

7045.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the following words shall have the meanings given them.

Subp. 1a. **Aboveground tank.** "Aboveground tank" means a device meeting the definition of "tank" in subpart 90 and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank, including the tank bottom, is able to be visually inspected.

Subp. 2. **Act.** "Act" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, United States Code, title 42, sections 3259 and 6901 to 6986, as amended.

Subp. 2a. **Active life.** "Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the commissioner receives certification of final closure.

Subp. 3. **Active portion.** "Active portion" means that portion of a facility, other than a closed portion, where treatment, storage, or disposal operations are being or have been conducted after July 16, 1984.

Subp. 3a. **Acute hazardous waste.** "Acute hazardous waste" means waste listed as acute hazardous waste in part 7045.0135 or waste designated acute hazardous waste in part 7045.0129, subpart 3.

Subp. 4. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 4a. **Ancillary equipment.** "Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank, between hazardous waste storage and treatment tanks to a point of disposal on site, or to a point of shipment for disposal off site.

Subp. 5. **Aquifer.** "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

Subp. 6. **Authorized representative.** "Authorized representative" means the person responsible for the overall operation of a facility or an operational unit which is part of a facility, such as the plant manager, superintendent, or a person of equivalent responsibility.

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.

A. (1) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluid, or heated gases.

(2) The unit's combustion chamber and primary energy recovery sections must be of integral design (physically formed into one manufactured or assembled unit). A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; secondary energy recovery equipment (such as air preheaters or economizers) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. Process heaters which transfer energy directly to a process stream and fluidized bed combustion units are not precluded from being considered boilers under this definition solely because they are not of integral design.

(3) While in operation, the unit must maintain a thermal energy efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel.

(4) The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. No credit shall be given for recovered heat used internally in the same unit for purposes such as preheating fuel or combustion air or the driving of induced or forced draft fans or feedwater pumps.

B. The unit is one which the commissioner has determined meets the criteria for a boiler after considering the standards in part 7045.0075, subpart 4.

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.

Subp. 6b. **By-product.** "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms.

Subp. 6c. **Burner.** "Burner" means an owner or operator of an industrial furnace, industrial boiler, or utility boiler meeting the definition of industrial furnace in subpart 43b or boiler in subpart 6a.

Subp. 6d. **Cathodic protection.** "Cathodic protection" means the technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. A tank can be cathodically protected through the application of either galvanic anodes or impressed current.

Subp. 7. **Certification.** "Certification" means a statement of professional opinion based upon knowledge and belief.

Subp. 8. **Chemical composition.** "Chemical composition" means any of the following:

A. a standard chemical nomenclature such as those adopted by the International Union of Pure and Applied Chemistry or the Chemical Abstracts' Service;

B. a common chemical name when it is documented to the commissioner that the number of isomers, related compounds of similar chemical structure and property, etc., make chemical analysis or delineation impractical; or

C. a common chemical name of a mixture of components with similar properties, but not including a trade name.

Subp. 9. **Closed portion.** "Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements.

Subp. 9a. **Collector.** "Collector" means an initial transporter who receives used oil only from generators and does not market the used oil directly to a person who burns it for energy recovery.

Subp. 9b. **Combustible liquid.** "Combustible liquid" has the meaning given in Code of Federal Regulations, title 49, section 173.120, paragraph (b), as amended.

Subp. 9c. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency or the commissioner's designee. In federal regulations adopted by reference, the terms "regional administrator" and "director" mean "commissioner."

Subp. 9d. **Compatible.** "Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another. For a secondary containment seal, the impermeability of the seal must be maintained upon contact with a stored substance. For substances, two or more substances, if mixed, must not create a new hazard.

Subp. 9e. **Component.** "Component" means either a tank or ancillary equipment of a tank system.

Subp. 10. **Confined aquifer.** "Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

Subp. 10a. **Consignee.** "Consignee" means the ultimate treatment, storage, or disposal facility in a receiving country to which the hazardous waste will be sent.

Subp. 10b. **Construction commenced.** "Construction commenced" is related to the definition of "existing facility," and has the following meaning. A facility has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and:

A. a continuous on-site, physical construction program has begun; or

B. the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

Subp. 11. **Container.** "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Subp. 11a. **Containment building.** "Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of parts 7045.0550 and 7045.0649.

Subp. 12. **Contingency plan.** "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Subp. 13. **Control equipment.** "Control equipment" means an "air containment treatment facility" or a "treatment facility" as defined in Minnesota Statutes, section 116.06, subdivision 3.

Subp. 13a. [Repealed, 29 SR 947]

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.

Subp. 14. **Demolition debris.** "Demolition debris" means concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal, and wood from demolished structures.

Subp. 15. **Designated facility.**

A. "Designated facility" means:

(1) a hazardous waste treatment, storage, or disposal facility which has been designated on the manifest by the generator pursuant to part 7045.0261 and:

(a) has received an agency permit or has interim status;

(b) has received a permit or has interim status from a state authorized by the United States Environmental Protection Agency; or

(c) is subject to the requirements of part 7045.0125, subpart 5 or 6, or 9, item B, or part 7045.0675; and

(2) a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste according to part 7045.0476, subpart 6, or 7045.0582, subpart 6.

B. If a designated facility is located in an Environmental Protection Agency authorized state which has not yet obtained authorization to regulate the hazardous waste it is receiving as hazardous, the designated facility must be a facility allowed by the receiving state to accept the waste.

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.

Subp. 16. **Dike.** "Dike" means an embankment or ridge of either natural or synthetic materials used to prevent the movement of liquids, sludges, solids, or other materials.

Subp. 17. [Repealed by amendment, L 1987 c 186 s 15]

Subp. 18. **Discarded.** "Discarded" means abandoned by being:

A. disposed of;

B. burned or incinerated; or

C. accumulated, stored, or treated, but not recycled, before or in lieu of being disposed of, burned, or incinerated.

Subp. 19. **Disposal.** "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

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.

Subp. 20a. **Drip pad.** "Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of nonearthen materials and designed to convey preservative kickback or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

Subp. 21. **Elementary neutralization unit.** "Elementary neutralization unit" means a device which:

A. is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristic defined in part 7045.0131, subpart 4, or are listed in part 7045.0135 only for this reason; and

B. meets the definition of tank, tank system, container, transport vehicle, or vessel.

Subp. 21a. **EPA Acknowledgment of Consent.** "EPA Acknowledgment of Consent" means the cable sent to EPA from the United States Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

Subp. 21b. [Repealed, 22 SR 5]

Subp. 22. **Equivalent method.** "Equivalent method" means any testing or analytical method approved by the commissioner under part 7045.0075, subpart 1.

Subp. 22a. **Exceed and exceeded.** "Exceed" and "exceeded" refer to the finding of statistically significant evidence of increased contamination as described in part 7045.0484, subpart 13, item D.

Subp. 22b. **Excluded scrap metal.** "Excluded scrap metal" means processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

Subp. 22c. **Existing drip pad.** "Existing drip pad" means a drip pad that:

A. is or was used to manage hazardous waste with the waste code of F032 and was constructed, or for which the owner or operator had a design and had entered into binding financial or other agreements for construction, before December 6, 1990; or

B. is used to manage hazardous waste with the waste code of F034 or F035 and was constructed, or for which the owner or operator had a design and had entered into binding financial or other agreements for construction, before July 25, 1994.

Subp. 22d. **Existing hazardous waste management facility or existing facility.** "Existing hazardous waste management facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. See subpart 10b for definition of "construction commenced."

Subp. 23. **Existing portion.** "Existing portion" means the land surface area of an existing waste management unit that is included in the original Part A permit application, and on which wastes have been placed before a permit has been issued.

Subp. 23a. **Existing tank system or existing component.** "Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste that is in operation, or for which installation has commenced on or before August 8, 1988, or a tank system or component that is regulated as an existing tank system or component under Code of Federal Regulations, title 40, section 260.10. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either (1) a continuous on-site physical construction or installation program has begun, or (2) the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

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); however a remediation waste management site is not a facility that is subject to part 7045.0485,

unless the remediation waste management site is located within a facility that is subject to part 7045.0485.

Subp. 24a. **Final closure.** "Final closure" means the closure of all hazardous waste management units at the facility in accordance with the approved facility closure plan and all applicable closure requirements.

Subp. 24b. **Flammable liquid.** "Flammable liquid" has the meaning given in Code of Federal Regulations, title 49, section 173.120, as amended.

Subp. 25. **Flash point.** "Flash point" means the minimum temperature at which a material gives off vapor in sufficient concentration to form an ignitable mixture with air near the surface of the material when in contact with a spark or flame.

Subp. 26. **Food chain crops.** "Food chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

Subp. 27. **Formation.** "Formation" means a body of soil or rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily tabular, and is mappable on the earth's surface or traceable in the subsurface.

Subp. 28. **Freeboard.** "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

Subp. 29. **Free liquids.** "Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Subp. 30. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 31. **Generator.** "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in parts 7045.0102 to 7045.0155, or whose act first causes a hazardous waste to become subject to regulation. "Generator" means all size generators including large quantity generators, small quantity generators, and very small quantity generators, unless specifically stated otherwise.

Subp. 32. **Ground water or underground water.** "Ground water" or "underground water" has the meaning given in part 7060.0300.

Subp. 32a. **Halogenated organic compounds or HOC's.** "Halogenated organic compounds" or "HOC's" means those compounds having a carbon-halogen bond that are listed under Appendix III of Code of Federal Regulations, title 40, part 268, as amended.

Subp. 33. **Hazardous waste.** "Hazardous waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 11.

Subp. 34. **Hazardous waste constituent.** "Hazardous waste constituent" means a constituent that caused the commissioner to list the waste in part 7045.0135 or a constituent listed in part 7045.0141.

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.

Subp. 35. **Hazardous waste incinerator.** "Hazardous waste incinerator" means an enclosed device using controlled flame combustion, a purpose of which is to thermally break down hazardous waste and that neither meets the criteria for classification as a boiler nor is listed or can be classified as an industrial furnace.

Subp. 36. **Hazardous waste management.** "Hazardous waste management" means the total system for the identification, storage, collection, source separation, and removal of hazardous waste from public or private property, the transportation of the waste to a hazardous waste facility, and the processing, treatment, recovery, and disposal of the waste by approved methods in accordance with this chapter. Any reference to hazardous waste being managed shall refer to the foregoing.

Subp. 36a. **Hazardous waste management unit.** "Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

Subp. 37. **Hazardous waste number.** "Hazardous waste number" means the number assigned to each hazardous waste listed in part 7045.0135 and to each characteristic identified in part 7045.0131.

Subp. 37a. **Home scrap metal.** "Home scrap metal" means scrap metal as generated by steel mills, foundries, and refineries, such as turnings, cuttings, punchings, and borings.

Subp. 37b. **Household.** "Household" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (a).

Subp. 37c. **Household battery.** "Household battery" means a disposable or rechargeable dry cell, generated by a household and commonly used as a power source for household products. "Household battery" includes nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, zinc-air, lithium, and zinc-carbon batteries, but excludes lead-acid batteries.

Subp. 37d. **Household hazardous waste.** "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

Subp. 37e. **Household hazardous waste collection site or collection site.** "Household hazardous waste collection site" or "collection site" as used in part 7045.0310 has the meaning established under Minnesota Statutes, section 115A.96, subdivision 1, paragraph (c).

Subp. 37f. **Household waste.** "Household waste" means any material including garbage, trash, and sanitary waste in septic tanks derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Subp. 38. **Identification number.** "Identification number" means the number assigned to each generator, transporter, and treatment, storage, or disposal facility by either the Environmental Protection Agency, the state of Minnesota, or a state with a hazardous waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271, as amended.

Subp. 38a. **Impermeable.** "Impermeable" means unable to be passed through.

Subp. 39. **In operation.** "In operation" means a facility which is treating, storing, or disposing of hazardous waste.

Subp. 40. **Inactive portion.** "Inactive portion" means that portion of a facility which is not operated after July 16, 1984.

Subp. 40a. **Incidental burner.** "Incidental burner" means a person who burns some used oil fuel for purposes of processing other used oil or treating other used oil to produce used oil fuel for marketing. These persons are considered to be burning incidentally to processing.

Subp. 41. **Incompatible wastes.** "Incompatible wastes" means a hazardous waste which is unsuitable for:

A. placement in a particular device or facility because it may cause corrosion or decay of containment materials such as the container inner liners or tank walls; or

B. commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reactions, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

Subp. 42. **Independent registered engineer.** "Independent registered engineer" means a registered engineer who is not a regular employee of the owner or operator of the facility, but rather is consulted on an intermittent basis.

Subp. 43. **Individual generation site.** "Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

Subp. 43a. **Indoor storage.** "Indoor storage" means 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.

Subp. 43b. **Industrial furnace.** "Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy: cement kilns; lime kilns; aggregate kilns; phosphate kilns; coke ovens; blast furnaces; smelting, melting, and refining furnaces, including pyrometallurgical devices, such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces; titanium dioxide chloride process oxidation reactors; methane reforming furnaces; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and such other devices as the commissioner determines qualify for inclusion based on one or more of the following factors:

- A. the design and use of the device primarily to accomplish recovery of material products;
- B. the use of the device to burn or reduce raw materials to make a material product;
- C. the use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as feedstocks;
- D. the use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product; or
- E. the use of the device in common industrial practice to produce a material product.

Subp. 43c. **Inground tank.** "Inground tank" means a device meeting the definition of "tank" in subpart 90 whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

Subp. 44. **Injection well.** "Injection well" means a well into which fluids are injected.

Subp. 45. **Inner liner.** "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

Subp. 45a. [Repealed, 33 SR 2042]

Subp. 45b. **Installation inspector.** "Installation inspector" means a person who, by knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

Subp. 46. **Interim status.** "Interim status" has the meaning given in part 7045.0554.

Subp. 47. **International shipment.** "International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

Subp. 47a. **Land disposal.** "Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, 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.

Subp. 48. **Land treatment facility.** "Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface. Such facilities are disposal facilities if the waste will remain after closure.

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.

Subp. 50. **Landfill cell.** "Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

Subp. 51. **Leachate.** "Leachate" means any liquid including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

Subp. 51a. **Leak detection system.** "Leak detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls, such as daily visual inspections for releases into the secondary containment system of aboveground tanks, or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

Subp. 52. **Liner.** "Liner" means a continuous layer of reworked natural or synthetic materials beneath or on the sides of a surface impoundment, landfill, landfill cell, or waste

pile, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

Subp. 53. **Manifest.** "Manifest" means the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A) originated and signed by the generator or offeror in accordance with the instructions in the appendix to Code of Federal Regulations, title 40, part 262, and the applicable requirements of this chapter.

Subp. 54. [Repealed, 31 SR 1277]

Subp. 54a. **Manifest tracking number.** "Manifest tracking number" means the alphanumeric identification number (a unique three-letter suffix preceded by nine numerical digits), which is preprinted in item 4 of the manifest by a registered source.

Subp. 55. **Manufacturing or mining by-product.** "Manufacturing or mining by-product" means a material that is not one of the primary products of a particular manufacturing or mining operation, and is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process within a short time.

Subp. 55a. **Marketer.** "Marketer" means a generator who markets hazardous waste fuel or used oil fuel directly to a burner; a person who receives hazardous waste or used oil from generators and produces, processes, or blends hazardous waste fuel from these hazardous wastes, or blends used oil from these oils; a person who distributes but does not process or blend hazardous waste fuel or used oil; and a person who sends blended or processed used oils to brokers or other intermediaries.

Subp. 56. **Median lethal concentration.** "Median lethal concentration" means the calculated concentration at which a material kills 50 percent of a group of test animals within a specified time.

Subp. 57. **Median lethal dose.** "Median lethal dose" means the calculated dose at which a material kills 50 percent of a group of test animals within a specified time.

Subp. 58. **Mining overburden returned to the mine site.** "Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

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, staging pile, or unit eligible for a research, development, and demonstration permit under part 7001.0712.

Subp. 58b. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 59. **Movement.** "Movement" means hazardous waste that is transported to a facility in an individual vehicle.

Subp. 59a. **New drip pad.** "New drip pad" means a drip pad that:

A. is or was used to manage hazardous waste with the waste code of F032 and was constructed, or for which the owner or operator had or has a design and had or has entered into binding financial or other agreements for construction, on or after December 6, 1990; or

B. is used to manage hazardous waste with the waste code of F034 or F035 and was constructed, or for which the owner or operator had or has a design and had or has entered into binding financial or other agreements for construction, on or after July 25, 1994.

Subp. 59b. **New tank system or new tank component.** "New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after August 8, 1988, or a tank system or component that is regulated as a new tank system or component under Code of Federal Regulations, title 40, section 260.10, as amended. However, for purposes of obtaining approval for a petition under part 7045.0075, subpart 7, a new tank system is one for which construction commences after the applicable effective dates of regulation as required in this subpart.

Subp. 59c. **Nonwastewater.** "Nonwastewater" means hazardous waste that is not wastewater as defined in subpart 102c.

Subp. 59d. **Off-specification used oil.** "Off-specification used oil" means a used oil fuel that exceeds any of the specification levels for the following constituents or has a flash point less than 100 degrees Fahrenheit.

Constituent	Allowable level
Arsenic, total	5 parts per million maximum
Cadmium, total	2 parts per million maximum
Chromium, total	10 parts per million maximum
Lead, total	100 parts per million maximum
Total Halogens	4,000 parts per million maximum

Subp. 59e. **Onground tank.** "Onground tank" means a device meeting the definition of "tank" in subpart 90 and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

Subp. 60. **On-site.** "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection, and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he or she controls and to which the public does not have access, is also considered on-site property.

Subp. 60a. **On-specification used oil.** "On-specification used oil" means used oil fuel that does not exceed the specification levels for the constituents in subpart 59d, and has a flash point equal to or greater than 100 degrees Fahrenheit.

Subp. 61. **Open burning.** "Open burning" means the combustion of any material without the following characteristics:

A. control of combustion air to maintain adequate temperature for efficient combustion;

B. containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or

C. control of emission of the gaseous combustion products.

Subp. 62. **Operator.** "Operator" means the person responsible for the overall operation of a facility.

Subp. 62a. **Organization for Economic Cooperation and Development or OECD.** "Organization for Economic Cooperation and Development" or "OECD" means the organization defined in Code of Federal Regulations, title 40, section 262.58(a)(1).

Subp. 63. **Other waste material.** "Other waste material" means any solid, liquid, semisolid, or gaseous material, resulting from industrial, commercial, mining, or agricultural operations, or from community activities, and which:

A. is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded; or

B. is recycled or is accumulated, stored, or treated prior to being recycled; or

C. is a spent material or by-product.

Subp. 64. **Owner.** "Owner" means the person who owns a facility or part of a facility.

Subp. 64a. **Outdoor storage.** "Outdoor storage" means storage that does not meet the requirements of indoor storage as defined in subpart 43a.

Subp. 65. **Partial closure.** "Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of parts 7045.0450 to 7045.0649 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank, including its associated piping and containment systems, a landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

Subp. 66. **Person.** "Person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 17.

Subp. 67. **Personnel; facility personnel.** "Personnel" or "facility personnel" means all persons who work at or oversee the operation of a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of this chapter.

Subp. 68. **Pesticide.** "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subp. 68a. **Petroleum.** "Petroleum" means:

A. liquid petroleum products as defined in Minnesota Statutes, section 115C.02, subdivision 10;

B. an unused crude oil or fraction of unused crude oil that is liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or

C. constituents of gasoline and unused fuel oil as described under items A and B.

Subp. 69. [Repealed, 10 SR 1688]

Subp. 70. **Pile.** "Pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage and that is not a containment building.

Subp. 70a. **Pipeline interface material.** "Pipeline interface material" means off-specification fuel created by the mixing of fuel products of different specifications in a pipeline during transportation.

Subp. 71. **Point source.** "Point source" has the meaning given in Minnesota Statutes, section 115.01, subdivision 11, but does not include irrigation return flows.

Subp. 71a. **Polychlorinated biphenyls, PCB, or PCB's.** "Polychlorinated biphenyls, "PCB," or "PCB's" have the meaning given "PCB" in Minnesota Statutes, section 116.36, subdivision 4.

Subp. 72. **Pretreatment unit.** "Pretreatment unit" means a device which:

A. is part of a wastewater treatment facility which is subject to regulation under the Federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1317(b), as amended through June 30, 1983;

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0102 to 7045.0155; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0155; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0155; and

C. meets the definition of "tank" as defined in subpart 90.

Subp. 72a. **Primary exporter.** "Primary exporter" means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with Code of Federal Regulations, title 40, part 262, subpart B, as amended, or equivalent state provision, that specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

Subp. 72b. **Processed scrap metal.** "Processed scrap metal" means scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted) and fines, drosses, and related materials that have been agglomerated. Shredded circuit boards being sent for recycling are not processed scrap metal. When recycled, shredded circuit boards are governed by part 7045.0125, subpart 4, item P.

Subp. 72c. **Prompt scrap metal.** "Prompt scrap metal" means scrap metal as generated by the metal working or fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap metal is also known as industrial or new scrap metal.

Subp. 73. **Publicly owned treatment works.** "Publicly owned treatment works" means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature, including recycling and reclamation, which is owned by a state or municipality as defined in the Federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, section 1362(4), as amended. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

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

Subp. 73b. **Receiving country.** "Receiving country" means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage, or disposal, except short-term storage incidental to transportation.

Subp. 73c. **Reclamation.** "Reclamation" means the processing or regeneration of a waste to recover a usable product. Examples are the recovery of lead values from spent batteries and regeneration of spent solvents.

Subp. 73d. **Record or record keeping.** "Record" or "record keeping" means storing information either in printed form or in a computer storage system or other electronic medium.

Subp. 73e. **Recyclable fuel.** "Recyclable fuel" means any petroleum fuel which is no longer fit for use and which requires reclamation to be used.

Subp. 73f. **Recycle.** "Recycle" means the reclamation, reuse, or use of a hazardous waste.

Subp. 73g. **Regional administrator.** "Regional administrator" means the regional administrator for the United States Environmental Protection Agency, Region V, Chicago, Illinois.

Subp. 73h. **Registered fuel recycling facility.** "Registered fuel recycling facility" means a facility where the owners or operators have notified the commissioner of its waste management activities according to part 7045.0125, subpart 9, item D, and have received acknowledgment or confirmation by the commissioner that the agency is aware of the facility's waste management activities.

Subp. 73i. **Remediation waste.** "Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.

Subp. 73j. **Remediation waste management site.** "Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under part 7045.0485, but is subject to corrective action requirements if the site is located in a facility that is subject to part 7045.0485.

Subp. 73k. **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.

Subp. 74. **Representative sample.** "Representative sample" means a sample of a universe or whole, such as a waste pile, lagoon, or ground water which can be expected to exhibit the average properties of the universe or whole.

Subp. 75. **Resource recovery.** "Resource recovery" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 75a. **Reuse.** "Reuse" means employing a waste as an ingredient in an industrial process to make a product or as an effective substitute for a commercial product, provided that distinct components of the waste are not recovered as end products.

Subp. 76. **Rubbish.** "Rubbish" means discarded paper, cardboard, yard clippings, crop residues, brush, wood, glass, bedding, crockery, or litter.

Subp. 77. **Runoff.** "Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Subp. 78. **Run-on.** "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

Subp. 79. **Saturated zone or zone of saturation.** "Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

Subp. 79a. **Scrap metal.** "Scrap metal" means bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad box cars) which when worn or superfluous can be recycled.

Subp. 80. **Seasonal high water table.** "Seasonal high water table" means the highest level the water table reaches during a given year.

Subp. 80a. **Secondary containment.** "Secondary containment" means a safeguard specifically designed to contain releases of hazardous waste or hazardous waste constituents from a container or a storage tank or its appurtenances.

Subp. 81. **Sewage.** "Sewage" has the meaning given in Minnesota Statutes, section 115.01, subdivision 17.

Subp. 82. **Sewer system.** "Sewer system" has the meaning given in Minnesota Statutes, section 115.01, subdivision 18.

Subp. 83. **Shoreland.** "Shoreland" has the meaning given in Minnesota Statutes, section 103F.205, subdivision 4, and rules adopted pursuant to that section.

Subp. 84. **Sludge.** "Sludge" has the meaning given in Minnesota Statutes, section 116.06, subdivision 21.

Subp. 84a. **Sorbent or sorb.** "Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

Subp. 84b. **Speculative accumulation.** "Speculative accumulation" means accumulation of a hazardous waste before it is recycled. Speculative accumulation does not include accumulation of a waste if there is a feasible method of recycling for the waste and at least 75 percent by volume or weight of the waste is recycled during a calendar year. The 75 percent requirement applies to each waste of the same type that is recycled in the same way.

Subp. 84c. **Spent material.** "Spent material" means a material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

Subp. 85. **Spill.** "Spill" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, or dumping into or on any land or water of hazardous wastes or materials which, when spilled, become hazardous wastes.

Subp. 85a. **Staging pile.** "Staging pile" means an accumulation of solid, nonflowing remediation waste that is not a containment building and is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the commissioner according to the requirements of part 7045.0547.

Subp. 86. **State.** "State" means the state of Minnesota.

Subp. 87. **Storage.** "Storage" means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

Subp. 87a. **Sump.** "Sump" means any pit or reservoir that meets the definition of "tank" and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

Subp. 88. **Surface impoundment or impoundment.** "Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, excavation made by humans, or diked area formed primarily of earthen materials which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons. Impoundments may be lined with synthetic materials.

Subp. 89. **Surficial karst features.** "Surficial karst features" means features formed in soluble bedrock and which have surficial expressions or are shallow enough to potentially affect the integrity of an overlying facility.

Subp. 90. **Tank.** "Tank" means a stationary device designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials, such as wood, concrete, steel, and plastic, which provide structural support.

Subp. 90a. **Tank system.** "Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

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.

Subp. 91. **Thermal treatment.** "Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. "Thermal treatment" includes processes of incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

Subp. 92. **Totally enclosed treatment facility.** "Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

Subp. 93. **Transfer facility.** "Transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

Subp. 93a. **Transit country.** "Transit country" means any foreign country, other than a receiving country, through which a hazardous waste is transported.

Subp. 94. **Transportation.** "Transportation" means the movement of hazardous waste by air, rail, highway, or water.

Subp. 95. **Transport vehicle.** "Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body, such as a trailer or railroad freight car, is a separate transport vehicle.

Subp. 96. **Transporter.** "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Subp. 96a. **Treatability study.** "Treatability study" means a study in which a hazardous waste is subjected to a treatment process to determine:

- A. whether the waste is amenable to the treatment process;

- B. what pretreatment might be required;
- C. the optimal process conditions needed to achieve the desired treatment;
- D. the efficiency of a treatment process for a specific waste or wastes; or
- E. the characteristics and volumes of residuals from a particular treatment process.

Also included in this definition, for the purpose of the exemptions of part 7045.0121, are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

Subp. 97. **Treatment.** "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, or so as to recover energy or material resources from the waste, or so as to render the waste nonhazardous, or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, amenable for storage, or reduced in volume.

Subp. 98. **Treatment zone.** "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

Subp. 98a. **Underground tank.** "Underground tank" means a device meeting the definition of "tank" in subpart 90 whose entire surface area is totally below the surface of and covered by the ground.

Subp. 98b. **Underlying hazardous constituent.** "Underlying hazardous constituent" means any constituent listed in Code of Federal Regulations, title 40, section 268.48, Table UTS - Universal Treatment Standards, as incorporated in part 7045.1390, except fluoride, selenium, sulfides, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standards.

Subp. 98c. **Unfit for use tank system.** "Unfit for use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

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

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

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

Subp. 99. **Unsaturated zone; zone of aeration.** "Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

Subp. 100. **Uppermost aquifer.** "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

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.

Subp. 101. **Vessel.** "Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water.

Subp. 102. **Waste.** "Waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 23.

Subp. 102a. **Waste household battery.** "Waste household battery" means a household battery which is discarded before use.

Subp. 102b. [Repealed, 20 SR 715]

Subp. 102c. **Wastewater.** "Wastewater" means waste that contains less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS), with the following exceptions:

A. F001, F002, F003, F004, or F005 wastewaters are solvent-water mixtures that contain less than one percent by weight total organic carbon or less than one percent by weight total F001, F002, F003, F004, or F005 solvent constituents listed in Code of Federal Regulations, title 40, section 268.40, as incorporated in part 7045.1390;

B. K011, K013, or K014 wastewaters that contain less than five percent by weight total organic carbon and less than one percent by weight total suspended solids as generated; or

C. K0103 or K0104 wastewaters that contain less than four percent by weight total organic carbon and less than one percent by weight total suspended solids.

Subp. 103. **Wastewater treatment unit.** "Wastewater treatment unit" means a device which:

A. is part of a wastewater treatment facility which is subject to regulation under the Federal Water Pollution Control Act Amendments of 1972, United States Code, title 33, sections 1317(b) and 1342, as amended;

B. receives and treats or stores an influent wastewater which is a hazardous waste as defined in parts 7045.0102 to 7045.0155; or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0155; or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in parts 7045.0102 to 7045.0155; and

C. meets the definition of "tank" as defined in subpart 90, or "tank system" as defined in subpart 90a.

Subp. 104. **Water bulk shipment.** "Water bulk shipment" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

Subp. 105. **Waters of the state.** "Waters of the state" has the meaning given in Minnesota Statutes, section 115.01, subdivision 22.

Subp. 106. **Water table.** "Water table" means the surface of the ground water at which the pressure is atmospheric. Generally, this is the top of the saturated zone.

Subp. 107. **Well.** "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

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

Subp. 109. **Zone of engineering control.** "Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up before the release of hazardous waste or hazardous constituents to ground water or surface water.

Statutory Authority: *MS s 115.03; 116.07; 116.37*

History: *9 SR 115; 9 SR 2118; 10 SR 1688; 11 SR 1832; 11 SR 2415; L 1987 c 186 s 15; 12 SR 1660; 13 SR 259; 13 SR 1238; 13 SR 2761; 14 SR 1718; 14 SR 2248; 15 SR 801; 15 SR 1515; 15 SR 1877; 16 SR 197; 16 SR 2102; 16 SR 2239; 17 SR 1279; 18 SR 1565; 18 SR 1751; 18 SR 1886; 18 SR 2195; 20 SR 714; 20 SR 715; 22 SR 5; 29 SR 947; 30 SR 43; 31 SR 1277; 33 SR 2042*

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