

## THE NEW STATEWIDE STORMWATER PERMIT AND YOUR BUSINESS

As of April 2010, industrial facilities with potentially hazardous materials, wastes or processes are required by the Minnesota Pollution Agency's new Industrial Stormwater Multi-Sector General Permit to manage stormwater runoff. Stormwater includes precipitation runoff, stormwater runoff, snowmelt runoff, and surface runoff and drainage. Industrial process wastewater is not stormwater.

Because this permit is new, many businesses may not know their facility, or its primary activity, falls under state permit requirements. Here's how to determine whether your business requires a permit:

### Step 1: Determine whether your facility is included in one of the 29 regulated industrial sectors.

Most businesses involved with hazardous materials, processes or waste fall into one of the 29 regulated sectors and need to apply for permit coverage or certify for No Exposure. Check the MPCA's website at [www.pca.state.mn.us/water/stormwater](http://www.pca.state.mn.us/water/stormwater) and click on *Multi-Sector General Permit* and refer to Appendix D for a description of all regulated industrial sectors.

### Step 2: Identify your primary Standard Industrial Classification (SIC) code and whether you conduct a Narrative Activity.

Businesses are designated by their SIC code(s) or by Narrative Activities for Commerce or Revenue purposes. You can determine your Primary SIC code or Narrative Activity by looking at your federal tax form (Schedule C or C-EZ for Sole Proprietors, Form 1065 for Partners, Form 1120 for C Corporations, or Form 1120-S for S Corporations).

Refer to pages 6–11 on the application instructions to find a list of Narrative Activities and Primary SIC codes regulated by the permit. The instructions are available at [www.pca.state.mn.us/publications/wq-strm3-53.pdf](http://www.pca.state.mn.us/publications/wq-strm3-53.pdf).

### Step 3: Determine if you need a permit or need to certify for No Exposure.

A facility or business conducting any of the Narrative Activities or has a Primary SIC code listed in the instructions must obtain permit coverage or certify for No Exposure. A primary SIC code is the SIC code that generates the largest volume of revenue, the one with the most employees, or the one with the greatest production. See step four if you believe you can certify for No Exposure.

### Step 4: Apply for a permit or certify for No Exposure.

If you have determined that your Narrative Activity or primary SIC code requires you to apply for a permit, you now have two possibilities. Depending upon your pollution-prevention activities and best management practices, you may qualify for a permit exclusion called No Exposure. If your facility doesn't meet the No Exposure criteria, you will need to apply for a permit. Businesses applying for a permit and those certifying for No Exposure can apply online and get coverage faster. Online and paper application forms are available at [www.pca.state.mn.us/water/stormwater/stormwater-i.html](http://www.pca.state.mn.us/water/stormwater/stormwater-i.html).

### Why is stormwater being regulated?

Many business products or processes may contain hazardous pollutants or cause erosion and sediment problems that could impact stormwater. As rain or snowmelt runoff comes into contact with these materials, pollutants can be transported to nearby storm sewers or directly into a river, lake or groundwater. Even though a businesses' runoff is minimal, the cumulative impact of thousands of businesses' stormwater discharge can account for significant water quality problems.

For assistance with stormwater questions, call the MPCA's Stormwater Hotline at 651-757-2119 or email the program at [iswprogram.pca@state.mn.us](mailto:iswprogram.pca@state.mn.us).

## FOR MORE INFORMATION

### Dakota County Environmental Management

If you have questions about hazardous waste licensing or hazardous wastes, visit [www.dakotacounty.us](http://www.dakotacounty.us), search *Business Hazardous Waste* or call any of the following County inspectors.

Michael Lynn, Waste Regulation Supervisor  
952-891-7025

[Michael.Lynn@co.dakota.mn.us](mailto:Michael.Lynn@co.dakota.mn.us)

Bill Freischel, Inspector  
952-891-7547

[Bill.Freischel@co.dakota.mn.us](mailto:Bill.Freischel@co.dakota.mn.us)

Dave Magnuson, Inspector  
952-891-7551

[Dave.Magnuson@co.dakota.mn.us](mailto:Dave.Magnuson@co.dakota.mn.us)

Rolland Meillier, Inspector  
952-891-7545

[Rolland.Meillier@co.dakota.mn.us](mailto:Rolland.Meillier@co.dakota.mn.us)

### Minnesota Pollution Control Agency

Develops hazardous waste fact sheets covering topics from waste identification to industry and waste specific information, has a small business environmental assistance program and an environmental audit program, and regulates stormwater runoff. Visit [www.pca.state.mn.us](http://www.pca.state.mn.us) and click on *Waste and Get Assistance* to see the resources available. Or, call 651-296-6300.

### University of Minnesota - Technical Assistance Program

Provides non-regulatory, on-site assessments to help maximize resource efficiency, increase energy efficiency, reduce costs and prevent pollution. Visit [www.mntap.umn.edu](http://www.mntap.umn.edu) or call 612-624-1300.

### Metropolitan Council Environmental Services

Conducts industrial wastewater management, air and water quality monitoring, and reporting. Visit [www.metrocouncil.org/water](http://www.metrocouncil.org/water) for more information or call 651-602-4702.

### Resourceful Waste Management Guide for Twin Cities Businesses

Helps businesses properly dispose of hazardous and solid wastes, recycle and reuse. Visit [www.rethinkrecycling.com/business](http://www.rethinkrecycling.com/business).



# Hazardous Waste Generator Newsletter

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Environmental Management Department  
952-891-7557  
[www.dakotacounty.us](http://www.dakotacounty.us)

## WHAT TO EXPECT DURING A HAZARDOUS WASTE INSPECTION

Dakota County conducts inspections to make sure your business is properly managing its hazardous waste and to provide more information about managing hazardous waste. Inspectors can help you better understand the hazardous waste rules and how to manage your waste properly.

An inspection can be routine, the result of a recent complaint filed with the County or a follow-up from a prior inspection. The frequency that your business is inspected depends on your generator size and assigned risk. Your risk may be adjusted based on your business' compliance with hazardous waste rules. If serious or repeat violations are observed, you may be inspected more frequently. In general, your business can expect to be inspected according to the following schedule:

- **Large Quantity Generators (LQGs) and Small Quantity Generators (SQGs)** are inspected annually. A large quantity generator generates 2,200 lbs. or more per month of hazardous waste, and a small quantity generator generates more than 220 lbs. and less than 2,200 lbs. per month of hazardous waste.



- **Very Small Quantity Generators (VSQGs)** are inspected based on risk to the environment, types of waste generated and past compliance history. Most VSQGs are inspected at least every two years. A very small quantity generator generates 220 lbs. or less per month of hazardous waste.

- **Minimal Generators** are also inspected based on a variety of risk factors and are typically inspected a minimum of every five years. A minimal generator generates 10 gallons or less per year of hazardous waste.

All inspections occur during regular business hours and are unannounced. Upon arrival, the inspector will introduce himself and provide proper identification. The inspector will ask for the site contact. If the site contact is unavailable, they will ask for someone who is familiar with your facility, wastes and processes. Because inspections are unannounced, the inspector understands that you may need to juggle schedules or make other arrangements to accommodate the inspection that day. Be aware that the inspector will not come back at a more convenient time just because you are unavailable.

## AVOID THESE COMMON VIOLATIONS

Dakota County inspectors conducted more than 400 hazardous waste compliance inspections in 2010. Here's what you should know to avoid the three most cited inspection violations:

### 1. Failure to mail manifests

Inspectors use manifests to monitor the hazardous waste activities at your business and to monitor the transporters and facilities you hire to manage your hazardous waste. Sometimes inspectors can identify problems with a particular transporter or facility—and correct them—without involving the business generating the waste. But in order to do this, manifests need to be properly mailed.

A copy of the initial manifest must be mailed within five days of your shipment. Once your waste reaches the hazardous waste facility, they will sign the manifest and return a copy to you. A copy of this final, facility-signed manifest must also be mailed within 40 days of the original shipping date.

Minimal and Very Small Quantity Generators should mail manifests to:  
Hazardous Waste Manifest Program  
Mail Code L609  
300 S. 6th St.  
Minneapolis, MN 55487

Large and Small Quantity Generators should mail manifests to:  
MPCA ATTN: HWIMS  
520 N. Lafayette Road  
St. Paul, MN 55155-4194

## WHAT YOU NEED TO KNOW ABOUT INDUSTRIAL WASTE

You may be generating industrial waste in addition to the hazardous waste you generate. Industrial waste is non-hazardous solid waste including paint filters, resins and ash. It does not include office waste, food waste or demolition waste, but it does include just about everything else.

Generators of industrial waste are responsible for evaluating and characterizing their waste by

process knowledge, material safety data sheets and/or lab analysis.

Dakota County has requirements for industrial waste disposed of within the County. Prior to the acceptance of non-hazardous, non-exempt industrial waste at a Dakota County landfill, application forms and waste characterization documents must be completed and submitted to the landfill. Waste haulers typically submit the application forms to

the landfill on behalf of the waste generator, but it is the waste generator's responsibility to ensure the forms are submitted. After the waste is approved by the landfill, the application and documentation is submitted to the County for review and approval.

For more information, visit [www.dakotacounty.us](http://www.dakotacounty.us) and search *Industrial Waste Codisposal Program* or call 952-891-7557.

Manifest copies must also be kept on site and must be available for inspection at all times.

### 2. Failure to conduct weekly container inspections

Container inspections are an important part of properly managing your hazardous waste. Sometimes leaking containers of hazardous waste are observed during inspections. Conducting weekly container inspections is one way to avoid leaking containers.

If you store hazardous waste for more than one week, you are required to conduct a weekly visual inspection of each container and document the findings of your inspection. It also is recommended that you check that the containers are closed and labeled properly. The weekly inspection log must be on site and available at all times. This requirement does not apply to used oil, fluorescent lamps or electronics, although it is still a good idea to check those containers.

### 3. Failure to properly label containers

Hazardous waste containers must be labeled with the words "Hazardous Waste," have a clear description of the waste and include the date you began placing waste in the container. You do not need to purchase labels to meet these requirements—a magic marker on a piece of duct tape is just fine. Labeling is important so inspectors and emergency responders know what is in each container.

## WHEN TO REPORT A SPILL

What do you do if you have a spill onsite? Immediately stop the release, call the Minnesota Duty Officer and then determine additional reporting requirements.

The Minnesota Duty Officer—the 24-hour service for State assistance and notification of incidents—will collect information from you and notify state agencies and local government.

Be prepared to answer the following questions:

- What is the telephone number where the contact person can be reached?
- Have local officials been notified?
- What were the date, time and location of the incident?
- What materials and quantities were involved in the incident?
- Who is the responsible party of the incident (i.e., property/business owner's name)?
- What kind of assistance is needed?
- What has happened or what is happening?

You may also have additional reporting requirements under local regulations or federal law. You must report any petroleum release greater than five gallons or a hazardous material/waste release to the environment greater than the reportable quantity for the material.

If you aren't sure if you need to call, call anyway. Not calling can have serious financial repercussions. The penalty for failing to report a spill can be up to \$10,000 per day. The phone number for the Minnesota Duty Officer in the Twin Cities Metro Area is 651-649-5451.

For more information about the Minnesota State Duty Officer Program or to download a free placard with the Duty Officer information to post at your business, visit [www.hsem.state.mn.us](http://www.hsem.state.mn.us) and search Duty Officer.

## WHAT UNDERGROUND STORAGE TANKS ARE REGULATED?

Underground storage tanks are regulated by the Minnesota Pollution Control Agency (MPCA) to prevent leaks and underground releases. Underground storage tanks that contain hazardous materials or petroleum are subject to Minnesota Rules, Chapter 7150. In 2008, the MPCA revised the underground storage tank rules. While most rules remain the same, there are changes that may affect you as the owner of a regulated system.

Some underground storage tanks are exempt from these regulations including:

- Tanks with a capacity of 110 gallons or less
- Farm and residential tanks with a capacity of 1,100 gallons or less for storing motor fuel for non-commercial use
- Tanks with a capacity of 1,100 gallons or less for heating oil if used on the premises
- Flow-through tanks
- Oil-water separators

For more information, visit [www.pca.state.mn](http://www.pca.state.mn) and search Underground Storage Tanks or call 651-296-6300.

## BUSINESS SERVICES AT THE RECYCLING ZONE

The Recycling Zone offers convenient and cost-effective services for businesses to help with proper recycling and disposal.

### Recycling services

The Recycling Zone accepts recyclable materials such as cardboard, mail, office paper, glass and plastic bottles, phone books, ink cartridges and packing peanuts from businesses for free. The Recycling Zone also pays businesses cash for aluminum cans. Recyclable materials must be separated by type. Please call ahead for loads larger than what fits in the bed of a pick-up truck.

### Fluorescent bulbs and electronics recycling

Businesses of any size in Dakota County can bring fluorescent bulbs, computers, cell phones and other electronic items to The Recycling Zone on the second Tuesday of the month from 9 a.m.–2 p.m. No appointment is needed. Fees apply. A receipt is provided.

### Hazardous waste collection for Very Small Quantity Generators

To help reduce hazardous waste disposal costs for businesses, Dakota County operates a Very Small Quantity Generator program (VSQG). The program offers VSQGs a convenient and economical disposal option for batteries, solvents, paint, used oil and other hazardous waste. VSQGs must fill out an application and schedule an appointment to bring in their hazardous waste. A receipt is provided.

## TRAINING OPPORTUNITIES

Dakota County offers free training to help hazardous waste generators understand and comply with the rules. If you haven't attended the training in awhile, you are encouraged to attend one of the 2011 training sessions. The half-day training session is excellent for those new to hazardous waste regulations or for those in need of a refresher course. Topics include waste evaluation, labeling and storage of hazardous waste, license applications, selecting transporters and disposers, record keeping, emergency planning, and more.

Training dates for 2011: Feb. 9, May 4, Aug. 3 and Nov. 2. Training is held from 8 a.m.–1 p.m. at the Dakota County Western Service Center located at 14955 Galaxie Avenue in Apple Valley. For more information or to register online for the training, visit [www.dakotacounty.us](http://www.dakotacounty.us) and search *Hazardous Waste Generator Training*.



For more information on any of these services, including an application to participate in the VSQG program, visit [www.dakotacounty.us](http://www.dakotacounty.us) and search *The Recycling Zone for businesses* or contact Laura Villa at 952-891-7548 or [laura.villa@co.dakota.mn.us](mailto:laura.villa@co.dakota.mn.us).