

7045.1400 ADOPTION OF FEDERAL STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

Subpart 1. **Adoption.** The requirements of Code of Federal Regulations, title 40, part 273, as amended, regulating the management of universal waste, are adopted and incorporated by reference except as specified in subpart 2. In addition, the provisions of part 7045.0090 also apply.

Subp. 2. **Exceptions.**

A. The requirements of Code of Federal Regulations, title 40, sections 273.80 and 273.81, relating to petitions are not adopted.

B. The requirements of Code of Federal Regulations, title 40, section 273.8, regarding the regulation of conditionally exempt generators are not adopted.

C. References in Code of Federal Regulations, title 40, sections 273.13(a)(3)(i) and 273.33(a)(3)(i), to the requirements of title 40, parts 260 through 272, mean the requirements of chapter 7045.

D. References in Code of Federal Regulations, sections 273.13(b)(3) and 273.33(b)(3), to the requirements of title 40, part 265, subparts I and J, mean the requirements of parts 7045.0528 and 7045.0628.

E. References in Code of Federal Regulations, sections 273.13(c)(3)(ii) and 273.33(c)(3)(ii), to the requirements of title 40, parts 260 through 272, mean the requirements of chapter 7045.

F. References in Code of Federal Regulations, sections 273.17(b) and 273.37(b), to the requirements of title 40, parts 260 through 272, mean the requirements of chapter 7045.

G. References in Code of Federal Regulations, section 273.60(a), to the requirements of title 40, parts 124, 264, 265, 266, 268, and 270, mean the requirements of chapters 7001 and 7045.

Subp. 3. **Financial assurance for universal waste handlers.**

A. Except as excluded in item B, universal waste handlers who accumulate more than 1,000 lamps shall, in addition to complying with all requirements of this part, establish financial assurance in an amount that the commissioner determines is adequate to cover the cost of hiring a third party to properly dispose of all of the lamps and close the accumulation site. Evidence of financial assurance must be provided to the commissioner and updated as necessary to cover the maximum amount of lamps present at any time at the site. Financial assurance must be provided either (1) as a closure trust fund according to part 7045.0504, subpart 2, except that the full amount of cash to cover financial assurance must be deposited in the trust fund at the time the fund is established rather

than through annual payments, or (2) as a letter of credit together with a standby trust fund according to part 7045.0504, subpart 5. For purposes of these financial assurance requirements, references to closure costs in part 7045.0504, subparts 2 and 5, mean the financial assurance costs described in this item.

B. The following universal waste handlers are not required to provide evidence of financial assurance for lamp accumulation:

(1) universal waste handlers who only accumulate lamps generated from their own buildings;

(2) universal waste handlers who only accumulate lamps generated incidental to their real estate management and building maintenance activities; and

(3) household hazardous waste management programs operating under part 7045.0310.

C. The commissioner may require universal waste handlers of other types of universal waste to establish financial assurance as specified in item A, if the commissioner determines that:

(1) the volume or toxicity of the universal waste represents a potential for significant risk to human health or the environment; or

(2) there is a potential for contamination at the accumulation site.

Statutory Authority: *MS s 116.07*

History: *30 SR 43; 30 SR 127*

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