

7045.0460 LOCATION STANDARDS.

Subpart 1. **Floodplains.** A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the owner or operator can demonstrate to the commissioner that the conditions in item A or B are met:

A. Procedures are in effect which will cause the waste to be removed safely before flood waters can reach the facility to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes are moved must be a facility which is either permitted by this agency, the Environmental Protection Agency, or by a state with a hazardous waste management program authorized by the Environmental Protection Agency, or which has interim status.

B. For existing surface impoundments, waste piles, land treatment units, landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs, considering:

(1) the volume and physical and chemical characteristics of the waste in the facility;

(2) the concentration of hazardous constituents that would potentially affect surface waters as a result of washout;

(3) the impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and

(4) the impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout.

As used in this subpart, "100-year floodplain" means any land area which is subject to a one percent or greater chance of flooding in any given year from any source; "washout" means the flow of hazardous waste from the active portion of the facility, the buildings, or equipment as a result of flooding; and "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

Subp. 2. **Other location standards.** No facility may be established or constructed in a wetland or within a shoreland.

No facility may be established or constructed in a location where the topography, geology, hydrology, or soil is unsuitable for the protection of the ground water and the surface water. Factors to be used in determining unsuitability of a site include:

A. proximity to lakes, streams, or ponds;

B. proximity to and type of bedrock;

C. presence of natural aquicludes to protect ground water;

D. value of the ground water as a water supply; and

E. ground water flow patterns, particularly if the site is located in a zone of recharge to aquifers usable as sources of drinking water.

No facility may be established or constructed in a location where facility activity would result in emissions of air contaminants causing the violation of the ambient air quality standards established in parts 7009.0010 to 7009.0080.

Subp. 3. **Underground mines and caves.** The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, or underground mine or cave is prohibited.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 11 SR 1832; L 1987 c 186 s 15; 13 SR 2761*

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