

**CHAPTER 7001**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**PERMITS**

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**7001.0020 SCOPE.**

Except as otherwise specifically provided, parts 7001.0010 to 7001.0210 apply to the following:

*[For text of items A to K, see M.R. 1987]*

**Statutory Authority:** *MS s 115A.914; 116 07 subd 4*

**History:** *12 SR 1564; 12 SR 2513*

**7001.0040 APPLICATION DEADLINES.**

Subpart 1. **Application for new permit.** Except as otherwise required by parts 7001.0530 and 7001.1050, a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the permit application be submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.

*[For text of subs 2 and 3, see M.R. 1987]*

**Statutory Authority:** *MS s 115A.914; 116.07 subd 4*

**History:** *12 SR 1564; 12 SR 2513*

**7001.0050 WRITTEN APPLICATION.**

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is unnecessary to determine whether the permit should be issued or denied. The application must contain:

*[For text of items A to H, see M R 1987]*

I. other information relevant to the application as required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1215, 7001.1290, or 7040.0500 and 7040.0600.

**Statutory Authority:** *MS s 115A.914; 116.07 subd 4*

**History:** *12 SR 1564; 12 SR 2513*

**7001.0150 TERMS AND CONDITIONS OF PERMITS.***[For text of subpart 1, see M.R. 1987]*

Subp. 2. **Special conditions.** Each draft and final permit must contain conditions necessary for the permittee to achieve compliance with applicable Minnesota or federal statutes or rules and any conditions that the agency determines to be necessary to protect human health and the environment. If applicable to the circumstances, the conditions must include:

*[For text of subp 2, items A and B, see M.R. 1987]*

C. A requirement that the permittee retain the following items for at least three years from the date of the sample, measurement, report, certification, or application, after which time this period must be automatically extended during the course of an unresolved enforcement action or at the request of the commissioner:

*[For text of subp 2, item C, subitems (1) and (2), see M.R. 1987]*

(3) records of the date, exact location, and time of monitoring and testing which is related to compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules, the name of the individual who performed the sampling or measurements, the date the analysis was performed, the name of the individual who performed the analysis, the analytical techniques or methods used, and the results of the analysis;

(4) if applicable, reports required by part 7001.0720, subpart 2, item E; and

(5) if applicable, the certification required by part 7045.0478, subpart 3.

*[For text of subp 2, item D, see M.R. 1987]**[For text of subp 3, see M.R. 1987]***Statutory Authority:** *MS s 116.07 subd 4***History:** *11 SR 1832; L 1987 c 186 s 15***7001.0190 PROCEDURE FOR MODIFICATION; REVOCATION AND REISSUANCE; AND REVOCATION WITHOUT REISSUANCE OF PERMITS.***[For text of subpart 1, see M.R. 1987]*

Subp. 2. **Modification solely as to ownership or control.** Upon obtaining the consent of the permittee, the agency shall consider a request to modify a permit as to the ownership or control of a permitted facility or activity without following the procedures in parts 7001.0100 to 7001.0130 if the agency finds that no other change in the permit is necessary. If the permit is a permit described in part 7001.0020, item A or B, the agency shall also find that the agency has received a binding written agreement between the permittee and the proposed transferee containing a specific date for transfer of permit responsibilities and allocation of liabilities between the permittee and the proposed transferee. Within 60 days of receipt of a complete written application for modification as to ownership and control, the commissioner shall place the matter on the agenda for consideration by the agency. The agency shall not unreasonably withhold or unreasonably delay approval of the proposed permit modification. If the permit is a permit described in part 7001.0020, item B, the following additional requirements apply:

A. The new owner or operator shall submit a revised permit application to the commissioner no later than 90 days before the scheduled change in ownership or control.

B. The previous owner or operator shall comply with the financial requirements of parts 7045.0498 to 7045.0524 until the new owner or operator has demonstrated compliance with the requirements to the commissioner. The new owner or operator must demonstrate compliance within 180 days after the date of the change in ownership or control of the facility. Upon demonstration of compliance to the commissioner, the commissioner shall notify the previous owner or operator in writing that the owner or operator is no longer required to comply with parts 7045.0498 to 7045.0524.

Subp. 3. **Minor modification.** Upon obtaining the consent of the permittee, the commissioner may modify a permit to make the following corrections or allowances without following the procedures in parts 7001.0100 to 7001.0130:

*[For text of subp 3, items A and B, see M.R. 1987]*

C. to change a provision in the permit that will not result in allowing an actual or potential increase in the emission or discharge of a pollutant into the environment, or that will not result in a reduction of the agency's ability to monitor the permittee's compliance with applicable statutes and rules; and

D. if applicable, to make a change as provided in parts 7001.0730, subpart 3 and 7001.1350.

Subp. 4. **Revocation without reissuance.** The commissioner shall give notice to the permittee of a proposal to revoke a permit without reissuance. This notice must state that within 30 days of the receipt of the notice the permittee may request a contested case hearing be held on the proposed action. If the permittee requests a contested case hearing, the agency shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8402.

**Statutory Authority:** *MS s 115A.914; 116.07 subd 4*

**History:** *11 SR 2415; 12 SR 1564; 12 SR 2513*

#### **7001.0520 PERMIT REQUIREMENTS.**

*[For text of subps 1 and 2, see M.R. 1987]*

Subp. 3. **Permits by rule.** The owner or operator of the following facilities shall be deemed to have obtained a hazardous waste facility permit without making application for it unless the commissioner finds that the following conditions are not met:

*[For text of subp 3, item A, see M.R. 1987]*

B. Publicly owned treatment works that accept hazardous waste for treatment, if the owner or operator:

*[For text of subp 3, item B, subitems (1) and (2), see M.R. 1987]*

(3) complies with parts 7045.0452, subpart 2; 7045.0474; 7045.0476; 7045.0478, subparts 1, 2, and 3, items A to C; and 7045.0482, subparts 1, 2, and 3; and for National Pollutant Discharge Elimination System permits issued after November 8, 1984, part 7045.0485; and

(4) accepts a waste that meets all applicable federal, Minnesota, and local pretreatment requirements for that waste if it were to be discharged into the publicly owned treatment works through a sewer, pipe, or other conveyance.

*[For text of subp 3, items C and D, see M.R. 1987]*

*[For text of subp 4, see M.R. 1987]*

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 1832; L 1987 c 186 s 15*

**7001.0560 GENERAL INFORMATION REQUIREMENTS FOR PART B OF APPLICATION.**

Part B of the application must contain the following information:

*[For text of item A, see M.R. 1987]*

B. Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses must contain all information that is necessary to treat, store, or dispose of the wastes properly in accordance with parts 7045.0450 to 7045.0544.

*[For text of items C and D, see M.R. 1987]*

E. A copy of the inspection schedule required by part 7045.0452, subpart 5, item B, including, if applicable, the information set forth in parts 7045.0526, subpart 5; 7045.0528, subparts 5 and 7; 7045.0532, subpart 5; 7045.0534, subparts 5 and 6; 7045.0536, subpart 4; 7045.0538, subpart 5; and 7045.0542, subpart 7.

*[For text of items F to K, see M.R. 1987]*

L. A copy of the closure plan and, where applicable, the post closure plan required by parts 7045.0486, 7045.0490, and 7045.0528, subpart 9, including, if applicable, the specific information in parts 7045.0526, subpart 9; 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; and 7045.0542, subpart 8.

M. For disposal units that have been closed, documentation that a notice has been placed in the deed or appropriate alternative instruments as required by part 7045.0496.

N. The most recent closure cost estimate for the facility prepared in accordance with part 7045.0502 and a copy of the documentation required to demonstrate financial assurance under part 7045.0504. For a new facility, a copy of the required documentation may be submitted 60 days before the initial receipt of hazardous wastes, if that is later than the submission of the Part B.

O. If applicable, the most recent post closure cost estimate for the facility prepared in accordance with part 7045.0506 and a copy of the documentation required to demonstrate financial assurance under part 7045.0508. For a new facility, a copy of the required documentation may be submitted 60 days before the initial receipt of hazardous wastes, if that is later than the submission of the Part B.

*[For text of items P to U, see M.R. 1987]*

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 2415; 13 SR 259*

**7001.0580 PART B INFORMATION REQUIREMENTS FOR STORAGE OR TREATMENT TANKS.**

Except as otherwise provided in part 7045.0528, subpart 1, if the applicant proposes to use tanks to store or treat hazardous waste, the applicant shall furnish the following information, in writing, in addition to the information required by part 7001.0560:

A. an assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under part 7045.0528, subparts 2 and 3;

B. the dimensions and capacity of each tank;

C. a description of feed systems, safety cutoff, bypass systems, and pressure controls such as vents for each tank;

D. a diagram of piping, instrumentation, and process flow for each tank system;

E. a description of materials and equipment used to provide external corrosion protection, as required under part 7045.0528, subpart 3, item A, subitem (3);

F. for new tank systems, a detailed description of how the tank systems will be installed in compliance with part 7045.0528, subpart 3, items B to E;

G. detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of part 7045.0528, subpart 4;

H. for tank systems for which a petition from the requirements of part 7045.0528, subpart 4, is sought, as provided in part 7045.0075, subparts 6 and 7:

(1) detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the ground water or surface water during the life of the facility, or

(2) a detailed assessment of the substantial present and potential hazards posed to human health or the environment should a release enter the environment;

I. description of controls and practices to prevent spills and overflows, as required under part 7045.0528, subpart 6, item B; and

J. for tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of part 7045.0528, subparts 10 and 11.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *13 SR 259*

### **7001.0590 PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS.**

Except as otherwise provided in part 7045.0532, subpart 1, if the applicant proposes to store, treat, or dispose of hazardous waste in surface impoundment facilities, the applicant shall submit detailed plans and specifications accompanied by an engineering report which collectively includes the following information in addition to the information required by part 7001.0560:

*[For text of items A to K, see M.R. 1987]*

L. Information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous waste constituents through releases related to the unit. At a minimum, the information must address:

(1) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(2) the potential pathways of human exposure to hazardous wastes or constituents resulting from releases described in subitem (1); and

(3) the potential magnitude and nature of the human exposure resulting from the releases.

M. Owners and operators of surface impoundments who have already submitted a Part B application and were required to submit the exposure information required in item L to EPA by Code of Federal Regulations, title 40, section 270.10(j), must also submit that information to the commissioner.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 1832; L 1987 c 186 s 15*

**7001.0600 PART B INFORMATION REQUIREMENTS FOR WASTE PILES.**

Except as otherwise provided by part 7045.0534, subpart 1, if the applicant proposes to store or treat hazardous waste in waste piles, the applicant shall furnish the information required by items A to M in addition to the information required by part 7001.0560:

*[For text of item A, see M.R. 1987]*

B. If an exemption is sought to parts 7045.0534, subparts 2, items A and B, and 3; and 7045.0484 as provided by part 7045.0534, subpart 1, an explanation of compliance with part 7045.0534, subpart 1, items A to D or detailed plans and an engineering report describing how the requirements of part 7045.0534, subpart 1, items A to D will be met.

*[For text of items C to L, see M.R. 1987]*

M. A description of how each waste pile, including the liners and appurtenances for control of run on and runoff will be inspected in order to meet the requirements of part 7045.0534, subpart 6. This information shall be included in the inspection plan required by part 7001.0560, item E.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 1832*

**7001.0620 PART B INFORMATION REQUIREMENTS FOR LANDFILLS.**

Except as otherwise provided by part 7045.0538, subpart 1, if the applicant proposes to dispose of hazardous waste in a landfill, the applicant shall furnish the information designated in items A to L in addition to the information required by part 7001.0560:

*[For text of items A to G, see M.R. 1987]*

H. If bulk or noncontainerized liquid waste or waste containing free liquids were landfilled before May 8, 1985, and an explanation of compliance with the requirements of part 7045.0538, subpart 10 was submitted to EPA by Code of Federal Regulations, title 40, section 270.21(h), that explanation must also be submitted to the commissioner.

*[For text of items I and J, see M.R. 1987]*

K. Information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous constituents through releases related to the unit. At a minimum, the information must address:

(1) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(2) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described in subitem (1);

(3) the potential magnitude and nature of the human exposure resulting from the releases.

L. Owners or operators of a landfill who have already submitted a Part B application and were required to submit the exposure information required in item K to EPA by Code of Federal Regulations, title 40, section 270.10(j), must also submit that information to the commissioner.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 1832; L 1987 c 186 s 15*

**7001.0650 INTERIM STATUS.**

Subpart 1. **Qualifying for interim status.** Except as provided in subpart 2, during the period after the submission of Part A of a hazardous waste facility permit application to the Environmental Protection Agency or to the commissioner and before a final determination by the agency on the permit application, the owner or operator of an existing hazardous waste facility or a facility in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a hazardous waste facility permit shall be considered to be in compliance with the requirement to obtain a permit if the commissioner finds that the Environmental Protection Agency has granted the owner or operator interim status or if the commissioner finds:

A. that the owner or operator has submitted a timely and complete Part A of the hazardous waste facility permit application to the Environmental Protection Agency or to the commissioner;

B. that the owner or operator is in compliance with parts 7045.0552 to 7045.0642;

C. that the agency or the EPA has not previously refused to issue a new or modified hazardous waste facility permit for the facility; and

D. that the agency or the EPA has not previously revoked without reissuance a hazardous waste facility permit for the facility.

Subp. 2. **Failure to obtain interim status from EPA.** Notwithstanding the provisions of subpart 1, an owner or operator of a hazardous waste facility who, before April 23, 1984, was required to apply for and obtain interim status from the Environmental Protection Agency but who failed to obtain this interim status is not eligible to obtain interim status from the agency for that facility.

*[For text of subp 3, see M.R. 1987]*

Subp. 4. **Prohibitions.** During the interim status period, an owner or operator shall not:

A. treat, store, or dispose of a hazardous waste not specified in Part A of the application;

B. employ processes not specified in Part A of the permit application;

C. exceed the design capacities specified in Part A of the application; or

D. alter a hazardous waste facility in a manner that amounts to a reconstruction of the facility. For the purpose of this part, reconstruction occurs when the capital investment in the modification of the facility exceeds 50 percent of the capital cost of a comparable new hazardous waste facility. Reconstruction does not include changes made solely for the purpose of complying with the requirements of part 7045.0628, subparts 4 and 5, for tanks and ancillary equipment.

Subp. 5. **Changes during interim status.** An owner or operator who has interim status may conduct the following activities as prescribed:

A. The owner or operator may treat, store, or dispose of hazardous wastes not previously specified in Part A of the application if the owner or operator submits a revised Part A of the permit application before commencement of the treatment, storage, or disposal.

B. The owner or operator may increase the design capacity of the facility if, before implementation of the increase, the owner or operator submits a revised Part A of the permit application and an explanation of the need for the change, and if the commissioner approves the increase in writing. The commissioner shall approve the change if the commissioner finds that there is a lack of available treatment, storage, or disposal capacity at other permitted hazardous waste facilities.

C. The owner or operator may add new processes or change the processes for the treatment, storage, or disposal of hazardous waste if, before implementation of the addition or change, the owner or operator submits a revised Part A of the permit application and an explanation of the need for the addition, and if the commissioner approves the addition or change in writing. The commissioner shall approve the addition or change if the commissioner finds that:

*[For text of subp 5, item C, subitem (1), see M.R. 1987]*

(2) the addition or change is necessary for the owner or operator to comply with federal, Minnesota, or local requirements, including the interim status standards in parts 7045.0552 to 7045.0642.

D. Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A of the permit application not later than 90 days before the scheduled change. When a transfer of ownership or operational control of a facility occurs, the former owner or operator shall comply with the requirements of parts 7045.0608 to 7045.0624 that relate to financial requirements, until the new owner or operator has provided to the commissioner a demonstration of compliance with parts 7045.0608 to 7045.0624. The new owner or operator must demonstrate compliance within six months. All other interim status duties must be transferred immediately upon the change of ownership or operational control of the facility. If the commissioner finds that the new owner or operator has complied with parts 7045.0608 to 7045.0624, the commissioner shall notify the former owner or operator in writing that the required demonstration by the new owner or operator has been made and the former owner or operator no longer needs to comply with parts 7045.0608 to 7045.0624 as of the date of the demonstration.

Subp. 6. **Compliance with interim status standards.** During the interim status period the owner or operator shall comply with the interim status standards in parts 7045.0552 to 7045.0642.

Subp. 7. **Termination of interim status.** Interim status terminates automatically when the agency has taken final administrative action on the permit application or when terminated by Code of Federal Regulations, title 40, section 270.73(c). The following constitute justification for the commissioner to commence proceedings to terminate interim status:

*[For text of subp 7, items A and B, see M.R. 1987]*

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 1832; 11 SR 2415; L 1987 c 186 s 15; 13 SR 259*

## **7001.0712 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.**

Subpart 1. **Scope.** This part applies to research, development, or demonstration facilities other than land treatment demonstration facilities governed by part 7001.0710.

Subp. 2. **Permit requirement.** A person who desires to own or operate a research, development, or demonstration facility utilizing an innovative and experimental hazardous waste treatment technology or process for which permit standards have not been adopted in chapter 7045 shall request a permit from the agency.

Subp. 3. **Terms of permit.** A permit governed by this part is effective for a fixed term not to exceed one year. At the request of the permittee, the commissioner shall renew the permit for one additional year if the commissioner finds that the permittee is in compliance with the conditions of the permit and that the operation of the facility does not pose a threat to human health and the environment. In no event shall the commissioner renew the permit more than three times.



Subp. 4. **Conditions of permit.** The permit shall authorize the receipt and treatment by the facility of only those types and quantities of hazardous waste that the commissioner considers necessary for the purpose of determining the efficiency and performance capabilities of the technology or process and the effects of the technology or process on human health and the environment.

The permit shall contain all applicable special and general conditions in parts 7001.0150 and 7001.0720 and conditions concerning financial responsibility under parts 7045.0498 to 7045.0524, closure, and remedial action. The permit shall provide for the immediate termination of all operations at the facility at any time upon receipt of notification from the commissioner that termination of operations is necessary to protect human health or the environment.

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 1832; L 1987 c 186 s 15*

#### **7001.0720 TERMS AND CONDITIONS OF HAZARDOUS WASTE FACILITY PERMITS.**

Subpart 1. **Term of permit.** Except as provided in part 7001.0712, subpart 3, a hazardous waste facility permit is effective for a fixed term not to exceed five years.

*[For text of subps 2 and 3, see M.R. 1987]*

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 1832*

#### **7001.0730 MODIFICATION OF PERMITS; REVOCATION AND REISSUANCE OF PERMITS.**

*[For text of subps 1 to 3, see M.R. 1987]*

Subp. 4. **Minor modifications of permits.** In addition to the corrections or allowances listed in part 7001.0190, subparts 2 and 3, if the permittee consents, the commissioner may modify a permit to make the corrections or allowances listed below without following the procedures in parts 7001.0100 to 7001.0130:

*[For text of subp 4, items A to C, see M.R. 1987]*

D. to change the expected year of closure under part 7045.0486, subpart 3, item F;

E. to change schedules for final closure under part 7045.0486, subpart 3, item E;

*[For text of subp 4, items F to K, see M.R. 1987]*

*[For text of subp 5, see M.R. 1987]*

**Statutory Authority:** *MS s 116.07 subd 4*

**History:** *11 SR 2415; L 1876 c 186 s 15*

**7001.4000** [Repealed, 12 SR 2513]

**7001.4010** [Repealed, 12 SR 2513]

**7001.4020** [Repealed, 12 SR 2513]

**7001.4030** [Repealed, 12 SR 2513]

**7001.4035** [Repealed, 12 SR 2513]

**7001.4040** [Repealed, 12 SR 2513]

**7001.4050** [Repealed, 12 SR 2513]

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7001.4060 [Repealed, 12 SR 2513]

7001.4070 [Repealed, 12 SR 2513]

7001.4080 [Repealed, 12 SR 2513]

7001.4090 [Repealed, 12 SR 2513]

7001.4100 [Repealed, 12 SR 2513]

7001.4110 [Repealed, 12 SR 2513]

7001.4120 [Repealed, 12 SR 2513]

7001.4130 [Repealed, 12 SR 4130]

7001.4140 [Repealed, 12 SR 2513]

7001.4150 [Repealed, 12 SR 2513]