

Why this document was made publicly available: MPCA is seeking informal feedback on the preliminary draft rule language, which is not yet on formal public notice. This feedback will be used to determine language changes before formal public noticing.

What this document is about: This is a preliminary draft of language for the Land Housekeeping Rule, which is not yet on formal public notice. The changes are minor and affect chapters 7000, 7001, 7035, 7045, 9210 and 9215. Changes include the elimination of obsolete rules, correction of errors, clarification of language, providing updates, reflecting improvements, and providing clarification. However, the following changes may be of interest:

- Incorporating ash variance requirements. Note that mercury quarterly testing is being proposed for reinstatement, which deviates from the existing ash variance. This is the result of staff review indicating that it is inappropriate to hold quarterly mercury samples and then combine them for one analysis.
- Adopting existing federal language to address Resource Conservation and Recovery Act (RCRA) overlap provisions for thermal incinerators. **RCRA Revision Checklist 182** requirements are included for authorization purposes. The overlap provisions found in the RCRA rules allow a permittee to show compliance with the RCRA air standards by certifying compliance with Maximum Achievable Control Technology (MACT) air standards.

Submit informal comments/questions to: yolanda.letnes@state.mn.us no later than **July 16, 2014.**

View more information at: <http://www.pca.state.mn.us/index.php/water/water-permits-and-rules/water-rulemaking/housekeeping-rulemakings.html>

1 **CHAPTER 7000 – PROCEDURAL RULES**

2
3 **7000.1900 CRITERIA TO HOLD CONTESTED CASE HEARING.**

4 *[For text of Subps. 1 to 2, see M.R.]*

5 **Subp. 3. Board or commissioner decision not to hold contested case hearing.** *If the board or commissioner*
6 *decides not to hold a contested case hearing, the board or commissioner may hold a public informational meeting*
7 *as provided in part- 7000.0650-7000.0550, subpart 4.*

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10 **7000.2000 FINAL DECISIONS AND ORDERS IN CONTESTED CASES.**

11 **Subpart 1. Time for filing comments and exceptions.** *The board or commissioner shall take no final action with*
12 *respect to a matter for which a contested case hearing has been held for at least ten days after the date of issuance*
13 *of the administrative law judge's report. Any ~~person~~party to the contested case hearing may ~~serve~~file*
14 *written ~~comments~~argument on or exceptions to the findings of fact, conclusions, and recommendations of the*
15 *administrative law judge no later than the deadline established in writing by the commissioner. Where the board is*
16 *to make the final decision, argument and exceptions shall be filed with the board administrator. Where the*
17 *commissioner is to make the final decision, argument and exceptions shall be filed with the commissioner.*
18 *~~at any time up to five days prior to the board meeting at which the matter will be considered for final decision by the~~*
19 *~~board. Where the commissioner is to make a final decision, any person may serve upon the commissioner written~~*
20 *~~comments on or exceptions to the findings of fact, conclusions, and recommendations of the administrative law~~*
21 *~~judge. The written comments or exceptions must be submitted to the commissioner within ten days of the issuance~~*
22 *~~of the administrative law judge's report. Any ~~comments~~argument and exceptions must be based solely upon the~~*
23 *~~record of the hearing.~~*

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25 *Where the board is to make the final decision, the contested case hearing record shall close upon presentation to*
26 *the board of the field argument and exceptions. Where the commissioner is to make the final decision, the*
27 *contested case hearing record shall close upon filing the written argument and exceptions with the commissioner.*

28 **Subp. 2. Service of comments and exceptions.** *Any ~~person~~party who ~~serves~~files written ~~comments~~argument on*
29 *or exceptions to the administrative law judge's report shall serve these comments or exceptions upon ~~each board~~*
30 *~~member, including the commissioner, and upon all parties.~~*

31 **Subp. 3. Appearance at board meeting.** Any party may appear at the board meeting at which the matter will
32 be considered for final decision and present ~~oral comments~~ the party's exceptions and arguments, limited to
33 evidence in the record, subject to time limitations and conditions that the commissioner prescribes in accordance
34 with part 7000.0650, subpart 5.

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

36 **Subp. 6. Manner.** Where the board is the final decision maker, ~~t~~The commissioner shall place the matter on the
37 agenda for a board meeting. The decision or order must be announced at the board meeting, and in all cases the
38 decision or order must be entered in the minutes of the board meeting.

39 [For text of subps. 7 to 8, see M.R.]
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42 **CHAPTER 7001 – PERMITS AND CERTIFICATIONS**

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44 **7001.0210 GENERAL PERMITS.**

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

46 **Subp. 4. Notice of intent.** The applicant and the agency shall follow the same procedures to issue a general
47 permit as are required for the issuance of an individual permit. However, to comply with part 7001.0100,
48 subpart 3, ~~item G5~~, the agency shall publish notice of intent to issue a general permit in the State Register.

49 [For text of subps. 5 to 6, see M.R.]
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52 **7001.0520 PERMIT REQUIREMENTS.**

53 [For text of subp. 1, see M.R.]

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

56 A. The accumulation by generators of hazardous waste on site within the time limits specified in part
57 7045.0292 or the treatment by generators of hazardous waste on site under the conditions of part 7045.0552,
58 subpart 3, item K.

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

60 ~~L. Household battery collection programs meeting the requirements in of part 7045.0686.~~

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62 ~~LA.~~ Very small quantity generator hazardous waste collection programs meeting the requirements of part
63 7045.0320.

64 ~~MA.~~ Universal waste handlers and universal waste transporters, as defined in part 7045.0020, managing
65 universal wastes under part 7045.1400.

66 [For text of subps. 3 to 7, see M.R.]
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68 **7001.3175 CONTENTS OF PRELIMINARY APPLICATION.**

69 The applicant shall submit ~~four copies of~~ a preliminary application to the commissioner. The application must
70 contain the following:

71 [For text of items A to H, see M.R.]
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73 **7001.3275 DETAILED SITE EVALUATION REPORT.**

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75 **Subpart 1. Scope.** The applicant shall submit ~~four copies of~~ a detailed site evaluation report for all mixed
76 municipal solid waste land disposal facilities. The report must include the information required in subparts 2 to 8
77 and supporting documentation. The report must discuss whether the site meets the requirements of part
78 7035.2815. The applicant shall submit ~~four copies of~~ a detailed site evaluation report for all municipal solid waste
79 combustor ash land disposal facilities. The report must include the information required in subparts 2 to 8 with the
80 exception of subpart 4, item D, along with supporting documentation. The report must discuss whether the site
81 meets the requirements of part 7035.2885.

82 [For text of subps. 2 to 8, see M.R.]

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7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

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

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

CHAPTER 7035 – SOLID WASTE

7035.2815 MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

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

Subp. 4. **Ground water performance standards.** The owner or operator must design, construct, operate, and maintain the facility to achieve compliance with items A to J.

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

F. Except as provided in items E and H ~~and this item~~, pollutant concentrations in ground water must not exceed the intervention limit of the standards in this item at or beyond the compliance boundary and at or below the lower compliance boundary. The intervention limit is defined as 25% of the lowest concentration of the applicable standard in subitems (1) or (2). ~~The standards and intervention limits for these two boundaries are as follows:~~

- (1) Health-Based Guidance for Water standards established by the Minnesota Department of Health.
- (2) If no standard is established for a particular pollutant under (1), then the standard shall be the National Primary Water Regulations found in 40 CFR Part 141.

	Substance	Standard or intervention limit (in micrograms per liter unless otherwise noted)
(1)	Acrylamide	0.025
(2)	Acrylonitrile	0.17
(3)	Atachlor	2.5
(4)	Aldicarb	2.3
(5)	Aldrin	0.0075
(6)	Allyl chloride	7.35
(7)	Arsenic	12.5
(8)	Asbestos	1800000 medium and long (greater than 10 microns) fibers per liter
(9)	Barium	375
(10)	Benzene	3

	Substance	Standard or intervention limit (in micrograms per liter unless otherwise noted)
(11)	Bis(2-chloroethyl)ether	0.078
(12)	Cadmium	1.25
(13)	Carbofuran	9
(14)	Carbon tetrachloride	0.67
(15)	Chlordane	0.055
(16)	Chlorobenzene (monochlorobenzene)	15
(17)	Chloroform	1.3
(18)	Chromium	30
(19)	Copper	325
(20)	DDT	0.25
(21)	Dibromochloropropane (DBCP)	0.063
(22)	1,2-Dibromoethane (Ethylene dibromide, EDB)	0.002
(23)	1,2-Dichlorobenzene (ortho-)	155
(24)	1,3-Dichlorobenzene (meta-)	155
(25)	1,4-Dichlorobenzene (para-)	18.8
(26)	3,3'-Dichlorobenzidine	0.052
(27)	1,2-Dichloroethane	0.95
(28)	1,1-Dichloroethylene	1.8
(29)	1,2-Dichloroethylene (cis-)	17
(30)	1,2-Dichloroethylene (trans-)	17
(31)	Dichloromethane (methylene chloride)	12
(32)	2,4-Dichlorophenoxyacetic acid (2,4-D)	17
(33)	1,2-Dichloropropane	1.5
(34)	Dieldrin	0.0025
(35)	2,4-Dinitrotoluene	0.27
(36)	1,2-Diphenylhydrazine	0.11
(37)	Epichlorohydrin	8.9
(38)	Ethylbenzene	170
(39)	Heptachlor	0.025
(40)	Heptachlor-epoxide	0.0015

	Substance	Standard or intervention limit (in micrograms per liter unless otherwise noted)
(41)	Hexachlorobenzene	0.053
(42)	Hexachlorobutadiene	1.1
(43)	Hexachlorocyclohexane (alpha -)	0.0075
(44)	Hexachlorocyclohexane (beta-)	0.047
(45)	Hexachlorocyclohexane (gamma -)(Lindane)	0.05
(46)	Hexachlorodibenzodioxin	0.000015
(47)	Hexachloroethane	6.2
(48)	Lead	5.0
(49)	Mercury	0.75
(50)	Methyl ethyl ketone	43
(51)	Methoxychlor	85
(52)	Nickel	38
(53)	Nitrate (as Nitrogen)	2500
(54)	Nitrite (as Nitrogen)	250
(55)	N-Nitrosodimethylamine	0.0035
(56)	N-Nitrosodiphenylamine	17.8
(57)	Total carcinogenic polynuclear aromatic hydrocarbons (PAH)	0.007
(58)	Polychlorinated biphenyls (PCB's)	0.02
(59)	Pentachlorophenol	55
(60)	Selenium	11
(61)	Styrene	35
(62)	2,3,7,8 Tetrachlorodibenzo-p-dioxin (TCDD)	0.0000005
(63)	1,1,2,2 Tetrachloroethane	0.44
(64)	Tetrachloroethylene	1.7
(65)	Toluene	500
(66)	Toxaphene	0.075
(67)	1,1,1 Trichloroethane	50
(68)	1,1,2 Trichloroethane	1.5
(69)	Trichloroethylene	7.8
(70)	2,4,6 Trichlorophenol	4.4

	Substance	Standard or intervention limit (in micrograms per liter unless otherwise noted)
(71)	2,4,5-TP (Silvex)	13
(72)	Vinyl chloride	0.037
(73)	Xylene	110

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[For text of item G to J, see M.R.]
[For text of subps. 5 to 16, see M.R.]

7035.2860 BENEFICIAL USE OF SOLID WASTE

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

Subp. 4. Standing beneficial use determinations. A standing beneficial use determination means that the generator or end user of a material can do so in accordance with this subpart without contacting the agency. Only those specific solid wastes and the uses designated in items A to Q have been given standing beneficial use determinations. Any other uses of the solid waste are not authorized and must follow the procedure outlined in subpart 5.

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

E. Reclaimed glass and porcelain fixtures when used as a substitute for conventional aggregate or subgrade applications in accordance with Minnesota Department of Transportation Standard Specifications for Construction, as amended 2000 Edition, 3138.2 A2.

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

J. Salvaged bituminous when used as a substitute for conventional aggregate in accordance with Minnesota Department of Transportation Standard Specifications for Construction, as amended 2000 Edition, 3138.2 A2.

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

M. Coal combustion fly ash as defined by ASTM C618, as amended, when used as a pozzolan or cement replacement in the formation of high-strength concrete.

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

P. Uncontaminated by-product limes when used as agricultural liming materials and distributed in accordance with chapter 1508 and Minnesota Statutes, sections 18C.531 to 18C.575. Application rates for by-product limes must be based on the lime recommendations of the University of Minnesota Extension Service and cannot cause the soil pH to exceed 7.1 after application. Site-specific application rates for by-product lime must be determined by an individual that has a background and understanding of crop nutrient management such as a crop consultant or University of Minnesota Extension Specialist. Recommended rates for lime can be obtained from the University of Minnesota Extension Service publication "Fertilizer Recommendations Guidelines for Agronomic Crops in Minnesota" BU-06240-S, as amended, and the Minnesota Department of Agriculture publication "Ag-Lime Recommendations in Pounds ENP per acre", as amended, available for free on their Web site at <http://www.mda.state.mn.us/lime> <http://www.mda.state.mn.us/licensing/licensetypes/limeprogram/limeperacre.aspx>.

[For text of item Q, see M.R.]
[For text of subps. 5 to 10, see M.R.]

7035.2862 INCORPORATIONS BY REFERENCE.

The documents in items A to D are incorporated by reference for purposes of parts 7035.2860 and 7035.2861. They are not subject to frequent change.

152 A. The Minnesota Department of Transportation Standard Specifications for Construction, ~~as amended (2000~~
153 ~~edition)~~. It is published by the Minnesota Department of Transportation, and is available for free at the following
154 Web site: ~~www.dot.state.mn.us/tecsup/spec/index.html~~<http://www.dot.state.mn.us/pre-letting/spec/index.html>.

155 B. American Society for Testing and Materials (ASTM) Method ~~C618-01~~ C618, ~~as amended~~. These methods are
156 published annually in the Annual Book of ASTM Standards: part C618-01: Standard Specification for Coal Fly Ash
157 and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Concrete, ~~as amended, 2002 edition~~. This
158 publication is available through the Minitex interlibrary loan system.

159 C. University of Minnesota Extension Service Publication: "Fertilizer ~~Recommendations~~Guidelines for
160 Agronomic Crops in Minnesota" BU-06240-S, ~~Revised 2001~~as amended. It is available for free from the following
161 Web site: ~~www.extension.umn.edu~~[http://www1.extension.umn.edu/agriculture/nutrient-management/nutrient-](http://www1.extension.umn.edu/agriculture/nutrient-management/nutrient-lime-guidelines/fertilizer-recommendations-for-agronomic-crops-in-minnesota/)
162 ~~lime-guidelines/fertilizer-recommendations-for-agronomic-crops-in-minnesota/~~. ~~Copies can be purchased at~~
163 ~~University of Minnesota Extension Service Distribution Center, 405 Coffey Hall, 1420 Eckles Avenue, St. Paul, MN~~
164 ~~55108 or can be ordered by e-mail: order@extension.umn.edu or telephone: (800) 876-8636.~~

165 D. Minnesota Department of Agriculture publication "Ag-Lime Recommendations in Pounds ENP per acre" is
166 available on the department's Web site for free at www.mda.state.mn.us/lime
167 <http://www.mda.state.mn.us/licensing/licensetypes/limeprogram/limeperacre.aspx>.

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170 **7035.9120 REQUIRED PRACTICES FOR OWNERS AND OPERATORS AND COMMERCIAL TRANSPORTERS.**

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

172 **Subp. 4. Commercial transporter requirements.**

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

174 C. A commercial transporter who transports infectious waste offsite and facilities that receive the waste
175 must be in compliance with subitems (1) to (9).

176 (1) A commercial transporter must not accept infectious waste from a generator ~~who does not have a~~
177 ~~management plan acknowledgment card issued by the Minnesota Department of Health or a storage facility or~~
178 ~~treatment facility that does not have a management plan as described in part 7035.9130 or as required by~~
179 ~~Minnesota Statutes section 116.79.~~

180 [For text of subitems (2) to (9), see M.R.]

181 ~~D. Commercial transporter vehicles must bear labels or placards that comply with subitems (1) and (2).~~

182 (1) ~~Vehicles transporting infectious waste must be identified on each side of the vehicle, and on the~~
183 ~~access doors to any area holding infectious waste, with the name of the transporter and the words "Infectious~~
184 ~~Waste" in letters six inches high with a stroke width of three-fourths inch or with the international biohazard~~
185 ~~symbol, eight inches by eight inches.~~

186 (2) ~~The vehicle identification number that is issued by the commissioner under part 7035.9140, subpart~~
187 ~~3, must be displayed on the single unit vehicle or trailer to which it is assigned in letters and numbers at least four~~
188 ~~inches in height with a stroke width of one-half inch.~~

189 **Subp. 5. Generator transport requirements**

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

191 ~~C. Generator transport vehicles that exceed 7,000 pounds gross vehicle weight must be identified on each~~
192 ~~side of the vehicle, and on the access doors to any area holding infectious waste, with the name of the transporter~~
193 ~~and the words "Infectious Waste" in letters six inches high with a stroke width of three-fourths inch or with the~~
194 ~~international biohazard symbol, eight inches by eight inches. Magnetic placards that meet these specifications are~~
195 ~~acceptable.~~

196 ~~D.C. Generators who transport infectious waste in vehicles that exceed 7,000 pounds gross vehicle weight~~
197 ~~must comply with subpart 8, items B and C, in addition to providing the name and title of the individual responsible~~
198 ~~for the implementation of infectious waste activities that are consistent with parts 7035.9100 to 7035.9150.~~

199 [For text of subs. 6 to 8, see M.R.]

200
201 **CHAPTER 7045 – HAZARDOUS WASTE**

202 **7045.0020 DEFINITIONS.**

204 [For text of subp. 1 to 28, see M.R.]
205 Subp. 29. **Free liquids.** "Free liquids" means liquids which readily separate from the solid portion of a waste
206 under ambient temperature and pressure. Waste sorbents used with solvents or other liquids must be assumed to
207 contain free liquids unless the sorbents have been:

- 208 A. mechanically wrung, including by hand, with a minimum mean pressure of 10 pounds per square inch;
- 209 B. centrifuged, with a minimum applied centripetal acceleration of 100 times the mean acceleration of
- 210 gravity; or
- 211 C. shown by the generator to be dry in use or otherwise not contain free liquids.

212 [For text of subps. 30 to 59c, see M.R.]
213 Subp. 59d. **Off-specification used oil.** "Off-specification used oil" means a used oil fuel that exceeds any of
214 the specification levels for the following constituents or has a flash point less than 100 degrees
215 Fahrenheit parameters specified in part 7045.0840, item B.

216 Constituent	Allowable level
217 Arsenic, total	5 parts per million maximum
218 Cadmium, total	2 parts per million maximum
219 Chromium, total	10 parts per million maximum
220 Lead, total	100 parts per million maximum
221 Total Halogens	4,000 parts per million maximum

222 [For text of subps. 59e to 60, see M.R.]
223 Subp. 60a. **On-specification used oil.** "On-specification used oil" means used oil fuel that does not exceed any
224 of the specification levels for the constituents in subpart 59d, and has a flash point equal to or greater than 100
225 degrees Fahrenheit parameters specified in part 7045.0840, item B.

226 [For text of subps. 61 to 109, see M.R.]

227
228 **7045.0075 PETITIONS.**

229 [For text of subps. 1 to 4, see M.R.]
230 ~~Subp. 5. **Petition for use of alternate manifest.** A person who meets the criteria in item A may submit a~~
231 ~~petition to the commissioner for approval of the use of an alternate manifest system as described in item B. The~~
232 ~~criteria the commissioner shall use in determining whether to approve the use of the alternate manifest system are~~
233 ~~provided in item C.~~

- 234 ~~A. Only persons meeting the following criteria are eligible to file a petition under this subpart:~~
 - 235 ~~(1) the person proposing to use the alternate manifest system must agree to only use the alternate~~
 - 236 ~~manifest for the transportation of waste from small quantity or very small quantity generators;~~
 - 237 ~~(2) the person proposing to use the alternate manifest system must agree to only use the alternate~~
 - 238 ~~manifest for waste that will be reclaimed under a contractual agreement specifying the type and frequency of~~
 - 239 ~~waste shipments; and~~
 - 240 ~~(3) the person proposing to use the alternate manifest system must own and operate the recycling~~
 - 241 ~~facility to which the waste is proposed to be transported, and must also own the vehicle to be used in transporting~~
 - 242 ~~the waste to the recycling facility and in delivering reclaimed material back to the generator.~~

243 ~~B. Upon approval, an alternate manifest system may be used in lieu of the manifest system described in~~
244 ~~parts 7045.0261 to 7045.0265. The commissioner shall only approve alternate manifest systems meeting the~~
245 ~~following criteria:~~

- 246 ~~(1) The alternate manifest system must include a manifest form to be used by the generator to notify~~
247 ~~the commissioner each time waste is transported under this subpart. The manifest form must include: a space for~~
248 ~~the generator's name, mailing address, telephone number, and identification number; a space for the transporter's~~
249 ~~name and identification number; a space for the name, address, telephone number, and identification number of~~
250 ~~the recycling facility; a space for the United States Department of Transportation shipping name, hazard class,~~
251 ~~identification number, and packing group of the waste as specified in the United States Department of~~
252 ~~Transportation Code, title 49, parts 171 to 199; a space for the number and type of containers and total volume of~~
253 ~~the waste being shipped; a space for the waste identification number as specified in part 7045.0131, 7045.0135, or~~
254 ~~7045.0137; a space for the signature of the generator or the generator's authorized representative affirming the~~

255 *correctness of the information; the mailing address of the commissioner; and a statement advising the generator to*
256 *complete the form and submit it to the commissioner within five working days of transporting waste.*

257 *(2) The alternate manifest system must provide for the petitioner's submittal, on a monthly basis, of*
258 *summaries of the names and identification numbers of generators who transported wastes using the alternate*
259 *manifest and the volume and number of containers of each waste type shipped by each generator.*

260 *(3) The alternate manifest system must allow generators the option of using the manifest system*
261 *provided in parts 7045.0261 and 7045.0265 in lieu of the alternate manifest system.*

262 *C. To obtain the commissioner's approval of the alternate manifest system, the petitioner must:*

263 *(1) submit information demonstrating that the petitioner meets the criteria in item A;*

264 *(2) submit information demonstrating that the proposed alternate manifest system meets the criteria*
265 *in item B; and*

266 *(3) submit information demonstrating the effectiveness and reliability of the alternate manifest*
267 *system, including the following: information on the waste that will be managed and the general type of customers*
268 *who will be using the alternate manifest system; information on the type of recycling service provided by the*
269 *petitioner and a description of the petitioner's recycling facility; information on the type of vehicle to be used and*
270 *the system to be used to pick up and deliver waste from the generator to the petitioner's recycling facility; and a*
271 *discussion of the measures to be taken to educate generators on the use of the alternate manifest and their*
272 *responsibilities as waste generators.*

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

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275 **7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.**

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

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

279 *Q. petroleum-contaminated media and debris that fail the test for the toxicity characteristic in part*
280 *7045.0131, subpart 7 (hazardous waste codes D018 to D043 only), and are subject to corrective action*
281 *regulations requirements in under Code of Federal Regulations, title 40, part 280, as amended chapter 7037;*

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

283 *W. sorbents, soil, and debris contaminated with petroleum fuel from spills and emergencies that are*
284 *contained and reported in accordance with Minnesota Statutes, section 115.061, except for used oil spills and*
285 *emergencies; or*

286 *X. spent materials, other than hazardous wastes listed in part 7045.0135, generated within the primary*
287 *mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral*
288 *processing or by beneficiation, provided that:*

289 **[For text of subitems (1) to (5)]**

290 *(6) for purposes of this item, mineral processing spent materials must be the result of mineral*
291 *processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous*
292 *wastes generated by nonmineral processing industries are not eligible for the exemption in this item; or*

293 **Y. Wood or wood products that:**

294 *(1) are D004 through D017 toxic hazardous wastes under part 7045.0131;*

295 *(2) are not classified as hazardous waste for any other reason;*

296 *(3) have been used for the product's intended end use as:*

297 *(a) structural lumber or the dust, particles and debris generated as a result of structural use; or*

298 *(b) structural lumber utilized as a major landscaping feature, such as a garden retaining wall. Major*
299 *landscaping feature does not include use of structural wood as wood chips or mulch; and*

300 *(c) are disposed of in a permitted lined solid waste landfill.*

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

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303 **7045.0121 TREATABILITY STUDY EXEMPTIONS.**

304 **[For text of subp. 1, see M.R.]**

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

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

308 C. the sample is packaged so that it will not leak, spill, or vaporize from its packaging during shipment and
309 the requirements of either of the following subitems are met:

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

311 (2) if the United States Department of Transportation, United States Postal Service, or other shipping
312 requirements do not apply to the shipment of the sample, the following information must accompany the sample:
313 the name, mailing address, and telephone number of the originator of the sample; the name, address, and
314 telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of
315 shipment; and a description of the sample, including its ~~Environmental Protection Agency~~ hazardous waste number;

316 [For text of items D to F, and subp. 3, see M.R.]

317

318 **7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND RECLAMATION.**

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

320 **Subp. 4. Management of specific hazardous wastes.** Management of the following wastes when recycled, is
321 not subject to regulation under parts 7045.0205 to 7045.0695 and 7045.1390:

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

323 N. recyclable fuel, if the following conditions are met:

324 (1) the recyclable fuel is either:

325 (a) immediately removed from the generation site by a transporter in compliance with all
326 applicable Minnesota Department of Transportation requirements in Minnesota Statutes, sections 221.033
327 to ~~221.0341~~~~221.0355~~, and Code of Federal Regulations, title 49, parts 171 to 199; or

328 (b) the recyclable fuel is accumulated on the generation site in compliance with subunits i to iii:

329 i. a maximum of 110 gallons of recyclable fuel is on site at any time;

330 ii. the recyclable fuel is accumulated only in containers meeting the requirements of part
331 7045.0626, except that the containers may be labeled with the words "Recyclable Fuel" in lieu of the labeling
332 required under part 7045.0626, subpart 4a; and

333 iii. the recyclable fuel is removed from the site by a transporter in compliance with all
334 applicable Minnesota Department of Transportation requirements in Minnesota Statutes, sections 221.033 to
335 221.0341, and Code of Federal Regulations, title 49, parts 171 to 199.

336 [For text of subitems (2) to (5), see M.R.]

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

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

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

340 C. Transporters of hazardous wastes for use as feedstock must comply with all applicable requirements of
341 Minnesota Statutes, sections 221.033 and 221.0341, ~~and with 221.0355 if applicable~~, and Code of Federal
342 Regulations, title 49, parts 171 to 199, as amended.

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

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

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

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

348 (2) Transporters of such a hazardous waste must comply with all applicable requirements of
349 Minnesota Statutes, sections 221.033 and 221.0341, ~~and with 221.0355 if applicable~~, and Code of Federal
350 Regulations, title 49, parts 171 to 199, as amended.

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

352 [For text of subps. 7 to 13, see M.R.]

353

354 **7045.0131 CHARACTERISTICS OF HAZARDOUS WASTE.**

355 [For text of subp. 1, see M.R.]

356 **Subp. 2. Ignitability.** A waste exhibits the characteristic of ignitability if a representative sample of the waste
357 has any of the following properties:

358 A.it is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has
359 a flash point less than 60 degrees Celsius (140 degrees Fahrenheit), as determined by a Pensky-Martens Closed Cup
360 Tester using the test method specified in standard D-93-79 or D-93-80 in the Annual Book of ASTM Standards,
361 issued by the American Society for Testing and Materials (Philadelphia 1982), or a Setaflash Closed Cup Tester using
362 the test method specified in standard D-3278-78 in the Annual Book of ASTM Standards, issued by the American
363 Society for Testing and Materials (Philadelphia 1982), or as determined by an equivalent test method approved by
364 the commissioner under the procedures set forth in part 7045.0075, subpart 1. A sorbent used with a liquid meeting
365 these parameters is also regulated under this item until it is shown to contain no free liquids as defined in part
366 7045.0020, subp. 29:

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

368 [For text of subps.3 to 8, see M.R.]

369
370 **7045.0135 LISTS OF HAZARDOUS WASTES.**

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

372 **Subp. 2b.Additions, modifications, or exceptions to incorporated provisions.**

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

374 D. With the exception of subitem (2), wastes adopted under subpart 1a of this part that were listed solely
375 because they exhibited one or more of the characteristics defined by subitem (1) are not regulated as listed
376 hazardous wastes when they do not exhibit those characteristics at the point of generation or after treatment.
377 Mixtures of wastes listed under this item and wastes generated from management of such wastes are not
378 regulated as listed hazardous wastes, if they do not exhibit any of the characteristics listed under subitem (1).

379 (1) For the purposes of this item, characteristics of ignitability, corrosivity, and reactivity, are defined
380 in the Code of Federal Regulations, sections 261.21, 261.22, and 261.23, as amended, except as modified in subitem
381 (2).

382 (2) Sorbents potentially subject to regulation solely due to mixture with a listed solvent do not exhibit
383 the characteristic of ignitability if they do not contain free liquid as defined in part 7045.0020, subpart 29.

384 (3) Wastes excluded under this item remain subject to the land disposal restrictions adopted under
385 part 7045.1390, if the restrictions would otherwise apply to the waste.

386 [For text of subps. 3 to 5, see M.R.]

387
388
389 **7045.0208 HAZARDOUS WASTE MANAGEMENT.**

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

392 A. A generator may treat or dispose of hazardous waste at an on-site facility as provided under ~~part~~ parts
393 7045.0211 and 7045.0552, subpart 3, item K.

394 [For text of items B to H and subp. 1a, see M.R.]

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

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

397 B. the transporter or the treatment, storage, or disposal facility is not exempt under this chapter and has
398 not notified the commissioner of its hazardous waste activity and ~~received~~ obtained an identification number; ~~or~~

399 C. ~~the transporter is not currently licensed or permitted by the Minnesota Department of Transportation as~~
400 ~~a hazardous waste transporter, except as exempted in part 7045.0120. If the transporter already has an~~
401 identification number, it must provide that number to the commissioner.

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

403
404 **7045.0230 CONTENT OF INITIAL LICENSE APPLICATION.**

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

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

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

410 ~~D.~~ a management plan for each hazardous waste ~~and used oil~~ produced that includes the following
411 information:

- 412 (1) the amounts produced in the previous calendar year;
- 413 (2) the name and identification number of the most frequently used transporter;
- 414 (3) the names and identification numbers of the designated facilities involved in the management of
415 the hazardous waste;
- 416 (4) the methods of management, on and off-site, ~~proposed used~~ for each hazardous waste; and
- 417 (5) ~~the year each hazardous waste was first produced~~ for wastes managed as feedstocks, byproducts,
418 or sludges under the provisions of part 7045.0125, the names addresses, and contact information of the designated
419 facilities involved in the management of the hazardous waste;

420 ~~E.D.~~ the following certification signed by the generator or authorized representative:
421 "I certify under penalty of law that I have personally examined and am familiar with the information submitted in
422 this and all attached documents, and that based on my inquiry of those individuals immediately responsible for
423 obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware
424 that there are significant penalties for submitting false information, including the possibility of fine and
425 imprisonment."; and

426 ~~E.E.~~ any additional information regarding the generator or the waste produced and managed by the
427 generator which is necessary to a decision on the application and which has been requested by the commissioner.
428 [For text of subps. 1a to 4, see M.R.]
429
430

431 **7045.0243 TERM AND CONDITION OF LICENSE.**

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

433 **Subp. 3. General conditions.** Each license must include the general conditions described in items A to J and the
434 commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this
435 part. Licensees must comply with all conditions of the license at all times.

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

437 ~~G.~~ If the licensee begins generation of a hazardous waste that was not included on the license application
438 and is therefore not authorized under the existing license, the licensee must submit an amended application
439 providing information required in part 7045.0230 within 75 days of first producing the new hazardous waste. The
440 generator must at all times manage the new waste in full compliance with parts 7045.0205 to 7045.0325. The
441 generator must not treat, dispose of, or relinquish control of the new waste until at least 15 days after the
442 amended license application is received by the commissioner. The date of receipt is the postmark date if mailed or
443 the agency date of receipt if hand delivered. In the period between 15 days after receipt and the commissioner's
444 action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the new waste as
445 provided in part 7045.0208 until written response to the generator's amended license application is received under
446 part 7045.0245. After the commissioner acts on the amended license application, the generator must manage the
447 new waste according to the amended license conditions and the requirements of this chapter or the generator must
448 cease producing the new waste if the amended license application is denied.

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

451 ~~I.G.~~ The license is not transferable. If the owner or operator to whom the license has been issued changes,
452 during the term of the license, the license is transferred to the new owner or operator. The new owner or
453 operator must apply for a new license not later than 30 days after the change, but at the end of the existing
454 license term.

455 ~~J.H.~~ The license authorizes the licensee to perform the activities described in or referenced by the license
456 under the conditions of the license. In issuing the license, the state and agency assume no responsibility for
457 damage to persons, property, or the environment caused by the activities of the licensee in the conduct of its
458 actions, including those activities authorized under the license. To the extent the state and agency may be
459 liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act,
460 Minnesota Statutes, section 3.736.
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7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. Large quantity generator. A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

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

G. the requirements of parts 7045.0558; 7045.0562, subparts 1 ~~and~~ to 2; 7045.0566 to 7045.0576; and Code of Federal Regulations, title 40, section 268.7(a)(5), as incorporated in part 7045.1390, are fulfilled regarding personnel training, ignitable, reactive, or incompatible waste, preparedness and prevention, contingency planning, and waste analysis for restricted wastes.

[For text of subps. 2 to 12, see M.R.]

7045.0294 RECORD KEEPING.

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

Subp. 5. Location of records. The records required in subparts 1 to 3a ~~and~~ if required, in parts 7045.0568 and 7045.0572, must be located at, or if in electronic form, accessible from, the licensed site. The records must be easily available for agency inspection

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

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

Subp. 3. Management requirements. An operator who establishes or operates all or part of a household hazardous waste management program must comply with the standards applicable to large quantity generators established in parts 7045.0205 to 7045.0325, except as modified in items A to ~~E~~.

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

F. The operator need not comply with the requirements of part 7045.0625, subpart 1, item D, and subpart 4, item A, to submit copies of hazardous waste manifests or shipping papers to the commissioner.

G. An operator who is operating only a designated collection point for waste architectural paint under Minnesota Statutes section 115A.1415 must comply with the standards applicable to small quantity generators in parts 7045.0205 to 7045.0325, except as modified in this part, for the waste architectural paint collected. In lieu of the time limit contained in subpart 3, item D, and subpart 6 of this part, the operator must meet the small quantity generator accumulation volume and time limits established in part 7045.0292, subpart 5 for the waste architectural paint collected. In addition to other destinations allowed by this part, the operator may also transport waste architectural paint to or accept waste architectural paint from another collection program authorized under this part or part 7045.0320 without a manifest. The operator must meet all otherwise applicable requirements for other hazardous waste activities at the site.

[For text of subps. 4 to 7, see M.R.]

7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

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

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

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

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

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

- (4) the generator name and identification number; ~~and~~
- (5) the signature of the generator or authorized representative;
- (6) the collection site name and identification number;
- (7) the printed name of the collection site's operator or authorized representative; and

514 (8) the signature of the collection site operator or authorized representative.
 515 G. An operator who is operating only a designated collection point for architectural paint under Minnesota
 516 Statutes section 115A.1415 must comply with the standards applicable to small quantity generators established in
 517 parts 7045.0205 to 7045.0325, except as modified in this part, in lieu of the requirements referenced in item C of
 518 this subpart, for the architectural paint collected. In addition to other destinations allowed by this part, the
 519 operator may also transport waste architectural paint to or accept waste architectural paint from another
 520 collection program authorized under this part or part 7045.0310 without a manifest. The operator must meet all
 521 otherwise applicable requirements for other hazardous waste activities at the site.

522 [For text of subp. 10, see M.R.]

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525 **7045.0325 APPENDIX TO GENERATOR STANDARDS; MANIFEST AND INSTRUCTIONS.**

526 ~~Subpart 1. Incorporation.~~ The appendix found in Code of Federal Regulations, title 40, part 262, regarding the
527 hazardous waste manifest and instructions, as amended, is incorporated by reference, ~~subject to subpart 2.~~

528 **Subp. 2. Additions, modifications, and exceptions to incorporation.**

529 ~~A. Where the instructions for the use of the manifest use the term "offeror," it shall only mean either the~~
530 ~~generator of the waste or the owner or operator of the designated facility.~~

531 ~~B. In item 18 of the instructions for the use of the manifest, references to discrepancies shall include all~~
532 ~~discrepancies and responses to discrepancies identified in parts 7045.0476 and 7045.0582.~~

533
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535 **7045.0361 IDENTIFICATION NUMBERS.**

536 A person who transports hazardous waste that originates or terminates in Minnesota must obtain an
537 identification number before transporting the hazardous waste. The transporter may obtain the number by
538 notifying the commissioner of their hazardous waste transport activity~~obtain an identification number on forms~~
539 provided by the agency before transporting the hazardous waste. If the transporter already has an identification
540 number, it must provide that number to the commissioner.

541
542
543 **7045.0365 TRANSFER FACILITY REQUIREMENTS.**

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

545 **Subp.3. Storage of 1,000 kilograms or more.** A transporter who stores 1,000 kilograms or more of hazardous
546 waste at any time at any transfer facility shall comply with the following requirements:

547 A. spill reporting and cleanup under part 7045.0275, subparts 2 and 3;

548 B. hazardous waste storage area protection and secondary containment under part 7045.0292, subpart 1,
549 items D and E;

550 C. facility inspections under part 7045.0556, subpart 5, items A, C, and D;

551 D. employee training under part 7045.05580292, subpart 5, item H, subitem (3);

552 E. signage in proximity to ignitable waste under part 7045.0562, subpart 1;

553 F. facility operation and emergency equipment under part 7045.0566, subparts 2 to 4, and 6; and

554 G. part 7045.0572, subparts 2 to 6;

555 H. container closure under part 7045.0626, subpart 4;

556 I. the transporter shall keep at the transfer facility a written operating record that contains the following
557 information for each shipment:

558 (1) the generator name and manifest document number;

559 (2) the date the waste was received by the transfer facility; and

560 (3) the date the waste was shipped by the transfer facility; and

561 J. storage areas must be protected from unauthorized access and inadvertent damage from vehicles or
562 equipment.

563
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565 **7045.0371 TRANSPORTATION OF HAZARDOUS WASTE.**

566 Hazardous waste shall be transported in accordance with all applicable requirements of Minnesota Statutes,
567 sections 221.033 and 221.0341, ~~and with 221.035 if applicable,~~ and Code of Federal Regulations, title 49, parts 171
568 to 199, as amended.

569

570

571 **7045.0395 HAZARDOUS WASTE DISCHARGES.**

572 *[For text of subp. 1 to 4, see M.R.]*

573 **Subp. 5. Reporting.** Any air, rail, highway, or water transporter who has discharged hazardous waste must:

574 A. report in writing as required by Code of Federal Regulations, title 49, section 171.16, as amended, to the
575 Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of
576 Transportation, Washington, D.C. 20590-0001, or submit an electronic hazardous materials incident report to the
577 Information Systems Manager, DHM-63, Pipeline and Hazardous Materials Safety Administration, Department of
578 Transportation, Washington, D.C. 20590-0001 at <http://hazmat.dot.gov>;

579 B. submit a copy or photocopy of the report required in item A within 15 days of the incident to the
580 commissioner; and

581 C. ~~in the case of a spill or leakage of hazardous waste during transit, the amount spilled, the location of~~
582 ~~the spill site, and the name of the state or federal agency responsible for overseeing the cleanup of the site shall be~~
583 ~~noted on or attached to the hazardous waste manifest by the transporter.~~

584

585

586 **7045.0675 RECYCLABLE HAZARDOUS WASTE USED FOR PRECIOUS METAL RECOVERY.**

587 **Subpart 1. Scope.** This part applies to recyclable hazardous waste that is reclaimed to recover
588 economically significant amounts of gold, silver, platinum, ~~paladium~~ palladium, ~~iridium~~ iridium, osmium, rhodium,
589 ruthenium, or any combination of these.

590 *[For text of subs. 2 to 5, see M.R.]*

591

592

593 **7045.0686 SPECIAL REQUIREMENTS FOR MANAGEMENT OF SPENT OR WASTEHOUSEHOLD BATTERIES.**

594 **Subpart 1. Scope.** ~~The requirements of this part apply to operators who collect, store, transport, or reclaim~~
595 ~~spent or waste household batteries as a part of a household battery management program.~~

596 A. "Household battery management program" means:

597 (1) a program established to accept or collect spent or waste household batteries;

598 (2) a program established by a resource recovery facility to segregate spent or waste household
599 batteries from household waste; or

600 (3) a program established by a solid waste disposal facility to segregate spent or waste household
601 batteries from household waste during processing activities.

602 B. ~~Operators who collect, transport, or store spent or waste household batteries which are sent for~~
603 ~~recycling but who do not reclaim them are subject to regulation under subparts 2 and 3, but are not otherwise~~
604 ~~subject to regulation under parts 7045.0205 to 7045.1390, and chapter 7001 for such collection, transportation,~~
605 ~~and storage.~~

606 C. ~~Operators who collect, transport, or store spent or waste household batteries which are not recycled are~~
607 ~~subject to regulation under subpart 3 and part 7045.0310.~~

608 D. ~~Operators who collect, transport, store, and also reclaim spent or waste household batteries are subject~~
609 ~~to regulation under subparts 2 to 4.~~

610 **Subp. 2. Notification.** ~~An operator who intends to establish or operate all or part of a household battery~~
611 ~~management program shall ensure that the information required in items A to K is submitted to the commissioner~~
612 ~~at least 30 days before initiating the household battery management program. If household batteries are~~
613 ~~speculatively accumulated as defined in part 7045.0020, a permit is required under chapter 7001 instead of this~~
614 ~~notification. The notification shall provide a complete description of the program including, as applicable:~~

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

616 B. the location of all household battery collection sites;

617 C. the duration and operating hours of the program;

- 618 *D. the intended program service area;*
- 619 *E. the manner in which household batteries will be collected, stored, and disposed of or recycled;*
- 620 *F. the amount of time the operator intends to store household batteries at individual collection sites;*
- 621 *G. a description of the containers used to collect and store household batteries;*
- 622 *H. the name and address of all facilities which will dispose of or recycle the household batteries;*
- 623 *I. a description of how the operator will manage cracked or leaking household batteries;*
- 624 *J. a description of how the operator will clean up spills resulting from leaking household batteries; and*
- 625 *K. any other information necessary to describe all aspects of the program.*

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

629 **Subp. 3. Standards for storage.** *Spent or waste household batteries must be stored according to items A to C.*
 630 *A. Storage of spent or waste household batteries shall be in vented, corrosion resistant containers.*
 631 *B. Storage of containers of spent or waste household batteries shall be subject to the requirements of part*
 632 *7045.0526, subparts 2 to 6 and 9.*

633 *C. If the storage of spent or waste batteries meets the criteria of speculative accumulation as defined in*
 634 *part 7045.0020, the storage is also subject to the following requirements: parts 7045.0452 to 7045.0456;*
 635 *7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to 7045.0562; 7045.0566 to 7045.0578;*
 636 *7045.0584 to 7045.0632; and the permitting requirements of chapter 7001 for hazardous waste storage facilities.*

637 **Subp. 4. Standards for operators of facilities that store spent or waste household batteries before**
 638 **reclaiming.** *The operators of facilities that store batteries before reclaiming them are subject to regulation under*
 639 *parts 7045.0452 to 7045.0456; 7045.0460 to 7045.0470; 7045.0478 to 7045.0534; 7045.0544; 7045.0552 to*
 640 *7045.0562; 7045.0566 to 7045.0578; 7045.0584 to 7045.0632; and the permitting requirements of chapter 7001*
 641 *for hazardous waste storage facilities.*

642
 643
 644 **7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.**

645 *[For text of subp. 1, see M.R.]*

646 **Subp. 2. Prohibitions.**
 647 *A. A person may market hazardous waste fuel only:*

648 *(1) to persons who have notified the Environmental Protection Agency, or, if located in Minnesota, the*
 649 *commissioner, of their hazardous waste fuel activities and have obtained an identification number; and*

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

651 *[For text of items B to C, and subps. 3 to 4, see M.R.]*

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

654 *A. A marketer of hazardous waste that is used as a fuel or used to produce a fuel must notify*
 655 *the Environmental Protection Agency commissioner to identify hazardous waste fuel activities. Even if a marketer*
 656 *has previously notified the Environmental Protection Agency commissioner of hazardous waste management*
 657 *activities other than hazardous waste fuel activities, a marketer must renotify specifically to identify hazardous*
 658 *waste fuel activities.*

659 *[For text of items B to C, see M.R.]*

660 *D. Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer,*
 661 *a one-time written and signed notice from the burner or marketer must be obtained certifying that:*

662 *(1) the burner or marketer has notified the Environmental Protection Agency, or, if located within*
 663 *Minnesota, the commissioner, and identified the waste-as-fuel activities; and*

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

665 *E. Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, the*
 666 *receiving marketer must provide the other marketer with a one-time written and signed notice certifying that the*
 667 *receiving marketer has notified the Environmental Protection Agency commissioner and identified the receiving*
 668 *marketer's hazardous waste fuel activities.*

669 *[For text of item F, see M.R.]*

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

673 A. A burner must obtain an identification number by notifying the Environmental Protection
674 Agency commissioner of hazardous waste fuel activities before beginning the activity and obtain an identification
675 number. Even if a burner has previously notified the Environmental Protection Agency commissioner of the burner's
676 hazardous waste management activities and obtained an identification number, the burner must renotify
677 the Environmental Protection Agency commissioner to identify the burner's hazardous waste fuel activities.

678 B. Before a burner accepts the first shipment of hazardous waste fuel from a marketer, the burner must
679 provide the marketer with a one-time written and signed notice certifying that:

680 (1) the burner has notified the Environmental Protection Agency commissioner and identified the
681 burner's waste-as-fuel activities; and

682 [For text of subitem (2), and items C to F, see M.R.]
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685 **7045.0895 STANDARDS FOR USED OIL FUEL MARKETERS.**

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

687 **Subp. 5. Notification.** Used oil fuel marketers who have not notified the EPA that they are marketers of used oil
688 must submit a completed EPA form 8700-12 to EPA indicating their used oil marketing activities. Prior to marketing
689 off-specification used oil, fuel marketers must obtain an identification number by notifying the commissioner of
690 their off-specification used oil marketing activities.

691 [For text of subps. 6 to 8, see M.R.]
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693
694 **7045.0990 USED OIL FILTERS.**

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

696 **Subp. 5. Requirements for used oil filter brokers, processors, and recyclers.**

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

698 B. Used oil filter ~~transporters~~ brokers and processors/rerefiners must send at least 75 percent of the used
699 oil filters they take possession of each year for recycling. Recyclers must recycle at least 75 percent of the used oil
700 filters they take possession of each year.

701 [For text of items C to D, see M.R.]
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704 **7045.1400 ADOPTION OF FEDERAL STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.**

705 [For text of subp. 1, see M.R.]

706 **Subp. 2. Exceptions.**

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

708 E. References in Code of Federal Regulations, sections 273.13(c)(~~34~~)(ii) and 273.33(c)(~~34~~)(ii), to the
709 requirements of title 40, parts 260 through 272, mean the requirements of chapter 7045.

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

711 [For text of subp. 3, see M.R.]
712

713
714 **CHAPTER 9210 – SOLID WASTE GRANT AND LOAN PROGRAMS**

715
716
717 **9210.0120 GRANT APPLICATION PROCEDURES.**

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

719 **Subp. 5. Notification by commissioner.** To initiate the process for awarding grants under the capital assistance
720 program, the commissioner will ~~shall publish a notice in the State Register. The notice shall advise~~ provide notice to

721 eligible applicants of the availability of grant funds, ~~inform eligible applicants of the procedure and projected~~
722 ~~schedule for the application process, and establish a date by which a preliminary grant application must be~~
723 ~~received by the commissioner and of the availability of a request for proposals (RFP) as described in part~~
724 ~~9210.0810. Notice will be provided through the agency's Web site, through the state's electronic financial portal,~~
725 ~~or by publication in the State Register.~~

726 **Subp. 6. Preliminary grant applications.** Eligible applicants may submit to the commissioner
727 preliminary grant applications containing the information in part 9210.0131. Applications received by the
728 commissioner after the deadline ~~in the State Register notice~~ established in the RFP shall not be considered
729 for funding and shall be returned to the applicants.

730 **Subp. 7. Invitation by commissioner.** After the ~~date~~ deadline established in the ~~State Register notice~~ RFP, the
731 commissioner shall review the preliminary grant applications. Using the criteria in part 9210.0132, the
732 commissioner shall notify each applicant, in writing, as to whether it is invited to submit a final grant application.
733 Only applicants so invited remain eligible for a grant. The commissioner's invitation shall specify a ~~date~~ deadline by
734 which the final grant application must be received by the agency.

[For text of subp. 8, see M.R.]

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738 **9210.0810 REQUEST FOR PROPOSALS.**

739 **Subpart 1. All requests for proposal.** To initiate a process for awarding environmental assistance grants or
740 loans, the commissioner ~~will shall publish a notice in the State Register advising~~ provide notice to eligible applicants
741 of the availability of environmental assistance grants and loans and of a request for proposals (RFP) that describes
742 the process by which applicants may apply for a grant or a loan. Notice will be provided through the agency's Web
743 site, through the state's electronic financial portal, or by publication in the State Register. In the RFP, the
744 commissioner shall:

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

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

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749 **CHAPTER 9215 – SOLID WASTE PLANNING; CERTIFICATE OF NEED**

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752 **9215.0900 CONTENT OF CERTIFICATE OF NEED REQUEST.**

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

754 **Subp. 3. Origin of waste.** The request shall include identification of the origin of the solid waste including
755 estimates of the amount of solid waste to be received annually from each county or district of origin. Information
756 about quantities of solid waste from counties or districts outside the metropolitan area shall be based on
757 information in approved county solid waste management plans. Information about quantities of solid waste from
758 counties or districts within the metropolitan area shall be based on information in approved county or district solid
759 waste master plans. If an approved county or district solid waste management plan or master plan does not state
760 that solid waste from a county or district will be managed at the proposed facility, the request shall include a letter
761 from the county or district board of the county or district generating the solid waste indicating that in the county's
762 or district's best estimate the amount of solid waste in question is available for management at the proposed
763 facility. The letter must be consistent with the approved plan and the plan amendment requirements of
764 part ~~9215.0820~~ 9215.0810.

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

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768 **ASH VARIANCE RELATED**

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771 **7035.2885 MUNICIPAL SOLID WASTE COMBUSTOR ASH LAND DISPOSAL FACILITIES.**

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

773 *Subp. 4. Limitation of leachable contaminants. After January 1, 1993, ~~the~~ the owner or operator of a*
774 *waste combustor ash land disposal facility may not dispose of ash ~~which~~ that exceeds the maximum*
775 *leachable contaminant levels of subpart 5, unless the facility design either meets or exceeds the*
776 *requirements of subparts 10, item C, subitem (3); and 11, item O or P, or if the facility is a type II*
777 *cell ~~which~~ that meets or exceeds the requirements in part 7035.2915 and is approved prior to ~~or during~~*
778 *~~the nine-month period immediately following adoption of parts 7001.0040 to 7035.2915~~ January 1, 1993,*
779 *whichever applies. Compliance with this subpart must be based on results of testing ash using EPA*
780 *Method 1312 as required by part 7035.2910, except as provided by items B to D. Alternatively, the*
781 *commissioner may approve treatment within the land disposal facility if treatment reduces contaminant*
782 *mobility so that any pollutants detected in leachate will not exceed the maximum leachable contaminant*
783 *levels of subpart 5. A request for approval of an in-place treatment method must include results of a pilot*
784 *scale demonstration of the effectiveness of the treatment method.*

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

786 *E. A municipal solid waste combustor ash land disposal facility which accepts ash from a waste*
787 *combustor which has not completed ~~four~~ one or more ~~quarters~~ years of ash testing according to part*
788 *7035.2910, must place the ash over a liner that complies at a minimum with the design requirements of*
789 *subpart 11, item P, unless:*

790 *[For text of subitems (1) to (2), see M.R.]*

791 *[For text of subps. 5 to 9, see M.R.]*

792 *Subp. 10. Cover system. The owner or operator must design and maintain a cover system capable of*
793 *minimizing infiltration of precipitation into the fill areas, preventing surface water ponding on fill areas,*
794 *preventing erosion of surface and side slopes, minimizing the creation and movement of dust, retaining*
795 *slope stability, reducing effects of freeze-thaw and other weather conditions, maintaining vegetative*
796 *growth while minimizing root penetration of the low permeability cover layer, discouraging vector and*
797 *burrowing animal intrusion into the site, and attenuating contaminants contained in leachate. A*
798 *complete cover system must consist of intermittent, intermediate, and final covers as outlined in items A*
799 *to C.*

800 *A. The owner or operator must place intermittent cover on all exposed ash according to the*
801 *approved operation and maintenance manual for the site and subitems (1) to (4). In all cases,*
802 *intermittent cover placement must be adequate to prevent fugitive dust emissions.*

803 *(1) The owner or operator of a facility which disposes of bottom ash or combined ash must place*
804 *intermittent cover frequently enough so that the bottom ash or combined ash is not left uncovered for*
805 *more than 48 hours. The percent moisture of exposed ash must not be less than ten percent at any time,*
806 *as determined under subpart 15, item D. In the active work area, newly delivered waste combustor ash*
807 *may be used to cover previously placed ash.*

808 *[For text of subitems (2) to (4), see M.R.]*

809 *[For text of items B to C, see M.R.]*

810 *[For text of subps. 11 to 14, see M.R.]*

811 *Subp. 15. Operation and maintenance requirements. The owner or operator must operate the*
812 *facility according to items A to V.*

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

814 *D. To determine compliance with subpart 10, item A, subitem (1), the moisture content of ash in*
815 *areas where intermittent cover has not been placed must be tested, except as provided by subitem 5.*
816 *The owner or operator must follow the sampling procedures of subitems (1) to (4) must be followed.*

817 *[For text of subitems (1) to (4), see M.R.]*

818 (5) Compliance with subpart 10, item A, subitem (1) may alternately be demonstrated by using the
 819 results of moisture content testing calculated under part 7035.2910, if moisture content testing
 820 demonstrates that moisture content is above 10 percent for the previous 4 analysis events.

821 [For text of items E to V, see M.R.]
 822 [For text of subps. 16 to 18, see M.R.]

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 824 **7035.2910 MUNICIPAL WASTE COMBUSTOR ASH TESTING REQUIREMENTS.**

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

826 Subp. 2. *Scope.* Subparts 1 to 11~~2~~ apply to owners and operators of municipal solid waste combustors.

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

828 Subp. 4. *Test methods.* The owner or operator must analyze samples for total composition, leaching potential,
 829 and physical characteristics for the following testing parameters, using test methods issued by the United States
 830 Environmental Protection Agency or the American Society for Testing and Materials unless the method is approved
 831 as provided by item D. The test methods must obtain detection limits equal to or less than those specified in this
 832 subpart.

833 A. Total composition:

834 (1) Table 1: Quarterly Testing Parameters:

Parameter	Maximum Detection Limit (mg/kg)	
(a) Aluminum	2.0	mg/kg
(b) Arsenic	1.7	mg/kg
(c) Cadmium	0.16	mg/kg
(d) Lead	0.8	mg/kg
(e) Manganese	2.4	mg/kg
(a) Mercury	0.08	mg/kg
(g) Nickel	5.6	mg/kg
(h) Selenium	1.3	mg/kg
(i) Zinc	56	mg/kg
(b) Other parameters listed in subitem (2) or (3) which are required by the commissioner based on results of previous testing.		

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(2) Table 2: Annual Testing Parameters:

Parameter	Maximum Detection Limit (mg/kg)	
(a) Aluminum	2.0	
(b) Arsenic	1.7	
(c) Barium	4	mg/kg
(d) Boron	4	mg/kg
(e) Cadmium	0.16	
(f) Calcium	40	mg/kg
(g) Chloride	40	mg/kg

(he) Chromium	0.72	mg/kg
(hf) Copper	0.8	mg/kg
(ig) Iron	0.4	mg/kg
(k) Lead	0.8	
(lh) Magnesium	0.4	mg/kg
(m) Manganese	2.4	
(n) Nickel	5.6	
(o) Selenium	1.3	
(pt) Silver	0.8	mg/kg
(qf) Sodium	4	mg/kg
(rk) Strontium	2.0	mg/kg
(sl) Sulfate	40	mg/kg
(tm) Tin	1.2	mg/kg
(u) Zinc	56	

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(3) Table 3: Special BiAnnual* Testing Parameters:

Parameter	Method	Maximum Detection Limit (ng/kg)	
(a) Dioxins	EPA 8290	10	ng/kg
(b) Furans	EPA 8290	10	ng/kg

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*Dioxin/Furan Testing may be discontinued for an ash type at a facility if the facility owner or operator demonstrates that neither substance has been detected in concentrations above one part per billion.

(4) EPA Method 3050, as amended, for metals digestion must be used for ~~total composition analysis~~ metals digestion.

B. Leaching potential: use EPA Method 1312, the Synthetic Precipitation Leach Test for Soils, with extraction fluid no. 2 (pH=5.0) to satisfy the leaching potential testing requirements of this part.

(1) Table 1: Quarterly Testing Parameters:

Parameter	Maximum Detection Limit	
(a) Aluminum	1000	µg/l
(b) Arsenic	25	µg/l
(c) Cadmium	4	µg/l
(d) Lead	20	µg/l
(e) Manganese	20	µg/l
(af) Mercury	2	µg/l
(g) Nickel	20	µg/l

<i>(h) Selenium</i>	<i>20</i>	<i>µg/l</i>
<i>(i) Zinc</i>	<i>20</i>	<i>µg/l</i>
<i>(j) pH of ash and of leachate produced by the leach test</i>	<i>+/- 0.1</i>	<i>pH units</i>
<i>(bk) Other parameters listed in subitem (2) which are required by the commissioner based on results of previous testing.</i>		

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(2) Table 2: Annual Testing Parameters:

Parameter	Maximum Detection Limit (µg/l)	
<i>(a) Alkalinity</i>	<i>1000</i>	<i>µg/l</i>
<i>(b) Aluminum</i>	<i>1000</i>	
<i>(c) Arsenic</i>	<i>25</i>	
<i>(db) Barium</i>	<i>100</i>	<i>µg/l</i>
<i>(ee) Boron</i>	<i>100</i>	<i>µg/l</i>
<i>(f) Cadmium</i>	<i>4</i>	
<i>(gd) Calcium</i>	<i>1000</i>	<i>µg/l</i>
<i>(he) Chemical Oxygen Demand</i>	<i>4000</i>	<i>µg/l</i>
<i>(if) Chloride</i>	<i>1000</i>	<i>µg/l</i>
<i>(ig) Chromium</i>	<i>18</i>	<i>µg/l</i>
<i>(kh) Copper</i>	<i>20</i>	<i>µg/l</i>
<i>(li) Iron</i>	<i>10</i>	<i>µg/l</i>
<i>(m) Lead</i>	<i>20</i>	
<i>(nj) Magnesium</i>	<i>10</i>	<i>µg/l</i>
<i>(ok) Manganese</i>	<i>20</i>	
<i>(pk) Nickel</i>	<i>20</i>	
<i>(qk) Selenium</i>	<i>20</i>	
<i>(rk) Silver</i>	<i>20</i>	<i>µg/l</i>
<i>(sl) Sodium</i>	<i>100</i>	<i>µg/l</i>
<i>(tm) Strontium</i>	<i>50</i>	<i>µg/l</i>
<i>(un) Sulfate</i>	<i>1000</i>	<i>µg/l</i>
<i>(ve) Tin</i>	<i>30</i>	<i>µg/l</i>
<i>(w) Zinc</i>	<i>20</i>	

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(3) EPA SW-846 Method 3050, as amended, must be used for metals digestion.

855 (4) With each leaching potential test, determine the pH of ash and leachate produced by the leach test
 856 using a maximum detection limit of ± 0.1 pH units for each sample analyzed.

857 C. Physical characteristics:

Parameter	Method
(1) Moisture content	ASTM D3173
(2) Percent combustible	ASTM D3174

859 D. The owner or operator may propose alternative test methods for the commissioner's review and
 860 approval. The owner or operator must demonstrate that the proposed alternative methods are equivalent in terms
 861 of accuracy and precision to the methods required by this subpart.

862 E. The owner or operator may move a parameter from the quarterly parameter lists of item A, subitem (1),
 863 and item B, subitem (1), to the annual parameter lists of item A, subitem (2), and item B, subitem (2), if the
 864 parameter has not been detected above the detection limits specified in this subpart for eight or more consecutive
 865 sampling events. The owner or operator must report changes in the parameter lists as part of the annual report
 866 required by subpart 10.

867 Subp. 5. **Number and frequency of analyses.** The owner or operator must collect and analyze separate samples
 868 of fly ash and either bottom ash, or samples separately according to item A. In cases where bottom and fly ash are
 869 mixed, collect and analyze samples of combined ash according to item B, and fly ash samples according to item A. If
 870 ash treatment occurs prior to disposal, collect samples after treatment. The minimum number of ash samples to
 871 analyze for each parameter list of subpart 4 and the analysis frequency is identified in Table 1.

872 Table 1: Minimum number of samples to analyze

Relevant Minnesota Rule part:	Bottom Ash	Fly Ash	Combined Ash	Frequency of Analysis
(a) 7035.2910, subp. 4, item, A.(1)	4	2	6	Quarterly
(b) 7035.2910, subp. 4, item, A.(2)	4	2	6	Annual
(c) 7035.2910, subp. 4, item, A.(3)	3	3	6	Biennial*
(d) 7035.2910, subp. 4, item, B.(1)	3	3	6	Quarterly
(e) 7035.2910, subp. 4, item, B.(2)	3	3	6	Annual
(f) 7035.2910, subp. 4, item, C	3	3	6	Annual

874 *Dioxin/Furan testing may be discontinued for an ash type at a facility if the facility owner or operator
 875 demonstrates that neither substance has been detected in concentrations above one part per billion.

876 A. Owners and operators of facilities which manage bottom and fly ash separately must test ash quarterly
 877 according to subitem (1), and annually according to subitem (2).

878 (1) At a minimum the following number of samples must be analyzed: four samples of bottom ash and
 879 two samples of fly ash for total composition for the parameters listed in subpart 4, item A, subitem (1); three
 880 samples of bottom ash and three samples of fly ash for leaching potential for the parameters listed in subpart 4,
 881 item B, subitem (1); and three samples of bottom ash and three samples of fly ash for the physical characteristics
 882 tests listed in subpart 4, item C.

883 (2) At a minimum the following number of analyses of the annual composite samples must be
 884 performed: four samples of bottom ash and two samples of fly ash for total composition for the parameters listed
 885 in subpart 4, item A, subitem (2); two samples of fly ash for total composition for the parameters listed in subpart 4,
 886 item A, subitem (3); three samples of bottom ash and three samples of fly ash for leaching potential for the
 887 parameters listed in subpart 4, item B, subitem (2), and three samples of bottom ash and three samples of fly ash
 888 for moisture content in accordance with subpart 4, item C, subitem (1). For at least the first two years of sampling
 889 and analyses performed in accordance with this part, annual composite samples must be analyzed for the quarterly
 890 testing parameters listed in subpart 4, item A, subitem (1), and item B, subitem (1), in addition to the annual
 891 parameters required by this subitem.

892 B. Owners and operators of facilities which manage combined ash must test ash quarterly according to
 893 subitem (1), and annually according to subitem (2).

895 (1) At a minimum the following number of samples must be analyzed: six samples for total
896 composition for the parameters listed in subpart 4, item A, subitem (1); six samples for leaching potential for the
897 parameters listed in subpart 4, item B, subitem (1); and six samples for the physical characteristics tests listed in
898 subpart 4, item C.

899 (2) At a minimum the following number of analyses of the annual composite sample must be
900 performed: six samples for total composition for the parameters listed in subpart 4, item A, subitem (2); two
901 samples for total composition for the parameters listed in subpart 4, item A, subitem (3); six samples for leaching
902 potential for the parameters listed in subpart 4, item B, subitem (2), and six samples for moisture content in
903 accordance with subpart 4, item C, subitem (1). For at least the first two years of sampling and analyses performed
904 in accordance with this part, analyze annual composite samples for the quarterly testing parameters listed in
905 subpart 4, item A, subitem (1) and item B, subitem (1), in addition to the annual parameters required by this
906 subitem.

907 [For text of subs. 6 to 9, see M.R.]

908 **Subp. 10. Annual ash testing report.** The owner or operator must submit an annual ash testing report to the
909 commissioner by March 15 of each year. The report must include the information in items A to F.

910 A. Results of quarterly and annual analyses of ash as required by this part for the previous calendar year.
911 Total composition results must be reported on a dry weight basis.

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

913 [For text of subp. 11, see M.R.]

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915 **STATE FIRE CODE-RELATED REVISIONS AND OTHERS**

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917 **7045.0526 USE AND MANAGEMENT OF CONTAINERS.**

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

919 **Subp. 7. Special requirements for ignitable or reactive waste.** Containers holding ignitable or reactive waste
920 must be located at least 15 meters (50 feet) from the facility's property line when physically possible based on the
921 dimensions of the property. When it is not physically possible to place containers at least 50 feet from the property
922 line, based on the dimensions of the property, the ignitable or reactive waste must be placed at least as far as the
923 specified minimum distance from property line found in the Minnesota State Fire Code, chapter ~~7510~~ 7511. Nothing
924 in this subpart shall relieve the facility owner or operator from the obligation to comply with any local, state, or
925 federal law governing storage of these wastes.

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

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928 **7045.0528 TANK SYSTEMS.**

929 [For text of subp. 1 to 9, see M.R.]

930 **Subp. 10. Special requirements for ignitable or reactive waste.** Ignitable or reactive waste must not be placed
931 in a tank unless:

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

933 The owner or operator of a facility that treats or stores ignitable or reactive waste in a tank shall comply with
934 the requirements for the maintenance of protective distances between the waste management area and any public
935 ways, streets, alleys, or an adjoining property line that can be built upon, as required in the buffer zone
936 requirements for tanks contained in the Minnesota State Fire Code, chapter ~~7510~~ 7511. As required by part
937 7045.0458, the waste analysis plan must include analyses needed to comply with these special requirements for
938 ignitable or reactive waste. Additional requirements for ignitable and reactive wastes are contained in part
939 7045.0456, subpart 1. Part 7045.0456, subpart 3 also requires waste analysis, trial tests, or other documentation to
940 ensure compliance with part 7045.0456, subpart 2. As required by part 7045.0478, the owner or operator shall
941 place the results of each waste analysis and trial test, and any documented information, in the operating record of
942 the facility.

943 [For text of subp. 11 to 12, see M.R.]

944 **7045.0626 USE AND MANAGEMENT OF CONTAINERS.**

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

946 Subp. 7. *Special requirements for ignitable or reactive waste.* Containers holding ignitable or reactive waste
947 must be located at least 15 meters (50 feet) from the facility's property line when physically possible based on the
948 dimensions of the property. When it is not physically possible to place containers at least 50 feet from the property
949 line, based on the dimensions of the property, the ignitable or reactive waste must be placed at least as far as the
950 specified minimum distance from property line found in the Minnesota State Fire Code, chapter ~~7510~~ 7511. Nothing
951 in this subpart shall relieve the facility owner or operator from the obligation to comply with any local, state, or
952 federal law governing storage of these wastes.

953 [For text of subp. 8 to 9, see M.R.]

954 **7045.0628 TANK SYSTEMS.**

955 [For text of subp. 1 to 9, see M.R.]

956 Subp. 10. *Special requirements for ignitable or reactive waste.* Ignitable or reactive waste must not be placed
957 in a tank unless:

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

959 The owner or operator of a facility that treats or stores ignitable or reactive waste in a tank shall comply with
960 the requirements for the maintenance of protective distances between the waste management area and any public
961 ways, streets, alleys, or an adjoining property line that can be built upon, as required in the buffer zone
962 requirements for tanks contained in the Minnesota State Fire Code, chapter ~~7510~~ 7511.

963 [For text of subp. 11 to 13, see M.R.]

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965 **7045.0629 REQUIREMENTS FOR SMALL QUANTITY AND VERY SMALL QUANTITY GENERATORS THAT**
966 **ACCUMULATE HAZARDOUS WASTE IN TANKS.**

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

968 Subp. 5. *Ignitable or reactive waste.* Ignitable or reactive waste must not be placed in a tank unless:

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

970 B. The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks
971 must comply with the buffer zone requirements for tanks contained in the Minnesota State Fire Code,
972 chapter ~~7510~~ 7511.

973 [For text of subp. 6, see M.R.]

974 **7045.0855 STANDARDS FOR USED OIL GENERATORS.**

975 [For text of subp. 1, see M.R.]

976 Subp. 2. *Storage.*

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

978 B. Used oil generators who store used oil in aboveground tanks are subject to chapter 7151, in addition to
979 the requirements of this part. Used oil generators who store at least 10,000 gallons of used oil at one time are
980 subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention
981 and response plan, in addition to the requirements of this part. All used oil generators shall comply with the storage
982 and use requirements of the Minnesota State Fire Code, chapter ~~7510~~ 7511, in addition to the requirements of this
983 part.

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

985 Subp. 3. *On-site burning in small burning units designed to burn used oil.* Generators who store used oil in
986 vessels directly connected to burning units shall comply with the Minnesota State Fire Code, chapter ~~7510~~ 7511.
987 Generators may burn used oil in burning units designed to burn used oil provided that:

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

989 Subp. 4. *Off-site shipments.* Except as provided in items A and B, generators must ensure that their used oil is
990 transported only by transporters who have obtained identification numbers and notified the commissioner of their
991 used oil transport activities.

992 A. Generators may, without notifying the EPA commissioner that they are transporting used oil, transport
993 used oil that is generated at the generator's site; used oil generated at another site by the generator, such as used
994 oil generated by contractors at other businesses from servicing equipment; and do-it-yourselfer used oil to a used
995 oil collection center or a used oil aggregation point owned by the generator provided that the generator transports
996 no more than 55 gallons of used oil at any time in a vehicle owned by the generator or owned by an employee of
997 the generator.

998 [For text of items B to C, and subps. 5 to 7, see M.R.]

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7045.0865 STANDARDS FOR USED OIL TRANSPORTERS AND TRANSFER FACILITIES.

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

Subp. 5. Notification. Used oil transporters who have not notified the United States Environmental Protection Agency that they are transporters of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil transportation activities. Prior to transporting used oil, used oil transporters must notify the commissioner of their used oil transportation activities and obtain an identification number.

[For text of subps. 6 to 8, see M.R.]

Subp. 9. Used oil storage at transfer facilities. This subpart applies to used oil transfer facilities where used oil is stored for more than 24 hours and no more than 35 days. Transfer facilities where used oil is stored for more than 35 days are subject to regulation under part 7045.0875.

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

B. Used oil transporters who store used oil in aboveground tanks are subject to chapter 7151, in addition to the requirements of this part. Used oil transporters who store at least 10,000 gallons of used oil at one time are subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention and response plan, in addition to the requirements of this part. All used oil transporters shall comply with the storage and use requirements of the Minnesota State Fire Code, chapter ~~7540~~ 7511, in addition to the requirements of this part.

[For text of items C to D, and subps. 10 to 14, see M.R.]

7045.0875 STANDARDS FOR USED OIL PROCESORS AND REREFINERS

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

Subp. 2. Notification. Used oil processors/rerefiners who have not notified the EPA that they are processors/rerefiners of used oil must submit a complete EPA form 8700-12 to EPA indicating their used oil processing/rerefining activities. Prior to processing used oil, processors/rerefiners must obtain a notification number by notifying the commissioner of their used oil processing/rerefining activities.

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

Subp. 5. Used oil storage and management.

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

B. Used oil processors/rerefiners who store used oil in aboveground tanks are subject to chapter 7151, in addition to the requirements of this part. Used oil processors/rerefiners who store at least 10,000 gallons of used oil at one time are subject to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention and response plan, in addition to the requirements of this part. All used oil processors/rerefiners shall comply with the storage and use requirements of the Minnesota State Fire Code, chapter ~~7540~~ 7511, in addition to the requirements of this part.

[For text of items C to E, and subps. 6 to 7, see M.R.]

Subp. 8. Operating record and reporting.

A. The owner or operator must keep a written operating record at the facility. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

- (1) records and results of used oil analyses performed as described in the analysis plan required under subpart 6; and*
- (2) summary reports and details of all incidents that require implementation of the contingency plan as specified under subpart 3, item G.*

B. A used oil processor/rerefiner must report to the commissioner, in the form of a letter, on a biennial basis (by March 1 of each even-numbered year), the following information concerning used oil activities during the previous calendar year:

- (1) the identification number, name, and address of the processor/rerefiner;*
- (2) the calendar year covered by the report; and*
- (3) the quantities of used oil accepted for processing/rerefining and the manner in which the used oil is processed/rerefined, including the specific process employed.*

[For text of subps. 9 to 11, see M.R.]

1051 7045.0885 STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY
1052 RECOVERY.

1053 [For text of subs. 1 to 3]

1054 Subp. 4. **Notification.** ~~Used oil burners who have not notified the United States Environmental Protection~~
1055 ~~Agency that they are burners of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil~~
1056 ~~burning activities. Prior to burning used oil, burners of used oil must obtain an identification number by notifying~~
1057 ~~the commissioner of their used oil burning activities.~~

1058 [For text of subp. 5, see M.R.]

1059 Subp. 6. **Used oil storage.**

1060 [For text of item A, see M.R.]

1061 B. ~~Used oil burners who store used oil in aboveground tanks are subject to chapter 7151, in addition to the~~
1062 ~~requirements of this subpart. Used oil burners who store at least 10,000 gallons of used oil at one time are subject~~
1063 ~~to the requirements of Minnesota Statutes, chapter 115E, to prepare and maintain a discharge prevention and~~
1064 ~~response plan, in addition to the requirements of this part. All used oil burners shall comply with the storage and~~
1065 ~~use requirements of the Minnesota State Fire Code, chapter ~~7510~~ 7511, in addition to the requirements of this part.~~

1066 [For text of items C and D and subp. 7, see M.R.]

1067 Subp. 8. **Notices and certification.** ~~Before a burner accepts the first shipment of off specification used oil fuel~~
1068 ~~from a generator, transporter, or processor/rerefiner, the ~~generator~~ burner must provide the generator,~~
1069 ~~transporter, or processor/rerefiner a one-time, written, and signed notice certifying that the burner has notified~~
1070 ~~the ~~EPA~~ commissioner of used oil management activities at the facility and the location of the facility, and that the~~
1071 ~~burner will burn used oil only in an industrial furnace or boiler identified in subpart 2. This certification must be~~
1072 ~~maintained for at least three years from the date the burner last receives shipment of off-specification used oil from~~
1073 ~~the generator, transporter, or processor/rerefiner.~~

1074 [For text of subs. 9 to 11]

1076 OVERLAP PROVISIONS RELEVANT

1077
1078 7001.0630 PART B INFORMATION AND SPECIAL PROCEDURAL REQUIREMENTS FOR THERMAL TREATMENT
1079 FACILITIES.

1080 Except as provided in part 7045.0542, subpart 1 and item E, if the applicant proposes to treat or dispose of
1081 hazardous waste by using thermal treatment, the applicant shall fulfill the requirements of item A, B, or C in
1082 addition to the information requirements of part 7001.0560, and the commissioner shall fulfill the requirements of
1083 item D:

1084 [For text of items A to D, see M.R.]

1085 E. When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit
1086 requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration
1087 unit demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE, (i.e.,
1088 by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR
1089 sections 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of 40 CFR part 63,
1090 subpart EEE), the requirements of 40 CFR section 270.19(e) do not apply, except those provisions the commissioner
1091 determines are necessary to ensure compliance with 40 CFR sections 264.345(a) and 264.345(c) even if the owner
1092 or operator elects to comply with 40 CFR section 270.235(a)(1)(i) to minimize emissions of toxic compounds from
1093 startup, shutdown, and malfunction events. Nevertheless, the commissioner may apply the provisions of 40 CFR
1094 270.19, on a case-by-case basis, for purposes of information collection in accordance with 40 CFR sections
1095 270.10(k), 270.10(l), 270.32(b)(2), and 270.32(b)(3).

1096
1097 7001.0700 HAZARDOUS WASTE THERMAL TREATMENT FACILITY PERMITS.

1098 Subpart 1. Compliance with MACT. When an owner or operator of a hazardous waste incineration unit
1099 becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing
1100 hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in 40
1101 CFR part 63, subpart EEE, (i.e., by conducting a comprehensive performance test and submitting a Notification of
1102 Compliance under 40 CFR sections 63.1207(j) and 63.1210(d) documenting compliance with all applicable

1103 requirements of 40 CFR part 63, subpart EEE), the requirements of 40 CFR section 270.62 do not apply, except those
 1104 provisions the commissioner determines are necessary to ensure compliance with 40 CFR sections 264.345(a) and
 1105 264.345(c) even if the owner or operator elects to comply with 40 CFR section 270.235(a)(1)(i) to minimize
 1106 emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the commissioner
 1107 may apply the provisions of this 40 CFR section 270.62, on a case-by-case basis, for purposes of information
 1108 collection in accordance with 40 CFR sections 270.10(k), 270.10(l), 270.32(b)(2), and 270.32(b)(3).

1109 Subp. 1a **Subpart 1, Phase one requirements.** In the permit for a new hazardous waste thermal treatment
 1110 facility, for the purpose of determining operational readiness following completion of physical construction, the
 1111 commissioner shall establish permit conditions, including but not limited to, allowable waste feeds and operating
 1112 conditions. These permit conditions are effective for the minimum time required to bring the thermal treatment
 1113 facility to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time
 1114 for treatment of hazardous waste. The commissioner may extend the duration of this operational period once, for
 1115 up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified
 1116 to reflect the extension according to part 7001.0730, subpart 4, item H.

1117 Applicants shall submit to the commissioner a statement, with Part B of the permit application, that suggests
 1118 the conditions necessary to operate in compliance with the performance standards of part 7045.0542, subpart 4,
 1119 during this period. This statement must include restrictions on waste constituents, waste feed rates, and the
 1120 operating parameters identified in part 7045.0542, subpart 6.

1121 The commissioner shall review this statement and other relevant information submitted with Part B of the
 1122 permit application, and shall specify requirements for this period that are sufficient to meet the performance
 1123 standards of part 7045.0542, subpart 4.

1124 *[For text of subps. 2 to 11, see M.R.]*

1125

1126 **7001.0730 MODIFICATION OF PERMITS; REVOCATION AND REISSUANCE OF PERMITS**

1127 *[For text of subparts 1 to 3, see M.R.]*

1128 Subp. 4. **Minor modifications of permits.** In addition to the corrections or allowances listed in part 7001.0190,
 1129 subparts 2 and 3, if the permittee consents, the commissioner may modify a permit to make the corrections or
 1130 allowances listed below without following the procedures in parts 7001.0100 to 7001.0130:

1131 *[For text of items A to M, see M.R.]*

1132 N. The permittee requests changes to remove permit conditions that are no longer applicable (i.e., because the
 1133 standards upon which they are based are no longer applicable to the facility.

1134 O. The commissioner finds that technology changes are needed to meet standards under part 7011.7410 ,
 1135 provided the procedures of 40 CFR section 270.42(j) are followed.

1136 *[For text of subps. 5 to 6, see M.R.]*

1137

1138 **7045.0020 DEFINITIONS.**

1139 *[For text of subp. 1 to 16, see M.R.]*

1140 Subp. 16a. **Dioxins and furans (D/F).** "Dioxins and Furans" or "D/F" has the meaning given in Code of Federal
 1141 Regulations, title 40, section 260.10, as amended.

1142 *[For text of subps. 17 to 90b, see M.R.]*

1143 Subp. 90c. **TEQ.** "TEQ" has the meaning given in Code of Federal Regulations, title 40, section 260.10, as
 1144 amended.

1145 *[For text of subps. 91 to 109, see M.R.]*

1146

1147 **7045.0539 MISCELLANEOUS UNITS.**

1148 *[For text of subpart 1, see M.R.]*

1149 Subp. 2. **Environmental performance standards.** A miscellaneous unit must be located, designed, constructed,
 1150 operated, maintained, and closed in a manner that will ensure protection of human health and the environment.
 1151 Permits for miscellaneous units are to contain the terms and provisions necessary to protect human health and the
 1152 environment, including, but not limited to, as appropriate, design and operating requirements, detection and
 1153 monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous
 1154 constituents from the unit. Permit terms and provisions shall must include those requirements of parts 7045.0526

1155 to 7045.0542, 7045.0549, and 7045.0551, ~~and~~ chapter 7001, and 40 CFR part 63, subpart EEE as amended and
1156 incorporated by reference in part 7011.7410, that are appropriate for the miscellaneous unit being permitted.
1157 Protection of human health and the environment includes, but is not limited to:

1158 *[For text of Items A to C, see M.R.]*
1159 *[For text of subparts 3 to 4, see M.R.]*

1160
1161
1162
1163 **7045.0542 THERMAL TREATMENT.**

1164 *[For text of subpart 1, see M.R.]*

1165 Subp. 1a. Integration of the MACT standards.

1166 A. Except as provided by items B, C and D of this subpart, the standards of 40 CFR section 264.340, as
1167 amended, do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit
1168 requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste
1169 incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements
1170 of 40 part 63, subpart EEE, by conducting a comprehensive performance test and submitting to the commissioner a
1171 Notification of Compliance under 40 CFR sections 63.1207(j) and 63.1210(d) documenting compliance with the
1172 requirements of 40 CFR part 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the
1173 MACT standards, RCRA permit conditions that were based on the standards of 40 CFR part 264 will continue to be
1174 in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly
1175 provides otherwise.

1176 B. The MACT standards do not replace the closure requirements of 40 CFR section 264.351 (7045.0542, subp. 8)
1177 or the applicable requirements of subparts A through H, BB and CC of 40 CFR part 264.

1178 C. The particulate matter standard of 40 CFR section 264.343(c) (part 7045.0542, subp. 4, item C) remains in
1179 effect for incinerators that elect to comply with the alternative to the particulate matter standard under 40 CFR
1180 part 63, sections 63.1206(b)(14) and 63.1219(e).

1181 D. The following requirements remain in effect for startup, shutdown, and malfunction events even if the
1182 owner or operator elects to comply with 40 CFR section 270.235(a)(1)(i) to minimize emissions of toxic compounds
1183 from these events:

1184 (1) 40 CFR section 264.345(a) requiring that an incinerator operate in accordance with operating requirements
1185 specified in the permit; and

1186 (2) 40 CFR section 264.345(c) requiring compliance with the emission standards and operating requirements
1187 during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous
1188 wastes.

1189 *[For text of subparts 2 to 9, see M.R.]*

1190
1191 **7045.0640 THERMAL TREATMENT FACILITIES.**

1192 Subpart 1. Scope. This part applies to owners and operators of facilities that thermally treat hazardous waste,
1193 except as part 7045.0552 provides otherwise.

1194 A. The following facility owners or operators are considered to thermally treat hazardous waste: owners or
1195 operators of hazardous waste incinerators as defined in part 7045.0020; and owners or operators who burn
1196 hazardous wastes in boilers or in industrial furnaces in order to destroy the wastes.

1197 B. Except as provided under subitems (2) to (3), the standards of part 7045.0640:

1198 (1) no longer apply when an owner or operator of an existing hazardous waste incinerator demonstrates
1199 compliance with the MACT requirements of 40 CFR part 63, subpart EEE, as amended and incorporated by
1200 reference in part 7011.7410 by:

1201 (a) conducting a comprehensive performance test;

1202 (b) submitting to the commissioner a Notification of Compliance under 40 CFR sections 63.1207(j) and
1203 63.1210(d); and

1204 (c) documenting compliance with the requirements of 40 CFR part 63, subpart EEE, as amended and
1205 incorporated by reference in part 7011.7410.

1206 (2) The standards of 40 CFR part 63, subpart EEE, as amended and incorporated by reference in part
1207 7011.7410 do not replace the closure requirements of 40 CFR section 265.351 or the applicable requirements of 40
1208 CFR part 264, subparts A through H, BB and CC.

1209 (3) 40 CFR section 265.345 generally prohibiting burning of hazardous waste during startup and shutdown
1210 remains in effect even if the owner or operator elects to comply with 40 CFR section 270.235(b)(1)(i) to minimize
1211 emissions of toxic compounds from startup and shutdown.

1212 C. Owners and operators of thermal treatment facilities that thermally treat hazardous waste are exempt
1213 from all the requirements of this part except subpart 5, if the owner or operator has documented, in writing, that
1214 the waste would not reasonably be expected to contain constituents listed in part 7045.0141, and the
1215 documentation is kept at the facility, and the waste to be treated is:

1216 (1)A. listed as a hazardous waste in part 7045.0135 only because it is ignitable, or corrosive, or both;

1217 (2)B. listed as a hazardous waste in part 7045.0135 only because it is reactive for characteristics other
1218 than those listed in part 7045.0131, subpart 5, items D and E, and will not be treated when other hazardous wastes
1219 are present in the combustion zone;

1220 (3)C. a hazardous waste only because it possesses the characteristic of ignitability, corrosivity, or both, as
1221 determined by the tests for characteristics of hazardous wastes under part 7045.0131; or

1222 (4)D. a hazardous waste only because it possesses any of the reactivity characteristics described by part
1223 7045.0131, subpart 5, items A, B, C, F, G, and H, and will not be treated when other hazardous wastes are present
1224 in the combustion zone.

1225

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