

7045.0135 LISTS OF HAZARDOUS WASTES.

Subpart 1. [Repealed, 33 SR 2042]

Subp. 1a. **Incorporation by reference of federal regulations.** The following lists of hazardous wastes found in Code of Federal Regulations, title 40, part 261, subpart D, as amended, are incorporated by reference:

- A. section 261.30, general;
- B. section 261.31, hazardous wastes from nonspecific sources;
- C. section 261.32, hazardous wastes from specific sources;
- D. section 261.33, discarded commercial chemical products, off-specification species, container residues, and spill residues thereof;
- E. section 261.35, deletion of certain hazardous waste codes following equipment cleaning and replacement; and
- F. section 261.38, comparable/syngas fuel exclusion.

Subp. 2. [Repealed, 33 SR 2042]

Subp. 2a. [Repealed, 33 SR 2042]

Subp. 2b. **Additions, modifications, or exceptions to incorporated provisions.**

- A. Part 7045.0090, adoption and incorporation by reference, also applies.
- B. The hazardous waste number in the "U" listing for paraldehyde in Code of Federal Regulations, title 40, section 261.33(f)/Table, should be U182.
- C. In Code of Federal Regulations, title 40, section 261.38, Table 1, under "metals," in the listing for "cadmium, total," "ND" is the "composite value" and "1.2" is the "Concentration limit."

Subp. 3. [Repealed, 33 SR 2042]

Subp. 4. [Repealed, 33 SR 2042]

Subp. 5. **PCB wastes.** Requirements for PCB wastes are as follows:

- A. For purposes of this subpart:
 - (1) "commercial storer of PCB waste" has the meaning given in Code of Federal Regulations, title 40, section 761.3, as amended;
 - (2) "PCB" means a substance that contains PCB's at a concentration of 50 parts per million or greater;

(3) "PCB lighting ballast" means a device that electrically controls light fixtures and that contains a PCB small capacitor or potting material that contains PCB's; and

(4) "PCB small capacitor" means a capacitor that contains less than 1.36 kilograms (3 pounds) of PCB dielectric fluid.

B. PCB materials or items are hazardous waste if and when they are discarded or stored prior to being discarded.

C. A generator of PCB wastes is subject to the requirements of Minnesota Statutes, section 116.07, subdivision 2b, and is exempt from the agency's hazardous waste requirements except for:

(1) the hazardous waste management requirements of part 7045.0208;

(2) the evaluation requirements of part 7045.0214;

(3) the licensing requirements of parts 7045.0225 to 7045.0250; and

(4) the fee requirements of chapter 7046, unless a generator demonstrates performance of a PCB phase-out agreement under Minnesota Statutes, section 116.07, subdivision 2b, paragraph (b).

D. In addition to the requirements of item C, a generator or commercial storer of PCB waste who generates or stores PCB ballasts or PCB small capacitors must comply with the requirements of part 7045.0566, subpart 2. A commercial storer of PCB waste storing only PCB ballasts and PCB small capacitors is not subject to the facility standards in parts 7045.0450 to 7045.0649, except for the requirements of part 7045.0566, subpart 2, or to the hazardous waste facility permit requirements in chapter 7001.

E. Thermal treatment of PCB wastes at concentrations less than 500 parts per million. High efficiency boilers as defined in Code of Federal Regulations, title 40, section 761.60(a), as amended, which are used for treatment of mineral oil dielectric fluid containing less than 500 ppm PCB, are exempt from the agency's hazardous waste facility permit requirements in chapter 7001 and parts 7045.0292 and 7045.0450 to 7045.0649, except for the following requirements:

(1) parts 7045.0526 and 7045.0528;

(2) parts 7045.0556 and 7045.0558;

(3) parts 7045.0564 to 7045.0588; and

(4) parts 7045.0594 and 7045.0596.

F. PCB wastes have the hazardous waste number of MN03.

Statutory Authority: *MS s 14.07; 116.07; 116.37*

History: 9 SR 115; 10 SR 70; 10 SR 1212; 10 SR 1688; 11 SR 301; 11 SR 1832; 12 SR 1660; 13 SR 577; 13 SR 1238; 13 SR 2761; 15 SR 1515; 15 SR 1878; 16 SR 197; 16 SR 2102; 16 SR 2239; 16 SR 2321; 17 SR 285; 18 SR 1886; 20 SR 715; 33 SR 2042

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