

7045.0090 ADOPTION AND INCORPORATION BY REFERENCE.

Subpart 1. **Applicability.** Except as specified in subparts 2 and 3, the terms and standards identified in subparts 1a to 1h apply whenever federal regulations are incorporated by reference in this chapter whether or not this part is specifically referenced. Terms used in incorporated Code of Federal Regulations, title 40, and defined in part 7045.0020 or in Minnesota Statutes have the meaning given in part 7045.0020 or in Minnesota Statutes.

Subp. 1a. **Specific terms.** The following terms and phrases have the meaning given.

A. "EPA" and "agency" mean the Pollution Control Agency.

B. "Regional administrator," "administrator," and "director" mean the commissioner of the Pollution Control Agency.

C. "State," "authorized state," "approved state," or "approved program" means Minnesota.

D. "Generator," "hazardous waste," and "waste" have the meanings given in part 7045.0020.

Subp. 1b. **Hazardous waste management system general standards; Code of Federal Regulations, title 40, part 260.** References to the petition processes established in Code of Federal Regulations, title 40, part 260, subpart C, or Code of Federal Regulations, title 40, sections 260.20 to 260.41, mean the petition processes established in part 7045.0075.

Subp. 1c. **Identification and listing standards; Code of Federal Regulations, title 40, part 261.**

A. References to any section in Code of Federal Regulations, title 40, part 261, subparts A to C, or to Code of Federal Regulations, title 40, sections 261.1 to 261.24, mean parts 7045.0102 to 7045.0131 or part 7045.0214, subpart 3.

B. References to Code of Federal Regulations, title 40, section 261.4, mean the exclusions listed in part 7045.0120.

C. References to Code of Federal Regulations, title 40, section 261.6, mean the use, reuse, recycling, and reclamation requirements of part 7045.0125.

D. References to any section in Code of Federal Regulations, title 40, part 261, subpart D, or to Code of Federal Regulations, title 40, sections 261.30 to 261.38, mean parts 7045.0135 to 7045.0145.

Subp. 1d. **Standards applicable to generators of hazardous waste, Code of Federal Regulations, title 40, part 262.** References to Code of Federal Regulations, title

40, part 262, or to any section in Code of Federal Regulations, title 40, sections 262.10 to 262.70, mean parts 7045.0205 to 7045.0325.

Subp. 1e. **Standards applicable to transporters of hazardous waste, Code of Federal Regulations, title 40, part 263.** References to any section in Code of Federal Regulations, title 40, sections 263.10 to 263.31, mean parts 7045.0351 to 7045.0397.

Subp. 1f. **Permitted and interim status standards for owners and operators of hazardous waste treatment, storage, and disposal facilities; Code of Federal Regulations, title 40, parts 264 and 265.**

A. References to Code of Federal Regulations, title 40, part 264, subpart F, Code of Federal Regulations, title 40, sections 264.90 to 264.101, Code of Federal Regulations, title 40, part 265, subpart F, or Code of Federal Regulations, title 40, sections 265.90 to 265.94, mean the requirements of parts 7045.0484, 7045.0485, 7045.0590, and 7045.0592 relating to groundwater protection, monitoring, and corrective action for releases.

B. References to Code of Federal Regulations, title 40, part 264, subpart H, Code of Federal Regulations, title 40, sections 264.140 to 264.151, Code of Federal Regulations, title 40, part 265, subpart H, or Code of Federal Regulations, title 40, sections 265.140 to 265.150, mean the financial assurance requirements of parts 7045.0498 to 7045.0524 and 7045.0608 to 7045.0624.

C. References to Code of Federal Regulations, title 40, part 264, subpart O, Code of Federal Regulations, title 40, sections 264.340 to 264.351, Code of Federal Regulations, title 40, part 265, subpart O, or Code of Federal Regulations, title 40, sections 265.340 to 265.352, mean the thermal treatment standards of parts 7045.0542 and 7045.0640.

D. References to Code of Federal Regulations, title 40, part 264, subpart N, Code of Federal Regulations, title 40, sections 264.300 to 264.317, Code of Federal Regulations, title 40, part 265, subpart N, or Code of Federal Regulations, title 40, sections 265.300 to 265.316, mean the landfill standards of parts 7045.0538 and 7045.0638.

Subp. 1g. **Permit requirements; Code of Federal Regulations, title 40, part 270.** References to Code of Federal Regulations, title 40, part 270, subparts A to H, Code of Federal Regulations, title 40, sections 270.1 to 270.230, or any other reference to a hazardous waste facility permit mean the hazardous waste facility permit requirements in parts 7001.0500 to 7001.0730.

Subp. 1h. **Other standards.**

A. References to Code of Federal Regulations, title 40, part 273, mean part 7045.1400 (universal waste).

B. References to Code of Federal Regulations, title 40, part 279, mean parts 7045.0692 to 7045.0990 (used oil).

C. References to underground injection of waste in any Code of Federal Regulations incorporated in this chapter are subject to Minnesota Statutes and rules prohibiting the discharge of waste or pollutants to the saturated or unsaturated zones.

D. References to Code of Federal Regulations, title 40, part 266, subpart C, mean part 7045.0665 (uses constituting disposal).

E. References to Code of Federal Regulations, title 40, part 266, subpart F, mean part 7045.0675 (precious metal recovery).

F. References to Code of Federal Regulations, title 40, part 266, subpart G, mean part 7045.0685 (spent lead-acid batteries being reclaimed).

Subp. 2. **Exceptions to general terms.** In the following cases, the terms identified in subpart 1a do not apply and the terms continue to have the meaning in accordance with applicable EPA regulations.

A. "EPA identification numbers," "EPA hazardous waste numbers," "EPA test methods," "EPA publications," "EPA form(s)," "EPA guidance," or "EPA acknowledgment of consent."

B. "EPA," "administrator," or a synonymous term in any section of EPA regulations for which the Resource Conservation and Recovery Act, as amended, does not allow the EPA to delegate its authority to the states.

Subp. 3. **Exceptions to adoption of standards; Code of Federal Regulations, title 40.** In the following cases, the standards identified in subparts 1b to 1e do not apply and the standards continue to have the meaning in accordance with applicable EPA regulations.

A. Code of Federal Regulations, title 40, part 262, subparts E and H, regarding exports and transfrontier shipments of hazardous waste;

B. Code of Federal Regulations, title 40, sections 268.5, 268.6, 268.42(b), and 268.44, regarding land disposal restrictions;

C. Code of Federal Regulations, title 40, section 279.82(b) regarding state petitions to allow use of used oil as a dust suppressant; and

D. Code of Federal Regulations, title 40, Appendix to part 262, regarding the hazardous waste manifest.

Subp. 4. **Applicable law.** When federal regulations incorporated into this chapter cite additional federal regulations and when this chapter does not address whether the cited federal regulations or corresponding state rules apply, state rules shall apply.

Statutory Authority: *MS s 116.07*

History: *29 SR 947; 31 SR 1277; 33 SR 2042*

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