

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC
3/20/92

RULE REVIEW CHECKLIST

File No. 1909
DATE RECEIVED 3-20-92
REVIEW DATE 3-30-92
DUE DATE 4-3-92
(DIS)APPROVED 4-3-92 mjc
WITHDRAWN _____

Docket No. 05.0009.0697
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 3-20-92
REVISOR (DIS)APPROVED 3-23-92
FILED W/SEC. OF STATE 4-6-92
RETURNED TO AGENCY 4-6-92

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
_____ Date published in State Register
_____ Comments

_____ Petition for Adoption of a Rule

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
116.07 subd 9 Statutory Authority
✓ Small Business Statement
_____ Expenditure of public money statement
undated by agency Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
November 27, 1991 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
December 2, 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 delegation March 19, 1992
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
March 13, 1992 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Kris Hulsebus Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

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

OFFICE MEMORANDUM

DATE: April 6, 1992

TO: NATHAN BROOKS COOLEY
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

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

The above-referenced rule has been approved as to its legality by the Attorney General on April 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: Kris Hulsebus
William Brown, Chief Judge
MaryAnn Hruby

Pollution Control Agency

Adopted Permanent Rules Relating to Hazardous Waste

Rules as Adopted

7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION.

Part B of the application must contain the following information:

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

E. A copy of the general inspection schedule required by part 7045.0452, subpart 5, item B, including, if applicable, the information in parts 7045.0526, subpart 5; 7045.0528, subparts 5 and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subpart 4; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

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

H. A description of procedures, structures, or equipment used at the facility to:

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

(4) mitigate effects of equipment failure and power outages;

(5) prevent undue exposure of personnel to hazardous waste, such as protective clothing; and

(6) prevent releases to the atmosphere.

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

7001.0626 FEDERAL PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses process vents, as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the

applicant must supply the information required by Code of Federal Regulations, title 40, section 270.24, Specific Part B Information Requirements for Process Vents, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7001.0627 FEDERAL PART B INFORMATION REQUIREMENTS FOR EQUIPMENT.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must supply the information required by Code of Federal Regulations, title 40, section 270.25, Specific Part B Information Requirements for Equipment, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

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

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

Subp. 9. **Facility requirements.** Except as provided in subpart 3a, 4, 5, or 6, or parts 7045.0692 and 7045.0695, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

A. If the recyclable hazardous waste is stored before

it is recycled, the owners or operators are subject to the requirements of parts 7045.0450 to 7045.0534, 7045.0552 to 7045.0632, and 7045.1300 to 7045.1380, and chapter 7001. The recycling process itself is exempt from regulation except as provided in item C.

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

C. Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the process vent and equipment leak standards in parts 7045.0547 and 7045.0548 and 7045.0647 and 7045.0648.

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

7045.0135 LISTS OF HAZARDOUS WASTES.

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

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed with the industry and hazardous waste number and hazard code in items A to Q.

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

C. Organic chemicals:

[For text of subitems (1) to (37), see M.R.]

(38) K118, spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene: (T);

(39) K136, still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene: (T);

(40) K107, column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines: (C,T);

(41) K108, condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides: (I,T);

(42) K109, spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH)

from carboxylic acid hydrazides: (T); and

(43) K110, condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides: (T).

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

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

7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

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

Subp. 2. **Constituents.** The constituents which are the basis for listing the wastes identified in part 7045.0135, subparts 2 and 3 are listed in items A and B.

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

B. Constituents of wastes identified in part 7045.0135, subpart 3 are listed in subitems (1) to (101).

[For text of subitems (1) to (82), see M.R.]

(83) K107: 1,1-Dimethylhydrazine (UDMH);

(84) K108: 1,1-Dimethylhydrazine (UDMH);

(85) K109: 1,1-Dimethylhydrazine (UDMH);

(86) K110: 1,1-Dimethylhydrazine (UDMH);

(87) K111: 2,4-Dinitrotoluene;

(88) K112: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;

(89) K113: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;

(90) K114: 2,4-Toluenediamine, o-toluidine, p-toluidine;

(91) K115: 2,4-Toluenediamine;

(92) K116: Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene;

(93) K117: Ethylene dibromide;

(94) K118: Ethylene dibromide;

(95) K123: Ethylene thiourea;

(96) K124: Ethylene thiourea;

(97) K125: Ethylene thiourea;

(98) K126: Ethylene thiourea;

(99) K131: Dimethyl sulfate, methyl bromide;

(100) K132: Methyl bromide; and

(101) K136: Ethylene dibromide.

7045.0452 GENERAL FACILITY STANDARDS.

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

Subp. 5. **General inspection requirements.** General inspection requirements include the following:

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

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunctions or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the terms and frequencies called for in parts 7045.0526, subpart 5; 7045.0528, subparts 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended, where applicable. The inspection schedule must be submitted with the permit application. The commissioner shall evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the commissioner may modify or amend the schedule as necessary.

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

7045.0458 WASTE ANALYSIS REQUIREMENTS.

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

Subp. 2. **Waste analysis plan.** The owner or operator shall develop and follow a written waste analysis plan which describes the procedures that will be used to comply with subpart 1. The

owner or operator shall keep this plan at the facility. The plan must specify:

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

F. where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0456; 7045.0538, subpart 10; 7045.0542, subpart 2; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034(d) and 264.1063(d), as amended;

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

7045.0478 OPERATING RECORD.

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

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

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

E. Records and results of waste analyses performed as specified in parts 7045.0456, 7045.0458, 7045.0538, subpart 10, 7045.0542, subpart 2, 7045.1310, and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034 and 264.1063, as amended.

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

H. Monitoring, testing, or analytical data and corrective action where required by parts 7045.0484; 7045.0528, subparts 2, 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subparts 5, 6, and 8; 7045.0538, subparts 5 and 6; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak test methods and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended.

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

7045.0482 REQUIRED REPORTS.

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

Subp. 4. **Additional reports.** In addition to submitting the manifest discrepancy report described in part 7045.0476, subpart 3, and the annual reports and the unmanifested waste reports described in subparts 2 and 3, the owner or operator shall also report to the commissioner:

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

C. as otherwise required by parts 7045.0484, 7045.0532 to 7045.0538; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, part 264, subparts AA and BB, as amended.

7045.0547 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses process vents as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for process vents in Code of Federal Regulations, title 40, subpart AA, sections 264.1030 to 264.1049, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0548 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for equipment leaks in Code of Federal Regulations, title 40, subpart BB, sections 264.1050 to 264.1079, as amended.

Subp. 2. Exceptions to adopted federal regulation. Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0556 GENERAL FACILITY STANDARDS.

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

Subp. 5. **General inspection requirements.** General inspection requirements are listed in items A to E.

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

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the terms and frequencies called for in parts 7045.0626, subpart 5; 7045.0628, subparts 4, 5, and 7; 7045.0630, subpart 5; 7045.0640, subpart 4; and 7045.0642, subpart 4; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

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

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

7045.0564 WASTE ANALYSIS REQUIREMENTS.

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

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

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

F. Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0628, subpart 12; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; 7045.0642, subpart 3; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034(d) and 264.1063(d), as amended.

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

7045.0584 OPERATING RECORD.

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

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

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

E. Records and results of waste analyses and trial tests performed as specified in parts 7045.0564; 7045.0628, subpart 12; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; 7045.0642, subpart 3; 7045.1310; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034 and 264.1063, as amended.

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

H. Monitoring, testing, or analytical data where required by parts 7045.0590, subparts 1, 6, and 7; 7045.0592, subparts 1 and 7; 7045.0628, subparts 2, 4, 5, and 7; 7045.0634, subparts 4 and 6, item D, subitem (1); 7045.0636; and 7045.0640, subpart 4; and the process vent and equipment leak test methods and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended. As required by parts 7045.0590, subparts 6 and 7; and 7045.0592,

subpart 7, monitoring data at disposal facilities must be kept throughout the post closure period.

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

7045.0588 REQUIRED REPORTS.

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

Subp. 4. **Additional reports.** In addition to submitting the manifest discrepancy report described in part 7045.0582, subpart 3, and the annual report and the unmanifested waste reports described in subparts 2 and 3, the owner or operator shall also report to the commissioner and the Environmental Protection Agency Region V Administrator:

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

B. groundwater contamination and monitoring data as specified in part 7045.0590, subparts 6 and 7; and 7045.0592, subpart 6;

C. facility closure as specified in part 7045.0594, subpart 3; and

D. as otherwise required by the process vent and equipment leak emission standards in Code of Federal Regulations, title 40, part 265, subparts AA and BB, as amended.

7045.0647 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS AT INTERIM STATUS FACILITIES.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in an interim status facility that uses process vents as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for process vents in Code of Federal Regulations, title 40, subpart AA, sections 265.1030 to 265.1049, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0648 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS AT INTERIM STATUS FACILITIES.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in an interim status facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for equipment leaks in Code of Federal Regulations, title 40, subpart BB, sections 265.1050 to 265.1079, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

APPROVED AS TO FORM AND LEGALITY

April 3 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 06 1992

Joan Anderson Growe
Secretary of State

10:23a
RC

Pursuant and subject to the provisions of chapter 14 and the provisions here, the pollution control agency may adopt

end of comment period Jan. 2, 1992

Notice of Intent
E. (11) missing - the manner which you can get the rules

Delegation of Authority from Pollution to Commissioner - is good until October 31, 1992 - O. K.

SOLAR
no explanation for 7045.0135 - .0139
poor SOLAR nothing why these changes are reasonable - just because ~~they~~ some are ~~federal~~ federal standards are they reasonable

Minnesota Pollution Control Agency

520 Lafayette Road, Saint Paul, Minnesota 55155-3898

Telephone (612) 296-6300

RECEIVED

MAR 20 1992

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55101

March 19, 1992

Ms. Patty Nolte
Attorney General's Office
525 Park Street, Suite 500
St. Paul, Minnesota 55103

Dear Ms. Nolte:

RE: In the Matter of the Proposed Rule Amendments Governing Facility Organic Air Emission Standards for Process Vents and Equipment Leaks, and the List of Hazardous Wastes, Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650.

On March 13, 1992, the Minnesota Pollution Control Agency adopted amendments affecting the above Minn. Rules. Enclosed for your review are the following:

1. [x] RULES AS ADOPTED (originals and copies totaling 4 attached).

2. [ ] NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION: No notice of intent to solicit outside opinions was published. No outside opinions to assist with developing rule language were solicited or received because the state was adopting existing federal regulations without substantial change.

3. [ ] Comments received pursuant to NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION and/or [x] AFFIDAVIT REGARDING COMMENTS RECEIVED pursuant to NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION: none received.

4. [ ] CERTIFICATE OF AUTHORIZING RESOLUTION or [x] AFFIDAVIT OF COMPLIANCE WITH REQUIREMENTS AUTHORIZING RULEMAKING BY DELEGATED AUTHORITY and OCTOBER 22, 1991 BOARD DELEGATION.

5. [x] RULE AS PROPOSED with REVISOR'S CERTIFICATE.

6. [x] NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A PUBLIC HEARING, as mailed.

7. [x] STATEMENT OF NEED AND REASONABLENESS (SONAR).

8. [x] AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST.

9. [X] State Register article containing NOTICE OF INTENT TO ADOPT RULE AMENDMENTS WITHOUT A PUBLIC HEARING and RULE AMENDMENTS AS PROPOSED (State Register, vol. 16, p. 1394, December 2, 1991).

10. [ ] CERTIFICATE OF RESOLUTION ADOPTING RULES or [x] AFFIDAVIT OF COMPLIANCE WITH REQUIREMENTS FOR RULE ADOPTION BY DELEGATED AUTHORITY and OCTOBER 22, 1991 BOARD DELEGATION.

11. [x] FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES (two copies attached).

12. [ ] Comments received during the comment period: none were received.

13. [x] DECLARATION OF COUNSEL (that appropriate agency administrative procedures were followed).

14. [ ] NOTICE OF SUBMISSION OF RULE AMENDMENTS ADOPTED WITHOUT A PUBLIC HEARING TO THE ATTORNEY GENERAL: none requested.

15. [ ] AFFIDAVIT OF MAILING OF NOTICE OF SUBMISSION OF RULE AMENDMENTS ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL: none required.

16. [x] Letter transmitting SONAR to Legislative Commission to Review Administrative Rules.

Sincerely,

Nathan Brooks Cooley

Nathan Brooks Cooley, Planner
Rules Unit
Program Development Section
Phone 612/297-7544

NBC:JAO

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste

Rules as Proposed

7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION.

Part B of the application must contain the following information:

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

E. A copy of the general inspection schedule required by part 7045.0452, subpart 5, item B, including, if applicable, the information ~~set forth~~ in parts 7045.0526, subpart 5; 7045.0528, subparts 5 and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subpart 4; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

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

H. A description of procedures, structures, or equipment used at the facility to:

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

(4) mitigate effects of equipment failure and power outages; ~~and~~

(5) prevent undue exposure of personnel to hazardous waste, such as protective clothing; and

(6) prevent releases to the atmosphere.

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

7001.0626 FEDERAL PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses process vents, as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the

Approved by Revisor

applicant must supply the information required by Code of Federal Regulations, title 40, section 270.24, Specific Part B Information Requirements for Process Vents, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7001.0627 FEDERAL PART B INFORMATION REQUIREMENTS FOR EQUIPMENT.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must supply the information required by Code of Federal Regulations, title 40, section 270.25, Specific Part B Information Requirements for Equipment, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

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

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

Subp. 9. **Facility requirements.** Except as provided in subpart 3a, 4, 5, or 6, or parts 7045.0692 and 7045.0695, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

A. If the recyclable hazardous waste is stored before

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it is recycled, the owners or operators are subject to the requirements of parts 7045.0450 to 7045.0534, 7045.0552 to 7045.0632, and 7045.1300 to 7045.1380, and chapter 7001. The recycling process itself is exempt from regulation except as provided in item C.

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

C. Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the process vent and equipment leak standards in parts 7045.0547 and 7045.0548 and 7045.0647 and 7045.0648.

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

7045.0135 LISTS OF HAZARDOUS WASTES.

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

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed with the industry and hazardous waste number and hazard code in items A to Q.

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

C. Organic chemicals:

[For text of subitems (1) to (37), see M.R.]

(38) K118, spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene: (T); and

(39) K136, still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene: (T);

(40) K107, column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines: (C,T);

(41) K108, condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides: (I,T);

(42) K109, spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH)

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from carboxylic acid hydrazides: (T); and

(43) K110, condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides: (T).

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

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

7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

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

Subp. 2. **Constituents.** The constituents which are the basis for listing the wastes identified in part 7045.0135, subparts 2 and 3 are listed in items A and B.

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

B. Constituents of wastes identified in part 7045.0135, subpart 3 are listed in subitems (1) to ~~(97)~~ (101).

[For text of subitems (1) to (82), see M.R.]

(83) K107: 1,1-Dimethylhydrazine (UDMH);

(84) K108: 1,1-Dimethylhydrazine (UDMH);

(85) K109: 1,1-Dimethylhydrazine (UDMH);

(86) K110: 1,1-Dimethylhydrazine (UDMH);

(87) K111: 2,4-Dinitrotoluene;

~~(84)~~ (88) K112: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;

~~(85)~~ (89) K113: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;

~~(86)~~ (90) K114: 2,4-Toluenediamine, o-toluidine, p-toluidine;

~~(87)~~ (91) K115: 2,4-Toluenediamine;

~~(88)~~ (92) K116: Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene;

~~(89)~~ (93) K117: Ethylene dibromide;

~~(90)~~ (94) K118: Ethylene dibromide;

~~(91)~~ (95) K123: Ethylene thiourea;

~~(92)~~ (96) K124: Ethylene thiourea;

~~(93)~~ (97) K125: Ethylene thiourea;

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~~(94)~~ (98) K126: Ethylene thiourea;

~~(95)~~ (99) K131: Dimethyl sulfate, methyl bromide;

~~(96)~~ (100) K132: Methyl bromide; and

~~(97)~~ (101) K136: Ethylene dibromide.

7045.0452 GENERAL FACILITY STANDARDS.

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

Subp. 5. **General inspection requirements.** General inspection requirements include the following:

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

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunctions or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the terms and frequencies called for in parts 7045.0526, subpart 5; 7045.0528, subparts 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended, where applicable. The inspection schedule must be submitted with the permit application. The commissioner shall evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the commissioner may modify or amend the schedule as necessary.

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

7045.0458 WASTE ANALYSIS REQUIREMENTS.

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

Subp. 2. **Waste analysis plan.** The owner or operator shall develop and follow a written waste analysis plan which describes

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the procedures ~~which he or she~~ that will ~~carry out~~ be used to comply with subpart 1. The owner or operator shall keep this plan at the facility. The plan must specify:

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

F. where applicable, the methods ~~which~~ that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0456; 7045.0538, subpart 10; 7045.0542, subpart 2; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034(d) and 264.1063(d), as amended;

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

7045.0478 OPERATING RECORD.

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

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

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

E. Records and results of waste ~~analysis~~ analyses performed as specified in parts 7045.0456, 7045.0458, 7045.0538, subpart 10, 7045.0542, subpart 2, 7045.1310, and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034 and 264.1063, as amended.

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

H. Monitoring, testing, or analytical data and corrective action where required by parts 7045.0484; 7045.0528, subparts 2, 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subparts 5, 6, and 8; 7045.0538, subparts 5 and 6; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak test methods and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended.

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

7045.0482 REQUIRED REPORTS.

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

Subp. 4. **Additional reports.** In addition to submitting the manifest discrepancy report described in part 7045.0476, subpart 3, and the annual reports and the unmanifested waste reports described in subparts 2 and 3, the owner or operator shall also report to the commissioner:

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

C. as otherwise required by parts 7045.0484, ~~and~~ 7045.0532 to 7045.0538; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, part 264, subparts AA and BB, as amended.

7045.0547 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses process vents as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for process vents in Code of Federal Regulations, title 40, subpart AA, sections 264.1030 to 264.1049, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0548 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the

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applicant must comply with the air emission standards for equipment leaks in Code of Federal Regulations, title 40, subpart BB, sections 264.1050 to 264.1079, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0556 GENERAL FACILITY STANDARDS.

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

Subp. 5. **General inspection requirements.** ~~The following are the~~ General inspection requirements~~:~~ are listed in items A to E.

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

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the ~~items~~ terms and frequencies called for in parts 7045.0626, subpart 5; 7045.0628, subparts 4, 5, and 7; 7045.0630, subpart 5; 7045.0640, subpart 4; and 7045.0642, subpart 4; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

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

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

7045.0564 WASTE ANALYSIS REQUIREMENTS.

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

Subp. 2. **Waste analysis plan.** The owner or operator shall

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

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

F. Where applicable, the methods ~~which~~ that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0628, subpart 12; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; 7045.0642, subpart 3; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034(d) and 264.1063(d), as amended.

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

7045.0584 OPERATING RECORD.

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

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

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

E. Records and results of waste ~~analysis~~ analyses and trial tests performed as specified in parts 7045.0564; 7045.0628, subpart 12; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; 7045.0642, subpart 3; 7045.1310; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034 and 264.1063, as amended.

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

H. Monitoring, testing, or analytical data where required by parts 7045.0590, subparts 1, 6, and 7; 7045.0592, subparts 1 and 7; 7045.0628, subparts 2, 4, 5, and 7; 7045.0634, subparts 4 and 6, item D, subitem (1); 7045.0636; and 7045.0640, subpart 4; and the process vent and equipment leak test methods

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and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended. As required by parts 7045.0590, subparts 6 and 7; and 7045.0592, subpart 7, monitoring data at disposal facilities must be kept throughout the post closure period.

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

7045.0588 REQUIRED REPORTS.

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

Subp. 4. **Additional reports.** In addition to submitting the manifest discrepancy report described in part 7045.0582, subpart 3, and the annual report and the unmanifested waste reports described in subparts 2 and 3, the owner or operator shall also report to the commissioner and the Environmental Protection Agency Region V Administrator:

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

B. groundwater contamination and monitoring data as specified in part 7045.0590, subparts 6 and 7; and 7045.0592, subpart 6; ~~and~~

C. facility closure as specified in part 7045.0594, subpart 3; and

D. as otherwise required by the process vent and equipment leak emission standards in Code of Federal Regulations, title 40, part 265, subparts AA and BB, as amended.

7045.0647 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS AT INTERIM STATUS FACILITIES.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in an interim status facility that uses process vents as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for process vents in Code of Federal Regulations, title 40, subpart AA, sections 265.1030 to 265.1049, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in

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subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0648 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS AT INTERIM STATUS FACILITIES.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in an interim status facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for equipment leaks in Code of Federal Regulations, title 40, subpart BB, sections 265.1050 to 265.1079, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Hazardous Waste

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapters 7001 and 7045

The attached rules are approved for
publication in the State Register

Carla M. Riehle
Assistant Revisor

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing Facility Organic Air Emissions and List of Hazardous Wastes, Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650.

AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION AND PURSUANT TO NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Nathan Brooks Cooley, being duly sworn on oath deposes and says:

1. That he is the Minnesota Pollution Control Agency's (MPCA) planner responsible for the subject rulemaking on behalf of the MPCA.

2. That the MPCA did not publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION for this rulemaking.

3. That the MPCA chose not to solicit outside opinions for this rulemaking since these amendments were adopting federal regulations which were already promulgated under the federal regulatory process and which are already in effect in Minnesota under federal authority.

4. That the proposed amendments were published in a NOTICE OF INTENT TO ADOPT RULES WITHOUT HEARING which provides for notice and comment as set forth in the State's Administrative Procedures Act.

5. That during the period allowed for public comment, no comments were received by the MPCA regarding the above-entitled matter.

Nathan Brooks Cooley

Nathan Brooks Cooley, Planner
Hazardous Waste Division
Affiant

Subscribed and sworn to before me
this 19 day of March, 1992.

Diane Fox

Notary Public

DIANE FOX
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires 2-25-96

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing Facility Organic Air Emissions and List of Hazardous Wastes, Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650.

AFFIDAVIT OF COMPLIANCE WITH REQUIREMENTS FOR RULE ADOPTION BY DELEGATED AUTHORITY

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Gordon Wegwart, being duly sworn says:

WHEREAS, the above amendments are required to maintain federal authorization of Minnesota's hazardous waste program pursuant to the Resource Conservation and Recovery Act; and

WHEREAS, a hearing was not required pursuant to Minn. Stat. ch. 14 in connection with the adoption of such rules; and

WHEREAS, any changes to the rules to be adopted as a result of comments received on the proposed rules do not result in a substantial change from the proposed rules; and

WHEREAS, all applicable statutes and rules governing the adoption of rules, and the provisions of the delegation of authority by the Board of the Minnesota Pollution Control Agency to the Commissioner, have been complied with;

NOW, THEREFORE, Affiant hereby certifies that the above-referenced rules have been adopted as hereinabove set forth and as permitted by the delegation of authority dated October 22, 1991, a copy of which is attached hereto.

Subscribed and sworn to before me
this 19th day of March, 1992.

Janet E. Hjellming
Notary Public

JANET E. HJELLMING
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
My Comm. Expires Dec. 22, 1993

Gordon E. Wegwart
Gordon E. Wegwart, Director,
Hazardous Waste Division
Affiant

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing Facility Organic Air Emissions and List of Hazardous Wastes, Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650.

AFFIDAVIT OF COMPLIANCE WITH REQUIREMENTS FOR RULE INITIATION BY DELEGATED AUTHORITY

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Gordon E. Wegwart, being duly sworn says:

WHEREAS, the above amendments are required to maintain federal authorization of Minnesota's hazardous waste program pursuant to the Resource Conservation and Recovery Act; and

WHEREAS, all applicable provisions of the delegation of authority by the Board of the Minnesota Pollution Control Agency to the Commissioner have been complied with;

NOW, THEREFORE, Affiant hereby certifies that the above-referenced rules have been initiated as hereinabove set forth and as permitted by the delegation of authority dated October 22, 1991, a copy of which is attached hereto.

Subscribed and sworn to before me
this 19th day of March, 1992.

Janet E. Hjellming
Notary Public

JANET E. HJELLMING
NOTARY PUBLIC-MINNESOTA
CHISAGO COUNTY
My Comm. Expires Dec. 22, 1993

Gordon E. Wegwart
Gordon E. Wegwart, Director,
Hazardous Waste Division
Affiant

DELEGATION OF AUTHORITY
FROM THE MINNESOTA POLLUTION CONTROL AGENCY
TO THE COMMISSIONER TO AUTHORIZE THE INITIATION OF
RULEMAKING PROCEEDINGS AND ADOPT AMENDMENTS
TO THE HAZARDOUS WASTE RULES

WHEREAS, the Minnesota Pollution Control Agency (Agency) is authorized by Minn. Stat. § 116.07, subd. 4, to adopt rules for the generators of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing and disposal of hazardous waste and the location of hazardous waste facilities;

WHEREAS, the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., established procedures for the United States Environmental Protection Agency (EPA) to grant authority for states to administer the state hazardous waste regulatory program in lieu of the federal program;

WHEREAS, to receive and maintain authorization, the state program must be at least as stringent as the federal program and consistent with federal or state programs applicable to other states;

WHEREAS, pursuant to RCRA, Minnesota received final authorization from EPA to administer its hazardous waste regulatory program in lieu of the federal program effective February 11, 1985;

WHEREAS, in order to maintain authorization to administer the state program in lieu of the federal program, a State must enact equivalent requirements within specific time frames when new or more stringent federal requirements are promulgated by EPA;

WHEREAS, the Agency has authorized and adopted amendments to the hazardous waste rules which make the rules equivalent to the federal regulations adopted by EPA pursuant to RCRA as a routine matter;

WHEREAS, the authorization and adoption of amendments to the hazardous waste rules that are required to maintain RCRA authorization is more of a ministerial task than one of policy or substance; and

WHEREAS, the delegation of this authority under limited conditions and for a specific period of time will alleviate the time contraints of the Agency's dealing with essentially ministerial tasks.

THEREFORE BE IT RESOLVED THAT:

The Minnesota Pollution Control Agency Board delegates its authority to authorize the initiation of rulemaking procedures for and to adopt amendments to the hazardous waste rules to the Commissioner or his designee(s) until October 31, 1992 unless terminated by the Board at an earlier date, subject to the following limitations:

1. The amendments are required to maintain authorization of Minnesota's hazardous waste program pursuant to RCRA;

2. A hearing was not required pursuant to Minn. Stat. ch. 14;

3. Any changes to the rules to be adopted as a result of comments received on the proposed rules do not result in a substantial change from the proposed rules;

4. All applicable statutes and rules governing the adoption of rules have been complied with.

If any of the above limitations has not been met, the request for authorization to initiate rulemaking or to adopt rules shall be presented to the Agency Board for approval or denial.

If the amendments make Minnesota's hazardous waste rules less stringent than the rules would be without the amendments, the Commissioner or his designee is authorized to adopt the rules only if the initiation of rulemaking was authorized by the Agency Board.

The Commissioner shall provide the MPCA Board with a report on all rules adopted pursuant to this delegation on a quarterly basis.

VAN R. ELLIG
Chairperson

Date: October 22, 1991

DANIEL D. FOLEY, M.D.
Vice-Chairperson

Date: October 22, 1991

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing Facility Organic Air Emission Standards and of Listed Hazardous Wastes, Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0647, and 7045.0648

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The subject of this proceeding is the amendment of Minnesota rules which govern hazardous wastes. The Minnesota Pollution Control Agency (MPCA) proposes to adopt into the Minnesota Rules the federal hazardous waste regulations which govern organic air emissions from process vents and equipment leaks from hazardous waste treatment, storage, and disposal facilities (TSDFs); and federal regulations which list as hazardous four wastes generated during the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

When the U.S. Congress enacted the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments of 1984 (HSWA), it empowered the U.S. Environmental Protection Agency (EPA) to promulgate hazardous waste program regulations.

In this rulemaking the MPCA is adopting two sets of regulations promulgated by EPA. The first set of regulations is the first of a three phase approach by EPA to control organic air emissions at permitted TSDFs. The second set of regulations lists four wastes generated during the production of UDMH from carboxylic acid hydrazides.

The EPA promulgated both regulations under authority of the HSWA. Under federal law, amendments promulgated under the HSWA are effective under federal authority in all of the states on their federal effective dates. At this time, both regulations are effective in Minnesota under federal authority. Incorporating these regulations into the Minnesota Rules shifts the primary enforcement authority to the state.

The MPCA has applied for and received EPA authorization to administer its equivalent hazardous waste program in lieu of the federal program. To maintain this authorization, the EPA requires the MPCA to revise its program by adopting those federal program amendments which are more stringent. In this rulemaking, the MPCA is adopting these recent federal amendments as required with only minor changes as needed for consistency with the Minnesota Rules.

This Statement of Need and Reasonableness is divided into seven parts. Following this introduction, Part II contains the MPCA's explanation of the need for the amendments. Part III discusses the reasonableness of the amendments. Part IV documents how the MPCA has considered the methods of reducing the impact of the amendments on small businesses as required by Minn. Stat. § 14.115 (1990). Part V discusses the economic factors the MPCA considered in adopting the amendments as required by Minn. Stat. § 116.07, subd. 6 (1990). Part VI sets forth the MPCA's conclusion regarding the amendments. Part VII contains a list of exhibits relied on by the MPCA to support the amendments. The exhibits are available for review at the MPCA's offices at 520 Lafayette Road North, St. Paul, Minnesota 55155.

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.

II. NEED FOR THE PROPOSED AMENDMENTS

Need is a broad test that does not lend itself to evaluation of each proposed revision. The need to adopt these federal regulations into Minnesota rules is based in the RCRA as amended. The RCRA allows the EPA to authorize the states to administer equivalent (meaning at least as restrictive and broad in scope) hazardous waste programs in lieu of the federal program. Program authorization facilitates coordinated state and federal enforcement capability which results in greater program effectiveness.

The EPA has authorized the MPCA to administer its hazardous waste program as equivalent to the federal program. The MPCA is required to adopt these recent, more restrictive regulations in order to maintain its equivalency and, thereby, its program authorization.

III. REASONABLENESS OF THE PROPOSED AMENDMENTS

The MPCA is required by Minn. Stat. ch. 14 (1990) to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. The EPA promulgated these rules following due public participation processes. The regulations are effective in Minnesota under federal authority. Since the EPA made this presentation of facts in promulgating these rules and since the MPCA is adopting these rules without substantive change, the MPCA refers the reader to the preamble published in the applicable Federal Register articles listed below for the presentation of need, reasonableness, and economic impact for each regulation.

The Federal Register articles in which the EPA promulgated these regulations are Federal Register, Vol. 55, No. 120, pages 25454-25519, "Hazardous Waste Treatment, Storage, and Disposal Facilities--Organic Air Emission Standards for Process Vents and Equipment Leaks" published on June 21, 1990; and Federal Register, Vol. 55, No. 85, pages 18496-18513, "Hazardous Waste Management System: Identification and Listing of Hazardous Waste and CERCLA Hazardous Substance Designation and Reportable Quantity Adjustment--1,1-Dimethylhydrazine Production Wastes" published on May 2, 1990. These Federal Registers are available for review at the MPCA and can be obtained through local libraries. The MPCA discusses reasonableness in any cases where the MPCA program differs substantively from the federal program.

In general, minor modifications to federal language which make it appropriate in the context of the Minnesota Rules are reasonable in order to make the language clear and understandable. Where required, it is reasonable to renumber Minnesota Rule subparts, items, subitems, units, and subunits to accommodate resequencing, and the insertion of appropriate language is reasonable in order to maintain readability and clarity. The MPCA proposes to adopt by reference those portions of the federal organic air emissions standards which would have required creating new Minnesota Rule parts (Code of Federal Regulations subparts AA and BB of parts 264 and 265). The MPCA believes this is reasonable because of the relatively narrow applicability of these standards in Minnesota (less than 50 TSDFs) and in consideration of the relatively large amount of rule text that is being added. The MPCA also considers that because Minnesota's TSDFs are already required to comply with the federal regulations it will represent less hardship and confusion to this regulated community to continue under the same regulatory language.

A. Following is a discussion, by Minnesota Rule part, of rules affected by the federal regulations governing lists of hazardous wastes.

1. MINN. RULES PT. 7045.0135 LISTS OF HAZARDOUS WASTE. In subpart 3, item C, the MPCA adopts four new EPA listed hazardous wastes, codes, and numbers into the list of hazardous organic chemicals.

2. MINN. RULES PT. 7045.0139 BASIS FOR LISTING HAZARDOUS WASTES. In subpart 2, item B, subitems (83), (84), (85), and (86), the MPCA adopts four new EPA constituents to the list of constituents. These constituents are the basis for listing the new wastes in 7045.0135, subpart 3.

B. Following is a discussion, by Minnesota Rule part, of rules affected by the federal regulations governing organic air emission standards for process vents and equipment leaks. These regulations pertain to hazardous waste TSDFs--of which there are fewer than 50 in Minnesota. Due to the text size and the limited applicability in Minnesota, the MPCA adopts by reference those portions of these regulations requiring new Minnesota Rule parts. Also, where existing Minnesota Rules were amended to refer to the new air emission standards, the rules cite directly to the federal regulations.

1. MINN. RULES PT. 7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION. Item E, the information requirements regarding inspection schedules, is revised to add these new federal information requirements. Item H, the requirement to describe procedures, structures, or equipment used at the facility, is revised to include such measures involved in preventing releases to the atmosphere.

2. MINN. RULES PT. 7001.0626 FEDERAL PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS. This new rule part adopts by reference the federal permit information requirements for process vents found in Title 40, Code of Federal Regulations (CFR), part 270.24.

3. MINN. RULES PT. 7001.0627 FEDERAL PART B INFORMATION REQUIREMENTS FOR EQUIPMENT. This new rule part adopts by reference the federal permit information requirements for equipment found in Title 40, Code of Federal Regulations (CFR), part 270.25.

4. MINN. RULES PT. 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION. In subpart 9, item A is modified to include the requirements for recycling established in new item C. Item C is added to require TSDFs to comply with the process vent and equipment leak standards when recycling hazardous wastes.

5. MINN. RULES PT. 7045.0452 GENERAL FACILITY STANDARDS. In subpart 5, item C is modified to include the process vent and equipment leak standards as they apply to inspections.

6. MINN. RULES PT. 7045.0458 WASTE ANALYSIS REQUIREMENTS. In subpart 2, waste analysis plan language is changed to make it more clear. Item F, is modified to include the process vent and equipment leak requirements that establish the methods to be included in the waste analysis plan.

7. MINN. RULES PT. 7045.0478 OPERATING RECORD. In subpart 3, the language is changed to make it more clear. Item E is modified to clarify language and to include the process vent and equipment leak test methods and procedures regarding the results of waste analyses. Item H is modified to include the process vent and equipment leak recordkeeping requirements regarding monitoring, testing, or analytical data and corrective action.

8. MINN. RULES PT. 7045.0482 REQUIRED REPORTS. Subpart 4 is clarified by adding a comma. Item C is modified to include the process vent and equipment leak requirements as they apply to additional reports.

9. MINN. RULES PT. 7045.0547 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS. This new rule part adopts by reference subpart AA of the federal regulations found in Title 40, CFR, parts 264.1030 to 264.1049.

10. MINN. RULES PT. 7045.0548 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS. This new rule part adopts by reference subpart BB of the federal regulations found in Title 40, CFR, parts 264.1050 to 264.1079.

11. MINN. RULES PT. 7045.0556 GENERAL FACILITY STANDARDS. In subpart 5, the general inspection requirement language is modified for clarity. Item C is modified to include by reference the federal process vent and equipment leak requirements regarding frequency of inspection.

12. MINN. RULES PT. 7045.0564 WASTE ANALYSIS REQUIREMENTS. Subpart 2, item F is modified to include by reference the federal process vent and equipment leak test methods and procedures that apply to waste analysis plans.

13. MINN. RULES PT. 7045.0584 OPERATING RECORD. In subpart 3, item E is modified to clarify language and to include the process vent and equipment leak test methods and procedures applicable to the results of waste analyses. Item H is modified to include by reference the federal process vent and equipment leak record keeping requirements regarding monitoring, testing, or analytical data and corrective action.

14. MINN. RULES PT. 7045.0588 REQUIRED REPORTS. Subpart 4 is clarified by adding a comma. Items B and C are modified to accommodate the addition of a new item D. Item D is added to include the process vent and equipment leak requirements as they apply to additional reports.

15. MINN. RULES PT. 7045.0647 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS AT INTERIM STATUS FACILITIES. This new rule part adopts by reference the federal regulations found in Title 40, CFR, parts 265.1030 to 265.1049.

16. MINN. RULES PT. 7045.0648 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS AT INTERIM STATUS FACILITIES. This new rule part adopts by reference the federal regulations found in Title 40, CFR, parts 265.1050 to 265.1079.

IV. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1990) requires the MPCA, when proposing amendments to existing rules which may affect small businesses, to consider the impact of the rule amendments on small business.

Generally, these federally promulgated regulations increase the cost of responsibly managing hazardous wastes by requiring proper management of process vents and equipment leaks. The EPA determined this was necessary to the extent that it promulgated these regulations. The EPA went through extensive rulemaking procedures and public scrutiny, which included consideration of economic factors, to promulgate these regulations.

These federal amendments were promulgated under authority of HSWA. Regulations so promulgated are immediately effective in the states. These regulations are effective in Minnesota under federal authority on their federal effective dates. The state's assumption of primary enforcement authority will not change the regulations' applicability to the regulated community.

Neither the proposed state rules nor the federal regulations make special provision for reduced regulation for the management of wastes generated from small businesses. The size of a business has no relation to the degree of

environmental risk presented by the wastes generated if those wastes are mismanaged. The MPCA cannot provide less stringent regulation than is provided under the federal program and therefore is not able to provide special consideration for small businesses. Further, the MPCA believes that the regulations are reasonable conditions on the management of waste and that the application of less stringent regulations to small businesses that generate hazardous waste would be environmentally irresponsible. Finally, the MPCA believes that most of the permitted facilities affected by these regulations are not small businesses.

V. CONSIDERATION OF ECONOMIC FACTORS

In exercising its powers, the MPCA 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, practical under the circumstances.

The EPA considers economic impact during the federal process for promulgating regulations. The EPA successfully promulgated these regulations under the authority of the HSWA with due public participation and consideration of the economic impact. The EPA determined this impact to be necessary and reasonable in order to have a program that was protective of human health and the environment. The rules promulgated under HSWA are immediately in effect in Minnesota. Therefore, there will be no increase in numbers of regulated community or level of regulation as a result of the MPCA adopting equivalent rule language.

VI. CONCLUSION

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

VII. LIST OF EXHIBITS

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

MPCA Ex. No.	Title
1	Federal Register, Vol. 55, No. 120, pages 25454-25519, "Hazardous Waste Treatment, Storage, and Disposal Facilities--Organic Air Emission Standards for Process Vents and Equipment Leaks" published on June 21, 1990.
2	Federal Register, Vol. 55, No. 85, pages 18496-18513, "Hazardous Waste Management System: Identification and Listing of Hazardous Waste and CERCLA Hazardous Substance Designation and Reportable Quantity Adjustment--1,1-Dimethylhydrazine Production Wastes" published on May 2, 1990.

DATE: Dec. 2, 1991

CHARLES W. WILLIAMS
COMMISSIONER

MINNESOTA POLLUTION CONTROL AGENCY
DIVISION OF HAZARDOUS WASTE

Proposed Rule Amendments Governing Facility Organic Air Emissions and Listing Hazardous Waste, Minnesota Rules Chs. 7001 and 7045

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments 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 MPCA's 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 January 2, 1992, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. (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 proposed 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 requests in writing. (6) Any person requesting a public hearing should 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: Nathan Brooks Cooley, Hazardous Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155. Telephone 612/297-7544.

(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 adopt two sets of federal regulations governing organic air emissions at permitted treatment, storage, and disposal facilities and listing as hazardous waste certain by-products of producing 1,1-dimethylhydrazine. The federal regulations were promulgated by the U.S. Environmental Protection Agency (EPA) on May 2, 1990, (listing, Vol. 55, Federal Register, page 18496) and June 21, 1990, (emission standards, Vol. 55, Federal Register, page 25454).

(12) The MPCA has also documented the need for and the reasonableness of the proposed rule amendments. One free copy of the rules and/or the Statement of Need and Reasonableness is available upon request at the address and telephone number stated above.

(14)

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1990), "Small business considerations in rulemakings," that the proposed rule amendments were in effect in Minnesota under federal authority on their federal effective dates in lieu of this rulemaking. This rulemaking shifts primary enforcement authority for existing regulations from the EPA to the MPCA. This rulemaking has no substantive effect on any business subject to the amendments, including small businesses, since the regulations were already in effect.

(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 Nathan Cooley at the above address.

for Ann M. Glumac, asst. comm.
Charles W. Williams
Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments of Rules Governing Facility Organic Air Emission Standards and Listing Hazardous Waste, Minnesota Rules Chs. 7001 and 7045

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Nathan B. Cooley, 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 the twenty-seventh day of November, 1991.

That on the twenty-seventh day of November, 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 the United States mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Subscribed and sworn to before me
this 27th day of December, 1991.

Joanne C. Johnson
Notary Public

Nathan Cooley
Affiant

JOANNE C. JOHNSON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Commission Expires FEB. 20, 1995

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rule amendments without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The MPCA's authority to adopt the rule amendments is set forth in *Minnesota Statutes* §§ 116.07, subd. 4 (1990).

All persons have until 4:30 p.m. on January 2, 1992, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rule amendments addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the MPCA will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to: Nathan Brooks Cooley, Hazardous Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, MN 55155. Telephone 612/297-7544.

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 adopt two sets of federal regulations governing organic air emissions at permitted treatment, storage, and disposal facilities and listing as hazardous waste certain by-products of producing 1,1-dimethylhydrazine. The federal regulations were promulgated by the U.S. Environmental Protection Agency (EPA) on May 2, 1990, (listing Vol. 55, *Federal Register*, page 18496) and June 21, 1990, (emission standards, Vol. 55, *Federal Register*, page 25454).

The proposed rule amendments are published below. The MPCA has also documented the need for and the reasonableness of the proposed rule amendments. One free copy of the rules and/or the **STATEMENT OF NEED AND REASONABLENESS** is available upon request at the address and telephone number stated above.

You are hereby advised, pursuant to *Minnesota Statute* § 14.115 (1990), "Small business considerations in rulemakings," that the proposed rule amendments were in effect in Minnesota under federal authority on their federal effective dates in lieu of this rulemaking. This rulemaking shifts primary enforcement authority for existing regulations from the EPA to the MPCA. This rulemaking has no substantive effect on any business subject to the amendments, including small businesses, since the regulations were already in effect.

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 Nathan Cooley at the above address.

Charles W. Williams
Commissioner

Rules as Proposed

7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION.

Part B of the application must contain the following information:

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

E. A copy of the general inspection schedule required by part 7045.0452, subpart 5, item B, including, if applicable, the information ~~set forth~~ in parts 7045.0526, subpart 5; 7045.0528, subparts 5 and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subpart 4; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

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

H. A description of procedures, structures, or equipment used at the facility to:

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

(4) mitigate effects of equipment failure and power outages; ~~and~~

(5) prevent undue exposure of personnel to hazardous waste, such as protective clothing; and

(6) prevent releases to the atmosphere.

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

7001.0626 FEDERAL PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses process vents, as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must supply the information required by Code of Federal Regulations, title 40, section 270.24, Specific Part B Information Requirements for Process Vents, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7001.0627 FEDERAL PART B INFORMATION REQUIREMENTS FOR EQUIPMENT.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must supply the information required by Code of Federal Regulations, title 40, section 270.25, Specific Part B Information Requirements for Equipment, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

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

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

Subp. 9. **Facility requirements.** Except as provided in subpart 3a, 4, 5, or 6, or parts 7045.0692 and 7045.0695, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

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

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

C. Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the process vent and equipment leak standards in parts 7045.0547 and 7045.0548 and 7045.0647 and 7045.0648.

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

7045.0135 LISTS OF HAZARDOUS WASTES.

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

Subp. 3. **Hazardous waste from specific sources.** Hazardous wastes from specific sources are listed with the industry and hazardous waste number and hazard code in items A to Q.

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

C. Organic chemicals:

[For text of subitems (1) to (37), see M.R.]

(38) K118, spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene: (T); ~~and~~

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.

(39) K136, still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene: (T);

(40) K107, column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines: (C,T);

(41) K108, condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides: (I,T);

(42) K109, spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides: (T); and

(43) K110, condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides: (T).

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

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

7045.0139 BASIS FOR LISTING HAZARDOUS WASTES.

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

Subp. 2. **Constituents.** The constituents which are the basis for listing the wastes identified in part 7045.0135, subparts 2 and 3 are listed in items A and B.

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

B. Constituents of wastes identified in part 7045.0135, subpart 3 are listed in subitems (1) to ~~(97)~~ (101).

[For text of subitems (1) to (82), see M.R.]

(83) K107: 1,1-Dimethylhydrazine (UDMH);

(84) K108: 1,1-Dimethylhydrazine (UDMH);

(85) K109: 1,1-Dimethylhydrazine (UDMH);

(86) K110: 1,1-Dimethylhydrazine (UDMH);

(87) K111: 2,4-Dinitrotoluene;

~~(84)~~ (88) K112: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;

~~(85)~~ (89) K113: 2,4-Toluenediamine, o-toluidine, p-toluidine, aniline;

~~(86)~~ (90) K114: 2,4-Toluenediamine, o-toluidine, p-toluidine;

~~(87)~~ (91) K115: 2,4-Toluenediamine;

~~(88)~~ (92) K116: Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene;

~~(89)~~ (93) K117: Ethylene dibromide;

~~(90)~~ (94) K118: Ethylene dibromide;

~~(91)~~ (95) K123: Ethylene thiourea;

~~(92)~~ (96) K124: Ethylene thiourea;

~~(93)~~ (97) K125: Ethylene thiourea;

~~(94)~~ (98) K126: Ethylene thiourea;

~~(95)~~ (99) K131: Dimethyl sulfate, methyl bromide;

~~(96)~~ (100) K132: Methyl bromide; and

~~(97)~~ (101) K136: Ethylene dibromide.

7045.0452 GENERAL FACILITY STANDARDS.

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

Subp. 5. **General inspection requirements.** General inspection requirements include the following:

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

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunctions

or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the terms and frequencies called for in parts 7045.0526, subpart 5; 7045.0528, subparts 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended, where applicable. The inspection schedule must be submitted with the permit application. The commissioner shall evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the commissioner may modify or amend the schedule as necessary.

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

7045.0458 WASTE ANALYSIS REQUIREMENTS.

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

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

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

F. where applicable, the methods ~~which~~ that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0456; 7045.0538, subpart 10; 7045.0542, subpart 2; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034(d) and 264.1063(d), as amended;

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

7045.0478 OPERATING RECORD.

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

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

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

E. Records and results of waste ~~analysis~~ analyses performed as specified in parts 7045.0456, 7045.0458, 7045.0538, subpart 10, 7045.0542, subpart 2, 7045.1310, and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034 and 264.1063, as amended.

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

H. Monitoring, testing, or analytical data and corrective action where required by parts 7045.0484; 7045.0528, subparts 2, 4, 5, and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subparts 5, 6, and 8; 7045.0538, subparts 5 and 6; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent and equipment leak test methods and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended.

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

7045.0482 REQUIRED REPORTS.

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

Subp. 4. **Additional reports.** In addition to submitting the manifest discrepancy report described in part 7045.0476, subpart 3, and the annual reports and the unmanifested waste reports described in subparts 2 and 3, the owner or operator shall also report to the commissioner:

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

C. as otherwise required by parts 7045.0484, ~~and~~ 7045.0532 to 7045.0538; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, part 264, subparts AA and BB, as amended.

7045.0547 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that

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uses process vents as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for process vents in Code of Federal Regulations, title 40, subpart AA, sections 264.1030 to 264.1049, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0548 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for equipment leaks in Code of Federal Regulations, title 40, subpart BB, sections 264.1050 to 264.1079, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0556 GENERAL FACILITY STANDARDS.

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

Subp. 5. **General inspection requirements.** ~~The following are the~~ General inspection requirements~~:~~ are listed in items A to E.

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

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the ~~items~~ terms and frequencies called for in parts 7045.0626, subpart 5; 7045.0628, subparts 4, 5, and 7; 7045.0630, subpart 5; 7045.0640, subpart 4; and 7045.0642, subpart 4; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

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

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

7045.0564 WASTE ANALYSIS REQUIREMENTS.

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

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

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

F. Where applicable, the methods ~~which~~ that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0628, subpart 12; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; 7045.0642, subpart 3; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034(d) and 264.1063(d), as amended.

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

7045.0584 OPERATING RECORD.

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

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

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

E. Records and results of waste ~~analysis~~ analyses and trial tests performed as specified in parts 7045.0564; 7045.0628, subpart 12; 7045.0630, subpart 4; 7045.0632, subpart 3; 7045.0634, subpart 3; 7045.0638, subpart 7; 7045.0640, subpart 2; 7045.0642, subpart 3; 7045.1310; and 7045.1315; and the process vent and equipment leak test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034 and 264.1063, as amended.

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

H. Monitoring, testing, or analytical data where required by parts 7045.0590, subparts 1, 6, and 7; 7045.0592, subparts 1 and 7; 7045.0628, subparts 2, 4, 5, and 7; 7045.0634, subparts 4 and 6, item D, subitem (1); 7045.0636; and 7045.0640, subpart 4; and the process vent and equipment leak test methods and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended. As required by parts 7045.0590, subparts 6 and 7; and 7045.0592, subpart 7, monitoring data at disposal facilities must be kept throughout the post closure period.

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

7045.0588 REQUIRED REPORTS.

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

Subp. 4. **Additional reports.** In addition to submitting the manifest discrepancy report described in part 7045.0582, subpart 3, and the annual report and the unmanifested waste reports described in subparts 2 and 3, the owner or operator shall also report to the commissioner and the Environmental Protection Agency Region V Administrator:

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

B. groundwater contamination and monitoring data as specified in part 7045.0590, subparts 6 and 7; and 7045.0592, subpart 6; ~~and~~

C. facility closure as specified in part 7045.0594, subpart 3; and

D. as otherwise required by the process vent and equipment leak emission standards in Code of Federal Regulations, title 40, part 265, subparts AA and BB, as amended.

7045.0647 FEDERAL AIR EMISSION STANDARDS FOR PROCESS VENTS AT INTERIM STATUS FACILITIES.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in an interim status facility that uses process vents as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for process vents in Code of Federal Regulations, title 40, subpart AA, sections 265.1030 to 265.1049, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

7045.0648 FEDERAL AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS AT INTERIM STATUS FACILITIES.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in an interim status facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must comply with the air emission standards for equipment leaks in Code of Federal Regulations, title 40, subpart BB, sections 265.1050 to 265.1079, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

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

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing Facility Organic Air Emissions and List of Hazardous Wastes, Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came off public notice on the second day of January, 1992. After affording all interested persons the opportunity to present written and oral data, statements, and arguments to the Minnesota Pollution Control Agency (MPCA); in accordance with statutory requirements regarding the adoption of non-controversial rules; after considering the Statement of Need and Reasonableness; after considering all of the evidence adduced upon the records, files, and proceedings herein; the commissioner, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the MPCA's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on December 2, 1991 (16 SR 1394), and was sent by mail to all persons on a mailing list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) on November 27, 1991.

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

3. All persons were given the opportunity to submit comments on the rule amendments for 30 days following notice of the proposed rulemaking. The 30-day comment period, as set out in the notice, expired on January 2, 1992.

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

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

6. The MPCA received no comments regarding the proposed rule.

The EPA conducted its normal review of the rules as proposed and offered no revisions. This rulemaking adopts, largely by reference, federal regulations which were promulgated by the U.S. Environmental Protection Agency (EPA) and

which were already in effect in Minnesota under federal authority. The MPCA's intent is to make this portion of the Minn. Rules "equivalent" to the federal regulations. The MPCA finds that no modifications to the rule amendments as proposed are required by the record in this proceeding.

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.

8. The above-captioned rule amendments are needed and reasonable.

9. A copy of the Statement of Need and Reasonableness for this rulemaking was sent to the Legislative Commission to Review Administrative Rules as required by the 1990 amendments to the Administrative Procedures Act, Minnesota Statutes, chapter 14.

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.

ORDER

NOW; THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650 governing organic air emissions are adopted pursuant to the authority vested in the MPCA by Minn. Stat. §116.07, subd. 4 (1990).

(9)

Charles W. Williams, Commissioner
Minnesota Pollution Control Agency

Date: 3/13/92

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule Amendments Governing Facility Organic Air Emissions and List of Hazardous Wastes, Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came off public notice on the second day of January, 1992. After affording all interested persons the opportunity to present written and oral data, statements, and arguments to the Minnesota Pollution Control Agency (MPCA); in accordance with statutory requirements regarding the adoption of non-controversial rules; after considering the Statement of Need and Reasonableness; after considering all of the evidence adduced upon the records, files, and proceedings herein; the commissioner, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the MPCA's intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on December 2, 1991 (16 SR 1394), and was sent by mail to all persons on a mailing list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) on November 27, 1991.

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

3. All persons were given the opportunity to submit comments on the rule amendments for 30 days following notice of the proposed rulemaking. The 30-day comment period, as set out in the notice, expired on January 2, 1992.

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

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

6. The MPCA received no comments regarding the proposed rule.

The EPA conducted its normal review of the rules as proposed and offered no revisions. This rulemaking adopts, largely by reference, federal regulations which were promulgated by the U.S. Environmental Protection Agency (EPA) and

which were already in effect in Minnesota under federal authority. The MPCA's intent is to make this portion of the Minn. Rules "equivalent" to the federal regulations. The MPCA finds that no modifications to the rule amendments as proposed are required by the record in this proceeding.

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.

8. The above-captioned rule amendments are needed and reasonable.

9. A copy of the Statement of Need and Reasonableness for this rulemaking was sent to the Legislative Commission to Review Administrative Rules as required by the 1990 amendments to the Administrative Procedures Act, Minnesota Statutes, chapter 14.

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.

ORDER

NOW; THEREFORE, IT IS ORDERED, that the attached amendments to Minn. Rules pts. 7001.0560, 7001.0626, 7001.0627, 7045.0065, 7045.0125, 7045.0135, 7045.0139, 7045.0452, 7045.0458, 7045.0478, 7045.0482, 7045.0547, 7045.0548, 7045.0556, 7045.0564, 7045.0584, 7045.0588, 7045.0648, and 7045.0650 governing organic air emissions are adopted pursuant to the authority vested in the MPCA by Minn. Stat. §116.07, subd. 4 (1990).

Charles W. Williams, Commissioner
Minnesota Pollution Control Agency

Date: 3/13/92

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rule
Amendments Governing Facility Organic Air
Emissions and List of Hazardous Wastes,
Minn. Rules pts. 7001.0560, 7001.0626,
7001.0627, 7045.0065, 7045.0125,
7045.0135, 7045.0139, 7045.0452,
7045.0458, 7045.0478, 7045.0482,
7045.0547, 7045.0548, 7045.0556,
7045.0564, 7045.0584, 7045.0588,
7045.0648, and 7045.0650.

DECLARATION OF COUNSEL

I, Kris Hulsebus, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is .0697.

Kris Hulsebus, Attorney
Special Assistant
Attorney General

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

December 5, 1991

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

Dear Ms. Hruby:

As required by the 1990 amendments to the Administrative Procedures Act, we are forwarding copies of the Statement of Need and Reasonableness (SONAR) for our proposed rule amendment. This SONAR supports a rulemaking which adopts two federal regulations governing (1) organic air emissions from process vents and equipment leaks at hazardous waste treatment, storage, and disposal facilities, and (2) the listing of four by-products of producing 1,1-dimethylhydrazine from carboxylic acid hydrazides.

If you have any questions, please contact me at 612/297-7544.

Sincerely,

Nathan Brooks Cooley

Nathan Brooks Cooley
Rules Unit
Program Development Section
Hazardous Waste Division

NB:cj

Enclosure