

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Closure of Hazardous Waste  
4 Facilities

5

6 Rules as Adopted

7 7045.0458 WASTE ANALYSIS REQUIREMENTS.

8 Subpart 1. Waste analysis. Waste analysis procedures are  
9 as follows:

10 A. Before an owner or operator treats, stores, or  
11 disposes of any hazardous waste, or nonhazardous waste if  
12 applicable under part 7045.0488, subpart 2a, the owner or  
13 operator shall obtain a detailed chemical and physical analysis  
14 of a representative sample of the waste. This analysis must  
15 contain all the information which must be known in order to  
16 treat, store, or dispose of the waste in accordance with the  
17 requirements of parts 7045.0450 to 7045.0544 and 7045.1300 to  
18 7045.1380, or with the conditions of a permit issued under the  
19 agency's permitting procedures.

20 [For text of item B, see M.R.]

21 C. The analysis must be repeated as necessary to  
22 ensure that it is accurate and up-to-date. The analysis must be  
23 repeated at the following times:

24 (1) when the owner or operator is notified, or  
25 has reason to believe, that the process or operation generating  
26 the hazardous waste, or nonhazardous waste if applicable under  
27 part 7045.0488, subpart 2a, has changed; and

28 [For text of subitem (2), see M.R.]

29 [For text of item D, see M.R.]

30 Subp. 2. Waste analysis plan. The owner or operator shall  
31 develop and follow a written waste analysis plan which describes  
32 the procedures which he or she will carry out to comply with  
33 subpart 1. The owner or operator shall keep this plan at the  
34 facility. The plan must specify:

35 A. the parameters for which each hazardous waste, or

1 nonhazardous waste if applicable under part 7045.0488, subpart  
2 2a, will be analyzed and the rationale for the selection of  
3 these parameters;

4 [For text of items B to H, see M.R.]

5 7045.0486 CLOSURE.

6 [For text of subps 1 to 4, see M.R.]

7 Subp. 5. Notification of partial and final closure.

8 [For text of item A, see M.R.]

9 B. The date on which the owner or operator "expects  
10 to begin closure" is defined as follows:

11 [For text of subitem (1), see M.R.]

12 (2) Where the owner or operator of a hazardous  
13 waste management unit reasonably anticipates that the owner or  
14 operator will continue to receive hazardous wastes, then the  
15 date on which the owner or operator "expects to begin closure"  
16 is one year after the date the last volume of hazardous waste  
17 was received by the hazardous waste management unit. An owner  
18 or operator shall only be considered to "reasonably anticipate  
19 receiving additional volumes of hazardous waste" if the owner or  
20 operator in fact receives hazardous wastes within one year after  
21 the last volume was received. The commissioner may approve an  
22 extension to this one-year limit if the owner or operator of a  
23 hazardous waste management unit can demonstrate to the  
24 commissioner that the unit or facility has the capacity to  
25 receive additional hazardous wastes and he or she has taken, and  
26 will continue to take, all steps to prevent threats to human  
27 health and the environment, including compliance with all  
28 applicable permit requirements.

29 For units meeting the requirements of part 7045.0488,  
30 subpart 2a, the date on which the owner or operator expects to  
31 begin closure must be no later than 30 days after the date on  
32 which the hazardous waste management unit receives the known  
33 final volume of nonhazardous wastes, or if there is a reasonable  
34 possibility that the hazardous wastes management unit will  
35 receive additional nonhazardous wastes, no later than one year

1 after the date on which the unit received the most recent volume  
2 of nonhazardous wastes. If the owner or operator can  
3 demonstrate to the commissioner that the hazardous waste  
4 management unit has the capacity to receive additional  
5 nonhazardous wastes and the owner or operator has taken, and  
6 will continue to take, all steps to prevent threats to human  
7 health and the environment, including compliance with all  
8 applicable permit requirements, the commissioner shall approve  
9 an extension to this one-year limit.

10 If the facility's permit or interim status is terminated,  
11 or if the facility is otherwise ordered by judicial decree or  
12 compliance order to cease receiving hazardous waste or to close,  
13 then the requirement in this item does not apply. However, the  
14 owner or operator shall close the facility in accordance with  
15 established deadlines.

16 [For text of subp 6, see M.R.]

17 7045.0488 CLOSURE ACTIVITIES.

18 Subpart 1. **Time allowance to begin closure activities.**  
19 Within 90 days after receiving the final volume of hazardous  
20 waste, or the final volume of nonhazardous waste if the owner or  
21 operator complies with all applicable requirements of subpart  
22 2a, at a hazardous waste management unit or facility, the owner  
23 or operator shall treat, remove from the unit or facility, or  
24 dispose of on-site all hazardous waste in accordance with the  
25 approved closure plan. The commissioner may approve a longer  
26 period if the owner or operator demonstrates at least 30 days  
27 before expiration of the 90 day period, that the owner or  
28 operator has taken and will continue to take all steps to  
29 prevent threats to human health and the environment, including  
30 compliance with all permit requirements and:

31 [For text of item A, see M.R.]

32 B. the hazardous waste management unit or facility  
33 has the capacity to receive additional hazardous waste, or has  
34 the capacity to receive nonhazardous waste if the owner or  
35 operator complies with subpart 2a, there is a reasonable

1 likelihood that the owner or operator or another person will  
2 recommence operation of the unit or facility within one year,  
3 and closure of the unit or facility would be incompatible with  
4 continued operation of the site; and

5 [For text of item C, see M.R.]

6 Subp. 2. **Time extension for closure activities.** The owner  
7 or operator shall complete partial and final closure activities  
8 in accordance with the approved closure plan and within 180 days  
9 after receiving the final volume of hazardous waste, or the  
10 final volume of nonhazardous waste if the owner or operator  
11 complies with all applicable requirements in subpart 2a, at the  
12 hazardous waste management unit or facility. The commissioner  
13 may approve a longer closure period if the owner or operator  
14 demonstrates at least 30 days before expiration of the 180 day  
15 period that the owner or operator has taken, unless the owner or  
16 operator is otherwise subject to the deadlines of subpart 2a,  
17 and will continue to take all steps to prevent threats to human  
18 health and the environment from the unclosed but not operating  
19 hazardous waste management unit or facility, including  
20 compliance with all applicable permit requirements and:

21 [For text of item A, see M.R.]

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

30 [For text of item C, see M.R.]

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

36 A. the owner or operator requests a permit

1 modification in compliance with all applicable requirements of  
2 chapter 7001 and in the permit modification request demonstrates  
3 that:

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

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

11 (3) the nonhazardous waste will not be  
12 incompatible with any remaining wastes in the unit, or with the  
13 facility design and operating requirements of the unit or  
14 facility under parts 7045.0450 to 7045.0544;

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

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

21 B. the request to modify the permit includes an  
22 amended waste analysis plan required under part 7045.0458,  
23 groundwater monitoring and response program required under part  
24 7045.0484, human exposure assessment required under parts  
25 7001.0590 and 7001.0620, closure and postclosure plans required  
26 under parts 7045.0486 and 7045.0490, and updated cost estimates  
27 and demonstration of financial assurance for closure and  
28 postclosure care as necessary and appropriate required under  
29 parts 7045.0502 to 7045.0508, to reflect any changes due to the  
30 presence of hazardous constituents in the nonhazardous wastes,  
31 and changes in closure activities required under part 7045.0488,  
32 including the expected year of closure if applicable under part  
33 7045.0486, subpart 4, as a result of the receipt of nonhazardous  
34 wastes following the final receipt of hazardous wastes;

35 C. the request to modify the permit includes  
36 revisions, as necessary and appropriate, to affected conditions

1 of the permit to account for the receipt of nonhazardous wastes  
2 following receipt of the final volume of hazardous wastes; and

3 D. the request to modify the permit and the  
4 demonstrations referred to in items A and B are submitted to the  
5 commissioner no later than 120 days before the date on which the  
6 owner or operator of the facility receives the known final  
7 volume of hazardous wastes at the unit.

8 If the owner or operator of a surface impoundment is not in  
9 compliance with the liner and leachate collection system minimum  
10 technology requirements of part 7045.0532, subpart 3, the owner  
11 or operator may not delay closure in order to accept  
12 nonhazardous wastes.

13 [For text of subps 3 and 4, see M.R.]

14 7045.0502 COST ESTIMATE FOR FACILITY CLOSURE.

15 Subpart 1. **Cost estimate requirements.** The owner or  
16 operator shall have a detailed written estimate, in current  
17 dollars, of the cost of closing the facility in accordance with  
18 parts 7045.0486 and 7045.0488 and applicable closure  
19 requirements in parts 7045.0526, subpart 9; 7045.0532, subpart  
20 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538,  
21 subpart 7; 7045.0539, subparts 2 to 4; and 7045.0542, subpart  
22 8. The closure cost estimate must equal the cost of final  
23 closure at the point in the facility's active life when the  
24 extent and manner of its operation would make closure the most  
25 expensive, as indicated by its closure plan. The closure cost  
26 shall be estimated as follows:

27 [For text of item A, see M.R.]

28 B. The closure cost estimate may not incorporate any  
29 salvage value that may be realized with the sale of hazardous  
30 wastes, or nonhazardous wastes if applicable under part  
31 7045.0488, subpart 2a, facility structures or equipment, land,  
32 or other assets associated with the facility at the time of  
33 partial or final closure.

34 C. The owner or operator may not incorporate a zero  
35 cost for hazardous wastes, or nonhazardous wastes if applicable

1 under part 7045.0488, subpart 2a, that might have economic value.

2 [For text of subps 2 to 4, see M.R.]

3 7045.0564 WASTE ANALYSIS REQUIREMENTS.

4 Subpart 1. **Waste analysis.** The analysis must comply with  
5 the following requirements:

6 A. Before an owner or operator treats, stores, or  
7 disposes of any hazardous waste, or nonhazardous waste if  
8 applicable under part 7045.0596, subpart 2a, the owner or  
9 operator shall obtain a detailed chemical and physical analysis  
10 of a representative sample of the waste. This analysis must  
11 contain all the information which must be known in order to  
12 treat, store, or dispose of the waste in accordance with the  
13 requirements of parts 7045.0552 to 7045.0642 and 7045.1300 to  
14 7045.1380.

15 [For text of item B, see M.R.]

16 C. The analysis must be repeated as necessary to  
17 ensure that it is accurate and up-to-date. The analysis must be  
18 repeated:

19 (1) when the owner or operator is notified, or  
20 has reason to believe, that the process or operation generating  
21 the hazardous waste, or nonhazardous waste if applicable under  
22 part 7045.0596, subpart 2a, has changed; and

23 [For text of subitem (2), see M.R.]

24 [For text of item D, see M.R.]

25 Subp. 2. **Waste analysis plan.** The owner or operator shall  
26 develop and follow a written waste analysis plan which describes  
27 the procedures the owner or operator will carry out to comply  
28 with subpart 1. The owner or operator shall keep this plan at  
29 the facility. The plan must specify:

30 A. The parameters for which each hazardous waste, or  
31 nonhazardous waste if applicable under part 7045.0596, subpart  
32 2a, will be analyzed and the rationale for the selection of  
33 these parameters.

34 [For text of items B to H, see M.R.]

35 7045.0594 CLOSURE.

1 [For text of subparts 1 and 2, see M.R.]

2 Subp. 3. Submittal of closure plan. The closure plans  
3 must be submitted as follows:

4 [For text of items A to D, see M.R.]

5 E. The date on which the owner or operator "expects  
6 to begin closure" is defined as follows:

7 [For text of subitem (1), see M.R.]

8 (2) Where the owner or operator of a hazardous  
9 waste management unit reasonably anticipates that the owner or  
10 operator will continue to receive hazardous wastes, then the  
11 date on which the owner or operator "expects to begin closure"  
12 is one year after the date on which the last volume of hazardous  
13 waste was received by the hazardous waste management unit. An  
14 owner or operator shall only be considered to "reasonably  
15 anticipate receiving additional hazardous waste" if the owner or  
16 operator in fact receives additional hazardous wastes within one  
17 year after the last volume was received. If the owner or  
18 operator can demonstrate to the commissioner that the unit or  
19 facility has the capacity to receive additional hazardous wastes  
20 and the owner or operator has taken and will continue to take  
21 all steps to prevent threats to human health and the  
22 environment, including compliance with all interim status  
23 requirements, the commissioner may approve an extension to this  
24 one-year limit.

25 For units meeting the requirements of part 7045.0596,  
26 subpart 2a, the date on which the owner or operator expects to  
27 begin closure must be no later than 30 days after the date on  
28 which the hazardous waste management unit receives the known  
29 final volume of nonhazardous wastes, or if there is a reasonable  
30 possibility that the hazardous waste management unit will  
31 receive additional nonhazardous wastes, no later than one year  
32 after the date on which the unit received the most recent volume  
33 of nonhazardous wastes. If the owner or operator can  
34 demonstrate to the commissioner that the hazardous waste  
35 management unit has the capacity to receive additional  
36 nonhazardous wastes and the owner or operator has taken, and



1 will continue to take, all steps to prevent threats to human  
2 health and the environment, including compliance with all  
3 applicable interim status requirements, the commissioner shall  
4 approve an extension to this one-year limit.

5 [For text of item F, see M.R.]

6 [For text of subp 4, see M.R.]

7 7045.0596 CLOSURE ACTIVITIES.

8 Subpart 1. Time allowance to begin closure activities.

9 Within 90 days after receiving the final volume of hazardous  
10 waste, or the final volume of nonhazardous waste if the owner or  
11 operator complies with all applicable requirements in subpart  
12 2a, at a hazardous waste management unit or facility, or within  
13 90 days after approval of the closure plan, whichever is later,  
14 the owner or operator shall treat, remove from the unit or  
15 facility, or dispose on-site all hazardous waste in accordance  
16 with the approved closure plan. The commissioner may approve a  
17 longer period if the owner or operator demonstrates at least 30  
18 days before expiration of the 90 day period, that he or she has  
19 taken and will continue to take all steps to prevent threats to  
20 human health and the environment, including compliance with all  
21 applicable interim status requirements, and:

22 [For text of item A, see M.R.]

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

31 If the owner or operator of a facility required to maintain  
32 financial assurance for closure, post closure care, or  
33 corrective action fails to make any required payment or to  
34 substitute alternative financial assurance when required to do  
35 so, the commissioner shall order the owner or operator to begin

1 closure activities.

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

18               [For text of item A, see M.R.]

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

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

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

35       **A.** the owner or operator submits an amended Part B  
36 application, or a Part B application, if not previously

1 required, and demonstrates that:

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

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

9 (3) the nonhazardous waste will not be  
10 incompatible with any remaining wastes in the unit, or with the  
11 facility design and operating requirements of the unit or  
12 facility under parts 7045.0552 to 7045.0642;

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

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

19 B. the Part B application includes an amended waste  
20 analysis plan required under part 7045.0564, groundwater  
21 monitoring and response program required under parts 7045.0590  
22 and 7045.0592, human exposure assessment required under parts  
23 7001.0590 and 7001.0620, closure and postclosure plans required  
24 under parts 7045.0594 and 7045.0600, and updated cost estimates  
25 and demonstration of financial assurance for closure and  
26 postclosure care as necessary and appropriate required under  
27 parts 7045.0610 to 7045.0618, to reflect any changes due to the  
28 presence of hazardous constituents in the nonhazardous wastes,  
29 and changes in closure activities required under part 7045.0596,  
30 including the expected year of closure if applicable under part  
31 7045.0594, subpart 3, item A, subitem (5), as a result of the  
32 receipt of nonhazardous wastes following the final receipt of  
33 hazardous wastes;

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

1 wastes; and

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

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

12 [For text of subps 3 and 4, see M.R.]

13 7045.0610 COST ESTIMATE FOR FACILITY CLOSURE.

14 Subpart 1. Cost estimate requirements. The owner or  
15 operator shall prepare a detailed written estimate, in current  
16 dollars, of the cost of closing the facility in accordance with  
17 the closure plan in part 7045.0594 and applicable closure  
18 requirements in parts 7045.0626, subpart 8; 7045.0628, subpart  
19 5; 7045.0630, subpart 6; 7045.0632, subpart 7; 7045.0634,  
20 subpart 6; 7045.0638, subpart 4; 7045.0640, subpart 5; and  
21 7045.0642, subpart 5. The closure cost estimate must equal the  
22 cost of closure at the point in the facility's operating life  
23 when the extent and manner of its operation would make closure  
24 the most expensive, as indicated by its closure plan. The  
25 closure cost shall be estimated as follows:

26 [For text of item A, see M.R.]

27 B. The closure cost estimate may not incorporate any  
28 salvage value that may be realized with the sale of hazardous  
29 wastes, or nonhazardous wastes if applicable under part  
30 7045.0596, subpart 2a, facility structures or equipment, land,  
31 or other assets associated with the facility at the time of  
32 partial or final closure.

33 C. The owner or operator may not incorporate a zero  
34 cost for hazardous wastes, or nonhazardous wastes if applicable  
35 under part 7045.0596, subpart 2a, that might have economic value.

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[For text of subps 2 to 4, see M.R.]