Pollution Control Agency

Adopted Rules Relating to Hazardous Waste Facility Permits

Rules as Adopted

6 MCAR S 4.4201 Scope.

Rules 6 MCAR SS 4.4001-4.4021 and 4.4201-4.4224 govern the application procedures, the issuance, and the conditions of hazardous waste facility permits. Rules 6 MCAR SS 4.3001-4.3011, 4.4001-4.4021, and 4.4201-4.4224 shall be construed to complement each other.

6 MCAR S 4.4202 Definitions.

The definitions in 6 MCAR SS 4.4001, 4.9100, and 4.9380 B. apply to the terms used in 6 MCAR SS 4.4201-4.4224.

6 MCAR S 4.4203 Permit requirements.

A. Permit required. Except as provided in B., no person may do any of the following without obtaining a hazardous waste facility permit from the agency:

1. treat, store, or dispose of hazardous waste;

2. establish, construct, operate, or close a hazardous waste facility;

3. make an expansion, a production increase, or a process modification that results in new or increased capabilities of a permitted hazardous waste facility; or

4. operate a permitted hazardous waste facility or part of a facility that has been changed, added to, or extended, or that has new or increased capabilities.

B. Exclusions. A person who conducts any of the following activities is not required to obtain a hazardous waste facility permit for that activity:

1. The accumulation by generators of hazardous waste on site for fewer than 90 days as provided in 6 MCAR S 4.9216.

2. The disposal by farmers of hazardous wastes that have been generated by their own use of pesticides as provided in 6 MCAR S 4.9222.

3-26-84

3. The ownership or operation of a totally enclosed treatment facility as defined in 6 MCAR S 4.9100.

4. The storage by transporters of manifested shipments of hazardous waste in containers that meet the requirements of 6 MCAR S 4.9214 A. at a transfer facility for a period of ten days or fewer as provided in 6 MCAR S 4.9253.

5. An activity conducted to immediately contain or treat a spill or an imminent and substantial threat of a spill of hazardous waste or a material that, when spilled, becomes a hazardous waste. This exclusion does not apply to a person who treats, stores, or disposes of the spilled material or spill residue or debris after the immediate response activities have been completed.

6. The addition of absorbent material to hazardous waste in a container, or the addition of hazardous waste to absorbent material in a container, if the addition occurs at the time waste is first placed in the container, and if the addition is accomplished in accordance with 6 MCAR SS 4.9283 B. and 4.9315 B. and C.

7. The ownership or operation of a facility that is used to manage hazardous waste described in 6 MCAR S 4.9129 B.1. or 2. that is to be beneficially used, reused, recycled, or reclaimed, unless 6 MCAR S 4.9129 B.1.~~i.~~j. provides otherwise.

8. To the extent provided by 6 MCAR S 4.9129 B.3., 4., or 5., the ownership or operation of a facility that beneficially uses, reuses, recycles, or reclaims hazardous waste.

9. The management of hazardous waste as provided in 6 MCAR SS 4.9128 C.12.; 4.9130 A.; 4.9134 E.3. and 5.; 4.9209; or 4.9210 B.

C. Permits by rule. The owner or operator of the following facilities shall be deemed to have obtained a hazardous waste facility permit without making application for it unless the director finds that the following conditions are not met:

1. Barges or vessels operating in Minnesota that are intended to be operated elsewhere as ocean disposal facilities, if the owner or operator:

a. has obtained a permit for ocean disposal under Code of Federal Regulations, title 40, part 220;

b. complies with the conditions of the permit for ocean disposal; and

c. complies with 6 MCAR SS 4.9281 B.; 4.9292; 4.9293; 4.9294 A., B., and C.1.-3.; and 4.9296 A., B., and C.

2. Publicly owned treatment works that accept hazardous waste for treatment, if the owner or operator:

a. has obtained a National Pollutant Discharge Elimination System permit, a state disposal system permit, or both, from the agency;

b. complies with the conditions of the National Pollutant Discharge Elimination System permit or the state disposal system permit;

c. complies with 6 MCAR SS 4.9281 B.; 4.9292; 4.9293; 4.9294 A., B., and C.1.-3.; and 4.9296 A., B., and C.; and

d. accepts a waste that meets all applicable federal, Minnesota, and local pretreatment requirements for that waste if it were to be discharged into the publicly owned treatment works through a sewer, pipe, or other conveyance.

3. Elementary neutralization, pretreatment, or wastewater treatment units, provided that:

a. the unit does not receive hazardous waste from generators other than the owner or operator of the unit;

b. the owner or operator complies with the requirements of 6 MCAR SS 4.9480-4.9481; and

c. the owner or operator's eligibility to be permitted under this rule has not been terminated under D.

4. That portion of a combustion waste facility that is used to manage hazardous wastes produced in conjunction with the combustion of fossil fuels, if:

a. the wastes are generated on-site;

b. the wastes traditionally have been and actually are mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes resulting from coal combustion;

c. the wastes are necessarily associated with the production of energy, such as boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, and cooling tower blowdown;

d. the owner or operator complies with the requirements of 6 MCAR SS 4.9480-4.9481; and

e. the owner or operator's eligibility to be permitted under this rule has not been terminated under D.

D. Termination of eligibility for permit by rule. The eligibility of an owner or operator of an elementary neutralization unit, a pretreatment unit, a wastewater treatment unit, or a combustion waste facility to be permitted under this rule is subject to termination by the agency after notice and opportunity for a contested case hearing or a public informational meeting if the agency makes any of the findings set forth in 1.-4. An owner or operator whose eligibility to be permitted under this rule has been terminated shall apply for and obtain an individual permit under these rules. The following findings constitute justification for the director to commence proceedings to terminate eligibility:

1. that any applicable conditions set forth in C.3. or 4. are not met;

2. that the owner or operator has violated a requirement of 6 MCAR SS 4.9480-4.9481;

3. that the owner or operator is conducting other activities that are required to be covered by a hazardous waste facility permit; or

4. that under the circumstances, in order to protect human health or the environment, the permitted facility should be subject to the requirements of 6 MCAR SS 4.9281-4.9322.

6 MCAR S 4.4204 Hazardous waste facility permit application.

A. Form. The application for a hazardous waste facility permit consists of Part A and Part B. The information requirements of Part A are set forth in 6 MCAR S 4.4206. The information requirements of Part B are set forth in 6 MCAR SS 4.4207-4.4215. A person who submits Part B of the application

shall submit the information required by 6 MCAR S 4.4207 and shall also submit any information required by 6 MCAR SS 4.4208-4.4215 that is applicable to the facility which is the subject of the application.

B. Timing of application. Deadlines for the submission of a permit application for existing and new hazardous waste facilities and for reissuance of existing permits are as follows:

1. The owner or operator of an existing hazardous waste facility shall submit Part A of the application to the director on or before the 90th day after the effective date of 6 MCAR SS 4.4201-4.4224. An owner or operator who has already submitted Part A of the application to the Environmental Protection Agency need not submit Part A of the application to the director if the information submitted to the Environmental Protection Agency is complete with respect to all portions of the facility and all wastes stored, treated, or disposed of at the facility that are subject to regulation under 6 MCAR SS 4.9100-4.9560. If the information submitted to the Environmental Protection Agency is not complete, the owner or operator shall submit an amended Part A of the application to the director on or before the 90th day after the effective date of this rule. The owner or operator may submit Part B of the application at any time except that upon the request of the director the owner or operator shall submit Part B of the application not later than six months after the date of receipt of the director's request. A later date for submission of Part B for a thermal treatment facility may be made under 6 MCAR S 4.4221 K.

2. If a person proposes to construct a new hazardous waste facility, the person shall submit Part A and Part B of the application at least 180 days before the planned date of the commencement of facility construction.

3. Rule 6 MCAR S 4.4004 C. governs the application for the reissuance of existing permits except as provided in this rule. When the director receives a written request that shows good cause for an extension of time to file the application for permit reissuance, the director shall grant the extension if the

final date for filing the application does not extend beyond the expiration date of the permit. The application must contain Part B of the application, completed to show all information that is new or different from that contained in previously submitted applications.

C. Updating permit applications. An owner or operator of an existing hazardous waste facility who has submitted Part A of the application but has not yet submitted Part B of the application shall submit to the director an amended Part A of the application under the following circumstances:

1. if the submission of an amended application is necessary to comply with 6 MCAR S 4.4216 E.; or

2. if 6 MCAR SS 4.9128-4.9137 is amended to list or designate as hazardous a waste being treated, disposed of, or stored by the owner or operator which was not listed or designated as hazardous at the time the original Part A was submitted.

The owner or operator shall file the amended Part A not later than 90 days after the effective date of the amendment to 6 MCAR SS 4.9128-4.9137. An owner or operator who fails to submit an amended Part A when required to do so shall not receive interim status for any wastes not covered by a submitted Part A application.

6 MCAR S 4.4205 Certification of permit applications and reports.

A person who signs a permit application or any portion of it or any report required by a permit to be submitted to the director or to the agency shall make the certification required by 6 MCAR S 4.4007 and shall make the following additional certification: "I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment." Technical documents, such as design drawings and specifications and engineering studies required to be submitted as part of a permit application or by permit conditions, must be certified by a registered professional engineer.

6 MCAR S 4.4206 Contents of Part A of application.

Part A of the application must contain the following information:

A. the information set forth in 6 MCAR S 4.4005;

B. on the topographic map submitted under 6 MCAR S 4.4005, an identification of all wells, springs, and surface water bodies listed in public records or otherwise known to the applicant to exist within one-quarter mile of the property boundaries of the hazardous waste facility;

C. the name, mailing address, and exact location of the hazardous waste facility, including the latitude and longitude of the location;

D. an identification by use of up to four standard industrial classification codes that best reflect the principal products or services provided by the applicant;

E. a list of the wastes designated under 6 MCAR SS 4.9128-4.9137 as hazardous to be treated, stored, or disposed of by the applicant and an estimate of the quantity of each hazardous waste to be treated, stored, or disposed of annually by the applicant;

F. a description of the processes to be used for treating, storing, or disposing of hazardous waste, and the design capacity of the facility;

G. whether the faciliy is new or existing and whether the application is an initial or amended application;

H. if the facility is an existing facility, a scale drawing of the facility showing the location of all past, present, and proposed future treatment, storage, and disposal areas;

I. if the facility is an existing facility, photographs of the facility clearly showing all existing structures; existing treatment, storage, and disposal areas; and sites of proposed future treatment, storage, and disposal areas; and

J. a statement as to which, if any, of the following permits the applicant has applied for or received that pertains to the facility or a portion of the facility that is the subject of the application:

1. a hazardous waste facility permit required by 6 MCAR S 4.4203, other than the permit that is the subject of the current application, or a hazardous waste facility permit issued by the United States Environmental Protection Agency;

2. a National Pollutant Discharge Elimination System permit required by 6 MCAR S 4.4104;

3. an air emission facility permit required by 6 MCAR S 4.4303; or

4. a dredge or fill permit issued under section 404 of the Clean Water Act, United States Code, title 33, section 1344.

6 MCAR S 4.4207 General information requirements for Part B of application.

Part B of the application must contain the following information:

A. A general description of the facility, unless an accurate and complete Part A of the application has been submitted.

B. Chemical and physical analyses of the hazardous wastes to be handled at the facility. At a minimum, these analyses must contain all information that is necessary in order to treat, store, or dispose of the wastes properly in accordance with 6 MCAR SS 4.9280-4.9322.

C. A copy of the waste analysis plan required by 6 MCAR S 4.9284 B.

D. A description of the security procedures and equipment required by 6 MCAR S 4.9281 D. or a justification as to why these security procedures are unnecessary at the facility.

E. A copy of the inspection schedule required by 6 MCAR S 4.9281 E.2., including, if applicable, the information set forth in 6 MCAR SS 4.9315 E.; 4.9316 D.; 4.9317 E.; 4.9318 E. and F.; 4.9319 D.; 4.9320 E.; and 4.9321 G.

F. A description of procedures, structures, or equipment used at the facility as required to comply with 6 MCAR SS 4.9286 and 4.9287. If the applicant is requesting a waiver of any of the requirements of 6 MCAR S 4.9286, the applicant shall include a justification for the request.

G. A copy of the contingency plan required by 6 MCAR S

4.9288, including, if applicable, the specific information set forth in 6 MCAR S 4.9317 F.

H. A description of procedures, structures, or equipment used at the facility to:

1. prevent hazards in unloading operations, such as ramps or special forklifts;

2. prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding, such as berms, dikes, or trenches;

3. prevent contamination of water supplies;

4. mitigate effects of equipment failure and power outages; and

5. prevent undue exposure of personnel to hazardous waste, such as protective clothing.

I. A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with 6 MCAR S 4.9283 and documentation of the applicant's compliance with 6 MCAR S 4.9283 C.

J. A description of the traffic patterns and traffic control at the facility, including a drawing showing traffic lanes, location of traffic control signals, turns across traffic lanes, and location of stacking lanes; estimated traffic volume at the facility; types of vehicles expected to use the facility; and a description of access road surfacing and load bearing capacity.

K. An outline of both introductory and continuing training programs to be conducted by the applicant that are designed in accordance with 6 MCAR S 4.9282 to prepare persons to operate or maintain the hazardous waste facility in a safe manner and a description of how training will be designed in accordance with 6 MCAR S 4.9282 C. to meet actual job tasks.

L. A copy of the closure plan and, where applicable, the post-closure plan required by 6 MCAR SS 4.9298 and 4.9300, including, if applicable, the specific information set forth in 6 MCAR SS 4.9315 I.; 4.9316 F.; 4.9317 G.; 4.9318 G.; 4.9319 H.; 4.9320 G.; and 4.9321 H.

M. For existing disposal facilities, documentation that a notice has been placed in the deed or appropriate alternative instruments as required by 6 MCAR S 4.9303.

N. The most recent closure cost estimate for the facility prepared in accordance with 6 MCAR S 4.9305 and a copy of the financial assurance mechanism adopted in compliance with 6 MCAR S 4.9306.

O. If applicable, the most recent post-closure cost estimate for the facility prepared in accordance with 6 MCAR S 4.9307 and a copy of the financial assurance mechanism adopted in compliance with 6 MCAR S 4.9308.

P. If applicable, the most recent corrective action cost estimate for the facility prepared in accordance with 6 MCAR S 4.9309 and a copy of the financial assurance mechanism adopted in compliance with 6 MCAR S 4.9310.

Q. If applicable, a copy of the insurance policy or other documentation showing compliance with the requirements of 6 MCAR S 4.9312. For a new facility, the application must contain documentation showing the amount of insurance that meets the specifications of 6 MCAR S 4.9312 A. and if applicable 6 MCAR S 4.9312 B., that the applicant plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. If the applicant desires to request a variance from the insurance requirements under 6 MCAR S 4.9312 C., the applicant shall include all information required by 6 MCAR S 4.9312 C. in support of this request.

R. A topographic map showing the facility and the area surrounding the facility for a distance of at least 1,000 feet, using a scale of either 2.5 centimeters equal to not more than 61 meters or one inch equal to not more than 200 feet. The map must include contours having intervals sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. The map must clearly show the following:

1. date the map was prepared;

2. map scale;

3. 100-year floodplain area;

4. surface waters, including intermittent streams;

5. wetlands;

6. shorelands;

7. zoning of surrounding lands and uses of surrounding lands, including residential, commercial, agricultural, and recreational;

8. wind rose, including windspeed and direction;

9. arrows indicating map directions;

10. legal boundaries of the hazardous waste facility site;

11. county, township, and municipal boundaries;

12. township, range, and section numbers;

13. boundaries of parks and wildlife refuges;

14. location of fences, gates, and other access control measures;

15. wells, both on-site and off-site;

16. all structures and buildings, and roads on the hazardous waste facility site, including those used in treatment, storage, or disposal operations; runoff control systems; access and internal roads; storm, sanitary, and process sewerage systems; loading and unloading areas; and fire control systems;

17. barriers for drainage or flood control; and

18. location of operational units within the hazardous waste facility site, areas where hazardous waste is, or will be, treated, stored, or disposed of, including equipment cleanup areas.

S. A statement as to whether the hazardous waste facility is located within a 100-year floodplain, an identification of the source of the data used to make this determination, and copy of the relevant Federal Insurance Administration flood map or other map used to make the determination, and any calculations done to make the determination. If the hazardous waste facility is located within a 100-year floodplain, the applicant shall furnish the following information:

1. any known special flooding factors, such as wave

action, which must be considered in designing, constructing, operating, or maintaining the facility to prevent washout from a 100-year flood;

2. engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a result of a 100-year flood;

3. structural or other engineering studies showing the design of operational units, such as tanks or incinerators;

4. structural or other engineering studies showing the design of flood protection devices at the facility, such as floodwalls or dikes, and an explanation as to how these devices will prevent washout;

5. if flood protection devices are not proposed to be utilized at the facility, the applicant shall provide, in lieu of the information set forth in 2.-4., a detailed description of procedures which the applicant will follow to remove hazardous waste to safety before the facility is flooded, including:

a. the timing of the removal relative to flood levels, showing that removal can be completed before floodwaters reach the facility;

b. a description of the facility or facilities to which the hazardous waste will be moved and a demonstration that these facilities will be eligible to receive hazardous waste in accordance with these rules and 6 MCAR SS 4.9280-4.9481;

c. the planned procedures, equipment, and personnel to be used and the methods that will be implemented to ensure that these resources will be available when needed; and

d. a description of the potential for accidental discharges of hazardous waste during the movement of such waste;

6. if the permit application relates to an existing facility and the applicant is not in compliance with 6 MCAR S 4.9285 A. at the time of the application, the applicant shall provide a plan showing how the facility will be brought into compliance with 6 MCAR S 4.9285 A. and a proposed schedule for the implementation of this plan.

T. Any additional geologic and other location information

required to demonstrate compliance with 6 MCAR S 4.9285 B.

U. Any additional information that the director determines is relevant to a decision on permit issuance, including but not limited to plans, specifications, and waste analyses that are necessary to determine whether the facility will meet all applicable Minnesota and federal statutes and rules.

6 MCAR S 4.4208 Part B information requirements for facilities that store containers of hazardous waste.

Except as otherwise provided in 6 MCAR S 4.9315 A., if the applicant proposes to store containers of hazardous waste, the applicant shall furnish the following information in addition to the information required by 6 MCAR S 4.4207:

A. A description of the proposed area where the containers will be stored demonstrating that the area complies with 6 MCAR S 4.9315 F. At a minimum, the description must include:

1. basic design parameters, dimensions, and construction materials;

2. the manner in which the design promotes drainage or prevents contact between hazardous waste containers and standing liquids;

3. the capacity of the containment system in terms of the number and volume of containers to be stored;

4. provisions for preventing or managing run-on; and

5. the manner in which accumulated liquids can be removed to prevent overflow and can be analyzed to determine proper management of the removed liquids.

B. Information on the type of containers to be used and waste types stored in each type of container, including information on size, capacity, construction material of containers, compatibility of waste with the container, and the number and volume of containers to be stored.

C. An operations manual that describes operational and maintenance procedures to be used at the facility to ensure proper management of hazardous waste containers.

D. For storage areas for containers holding wastes that do not contain free liquids, a demonstration of compliance with 6

MCAR S 4.9315 F.4., including:

1. test procedures and results or other documentation or information to show that the wastes do not contain free liquids, and

2. a description of how the storage area is designed or operated to drain and remove liquids or how contact between containers and standing liquids is prevented.

E. For any ignitable, reactive, or incompatible wastes, sketches, drawings, or data that demonstrate compliance with 6 MCAR S 4.9315 G. and H., if applicable.

F. For incompatible wastes, a description of the procedures to be used to ensure compliance with 6 MCAR SS 4.9315 H. and 4.9283.

6 MCAR S 4.4209 Part B information requirements for storage or treatment tanks.

Except as otherwise provided in 6 MCAR S 4.9316 A., if the applicant proposes to use tanks to store or treat hazardous waste, the applicant shall furnish the information designated in A. and B. in addition to the information required by 6 MCAR S 4.4207:

A. A description of the design and operation procedures of the tank that demonstrate compliance with the requirements of 6 MCAR S 4.9316 B., C., G., and H. This description must include:

1. references to design standards or other available information used, or to be used, in the design and construction of the tank;

2. a description of the design specifications, including identification of construction materials and lining materials and any pertinent characteristics of these materials, such as corrosion or erosion resistance;

3. a description of design specifications and operational procedures that demonstrate compliance with 6 MCAR S 4.9316 B.3. for underground tanks;

4. tank dimensions, capacity, and shell thickness;

5. a diagram of piping, instrumentation, and process flow;

6. a description of feed systems, safety cutoff and

bypass systems, and pressure controls, such as vents;

7. a description of waste types and volumes to be stored in each tank; and

8. a description of operational procedures that demonstrate compliance with the requirements of 6 MCAR SS 4.9283 and 4.9316 G. and H. regarding the procedures for handling ignitable, reactive, or incompatible wastes.

B. A description of the system to be used to contain the tank and any spills or releases of hazardous waste from the tank, demonstrating compliance with 6 MCAR S 4.9316 E., including at a minimum the following:

1. basic design parameters, dimensions, and construction materials;

2. the manner in which the design promotes drainage or prevents contact between the tank and standing liquids;

3. the capacity of the system in terms of number and volume of tanks to be held;

4. provisions for preventing or managing run-on; and

5. the manner in which accumulated liquids can be removed to prevent overflow and can be analyzed to determine proper management of the removed liquids.

6 MCAR S 4.4210 Part B information requirements for surface impoundments.

Except as otherwise provided in 6 MCAR S 4.9317 A., if the applicant proposes to store, treat, or dispose of hazardous waste in surface impoundment facilities, the applicant shall submit detailed plans and specifications accompanied by an engineering report which collectively includes the following information in addition to the information required by 6 MCAR S 4.4207:

A. A list of the hazardous wastes placed or to be placed in each surface impoundment.

B. Geologic and hydrogeologic information necessary to demonstrate compliance with 6 MCAR S 4.9317 B.

C. Detailed plans and an engineering report that describes how the surface impoundment is or will be designed, constructed,

operated, and maintained to meet the requirements of 6 MCAR S 4.9317 C. This submission must address the following items as specified in 6 MCAR S 4.9317 C.: the double liner system and leak detection, collection, and removal system; prevention of overtopping; and structural integrity of dikes.

D. A description of how each surface impoundment, including the double liner, leak detection, collection and removal, and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of 6 MCAR S 4.9317 E.1. and 2. This information must be included in the inspection plan submitted under 6 MCAR S 4.4207 E.

E. A certification by a registered professional engineer that attests to the structural integrity of each dike, as required under 6 MCAR S 4.9317 E.3. For new units, the owner or operator shall submit a statement by a qualified engineer that he or she will provide this certification upon completion of construction in accordance with the plans and specifications as required under 6 MCAR S 4.9317 E.3.

F. A certification by a registered professional engineer that attests that the uppermost liner and leak detection, collection, and removal system is intact and remains at design specifications, as required under 6 MCAR S 4.9317 E.4. For new units, the owner or operator shall submit a statement by a qualified engineer that he or she will provide this certification upon completion of construction in accordance with the plans and specifications as required under 6 MCAR S 4.9317 E.4.

G. A description of the procedure to be used for removing a surface impoundment from service as required under 6 MCAR S 4.9317 F.2. and 3. This information must be included in the contingency plan submitted under 6 MCAR S 4.4207 G.

H. A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under 6 MCAR S 4.9317 G.1.a. For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report to

demonstrate compliance with 6 MCAR S 4.9317 G.1.b. and 2. This information must be included in the closure plan and, where applicable, in the post-closure plan submitted under 6 MCAR S 4.4207 L.

I. If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of compliance with 6 MCAR S 4.9317 H.

J. If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of compliance with 6 MCAR S 4.9317 I.

6 MCAR S 4.4211 Part B information requirements for waste piles.

Except as otherwise provided by 6 MCAR S 4.9318 A., if the applicant proposes to store or treat hazardous waste in waste piles, the applicant shall furnish the information required by A.-K. in addition to the information required by 6 MCAR S 4.4207:

A. A list of hazardous wastes placed or to be placed in each waste pile.

B. If an exemption is sought to 6 MCAR SS 4.9318 B.1. and 2. and C. and 4.9297 as provided by 6 MCAR S 4.9318 A., an explanation of compliance with 6 MCAR S 4.9318 A.1.-4.

C. Geologic and hydrogeologic information necessary to demonstrate compliance with 6 MCAR S 4.9318 B.

D. Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated, and maintained to meet the requirements of 6 MCAR S 4.9318 C. This submission must address the following items as specified in 6 MCAR S 4.9318 C.:

1. the liner system, leachate collection and removal system, and if applicable, the leak detection, collection, and removal system;

2. control of run-on;

3. control of run-off;

4. management of collection and holding units associated with run-on and run-off control systems;

5. control of wind dispersal of particulate matter, if applicable; and

6. treatment and disposal of collected runoff and leachate.

E. If an exemption from 6 MCAR S 4.9297 K.5. is sought as provided by 6 MCAR S 4.9318 D., detailed plans and an engineering report that describes compliance with 6 MCAR S 4.9318 D.1.

F. If an exemption from 6 MCAR S 4.9297 is sought as provided by 6 MCAR S 4.9318 E., detailed plans and an engineering report that describes compliance with 6 MCAR S 4.9318 E.1.

G. A description of how each waste pile, including the liner system and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 6 MCAR S 4.9318 F. This information must be included in the inspection plan submitted under 6 MCAR S 4.4207 E. If an exemption is sought to 6 MCAR S 4.9297 under 6 MCAR S 4.9318 E., describe in the inspection plan how the inspection requirements comply with 6 MCAR S 4.9318 E.1.b.

H. If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals.

I. If ignitable or reactive wastes are to be placed in a waste pile, an explanation of compliance with the requirements of 6 MCAR S 4.9318 H.

J. If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of compliance with 6 MCAR S 4.9318 I.

K. A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under 6 MCAR S 4.9318 G.1. For any waste not to be removed from the waste pile upon closure, the owner or operator shall submit detailed plans and an engineering report describing compliance with 6 MCAR S 4.9320 G.1. and 2. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under 6 MCAR S 4.4207 L.

6 MCAR S 4.4212 Part B information requirements for land treatment.

Except as otherwise provided by 6 MCAR S 4.9319 A., if the applicant proposes to use land treatment to dispose of hazardous waste, the applicant shall furnish the information designated in A.-H. in addition to the information required by 6 MCAR S 4.4207:

A. A description of plans to conduct a treatment demonstration as required under 6 MCAR S 4.9319 C. The description must include the following information:

1. the wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;

2. the data sources to be used to make the demonstration, such as literature, laboratory data, field data, or operating data;

3. any specific laboratory or field test that will be conducted, including the type of test such as column leaching or degradation; materials and methods, including analytical procedures; expected time for completion; and characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, dimensions, climatic conditions, and operating practices; and

4. statistical methods for interpreting results.

B. A description of a land treatment program as required under 6 MCAR S 4.9319 B. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

1. the wastes to be land treated;

2. design measures and operating practices necessary to maximize treatment in accordance with 6 MCAR S 4.9319 D.1. including waste application method and rate, measures to control soil pH, enhancement of microbial or chemical reactions, and control of moisture content;

3. provisions for unsaturated zone monitoring, including:

a. sampling equipment, procedures, and frequency;

b. procedures for selecting sampling locations;

c. analytical procedures;

d. chain of custody control;

e. procedures for establishing background values;

f. statistical methods for interpreting results; and

g. the justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for this selection in 6 MCAR S 4.9319 F.1.;

4. a list of hazardous constituents and their concentrations that are reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to 6 MCAR S 4.9284; and

5. the proposed dimensions of the treatment zone.

C. A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of 6 MCAR S 4.9319 D. This submission must address the following items:

1. control of run-on;

2. collection and control of run-off;

3. minimization of run-off of hazardous constituents from the treatment zone;

4. management of collection and holding facilities associated with run-on and run-off control systems;

5. treatment and disposal of run-off collected in the run-off control system;

6. control of wind dispersal; and

7. periodic inspection of the unit. This information must be included in the inspection plan submitted under 6 MCAR S 4.4207 E.

D. If food chain crops might be grown in or on the treatment zone of the land treatment unit, a description of how the demonstrations required under 6 MCAR S 4.9319 E. will be conducted including:

1. characteristics of the food chain crop for which the demonstrations will be made;

2. characteristics of the waste, treatment zone, and

waste application method and rate to be used in the demonstrations;

3. procedures for crop growth, sample collection, sample analysis, and data evaluation;

4. characteristics of the comparison crop including the location and conditions under which it was or will be grown;

5. description of the soil core and soil pore liquid sampling and analysis procedures; and

6. statistical methods for interpreting results.

E. If food chain crops are to be grown after closure, a description of compliance with the requirements of 6 MCAR S 4.9319 E.

F. A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining this cover during the post-closure care period as required under 6 MCAR S 4.9319 H.1.h. and 3.b. This information must be included in the closure plan and, where applicable, in the post-closure care plan submitted under 6 MCAR S 4.4207 L.

G. If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of compliance with the requirements of 6 MCAR S 4.9319 I.

H. If incompatible wastes or incompatible wastes and materials will be placed in or on the same treatment zone, an explanation of compliance with 6 MCAR S 4.9319 J.

6 MCAR S 4.4213 Part B information requirements for landfills.

Except as otherwise provided by 6 MCAR S 4.9320 A., if the applicant proposes to dispose of hazardous waste in a landfill, the applicant shall furnish the information designated in A.-I. in addition to the information required by 6 MCAR S 4.4207:

A. A list of the hazardous wastes placed or to be placed in each landfill or landfill cell.

B. Geologic and hydrogeologic information necessary to demonstrate compliance with 6 MCAR S 4.9320 B.

C. Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated, and maintained to comply with the requirements of 6 MCAR S 4.9320

C. This submission must address the following items as specified in 6 MCAR S 4.9320 C.:

1. the double liner system, leak detection, collection, and removal system, and leachate collection and removal system;

2. control of run-on;

3. control of run-off;

4. management of collection and holding facilities associated with run-on and run-off control systems;

5. control of wind dispersal of particulate matter, where applicable;

6. the phased development plan in accordance with the requirements of 6 MCAR S 4.9320 C.7.; and

7. treatment and disposal of collected run-off and leachate.

D. A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of 6 MCAR S 4.9320 E. This information must be included in the inspection plan submitted under 6 MCAR S 4.4207 E.

E. Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with 6 MCAR S 4.9320 G.1. and a description of how each landfill will be maintained and monitored after closure in accordance with 6 MCAR S 4.9320 G.2. This information must be included in the closure and post-closure plans submitted under 6 MCAR S 4.4207 L.

F. If ignitable or reactive wastes will be landfilled, an explanation of compliance with the requirements of 6 MCAR S 4.9320 H.

G. If incompatible wastes or incompatible wastes and materials will be landfilled, an explanation of compliance with 6 MCAR S 4.9320 I.

H. If liquid waste or waste containing free liquids is to be landfilled, an explanation of compliance with the requirements of 6 MCAR S 4.9320 J.

I. If containers of hazardous waste are to be landfilled, an

explanation of compliance with the requirements of 6 MCAR S 4.9320 K. or L., as applicable.

6 MCAR S 4.4214 Part B information and special procedural requirements for thermal treatment facilities.

Except as provided in 6 MCAR S 4.9321 A., if the applicant proposes to treat or dispose of hazardous waste by using thermal treatment, the applicant shall fulfill the requirements of A., B., or C. as follows in addition to the information requirements of 6 MCAR S 4.4207, and the director shall fulfill the requirements of D. as follows:

A. If the applicant is seeking the exemption provided by 6 MCAR S 4.9321 A.2. or 3. relating to ignitable, corrosive, or reactive wastes, the applicant shall submit documentation showing that the waste includes none or insignificant concentrations of the hazardous constituents listed in 6 MCAR S 4.9137, and one of the following:

1. that the waste is listed as a hazardous waste in 6 MCAR S 4.9134 only because it is ignitable according to Hazard Code I, because it is corrosive according to Hazard Code C, or because it is both ignitable and corrosive;

2. that the waste is listed as a hazardous waste in 6 MCAR S 4.9134 only because it is reactive for characteristics other than those listed in 6 MCAR S 4.9132 E.1.d. and e., and will not be treated when other hazardous wastes are present in the combustion zone;

3. that the waste has been tested for the characteristics of hazardous waste set forth in 6 MCAR S 4.9132 and that its only hazardous characteristic is ignitability, corrosivity, or both; or

4. that the waste has been tested for the characteristics of hazardous waste set forth in 6 MCAR S 4.9132 and that its only hazardous characteristic is reactivity as described by 6 MCAR S 4.9132 E.1.a., b., c., f., g., or h., and will not be treated when other hazardous wastes are present in the combustion zone.

B. The applicant shall submit results of a trial burn

conducted in accordance with 6 MCAR S 4.4221, including all the determinations required by 6 MCAR S 4.4221 F.

C. The applicant shall perform an analysis of each waste or mixture of waste to be treated by using the analytical techniques set forth in the Environmental Protection Agency document SW 846 as referenced in 6 MCAR S 4.9102, or by using techniques found by the director to be equivalent to them. The applicant shall submit all of the following information:

1. The results of each waste analysis performed, including:

a. the heat value of the waste in the form and composition in which it will be burned;

b. a description of the form and composition of the waste and, if applicable, viscosity of the waste;

c. any hazardous organic constituents listed in 6 MCAR S 4.9137 that are reasonably expected to be found in the waste;

d. all waste constituents listed in 6 MCAR S 4.9137 for which no analysis was done and an explanation of why this analysis was not done;

e. an approximate quantification of the hazardous constituents identified in the waste, within the precision specified by Environmental Protection Agency document SW 846;

f. a quantification of those hazardous constituents in the waste that may be designated as principal organic hazardous constituents based on data submitted from other trial or operational burns which demonstrated compliance with the performance standards set forth in 6 MCAR S 4.9321 D.; and

g. waste analysis data sufficient to allow the director to specify as permit principal organic hazardous constituents those constituents for which destruction and removal efficiencies will be required.

2. A detailed engineering description of the thermal treatment unit, including:

a. the manufacturer's name and model number;

b. the type of thermal treatment unit;

c. the linear dimensions of the thermal treatment

unit, including the cross sectional area of the combustion chamber;

d. a description of the auxiliary fuel system, including type and feed rate;

e. the capacity of the prime mover;

f. a description of any automatic waste feed cutoff system;

g. nozzle and burner design;

h. construction materials; and

i. location and description of temperature, pressure, and flow indicating devices and control devices.

3. A detailed engineering description of air pollution control equipment and stack gas monitoring and pollution control monitoring systems, including:

a. manufacturer's name and model numbers;

b. physical dimensions; and

c. if applicable, specifications as to air flow, pressure drop, discharge, voltage, and water flow.

4. A description and comparison of the waste to be burned with waste for which data has been obtained from previous operational or trial burns, including the data listed in 1., and a comparison of the principal organic hazardous constituents found in the wastes being compared.

5. A description and comparison of the design and operating conditions of the proposed thermal treatment unit with the design and operating conditions of the thermal treatment unit used in the previous operational or trial burn. For the previous operational or trial burn, the applicant shall submit a description of the results of such previously conducted operational or trial burn, including:

a. sampling and analysis techniques used to calculate compliance with the performance standards set forth in 6 MCAR S 4.9321 D.;

b. monitoring methods and results for temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity, including a statement concerning the

precision and accuracy of this measurement;

c. identification of any hazardous combustion by-products detected; and

d. the certification and results required by 6 MCAR S 4.4221 G.

6. A description of the operating procedures proposed by the applicant, in sufficient detail to allow the director to determine whether the proposed thermal treatment unit will meet the performance and operating standards of 6 MCAR S 4.9321 D. and F., including:

a. expected carbon monoxide ~~level~~, oxygen, and carbon dioxide levels in the stack exhaust gas;

b. waste feed rate;

c. combustion zone temperature;

d. indication of combustion gas velocity;

e. stack gas volumes, flow rate, and temperature;

f. computed residence time for waste in the combustion zone;

g. expected hydrochloric acid removal efficiency;

h. expected fugitive emissions and control procedures; and

i. proposed waste feed cutoff limits based on the identified significant operating parameters.

7. Estimated emissions, in tons per year, of particulates and sulfur dioxide.

8. Any other additional information that the director determines is relevant to a decision to permit issuance.

D. Review of Part B application for thermal treatment facilities.

If the applicant has proceeded under A. or B., the director shall review the Part B application for completeness in accordance with 6 MCAR S 4.4009.

If the applicant has proceeded under C., the director shall review the Part B application for completeness. The director shall find the application complete if the director finds:

1. that the applicant has submitted all the information

required by C.;

2. that the wastes compared under C. are substantially similar;

3. that the thermal treatment units compared under C. are substantially similar; and

4. that the data from other trial burns is adequate to enable the director to specify under 6 MCAR S 4.9321 F. the operating conditions that will ensure that the performance standards in 6 MCAR S 4.9321 D. will be met by the proposed thermal treatment unit.

6 MCAR S 4.4215 Additional Part B information requirements for surface impoundments, waste piles, land treatment units, and landfills.

A. Groundwater protection. The additional information designated in 1.-7. regarding protection of groundwater is required from owners or operators of hazardous waste surface impoundments, waste piles, land treatment units, and landfills, except as otherwise provided in 6 MCAR S 4.9297 A.2., and must be submitted with Part B of the permit application. The following information is in addition to the information requirements of 6 MCAR SS 4.4207, 4.4210, 4.4211, 4.4212, and 4.4213:

1. A summary of the groundwater monitoring data obtained during the interim status period under 6 MCAR SS 4.9397 and 4.9398, if applicable.

2. Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow directions and rates, and the basis for the identification, such as the information being obtained from hydrogeologic investigations of the facility area.

3. On the topographic map required under 6 MCAR S 4.4207 R., a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under 6 MCAR S 4.9297 H., the proposed location of groundwater monitoring wells as required under 6 MCAR S 4.9297 J. and, to the extent possible, the information required in 2.

4. A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:

a. delineates the extent of the plume on the topographic map required under 6 MCAR S 4.4207 R.; and

b. identifies the concentration of each constituent listed in 6 MCAR S 4.9137 throughout the plume or identifies the maximum concentrations of each such constituent in the plume. The director may require this information on additional constituents if waste managed at the facility has met the characteristic of toxicity as defined in 6 MCAR S 4.9132 F.

5. Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of 6 MCAR S 4.9297 J.

6. Sufficient information, supporting data, and analyses to establish a detection monitoring program that meets the requirements of 6 MCAR S 4.9297 K., including:

a. a proposed list of monitoring parameters that complies with the requirements of 6 MCAR S 4.9297 K.1. or 5., whichever is applicable;

b. a proposed groundwater monitoring system;

c. background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

d. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

7. Sufficient information, supporting data, and analyses to establish a compliance monitoring program that meets the requirements of 6 MCAR S 4.9297 L., including:

a. a description of the wastes previously handled at the facility, if applicable;

b. if the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, a characterization of the contaminated groundwater including concentrations of hazardous

constituents;

c. a list of hazardous constituents for which compliance monitoring will be undertaken in accordance with 6 MCAR S 4.9297 J. and L.;

d. proposed concentration limits for each hazardous constituent, based on the criteria set forth in 6 MCAR S 4.9297 F., including a justification for establishing alternate concentration limits in accordance with 6 MCAR S 4.9297 G.;

e. detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of 6 MCAR S 4.9297 J.; and

f. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

B. Corrective action program. The owner or operator of a hazardous waste surface impoundment, waste pile, land treatment unit, or landfill shall submit to the director with Part B of the permit application sufficient information, supporting data, and analyses to establish a corrective action program that meets the requirements of 6 MCAR S 4.9297 M. The submittal must demonstrate that corrective action is feasible if the groundwater protection standard is exceeded. To demonstrate compliance with 6 MCAR S 4.9297 M., the owner or operator shall address the following items:

1. a characterization of any contaminated groundwater, including concentrations of hazardous constituents;

2. the concentration limit for each hazardous constituent as set forth in 6 MCAR S 4.9297 F. and G.;

3. detailed plans and an engineering report describing the corrective action to be taken;

4. a description of how the groundwater monitoring program will assess the adequacy of the corrective action;

5. an estimate of the time which may be necessary to complete corrective action; and

6. an estimate of the cost for completing such corrective action.

6 MCAR S 4.4216 Interim status.

A. Qualifying for interim status. Except as provided in B., during the period after the submission of Part A of a hazardous waste facility permit application to the Environmental Protection Agency or to the director and prior to a final determination by the agency on the permit application, the owner or operator of an existing hazardous waste facility shall be considered to be in compliance with the requirement to obtain a permit if the director finds that the Environmental Protection Agency has granted the owner or operator interim status or if the director finds:

1. that the owner or operator has submitted a complete Part A of the hazardous waste facility permit application to the Environmental Protection Agency or to the director; and

2. that the owner or operator is in compliance with 6 MCAR SS 4.9380-4.9422.

B. Failure to obtain interim status from EPA. Notwithstanding the provisions of A., an owner or operator of a hazardous waste facility who, prior to the effective date of 6 MCAR SS 4.4201-4.4224, was required to apply for and obtain interim status from the Environmental Protection Agency but who failed to obtain this interim status is not eligible to obtain interim status from the agency for that facility.

C. Notification of failure to qualify for interim status. If the director determines that an owner or operator of an existing hazardous waste facility does not qualify for interim status under A., the director shall notify the owner or operator in writing of the failure to qualify for interim status and the reason for the failure. The notification must also include a statement that the owner or operator is subject to agency remedies for violation of agency rules, including the requirement of 6 MCAR S 4.4203 to obtain a permit.

D. Prohibitions. During the interim status period, an owner or operator shall not:

1. treat, store, or dispose of a hazardous waste not specified in Part A of the application;

2. employ processes not specified in Part A of the permit application;

3. exceed the design capacities specified in Part A of the application; or

4. alter a hazardous waste facility in a manner that amounts to a reconstruction of the facility. For the purpose of this rule, reconstruction occurs when the capital investment in the modification of the facility exceeds 50 percent of the capital cost of a comparable new hazardous waste facility.

E. Changes during interim status. An owner or operator who has interim status may conduct the following activities as prescribed:

1. The owner or operator may treat, store, or dispose of hazardous wastes not previously specified in Part A of the application if the owner or operator submits a revised Part A of the permit application prior to the commencement of the treatment, storage, or disposal.

2. The owner or operator may increase the design capacity of the facility if, prior to the implementation of the increase, the owner or operator submits a revised Part A of the permit application and an explanation of the need for the change, and if the director approves the increase in writing. The director shall approve the change if the director finds that there is a lack of available treatment, storage, or disposal capacity at other permitted hazardous waste facilities.

3. The owner or operator may add new processes or change the processes for the treatment, storage, or disposal of hazardous waste if, prior to the implementation of the addition or change, the owner or operator submits a revised Part A of the permit application and an explanation of the need for the addition, and if the director approves the addition or change in writing. The director shall approve the addition or change if the director finds that:

a. the addition or change is necessary to prevent a threat to human health or the environment as a result of an emergency situation; or

b. the addition or change is necessary for the owner or operator to comply with federal, Minnesota, or local requirements, including the interim status standards set forth in 6 MCAR SS 4.9380-4.9422.

4. Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A of the permit application not later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the former owner or operator shall comply with the requirements of 6 MCAR SS 4.9405-4.9413 that relate to financial requirements, until the new owner or operator has provided to the director a demonstration of compliance with 6 MCAR SS 4.9405-4.9413. All other interim status duties must be transferred immediately upon the change of ownership or operational control of the facility. If the director finds that the new owner or operator has complied with 6 MCAR SS 4.9405-4.9413, the director shall notify the former owner or operator in writing that the required demonstration by the new owner or operator has been made.

F. Compliance with interim status standards. During the interim status period the owner or operator shall comply with the interim status standards set forth in 6 MCAR SS 4.9380-4.9422.

G. Termination of interim status. Interim status terminates automatically when the agency has taken final administrative action on the permit application. The following constitute justification for the director to commence proceedings to terminate interim status:

1. the director finds that the applicant has failed to furnish a full and complete Part B of the permit application within the time allowed by 6 MCAR S 4.4204 B.1.; or

2. the director finds that the owner or operator is in violation of any of the requirements of 6 MCAR SS 4.9380-4.9422.

6 MCAR S 4.4217 Preliminary determination, draft permit, and public comments.

The provisions of 6 MCAR SS 4.4010 and 4.4011 are

applicable to the public notice of draft permits and preliminary determinations, the use of fact sheets concerning hazardous waste facilities, and public comments, except as specifically otherwise provided as follows:

A. The director shall prepare a fact sheet for each draft permit which relates to a hazardous waste facility that the director finds to be major based on a review of the potential impacts of the facility on the environment.

B. Notwithstanding the provisions of 6 MCAR S 4.4010 D., the public notice period concerning a complete permit application and the director's preliminary determination as to whether the permit should be issued or denied shall be 45 days.

C. In addition to the requirements of 6 MCAR S 4.4010, the director shall mail a copy of the public notice and, if a fact sheet is prepared, a copy of the fact sheet to the persons described in 1.-5. as follows. The director shall also mail a copy of the permit application and the draft permit to the applicant and to the persons described in 3., 4., and 5. as follows:

1. to the governing body of each county and city or township that has jurisdiction over the area where the facility is located or proposed to be located;

2. to each state agency that has authority under state law with respect to the construction or operation of the facility which is the subject of the permit application;

3. to all federal and state agencies that have jurisdiction over fish, shellfish, and wildlife resources in the area where the facility is located or proposed to be located;

4. to the state advisory council on historic preservation, to state historic preservation officers, and any other government official, including officials in other states, whom the director determines may have an interest in the permit application; and

5. to the Environmental Protection Agency and any other federal agency that has issued or is required to issue a permit in connection with the facility which is the subject of the

permit application.

D. In addition to the requirements of 6 MCAR S 4.4010 E., the director shall publish notice of the permit application in a major daily or weekly local newspaper that has general circulation in the geographical area in which the proposed hazardous waste facility is located and shall broadcast this notice over at least one local radio station.

E. Prior to final agency action on a permit application, the director or the agency shall respond to comments received during the public comment period or during any public informational meeting or contested case hearing held on the matter. This response shall state what action, if any, the director or the agency will take as a result of the comments. Responses to comments must be available to the public.

6 MCAR S 4.4218 Public informational meetings and contested case hearings.

A. Requests. A request for a public informational meeting or a contested case hearing on the application must be made in writing during the public comment period provided in 6 MCAR S 4.4217 B. and must contain the information specified in 6 MCAR S 4.4011 C. The agency shall grant or deny a request for a contested hearing in accordance with 6 MCAR S 4.4013. If the request is for a public informational meeting or if a request for a contested case hearing is denied, the agency shall hold a public informational meeting.

B. Preparation of public notice. If a contested case hearing or public informational meeting is to be held, the director shall prepare a public notice in accordance with 6 MCAR S 4.4012 or 4.4013. The public notice must continue for at least 30 days before the public informational meeting or contested case hearing.

C. Mailing of public notice. The director shall comply with the requirements of 6 MCAR S 4.4012 D. or 4.4013 D., whichever is applicable, and shall also mail a copy of the public notice to the following:

1. to the governing body of each county and city or

township that has jurisdiction over the area where the facility is located or proposed to be located;

2. to each state agency that has authority under Minnesota laws with respect to the construction or operation of the facility which is the subject of the public informational meeting or contested case hearing;

3. to all federal and state agencies that have jurisdiction over fish, shellfish, and wildlife resources in the area where the facility is located or proposed to be located;

4. to the state advisory council on historic preservation, the state historic preservation officers, and any other government official, including officials in other states, whom the director determines may have an interest in the permit application;

5. to the Environmental Protection Agency and any other federal agency that has issued or is required to issue a permit in connection with the facility which is the subject of the public informational meeting or contested case hearing; and

6. to all persons who have registered their names on the mailing list established under 6 MCAR S 4.4020.

D. Distribution of public notice. The director shall comply with the requirements of 6 MCAR S 4.4012 D. or 4.4013 D., whichever is applicable, and shall also publish notice of the public informational meeting or contested case hearing in a daily or weekly major newspaper that has general circulation in the geographical area in which the facility is located or proposed to be located and shall broadcast this notice over at least one local radio station.

6 MCAR S 4.4219 Final determination.

A. In general. Except as provided in B. or C., the agency shall issue all hazardous waste facility permits in accordance with 6 MCAR S 4.4014.

B. Draft permit for new hazardous waste thermal treatment facility. For a draft permit that concerns a new hazardous waste thermal treatment facility prepared under 6 MCAR S 4.4221, the agency shall issue a hazardous waste facility permit

authorizing construction and operation of the proposed facility, requiring the permittee to conduct trial burns, and requiring submission of the results of the trial burns if the agency finds that the proposed facility is likely to qualify for a permit authorizing the operation of the facility under appropriate operating conditions as required by 6 MCAR S 4.9321 F. and as necessary for the permittee to comply with the performance standards set forth in 6 MCAR S 4.9321 D. This permit is subject to modification of the operating conditions to reflect the results of the trial burn and to ensure compliance with the standards set forth in 6 MCAR S 4.9321.

C. Draft short-term demonstration or two-phase permit for land treatment facility. For a draft short-term demonstration or two-phase permit concerning a new hazardous waste land treatment facility prepared under 6 MCAR S 4.4222, the agency shall issue a hazardous waste facility permit authorizing the treatment demonstration and requiring submission of the results of the demonstration if the agency finds that the proposed facility is likely to qualify for a permit authorizing the operation of the facility under appropriate operating conditions as required by 6 MCAR S 4.9319 D. and as necessary for the permittee to comply with the groundwater protection standards of 6 MCAR S 4.9297 and the performance standards set forth in 6 MCAR S 4.9319. This two-phase permit is subject to modification of the operating conditions to reflect the results of the treatment demonstration and to ensure compliance with the standards set forth in 6 MCAR SS 4.9297 and 4.9319.

6 MCAR S 4.4220 Emergency permits.

A. Issuance. Notwithstanding any other provision of 6 MCAR SS 4.4201-4.4224 or 4.4001-4.4021, if the director finds that there is an imminent and substantial danger to human health or the environment, the director may issue a temporary emergency permit to the owner or operator of a facility to allow treatment, storage, or disposal of a hazardous waste which the owner or operator is not otherwise permitted to treat, store, or dispose. This permit is contingent upon the approval of the

agency.

B. Oral or written permission. The emergency permit must be issued in writing, except that emergency permission to treat, store, or dispose of the hazardous waste may be given orally if circumstances warrant. If oral permission is given, the director shall, within five days after the date of giving of permission, issue a written permit.

C. Duration. The emergency permit may not exceed 90 days in duration.

D. Specifications. The emergency permit must clearly specify the hazardous waste to be received and the manner and location of its treatment, storage, or disposal.

E. Termination. The emergency permit is subject to termination at any time if the director determines that termination is appropriate to protect human health or the environment.

F. Requirements. The emergency permit must incorporate, to the extent possible under the circumstances, all applicable requirements of 6 MCAR SS 4.4201-4.4224, 4.9281-4.9322, and 4.9480-4.9481.

G. Notification to public. At the time the director issues an emergency permit the director shall also notify the public of the emergency issuance of the permit. This notification must include:

1. the address and telephone number of the main agency office and the applicable regional office and the name of a person who may be contacted for additional information;

2. the name and location of the permitted hazardous waste facility;

3. a brief description of the wastes involved;

4. a brief description of the action authorized and the reasons for authorizing it; and

5. the duration of the emergency permit.

H. Agency approval. The director shall present the permit to the agency for approval at its next meeting. If no final action is taken by the agency at this meeting, the permit

continues in effect until its expiration date or until the agency takes final action, whichever occurs first.

6 MCAR S 4.4221 Hazardous waste thermal treatment facility permits.

A. Phase one requirements. In the permit for a new hazardous waste thermal treatment facility, for the purpose of determining operational readiness following completion of physical construction, the director shall establish permit conditions, including but not limited to, allowable waste feeds and operating conditions. These permit conditions are effective for the minimum time required to bring the thermal treatment facility to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The director may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to 6 MCAR S 4.4224 D.8.

Applicants shall submit to the director a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the performance standards of 6 MCAR S 4.9321 D. during this period. This statement must include restrictions on waste constituents, waste feed rates, and the operating parameters identified in 6 MCAR S 4.9321 F.

The director shall review this statement and other relevant information submitted with Part B of the permit application, and shall specify requirements for this period that are sufficient to meet the performance standards of 6 MCAR S 4.9321 D.

B. Phase two requirements. In the permit for a new hazardous waste thermal treatment facility, for the purposes of determining the feasibility of compliance with the performance standards of 6 MCAR S 4.9321 D. and of determining the adequate operating conditions under 6 MCAR S 4.9321 F., the director shall establish permit conditions to be effective during the trial burn.

C. Trial burn plan. An applicant shall submit to the director a trial burn plan with Part B of the permit application. The trial burn plan must include the following information:

1. the results of an analysis of each waste or mixture of wastes to be burned, that uses the analytical techniques set forth in ~~Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, publication number SW-846, 1980, of the Office of Solid Waste,~~ the United States Environmental Protection Agency document SW-846 as referenced in 6 MCAR S 4.9102 or that uses analytical techniques found by the director to be equivalent to them. This analysis must include:

a. the heat value of the waste in the form and composition in which it will be burned;

b. a description of the physical form of the waste and, if applicable, viscosity of the waste;

c. an identification of any hazardous organic constituents listed in 6 MCAR S 4.9137 that are reasonably expected to be found in the waste;

d. an identification of all waste constituents listed in 6 MCAR S 4.9137 for which no analysis was done and an explanation of why this analysis was not done; and

e. an approximate quantification of the hazardous constituents identified in the waste, within the precision specified by Environmental Protection Agency document SW 846;

2. a detailed engineering description of the thermal treatment unit for which the permit is sought, including:

a. manufacturer's name and model number;

b. type of thermal treatment unit;

c. linear dimensions of the thermal treatment unit, including the cross sectional area of the combustion chamber;

d. a description of the auxiliary fuel system, including type and feed rate;

e. the capacity of the prime mover;

f. a description of any automatic waste feed cutoff system;

g. nozzle and burner design;

h. construction materials; and

i. location and description of temperature, pressure, and flow indicating devices and control devices;

3. a detailed engineering description of air pollution control equipment and stack gas monitoring equipment and pollution control monitoring systems, including:

a. manufacturer's name and model numbers;

b. physical dimensions; and

c. where applicable, control specifications as to air flow, pressure drop, discharge, voltage requirements, and water flow;

4. a detailed description of sampling and monitoring procedures, including sampling and monitoring locations, the equipment to be used, frequency of sampling and monitoring, and planned procedures for sample analysis;

5. a detailed test schedule for each waste for which the trial burn is planned, including date, duration, quantity of waste to be burned, and other factors relevant to the agency's decision under E.;

6. a detailed test protocol, including, for each waste identified, the ranges of temperatures, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the thermal treatment unit;

7. a description of, and planned operating conditions for, emission control equipment that will be used;

8. procedures for rapidly stopping waste feed, for shutting down the thermal treatment unit, and for controlling emissions in the event of an equipment malfunction; and

9. other information as the director finds is reasonably necessary to determine whether to approve the trial burn plan in light of the purposes of B. and the criteria in E.

D. Review of trial burn plan. The director shall review the trial burn plan for completeness. If the director finds that the trial burn plan is incomplete or otherwise deficient, the

director shall promptly advise the owner or operator of the incompleteness or deficiency. The director shall suspend further processing of the trial burn plan until the owner or operator has supplied the necessary information or otherwise corrected the deficiency.

The director shall designate as trial principal organic hazardous constituents those constituents for which destruction and removal efficiencies must be calculated during the trial burn. The director's designations shall be based on the waste analysis data submitted by the owner or operator, the director's estimate of the difficulty of thermally treating the hazardous constituents to be burned, and the concentration or mass of hazardous constituents in the proposed waste feed. In addition, if the waste analysis indicates that the waste feed contains wastes that are listed in 6 MCAR S 4.9134, then in making principal organic hazardous constituents determinations the director shall consider the hazardous organic waste constituents identified in 6 MCAR S 4.9136 that formed the basis of this listing.

E. Approval of trial burn plan. The agency shall approve a trial burn plan if the agency finds that:

1. the trial burn is likely to determine whether the thermal treatment performance standards in 6 MCAR S 4.9321 D. can by met by the proposed thermal treatment facility;

2. the trial burn itself will not present an imminent hazard to human health or the environment;

3. the trial burn will aid the director in determining operating requirements to be specified under 6 MCAR S 4.9321 F.; and

4. the information sought in 1. and 3. cannot be developed through other means.

F. Conduct of trial burn. The owner or operator shall conduct the trial burn in accordance with the trial burn plan approved by the agency. The owner or operator shall perform the following analyses or make the following determinations:

1. a quantitative analysis of the trial principal organic

hazardous constituents in the waste feed to the thermal treatment unit;

2. a quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial principal organic hazardous constituents, oxygen, and hydrogen chloride;

3. a quantitative analysis of the scrubber water, if any, ash residues, and other residues, for the purpose of estimating the fate of the trial principal organic hazardous constituents;

4. a computation of destruction and removal efficiency, in accordance with the formula specified in 6 MCAR S 4.9321 D.1.;

5. if the hydrogen chloride emission rate exceeds 1.8 kilograms of hydrogen chloride per hour (four pounds per hour), a computation of hydrogen chloride removal efficiency, in accordance with 6 MCAR S 4.9321 D.2.;

6. a computation of particulate emissions, in accordance with 6 MCAR S 4.9321 D.3.;

7. an identification of sources of fugitive emissions and the means of control thereof;

8. a measurement of average, maximum, and minimum temperatures of the thermal treatment zone and combustion gas velocity;

9. a continuous measurement of carbon monoxide, oxygen, and carbon dioxide in the exhaust gas; and

10. other analyses or determinations as the agency may specify as necessary to ensure that the trial burn will determine compliance with the performance standard in 6 MCAR S 4.9321 D. and to establish the operating conditions required by 6 MCAR S 4.9321 F. as necessary to meet this performance standard.

G. Submission of certification, results, and data. The owner or operator shall submit to the director a certification that the trial burn has been carried out in accordance with the approved trial burn plan and shall submit the results of all the analyses and determinations required by F. along with all underlying data of the results. The owner or operator shall make these submissions within 90 days after the completion of

the trial burn, or later if approved by the director upon a finding by the director that good cause exists for granting a time extension.

H. Authorized signature. All submissions to the director required by this rule must be signed in accordance with 6 MCAR S 4.4006 and must contain the certification required by 6 MCAR S 4.4205.

I. Phase three requirements. To allow a new hazardous waste thermal treatment facility to operate after completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the director shall establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of 6 MCAR S 4.9321 F. The director may prohibit the burning of hazardous wastes in the facility during this period. These permit conditions are effective for the minimum time required to complete sample analysis, data computation, and submission of the trial burn results by the applicant, and modification of the facility permit by the agency.

An applicant shall submit to the director a statement with Part B of the permit application that identifies the conditions necessary to operate in compliance with the performance standards of 6 MCAR S 4.9321 D. during this period. This statement must include restrictions on waste constituents, waste feed rates, and the operating parameters identified in 6 MCAR S 4.9321 F.

The director shall review this statement and other relevant information submitted with part B of the permit application and shall specify requirements for this period most likely to meet the performance standards of 6 MCAR S 4.9321 D.

J. Phase four requirements. To allow a new hazardous waste thermal treatment facility to operate after the director reviews the results of the trial burn conducted under phase two, based on the results of the trial burn, the director shall establish operating requirements in the final permit according to 6 MCAR S 4.9321. A permit modification, if necessary, must be completed

according to 6 MCAR S 4.4224 B. or D. and a permit revocation, if necessary, must be completed according to 6 MCAR S 4.4018 C.

K. Requirements for existing hazardous waste thermal treatment facilities. To determine the feasibility of compliance with the performance standards of 6 MCAR S 4.9321 D. and to determine adequate operating conditions under 6 MCAR S 4.9321 F., the applicant for a permit for an existing hazardous waste thermal treatment facility may prepare and submit to the director a trial burn plan and perform a trial burn in accordance with C.-H. An applicant who submits trial burn plans and who receives approval before submission of a permit application shall complete the trial burn and submit the results specified in F. with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the director to establish a later date for the submission of the Part B application or trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results must be submitted within a time period to be specified by the director.

6 MCAR S 4.4222 Land treatment demonstration permits.

A. Letters of approval. A person who desires to conduct controlled laboratory demonstrations of hazardous waste land treatment for the purpose of collecting preliminary data shall request a letter of approval from the agency.

The agency shall issue a letter of approval if the demonstration will be conducted under supervised conditions in a closed system capable of providing adequate protection to human health and the environment, and if the data obtained will not be used as the only basis for the issuance of a facility permit. The letter of approval must specify the general conditions for conducting demonstrations, the duration of approval, and the specific waste types.

The letter of approval may only provide approval for controlled laboratory demonstrations of hazardous waste

treatment and does not provide exemptions from the hazardous waste management and disposal requirements of 6 MCAR SS 4.9100-4.9560. Materials resulting from the demonstration that meet the criteria of 6 MCAR SS 4.9128-4.9137 must be managed as hazardous waste.

B. Permit requirements. An owner or operator who desires to meet the treatment demonstration requirements of 6 MCAR S 4.9319 C. and E. shall request from the agency a treatment demonstration permit. The permit may be issued either as a short-term permit covering only the demonstration, or as a two-phase facility permit covering the demonstration and the design, construction, operation, and maintenance of the land treatment unit.

No short-term permit may be issued unless the agency finds that a completed Part B application is submitted that provides sufficient information upon which to base demonstration conditions, and that sufficient evidence exists upon which to base demonstration requirements.

No two-phase facility permit may be issued unless the agency finds that a completed Part B application is submitted that provides sufficient information upon which to base demonstration and facility conditions, and that sufficient evidence is provided to indicate that the waste material can be successfully land treated.

C. Permit applications. A completed Part B application must be submitted to obtain a short-term demonstration permit unless the director has issued a written exemption from one or more of the data requirements.

D. Two-phase permits. If the agency issues a two-phase permit, the permit must establish, as requirements in the first phase of the facility permit, conditions for conducting the demonstration. These permit conditions must include design and operating parameters, including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, effect on food chain crops, monitoring procedures, post-demonstration cleanup

activities, and other conditions that the agency finds may be necessary under 6 MCAR S 4.9319 C. and E. The agency shall include conditions in the second phase of the facility permit to meet all 6 MCAR S 4.9319 requirements pertaining to unit design, construction, operation, and maintenance. The agency shall establish these conditions in the second phase of the permit based upon the information contained in the Part B application.

The first phase of the permit is effective upon the date of permit issuance.

The second phase of the permit is effective as provided in F.

E. Submission of certification, determinations, and data. The owner or operator who has been issued a two-phase permit and who has completed the treatment demonstration shall submit to the director a certification, signed by a person authorized to sign a permit application or a report under 6 MCAR S 4.4006, that the demonstration has been carried out in accordance with the conditions specified in phase one of the permit for conducting these demonstrations. Within 90 days of completion of the demonstration the owner or operator shall also submit the data collected during the demonstration and a determination as to whether compliance with 6 MCAR S 4.9319 C. and E. was achieved.

F. Permit modification. If the agency determines that the results of the demonstration meet the requirements of 6 MCAR S 4.9319 C. and E., the agency shall modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with 6 MCAR S 4.9319, based upon the results of the demonstration.

If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made in accordance with 6 MCAR S 4.4224 D., the agency shall give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit becomes

effective upon the date of notice of final decision.

If modifications under 6 MCAR S 4.4017 B. are necessary, the second phase of the permit becomes effective only after those modifications have been made.

All modifications must be conducted according to 6 MCAR S 4.4224. The second phase of the permit does not go into effect until after the requirements of 6 MCAR S 4.4224 are met and the agency has given notice of final decision.

6 MCAR S 4.4223 Terms and conditions of hazardous waste facility permits.

A. Term of permit. A hazardous waste facility permit is effective for a fixed term not to exceed five years.

B. Additional general conditions. Each draft and final hazardous waste facility permit issued by the agency must contain all of the general conditions in 6 MCAR S 4.4015 C. except the condition in 6 MCAR S 4.4015 C.11. In addition, each permit must contain the following general conditions:

1. The permittee need not comply with the conditions of this permit to the extent and for the duration this noncompliance is authorized in an emergency permit in accordance with 6 MCAR S 4.4220.

2. The permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the facilities and, for disposal facilities, for the post-closure care period. The permittee shall also maintain an operating record in accordance with 6 MCAR S 4.9294 until closure of the facility.

3. The permittee shall not commence treatment, storage, or disposal of hazardous waste in a new hazardous waste facility or in a modified portion of an existing hazardous waste facility until:

a. the permittee has submitted to the director by certified mail or hand delivery a letter signed by the permittee and by a registered professional engineer stating that the facility has been constructed or modified in compliance with the conditions of the permit; and

b. the director has inspected the new or modified facility and has provided the permittee with a letter stating that, based on information available to the director, the facility appears to have been constructed in compliance with the conditions of the permit.

4. If the permittee discovers a release or discharge of hazardous waste which could be a danger to public drinking water supplies or threaten human health or the environment or discovers a fire or explosion at a hazardous waste facility which could threaten human health or the environment outside the facility, the permittee shall, within 24 hours of the discovery of the incident, orally notify the director of the incident and its description. Within 15 days after the incident the permittee shall submit a written report describing the incident. The oral and written descriptions of the incident shall include at a minimum:

a. the name, address, and telephone number of the owner or operator;

b. the name, address, and telephone number of the facility;

c. the date, time, and type of incident;

d. the name and quantity of materials involved;

e. the extent of injuries, if any;

f. an assessment of actual or potential hazards to the environment and human health outside the facility; and

g. the estimated quantity and disposition of recovered hazardous materials.

5. In addition to the reports required by 6 MCAR S 4.4015, the permittee shall submit the following reports in accordance with 6 MCAR SS 4.9280-4.9322:

a. If the permittee discovers a significant discrepancy in a manifest, the permittee shall attempt to reconcile the discrepancy. If the permittee is unable to reconcile the discrepancy within ten days, the permittee shall submit to the director a letter report and a copy of the manifest in accordance with 6 MCAR S 4.9293 C.1.

b. If a shipment of hazardous waste is delivered to the permittee without the required manifest or shipping paper, the permittee shall attempt to reconcile the discrepancy. If the permittee is unable to reconcile the discrepancy, the permittee shall, prior to the acceptance of the waste, notify the director of the delivery of the waste and shall submit to the director a follow-up report within ten days of receipt of the waste, in accordance with 6 MCAR S 4.9296 C.

c. In accordance with 6 MCAR S 4.9296 B., the permittee shall submit an annual report concerning the activities at the facility during the previous calendar year.

d. If the permittee receives hazardous waste which the permittee is not authorized by the permit to manage, the permittee shall immediately notify the director of the receipt of the waste in accordance with 6 MCAR S 4.9293 C.3.

6. The permittee may allow an authorized representative to sign reports submitted in accordance with the requirements of this permit if:

a. the authorization is made in writing by persons identified in 6 MCAR S 4.4006 except that for a corporation the written authorization must be made by a principal executive officer of at least the level of vice-president;

b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or a person of equivalent responsibility; and

c. the written authorization is submitted to the director.

If authorization is no longer accurate, a new authorization must be submitted to the director prior to or together with any reports or permit applications to be signed by an authorized representative.

C. Additional condition for surface impoundments. Each draft and final hazardous waste facility permit issued by the agency for a surface impoundment must contain the following

condition: The permittee shall not commence treatment, storage, or disposal of hazardous waste in a surface impoundment which has been repaired under 6 MCAR S 4.9317 F.4. until:

1. the permittee has submitted to the director by certified mail or hand delivery a letter signed by the permittee and by a registered professional engineer stating that the surface impoundment has been repaired in compliance with the conditions of the permit; and

2. the director has inspected the repaired surface impoundment and has provided the permittee with a letter stating that, based on information available to the director, the surface impoundment appears to have been repaired in compliance with the conditions of the permit.

6 MCAR S 4.4224 Modification of permits; revocation and reissuance of permits.

A. Scope. In addition to the provisions of 6 MCAR SS 4.4017, 4.4018, and 4.4019, the provisions of B., C., D., and E. are applicable to the modification, revocation, and reissuance of hazardous waste facility permits.

B. Additional justification for modification of permits or revocation and reissuance of permits. In addition to the justifications listed in 6 MCAR S 4.4017, the following constitute justification for the director to commence proceedings to modify a permit or to revoke and reissue a permit:

1. the director discovers that modification of a closure plan or post-closure plan is required by 6 MCAR S 4.9298 D. or 4.9300 C.;

2. the permittee files a request for extension of the 90- or 180-day periods set forth in 6 MCAR S 4.9299;

3. the director receives notification of expected closure under 6 MCAR S 4.9298;

4. the director finds that modification of the 30-year post-closure period is necessary as provided in 6 MCAR S 4.9301 A.;

5. the director finds that continuation of security requirements is necessary as provided by 6 MCAR S 4.9301 B.;

6. the director finds that the permittee has made the demonstration required by 6 MCAR S 4.9301 C. such that a disturbance of the integrity of the containment system should be authorized;

7. the permittee files a request under 6 MCAR S 4.9312 C. for a variance from the required level of financial responsibility;

8. the director demonstrates under 6 MCAR S 4.9312 D. that an upward adjustment of the level of financial responsibility is required;

9. the director finds that the corrective action program specified in the permit under 6 MCAR S 4.9297 M. has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable period of time;

10. to include a detection monitoring program that meets the requirements of 6 MCAR S 4.9297 K., when the owner or operator has been conducting a compliance monitoring program under 6 MCAR S 4.9297 L. or a corrective action program under 6 MCAR S 4.9297 M., and the compliance period ends before the end of the post-closure care period for the unit;

11. a permit requires a compliance monitoring program under 6 MCAR S 4.9297 L., but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard;

12. to include conditions applicable to units at a facility that were not previously included in the facility's permit; ~~or~~

13. a land treatment unit is not achieving complete treatment of hazardous constituents under its current permit conditions; or

14. to change the operating requirements set in the permit to reflect the results of the trial burn.

C. Additional justification to commence revocation without reissuance of permit. In addition to the justifications listed in 6 MCAR S 4.4018, a failure to submit an annual facility operator's fee within 180 days of the due date, as specified in

the agency's hazardous waste fee rules, constitutes justification for the director to commence proceedings to revoke a permit without reissuance.

D. Minor modifications of permits. In addition to the corrections or allowances listed in 6 MCAR S 4.4019 B. and C., if the permittee consents, the director may modify a permit to make the corrections or allowances listed below without following the procedures in 6 MCAR SS ~~4.4010-4.4019~~ 4.4010-4.4013:

1. to change the list of facility emergency coordinators in the permit's contingency plan;

2. to change the list of equipment in the permit's contingency plan;

3. to change estimates of maximum inventory under 6 MCAR S 4.9298 C.2.;

4. to change the expected year of closure under 6 MCAR S 4.9298 C.4.;

5. to change schedules for final closure under 6 MCAR S 4.9298 C.4.;

6. to change the ranges of the operating requirements set in the permit to reflect the results of the trial burn provided that the change is minor;

7. to change the operating requirements set in the permit for conducting a trial burn provided that the change is minor;

8. to grant one extension of the time period for determining operational readiness of a thermal treatment unit following completion of construction, for up to 720 hours operating time for treatment of hazardous wastes;

9. to change the treatment program requirements for land treatment units under 6 MCAR S 4.9319 B. to improve treatment of hazardous constituents, provided that the change is minor;

10. to change any conditions specified in the permit for land treatment units to reflect the results of field tests or laboratory analyses used in making a treatment demonstration in accordance with 6 MCAR S 4.4222 provided that the change is minor; and

11. to allow a second treatment demonstration for land treatment to be conducted when the results of the first demonstration have not shown the conditions under which the waste or wastes can be treated completely as required by 6 MCAR S 4.9319 C. and E.3., provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration.

E. Consideration of facility siting. In making its final determination on a permit modification or permit revocation and reissuance, the agency shall not consider the suitability of the facility location unless new information indicates that a threat to human health or the environment exists which was unknown at the time the permit was issued.

Repealer. Pollution Control Agency rules 6 MCAR SS 4.9006 and 4.9007 are repealed.