

7045.0243 TERM AND CONDITIONS OF LICENSE.

Subpart 1. **Term of license.** A hazardous waste generator license is issued for a term to be determined by the commissioner. The term of a license shall not exceed two years.

Subp. 2. **Special conditions.** Each license will contain or reference conditions necessary for the licensee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts 7045.0205 to 7045.0325, and any conditions that the commissioner determines and shows with reasonable justification to be necessary to protect human health and the environment.

Subp. 3. **General conditions.** Each license must include the general conditions described in items A to J and the commissioner shall incorporate these conditions into all licenses either expressly or by specific reference to this part. Licensees must comply with all conditions of the license at all times.

A. The commissioner's issuance of a license does not release the licensee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the license.

B. The commissioner's issuance of a license does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of this chapter, standards, or orders against the licensee.

C. The commissioner's issuance of a license does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by Minnesota Statutes.

D. The licensee may not knowingly make a false or misleading statement, representation, or certification in a record, report, or other document required to be submitted to the agency or to the commissioner by the license or this chapter. The licensee must immediately upon discovery report to the commissioner an error or omission in these records, reports, or other documents.

E. When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the licensee to enter at reasonable times upon the licensed property of the licensee to examine and copy books, papers, records, or memoranda pertaining to the activity covered by the license; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the activity covered by the license.

F. If the licensee discovers, through any means, including notification by the commissioner, that noncompliance with a condition of the license has occurred, the licensee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

G. If the licensee begins generation of a hazardous waste that was not included on the license application and is therefore not authorized under the existing license, the licensee must submit an amended application providing information required in part 7045.0230 within 75 days of first producing the new hazardous waste. The generator must at all times manage the new waste in full compliance with parts 7045.0205 to 7045.0325. The generator must not treat, dispose of, or relinquish control of the new waste until at least 15 days after the amended license application is received by the commissioner. The date of receipt is the postmark date if mailed or the agency date of receipt if hand delivered. In the period between 15 days after receipt and the commissioner's action under part 7045.0245, the generator may treat, dispose of, and relinquish control of the new waste as provided in part 7045.0208 until written response to the generator's amended license application is received under part 7045.0245. After the commissioner acts on the amended license application, the generator must manage the new waste according to the amended license conditions and the requirements of this chapter or the generator must cease producing the new waste if the amended license application is denied.

H. If the licensee changes management of a hazardous waste during the term of the license, the licensee must report the change in the next license renewal application required under part 7045.0248.

I. The license is not transferable. If the owner or operator to whom the license has been issued changes, the new owner or operator must apply for a new license not later than 30 days after the change.

J. The license authorizes the licensee to perform the activities described in or referenced by the license under the conditions of the license. In issuing the license, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the licensee in the conduct of its actions, including those activities authorized under the license. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

Statutory Authority: *MS s 116.07*

History: *16 SR 2102; 18 SR 1565; 20 SR 715; 31 SR 1277*

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