

7045.0600 POSTCLOSURE.

Subpart 1. **Scope.** This part and parts 7045.0602 to 7045.0606 apply to the owners and operators of all hazardous waste disposal facilities, including surface impoundments and waste piles from which the owner or operator intends to remove the wastes at closure, to the extent that the owner or operator is required to provide postclosure care in part 7045.0630, subpart 6, or 7045.0632, subpart 7; tank systems that are required under part 7045.0628, subpart 9, to meet the requirements for landfills; and containment buildings that are required under Code of Federal Regulations, title 40, section 265.1102, as incorporated in part 7045.0649, to meet the requirement for landfills, except as provided otherwise in part 7045.0552.

Subp. 2. **Submittal of postclosure plan.** The postclosure plan must be submitted as follows:

A. The owner or operator of a disposal facility shall have a written postclosure plan. A copy of the most current plan must be furnished to the commissioner upon request, including request by mail, until the postclosure care period begins. For facilities without approved postclosure plans, it must also be provided to the commissioner as requested, during site inspections, on the day of inspection. For each hazardous waste management unit subject to postclosure care requirements, the plan must identify the activities which will be carried on after closure of the unit and the frequency of these activities, and it must include:

(1) a description of the planned ground water monitoring activities and frequencies at which they will be performed;

(2) a description of the planned monitoring activities, and frequencies at which they will be performed to comply with parts 7045.0630, 7045.0632, 7045.0634, and 7045.0638 during the postclosure care period;

(3) a description of the planned maintenance activities and frequencies at which they will be performed to ensure the integrity of the cap and final cover or other containment structures, where applicable, and the function of the facility monitoring equipment; and

(4) the name, address, and telephone number of the person or office to contact about the hazardous waste disposal unit or facility during the postclosure period. After final closure has been certified, this person or office must keep an updated postclosure plan during the postclosure period.

B. The owner or operator may amend the postclosure plan at any time during the active life of the disposal facility or during the postclosure period. An owner or operator with an approved postclosure plan must submit a written request to the commissioner to

authorize a change in the approved plan. The owner or operator shall amend the plan whenever the following conditions affect the postclosure plan:

- (1) changes in operating plans or facility design; or
- (2) unexpected events occur during the active life of the facility, including partial and final closure, or during the postclosure period; or
- (3) there is a change in the expected year of closure, if applicable.

A request for modification of the postclosure plan must be made to the commissioner at least 60 days before the proposed changes in operating plans or facility design, or no later than 60 days after the events which affect the postclosure plan occur. This request must include the revised postclosure plan and indicate the reasons for modifying the plan. The request must be made in accordance with subpart 3 and the commissioner shall take actions required in subpart 3. A modification to the plan will be approved in accordance with item D unless the modification meets the criteria of a minor modification in parts 7001.0190, subparts 2 and 3; and 7001.0730, subpart 4. The commissioner may request modifications to the postclosure plan under the conditions described in subitems (1) to (3). An owner or operator with an approved postclosure plan must submit the modified plan no later than 60 days after the commissioner's request. If an owner or operator of a surface impoundment or a waste pile who intended to remove all hazardous wastes at closure in accordance with part 7045.0630, subpart 6; or 7045.0632, subpart 7, is required to close as a landfill in accordance with part 7045.0638, subpart 4. The owner or operator must submit a postclosure plan within 90 days after the owner or operator or commissioner determines that the unit must be closed as a landfill.

C. The owner or operator of a facility with hazardous waste management units subject to postclosure requirements shall submit the postclosure plan to the commissioner at least 180 days before the date he or she expects to begin closure of the first hazardous waste disposal unit. The date on which the owner or operator "expects to begin closure" is defined as follows:

(1) Where the owner or operator of a hazardous waste management unit anticipates receiving a volume of hazardous wastes the owner or operator knows will be the final volume, then the date on which the owner or operator "expects to begin closure" is 30 days after the date the final volume is anticipated to be received.

(2) Where the owner or operator of a hazardous waste management unit reasonably anticipates that the owner or operator will continue to receive hazardous wastes, then the date on which the owner or operator "expects to begin closure" is one year after the date the last volume of hazardous waste was received by the hazardous waste management unit. An owner or operator shall only be considered to "reasonably anticipate receiving

additional volumes of hazardous waste" if the owner or operator in fact receives additional hazardous wastes within one year after the last volume was received.

The owner or operator also shall submit the plan to the commissioner no later than 15 days after: termination of interim status, except when a permit is issued to the facility simultaneously with termination of interim status; or issuance of a judicial decree or agency order to cease receiving waste or close.

D. The commissioner shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments, to request modification, or to request a public information meeting on the postclosure plan or substantive amendments to the postclosure plan within 30 days of the date of the notice. In response to a request or at his or her own discretion, the commissioner shall hold a public information meeting whenever a meeting might clarify one or more issues concerning the postclosure plan. The commissioner shall approve, modify, or disapprove postclosure plans for facilities having interim status within 90 days of the receipt of the plan. If the commissioner does not approve the plan, he or she shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall submit a modified or new plan for approval within 30 days after receiving this written statement. The commissioner shall approve or modify this plan in writing within 60 days. If the commissioner modifies the plan, this modified plan becomes the approved postclosure plan. A copy of the modified plan and a detailed statement of reasons for the modifications shall be mailed to the owner or operator. The commissioner shall ensure that the approved postclosure plan is consistent with this part and with the postclosure care and use of property requirements in parts 7045.0602, 7045.0604, and 7045.0606.

Subp. 3. **Modification of postclosure period.** The postclosure period may be modified during the postclosure care period as described in items A and B:

A. The owner or operator or any member of the public may petition the commissioner to extend or reduce the postclosure care period applicable to a hazardous waste management unit or facility or alter the requirements of the postclosure care period based on cause.

(1) The petition must include evidence demonstrating that the secure nature of the hazardous waste management unit or facility makes the postclosure care requirements unnecessary or supports reduction of the postclosure care period specified in the current postclosure plan, or that the requested extension in the postclosure care period or alteration of postclosure care requirements is necessary to prevent threats to human health and the environment. Areas which must be considered in demonstrating the secure nature of the facility include leachate or ground water monitoring results, characteristics of the waste, application of advanced technology; or alternative disposal, treatment, or reuse techniques that indicate the facility is secure.

(2) These petitions will be considered by the commissioner only when they present new and relevant information. Whenever the commissioner is considering a petition, the commissioner shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments or request a public information meeting within 30 days of the date of the notice. In response to a request or at his or her own discretion, the commissioner shall hold a public information meeting whenever a meeting might clarify one or more issues concerning the postclosure plan. After considering the comments, a final determination shall be issued. The criteria listed in subitem (1) shall serve as a basis for the final determination. If the commissioner denies the petition, he or she shall send the petitioner a written response detailing the reason for denial.

B. The commissioner may decide to modify the postclosure plan if necessary to prevent threats to human health and the environment. Extension or reduction of the postclosure care period or alteration of the requirements of the postclosure care period may be proposed based on cause.

The commissioner shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments or request a public information meeting within 30 days of the date of the notice. The commissioner shall in response to a request or at his or her own discretion hold a public information meeting whenever a meeting might clarify one or more issues concerning the postclosure plan. After considering the comments, a final determination shall be issued.

The commissioner shall base the final determination upon the criteria outlined in item A, subitem (1). A modification of the postclosure plan may include, when appropriate, the temporary suspension rather than permanent deletion of one or more postclosure care requirements. At the end of the specified period of suspension, the commissioner shall determine whether the requirements should be permanently discontinued or reinstated to prevent threats to human health and the environment.

Statutory Authority: *MS s 116.07; 116.37*

History: *9 SR 115; 11 SR 2415; L 1987 c 186 s 15; 13 SR 259; 15 SR 1515; 33 SR 2042*

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