

7045.0486 CLOSURE.

Subpart 1. **Scope.** Except as part 7045.0450 provides otherwise, the provisions of subparts 2 to 6 and part 7045.0488 apply to the owner or operator of a hazardous waste facility.

Subp. 2. **Closure performance standard.** The owner or operator shall close the facility in a manner minimizing the need for further maintenance. Closure procedures must result in controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, postclosure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere, in accordance with the closure requirements, including the requirements of parts 7045.0526, subpart 9; 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subparts 2 to 4; and 7045.0542, subpart 8; and Code of Federal Regulations, title 40, section 264.1102, as incorporated in part 7045.0550.

Subp. 3. **Submittal and contents of closure plan.** The owner or operator of a hazardous waste facility shall submit a closure plan with the permit application, and the closure plan must be approved by the agency as part of the permit issuance procedure. The approved closure plan shall become a condition of any permit. The agency's approval must ensure that the approved closure plan is consistent with subparts 2, 4, and 5; parts 7045.0484, groundwater protection, and 7045.0488, closure activities; and the applicable closure requirements of parts 7045.0526, subpart 9; 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subpart 2; 7045.0542, subpart 8; and Code of Federal Regulations, title 40, section 264.1102, as incorporated in part 7045.0550.

A copy of the approved closure plan and all revisions to the plan must be furnished to the commissioner upon request, including request by mail, until final closure is completed and certified. The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must at least include all of the following:

A. A description of how each hazardous waste management unit will be closed, and how the facility will be finally closed. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and how the requirements of subparts 2, 4, and 5, and part 7045.0488, and the applicable closure requirements of parts 7045.0526, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subpart 2; and 7045.0542, subpart 8, will be met.

B. An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the type of off-site hazardous waste management units to be used, if applicable.

C. A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, facility equipment, structures, and soils during partial and final closure, including, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard.

D. A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, ground water monitoring, leachate collection, and run-on and runoff control.

E. A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure.

F. An estimate of the expected year of closure for facilities that use trust funds to establish financial assurance under part 7045.0504 or 7045.0508 and that are expected to close before the expiration of the permit.

Subp. 4. **Amendment of plan.** The owner or operator must submit a written request to the commissioner for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the agency's permitting procedures in chapter 7001. The written request must include a copy of the closure plan amendments for approval. The owner or operator may request a permit modification to amend the closure plan at any time before notification of partial or final closure of the facility. The owner or operator shall request a permit modification to amend the plan whenever:

- A. changes in operating plans or facility design affect the closure plan; or
- B. there is a change in the expected year of closure for those facilities that use trust funds to establish financial assurance as provided in subpart 3; or
- C. in conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

The commissioner may request modifications to the plan under the conditions described in items A to C. The owner or operator must submit the modified plan within 60 days of the commissioner's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the commissioner will be

approved in accordance with the agency's permitting procedures in chapter 7001. The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days before the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event.

Subp. 5. Notification of partial and final closure.

A. The owner or operator shall notify the commissioner in writing at least:

(1) 60 days before the date the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit; or

(2) 45 days before the date the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units remaining to be closed.

B. The date on which the owner or operator "expects to begin closure" is defined as follows:

(1) Where the owner or operator of a hazardous waste management unit anticipates receiving a volume of hazardous wastes the owner or operator knows will be the final volume, then the date on which the owner or operator "expects to begin closure" is 30 days after the date the final volume is anticipated to be received.

(2) Where the owner or operator of a hazardous waste management unit reasonably anticipates that the owner or operator will continue to receive hazardous wastes, then the date on which the owner or operator "expects to begin closure" is one year after the date the last volume of hazardous waste was received by the hazardous waste management unit. An owner or operator shall only be considered to "reasonably anticipate receiving additional volumes of hazardous waste" if the owner or operator in fact receives hazardous wastes within one year after the last volume was received. The commissioner may approve an extension to this one-year limit if the owner or operator of a hazardous waste management unit can demonstrate to the commissioner that the unit or facility has the capacity to receive additional hazardous wastes and he or she has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements.

For units meeting the requirements of part 7045.0488, subpart 2a, the date on which the owner or operator expects to begin closure must be no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of nonhazardous wastes, or if there is a reasonable possibility that the hazardous wastes

management unit will receive additional nonhazardous wastes, no later than one year after the date on which the unit received the most recent volume of nonhazardous wastes. If the owner or operator can demonstrate to the commissioner that the hazardous waste management unit has the capacity to receive additional nonhazardous wastes and the owner or operator has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the commissioner shall approve an extension to this one-year limit.

If the facility's permit or interim status is terminated, or if the facility is otherwise ordered by judicial decree or compliance order to cease receiving hazardous waste or to close, then the requirement in this item does not apply. However, the owner or operator shall close the facility in accordance with established deadlines.

Subp. 6. **Removal of wastes and decontamination or dismantling of equipment.** Nothing in this part precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved closure plan at any time before or after notification of partial or final closure.

Statutory Authority: *MS s 14.07; 116.07*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 13 SR 2761; 16 SR 1225; 33 SR 2042*

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