

**7045.0452 GENERAL FACILITY STANDARDS.**

Subpart 1. **Scope.** The requirements of subparts 2 to 5 apply to owners and operators of all hazardous waste facilities except as provided by part 7045.0450.

Subp. 2. **Identification number.** Every facility owner or operator shall apply for an identification number in accordance with the agency's procedures.

Subp. 3. **Required notices.** The owner or operator of a facility shall give notice in the following situations:

A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the commissioner as well as the Environmental Protection Agency's Region V administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

B. No facility owner or operator may accept a shipment of hazardous waste which he or she is not allowed to manage under the hazardous waste facility permit. The owner or operator shall notify the commissioner immediately upon receiving the hazardous wastes.

C. Except when the owner or operator is also the generator, the owner or operator of a facility that receives hazardous waste from an off-site source shall inform the generator in writing that he or she has the appropriate permit or permits for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

D. Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the postclosure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of parts 7045.0450 to 7045.0551 and all permit requirements. An owner's or operator's failure to notify the new owner or operator of these requirements does not relieve the new owner or operator of the obligation to comply with all applicable requirements.

E. The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to part 7045.0322 must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, DC 20460, and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.

Subp. 4. **Security.** The owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active

portion of the facility, unless he or she can demonstrate to the commissioner in the permit application that:

A. physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which could enter the active portion of a facility; and

B. disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of parts 7045.0450 to 7045.0551.

Unless the owner or operator has made a successful demonstration in the permit application that has been approved by the commissioner, a facility must have a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility, or an artificial or natural barrier which completely surrounds the active portion of the facility and a means to control entry at all times through the gates or other entrances to the active portion of the facility.

Unless the owner or operator has made a successful demonstration in the permit application that has been approved by the commissioner, a sign with the legend, "Danger - Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility and at other locations in sufficient numbers to be seen from any approach to the active portion. The legend must be written in English and in any other language predominant in the area surrounding the facility and must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

Subp. 5. **General inspection requirements.** General inspection requirements include the following:

A. The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to the release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

B. The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that are important to preventing, detecting, or responding to environmental or human health hazards. This schedule must be kept at the facility. The schedule must identify the types of problems which are to be looked for during the inspection such as inoperative sump pumps, leaking fittings, and eroding dikes.

C. The frequency of inspection may vary for the items on the schedule. However, the frequency must be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in parts 7045.0526, subpart 5; 7045.0528, subparts 4 and 7; 7045.0532, subpart 5; 7045.0534, subpart 6; 7045.0536, subpart 6; 7045.0538, subpart 5; 7045.0539, subpart 3; and 7045.0542, subpart 7; and the process vent, equipment leak, and tank, surface impoundment, and container standards in Code of Federal Regulations, title 40, sections 264.1033, 264.1052, 264.1053, 264.1058, as amended, and sections 264.1083 to 264.1089, as incorporated in part 7045.0540, where applicable. The inspection schedule must be submitted with the permit application. The commissioner shall evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the commissioner may modify or amend the schedule as necessary.

D. The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

E. The owner or operator shall record inspections in an inspection log or summary and shall keep these records for at least three years from the date of inspection. These records must include the date and time of the inspection, the name of the inspector, a notation of the observation made, and the date and nature of any repairs or other remedial actions.

**Statutory Authority:** *MS s 116.07; 116.37*

**History:** *9 SR 115; L 1987 c 186 s 15; 13 SR 259; 13 SR 2761; 16 SR 2321; 18 SR 1886; 29 SR 947; 31 SR 1277; 33 SR 2042*

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