

7035.2625 CLOSURE.

Subpart 1. **Closure.** The owner or operator of a solid waste management facility must cease to accept waste and must immediately close the facility in compliance with this part and parts 7035.2635 and 7035.2815 to 7035.2915, when:

- A. the owner or operator declares the solid waste management facility closed;
- B. for a land disposal facility, all fill areas reach permitted final grade;
- C. an agency permit held by the facility expires, and renewal of the permit is not applied for, or is applied for and denied;
- D. an agency permit for the facility is revoked;
- E. an agency order to cease operations is issued;
- F. the facility is an existing unpermitted land disposal site;
- G. the capacity for the county or facility certified under Minnesota Statutes, section 115A.917 or 473.823 is exceeded;
- H. the required financial assurance for closure, postclosure care, or corrective actions is not maintained with the proper payment or substitute instrument;
- I. the facility is unpermitted, is not a land disposal site, or is required to be permitted under parts 7001.0010 to 7001.1220 and 7001.1400 to 7001.3550 and the owner or operator has not applied for a permit within 180 days after November 15, 1988; or
- J. the facility is a transfer facility operating under an extended permit term and was required by the agency to apply for a permit and failed to do so or applied for the permit as required by the agency and was denied.

Subp. 2. **Closure performance standard.** The owner or operator must close the solid waste management facility in a manner that eliminates, minimizes, or controls the escape of pollutants to ground water or surface waters, to soils, or to the atmosphere during the postclosure period.

Subp. 3. **Submittal and contents of closure plan.** The owner or operator of a solid waste management facility shall submit a closure plan with the permit application, or as required by a closure document, or in order to establish financial assurance mechanisms in accordance with part 7035.2695. For unpermitted land disposal sites, the owner or operator shall submit a closure plan within 90 days after November 15, 1988. The agency shall approve the closure plan as part of the permit issuance procedure or as part of a submittal required by a closure document or other enforcement action. Compliance with the approved closure plan must be a condition of any permit, order, closure document, or stipulation agreement issued for the facility. The closure plan must be consistent with subparts 2, 4, and

5, part 7035.2635, and the applicable closure requirements of parts 7035.2665; 7035.2815, subpart 16; and 7035.2825 to 7035.2915.

A copy of the approved closure plan, and all revisions to the plan, must be kept at the facility until closure is completed and certified under part 7035.2635. Except for transfer facilities and other facilities that will not have waste present following closure, the agency will issue a closure document in accordance with part 7001.3055. The plan must identify steps needed to close each fill phase, if appropriate, and the entire site at the end of its operating life. The closure plan must include:

A. A description of how and when each fill phase and the entire facility will be closed. The description must identify how the requirements of subparts 2 and 5, parts 7035.2635; and 7035.2815 to 7035.2915 will be complied with. The description must include the estimated year of closure and a schedule for completing each fill phase.

B. An estimate of the maximum quantity of wastes in storage at any time during the life of the facility.

C. A cost estimate including an itemized breakdown for closure of each fill phase, for land disposal facilities and the total cost associated with closure activities at solid waste management facilities.

Subp. 4. **Amendment of plan.** The owner or operator may amend the closure plan any time during the life of the facility. The owner or operator must amend the plan whenever changes in the operating plan or facility design affect the closure procedures needed and whenever the expected year of closure changes. If a permit modification as authorized in part 7001.3550 is needed, the owner or operator shall submit an amended closure plan with the modification request. In all other cases, the owner or operator must request a modification of the plan, or, for transfer facilities operated under an extended permit term, make a modification to the plan as provided under part 7001.3410, subparts 1, item D, and 2, within 60 days of any change or event that affects the closure plan.

Subp. 5. **Notification of final facility closure.** The owner or operator shall notify the commissioner at least 90 days before final facility closure activities are to begin. If the permit for the facility has been terminated and a closure document has been issued, this requirement does not apply. However, the owner or operator must close the facility in accordance with procedures established in the closure plan and closure document.

Statutory Authority: *MS s 115.03; 115A.97; 116.07*

History: *13 SR 1150; 16 SR 2321; 18 SR 614; 30 SR 529*

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