

7035.2915 REQUIREMENTS FOR TEMPORARY PROGRAM TYPE I AND II STORAGE FACILITIES.

Subpart 1. **Definitions.** As used in subparts 1 to 4, the following terms have the meanings given them in this subpart.

A. "Temporary program" means the Temporary Management Program for Mixed Municipal Solid Waste Incinerator Ash approved by the agency board under the authority of Minnesota Statutes, section 115A.97, subdivision 4.

B. "Type I ash storage facility" means a facility which has been designed according to part 17.0 of the temporary program where municipal solid waste combustor ash is stored for a limited period of time and all ash will be removed from the facility at closure.

C. "Type II ash storage facility" means a facility designed according to part 18.0 of the temporary program which was classified under the temporary program as a storage facility, pending adoption of parts 7035.0300 to 7035.2915.

Subp. 2. **Scope.** Subparts 1 to 3 apply to owners and operators of type I ash storage facilities. Subparts 1, 2, and 4 apply to owners and operators of type II ash storage facilities.

Subp. 3. **Type I ash storage facilities.** The owner or operator must design, maintain, and operate a type I ash storage facility in compliance with item A. Type I ash storage facilities must be closed in compliance with item B.

A. The owner or operator must design, maintain, and operate a type I ash storage facility in compliance with the solid waste storage facility requirements of part 7035.2855, subparts 3 and 4, excluding subpart 4, item B, the requirements of the facility permit, and applicable parts of the temporary program.

B. Within 18 months after April 27, 1992, the owner or operator must close a type I ash storage facility according to parts 14 and 15 of the temporary program, the facility permit, the site closure plan and subitems (1) to (4). In cases where requirements of the aforementioned documents conflict with each other, the most recent requirements shall apply.

(1) The owner or operator must notify the director at least 90 days before facility closure activities are to begin.

(2) The owner or operator must remove from the site all municipal solid waste combustor ash and contaminated portions of the storage area, including the liner and underlying or surrounding soils. The owner or operator must take samples of the liner and underlying soils and analyze these samples to determine the extent of contamination according to a plan approved by the commissioner. The owner and operator must submit a liner and soils removal plan to the commissioner for review and approval at least 90 days

before closure activities are scheduled to begin. In approving the plan the commissioner shall consider whether the proposed number of samples and parameters to be tested will determine the extent of pollutant migration.

(3) The owner or operator must dispose of, store, or use all removed ash and contaminated portions of the storage area at permitted facilities or locations.

(4) The owner or operator must close the storage facility in a manner that minimizes the release of pollutants to ground water, surface waters, soils, and the atmosphere during the closure and postclosure period. Moisture must be added to the ash or soils if necessary to control fugitive dust emissions.

Subp. 4. **Type II ash storage facilities.** Type II ash storage facilities are classified as municipal solid waste combustor ash land disposal facilities. As such, all operations and new construction other than liner or final cover construction must comply with part 7035.2885 and all other applicable parts of this chapter within 45 days after April 27, 1992. Liners and final cover constructed more than nine months after April 27, 1992, must meet the requirements of part 7035.2885. At least nine months before the anticipated date for beginning construction of a new phase at the facility the owner or operator of a type II ash storage facility must submit to the commissioner for review and approval amendments to the facility's approved engineering plans, engineering reports, and operations manual showing changes necessary to comply with part 7035.2885.

Statutory Authority: *MS s 115A.97*

History: *16 SR 2321*

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