

07/13/05

[REVISOR ] CMR/RC AR3538

1 Pollution Control Agency

2 Adopted Permanent Rules Relating to Solid Waste Transfer

3 Facilities

4 7001.0010 DEFINITIONS.

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

6 Subp. 5. Notification. "Notification" means the

7 notification required by part 7001.3410.

8 7001.0140 FINAL DETERMINATION.

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

10 Subp. 2. Agency findings. The following findings by the  
11 agency constitute justification for the agency to refuse to  
12 issue a new or modified permit, to refuse permit reissuance, or  
13 to revoke a permit without reissuance:

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

15 F. that with respect to the facility or activity to  
16 be permitted, the proposed permittee has not complied with any  
17 requirement under parts 7002.0210 to 7002.0310 or chapter 7046  
18 to pay fees;

19 G. that with respect to the facility or activity to  
20 be permitted, the proposed permittee has failed to pay a penalty  
21 owed under Minnesota Statutes, section 116.072; or

22 H. for a solid waste transfer facility, that the  
23 permittee has received an agency permit but has failed to build  
24 and operate the permitted facility within the term of the permit.

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

26 7001.3050 PERMIT REQUIREMENTS.



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1 Subpart 1. **Permit required.** Except as provided in subpart  
2 2, a solid waste management facility permit or permit  
3 modification is required to:

4 A. treat, store, process, transfer, or dispose of  
5 solid waste;

6 [For text of items B and C, see M.R.]

7 Subp. 2. **Exclusions.** A solid waste management facility  
8 permit is not required:

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

10 E. for disposal of solid waste on the same property  
11 on which it was discovered, when a person has made a request to  
12 the commissioner for review, investigation, and oversight under  
13 Minnesota Statutes, section 115B.17, subdivision 14, and is  
14 conducting response actions in accordance with a plan approved  
15 by the commissioner under Minnesota Statutes, section 115B.175;

16 F. when the commissioner has granted an exemption to  
17 allow operation without a permit to expedite the proper  
18 management of solid waste and to prevent, abate, or control  
19 pollution if the commissioner determines that such an exemption  
20 is necessary as an immediate response to an emergency. A permit  
21 application must be submitted within 90 days after such an  
22 exemption is granted;

23 G. for a transfer facility that moves from location  
24 to location and receives solid waste directly from other  
25 vehicles for consolidation prior to subsequent transport,  
26 disposal, or processing, provided it is not located in an area  
27 for more than 12 hours, all waste is delivered vehicle to

1 vehicle and is not dumped and reloaded;

2 H. for a temporary community cleanup event transfer  
3 facility provided:

4 (1) municipality sponsorship or approval of the  
5 community cleanup event is obtained;

6 (2) the community cleanup event is open to the  
7 public residing in the targeted community;

8 (3) the community cleanup event occurs no more  
9 than twice a year; and

10 (4) the community cleanup event, including  
11 removal of wastes, lasts no more than seven days; or

12 I. for a limited solid waste collection services  
13 transfer facility that directly accepts waste from individual  
14 residents that self-haul, provided the county where the facility  
15 is located has determined that the facility is necessary due to  
16 limited availability of solid waste collection services, and:

17 (1) all waste is managed and stored in containers  
18 or roll-off boxes constructed of impervious material;

19 (2) no more than 40 cubic yards of waste are  
20 stored on site at any given time;

21 (3) no more than 40 cubic yards of waste are  
22 managed on site per day; and

23 (4) removal of waste occurs when the capacity of  
24 the container is reached or more often as necessary to prevent  
25 nuisance conditions.

26 Subp. 3. **Permits-by-rule.** The owner or operator of a  
27 facility described in items A to H is deemed to have obtained a

1 solid waste management facility permit without making  
2 application for it.

3           A. A transfer facility where all waste is managed and  
4 stored in containers or roll-off boxes constructed of impervious  
5 material or in a fully enclosed building that meets the  
6 standards in part 7035.2870, subpart 4, or where the  
7 commissioner has determined that the current design is adequate  
8 as provided in part 7035.2870, subpart 3, provided that in  
9 either case:

10                   (1) no more than 120 cubic yards of waste are  
11 stored on site at any given time;

12                   (2) no more than 120 cubic yards of waste are  
13 managed on site per day;

14                   (3) the owner or operator maintains the facility  
15 in compliance with part 7035.2870, subpart 5; and

16                   (4) the owner or operator submits a written  
17 notice to the commissioner that includes the facility location,  
18 responsible party and telephone number, facility size, copies of  
19 the plans and schedules required under part 7035.2525, subpart  
20 2, item H, and type of waste no later than 180 days following  
21 the effective date of this part for existing facilities and no  
22 later than ten working days before accepting waste for new  
23 facilities. Thereafter, new and existing facilities must submit  
24 the notice required under this unit every five years.

25           For the purposes of this item, "site" includes all property  
26 contiguous to the property where the containers or building are  
27 located that is controlled by the same person or related

1 business entities. For the purposes of this item,  
2 source-separated recyclable materials received at the facility  
3 and stored on site do not count towards the volume limitations  
4 in subitems (1) and (2), and recyclable materials recovered from  
5 the waste on the site and stored on site do not count towards  
6 the volume limitations in subitem (1).

7           B. Demolition debris land disposal facilities  
8 designed for less than 15,000 cubic yards total capacity and  
9 operating less than a total of 12 consecutive months, not  
10 located adjacent to another demolition debris permit by rule  
11 facility, and in compliance with parts 7035.2525 to 7035.2655,  
12 7035.2825, and 7035.2855.

13           C. Compost facilities receiving yard waste only and  
14 in compliance with part 7035.2836, subparts 2 and 3.

15           D. Recycling facilities in compliance with part  
16 7035.2845.

17           E. Energy recovery facilities governed by chapters  
18 7007, 7009, and 7011, except that facilities processing  
19 refuse-derived fuel on-site prior to incineration and energy  
20 recovery at the site, must be permitted in accordance with parts  
21 7001.0010 to 7001.0210 and 7001.3000 to 7001.3550.

22           F. Storage sites for nonsludge wood waste generated  
23 from the wood preparation phase prior to processing or water  
24 treatment lime sludge and in compliance with part 7035.2855.

25           G. Facilities receiving solid waste from the  
26 exploration, mining, milling, smelting, and refining of ores and  
27 minerals provided that:

1 (1) the owner or operator does not accept waste  
2 for storage, processing, or disposal other than solid waste  
3 generated from the exploration, mining, milling, smelting, and  
4 refining of ores and minerals;

5 (2) the owner or operator has obtained a permit  
6 in accordance with part 7001.0020, item D; and

7 (3) the owner or operator is operating the  
8 facility in compliance with chapter 6130.

9 H. Facilities receiving five tons or less of  
10 municipal solid waste combustor ash for the purpose of  
11 researching in a laboratory ash treatment or utilization  
12 provided that ash is stored in compliance with part 7035.2855  
13 and disposed of in compliance with part 7035.2885 or used in  
14 accordance with agency approvals, and provided that the facility  
15 owner or operator notifies the commissioner of the source and  
16 quantity of ash and the proposed method for managing the ash  
17 after research is complete; notification must also include a  
18 description of the research methods and intent, and must be  
19 received by the commissioner before ash is received at the  
20 facility.

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

22 7001.3075 SOLID WASTE MANAGEMENT FACILITY PERMIT APPLICATION.

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

24 **Subp. 3. Transfer facilities extended permit term.**

25 A. For transfer facilities that have operated under  
26 an existing permit issued under parts 7001.0010 to 7001.0200, no  
27 application is required for permit reissuance upon the

1 expiration date of the permit and the term of the permit shall  
2 be extended indefinitely unless (1) the commissioner requires  
3 the facility to be repermited as provided in part 7001.3410,  
4 subpart 3, or (2) the owner or operator of the facility plans to  
5 make a major modification to the facility. In either of these  
6 cases, the owner and operator shall submit an application for  
7 reissuance or modification of the permit as provided in this  
8 chapter. This application shall be approved or denied following  
9 the procedures in this chapter. As used in this part,  
10 "operated" means to have accepted waste at levels constituting  
11 normal expected volumes for facilities for a minimum of one year  
12 during the most recent five-year term of the permit, such that  
13 the agency can reasonably conclude that the facility is  
14 operating in compliance with applicable rules and its permit.  
15 For purposes of this part, a "major modification" means a change  
16 in the type of waste managed at the facility, an increase beyond  
17 the original permitted capacity, or a change that could  
18 significantly affect compliance with the design or operation  
19 standards of part 7035.2870, subparts 4 and 5. The owner or  
20 operator may request, in writing, that the agency make a written  
21 determination as to whether any planned changes significantly  
22 affect compliance with design or operation standards.

23           B. Owners and operators of transfer facilities  
24 operating under an extended permit may make minor modifications  
25 as listed in part 7001.3550, subpart 3, at any time, provided  
26 that notice of the minor modification is given to the agency as  
27 provided in part 7001.3410, subparts 1 and 2. Owners of

1 facilities operating under an extended permit must follow the  
2 requirements in part 7001.0190, subpart 2, before transferring  
3 ownership and control of the facility. Transfer facilities  
4 operating under an extended permit, as provided in this subpart,  
5 must submit to the agency the notification required by part  
6 7001.3410, and the annual report required under part 7035.2585.

7 7001.3400 FINAL PERMIT APPLICATION INFORMATION REQUIREMENTS FOR  
8 TRANSFER FACILITIES.

9 The application for a transfer facility permit must include  
10 the following information in addition to the information  
11 required by part 7001.3300:

12 A. detailed plans and an engineering report  
13 specifying how the facility will be constructed and operated  
14 including:

15 [For text of subitems (1) to (12), see M.R.]

16 (13) the operating procedures to ensure the  
17 facility is maintained in compliance with part 7035.2870;

18 (14) any recycling or composting to be done at  
19 the site and how it will be conducted; and

20 (15) the safety and emergency procedures for the  
21 site operators;

22 B. information demonstrating that the facility will  
23 meet the design standards in part 7035.2870, subpart 4, or that  
24 the facility qualifies under part 7035.2870, subpart 3, and  
25 information demonstrating that the facility will meet the  
26 operations standard in part 7035.2870, subpart 5; and

27 C. evidence that the owner and operator have obtained



1 all necessary municipality approvals. The owner or operator  
2 must submit a copy of any approvals obtained. If the facility  
3 is located in an area where no municipality approval is  
4 required, the owner or operator shall submit a signed written  
5 statement indicating that no municipality approval is required.

6 7001.3410 EXTENDED PERMIT NOTIFICATION AND TERMINATION  
7 PROCEDURES.

8 Subpart 1. Notification contents. Owners or operators of  
9 transfer facilities operating under an extended permit shall  
10 submit to the agency, upon the anniversary of the expiration  
11 date of the permit, or five years after the effective date of  
12 this part, whichever is sooner, and every five years thereafter,  
13 a notification containing the following information:

14 A. the facility name, address, mailing address, and  
15 facility contact name and telephone number;

16 B. the permit number;

17 C. any minor modifications that have been made at the  
18 facility since permit issuance or the date of last notification;

19 D. a summary of annual updates, if any, to the  
20 industrial solid waste management plan required by part  
21 7035.2535, subpart 5; the contingency action plan required by  
22 part 7035.2615; the emergency response plan required by part  
23 7035.2595, subpart 5; the operations and maintenance plan  
24 required by part 7001.3300, item P; the inspection schedule  
25 required by part 7035.2535, subpart 4; the storm water pollution  
26 prevention plan if required under parts 7001.1000 to 7001.1100;  
27 and the closure plan as provided under part 7035.2625; and

1 E. signatures and certifications in accordance with  
2 parts 7001.0060, 7001.0070, and 7001.3150.

3 Subp. 2. **Updates in the annual report.** For any minor  
4 modifications and for any changes to the plans and schedules  
5 listed under subpart 1, item D, the owner or operator shall  
6 include a description of any changes in the annual report  
7 submitted under part 7035.2585, item L. These changes are  
8 considered approved upon receipt by the agency, but the owner or  
9 operator must amend the plans or schedules if, at any time, the  
10 agency notifies the owner or operator that the plans or  
11 schedules are deficient.

12 Subp. 3. **Termination of extended permit operation as**  
13 **allowed under part 7001.3075.** The agency shall notify the owner  
14 or operator of a transfer facility operating under an extended  
15 permit that the transfer facility is no longer eligible to  
16 operate under an extended permit and must be repermited under  
17 chapter 7001 under any of the following conditions:

18 A. the transfer facility has unresolved noncompliance  
19 or has not been operated substantially in accordance with  
20 applicable standards;

21 B. the owner or operator has made changes to the  
22 facility that require a major modification as described in part  
23 7001.3075, subpart 3, without filing a permit application;

24 C. the owner or operator has failed to update  
25 required plans or schedules or has submitted reports that  
26 contain material deficiencies and has not corrected those  
27 deficiencies; or

1 D. the owner or operator has failed to submit the  
2 notification or the annual report required under part 7035.2585.

3 In the termination notice, the agency shall state the  
4 reasons why the agency proposes to require repermitting of the  
5 facility and shall provide the owner or operator with 30 days to  
6 respond to the notice. Following receipt of the response, if  
7 any, the agency shall make a final determination and shall  
8 notify the owner and operator of that decision. Upon receipt of  
9 this final determination, the owner or operator may elect to  
10 seek to continue the operation of the transfer facility by  
11 submitting a permit application, or may close the facility. If  
12 the owner or operator elects to continue the operation, the  
13 owner or operator shall submit a permit application within 30  
14 days of receipt of the final determination. This application  
15 will be approved or denied following the procedures in chapter  
16 7001. If the owner or operator elects to close the facility,  
17 the owner or operator must notify the agency and initiate  
18 closure procedures within 30 days of receipt of the final  
19 determination.

20 7001.3500 TERMS AND CONDITIONS OF SOLID WASTE MANAGEMENT  
21 FACILITY PERMITS.

22 Subpart 1. **Terms of permit.** Except as modified by part  
23 7001.3075, subpart 3, a solid waste management facility permit  
24 is effective for a fixed term not to exceed five years as  
25 determined by the agency.

26 [For text of subps 2 and 3, see M.R.]

## 1 7011.1245 GENERAL WASTE COMBUSTOR FACILITY REQUIREMENTS.

2 The owner or operator of a waste combustor shall design,  
3 construct, and operate the facility in compliance with the solid  
4 waste management requirements as set forth in items A to H.  
5 Plans required in the items in this part shall identify those  
6 required portions of the plan which are not applicable.

7 [For text of items A to F, see M.R.]

8 G. solid waste transfer facility requirements as  
9 required in part 7035.2870; and

10 H. for waste combustors accepting infectious wastes,  
11 infectious waste management requirements of parts 7035.9100 to  
12 7035.9150.

## 13 7035.0300 DEFINITIONS.

14 [For text of subps 1 to 110, see M.R.]

15 Subp. 110a. **Tipping floor.** "Tipping floor" means an area  
16 onto which solid waste is unloaded and staged for reloading into  
17 processing equipment or transport vehicles, or for removal of  
18 recyclable materials. Tipping floor includes containers or  
19 trucks when used to consolidate waste for future transport.

20 [For text of subps 111 to 121, see M.R.]

## 21 7035.0800 COLLECTION AND TRANSPORTATION OF SOLID WASTE.

22 Subpart 1. **Owner's or occupant's duty.** The owner and  
23 occupant of any premises, business establishment, or industry  
24 and/or the refuse collection service are responsible for the  
25 satisfactory collection and transportation of all solid waste  
26 accumulated at a premise, business establishment, or industry to

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1 a solid waste disposal, transfer, or processing facility that is  
2 authorized to accept the waste.

3 [For text of subps 2 and 3, see M.R.]

4 7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

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

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

9 [For text of items A to E, see M.R.]

10 F. industrial solid waste land disposal facilities;

11 G. solid waste from the extraction, beneficiation,

12 and processing, of ores and minerals stored, collected,

13 transferred, transported, utilized, processed, and disposed of

14 or reclaimed, provided the facility is permitted for such use

15 under part 7001.0020, item D, and chapter 6130;

16 H. permit-by-rule transfer facilities in compliance

17 with part 7001.3050, subpart 3, item A, must only comply with

18 parts 7035.2535, subparts 1, 2, 3, 4, items A, B, D, and E, and

19 5; 7035.2545; 7035.2555; 7035.2565, subparts 1, 3, and 4;

20 7035.2575, subparts 1 and 2; 7035.2585; 7035.2595; 7035.2605;

21 7035.2625; 7035.2635; 7035.2855; and 7035.2870, subparts 2 and

22 5;

23 I. mobile transfer facilities in compliance with part

24 7001.3050, subpart 2, item G, must only comply with parts

25 7035.2535, subpart 1; 7035.2565, subparts 1, 3, and 4; and

26 7035.2870, subpart 2;

27 J. temporary community cleanup event transfer

1 facilities in compliance with part 7001.3050, subpart 2, item H,  
2 must only comply with parts 7035.2535, subpart 1; 7035.2565,  
3 subparts 1, 3, and 4; and 7035.2870, subpart 2; and

4 K. limited collection transfer facilities in  
5 compliance with part 7001.3050, subpart 2, item I, must only  
6 comply with parts 7035.2535, subpart 1; 7035.2555; 7035.2565,  
7 subparts 1, 3, and 4; and 7035.2870, subpart 2.

8 7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

9 Subpart 1. **Unacceptable wastes.** The owner or operator of  
10 a solid waste management facility must not accept the following  
11 wastes for treatment, storage, processing, transfer, or disposal:

12 [For text of items A to G, see M.R.]

13 [For text of subps 2 to 6, see M.R.]

14 7035.2565 GROUNDWATER QUALITY, SURFACE WATER QUALITY, AND AIR  
15 QUALITY AND SOIL PROTECTION.

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

17 Subp. 3. **Air quality protection.** A person who operates or  
18 maintains a solid waste management facility or permits the use  
19 of property for such, must operate and maintain the site in  
20 conformance with the agency air pollution control rules. Open  
21 burning is prohibited, unless a permit is obtained as provided  
22 in Minnesota Statutes, section 88.17, and the material to be  
23 burned complies with Minnesota Statutes, section 88.171.

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

25 7035.2585 ANNUAL REPORT.

26 The owner or operator of a solid waste management facility

1 shall prepare and submit a single copy of an annual report to  
2 the commissioner no later than February 1 for the preceding  
3 calendar year. A report form and instructions may be obtained  
4 from the commissioner. The annual report must cover all  
5 facility activities during the previous calendar year and must  
6 include the following information:

7 [For text of items A to I, see M.R.]

8 J. the personnel training information required by  
9 part 7035.2545, subpart 1;

10 K. a certification by the owner or operator of the  
11 solid waste management facility; and

12 L. for transfer facilities operating under an  
13 extended permit term, the information required in part  
14 7001.3410, subpart 2.

15 Waste facilities that do not dispose of waste need not  
16 include items D, H, and I.

17 7035.2625 CLOSURE.

18 Subpart 1. **Closure.** The owner or operator of a solid  
19 waste management facility must cease to accept waste and must  
20 immediately close the facility in compliance with this part and  
21 parts 7035.2635 and 7035.2815 to 7035.2915, when:

22 [For text of items A to G, see M.R.]

23 H. the required financial assurance for closure,  
24 postclosure care, or corrective actions is not maintained with  
25 the proper payment or substitute instrument;

26 I. the facility is unpermitted, is not a land  
27 disposal site, or is required to be permitted under parts

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1 7001.0010 to 7001.1220 and 7001.1400 to 7001.3550 and the owner  
2 or operator has not applied for a permit within 180 days after  
3 November 15, 1988; or

4 J. the facility is a transfer facility operating  
5 under an extended permit term and was required by the agency to  
6 apply for a permit and failed to do so or applied for the permit  
7 as required by the agency and was denied.

8 [For text of subp 2, see M.R.]

9 Subp. 3. Submittal and contents of closure plan. The  
10 owner or operator of a solid waste management facility shall  
11 submit a closure plan with the permit application, or as  
12 required by a closure document, or in order to establish  
13 financial assurance mechanisms in accordance with part  
14 7035.2695. For unpermitted land disposal sites, the owner or  
15 operator shall submit a closure plan within 90 days after  
16 November 15, 1988. The agency shall approve the closure plan as  
17 part of the permit issuance procedure or as part of a submittal  
18 required by a closure document or other enforcement action.  
19 Compliance with the approved closure plan must be a condition of  
20 any permit, order, closure document, or stipulation agreement  
21 issued for the facility. The closure plan must be consistent  
22 with subparts 2, 4, and 5, part 7035.2635, and the applicable  
23 closure requirements of parts 7035.2665; 7035.2815, subpart 16;  
24 and 7035.2825 to 7035.2915.

25 A copy of the approved closure plan, and all revisions to  
26 the plan, must be kept at the facility until closure is  
27 completed and certified under part 7035.2635. Except for



1 transfer facilities and other facilities that will not have  
2 waste present following closure, the agency will issue a closure  
3 document in accordance with part 7001.3055. The plan must  
4 identify steps needed to close each fill phase, if appropriate,  
5 and the entire site at the end of its operating life. The  
6 closure plan must include:

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

8 Subp. 4. **Amendment of plan.** The owner or operator may  
9 amend the closure plan any time during the life of the  
10 facility. The owner or operator must amend the plan whenever  
11 changes in the operating plan or facility design affect the  
12 closure procedures needed and whenever the expected year of  
13 closure changes. If a permit modification as authorized in part  
14 7001.3550 is needed, the owner or operator shall submit an  
15 amended closure plan with the modification request. In all  
16 other cases, the owner or operator must request a modification  
17 of the plan, or, for transfer facilities operated under an  
18 extended permit term, make a modification to the plan as  
19 provided under part 7001.3410, subparts 1, item D, and 2, within  
20 60 days of any change or event that affects the closure plan.

21 [For text of subp 5, see M.R.]

22 7035.2635 CLOSURE PROCEDURES.

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

24 Subp. 3. **Certification of closure.** For solid waste  
25 disposal facilities, when the final facility or fill phase  
26 closure is completed, the owner shall submit to the commissioner  
27 certification by the owner and an engineer registered in

1 Minnesota that the facility or phase has been closed in  
2 accordance with subpart 2. The certification must contain: a  
3 completed and signed Site Closure Record and as-built plans  
4 showing changes from the original design plans; testing results  
5 indicating compliance with final cover, waste removal, equipment  
6 decontamination, and other closure requirements; and other forms  
7 of documentation such as pictures showing the construction  
8 techniques used during closure. The final facility closure  
9 certification must include a copy of the notation filed with the  
10 county recorder and carrying the recorder's seal. For all other  
11 facilities, the owner or operator shall submit to the  
12 commissioner a document including certification under part  
13 7001.0070, demonstrating that all steps in the closure plan have  
14 been completed.

15 7035.2645 POSTCLOSURE.

16 Subpart 1. **Submittal of postclosure plan.** The landowner  
17 and the owner of a solid waste disposal facility shall submit a  
18 postclosure plan with the permit application. The agency must  
19 approve the plan in accordance with part 7001.3055 as part of  
20 the permit issuance procedure or as a submittal required by a  
21 closure document, stipulation agreement, or other enforcement  
22 action. Compliance with the approved postclosure plan shall be  
23 a condition of any permit or closure document issued.

24 [For text of subps 2 and 3, see M.R.]

25 7035.2655 POSTCLOSURE CARE AND USE OF PROPERTY.

26 Subpart 1. **Postclosure care requirements.** Postclosure

1 care requirements apply to solid waste disposal facilities and  
2 are as follows:

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

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

5 7035.2870 SOLID WASTE TRANSFER FACILITIES.

6 Subpart 1. **Scope.** The requirements of this part apply to  
7 the owners or operators of transfer facilities operating under a  
8 permit or in extended permit status, or as otherwise provided in  
9 this chapter or chapter 7001. In addition, permitted facilities  
10 must comply with the conditions in their permits. Nothing in  
11 this part relieves the owner or operator of the duty to comply  
12 with other applicable requirements, including, but not limited  
13 to, local ordinances or codes.

14 Subp. 2. **Delivery of solid waste.** No waste may be  
15 transported from a transfer facility unless the owner or  
16 operator has reasonable belief that the person or facility  
17 receiving the waste may lawfully do so under applicable federal,  
18 state, or local rules. Reasonable belief means that the owner  
19 or operator has verified that the person or facility receiving  
20 the waste holds a valid license, permit, or other approval, or  
21 that no such approval is required.

22 Subp. 3. **Applicability.** This part applies to the  
23 applicability of design requirements for transfer facilities  
24 operating and accepting waste under a permit issued under parts  
25 7001.0010 to 7001.0200 prior to the effective date of this  
26 part. The design requirements of subpart 4 do not apply to a  
27 facility constructed prior to the effective date of this part,

1 unless the owner or operator intends to make a major  
2 modification to the facility. In that case, the design  
3 requirements in subpart 4 apply to all modified portions of the  
4 facility, unless otherwise provided in the agency permit. The  
5 commissioner shall require compliance with the design  
6 requirements in subpart 4 unless the owner or operator  
7 demonstrates that the existing facility design is adequately  
8 protective of the environment considering the change in waste  
9 volume, type, or other operating parameters.

10       **Subp. 4. Design standards.** An owner or operator of a  
11 permitted transfer facility must ensure that all buildings and  
12 roads are designed and constructed in accordance with this  
13 subpart, unless exempt under subpart 3.

14           A. The waste transfer or tipping floor area must have  
15 adequate capacity for the projected through-put and storage of  
16 waste and other materials, including recyclables and  
17 unacceptable materials. The area must be adequate to support  
18 activities related to the segregation of recyclable,  
19 processable, and unacceptable materials from waste.

20           B. Intrafacility roads must be all-weather and  
21 suitable for the volume and types of collection vehicles or  
22 other transportation equipment that will be used to move waste  
23 from the entrance gate to loading and unloading areas. The  
24 vehicle and equipment traffic areas must bear the expected  
25 frequency and weight of vehicles and equipment navigating the  
26 surface without failure. Downward sloped vehicle ramps must be  
27 less than a ten percent grade, and upward sloped vehicle ramps

1 shall be less than a six percent grade, unless the commissioner  
2 approves an alternative design in the permit. The commissioner  
3 shall approve an alternative design if the owner or operator  
4 demonstrates that fully loaded vehicles can utilize the ramps  
5 without compromising safety. Roadway widths, number of lanes,  
6 and turning radii must be adequate considering the design  
7 traffic volume and vehicle types expected to use the facility.

8 C. The facility must include an area designed for the  
9 storage of bulky items such as mattresses and large appliances,  
10 if accepted. The facility must also include an area where  
11 unacceptable materials may be safely stored in compliance with  
12 applicable standards prior to removal from the facility.

13 D. If the facility will use walls, pushwalls, or  
14 barriers for the management or containment of waste, the  
15 structures must be designed so that failure will not occur,  
16 taking into account the type of waste, bearing pressure, and the  
17 method of operation, including the equipment that will be used  
18 to move waste at the facility.

19 E. The facility must be designed to control litter.

20 F. The facility must include access control  
21 structures such as gates to prevent unauthorized access during  
22 hours when the facility is not open.

23 G. Noncontainerized waste stored outdoors must be  
24 stored in an area that meets the solid waste storage standards  
25 in part 7035.2855.

26 H. If waste management activities will take place  
27 within a structure, the structure must meet the following

1 criteria:

2 (1) the minimum interior clearance height must be  
3 28 feet, unless the commissioner approves a different height  
4 based on the equipment that is anticipated to be used at the  
5 facility during its expected life;

6 (2) the building door must be a minimum width of  
7 16 feet and a minimum height of 25 feet to allow safe passage of  
8 traffic exiting or entering the facility in the unloaded  
9 position, unless the commissioner approves a different dimension  
10 based on the equipment that is anticipated to be used at the  
11 facility during its expected life;

12 (3) the facility must include floors constructed  
13 of high strength concrete capable of bearing 5,000 pounds per  
14 square inch as verified by ASTM C 1074-98, ASTM C 39/C 39M-01,  
15 or an equivalent test method, unless the commissioner approves  
16 an alternative design in the permit. The commissioner shall  
17 approve a floor consisting of lower strength concrete provided  
18 the owner and operator demonstrate that its durability is  
19 consistent with the operational goals of the facility;

20 (4) the facility floor must include floor joints  
21 adequate to prevent cracking of the slab, but floor joints using  
22 compressible filler must be minimized and located so as to  
23 prevent joint deterioration and release of leachate through the  
24 compressible filler. The floor must be treated to increase  
25 durability and extend wear life by using a concrete hardener or  
26 other accepted methods that decrease water absorption and  
27 increase compressive strength and curing time (see ASTM C

1 642-97, ASTM C 140-02a, and ASTM C 309-98a);

2 (5) all surfaces coming into contact with waste  
3 must be constructed of a material that is readily cleanable;

4 (6) if a periodic facility wash-down is specified  
5 or identified under the facility's approved operation and  
6 maintenance plan, the facility floor must include a trap to  
7 collect solids and a sump that has been adequately sized to  
8 collect and contain liquids at the facility;

9 (7) all floors must be sloped such that free  
10 moisture from the waste operations is confined to the tipping  
11 floor and liquids applied to the surface for cleaning purposes  
12 can be collected for treatment or disposal from the tipping  
13 floor or from the sump, if present; and

14 (8) storm water must be routed away from the  
15 structure through the use of a leakproof roof, adequate gutters  
16 and down spouts, and the building apron must be graded to  
17 promote positive drainage away from the building.

18 American Society of Testing and Materials (ASTM) methods C  
19 1074-98, C 39/C 39M-01, C 642-97, C 140-02a, and C 309-98a, as  
20 amended, are incorporated by reference in this subpart. These  
21 methods are published in the Annual Book of ASTM Standards:  
22 Section 4, Construction, Volume 04.02, Concrete and Aggregates,  
23 2003 Edition and Volume 04.05, Chemical-Resistant Nonmetallic  
24 Materials; Vitrified Clay Pipe; Concrete Pipe; Fiber-Reinforced  
25 Cement Products; Mortars and Grouts; Masonry; 2003 Edition.  
26 This publication is available through the Minitex interlibrary  
27 loan system or through ASTM International, 100 Barr Harbor

1 Drive, PO Box C700, West Conshohocken, PA 19428-2959, and the  
2 methods are not subject to frequent change.

3 Subp. 5. Operation standards. The owner or operator of a  
4 permitted transfer facility or a transfer facility operating  
5 under a permit-by-rule as provided in part 7001.3050, subpart 3,  
6 item A, must comply with the operational standards in this  
7 subpart. For existing transfer facilities subject to this  
8 subpart, the owner or operator must comply with this subpart no  
9 later than 180 days after the effective date of this part. The  
10 owner or operator of a new facility subject to this subpart must  
11 comply before accepting waste. The following are the  
12 operational standards:

13 A. roads, gates, doors, and tipping floor areas must  
14 be clear of obstructions at all times;

15 B. an employee who has received training as required  
16 by part 7035.2545 must be on duty at all times the facility is  
17 open for the purposes of receiving waste;

18 C. all industrial waste or mixed municipal solid  
19 waste at the facility must be transferred or stored in (1) a  
20 completely enclosed structure, (2) containers constructed of  
21 impervious materials and designed to prevent leakage, or (3) in  
22 a designated solid waste storage area meeting the storage  
23 standards of part 7035.2855;

24 D. if the facility has operating doors, they must  
25 remain closed except when vehicles are expected to be entering  
26 or leaving the facility, and as necessary to minimize odors,  
27 noise, and litter;



1 E. all equipment and the facility must be maintained  
2 in good working condition. Routine maintenance must be  
3 conducted in accordance with the operations and maintenance plan  
4 submitted with the permit application under part 7001.3400 or  
5 amendments submitted with the notification under part 7001.3410,  
6 subparts 1 and 2. The owner or operator must keep records of  
7 maintenance performed at the facility or on facility equipment;

8 F. all solid waste shall be confined within the  
9 tipping floor area or other designated processing and storage  
10 areas;

11 G. all separated salvageable and recyclable materials  
12 must be containerized or stored in a designated area where they  
13 will not be contaminated by solid waste or other materials. All  
14 separated salvageable and recyclable materials must be removed  
15 from the facility when the capacity of the container or  
16 designated area is reached;

17 H. if the facility accepts putrescible industrial  
18 waste or mixed municipal solid waste, the tipping floor and  
19 storage areas must be cleared of waste and cleaned at least once  
20 every seven days unless no waste has been received at the  
21 facility during the preceding seven-day period. For facilities  
22 that do not accept putrescible industrial waste or mixed  
23 municipal solid waste, the tipping floor and waste storage areas  
24 must be cleared and cleaned at least once every 30 days;

25 I. a sign must be posted that is visible to persons  
26 using the facility prior to entry that lists the wastes that are  
27 or are not accepted at the facility, its hours of operation, and

1 a number to call for assistance with disposal of items that are  
2 not accepted at the facility, and the agency permit number or  
3 agency-assigned permit-by-rule facility identification number;

4 J. the facility grounds and immediately adjacent  
5 property shall be free of litter stemming from facility  
6 operations. If litter is found on adjacent property, the  
7 operation of the facility shall be modified as necessary to  
8 prevent further litter generation by making physical or  
9 operational changes. The facility grounds shall be cleared of  
10 all litter at least once every seven days;

11 K. the facility must be managed in compliance with:

12 (1) the National Pollutant Discharge Elimination  
13 System permit requirements located in parts 7001.1000 to  
14 7001.1100; and

15 (2) part 7011.0150 to prevent particulate matter  
16 from becoming airborne;

17 L. in the event of breakdowns or malfunctions in  
18 facility equipment or structures, the owner or operator shall  
19 purchase or lease replacement equipment or make repairs as  
20 necessary to ensure compliance with this subpart;

21 M. the owner or operator shall post local fire and  
22 police department contact information and arrangements listed in  
23 the emergency response plan required under part 7035.2595 in a  
24 conspicuous area of the facility accessible by all employees;

25 N. the plans and schedules listed under part  
26 7001.3410, subpart 1, item D, including all updates as required  
27 in part 7001.3410, subpart 2, shall be maintained at the

1 facility site so they are available for employees and  
2 inspectors;

3 O. free liquids that have contacted waste may not be  
4 discharged as storm water and must be managed in accordance with  
5 law. Acceptable management methods for free liquids that have  
6 contacted waste include recapture and redeposit in the waste  
7 being managed at the facility provided that the free liquid will  
8 be reabsorbed by the waste, absorption of the free liquids using  
9 an absorbent material and disposal of that absorbent material  
10 with the waste, or discharge to a sanitary sewer if authorized  
11 by a publicly owned treatment works as defined by part  
12 7001.1020, subpart 27. If a building is equipped with a trap,  
13 the trap must be cleaned of waste each time the facility tipping  
14 floors and storage areas are cleaned. If a building is equipped  
15 with a sump, the liquid must be removed from the sump before  
16 reaching capacity, or more often as necessary to prevent odors;

17 P. all unacceptable waste inadvertently received at  
18 the facility must be properly managed in accordance with  
19 applicable standards; and

20 Q. once a facility is no longer open for the purposes  
21 of receiving waste during an operating day, all putrescible  
22 waste remaining at the facility must be:

- 23 (1) properly disposed of;  
24 (2) stored in an enclosed structure; or  
25 (3) stored in containers constructed of  
26 impervious materials and designed to prevent leakage and to  
27 prevent precipitation, insects, and other vectors from coming

1 into contact with the waste.

2 **INSTRUCTION; DELETION OF REPEALED REFERENCES.** The revisor of  
3 statutes shall make the following changes, with appropriate  
4 grammatical corrections in Minnesota Rules:

5           A. in part 7001.0190, subpart 3, item D, delete "and  
6 7023.9050;"; and

7           B. in parts 7035.2805, subpart 7; and 7035.9140,  
8 subpart 8, item B, delete "7023.9000 to 7023.9050".

9 **REPEALER.** Minnesota Rules, part 7035.2865, is repealed.