

**7045.0395 HAZARDOUS WASTE DISCHARGES.**

Subpart 1. **Immediate action.** If during the course of transportation, a container is discovered to be broken or leaking, or a discharge of hazardous waste occurs, the transporter must take appropriate immediate action to protect human health and the environment including the notification of local authorities and the generator, and the diking of the discharge area. The generator shall render all reasonable assistance to the transporter in repackaging, packing, and cleaning up the waste so that the trip may be resumed. "All reasonable assistance" means providing the transporter with all necessary information about the waste and about procedures for repackaging, packing, and cleaning up the waste and, in addition, providing any physical assistance that the generator is uniquely suited to provide and for which the transporter is willing to bear the costs. Nothing in this provision, however, is intended to restrict or enlarge or affect in any way the liability the generator may have to repackage, pack, and clean up the waste.

Subp. 2. **Removal without a manifest.** If a discharge of hazardous waste occurs during transportation and an official of a state or local government or a federal agency acting within the scope of his or her official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have identification numbers and without the preparation of a manifest.

Subp. 3. **Notification.** An air, rail, highway, or water transporter who has discharged hazardous waste must:

A. immediately notify the agency if the hazardous waste may cause pollution of the air, land, or waters of the state. The person shall use the appropriate Minnesota duty officer's 24-hour telephone notification service:

(1) (651) 649-5451 for Twin Cities' local calling area and outside Minnesota;

(2) (800) 422-0798 for greater Minnesota;

(3) (651) 297-5353 for TDD for Twin Cities' local calling area and outside Minnesota; or

(4) (800) 627-3529 for TDD for greater Minnesota;

B. give notice, if required by Code of Federal Regulations, title 49, section 171.15, as amended, to the National Response Center (800) 424-8802 or (202) 426-2675;

C. immediately notify the generator of any spill or leak during transit; and

D. give the same notice as required by Code of Federal Regulations, title 33, section 153.203, as amended, for oil and hazardous substances if the transporter is a water transporter of bulk shipments.

Subp. 4. **Duty to recover.** A transporter who owns, has possession of, or otherwise has control of a hazardous waste that spills, leaks, or otherwise escapes from a container, vehicle tank, storage tank, portable tank, or other containment system, including its associated piping, shall recover the hazardous waste as rapidly and as thoroughly as possible and shall immediately take other action as may be reasonably possible to protect human life and health and minimize or abate pollution of the water, air, or land resources of the state caused thereby.

Subp. 5. **Reporting.** Any air, rail, highway, or water transporter who has discharged hazardous waste must:

A. report in writing as required by Code of Federal Regulations, title 49, section 171.16, as amended, to the Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590-0001, or submit an electronic hazardous materials incident report to the Information Systems Manager, DHM-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590-0001 at <http://hazmat.dot.gov>;

B. submit a copy or photocopy of the report required in item A within 15 days of the incident to the commissioner; and

C. in the case of a spill or leakage of hazardous waste during transit, the amount spilled, the location of the spill site, and the name of the state or federal agency responsible for overseeing the cleanup of the site shall be noted on or attached to the hazardous waste manifest by the transporter.

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

**History:** *9 SR 115; 11 SR 1832; L 1987 c 186 s 15; 18 SR 1565; 20 SR 715; 33 SR 2042*

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