

7001.0730 MODIFICATION OF PERMITS; REVOCATION AND REISSUANCE OF PERMITS.

Subpart 1. **Scope.** In addition to the provisions of parts 7001.0170, 7001.0180, and 7001.0190, the provisions of subparts 2 to 5 are applicable to the modification, revocation, and reissuance of hazardous waste facility permits.

Subp. 2. **Additional justification for modification of permits or revocation and reissuance of permits.** In addition to the justifications listed in part 7001.0170, the following constitute justification for the commissioner to commence proceedings to modify a permit or to revoke and reissue a permit:

A. the commissioner discovers that modification of a closure plan or post closure plan is required by part 7045.0486, subpart 4, or part 7045.0490, subpart 3;

B. the permittee files a request for extension of the 90- or 180-day periods set forth in part 7045.0488;

C. the commissioner receives notification of expected closure under part 7045.0486;

D. the commissioner finds that modification of the 30 year post closure period is necessary as provided in part 7045.0492, subpart 1;

E. the commissioner finds that continuation of security requirements is necessary as provided by part 7045.0492, subpart 2;

F. the commissioner finds that the permittee has made the demonstration required by part 7045.0492, subpart 3, such that a disturbance of the integrity of the containment system should be authorized;

G. the permittee files a request under part 7045.0518, subpart 3, for a variance from the required level of financial responsibility;

H. the commissioner demonstrates under part 7045.0518, subpart 4, that an upward adjustment of the level of financial responsibility is required;

I. the commissioner finds that the corrective action program specified in the permit under part 7045.0484, subpart 14, has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time;

J. to include a detection monitoring program that meets the requirements of part 7045.0484, subpart 12, when the owner or operator has been conducting a compliance monitoring program under part 7045.0484, subpart 13, or a corrective action program under part 7045.0484, subpart 14, and the compliance period ends before the end of the post closure care period for the unit;

K. a permit requires a compliance monitoring program under part 7045.0484, subpart 13, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard;

L. to include conditions applicable to units at a facility that were not previously included in the facility's permit;

M. a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions; or

N. to change the operating requirements set in the permit to reflect the results of the trial burn.

Subp. 3. **Additional justification to commence revocation without reissuance of permit.** In addition to the justifications listed in part 7001.0180, a failure to submit an annual facility operator's fee within 180 days of the due date, as specified in the agency's hazardous waste fee rules in chapter 7046, constitutes justification for the commissioner to commence proceedings to revoke a permit without reissuance.

Subp. 4. **Minor modifications of permits.** In addition to the corrections or allowances listed in part 7001.0190, subparts 2 and 3, if the permittee consents, the commissioner may modify a permit to make the corrections or allowances listed below without following the procedures in parts 7001.0100 to 7001.0130:

A. to change the list of facility emergency coordinators in the permit's contingency plan;

B. to change the list of equipment in the permit's contingency plan;

C. to change estimates of maximum inventory under part 7045.0486, subpart 3, item B;

D. to change the expected year of closure under part 7045.0486, subpart 3, item F;

E. to change schedules for final closure under part 7045.0486, subpart 3, item E;

F. to change the ranges of the operating requirements set in the permit to reflect the results of the trial burn provided that the change is minor;

G. to change the operating requirements set in the permit for conducting a trial burn provided that the change is minor;

H. to grant one extension of the time period for determining operational readiness of a thermal treatment unit following completion of construction, for up to 720 hours operating time for treatment of hazardous wastes;

I. to change the treatment program requirements for land treatment units under part 7045.0536, subpart 2, to improve treatment of hazardous constituents, provided that the change is minor;

J. to change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with part 7001.0710 provided that the change is minor;

K. to allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by part 7045.0536, subparts 3 and 5, item C, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration;

L. to allow treatment of hazardous wastes not previously specified in the permit if the following conditions are met:

(1) the hazardous waste has been prohibited from one or more methods of land disposal under Code of Federal Regulations, title 40, sections 268.30 to 268.39, as incorporated in part 7045.1390, or RCRA section 3004;

(2) treatment is in accordance with Code of Federal Regulations, title 40, section 268.4, as incorporated in part 7045.1390, if applicable, and section 268.3, as incorporated in part 7045.1390, and applicable standards established under Code of Federal Regulations, title 40, sections 268.41 to 268.49, and 268.5, as incorporated in part 7045.1390, or, where no treatment standards have been established, treatment renders the waste no longer subject to the applicable prohibitions of Code of Federal Regulations, title 40, section 268.32, as incorporated in part 7045.1390, or RCRA section 3004;

(3) handling or treatment of the restricted waste will not present risks substantially different from those of wastes listed in the permit; and

(4) federal or state approval of a minor permit modification request is granted. No permit changes can occur except for the addition of new waste codes and administrative or technical changes necessary to handle new wastes. Changes in treatment processes or physical equipment may not be made under this item; and

M. to allow permitted facilities to change their operations to treat or store hazardous wastes subject to land disposal restrictions imposed by part 7045.1390 or RCRA section 3004, provided the treatment or storage occurs in containers or tanks and the permittee:

(1) requests a major permit modification under subparts 1 to 3;

(2) demonstrates in the request for a major permit modification that the treatment or storage is necessary to comply with the land disposal restrictions of part 7045.1390 or RCRA section 3004; and

(3) ensures that the treatment or storage units comply with the applicable standards of parts 7045.0552 to 7045.0649 and 7045.1390 pending final administrative disposition of the major modification request. The authorization to make the changes conferred in this item terminates upon final administrative disposition of the permittee's major modification request under subparts 1 to 3 or termination of the permit under part 7001.0180.

Subp. 5. **Consideration of facility siting.** In making its final determination on a permit modification or permit revocation and reissuance, the agency shall not consider the suitability of the facility location unless new information indicates that a threat to human health or the environment exists which was unknown at the time the permit was issued.

Subp. 6. **Combustion facility changes.** Combustion facility owners or operators must comply with the notification of intent requirements of part 7011.7410 before requesting a permit modification in order to make technology changes needed to meet standards in part 7011.7410.

Statutory Authority: *MS s 116.07*

History: *8 SR 2276; 11 SR 2415; L 1987 c 186 s 15; 13 SR 1238; 28 SR 1482; 33 SR 2042*

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