

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. **General requirements.** Parts 7045.0552 to 7045.0649 establish minimum standards for the management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to postclosure requirements, until postclosure responsibilities are fulfilled. Except as provided in Code of Federal Regulations, title 40, section 265.1080(b), as incorporated in part 7045.0645, the standards in parts 7045.0552 to 7045.0649, and the standards for the corrective action management units in part 7045.0545, temporary units in part 7045.0546, and staging piles in part 7045.0547, apply to: (1) owners and operators of facilities that treat, store, or dispose of hazardous waste who have fully complied with the requirements for interim status under chapter 7001 and section 3005(e) of the federal Resource Conservation and Recovery Act (RCRA) until either a permit is issued under chapter 7001 and section 3005 of RCRA or until applicable interim status closure and postclosure responsibilities are fulfilled and (2) those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by section 3010(a) of RCRA or failed to file Part A of the permit application in chapter 7001. These standards, and those in parts 7045.0545 to 7045.0547, apply to owners and operators of existing facilities who have fully complied with the requirements for state or federal interim status until a permit is issued or until applicable interim status closure and postclosure responsibilities are fulfilled, and those who have failed to achieve state or federal interim status.

Parts 7045.0552 to 7045.0649 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in part 7045.1390, land disposal restrictions, and those restrictions are considered material conditions or requirements of parts 7045.0552 to 7045.0649, interim status standards.

Subp. 1a. **Applicability for owners and operators of facilities not regulated as hazardous waste facilities by federal regulation.** Owners and operators of hazardous waste facilities that are not federally regulated as hazardous waste facilities that are, for example, regulated as facilities by state rule only, are subject to the applicable requirements of parts 7045.0552 to 7045.0649 on the effective date of any rules that make the facility subject to regulation. The facility shall submit a Part B application for a hazardous waste facility permit to the commissioner within one year of the effective date of any rules that first make the facility subject to the requirement to obtain a hazardous waste facility permit.

Subp. 2. **Existing hazardous waste facilities.** For facilities subject to the provisions of Code of Federal Regulations, title 40, part 265, as amended, an "existing hazardous waste facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. For all other facilities, an "existing hazardous waste facility" or "existing facility" means a facility which was in operation on or before July 16, 1984, or for which construction commenced on or before

July 16, 1984. A facility has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and either:

A. a continuous on-site, physical construction program has begun; or

B. the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

Subp. 3. **Exemptions.** The requirements of parts 7045.0552 to 7045.0649 do not apply to the following specific waste management units, facilities, or activities, although all other waste management activities of the owner or operator may be regulated:

A. the treatment, storage, or disposal of hazardous waste by the owner or operator of a publicly owned treatment works. The owner or operator of a publicly owned treatment works is subject to the requirements of parts 7045.0450 to 7045.0551 to the extent they are included in a permit-by-rule granted to such a person, under the agency permitting procedures;

B. a facility managing recyclable hazardous wastes subject to regulation under part 7045.0125, 7045.0665, 7045.0675, or 7045.0685; however, this exemption does not apply where part 7045.0125, 7045.0665, 7045.0675, or 7045.0685 makes the requirements of parts 7045.0552 to 7045.0649 applicable by cross-reference;

C. the accumulation of waste on-site in compliance with part 7045.0292, except to the extent the requirements are included in part 7045.0292;

D. the disposal of waste pesticides from a farmer's own use in compliance with part 7045.0213, subpart 2;

E. a totally enclosed treatment facility;

F. an elementary neutralization unit, a pretreatment unit, or a wastewater treatment unit, if the unit does not receive hazardous waste from generators other than the owner or operator of the unit, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 high TOC subcategory defined in Code of Federal Regulations, title 40, section 268.40, Table of Treatment Standards for Hazardous Wastes, as incorporated in part 7045.1390), or reactive (D003) waste, to remove the characteristic before land disposal, the owner or operator must comply with part 7045.0562, subpart 2;

G. that portion of a combustion waste facility which is used to manage hazardous wastes produced in conjunction with the combustion of fossil fuels if the wastes:

(1) are generated on-site;

(2) traditionally have been and actually are mixed with and codisposed or cotreated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion; and

(3) are necessarily associated with the production of energy, such as boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, and cooling tower blowdown;

H. the storage of manifested shipments of hazardous waste in containers meeting the requirements of part 7045.0270, subpart 4 at a transfer facility for a period of ten days or less in compliance with part 7045.0365;

I. the addition of absorbent material to hazardous waste in a container or the addition of hazardous waste to absorbent material in a container if these actions occur at the time hazardous waste is first placed in the container, and part 7045.0562, subpart 2, and 7045.0626, subparts 2 and 3, are complied with;

J. (1) except as provided in subitem (2), treatment or containment activities during immediate response to any of the following situations: a discharge of a hazardous waste, an imminent and substantial threat of a discharge of a hazardous waste, or a discharge of a material which, when discharged, becomes a hazardous waste;

(2) a facility otherwise regulated by parts 7045.0552 to 7045.0649 shall comply with all applicable requirements of parts 7045.0395, 7045.0397, 7045.0558, and 7045.0566 to 7045.0576; or

(3) a person who is covered by subitem (1) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of parts 7045.0552 to 7045.0649 and the agency's permitting procedures for those activities;

K. treatment of hazardous waste by the generator in the generator's accumulation tanks or containers in accordance with part 7045.0292. If the treatment involves evaporation of aqueous waste or polymerization of polyester or other chemical fixation treatment processes in open containers, the generator is exempt from parts 7045.0552 to 7045.0649, but before beginning the treatment process must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. The commissioner shall approve the treatment activity if the commissioner finds that the treatment activity will not endanger human health and the environment; or

L. universal waste handlers and universal waste transporters when managing universal waste under part 7045.1400.

Subp. 4. **Restrictions.** Hazardous wastes F020, F021, F022, F023, F026, F027, and F028 listed under part 7045.0135, subpart 1a, item B, must not be managed at facilities governed by interim status unless:

A. the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

B. the waste is stored in tanks or containers; or

C. the waste is stored or treated in waste piles that are enclosed in accordance with part 7045.0534, subpart 1 and comply with all other provisions of part 7045.0534.

Statutory Authority: *MS s 116.07; 116.37*

History: *9 SR 115; 10 SR 929; 10 SR 1212; 10 SR 1688; 11 SR 1832; L 1987 c 186 s 15; 13 SR 1238; 16 SR 2102; 16 SR 2239; 20 SR 714; 20 SR 715; 22 SR 5; 29 SR 947; 30 SR 43; 33 SR 2042*

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