

CHAPTER 7001
MINNESOTA POLLUTION CONTROL AGENCY
PERMITS AND CERTIFICATIONS

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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.

[For text of subp 2, see M.R.]

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.

[For text of subp 4, see M.R.]

Statutory Authority: *MS s 14.06, 116 07*

History: *19 SR 1310*

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.

Statutory Authority: *MS s 14.06, 116 07*

History: *19 SR 1310*

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

[For text of subs 2 to 4, see M.R.]

Statutory Authority: *MS s 14.06; 116 07*

History: *19 SR 1310*

7001.0140 FINAL DETERMINATION.

[For text of subs 1 and 2, see M.R.]

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

Statutory Authority: *MS s 14 06; 116 07*

History: *19 SR 1310*

7001.0150 TERMS AND CONDITIONS OF PERMITS.

[For text of subs 1 and 2, see M.R.]

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:

[For text of items A to O, see M.R.]

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.

Statutory Authority: *MS s 116 07, 116 37*

History: *18 SR 1886*

7001.0500 SCOPE.

Parts 7001.0010 to 7001.0210 and 7001 0500 to 7001 0730 govern the application procedures, the issuance, and the conditions of hazardous waste facility permits. Chapter 7000

and parts 7001 0010 to 7001 0210 and 7001 0500 to 7001 0730 shall be construed to complement each other

Statutory Authority: *MS s 14 06, 116 07*

History: *19 SR 1310*

7001.0590 PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS.

Except as otherwise provided in part 7045 0532, subpart 1, if the applicant proposes to store, treat, or dispose of hazardous waste in surface impoundment facilities, the applicant shall submit detailed plans and specifications accompanied by an engineering report which collectively includes the following information in addition to the information required by part 7001 0560

[For text of items A and B, see M R]

C Detailed plans and an engineering report describing how the surface impoundment is designed, and is or will be constructed, operated, and maintained to meet the requirements of parts 7045 0461 and 7045 0532, subparts 3, 4a, and 4b, addressing the following items

(1) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of part 7045 0532, subpart 3, item C If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by part 7045 0532, subpart 3, item J or K, submit appropriate information

(2) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system

(3) The construction quality assurance plan if required under part 7045 0461

(4) Proposed action leakage rate, with rationale, if required under part 7045 0532, subpart 4a, and response action plan, if required under part 7045.0532, subpart 4b

(5) Prevention of overtopping

(6) Structural integrity of dikes

D. A description of how each surface impoundment, including the double liner system, leak detection system, leachate collection and removal system, cover system, and appurtenances for control of overtopping, will be inspected in order to meet the requirements of part 7045.0532, subpart 5, items A, B, and E This information must be included in the inspection plan submitted under part 7001 0560, item E

[For text of items E to M, see M R]

Statutory Authority: *MS s 116 07, 116 37*

History: *18 SR 1886*

7001.0600 PART B INFORMATION REQUIREMENTS FOR WASTE PILES.

Except as otherwise provided by part 7045 0534, subpart 1, if the applicant proposes to store or treat hazardous waste in waste piles, the applicant shall furnish the information required by items A to M in addition to the information required by part 7001 0560

[For text of items A to C, see M R]

D Detailed plans and an engineering report describing how the waste pile is designed and is or will be constructed, operated, and maintained to meet the requirements of parts 7045 0461 and 7045 0534, subparts 3, 4a, and 5a, addressing the following items

(1)(a) The liner system, except for an existing portion of a waste pile, if the waste pile must meet the requirements of part 7045 0534, subpart 3, item A If an exemption from the requirement for a liner is sought as provided by part 7045 0534, subpart 3, item K, the applicant must submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time

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(b) The double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of part 7045 0534, subpart 3, item C. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by part 7045 0534, subpart 3, item D or E, the applicant must submit appropriate information.

(c) If the leak detection system is located in a saturated zone, the applicant must submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system.

(d) The construction quality assurance plan if required under part 7045 0461.

(e) Proposed action leakage rate, with rationale, if required under part 7045 0534, subpart 4a, and response action plan, if required under part 7045 0534, subpart 5a.

(2) Control of run-on

(3) Control of runoff

(4) Management of collection and holding units associated with run-on and runoff control systems

(5) Control of wind dispersal of particulate matter, if applicable

(6) Treatment and disposal of collected runoff and leachate

[For text of items E and F, see MR]

G A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and runoff, will be inspected in order to meet the requirements of part 7045 0534, subpart 6, items A, B, and C. This information must be included in the inspection plan submitted under part 7001 0560, item E. If an exemption is sought to part 7045 0484 under part 7045 0534, subpart 5, describe in the inspection plan how the inspection requirements comply with part 7045 0534, subpart 5, item A, subitem (2).

[For text of items H to M, see MR]

Statutory Authority: *MS s 116 07, 116 37*

History: *18 SR 1886*

7001.0620 PART B INFORMATION REQUIREMENTS FOR LANDFILLS.

Except as otherwise provided by part 7045 0538, subpart 1, if the applicant proposes to dispose of hazardous waste in a landfill, the applicant shall furnish the information designated in items A to L in addition to the information required by part 7001 0560.

[For text of items A and B, see MR]

C Detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated, and maintained to meet the requirements of parts 7045 0461 and 7045 0538, subparts 3, 4a, and 5, addressing the following items:

(1)(a) The liner system, except for an existing portion of a landfill, if the landfill must meet the requirements of part 7045 0538, subpart 3, item A. If an exemption from the requirement for a liner is sought as provided by part 7045 0538, subpart 3, item K, submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time.

(b) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of part 7045 0538, subpart 3, item C. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by part 7045.0538, subpart 3, items M and N, submit appropriate information.

(c) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system.

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(d) The construction quality assurance plan if required under part 7045 0461

(e) Proposed action leakage rate, with rationale, if required under part 7045 0538, subpart 4a, and response action plan, if required under part 7045 0538, subpart 5.

(2) Control of run-on

(3) Control of runoff

(4) Management of collection and holding facilities associated with run-on and runoff control systems

(5) Control of wind dispersal of particulate matter, where applicable

(6) The phased development plan in accordance with the requirements of part 7045 0538, subpart 3, item I.

(7) Treatment and disposal of collected runoff and leachate

D A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and runoff, will be inspected in order to meet the requirements of part 7045 0538, subpart 5, items A, B, and C. This information must be included in the inspection plan submitted under part 7001.0560, item E

[For text of items E to L, see M R]

Statutory Authority: *MS s 116 07, 116.37*

History: *18 SR 1565, 18 SR 1886*

7001.0623 PART B INFORMATION REQUIREMENTS FOR DRIP PADS.

Subpart 1. **Federal regulations adopted by reference.** Except as provided in part 7045 0450, subparts 1 and 3, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide to the commissioner the information required in Code of Federal Regulations, title 40, section 270 26, as amended, except subsection 270.26(b).

Subp. 2 **Exceptions to adopted federal regulation.** Where the federal regulations adopted in subpart 1 refer to other federal regulations, the other federal regulations referred to are superseded by their corresponding state rules. Where no corresponding state rule exists, the federal regulations referred to do not apply.

Subp 3 **Effective date.** This part is effective July 25, 1994

Statutory Authority: *MS s 116.07*

History: *18 SR 1751*

7001.0712 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.

Subpart 1 **Scope.** This part applies to research, development, or demonstration facilities other than land treatment demonstration facilities governed by part 7001.0710 or facilities meeting the treatability study exemption requirements of part 7045 0121

[For text of subps 2 to 4, see M R]

Statutory Authority: *MS s 116 07*

History: *18 SR 1565*

7001.1000 SCOPE AND CONSTRUCTION OF RULES.

Parts 7001.1000 to 7001.1100 govern the application procedures, the issuance, and the conditions of a National Pollutant Discharge Elimination System permit. Chapter 7000 and parts 7001 0010 to 7001 0210 and 7001 1000 to 7001 1100 shall be construed to complement each other.

Statutory Authority: *MS s 14 06; 116 07*

History: *19 SR 1310*

7001.1400 APPLICABILITY.

Parts 7001 1400 to 7001 1470 govern the processing of certifications by the agency under section 401 of the Clean Water Act, United States Code, title 33, section 1341 (hereinafter

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“section 401 certifications”) Parts 7001 0010 to 7001 0210 apply to the processing of section 401 certifications except as specifically otherwise provided in parts 7001 1400 to 7001.1470 In applying parts 7001.0010 to 7001.0210 to the processing of section 401 certifications, the word “permit” shall be construed to mean “section 401 certification” and the term “permittee” shall be construed to mean “certificate holder” Chapter 7000 and parts 7001 0010 to 7001 0210 and 7001 1400 to 7001 1470 shall be construed to complement each other

Statutory Authority: *MS s 14 06, 116 07*

History: *19 SR 1310*

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

Statutory Authority: *MS s 14 06; 116.07*

History: *19 SR 1310*