

7045.0490 POSTCLOSURE.

Subpart 1. **Scope.** Except as otherwise provided in part 7045.0450, the provisions of subparts 2, 3, and parts 7045.0492 to 7045.0496 apply to:

- A. the owner or operator of a hazardous waste disposal facility;
- B. the owner or operator of a waste pile or surface impoundment that is required by part 7045.0532, subpart 7, or 7045.0534, subpart 7, to have a postclosure plan;
- C. the owner or operator of tank systems that are required under part 7045.0528, subpart 9, to meet the requirements for landfills; and
- D. the owner or operator of containment buildings that are required under Code of Federal Regulations, title 40, section 264.1102, as incorporated in part 7045.0550, to meet the requirement for landfills.

Subp. 2. **Submittal of postclosure plan.** The owner or operator of a facility shall submit a postclosure plan with the permit application, and the plan must be approved by the agency as part of the permit issuance procedure. The approved postclosure plan will become a condition of any permit issued.

Owners or operators of surface impoundments and waste piles which are not otherwise required by part 7045.0532, subpart 7 or 7045.0534, subpart 7 to prepare a postclosure plan, must submit a postclosure plan to the commissioner within 90 days after the owner or operator or the commissioner determines that the unit must be closed as a landfill and is subject to the postclosure care requirements of parts 7045.0490 to 7045.0496.

Subp. 3. **Postclosure plan; amendment of plan.** A copy of the approved plan and all revisions to the plan must be furnished to the commissioner upon request, including request by mail until final closure of the facility. After final closure has been certified, the person or office in item C must keep the approved postclosure plan during the remainder of the postclosure period. For each hazardous waste management unit subject to postclosure care requirements the plan must identify the activities which will be carried on after closure and the frequency of these activities, and it must include at least:

- A. a description of the planned monitoring activities and frequencies at which they will be performed to comply with parts 7045.0484 and 7045.0532 to 7045.0539 during the postclosure care period;
- B. a description of the planned maintenance activities and frequencies at which they will be performed to ensure the integrity of the cap and final cover or other containment systems according to parts 7045.0532 to 7045.0539, and the function of the facility monitoring equipment according to parts 7045.0484 and 7045.0532 to 7045.0539; and

C. the name, address, and telephone number of the person or office to contact about the disposal facility during the postclosure period. This person or office must keep an updated postclosure plan during the postclosure period.

The owner or operator may submit a written request for a permit modification to amend the postclosure plan at any time during the active life of the disposal facility or during the postclosure period in accordance with the agency's permitting procedures in chapter 7001. The owner or operator shall request a permit modification to amend the plan whenever changes in operating plans, or facility design, or events which occur during the active life of the facility including partial and final closures, or during the postclosure period affect the postclosure plan. He or she shall also amend the plan whenever there is a change in the expected year of final closure, if applicable. In addition, the commissioner may request modifications to the postclosure plan under these conditions.

When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design, modification of the postclosure plan must be requested at the same time. The owner or operator must submit a written request for a permit modification at least 60 days before the proposed changes in operating plans or facility design, or no later than 60 days after the unexpected events which affect the postclosure plan occur. If the commissioner requests modification of the postclosure plan, the owner or operator must submit the modified plan no later than 60 days after the commissioner's request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent postclosure plan. Any modifications requested by the commissioner will be approved, disapproved, or modified in accordance with the agency's permitting procedures in chapter 7001.

Statutory Authority: *MS s 14.07; 116.07*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 13 SR 259; 13 SR 2761; 33 SR 2042*

Published Electronically: *October 10, 2013*