

**7045.0665 HAZARDOUS WASTES USED IN A MANNER CONSTITUTING DISPOSAL.**

Subpart 1. **Scope.** This part applies to hazardous wastes that are used in a manner constituting disposal.

A. For the purposes of this part, use constituting disposal means the application or placement of recyclable wastes in or on the land without mixing with other substances or after mixing or combining with any other substances.

B. Hazardous wastes are not used in a manner constituting disposal if:

(1) they are a product produced for the general public's use;

(2) they contain recyclable hazardous wastes; and if the recyclable hazardous wastes have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means; and

(3) the products meet the applicable treatment standards in Code of Federal Regulations, title 40, sections 268.40 to 268.49, as incorporated in part 7045.1390, or, if no treatment standards have been established, meet the applicable prohibition levels in Code of Federal Regulations, title 40, section 268.32, as incorporated in part 7045.1390, or RCRA section 3004(d) where no treatment standards have been established, for each hazardous waste that they contain.

C. Antiskid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in item B and remain subject to regulation.

D. Fertilizers that contain recyclable materials are not subject to regulation provided that:

(1) they are zinc fertilizers that meet the requirements in Code of Federal Regulations, title 40, section 261.4(a)(21), as amended; or

(2) they meet the applicable treatment standards in Code of Federal Regulations, title 40, sections 268.40 to 268.49, as incorporated in part 7045.1390, for each hazardous waste that they contain.

Subp. 1a. **Land application prohibition.** The following materials may not be placed in solid waste, in or on the land, or in or on waters of the state unless approved by the commissioner:

A. hazardous waste; and

B. a mixture of hazardous waste and other material.

Subp. 1b. **Evaporation disposal prohibition.** Generators must not by intentional evaporation dispose of hazardous waste. The following specific treatment activities by generators, when conducted in accordance with part 7045.0450, subpart 3, item K, or 7045.0552, subpart 3, item K, are not prohibited:

A. volume reduction through evaporation of water from an aqueous hazardous waste that does not contain any volatile hazardous constituents; and

B. polymerization to solidify polyester wastes or other chemical fixation processes which must be conducted in open containers to allow heat and pressure to be vented for safety reasons.

Subp. 2. **Standards applicable to generators of wastes used in a manner that constitutes disposal.** Generators of wastes that are used in a manner that constitutes disposal are subject to the requirements of parts 7045.0205 to 7045.0325.

Subp. 3. **Standards applicable to transporters of wastes used in a manner that constitutes disposal.** Transporters of wastes that are used in a manner that constitutes disposal are subject to the requirements of parts 7045.0351 to 7045.0397.

Subp. 4. **Standards applicable to facilities managing wastes that are to be used in a manner that constitutes disposal.** Facilities managing wastes in a manner that constitutes disposal are subject to the following requirements:

A. owners or operators of facilities that store recyclable wastes that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the wastes are subject to all applicable provisions of parts 7045.0450 to 7045.0551, and 7045.0552 to 7045.0649, and chapter 7001; and

B. owners or operators of facilities that use recyclable wastes that are to be used in a manner that constitutes disposal are subject to all applicable provisions of parts 7045.0450 to 7045.0551, 7045.0552 to 7045.0649, and 7045.1390 and chapter 7001.

**Statutory Authority:** *MS s 14.07; 115.03; 116.07; 116.37*

**History:** *10 SR 1688; 13 SR 2761; 14 SR 1718; 16 SR 2102; 16 SR 2239; 20 SR 715; 22 SR 5; 31 SR 1277; 33 SR 2042*

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