

**7045.0644 DRIP PADS.**

Subpart 1. **Federal regulations adopted by reference.** Owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water runoff to an associated collection system are subject to the requirements of Code of Federal Regulations, title 40, part 265, subpart W, as amended. Existing drip pads and new drip pads are defined in part 7045.0020.

Subp. 2. **Leak collection system requirements.** The requirement of Code of Federal Regulations, title 40, section 265.443(b)(3), as amended, applies only to:

A. drip pads that are or were used to manage hazardous waste with the waste code of F032 that are constructed after December 24, 1992, except those for which the owner or operator had a design and entered into binding financial or other agreements for construction prior to December 24, 1992; and

B. drip pads that are used to manage hazardous waste with the waste code of F034 or F035 that are constructed after July 25, 1994, except those for which the owner or operator had a design and entered into binding financial or other agreements for construction prior to July 25, 1994.

Subp. 3. **Indoor drip pads.** The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither runoff nor run-on is generated is not subject to regulation under Code of Federal Regulations, title 40, section 265.573(e) or 265.573(f), as amended, as appropriate.

Subp. 4. **Incidental drippage in storage yards.** The requirements of Code of Federal Regulations, title 40, part 265, subpart W, as amended, are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

- A. clean up the drippage;
- B. document the cleanup of the drippage;
- C. retain documents regarding cleanup for three years; and
- D. manage the contaminated media in a manner consistent with chapters 7001 and 7045.

Subp. 5. **Exceptions to adopted federal regulations.** Where the federal regulations adopted in subpart 1 refer to other federal regulations, the other federal regulations referred to are superseded by their corresponding state rules; where no corresponding state rule exists, the federal regulations referred to do not apply.

Subp. 6. **Effective date.** This part is effective July 25, 1994.

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

**History:** *18 SR 1751; 20 SR 715*

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