

7045.0496 NOTICE IN DEED TO PROPERTY.

Subpart 1. **Deed notation.** Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit the owner or operator shall:

A. record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(1) the land has been used to manage hazardous waste;

(2) the land use is restricted; and

(3) the survey plat and record of the type, location, and quantity of hazardous waste disposed of within each cell or other hazardous waste disposal unit of the facility required in part 7045.0494 have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the commissioner; and

B. submit a certification signed by the owner or operator that he or she has recorded the notation specified in this subpart, including a copy of the document in which the notation has been placed, to the commissioner.

Subp. 2. **Changes to deed.** If at any time the owner or operator or a subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove the hazardous wastes and hazardous waste residues, the liner, if any, or contaminated underlying and surrounding soil, he or she must request a permit modification to amend the postclosure plan in accordance with the agency's permitting procedures in chapter 7001. The owner or operator must demonstrate that the removal of hazardous wastes will satisfy the criteria of part 7045.0492, subpart 3. If the owner or operator is granted approval to conduct removal activities, he or she may request that the commissioner approve either:

A. removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

B. addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

By removing hazardous waste and hazardous waste residue, the liner, if any, and the contaminated soil, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of this chapter.

Statutory Authority: *MS s 14.07; 116.07*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15*

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