

7045.0492 POSTCLOSURE CARE AND USE OF PROPERTY.

Subpart 1. **Postclosure care requirements.** Postclosure care requirements are as follows:

A. Postclosure care of each hazardous waste management unit subject to parts 7045.0490 to 7045.0496 must continue for 30 years after the date of completing closure of the unit and must consist of at least monitoring and reporting according to parts 7045.0484 and 7045.0532 to 7045.0539, and the maintenance of monitoring and waste containment systems, according to parts 7045.0484 and 7045.0532 to 7045.0539.

B. Any time preceding closure of a hazardous waste management unit subject to the postclosure care requirements or final closure, or at any time during the postclosure period for a particular unit, the commissioner may reduce the postclosure care period in accordance with the agency's permit modification procedures in chapter 7001 for the hazardous waste management unit or facility, if all disposal units have been closed if it is found that the reduced period is sufficient to protect human health and the environment. This determination must be based on leachate or groundwater monitoring results, waste characteristics, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicating the hazardous waste management unit or facility is secure.

C. Before the time that the postclosure care period is due to expire, the commissioner may extend the postclosure care period in accordance with the agency's permit modification procedures in chapter 7001 for the hazardous waste management unit or facility if it is found that the extended period is necessary to protect human health and the environment. This determination must be based on factors such as leachate or groundwater monitoring results that indicate a potential for migration of hazardous waste at levels which may be harmful to human health and the environment.

D. All postclosure care activities must be in accordance with the approved postclosure plan.

Subp. 2. **Continuation of security requirements.** The commissioner may require, at partial and final closure, continuation of any of the security requirements during part of or all of the postclosure period after the date of completing closure when hazardous wastes may remain exposed after completion of partial or final closure or when access by the public or domestic livestock may pose a hazard to human health.

Subp. 3. **Postclosure use of property.** Postclosure use of property on or in which hazardous wastes remain after partial or final closure shall never be allowed by the owner or operator to disturb the integrity of the final cover, liners, or any other components of any containment system or the function of the facility's monitoring systems, unless the owner or

operator can demonstrate to the commissioner either in the postclosure plan or by petition that the disturbance:

A. is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

B. is necessary to reduce a threat to human health or the environment.

Subp. 4. **Certification of completion of postclosure care.** Within 60 days after completion of the established postclosure care period for each hazardous waste disposal unit, the owner or operator shall submit to the commissioner, by registered mail, certification by the owner or operator and by an independent registered professional engineer that the postclosure care period for the hazardous waste disposal unit was performed in accordance with the approved postclosure plan. Documentation supporting the independent registered professional engineer's certification must be furnished to the commissioner upon request until the commissioner releases the owner or operator from the financial assurance requirements for postclosure care under part 7045.0508, subpart 10.

Statutory Authority: *MS s 14.07; 116.07*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 13 SR 2761*

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