

7045.0127 RESIDUES IN EMPTY CONTAINERS AND EMPTY INNER LINERS.

Subpart 1. **Scope.** Any hazardous waste remaining in an empty container or an empty inner liner removed from an empty container, as defined in subparts 2 to 4 is not subject to regulation under parts 7045.0102 to 7045.1030 and 7045.1390, or a hazardous waste facility permit. Any hazardous waste in a container or an inner liner removed from a container that is not empty, as defined in subparts 2 to 4, is subject to regulation under parts 7045.0102 to 7045.1030 and 7045.1390, and the agency's permitting procedures.

Subp. 2. **Empty containers or inner liners; definition.** A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste in part 7045.0135, subpart 1a, items B and C, and Code of Federal Regulations, title 40, section 261.33(e), as incorporated in part 7045.0135, is empty if:

A. all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container such as pouring, pumping, and aspirating; and

B. no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner; or

C. no more than three percent by weight of the total capacity of the container remains in the container or inner liner if the container or inner liner is less than or equal to 119 gallons in size; or

D. no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container or inner liner is greater than 119 gallons in size.

Subp. 3. **Other empty containers or inner liners.** A container or inner liner that has held an acute hazardous waste identified in part 7045.0135, subpart 1a, items B and C, and Code of Federal Regulations, title 40, section 261.33(e), as incorporated in part 7045.0135, is empty if:

A. the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

B. the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

C. in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.

Subp. 4. **Empty compressed gas containers.** A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric pressure.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 10 SR 1212; 13 SR 1238; 18 SR 1565; 31 SR 1277; 33 SR 2042*

Published Electronically: *October 10, 2013*