



Managing Hazardous Waste Generated by Construction and Service Contractors

What is unique about hazardous waste generated by construction and service contractors?

Construction and service contractors commonly work and generate waste at sites operated by other parties and remote from the contractor's base of operations. When activities generate a hazardous waste, both the site operator and the contractor are considered *co-generators* of the waste and both are responsible for its proper management. Each retains responsibility regardless of which party actually manages the waste.

Co-generators should decide who will manage the waste. While the decision is not required to be in writing, the Minnesota Pollution Control Agency (MPCA) and its regulatory partners strongly recommend that agreements regarding hazardous waste management be clearly documented.

- If the site operator manages the waste, the waste is subject to all normally applicable hazardous waste requirements.
- If the contractor manages the waste, the contractor may transport the waste either to their base of operations for consolidation or directly to a Very Small Quantity Generator Collection Program (Collection Program) for disposal. The contractor may also arrange for the waste to be picked up from the work site by a hazardous waste transporter. See *Requirements for waste picked up by a hazardous waste transporter from the remote site* on page three for more information.

Waste minimization

An effective way to reduce the responsibilities and costs associated with waste generation and management is to reduce the volume or toxicity of the waste. The Minnesota Technical Assistance Program (MnTAP) has staff and resources to help you reduce the amount or toxicity of your waste by reviewing waste-generating processes and substituting products, when possible. See *More information* on page four for MnTAP contact information.

What contractors are eligible?

To be eligible to transport waste to their base of operations or to a Collection Program, a contractor must meet all of the following criteria:

- Be a co-generator
- Temporarily generate waste at a site operated by another party
- Generate 220 pounds or less of total hazardous waste per month at the remote site

Merely collecting and removing waste generated by another party, such as a waste vendor removing used solvent from a parts washer, does not make the vendor a co-generator.

Eligible contractors may include, but are not limited to, construction and building contractors and associated trades, demolition and excavation contractors, inspection and repair services, home health care providers, ambulance services and cleaning and salvage services.

Parties performing cleanout or refurbishment of residential properties in preparation for resale may also be eligible for the reduced requirements described in MPCA hazardous waste fact sheet #w-hw3-12, [Managing Waste from Residential Properties in Preparation for Resale](http://www.pca.state.mn.us/publications/w-hw3-12.pdf), available at <http://www.pca.state.mn.us/publications/w-hw3-12.pdf>.

Contractors generating waste polychlorinated biphenyls (PCBs) must manage the PCB wastes in compliance with Toxic Substances Control Act (TSCA) requirements. For more information on TSCA transport requirements for PCBs, see MPCA hazardous waste fact sheet #w-hw4-48d, [Manifest and Dispose of PCBs](http://www.pca.state.mn.us/publications/w-hw4-48d.pdf) at <http://www.pca.state.mn.us/publications/w-hw4-48d.pdf>.

What if the contractor's base and the remote work site are in different states?

Both contractors whose base of operations is in Minnesota, but who perform work in an adjoining state, and contractors whose base is in an adjoining state, but who perform work in Minnesota, may manage their hazardous waste under the allowances discussed in this fact sheet. All the states adjoining Minnesota have confirmed this allowance. However, if you engage in any business in a state other than Minnesota, learn and comply with all applicable requirements for that state.

Requirements for waste transported from the remote site by the contractor

At the remote site

While at the remote site, follow normal hazardous waste accumulation requirements, including:

- closing and labeling containers
- aisle space requirements
- waste segregation
- containment surface
- spill and fire protection
- emergency preparedness standards
- documented weekly inspections

If the waste is stored outdoors or at an unstaffed site, ensure the waste is also secured, shaded if appropriate, and located far enough from the property line.

For more information on hazardous waste accumulation requirements, see MPCA hazardous waste fact sheet #w-hw1-04-05, [Steps 4 & 5: Label and Store Hazardous Waste](http://www.pca.state.mn.us/publications/w-hw1-04-05.pdf) at <http://www.pca.state.mn.us/publications/w-hw1-04-05.pdf>.

When transported from the remote site by the contractor

An eligible contractor may transport waste in the company vehicle provided these requirements are met:

1. Each load is less than 1000 pounds
2. The waste is taken either to the contractor's base of operations or directly to a Collection Program that has agreed to accept the waste (For a list of Collection Programs in Minnesota, see MPCA hazardous waste fact sheet #w-hw2-51, [VSQG Collection Program Requirements](http://www.pca.state.mn.us/publications/w-hw2-51.pdf) at <http://www.pca.state.mn.us/publications/w-hw2-51.pdf>.)
3. The waste is packaged and marked in compliance with U.S. Department of Transportation (DOT) Hazardous Materials Regulations (HMR)

4. If required by the HMR, the waste is accompanied by proper shipping papers
Do not use a hazardous waste manifest when self-transporting your waste.

For a detailed discussion of the HMR requirements, see MPCA hazardous waste fact sheet #w-hw2-53, [Requirements for Transporting Waste to a Very Small Quantity Generator Collection Program](http://www.pca.state.mn.us/publications/w-hw2-53.pdf) at <http://www.pca.state.mn.us/publications/w-hw2-53.pdf>. The HMR requirements discussed in that fact sheet also apply to transporting waste from a remote site to your base of operations.

After arrival at the contractor's base of operations

Once at their base of operations, contractors may consolidate similar wastes from more than one remote site as long as they are compatible. Follow all other normal hazardous waste accumulation requirements.

Remember – you need a Hazardous Waste Identification Number (HWID), also known as an EPA ID Number, for your base of operations. Request a free HWID from the MPCA by completing MPCA hazardous waste form #w-hw7-09, [Notification of Regulated Waste Activity](http://www.pca.state.mn.us/publications/w-hw7-09.pdf) at <http://www.pca.state.mn.us/publications/w-hw7-09.pdf>.

When calculating the regulated hazardous waste generator status of your base of operations and when preparing the annual hazardous waste report to your regulator, include all the hazardous waste generated at remote sites and transported back to your base of operations or to a Collection Program.

Dispose of hazardous waste consolidated at your base of operations properly. If, when calculating the total amount of hazardous waste you generate (including waste consolidated at the base location), the total is below the Very Small Quantity Generator (VSQG) threshold of 220 pounds of hazardous waste per month, you may transport your hazardous waste from your base to a Collection Program.

Otherwise, arrange for your hazardous waste to be picked up from your base of operations by a hazardous waste transporter using a hazardous waste manifest.

Requirements for waste picked up by a hazardous waste transporter from the remote site

Waste managed and shipped by the site operator

Follow normal hazardous waste accumulation and disposal requirements. Ensure that you include the waste generated by contractor activities when calculating the site's regulated hazardous waste generator status each month. Complete hazardous waste manifests for shipments of the waste using the site operator's information and the HWID assigned to the site under the site operator's name.

Waste managed and shipped by the contractor

You may not ship hazardous waste using the HWID or information of the site operator. Request your own separate HWID for the remote site from the MPCA by completing MPCA hazardous waste form # w-hw7-09, [Notification of Regulated Waste Activity](http://www.pca.state.mn.us/publications/w-hw7-09.pdf) at <http://www.pca.state.mn.us/publications/w-hw7-09.pdf>. When completing the form, select 'One-time-only' generator in line #23. When you have completed work at the remote site, inactivate your HWID by submitting another Notification of Regulated Waste Activity form. If the site is located in a metropolitan county (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington), you may also need to apply for a generator license for the site. Contact the metropolitan county for specific requirements. See the *More information* section for contact information.

Arrange with the site operator to ensure you meet hazardous waste accumulation and disposal requirements, including spill protection, containment, and securing the waste if it is located outdoors or at an unstaffed site. Complete hazardous waste manifests for shipments of the waste using the

contractor's information and the new HWID assigned to the remote site under the contractor's name. Do not use the HWID or address information for your base of operations.

Remember: All parties actively involved in, or who cause the generation of a waste, are considered co-generators. All co-generators remain equally liable for proper hazardous waste management regardless of the party named on a hazardous waste manifest. Listing a co-generator's name on a hazardous waste manifest does not render that party the sole generator nor free any other party from responsibility.

More information

Guidance and requirements in this fact sheet were compiled from Minnesota Rules, Chapter 7045, and communications with the states of Iowa, North Dakota, South Dakota, and Wisconsin, and with the U.S. Environmental Protection Agency, Region VII, on October 3, 2012; and incorporates regulatory interpretation decisions made by the MPCA on May 8, 1996; April 13, 2011; and December 10, 2012. Visit the Office of the Revisor of Statutes at <https://www.revisor.mn.gov/pubs> to review statutes and rules.

Your metropolitan county and the MPCA have staff available to answer waste management questions. For more information, contact your metropolitan county hazardous waste office or your nearest MPCA regional staff.

For information about reducing waste, contact the Minnesota Technical Assistance Program (MnTAP). For questions about Hazardous Materials Regulations, contact the U.S. or Minnesota Department of Transportation (Mn/DOT).

Metro County Hazardous Waste Offices

Anoka.....	763-422-7093
Carver	952-361-1800
Dakota	952-891-7557
Hennepin	612-348-3777
Ramsey	651-266-1199
Scott.....	952-496-8475
Washington.....	651-430-6655
Websites	http://www.co.[county].mn.us

Minnesota Department of Transportation

Hazardous materials	651-215-6330
Website.....	http://www.dot.state.mn.us/cvo/hazmat.html

U.S. Department of Transportation

Hazardous materials	1-800-467-4922
Website	http://www.phmsa.dot.gov/hazmat

Minnesota Pollution Control Agency

Toll free (all offices).....	1-800-657-3864
Brainerd.....	218-828-2492
Detroit Lakes	218-847-1519
Duluth	218-723-4660
Mankato	507-389-5977
Marshall	507-537-7146
Rochester	507-285-7343
St. Paul	651-296-6300
Willmar	320-214-3786
Website	http://www.pca.state.mn.us/

Minnesota Technical Assistance Program

Toll free (outstate only).....	1-800-247-0015
Metro.....	612-624-1300
Website	http://www.mntap.umn.edu/