

9220.0390 TERMS AND CONDITIONS OF PERMITS.

Subpart 1. **Term of permit.** A waste tire facility permit must be issued for up to five years.

Subp. 2. **Special conditions.** Each permit must require the facility to be operated consistent with the application for the facility permit, conditions placed by the agency on permit approval, and all applicable state and federal statutes and rules. If the facility receiving the permit is not in compliance with any applicable state or federal statute or rule at the time of issuance, the permit must require the permittees to achieve compliance with the statute or rule within a reasonable period of time.

Subp. 3. **General conditions.** Unless specifically exempted by statute or rule, each permit must include the following general conditions, and the agency shall incorporate these conditions into all permits either expressly or by specific reference to this part:

A. The agency's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.

B. The agency's issuance of a permit does not prevent the future adoption by the agency of rules or orders more stringent than those in existence at the time the permit is issued and does not prevent the enforcement of these rules or orders against the permittee.

C. The permit does not convey a property right or an exclusive privilege.

D. The permittee may not knowingly make a false or misleading statement, representation or certification in a record, report, plan, or other document required to be submitted to the agency or to the commissioner by the permit. The permittee shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents.

E. Upon presentation of proper credentials, the agency or an authorized employee or agent of the agency, shall be allowed by the permittee to enter the permitted facility at reasonable times to examine and copy books, papers, records, or memoranda pertaining to the facility, and to conduct surveys and investigations pertaining to the facility.

F. If the permittee discovers, through any means, including notification by the agency, that noncompliance with a condition of the permit has occurred, the permittee shall take all necessary steps to minimize the adverse impacts on human health, welfare, or the environment.

G. If the permittee discovers that noncompliance with a condition of the permit has occurred that could endanger human health, welfare, or the environment, the permittee shall immediately notify the commissioner.

H. The permit is not transferable to any person except as provided in part 9220.0410, subpart 2.

I. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and agency assume no responsibility for damage to person, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those authorized, directed, or undertaken under the permit. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

Statutory Authority: *MS s 115A.914*

History: *12 SR 2513; L 1999 c 73 s 5*

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