

**7035.0450 DEMONSTRATION/RESEARCH PROJECTS.**

Subpart 1. **General.** This part establishes regulatory oversight for demonstration/research projects. If a demonstration/research project receives approval under this part, the commissioner may, as part of that approval, allow noncompliance with permit and rule conditions on a temporary basis to allow collection of information and data. However, the commissioner shall not allow noncompliance with federal standards contained in Code of Federal Regulations, title 40, part 258, unless allowed under federal law and in accordance with procedures provided by federal law. Commissioner approval or completion of a demonstration/research project does not obligate the agency to change rules, grant variances, issue or change permit conditions, make beneficial use determinations, or take any other action.

Subp. 2. **Information submittal.** A proposal for a demonstration/research project must be submitted to the agency for review and receive written approval prior to its initiation. At a minimum, the following items must be addressed in any proposal submitted for review and approval:

- A. detailed descriptions of the solid waste, the manner in which it is generated, and the solid waste management technology or process to be evaluated;
- B. results of appropriate chemical and physical characterization of the solid waste done in accordance with part 7035.2861;
- C. goals and objectives of the demonstration/research project;
- D. scope of the demonstration/research project including length of time from the beginning of the project to completion, location, and quantity of solid waste involved;
- E. an outline of information that will be contained in a final report prepared at the end of the demonstration/research project;
- F. review of literature related to the project;
- G. experimental design;
- H. proposed monitoring;
- I. evaluation of possible environmental impacts from the demonstration/research project and a description of safeguards proposed to protect human health and the environment during the project and after its completion;
- J. verification that local units of government have been notified in writing of the intent to carry out the demonstration/research project within their jurisdiction and have been provided information on whom to contact at the agency to provide comments on the project if desired;

K. verification that residents within a one-mile radius of the demonstration/research project have been notified prior to submitting the proposal to the agency. The verification must consist of a copy of a notice placed in the local paper or a copy of any letter mailed to these residents. The notice or letter must include a brief description of the demonstration/research project and information on how to contact the agency to provide input or comments on the project; and

L. when applicable, information required by Code of Federal Regulations, title 40, part 258, for a research, development, and demonstration permit.

Subp. 3. **Agency actions and approval.** Upon completing review of the proposal, the agency shall accept or reject the proposal based on the project's potential to impact human health and the environment and whether the project will result in development of useful information related to solid waste management. The agency shall give priority to proposals that have the potential to prevent pollution or that reduce or utilize solid wastes.

Upon agency approval of a demonstration/research project, the agency shall take one of the following actions:

A. issue a permit in accordance with chapters 7001 and 7035 and Code of Federal Regulations, title 40, part 258; or

B. prepare an agreement that must be signed by the proposer before the project may be initiated. The agreement must contain requirements including the following items:

- (1) length of time the activity can take place;
- (2) maximum quantities of solid waste involved;
- (3) incorporation of proposal elements by reference; and

(4) any other requirements the agency determines are necessary to ensure that the demonstration/research project does not cause harm to human health or the environment.

The signed agreement is legally binding and provides the agency with the authority to enforce its conditions. Violations of the agreement may result in termination of the agreement and possible enforcement action.

Subp. 4. **Termination.** A demonstration/research project or agreement may be terminated by actions of the agency or the parties responsible for the project.

A. The agency may terminate a signed agreement for one of the following reasons:

- (1) the agency discovers that terms of the agreement are not being met;
- (2) the agency determines that the project is not generating useful information; or

(3) there is evidence that allowing the project to continue would pose risks to human health or the environment.

B. If the demonstration/research project is terminated by the parties responsible for conducting the project prior to its completion for any reason, the agency must be notified in writing immediately.

C. If an agreement is terminated, the project must be discontinued until a solid waste permit or variance from the solid waste management rules is obtained.

Subp. 5. **Reporting.** Within six months after completion of the demonstration/research project, the final report as outlined in subpart 2, item E, must be submitted to the agency. In addition, more frequent reporting may be specified as a condition of an agreement or permit and must be submitted in accordance with the signed agreement or permit.

**Statutory Authority:** *MS s 116.07*

**History:** *28 SR 1086*

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