

7045.0596 CLOSURE ACTIVITIES.

Subpart 1. **Time allowance to begin closure activities.** Within 90 days after receiving the final volume of hazardous waste, or the final volume of nonhazardous waste if the owner or operator complies with all applicable requirements in subpart 2a, at a hazardous waste management unit or facility, or within 90 days after approval of the closure plan, whichever is later, the owner or operator shall treat, remove from the unit or facility, or dispose on-site all hazardous waste in accordance with the approved closure plan. The commissioner may approve a longer period if the owner or operator demonstrates at least 30 days before expiration of the 90 day period, that he or she has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, and:

A. the activities required to comply with the approved closure plan will, of necessity, take longer than 90 days to complete; or

B. the hazardous waste management unit or facility has the capacity to receive additional hazardous waste, or has the capacity to receive nonhazardous waste if the facility owner or operator complies with subpart 2a, there is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year, and closure of the unit or facility would be incompatible with continued operation of the site.

If the owner or operator of a facility required to maintain financial assurance for closure, postclosure care, or corrective action fails to make any required payment or to substitute alternative financial assurance when required to do so, the commissioner shall order the owner or operator to begin closure activities.

Subp. 2. **Time extension for closure activities.** The owner or operator shall complete partial or final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous waste, or the final volume of nonhazardous waste if the owner or operator complies with all applicable requirements of subpart 2a, at the hazardous waste management unit or facility, or 180 days after approval of the closure plan if that is later. The commissioner may approve a longer closure period if the owner or operator demonstrates at least 30 days before expiration of the 180 day period that he or she has taken, unless the owner or operator is otherwise subject to the deadlines in subpart 2a, and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility, including all applicable interim status requirements, and:

A. the partial or final closure activities will, of necessity, take longer than 180 days to complete; or

B. the hazardous waste management unit or facility has capacity to receive additional hazardous waste, or has the capacity to receive nonhazardous wastes if the facility owner or operator complies with subpart 2a, there is a reasonable likelihood that the owner or operator or another person will recommence operation of the unit or facility within one year, and closure of the unit or facility would be incompatible with continued operation of the site.

If operation of the site is recommended, the commissioner may defer completion of partial or final closure activities until the new operation is terminated.

Subp. 2a. **Conditions for receiving nonhazardous waste.** The commissioner shall allow an owner or operator to receive only nonhazardous waste in a landfill, land treatment, or surface impoundment unit after the final receipt of hazardous waste at that unit if:

A. the owner or operator submits an amended Part B application, or a Part B application, if not previously required, and demonstrates that:

(1) the unit has the existing design capacity, as previously indicated by the owner or operator on the Part A application, to receive nonhazardous wastes;

(2) there is a reasonable likelihood that the owner or operator or another person will receive nonhazardous wastes in the unit within one year after the final receipt of hazardous waste;

(3) the nonhazardous waste will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under parts 7045.0552 to 7045.0649;

(4) closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and

(5) the owner or operator is operating and will continue to operate in compliance with all permit applicable interim status requirements;

B. the Part B application includes an amended waste analysis plan required under part 7045.0564, groundwater monitoring and response program required under parts 7045.0590 and 7045.0592, human exposure assessment required under parts 7001.0590 and 7001.0620, closure and postclosure plans required under parts 7045.0594 and 7045.0600, and updated cost estimates and demonstration of financial assurance for closure and postclosure care as necessary and appropriate required under parts 7045.0610 to 7045.0618, to reflect any changes due to the presence of hazardous constituents in the nonhazardous wastes, and changes in closure activities required under part 7045.0596, including the expected year of closure if applicable under part 7045.0594, subpart 3, item A, subitem (5), as a result of the receipt of nonhazardous wastes following the final receipt of hazardous wastes;

C. the Part B application is amended, as necessary and appropriate, to account for the receipt of nonhazardous wastes following receipt of the final volume of hazardous wastes; and

D. the Part B application and the demonstrations referred to in items A and B are submitted to the commissioner no later than 120 days before the date which the owner or operator of the facility receives the known final volume of hazardous wastes at the unit.

If the owner or operator of a surface impoundment is not in compliance with the liner and leachate collection system minimum technology requirements of part 7045.0630, subpart 1a, the owner or operator may not delay closure in order to accept nonhazardous wastes.

Subp. 3. **Disposal or decontamination of equipment, structures, and soils.** During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in part 7045.0628, subpart 9; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634, subpart 6; or 7045.0638, subpart 4. By removing any hazardous wastes or hazardous constituents during partial or final closure, the owner or operator may become a generator of hazardous waste and must handle that waste according to all applicable requirements of parts 7045.0205 to 7045.0325.

Subp. 4. **Certification of closure.** Within 60 days after closure is completed for each hazardous waste management unit and within 60 days after final closure is completed, 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 hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. Documentation supporting the independent registered professional engineer's certification must be furnished to the commissioner upon request until he or she releases the owner or operator from the financial assurance requirements for closure under part 7045.0612, subpart 9.

Statutory Authority: *MS s 116.07; 116.37*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 15 SR 1515; 16 SR 1225; 16 SR 2102; 18 SR 1565; 31 SR 1277; 33 SR 2042*

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