

CHAPTER 7001
MINNESOTA POLLUTION CONTROL AGENCY
PERMITS

7001 0040 APPLICATION DEADLINES
 7001 0140 FINAL DETERMINATION
 7001 0180 JUSTIFICATION TO COMMENCE
 REVOCATION WITHOUT
 REISSUANCE OF PERMIT
 7001 0520 PERMIT REQUIREMENTS
 7001 0550 CONTENTS OF PART A OF
 APPLICATION
 7001 0560 GENERAL INFORMATION
 REQUIREMENTS FOR PART B OF
 APPLICATION
 7001 0626 FEDERAL PART B INFORMATION
 REQUIREMENTS FOR PROCESS
 VENTS
 7001 0627 FEDERAL PART B INFORMATION
 REQUIREMENTS FOR EQUIPMENT
 7001 0640 ADDITIONAL PART B
 INFORMATION REQUIREMENTS
 FOR SURFACE IMPOUNDMENTS,
 WASTE PILES, LAND TREATMENT
 UNITS, AND LANDFILLS

7001 0650 INTERIM STATUS
 7001 0710 LAND TREATMENT
 DEMONSTRATION PERMITS
 7001 3050 PERMIT REQUIREMENTS
 7001 3075 SOLID WASTE MANAGEMENT
 FACILITY PERMIT APPLICATION
 7001 3275 DETAILED SITE EVALUATION
 REPORT
 7001 3300 GENERAL INFORMATION
 REQUIREMENTS FOR FINAL
 APPLICATION
 7001 3480 FINAL APPLICATION
 INFORMATION REQUIREMENTS
 FOR MUNICIPAL SOLID WASTE
 COMBUSTOR ASH LAND DISPOSAL
 FACILITIES

7001.0040 APPLICATION DEADLINES.

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

Subp. 4. Preliminary application for new mixed municipal solid waste land disposal facility. Applicants shall submit a preliminary permit application for a new mixed municipal solid waste or a new municipal solid waste combustor ash land disposal facility at least 90 days before the anticipated start of a detailed site investigation.

Statutory Authority: *MS s 115A.97*

History: *16 SR 2321*

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 items A to E, see M.R.]

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 emission fees; or

[For text of item G, see M.R.]

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

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

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 to C, see M.R.]

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

[For text of item E, see M.R.]

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

7001.0520 PERMIT REQUIREMENTS.

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

Subp. 2. Exclusions. A person who conducts any of the following activities is not required to obtain a hazardous waste facility permit for that activity:

A. The accumulation by generators of hazardous waste on site within the time limits specified in part 7045.0292.

B. The disposal by farmers of hazardous waste that has been generated by their own use of pesticides as provided in part 7045.0213, subpart 2.

[For text of items C to G, see M.R.]

H. The management of hazardous waste as provided in part 7045.0120, subpart 1, item L; 7045.0127, subpart 1; 7045.0135, subpart 5, items C and E; or 7045.0218.

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

L. Household battery collection programs meeting the requirements of part 7045.0686.

M. Very small quantity generator hazardous waste collection programs meeting the requirements of part 7045.0320.

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:

[For text of subitem (1), see M.R.]

(2) the generators who produce less than 1,000 kilograms per calendar month of hazardous waste meet the requirements of part 7045.0292, subpart 5 or 6, as applicable.

[For text of subs 4 to 6, see M.R.]

Subp. 7. Permit denial. The commissioner may deny the permit application, whether or not the application is complete, either in its entirety or as to the active life of a hazardous waste management facility or unit only. The denial does not affect the requirement to obtain a postclosure permit under this part.

Statutory Authority: *MS s 116.07; 116.37*

History: *15 SR 1877; 16 SR 2102; 16 SR 2239*

7001.0550 CONTENTS OF PART A OF APPLICATION.

Part A of the application must contain the following information:

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

E. a list of the waste designated under parts 7045.0100 to 7045.0143 as hazardous to be treated, stored, or disposed of by the applicant and an estimate of the quantity of each hazardous waste to be treated, stored, or disposed of annually by the applicant;

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

Statutory Authority: *MS s 116.07*

History: *16 SR 2102*

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 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; and the process vent and equipment leak standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, and 264.1058, as amended.

[For text of items F and G, see M.R.]

H. A description of procedures, structures, or equipment used at the facility to:

[For text of subitems (1) to (3), see M.R.]

- (4) mitigate effects of equipment failure and power outages;
- (5) prevent undue exposure of personnel to hazardous waste, such as protective clothing; and
- (6) prevent releases to the atmosphere.

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

Statutory Authority: *MS s 116.07*

History: *16 SR 2321*

7001.0626 FEDERAL PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS.

Subpart 1. Federal regulation adopted. If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses process vents, as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must supply the information required by Code of Federal Regulations, title 40, section 270.24, Specific Part B Information Requirements for Process Vents, as amended.

Subp. 2. Exceptions to adopted federal regulation. Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

Statutory Authority: *MS s 116.07*

History: *16 SR 2321*

7001.0627 FEDERAL PART B INFORMATION REQUIREMENTS FOR EQUIPMENT.

Subpart 1. **Federal regulation adopted.** If the applicant proposes to treat, store, or dispose of hazardous waste in a facility that uses equipment as defined in Code of Federal Regulations, title 40, section 264.1031, as amended, the applicant must supply the information required by Code of Federal Regulations, title 40, section 270.25, Specific Part B Information Requirements for Equipment, as amended.

Subp. 2. **Exceptions to adopted federal regulation.** Exceptions to the federal regulation adopted in subpart 1 are as follows:

A. references in the adopted regulation to other federal regulations also refer to the corresponding Minnesota rules; and

B. references in the adopted regulation to "regional administrator" mean "agency commissioner."

Statutory Authority: *MS s 116.07*

History: *16 SR 2321*

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 items A to C, see M.R.]

D. A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:

(1) delineates the extent of the plume on the topographic map required under part 7001.0560, item R; and

(2) identifies the concentration of each constituent listed in part 7045.0143 throughout the plume or identifies the maximum concentrations of each such constituent in the plume. The commissioner may require this information on additional constituents if waste managed at the facility has met the characteristic of lethality as defined in part 7045.0131, subpart 6.

[For text of items E to H, see M.R.]

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

Statutory Authority: *MS s 116.07*

History: *15 SR 1878*

7001.0650 INTERIM STATUS.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Changes during interim status.** Except as provided in item F, an owner or operator who has interim status may conduct the activities prescribed in items A to F.

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

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:

(1) there is a lack of available treatment, storage, or disposal capacity at other permitted hazardous waste facilities; or

(2) the change is necessary to comply with a federal, state, or local requirement.

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

E. Changes may be made according to an interim status corrective action order issued by EPA under United States Code, title 42, section 3008(h), or other federal authority, by the agency, or by a court in a judicial action brought by EPA or the agency. Changes under this item are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

F. Except as specifically allowed under this item, changes listed under items A to E may not be made if they amount to reconstruction of the hazardous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new hazardous waste management facility. If all other requirements are met, the following changes may be made even if they amount to reconstruction:

(1) changes made only for complying with parts 7045.0528, subpart 4, and 7045.0628, subpart 4, for tanks and ancillary equipment;

(2) if necessary to comply with federal, state, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of RCRA section 3004(o);

(3) changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored, or disposed of at the facility before the effective date of the rule establishing the new listing or identification;

(4) changes during closure of a facility or of a unit within a facility made according to an approved closure plan;

(5) changes necessary to comply with an interim status corrective action order issued by EPA under RCRA section 3008(h) or other federal authority, by an authorized state under comparable state authority, or by a court in judicial proceeding brought by EPA or an authorized state, provided that the changes are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility; and

(6) changes to treat or store, in tanks or containers, hazardous wastes subject to land disposal restrictions imposed by parts 7045.1300 to 7045.1380, provided that the changes are made solely for the purpose of complying with parts 7045.1300 to 7045.1380 or RCRA section 3004.

[For text of subp 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 (g). 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; 116.37*

History: *16 SR 2239*

7001.0710 LAND TREATMENT DEMONSTRATION PERMITS.

Subpart 1. Letters of approval. A person who desires to conduct controlled laboratory demonstrations of hazardous waste land treatment for the purpose of collecting preliminary data shall request a letter of approval from the agency.

The agency shall issue a letter of approval if the demonstration will be conducted under supervised conditions in a closed system capable of providing adequate protection to human health and the environment, and if the data obtained will not be used as the only basis for the issuance of a facility permit. The letter of approval must specify the general conditions for conducting demonstrations, the duration of approval, and the specific waste types.

The letter of approval may only provide approval for controlled laboratory demonstrations of hazardous waste treatment and does not provide exemptions from the hazardous waste management and disposal requirements of chapter 7045. Materials resulting from the demonstration that meet the criteria of parts 7045.0100 to 7045.0143 must be managed as hazardous waste.

[For text of subps 2 to 6, see M.R.]

Statutory Authority: *MS s 116.07*

History: *16 SR 2102*

7001.3050 PERMIT REQUIREMENTS.

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

Subp. 3. Permits-by-rule. The owner or operator of the following facilities is deemed to have obtained a solid waste management facility permit without making application for it, unless the commissioner finds that the facility is not in compliance with the listed part:

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

F. storage sites for nonsludge wood waste generated from the wood preparation phase prior to processing or water treatment lime sludge and in compliance with part 7035.2855;

G. facilities receiving solid waste from the exploration, mining, milling, smelting, and refining of ores and minerals provided that:

(1) the owner or operator does not accept waste for storage, processing, or disposal other than solid waste generated from the exploration, mining, milling, smelting, and refining of ores and minerals;

(2) the owner or operator has obtained a permit in accordance with part 7001.0020, item E; and

(3) the owner or operator is operating the facility in compliance with chapter 6130; or

H. facilities receiving five tons or less of municipal solid waste combustor ash for the purpose of researching in a laboratory ash treatment or utilization provided that ash is stored in compliance with part 7035.2855 and disposed of in compliance with part 7035.2885 or used in accordance with agency approvals, and provided that the facility owner or operator notifies the commissioner of the source and quantity of ash and the proposed method for managing the ash after research is complete; notification must also include a description of the research methods and intent, and must be received by the commissioner before ash is received at the facility.

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

Statutory Authority: *MS s 115A.97*

History: *16 SR 2321*

7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

Subpart 1. Application submittals. The application for a solid waste management facility permit must contain a final application with the appropriate supporting documents, and for mixed municipal solid waste and municipal solid waste combustor ash land disposal facilities, a preliminary application and detailed site evaluation report. The information requirements for the preliminary application are established in part 7001.3175 and for the detailed site evaluation in part 7001.3275. The information requirements for the final application are set forth in part 7001.3300. The applicant must also submit any information required in parts 7001.3375 to 7001.3475 with the final application.

Subp. 2. Timing of application. Applicants shall submit permit applications for existing and new solid waste management facilities or for reissuance of existing permits in accordance with part 7001.0040, except as provided in items A and B.

A. The applicant for a permit to construct a new mixed municipal solid waste or municipal solid waste combustor ash land disposal facility must submit a preliminary application at least 90 days before the work begins on the detailed site evaluation required by part 7001.3275.

[For text of item B, see M.R.]

Statutory Authority: *MS s 115A.97*

History: *16 SR 2321*

7001.3275 DETAILED SITE EVALUATION REPORT.

Subpart 1. Scope. The applicant shall submit four copies of a detailed site evaluation report for all mixed municipal solid waste land disposal facilities. The report must include the information required in subparts 2 to 8 and supporting documentation. The report must discuss whether the site meets the requirements of part 7035.2815. The applicant shall submit four copies of a detailed site evaluation report for all municipal solid waste combustor ash land disposal facilities. The report must include the information required in subparts 2 to 8 with the exception of subpart 4, item D, along with supporting documentation. The report must discuss whether the site meets the requirements of part 7035.2885.

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

Subp. 3. Soils for cover and liner construction. The applicant must evaluate the availability and suitability of soil for cover and liner construction. This evaluation must include a description of the source and quantity of the soil, soil descriptions and unified classifications, particle size analyses, permeability at specified moisture and densities, Atterberg limits, and, for liner materials, cation exchange capacity. The determination must consist of the evaluations required in part 7035.2815, subpart 8. The evaluation must assess whether the available soils will meet the requirements of part 7035.2815, subparts 6 and 7 for a mixed municipal solid waste land disposal facility, and part 7001.2885, subparts 10 and 11 for a municipal solid waste combustor ash land disposal facility.

[For text of subps 4 to 8, see M.R.]

Statutory Authority: *MS s 115A.97*

History: *16 SR 2321*

7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final appli-

cation and supporting materials for any solid waste management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

A. a general description of the facility;

B. an industrial waste management plan in accordance with part 7035.2535, subpart 5, to include a description of the waste types to be handled at the facility and the quantities of each waste type including a procedure for determining the analyses necessary to treat, store, or dispose of the waste properly in accordance with parts 7035.2525 to 7035.2885. Municipal solid waste combustor ash land disposal facility applications must explain how the owner or operator will ensure that industrial wastes other than wastes specifically approved by the commissioner in accordance with part 7035.2885, subpart 3, will not be disposed of at the facility;

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

E. the contingency action plan required by part 7035.2615, including the information, if applicable, in parts 7035.2815, subpart 15, and 7035.2825 to 7035.2885;

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

O. any additional geologic and other location information required to demonstrate compliance with parts 7035.2615, 7035.2815, subpart 15, and 7035.2825 to 7035.2885;

P. an operations and maintenance manual that includes:

- (1) the facility description and design parameters;
- (2) emergency shutdown procedures;
- (3) operation variables and procedures, including the proposed frequency and materials to be used for intermittent and intermediate cover;
- (4) trouble-shooting procedures;
- (5) preventive maintenance requirements;
- (6) safety requirements and procedures;
- (7) equipment maintenance records;
- (8) site inspection records; and
- (9) an inspection schedule for facility maintenance, such as controlling erosion, vegetation growth, and rodents;

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts 7035.2525 to 7035.2885;

R. a household hazardous waste management plan according to part 7035.2535, subpart 6; and

S. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

Statutory Authority: *MS s 115A.97; 116.07*

History: *15 SR 2106; 16 SR 2321*

7001.3480 FINAL APPLICATION INFORMATION REQUIREMENTS FOR MUNICIPAL SOLID WASTE COMBUSTOR ASH LAND DISPOSAL FACILITIES.

The application for a municipal solid waste combustor ash land disposal

facility permit must include the information in items A to I in addition to the information required by part 7001.3300.

A. A description of the ash and any other wastes proposed to be handled at the facility according to part 7035.2885, subpart 3, including the source and chemical and physical characteristics of the ash or other waste.

B. The proposed capacity of the site.

C. A description of how the requirements of part 7035.2885, subparts 4 and 5, regarding maximum leachable contaminant levels will be met. If the design of the land disposal facility liner does not meet the minimum specifications of part 7035.2885, subpart 11, item P, the application must include a contingency action plan describing steps which the owner or operator will take if the results of ash testing or actual leachate analysis exceed the limits allowed based on the design of the facility. All applications must include an assessment of the results of ash testing and actual leachate analysis representative of the ash to be accepted at the facility. This assessment must include the following items:

(1) calculations of "results," as defined in part 7035.2885, subpart 4, item A;

(2) assessment of trends over time in the results of ash testing and actual leachate analysis; and

(3) descriptions of any anticipated changes in the design of, or waste combusted at, the waste combustor or combustors which generate ash to be accepted at the land disposal facility, and predictions of how those changes will affect the chemical and physical characteristics of the ash disposed of at the facility.

D. A description of the status of the Environmental Assessment Worksheet or Environmental Impact Statement.

E. Detailed plans and an engineering report describing how the applicant will design, construct, operate, and maintain the facility to comply with the requirements of parts 7035.2525 to 7035.2805 and 7035.2885. The submission must address the following items as specified in part 7035.2885:

(1) the liner system, leak detection, and the leachate collection and removal system;

(2) control of run-off and run-on;

(3) management of collection, conveyance, and holding facilities associated with run-off and run-on control systems;

(4) control of wind dispersion of particulate matter;

(5) treatment of collected run-off, run-on, and leachate; and

(6) a phase development plan consistent with site capacity including two cross-sections per phase with a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet, perpendicular to one another, showing the existing grade, the excavation grade, final grade, the water table profile, and the profile and identity of the underlying geology according to part 7035.2885.

The submission must include the design specifications, materials and test data, the rationale for the design, and identification of elements critical to the performance of the design.

F. Geologic and hydrogeologic information necessary to demonstrate compliance with part 7035.2885, as submitted in the hydrogeologic report required in part 7001.3275, subpart 2.

G. An operation and maintenance manual detailing the procedures site personnel will follow in order to comply with parts 7035.2525 to 7035.2805 and 7035.2885.

H. A description of how the applicant will inspect the facility, including the liner and cover systems, in order to meet the requirements of part 7035.2885.

The applicant must include this information in the inspection plan submitted under part 7001.3300, item D.

I. Detailed plans and an engineering report describing the final cover applied to each cell at closure under parts 7035.2525 to 7035.2805 and 7035.2885 and a description of how the applicant will maintain and monitor the facility after closure under parts 7035.2525 to 7035.2805 and 7035.2885. The applicant must include this information in the closure and postclosure plans submitted under part 7001.3300, item J.

Statutory Authority: *MS s 115A.97*

History: *16 SR 2321*