

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

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**7001.0010 DEFINITIONS.**

*[For text of subps 1 to 4, see MR]*

Subp 5 **Notification.** "Notification" means the notification required by part 7001.3410.

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

**History:** *30 SR 529*

**7001.0040 APPLICATION DEADLINES.**

Subpart 1. **Application for new permit.** Except as otherwise required by parts 7001 0530 and 7001.1040 or chapter 7090, 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 to 4, see MR.]*

**Statutory Authority:** *MS s 115 03*

**History:** *30 SR 125*

**7001.0140 FINAL DETERMINATION.**

*[For text of subpart 1, see MR]*

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 MR]*

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under parts 7002.0210 to 7002 0310 or chapter 7046 to pay fees;

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, or

H. for a solid waste transfer facility, that the permittee has received an agency permit but has failed to build and operate the permitted facility within the term of the permit.

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

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

**History:** *30 SR 529*

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

*[For text of subps 1 and 2, see MR]*

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

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*[For text of items A to C, see MR]*

D. if applicable, to make a change as provided in parts 7001.0730, subpart 3; and 7001.3550, subpart 3.

*[For text of subp 4, see MR]*

**Statutory Authority:** *MS s 116 07*

**History:** *30 SR 529*

### 7001.0520 PERMIT REQUIREMENTS.

*[For text of subpart 1, see MR.]*

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:

*[For text of items A to M, see MR]*

N. Universal waste handlers and universal waste transporters, as defined in part 7045.0020, managing universal wastes under part 7045.1400.

*[For text of subps 3 to 7, see MR]*

**Statutory Authority:** *MS s 116 07*

**History:** *30 SR 43*

### 7001.1020 DEFINITIONS.

*[For text of subps 1 to 16, see MR.]*

Subp 16a. [Repealed, 30 SR 125]

Subp 16b [Repealed, 30 SR 125]

Subp 16c [Repealed, 30 SR 125]

Subp 16d. [Repealed, 30 SR 125]

*[For text of subp 17, see MR]*

Subp 17a. [Repealed, 30 SR 125]

*[For text of subps 18 to 28, see MR]*

Subp. 28a [Repealed, 30 SR 125]

*[For text of subps 29 to 31, see MR]*

**Statutory Authority:** *MS s 115 03*

**History:** *30 SR 125*

7001.1035 [Repealed, 30 SR 125]

### 7001.1040 APPLICATION DEADLINE FOR NEW PERMITS.

*[For text of item A, see MR.]*

B Persons proposing activities that require a general construction storm water permit under chapter 7090 must submit an application provided by the agency prior to initiation of construction

**Statutory Authority:** *MS s 115 03*

**History:** *30 SR 125*

### 7001.3050 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Except as provided in subpart 2, a solid waste management facility permit or permit modification is required to

A treat, store, process, transfer, or dispose of solid waste;

*[For text of items B and C, see MR.]*

Subp 2. **Exclusions.** A solid waste management facility permit is not required:

*[For text of items A to D, see MR]*

E for disposal of solid waste on the same property on which it was discovered, when a person has made a request to the commissioner for review, investigation, and oversight under Minnesota Statutes, section 115B.17, subdivision 14,

and is conducting response actions in accordance with a plan approved by the commissioner under Minnesota Statutes, section 115B.175;

F when the commissioner has granted an exemption to allow operation without a permit to expedite the proper management of solid waste and to prevent, abate, or control pollution if the commissioner determines that such an exemption is necessary as an immediate response to an emergency. A permit application must be submitted within 90 days after such an exemption is granted;

G for a transfer facility that moves from location to location and receives solid waste directly from other vehicles for consolidation prior to subsequent transport, disposal, or processing, provided it is not located in an area for more than 12 hours, all waste is delivered vehicle to vehicle and is not dumped and reloaded;

H. for a temporary community cleanup event transfer facility provided:

(1) municipality sponsorship or approval of the community cleanup event is obtained;

(2) the community cleanup event is open to the public residing in the targeted community,

(3) the community cleanup event occurs no more than twice a year; and

(4) the community cleanup event, including removal of wastes, lasts no more than seven days; or

I. for a limited solid waste collection services transfer facility that directly accepts waste from individual residents that self-haul, provided the county where the facility is located has determined that the facility is necessary due to limited availability of solid waste collection services, and:

(1) all waste is managed and stored in containers or roll-off boxes constructed of impervious material,

(2) no more than 40 cubic yards of waste are stored on site at any given time;

(3) no more than 40 cubic yards of waste are managed on site per day, and

(4) removal of waste occurs when the capacity of the container is reached or more often as necessary to prevent nuisance conditions

Subp 3. **Permits-by-rule.** The owner or operator of a facility described in items A to H is deemed to have obtained a solid waste management facility permit without making application for it.

A A transfer facility where all waste is managed and stored in containers or roll-off boxes constructed of impervious material or in a fully enclosed building that meets the standards in part 7035 2870, subpart 4, or where the commissioner has determined that the current design is adequate as provided in part 7035 2870, subpart 3, provided that in either case

(1) no more than 120 cubic yards of waste are stored on site at any given time,

(2) no more than 120 cubic yards of waste are managed on site per day;

(3) the owner or operator maintains the facility in compliance with part 7035 2870, subpart 5, and

(4) the owner or operator submits a written notice to the commissioner that includes the facility location, responsible party and telephone number, facility size, copies of the plans and schedules required under part 7035 2525, subpart 2, item H, and type of waste no later than 180 days following the effective date of this part for existing facilities and no later than ten working days before accepting waste for new facilities. Thereafter, new and existing facilities must submit the notice required under this part every five years

For the purposes of this item, "site" includes all property contiguous to the property where the containers or building are located that is controlled by the same

person or related business entities. For the purposes of this item, source-separated recyclable materials received at the facility and stored on site do not count towards the volume limitations in subitems (1) and (2), and recyclable materials recovered from the waste on the site and stored on site do not count towards the volume limitations in subitem (1).

B Demolition debris land disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than a total of 12 consecutive months, not located adjacent to another demolition debris permit by rule facility, and in compliance with parts 7035.2525 to 7035.2655, 7035.2825, and 7035.2855.

C. Compost facilities receiving yard waste only and in compliance with part 7035.2836, subparts 2 and 3

D Recycling facilities in compliance with part 7035.2845.

E. Energy recovery facilities governed by chapters 7007, 7009, and 7011, except that facilities processing refuse-derived fuel on-site prior to incineration and energy recovery at the site, must be permitted in accordance with parts 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550

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 D, and

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

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 MR ]*

**Statutory Authority:** *MS s 116 07*

**History:** *30 SR 529*

### **7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.**

*[For text of subps 1 and 2, see MR ]*

#### **Subp 3. Transfer facilities extended permit term.**

A For transfer facilities that have operated under an existing permit issued under parts 7001.0010 to 7001.0200, no application is required for permit reissuance upon the expiration date of the permit and the term of the permit shall be extended indefinitely unless (1) the commissioner requires the facility to be re-permitted as provided in part 7001.3410, subpart 3, or (2) the owner or operator of the facility plans to make a major modification to the facility. In either of these cases, the owner and operator shall submit an application for reissuance or modification of the permit as provided in this chapter. This application shall be approved or denied following the procedures in this chapter. As used in this part, "operated" means to have accepted waste at levels constituting normal expected volumes for facilities for a minimum of one year during the most recent five-year term of the permit, such that the agency can reasonably conclude that the facility is operating in compliance with applicable rules

and its permit. For purposes of this part, a “major modification” means a change in the type of waste managed at the facility, an increase beyond the original permitted capacity, or a change that could significantly affect compliance with the design or operation standards of part 7035 2870, subparts 4 and 5. The owner or operator may request, in writing, that the agency make a written determination as to whether any planned changes significantly affect compliance with design or operation standards.

B Owners and operators of transfer facilities operating under an extended permit may make minor modifications as listed in part 7001 3550, subpart 3, at any time, provided that notice of the minor modification is given to the agency as provided in part 7001 3410, subparts 1 and 2. Owners of facilities operating under an extended permit must follow the requirements in part 7001 0190, subpart 2, before transferring ownership and control of the facility. Transfer facilities operating under an extended permit, as provided in this subpart, must submit to the agency the notification required by part 7001.3410, and the annual report required under part 7035 2585.

**Statutory Authority:** *MS s 116 07*

**History:** *30 SR 529*

#### **7001.3400 FINAL PERMIT APPLICATION INFORMATION REQUIREMENTS FOR TRANSFER FACILITIES.**

The application for a transfer facility permit must include the following information in addition to the information required by part 7001 3300

A. detailed plans and an engineering report specifying how the facility will be constructed and operated including,

*[For text of subitems (1) to (12), see M.R.]*

(13) the operating procedures to ensure the facility is maintained in compliance with part 7035 2870;

(14) any recycling or composting to be done at the site and how it will be conducted, and

(15) the safety and emergency procedures for the site operators;

B information demonstrating that the facility will meet the design standards in part 7035 2870, subpart 4, or that the facility qualifies under part 7035 2870, subpart 3, and information demonstrating that the facility will meet the operations standard in part 7035.2870, subpart 5; and

C. evidence that the owner and operator have obtained all necessary municipality approvals. The owner or operator must submit a copy of any approvals obtained. If the facility is located in an area where no municipality approval is required, the owner or operator shall submit a signed written statement indicating that no municipality approval is required

**Statutory Authority:** *MS s 116 07*

**History:** *30 SR 529*

#### **7001.3410 EXTENDED PERMIT NOTIFICATION AND TERMINATION PROCEDURES.**

Subpart 1. **Notification contents.** Owners or operators of transfer facilities operating under an extended permit shall submit to the agency, upon the anniversary of the expiration date of the permit, or five years after November 30, 2005, whichever is sooner, and every five years thereafter, a notification containing the following information.

A. the facility name, address, mailing address, and facility contact name and telephone number,

B the permit number,

C any minor modifications that have been made at the facility since permit issuance or the date of last notification;

D a summary of annual updates, if any, to the industrial solid waste management plan required by part 7035.2535, subpart 5, the contingency action plan required by part 7035.2615, the emergency response plan required by part 7035.2595, subpart 5, the operations and maintenance plan required by part 7001.3300, item P; the inspection schedule required by part 7035.2535, subpart 4; the storm water pollution prevention plan if required under parts 7001.1000 to 7001.1100; and the closure plan as provided under part 7035.2625; and

E signatures and certifications in accordance with parts 7001.0060, 7001.0070, and 7001.3150.

**Subp 2 Updates in the annual report.** For any minor modifications and for any changes to the plans and schedules listed under subpart 1, item D, the owner or operator shall include a description of any changes in the annual report submitted under part 7035.2585, item L. These changes are considered approved upon receipt by the agency, but the owner or operator must amend the plans or schedules if, at any time, the agency notifies the owner or operator that the plans or schedules are deficient.

**Subp 3. Termination of extended permit operation as allowed under part 7001.3075.** The agency shall notify the owner or operator of a transfer facility operating under an extended permit that the transfer facility is no longer eligible to operate under an extended permit and must be re-permitted under chapter 7001 under any of the following conditions

A the transfer facility has unresolved noncompliance or has not been operated substantially in accordance with applicable standards,

B. the owner or operator has made changes to the facility that require a major modification as described in part 7001.3075, subpart 3, without filing a permit application;

C the owner or operator has failed to update required plans or schedules or has submitted reports that contain material deficiencies and has not corrected those deficiencies; or

D. the owner or operator has failed to submit the notification or the annual report required under part 7035.2585

In the termination notice, the agency shall state the reasons why the agency proposes to require re-permitting of the facility and shall provide the owner or operator with 30 days to respond to the notice. Following receipt of the response, if any, the agency shall make a final determination and shall notify the owner and operator of that decision. Upon receipt of this final determination, the owner or operator may elect to seek to continue the operation of the transfer facility by submitting a permit application, or may close the facility. If the owner or operator elects to continue the operation, the owner or operator shall submit a permit application within 30 days of receipt of the final determination. This application will be approved or denied following the procedures in chapter 7001. If the owner or operator elects to close the facility, the owner or operator must notify the agency and initiate closure procedures within 30 days of receipt of the final determination.

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

**History:** *30 SR 529*

#### **7001.3500 TERMS AND CONDITIONS OF SOLID WASTE MANAGEMENT FACILITY PERMITS.**

**Subpart 1. Terms of permit.** Except as modified by part 7001.3075, subpart 3, a solid waste management facility permit is effective for a fixed term not to exceed five years as determined by the agency.

*[For text of subps 2 and 3, see MR ]*

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

**History:** *30 SR 529*