

**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, transfer, 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 and small 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;

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;

G. for a transfer facility that moves from location to location and receives solid waste directly from other vehicles for consolidation prior to subsequent transport, disposal, or processing, provided it is not located in an area for more than 12 hours, all waste is delivered vehicle to vehicle and is not dumped and reloaded;

H. for a temporary community cleanup event transfer facility provided:

(1) municipality sponsorship or approval of the community cleanup event is obtained;

(2) the community cleanup event is open to the public residing in the targeted community;

(3) the community cleanup event occurs no more than twice a year; and

(4) the community cleanup event, including removal of wastes, lasts no more than seven days; or

I. for a limited solid waste collection services transfer facility that directly accepts waste from individual residents that self-haul, provided the county where the facility is located has determined that the facility is necessary due to limited availability of solid waste collection services, and:

(1) all waste is managed and stored in containers or roll-off boxes constructed of impervious material;

(2) no more than 40 cubic yards of waste are stored on site at any given time;

(3) no more than 40 cubic yards of waste are managed on site per day; and

(4) removal of waste occurs when the capacity of the container is reached or more often as necessary to prevent nuisance conditions.

Subp. 3. **Permits-by-rule.** The owner or operator of a facility described in items A to H is deemed to have obtained a solid waste management facility permit without making application for it.

A. A transfer facility where all waste is managed and stored in containers or roll-off boxes constructed of impervious material or in a fully enclosed building that meets the standards in part 7035.2870, subpart 4, or where the commissioner has determined that the current design is adequate as provided in part 7035.2870, subpart 3, provided that in either case:

(1) no more than 120 cubic yards of waste are stored on site at any given time;

(2) no more than 120 cubic yards of waste are managed on site per day;

(3) the owner or operator maintains the facility in compliance with part 7035.2870, subpart 5; and

(4) the owner or operator submits a written notice to the commissioner that includes the facility location, responsible party and telephone number, facility size, copies of the plans and schedules required under part 7035.2525, subpart 2, item H, and type of waste no later than 180 days following the effective date of this part for existing facilities and no later than ten working days before accepting waste for new facilities. Thereafter, new and existing facilities must submit the notice required under this unit every ten years.

For the purposes of this item, "site" includes all property contiguous to the property where the containers or building are located that is controlled by the same person or related business entities. For the purposes of this item, source-separated recyclable materials received at the facility and stored on site do not count towards the volume limitations in

subitems (1) and (2), and recyclable materials recovered from the waste on the site and stored on site do not count towards the volume limitations in subitem (1).

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 non-sludge 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.

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.

**Statutory Authority:** *MS s 14.388; 115.03; 115A.97; 116.07; L 2014 c 237 s 13*

**History:** *13 SR 1150; 16 SR 2321; 18 SR 1059; 19 SR 2330; 21 SR 327; 21 SR 1642; 28 SR 1086; 30 SR 529; 39 SR 857; 39 SR 1763*

**Published Electronically:** *July 1, 2015*