

7045.0546 TEMPORARY UNITS.

Subpart 1. [Repealed, 29 SR 947]

Subp. 1a. **Adoption of federal rule.** The requirements of Code of Federal Regulations, title 40, section 264.553(a), as amended, are adopted and incorporated by reference to apply to the owners and operators of temporary units. The remedial activities cited in Code of Federal Regulations, title 40, section 264.553, also include remedial activities required under part 7045.0275, subpart 3. In addition, the provisions of part 7045.0090 also apply.

Subp. 2. **Requirements.** Any temporary unit to which alternative requirements are applied in accordance with subpart 1 shall be:

- A. located within the facility boundary; and
- B. used only for treatment or storage of remediation wastes.

Subp. 3. **Conditions for designation.** In establishing standards to be applied to a temporary unit, the commissioner shall consider the following factors:

- A. length of time such unit will be in operation;
- B. type of unit;
- C. volumes of wastes to be managed;
- D. physical and chemical characteristics of the wastes to be managed in the unit;
- E. potential for releases from the unit;
- F. hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and
- G. potential for exposure of humans and environmental receptors if releases were to occur from the unit.

Subp. 4. **Permit or order conditions.** The commissioner shall specify in the permit or order the length of time a temporary unit will be allowed to operate, to be no longer than a period of one year. The commissioner shall also specify the design, operating, and closure requirements for the unit.

Subp. 5. **Time extension conditions.** The commissioner shall extend the operational period of a temporary unit once for no longer than a period of one year beyond that originally specified in the permit or order, if the commissioner determines that:

- A. continued operation of the unit will not pose a threat to human health and the environment; and
- B. continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

Subp. 6. **Adding temporary units to existing permit.** Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:

A. approved in accordance with the procedures for agency-initiated permit modifications under parts 7001.0170; 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5; or

B. requested by the owner/operator according to the procedures under parts 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5.

Subp. 7. **Documentation of reasoning.** The commissioner shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

Statutory Authority: *MS s 116.07*

History: *20 SR 714; 29 SR 947*

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