

7045.0458 WASTE ANALYSIS REQUIREMENTS.

Subpart 1. **Waste analysis.** Waste analysis procedures are listed in items A to D.

A. Before an owner or operator treats, stores, or disposes of any hazardous waste, or nonhazardous waste if applicable under part 7045.0488, subpart 2a, the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. This analysis must contain all the information which must be known in order to treat, store, or dispose of the waste in accordance with the requirements of parts 7045.0450 to 7045.0551 and 7045.1390, or with the conditions of a permit issued under the agency's permitting procedures.

B. The analysis may include data developed under parts 7045.0102 to 7045.0155 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator.

C. The analysis must be repeated as necessary to ensure that it is accurate and up-to-date. The analysis must be repeated at the following times:

(1) when the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or nonhazardous waste if applicable under part 7045.0488, subpart 2a, has changed; and

(2) for off-site facilities, when the results of the inspection required in item D indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

D. The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

Subp. 2. **Waste analysis plan.** The owner or operator shall develop and follow a written waste analysis plan which describes the procedures that will be used to comply with subpart 1. The owner or operator shall keep this plan at the facility. The plan must specify:

A. the parameters for which each hazardous waste, or nonhazardous waste if applicable under part 7045.0488, subpart 2a, will be analyzed and the rationale for the selection of these parameters;

B. the test methods which will be used to test for these parameters;

C. the sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

(1) one of the sampling methods described in Code of Federal Regulations, title 40, part 261, appendix I, as amended; or

(2) an equivalent sampling method as approved by the commissioner;

D. the frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date;

E. for off-site facilities, the waste analyses that hazardous waste generators have agreed to supply;

F. where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in parts 7045.0456; 7045.0538, subpart 10; 7045.0542, subpart 2; and Code of Federal Regulations, title 40, section 268.7, as incorporated in part 7045.1390; and the process vent, equipment leak, and tank, surface impoundment, and container test methods and procedures in Code of Federal Regulations, title 40, sections 264.1034(d), 264.1063(d), as amended, and section 264.1083, as incorporated in part 7045.0540;

G. for off-site facilities, the waste analysis plan must also specify the procedures that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. The plan must describe:

(1) the procedures that will be used to determine the identity of each movement of waste managed at the facility;

(2) the sampling method that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling. The waste analysis plan must be submitted with the permit application; and

(3) the procedure that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container;

H. for surface impoundments exempted from the land disposal restrictions under Code of Federal Regulations, title 40, section 268.4, as incorporated in part 7045.1390, the procedures and schedules for:

(1) the sampling of impoundment contents;

(2) the analysis of test data; and

(3) the annual removal of residues which are not delisted under part 7045.0075, subpart 2, or which exhibit a characteristic of hazardous waste under part 7045.0131, and either do not meet the treatment standards of Code of Federal Regulations, title 40, sections 268.40 to 268.42, as incorporated in part 7045.1390, or, where no treatment standards have been established, such residues are prohibited from land disposal under Code of Federal Regulations, title 40, sections 268.30 to 268.35, as incorporated in part 7045.1390, or RCRA section 3004(d); and

I. for owners and operators seeking an exemption to the air emission standards of part 7045.0540 in accordance with Code of Federal Regulations, title 40, section 264.1082, as incorporated in part 7045.0540:

(1) if direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis and the results of the analysis of test data to verify the exemption; and

(2) if knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off site, that is used as the basis for knowledge of the waste.

Statutory Authority: *MS s 116.07; 116.37*

History: *9 SR 115; 11 SR 1832; L 1987 c 186 s 15; 13 SR 1238; 16 SR 1225; 16 SR 2102; 16 SR 2239; 16 SR 2321; 18 SR 1565; 20 SR 715; 29 SR 947; 33 SR 2042*

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