

CHAPTER 7047
MINNESOTA POLLUTION CONTROL AGENCY
HAZARDOUS WASTE DIVISION
HAZARDOUS WASTE ACCEPTANCE; S/C FACILITY

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7047.0010 SCOPE AND APPLICABILITY.

Subpart 1. **Scope.** This chapter applies to the owner and operator of the S/C facility, proposers of waste to be contained at the S/C facility, generators of hazardous waste to be stabilized or contained at the S/C facility, and operators of hazardous waste treatment facilities that treat hazardous waste proposed to be stabilized or contained at the S/C facility.

Subp. 2. **Limitation.** Compliance with this chapter does not authorize acceptance of any waste at the S/C facility if the acceptance of that waste would violate any operating permit for the S/C facility or conflict with any restriction on the acceptance of waste imposed by any other agency of the state authorized to control the operation of the S/C facility, including restrictions in any contract entered into by that state agency with the county where the S/C facility is located or with the operator of the S/C facility.

Statutory Authority: *MS s 115A.175; 116.07*

History: *14 SR 2497*

7047.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Characteristic hazardous waste.** "Characteristic hazardous waste" means a hazardous waste that has one or more of the characteristics of a hazardous waste as specified in part 7045.0131 or Code of Federal Regulations, title 40, sections 261.20 to 261.24, and is not a listed hazardous waste.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subp. 5. **Containment.** "Containment" means isolating, controlling, and monitoring waste in the S/C facility in order to prevent a release of waste from the S/C facility that would have an adverse impact upon human health and the environment. Containment occurs at the S/C facility.

Subp. 6. **Facility.** "Facility" means all contiguous land, structures, other appurtenances, and improvements on the land used for treating hazardous waste. A facility may consist of several treatment units, such as one or more landfills, surface impoundments, or combinations thereof.

Subp. 7. **Generator.** "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in parts 7045.0100 to 7045.0141, or whose act first causes a hazardous waste to become subject to regulation.

Subp. 8. **Hazardous waste.** "Hazardous waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 11.

Subp. 9. **Industrial waste.** "Industrial waste" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 13a.

Subp. 10. **Industrial waste management plan.** "Industrial waste management plan" means the plan required under part 7035.2535, subpart 5.

Subp. 11. **Listed hazardous waste.** "Listed hazardous waste" means a hazardous waste that is listed in part 7045.0135 or in Code of Federal Regulations, title 40, sections 261.30 to 261.33.

Subp. 12. **Minimization.** "Minimization" means any activity that either reduces the total volume or reduces the hazardous properties of hazardous waste that would otherwise be stabilized and contained at the S/C facility. Minimization is source reduction, waste recovery, and waste recycling.

Subp. 13. **Operator.** "Operator" means the person responsible for the overall operation of a hazardous waste treatment facility or the S/C facility.

Subp. 14. **Owner.** "Owner" means the person who owns the S/C facility or part of the S/C facility.

Subp. 15. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 17.

Subp. 16. **Proposer.** "Proposer" means any person who seeks approval from the commissioner to contain a waste at the S/C facility.

Subp. 17. **Recycling.** "Recycling" means the use or reuse of hazardous waste as an effective substitute for a commercial product or as an ingredient or feedstock in an industrial process. Recycling is the reclamation of useful constituent fractions within a waste material or the removal of contaminants from a waste to allow it to be reused.

Subp. 18. **Source reduction.** "Source reduction" means the reduction or elimination of hazardous waste at the source.

Subp. 19. **Stabilization and containment facility or S/C facility.** "Stabilization and containment facility" or "S/C facility" means the stabilization and containment facility sited in Minnesota under authority of Minnesota Statutes, sections 115A.175 to 115A.30.

Subp. 20. **Stabilization.** "Stabilization" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 32a.

Statutory Authority: *MS s 115A.175; 116.07*

History: *14 SR 2497*

7047.0030 WASTES THAT MAY BE ACCEPTED FOR CONTAINMENT.

Subpart 1. **Acceptance of industrial wastes.** The commissioner shall approve an industrial waste for containment at the S/C facility if the proposer provides to the commissioner a certification that the waste will be managed at the S/C facility in compliance with parts 7035.0300 to 7035.2875 and with all applicable provisions of the S/C facility's industrial waste management plan.

Subp. 2. **Acceptance of hazardous waste rendered nonhazardous.** The commissioner shall approve a hazardous waste that has been rendered nonhazardous for containment at the S/C facility in accordance with the following procedures:

A. For a characteristic hazardous waste, the proposer must demonstrate that the waste has been treated to eliminate the characteristics that caused the waste to be subject to regulation as a hazardous waste. To demonstrate such treatment, the proposer must submit to the commissioner and obtain the commissioner's approval of an evaluation report for the treated waste as required by part 7045.0216.

B. For a listed hazardous waste, the proposer must submit to the agency and obtain the agency's approval, under part 7045.0075, subpart 2, of a petition for exclusion of the waste from regulation as a hazardous waste. If agency approval of the petition does not satisfy the requirements of Code of Federal Regulations, title 40, section 260.22, the proposer must also obtain Environmental Protection Agency approval to exclude the waste from regulation as a hazardous waste.

C. For any hazardous waste rendered nonhazardous, as provided in items A and B, the proposer must provide the following information to the commissioner:

(1) a certification that the waste will be managed at the S/C facility in compliance with parts 7035.0300 to 7035.2875 and with applicable provisions of the S/C facility's industrial waste management plan; and

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(2) If required under part 7047.0060, the generator must obtain the commissioner's approval of a waste minimization plan for that hazardous waste as provided in part 7047.0060.

Subp. 3. Acceptance of hazardous waste that is not rendered nonhazardous. The commissioner shall approve for containment at the S/C facility a hazardous waste that has not been rendered nonhazardous if the following conditions are met:

A. Before the commissioner will approve the acceptance of a hazardous waste that has not been rendered nonhazardous, the proposer must first demonstrate to the commissioner that a satisfactory attempt has been made to render the waste nonhazardous. The proposer must make that demonstration according to part 7047.0040.

B. Following the agency's determination that the proposer has made a satisfactory but unsuccessful attempt to have the waste rendered nonhazardous, the proposer must comply with the following requirements in order to obtain the commissioner's approval to contain the waste in the S/C facility as a hazardous waste:

(1) the proposer must demonstrate that there is no feasible and prudent alternative to containment of the waste that would minimize adverse impact upon human health and the environment as provided in part 7047.0050, subpart 3;

(2) the proposer must demonstrate that the waste is treated using feasible and prudent technology that minimizes the possibility of migration of any hazardous constituents of the waste as provided in part 7047.0050, subpart 2;

(3) the proposer must demonstrate that the waste meets the applicable land disposal restrictions provided in chapter 7045 and Code of Federal Regulations, title 40, section 268, as provided in part 7047.0050, subpart 1, if no land disposal restrictions are provided in chapter 7045 or Code of Federal Regulations, title 40, section 268, for a particular hazardous waste, the waste may not be accepted for containment at the S/C facility; and

(4) the proposer must provide evidence that the generator has obtained the commissioner's approval of a waste minimization plan for that hazardous waste as provided in part 7047.0060.

Subp. 4. Written notice of approval. If the commissioner approves acceptance of a waste for containment under this part, the commissioner shall provide written notice of the approval to the proposer.

Statutory Authority: *MS s 115A.175; 116.07*

History: *14 SR 2497*

7047.0040 DEMONSTRATION OF ATTEMPT TO RENDER A HAZARDOUS WASTE NONHAZARDOUS.

Subpart 1. Request by proposer. A proposer who is unable to render a hazardous waste nonhazardous so that the waste may be contained at the S/C facility under part 7047.0030, subpart 2, and who wishes to contain the waste at the S/C facility as a hazardous waste, must request the agency to determine whether the proposer has made a satisfactory attempt to render the waste nonhazardous. The proposer shall submit the request in writing to the commissioner.

Subp. 2. Information required for a listed hazardous waste. A proposer who requests the agency to determine whether a satisfactory attempt has been made to have a listed hazardous waste excluded from regulation as a hazardous waste shall submit the following information to the agency:

- A. the petition required under part 7047.0030, subpart 2, item B;
- B. an identification of the hazardous constituents in the hazardous waste;
- C. the results of tests conducted to evaluate the hazardous characteristics of the constituents in the hazardous waste;
- D. a discussion of the potential for the waste to exhibit additional hazardous properties or to contain additional hazardous constituents;
- E. an assessment of the availability of treatment technologies to render the waste nonhazardous;
- F. the degree of variability of the waste;

G. any other information that the proposer has available that relates to the potential for the waste to have hazardous characteristics or adverse effects on human health and the environment; and

H. a discussion of why the proposer believes the waste cannot be rendered nonhazardous.

Subp. 3. Information required for a characteristic waste. A proposer who requests the agency to determine whether a satisfactory attempt has been made to have a characteristic waste excluded from regulation as a hazardous waste shall submit the following information to the agency:

A. an identification of all hazardous characteristics of the waste;

B. a discussion of the treatment used to attempt to eliminate the hazardous characteristics;

C. the results of tests conducted to evaluate the hazardous characteristics of the hazardous waste;

D. an assessment of the availability of treatment technologies to render the waste nonhazardous;

E. the degree of variability of the waste;

F. any other information that the proposer has available that relates to the potential for the waste to have hazardous characteristics or adverse effects on human health and the environment; and

G. a discussion of why the proposer believes the waste cannot be rendered nonhazardous.

Subp. 4. Additional information. The agency, in making its determination whether the proposer has made a satisfactory attempt to render a waste nonhazardous, shall consider the information submitted by the proposer, any other information the agency has available, and any other information submitted by other persons that is relevant to the determination.

Subp. 5. Agency review. The agency shall determine that the proposer has made a satisfactory attempt to render a hazardous waste nonhazardous if the following findings are made by the agency:

A. that the characteristics and the constituents of the waste have been reasonably identified;

B. that the proposer has been unable to render the hazardous waste nonhazardous through the implementation of reasonable methods of treatment, generation, and handling so as to qualify for containment under part 7047.0030, subpart 2.

Subp. 6. Procedure. The proposer may request, pursuant to chapter 7001 and parts 7023.9000 to 7023.9050, that a contested case hearing be held on the determination whether the proposer has made a satisfactory attempt to render a hazardous waste nonhazardous. Any other person may also request a contested case hearing pursuant to part 7000.1000.

Statutory Authority: *MS s 115A.175; 116.07*

History: *14 SR 2497; 18 SR 614*

7047.0050 DEMONSTRATION OF COMPLIANCE WITH LAND DISPOSAL RESTRICTIONS, FEASIBLE AND PRUDENT TREATMENT, AND NO FEASIBLE AND PRUDENT ALTERNATIVE TO CONTAINMENT.

Subpart 1. Compliance with land disposal restrictions. To demonstrate that a hazardous waste meets the applicable land disposal restrictions provided in chapter 7045 and Code of Federal Regulations, title 40, section 268, the proposer shall submit to the commissioner a certification that the waste has been treated to the applicable standard established by the land disposal restrictions.

Subp. 2. Treatment using feasible and prudent technology. To demonstrate that a hazardous waste was treated using feasible and prudent technology that minimizes the possibility of migration of any hazardous constituent of the waste, the proposer shall submit the following to the commissioner:

A. certification as required under subpart 1;

B. for any residual of a listed hazardous waste treated in compliance with applicable land disposal restrictions that possesses a characteristic that would make it a characteris-

tic hazardous waste if it were not derived from a listed hazardous waste, certification that the residual has been treated again to the same standards applicable to an untreated characteristic waste that possesses the same characteristics; and

C. certification that the waste, after treatment as certified under items A and B, was stabilized using the stabilization process permitted for use at the S/C facility.

Subp. 3. **No feasible and prudent alternative to containment.** A proposer who has made the demonstrations required under subparts 1 and 2, and who has made a satisfactory attempt to render the waste nonhazardous as determined by the agency under part 7047.0040, subpart 2, is deemed to have demonstrated there is no prudent and feasible alternative to containment of the waste.

Statutory Authority: *MS s 115A.175; 116.07*

History: *14 SR 2497*

7047.0060 WASTE MINIMIZATION PLAN.

Subpart 1. **Minimization plan requirement.** A generator of waste that is proposed for containment at the S/C facility, that was a hazardous waste when it was accepted for stabilization or proposed for containment at the S/C facility, must prepare and submit to the commissioner a waste minimization plan for that hazardous waste. The plan must evaluate management alternatives for the reduction, recovery, and recycling of the waste and must identify specific minimization activities that will be undertaken by the generator during the term of the plan. The operator of the S/C facility is not required to prepare a minimization plan.

Subp. 2. **Content of minimization plan.** A waste minimization plan must include the following elements:

A. a description of the processes generating the hazardous waste;

B. an inventory of the hazardous wastes that provides the hazardous waste codes and the quantities of wastes that are being sent to the S/C facility for management, and includes wastes that are currently being generated and that are anticipated to be generated for the term of the plan;

C. an evaluation of current waste management activities and costs;

D. an evaluation of the management activities and costs associated with management of the hazardous waste at the S/C facility;

E. an assessment of the potential for reducing the volume and hazardous properties of the hazardous waste to be managed at the S/C facility;

F. an assessment of the potential for recycling or recovering the hazardous waste to be contained at the S/C facility;

G. a description of the steps that have been implemented to minimize the amount of hazardous waste to be managed at the S/C facility; and

H. a specific plan describing additional efforts to be undertaken in the next five years to minimize the amount or hazardous properties of the hazardous waste to be managed at the S/C facility.

Subp. 3. **Operators of facilities.** An operator of a facility that treats hazardous wastes generated at other sites must submit to the commissioner a waste minimization plan for wastes treated at the facility. This plan must be submitted in lieu of any plan required under subpart 1. A minimization plan submitted by the operator of a facility must include the following elements:

A. a description of the efforts undertaken by the operator to minimize the hazardous waste to be managed at the S/C facility, including an evaluation of potential treatment processes that could reduce the volume or hazardous properties of the waste, an evaluation of all potential activities directed at the recycling or recovery of the wastes, and a discussion of any processes or activities that have been implemented to reduce the volume or hazardous properties of the waste and of the present method of managing the hazardous waste; and

B. a discussion of the efforts undertaken by the operator of the facility to educate its client generators of waste minimization practices and to encourage them to minimize hazardous waste generation.

Subp. 4. **Revision of minimization plan.** The generator shall revise and resubmit the minimization plan when the generator makes changes in production or waste management

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methods that materially affect the minimization activities included in the plan but, in any event, at least every five years after the submission of the most recent plan or revised plan.

Subp. 5. **Term of minimization plan.** The minimization plan must address the generator's minimization activities for five years after the date the plan is submitted to the commissioner.

Subp. 6. **Commissioner's review of minimization plans.** The commissioner shall review each minimization plan that is submitted and determine whether the requirements of this part have been met. The commissioner shall issue to the generator written documentation of the commissioner's decision.

Statutory Authority: *MS s 115A.175; 116.07*

History: *14 SR 2497*

7047.0070 PROHIBITIONS.

Subpart 1. **Acceptance prohibited without approval of agency or commissioner.** The operator of the S/C facility may not accept any waste for containment and may not place any waste in a containment cell at the S/C facility unless the waste has been approved for containment at the S/C facility under part 7047.0030.

Subp. 2. **Knowing submittal of false information or certification.** A person submitting any information or certification to the agency or commissioner under parts 7047.0010 to 7047.0060 shall not submit any information or certification that the person knows is false in any material respect.

Statutory Authority: *MS s 115A.175; 116.07*

History: *14 SR 2497*