

CHAPTER 7045
MINNESOTA POLLUTION CONTROL AGENCY
HAZARDOUS WASTE

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7045.0020 DEFINITIONS.

[For text of subps 1 to 15, see MR]

Subp. 15a **Destination facility.** "Destination facility" has the meaning given at Code of Federal Regulations, title 40, section 273.9

Subp 15b. **Detect and detection.** "Detect" and "detection" refer to the finding of statistically significant evidence of contamination as described in part 7045.0484, subpart 12, item F.

[For text of subps 16 to 98b, see MR]

Subp. 98c **Universal waste.** "Universal waste" has the meaning given at Code of Federal Regulations, title 40, section 273.9.

Subp 98d **Universal waste handler.** "Universal waste handler" has the meaning given at Code of Federal Regulations, title 40, section 273.9

Subp. 98e **Universal waste transporter.** "Universal waste transporter" has the meaning given at Code of Federal Regulations, title 40, section 273.9

[For text of subps 99 to 109, see M.R.]

Statutory Authority: *MS s 116 07*

History: *30 SR 43*

7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

[For text of subpart 1, see MR.]

Subp. 2 **Special requirements.** The following waste is exempt from the general requirements of this chapter if managed as specified.

A waste collected as a result of a household hazardous waste management program under part 7045.0310,

B spent or waste household batteries collected under part 7045 0686,

C. waste collected as a result of a very small quantity generator hazardous waste collection program under part 7045 0320,

D feedstocks and by-products under part 7045 0125, subparts 5 and 6; and

E universal waste managed under part 7045 1400

Statutory Authority: *MS s 116 07*

History: *30 SR 43*

7045.0206 GENERATOR SIZE DETERMINATION.

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

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

[For text of items A to D, see MR]

E. for mixtures of nonhazardous waste and hazardous waste, waste that is nonhazardous under part 7045.0102, provided that the volume of the hazardous waste before mixing is counted,

F. spent materials that are generated, reclaimed, and subsequently reused on site, provided that the spent materials have been counted once; and

G. universal waste managed under part 7045.1400.

[For text of subp 6, see MR]

Statutory Authority: *MS s 116.07*

History: *30 SR 43*

7045.0208 HAZARDOUS WASTE MANAGEMENT.

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

[For text of items A to F, see MR]

G A generator of universal waste may ensure delivery of universal waste to a universal waste handler or destination facility under part 7045.1400

[For text of subps 1a to 4, see MR]

Statutory Authority: *MS s 116.07*

History: *30 SR 43*

7045.0214 EVALUATION OF WASTES.

Subpart 1. **General requirement.** Any person who produces a waste within the state of Minnesota or any person who produces a waste outside the state of Minnesota that is managed within the state of Minnesota, must evaluate the waste to determine if it is hazardous within 60 days of initially generating the waste. The generation start date must be recorded and available for inspection. Waste that is not evaluated within 60 days of the generation start date must be managed as a hazardous waste and the person who produces the waste must be considered a generator until the waste is determined to be nonhazardous under parts 7045.0214 to 7045.0218. A material is determined to be a waste in accordance with the conditions specified under the definition of other waste material in part 7045.0020. Any waste evaluated and exempted under part 7045.0075 or 7045.0120 does not need to be reevaluated under this part. If the waste is determined to be hazardous, the generator must refer to parts 7045.0075, 7045.0450 to 7045.0685, 7045.1300 to 7045.1380, and 7045.1400 for possible exclusions or restrictions relating to management of the specific waste

[For text of subps 2 and 3, see MR]

Statutory Authority: *MS s 116.07*

History: *30 SR 43*

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

[For text of subps 1 and 2, see MR]

Subp. 3 **Exemptions.** The requirements of parts 7045.0450 to 7045.0544 do not apply to the following specific waste management units, facilities, or activities, although all other waste management activities of the owner or operator may be regulated

[For text of items A to I, see MR]

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

(3) a person who is covered by subitem (1) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of parts 7045.0450 to 7045.0544 and the agency's permitting procedures for those activities,

K. treatment of hazardous waste by a generator in the generator's accumulation tanks or containers in accordance with part 7045.0292. If the treatment involves evaporation of aqueous waste or polymerization of polyester or other chemical fixation treatment processes in open containers, the generator is exempt from parts 7045.0450 to 7045.0544, but before beginning the treatment process must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is

relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. The commissioner shall approve the treatment activity if the commissioner finds that the treatment activity will not endanger human health and the environment, or

L. universal waste handlers and universal waste transporters when managing universal waste under part 7045.1400.

Statutory Authority: *MS s 116.07*

History: *30 SR 43*

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

[For text of subps 1 and 2, see MR]

Subp. 3. **Exemptions.** The requirements of parts 7045.0552 to 7045.0648 do not apply to the following specific waste management units, facilities, or activities, although all other waste management activities of the owner or operator may be regulated

[For text of items A to I, see MR]

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

(3) a person who is covered by subitem (1) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of parts 7045.0552 to 7045.0642 and the agency's permitting procedures for those activities;

K. treatment of hazardous waste by the generator in the generator's accumulation tanks or containers in accordance with part 7045.0292. If the treatment involves evaporation of aqueous waste or polymerization of polyester or other chemical fixation treatment processes in open containers, the generator is exempt from parts 7045.0552 to 7045.0642, but before beginning the treatment process must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. The commissioner shall approve the treatment activity if the commissioner finds that the treatment activity will not endanger human health and the environment, or

L. universal waste handlers and universal waste transporters when managing universal waste under part 7045.1400.

[For text of subp 4, see MR]

Statutory Authority: *MS s 116.07*

History: *30 SR 43*

7045.0685 SPENT LEAD-ACID BATTERIES BEING RECLAIMED.

Subpart 1 **Scope.** The requirements of this part apply to persons who generate, transport, collect, store, or reclaim spent lead-acid batteries that are recyclable. Except as provided in subpart 2, persons who generate, transport, or collect spent batteries, or who store spent batteries but do not reclaim them, are not subject to regulation under parts 7023.9000 to 7023.9050, 7045.0205 to 7045.0685, and chapter 7001 for the generation, transportation, and storage of spent batteries. Alternatively, spent lead-acid batteries may be managed as universal wastes under part 7045.1400. For the purpose of this part, indoor storage is storage within a permanently constructed building consisting of at least a roof and three walls permanently affixed to an impermeable floor placed on the ground.

[For text of subps 2 and 3, see MR.]

Statutory Authority: *MS s 116.07*

History: *30 SR 43*

7045.1400 ADOPTION OF FEDERAL STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

Subpart 1. **Adoption.** The requirements of Code of Federal Regulations, title 40, part 273, as amended, regulating the management of universal waste, are adopted and incorporated by reference except as specified in subpart 2. In addition, the provisions of part 7045 0090 also apply

Subp. 2 Exceptions.

A The requirements of Code of Federal Regulations, title 40, sections 273.80 and 273.81, relating to petitions are not adopted.

B The requirements of Code of Federal Regulations, title 40, section 273.8, regarding the regulation of conditionally exempt generators are not adopted

C References in Code of Federal Regulations, title 40, sections 273.13(a)(3)(i) and 273.33(a)(3)(i), to the requirements of title 40, parts 260 through 272, mean the requirements of chapter 7045.

D. References in Code of Federal Regulations, sections 273.13(b)(3) and 273.33(b)(3), to the requirements of title 40, part 265, subparts I and J, mean the requirements of parts 7045 0528 and 7045.0628

E. References in Code of Federal Regulations, sections 273.13(c)(3)(ii) and 273.33(c)(3)(ii), to the requirements of title 40, parts 260 through 272, mean the requirements of chapter 7045.

F References in Code of Federal Regulations, sections 273.17(b) and 273.37(b), to the requirements of title 40, parts 260 through 272, mean the requirements of chapter 7045.

G References in Code of Federal Regulations, section 273.60(a), to the requirements of title 40, parts 124, 264, 265, 266, 268, and 270, mean the requirements of chapters 7001 and 7045

Subp. 3 Financial assurance for universal waste handlers.

A Except as excluded in item B, universal waste handlers who accumulate more than 1,000 lamps shall, in addition to complying with all requirements of this part, establish financial assurance in an amount that the commissioner determines is adequate to cover the cost of hiring a third party to properly dispose of all of the lamps and close the accumulation site. Evidence of financial assurance must be provided to the commissioner and updated as necessary to cover the maximum amount of lamps present at any time at the site. Financial assurance must be provided either (1) as a closure trust fund according to part 7045 0504, subpart 2, except that the full amount of cash to cover financial assurance must be deposited in the trust fund at the time the fund is established rather than through annual payments, or (2) as a letter of credit together with a standby trust fund according to part 7045.0504, subpart 5. For purposes of these financial assurance requirements, references to closure costs in part 7045.0504, subparts 2 and 5, mean the financial assurance costs described in this item.

B. The following universal waste handlers are not required to provide evidence of financial assurance for lamp accumulation:

(1) universal waste handlers who only accumulate lamps generated from their own buildings,

(2) universal waste handlers who only accumulate lamps generated incidental to their real estate management and building maintenance activities, and

(3) household hazardous waste management programs operating under part 7045.0310

C. The commissioner may require universal waste handlers of other types of universal waste to establish financial assurance as specified in item A, if the commissioner determines that

(1) the volume or toxicity of the universal waste represents a potential for significant risk to human health or the environment, or

(2) there is a potential for contamination at the accumulation site.

Statutory Authority: *MS s 116.07*

History: *30 SR 43; 30 SR 127*