

7001.0710 LAND TREATMENT DEMONSTRATION PERMITS.

Subpart 1. **Letters of approval.** A person who desires to conduct controlled laboratory demonstrations of hazardous waste land treatment for the purpose of collecting preliminary data shall request a letter of approval from the agency.

The agency shall issue a letter of approval if the demonstration will be conducted under supervised conditions in a closed system capable of providing adequate protection to human health and the environment, and if the data obtained will not be used as the only basis for the issuance of a facility permit. The letter of approval must specify the general conditions for conducting demonstrations, the duration of approval, and the specific waste types.

The letter of approval may only provide approval for controlled laboratory demonstrations of hazardous waste treatment and does not provide exemptions from the hazardous waste management and disposal requirements of chapter 7045. Materials resulting from the demonstration that meet the criteria of parts 7045.0102 to 7045.0155 must be managed as hazardous waste.

Subp. 2. **Permit requirements.** An owner or operator who desires to meet the treatment demonstration requirements of part 7045.0536, subparts 3 and 5, shall request from the agency a treatment demonstration permit. The permit may be issued either as a short-term permit covering only the demonstration, or as a two-phase facility permit covering the demonstration and the design, construction, operation, and maintenance of the land treatment unit.

No short-term permit may be issued unless the agency finds that a completed Part B application is submitted that provides sufficient information upon which to base demonstration conditions, and that sufficient evidence exists upon which to base demonstration requirements.

No two-phase facility permit may be issued unless the agency finds that a completed Part B application is submitted that provides sufficient information upon which to base demonstration and facility conditions, and that sufficient evidence is provided to indicate that the waste material can be successfully land treated.

Subp. 3. **Permit applications.** A completed Part B application must be submitted to obtain a short-term demonstration permit unless the commissioner has issued a written exemption from one or more of the data requirements.

Subp. 4. **Two-phase permits.** If the agency issues a two-phase permit, the permit must establish, as requirements in the first phase of the facility permit, conditions for conducting the demonstration. These permit conditions must include design and operating parameters, including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, effect on food chain crops, monitoring procedures, post-demonstration cleanup activities, and other conditions that the

agency finds may be necessary under part 7045.0536, subparts 3 and 5. The agency shall include conditions in the second phase of the facility permit to meet all part 7045.0536 requirements pertaining to unit design, construction, operation, and maintenance. The agency shall establish these conditions in the second phase of the permit based upon the information contained in the Part B application.

The first phase of the permit is effective upon the date of permit issuance.

The second phase of the permit is effective as provided in subpart 6.

Subp. 5. **Submission of certification, determinations, and data.** The owner or operator who has been issued a two-phase permit and who has completed the treatment demonstration shall submit to the commissioner a certification, signed by a person authorized to sign a permit application or a report under part 7001.0060, that the demonstration has been carried out in accordance with the conditions specified in phase one of the permit for conducting these demonstrations. Within 90 days of completion of the demonstration the owner or operator shall also submit the data collected during the demonstration and a determination as to whether compliance with part 7045.0536, subparts 3 and 5, was achieved.

Subp. 6. **Permit modification.** If the agency determines that the results of the demonstration meet the requirements of part 7045.0536, subparts 3 and 5, the agency shall modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with part 7045.0536, based upon the results of the demonstration.

If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made in accordance with part 7001.0730, subpart 4, the agency shall give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit becomes effective upon the date of notice of final decision.

If modifications under part 7001.0170, item B are necessary, the second phase of the permit becomes effective only after those modifications have been made.

All modifications must be conducted according to part 7001.0730. The second phase of the permit does not go into effect until after the requirements of part 7001.0730 are met and the agency has given notice of final decision.

Statutory Authority: *MS s 116.07*

History: *8 SR 2276; L 1987 c 186 s 15; 16 SR 2102; 18 SR 1565; 33 SR 2042*

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