

7035.2845 RECYCLING FACILITIES.

Subpart 1. **Scope.** The owner or operator of a recycling facility must comply with subparts 2 to 6.

Subp. 2. **Notification.** The owner or operator of a recycling facility shall submit a notification form to the commissioner on a form prescribed by the commissioner prior to beginning facility operations. The owner or operator shall notify the commissioner no later than 30 days after the effective date when the owner or operator relocates the facility. The owner or operator shall notify the commissioner at least 30 days before the effective date when ceasing operations.

Subp. 3. **Design requirements.** The owner or operator of a recycling facility shall design and construct the facility to prevent surface water drainage through recyclable and residual materials, to control dispersion of the recyclable materials and residuals by wind, to contain any spills or releases that could harm human health or the environment, to provide for the storage of recyclable materials so as to protect the recyclability of the materials, and to provide for the storage and removal of residuals. Storage of waste on-site must comply with part 7035.2855.

Subp. 4. **Operation.** The owner or operator of a recycling facility shall effectively control dust, windblown material, vermin populations, and other nuisance conditions at the facility and shall remove all putrescible materials at least once a week. All other residuals must be removed at least once a month.

Subp. 4a. **Annual report.** By March 1 of each year, the owner or operator of a recycling facility shall submit an annual report to the commissioner, on a form prescribed by the commissioner, indicating the name and address of the recycling facility, the year covered by the report, the type and weight of materials handled at the facility; and the distribution of materials by weight, i.e., what weight of recyclable material received went to an end market, a broker/processor, or was managed as mixed municipal solid waste.

Subp. 4b. **Storage.** All of the recyclable materials that are delivered to or are stored at the recycling facility must be removed from the facility within three years after the date of receipt. The owner or operator must notify the commissioner annually, in the annual report required in subpart 4a, if recyclable materials are stored longer than one year. The annual report must identify the type and approximate weight of material being stored. Recyclable materials that are stored longer than one year must be stored in such a way that the recyclability is retained.

Subp. 4c. **Inspections.** The owner or operator of a recycling facility must inspect the facility, at least every 30 days, for malfunctions, deterioration, or discharges that may result in either the release of pollutants to the environment or a threat to human health. The owner or operator must develop and follow a written schedule for inspecting monitoring

equipment, safety and emergency equipment, security devices, and operating and structural equipment used to prevent, detect, or respond to environmental or human health hazards. The owner or operator must retain at the facility a copy of the schedule which must identify the types of problems to look for during the inspection. The owner or operator must remedy any deterioration or malfunction of equipment or structure no later than two weeks after an inspection. If the owner or operator is unable to remedy the deterioration or malfunction within two weeks due to the nature of the problem, availability of materials, or other factors that influence repair efforts, the owner or operator must remedy the problem as soon as possible and must keep a current summary report of the incident and the steps being taken to remedy the situation.

Subp. 4d. **Operating record.** The owner or operator of a recycling facility must keep a written operating record at the facility until April 1 of each year for the preceding calendar year. The owner or operator must record the type and weight of recyclable materials received for each quarter and their distribution by weight. The operating record must also include summary reports and details of incidents that require implementing the contingency action plan specified in subpart 5, and records and results of inspections required by subpart 4c.

Subp. 5. **Contingency action plan.** The owner or operator of a recycling facility shall prepare and maintain a contingency action plan for the recycling facility. The plan must address what actions the owner or operator will take if a fire, spill, or release occurs at the facility and what backup system exists if the owner or operator closes the facility for any period of time.

Subp. 6. **Closure.** At least 30 days prior to the effective date of closure, the owner or operator of a recycling facility must post a notice of closure at the entrance by signs indicating the date of closure, and must publish a notice of closure in a local newspaper. No later than 30 days after ceasing operations, the owner or operator of a recycling facility must properly remove and treat or dispose of all waste and contaminated soil or structures at the facility.

Statutory Authority: *MS s 115.03; 116.07*

History: *13 SR 1150; 19 SR 2330*

Published Electronically: *September 7, 2006*