

## **7001.0720 TERMS AND CONDITIONS OF HAZARDOUS WASTE FACILITY PERMITS.**

Subpart 1. **Term of permit.** Except as provided in part 7001.0712, subpart 3, a hazardous waste facility permit is effective for a fixed term not to exceed five years.

Subp. 2. **Additional general conditions.** Each draft and final hazardous waste facility permit issued by the agency must contain all of the general conditions in part 7001.0150, subpart 3 except the condition in part 7001.0150, subpart 3, item K. In addition, each permit must contain the following general conditions:

A. The permittee need not comply with the conditions of this permit to the extent and for the duration this noncompliance is authorized in an emergency permit in accordance with part 7001.0690.

B. The permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the facilities and, for disposal facilities, for the post closure care period. The permittee shall also maintain an operating record in accordance with part 7045.0478 until closure of the facility.

C. The permittee shall not commence treatment, storage, or disposal of hazardous waste in a new hazardous waste facility or in a modified portion of an existing hazardous waste facility until:

(1) the permittee has submitted to the commissioner by certified mail or hand delivery a letter signed by the permittee and by a registered professional engineer stating that the facility has been constructed or modified in compliance with the conditions of the permit; and

(2) the commissioner has inspected the new or modified facility and has provided the permittee with a letter stating that, based on information available to the commissioner, the facility appears to have been constructed in compliance with the conditions of the permit.

D. If the permittee discovers a release or discharge of hazardous waste which could be a danger to public drinking water supplies or threaten human health or the environment or discovers a fire or explosion at a hazardous waste facility which could threaten human health or the environment outside the facility, the permittee shall, within 24 hours of the discovery of the incident, orally notify the commissioner of the incident and its description. Within 15 days after the incident the permittee shall submit a written report describing the incident. The oral and written descriptions of the incident shall include at a minimum:

- (1) the name, address, and telephone number of the owner or operator;
- (2) the name, address, and telephone number of the facility;

- (3) the date, time, and type of incident;
- (4) the name and quantity of materials involved;
- (5) the extent of injuries, if any;
- (6) an assessment of actual or potential hazards to the environment and human health outside the facility; and
- (7) the estimated quantity and disposition of recovered hazardous materials.

E. In addition to the reports required by part 7001.0150, the permittee shall submit the following reports in accordance with parts 7045.0450 to 7045.0551:

(1) If the permittee discovers a significant discrepancy in a manifest, the permittee shall attempt to reconcile the discrepancy. If the permittee is unable to reconcile the discrepancy within ten days, the permittee shall submit to the commissioner a letter report and a copy of the manifest in accordance with part 7045.0476, subpart 3, item A.

(2) If a shipment of hazardous waste is delivered to the permittee without the required manifest or shipping paper, the permittee shall attempt to reconcile the discrepancy. If the permittee is unable to reconcile the discrepancy, the permittee shall, prior to the acceptance of the waste, notify the commissioner of the delivery of the waste and shall submit to the commissioner a follow-up report within ten days of receipt of the waste, in accordance with part 7045.0482, subpart 3.

(3) In accordance with part 7045.0482, subpart 2, the permittee shall submit an annual report concerning the activities at the facility during the previous calendar year.

(4) If the permittee receives hazardous waste which the permittee is not authorized by the permit to manage, the permittee shall immediately notify the commissioner of the receipt of the waste in accordance with part 7045.0476, subpart 3, item C.

F. The permittee may allow an authorized representative to sign reports submitted in accordance with the requirements of this permit if:

(1) the authorization is made in writing by persons identified in part 7001.0060 except that for a corporation the written authorization must be made by a principal executive officer of at least the level of vice-president;

(2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or a person of equivalent responsibility; and

(3) the written authorization is submitted to the commissioner.

If authorization is no longer accurate, a new authorization must be submitted to the commissioner prior to or together with any reports or permit applications to be signed by an authorized representative.

Subp. 3. **Additional condition for surface impoundments.** Each draft and final hazardous waste facility permit issued by the agency for a surface impoundment must contain the following condition: The permittee shall not commence treatment, storage, or disposal of hazardous waste in a surface impoundment which has been repaired under part 7045.0532, subpart 6, item D, until:

A. the permittee has submitted to the commissioner by certified mail or hand delivery a letter signed by the permittee and by a registered professional engineer stating that the surface impoundment has been repaired in compliance with the conditions of the permit; and

B. the commissioner has inspected the repaired surface impoundment and has provided the permittee with a letter stating that, based on information available to the commissioner, the surface impoundment appears to have been repaired in compliance with the conditions of the permit.

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

**History:** *8 SR 2276; 11 SR 1832; L 1987 c 186 s 15; 29 SR 947*

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