

**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.

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.
- C. The ownership or operation of a totally enclosed treatment facility as defined in part 7045.0020.
- D. The storage by transporters of manifested shipments of hazardous waste in containers that meet the requirements of part 7045.0270, subpart 4, at a transfer facility for a period of ten days or fewer as provided in part 7045.0365.
- E. An activity conducted to immediately contain or treat a spill or an imminent and substantial threat of a spill of hazardous waste or a material that, when spilled, becomes a hazardous waste. This exclusion does not apply to a person who treats, stores, or disposes of the spilled material or spill residue or debris after the immediate response activities have been completed.
- F. The addition of absorbent material to hazardous waste in a container, or the addition of hazardous waste to absorbent material in a container, if the addition occurs at the

time waste is first placed in the container, and if the addition is accomplished in accordance with parts 7045.0456, subpart 2, and 7045.0526, subparts 2 and 3.

G. To the extent provided by part 7045.0125, the ownership or operation of a facility that recycles hazardous waste.

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.

I. To the extent provided by part 7045.0675, the ownership or operation of a facility that stores or reclaims hazardous waste for recovery of economically significant amounts of precious metals.

J. To the extent provided in part 7045.0685, the ownership or operation of a facility that stores or reclaims spent lead-acid batteries.

K. Household hazardous waste collection programs meeting the requirements of part 7045.0310.

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.

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

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:

A. Barges or vessels operating in Minnesota that are intended to be operated elsewhere as ocean disposal facilities, if the owner or operator:

(1) has obtained a permit for ocean disposal under Code of Federal Regulations, title 40, part 220;

(2) complies with the conditions of the permit for ocean disposal; and

(3) complies with parts 7045.0452, subpart 2; 7045.0474; 7045.0476; 7045.0478, subparts 1, 2, and 3, items A to C; and 7045.0482, subparts 1, 2, and 3.

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

(1) has obtained a national pollutant discharge elimination system permit, a state disposal system permit, or both, from the agency;

(2) complies with the conditions of the national pollutant discharge elimination system permit or the state disposal system permit;

(3) complies with parts 7045.0452, subpart 2; 7045.0474; 7045.0476; 7045.0478, subparts 1, 2, and 3, items A to C; and 7045.0482, subparts 1, 2, and 3; and for national pollutant discharge elimination system permits issued after November 8, 1984, part 7045.0485; and

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

C. Elementary neutralization, pretreatment, or wastewater treatment units, provided that:

(1) the unit does not receive hazardous waste from generators other than the owner or operator of the unit;

(2) the owner or operator complies with the requirements of parts 7045.0652 and 7045.0655; and

(3) the owner or operator's eligibility to be permitted under this rule has not been terminated under subpart 4.

D. That portion of a combustion waste facility that is used to manage hazardous wastes produced in conjunction with the combustion of fossil fuels, if:

(1) the wastes are generated on-site;

(2) the wastes traditionally have been and actually are mixed with and codisposed or cotreated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes resulting from coal combustion;

(3) the wastes are necessarily associated with the production of energy, such as boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, and cooling tower blowdown;

(4) the owner or operator complies with the requirements of parts 7045.0652 and 7045.0655; and

(5) the owner or operator's eligibility to be permitted under this part has not been terminated under subpart 4.

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 7045.0292, subpart 5 or 6, as applicable.

Subp. 4. **Termination of eligibility for permit by rule.** The eligibility of an owner or operator of an elementary neutralization unit, a pretreatment unit, a wastewater treatment unit, or a combustion waste facility to be permitted under this part is subject to termination by the agency after notice and opportunity for a contested case hearing or a public informational meeting if the agency makes any of the findings set forth in items A to D. An owner or operator whose eligibility to be permitted under this part has been terminated shall apply for and obtain an individual permit under these parts. The following findings constitute justification for the commissioner to commence proceedings to terminate eligibility:

- A. that any applicable conditions set forth in subpart 3, item C or D are not met;
- B. that the owner or operator has violated a requirement of parts 7045.0652 and 7045.0655;
- C. that the owner or operator is conducting other activities that are required to be covered by a hazardous waste facility permit; or
- D. that under the circumstances, in order to protect human health or the environment, the permitted facility should be subject to the requirements of parts 7045.0450 to 7045.0551.

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 7045.0649 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 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.

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 115.03; 116.07; 116.37*

**History:** *8 SR 2276; 10 SR 1688; 11 SR 1832; L 1987 c 186 s 15; 13 SR 2761; 14 SR 1718; 14 SR 2248; 15 SR 801; 15 SR 1877; 16 SR 2102; 16 SR 2239; 30 SR 43; 33 SR 2042*

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