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|  | **SOP 1.02 Resource Conservation and Recovery Act****Regulation of Household Hazardous Waste** |

# 1. Introduction

Under the Resource Conservation and Recovery Act ([RCRA](https://www.epa.gov/rcra)), the US Environmental Protection Agency has established regulations that define how household hazardous waste (HHW) is handled, transported, and disposed of. This document is a general resource guide that contains links to governing regulations and policy related to operating a HHW Program in Minnesota. HHW Program staff should be familiar and comply with all applicable regulations, policies, and operational agreements.

# 2. Minnesota Statutes: The Solid Waste Connection

Acceptance and collection of HHW are part of a county’s overall Solid Waste (SW) Management Program. The purpose of this program is to divert the hazardous portion of household waste from the SW, to prevent releases from SW facilities to the environment through [leachate](http://leachate.co.uk/main/what-is-leachate/), as well as protect staff from hazardous or dangerous situations. Each county is required in section [115A.46](https://www.revisor.mn.gov/statutes/?id=115a.46) to include in its SW management plan a broad-based public education component. Several other statutes apply to collectors and household generators of wastes and products that contain hazardous constituents, including [disposal bans](https://www.pca.state.mn.us/news-and-stories/safely-dispose-of-household-hazardous-waste).

# 3. Minnesota Hazardous Waste Rules

Although RCRA governs the collection and management of hazardous wastes, it does not specifically include regulations for HHW. At the state level, Minnesota has adopted its own version of [CFR Part 262](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-262). The most common HHW rules and statues apply in [7045.0310](https://www.revisor.mn.gov/rules/?id=7045.0310) , [115A.96](https://www.revisor.mn.gov/statutes/?id=115a.96) and [473.811](https://www.revisor.mn.gov/statutes/?id=473.811), which frame the development and operation of HHW Programs in both Metropolitan (metro) and Greater MN counties. Minnesota Rules contains the standards applicable to HHW facilities and staff; the HHW rule itself is relatively short because it refers to the sections of the general HW rule, which a HHW Program must comply with. The rules also contain specific exemptions and allowances not applicable to other HW generators and collection facilities.

In general, HHW rules state that if an entity collects discarded household products that meet HW criteria due to [characteristics](https://www.revisor.mn.gov/rules/?id=7045.0131&format=pdf), are [listed](https://www.revisor.mn.gov/rules/?id=7045.0131), or are toxic or hazardous due to the ingredients contained in them, the collector is then considered a HHW Program and is responsible for proper management, [storage](https://www.pca.state.mn.us/sites/default/files/w-hw1-05.pdf), disposal and [transport](https://www.pca.state.mn.us/sites/default/files/w-hw1-07.pdf) of those materials.

# 4. Very Small Quantity Generator (VSQG) Collection Rules

Some HHW Programs also collect HW from businesses qualifying as a VSQG that generate less than 220 pounds (or approximately 22 gallons) of HW per month. It is up to this HHW Program to determine whether to accept HW from non-household generators (MN Rule [7045.0320](https://www.revisor.mn.gov/rules/?id=7045.0320) applies to licensed HHW VSQG collection sites).

# 5. Metro County Ordinances

HW business generators are regulated by the Minnesota Pollution Control Agency (MPCA) in greater MN, while the seven MN metro counties are authorized by the EPA to enforce the [HW rules](https://www.revisor.mn.gov/rules/7045/) within their counties and then regulates and licenses through their [ordinances](https://www.revisor.mn.gov/statutes/?id=400.161&year=2016). Each HHW Program should be familiar with their applicable and specific county regulations.

# 6. Joint Powers Agreements (JPA)

The MPCA and Counties develop and sign a [JPA](https://www.revisor.mn.gov/statutes/?id=471.59), which outlines the partnership between the State and County or Regional Program to operate a HHW Program.

# 7. Policy Decisions and Standard Operating Procedures (SOPs)

In addition to statutes, rules, and ordinances, the MPCA develops policy to cover situations where the rules are silent, unclear or where they prevent efficient HHW collection. HHW SOPs address those specific portions of the MN Rules; the MPCA website includes SOP templates that can be downloaded to individual county files, then should be modified to be site specific. Some HHW policy decisions, SOPs, and guidance documents are located here: [Household hazardous waste collection | Minnesota Pollution Control Agency (state.mn.us)](https://www.pca.state.mn.us/business-with-us/household-hazardous-waste-collection).

# 8. Additional Regulations

In addition to the above noted regulations, HHW Programs are also regulated by [OSHA](https://www.osha.gov/SLTC/hazardouswaste/standards.html), [EPA](https://www.epa.gov/hw/household-hazardous-waste-hhw) and [DOT](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-171).