

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Solid Waste Management

4 Recycling

5

6 Rules as Adopted

7 7001.3050 PERMIT REQUIREMENTS.

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

9 Subp. 3. Permits-by-rule. The owner or operator of the
10 following facilities is deemed to have obtained a solid waste
11 management facility permit without making application for it,
12 unless the commissioner finds that the facility is not in
13 compliance with the listed part:

14 [For text of items A to C, see M.R.]

15 D. recycling facilities in compliance with part
16 7035.2845;

17 [For text of items E to H, see M.R.]

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

19 7035.0300 DEFINITIONS.

20 [For text of subps 1 to 87, see M.R.]

21 Subp. 88. Recycling facility. "Recycling facility" means
22 a facility where only recyclable materials are received and
23 prepared for reuse in their original form or for use in
24 manufacturing processes that do not cause the destruction of the
25 materials in a manner that precludes further use. The
26 recyclable materials must:

27 A. ~~not-be-hazardous-as-defined-in-chapter-7045;~~

28 B. ~~fit the definition of mixed municipal solid waste~~
29 ~~prior to separation for recycling;~~

30 C. ~~not include items which have been prohibited by~~
31 ~~state law from disposal or placement in mixed municipal solid~~
32 ~~waste, unless approved by the commissioner; and~~

33 D. ~~have been separated from other mixed municipal~~
34 ~~solid waste by the generator prior to collection; and~~

35 ~~D. not be hazardous as defined in chapter 7045,~~

1 except for household hazardous waste. Recyclable materials that
2 are defined as household hazardous waste in part 7045.0131,
3 subpart 1, and Minnesota Statutes, section 115A.96, subdivision
4 1, paragraphs (a) and (b), may be accepted at the facility for
5 recycling if they are managed in accordance with part 7045.0310.

6 "Recycling facility" does not include an individual
7 generator of recyclable materials, such as a homeowner, a
8 business, or a government agency, and it does not include a
9 manufacturer using recyclable materials as feedstock.

10 [For text of subs 89 to 121, see M.R.]

11 7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

12 [For text of subpart 1, see M.R.]

13 Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not
14 apply to the following solid waste management facilities or
15 persons, except as indicated:

16 A. backyard compost sites;

17 B. recycling facilities in compliance with part
18 7035.2845, ~~except that they~~ must only comply with parts
19 7035.2535, subparts 1, 2, and 3, 7035.2545, 7035.2555,
20 7035.2565, 7035.2595, 7035.2605, and 7035.2625, subparts 1 and
21 2;

22 C. recycling drop-off sheds, divided roll-off boxes,
23 separate dumpsters, and other containers or small structures
24 where recyclable materials that have been separated from mixed
25 municipal solid waste by the generator in order to avoid
26 contaminating the materials or to expedite the collection or
27 processing of them for recycling are collected in total volumes
28 not exceeding 40 cubic yards, at any one time, ~~except that they~~
29 must only comply with part 7035.2845, subpart 3;

30 D. individual generators of recyclable materials,
31 such as homeowners, businesses, and government agencies;

32 E. manufacturers using recyclable materials as
33 feedstock;

34 F. industrial solid waste land disposal facilities;

35 and

1 G. solid waste from the extraction, beneficiation,
2 and processing, of ores and minerals stored, collected,
3 transferred, transported, utilized, processed, and disposed of
4 or reclaimed, provided the facility is permitted for such use
5 under part 7001.0020, item E, and chapter 6130.

6 7035.2845 RECYCLING FACILITIES.

7 Subpart 1. **Scope.** The owner or operator of a recycling
8 facility must comply with subparts 2 to 6.

9 Subp. 2. **Notification.** The owner or operator of a
10 recycling facility shall submit a notification form to the
11 commissioner on a form prescribed by the commissioner prior to
12 beginning facility operations. The owner or operator shall
13 notify the commissioner no later than 30 days after the
14 effective date when the owner or operator relocates the
15 facility. The owner or operator shall notify the commissioner
16 at least 30 days before the effective date when ceasing
17 operations.

18 Subp. 3. **Design requirements.** The owner or operator of a
19 recycling facility shall design and construct the facility to
20 prevent surface water drainage through recyclable and residual
21 materials, to control dispersion of the recyclable materials and
22 residuals by wind, to contain any spills or releases that could
23 harm human health or the environment, to provide for the storage
24 of recyclable materials so as to protect the recyclability of
25 the materials, and to provide for the storage and removal of
26 residuals. Storage of waste on-site must comply with part
27 7035.2855.

28 Subp. 4. **Operation.** The owner or operator of a recycling
29 facility shall effectively control dust, windblown material,
30 vermin populations, and other nuisance conditions at the
31 facility and shall remove all putrescible materials at least
32 once a week. All other residuals must be removed at least once
33 a month.

34 Subp. 4a. **Annual report.** By ~~February~~ March 1 of each
35 year, the owner or operator of a recycling facility shall submit

1 an annual report to the commissioner, on a form prescribed by
2 the commissioner, indicating the name and address of the
3 recycling facility, the year covered by the report, the type and
4 ~~volume~~ weight of materials handled at the facility; and the
5 distribution of materials by ~~volume~~ weight, i.e., what ~~volume~~
6 weight of recyclable material received went to an end market, a
7 broker/processor, or was managed as mixed municipal solid waste.

8 Subp. 4b. Storage. All of the recyclable materials that
9 are delivered to or are stored at the recycling facility must be
10 removed from the facility within ~~one-year~~ three years after the
11 date of receipt. The owner or operator must notify the
12 commissioner annually, in the annual report required in subpart
13 4a, if recyclable materials are stored longer than one year.
14 The annual report must identify the type and approximate weight
15 of material being stored. Recyclable materials that are stored
16 longer than one year must be stored in such a way that the
17 recyclability is retained.

18 Subp. 4c. Inspections. The owner or operator of a
19 recycling facility must inspect the facility, at least every 30
20 days, for malfunctions, deterioration, or discharges that may
21 result in either the release of pollutants to the environment or
22 a threat to human health. The owner or operator must develop
23 and follow a written schedule for inspecting monitoring
24 equipment, safety and emergency equipment, security devices, and
25 operating and structural equipment used to prevent, detect, or
26 respond to environmental or human health hazards. The owner or
27 operator must retain at the facility a copy of the schedule
28 which must identify the types of problems to look for during the
29 inspection. The owner or operator must remedy any deterioration
30 or malfunction of equipment or structure no later than two weeks
31 after an inspection. If the owner or operator is unable to
32 remedy the deterioration or malfunction within two weeks due to
33 the nature of the problem, availability of materials, or other
34 factors that influence repair efforts, the owner or operator
35 must remedy the problem as soon as possible and must keep a
36 current summary report of the incident and the steps being taken

1 to remedy the situation.

2 Subp. 4d. **Operating record.** The owner or operator of a
3 recycling facility must keep a written operating record at the
4 facility until April 1 of each year for the preceding calendar
5 year. The owner or operator must record the type and ~~volume~~
6 weight of recyclable materials received for each ~~day~~~~-the-date~~
7 ~~received~~, quarter and their distribution by ~~volume~~ weight. The
8 operating record must also include summary reports and details
9 of incidents that require implementing the contingency action
10 plan specified in subpart 5, and records and results of
11 inspections required by subpart 4c.

12 Subp. 5. **Contingency action plan.** The owner or operator
13 of a recycling facility shall prepare and maintain a contingency
14 action plan for the recycling facility. The plan must address
15 what actions the owner or operator will take if a fire, spill,
16 or release occurs at the facility and what backup system exists
17 if the owner or operator closes the facility for any period of
18 time.

19 Subp. 6. **Closure.** At least 30 days prior to the effective
20 date of closure, the owner or operator of a recycling facility
21 must post a notice of closure at the entrance by signs
22 indicating the date of closure, and must publish a notice of
23 closure in a local newspaper. No later than 30 days after
24 ceasing operations, the owner or operator of a recycling
25 facility must properly remove and treat or dispose of all waste
26 and contaminated soil or structures at the facility.

27 7035.2585 ANNUAL REPORT.

28 The owner or operator of a solid waste management facility
29 shall prepare and submit a single copy of an annual report to
30 the commissioner no later than February 1 for the preceding
31 calendar year. A report form and instructions may be obtained
32 from the commissioner. The annual report must cover all
33 facility activities during the previous calendar year and must
34 include the following information:

35 [For text of items A to H, see M.R.]

1 I. the summary evaluation reports required for the
2 specific solid waste management facilities in parts 7035.2825,
3 subpart 9; 7035.2835, subparts 3, item E, and 6, items H and I;
4 7035.2845, subpart 4a; and 7035.2875, subpart 5;

5 [For text of items J and K, see M.R.]