

**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 I, see M.R.]*

J. An agency permit required for the construction of a facility, building, structure, or installation that attracts or may attract mobile source activity that results in emissions of an air pollutant for which there is a state standard. Parts 7001.0100, subparts 4 and 5, and 7001.0110 do not apply to permits for parking facilities described in part 7001.1270, subpart 2, with a new or increased parking capacity of 5,000 vehicles or less. Part 7001.0150, subparts 1 and 2, does not apply to these permits.

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

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.0040 APPLICATION DEADLINES.**

Subpart 1. **Application for new permit.** Except as otherwise required by parts 7001.0530 and 7001.1040, 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 subps 2 and 3, see M.R.]*

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.0130 CONTESTED CASE HEARING.**

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

Subp. 3. **Hearing notice and order.** If the agency decides to hold a contested case hearing, the commissioner shall prepare a notice of and order for hearing. The notice of and order for hearing must contain:

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

C. identification of the existing parties and a concise description of the issues on which the agency has ordered a hearing; and

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

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

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.0140 FINAL DETERMINATION.**

*[For text of subpart 1, see M.R.]*

**Subp. 2. Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

*[For text of subp 2, items A to C, see M.R.]*

D. that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit;

E. that all applicable requirements of Minnesota Statutes, chapter 116D and the rules adopted under Minnesota Statutes, chapter 116D have not been fulfilled;

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under chapter 7002 or 7046 to pay permit fees; or

G. that with respect to the facility or activity to be permitted, the proposed permittee has failed to pay a penalty owed under Minnesota Statutes, section 116.072.

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

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.0160 CONTINUATION OF EXPIRED PERMIT.**

A person who holds an expired permit, other than a permit described in part 7001.0020, item B, and who has submitted a timely application for reissuance of the permit may continue to conduct the permitted activity in accordance with the terms and conditions of the expired permit until the agency takes final action on the application unless the commissioner determines that any of the following are true:

A. the permittee is not in substantial compliance with the terms and conditions of the expired permit or with a stipulation agreement or compliance schedule designed to bring the permittee in compliance with the permit;

B. the agency, as a result of an action or failure to act of the permittee, has been unable to take final action on the application on or before the expiration date of the permit; or

C. the permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies.

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.**

The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:

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

C. the commissioner finds that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit;

D. the permittee has failed to comply with any requirement under chapter 7002 or 7046 to pay permit fees; or

E. the permittee has failed to pay a penalty owed under Minnesota Statutes, section 116.072.

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.0190 PROCEDURE FOR MODIFICATION; REVOCATION AND REISSUANCE; AND REVOCATION WITHOUT REISSUANCE OF PERMITS.**

*[For text of subpart 1, see M.R.]*

**Subp. 2. Modification solely as to ownership or control.** Upon obtaining the consent of the permittee, the commissioner 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 commissioner 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 commissioner 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. If the permit is a permit described in part 7001.0020, item A, the commissioner shall comply with the requirements of Minnesota Statutes, section 116.074, before approving the permit modification. The commissioner 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:

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

*[For text of subps 3 and 4, see M.R.]*

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.0520 PERMIT REQUIREMENTS.**

**Subpart 1. Permit required.** Except as provided in subpart 2, no person may do any of the following without obtaining a hazardous waste facility permit from the agency:

A. treat, store, or dispose of hazardous waste;

B. establish, construct, operate, close, or provide postclosure care at a hazardous waste facility;

C. make an expansion, a production increase, or a process modification that results in new or increased capabilities of a permitted hazardous waste facility; or

D. operate a permitted hazardous waste facility or part of a facility that

has been changed, added to, or extended, or that has new or increased capabilities.

Owners or operators of surface impoundments, landfills, land treatment units, and waste piles that received wastes after July 26, 1982, or that certified closure according to part 7045.0596, subpart 4, after January 26, 1983, must have a hazardous waste facility permit from the agency, unless they demonstrate closure by removal as provided in subparts 5 and 6. If a permit is required, the permit must address the applicable groundwater monitoring, unsaturated zone monitoring, corrective action, and postclosure care requirements in chapter 7045.

*[For text of subp 2, see M.R.]*

**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 items A to D, see M.R.]*

E. Containers or tanks where generators mix characteristic hazardous waste as identified in part 7045.0131, subpart 2, with used oil if:

(1) the generators who produce at least 1,000 kilograms per calendar month of hazardous waste meet the requirements of part 7045.0292, subpart 1; or

(2) the generators who produce less than 1,000 kilograms per calendar month of hazardous waste meet the requirements of part 7045.0219, subpart 4, item A.

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

**Subp. 5. Closure by removal.** Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under parts 7045.0552 to 7045.0642 must obtain a postclosure permit unless they can demonstrate to the agency that the closure met the requirements for closure by removal or decontamination in part 7045.0532, subpart 7; 7045.0534, subpart 7; or 7045.0536, subpart 8. The demonstration may be made in the following ways:

A. If the owner or operator has submitted a Part B application for a postclosure permit, the owner or operator may request a determination, based on information contained in the application, that the applicable closure by removal requirements in part 7045.0532, subpart 7; 7045.0534, subpart 7; or 7045.0536, subpart 8, were met. If the agency determines that the applicable closure by removal requirements were met, the agency will notify the public of this proposed determination, allow for public comment, and reach a final determination as described in subpart 6.

B. If the owner or operator has not submitted a Part B application for a postclosure permit, the owner or operator may petition the agency for a determination that a postclosure permit is not required because closure met the closure by removal requirements in part 7045.0532, subpart 7; 7045.0534, subpart 7; or 7045.0536, subpart 8. The petition must include data demonstrating that the closure by removal or decontamination requirements in part 7045.0532, subpart 7; 7045.0534, subpart 7; or 7045.0536, subpart 8, were met. The agency shall approve or deny the petition as described in subpart 6.

**Subp. 6. Procedures for closure equivalency determination.** If a facility owner or operator seeks an equivalency demonstration under subpart 5, the agency will proceed as follows:

A. The agency will provide the public, through a notice published in a

newspaper of general circulation, the opportunity to submit written comments on the information submitted by the owner or operator. The public comment period will be for 30 days from the date of the notice.

B. The agency will hold a public informational meeting if the agency believes that a meeting will clarify the equivalence of the closure to the applicable closure by removal requirements in part 7045.0532, subpart 7; 7045.0536, subpart 8; or 7045.0534, subpart 7. The agency will give public notice of the meeting at least 30 days before the meeting. Public notice of the meeting may be given at the same time as the notice for public comment described in item A, and the two notices may be combined.

C. The agency shall determine whether the closure met the applicable closure by removal or decontamination requirements in part 7045.0532, subpart 7; 7045.0534, subpart 7; or 7045.0536, subpart 8, within 90 days of receipt of the equivalency determination request. If the agency determines that the closure did not meet the applicable closure standards, the agency will provide the owner or operator with a written statement of the reasons why the closure failed to meet the applicable requirements. The owner or operator may submit additional information in support of an equivalency demonstration within 30 days after receiving the agency's written statement. The agency will review any additional information submitted and make a final determination within 60 days.

If the agency determines that the facility did not close in accordance with the applicable closure by removal standards in part 7045.0532, subpart 7; 7045.0534, subpart 7; or 7045.0536, subpart 8, the facility is subject to postclosure permitting requirements.

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

**History:** *13 SR 2761; 14 SR 1718; 14 SR 2248*

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

Part B of the application must contain the following information:

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

E. A copy of the general 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; 7045.0539, subpart 3; and 7045.0542, subpart 7.

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

L. A copy of the closure plan and, where applicable, the postclosure 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; 7045.0539, subparts 2 and 4; and 7045.0542, subpart 8.

*[For text of items M to V, see M.R.]*

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

**History:** *13 SR 2761*

#### **7001.0625 PART B INFORMATION REQUIREMENTS FOR MISCELLANEOUS UNITS.**

Except as otherwise provided in part 7045.0539, if the applicant proposes to treat, store, or dispose of hazardous waste in miscellaneous units, the applicant shall furnish the information in items A to E in addition to the information required by part 7001.0560.

A. A detailed description of the unit being used or proposed for use, including the following:

(1) physical characteristics, materials of construction, and dimensions of the unit;

(2) detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of part 7045.0539, subparts 2 and 3; and

(3) for disposal units, a detailed description of the plans to comply with the postclosure requirements of part 7045.0539, subpart 4.

B. Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of part 7045.0539, subpart 2. If the applicant can demonstrate that the applicant does not violate the environmental performance standards of part 7045.0539, subpart 2, and the commissioner agrees with the demonstration, then preliminary hydrologic, geologic, and meteorologic assessments will suffice.

C. Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of the exposures.

D. For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

E. Any additional information determined by the commissioner to be necessary for evaluation of compliance of the unit with the environmental performance standards of part 7045.0539, subpart 2.

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

**History:** *13 SR 2761*

**7001.0640 ADDITIONAL PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS, WASTE PILES, LAND TREATMENT UNITS, AND LANDFILLS.**

Subpart 1. **Groundwater protection.** The additional information designated in items A to H regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing surface impoundments, waste piles, land treatment units, and landfills, except as otherwise provided in part 7045.0484, subpart 1, item B, and must be submitted with Part B of the permit application. The following information is in addition to the information requirements of parts 7001.0560, 7001.0590, 7001.0600, 7001.0610, and 7001.0620:

*[For text of subpart 1, items A to G, see M.R.]*

H. For each solid waste management unit at a facility seeking a permit:

(1) designate the location of the unit on the topographic map required under part 7001.0560, item R;

(2) designate the type of unit;

(3) provide the general dimensions and a structural description and supply any available drawings;

(4) specify when the unit was operated;

(5) specify all of the wastes that have been managed at the unit, to the extent available;

(6) submit all available information pertaining to any release of hazardous wastes or hazardous constituents from each solid waste management unit at the facility; and

(7) conduct and provide the results of sampling and analysis of groundwater, land surface and subsurface strata, surface water, or air, which may

include the installation of wells, where the commissioner determines it is necessary to complete a facility assessment that will determine if a more complete investigation is necessary.

*[For text of subp 2, see M.R.]*

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

**History:** *13 SR 2761*

#### 7001.0650 INTERIM STATUS.

*[For text of subps 1 to 6, see M.R.]*

**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) to (f). The following constitute justification for the commissioner to commence proceedings to terminate interim status:

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

**Statutory Authority:** *MS s 116.07*

**History:** *14 SR 976*

### HAZARDOUS WASTE FACILITY PERMITS

#### 7001.0725 CONTINUATION OF EXPIRED PERMIT.

A person who holds an expired permit and who has submitted a timely and complete application for reissuance of the permit may continue to conduct the permitted activity until the agency takes final action on the application if the commissioner determines that both of the following are true:

A. the permittee is in compliance with the terms and conditions of the expired permit; and

B. the agency, through no fault of the permittee, has not taken final action on the application on or before the expiration date of the permit.

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

### NPDES PERMITS

#### 7001.1020 DEFINITIONS.

**Subpart 1. Scope.** The definitions in Minnesota Statutes, section 115.01, subdivisions 2 to 9 and 11 to 17, and in part 7001.0010 apply to the terms used in parts 7001.1000 to 7001.1100 unless the terms are defined in this part.

As used in parts 7001.1000 to 7001.1100, the terms in subparts 2 to 31 have the meanings given them.

*[For text of subps 2 to 31, see M.R.]*

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

#### 7001.1030 PERMIT REQUIREMENT AND EXEMPTIONS.

*[For text of subpart 1, see M.R.]*

**Subp. 2. Exemptions.** The following persons are not required to obtain a National Pollutant Discharge Elimination System permit:

*[For text of subp 2, items A to G, see M.R.]*

H. persons injecting water, gas, or other material into a well to facilitate the production of oil or gas;

I. persons disposing of water in a well if this water is associated with oil and gas production; and

J. persons disposing of water in a conveyance or system of conveyances used solely for the collection and conveyance of stormwater runoff, unless the commissioner determines that:

(1) the discharge is subject to effluent limitations or other requirements for stormwater adopted by the United States Environmental Protection Agency for stormwater point source discharges;

(2) a water quality management plan adopted pursuant to section 208 of the Clean Water Act, United States Code, title 33, section 1288, recommends that pollution control requirements be applied to the discharge; or

(3) the discharge to the receiving water is significant due to volume, pollutant loading, or the character of the receiving water.

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*

**7001.1080 ESTABLISHMENT OF SPECIAL CONDITIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS.**

*[For text of subps 1 to 8, see M.R.]*

**Subp. 9. Conditions in reissued permits.** In a reissued permit the commissioner shall establish effluent limitations, standards, or prohibitions that are at least as stringent as the effluent limitations, standards, or prohibitions or conditions in the previous permit unless the commissioner establishes less stringent effluent limitations, standards, or prohibitions in accordance with part 7050.0212.

**Statutory Authority:** *MS s 115.03 subd 1 para (e); 116.07 subd 4*

**History:** *13 SR 2453*