

7045.0292 ACCUMULATION OF HAZARDOUS WASTE.

Subpart 1. **Large quantity generator.** A large quantity generator may accumulate hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 90 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed as follows:

(1) in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with applicable requirements of parts 7045.0594, subpart 2; 7045.0596, subpart 3; 7045.0626; 7045.0645; 7045.0647; and 7045.0648;

(2) in tanks provided the generator complies with the applicable requirements of parts 7045.0594, subpart 2; 7045.0596, subpart 3; 7045.0628; 7045.0645; 7045.0647; and 7045.0648, except part 7045.0628, subparts 9, item C, and 12;

(3) for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2; 7045.0596, subpart 3; and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 90 days, and maintains documentation of the quantities, dates, and times of each waste removal. Records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; or for tanks or containers that are not used as shipping containers, the generator may maintain a clearly designated and legible log of transactions which includes accumulation start dates, clearly identifies each tank or container, and is available for inspection;

D. storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

E. containers that hold free liquids are placed on a containment surface that is impermeable to the wastes stored and, if outside, is curbed;

F. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel; and

G. the requirements of parts 7045.0558; 7045.0562, subparts 1 and 2; 7045.0566 to 7045.0576; and Code of Federal Regulations, title 40, section 268.7(a)(5), as incorporated in part 7045.1390, are fulfilled regarding personnel training, ignitable,

reactive, or incompatible waste, preparedness and prevention, contingency planning, and waste analysis for restricted wastes.

Subp. 2. **Accumulation start date.** A generator's accumulation start date begins when the generator initiates accumulation in a container or tank. The accumulation start date for satellite accumulation is provided for in subpart 8, item D.

Subp. 3. [Repealed, 16 SR 2102]

Subp. 4. [Repealed, 16 SR 2102]

Subp. 5. **Small quantity generator.** A small quantity generator may accumulate up to 3,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste is, within 180 days of the accumulation start date, treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2; 7045.0596, subpart 3; and 7045.0626, subparts 1 to 8; in tanks provided the generator complies with the requirements of parts 7045.0594, subpart 2; 7045.0596, subpart 3; and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2; 7045.0596, subpart 3; and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; or for tanks or waste containers that are not used as shipping containers, the generator may maintain a clearly designated and legible log of transactions which includes accumulation start dates, clearly identifies each tank or container, and is available for inspection;

D. storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

E. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

F. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

G. the generator meets the requirements of parts 7045.0566, relating to preparedness and prevention; 7045.0568, relating to the arrangements with local authorities for emergencies; and Code of Federal Regulations, title 40, section 268.7(a)(5), as incorporated in part 7045.1390, relating to waste analysis for restricted wastes; and

H. the generator complies with the following requirements:

(1) the generator must ensure that there is available at all times at least one employee, identified as the emergency coordinator, responsible for coordinating all emergency response measures provided in subitem (4); the emergency coordinator must be either on the generator's premises or available to respond to an emergency by reaching the premises within a short period of time;

(2) the generator must post the following information next to the telephone on the premises: the name and telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, the fire alarm, if present, and the telephone number of the fire department, unless there is a direct alarm;

(3) the generator must ensure and document that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies within six months after the date of their employment or assignment to a new position; and

(4) the emergency coordinator or a designee must respond to any emergencies that arise. Appropriate responses include: in the event of a fire, call the fire department or try to extinguish the fire by using a fire extinguisher; in the event of a spill, contain the flow of hazardous waste to the extent possible and as soon as practicable, clean up the hazardous waste and any contaminated materials or soils; in the event of a fire, explosion, or other release that could threaten human health outside the premises or when the generator has knowledge that a spill has reached surface water, the generator must immediately comply with part 7045.0275, subparts 2 and 3, and notify the National Response Center using its 24-hour toll free number (800) 424-8802 and provide the name, address, identification number of the generator, date, time, type of incident, and the estimated quantity and disposition of any recovered materials.

Subp. 6. **Very small quantity generator.** A very small quantity generator may accumulate up to 1,000 kilograms of hazardous waste that is not acute hazardous waste on site without a permit or without having interim status if:

A. all accumulated hazardous waste when disposed of is treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208;

B. the waste is placed in containers which meet the standards of part 7045.0270, subpart 4, and are managed in accordance with parts 7045.0594, subpart 2; 7045.0596, subpart 3; and 7045.0626, subparts 1 to 8; in tanks provided the generator complies with

the requirements of parts 7045.0594, subpart 2; 7045.0596, subpart 3; and 7045.0629; or for wood preserving operations on drip pads, provided the generator complies with parts 7045.0594, subpart 2; 7045.0596, subpart 3; and 7045.0644 and maintains records containing a description of procedures that will be followed to ensure that all wastes are removed from drip pads and associated collection systems at least once every 180 days, and maintains documentation of the quantities, dates, and times of each waste removal. These records relating to drip pads must be maintained at the licensed site and must be easily available for agency inspection;

C. tanks and containers are clearly labeled with the waste accumulation start date, which must be visible for inspection; or for tanks or containers that are not used as shipping containers, the generator may maintain a clearly designated and legible log of transactions which includes accumulation start dates, clearly identifies each tank or container, and is available for inspection;

D. storage areas are protected from unauthorized access and inadvertent damage from vehicles or equipment;

E. containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed;

F. all waste containers and tanks are labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel;

G. the generator meets the requirements of part 7045.0566, relating to preparedness and prevention; and

H. if the generator accumulates at any one time more than 1,000 kilograms of hazardous waste, the generator becomes a small quantity generator and is subject to regulation under subpart 5. For generators in this circumstance, all accumulated hazardous waste must be treated on site in compliance with part 7045.0211 or shipped off site in compliance with part 7045.0208 within 180 days of the date the 1,000 kilogram limit is reached.

Subp. 7. **Acute hazardous waste accumulation.** A small quantity generator or a very small quantity generator who generates acute hazardous waste that is not exempt under subpart 8 must comply with items A and B:

A. A generator may accumulate acute hazardous waste on site indefinitely in quantities equal to or less than one kilogram of acute hazardous waste and equal to or less than 100 kilograms of residue, contaminated soil, water, or other debris resulting from cleaning up spilled acute hazardous waste. The generator must comply with subpart 5, items B to H.

B. A generator who accumulates on site more than one kilogram of acute hazardous waste, or more than 100 kilograms of residue, contaminated soil, water, or other debris resulting from cleaning up spilled acute hazardous waste must comply with subpart 1.

Subp. 8. **Satellite accumulation.** Items A to D apply to all generators of hazardous waste.

A. A generator may, without a permit or interim status and without complying with subparts 1 to 7, accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in part 7045.0135, subpart 1a, items B to D, per waste stream per each point of generation provided the generator complies with items B to D.

B. The generator must:

- (1) comply with part 7045.0626, subparts 2 to 4 and 6;
- (2) clearly label each container with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel;
- (3) comply with parts 7045.0566 and 7045.0568 if a large quantity or small quantity generator, or with part 7045.0566 if a very small quantity generator;
- (4) provide that outdoor satellite accumulation areas are protected from unauthorized access and inadvertent damage from vehicles or equipment; and
- (5) provide that containers that hold free liquids are placed on a containment surface that is impermeable to the waste stored and, if outside, is curbed.

C. In addition, the generator must:

- (1) for a container or containers located within the immediate working area of the specific process producing the waste, provide direct control and visual inspection of the satellite accumulation area by persons directly responsible for the specific process producing the waste; or
- (2) for a container or containers not located in the immediate working area, inspect the containers and areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors and keep a written record of the dates and findings of these inspections.

D. On the date on which the volume limit prescribed in item A is reached, the generator must:

- (1) clearly label the container or containers with that date (that date is then the accumulation start date);

(2) within three days thereafter, transfer the entire satellite container's or containers' contents to the hazardous waste storage area and comply with subparts 1 to 7, as applicable; and

(3) during the three-day period for compliance, continue to comply with items B and C.

Subp. 9. **Transportation time extension.** If waste accumulated under subparts 5 and 6 must be transported 200 miles or more to a facility, the generator may store the waste for an additional 90 days beyond the established limits. In this event, the generator must maintain evidence on site that arrangements have been made for the transport of the waste to the facility and, if requested, show the evidence to the commissioner. During this time extension a small quantity generator shall not at any time exceed the 3,000 kilogram accumulation limit established in subpart 5 and a very small quantity generator shall not at any time exceed the 1,000 kilogram limit established in subpart 6.

Subp. 10. **Time extension.** One extension may be granted for up to 30 days by the commissioner if hazardous waste must remain on site for longer than the maximum allowable time under subparts 1 to 9, as applicable, due to unforeseen, temporary, and uncontrollable circumstances. A request for an extension must be submitted in writing to the commissioner and must include:

- A. the amount and type of waste to be stored over the maximum allowable number of days;
- B. the date the stored waste will exceed the maximum allowable number of days;
- C. the location of the waste needing an extension;
- D. the reason for the extension request; and
- E. documentation of the generator's effort to ship the waste off site within the applicable time limit.

Subp. 11. **Accumulation requiring a permit.** A large quantity generator who accumulates hazardous waste for more than 90 days, or a small quantity generator who accumulates more than 3,000 kilograms of hazardous waste at any time, is an operator of a storage facility and is subject to the requirements of parts 7045.0450 to 7045.0649 and the agency's permitting procedures in chapter 7001 unless the generator has been granted a time extension under subpart 10.

Subp. 12. **Rejected shipments.** A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue according to the manifest discrepancy provisions of part 7045.0476 or 7045.0582 may accumulate the returned waste on-site according to subparts 1 to 7, 9, and 10, depending

on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:

A. sign item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

B. sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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

History: *9 SR 115; 10 SR 929; 11 SR 1950; L 1987 c 186 s 15; 13 SR 259; 14 SR 2248; 16 SR 2102; 16 SR 2239; 18 SR 1565; 18 SR 1751; 20 SR 715; 22 SR 5; 31 SR 1277; 33 SR 2042*

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