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CHAPTER 8870

DEPARTMENT OF TRANSPORTATION PROGRAM MANAGEMENT DIVISION LICENSING OF HAZARDOUS WASTE TRANSPORTERS

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8870.0100 DEFINITIONS.

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

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of transportation.

Subp. 3. **Department.** "Department" means the Department of Transportation.

Subp. 4. **Hazardous waste.** "Hazardous waste" means waste considered hazardous under Minnesota Statutes, section 116.06, subdivision 13.

Subp. 5. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 6.

Subp. 6. **Trailer.** "Trailer" includes a semitrailer and any other cargo carrying unit.

Subp. 7. **Transport.** "Transport" means to move hazardous waste by motor vehicle over a public highway.

Subp. 8. **Vehicle.** "Vehicle" has the meaning given it in Minnesota Statutes, section 221.011, subdivision 3.

Statutory Authority: *MS s 221:035*

History: *12 SR 1712*

8870.0200 SCOPE.

Subpart 1. **License required.** Parts 8870.0100 to 8870.1100 apply to the transportation of hazardous waste on a public highway. Except as provided in subpart 2, no person shall transport a hazardous waste without a license.

Subp. 2. **Exceptions.** The following hazardous wastes may be transported without a hazardous waste transporter license:

- A. exempt wastes described in part 7045.0120;
- B. farm pesticide wastes exempt under parts 7045.0213 and 7045.0304 that are disposed of in a manner consistent with the disposal instructions on the pesticide label;
- C. wastes identified under part 7045.0131, subpart 6, items A and B, and exempted under part 7045.0133;
- D. industrial ethyl alcohol that is reclaimed;
- E. used batteries returned to a manufacturer for regeneration;
- F. scrap metal that exhibits a hazardous characteristic but is being recycled;

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G. used oil that does not contain a waste listed under part 7045.0135, and that is to be recycled; and

H. spent lead acid batteries that are being reclaimed.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.0300 HAZARDOUS WASTE TRANSPORTER LICENSE APPLICATION.

Subpart 1. Application procedure. An applicant for a license shall submit to the commissioner:

A. the information described in this part;

B. the fees described in Minnesota Statutes, section 221.035, subdivision 1, paragraph (b); and

C. an insurance certificate under Minnesota Statutes, section 221.141.

Subp. 2. Information required. The applicant shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business;

B. the location from which applicant's transportation business is conducted;

C. the addresses of applicant's Minnesota terminals, if any;

D. the address of applicant's principal place of business;

E. the state where applicant's business is incorporated;

F. the applicant's mailing address;

G. if the applicant is a foreign corporation authorized to transact business in Minnesota, the name and address of its registered agent;

H. the names of corporate officers, general partners, associates, or other owners of applicant's business;

I. the name and phone number of a person who can answer questions about the applicant's transportation business;

J. the Environmental Protection Agency identification number of the applicant;

K. the Interstate Commerce Commission MC number of the applicant, if any;

L. the intrastate permit or certificate number of the applicant, if any;

M. whether the applicant's business is a corporation, partnership, association, or sole proprietorship;

N. whether the transporter is also a generator, recycler, or a treatment, storage, or disposal facility as defined in chapter 7045, or a combination of them;

O. other states in which the applicant has authority to transport hazardous wastes; and

P. a description of any conviction, plea of guilty, or payment of a civil or criminal fine for violating a law, ordinance, or regulation related to transporting hazardous waste.

Subp. 3. Fee. The license fee is \$500.

Subp. 4. Insurance requirements. The applicant shall file a certificate of insurance with the commissioner. This certificate must state that the applicant's policy meets federal public liability requirements prescribed in Code of Federal Regulations, title 49, part 387.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

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8870.0400 HAZARDOUS WASTE TRANSPORTER LICENSE.

Subpart 1. **Issuance of license.** The commissioner shall issue a license to an applicant who meets the requirements of part 8870.0300. The license must be numbered and bear an effective date.

Subp. 2. **Maintenance of license.** The license must be maintained at the licensee's principal place of business and, upon request, must be available for inspection by the commissioner or law enforcement officer.

Subp. 3. **Duration.** The license expires three years from its effective date.

Subp. 4. **Transferability.** A license may not be transferred to another person.

Subp. 5. **Records.** The commissioner shall keep a record of each hazardous waste transporter license issued.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.0500 VEHICLE IDENTIFICATION DECAL REQUIRED.

A single unit vehicle and each trailer used to transport hazardous waste must bear one valid and readily legible decal. The decal must be kept clean and legible.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.0600 VEHICLE IDENTIFICATION DECAL APPLICATION.

Subpart 1. **Information required.** An applicant for a decal shall submit the following information on a form prescribed by the commissioner:

A. the applicant's name, including an assumed or fictitious name used by the applicant in doing business, mailing address, and telephone number;

B. the applicant's Minnesota hazardous waste transporter license number;

C. the name, address, and telephone number of a person who can answer questions about the applicant's transportation business;

D. if the licensee does not own the vehicle, the name and address of the owner;

E. the state and license plate number of vehicle registration;

F. the vehicle identification number;

G. the vehicle year and make; and

H. a description of the type of vehicle or vehicle combination.

Subp. 2. **Fees.** An applicant shall pay a fee of \$25 for each decal.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.0700 VEHICLE IDENTIFICATION DECAL.

Subpart 1. **Issuance.** The commissioner shall issue a vehicle identification decal for each vehicle for which vehicle identification information is provided in an application.

Subp. 2. **Description.** Vehicle identification decals must bear an identifying number and the month and year of expiration and the words "hazardous waste transporter."

Subp. 3. **Placement.** The decal must be affixed on the side of the vehicle opposite the driver and within three feet of the front of each trailer or the cargo part of the single unit vehicle.

Subp. 4. **Duration.** The decal expires one year from the effective date of the decal or upon expiration of the person's hazardous waste transporter license, whichever occurs first.

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Subp. 5. **Transferability.** A vehicle identification decal may not be transferred to another vehicle.

Subp. 6. **Department record.** The commissioner shall keep a record of each vehicle identification decal issued.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.0800 ACKNOWLEDGMENT.

Subpart 1. **Signature required.** An application for a hazardous waste transporter license or for a vehicle identification decal must be signed by a corporate officer, general partner, or sole proprietor. An application may not be signed by an agent or attorney.

Subp. 2. **Certification.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "I understand that the transportation of hazardous waste under the license or decal for which I am applying is subject to the Hazardous Waste Transporter License Law, Laws of Minnesota 1987, chapter 393, article 1; Minnesota Statutes, section 221.033; the federal motor carrier safety regulations; and the Minnesota Pollution Control Agency rules applicable to hazardous waste transportation. I understand and agree to comply with those laws, rules, and regulations."

Subp. 3. **Statement of truth and accuracy.** An applicant for a hazardous waste transporter license or vehicle identification decal shall sign the following statement: "The above information is, to the best of my knowledge, complete, truthful, and accurate."

Subp. 4. **Signature notarized.** The signatures of corporate officers and general partners must be notarized.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.0900 TRAINING.

Subpart 1. **Requirement.** The applicant or licensee shall instruct employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179.

Subp. 2. **Certification.** The applicant or licensee must sign the following statement: "I have complied with the requirement of Code of Federal Regulations, title 49, section 177.800, and have instructed my employees about the regulations in Code of Federal Regulations, title 49, parts 170 to 179."

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.1000 REPORTING REQUIREMENTS.

Subpart 1. **Information change.** The licensee shall report to the commissioner within ten days any change in the following information:

- A. the licensee's name, including an assumed or fictitious name used by the applicant in doing business;
- B. the licensee's physical business location;
- C. the licensee's mailing address; or
- D. the name and telephone number of a person who can answer questions about the applicant's transportation business.

Subp. 2. **Accident report.** Within 30 days after the occurrence, the licensee shall report to the commissioner, on a form prescribed by the commissioner, an accident involving a vehicle transporting hazardous waste that results in:

- A. the death of a human being;
- B. bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

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C. total damage to all property aggregating \$4,400 or more based on actual costs or reliable estimates.

Subp. 3. **Exceptions.** An accident does not include:

A. an occurrence involving only entering and leaving a stationary motor vehicle; and

B. an occurrence involving only the loading or unloading of cargo.

Subp. 4. **Report of hazardous waste incident.** A licensee must report hazardous waste incidents as required by Minnesota Statutes, section 221.034, and Code of Federal Regulations, title 49, sections 171.15 and 171.16.

Subp. 5. **Grounds for suspension, revocation.** Failure to comply with the requirements in this part is grounds for suspension or revocation of a license.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*

8870.1100 RENEWAL PROCEDURE.

Renewal applications must be made according to the procedure described in part 8870.0300 for new applications.

Statutory Authority: *MS s 221.035*

History: *12 SR 1712*