

7045.0556 GENERAL FACILITY STANDARDS.

Subpart 1. **Scope.** This part applies to owners and operators of all hazardous waste facilities except as provided by part 7045.0552.

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

Subp. 3. **Required notices.** Notices are required in the following situations:

A. The owner or operator of a facility who has arranged to receive hazardous waste from a foreign source shall notify the commissioner as well as the Environmental Protection Agency 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 interim status. The owner or operator shall notify the commissioner immediately upon receiving such hazardous wastes.

C. 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 7045.0552 to 7045.0649. 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.

D. The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to the transfrontier requirements of 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.** Security measures include the following:

A. 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:

(1) physical contact with the waste, structures, or equipment with 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

(2) 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 the requirements of parts 7045.0552 to 7045.0649.

B. Unless exempt under item A, a facility must have:

(1) a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or

(2) 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.

C. Unless exempt under item A, 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 are listed in items A to E.

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. The owner or operator shall keep this schedule at the facility. The schedule must identify the types of problems which are to be looked for during the inspection.

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 7045.0626, subpart 5; 7045.0628, subparts 4 and 7; 7045.0630, subpart 5;

7045.0632, subpart 9; 7045.0634, subpart 4; 7045.0638, subpart 2c; 7045.0640, subpart 4; and 7045.0642, subpart 4; and the process vent, equipment leak, and tank, surface impoundment, and container standards in Code of Federal Regulations, title 40, sections 265.1033, 265.1052, 265.1053, and 265.1058, as amended, and sections 265.1084 to 265.1090(b), as incorporated in part 7045.0645.

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. He or she 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 observations made, and the date and nature of any repairs or other remedial actions.

Subp. 6. **Location in floodplains.** A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood.

As used herein:

A. "100-year floodplain" means any land area which is subject to a one percent or greater chance of flooding in any given year from any source;

B. "washout" means the flow of hazardous waste from the active portion of the facility, the buildings, or equipment as a result of flooding; and

C. "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

Subp. 7. **Prohibition.** Placement of a hazardous waste in a salt dome, salt bed formation, underground mine, or cave is prohibited.

Subp. 8. **Construction quality assurance program.**

A. Construction quality assurance program.

(1) A construction quality assurance program is required for all surface impoundment, waste pile, and landfill units that are required to comply with parts 7045.0630, subpart 1a, item A; 7045.0632, subpart 4a; and 7045.0638, subpart 2, item A. The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a construction quality assurance officer who is a registered professional engineer.

(2) The construction quality assurance program must address the following physical components, where applicable:

- (a) foundations;
- (b) dikes;
- (c) low-permeability soil liners;
- (d) geomembranes (flexible membrane liners);
- (e) leachate collection and removal systems and leak detection systems;

and

- (f) final cover systems.

B. Written construction quality assurance plan. Before construction begins on a unit subject to the construction quality assurance program under item A, the owner or operator must develop a written construction quality assurance plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The construction quality assurance plan must include:

(1) identification of applicable units, and a description of how they will be constructed;

(2) identification of key personnel in the development and implementation of the construction quality assurance plan, and construction quality assurance officer qualifications; and

(3) a description of inspection and sampling activities for all unit components identified in item A, subitem (2), including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover sampling size and locations, frequency of testing, data evaluation procedures, acceptance and rejection criteria for construction materials, plans for implementing corrective measures, and data or other information to be recorded and retained in the operating record under part 7045.0584.

C. Contents of program.

(1) The construction quality assurance program must include observations, inspections, tests, and measurements sufficient to ensure:

(a) structural stability and integrity of all components of the unit identified in item A, subitem (2);

(b) proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according

to permit specifications and good engineering practices, and proper installation of all components (e.g. pipes) according to design specifications; and

(c) conformity of all materials used with design and other material specifications under parts 7045.0532, subpart 3; 7045.0534, subpart 3; and 7045.0538, subpart 3.

(2) The construction quality assurance program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of parts 7045.0532, subpart 3, item C, subitem (1); 7045.0534, subpart 3, item C, subitem (1); and 7045.0538, subpart 3, item C, subitem (1), in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The test fill requirement is waived where data are sufficient to show that a constructed soil liner meets the hydraulic conductivity requirements of parts 7045.0532, subpart 3, item C, subitem (1); 7045.0534, subpart 3, item C, subitem (1); and 7045.0538, subpart 3, item C, subitem (1), in the field.

D. Certification. The owner or operator of units subject to this subpart must submit to the commissioner by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the construction quality assurance officer that the construction quality assurance plan has been successfully carried out and that the unit meets the requirements of parts 7045.0630, subparts 1a and 2; 7045.0632, subpart 4a; and 7045.0638, subpart 2. The owner or operator may receive waste in the unit after 30 days from the commissioner's receipt of the construction quality assurance certification unless the commissioner determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator during this period. Documentation supporting the construction quality assurance officer's certification must be furnished to the commissioner upon request.

Statutory Authority: *MS s 116.07; 116.37*

History: *9 SR 115; 11 SR 1832; L 1987 c 186 s 15; 13 SR 259; 16 SR 2321; 18 SR 1886; 20 SR 715; 31 SR 1277; 33 SR 2042*

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