



Minnesota Pollution Control Agency

PROGRAM MANAGEMENT DECISION MEMO

4/14/09

Issue: Continuation of the policy to allow transport of hazardous waste from Very Small Quantity Generator (VSQG) business sites to VSQG Consolidation Program (VCP) facilities by government operated VCPs.

The November 4, 1996, letter issued by the Minnesota Pollution Control Agency (MPCA) to allow publicly-operated and licensed VCPs to directly pick up and transport hazardous waste (HW) from businesses qualifying as VSQGs has expired. County VCPs wish to continue to provide collection and transport services to VSQGs. This document is written to formally adopt the terms of the letter in the Program Management Decision (PMD) format.

Effective Date: March 14, 2009.

Decision:

Allow publicly operated VCPs to transport HW from the VSQG's generation site to the VCP facility in accordance with terms and conditions of this PMD, the contracts between the MPCA and county Household Hazardous Waste (HHW) Programs and Federal Department of Transportation (DOT) regulations.

Background:

VCPs must obtain a VSQG Consolidation License from the MPCA prior to operation. Since 1996, county operated VCPs have transported HW from VSQG businesses to the VCP's consolidation sites when using government vehicles and trained staff. County operated VCP sites comply with the requirements of Minn. Rules 7045.0320, and HHW rules, 7045.0310. The 1996 MPCA letter, which allowed for this exception from Minn. Rules 7045.0320, has expired (letter attached). MPCA VCP program staff has continued to allow publicly operated VCPs to package and transport waste from generator sites to licensed VCP facilities in accordance with:

- The attached November 4, 1996, letter that states, "...*VSQG collection programs have the option of picking waste up from VSQGs... Collection programs intending to operate in this manner must explicitly state this in their program license application or must amend their existing license.*"
- March 2, 2005 US DOT Interpretation # 04-0292, attached, which states, "*The transportation of a hazardous material in a motor vehicle by a local government employee, solely for noncommercial local government purposes, is not in commerce and is therefore not subject to the requirements of the HMR.*"
- Current HW fact sheet 2.53 (June, 2002), excerpt, page 5: "*Licensed collection programs may pick up hazardous materials from businesses as part of the service they provide. DOT has made a clear distinction between county run vs. privately run VCP's. Privately operated VCP's do not meet the DOT's exception for transport in government vehicles.*"

- Standard Operating Procedures documents numbered 1.3 (Department of Transportation) and 3.8 (VSQG and One-Time Generator Waste Acceptance), issued by the MPCA.
- Contract between the MPCA and the counties for the Operation of a HHW Management Program, Exhibit A, Part F (Pre-Transport and Transport).
- US DOT regulations and training courses offered specifically for county employees operating county vehicles. This training is completed annually by VCP staff/HHW Program operators; see <http://www.pca.state.mn.us/publications/w-hhwsop1-03.doc>.

Rationale and Benefits:

Publicly run VCPs have requested that the MPCA continue to allow VCP transport of waste from a VSQG site to their collection sites for several reasons:

1. US DOT regulations allow government entities, using trained government staff to transport hazardous materials in government vehicles. These regulations apply as long as the VCP is not engaged "in commerce" (i.e. does not charge a specific fee for transport).
2. VCPs have transported waste from VSQGs to their facilities for over ten (10) years with no transportation related regulatory issues or spills. VCP staff receives annual training in proper HW management, including segregation, packaging and transport and transport waste in properly equipped vehicles, which results in safer transport of HW.
3. Many businesses do not have the equipment to properly remove and transport a 55 gallon drum to a VCP. Discontinuation of the policy would require VSQGs to separate waste back into several smaller containers so they are able to safely load HW into company cars or trucks for transport.
4. Some generators (schools and small public offices in particular) benefit greatly from VCP transport of their HW. VCP staff commonly helps school staff to identify and properly package HW. However, not all schools have a transport vehicle. It is more efficient and effective for VCP staff to go on-site and help segregate, package and transport waste than for the school to hire a transport vehicle to transport the waste to the VCP. Staff time is saved, as is cost to government entities. Examples of successful VCP operations include:
 - The Southeast Minnesota program was able to service five separate schools by setting up a milk run. This service saved in fuel costs since the VCP picked up waste in succession instead of each school individually driving between 50 to 150 miles to reach the VCP facility.
 - The Northwest Minnesota program provides milk runs as well as individual transport, which allows for safe, efficient transport, a reduction in fuel consumption and convenient disposal. There is no other HW management option for VSQGs in this region of the state since the cost for a HW contractor to drive from the metropolitan area to Northwest Minnesota to manage small quantities of waste is prohibitive specifically due to transport charges.

5. The statewide VCP has been successful at increasing the number of HW generators who properly manage their HW, in part because county operated VCPs offer to transport waste directly from businesses to their facilities at no cost to the generator
6. Publicly run VCP programs collect and consolidate waste at their facilities. Licensed HW contractors then pick up the consolidated waste from VCPs. Communication between publicly run VCPs and HW contractors is constant and beneficial to both.
7. The benefits to the MPCA provided by VCPs cannot be understated. They assist VSQGs and act as a local resource for HW questions. Many provide on-site technical assistance visits and assist the businesses to complete the necessary paperwork to get them registered as generators.
8. This policy re-instatement does not interfere with Federal RCRA HW requirements since they do not regulate VSQGs.


TERMS AND CONDITIONS:

VCPs shall be allowed to transport waste from VSQGs to their facilities in accordance with this Program Management Decision provided all of the following conditions are met:


1. The VCP site is operated by a government entity.
2. Government vehicles and government staff shall be used to transport wastes.
3. Hazardous Waste shall be transported directly from the VSQG site to the VCP facility.
4. No fees shall be charged for waste transport.

APPROVAL


I have reviewed this management decision and concur.

Signed: 
 Date: 4-30-09

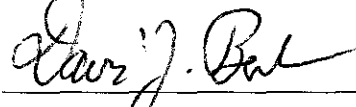
Jeff J. Smith
 Director, Industrial Division

Signed: 
 Date: 5/8/09

Tim Scherkenbach
 Assistant Commissioner

Signed: 
 Date: 5/8/09

Lisa Thorvig
 Director, Municipal Division

Signed: 
 Date: 5/6/09

David J. Benke
 Director, Prevention and Assistance
 Division

Attachment