

7001.0010 DEFINITIONS.

Subpart 1. **Scope.** The definitions in part [7000.0100](#) in the agency's procedural rules apply to the terms used in parts 7001.0010 to [7001.0210](#) and the definitions in part [7045.0020](#) in the agency's hazardous waste rules apply to the terms used in parts [7001.0500](#) to [7001.0730](#) unless the terms are defined as follows.

Subp. 2. **Draft permit.** "Draft permit" means a document prepared by the commissioner under part [7001.0100](#) that indicates the commissioner's preliminary decision to issue, modify, revoke and reissue, or reissue a permit, and that indicates the proposed terms and conditions of the permit; or a notice prepared by the commissioner under part [7001.0100](#) that indicates the commissioner's preliminary decision to deny, to refuse to reissue, or to revoke a permit without reissuance.

Subp. 3. **Permit.** "Permit" means a discharge, emission, and disposal authorization; a construction, installation, or operation authorization; and other agency authorizations designated "permit" in Minnesota Statutes, chapters 115 and 116, including Minnesota Statutes, sections [115.03](#), subdivision 1; [115.07](#); [116.07](#), subdivision 4a; [116.081](#); and [116.091](#). "Permit" does not include an "order," "variance," or "stipulation agreement" as defined in part [7000.0100](#) and does not include a "certification." However, the exclusion of "certification" from the definition of "permit" shall not in any way be considered to affect the applicability of parts 7001.0010 to [7001.0210](#) to the processing of certifications by the agency under section 401 of the Clean Water Act, United States Code, title 33, section 1341, to the extent provided by parts [7001.1400](#) to [7001.1470](#).

Subp. 4. **General permit.** "General permit" means a permit issued under part [7001.0210](#) to a category of permittees whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.

STAT AUTH: MS s [115.03](#); [116.07](#)

HIST: 8 SR 2278; 10 SR 2235; L 1987 c 186 s 15; 20 SR 714

Current as of 06/03/04

7001.0020 SCOPE.

Except as otherwise specifically provided, parts [7001.0010](#) to [7001.0210](#) apply to items A to I.

A. An agency permit required for the storage, treatment, processing, transfer intermediate disposal, or final disposal of solid waste. Part [7001.0040](#) applies to permits for solid waste transfer facilities, recycling facilities, refuse-derived fuel processing facilities, and compost facilities, except that the time period referred to in part [7001.0040](#), subparts 1 and 3, shall be 90 days instead of 180 days.

B. An agency permit required for the treatment, storage, or disposal of hazardous waste.

C. An agency permit required for the treatment, distribution, utilization, storage, or disposal of sewage sludge.

D. An agency permit required for the construction, installation, or operation of a disposal system. Part [7001.0040](#), subparts 1 and 3, apply to permits for sewer extensions, except

that the time period referenced in those subparts shall be 60 days instead of 180 days. Parts [7001.0100](#), subparts 4 and 5; [7001.0110](#); and [7001.0150](#) do not apply to permits for sewer extensions.

E. An agency permit required for the discharge of a pollutant into the waters of the state from a point source.

F. An agency permit required for the construction or operation of an animal feedlot or manure storage area or for the correction of a pollution hazard. However, parts [7001.0040](#), [7001.0050](#), [7001.0100](#), subparts 4 and 5, and [7001.0110](#) do not apply to animal feedlot interim and construction short-form permits issued under chapter 7020.

G. An agency permit required for the construction of a facility, building, structure, or installation that attracts or may attract mobile source activity that results in emissions of an air pollutant for which there is a state standard. Parts [7001.0100](#), subparts 4 and 5, and [7001.0110](#) do not apply to permits for parking facilities described in part [7001.1270](#), subpart 2, with a new or increased parking capacity of 5,000 vehicles or less. Part [7001.0150](#), subparts 1 and 2, does not apply to these permits.

H. The processing of certifications under section 401 of the Clean Water Act, United States Code, title 33, section 1341, to the extent provided by parts [7001.1400](#) to [7001.1470](#).

I. An agency permit required for the construction or operation of a substance storage facility which:

(1) is a major facility as defined in part [7001.4205](#);

(2) stores:

(a) a substance as defined in part [7001.4205](#);

(b) asphalt; or

(c) fuel oil number 6; and

(3) is not an excluded aboveground storage tank system under part [7151.1300](#), subpart 2.

Part [7001.0040](#), subparts 1 and 3, apply to major facility substance storage permits except that the time period referenced in those subparts shall be 90 days instead of 180 days.

Parts [7001.0100](#), subparts 4 and 5; [7001.0110](#); and [7001.0150](#) do not apply to these permits.

Part [7001.0080](#) applies to the permits in this item except that the time period referenced in part [7001.0080](#) shall be five years instead of three years.

STAT AUTH: MS s [115.03](#); [116.07](#)

HIST: 8 SR 2278; 10 SR 2235; 12 SR 1564; 12 SR 2513; 13 SR 1150; 13 SR 2154; 13 SR 2453; 16 SR 865; 18 SR 1059; 21 SR 1642; 23 SR 883; 25 SR 556; 25 SR 834; 28 SR 1086

Current as of 06/03/04

7001.0030 PERMIT REQUIRED.

No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278

Current as of 06/03/04

7001.0040 APPLICATION DEADLINES.

Subpart 1. **Application for new permit.** Except as otherwise required by parts [7001.0530](#) and [7001.1040](#), a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the permit application be submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.

Subp. 2. **Modification or revocation and reissuance of existing permits.** If a permit has been issued by the agency, the person holding the permit may file with the agency, at any time, a written application for modification of the permit or for revocation and reissuance of the permit; except that if the reason for the application is the adoption by a federal agency of a new or amended pollution standard, limitation, or effluent guideline the permittee shall file an application within the time for filing specified by the federal agency as a part of the notice of adoption published in the Federal Register.

Subp. 3. **Reissuance of existing permits.** If a permit has been issued by the agency and the person holding the permit desires to continue the permitted activity beyond the expiration date of the permit, the person shall submit a written application for permit reissuance at least 180 days before the expiration date of the existing permit.

Subp. 4. **Preliminary application for new mixed municipal solid waste land disposal facility.** Applicants shall submit a preliminary permit application for a new mixed municipal solid waste or a new municipal solid waste combustor ash land disposal facility at least 90 days before the anticipated start of a detailed site investigation.

STAT AUTH: MS s [115.03](#); [115A.97](#); [116.07](#)

HIST: 8 SR 2278; 12 SR 1564; 12 SR 2513; 13 SR 1150; 13 SR 2453; 16 SR 2321

Current as of 06/03/04

7001.0050 WRITTEN APPLICATION.

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the commissioner a written application. The person shall submit the written application in a form prescribed by the commissioner. The application shall contain the items listed in items A to I unless the commissioner has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the commissioner shall issue the exemption if the commissioner finds that the data is

unnecessary to determine whether the permit should be issued or denied. The application must contain:

- A. the name, address, and telephone number of the owner of the facility for which the application is submitted and identification of the status of the owner as a federal, state, public, private, or other entity;
- B. if the operator of the facility for which the application is submitted is different from the owner, the name, address, and telephone number of the operator and identification of the status of the operator as a federal, state, public, private, or other entity;
- C. the name, address, and telephone number of the person who prepared the application;
- D. a description including the location of the business, plant, system, facility, or activity for which a permit is sought;
- E. a general description of the materials handled, processed, stored, or disposed of by the applicant that are pertinent to the application; and a statement of the nature and quantity of the materials proposed to be stored, processed, discharged, emitted, or disposed of during the period of the required permit, and proposed methods for control of these materials;
- F. a topographic map, or other map if a topographic map is unavailable, that shows the facility and the area surrounding the facility for a distance of at least one mile in all directions of the facility; and all structures that relate to the proposed discharge, emission, storage, processing, or disposal activity;
- G. a copy of a draft or final environmental impact statement that has been prepared under the National Environmental Policy Act, United States Code, title 42, sections 4331 et seq. as amended through December 31, 1982, or a copy of an environmental assessment or environmental impact statement prepared under the rules of the Minnesota Environmental Quality Board, Minnesota Rules, chapters 4400 and 4410;
- H. additional information determined by the commissioner to be relevant to a decision as to permit issuance, including but not limited to plans, specifications, or other technical information that is necessary to determine whether the facility will meet all applicable Minnesota and federal statutes and rules; and
- I. other information relevant to the application as required by parts [7001.0550](#) to [7001.0640](#), [7001.1050](#), [7001.1290](#), [7001.3175](#) to [7001.3475](#), [7001.4200](#), or [7041.0700](#).

STAT AUTH: MS s [115.03](#); [115A.914](#); [116.07](#)

HIST: 8 SR 2278; L 1987 c 186 s 15; 12 SR 1564; 12 SR 2513; 13 SR 1150; 18 SR 1059; 21 SR 1642; 25 SR 556

Current as of 06/03/04

7001.0060 SIGNATURES.

A permit application must be signed as follows:

- A. for a corporation, by a principal executive officer of at least the level of vice-president or the duly authorized representative or agent of the executive officer if the representative

or agent is responsible for the overall operation of the facility that is the subject of the permit application;

B. for a partnership or sole proprietorship, by a general partner or the proprietor, respectively;

C. for a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official;

D. if the operator of the facility for which the application is submitted is different from the owner, by both the owner and the operator according to items A to C. Except in the case of a hazardous waste facility or a solid waste management facility permit application, if the commissioner finds that this requirement is impracticable under the circumstances, the commissioner shall require the operator to sign the application according to items A to C;

E. for solid waste management facilities, by the facility owner and landowner under items A to C if the landowner is different from the owner of the facility for which the application is submitted; and

F. for a firm preparing the necessary reports and plans for a solid waste management facility permit application, by an engineer registered in Minnesota.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 8 SR 2278; L 1987 c 186 s 15; 13 SR 1150

Current as of 06/03/04

7001.0070 CERTIFICATION.

A person who signs a permit application shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete." Where applicable, the person shall also fulfill the certification requirements of part [7001.0540](#).

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278

Current as of 06/03/04

7001.0080 RETENTION OF RECORDS.

The applicant shall retain copies of the permit application, all data and information used by the applicant to complete the application, and additional information requested by the commissioner during the review of the application for a period of at least three years from the date the application is signed. This period is automatically extended during the

course of an unresolved enforcement action regarding the facilities or as requested by the commissioner.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15

Current as of 06/03/04

7001.0090 REVIEW OF PERMIT APPLICATIONS.

The commissioner shall review all permit applications for completeness. If the commissioner finds that the application is incomplete or otherwise deficient, the commissioner shall promptly advise the applicant in writing of the incompleteness or deficiency. The commissioner shall suspend further processing of the portion of the application affected by the deficiency until the applicant has supplied the necessary information or otherwise corrected the deficiency.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15

Current as of 06/03/04

7001.0100 PRELIMINARY DETERMINATION AND DRAFT PERMIT.

Subpart 1. **Preliminary determination.** After a permit application is complete, the commissioner shall make a preliminary determination as to whether the permit should be issued or denied.

Subp. 2. **Draft permit.** If the preliminary determination is to issue a permit, the commissioner shall prepare a draft permit, including a proposed schedule of compliance if a schedule is necessary to meet all applicable standards and limitations imposed by statute or rule. If the preliminary determination is to deny the permit application, the commissioner shall prepare a notice of intent to deny the permit. For the purposes of the procedures required in subparts 2 to 5, a notice of intent to deny a permit is considered a draft permit.

Subp. 3. **Fact sheet.** The commissioner shall prepare a fact sheet for each draft permit described in part [7001.1070](#), subpart 2 for each draft permit proposed to be issued under parts [7001.0210](#) and [7001.0660](#), item A, and for each draft permit that the commissioner finds is the subject of widespread public interest or involves issues of major importance to the agency or to the public. The commissioner shall send a copy of this fact sheet to the applicant and upon request to any other person. The fact sheet must set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The fact sheet must include, if applicable:

A. a concise description of the type of facility or activity that is the subject of the permit application;

B. the type and quantity of wastes, fluids, or pollutants that are proposed to be or are being handled, processed, treated, stored, disposed of, emitted, or discharged;

- C. a summary of the basis for the draft permit conditions, including references to applicable statutory or regulatory provisions;
- D. reasons why requested variances or alternatives to required standards do or do not appear justified;
- E. a concise statement regarding the requirements prescribed in Minnesota Statutes, chapter 116D that are or may be applicable to the facility or activity which is the subject of the permit application;
- F. the preliminary determinations made by the commissioner on the permit application; and
- G. a description of the procedures for reaching a final decision on the draft permit, including:
 - (1) the beginning and ending dates of the public comment period;
 - (2) procedures for requesting a public informational meeting or contested case hearing and the nature of the two types of proceedings;
 - (3) other procedures by which the public may participate in the agency's consideration of the permit application; and
 - (4) the name, address, and telephone number of a person to contact for additional information or to whom comments may be submitted.

Subp. 4. Public notice of permit application and preliminary determination. The commissioner shall prepare and issue a public notice of a completed application and the commissioner's preliminary determination as to whether the permit should be issued or denied. The public notice must include, at a minimum:

- A. The address and telephone number of the main agency office and the applicable agency regional office and a statement that additional information may be obtained at these offices.
- B. The name and address of the applicant, and if different, of the facility or activity that is the subject of the permit application.
- C. A concise description of the facility or activity that is the subject of the permit application.
- D. A statement of the preliminary determination of the commissioner to issue or deny the permit.
- E. If the commissioner's preliminary determination is to issue the permit, a statement of the duration of the draft permit.
- F. A statement that a draft permit has been prepared and, if applicable, that a fact sheet has been prepared and that a copy of these documents will be mailed to any interested person upon the agency's receipt of a written request.
- G. A statement that during the public comment period a person may submit comments to the agency on the draft permit or on the preliminary determination, a statement of the dates on which the comment period commences and terminates, and a statement of the information that the person is required by part [7001.0110](#) to include in the comments.

The public comment period shall be 30 days unless a different public comment period is specifically established by another agency rule.

H. A brief description of the procedures for reaching a final decision on the permit application, including procedures for requesting a public information meeting or a contested case hearing and the nature of the two types of proceedings; and any other procedures by which the public may participate in the agency's consideration of the permit application.

Subp. 5. Distribution of public notice. The commissioner shall distribute the public notice in the following manner:

A. The commissioner shall make a copy of the public notice available at the main agency office and at the applicable agency regional office.

B. The commissioner shall mail a copy of the public notice to the applicant, to all persons who have registered their names and addresses on the mailing list established under part [7001.0200](#), and to any interested person upon request. If applicable, the commissioner shall also mail copies of the public notice according to part [7001.0660](#), item C.

C. The commissioner shall circulate the public notice within the geographical area of the facility or activity which is the subject of the permit application. The commissioner shall designate the geographical area which shall, as a minimum, include the county in which the facility or activity is or will be located. The commissioner shall circulate the public notice in one or more of the following ways:

- (1) by posting the notice in the post office, public library, or other buildings used by the general public in the designated geographical area;
- (2) by posting the notice at or near the entrance of the applicant's premises, if located near the facility or activity that is the subject of the permit application;
- (3) by publishing the notice in one or more newspapers or periodicals of general circulation in the designated geographical area;
- (4) by publishing the notice in a manner constituting legal notice to the public; or
- (5) if applicable, in the manner required by part [7001.0210](#), subpart 4 and [7001.0660](#), item D.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15

Current as of 06/03/04

7001.0110 PUBLIC COMMENTS.

Subpart 1. **Submission of written comments.** During the public comment period established in the public notice of an agency permit, an interested person, including the applicant, may submit written comments on the application or on the draft permit. If the subject of the draft permit and public notice is the modification of a permit, these comments must be limited to the portion of the permit proposed to be modified. During the public comment period, the person may also submit a petition for a public informational meeting or a contested case hearing on the application. Petitions for an

informational meeting must meet the requirements of part [7000.0650](#), subpart 4. Petitions for a contested case hearing must meet the requirements of part [7000.1800](#).

Subp. 2. **Contents of written comments.** A person who submits comments under subpart 1 shall include in the comments the following:

- A. a statement of the person's interest in the permit application or the draft permit;
- B. a statement of the action the person wishes the agency to take, including specific references to sections of the draft permit that the person believes should be changed; and
- C. the reasons supporting the person's position, stated with sufficient specificity as to allow the commissioner to investigate the merits of the person's positions.

Subp. 3. **Public informational meeting.** If a person requests a public informational meeting, the comments must include the items listed in subpart 2 and a statement of the reasons the person desires the agency to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.

Subp. 4. **Extension of comment period.** The public comment period may be extended by the commissioner if the commissioner finds an extension of time is necessary to facilitate additional public comment. Comments submitted in writing by interested persons or the applicant during the public comment period must be retained and considered in the formulation of final determinations concerning the permit application.

STAT AUTH: MS s [14.06](#); [115.03](#); [116.07](#)

HIST: 8 SR 2278; L 1987 c 186 s 15; 19 SR 1310

Current as of 06/03/04

7001.0120 PUBLIC INFORMATIONAL MEETING.

Subpart 1. **Determination of need.** If the commissioner or the agency determines that a public informational meeting would help clarify and resolve issues regarding the commissioner's preliminary determination or the terms of the draft permit or if the commissioner has received a request under part [7001.0670](#), subpart 1, the commissioner shall hold a public informational meeting.

Subp. 2. **Location.** If the requester desires, the public informational meeting must be held in the geographical area of the facility or activity which is the subject of the permit application. Otherwise, the public informational meeting must be held in a place selected by the commissioner which is generally convenient to persons expected to attend the meeting.

Subp. 3. **Notice.** The commissioner shall prepare a notice of the public informational meeting. The notice must contain a reference to the public notice of the application and the draft permit, including any identification numbers on the draft permit and the dates of issuance of the public notice and the draft permit; the date, time, and location of the public informational meeting; the information described in part [7001.0100](#), subpart 4, items A to F; a concise description of the manner in which the public informational meeting will be conducted; and the issue or issues to be discussed.

Subp. 4. **Distribution of notice.** The commissioner shall publish the notice in a newspaper of general circulation in the geographical area of the facility or activity which is the subject of the permit application, and shall mail a copy of the notice to the applicant, the appropriate city and county officials, and all other persons determined by the commissioner to have an interest in the permit application. If applicable, the commissioner shall comply with part [7001.0670](#), subpart 3.

Subp. 5. **Consolidation of issues.** If the commissioner or the agency determines that no person would be adversely affected by consolidation, the commissioner or the agency may consolidate two or more matters, issues, or related groups of permit applications for which a public informational meeting will be held.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15

Current as of 06/03/04

7001.0125 MEETING WITH AND REPORT OF COMMISSIONER.

Subpart 1. **Meeting with commissioner.** Petitioners for a contested case hearing may request to meet with the commissioner. The commissioner shall review petitions for a contested case hearing and, upon concluding that a meeting would assist the agency in resolving controversy, narrowing issues, or in otherwise reviewing the matter, the commissioner shall arrange a meeting with petitioners to discuss:

A. whether the petition meets the criteria for a contested case hearing in parts [7000.1800](#) and [7001.0110](#); and

B. whether the issues raised in the petition can be resolved without a hearing and, if not, whether the scope of a hearing can be limited by mutual agreement of the petitioners and persons who might be parties to the hearing.

Subp. 2. **Commissioner report.** Unless the agency has held a contested case hearing on the matter, the commissioner shall prepare a report and shall serve that report upon all agency members and interested persons at least ten days before a meeting at which the agency is scheduled to take final action on the issuance, revocation, or modification of a permit. The report shall:

A. state whether the agency has received any requests for a public informational meeting and whether those requests meet the requirements of part [7000.0650](#), subpart 4;

B. state whether the agency has received any petitions for a contested case hearing and whether those petitions meet the requirements of parts [7000.0110](#) and [7000.1800](#). If not, the report shall describe what requirements have not been met;

C. state whether any meetings have been held under subpart 1 and, if so, the results of the meetings;

D. recommend changes to the proposed permit or other actions that the commissioner believes are reasonable in response to comments submitted during the comment period; and

E. recommend whether a contested case hearing should be held and, if so, the issues and scope of the hearing.

STAT AUTH: MS s [14.06](#); [116.07](#)

HIST: 19 SR 1310

Current as of 06/03/04

7001.0130 CONTESTED CASE HEARING.

Subpart 1. **Required hearing.** Parts [7000.1750](#) to [7000.2200](#) apply to permits governed by this chapter. The agency's decisions concerning a contested case on a permit matter shall be made as provided in parts [7000.1750](#) to [7000.2200](#).

Subp. 2. **Public informational meeting.** If the agency finds that the holding of a contested case hearing is not justified under subpart 1, the agency shall nevertheless hold a public informational meeting if the agency determines that a public informational meeting would help clarify or resolve issues regarding the terms of the draft permit.

Subp. 3. **Hearing notice and order.** If the agency decides to hold a contested case hearing, the commissioner shall prepare a notice of and order for hearing. The notice of and order for hearing must contain:

A. the information required by part [1400.5600](#) of the Office of Administrative Hearings;

B. a reference to the public notice of the application and the draft permit, including any identification numbers on the draft permit, and the dates of issuance of the public notice and the draft permit;

C. identification of the existing parties and a concise description of the issues on which the agency has ordered a hearing; and

D. the address of the agency office or offices where interested persons may inspect or obtain copies of the public notice of the application, the draft permit, the fact sheet, and other information relevant to the permit application and the holding of the hearing.

Subp. 4. **Relevant rules.** The notice of hearing, distribution of the notice, and the conduct of the contested case hearing are governed by Minnesota Statutes, sections [14.57](#) to [14.62](#); the rules of the Office of Administrative Hearings, parts [1400.5100](#) to [1400.8500](#); and, if applicable by part [7001.0670](#), subparts 2, 3, and 4.

STAT AUTH: MS s [14.06](#); [115.03](#); [116.07](#)

HIST: 8 SR 2278; L 1987 c 186 s 15; 13 SR 2453; 19 SR 1310

Current as of 06/03/04

7001.0140 FINAL DETERMINATION.

Subpart 1. **Agency action.** Except as provided in subpart 2, the agency shall issue, reissue, revoke and reissue, or modify a permit if the agency determines that the proposed permittee or permittees will, with respect to the facility or activity to be permitted, comply or will undertake a schedule of compliance to achieve compliance with all applicable state and federal pollution control statutes and rules administered by the

agency, and conditions of the permit and that all applicable requirements of Minnesota Statutes, chapter 116D, and the rules adopted under Minnesota Statutes, chapter 116D, have been fulfilled. For solid waste facilities, the requirements of Minnesota Statutes, section [473.823](#), subdivisions 3 and 6, must also be fulfilled.

Subp. 2. **Agency findings.** The following findings by the agency constitute justification for the agency to refuse to issue a new or modified permit, to refuse permit reissuance, or to revoke a permit without reissuance:

A. that with respect to the facility or activity to be permitted, the proposed permittee or permittees will not comply with all applicable state and federal pollution control statutes and rules administered by the agency, or conditions of the permit;

B. that there exists at the facility to be permitted unresolved noncompliance with applicable state and federal pollution control statutes and rules administered by the agency, or conditions of the permit and that the permittee will not undertake a schedule of compliance to resolve the noncompliance;

C. that the permittee has failed to disclose fully all facts relevant to the facility or activity to be permitted, or that the permittee has submitted false or misleading information to the agency or to the commissioner;

D. that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit;

E. that all applicable requirements of Minnesota Statutes, chapter 116D and the rules adopted under Minnesota Statutes, chapter 116D have not been fulfilled;

F. that with respect to the facility or activity to be permitted, the proposed permittee has not complied with any requirement under parts [7002.0210](#) to [7002.0310](#) or chapter 7046 to pay fees; or

G. that with respect to the facility or activity to be permitted, the proposed permittee has failed to pay a penalty owed under Minnesota Statutes, section [116.072](#).

Subp. 3. **Contested case hearing.** If a contested case hearing has been held, the agency shall comply with the procedures set forth in part [7000.2000](#) of the agency procedural rules prior to making a final determination.

Subp. 4. **Agency decision when an environmental impact statement must be prepared.** When an environmental impact statement is required to be prepared before the agency makes a final decision on a proposed permit, the agency shall not make its final decision until 25 days or more after the adequacy decision is made under part [4410.2800](#).

STAT AUTH: MS s [14.06](#); [115.03](#); [116.07](#)

HIST: 8 SR 2278; L 1987 c 186 s 15; 13 SR 1150; 13 SR 2453; 17 SR 440; 18 SR 1059; 19 SR 1310; L 1995 c 233 art 4 s 2; L 1995 c 248 art 4 s 2

Current as of 06/03/04

7001.0150 TERMS AND CONDITIONS OF PERMITS.

Subpart 1. **Term of permit.** Unless specifically otherwise provided by statute or rule, an agency permit is issued for a term not to exceed five years.

Subp. 2. **Special conditions.** Each draft and final permit must contain conditions necessary for the permittee to achieve compliance with applicable Minnesota or federal statutes or rules, including each of the applicable requirements in parts [7045.0450](#) to [7045.0642](#) and [7045.1300](#) to [7045.1380](#), and any conditions that the agency determines to be necessary to protect human health and the environment. If applicable to the circumstances, the conditions must include:

A. A schedule of compliance that leads to compliance with the appropriate Minnesota or federal statute or rule. The schedule of compliance must require compliance in the shortest reasonable period of time or by a specified deadline if required by Minnesota or federal statute or rule. If appropriate, the schedule of compliance must include interim dates, which in no case may be separated by more than one year. A permit with a schedule of compliance must require the submission to the commissioner of progress reports. The progress reports must be submitted not later than 14 days after each interim and final date of compliance regarding the permittee's compliance or noncompliance with the schedule of compliance and they must explain any instance of noncompliance and state the actions that have been taken to correct the noncompliance.

B. Requirements for monitoring and testing and reporting of monitoring and testing results. Monitoring and testing requirements must specify the type, interval, and frequency of monitoring and testing activities that are sufficient to yield representative data to determine whether there is compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. As appropriate, the permit must contain requirements for the proper use, maintenance, and installation of monitoring and testing equipment or methods. The permit must require the permittee to keep accurate records of monitoring and testing activities and to submit to the commissioner periodic reports of monitoring results required by the permit and, as requested by the commissioner, the results of other monitoring and testing undertaken by the permittee that are related to compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules. Reporting of monitoring results must contain the certification in part [7001.0070](#).

C. A requirement that the permittee retain the following items for at least three years from the date of the sample, measurement, report, certification, or application, after which time this period must be automatically extended during the course of an unresolved enforcement action or at the request of the commissioner:

- (1) copies of all reports required by the conditions of the permit;
- (2) calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation;
- (3) records of the date, exact location, and time of monitoring and testing which is related to compliance with the terms and conditions of the permit or compliance with Minnesota and federal pollution control statutes and rules, the name of the individual who performed the sampling or measurements, the date the analysis was performed, the name of the individual who performed the analysis, the analytical techniques or methods used, and the results of the analysis;
- (4) if applicable, reports required by part [7001.0720](#), subpart 2, item E; and
- (5) if applicable, the certification required by part [7045.0478](#), subpart 3.

D. A requirement that all documents and reports, including monitoring reports, submitted to the agency for any reason by the permittee, are signed by the permittee or the duly authorized representative of the permittee. For hazardous waste facility permits, duly authorized representative is defined by part [7001.0720](#).

Subp. 3. **General conditions.** Unless specifically exempted by statute or rule, each draft and final permit must include the following general conditions and the agency shall incorporate these conditions into all permits either expressly or by specific reference to this part:

A. The agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.

B. The agency's issuance of a permit does not prevent the future adoption by the agency of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee.

C. The permit does not convey a property right or an exclusive privilege.

D. The agency's issuance of a permit does not obligate the agency to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes.

E. The permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the agency and in compliance with the conditions of the permit.

F. The permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible.

G. The permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the agency or to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents.

H. The permittee shall, when requested by the commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit.

I. When authorized by Minnesota Statutes, sections [115.04](#); [115B.17](#), subdivision 4; and [116.091](#), and upon presentation of proper credentials, the agency, or an authorized employee or agent of the agency, shall be allowed by the permittee to enter at reasonable times upon the property of the permittee to examine and copy books, papers, records, or

memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit.

J. If the permittee discovers, through any means, including notification by the agency, that noncompliance with a condition of the permit has occurred, the permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

K. If the permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the commissioner. Within five days of the discovery of the noncompliance, the permittee shall submit to the commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

L. The permittee shall report noncompliance with the permit not reported under item K as a part of the next report which the permittee is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the permittee shall submit the information listed in item K within 30 days of the discovery of the noncompliance.

M. The permittee shall give advance notice to the commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit.

N. The permit is not transferable to any person without the express written approval of the agency after compliance with the requirements of part [7001.0190](#). A person to whom the permit has been transferred shall comply with the conditions of the permit.

O. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and agency assume no responsibility for damage to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section [3.736](#).

P. Compliance with an RCRA permit during its term constitutes compliance, for purposes of enforcement, with subtitle C of RCRA except for those requirements not included in the permit which:

(1) become effective by statute;

(2) are adopted under parts [7045.1300](#) to [7045.1380](#), restricting the placement of hazardous wastes in or on the land; or

(3) are adopted under parts [7045.0450](#) to [7045.0548](#) regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, construction quality assurance programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of part [7001.0730](#), minor permit modifications.

STAT AUTH: MS s [115.03](#); [116.07](#); [116.37](#)

HIST: 8 SR 2278; 11 SR 1832; L 1987 c 186 s 15; 13 SR 1238; 18 SR 1886

Current as of 06/03/04

7001.0160 CONTINUATION OF EXPIRED PERMIT.

A person who holds an expired permit, other than a permit described in part [7001.0020](#), item B, and who has submitted a timely application for reissuance of the permit may continue to conduct the permitted activity in accordance with the terms and conditions of the expired permit until the agency takes final action on the application unless the commissioner determines that any of the following are true:

- A. the permittee is not in substantial compliance with the terms and conditions of the expired permit or with a stipulation agreement or compliance schedule designed to bring the permittee in compliance with the permit;
- B. the agency, as a result of an action or failure to act of the permittee, has been unable to take final action on the application on or before the expiration date of the permit; or
- C. the permittee has submitted an application with major deficiencies or has failed to properly supplement the application in a timely manner after being informed of deficiencies.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15; 13 SR 2453

Current as of 06/03/04

7001.0170 JUSTIFICATION TO COMMENCE MODIFICATION OF PERMIT OR REVOCATION AND REISSUANCE OF PERMIT.

The following constitute justification for the commissioner to commence proceedings to modify a permit or to revoke and reissue a permit:

- A. alterations or modifications to the permitted facility or activity that will result in or have the potential to result in significant alteration in the nature or quantity of permitted materials to be stored, processed, discharged, emitted, or disposed of by the permittee;
- B. the commissioner receives information previously unavailable to the agency that shows that the terms and conditions of the permit do not accurately represent the actual circumstances relating to the permitted facility or activity;

- C. the agency or the federal government promulgates a new or amended pollution standard, limitation, or effluent guideline that is applicable to the permitted facility or activity;
- D. a court of competent jurisdiction invalidates or modifies a Minnesota or federal statute or rule or federal guideline upon which a condition of the permit is based;
- E. an event occurs that is beyond the control of the permittee that necessitates modification of a compliance schedule in the permit;
- F. the commissioner finds that the permitted facility or activity endangers human health or the environment and that a change in the operation of the permitted facility or in the conduct of the permitted activity would remove the danger to human health or the environment;
- G. the commissioner receives a request for transfer of the permit; or
- H. if applicable, there exists any justification listed in part [7001.0730](#), subpart 1 or [7001.3550](#), subpart 2.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 8 SR 2278; L 1987 c 186 s 15; 13 SR 1150

Current as of 06/03/04

7001.0180 JUSTIFICATION TO COMMENCE REVOCATION WITHOUT REISSUANCE OF PERMIT.

The following constitute justification for the commissioner to commence proceedings to revoke a permit without reissuance:

- A. existence at the permitted facility of unresolved noncompliance with applicable state and federal pollution statutes and rules or a condition of the permit, and refusal of the permittee to undertake a schedule of compliance to resolve the noncompliance;
- B. the permittee fails to disclose fully the facts relevant to issuance of the permit or submits false or misleading information to the agency or to the commissioner;
- C. the commissioner finds that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit;
- D. the permittee has failed to comply with any requirement under parts [7002.0210](#) to [7002.0310](#) or chapter 7046 to pay fees; or
- E. the permittee has failed to pay a penalty owed under Minnesota Statutes, section [116.072](#).

STAT AUTH: MS s [115.03](#); [116.07](#)

HIST: 8 SR 2278; L 1987 c 186 s 15; 13 SR 2453; 17 SR 440; 18 SR 1059; L 1995 c 233 art 4 s 3; L 1995 c 248 art 4 s 3

Current as of 06/03/04

7001.0190 PROCEDURE FOR MODIFICATION, REVOCATION AND REISSUANCE, AND REVOCATION WITHOUT REISSUANCE OF PERMITS.

Subpart 1. **In general.** If the permittee requests the modification or the revocation and reissuance of a permit, the commissioner shall require and review a permit application as provided in parts [7001.0040](#) to [7001.0090](#). Except as provided in subparts 2 and 3, in modifying permits and in revoking and reissuing permits the agency shall follow the procedures set forth in parts [7001.0100](#) to [7001.0130](#) to the same extent required for the issuance of the permit. In permit modification proceedings, only those portions of the permit that are proposed to be modified are open for comment and a contested case hearing. In proceedings to revoke and reissue a permit, the entire permit is open for comment and a contested case hearing.

Subp. 2. **Modification solely as to ownership or control.** Upon obtaining the consent of the permittee, the commissioner shall consider a request to modify a permit as to the ownership or control of a permitted facility or activity without following the procedures in parts [7001.0100](#) to [7001.0130](#) if the commissioner finds that no other change in the permit is necessary. If the permit is a permit described in part [7001.0020](#), item A or B, the commissioner shall also find that the agency has received a binding written agreement between the permittee and the proposed transferee containing a specific date for transfer of permit responsibilities and allocation of liabilities between the permittee and the proposed transferee. If the permit is a permit described in part [7001.0020](#), item A, the commissioner shall comply with the requirements of Minnesota Statutes, section [116.074](#), before approving the permit modification. The commissioner shall not unreasonably withhold or unreasonably delay approval of the proposed permit modification. If the permit is a permit described in part [7001.0020](#), item B, the following additional requirements apply:

- A. The new owner or operator shall submit a revised permit application to the commissioner no later than 90 days before the scheduled change in ownership or control.
- B. The previous owner or operator shall comply with the financial requirements of parts [7045.0498](#) to [7045.0524](#) until the new owner or operator has demonstrated compliance with the requirements to the commissioner. The new owner or operator must demonstrate compliance within 180 days after the date of the change in ownership or control of the facility. Upon demonstration of compliance to the commissioner, the commissioner shall notify the previous owner or operator in writing that the owner or operator is no longer required to comply with parts [7045.0498](#) to [7045.0524](#).

Subp. 3. **Minor modification.** Upon obtaining the consent of the permittee, the commissioner may modify a permit to make the following corrections or allowances without following the procedures in parts [7001.0100](#) to [7001.0130](#):

- A. to correct typographical errors;
- B. to change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with the attainment of the final compliance date;
- C. to change a provision in the permit that will not result in allowing an actual or potential increase in the emission or discharge of a pollutant into the environment, or that

will not result in a reduction of the agency's ability to monitor the permittee's compliance with applicable statutes and rules; and

D. if applicable, to make a change as provided in parts [7001.0730](#), subpart 3; [7001.3550](#), subpart 3; and [7023.9050](#).

Subp. 4. **Revocation without reissuance.** The commissioner shall give notice to the permittee of a proposal to revoke a permit without reissuance. This notice must state that within 30 days of the receipt of the notice the permittee may request a contested case hearing be held on the proposed action. If the permittee requests a contested case hearing, the agency shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts [1400.5100](#) to [1400.8402](#).

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subd 4

HIST: 8 SR 2278; 11 SR 2415; L 1987 c 186 s 15; 12 SR 1564; 12 SR 2513; 13 SR 1150; 13 SR 2453

Current as of 06/03/04

7001.0200 MAILING LIST.

A person who desires to receive copies of public notices issued by the commissioner under part [7001.0100](#), subpart 4 shall submit to the commissioner a written request that the person's name and address be placed on a mailing list kept by the commissioner for the purpose of issuing public notices on permit applications. The person may request notice of all permit applications or may limit the request only to notice of permit applications for facilities or activities of a certain type or for facilities or activities in a defined geographical area. The commissioner shall periodically update this list by mailing to persons on the list a notice asking whether the person wishes to continue to receive notices concerning permit applications. Failure to respond to the commissioner's notice constitutes justification for the commissioner to remove the person's name and address from the list. The commissioner shall also annually publish in the public press and in the State Register notice of the opportunity to be placed on the mailing list.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278; L 1987 c 186 s 15

Current as of 06/03/04

7001.0210 GENERAL PERMITS.

Subpart 1. **Scope.** This part applies to the permits listed in part [7001.0020](#), except for agency permits required for the treatment, storage, and disposal of hazardous waste.

Subp. 2. **Determination by agency.** If the agency finds that it is appropriate to issue a single permit to a category of permittees whose operations, emissions, activities, discharges, or facilities are the same or substantially similar, the agency shall proceed under subparts 3 to 6. This permit is known as a general permit.

Subp. 3. **Requirements.** The agency shall not issue a general permit unless the agency finds that:

A. there are several permit applicants or potential permit applicants who have the same or substantially similar operations, emissions, activities, discharges, or facilities;

B. the permit applicants or potential permit applicants discharge, emit, process, handle, or dispose of the same types of waste;

C. the operations, emissions, activities, discharges, or facilities are subject to the same or substantially similar standards, limitations, and operating requirements; and

D. the operations, emissions, activities, discharges, or facilities are subject to the same or substantially similar monitoring requirements.

Subp. 4. Notice of intent. The applicant and the agency shall follow the same procedures to issue a general permit as are required for the issuance of an individual permit.

However, to comply with part [7001.0100](#), subpart 3, item C, the agency shall publish notice of intent to issue a general permit in the State Register.

Subp. 5. Geographical area. A general permit issued by the agency must state specifically the geographical area covered by the permit.

Subp. 6. Issuance of individual permit. If a permit applicant who is eligible to be covered by a general permit requests an individual permit, the agency shall process the application as an application for an individual permit. If the agency finds that the operations, emissions, activities, discharges, or facilities of a permit applicant or a permittee covered by a general permit would be more appropriately controlled by an individual permit, the agency shall issue an individual permit to the applicant or the permittee. Upon issuance of the individual permit, a general permit previously applicable to the permittee no longer applies to that permittee. In considering whether it is appropriate to issue an individual permit, the agency shall consider:

A. whether the operations, emissions, activities, discharges, or facilities of the permit applicant or permittee have characteristics creating the potential for significant environmental effects;

B. whether the permittee has been in compliance with the terms of the general permit and applicable statutes and rules; and

C. whether the operations, emissions, activities, discharges, or facilities have been altered such that they no longer fit within the category covered by the general permit.

STAT AUTH: MS s [115.03](#) subd 1 para (e); [116.07](#) subd 4

HIST: 8 SR 2278

Current as of 06/03/04

7001.3000 SCOPE.

Parts [7001.0010](#) to [7001.0210](#) and 7001.3000 to [7001.3550](#) govern the application procedures, the issuance, and the conditions of solid waste management facility permits. Chapter 7000 and parts [7001.0010](#) to [7001.0210](#) and 7001.3000 to [7001.3550](#) are construed to complement each other.

STAT AUTH: MS s [14.06](#); [115.03](#); [116.07](#)

HIST: 13 SR 1150; 19 SR 1310

Current as of 06/03/04

7001.3025 DEFINITIONS.

The definitions in parts [7001.0010](#) and [7035.0300](#) apply to the terms used in parts [7001.3000](#) to [7001.3550](#).

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3050 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Except as provided in subpart 2, a solid waste management facility permit or permit modification is required to:

- A. treat, store, process, or dispose of solid waste;
- B. establish, construct, or operate a solid waste management facility; or
- C. change, add, or expand a permitted solid waste management facility.

Subp. 2. **Exclusions.** A solid waste management facility permit is not required:

- A. for backyard compost sites as defined in part [7035.0300](#);
- B. for demonstration/research projects authorized by part [7035.0450](#) unless the project is required to have a permit under federal law;
- C. for beneficial use of solid waste done according to part [7035.2860](#);
- D. for storage of a solid waste prior to its beneficial use when done according to parts [7035.2855](#) and [7035.2860](#);
- E. for disposal of solid waste on the same property on which it was discovered, when a person has made a request to the commissioner for review, investigation, and oversight under Minnesota Statutes, section [115B.17](#), subdivision 14, and is conducting response actions in accordance with a plan approved by the commissioner under Minnesota Statutes, section [115B.175](#); or
- F. when the commissioner has granted an exemption to allow operation without a permit to expedite the proper management of solid waste and to prevent, abate, or control pollution if the commissioner determines that such an exemption is necessary as an immediate response to an emergency. A permit application must be submitted within 90 days after such an exemption is granted.

Subp. 3. **Permits-by-rule.** The owner or operator of the following facilities is deemed to have obtained a solid waste management facility permit without making application for it, unless the commissioner finds that the facility is not in compliance with the listed part:

- A. transfer facilities designed for less than 30 cubic yards capacity in compliance with parts [7035.2525](#) to [7035.2655](#), [7035.2855](#), and [7035.2865](#);

B. demolition debris land disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than a total of 12 consecutive months, not located adjacent to another demolition debris permit by rule facility, and in compliance with parts [7035.2525](#) to [7035.2655](#), [7035.2825](#), and [7035.2855](#);

C. compost facilities receiving yard waste only and in compliance with part [7035.2836](#), subparts 2 and 3;

D. recycling facilities in compliance with part [7035.2845](#);

E. energy recovery facilities governed by chapters 7007, 7009, and 7011, except that facilities processing refuse-derived fuel on-site prior to incineration and energy recovery at the site, must be permitted in accordance with parts [7001.0010](#) to [7001.0210](#) and [7001.3000](#) to [7001.3550](#);

F. storage sites for nonsludge wood waste generated from the wood preparation phase prior to processing or water treatment lime sludge and in compliance with part [7035.2855](#);

G. facilities receiving solid waste from the exploration, mining, milling, smelting, and refining of ores and minerals provided that:

(1) the owner or operator does not accept waste for storage, processing, or disposal other than solid waste generated from the exploration, mining, milling, smelting, and refining of ores and minerals;

(2) the owner or operator has obtained a permit in accordance with part [7001.0020](#), item D; and

(3) the owner or operator is operating the facility in compliance with chapter 6130; or

H. facilities receiving five tons or less of municipal solid waste combustor ash for the purpose of researching in a laboratory ash treatment or utilization provided that ash is stored in compliance with part [7035.2855](#) and disposed of in compliance with part [7035.2885](#) or used in accordance with agency approvals, and provided that the facility owner or operator notifies the commissioner of the source and quantity of ash and the proposed method for managing the ash after research is complete; notification must also include a description of the research methods and intent, and must be received by the commissioner before ash is received at the facility.

Subp. 4. Termination of eligibility for permit-by-rule. The agency may terminate the eligibility of a facility for permit-by-rule status as described in subpart 3, if the agency makes any of the findings of fact listed in items A to C, after notice and opportunity for a contested case hearing or a public informational meeting. An owner or operator, whose facility's eligibility to be permitted under this part has been terminated, must apply for an individual facility permit under parts [7001.3300](#) to [7001.3550](#) within 90 days or close the facility in compliance with parts [7035.2525](#) to [7035.2875](#). The agency may commence proceedings to terminate eligibility for any of the following reasons:

A. the facility does not comply with subpart 3;

B. the owner or operator is conducting other activities at the site that are required to be conducted under a solid waste management facility permit; or

C. circumstances require the facility to be permitted and subject to the requirements of parts [7035.0300](#) to [7035.2875](#) and any other rule in order to protect human health or the environment.

STAT AUTH: MS s [115.03](#); [115A.97](#); [116.07](#)

HIST: 13 SR 1150; 16 SR 2321; 18 SR 1059; 19 SR 2330; 21 SR 327; 21 SR 1642; 28 SR 1086

Current as of 06/03/04

7001.3055 CLOSURE/POSTCLOSURE CARE.

The agency shall issue a closure document containing the closure/postclosure care requirements at the time a solid waste management facility is closed under the conditions listed in part [7035.2625](#), subpart 1. Based on the closure plan submitted under part [7035.2625](#), subpart 3, the postclosure care plan submitted under part [7035.2645](#), subpart 1, and the operational and monitoring reports for the facility, the closure document must specify the length of the postclosure care period, monitoring, testing and reporting requirements, and site maintenance requirements.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3060 DESIGNATION OF PERMITTEE.

The agency shall designate the landowner, facility owner, and facility operator as copermittees when issuing a solid waste management facility permit.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

Subpart 1. **Application submittals.** The application for a solid waste management facility permit must contain a final application with the appropriate supporting documents, and for mixed municipal solid waste and municipal solid waste combustor ash land disposal facilities, a preliminary application and detailed site evaluation report. The information requirements for the preliminary application are established in part [7001.3175](#) and for the detailed site evaluation in part [7001.3275](#). The information requirements for the final application are set forth in part [7001.3300](#). The applicant must also submit any information required in parts [7001.3375](#) to [7001.3475](#) with the final application.

Subp. 2. **Timing of application.** Applicants shall submit permit applications for existing and new solid waste management facilities or for reissuance of existing permits in accordance with part [7001.0040](#), except as provided in items A and B.

A. The applicant for a permit to construct a new mixed municipal solid waste or municipal solid waste combustor ash land disposal facility must submit a preliminary application at least 90 days before the work begins on the detailed site evaluation required by part [7001.3275](#).

B. Part [7001.0040](#), subpart 3, controls the submission of an application for the reissuance of existing permits except as provided in this part. When the commissioner receives a written request that shows good cause for an extension of time to submit the application for reissuance of an existing permit, the commissioner shall grant the extension if the requested date for filing does not extend beyond the expiration date of the permit. The application must contain the information required for a final application in part [7001.3300](#).

STAT AUTH: MS s [115.03](#); [115A.97](#); [116.07](#)

HIST: 13 SR 1150; 16 SR 2321

Current as of 06/03/04

7001.3125 DENIAL OF CONTINUED OPERATION OF AN EXISTING LAND DISPOSAL FACILITY.

The agency may deny or revoke a permit to operate an existing land disposal facility. Permit denial or revocation is based on the owner's or operator's inability to comply with: financial assurance requirements; location, operation, and design requirements; or ground water, surface water, and air quality standards established in parts [7035.2525](#) to [7035.2875](#). If a permit for an existing land disposal facility is denied or revoked, the agency shall issue a closure document in accordance with part [7001.3055](#). The closure document may allow up to five years to comply with the closure requirements of parts [7035.2635](#), [7035.2645](#), [7035.2655](#), and [7035.2815](#), subpart 16. The closure document will establish a postclosure care period and requirements in accordance with parts [7035.2635](#) to [7035.2655](#), and [7035.2815](#), subpart 16.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3150 CERTIFICATION OF PERMIT APPLICATIONS AND REPORTS.

A person who signs a permit application or any portion of it, or any report required by a permit to be submitted to the commissioner or agency must make the certification required by part [7001.0070](#) and shall make the following additional certification: "I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment." An engineer registered in Minnesota must certify all technical documents, such as design drawings and specifications, engineering reports,

and hydrogeologic studies, required to be submitted as part of a permit application or by a permit condition.

The hydrogeologic report and all related ground water and surface water monitoring reports must be signed by a person knowledgeable in the field of hydrogeology. This person must certify the quality of work performed and must have been responsible for the gathering and interpretation of the hydrogeologic data and the preparation of the reports.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3175 CONTENTS OF PRELIMINARY APPLICATION.

The applicant shall submit four copies of a preliminary application to the commissioner. The application must contain the following:

- A. the information required in part [7001.0050](#), except item G;
- B. on the topographic map submitted under part [7001.0050](#), item F, the location of all current and former wells, springs, karst features, and permanent or intermittent surface water bodies listed in public records or otherwise determined by the applicant to exist within a one-mile radius of the property boundaries of the proposed facility site or sites;
- C. a preliminary site evaluation report as described in part [7001.3200](#);
- D. a list of other necessary permits and approvals and whether each has been granted;
- E. a description of the present land use of the site or sites and an area within a one-mile radius of the site or sites, including the identification of the landowners; zoning designations; recreational, historical, or archeological areas; present or proposed access roads and weight restrictions; and how the proposed facility might affect these areas;
- F. the amount of land required to provide the waste disposal capacity determined under Minnesota Statutes, sections [115A.917](#) and [473.823](#);
- G. a description of the work to be completed during the detailed site evaluation, as outlined in part [7001.3275](#), for the facility location recommended in the preliminary site evaluation report; and
- H. a description of efforts to secure leachate treatment.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3200 PRELIMINARY SITE EVALUATION REPORT.

The preliminary site evaluation report must contain a statement of the land disposal capacity needed, as determined under Minnesota Statutes, sections [115A.917](#) and [473.823](#). The report must contain a description of the site selection process, stating how candidate sites were chosen, how and by whom they were evaluated, and the basis for

eliminating potential sites from consideration. For the site or sites recommended for detailed evaluation, the report must contain preliminary evaluations of the following conditions, accompanied by supporting technical documentation:

A. the site's geology, ground water occurrence, horizontal and vertical directions and rates of ground water movement, and ground water quality, based on the preliminary review of available hydrogeologic maps and references, air photography, logs of previous borings and wells, and other available information required under part [7035.2815](#), subpart 3, item E;

B. the site's capability to protect ground water and surface water if the leachate management system fails to contain leachate;

C. the feasibility of the ground water monitoring required under part [7035.2815](#), subpart 10;

D. the feasibility of containing and removing polluted ground water or waste and waste by-products;

E. the site's ability to meet the location standards of parts [7035.2555](#) and [7035.2815](#), subpart 2;

F. the availability of sufficient land for the buffer area and the setback from the property line required under part [7035.2815](#), subparts 2 and 5 and for the designation of a compliance boundary surrounding the facility as required under part [7035.2815](#), subpart 4;

G. the availability of suitable materials for the liners and cover required under part [7035.2815](#), subparts 6 and 7;

H. the potential for soil erosion or surface drainage to lead to increased leachate generation, failure of leachate containment features, runoff, or other undesirable consequences; and

I. the initial efforts to secure treatment facilities for leachate generated at the facility.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3275 DETAILED SITE EVALUATION REPORT.

Subpart 1. **Scope.** The applicant shall submit four copies of a detailed site evaluation report for all mixed municipal solid waste land disposal facilities. The report must include the information required in subparts 2 to 8 and supporting documentation. The report must discuss whether the site meets the requirements of part [7035.2815](#). The applicant shall submit four copies of a detailed site evaluation report for all municipal solid waste combustor ash land disposal facilities. The report must include the information required in subparts 2 to 8 with the exception of subpart 4, item D, along with supporting documentation. The report must discuss whether the site meets the requirements of part [7035.2885](#).

Subp. 2. **Hydrogeologic evaluation.** The applicant must conduct a hydrogeologic investigation to define the soil, bedrock, and ground water conditions at the site. The investigation must meet the requirements of part [7035.2815](#), subpart 3, items A to I. A hydrogeologic evaluation must meet the requirements of part [7035.2815](#), subpart 3, item G, subitems (1) to (8).

Subp. 3. **Soils for cover and liner construction.** The applicant must evaluate the availability and suitability of soil for cover and liner construction. This evaluation must include a description of the source and quantity of the soil, soil descriptions and unified classifications, particle size analyses, permeability at specified moisture and densities, Atterberg limits, and, for liner materials, cation exchange capacity. The determination must consist of the evaluations required in part [7035.2815](#), subpart 8. The evaluation must assess whether the available soils will meet the requirements of part [7035.2815](#), subparts 6 and 7 for a mixed municipal solid waste land disposal facility, and part [7001.2885](#), subparts 10 and 11 for a municipal solid waste combustor ash land disposal facility.

Subp. 4. **Conceptual facility design.** The applicant must include a design conceptualizing the important features of the facility. The following items must be addressed in the plans and accompanying narrative:

- A. a description of the amount and types of waste to be received, the amount and type of cover needed, and the capacity of the site;
- B. a site layout showing surface drainage, existing natural screening and proposed screening, on-site and off-site surface water sources, rock outcroppings, on-site buildings, on-site wells, and property boundaries;
- C. a site development plan depicting fill areas, borrow areas, on-site roads, and surface drainage control structures;
- D. a plan sheet designating special waste handling areas such as general storage areas, recycling areas, tire storage areas, demolition debris or industrial solid waste fill areas, or compost areas;
- E. a proposed design of the fill area including the proposed number of phases and the size of each phase, the direction of filling as it relates to prevailing winds and the slope of the trench bottoms, depth of fill, final contours, and the locations and descriptions of the gas and leachate collection, storage, and treatment systems including cross-sectional plan views;
- F. a description of the leachate collection, storage, and treatment system indicating the type and size of pipe to be used, the length and spacing of pipe runs, proposed pumps, the storage system, and the proposed treatment system;
- G. a description of the liner system to be used, including type of liner, method of placement and protection, and any special design features particular to the liner;
- H. a description of the gas monitoring, venting, and collection system, based on the proximity of off-site buildings or other potentially affected areas, and on-site soils; and
- I. an estimated construction cost.

Subp. 5. Proposed compliance boundary. The detailed site evaluation report must propose the location and configuration of a compliance boundary meeting the requirements of part [7035.2815](#), subpart 4. A plan sheet must show the locations of the proposed monitoring points; the proposed compliance boundary; the proposed limits of the waste fill and leachate management system; the property lines; ground water flow directions; and any nearby surface waters. The applicant may use a single plan sheet for these requirements and those of subpart 4, item C, if all the required information can be clearly shown.

Subp. 6. Feasibility of corrective action. The detailed site evaluation report must discuss the feasibility of the owner or operator implementing corrective actions in accordance with items A to D.

A. The applicant must determine whether it is technically feasible to take the corrective actions required in parts [7035.2615](#) and [7035.2815](#), subpart 15, at the proposed site. The applicant also must consider the costs of corrective actions at the site and the time available for corrective action based on ground water flow conditions at the site.

B. The applicant must identify and describe the potential modes of failure or evidence of failure, including:

(1) releases, leaks, or spills of leachate through liners or through the floor or sidewalls of the fill areas; from leachate collection installations; from leachate tanks, holding ponds, or treatment facilities; and in the loading, unloading, and transportation of leachate on- and off-site;

(2) water quality monitoring results exceeding the intervention limits given in part [7035.2815](#), subpart 4, at the compliance boundary, or the corresponding standards at the compliance boundary or lower compliance boundary, if applicable; and

(3) gas concentrations exceeding the limits given in part [7035.2815](#), subpart 11, in gas monitoring points, or other evidence of adverse effects of gas migration, including damage to the facility's cover vegetation.

C. For each potential type of failure identified under item B, the applicant must:

(1) describe the actions needed to:

(a) define the extent of the problem and identify the source and routes of leachate or gas escape;

(b) alter the monitoring system or the conditions of monitoring, including frequency of monitoring and constituents analyzed;

(c) temporarily and permanently contain the migration of pollutants or gas;

(d) identify the actions necessary to repair areas of subsidence, erosion, dike breakage, and drainage disruption;

(e) repair the problem;

(f) treat and discharge the recovered ground water, leachate, or gas; and

(g) provide other remedial measures as may be necessary;

(2) identify:

(a) the funding, personnel, and equipment needed to carry out the actions in subitem (1), including the expertise needed to coordinate response actions and to provide technical support and specialized equipment and installations;

(b) the schedule for implementing corrective actions, the time needed to accomplish them, and the anticipated duration of longer term activities;

(c) the costs of these actions; and

(d) the level of financial assurance required under part [7035.2685](#) to fund them; and

(3) estimate the success expected from each of the actions from subitem (1).

D. Based on the analysis in items A to C, the applicant must state the conclusions reached regarding the feasibility of corrective actions, including the capability to fund the actions identified.

Subp. 7. **Final use.** The detailed site evaluation report must include a proposal for the use of the site after closure consistent with part [7035.2815](#), subpart 16.

Subp. 8. **Additional information.** The detailed site evaluation report must include the information needed to complete an Environmental Assessment Worksheet or an Environmental Impact Statement, if applicable, in accordance with chapters 4400 and 4410.

STAT AUTH: MS s [115.03](#); [115A.97](#); [116.07](#)

HIST: 13 SR 1150; 16 SR 2321

Current as of 06/03/04

7001.3300 GENERAL INFORMATION REQUIREMENTS FOR FINAL APPLICATION.

The applicant shall submit to the commissioner four copies of the final application and supporting materials for any solid waste management facility. The applicant must use a horizontal scale of one inch equals 200 feet in all drawings and plans, unless otherwise specified. The applicant must mark all plans and reports with the initial date prepared. All subsequent revisions must be dated and include a notation of what revisions were made. The application must contain:

A. a general description of the facility;

B. an industrial waste management plan in accordance with part [7035.2535](#), subpart 5, to include a description of the waste types to be handled at the facility and the quantities of each waste type including a procedure for determining the analyses necessary to treat, store, or dispose of the waste properly in accordance with parts [7035.2525](#) to [7035.2885](#). Municipal solid waste combustor ash land disposal facility applications must explain how the owner or operator will ensure that industrial wastes other than wastes specifically approved by the commissioner in accordance with part [7035.2885](#), subpart 3, will not be disposed of at the facility;

C. a description of the security procedures and equipment required by part [7035.2535](#), subpart 3, or a discussion of reasons the security procedures are unnecessary at the facility;

- D. the inspection schedule required by part [7035.2535](#), subpart 4;
- E. the contingency action plan required by part [7035.2615](#), including the information, if applicable, in parts [7035.2815](#), subpart 15, and [7035.2825](#) to [7035.2885](#);
- F. a description of procedures, structures, or equipment used at the facility to:
- (1) prevent operational hazards;
 - (2) prevent run-off and run-on at the solid waste handling area, such as berms, dikes, or trenches;
 - (3) prevent contamination of ground water and surface water supplies; and
 - (4) mitigate effects of equipment failure and power outages;
- G. a description of precautions used to prevent ignition or explosions of waste or waste by-products and an emergency response plan required by parts [7035.2595](#) and [7035.2605](#);
- H. a description of the traffic patterns and traffic control at the facility including a drawing showing traffic lanes; parking, loading, and unloading areas; estimated traffic volume at the facility; types of vehicles expected to use the facility; and a description of access road surfacing and load bearing capacity;
- I. a description including plans showing how the storage requirements of part [7035.2855](#) will be met;
- J. a closure plan and, when applicable, the postclosure plan required by parts [7035.2625](#) and [7035.2645](#);
- K. if applicable, an up-to-date closure cost estimate for the facility prepared under part [7035.2625](#), subpart 3 and evidence of the financial assurance required in parts [7035.2665](#) to [7035.2805](#);
- L. if applicable, an up-to-date postclosure cost estimate for the facility prepared under part [7035.2645](#), subpart 2, and evidence of the financial assurance required in parts [7035.2665](#) to [7035.2805](#);
- M. if applicable, an up-to-date corrective action cost estimate for the facility prepared under part [7035.2615](#) and evidence of the financial assurance required in parts [7035.2665](#) to [7035.2805](#);
- N. a topographic and development map showing the facility and the area surrounding the facility for a distance of at least 1,320 feet using a scale of one inch equals 200 feet. The maps must include contours of not greater than two-foot intervals that show the pattern of surface water flow in and adjacent to the facility. The maps must show the following:
- (1) date the map was prepared;
 - (2) map scale;
 - (3) floodplain area;
 - (4) surface waters, including intermittent streams and wetlands;
 - (5) zoning of surrounding lands including residential, commercial, agricultural, and recreational;

- (6) a north arrow;
- (7) legal boundaries of the facility site;
- (8) county, township, and municipal boundaries;
- (9) township, range, and section;
- (10) land ownership surrounding the site;
- (11) easements and rights-of-way;
- (12) permanent benchmarks including location and elevation;
- (13) a location grid system on every plan sheet;
- (14) boundaries of parks and wildlife refuges;
- (15) airports;
- (16) location of fences, gates, and other access control measures;
- (17) on-site and off-site water supply and monitoring wells; and
- (18) all existing and proposed structures and buildings, and roads, including those used in treatment, storage, or disposal operations, run-off and run-on control systems; access and internal roads; loading and unloading areas; and fire control systems;

O. any additional geologic and other location information required to demonstrate compliance with parts [7035.2615](#), [7035.2815](#), subpart 15, and [7035.2825](#) to [7035.2885](#);

P. an operations and maintenance manual that includes:

- (1) the facility description and design parameters;
- (2) emergency shutdown procedures;
- (3) operation variables and procedures, including the proposed frequency and materials to be used for intermittent and intermediate cover;
- (4) troubleshooting procedures;
- (5) preventive maintenance requirements;
- (6) safety requirements and procedures;
- (7) equipment maintenance records;
- (8) site inspection records; and
- (9) an inspection schedule for facility maintenance, such as controlling erosion, vegetation growth, and rodents;

Q. a construction inspection, quality control, and quality assurance plan showing a detailed inspection schedule for construction completed at the site; the sampling procedures including number and tests completed; the procedures for interpretation and submission of inspection and test results to the commissioner; and all other material required to comply with parts [7035.2525](#) to [7035.2885](#);

R. a household hazardous waste management plan according to part [7035.2535](#), subpart 6; and

S. any additional information that the commissioner determines is necessary to decide whether the facility will meet all applicable Minnesota and federal statutes and rules during permit issuance.

STAT AUTH: MS s [115.03](#); [115A.97](#); [116.07](#)

HIST: 13 SR 1150; 15 SR 2106; 16 SR 2321

Current as of 06/03/04

7001.3375 FINAL APPLICATION INFORMATION REQUIREMENTS FOR COMPOST FACILITIES.

The application for a compost facility permit must include the following information in addition to the information required by part [7001.3300](#):

- A. a description of the area proposed to be used for each stage of the composting process;
- B. a description of the design and physical features of the facility, including run-off, run-on, and leachate control systems;
- C. a description of the material to be composted;
- D. a description of the residue's composition;
- E. a description of the disposal method for the residue;
- F. the design of an odor control system;
- G. the design and performance specifications of the composting facility;
- H. a description of the composting method to be used including retention time, temperature to be achieved, number of turns needed, and the air flow design;
- I. an operating plan indicating how the provisions of part [7035.2836](#) will be met, including a waste analysis plan; and
- J. a description of the proposed uses for the compost.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150; 21 SR 327

Current as of 06/03/04

7001.3400 FINAL APPLICATION INFORMATION REQUIREMENTS FOR TRANSFER FACILITIES.

The application for a transfer facility permit must include the following information in addition to the information required by part [7001.3300](#):

- A. detailed plans and an engineering report specifying how the facility will be constructed and operated including:
 - (1) the facility design and layout;
 - (2) security measures;
 - (3) the types of vehicles intended for use at the site;

- (4) the types of wastes that will be received;
 - (5) the hours of operation;
 - (6) the storage capacity at the facility and the maximum amount expected to be stored;
 - (7) a description of all major equipment, such as compactors, conveyors, and front-end loaders, used at the site, including the function, the model, the capacity, and the number of each type of equipment;
 - (8) the methods to be employed to control nuisances such as dust, vectors, litter, noise, and odors;
 - (9) the frequency of waste removal and method of removal;
 - (10) the ultimate deposition of the waste received at the facility;
 - (11) the on-site road design and maintenance;
 - (12) the site closure plan;
 - (13) the operating procedures to ensure the facility is maintained in compliance with part [7035.2865](#);
 - (14) any recycling or composting to be done at the site and how it will be conducted; and
 - (15) the safety and emergency procedures for the site operators;
- B. any additional information necessary to meet the requirements of part [7035.2865](#).

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3425 FINAL APPLICATION INFORMATION REQUIREMENTS FOR DEMOLITION DEBRIS LAND DISPOSAL FACILITIES.

The application for a demolition debris land disposal facility permit must include the following information in addition to the information required by part [7001.3300](#):

- A. a calculation of site capacity and operating life;
- B. the detailed plans and engineer's report specifying the manner in which the facility will be constructed and operated to control run-on and run-off;
- C. a description of the procedures to be used in controlling the wind dispersion of particulate matter and fugitive dust;
- D. a phase development plan showing the progressive development of trench or area fills and the construction associated with each phase;
- E. a cross-section plan with a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet, including a minimum of two cross-sections per phase, perpendicular to one another, showing the existing grades, the excavation grade, the final grade, the water table profile, and the profile and identity of the bedrock, as applicable;
- F. a complete soils evaluation, including individual boring logs, as required in part [7035.2825](#);

G. a hydrogeologic study completed in accordance with parts [7001.3275](#) and [7035.2825](#), the extent of which will be determined by the commissioner based on the location, proposed operational practices, and the types of waste expected;

H. the methods to be followed to control noise and access to the facility;

I. a list of the equipment to be used at the site including the model, capacity, number, and ability to handle bulky items;

J. a description of the proposed ground water monitoring system required by part [7035.2825](#), subpart 12;

K. a listing of any other permits required for the facility;

L. an inspection procedure for the facility operator to determine that only permitted wastes are received at the facility; and

M. any additional information the commissioner determines to be necessary to meet the requirements of parts [7035.2525](#) to [7035.2805](#) and [7035.2825](#).

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3475 FINAL APPLICATION INFORMATION REQUIREMENTS FOR MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

The application for a mixed municipal solid waste land disposal facility permit must include the following information in addition to the information required by part [7001.3300](#):

A. The needed capacity determined under Minnesota Statutes, section [115A.917](#), for Greater Minnesota, or, for facilities located in the metropolitan area, Minnesota Statutes, section [473.823](#), subdivision 6.

B. A description of the waste types to be handled at the facility including any special handling procedures and areas designated for disposal of particular wastes.

C. A description of the status of the Environmental Assessment Worksheet or Environmental Impact Statement.

D. Detailed plans and an engineering report describing how the applicant will design, construct, operate, and maintain the facility to comply with the requirements of parts [7035.2525](#) to [7035.2815](#) and [7035.2855](#). The submission must address the following items as specified in part [7035.2815](#):

(1) the liner system, leak detection, and the leachate collection and removal system;

(2) control of run-off and run-on;

(3) management of collection, conveyance, and holding facilities associated with run-off and run-on control systems;

(4) control of wind dispersion of particulate matter;

(5) treatment of collected run-off, run-on, and leachate; and

(6) a phase development plan consistent with site capacity including two cross-sections per phase with a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet, perpendicular to one another, showing the existing grade, the excavation grade, final grade, the water table profile, and the profile and identity of the underlying geology in accordance with the requirements of part [7035.2815](#).

The submission must include the design specifications, materials and test data, the rationale for the design, and identification of elements critical to the performance of the design.

E. Geologic and hydrogeologic information necessary to demonstrate compliance with part [7035.2815](#), as submitted in the hydrogeologic report required in part [7001.3275](#).

F. An operation and maintenance manual detailing the procedures site personnel will follow in order to comply with parts [7035.2525](#) to [7035.2815](#).

G. A description of how the applicant will inspect the facility, including the liner and cover systems, in order to meet the requirements of part [7035.2815](#). The applicant must include this information in the inspection plan submitted under part [7001.3300](#), item D.

H. Detailed plans and an engineering report describing the final cover applied to each cell at closure under parts [7035.2525](#) to [7035.2815](#) and a description of how the applicant will maintain and monitor the facility after closure under parts [7035.2525](#) to [7035.2815](#). The applicant must include this information in the closure and postclosure plans submitted under part [7001.3300](#), item J.

I. The proposed gas monitoring, collection, and treatment system required in part [7035.2815](#), subpart 11.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3480 FINAL APPLICATION INFORMATION REQUIREMENTS FOR MUNICIPAL SOLID WASTE COMBUSTOR ASH LAND DISPOSAL FACILITIES.

The application for a municipal solid waste combustor ash land disposal facility permit must include the information in items A to I in addition to the information required by part [7001.3300](#).

A. A description of the ash and any other wastes proposed to be handled at the facility according to part [7035.2885](#), subpart 3, including the source and chemical and physical characteristics of the ash or other waste.

B. The proposed capacity of the site.

C. A description of how the requirements of part [7035.2885](#), subparts 4 and 5, regarding maximum leachable contaminant levels will be met. If the design of the land disposal facility liner does not meet the minimum specifications of part [7035.2885](#), subpart 11, item P, the application must include a contingency action plan describing steps which the owner or operator will take if the results of ash testing or actual leachate analysis exceed

the limits allowed based on the design of the facility. All applications must include an assessment of the results of ash testing and actual leachate analysis representative of the ash to be accepted at the facility. This assessment must include the following items:

- (1) calculations of "results," as defined in part [7035.2885](#), subpart 4, item A;
- (2) assessment of trends over time in the results of ash testing and actual leachate analysis; and
- (3) descriptions of any anticipated changes in the design of, or waste combusted at, the waste combustor or combustors which generate ash to be accepted at the land disposal facility, and predictions of how those changes will affect the chemical and physical characteristics of the ash disposed of at the facility.

D. A description of the status of the Environmental Assessment Worksheet or Environmental Impact Statement.

E. Detailed plans and an engineering report describing how the applicant will design, construct, operate, and maintain the facility to comply with the requirements of parts [7035.2525](#) to [7035.2805](#) and [7035.2885](#). The submission must address the following items as specified in part [7035.2885](#):

- (1) the liner system, leak detection, and the leachate collection and removal system;
- (2) control of runoff and run-on;
- (3) management of collection, conveyance, and holding facilities associated with runoff and run-on control systems;
- (4) control of wind dispersion of particulate matter;
- (5) treatment of collected runoff, run-on, and leachate; and
- (6) a phase development plan consistent with site capacity including two cross-sections per phase with a vertical scale of one inch equals ten feet and a horizontal scale of one inch equals 100 feet, perpendicular to one another, showing the existing grade, the excavation grade, final grade, the water table profile, and the profile and identity of the underlying geology according to part [7035.2885](#).

The submission must include the design specifications, materials and test data, the rationale for the design, and identification of elements critical to the performance of the design.

F. Geologic and hydrogeologic information necessary to demonstrate compliance with part [7035.2885](#), as submitted in the hydrogeologic report required in part [7001.3275](#), subpart 2.

G. An operation and maintenance manual detailing the procedures site personnel will follow in order to comply with parts [7035.2525](#) to [7035.2805](#) and [7035.2885](#).

H. A description of how the applicant will inspect the facility, including the liner and cover systems, in order to meet the requirements of part [7035.2885](#). The applicant must include this information in the inspection plan submitted under part [7001.3300](#), item D.

I. Detailed plans and an engineering report describing the final cover applied to each cell at closure under parts [7035.2525](#) to [7035.2805](#) and [7035.2885](#) and a description of how the applicant will maintain and monitor the facility after closure under parts [7035.2525](#) to

[7035.2805](#) and [7035.2885](#). The applicant must include this information in the closure and postclosure plans submitted under part [7001.3300](#), item J.

STAT AUTH: MS s [115A.97](#)

HIST: 16 SR 2321

Current as of 06/03/04

7001.3500 TERMS AND CONDITIONS OF SOLID WASTE MANAGEMENT FACILITY PERMITS.

Subpart 1. **Terms of permit.** A solid waste management facility permit is effective for a fixed term not to exceed five years as determined by the agency.

Subp. 2. **Site capacity.** A mixed municipal solid waste land disposal facility permit will state the certified capacity determined under Minnesota Statutes, sections [115A.917](#) and [473.823](#), subdivision 6, as well as the design capacity.

Subp. 3. **Additional general conditions.** Each draft and final solid waste management facility permit issued by the agency must contain the general conditions in part [7001.0150](#), subpart 3. In addition, each permit must contain the following general conditions:

A. The permittee must maintain records of all ground water monitoring data and ground water surface elevations for the active life of the facility and, for disposal facilities, for the postclosure care period. The permittee must also maintain an operating record in accordance with part [7035.2575](#) until closure of the facility.

B. The permittee may not start treatment, storage, or disposal of solid waste in a new solid waste management facility or in a modified portion of an existing solid waste management facility until:

(1) the commissioner has received a letter and as-built plans signed by the owner or operator and by an engineer registered in Minnesota certifying that the facility has been constructed or modified in compliance with the conditions of the permit;

(2) the commissioner has inspected the new or modified facility and has provided the owner or operator with a letter stating that the certification submitted is complete and approved; and

(3) the commissioner has approved the financial assurance amount and instrument to be used for the facility in accordance with parts [7035.2665](#) to [7035.2805](#).

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04

7001.3550 MODIFICATION OF SOLID WASTE MANAGEMENT FACILITY PERMITS; REVOCATION AND REISSUANCE OF PERMITS.

Subpart 1. **Scope.** In addition to parts [7001.0170](#), [7001.0180](#), and [7001.0190](#), subparts 2 and 3 apply to the modification, revocation, and reissuance of solid waste management facility permits.

Subp. 2. **Additional justification for modification of solid waste management facility permits or revocation and reissuance of permits.** In addition to the reasons listed in part [7001.0170](#), the commissioner may commence proceedings to modify a permit, or to revoke and reissue a permit if:

- A. the commissioner determines that modification of a closure plan or a postclosure plan is required by part [7035.2625](#) or [7035.2645](#);
- B. the permittee requests an extension of the 30-day or 60-day periods in parts [7035.2625](#) to [7035.2655](#);
- C. the commissioner receives notification of closure under part [7035.2625](#) in advance of the date in the permit;
- D. the commissioner determines that modification of the 20-year postclosure period provided in parts [7035.2645](#) and [7035.2655](#) is necessary;
- E. the commissioner determines that the permittee has made the demonstration required by parts [7035.2645](#) and [7035.2655](#), so that disturbance of the integrity of the containment system is authorized;
- F. the permittee files a request under parts [7035.2665](#) to [7035.2805](#) for a variance from the required level of financial responsibility;
- G. the commissioner determines under parts [7035.2665](#) to [7035.2805](#) that an upward adjustment of the level of financial responsibility is required;
- H. the commissioner determines that the corrective action program in part [7035.2615](#) has not brought the facility into compliance with the ground water protection standard within the specified period of time;
- I. the commissioner determines that conditions applicable to facilities were not previously included in the facility's permit; and
- J. the county in which the facility is located has not received a certificate of need or an amended certificate of need, as required by Minnesota Statutes, section [115A.917](#), or a facility owner in the metropolitan area has not received a certificate of need or an amended certificate of need in accordance with Minnesota Statutes, section [473.823](#), subdivision 6.

Subp. 3. **Minor modifications of permits.** In addition to the corrections or allowances listed in part [7001.0190](#), subpart 3, if the permittee consents, the commissioner may modify a permit to make the corrections or allowances in items A to G without following the procedures in parts [7001.0100](#) to [7001.0130](#):

- A. change the expected year of closure under parts [7035.2625](#) and [7035.2635](#);
- B. change schedules for final closure under parts [7035.2625](#) and [7035.2635](#);
- C. change the list of equipment in the permittee's contingency action plan;
- D. change the list of emergency contractors in the permittee's contingency or emergency plan;
- E. change the construction schedule for opening and closing approved phases in the permittee's development plans;
- F. change monitoring frequencies; and
- G. change a provision in the permit that will not result in an increase in the emission or discharge of a pollutant into the environment, or that will not reduce the agency's ability to monitor compliance with applicable statutes and rules.

For facilities in the metropolitan area, items A, B, and F must be reviewed and approved by the Metropolitan Council prior to agency approval of the modification.

STAT AUTH: MS s [115.03](#) subd 1; [116.07](#) subds 2,4,4g,4h

HIST: 13 SR 1150

Current as of 06/03/04