

CHAPTER 7035
MINNESOTA POLLUTION CONTROL AGENCY
SOLID WASTE

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7035.0300 DEFINITIONS.

[For text of subs 1 to 110, see MR]

Subp 110a **Tipping floor.** "Tipping floor" means an area onto which solid waste is unloaded and staged for reloading into processing equipment or transport vehicles, or for removal of recyclable materials. Tipping floor includes containers or trucks when used to consolidate waste for future transport.

[For text of subs 111 to 121, see MR]

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.0800 COLLECTION AND TRANSPORTATION OF SOLID WASTE.

Subpart 1. **Owner's or occupant's duty.** The owner and occupant of any premises, business establishment, or industry and/or the refuse collection service are responsible for the satisfactory collection and transportation of all solid waste accumulated at a premise, business establishment, or industry to a solid waste disposal, transfer, or processing facility that is authorized to accept the waste.

[For text of subs 2 and 3, see MR]

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

[For text of subpart 1, see MR.]

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated.

[For text of items A to E, see MR]

F industrial solid waste land disposal facilities;

G. solid waste from the extraction, beneficiation, and processing, of ores and minerals stored, collected, transferred, transported, utilized, processed, and disposed of or reclaimed, provided the facility is permitted for such use under part 7001.0020, item D, and chapter 6130,

H permit-by-rule transfer facilities in compliance with part 7001.3050, subpart 3, item A, must only comply with parts 7035.2535, subparts 1, 2, 3, 4, items A, B, D, and E, and 5; 7035.2545; 7035.2555, 7035.2565, subparts 1, 3, and 4, 7035.2575, subparts 1 and 2, 7035.2585, 7035.2595, 7035.2605, 7035.2625, 7035.2635, 7035.2855, and 7035.2870, subparts 2 and 5,

I mobile transfer facilities in compliance with part 7001.3050, subpart 2, item G, must only comply with parts 7035.2535, subpart 1, 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2,

J temporary community cleanup event transfer facilities in compliance with part 7001.3050, subpart 2, item H, must only comply with parts 7035.2535, subpart 1, 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2, and

K limited collection transfer facilities in compliance with part 7001.3050, subpart 2, item I, must only comply with parts 7035.2535, subpart 1, 7035.2555; 7035.2565, subparts 1, 3, and 4, and 7035.2870, subpart 2.

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

Subpart 1. **Unacceptable wastes.** The owner or operator of a solid waste management facility must not accept the following wastes for treatment, storage, processing, transfer, or disposal.

[For text of items A to G, see MR]

[For text of subps 2 to 6, see MR]

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2565 GROUNDWATER QUALITY, SURFACE WATER QUALITY, AND AIR QUALITY AND SOIL PROTECTION.

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

Subp 3 **Air quality protection.** A person who operates or maintains a solid waste management facility or permits the use of property for such, must operate and maintain the site in conformance with the agency air pollution control rules. Open burning is prohibited, unless a permit is obtained as provided in Minnesota Statutes, section 88.17, and the material to be burned complies with Minnesota Statutes, section 88.171.

[For text of subp 4, see MR]

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2585 ANNUAL REPORT.

The owner or operator of a solid waste management facility shall prepare and submit a single copy of an annual report to the commissioner no later than February 1 for the preceding calendar year. A report form and instructions may be obtained from the commissioner. The annual report must cover all facility activities during the previous calendar year and must include the following information.

[For text of items A to I, see MR]

J. the personnel training information required by part 7035.2545, subpart 1,

K. a certification by the owner or operator of the solid waste management facility, and

L. for transfer facilities operating under an extended permit term, the information required in part 7001.3410, subpart 2

Waste facilities that do not dispose of waste need not include items D, H, and I

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2625 CLOSURE.

Subpart 1 **Closure.** The owner or operator of a solid waste management facility must cease to accept waste and must immediately close the facility in compliance with this part and parts 7035.2635 and 7035.2815 to 7035.2915, when:

[For text of items A to G, see MR]

H the required financial assurance for closure, postclosure care, or corrective actions is not maintained with the proper payment or substitute instrument;

I. the facility is unpermitted, is not a land disposal site, or is required to be permitted under parts 7001.0010 to 7001.1220 and 7001.1400 to 7001.3550 and the owner or operator has not applied for a permit within 180 days after November 15, 1988, or

J the facility is a transfer facility operating under an extended permit term and was required by the agency to apply for a permit and failed to do so or applied for the permit as required by the agency and was denied

[For text of subp 2, see MR.]

Subp. 3. Submittal and contents of closure plan. The owner or operator of a solid waste management facility shall submit a closure plan with the permit application, or as required by a closure document, or in order to establish financial assurance mechanisms in accordance with part 7035.2695. For unpermitted land disposal sites, the owner or operator shall submit a closure plan within 90 days after November 15, 1988. The agency shall approve the closure plan as part of the permit issuance procedure or as part of a submittal required by a closure document or other enforcement action. Compliance with the approved closure plan must be a condition of any permit, order, closure document, or stipulation agreement issued for the facility. The closure plan must be consistent with subparts 2, 4, and 5, part 7035.2635, and the applicable closure requirements of parts 7035.2665, 7035.2815, subpart 16; and 7035.2825 to 7035.2915.

A copy of the approved closure plan, and all revisions to the plan, must be kept at the facility until closure is completed and certified under part 7035.2635. Except for transfer facilities and other facilities that will not have waste present following closure, the agency will issue a closure document in accordance with part 7001.3055. The plan must identify steps needed to close each fill phase, if appropriate, and the entire site at the end of its operating life. The closure plan must include:

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

Subp. 4. Amendment of plan. The owner or operator may amend the closure plan any time during the life of the facility. The owner or operator must amend the plan whenever changes in the operating plan or facility design affect the closure procedures needed and whenever the expected year of closure changes. If a permit modification as authorized in part 7001.3550 is needed, the owner or operator shall submit an amended closure plan with the modification request. In all other cases, the owner or operator must request a modification of the plan, or, for transfer facilities operated under an extended permit term, make a modification to the plan as provided under part 7001.3410, subparts 1, item D, and 2, within 60 days of any change or event that affects the closure plan.

[For text of subp 5, see MR.]

Statutory Authority: *MS s 116.07*

History: *30 SR 529*

7035.2635 CLOSURE PROCEDURES.

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

Subp 3. Certification of closure. For solid waste disposal facilities, when the final facility or fill phase closure is completed, the owner shall submit to the commissioner certification by the owner and an engineer registered in Minnesota that the facility or phase has been closed in accordance with subpart 2. The certification must contain: a completed and signed Site Closure Record and as-built plans showing changes from the original design plans; testing results indicating compliance with final cover, waste removal, equipment decontamination, and other closure requirements; and other forms of documentation such as pictures showing the construction techniques used during closure. The final facility closure certification must include a copy of the notation filed with the county recorder and carrying the recorder's seal. For all other facilities, the

owner or operator shall submit to the commissioner a document including certification under part 7001 0070, demonstrating that all steps in the closure plan have been completed.

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2645 POSTCLOSURE.

Subpart 1 **Submittal of postclosure plan.** The landowner and the owner of a solid waste disposal facility shall submit a postclosure plan with the permit application. The agency must approve the plan in accordance with part 7001 3055 as part of the permit issuance procedure or as a submittal required by a closure document, stipulation agreement, or other enforcement action. Compliance with the approved postclosure plan shall be a condition of any permit or closure document issued.

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

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2655 POSTCLOSURE CARE AND USE OF PROPERTY.

Subpart 1 **Postclosure care requirements.** Postclosure care requirements apply to solid waste disposal facilities and are as follows:

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

[For text of subp 2, see MR]

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2805 LANGUAGE REQUIRED FOR FINANCIAL INSTRUMENTS.

[For text of subps 1 to 6, see MR]

Subp. 7 **Corporate guarantee for corrective action, closure, or postclosure care.** A corporate guarantee, as specified in part 7035.2750, item C, must be worded as specified in this subpart, except that instructions in brackets must be replaced with relevant information and the brackets deleted.

CORPORATE GUARANTEE FOR CORRECTIVE ACTION, CLOSURE, OR POSTCLOSURE CARE

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], herein referred to as guarantor, to the Minnesota Pollution Control Agency (Agency), obligee, on behalf of our subsidiary [facility owner or operator] of [business address]

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors specified in Minnesota Rules, part 7035.2750, item C.

2. [Facility owner or operator] owns or operates the following solid waste disposal facilities covered by this guarantee [List for each facility, identification number, name, and address. Indicate for each whether the guarantee is for corrective action, closure, postclosure care, or any combination of the three.]

3. "Closure plans," "postclosure plans," and "contingency action plans" as used below refer to the plans maintained as required by Minnesota Rules, parts 7035 2615, 7035 2625, and 7035 2645 for the closure, postclosure care, and corrective action needs of facilities identified above.

4. For value received from [facility owner or operator], guarantor guarantees to the Agency that in the event the [facility owner or operator] fails to perform [insert "corrective action," "closure," "postclosure care," or any combination of the three] of the above facilities in accordance with the corrective action, closure, or postclosure

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plans and other permit requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in Minnesota Rules, part 7035.2705, in the name of [facility owner or operator] in the amount of the current corrective action, closure, or postclosure cost estimates as specified in Minnesota Rules, part 7035.2705

5 Guarantor guarantees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the agency and [facility owner or operator] that he or she intends to provide financial assurance as specified in Minnesota Rules, parts 7035.2665 to 7035.2805, as applicable, in the name of [facility owner or operator]. Within 120 days after the end of the fiscal year, the guarantor shall establish financial assurance unless [facility owner or operator] has done so

6 The guarantor agrees to notify the Agency Commissioner by certified mail of a voluntary or involuntary proceeding under title 11 or title 7 of the United States Bankruptcy Code, naming guarantor as debtor, within ten days after commencement of the proceeding

7. Guarantor agrees that within 30 days after being notified by the Agency Commissioner of a determination that guarantor no longer meets the financial test criteria or that he or she is disallowed from continuing as a guarantor of corrective action, closure, or postclosure care, guarantor shall establish alternate financial assurance as specified in Minnesota Rules, parts 7035.2665 to 7035.2805, as applicable, in the name of [facility owner or operator] unless [facility owner or operator] has done so

8 Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following amendment or modification of the corrective action, closure, or postclosure plan, amendment or modification of the permit; extension or reduction of the time of performance of corrective action, closure, or postclosure care; or any other modification or alteration of an obligation of the facility owner or operator pursuant to Minnesota Rules, parts 7001.0200 to 7001.1220, and 7001.1400 to 7001.3550, or 7035.0300 to 7035.2875

9 Guarantor agrees to remain bound under this guarantee for so long as [facility owner or operator] must comply with the applicable financial assurance requirements of Minnesota Rules, parts 7035.2665 to 7035.2805, for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail to the Agency Commissioner and [facility owner or operator], the cancellation to become effective no earlier than 120 days after receipt of notice by the Agency Commissioner, as evidenced by return receipt

10. Guarantor agrees that if [facility owner or operator] fails to provide alternate financial assurance as specified in Minnesota Rules, parts 7035.2665 to 7035.2805, as applicable, and obtain written approval of such assurance from the Agency Commissioner within 90 days after a notice of cancellation by the guarantor is received by the Agency Commissioner, guarantor shall provide alternate financial assurance in the name of [facility owner or operator].

11. Guarantor expressly waives notice of acceptance of this guarantee by the Agency or by [facility owner or operator]. Guarantor also expressly waives notice of amendments or modifications of the contingency action, closure, or postclosure care plan and of amendments or modifications of the facility permits

I hereby certify that the wording of this guarantee is identical to the wording specified in Minnesota Rules, part 7035.2805, subpart 7, as such rules were constituted on the date first above written

Effective date _____

[NAME OF GUARANTOR]

[AUTHORIZED SIGNATURE FOR GUARANTOR]

[NAME OF PERSON SIGNING]

[TITLE OF PERSON SIGNING]

[SIGNATURE OF WITNESS OR NOTARY]

[For text of subps 8 and 9, see MR]

Statutory Authority: *MS s 116 07*

History: *30 SR 529*

7035.2865 [Repealed, 30 SR 529]

7035.2870 SOLID WASTE TRANSFER FACILITIES.

Subpart 1 Scope. The requirements of this part apply to the owners or operators of transfer facilities operating under a permit or in extended permit status, or as otherwise provided in this chapter or chapter 7001. In addition, permitted facilities must comply with the conditions in their permits. Nothing in this part relieves the owner or operator of the duty to comply with other applicable requirements, including, but not limited to, local ordinances or codes.

Subp 2 Delivery of solid waste. No waste may be transported from a transfer facility unless the owner or operator has reasonable belief that the person or facility receiving the waste may lawfully do so under applicable federal, state, or local rules. Reasonable belief means that the owner or operator has verified that the person or facility receiving the waste holds a valid license, permit, or other approval, or that no such approval is required.

Subp 3 Applicability. This part applies to the applicability of design requirements for transfer facilities operating and accepting waste under a permit issued under parts 7001.0010 to 7001.0200 prior to November 30, 2005. The design requirements of subpart 4 do not apply to a facility constructed prior to November 30, 2005, unless the owner or operator intends to make a major modification to the facility. In that case, the design requirements in subpart 4 apply to all modified portions of the facility, unless otherwise provided in the agency permit. The commissioner shall require compliance with the design requirements in subpart 4 unless the owner or operator demonstrates that the existing facility design is adequately protective of the environment considering the change in waste volume, type, or other operating parameters.

Subp. 4. Design standards. An owner or operator of a permitted transfer facility must ensure that all buildings and roads are designed and constructed in accordance with this subpart, unless exempt under subpart 3.

A. The waste transfer or tipping floor area must have adequate capacity for the projected through-put and storage of waste and other materials, including recyclables and unacceptable materials. The area must be adequate to support activities related to the segregation of recyclable, processable, and unacceptable materials from waste.

B. Intrafacility roads must be all-weather and suitable for the volume and types of collection vehicles or other transportation equipment that will be used to move waste from the entrance gate to loading and unloading areas. The vehicle and equipment traffic areas must bear the expected frequency and weight of vehicles and equipment navigating the surface without failure. Downward sloped vehicle ramps must be less than a ten percent grade, and upward sloped vehicle ramps shall be less than a six percent grade, unless the commissioner approves an alternative design in the permit. The commissioner shall approve an alternative design if the owner or operator demonstrates that fully loaded vehicles can utilize the ramps without compromising safety. Roadway widths, number of lanes, and turning radii must be adequate considering the design traffic volume and vehicle types expected to use the facility.

C. The facility must include an area designed for the storage of bulky items such as mattresses and large appliances, if accepted. The facility must also include an area where unacceptable materials may be safely stored in compliance with applicable standards prior to removal from the facility.

D. If the facility will use walls, pushwalls, or barriers for the management or containment of waste, the structures must be designed so that failure will not occur,

taking into account the type of waste, bearing pressure, and the method of operation, including the equipment that will be used to move waste at the facility.

E The facility must be designed to control litter

F. The facility must include access control structures such as gates to prevent unauthorized access during hours when the facility is not open

G Noncontainerized waste stored outdoors must be stored in an area that meets the solid waste storage standards in part 7035.2855.

H. If waste management activities will take place within a structure, the structure must meet the following criteria.

(1) the minimum interior clearance height must be 28 feet, unless the commissioner approves a different height based on the equipment that is anticipated to be used at the facility during its expected life,

(2) the building door must be a minimum width of 16 feet and a minimum height of 25 feet to allow safe passage of traffic exiting or entering the facility in the unloaded position, unless the commissioner approves a different dimension based on the equipment that is anticipated to be used at the facility during its expected life,

(3) the facility must include floors constructed of high strength concrete capable of bearing 5,000 pounds per square inch as verified by ASTM C 1074-98, ASTM C 39/C 39M-01, or an equivalent test method, unless the commissioner approves an alternative design in the permit. The commissioner shall approve a floor consisting of lower strength concrete provided the owner and operator demonstrate that its durability is consistent with the operational goals of the facility;

(4) the facility floor must include floor joints adequate to prevent cracking of the slab, but floor joints using compressible filler must be minimized and located so as to prevent joint deterioration and release of leachate through the compressible filler. The floor must be treated to increase durability and extend wear life by using a concrete hardener or other accepted methods that decrease water absorption and increase compressive strength and curing time (see ASTM C 642-97, ASTM C 140-02a, and ASTM C 309-98a);

(5) all surfaces coming into contact with waste must be constructed of a material that is readily cleanable,

(6) if a periodic facility wash-down is specified or identified under the facility's approved operation and maintenance plan, the facility floor must include a trap to collect solids and a sump that has been adequately sized to collect and contain liquids at the facility;

(7) all floors must be sloped such that free moisture from the waste operations is confined to the tipping floor and liquids applied to the surface for cleaning purposes can be collected for treatment or disposal from the tipping floor or from the sump, if present, and

(8) storm water must be routed away from the structure through the use of a leakproof roof, adequate gutters and down spouts, and the building apron must be graded to promote positive drainage away from the building.

American Society of Testing and Materials (ASTM) methods C 1074-98, C 39/C 39M-01, C 642-97, C 140-02a, and C 309-98a, as amended, are incorporated by reference in this subpart. These methods are published in the Annual Book of ASTM Standards, Section 4, Construction, Volume 04.02, Concrete and Aggregates, 2003 Edition and Volume 04.05, Chemical-Resistant Nonmetallic Materials; Vitrified Clay Pipe; Concrete Pipe, Fiber-Reinforced Cement Products, Mortars and Grouts; Masonry, 2003 Edition. This publication is available through the Minitex interlibrary loan system or through ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959, and the methods are not subject to frequent change.

Subp 5. Operation standards. The owner or operator of a permitted transfer facility or a transfer facility operating under a permit-by-rule as provided in part

7001.3050, subpart 3, item A, must comply with the operational standards in this subpart. For existing transfer facilities subject to this subpart, the owner or operator must comply with this subpart no later than 180 days after the effective date of this part. The owner or operator of a new facility subject to this subpart must comply before accepting waste. The following are the operational standards:

A. roads, gates, doors, and tipping floor areas must be clear of obstructions at all times,

B. an employee who has received training as required by part 7035.2545 must be on duty at all times the facility is open for the purposes of receiving waste,

C. all industrial waste or mixed municipal solid waste at the facility must be transferred or stored in (1) a completely enclosed structure, (2) containers constructed of impervious materials and designed to prevent leakage, or (3) in a designated solid waste storage area meeting the storage standards of part 7035.2855;

D. if the facility has operating doors, they must remain closed except when vehicles are expected to be entering or leaving the facility, and as necessary to minimize odors, noise, and litter,

E. all equipment and the facility must be maintained in good working condition. Routine maintenance must be conducted in accordance with the operations and maintenance plan submitted with the permit application under part 7001.3400 or amendments submitted with the notification under part 7001.3410, subparts 1 and 2. The owner or operator must keep records of maintenance performed at the facility or on facility equipment,

F. all solid waste shall be confined within the tipping floor area or other designated processing and storage areas,

G. all separated salvageable and recyclable materials must be containerized or stored in a designated area where they will not be contaminated by solid waste or other materials. All separated salvageable and recyclable materials must be removed from the facility when the capacity of the container or designated area is reached;

H. if the facility accepts putrescible industrial waste or mixed municipal solid waste, the tipping floor and storage areas must be cleared of waste and cleaned at least once every seven days unless no waste has been received at the facility during the preceding seven-day period. For facilities that do not accept putrescible industrial waste or mixed municipal solid waste, the tipping floor and waste storage areas must be cleared and cleaned at least once every 30 days,

I. a sign must be posted that is visible to persons using the facility prior to entry that lists the wastes that are or are not accepted at the facility, its hours of operation, a number to call for assistance with disposal of items that are not accepted at the facility, and the agency permit number or agency-assigned permit-by-rule facility identification number,

J. the facility grounds and immediately adjacent property shall be free of litter stemming from facility operations. If litter is found on adjacent property, the operation of the facility shall be modified as necessary to prevent further litter generation by making physical or operational changes. The facility grounds shall be cleared of all litter at least once every seven days,

K. the facility must be managed in compliance with

(1) the National Pollutant Discharge Elimination System permit requirements located in parts 7001.1000 to 7001.1100; and

(2) part 7011.0150 to prevent particulate matter from becoming airborne,

L. in the event of breakdowns or malfunctions in facility equipment or structures, the owner or operator shall purchase or lease replacement equipment or make repairs as necessary to ensure compliance with this subpart;

M. the owner or operator shall post local fire and police department contact information and arrangements listed in the emergency response plan required under part 7035.2595 in a conspicuous area of the facility accessible by all employees,

N the plans and schedules listed under part 7001.3410, subpart 1, item D, including all updates as required in part 7001.3410, subpart 2, shall be maintained at the facility site so they are available for employees and inspectors;

O free liquids that have contacted waste may not be discharged as storm water and must be managed in accordance with law. Acceptable management methods for free liquids that have contacted waste include recapture and redeposit in the waste being managed at the facility provided that the free liquid will be reabsorbed by the waste, absorption of the free liquids using an absorbent material and disposal of that absorbent material with the waste, or discharge to a sanitary sewer if authorized by a publicly owned treatment works as defined by part 7001.1020, subpart 27. If a building is equipped with a trap, the trap must be cleaned of waste each time the facility tipping floors and storage areas are cleaned. If a building is equipped with a sump, the liquid must be removed from the sump before reaching capacity, or more often as necessary to prevent odors,

P. all unacceptable waste inadvertently received at the facility must be properly managed in accordance with applicable standards, and

Q once a facility is no longer open for the purposes of receiving waste during an operating day, all putrescible waste remaining at the facility must be

- (1) properly disposed of,
- (2) stored in an enclosed structure; or
- (3) stored in containers constructed of impervious materials and designed to prevent leakage and to prevent precipitation, insects, and other vectors from coming into contact with the waste.

Statutory Authority: *MS s 116.07*

History: *30 SR 529*

7035.9140 MANAGEMENT PLAN CERTIFICATION PROCEDURES.

[For text of subps 1 to 7, see MR]

Subp 8 Review and approval or denial of management plans.

[For text of item A, see MR]

B. A management plan shall be approved if the plan is determined to be complete and consistent with these parts. A letter of approval signed by the commissioner shall be sent to the applicant upon approval of the plan. Part 7001.0100, subparts 4 and 5, and 7001.0110 do not apply to these approvals. Approval under this part is not a permit under chapter 7001. Nothing in this part exempts facilities or generators from applicable agency permit requirements and compliance with agency rules.

[For text of item C, see MR]

Statutory Authority: *MS s 116.07*

History: *30 SR 529*