

7035.2695 FINANCIAL ASSURANCES REQUIRED.

A. The owner or operator of a mixed municipal solid waste land disposal facility or a municipal solid waste combustor ash land disposal facility that received an initial permit prior to January 1, 2011, shall establish financial assurance for closure, postclosure care and corrective action at the facility by using one or more of the financial assurance mechanisms specified in parts 7035.2705 to 7035.2750.

B. For facilities that received an initial permit after January 1, 2011, the owner or operator of a mixed municipal solid waste land disposal facility, a municipal solid waste combustor ash land disposal facility, an industrial waste land disposal facility, or a demolition debris land disposal facility, except those solid waste land disposal facilities that accept only demolition and construction debris and incidental nonrecyclable packaging and certain industrial wastes limited to wood, concrete, porcelain fixtures, shingles, or window glass resulting from the manufacture of building materials, shall establish financial assurance for closure, postclosure care, and corrective action at the facility by using one or more of the standardized financial assurance mechanisms specified in parts 7035.2705 to 7035.2745, or alternatively may propose a nonstandardized financial assurance mechanism under part 7035.2751 for approval by the commissioner. These facilities must maintain financial assurance as long as the facility poses a potential environmental risk to human health, wildlife, or the environment, as determined by the agency following an empirical assessment conducted under part 7035.2655.

Statutory Authority: *MS s 115.03; 116.07*

History: *13 SR 1150; 36 SR 1352*

Published Electronically: *May 25, 2012*