

7045.0602 POSTCLOSURE CARE AND USE OF PROPERTY.

Subpart 1. **Postclosure care requirements.** Postclosure care for each hazardous waste management unit subject to these requirements must continue for 30 years after the date of completing closure of the unit and must consist of at least ground water monitoring and reporting and the maintenance of monitoring and waste containment systems in accordance with parts 7045.0630, 7045.0632, 7045.0634, and 7045.0638, as applicable.

The commissioner may reduce the postclosure care period to less than 30 years for the hazardous waste management unit or facility, if all disposal units have been closed, if it is found that the reduced period is sufficient to protect human health and the environment. This determination must be based on leachate or ground water monitoring results, waste characteristics, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicating the hazardous waste management unit or facility is secure.

Before the time that the postclosure care period is due to expire, the commissioner may extend the postclosure care period applicable to the hazardous waste management unit or facility, if it is found that the extended period is necessary to protect human health and the environment. This determination must be based on leachate or groundwater monitoring results which indicate a potential for migration of wastes at levels which may be harmful to the environment.

All postclosure care activities must be in accordance with the provisions of the approved postclosure plan.

Subp. 2. **Continuation of security requirements.** The commissioner may require, at partial or final closure, continuation of any of the security requirements during part of or all of the postclosure period after the date of completing closure when wastes may remain exposed after completion of closure or when access by the public or domestic livestock may pose a hazard to human health.

Subp. 3. **Postclosure use of property.** Postclosure use of property on or in which hazardous wastes remain after closure must never be allowed by the owner or operator to disturb the integrity of the final cover, liners, or any other components of any containment system or the function of the facility's monitoring system, unless the owner or operator can demonstrate to the commissioner either in the postclosure plan or by petition that the disturbance:

A. is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

B. is necessary to reduce a threat to human health or the environment.

Subp. 4. **Certification of completion of postclosure care.** Within 60 days after completion of the established postclosure care period for each hazardous waste disposal unit, the owner or operator shall submit to the commissioner, by registered mail,

certification that the postclosure care period for the hazardous waste disposal unit was performed in accordance with the approved postclosure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the commissioner upon request until the commissioner releases the owner or operator from the financial assurance requirements for postclosure care under part 7045.0616, subpart 9.

Statutory Authority: *MS s 116.07*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 13 SR 577*

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