

**7045.0133 EXEMPTION FROM REGULATION DUE TO LETHALITY.**

Subpart 1. **In general.** A generator's waste that exhibits the characteristics of lethality as described in part 7045.0131, subpart 6, may be exempted from regulation under parts 7045.0102 to 7045.1390 if the generator can demonstrate to the satisfaction of the agency that the waste is not capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed, or managed under routine waste management methods.

Subp. 2. **Factors to be considered.** In demonstrating that a waste should be exempt from regulation under parts 7045.0102 to 7045.1390, the generator must present information related to the following factors:

- A. the nature of the lethality displayed by the waste;
- B. the median lethal dose or median lethal concentration of the entire waste and each of the lethal constituents within the waste;
- C. the lethal constituent or constituents present in the waste and the respective concentrations;
- D. the quantity of the waste produced by the generator on an annual basis;
- E. the types of improper or routine waste management to which the waste could be subjected;
- F. based upon the improper or routine waste management methods considered in item E, the following factors:
  - (1) the potential of the lethal constituent or constituents or any lethal degradation product or products to migrate from the waste into the environment;
  - (2) the persistence of the lethal constituent or constituents or any lethal degradation product or products;
  - (3) the degree to which the lethal constituent or constituents or any lethal degradation product or products may bioaccumulate in the environment;
  - (4) the potential for the lethal constituents or constituents of any lethal degradation product or products to degrade into nonhazardous constituents and the rate of degradation; and
  - (5) the potential nature and severity of the human health and environmental damage which may result; and
- G. other factors that are relevant to the agency's determination of whether the waste is capable of posing a present or potential hazard to human health and the environment if the waste were to be improperly treated, transported, stored, disposed of, or managed under routine waste management methods.

**Statutory Authority:** *MS s 116.07*

**History:** *9 SR 115; 15 SR 1878; 18 SR 1565; 33 SR 2042*

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