

7001.3550 MODIFICATION OF SOLID WASTE MANAGEMENT FACILITY PERMITS; REVOCATION AND REISSUANCE OF PERMITS.

Subpart 1. **Scope.** In addition to parts 7001.0170, 7001.0180, and 7001.0190, subparts 2 and 3 apply to the modification, revocation, and reissuance of solid waste management facility permits.

Subp. 2. **Additional justification for modification of solid waste management facility permits or revocation and reissuance of permits.** In addition to the reasons listed in part 7001.0170, the commissioner may commence proceedings to modify a permit, or to revoke and reissue a permit if:

A. the commissioner determines that modification of a closure plan or a postclosure plan is required by part 7035.2625 or 7035.2645;

B. the permittee requests an extension of the 30-day or 60-day periods in parts 7035.2625 to 7035.2655;

C. the commissioner receives notification of closure under part 7035.2625 in advance of the date in the permit;

D. the commissioner determines that modification of the 20-year postclosure period provided in parts 7035.2645 and 7035.2655 is necessary;

E. the commissioner determines that the permittee has made the demonstration required by parts 7035.2645 and 7035.2655, so that disturbance of the integrity of the containment system is authorized;

F. the permittee files a request under parts 7035.2665 to 7035.2805 for a variance from the required level of financial responsibility;

G. the commissioner determines under parts 7035.2665 to 7035.2805 that an upward adjustment of the level of financial responsibility is required;

H. the commissioner determines that the corrective action program in part 7035.2615 has not brought the facility into compliance with the ground water protection standard within the specified period of time;

I. the commissioner determines that conditions applicable to facilities were not previously included in the facility's permit; and

J. the county in which the facility is located has not received a certificate of need or an amended certificate of need, as required by Minnesota Statutes, section 115A.917, or a facility owner in the metropolitan area has not received a certificate of need or an amended certificate of need in accordance with Minnesota Statutes, section 473.823, subdivision 6.

Subp. 3. **Minor modifications of permits.** In addition to the corrections or allowances listed in part 7001.0190, subpart 3, if the permittee consents, the commissioner

may modify a permit to make the corrections or allowances in items A to G without following the procedures in parts 7001.0100 to 7001.0130:

- A. change the expected year of closure under parts 7035.2625 and 7035.2635;
- B. change schedules for final closure under parts 7035.2625 and 7035.2635;
- C. change the list of equipment in the permittee's contingency action plan;
- D. change the list of emergency contractors in the permittee's contingency or emergency plan;
- E. change the construction schedule for opening and closing approved phases in the permittee's development plans;
- F. change monitoring frequencies; and
- G. change a provision in the permit that will not result in an increase in the emission or discharge of a pollutant into the environment, or that will not reduce the agency's ability to monitor compliance with applicable statutes and rules.

For facilities in the metropolitan area, items A, B, and F must be reviewed and approved by the Metropolitan Council prior to agency approval of the modification.

Statutory Authority: *MS s 115.03; 116.07*

History: *13 SR 1150*

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