

7045.0594 CLOSURE.

Subpart 1. **Scope.** Except as provided otherwise in part 7045.0552, this part and part 7045.0596 apply to the owners and operators of all hazardous waste facilities.

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 all closure requirements including the requirements of parts 7045.0628, subpart 9; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and 7045.0642, subpart 5; and Code of Federal Regulations, title 40, section 265.1102, as incorporated in part 7045.0649.

Subp. 3. **Submittal of closure plan.** The closure plans must be submitted as follows:

A. A copy of the written 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. For facilities without approved closure plans, the plan must also be provided to the commissioner as requested, during site inspections on the day of the inspection. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include:

(1) a description of how each hazardous waste management unit will be closed, if applicable, and how the facility will be finally closed, in accordance with subpart 2. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility and how the facility will meet the requirements of parts 7045.0590; 7045.0592; 7045.0594; 7045.0596; 7045.0626, subpart 8; 7045.0628, subpart 9; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; 7045.0642, subpart 5; and 7045.0655, subpart 6, and Code of Federal Regulations, title 40, section 265.1102, as incorporated in part 7045.0649;

(2) an estimate of the maximum inventory of wastes in storage and in treatment at any time during the active life of the facility and a detailed description of the methods to be used during partial and final closure, including methods for removing, transporting, treating, storing, or disposing of all hazardous waste, and identification of off-site hazardous waste management units to be used, if applicable;

(3) 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 or final closure. The description must include procedures for cleaning equipment and removing contaminated soils, methods for sampling

and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard;

(4) a detailed description of other activities necessary during the partial and final 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;

(5) an estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under parts 7045.0612, subpart 2, and 7045.0616, subpart 2, and whose remaining operating life is less than 20 years, and for facilities without approved closure plans; and

(6) 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 or final closure.

B. The owner or operator may amend the closure plan at any time before notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the commissioner to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the commissioner. The owner or operator shall amend the plan whenever:

(1) changes in operating plans or facility design affect the closure plan; or

(2) there is a change in the expected year of closure, if applicable; or

(3) unexpected events occur during partial or final closure activities which require a modification to the closure plan; or

(4) the commissioner requests modifications to the plan under the conditions described in subitems (1) to (3). An owner or operator with an approved closure plan must submit the modified plan to the commissioner within 60 days after the commissioner's request, or within 30 days if an unexpected event occurs during partial or final closure. A modification to the plan will be approved in accordance with the procedures in item F unless the modification meets the criteria of a minor modification in parts 7001.0190, subparts 2 and 3; and 7001.0730, subpart 4.

The owner or operator must amend the plan 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 amend the closure plan no later than 30 days after the unexpected event. An owner or operator with an approved closure plan must submit the amended closure plan in accordance with the deadlines specified

above. A modification to the plan will be approved in accordance with the procedures in item F unless the modification meets the criteria of a minor modification in parts 7001.0190, subparts 2 and 3; and 7001.0730, subpart 4. These provisions also apply to owners or operators of surface impoundments and waste piles who intended to remove all hazardous wastes at closure in accordance with parts 7045.0630, subpart 6; and 7045.0632, subpart 7, but are required to close as landfills under part 7045.0638, subpart 4.

C. The owner or operator of a hazardous waste facility having interim status shall submit a closure plan to the commissioner at least 180 days before the date he or she expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final facility closure if it involves such a unit, whichever is earlier. The owner or operator shall submit a closure plan to the commissioner at least 45 days before the date he or she expects to begin final closure of a facility with only tanks, container storage, or incinerator units. The owner or operator shall submit the closure plan no later than 15 days after:

- (1) termination of interim status, except when a permit is issued simultaneously with termination of interim status; or
- (2) issuance of a judicial decree or agency order to cease receiving wastes or close.

D. Owners or operators with approved closure plans must notify the commissioner in writing at least:

- (1) 60 days before the date he or she 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 he or she expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

E. 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 on which 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 hazardous waste" if the owner or operator in fact receives additional hazardous wastes within one year after the last volume was received. If the owner or

operator can demonstrate to the commissioner that the unit or facility has the capacity to receive additional hazardous 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 interim status requirements, the commissioner may approve an extension to this one-year limit.

For units meeting the requirements of part 7045.0596, 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 waste 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 interim status requirements, the commissioner shall approve an extension to this one-year limit.

F. The commissioner shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments, to request modifications, or to request a public information meeting on the closure plan within 30 days of the date of the notice. In response to a request or at the commissioner's discretion, the commissioner shall hold a public information meeting whenever a meeting might clarify one or more issues concerning the closure plan. The commissioner shall approve, modify, or disapprove closure plans for facilities having interim status within 90 days of receipt of the plan. If the commissioner does not approve the plan, the commissioner shall provide the owner or operator with a detailed written statement of reasons for the refusal. The owner or operator shall submit a modified or new plan for approval within 30 days. The commissioner shall approve or modify this plan. If the commissioner modifies the plan, this modified plan becomes the approved closure plan. A copy of the modified plan shall be mailed to the owner or operator.

Subp. 4. **Removal of wastes and decontamination or dismantling of equipment.** Nothing in this part shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 16 SR 1225; 20 SR 715; 22 SR 5; 33 SR 2042*

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