

CHAPTER 7045
MINNESOTA POLLUTION CONTROL AGENCY
HAZARDOUS WASTE DIVISION
HAZARDOUS WASTE

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7045.0020 DEFINITIONS.

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

Subp. 6a. **Boiler.** "Boiler" means an enclosed device using controlled flame combustion and having the characteristics specified in item A or B. If used oil or hazardous waste is to be used as a fuel in an industrial boiler or a utility boiler, these boilers must meet the additional criteria in items C and D.

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

C. An industrial boiler burning used oil or hazardous waste as a fuel must be located on the site of an establishment engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

D. A utility boiler burning used oil or hazardous waste as a fuel must be one that is used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

[For text of subps 6b to 13, see M.R.]

Subp. 13a. Corrective action management unit or CAMU. "Corrective action management unit" or "CAMU" means an area within a facility that is designated by the commissioner under parts 7045.0545 and 7045.0546, for the purpose of implementing corrective action requirements under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h). CAMUs typically consist of land-based units such as, but not limited to, waste piles, landfills, or surface impoundments approved by the commissioner. A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

Subp. 13b. Corrosion expert. "Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

Subp. 13c. Corrosion protection. "Corrosion protection" means a method used to protect a metal tank, piping, or other components from corroding. Corrosion protection includes, but is not limited to, cathodic protection, keeping the metal of the tank from being in direct contact with other surfaces, and the application of coatings designed and maintained to prevent corrosion.

[For text of subps 14 to 19, see M.R.]

Subp. 20. Disposal facility. "Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

[For text of subps 20a to 23a, see M.R.]

Subp. 24. Facility. "Facility" means:

A. all contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units, such as one or more landfills, surface impoundments, or combinations thereof; and

B. for the purpose of implementing corrective action under part 7045.0485, all contiguous property under the control of an owner or operator seeking a permit under parts 7001.0010 to 7001.0730 or subtitle C of RCRA, including facilities implementing corrective action under part 7045.0275, subpart 3, or RCRA, section 3008(h).

[For text of subps 24a to 34, see M.R.]

Subp. 34a. Hazardous waste fuel. "Hazardous waste fuel" means a hazardous waste that is burned for energy recovery and includes fuel that is produced from hazardous waste by processing, blending, or other treatment, except for those blended fuels described as used oil in part 7045.0800.

[For text of subps 35 to 47, see M.R.]

Subp. 47a. Land disposal. "Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill; surface impoundment; waste pile; injection well; land treatment facility; salt dome formation; salt bed formation; underground mine or cave; or placement in a concrete vault or bunker intended for disposal purposes.

[For text of subp 48, see M.R.]

Subp. 49. Landfill. "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

[For text of subs. 50 to 58, see M.R.]

Subp. 58a. Miscellaneous unit. "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under Code of Federal Regulations, title 40, part 146, containment building, corrective action management unit, or unit eligible for a research, development, and demonstration permit under part 7001.0712.

[For text of subs. 58b to 73, see M.R.]

Subp. 73a. RCRA. "RCRA" means the Resource Conservation and Recovery Act, as amended.

[For text of subs. 73b to 73f, see M.R.]

Subp. 73g. Remediation waste. "Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing part 7045.0275, subpart 3, or RCRA, section 3004(v) or 3008(h), for releases beyond the facility boundary.

Subp. 73h. Replacement unit. "Replacement unit" means a landfill, surface impoundment, or waste pile unit (1) from which all or substantially all of the waste is removed, and (2) that is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state-approved corrective action.

[For text of subs. 74 to 90a, see M.R.]

Subp. 90b. Temporary unit. "Temporary unit" means a tank or container used to treat or store remediation waste for a period of less than one year, as governed by part 7045.0546.

[For text of subs. 91 to 100, see M.R.]

Subp. 100a. Used oil. "Used oil" means any oil which has been refined from crude oil or any synthetic oil derived from coal, shale, or polymer or nonpolymer base, that has been used as a lubricant, heat transfer fluid, hydraulic fluid, or for similar uses, and as a result of such use has become contaminated by physical or chemical impurities. Lubricants include, but are not limited to motor oil, greases, metalworking lubricants including aqueous metalworking lubricants containing petroleum oil, emulsions, and refrigerant oils. Heat transfer fluids include, but are not limited to, coolants, heating media, and electrical insulation oils. Hydraulic fluids include, but are not limited to, transmission fluids, power steering fluids, and brake fluids. Virgin oils of the types described in this subpart that are intentionally disposed in solid waste, or in or on the land or waters of the state before being used for their original intended purpose are used oil. Used oil does not include: petroleum-based products used as solvents; product fuels; ethylene and propylene glycol antifreeze; wastewater from which used oil has been recovered to the extent possible; used oil residues and sludges generated from used oil storage, processing, and rerefining that are not usable as used oil fuel and are not able to be processed into used oil fuel; and virgin oil that is unintentionally disposed. Other terms related to used oil are defined in part 7045.0790.

Subp. 100b. Used oil filter. "Used oil filter" means a device attached to a vehicle, machine, or piece of equipment used for removing contaminants from lubricating oil that as a result of being used has become contaminated with oil and other contaminants.

Subp. 100c. Used oil fuel. "Used oil fuel" means used oil that is burned for energy recovery, and includes fuel produced from used oil by processing, blending, or other treatment, except for those blended fuels described as hazardous waste in part 7045.0800.

Subp. 100d. Vault system. "Vault system" means an underground, concrete or equivalent, impermeable secondary containment structure consisting of four walls, a floor, and roof used to encapsulate one or more tanks.

[For text of subps 101 to 102a, see M.R.]

Subp. 102b. [Repealed 20 SR 715]

[For text of subps 102c to 107, see M.R.]

Subp. 108. **Wetland.** "Wetland" has the meaning given to "wetlands" in part 7050.0130, item F.

[For text of subp 109, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 714; 20 SR 715*

7045.0065 AVAILABILITY OF REFERENCES.

The documents referred to in this chapter may be obtained by contacting the appropriate offices as listed in this part.

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

B. Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310;

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

I. Standard Industrial Classification Manual issued by the Office of Management and Budget, Executive Office of the President of the United States, available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0102 MIXTURES OF WASTES.

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

Subp. 3. [Repealed, 20 SR 715]

7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

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

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

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

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

T. spent wood preserving solutions that have been reclaimed and reused for their original intended purpose, and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood;

U. used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use; or

V. used oil rerefining distillation bottoms that are used as feedstock to manufacture asphalt products.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0121 TREATABILITY STUDY EXEMPTIONS.

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

Subp. 3. **Facilities and sample handling.** A mobile treatment unit may qualify as a laboratory or testing facility subject to requirements of this subpart. Where a group of mobile treatment units are located at the same site, the limitations specified in this subpart apply to the entire group of mobile treatment units involved in treatability studies collectively as if the

group were one mobile treatment unit. Samples undergoing treatability studies and the laboratory or testing facility conducting the treatability studies, to the extent the facilities are engaged directly in treatability studies and are not otherwise subject to the Resource Conservation and Recovery Act requirements, United States Code, title 42, section 6901 et seq., as amended, are not subject to any requirements of Code of Federal Regulations, title 40, part 124, as amended; parts 7045.0102 to 7045.0685 except this part and applicable references; parts 7023.9000 to 7023.9050; 7045.1300 to 7045.1380; chapter 7001; or to the notification requirements of the Resource Conservation and Recovery Act, United States Code, title 42, section 6930, as amended, providing that the conditions in items A to K are met.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

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

Subpart 1. Scope. This part regulates hazardous waste and used oil that is to be recycled except for use constituting disposal as provided in part 7045.0665, hazardous waste used for precious metals recovery as provided in part 7045.0675; spent lead-acid batteries being reclaimed as provided in part 7045.0685; hazardous waste fuel being burned for energy recovery as provided in part 7045.0692; or used oil fuel being burned for energy recovery as provided in part 7045.0885.

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

Subp. 3a. Management requirements for used oil. Used oil that is recycled by reuse, rerefining, reclamation, reprocessing, or burning for energy recovery, is subject only to parts 7045.0790 to 7045.0990, unless otherwise specified in that part. "Burning for energy recovery" means the combustion of used oil with a heating value of over 5,000 Btus per pound to recover an energy value from it. Used oil that is not recycled is hazardous waste and is subject to this chapter and chapter 7046.

Subp. 4. Management of specific hazardous wastes. Management of the following wastes when recycled, is not subject to regulation under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380:

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

G. hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from the hazardous wastes, where the hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil if the resulting fuel meets the used oil specification under part 7045.0840, and no other hazardous wastes are used to produce the hazardous waste fuel;

H. hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining, production, and transportation practices, where the hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, if the fuel meets the used oil fuel specification under part 7045.0840,

I. oil that is reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, and is burned as a fuel without reintroduction to a refining process, if the reclaimed oil meets the used oil fuel specification under part 7045.0840;

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

K. nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums, if shipped, and not land disposed before recovery,

L. pipeline interface material, provided that the material is transported solely in a pipeline system as defined in Code of Federal Regulations, title 49, part 195, as amended, and is:

- (1) used as an ingredient in fuel;
- (2) sent to a refinery for use as an ingredient in a refining process, or

(3) sent to a processing location for reclamation; and

M. mixtures of different petroleum fuel products that met all fuel specifications required by Minnesota Statutes, section 239.761, before being mixed together, and that contain no other added water or waste, provided the mixtures are:

(1) used as an ingredient in fuel;

(2) sent to a refinery for use as an ingredient in a refining process; or

(3) sent to a processing location for reclamation.

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

A. Except as provided in items B to D, hazardous wastes that are shown to be recycled by being used in a manner specified in subitems (1) to (3), are not subject to regulation under parts 7045.0205 to 7045.0990 and 7045.1300 to 7045.1380. This subpart does not apply to wastes being accumulated speculatively as defined in part 7045.0020, subpart 84a, or being managed by use constituting disposal as regulated under part 7045.0665 or burning for energy recovery, as regulated in part 7045.0692. Hazardous wastes are considered to be used as feedstock if they are:

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

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

C. Transporters of hazardous wastes for use as feedstock must comply with all applicable requirements of Minnesota Statutes, sections 221.033 and 221.034, and with 221.035 if applicable, and Code of Federal Regulations, title 49, parts 171 to 179, as amended.

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

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

Subp. 7. Generator requirements. Unless exempted specifically in this part or parts 7045.0790 to 7045.0990, a generator of hazardous waste that is destined for recycling is subject to the requirements of parts 7045.0205 to 7045.0320.

Subp. 8. Transporter requirements. Unless exempted specifically in this part or parts 7045.0790 to 7045.0990, transporters of hazardous waste destined for recycle are subject to the requirements of parts 7045.0351 to 7045.0397.

Subp. 9. Facility requirements. Unless exempted specifically in this part or parts 7045.0692 and 7045.0790 to 7045.0990, owners or operators of facilities which recycle hazardous waste are subject to the following requirements:

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

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0131 CHARACTERISTICS OF HAZARDOUS WASTE.

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

Subp. 3. Oxidizers. A waste exhibits the characteristics of an oxidizer if a representative sample of the waste has the following properties:

A. it is an oxidizer as defined in Code of Federal Regulations, title 49, section 173.127, as amended; or

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

[For text of subps 4 to 8, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0135 LISTS OF HAZARDOUS WASTES.

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

Subp. 4. Discarded commercial chemical products, off specification species, containers, and spill residues. The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18;

when they are mixed with used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

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

C. any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic names listed in item E or F, unless the container or inner liner is empty as defined in part 7045.0127, subpart 3;

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

Subp. 5. **PCB wastes.** Requirements for PCB wastes are as follows:

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

C. A generator of PCB wastes who stores on-site prior to disposal is exempt from the agency's hazardous waste storage facility permit requirements and parts 7045.0292 and 7045.0450 to 7045.0642 for the storage of those wastes except for the following requirements:

(1) the storage standards described in Code of Federal Regulations, title 40, section 761.65, as amended; and

(2) the requirements applicable to the generator based on generator size of part 7045.0292, subpart 1, 5, or 6, regarding proper labeling, personnel training, preparedness, prevention, and contingency planning. However, PCB items in use or in storage prior to disposal that are labeled as PCBs according to Code of Federal Regulations, title 40, sections 761.40, 761.45, and 761.65, as amended, are not subject to the hazardous waste labeling requirements of part 7045.0292

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

E. Thermal treatment of PCB wastes at concentrations less than 500 parts per million. High efficiency boilers as defined in Code of Federal Regulations, title 40, section 761.60, as amended, which are used for treatment of mineral oil dielectric fluid containing less than 500 ppm PCB, are exempt from the agency's hazardous waste facility permit requirements in chapter 7001 and parts 7023.9000 to 7023.9050, 7045.0292, and 7045.0450 to 7045.0642 for storage and treatment of those wastes, except for the following requirements:

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

F. PCB wastes have the hazardous waste number of MN03.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0143 GROUNDWATER PROTECTION HAZARDOUS CONSTITUENTS LIST.

Subpart 1. **Scope.** For the purposes of the groundwater protection requirements in parts 7001.0640, subpart 1, item D, subitem (2); and 7045.0484, subparts 12, item G, subitem (2), and 13, item E, the hazardous constituents are listed with their corresponding Chemical Abstract Service registry numbers in subparts 2 to 27. Where "total" is entered for the Chemical Abstract Service registry number, all species in the groundwater that contain this element are included.

[For text of subps 2 to 27, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0145 DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT AT WOOD PRESERVING PLANTS.

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

Subp. 2. **Process equipment cleaning and replacement.** Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic for-

mulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams. Cleaning and replacement of process equipment must be performed in a manner which minimizes or eliminates the escape of hazardous waste or waste constituents, leachate, contaminated drippage, or hazardous waste decomposition products to the groundwater, surface water, or atmosphere. Generators must either:

A. prepare and follow an equipment cleaning plan and clean equipment in accordance with this item by:

(1) preparing and following a written equipment cleaning plan that describes the equipment to be cleaned, how the equipment will be cleaned, the solvent chosen to be used in the cleaning, how solvent rinses will be tested, and how cleaning residues will be disposed;

[For text of subitems (2) and (3); see M.R.]

B. prepare, sign, and follow a written equipment replacement plan that describes the equipment to be replaced, how the equipment will be replaced, and how the equipment will be disposed of as F032 waste; or

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

[For text of subp 3; see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0206 GENERATOR SIZE DETERMINATION.

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

Subp. 5. **Waste exempt from size determination.** A generator shall not include the following waste when determining the quantity of hazardous waste generated:

A. exempt waste under part 7045.0120;

B. recycled waste under part 7045.0125, subparts 4, 5, and 6;

C. used oil, excluding hazardous waste which has been mixed with used oil under part 7045.0800, that is exempt under part 7045.0125, subpart 3a;

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

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0208 HAZARDOUS WASTE MANAGEMENT.

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

Subp. 4. **Land disposal.** Except as specified in part 7045.1300, subparts 2 and 3, hazardous wastes are subject to the requirements of parts 7045.1300 to 7045.1380.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0243 TERM AND CONDITIONS OF LICENSE.

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

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

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

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 item A, see M.R.]

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0628 except part 7045.0628, subpart 9, item C, and subpart 12; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 90 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

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

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

Subp. 5. Small quantity generator. A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

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

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

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

Subp. 6. Very small quantity generator. A very small quantity generator may accumulate up to 1,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

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

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0626; in tanks provided the generator complies with the requirements of parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2, 7045.0596, subpart 3, and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

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

[For text of subps 7 to 11, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

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

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

Subp. 7. Treatment. Operators conducting treatment of collected household hazardous wastes are subject to the requirements of items A to C.

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

B. Treatment methods which do not require approval of the commissioner are bulking of:

- (1) paints;
- (2) solvents;
- (3) used oil; and
- (4) antifreeze.

While bulking is being done, the personnel training and safety procedures must specifically address how this activity will be conducted.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0320 VERY SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTION PROGRAMS.

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

Subp. 5. **License application.** The license application must provide a complete description of the program including, as applicable:

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

J. the bulking of paints, solvents, used oil, and antifreeze does not require submittal of the additional information under item I but must be addressed under items G and H;

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

[For text of subs 6 to 10, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

Subpart 1. **General requirements.** Parts 7045.0450 to 7045.0544 apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste except as specifically provided otherwise in this part or in parts 7045.0102 to 7045.0320.

Parts 7045.0450 to 7045.0544 apply to the owners or operators of publicly owned treatment works that treat, store, or dispose of hazardous waste only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures.

Parts 7045.0450 to 7045.0544 apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act of 1972, United States Code, title 16, sections 1431 to 1434, as amended, and United States Code, title 33, section 1401, as amended, only to the extent they are included in a permit-by-rule granted under the agency's permitting procedures. Parts 7045.0450 to 7045.0544 apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

Parts 7045.0450 to 7045.0544 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380.

Subp. 2. **Relationship to interim status standards.** A facility owner or operator who has fully complied with the requirements for interim status under part 7045.0554 shall comply with parts 7045.0552 to 7045.0642 in lieu of parts 7045.0450 to 7045.0544 until final administrative disposition of the permit application is made. The treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit and except for the extent to which parts 7045.0552 to 7045.0642 provide for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made, except as provided under parts 7045.0485, 7045.0545, and 7045.0546.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 714; 20 SR 715*

7045.0454 PERSONNEL TRAINING.

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

Subp. 4. **Effective date.** Facility personnel shall successfully complete the program required in subpart 3 within six months after the date of their employment or assignment to a facility or assignment to a new position at a facility. Facility personnel not subject to the requirements of Code of Federal Regulations, title 40, section 264.18, as amended, shall successfully complete the program required in subpart 3 within six months after the date of their employment or assignment to a facility or assignment to a new position at a facility. Employees hired after July 16, 1984 shall not work in unsupervised positions until they have completed the training requirements of subparts 1 to 3.

[For text of subps 5 to 7, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0456 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE.

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

Subp. 1a. **Segregation of incompatible waste.** Hazardous waste that is incompatible with any waste or other materials located nearby must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

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

Subp. 3. **Documentation of compliance.** When required to comply with this part, the owner or operator shall document that compliance. This documentation may be based on reference to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0478 OPERATING RECORD.

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

Subp. 3. **Record information.** The information in items A to S must be recorded, as it becomes available, and maintained in the operating record until closure of the facility.

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

H. Monitoring, testing, or analytical data and corrective action where required by parts 7045.0461; 7045.0484; 7045.0528, subparts 2, 4, and 7; 7045.0532, subparts 4a, 4b, and 5; 7045.0534, subparts 4a, 5, 5a, and 6; 7045.0536, subparts 5, 6, and 8; 7045.0538, subparts 4a, 5, 5a, and 6, 7045.0539, subpart 3, and 7045.0542, subpart 7, and the process vent and equipment leak test methods and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0485 CORRECTIVE ACTION FOR SOLID AND HAZARDOUS WASTE MANAGEMENT UNITS.

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

Subp. 2. **Conditions.** Corrective action as required under subpart 1 and parts 7045.0545 and 7045.0546 must be specified in the permit. The permit must contain schedules of compliance for corrective action and assurances of financial responsibility for completing corrective action. Assurance of financial responsibility must be provided in addition to the applicable requirements of parts 7045.0498 to 7045.0524.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 714*

7045.0518 LIABILITY REQUIREMENTS.

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

Subp. 2. **Coverage for nonsudden accidental occurrences.** An owner or operator of a surface impoundment, landfill, land treatment facility, or miscellaneous disposal unit which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3,000,000 per occurrence with an annual aggregate of at least \$6,000,000, exclusive of legal defense costs. This liability coverage may be demonstrated in one of the following ways:

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

[For text of subps 3 to 7, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0528 TANK SYSTEMS.

Subpart 1 **Scope.** This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0541, to treat or store hazardous waste, except as part 7045.0450, and items A and B provide otherwise.

A. Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subpart 4. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. Tank systems, including sumps, as defined in part 7045.0020, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempt from the requirements in subpart 4.

Subp. 2. **Assessment of existing tank system's integrity.** The following requirements apply to existing tank systems:

A. For each existing tank system that does not have secondary containment meeting the requirements of subpart 4; the owner or operator must determine whether the tank system is leaking or is unfit for use. Except as provided in item C, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, that attests to the tank system's integrity. The certification must include the statements in parts 7001.0070 and 7001.0540.

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

C. Owners or operators of tank systems that were required to conduct this assessment by Code of Federal Regulations, title 40, section 264.191(a), as amended, must conduct and keep this assessment on file as required by that section. Owners or operators of all other existing tank systems must conduct this assessment by February 8, 1990. Owners or operators of tank systems that store or treat materials that become hazardous wastes must conduct this assessment within 12 months after the date the waste becomes a hazardous waste.

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

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

Subp. 4. **Containment and detection of releases.** The following requirements apply to the containment and detection of releases from tanks:

A. In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this part must be provided, except as provided in item H.

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

Subp. 5 [Repealed 20 SR 715]

[For text of subps 6 and 7, see M.R.]

Subp. 8. Response to leaks or spills and disposition of leaking or unfit for use tank systems. The owner or operator of a tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must satisfy the following requirements:

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

C. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection:

- (1) prevent further migration of the leak or spill to soils or surface water; and
- (2) remove and properly manage any visible contamination of the soil or surface water.

D. Notification and reports.

(1) Any release to the environment must be reported immediately upon detection to the Minnesota duty officer at (612) 649-5451 or (800) 627-3529.

[For text of subitems (2) and (3), see M.R.]

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

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

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

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

C. the tank is used solely for emergencies.

The owner or operator of a facility that treats or stores ignitable or reactive waste in a tank shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in the buffer zone requirements for tanks contained in article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310. As required by part 7045.0458, the waste analysis plan must include analyses needed to comply with these special requirements for ignitable or reactive waste. Additional requirements for ignitable and reactive wastes are contained in part 7045.0456, subpart 1. Part 7045.0456, subpart 3 also requires waste analysis, trial tests, or other documentation to ensure compliance with part 7045.0456, subpart 2. As required by part 7045.0478, the owner or operator shall place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.

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

Statutory Authority: MS s 116.07

History: 20 SR 715

7045.0541 DRIP PADS.

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

Subp. 2. Leak collection system requirements. The requirements of Code of Federal Regulations, title 40, section 264.573(b)(3), as amended, apply only to:

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

[For text of subps 3 to 6, see M.R.]

Statutory Authority: MS s 116.07

History: 20 SR 715

7045.0545 CORRECTIVE ACTION MANAGEMENT UNITS (CAMU).

Subpart 1. Applicability. For the purpose of implementing remedies under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h), the commissioner shall designate an area at the facility as a corrective action management unit, as defined in part 7045.0020, subpart 13a, in accordance with the requirements of this part. One or more CAMUs may be designated at a facility. In addition:

A. placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes; and

B. consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology design and operating requirements.

Subp. 2. Regulated units.

A. The commissioner shall designate a regulated unit as defined in part 7045.0484, subpart 1, item A, subitem (2), as a CAMU, or shall incorporate a regulated unit into a CAMU, if:

(1) the regulated unit is closed or closing, meaning it has begun the closure process under part 7045.0488 or 7045.0596; and

(2) inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.

B. The groundwater protection, closure and postclosure, and financial requirements and the unit-specific requirements of facility or interim-status facility standards found in parts 7045.0450 to 7045.0548 or 7045.0552 to 7045.0648 that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

Subp. 3. Conditions of designation. The commissioner shall designate a CAMU in accordance with the following:

A. the CAMU shall be designed to facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

B. waste management activities associated with the CAMU will not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

C. the CAMU shall include uncontaminated areas of the facility, only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;

D. areas within the CAMU, where wastes remain in place after closure of the CAMU, shall be managed and contained so as to minimize future releases, to the extent practicable,

E. the CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;

F. the CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

G. the CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

Subp. 4. Information requirement. The owner/operator shall provide sufficient information to enable the commissioner to designate a CAMU in accordance with the criteria in this part.

Subp. 5. CAMU permit or order requirements. The commissioner shall specify in the permit or order requirements for CAMUs to include the following:

A. the areal configuration of the CAMU;

B. requirements for remediation waste management to include the specification of applicable design, operation, and closure requirements;

C. requirements for groundwater monitoring that are sufficient to:

(1) continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and

(2) detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU;

D. closure and postclosure requirements:

(1) closure of corrective action management units shall:

(a) minimize the need for further maintenance; and

(b) control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, postclosure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere;

(2) requirements for closure of CAMUs shall include the following, as appropriate and as deemed necessary by the commissioner for a given CAMU:

(a) requirements for excavation, removal, treatment, or containment of wastes;

(b) for areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and

(c) requirements for removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU;

(3) in establishing specific closure requirements for CAMUs under this subpart, the commissioner shall consider the following factors:

(a) CAMU characteristics;

(b) volume of wastes which remain in place after closure;

(c) potential for releases from the CAMU;

(d) physical and chemical characteristics of the waste;

(e) hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases; and

(f) potential for exposure of humans and environmental receptors if releases were to occur from the CAMU; and

(4) the corrective action management unit shall comply with postclosure requirements as necessary to protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.

Subp. 6. Documentation of reasoning. The commissioner shall document the rationale for designating CAMUs and shall make such documentation available to the public.

Subp. 7. Adding CAMU to existing permit or order. Incorporation of a CAMU into an existing permit or order must be approved by the commissioner according to the procedures for permit modifications under parts 7001.0170; 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5.

Subp. 8. Other authority. The designation of a CAMU does not change the commissioner's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

Statutory Authority: *MS s 116.07*

History: *20 SR 714*

7045.0546 TEMPORARY UNITS.

Subpart 1. Applicability. For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes, during remedial activities required under part 7045.0275, subpart 3, or 7045.0485, or RCRA, section 3008(h) if the commissioner determines that there is an alternative requirement to a design, operating, or closure standard applicable to such units and determines that the alternative requirement is protective of human health and the environment, the commissioner shall apply the alternative requirement to such units.

Subp. 2. Requirements. Any temporary unit to which alternative requirements are applied in accordance with subpart 1 shall be:

A. located within the facility boundary; and

B. used only for treatment or storage of remediation wastes

Subp. 3. Conditions for designation. In establishing standards to be applied to a temporary unit, the commissioner shall consider the following factors:

- A. length of time such unit will be in operation;
- B. type of unit;
- C. volumes of wastes to be managed;
- D. physical and chemical characteristics of the wastes to be managed in the unit;
- E. potential for releases from the unit;
- F. hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases, and
- G. potential for exposure of humans and environmental receptors if releases were to occur from the unit.

Subp. 4. Permit or order conditions. The commissioner shall specify in the permit or order the length of time a temporary unit will be allowed to operate, to be no longer than a period of one year. The commissioner shall also specify the design, operating, and closure requirements for the unit

Subp. 5. Time extension conditions. The commissioner shall extend the operational period of a temporary unit once for no longer than a period of one year beyond that originally specified in the permit or order, if the commissioner determines that:

- A. continued operation of the unit will not pose a threat to human health and the environment; and
- B. continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

Subp. 6. Adding temporary units to existing permit. Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:

- A. approved in accordance with the procedures for agency-initiated permit modifications under parts 7001.0170; 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5; or
- B. requested by the owner/operator according to the procedures under parts 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5.

Subp. 7. Documentation of reasoning. The commissioner shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

Statutory Authority: *MS s 116.07*

History: *20 SR 714*

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. General requirements. Parts 7045.0552 to 7045.0642 establish minimum standards for the management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to postclosure requirements, until postclosure responsibilities are fulfilled. These standards, and those in parts 7045.0545 and 7045.0546, apply to owners and operators of existing facilities who have fully complied with the requirements for state or federal interim status until a permit is issued or until applicable interim status closure and postclosure responsibilities are fulfilled, and those who have failed to achieve state or federal interim status.

Parts 7045.0552 to 7045.0642 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380, land disposal restrictions, and those restrictions are considered material conditions or requirements of parts 7045.0552 to 7045.0642, interim status standards.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 714; 20 SR 715*

7045.0556 GENERAL FACILITY STANDARDS.

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

Subp. 5. General inspection requirements. General inspection requirements are listed in items A to E.

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

C. The frequency of inspection may vary for the items on the schedule. However, it must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. The inspection schedule must include the terms and frequencies called for in parts 7045.0626, subpart 5; 7045.0628, subparts 4 and 7; 7045.0630, subpart 5; 7045.0632, subpart 9; 7045.0634, subpart 4; 7045.0638, subpart 2c; 7045.0640, subpart 4; and 7045.0642, subpart 4; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

[For text of items D and E, see M.R.]

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0558 PERSONNEL TRAINING.

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

Subp. 4. **Effective date.** Facility personnel shall successfully complete the program required in subpart 3 within six months after the date of their employment or assignment to a facility or to a new position at a facility. Facility personnel not subject to the requirements of Code of Federal Regulations, title 40, section 265.16, as amended, shall successfully complete the program required in subpart 3 within six months after the date of their employment or assignment to a facility or assignment to a new position at a facility. Employees hired after July 16, 1984, shall not work in unsupervised positions until they have completed the training requirements of subparts 1 to 3.

[For text of subps 5 to 7, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0562 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTE.

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

Subp. 1a. **Segregation of incompatible waste.** Hazardous waste that is incompatible with any waste or other materials located nearby must be adequately separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

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

Subp. 3. **Documentation of compliance.** When required to comply with this part, the owner or operator shall document that compliance. This documentation may be based on reference to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0584 OPERATING RECORD.

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

Subp. 3. **Record information.** The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

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

H. Monitoring, testing, or analytical data, and corrective action where required by parts 7045.0556, subpart 8; 7045.0590, subparts 1, 6, 7, and 8; 7045.0592, subparts 1 and 7; 7045.0628, subparts 2, 4, and 7; 7045.0630, subparts 2a, 3, and 5; 7045.0632, subparts 4b, 8, and 9; 7045.0634, subparts 4 and 6, item D, subitem (1); 7045.0636; 7045.0638, subparts 2a, 2b, and 2c; and 7045.0640, subpart 4, and the process vent and equipment leak test methods

and procedures and record keeping requirements in Code of Federal Regulations, title 40, sections 264.1034(c) to (f), 264.1035, 264.1063(d) to (i), and 264.1064, as amended. As required by parts 7045.0590, subparts 6 and 7, and 7045.0592, subpart 7, monitoring data at disposal facilities must be kept throughout the postclosure period.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0594 CLOSURE.

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

Subp. 2. Closure performance standard. The owner or operator shall close the facility in a manner minimizing the need for further maintenance. Closure procedures must result in controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, post closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere, in accordance with all closure requirements including the requirements of parts 7045.0630, subpart 6; 7045.0632, subpart 7, 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and 7045.0642, subpart 5.

Subp. 3. Submittal of closure plan. The closure plans must be submitted as follows.

A. A copy of the written closure plan and all revisions to the plan must be furnished to the commissioner upon request, including request by mail until final closure is completed and certified. For facilities without approved closure plans, the plan must also be provided to the commissioner as requested, during site inspections on the day of the inspection. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include:

(1) A description of how each hazardous waste management unit will be closed, if applicable, and how the facility will be finally closed, in accordance with subpart 2. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and how the requirements of subpart 2, part 7045.0596, and the applicable closure requirements of parts 7045.0626, subpart 8; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; 7045.0642, subpart 5; and 7045.0655, subpart 6, will be met;

[For text of subitems (2) to (6), see M.R.]

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

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0610 COST ESTIMATE FOR FACILITY CLOSURE.

Subpart 1. Cost estimate requirements. The owner or operator shall prepare a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the closure plan in part 7045.0594 and applicable closure requirements in parts 7045.0626, subpart 8; 7045.0630, subpart 6; 7045.0632, subpart 7, 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and 7045.0642, subpart 5. The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan. The closure cost shall be estimated as follows:

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

[For text of subps 2 to 4, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0620 LIABILITY REQUIREMENTS.

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

Subp. 2 Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous

waste, or a group of these facilities, shall demonstrate financial responsibility for bodily damage and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3,000,000 per occurrence with an annual aggregate of at least \$6,000,000, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways as specified in items A, B, and C:

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

[For text of subps 3 to 6, see M.R.]

Statutory Authority: *MS s 116.07*

History: 20 SR 715

7045.0628 TANK SYSTEMS.

Subpart 1. Scope. This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0644, to treat or store hazardous waste, except as items A and B and part 7045.0552 provide otherwise.

A. Tank systems that are used to store or treat hazardous waste containing no free liquids and that are located inside a building with an impermeable floor are exempt from the requirements of subpart 4. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846) must be used.

B. Tank systems, including sumps, as defined in part 7045.0020 that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in subpart 4.

Subp. 2. Assessment of existing tank system's integrity. The following requirements apply to existing tank systems:

A. For each existing tank system that does not have secondary containment meeting the requirements of subpart 4, the owner or operator must determine whether the tank system is leaking or is unfit for use. Except as provided in item C, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified, registered professional engineer that attests to the tank system's integrity. The certification must include the statements in parts 7001.0070 and 7001.0540.

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

C. Owners or operators of tank systems that were required to conduct this assessment by Code of Federal Regulations, title 40, section 265.191(a), as amended, must conduct and keep this assessment on file as required by that section. Owners or operators of all other existing tank systems must conduct this assessment by February 8, 1990. Owners or operators of tank systems that store or treat materials that become hazardous wastes must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.

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

Subp. 3. Design and installation of new tank systems or components.

A. Owners or operators of new tank systems or components must ensure that the foundation, structural support, seams, connections, and pressure controls, if applicable, are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer, attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. Owners or operators of new tank systems that were required to conduct this assessment by Code of Federal Regulations, title 40, section 265.192(a), as amended, must conduct and keep this assessment on file as required by that regulation. Owners and operators of other new tank systems shall conduct this assessment by February 8, 1989, and keep it on file at the facility. The certification must include the statements in parts 7001.0070 and 7001.0540. This assessment must include the following information:

[For text of subitems (1) to (6), see M.R.]

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

Subp. 4. Containment and detection of releases.

A. In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this part must be provided, except as provided in item H.

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

Subp. 5. [Repealed 20 SR 715]

[For text of subps 6 and 7, see M.R.]

Subp. 8. Responses to leaks or spills and disposition of unfit for use tank systems. A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

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

C. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection:

- (1) prevent further migration of the leak or spill to soils or surface water; and
- (2) remove, and properly manage, any visible contamination of the soil or surface water.

D. Notifications, reports.

(1) Any release to the environment must be reported immediately upon detection to the Minnesota duty officer at (612) 649-5451 or (800) 627-3529.

[For text of subitems (2) and (3), see M.R.]

E. Provision of secondary containment, repair, or closure.

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

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

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

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

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

B. the waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

C. the tank is used solely for emergencies.

The owner or operator of a facility which treats or stores ignitable or reactive waste in a tank shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in the buffer zone requirements for tanks, contained in article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310.

[For text of subps 11 and 12, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

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

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

Subp. 5 Ignitable and reactive wastes. Generators regulated under this part must comply with the following special requirements for ignitable or reactive waste:

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

B. The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310.

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

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0644 DRIP PADS.

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

Subp 2. Leak collection system requirements. The requirement of Code of Federal Regulations, title 40, section 265.443(b)(3), as amended, applies only to:

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

Subp. 3. Indoor drip pads. The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither runoff nor run-on is generated is not subject to regulation under Code of Federal Regulations, title 40, section 265.573(e) or 265.573(f), as amended, as appropriate.

Subp. 4. Incidental drippage in storage yards. The requirements of Code of Federal Regulations, title 40, part 265, subpart W, as amended, are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

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

[For text of subps 5 and 6, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0665 USE CONSTITUTING DISPOSAL.

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

Subp. 1a. Land application prohibition. The following materials may not be placed in solid waste, in or on the land, or in or on waters of the state unless approved by the commissioner:

A. hazardous waste; and

B. a mixture of hazardous waste and other material.

[For text of subps 2 to 4, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

MANAGEMENT OF USED OIL

7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

Subpart 1. Scope. This part applies to hazardous wastes that are burned for energy recovery in a boiler or industrial furnace that is not regulated by the thermal treatment standards in part 7045.0542 or 7045.0640, except:

[For text of item A, see M R]

B. Used oil that exhibits a characteristic of hazardous waste as identified in part 7045.0131, provided that it has not been intentionally mixed with a characteristic hazardous waste, and is regulated as a used oil fuel in parts 7045.0790 to 7045.0990.

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

D. Mixtures of used oil and waste that is hazardous solely for the characteristic of ignitability in part 7045.0131, subpart 2, provided the waste is generated by a person who in a calendar month generates no more than 100 kilograms of hazardous waste. This mixture is regulated as provided in part 7045.0800. If the waste is generated by a person who in a calendar month generates more than 100 kilograms of hazardous waste, part 7045.0800 applies.

E. Used oil being burned for energy recovery as regulated in parts 7045.0790 to 7045.0990.

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

Statutory Authority: *MS s 116.07*

History: 20 SR 715

7045.0695 [Repealed, 20 SR 715]

7045.0790 DEFINITIONS.

Subpart 1. **Scope.** The following terms used in parts 7045.0790 to 7045.0990 have the meanings given them in this part. Terms defined in part 7045.0020 have the same meanings when used in parts 7045.0790 to 7045.0990. The terms “used oil” and “used oil filters” are defined in part 7045.0020.

Subp. 2. **Aboveground tank.** “Aboveground tank” means a tank used to store or process used oil that is not an underground storage tank as defined in Code of Federal Regulations, title 40, section 280.12, as amended.

Subp. 3. **Container.** “Container” means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Subp. 4. **Do-it-yourselfer used oil.** “Do-it-yourselfer used oil” means used oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles, machinery, or equipment.

Subp. 5. **Do-it-yourselfer used oil collection center.** “Do-it-yourselfer used oil collection center” means any site or facility that accepts or aggregates, or both, and stores used oil collected only from do-it-yourselfer used oil generators.

Subp. 6. **Do-it-yourselfer used oil generator.** “Do-it-yourselfer used oil generator” means an individual who generates do-it-yourselfer used oil.

Subp. 7. **Existing tank.** “Existing tank” means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation has commenced on or prior to October 2, 1995. Installation is considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either a continuous on-site installation program has begun, or the owner or operator has entered into binding contractual obligations for installation of the tank to be completed within a reasonable time.

Subp. 8. **New tank.** “New tank” means a tank that will be used to store or process used oil and for which installation has commenced after October 2, 1995.

Subp. 9. **Petroleum refining facility.** “Petroleum refining facility” means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants through fractionation and straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes. Only facilities classified as Standard Industrial Code 2911 are petroleum refining facilities. Rerefinerries are not considered petroleum refining facilities.

Subp. 10. **Processing.** “Processing” means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation, and rerefining.

Subp. 11. **Rerefining distillation bottoms.** “Rerefining distillation bottoms” means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of used oil bottoms varies with column operation and feedstock.

Subp. 12. **Tank.** “Tank” means any stationary device, designed to contain used oil, which is constructed primarily of nonearthen materials and which provides structural support.

Subp. 13. **Used oil aggregation point.** “Used oil aggregation point” means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept do-it-yourselfer used oil.

Subp. 14. **Used oil burner.** "Used oil burner" means a facility where used oil not meeting the used oil fuel specifications of part 7045.0840 is burned for energy recovery in devices identified in part 7045.0885.

Subp. 15. **Used oil collection center.** "Used oil collection center" means any site or facility that is licensed by the commissioner or by a county government to manage used oil and that accepts or aggregates, or both, and stores used oil collected from do-it-yourselfer used oil generators and/or used oil generators regulated under part 7045.0855 who bring used oil to the used oil collection center in shipments of no more than 55 gallons under the provisions of part 7045.0855.

Subp. 16. **Used oil fuel marketer.** "Used oil fuel marketer" means any person who directs a shipment of off-specification used oil to a used oil burner, or who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications in part 7045.0840.

Subp. 17. **Used oil generator.** "Used oil generator" means any person, by site, whose act or process produces used oil or other waste contaminated with used oil or whose act first causes used oil or other waste contaminated with used oil to become subject to regulation.

Subp. 18. **Used oil processor/rerefiner.** "Used oil processor/rerefiner" means a facility that processes used oil.

Subp. 19. **Used oil transfer facility.** "Used oil transfer facility" means any transportation-related facility, including loading docks, parking areas, storage areas, or other areas, where shipments of used oil are held for more than 24 hours, but not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to part 7045.0855, subpart 7, item B.

Subp. 20. **Used oil transporter.** "Used oil transporter" means any person who transports used oil, any person who collects used oil from more than one used oil generator and transports the collected oil, and owners and operators of used oil transfer facilities.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0795 APPLICABILITY.

Parts 7045.0790 to 7045.0990 identify those materials that are and are not subject to regulation as used oil under parts 7045.0790 to 7045.0990. For reporting purposes, the waste number for used oil that is not intended for recycling or that is managed as hazardous waste is the appropriate hazardous waste number for any waste listed in part 7045.0135 contained in the used oil, the appropriate hazardous waste number for any hazardous waste characteristic of part 7045.0131 the used oil displays, or, if no other waste numbers are applicable, MN04. Parts 7045.0790 to 7045.0990 also identify parties who are subject to the requirements of parts 7045.0790 to 7045.0990 for the used oil activities they perform, and the requirements they must follow.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0800 MIXTURES OF USED OIL AND HAZARDOUS WASTE.

Subpart 1. **Generally.** Hazardous waste that is to be mixed with used oil is subject to this chapter until it is mixed with used oil. Hazardous wastes that are mixed with used oil are included in the determination of generator size under part 7045.0206 and generator fees under this chapter. After mixing has occurred, the mixture is regulated as specified in this part.

Subp. 2. **Listed waste.** Mixtures of used oil and hazardous waste that is listed in part 7045.0135 are regulated as the listed waste or wastes that are contained in the mixture, except as specified in subpart 4.

Subp. 3. **Rebuttable presumption of mixing.** Except as provided in items A to C, used oil containing more than 1,000 ppm total halogens is presumed to have been mixed with a halogenated hazardous waste listed in part 7045.0135, and thus is subject to regulation as a listed hazardous waste. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste. Demonstration must either involve applying knowledge of the source of halogens or the use of an analytical method from SW-846, Edition III,

(such as method 8010A or 8021) as incorporated by reference in part 7045.0065, to show that the used oil does not contain greater than 100 ppm of any individual halogenated hazardous constituent listed in part 7045.0139.

A. Metalworking oils and fluids containing chlorinated paraffins processed through a tolling arrangement described in part 7045.0855, subpart 4, item B, are not presumed to be mixed with halogenated hazardous waste listed in part 7045.0135.

B. Used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs present in the used oil are destined for reclamation are not presumed to be mixed with halogenated hazardous waste listed in part 7045.0135. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

C. Used oil contaminated with household waste exempt from regulation as hazardous waste by part 7045.0120, subpart 1, item A, is regulated as used oil under parts 7045.0790 to 7045.0990. The source of contaminants in the used oil must be shown to be from a household source for the used oil to qualify for this exemption.

Subp. 4. **Characteristic waste.** Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in part 7045.0131 and mixtures of used oil and hazardous waste that is listed in part 7045.0135 solely because it exhibits one or more of the characteristics of hazardous waste identified in part 7045.0131 are subject to:

A. except as provided in items B and C, regulation as hazardous waste under this chapter, rather than as used oil under parts 7045.0790 to 7045.0990;

B. except as provided in item C, regulation as used oil under parts 7045.0790 to 7045.0990 and regulation under the land disposal restrictions of parts 7045.1300 to 7045.1380, if the resultant mixture does not exhibit any characteristic of hazardous waste identified in part 7045.0131; or

C. regulation as used oil under parts 7045.0790 to 7045.0990 if the following conditions are met:

(1) the mixture is a mixture of a very small quantity generator's hazardous waste and used oil;

(2) the very small quantity generator's hazardous waste is a nonchlorinated, petroleum-based solvent with a flash point of greater than 100 degrees Fahrenheit, and is not a paint waste containing heavy metals found on the list of contaminants for the toxicity characteristic in part 7045.0131, subpart 8, in excess of their maximum concentrations; and

(3) the concentration of hazardous waste in the resulting mixture does not exceed ten percent by volume.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0805 WASTE CONTAINING OR CONTAMINATED WITH USED OIL.

A. Waste contaminated with used oil that is destined for disposal is subject to evaluation under parts 7045.0102 to 7045.0143 to determine if it is hazardous waste, and the appropriate solid or hazardous waste management standards based on the results of the evaluation, unless the waste is:

(1) recycled as used oil under parts 7045.0790 to 7045.0990; and

(2) rated at at least 5,000 Btus per pound, if recycled by burning for energy recovery.

B. Waste contaminated with used oil must be free of all visible signs of free-flowing oil before leaving the generator's site.

C. Used oil drained or removed from waste contaminated with used oil is subject to regulation as used oil under parts 7045.0790 to 7045.0990.

D. Generators of waste contaminated with used oil that is recycled according to this part are subject to part 7045.0855, subparts 2 and 4, and if burning waste on-site, subpart 3.

E. This part does not apply to used oil filters recycled under the scrap metal exemption of part 7045.0125, subpart 4, item C, and the requirements of part 7045.0990.

Statutory Authority: *MS s 116.07*

History: 20 SR 715

7045.0810 MIXTURES OF USED OIL WITH FUEL PRODUCTS AND REUSE OF USED OIL.

A. Except as provided in items B and C, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under parts 7045.0790 to 7045.0990.

B. Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to regulation as used oil under parts 7045.0790 to 7045.0990 once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of part 7045.0855.

C. Persons intending to use used oil or materials contaminated with used oil either as an ingredient in a product or as a product used in a dissimilar manner from the original intended use of the oil must submit information to the commissioner:

(1) explaining how the product will be used in a manner that does not constitute improper disposal under part 7045.0845; and

(2) proving that the product will not exhibit the toxicity characteristic of part 7045.0131, subpart 7, such as proof that the used oil used in the product does not exhibit the toxicity characteristic. Additional proof must be submitted to the commissioner if the source or nature of the used oil used in the product or as the product changes in a manner that may cause the product to exhibit the toxicity characteristic.

D. Used oil that is reused for its original intended purpose or a similar purpose without first being processed is not subject to regulation under this chapter.

Statutory Authority: *MS s 116.07*

History: 20 SR 715

7045.0815 MATERIALS DERIVED FROM USED OIL.

A. Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal, for example, rerefined lubricants, are considered to be a product and are:

(1) not used oil and thus not subject to parts 7045.0790 to 7045.0990; and

(2) not hazardous waste and thus not subject to this chapter.

B. Materials produced from used oil that are burned for energy recovery (used oil fuels) are subject to regulation as used oil under parts 7045.0790 to 7045.0990, unless the materials meet the fuel specifications of part 7045.0840.

C. Materials derived from used oil that are disposed of or used in a manner constituting disposal are:

(1) not used oil and thus not subject to parts 7045.0790 to 7045.0990; and

(2) wastes subject to evaluation under part 7045.0131 to determine whether or not they are hazardous wastes subject to this chapter.

Statutory Authority: *MS s 116.07*

History: 20 SR 715

7045.0820 WASTEWATER.

Wastewater, the discharge of which is subject to regulation under either section 307(b) or 402 of the Clean Water Act, including wastewaters at facilities which have eliminated the discharge of wastewaters, contaminated with de minimis quantities of used oil are not subject to the requirements of parts 7045.0790 to 7045.0990. For purposes of this part, "de minimis quantities of used oil" means unintentional, unavoidable small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of used oil lost to the wastewater treatment systems during washing or draining operations. This exception does not apply if the used oil is discarded intentionally or as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other

releases, or to used oil recovered from wastewaters. Wastewater from which used oil has been removed to the extent possible is not subject to the requirements of parts 7045.0790 to 7045.0990.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0825 USED OIL INTRODUCED INTO CRUDE OIL PIPELINES OR A PETROLEUM REFINING FACILITY.

A. Used oil mixed with crude oil or natural gas liquids (for example, in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of parts 7045.0790 to 7045.0990. The used oil is subject to the requirements of parts 7045.0790 to 7045.0990 prior to the mixing of used oil with crude oil or natural gas liquids.

B. Mixtures of used oil and crude oil or natural gas liquids containing less than one percent used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of parts 7045.0790 to 7045.0990.

C. Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of parts 7045.0790 to 7045.0990, provided that the used oil constitutes less than one percent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of parts 7045.0790 to 7045.0990.

D. Except as provided in item E, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of parts 7045.0790 to 7045.0990 only if the used oil meets the specifications of part 7045.0840. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of parts 7045.0790 to 7045.0990.

E. Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility process is exempt from the requirements of parts 7045.0790 to 7045.0990. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system, for example, by pouring collected used oil into the wastewater treatment system.

F. Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil, or natural gas liquids, are exempt from parts 7045.0790 to 7045.0990.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0830 USED OIL ON VESSELS.

Used oil generated on vessels from normal shipboard operations is not subject to parts 7045.0790 to 7045.0990 until it is transported ashore.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0835 USED OIL CONTAINING PCBS.

A. In addition to the requirements of parts 7045.0790 to 7045.0990, marketers and burners of used oil who market used oil containing at least two ppm PCBs are subject to the requirements of Code of Federal Regulations, title 40, section 761.20(e), as amended.

B. Used oil containing at least 50 ppm PCBs is subject to the requirements of part 7045.0135, subpart 5.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0840 USED OIL SPECIFICATIONS.

A. Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under parts 7045.0790 to

7045.0990 unless it is shown not to exceed any of the allowable levels in item B. Once used oil that is to be burned for energy recovery has been shown not to exceed any of the specifications in item B and the person making that showing complies with part 7045.0895, subparts 4, 5, and 6, item B, the used oil is considered on-specification used oil and is no longer subject to the burning requirements of parts 7045.0790 to 7045.0990. Used oil to be burned as on-specification used oil must be shown to meet the specifications of item B at least once per source. Additional evaluation is not required unless the source of the used oil changes in some manner that may cause used oil from that source to exceed the specifications of item B.

B. Used oil to be burned for energy recovery is considered on-specification if it does not exceed any of the following allowable levels:

CONSTITUENT/PROPERTY	ALLOWABLE LEVEL
Arsenic, total	5 ppm maximum
Cadmium, total	2 ppm maximum
Chromium, total	10 ppm maximum
Lead, total	100 ppm maximum
Flash point	100 degrees Fahrenheit minimum
Halogens, total	4,000 ppm maximum
PCBs, total	2 ppm maximum

C. Persons who burn used oil that contains PCBs must comply with the requirements of Code of Federal Regulations, title 40, section 761.20(e), as amended.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0845 PROHIBITIONS ON DISPOSAL OF USED OIL.

Subpart 1. **Land disposal and land application prohibition.** No person shall place used oil in solid waste, apply used oil as a dust suppressant or for road treatment, or otherwise place used oil in or on the land or waters of the state, including wastewater and stormwater collection systems, except as provided in part 7045.0820 or unless approved by the commissioner.

Subp. 2. **Burning limitations.** Persons shall burn off-specification used oil fuel in only the following devices:

- A. industrial furnaces identified in part 7045.0020, subpart 43b;
- B. boilers, as defined in part 7045.0020, subpart 6a, items C and D, or used oil-fired burning units provided the burner meets the requirements of part 7045.0855, subpart 3;
- C. hazardous waste incinerators subject to regulation under parts 7045.0542 and 7045.0640; or
- D. marine and diesel engines.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0855 STANDARDS FOR USED OIL GENERATORS.

Subpart 1. **Applicability.** Except as provided in items A to C, this part applies to all used oil generators, owners and operators of do-it-yourselfer used oil collection centers, owners and operators of used oil collection centers, and owners and operators of used oil aggregation points. All of these parties may accept do-it-yourselfer used oil.

A. Do-it-yourselfer used oil generators are not subject to parts 7045.0790 to 7045.0990.

B. Vessels at sea or at port are not subject to this part. For purposes of this part, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the persons removing or accepting used oil from the vessel are cogenerators of the used oil and are both responsible for managing the waste in compliance with this part once the used oil is transported ashore. The cogenerators may decide among them which party will fulfill the requirements of this part.

C. Farmers who generate an average of no more than 25 gallons per month of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of parts 7045.0790 to 7045.0990, except for parts 7045.0845, subpart 1, and 7045.0990, subpart 2.

Subp. 2. Storage.

A. Used oil generators shall comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this part. Used oil generators shall also comply with the underground storage tank standards of Code of Federal Regulations, title 40, part 280, for used oil stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil generators who store used oil for more than seven days in aboveground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, in addition to the requirements of this part. Used oil generators 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 generators shall comply with the storage and use requirements of article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil generators shall not store used oil in units other than containers or tanks and must ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at generator sites must be in good condition and not leaking. Containers must be closed, except for containers that receive used oil directly from used oil filter crushing equipment or oil and water separation equipment. Containers must be placed on a surface that is reasonably impervious to used oil. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at generator sites must be marked with the words "Used Oil."

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulation, title 40, part 280, subpart F, as amended, a generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A generator who disposes more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

Subp. 3 On-site burning in small burning units designed to burn used oil. Generators who store used oil in vessels directly connected to burning units shall comply with article 61 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310. Generators may burn used oil in burning units designed to burn used oil provided that:

A. the unit burns used oil that the owner or operator generates, do-it-yourselfer used oil, used oil proven to be on-specification under part 7045.0840, or used oil aggregated at the site where the unit is located if the site is a used oil aggregation point;

B. the unit burns used oil for energy recovery;

C. the unit is designed to have a maximum capacity of not more than 0.5 million Btus per hour;

D. the combustion gases from the unit are vented to the out-of-doors; and

E. the unit is used in accordance with Minnesota Statutes, section 299F.015.

Subp. 4. Off-site shipments. Except as provided in items A and B, generators must ensure that their used oil is transported only by transporters who have obtained EPA identification numbers.

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

B. Used oil generators may arrange for used oil to be transported by a transporter without an EPA identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor/rerefiner to the generator for use as a lubricant, cutting oil, or coolant. The tolling arrangement contract must indicate the type of oil and the frequency of shipments, that the vehicle used to transport the used oil to the processing/rerefining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/rerefiner, and that the reclaimed oil will be returned to the generator.

C. Used oil generators must keep records, for example, receipts or a log, of every shipment of used oil leaving the generator site. Records for each shipment must include the quantity of used oil shipped, the date of the shipment, and the name and EPA identification number of the transporter, if applicable. Used oil generators must maintain these records at the generator site or at the offices of the generator for sites that are not staffed by the generator for a minimum of three years from the date of shipment.

Subp. 5. Hazardous waste mixing.

A. Generators shall not mix hazardous waste with used oil, except as provided in part 7045.0800. The rebuttable presumption of part 7045.0800, subpart 3, applies to used oil managed by generators.

B. Generators that mix hazardous waste with used oil under part 7045.0800 must keep records for each act of mixing of the dates the mixing was performed, the amounts of used oil and hazardous waste mixed together, and the results of any analyses used to determine if the used oil is classified as hazardous waste under part 7045.0800. Hazardous waste mixed with used oil under part 7045.0800 is not exempt from the generator size determination requirements of part 7045.0206, subpart 5, item C.

Subp. 6. Closure.

A. Generators who store or process used oil in aboveground tanks must to the extent practical, at closure of the tank system, remove or decontaminate visible residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

B. Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 7. Other applicable provisions. Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of parts 7045.0790 to 7045.0990 as indicated in items A to D.

A. Generators who transport used oil, except under subpart 4, item A, must also comply with part 7045.0865.

B. Except as provided in this item, generators who process or rerefine used oil must also comply with part 7045.0875. Generators or agents of generators who perform the following activities are not processors provided the used oil is generated on site. on-site filtering, cleaning, or otherwise reconditioning used oil before on site reuse by the generator, separating used oil from wastewater generated on site to make the wastewater acceptable for discharge or reuse pursuant to section 307(b) or 402 of the Clean Water Act or other applicable federal or state regulations governing the management or discharge of wastewaters; using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation; draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to part 7045.0805; and filtering, separating, or otherwise reconditioning used oil before burning in accordance with subpart 3.

C. Generators who burn off-specification used oil for energy recovery, except under the on-site burner provisions of subpart 3 must also comply with part 7045.0885.

D. Generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that the used oil that is to be burned meets the used oil fuel specifications in part 7045.0840 must also comply with part 7045.0895.

Statutory Authority: *MS s 116 07*

History: *20 SR 715*

7045.0865 STANDARDS FOR USED OIL TRANSPORTERS AND TRANSFER FACILITIES.

Subpart 1. **Applicability.** Except as provided in this subpart, this part applies to all used oil transporters.

A. This part does not apply to on-site transportation of used oil.

B. This part does not apply to generators who transport shipments of used oil in accordance with part 7045.0855, subpart 4, item A.

C. This part does not apply to transportation of do-it-yourselfer used oil to a regulated used oil generator, collection center, aggregation point, processor/rerefiner, or burner subject to the requirements of parts 7045.0790 to 7045.0990. Except as provided in items A and B, this part does apply to transportation of collected do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where do-it-yourselfer used oil is collected.

Subp. 2. **Imports and exports.** Transporters who import used oil from abroad or export used oil outside of the United States are subject to the requirements of this part from the time the used oil enters and until the time it exits the United States.

Subp. 3. **Trucks used to transport hazardous waste.** Unless trucks previously used to transport hazardous waste are emptied as described in part 7045.0127 prior to transporting used oil, the used oil is considered to have been mixed with a hazardous waste and the used oil transporter must manage the mixture as a hazardous waste unless, under the provisions of part 7045.0800, the mixture is determined not to be hazardous waste.

Subp. 4. **Restrictions on transporters who are not also processors or rerefiners.**

A. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in items B and C, used oil transporters must not process used oil unless they also comply with the requirements for processors/rerefiners in part 7045.0875.

B. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (for example, settling, particulate filtering, and water separation), but shall not conduct processing operations that are designed to produce or make used oil more amenable for the production of used oil-derived products.

C. Transporters may remove used oil from oil-bearing electrical transformers and turbines and filter the used oil at the site of generation or at a transfer facility prior to returning the used oil to its original use.

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.

Subp. 6. **Used oil transportation.**

A. A used oil transporter must deliver all used oil received to either another used oil transporter with an EPA identification number, a used oil processor/rerefiner with an EPA identification number, an off-specification used oil burner facility with an EPA identification number, or an on-specification used oil burner facility.

B. Used oil transporters must comply with all applicable requirements under the United States Department of Transportation regulations in Code of Federal Regulations, title 49, parts 171 to 180, as amended. Persons transporting used oil that meets the definition of a hazardous material in Code of Federal Regulations, title 49, section 171.8, must comply with all applicable regulations in Code of Federal Regulations, title 49, parts 171 to 180, as amended.

Subp. 7. Used oil discharges.

A. Transporters who transport more than 10,000 gallons of used oil per month are subject to the requirements of Minnesota Statutes, chapter 115E, for preparedness to respond to discharges.

B. In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (for example, notify local authorities, dike the discharge area.) Used oil transporters are subject to the requirements of Minnesota Statutes, section 115.061, and chapter 115E. In the event of a discharge of more than five gallons of used oil during transportation, the transporter must report the discharge to the state duty officer at (612) 649-5451 or (800) 422-0798.

C. If a discharge of used oil occurs during transportation and a government official acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by transporters who do not have EPA identification numbers.

D. An air, rail, highway, or water transporter who has discharged used oil must give notice, if required by Code of Federal Regulations, title 49, section 171.15, as amended, to the National Response Center (800) 424-8802, and report in writing as required by Code of Federal Regulations, title 49, section 171.16, as amended, to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

E. A water transporter who has discharged used oil must give notice as required by Code of Federal Regulations, title 33, section 153.203, as amended.

F. A transporter must clean any used oil discharge that occurs during transportation or take such actions as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

Subp. 8. Rebuttable presumption for used oil.

A. To ensure that used oil is not a hazardous waste under the rebuttable presumption of part 7045.0800, subpart 3, the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm, unless the used oil is exempt from the rebuttable presumption by part 7045.0800, subpart 3, items A and B.

B. The transporter must make this determination by testing the used oil, or by applying knowledge of the halogen content of the used oil in light of the materials or processes used in generating the used oil.

C. If the used oil contains at least 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in part 7045.0135. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste as allowed for in part 7045.0800, subpart 3.

D. The transporter must maintain records of analyses conducted or information used to comply with items A to C for at least three years.

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.

A. Used oil transporters shall comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this part. Used oil transporters shall also comply with the underground storage tank standards of Code of Federal Regulations, title 40, part 280, as amended, for used oil stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil transporters who store used oil for more than seven days in above-ground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, 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 re-

quirements of article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil transporters shall not store used oil in units other than containers or tanks and shall ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at transfer facilities must be in good condition, not leaking, and closed. Containers must be equipped with a secondary containment system consisting of dikes, berms, or retaining walls and a floor that covers the entire area within the dikes, berms, or retaining walls, or an equivalent secondary containment system. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at transfer facilities must be marked with the words "Used Oil." Aboveground tanks used to store used oil at transfer facilities are subject to the secondary containment requirements of parts 7100.0010 to 7100.0090. Double-walled tanks meet this secondary containment requirement.

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulations, title 40, part 280, subpart F, as amended, a transporter must stop the release, contain the released used oil, clean up, and manage properly the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A transporter who discharges more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

Subp. 10. Tracking. Used oil transporters must maintain the records listed in this subpart for at least three years. Upon request of the commissioner, the transporter must supply information regarding the amount of used oil collected in the previous calendar year

A. Used oil transporters must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the name, address, and identification number of the generator, transporter, or processor/rerefiner who provided the used oil for transport; the quantity of used oil accepted; the date of acceptance, and, except for intermediate rail transporters, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/rerefiner who provided the used oil for transport.

B. Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/rerefiner. Records of each delivery must include: the name and address of the receiving facility or transporter; the EPA identification number of the receiving facility or transporter; the quantity of used oil delivered; the date of delivery; and, except for intermediate rail transporters, the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

C. Used oil transporters must maintain the records described in item B for each shipment of used oil to any foreign country.

Subp. 11. Receipts. Used oil transporters must provide receipts to all parties from which they accept used oil. The receipts must clearly indicate the name, address, and EPA identification number of the transporter, the date of acceptance, and the quantity of used oil accepted.

Subp. 12. Management of residues. Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in part 7045.0815.

Subp. 13. Closure.

A. Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this item, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

B. Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 14. **Other applicable provisions.** Used oil transporters who conduct the following activities are also subject to other applicable provisions of this part as indicated in items A to D.

A. Transporters who generate used oil must also comply with part 7045.0855.

B. Transporters who process or rerefine used oil, except as provided in subpart 4, must also comply with part 7045.0875.

C. Transporters who burn off-specification used oil for energy recovery must also comply with part 7045.0885.

D. Transporters who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that the used oil that is to be burned meets the used oil fuel specifications in part 7045.0840 must also comply with part 7045.0895.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0875 STANDARDS FOR USED OIL PROCESSORS AND REREFINERS.

Subpart 1. **Applicability.** The requirements of this part apply to owners and operators of facilities that process used oil. The requirements of this part do not apply to:

A. transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in part 7045.0865, subpart 4; and

B. burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in part 7045.0885, subpart 3.

Subp. 2. **Notification.** Used oil processors/rerefiners who have not notified the EPA that they are processors/rerefiners of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil processing/rerefining activities.

Subp. 3. **Preparedness and prevention.** Owners and operators of used oil processing and rerefining facilities must comply with the requirements in this subpart:

A. Facilities must be maintained and operated by the owner or operator to minimize the possibility of a fire, explosion, or an unplanned release of used oil to air, soil, or surface water which could threaten human health or the environment.

B. Owners and operators must ensure that facilities are equipped with the following equipment, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in this item:

(1) an internal communications or alarm system capable of providing immediate emergency voice or signal instruction to facility personnel;

(2) a device, such as a telephone immediately available at the scene of operation or a hand held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(3) portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(4) water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained by the owner or operator as necessary to ensure their proper operation in time of emergency.

D. Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in item B. If there is ever only one

employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone immediately available at the scene of operation or a hand held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in item B.

E. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

F. The owner or operator must attempt to make the arrangements described in this item, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations.

(1) The owner or operator must attempt to make arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes. Where more than one police and fire department might respond to an emergency, the owner or operator must attempt to make agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority. The owner or operator must attempt to make agreements with state emergency response teams, emergency response contractors, and equipment suppliers. The owner or operator must attempt to make arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(2) Where state or local authorities decline or accept to enter into such arrangements, the owner or operator must document the refusal or acceptance in the operating record.

G Owners and operators of used oil processing and rerefining facilities must comply with the requirements described in this item.

(1) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned release of used oil to air, soil, or surface water. The owner or operator must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment.

(2) The contingency plan must describe the actions facility personnel must take to comply with subitems (1) and (6) in response to fires, explosions or any unplanned release of used oil to air, soil, or surface water at the facility. If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with Code of Federal Regulations, title 40, part 112 or 1510, as amended, a prevention and response plan under Minnesota Statutes, chapter 115E, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of parts 7045.0790 to 7045.0990. The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to item F. The plan must list the up-to-date names, addresses, and telephone numbers, both office and home, of all persons qualified to act as emergency coordinator. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. The plan must include an up-to-date list of all emergency equipment at the facility, where this equipment is required. In addition, the plan must include the location and a physical description of each item on the list and its capabilities. The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(3) The owner or operator must maintain a copy of the contingency plan and all revisions to the plan at the facility, and submit copies of the plan to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(4) The owner or operator must review and immediately amend the contingency plan, if necessary, whenever applicable regulations are revised, the plan fails in an emergency; the facility's design, operation, construction, maintenance, or other aspects change in a way that materially increases the potential for fires, explosions, releases of used oil, or changes the response necessary in an emergency; the list of emergency coordinators changes; or the list of emergency equipment changes.

(5) At all times, there must be at least one employee either on the facility premises or available to respond to an emergency by reaching the facility in a short period of time with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, the owner or operator must have the authority to commit the resources needed to carry out the contingency plan.

(6) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or the designee when the emergency coordinator is on-call, must immediately activate internal facility alarms or communications systems where applicable to notify all facility personnel, and notify appropriate state or local agencies with designated response roles if their help is needed. Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and extent of any released materials. The emergency coordinator may do this by observation or review of facility records of manifests and, if necessary, by chemical analysis.

Concurrently, the emergency coordinator must assess possible hazards to human health and the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion for example, effects of released gases or water runoff from fire control measures.

If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, such findings must be reported as follows. If the assessment indicates that evacuation of local areas may be advisable, the coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated. The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for the geographical area in the applicable regional contingency plan under Code of Federal Regulations, title 40, part 1510, as amended, or the National Response Center at (800) 424-8802. The report must include: name and telephone number of the reporter; name and address of facility, time and type of incident, name and quantity of materials involved, to the extent known; the extent of injuries, if any; and the possible hazards to human health and the environment outside the facility.

During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.

If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate. Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposal of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

The emergency coordinator must ensure that, in the affected areas of the facility, no waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed, and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed. The owner or operator must notify the commissioner, and appropriate state and local authorities, that the facility is in compliance with this subitem before operations are resumed in the affected areas of the facility.

The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, the emergency coordinator must submit a written report on the incident to the commissioner. The report must include: the name, address, and telephone number of the owner or operator; the name, address, and telephone number of the facility; the date, time, and type of incident; the name and quantity of materials involved; the extent of injuries, if any, an assessment of actual or potential hazards to human health and the environment, where applicable; and the estimated quantity and disposition of recovered material that resulted from the incident.

Subp. 4. Rebuttable presumption for used oil.

A. To ensure that used oil managed at a used oil processing/rerefining facility is not a hazardous waste under the rebuttable presumption of part 7045.0800, subpart 3, the used oil processor/rerefiner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm, unless the used oil is exempt from the rebuttable presumption by part 7045.0800, subpart 3, items A and B.

B. The used oil processor/rerefiner must make this determination by testing the used oil, or by applying knowledge of the halogen content of the used oil in light of the materials or processes used in generating the used oil.

C. If the used oil contains at least 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in part 7045.0135. The used oil processor/rerefiner may rebut the presumption by demonstrating that the used oil does not contain hazardous waste as allowed for in part 7045.0800, subpart 3.

D. The used oil processor/rerefiner must maintain records of analyses conducted or information used to comply with items A to C for at least three years.

Subp. 5. Used oil storage and management.

A. Used oil processors/rerefiners shall comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this part. Used oil processors/rerefiners shall also comply with the underground storage tank standards of Code of Federal Regulations, title 40, part 280, as amended, for used oil stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil processors/rerefiners who store used oil for more than seven days in aboveground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, 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 article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil processors/rerefiners shall not store used oil in units other than containers or tanks and shall ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at processing/rerefining facilities must be in good condition, not leaking, and closed. Containers must be equipped with a secondary containment system. The secondary containment system must consist of, at a minimum, dikes, berms, or retaining walls, and a floor which covers the entire area within the dike, berm, or retaining wall. An equivalent secondary containment system may be used for containers. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at transfer facilities must be marked with the words "Used Oil." Aboveground tanks used to store used oil at transfer facilities are subject to the secondary containment requirements of parts 7100.0010 to 7100.0090. Double-walled tanks meet this secondary containment requirement.

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulations, title 40, part 280, subpart F, as amended, a pro-

cessor/rerefiner must stop the release, contain the released used oil, clean up and properly manage the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A processor/rerefiner who discharges more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115 061.

E. Closure:

(1) Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this subitem, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

(2) Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 6. Analysis plan. Owners and operators of used oil processing and rerefining facilities must develop and follow a written analysis plan in accordance with items A and B describing the procedures that will be used to comply with the total halogen analysis requirements of subpart 4, and, if applicable, the fuel specification analysis requirements of part 7045.0895, subpart 4. The owner or operator must keep the plan at the facility.

A. The plan must specify whether sample analyses or knowledge of the halogen content of the used oil will be used to make the determination of the content and source of halogens in used oil.

If sample analyses are used to make this determination, the sampling method used to obtain representative samples to be analyzed must be specified in the plan. A representative sample may be obtained using either one of the sampling methods in Code of Federal Regulations, title 40, part 261, Appendix I, as amended, or a method shown to be equivalent under part 7045.0075, subpart 1. The plan must specify the frequency of sampling to be performed, whether the analysis will be performed on-site or off-site, and the methods used to analyze used oil for parameters specified in subpart 4.

The plan must also specify the type of information that will be used to determine the halogen content of the used oil.

B. The plan must specify whether sample analyses or other information will be used to make the determination of whether the used oil meets the used oil fuel specifications.

If sample analyses are used to make this determination, the sampling method used to obtain representative samples to be analyzed must be specified in the plan. A representative sample may be obtained using either one of the sampling methods in Code of Federal Regulations, title 40, part 261, Appendix I, as amended, or a method shown to be equivalent under part 7045.0075, subpart 1. The plan must specify whether used oil will be sampled and analyzed prior to or after any processing/rerefining, the frequency of sampling to be performed, whether the analysis will be performed on-site or off-site, and the methods used to analyze used oil for parameters specified in part 7045.0895, subpart 4.

The plan must also specify the type of information that will be used to determine the halogen content of the used oil.

Subp. 7. Tracking.

A. Used oil processors/rerefiners must keep a record of each used oil shipment accepted for processing/rerefining. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

- (1) the name and address of the transporter who delivered the used oil to the processor/rerefiner;
- (2) the name and address of the generator or processor/rerefiner from whom the used oil was sent for processing/rerefining, if applicable;
- (3) the EPA identification number of the transporter who delivered the used oil to the used oil processor/rerefiner;
- (4) the EPA identification number of the generator or processor/rerefiner from whom the used oil was sent for processing/rerefining, if applicable;
- (5) the quantity of used oil accepted; and
- (6) the date of acceptance

B. Used oil processors/rerefiners must keep a record of each shipment of used oil that is shipped to a used oil burner or processor/rerefiner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records of each shipment must include the following information:

- (1) the name and address of the transporter who delivers the used oil to the burner or processor/rerefiner;
- (2) the name and address of the burner or processor/rerefiner who will receive the used oil,
- (3) the EPA identification of the used oil transporter who delivers the used oil to the burner or processor/rerefiner;
- (4) the EPA identification number of the burner or processor/rerefiner who will receive the used oil;
- (5) the quantity of used oil shipped; and
- (6) the date of shipment.

C. Used oil processors/rerefiners must maintain the records described in items A and B for at least three years.

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 EPA 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.

Subp. 9. Off-site shipments of used oil. Used oil processors/rerefiners who initiate shipments of used oil off-site must ship the used oil using a used oil transporter who has obtained an EPA identification number.

Subp. 10. Management of residues. Owners and operators who generate residues from the storage, processing, or rerefining of used oil must manage the residues as specified in part 7045.0815.

Subp. 11. Other applicable provisions. Used oil processors/rerefiners who conduct the following activities are also subject to the requirements of other applicable provisions of parts 7045.0790 to 7045.0990 as follows:

- A. processors/rerefiners who generate used oil must also comply with part 7045.0855;
- B. processors/rerefiners who transport used oil must also comply with part 7045.0865;

C. except for used oil processors/rerefiners that burn used oil in an on-site burning unit that meets the requirements of part 7045.0855, subpart 3, or that burn used oil for purposes of processing used oil (which is considered burning incidentally to used oil processing), used oil processors/rerefiners who burn off-specification used oil for energy recovery must also comply with part 7045.0885; and

D. processors/rerefiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that the used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in part 7045.0840 must also comply with part 7045.0895.

Statutory Authority: *MS s 116 07*

History: *20 SR 715*

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

Subpart 1. **Applicability.** The requirements of this part apply to used oil burners, except persons or facilities burning used oil under the following conditions:

A. the used oil is burned by the generator in an on-site burning unit under the provisions of part 7045.0855, subpart 3;

B. the used oil is burned by a processor/rerefiner for purposes of processing used oil which is considered burning incidentally to used oil processing; or

C. the used oil meets the used oil fuel specifications of part 7045.0840, provided that the burner complies with the requirements of part 7045.0895.

Subp. 2. **Restrictions on burning.** No person shall burn off-specification used oil fuel for energy recovery in other than the following devices:

A. industrial furnaces defined in part 7045.0020, subpart 43b,

B. boilers, as defined in part 7045.0020, subpart 6a;

C. used oil-fired burning units provided the unit meets the provisions of part 7045.0855, subpart 3;

D. hazardous waste incinerators subject to regulation under part 7045.0542 or 7045.0640, or

E. marine and diesel engines.

Subp. 3. **Restrictions on processing.** Used oil burners may not process used oil unless they also comply with the requirements of this part, with the following exception. Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but must not aggregate for purposes of producing on-specification used oil.

Subp. 4. **Notification.** Used oil burners who have not notified the United States Environmental Protection Agency that they are burners of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil burning activities.

Subp. 5. **Rebuttable presumption for used oil.**

A. To ensure that used oil managed at a used oil burning facility is not a hazardous waste under the rebuttable presumption of part 7045.0800, subpart 3, the used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm, unless the used oil is exempt from the rebuttable presumption by part 7045.0800, subpart 3, items A and B

B. The burner must make this determination by testing the used oil, by applying knowledge of the halogen content of the used oil in light of the materials or processes used in generating the used oil. If the used oil has been received from a processor/rerefiner subject to regulation under this part, by using information provided by the processor/rerefiner.

C. If the used oil contains at least 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in part 7045.0135. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste as allowed for in part 7045.0800, subpart 3.

D. Records of analyses conducted or information used to comply with items A to C must be maintained by the burner for at least three years

Subp. 6. Used oil storage.

A. **Applicability of federal storage regulations.** Used oil burners must comply with all applicable spill prevention, control, and countermeasures requirements of Code of Federal Regulations, title 40, part 112, as amended, in addition to the requirements of this subpart. Used oil burners must comply with the underground storage tank standards of Code of Federal Regulations, title 40, part 280, as amended, for used oil stored in underground tanks whether or not the used oil exhibits any characteristic of hazardous waste, in addition to the requirements of this part.

B. Used oil burners who store used oil for more than seven days in aboveground tanks of at least 110 gallons in size are subject to parts 7100.0010 to 7100.0090, in addition to the requirements of this subpart. Used oil burners 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 burners shall comply with the storage and use requirements of article 79 of the Minnesota Uniform Fire Code, as incorporated by reference in part 7510.3310, in addition to the requirements of this part.

C. Used oil burners shall not store used oil in units other than containers or tanks and must ensure that the following requirements for containers and tanks are met. Containers and tanks used to store used oil at burning facilities must be in good condition, not leaking, and closed. Containers must be equipped with a secondary containment system. The secondary containment system must consist of, at a minimum, dikes, berms, or retaining walls, and a floor which covers the entire area within the dike, berm, or retaining wall. An equivalent secondary containment system may be used for containers. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. Containers, aboveground tanks, and fill pipes of underground tanks used to store used oil at transfer facilities must be marked with the words "Used Oil." Aboveground tanks used to store used oil at burning facilities are subject to the secondary containment requirements of parts 7100.0010 to 7100.0090. Double-walled tanks meet this secondary containment requirement.

D. Upon detection of a release of used oil to the environment not subject to the requirements of Code of Federal Regulations, title 40, part 280, subpart F, as amended, a burner must stop the release, contain the released used oil, clean up and properly manage the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases. A burner who discharges more than five gallons of used oil is subject to the notification requirements of Minnesota Statutes, section 115.061.

Subp. 7 Tracking and acceptance. Used oil burners must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Used oil burners must maintain these records for at least three years. Upon request of the commissioner, the burner must supply information regarding the amount of used oil received at the burning facility in the previous calendar year. Records for each shipment must include the following information:

A. the name and address of the transporter who delivered the used oil to the burner;

B. the name and address of the generator or processor/rerefiner from whom the used oil was sent to the burner, if applicable,

C. the EPA identification number of the transporter who delivered the used oil to the burner,

D. the EPA identification number of the generator or processor/rerefiner from whom the used oil was sent to the burner, if applicable;

E. the quantity of used oil accepted; and

F. the date of acceptance.

Subp. 8. Notices and certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/rerefiner, the generator must provide the generator, transporter, or processor/rerefiner a one-time, written, and signed notice certifying that the burner has notified the EPA of used oil management activi-

ties at the facility and the location of the facility, and that the burner will burn used oil only in an industrial furnace or boiler identified in subpart 2. This certification must be maintained for at least three years from the date the burner last receives shipment of off-specification used oil from the generator, transporter, or processor/refiner.

Subp. 9 Management of residues. Burners who generate residues from the storage or burning of used oil must manage the residues as specified in part 7045.0815.

Subp. 10. Closure.

A. Owners and operators who store or process used oil in aboveground tanks must, at closure of the tank system, remove or decontaminate residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143. If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in this item, then the owner or operator must close the tank system and perform postclosure care in accordance with the closure and postclosure care requirements of part 7045.0638, subpart 4, that apply to hazardous waste landfills.

B. Owners and operators who store used oil in containers must, at closure, remove containers holding used oils or residues of used oil from the site. The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste under parts 7045.0102 to 7045.0143.

Subp. 11. Other applicable provisions. Used oil burners who conduct the following activities are also subject to the requirements of other applicable provisions as indicated below:

A. burners who generate used oil must also comply with part 7045.0855;

B. burners who transport used oil must also comply with part 7045.0865,

C. except as provided in subpart 3, burners who process or rerefine used oil must also comply with part 7045.0875; and

D. burners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications in part 7045.0795, must also comply with part 7045.0895.

Statutory Authority: *MS s 116.07*

History: 20 SR 715

7045.0895 STANDARDS FOR USED OIL FUEL MARKETERS.

Subpart 1. Applicability. Any person who conducts either of the following activities is subject to the requirements of this part:

A. any person who directs a shipment of off-specification used oil from their facility to a used oil burner; or

B. any person who first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications in part 7045.0840.

Subp. 2. Persons who are not marketers. The following persons are not marketers subject to this part:

A. used oil generators and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. However, processors/rerefiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters who direct shipments of off-specification used oil to processor/rerefiners who incidentally burn used oil are not marketers subject to this part;

B. persons who direct shipments of on-specification used oil and who are not the first to claim the oil meets the used oil specifications of part 7045.0840; and

C. used oil generators who direct shipments of used oil to used oil aggregation points which burn used oil in burning units in accordance with part 7045.0865, subpart 4.

Subp. 3. Prohibitions. A used oil fuel marketer must initiate a shipment of off-specification used oil only to a burner who has an EPA identification number and burns used oil in an

industrial furnace or boiler identified in part 7045.0885, subpart 2, or to a burner who burns used oil in marine or diesel engines:

Subp. 4. On-specification used oil fuel. Analysis of used oil fuel. A generator, transporter, processor/rerefiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of part 7045.0840 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications. Persons claiming that used oil meets the specifications of part 7045.0840 must keep copies of analyses of the used oil or other information used to make the determination for at least three years.

Subp. 5. Notification. Used oil fuel marketers who have not notified the EPA that they are marketers of used oil must submit a completed EPA form 8700-12 to EPA indicating their used oil marketing activities.

Subp. 6. Tracking.

A. Any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include: the name and address of the transporter who delivers the used oil to the burner; the name and address of the burner who will receive the used oil; the EPA identification number of the transporter who delivers the used oil to the burner; the EPA identification number of the burner; the quantity of used oil shipped; and the date of shipment.

B. A generator, transporter, processor/rerefiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under part 7045.0840 must keep records of each shipment of used oil to an on-specification used oil burner. Records must include the following information: the name and address of the facility receiving the shipment; the quantity of used oil fuel delivered; the date of shipment or delivery; and a cross-reference to the record of used oil analyses or other information used to make the determination that the used oil meets the specification as required in subpart 4. These records must be maintained by the person making the claim that the oil is on-specification for at least three years.

Subp. 7. Notices and certification. Before a used oil generator, transporter, or processor/rerefiner directs the first shipment of off-specification used oil fuel to a burner, that person must obtain a one-time written and signed notice from the burner certifying that the burner has notified EPA stating the location of the burning facility and a general description of used oil management activities at the burning facility, and that the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subpart 2. This certification must be maintained by the person who obtains the certification for at least three years from the date the last shipment of off-specification used oil is shipped to the burner.

Subp. 8. Other applicable provisions. Any person subject to the requirements of this part must also comply with one of the following:

- A. part 7045.0855, standards for used oil generators;
- B. part 7045.0865, standards for used oil transporters and transfer facilities;
- C. part 7045.0875, standards for used oil processors and rerefiners;
- D. part 7045.0885, standards for used oil burners who burn off-specification used oil for energy recovery.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.0990 USED OIL FILTERS.

Subpart 1. Definitions. The definitions in this subpart apply to this part

A. "Used oil filter broker" means any person or business who accepts used oil filters from used oil filter collectors for purposes of sending used oil filters to a used oil filter recycling intermediary or recycler.

B. "Used oil filter collector" means any person or business who collects used oil filters directly from used oil filter generators for the purposes of sending the used oil filters to

a used oil filter recycling intermediary or recycler. Scrap metal collectors who incidentally receive small amounts of used oil filters with other scrap metal they collect are not considered used oil filter collectors

C. "Used oil filter processor" means a person or business who accepts used oil filters from used oil filter generators, brokers, or collectors for purposes of making the filters more amenable for recycling.

D. "Used oil filter recycler" means any person or business that accepts used oil filters and through some process transforms them into a recycled product.

E. "Used oil filter recycling intermediary" means a used oil filter broker or processor.

Subp. 2. General requirements. No person shall dispose of used oil filters or portions of used oil filters in solid waste or in or on the land. Used oil filter brokers, collectors, processors, recyclers, and generators are subject to regulation under this part and must ensure that used oil filters and portions of used oil filters are managed as specified in this subpart.

Unless disposed of as hazardous waste, used oil filters and portions of used oil filters must be recycled either by scrap metal recycling or burning for energy recovery. Used oil filters and portions of used oil filters may be recycled under the scrap metal exemption of part 7045.0125, subpart 4, item C, if they meet the definition of scrap metal. Used oil filters and portions of used oil filters that meet the definition of scrap metal may be burned for energy recovery under part 7045.0805, item A, provided that the scrap metal portion of the used oil filters is recovered and recycled. Used oil filters and portions of used oil filters which do not meet the definition of scrap metal may be burned for energy recovery under part 7045.0805, item A.

Subp. 3. Requirements for generators.

A. Used oil filter generators must store used oil filters in closed, leakproof containers labeled with the words "Used Oil Filters."

B. Used oil filter generators burning used oil filters or portions of used oil filters on-site must comply with part 7045.0855, subpart 3.

C Off-site shipments:

(1) Used oil filter generators must ensure that used oil filters are not in a condition to readily release any free-flowing oil when they leave the generator site.

(2) Used oil filter generators may transport used oil filters that they generate to another licensed site owned by the generator or to a used oil filter processor, recycler, collector, or broker, in their own vehicles without meeting the requirements of subpart 4. Used oil filter generators transporting their own used oil filters must ensure that used oil and used oil filters do not escape from the containers used during transport. Used oil filter generators must keep records of all shipments of used oil filters from their sites, including the date of the shipment, the quantity of used oil filters shipped, and the facility to which the used oil filters were delivered. These records must be kept at the licensed site for at least three years after the date of shipment.

(3) Used oil filter generators must only allow used oil filters to be taken off-site by used oil filter collectors that are licensed by the commissioner to transport used oil filters under subpart 4, or by scrap metal collectors as specified in subpart 4. Used oil filter generators must keep records of all shipments of used oil filters from their sites, including the name, address, and license number of the collector, the date of the shipment, and the quantity of used oil filters shipped. Used oil filter generators must keep these records at the licensed site for at least three years after the date of shipment.

Subp 4. Requirements for used oil filter collectors.

A. Any person who collects used oil filters from used oil filter generators, other than scrap metal collectors who receive incidental quantities of used oil filters with other scrap metal and persons handling used oil filters as hazardous waste, must be licensed as a used oil filter collector by the commissioner. Used oil filter collectors must keep a copy of their license in each vehicle used to transport used oil filters and at sites used to store used oil filters. To obtain a license and remain licensed, the used oil filter collector must submit the following information and meet the requirements of this subpart. All persons transporting

used oil filters must submit the following information regarding the operations of their used oil filter transporting business in writing to the commissioner:

(1) the name, address, and telephone number of the collector and all facilities the collector uses for used oil filter transportation purposes;

(2) the name of a contact person for the collector and all facilities the collector uses for used oil filter transportation purposes;

(3) a list of the names, addresses, and telephone numbers of all used oil filter brokers, processors, and recyclers that will be used to recycle used oil filters handled by the collector;

(4) an approximation of the service area of the collector; and

(5) an approximation of the amount of used oil filters the collector expects to collect on an annual basis.

The commissioner shall issue a used oil filter collector license and license number to persons that submit the above information. The collector must notify the commissioner in writing immediately when any of the above information changes and provide the correct information. The commissioner shall suspend or revoke the license of any used oil collector not in compliance with the requirements of this subpart.

B. Storage and transportation:

(1) Used oil filter collectors must store and transport used oil filters in leakproof containers labeled with the words "Used Oil Filters." The containers must be closed or otherwise covered to prevent precipitation from entering the container and to prevent used oil filters and used oil from exiting the container during transport and storage.

(2) Used oil filter collectors may only send used oil filters to used oil filter recycling intermediaries or recyclers. Used oil filter collectors must send at least 75 percent of the used oil filters they take possession of each year for recycling.

C. Recordkeeping and receipts:

(1) Used oil filter collectors must keep records of each volume of used oil filters they accept, including the name and address of the company offering the used oil filters, the date of shipment, and the quantity of the shipment. Used oil filter collectors must give a receipt to used oil filter generators containing the above information, the used oil filter collector's name and used oil filter collector license number, and a signed certification that the used oil filter collector will ensure that the used oil filters they are accepting will be recycled.

(2) Used oil filter collectors must keep records of each volume of used oil filters they deliver to a used oil filter broker, processor, or recycler. These records must include the name and address of the facility receiving the used oil filters, the date of receipt, and the volume of used oil filters delivered.

D. By March 1 of every year beginning in 1997, used oil filter collectors must report to the commissioner in writing the amount of used oil filters in pounds collected by the collector in the previous calendar year, and the amount of used oil filters in pounds the used oil filter collector delivered to used oil filter brokers, processors, and recyclers in the previous calendar year. The reported amounts collected must distinguish between the amount of used oil filters collected from generators in Minnesota and the amount of used oil filters collected from generators outside of Minnesota. The report must also contain a signed certification from the used oil filter collector certifying that the collector sent used oil filters only to used oil filter recycling intermediaries or recyclers.

E. Used oil filter collectors that generate used oil from their operations must comply with parts 7045.0805 and 7045.0855, as applicable.

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

A. Used oil filter brokers, processors, and recyclers must ensure that used oil filters they manage are stored, processed, and handled in a manner which prevents used oil from entering the environment. Used oil filter brokers, processors, and recyclers must store and transport used oil filters in leakproof containers labeled with the words "Used Oil Filters." The containers must be closed or otherwise covered to prevent precipitation from entering the container and to prevent used oil filters and used oil from exiting the containers during transport and storage. Used oil filters stored in units other than containers must not leak used oil into the environment and must be protected from precipitation.

B. Used oil filter collectors must send at least 75 percent of the used oil filters they take possession of each year for recycling.

C. Used oil filter brokers, processors, and recyclers that generate used oil or waste contaminated with used oil from their used oil filter management activities are subject to the requirements of parts 7045.0805 and 7045.0855, as applicable.

D. Used oil filter brokers and processors may only send used oil filters to used oil filter brokers, processors, or recyclers.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.1300 LAND DISPOSAL RESTRICTIONS; APPLICABILITY AND EXEMPTIONS.

Subpart 1. **Applicability.** Parts 7045.1300 to 7045.1380 identify hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

Except as specifically provided in subpart 2 or parts 7045.0102 to 7045.0143, the requirements of parts 7045.1300 to 7045.1380 apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities. For purposes of parts 7045.1300 to 7045.1380, a certification statement that complies with Code of Federal Regulations, title 40, part 268, as amended, also complies with the certification statement requirements of parts 7045.1300 to 7045.1380.

[For text of subps 2 to 4, see M.R.]

Statutory Authority: *MS s 116.07*

History: *20 SR 715*

7045.1339 EFFECTIVE DATES OF SURFACE DISPOSED WASTES REGULATED IN LAND DISPOSAL RESTRICTIONS.

The comprehensive list of effective dates of surface disposed wastes regulated in the land disposal restrictions is found in Code of Federal Regulations, title 40, section 268, Appendix VII, Tables 1 and 2, as amended. This table does not include mixed radioactive wastes which are receiving a national capacity variance until May 8, 1992, for all applicable treatment technologies.

Statutory Authority: *MS s 116.07*

History: *20 SR 715*