



Managing Hazardous Waste Generated by Construction and Service Contractors

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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 their base of operations. When their activities generate a hazardous waste, 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 must decide who will manage the waste. While the decision need not 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 MPCA offers the contractor the option to transport the waste to the base location for consolidation or to a Very Small Quantity Generator Collection Program (Collection Program) for disposal. A contractor who chooses to transport the waste is subject to the requirements and conditions described in this fact sheet; the waste must still be managed and disposed of properly.

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 three for MnTAP contact information.

What contractors are eligible?

To be eligible to transport waste to a base location or collection program, a contractor must:

- be a co-generator
- be temporarily, but actively involved in the process(es) that generate the waste
- generate 100 kilograms (kg) or less of hazardous waste per month per site
- generate the waste at a Minnesota site operated by another party

A contractor collecting or removing hazardous waste from equipment or from the site is not considered to be 'actively involved' in the generation process; merely collecting and removing waste generated by another party does not make a contractor a co-generator and eligible to transport the waste to a base location or Collection Program.

Contractors generating waste polychlorinated biphenyls (PCBs) must transport and dispose of PCBs in compliance with Toxic Substances Control Act (TSCA) requirements. For more information on TSCA transport requirements for PCBs, see MPCA hazardous waste fact sheet #4.48d, [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>.

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 and 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 #3.12, [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>.

Requirements for hazardous waste management by eligible contractors

If hazardous waste is not managed in compliance with these requirements, it is subject to full hazardous waste regulation.

At the remote site

While on the remote site, follow normal hazardous waste accumulation requirements – closed and labeled containers that are compatible with the waste, spill protection and containment and weekly inspections. If the waste is stored outdoors or on an unstaffed site, ensure the waste is secure.

For more information on hazardous waste accumulation requirements, see MPCA hazardous waste fact sheet #1.04/1.05, [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>.

Special provisions for transporting waste from the remote location

An eligible contractor may transport waste in a company vehicle provided:

- Individual loads are less than 1000 pounds each
- Waste is taken either to the contractor's base of operations in Minnesota or directly to a Very Small Quantity Generator Collection Program (Collection Program) that has agreed to accept the waste
- Shipments comply with U.S. Department of Transportation (DOT) Hazardous Materials Regulations (HMR), including shipping papers (Do not use a uniform hazardous waste manifest when self-transporting the waste)

For a detailed discussion of the HMR requirements, see MPCA hazardous waste fact sheet #2.53, [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 the fact sheet apply to both transporting waste from a remote site to your base of operations and transporting waste to a Collection Program.

At the contractor's base of operations

Once at your base of operations, you may consolidate wastes of the same type generated from similar processes, but must again manage the hazardous waste under regular hazardous waste requirements.

Remember – you need a Hazardous Waste Identification Number (HWID), also known as an 'EPA ID Number', for your base of operations. (Get a HWID free from the MPCA by completing MPCA hazardous waste form #7.09, [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>.) Under that HWID, you must annually report all the hazardous waste generated at remote sites that you have transported back to your base of operations or to a Collection Program. In addition, you may be required to get a Hazardous Waste Generator License from the MPCA or your metropolitan county.

Disposing of the waste

When you have consolidated the waste at your base location and are ready to dispose of it, you have two options:

1. Arrange for a registered hazardous waste transporter to pick up the waste from your site; you must prepare a uniform hazardous waste manifest to accompany the waste.
2. Take the waste to a Collection Program that has agreed to accept it; you must prepare a shipping paper to accompany the waste (Collection Program staff can help you).

Waste not managed under these guidelines

Co-generators may choose to ship hazardous waste with a registered hazardous waste transporter directly from the remote site. While at the remote site, follow normal waste accumulation requirements. When preparing the uniform hazardous waste manifest to accompany the shipment, list in Box 1 the HWID assigned to the remote site (not the contractor's base-of-operations site). The generator's name and address listed in Box 5 on the manifest must be the operator of the remote site and the remote site address – not information for the contractor temporarily working at the site.

If a co-generator contractor wants to manifest hazardous waste from a remote site under their own name, they must get another HWID from the MPCA for the remote site location.

Remember: Both co-generators remain liable for properly managing hazardous waste regardless of which party is named on the hazardous waste manifest used to accompany the waste. Listing a co-generator name on the manifest does not render that party the sole generator nor free the other party from responsibility.

More information

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 DOT 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	1-800-247-0015
Metro	612-624-1300
Website	http://www.mntap.umn.edu