06-096

Department of Environmental Protection

Maine Solid Waste Management Rules:

CHAPTER 409

PROCESSING FACILITIES

Last Revised:

February 18, 2009

TABLE OF CONTENTS

Page

1. Applicability 1
   A. Facilities Subject to the Requirements of This Chapter 1
   B. Facilities Not Subject to the Requirements of This Chapter. 1
   C. Transition and relationship to other solid waste rules 2
2. General Licensing Requirements 3
   A. Processing Facility General Siting Standards 3
   B. Processing Facility General Design Standards 4
   C. Recycling and Reuse Standards 5
3. Application Requirements ..... 6~~5~~
   A. General Information. ..... 6~~5~~
   B. Site Design Characteristics. 6
   C. Process Design Characteristics. ..... 7~~6~~
   D. Residual and Secondary material Distribution Plan 7
   E. Operations Manual ..... 8~~7~~
   F. Environmental Monitoring Plan ..... 8~~7~~
   G. Odor control ..... 8~~7~~
   H. Subsurface Investigation ..... 9~~8~~
4. Operating Requirements ..... 9~~8~~
   A. Operations Manual. ..... 9~~8~~
   B. General Operations. ..... 9~~8~~
   C. Access to Facilities. ..... 11~~10~~
   D. Acceptance and Distribution of Solid Waste ..... 12~~11~~
   E. Waste Characterization 12
   F~~E~~. Odor Control ..... 13~~12~~
   G~~F~~. Record Keeping ..... 13~~12~~
   H.~~G~~Periodic Reporting ..... 14~~12~~
   ~~H~~I. Annual Report ..... 14~~12~~
   J~~I~~. Facility Closure ..... 16~~13~~
5. Permit By Rule For Processing Soils Contaminated With Virgin-Oil ..... 16~~13~~
   A. Applicability ..... 16~~13~~
   B. Standards and Operating Requirements ..... 17~~13~~
   C. Notification Requirements ..... 17~~14~~
6. Permit By Rule For The Manufacture Of Flowable Fill Using Multi-Fuel Boiler ash, Blast Furnace Slag Or Coal Ash ..... 18~~15~~
   A. Applicability ..... 18~~15~~
   B. Standards ..... 18~~15~~
   C. Notification Requirements ..... 19~~16~~
7. Permit By Rule For Processing Wood Wastes ..... 19~~16~~
   A. Applicability ..... 19~~16~~
   B. Standards and Operating Requirements ..... ~~17~~20
   C. Notification Requirements ..... ~~18~~22

conducted in accordance with Department guidelines, provided that processing is also conducted under Department supervision.

NOTE: The beneficial use of treated soils from Departmental supervised clean-ups are exempt from regulation under these rules provided they are used at the contamination site pursuant to Chapter 418, section 2(Q). Beneficial use off the site is subject to the rules in Chapter 418 (Beneficial Use) or 419 (Agronomic Utilization).

(5) Facilities blending or mixing residuals if regulated under a program license issued pursuant to Chapter 419;

(6) Facilities that stabilize sewage sludge with alkaline agents at a sewage treatment plant if regulated under a program license issued pursuant to Chapter 419;

(7) Facilities that lime stabilize septage at a septage land application site or septage storage site licensed under Chapter 420;

(8) Mobile tire shredder or rim crusher or cutter when the unit is operated on the site of a licensed solid waste facility for less than 30 days per year, and all processed material is removed to Department approved facilities within 30 days of completion of processing;

(9) Mobile white goods, metal, or car shredder or crusher when the unit is operated on site for less than 30 days per year, and all processed material is removed to Department approved facilities within 30 days of completion of processing; and

NOTE: Facilities handling junk vehicles must comply with 30-A M.R.S.A. section 3752 et. seq.

(10) Mobile chippers processing demolition debris for use as fuel when the chipper is located at a licensed transfer station, provided processed material is removed within 30 days of processing.

(11) Transfer stations that are licensed pursuant to Chapter 402 and that compact, bale or otherwise process solid waste consistent with the normal operation of a transfer station.

(12) Solids dewatering units, such as belt filter presses, located at a wastewater treatment plant, but not including composting facilities which require a license pursuant to *Composting Facilities*, 06-096 CMR 410 (effective ~~XXXXXX~~February 18, 2009);

(13) Mobile tire shredder or rim crusher or cutter when the unit is operated under Department supervision on the site of a Department approved scrap tire remediation project

C. Transition and relationship to other solid waste rules.

(1) Existing processing facilities:

(a) all existing solid waste processing facilities must comply with the applicable operating requirements of this chapter.

(b) The following previously issued licenses for existing facilities remain in effect, subject to the conditions specified in Chapter 400 section 3.E:

(ii) wood waste processing facilities licensed pursuant to Chapter 404 (effective May 24, 1989, repealed on November 2, 1998); and

(iii) processing facilities licensed pursuant to Chapter 409 (effective May 24, 1989, repealed on November 2, 1998).

(2) Composting of solid waste: The composting of solid waste is subject to the licensing requirements of the *Maine Solid Waste Management Rules: Composting Facilities*, 06-096 CMR 410 (effective).

(3) Beneficial Use of Solid Waste: The beneficial use, other than agronomic utilization, of a secondary material produced by a processing facility is subject to Chapter 418.

(4) Agronomic utilization of residuals: The agronomic utilization of a residual produced by a processing facility is subject to Chapter 419.

(5) Storage:

(a) The storage of solid wastes at processing facilities is governed by this chapter, except that, when warranted by unusual circumstances, the Department will require compliance with appropriate siting, design, or operational standards from Chapter 402.

NOTE: An unusual circumstance might be the collection and storage of used motor oil at a processing facility.

(b) Secondary materials produced at processing facilities and stored at other locations in Maine for beneficial use must meet the applicable standards of Chapter 402 and 419.

(c) Residuals produced at processing facilities and stored at other locations in Maine prior to agronomic utilization must meet the applicable standards of Chapter 419.

(6) Analysis: Characterization of waste and secondary materials required by this Chapter must be done in accordance with the applicable provisions of Chapter 405 unless otherwise specified.

2. **General Licensing Requirements.** Except for processing facilities licensed under sections 5-8, any person proposing to establish a new solid waste processing facility or alter an existing solid waste processing facility, other than a composting facility, must obtain a license pursuant to Chapter 400, section 4 and sections 2-4 of this chapter.

A. Processing Facility General Siting Standards. At the time the application is filed with the Department, the waste handling area at a proposed processing facility may not be located:

(1) Closer than 100 feet to the solid waste boundary of an active, inactive or closed solid waste landfill;

(2) Within a 100 year flood plain;

(3) Within 100 feet of a protected natural resource;

(4) In, on or over a protected natural resource, or on land adjacent to the following areas, without first obtaining a permit pursuant to 38 M.R.S.A. section 480-A et seq.:

(a) A coastal wetland, great pond, river, stream or brook, or significant wildlife habitat contained within a freshwater wetland; or

(b) Freshwater wetlands consisting of or containing:

(i) under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or

(ii) peatlands dominated by shrubs, sedges and sphagnum moss;

(5) Closer than 300 feet to off-site water supply wells or water supply springs;

(6) Closer than 100 feet to public roads and property boundaries;

(7) Closer than 10,000 feet to any airport runway used by turbojet aircraft, or within 5,000 feet of any airport runway used by only piston-type aircraft, when putrescible waste is to be handled outdoors in an uncovered or exposed condition; and

(8) For tire processing facilities, closer than 1000 feet to residences in existence at the time the application is filed, other than residences owned by the facility owner or operator. For all other processing facilities, closer than 500 feet to residences in existence at the time the application is filed, other than residences owned by the facility owner or operator.

(9) For outside tire storage areas, closer than 300 feet to a sand and gravel aquifer.

B. Processing Facility General Design Standards.

(1) The facility process must be designed to achieve the intended purpose of the facility as described in the application. Specifically, the facility must be designed: to successfully reduce the volume or change the chemical or physical characteristics of the solid waste for a specified purpose, or to produce a product meeting ~~the~~ all relevant specifications for ~~needed to~~ distribution and use of~~e~~ the product as intended. When the facility's purpose is to produce a residual or secondary material for beneficial use in Maine, that residual or secondary material must meet the applicable standards in Chapter 418 or Chapter 419.

(2) Design Capacity: The facility design must include processing systems and storage areas of sufficient capacity to accommodate seasonal throughput of all materials that are delivered to and generated by the facility. Areas proposed for storage of tires, both incoming and

processed, at tire processing facilities must be no greater than the applicant demonstrates to the Department are necessary for the viable operation of the processing facility. No single pile of whole tires may exceed 5,000 square feet; no single pile of chipped or processed tires may exceed 10,000 square feet. The height of any pile must not exceed 10 feet.

(3) Environmental Monitoring Program Design: A processing facility which has been determined by the Department to pose a potential threat to public health or safety or the environment because of the nature of the wastes handled at the solid waste facility and/or the location, design and operation of the facility, must have a monitoring program designed and implemented in accordance with the applicable requirements of Chapter 405.

(4) Leachate Control: The facility design must include provisions to contain, collect and treat any leachate and wash waters generated at the facility.

(5) Clean-up: The facility design must include provisions for the regular wash down or dry clean-up of the facility.

(6) The facility design must include suitable barriers or fencing and gates to prevent unauthorized persons access to the site. .

(7) Fire Breaks: Fire breaks consisting of the following must be included in the design of all tire processing facilities:

(a) each outside storage area for tires, both before and after processing, must be separated by a 50 foot minimum mineral strip; and

(b) a 100 foot fire break must be established and maintained around the ground surface perimeter of the tire storage area(s). All slash, brush, debris, and other combustible material must be removed for a distance of 100 feet in all directions outside the perimeter. Other fire control measures may be proposed if the local fire ranger and the jurisdictional fire chief for the municipality in which the facility is located give written approval of the alternative measures. A copy of the written approval must be submitted with the application.

C. Recycling and Reuse Standards. An applicant for a new or expanded solid waste processing facility that generates residue requiring disposal must demonstrate that the proposed facility:

(a) will recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to: reuse of waste as shaping, grading or alternative daily cover materials at landfills, aggregate material in construction, and boiler fuel substitutes, when such reuse is consistent with all applicable requirements of the *Solid Waste Management Rules,* 06-096 CMR 400 to 419; and,

(b) is consistent with the recycling provisions of the state waste management and recycling plan as defined at 38 MRS §1303-C(35).

The requirements of this subsection do not apply to solid waste composting facilities, solid waste

processing facilities whose primary purpose is volume reduction or other waste processing or treatment prior to disposal of the waste in a landfill or incineration facility, solid waste processing facilities that are licensed in accordance with permit-by-rule provisions of these rules, or solid waste processing facilities that are otherwise exempt from the requirements of this Chapter.

For purposes of this Chapter, recycling or processing into fuel to the "maximum extent practicable" means at a rate that results in recycling or reusing the greatest amount of waste possible and minimizing the amount of waste disposed to the greatest extent possible, without causing unreasonable increases in facility operating costs or unreasonable impacts on other aspects of the facility's operation. Determination of the "maximum extent practicable" includes consideration of the availability and cost of technologies and services, transportation and handling logistics, and overall costs that may be associated with recycling and reuse.

3. **Application Requirements.** Any person seeking to establish a solid waste processing facility under sections 2-4 must provide information sufficient to meet the standards and submissions requirements of Chapter 400. The applicant must submit to the Department, on forms developed by the Department, the following information:

A. General Information.

(1) Description: A brief description of the proposed processing facility.

(2) Topographic Map. The most recent full size U.S. Geological Survey topographic map (7 1/2 minute series, if available) of the area, showing the location of the proposed facility, the property boundary, and, if handling putrescible materials, airports within 10,000 feet of the site. The map must include all surrounding areas within one mile of the proposed site.

(3) Aquifer Map. A copy of the most recent Maine Geological Survey Significant Aquifer Map or Sand and Gravel Aquifer map with the facility site and waste handling area clearly delineated.

(4) Tax Map: A copy of the local tax map(s) marked with the facility site and the names and addresses of abutters on the appropriate lots. For processing facilities proposing outdoor processing or storage, the map must indicate all residences within 1,000 feet of the waste handling area.

(5) Flood Plain Map. The most recent Federal Emergency Management Agency flood insurance rate maps of the 100-year frequency floodplain, with the location of the facility marked, when the site is within 1/4 mile of a 100 year floodplain.

B. Site Design Characteristics. An engineering design must be submitted as part of an application. The sophistication of engineering design required to develop a site for a processing facility varies according to the physical characteristics of the site, the size and complexity of the facility, and the nature of the wastes to be processed. The following components must be included in the engineering design:

(1) Site Plan. A detailed plan of the area within 1,000 feet of the waste handling area for tire processing facilities or 500 feet of the waste handling area for all other processing facilities,

with a scale of 1 inch = 100 feet or a larger engineering scale, clearly showing, if applicable: all structures; protected natural resources; roads; property boundaries; receiving, processing, curing and storage areas; residences; erosion and sedimentation control features; odor control structures; water supply wells and springs; water quality monitoring points; and barriers or fencing and gates to prevent unauthorized persons access to the site. For facilities involving outdoor handling of putrescible wastes in an uncovered or exposed condition, this plan must also note the direction and distance of airports within 10,000 feet of the waste and waste handling area.

(2) Plan Views of the Structures and Utilities. A large scale construction plan view drawing, with a minimum engineering scale of 1 inch = 40 feet, clearly showing any building(s) with foundations; processing unit(s); utilities; leachate, storm water, and erosion and sedimentation control details; and, if applicable, odor control systems.

(3) Demonstration for Size of Storage Areas at Tire Processing Facilities: A description, including sizes, of the proposed storage areas for both incoming and processed tires, and a demonstration that the areas proposed for storage are no greater than the minimum size needed for viable operation of the facility. The demonstration must include information on the volume of tires to be delivered to the facility and a management plan identifying markets and a schedule for removal of the processed tires. The storage areas must also meet the requirements of sections 2.B(2) and 2.B(7).

(4) Financial Surety for Tire Processing Facilities: Tire processing facilities must provide evidence of financial surety in the form of escrow accounts or other sureties that ensure the availability of adequate funds for clean-up operations or final closure of the tire processing facility.

(5) Contracts for Processed Tires: A copy of signed contracts or letters of intent to accept all processed tires. Documents must indicate the maximum quantity of processed tires that will be accepted.

C. Process Design Characteristics.

~~(1) Process Design:~~ A general description of the facility's waste processing system must be submitted. The complexity and degree of detail of the description will vary depending on the magnitude and complexity of the process. This must include, if applicable, process flow diagram(s), the source, volume, and characteristics of wastes to be received, the products and wastes to be generated; the methods to be utilized to mix, process and store wastes and products; the processing equipment to be used on site; provisions for characterization, including analytical information demonstrating that the incoming wastes meet the classification proposed to be handled at the facility; an identification of applicable standards for the product that the facility will produce, including, when applicable, an identification of secondary material standards from Chapter 418, and/or residual standards from Chapter 419, or other applicable standards from these rules, and a description of how these standards will be met.

D. Residual and Secondary M~~m~~aterial Distribution Plan. Where residuals are proposed for agronomic utilization, the applicant must also submit the application information required for licensing a utilization program under Chapter 419. Where secondary materials secondary

(2) The operator must provide and maintain in good repair access roads at the facility site.

(3) The operator must post appropriate signs and/or other means necessary to indicate clearly where waste is to be unloaded and where the separate storage areas within the facility are located.

(4) Adequate space must be maintained to allow the unobstructed movement of emergency personnel and equipment to operating areas of the facility.

D. Acceptance and Distribution of Solid Waste.

(1) The processing facility may only accept wastes for which the facility has been specifically designed and permitted by the Department. Incoming wastes must undergo a visual inspection and, if appropriate, analysis to ensure that only wastes allowed by the facility license are accepted at the facility. All other wastes must be removed and handled at an approved facility.

(2) All processing facilities must implement a Hazardous and Special Waste Handling and Exclusion Plan developed in accordance with Chapter 400, section 9.

(3) Secondary materials, including processed residuals, must be distributed in accordance with the provisions of Chapter 418 or Chapter 419, or other applicable standards of these rules.

(4) Waste Disposal: The operator must have procedures in place, prior to the start of operation, for disposal of bypass and other solid waste generated by the processing facility, including contingency procedures for implementation during emergencies and shutdown periods. The operator must also maintain a valid contract with a solid waste facility which has Department approval to accept the waste.

(5) Wood treated with arsenic or pentachlorophenol may not be beneficially used in the production of biomass fuel or mulch by the facility. Wood for biomass fuel shall meet the fuel standards in Chapter 418, section 6(B)(4). All such treated wood must be stored separately from wood to be used as biomass fuel or mulch and disposed in an approved solid waste disposal facility.

(6) Use of residues from the processing of construction and demolition debris as landfill alternative daily or operational cover or as shaping and grading material must meet the applicable provisions of Chapter 401, sections 4(C)(8), 5(G)(3), and 7(H)(10).

E. Waste Characterization

(1) Facilities that generate residue requiring disposal and that are subject to the provisions of section 4(I)(1) below, must conduct ongoing characterization of wastes accepted at the facility and of residues that leave the facility for disposal. Waste characterization will be conducted in accordance with a method approved by the Department and incorporated by the operator into the facility's operations manual. Data and results from waste characterizations will be recorded and submitted on forms developed and provided by the Department.

(2) Transition.

(a) Existing processing facilities subject to the requirements of this subsection must submit a waste characterization plan for department review and approval within 60 days of the effective date of this rule. ~~the required w~~Waste characterization data and results must be submitted ***beginning*** with the annual report due February 28, 2012. ~~2011 for the period beginning immediately following the department's approval of the facility's waste characterization plan required in Section 4(E) to December 31, 2010.~~

(b) By September 1, 2011, existing processing facilities subject to the requirements of this subsection must submit an interim report which includes the data and information required by Section 4.I(1)(a)(b) and (c) gathered to date, and a narrative discussing progress in implementation of the characterization program required by Section 3E(1) and ongoing recycling and reuse efforts by the facility.

NOTE: The department expects that visual assessment of waste types and for estimations of volumes/weights will generally provide adequate data for waste characterization for processing facilities subject to section 4(E). Each facility however, will be required to establish methods appropriate to its specific operation and circumstances, and designed to yield accurate and representative data and information for reporting purposes. The department ***will develop and*** ~~***anticipates developing specific***~~ ***provide*** guidance on visual assessment methods~~***for distribution***~~ to regulated facilities.

The September 1, 2011 interim report required by Section 3.E(2) above, will not be used by the department as the basis for a determination of compliance with the recycling and reuse standards of Section 4.I(d) and (e).

F~~E~~. Odor Control.

(1) The facility must be operated to prevent nuisance odors at occupied buildings.

(2) Facility personnel must immediately contact the Department's Solid Waste Division to report odor complaints received by the facility. The Department, after investigation, will determine whether the facility has caused a nuisance odor at an occupied building. Facility personnel must, within 30 days of a Department determination of an off-site odor nuisance, report to the Department's Solid Waste Division, in writing, causes of odor generation and completed or planned follow-up action to minimize, control, and treat the odors from the facility.

G~~F~~.——Record Keeping. The facility operator must make provisions to keep the following records and make them available for Departmental inspection and copying for the duration of the facility operation and a minimum of 2 years after facility closure:

(1) When applicable, as-built engineering drawings of the facility, including a schematic showing the relationship of the various subsystems;

(2) Analytical ***and characterization*** data results required by these rules or license conditions;

(3) An operations manual meeting the requirements of this section ~~4.A~~;

(4) Copies of periodic and annual reports submitted to the Department; and

(5) Stabilization facility operations log. An operations log must be kept at a processing facility that reduces the pathogen content, reduces vector attraction properties, reduces putresibility, reduces the carbon to nitrogen ratio, or otherwise stabilizes a residual. The operations log must contain the source and volume of residuals received on a daily basis; the mixture of residuals processed at the facility; process monitoring data; date, time and type of samples obtained from the facility; and volume and type of residuals distributed from the facility on a daily basis, including to whom the residuals are distributed.

HG.~~—~~Periodic Reporting. Licensees must submit periodic reports to the Department containing the results of environmental monitoring, including waste characterization, and any other information required in accordance with the facility license.

IH. Annual Report. By February 28th of each year, the facility operator must pay an annual facility reporting fee, as established by the Department, and submit an annual report to the Department for review and approval for the previous calendar year. The annual report must include a summary of activity at the processing facility during the past year, including a discussion of any odor problems, and a discussion of any factors, either at the facility or elsewhere, which affected the operation, design, or environmental monitoring program of the facility. The annual report must summarize the facility's activities, and at a minimum include the following:

~~(1) Weight or volume and type of wastes received by the facility;~~

~~(2) Weight or volume of product and secondary material produced;~~

~~(3) Weight or volume of secondary material used on-site and distributed off-site;~~

~~(4) Weight or volume of waste and secondary material stored on site as of December 31;~~

(1) For solid waste processing facilities that generate residue requiring disposal:

(a) a complete description of all wastes accepted at the facility including:

i. types and weights (or estimated weights) ***by- state or province of*** origin ***and by generator type***;

ii. data and results of the characterization of all wastes accepted at the facility as required in subsection 4(E) of this rule;

Note: The waste origin and generator information required in subsections 409.4.I(1)(a)i. and in 409.4.I(2)(a) is not intended to identify specific customers. Information must include state or province of origin, and generator type, such as: "residential contractor", "municipal transfer station", "industrial demolition project".

(b) a complete description of all products and secondary materials produced at the facility including:

i. types and weights (or estimated weights) produced;

ii. types and weights (or estimated weights) used on-site; and,

iii. types, weights (or estimated weights), destinations and uses of materials distributed off-site;

(c) a complete description of residues leaving the facility for disposal including:

i. types and weights (or estimated weights) by destination; and,
ii. data and results of the characterization of all residues leaving the facility for disposal as required in subsection 4(E);

(d) a demonstration that all wastes accepted at the facility have been recycled or processed into fuel for combustion to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes but is not limited to: reuse of waste as shaping, grading, or alternative daily cover materials at landfills; aggregate material in construction; and boiler fuel substitutes. The demonstration shall be made through:

i. evaluation and analysis of the waste characterization data and results required for all wastes accepted at the facility and all residues leaving the facility for disposal;
ii. calculation of the recycling rate for the past year; and,
iii. a narrative that includes a detailed comparison of wastes accepted at the facility, products and secondary materials produced for recycling/reuse, and residues leaving the facility for disposal; discussion concerning the calculated recycling rate achieved for the year, including specific explanation of why that rate represents recycling to the maximum extent practicable; explanation and justification for why wastes and residues disposed over the preceding year could not be recycled or reused; and,

(e) a demonstration that the facility and its operation are consistent with the recycling provisions of the state waste management and recycling plan (as defined at 38 MRS §1303-C(35).

The requirements of this paragraph do not apply to solid waste composting facilities, solid waste processing facilities whose primary purpose is volume reduction or other waste processing or treatment prior to disposal of the waste in a landfill or incineration facility, solid waste processing facilities that are licensed in accordance with permit-by-rule provisions of these rules, or solid waste processing facilities that are otherwise exempt from the requirements of this Chapter.

(2) For all other processing facilities not subject to subsection 1 above:

(a) types and weights (or estimated weights) by origin, of all wastes accepted at the facility;
(b) types and weights (or estimated weights) of all products and secondary materials produced, used on-site, or distributed off-site (by destination and including uses);
(c) types and weights (or estimated weights) by destination, of residues leaving the facility for disposal .

(3) For all processing facilities:

(a) types and weights (or estimated weights) of wastes, products, secondary materials, and residues stored on site as of December 31 of the reporting year;
(b) A general summary of the processing operation including problems encountered and follow-up actions, changes to the facility operation, and a summary of odor or other complaints received by the facility during the previous year;
(c) Other alterations to the facility site not requiring Departmental approval that have occurred during the reporting year. Minor aspects of the facility site proposed to be changed in the current year may be described in the annual report. Changes handled in this manner are those that do not require licensing under minor revision or amendment provisions of Chapter 400; and,
(d) A summary and evaluation of the past year's monitoring program results.

~~(65) A general summary of the processing operation including problems encountered and follow-up actions, changes to the facility operation, and a summary of odor or other complaints received by the facility during the previous year;~~

~~(76) Other alterations to the facility site not requiring Departmental approval that have occurred during the reporting year. Minor aspects of the facility site proposed to be changed in the current year may be described in the annual report. Changes handled in this manner are those that do not require licensing under minor revision or amendment provisions of Chapter 400; and~~

~~(77) A summary and evaluation of the past year's monitoring program results.~~

JH. Facility Closure.

(1) Closure Plan: The operator of a processing facility shall submit a closure plan to the Department, for review and approval, a minimum of 90 days prior to the proposed date of the permanent closure of a solid waste processing facility. The plan must include:

(a) An outline of the proposed closing operation;

(b) A schedule for the removal of all stored wastes and secondary materials

(c) The intended destination of all stored wastes and secondary materials.

(2) Closure Performance Standard. The facility must be closed in a manner that minimizes the need for further maintenance; and so that the closed facility will not pollute any waters of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance. At a minimum, the applicant must remove all wastes and secondary materials from the facility; and broom clean the facility structures and equipment.