off-site activities at a ~~facility~~ collection site that has obtained the commissioner's approval under subpart 6, the operator:

(1) may, in lieu of a manifest, prepare and use a shipping paper containing all the information required on a manifest in part 7045.0261, excluding the identification number, to comply with the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320;

(2) may~~, in lieu of designating a facility or alternate facility as required in part 7045.0261, subpart 2,~~ designate ~~a facility approved under~~ an alternate collection site which meets the requirements of subpart 6 or an alternate facility and must indicate the alternate collection site or facility on the shipping paper prepared under subitem (1); and

(3) must ~~either designate another facility approved under subpart 6 or~~ instruct the transporter to return the waste, if the transporter is unable to deliver the household hazardous waste to the facility or collection site designated on the shipping paper~~, and~~

~~(4) need not comply with the waste management~~



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~~requirements of part 7045.0275, subpart 1.~~

F. If the operator intends to store household hazardous waste for more than 90 days after the accumulation start date ~~as provided in part 7045.0292~~, the operator must obtain the approval of the commissioner as set out in subpart 6, but no facility permit is required unless the operator ~~treats~~ intends to perform treatment procedures other than those specified in subpart 7 or disposes of the waste ~~on-site~~ on site.

G. The operator need not comply with the record keeping requirements of part 7045.0294, subparts 2 and 3.

~~H. The operator need not comply with the annual reporting requirements of part 7045.0296.~~

Subp. 4. [See repealer.]

Subp. 5. **Transportation requirements.** An operator or other persons who transport waste collected as a result of a household hazardous waste management program shall transport collected waste in compliance with the requirements in items A to ~~C~~ D.

A. A transporter may not accept household hazardous waste from any operator who establishes or operates all or part of a household hazardous waste management program unless the waste is accompanied by either a manifest signed by the generator according to parts 7045.0205 to ~~7045.0304~~ 7045.0320 or a shipping paper prepared according to subpart 3, item E, subitem (1).

B. If the ~~designated facility to which the~~ household hazardous waste is destined ~~has~~ for a hazardous waste facility ~~permit~~, the transporter shall comply with all of the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397.

C. If the ~~designated facility to which the~~ household hazardous waste is destined ~~is~~ for a ~~facility~~ collection site that has obtained approval from the commissioner under subpart 6, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to ~~7045.0395~~ 7045.0397, except:

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



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[For text of item D, see M.R.]

Subp. 6. **Storage of collected wastes.** An operator who accepts household hazardous waste from another collection site or stores household hazardous waste for more than 90 days must comply with the requirements of items A to E.

A. No operator may accept household hazardous waste from another collection site or store household hazardous waste for more than 90 days after the accumulation start date as provided in part 7045.0292, without the approval of the commissioner. ~~A operator may request approval from the commissioner to store household hazardous waste for more than 90 days.~~

B. An operator intending to accept household hazardous waste from another collection site or store household hazardous waste for more than 90 days must submit a request for approval to the commissioner at least 30 days before initiating a household hazardous waste program. The commissioner shall approve the request if the commissioner determines that, based on the information contained in the request, the storage and management practices employed at the storage facility will appropriately protect human health and the environment from any adverse effects associated with the household hazardous waste.

C. If the commissioner approves a request, the operator shall manage the waste in compliance with the applicable standards in ~~part~~ parts 7045.0526 and 7045.0528 for the use and management of containers~~, but no hazardous waste facility permit is required unless the operator treats or disposes of the waste on site~~ and tanks.

D. If the commissioner does not approve a request, the operator must transport or arrange to transport the household hazardous waste for off-site activities at a facility that either has a hazardous waste permit or a collection site that has obtained the commissioner's approval under this subpart. Operators who store household hazardous waste for more than 90 days without the commissioner's approval are in violation of this chapter.



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

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

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

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

(1) paints;

(2) solvents;

(3) motor oil; and

(4) antifreeze.

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 notification must provide the following information:

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

(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;~~

~~(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.~~

7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

Subpart 1. **Applicability.** This part provides the requirements for the management and transportation of waste collected as part of a very small quantity generator hazardous



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waste collection program.

Subp. 2. **Definitions.** When used in this part, the terms in items A to D have the meanings given them.

A. "Collection program" means a program licensed under this part to accept, collect, transport, store, or treat hazardous waste from very small quantity generators.

B. "Collection site" means a site established as part of a collection program under this part.

C. "Program operator" means a person or persons who establish a collection program and arrange for the acceptance, collection, transportation, storage, and treatment of collected hazardous waste from very small quantity generators.

D. "Site operator" means a person or persons who operate a collection site.

Subp. 3. **Program license.** A program operator must apply for and obtain a collection program license from the commissioner before accepting any waste. The program operator must renew the license annually.

Subp. 4. **License application.** The license application must provide a complete description of the program including, as applicable:

A. the name, address, and telephone number of persons establishing the program;

B. the name, address, and telephone number of persons operating the program, if different than item A;

C. the location of all collection sites, designating central facilities and satellite facilities;

D. the duration and operating hours of the program;

E. the intended program service area;

F. a description of the application process for very small quantity generators;

G. the anticipated types and amounts of waste to be collected, stored, treated, transported, and disposed of;

H. a description of how the waste is to be collected, analyzed, stored, treated, transported, and disposed of;

I. except as provided in item J, if treatment of



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collected waste is applied for under this license, the following additional information must be submitted for each method of waste treatment proposed:

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

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

(3) evidence of compliance with part 7045.0210 addressing financial responsibility;

J. the bulking of paints, solvents, motor oil, and antifreeze does not require submittal of the additional information under item I but must be addressed under items G and H;

K. the amount of time the site operator intends to store collected waste at individual collection sites;

L. a description of the physical structures to be used to collect and store collected waste;

M. a description of personnel safety training;

N. a description of the safety and emergency procedures established;

O. the name and address of all hazardous waste transporters to be used; and

P. the name and address of all facilities which will treat or dispose of the waste.

Subp. 5. **Changes to license conditions.** A program operator may change the conditions of management or operation during the time period for which the license is valid, except for treatment changes approved under subpart 4, item I, which require the commissioner's written approval before the operator may implement the treatment changes. If the program operator changes any of the conditions of management or operation during the life of the license, the operator shall report the changes in the next annual report.

Subp. 6. **License issuance and reissuance.** After receiving the license application or annual report, as applicable, the



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commissioner will conduct a review of the submitted information and will:

A. issue or reissue, as applicable, a collection program license;

B. request in writing the submittal of additional information to make the license application or annual report, as applicable, complete and approvable;

C. request in writing facility operational or waste management changes to make the application or annual report, as applicable, approvable; or

D. deny approval of license application within 45 days of last submittal of information by license applicant.

Subp. 7. **Reporting requirements.** A program operator must meet the reporting requirements applicable to large quantity generators established in part 7045.0248.

In addition, the site operator must keep a written operating record at the collection site and available for inspection that contains the following information for each collection:

A. the generator name and identification number as required under part 7045.0221;

B. the name of the hazardous waste or wastes, the hazardous waste number or numbers, and the United States Department of Transportation hazard class;

C. the amount of each hazardous waste collected:

D. the date the waste was received at the collection site; and

E. the date the waste was shipped from the collection site.

Subp. 8. **Management requirements.** A person or persons involved in management of hazardous waste from very small quantity generators as part of a collection program shall comply with the requirements of items A to E.

A. The program operator must comply with the standards applicable to large quantity generators established in parts 7045.0205 to 7045.0320 with respect to collected hazardous



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waste except as modified in this part.

B. The license and reporting requirements of parts 7045.0225 to 7045.0250 are replaced by the requirements of subparts 3 to 7.

C. A site operator may accumulate hazardous waste on site without a permit or without interim status if the site operator complies with the accumulation time limits and management requirements provided in part 7045.0292. The site operator is a generator whose size shall be determine by applying part 7045.0206. The site operator shall comply with the requirements applicable to a generator of the appropriate size.

D. The site operator may only transport or offer for transport collected waste for off-site activities to a facility that either has a hazardous waste permit or a collection site that has obtained the commissioner's approval under the licensing provisions of this part.

E. If the site operator transports or offers for transport collected waste for off-site activities at a collection site that has obtained the commissioner's approval, the operator:

(1) may, in lieu of a manifest, prepare and use a shipping paper containing all the information required on a manifest in part 7045.0261, excluding the identification number, to comply with the requirements of parts 7045.0261 to 7045.0265;

(2) may designate an alternate collection site that has obtained the commissioner's approval or an alternate facility and must indicate the alternate collection site or facility on the shipping paper prepared under subitem (1); and

(3) must instruct the transporter to return the waste, if the transporter is unable to deliver the collected waste to the facility or collection site designated on the shipping paper.

Subp. 9. **Transport requirements.** A person or persons who transport waste collected as a result of a collection program licensed under this part shall transport collected waste in



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compliance with the requirements in items A to D.

A. A transporter may not accept collected waste from a program operator or a site operator unless the waste is accompanied by either a manifest signed by the program operator or a shipping paper prepared according to subpart 8, item E, subitem (1).

B. If the collected waste is destined for a hazardous waste facility, the transporter shall comply with all of the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397.

C. If the collected waste is destined for a collection site that has obtained approval from the commissioner under the licensing provisions of this part, the transporter shall comply with the hazardous waste transporter requirements in parts 7045.0351 to 7045.0397, except:

(1) a transporter identification number under part 7045.0361 is not required; and

(2) a shipping paper prepared according to subpart 8, item E, subitem (1), may be used, in lieu of a manifest, to comply with the manifest requirements of parts 7045.0351 to 7045.0395.

D. An operator who transports waste for hire in Minnesota must obtain for-hire operating authority from the Minnesota Transportation Regulation Board as required by Minnesota Statutes, chapter 221.

Subp. 10. **Generators who operate collection programs.** A generator who is also a program operator must comply with the applicable provisions of parts 7045.0205 to 7045.0320 as they apply to the generator's hazardous waste. A generator who operates a collection program must maintain separate records for the collected waste and waste generated by the generator.

7045.0351 APPLICABILITY AND EXEMPTIONS.

Subpart 1. **Applicability.** The provisions of parts 7045.0355 to 7045.0391 establish standards that apply to persons transporting hazardous waste that originates or terminates



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within the state of Minnesota if the transportation requires a manifest under parts 7045.0205 to ~~7045.0304~~ 7045.0320. Parts 7045.0395 and 7045.0397 apply to the transportation of all hazardous waste within the state of Minnesota.

[For text of subp 2, see M.R.]

7045.0375 THE MANIFEST SYSTEM; GENERAL REQUIREMENTS.

Subpart 1. **Acceptance of shipment.** A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed by the generator according to parts 7045.0205 to ~~7045.0304~~ 7045.0320. In the case of exports, a transporter may not accept waste:

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

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

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subpart 1. **General requirements.** Parts 7045.0450 to 7045.0544 apply to owners and operators of all facilities ~~which~~ that treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0100 to ~~7045.0304~~ 7045.0320.

Parts 7045.0450 to 7045.0544 apply to the owners or operators of publicly owned treatment works ~~which~~ that treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

Parts 7045.0450 to 7045.0544 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, United States Code, title 16, sections 1431 to 1434, as amended through December 31, 1982, and United States Code, title 33, section 1401, as amended through December 31, 1982, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0544 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.



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Parts 7045.0450 to 7045.0544 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

[For text of subp 2, see M.R.]

Subp. 3. **Exemptions.** Parts 7045.0450 to 7045.0544 do not apply to the following:

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

C. a farmer disposing of waste pesticides from ~~his~~ the farmer's own use in compliance with part ~~7045.0304~~ 7045.0213, subpart 2;

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

7045.0458 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. **Waste analysis.** Waste analysis procedures are ~~as follows:~~ listed in items A to D.

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

B. The analysis may include data developed under parts 7045.0100 to ~~7045.0141~~ 7045.0143 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator.

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

[For text of subp 2, see M.R.]

7045.0472 FACILITY SHIPPING REQUIREMENTS.

When a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

7045.0488 CLOSURE ACTIVITIES.

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

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in part 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; or



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7045.0538, subpart 7, or under the authority of part 7045.0539, subparts 2 and 4. By removing any hazardous ~~wastes~~ waste or hazardous waste constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste ~~in accordance with~~ according to all applicable requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

7045.0526 USE AND MANAGEMENT OF CONTAINERS.

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

Subp. 6. **Containment.** Requirements for containment systems are as ~~follows:~~ described in items A to E.

A. Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and precipitation. The containment system must:

(1) have a ~~base~~ floor underlying the containers ~~which~~ that is free of cracks or gaps and is ~~sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed~~ impermeable;

(2) have a ~~base which~~ floor that is sloped, or be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or in some other manner are protected from contact with accumulated liquids; and

[For text of subitem (3), see M.R.]

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

C. Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system. If the collected material is a hazardous waste as defined in parts 7045.0100 to ~~7045.0141~~ 7045.0143, it must be managed as a hazardous waste ~~in accordance with~~ according to all applicable requirements of parts 7045.0205 to 7045.1030. If the collected material is discharged through a



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point source to waters of the United States, it is subject to the requirements of the federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1342, as amended, through June 30, 1983.

[For text of items D and E, see M.R.]

[For text of subps 7 and 8, see M.R.]

Subp. 9. **Closure.** At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, ~~bases~~ floors, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure and throughout the operating period, unless the owner or operator can demonstrate that the waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of parts 7045.0205 to 7045.1030.

7045.0532 SURFACE IMPOUNDMENTS.

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

Subp. 7. **Closure and postclosure care.** The requirements of closure and postclosure care are as follows:

A. At closure, the owner or operator shall:

(1) remove or decontaminate all waste residues, contaminated containment system components including liners, contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless they are shown to not be hazardous ~~in accordance with~~ according to parts 7045.0100 to ~~7045.0141~~ 7045.0143; or

[For text of subitem (2), see M.R.]

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

[For text of subps 8 to 10, see M.R.]

7045.0534 WASTE PILES.

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

Subp. 7. **Closure and postclosure care.** Closure and postclosure requirements are as follows:



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A. At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components including liners, contaminated subsoils, and structures and equipment contaminated with waste and leachate; and manage them as hazardous waste unless they are shown to not be hazardous ~~in accordance with~~ according to parts 7045.0100 to ~~7045.0141~~ 7045.0143.

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

[For text of subps 8 to 10, see M.R.]

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

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

Subp. 3. **Exemptions.** The requirements of parts 7045.0522 to 7045.0642 do not apply to:

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

D. A farmer disposing of waste pesticides from ~~his~~ the farmer's own use in compliance with part ~~7045.0304~~ 7045.0213, subpart 2.

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

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

7045.0564 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. **Waste analysis.** The analysis must comply with the ~~following~~ requirements: in items A to D.

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

B. The analysis may include data developed under parts 7045.0100 to ~~7045.0141~~ 7045.0143, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator.

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

[For text of subp 2, see M.R.]

7045.0578 FACILITY SHIPMENT REQUIREMENTS.

Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.



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7045.0596 CLOSURE ACTIVITIES.

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

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in part 7045.0628, subpart 9; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; or 7045.0638, subpart 4. By removing any hazardous wastes or hazardous constituents during partial or final closure, the owner or operator may become a generator of hazardous waste and must handle that waste ~~in accordance with~~ according to all applicable requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

7045.0629 REQUIREMENTS FOR SMALL QUANTITY GENERATORS THAT ACCUMULATE HAZARDOUS WASTE IN TANKS.

Subpart 1. **Scope.** The requirements of this part apply to small and very small quantity generators that accumulate hazardous waste in tanks, and do not ~~accumulate over 3,000 kilograms on site at any time~~ exceed accumulation amounts as provided in part ~~7045.0219~~ 7045.0292.

[For text of subps 2 to 6, see M.R.]

7045.0655 GENERAL FACILITY STANDARDS.

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

Subp. 6. **Closure.** At closure, the owner or operator of an elementary neutralization unit, pretreatment unit, or wastewater treatment unit shall remove all hazardous waste and hazardous waste residues from the unit.

At closure, the owner or operator of a combustion waste facility shall analyze the waste present in the facility ~~in accordance with~~ according to parts 7045.0100 to ~~7045.0141~~ 7045.0143 and shall submit the waste analysis results and proposed closure methods to the commissioner. Based on the



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waste analysis and proposed closure methods, the agency shall determine which closure standards from parts 7045.0450 to 7045.0544, if any, apply to the facility.

Subp. 7. **Treated wastes.** Treated waste generated by an elementary neutralization unit, pretreatment unit, or wastewater treatment unit is subject to regulation under parts 7045.0100 to ~~7045.0304~~ 7045.0320.

7045.0665 USE CONSTITUTING DISPOSAL.

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

Subp. 2. **Standards applicable to generators of wastes used in a manner that constitutes disposal.** Generators of wastes that are used in a manner that constitutes disposal are subject to the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

7045.0675 RECYCLABLE HAZARDOUS WASTE ~~UTILIZED~~ USED FOR PRECIOUS METAL RECOVERY.

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

Subp. 2. **Requirements for generators.** Generators of recyclable hazardous waste regulated under this part are subject to the requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320.

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

7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

Subpart 1. **Scope.** The requirements of this part apply to persons who generate, transport, collect, store, or reclaim spent lead-acid batteries that are recyclable. Except as provided in subpart 2, persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them, are not subject to regulation under parts 7045.0205 to 7045.0685 and chapter 7001 for ~~such~~ the generation, transportation, and storage of spent batteries. For the purpose of this part, indoor storage is storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to a masonry or other ~~composition~~ nonabsorbent floor placed on the ground.



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

7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

Subpart 1. **Scope.** This part applies to hazardous wastes that are burned for energy recovery in a boiler or industrial furnace that is not regulated by the thermal treatment standards in part 7045.0542 or 7045.0640, except:

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

D. Mixtures of used oil and waste that is hazardous solely for the characteristic of ignitability in part 7045.0131, subpart 2, provided the waste is generated by a person who in a calendar month generates ~~less~~ no more than 100 kilograms of hazardous waste. This mixture is regulated as provided in part ~~7045.0219~~ 7045.0102, subpart ~~6~~ 3. If the waste is generated by a person who in a calendar month generates ~~at least~~ more than 100 kilograms of hazardous waste, part 7045.0102, subpart 3, item A, applies.

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

[For text of subp 2, see M.R.]

Subp. 3. **Standards applicable to generators of hazardous waste fuel.** Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to parts 7045.0205 to ~~7045.0304~~ 7045.0320. Generators who market hazardous waste fuel to a burner are also subject to subpart 5. Generators who are burners are also subject to subpart 6.

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

Subp. 5. **Standards applicable to marketers of hazardous waste fuel.** Marketers are subject to the requirements in items A to F.

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

C. If a marketer is a generator, or becomes a generator by initiating a shipment of hazardous waste fuel, the marketer must comply with parts 7045.0205 to ~~7045.0304~~ 7045.0320. If the marketer operates a facility, the marketer must comply with parts 7045.0450 to 7045.0534. If the marketer is operating a facility under interim status, the marketer must comply with



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parts 7045.0552 to 7045.0632. If the marketer stores hazardous waste, the marketer must comply with the agency's permitting procedures in chapter 7001 for storage of hazardous waste.

[For text of items D and E, see M.R.]

F. In addition to the applicable record keeping requirements of parts 7045.0205 to ~~7045.0304~~ 7045.0320, 7045.0450 to 7045.0534, and 7045.0552 to 7045.0632, a marketer must keep a copy of each certification notice received or sent for three years from the date the marketer last engaged in a hazardous waste fuel marketing transaction with the person who sent or received the certification notice.

Subp. 6. **Standards applicable to burners of hazardous waste fuel.** Owners and operators of industrial furnaces and boilers identified in subpart 2, item B, that burn hazardous fuel are subject to the requirements in items A to F.

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

D. Generators who accumulate hazardous waste fuel before burning ~~on-site~~ on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Small quantity generators who accumulate hazardous waste fuel before burning ~~on-site~~ on site within the accumulation time period allowed in part ~~7045.0219~~ 7045.0292 must comply with that part. Burning by the generator of a hazardous waste that is a sludge or is or contains a waste listed in part 7045.0135 for reasons other than ignitability or is or contains a waste that is toxic under part 7045.0131, subpart 6, is subject to the additional requirements of item E, subitem (2).

[For text of items E and F, see M.R.]

7045.1020 EFFECT OF AGENCY APPROVAL OF COUNTY ORDINANCE.

If a county has adopted a hazardous waste ordinance that is approved in writing by the agency:

A. Each generator who produces a hazardous waste within the county ~~shall submit~~ must obtain a ~~disclosure~~ generator license and ~~annual~~ must submit reports to the county as required by the county ordinance in lieu of submission to the



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agency unless specifically requested in writing by the commissioner to submit a copy of the ~~disclosure~~ license application or annual report to the commissioner; and

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

7045.1030 COUNTY ACTIONS.

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

Subp. 3. **Reporting.** A county shall submit to the commissioner, upon request, a copy of any ~~disclosure~~ information submitted under parts 7045.0225 to 7045.0250, license and license reporting requirements, manifest, ~~annual report,~~ exception report, or other document that has been submitted to the county in lieu of submission to the agency pursuant to part 7045.1020. A county shall submit to the commissioner, upon request but not to exceed semi-annually, summary data based on the documents cited in this subpart.

Subp. 4. [See repealer.]

7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

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

Subp. 2. **Exemptions.** Prohibited wastes may continue to be land disposed under the following conditions:

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

D. if very small quantity generators ~~of less than 100 kilograms of nonacute hazardous waste per month, or less than one kilogram acute hazardous waste per month,~~ as defined in part ~~7045.0219~~ 7045.0206; and

E. if a farmer is disposing of waste pesticides in accordance with part ~~7045.0304~~ 7045.0213, subpart 2.

7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

Subpart 1. **Basis of fees.** The agency shall charge nonmetropolitan area generator fees that are based on the ~~annual~~ license application and licensing reports submitted by generators, ~~disclosures,~~ and other appropriate information available to the agency.



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

Subp. 4. **Annual fees.** An annual fee is the sum of the waste generation volume fees and the base fee. Nonmetropolitan area generators shall submit annual fees as ~~follows:~~ described in items A and B.

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

B. A base fee must be paid by all nonmetropolitan area generators as follows:

(1) a ~~nonmetropolitan-area~~ large quantity generator ~~who-does-not-qualify-as-a-small-quantity-generator-in part-7045.0219~~ must pay a base fee of $350;

(2) ~~a-nonmetropolitan-area-generator,-who qualifies-as~~ a small quantity generator ~~in-part-7045.0219-and-is not-a-small-quantity-generator-as-described-in-subitem-(3),~~ must pay a base fee of $105; and

(3) ~~a-nonmetropolitan-area-generator,-who qualifies-as~~ a very small quantity generator ~~in-part-7045.0219 and-generates-less-than-100-kilograms-of-hazardous-waste-per calendar-month,~~ must pay a base fee of $35.

Subp. 5. **Follow-up action fee.** A nonmetropolitan area generator is subject to payment of a follow-up action fee if the generator fails to respond within 30 days of receipt of a certified letter from the commissioner concerning the generator's noncompliance with ~~part-7045.0240-requiring submission-of-a-disclosure,~~ part 7045.0216 requiring submission of an evaluation report, or ~~part-7045.0296-requiring-submission of-an-annual-report~~ parts 7045.0225 to 7045.0250, license and license reporting requirements. The agency shall charge a follow-up action fee only if the commissioner's follow-up action involves sending the generator one or more additional certified letters or causing an authorized representative of the agency to make an inspection for the purpose of obtaining the required information. The fee for each follow-up certified letter, not to include the initial certified letter, is $25. The fee for each follow-up inspection is $200.

[For text of subps 6 and 7, see M.R.]



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7046.0050 GENERATOR FEE EXEMPTIONS.

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

Subp. 4. **Certain nonmetro area generators.** Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or drycleaning solvent related wastes reclaimed ~~off-site~~ off site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they ~~submit accurate disclosures~~ obtain a license under ~~part 7045.0240~~ parts 7045.0225 to 7045.0250, but rather are subject to a flat annual fee of $25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a reclaimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.

If a small quantity nonmetropolitan area generator, who qualifies for this exemption, fails to submit the annual report by March 1 under part ~~7045.0296~~ 7045.0248, the generator shall pay a full annual fee. If the generator is also subject to retroactive fees, the retroactive fees must be based on the flat annual fee of $25.

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

Subp. 6. **Waste collected as a result of a very small quantity generator hazardous waste collection program.** An operator of a very small quantity generator hazardous waste collection program is exempt from generator fees for waste collected under part 7045.0320.

An operator who is also a generator is not exempt from generator fees for the waste that the operator generates separate from the waste that the operator collects from other generators.

A very small quantity generator participating in a collection program under part 7045.0320 is not exempt from generator fees.

REPEALER. Minnesota Rules, parts 7045.0211, subparts 2 and 3;



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7045.0219; 7045.0220; 7045.0230, subpart 3; 7045.0235; 7045.0240, subparts 1 and 2; 7045.0249; 7045.0275, subpart 1; 7045.0290; 7045.0292, subparts 3 and 4; 7045.0296; 7045.0304; 7045.0310, subpart 4; and 7045.1030, subpart 4, are repealed.



Approved
by Revisor _____