

7045.1390 LAND DISPOSAL RESTRICTIONS.

Subpart 1. **Incorporation of federal land disposal restrictions.** Code of Federal Regulations, title 40, part 268, as amended, land disposal restrictions, is incorporated by reference, except as provided in subparts 2 to 5.

Subp. 2. **General additions, modifications, or exceptions to incorporation of regulations.**

A. Part 7045.0090, adoption and incorporation by reference, also applies.

B. The agency does not incorporate the definitions of debris or hazardous debris in Code of Federal Regulations, title 40, section 268.2, or the regulations related to debris and hazardous debris throughout Code of Federal Regulations, title 40, part 268, including the treatment standards for hazardous debris in section 268.45. Wastes that would be federally regulated as debris or hazardous debris are regulated as hazardous waste.

Subp. 3. **Exceptions or additions to Code of Federal Regulations, title 40, subpart A.**

A. The agency does not incorporate Code of Federal Regulations, title 40, section 268.1(c)(3), allowing disposal into an injection well.

B. References to "EPA" in Code of Federal Regulations, title 40, sections 268.1(e)(3) and 268.2(j) mean the federal Environmental Protection Agency.

C. The agency does not incorporate the definitions found in Code of Federal Regulations, title 40, section 268.2, paragraph a, c, d, e, f, g, or h.

D. References in Code of Federal Regulations, title 40, section 268.7(a)(9)(iii), to D001 to D043 do not include D009.

E. The agency does not incorporate Code of Federal Regulations, title 40, section 268.5, governing procedures for case-by-case extensions to an effective date. That section is administered by the EPA.

F. The agency does not incorporate Code of Federal Regulations, title 40, section 268.6, governing petitions to allow land disposal of a waste prohibited under subpart C. Part 7045.0075, subpart 9, applies.

G. The agency does not incorporate Code of Federal Regulations, title 40, section 268.4(a)(3)(ii) and (iii), relating to waivers or modifications of surface impoundment requirements.

Subp. 4. **Exceptions or additions to Code of Federal Regulations, title 40, subpart B.** The agency does not incorporate the EPA schedule in Code of Federal Regulations, title 40, section 268.13, for wastes identified or listed after November 8, 1984. That section is administered by the Environmental Protection Agency.

Subp. 5. Exceptions or additions to Code of Federal Regulations, title 40, subpart D.

A. The agency does not incorporate Code of Federal Regulations, title 40, section 268.42(b), governing the demonstration of an alternative treatment method. That section is administered by the EPA.

B. The agency does not incorporate Code of Federal Regulations, title 40, section 268.44, paragraphs (a) to (g) or (o), governing variance from a treatment standard and wastes excluded in various states. That section is administered by the EPA.

Statutory Authority: *MS s 116.07*

History: *33 SR 2042*

Published Electronically: *October 10, 2013*