



Minnesota Pollution Control Agency

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Solid Waste Management Facility Permit

R-TEA Mfg- First State Tire Disposal Inc

Permit: SW-632

Action: PER002

In accordance with Minn. Stat. chs. 115, 115A, and 116, and Minn. Rules chs. 7000, 7001, and 7035, the Minnesota Pollution Control Agency (MPCA) hereby issues this permit and authorizes the permittee(s) listed on the following page to construct and operate the R-TEA Mfg- First State Tire Disposal Inc, SW-632 under the conditions set forth in this permit.

The facility consists of 15 acres located in: Township 35 N, Range 23 W, Section 32, Isanti County, in the MPCA Metro Region. The facility includes the following waste activity area(s):

Tire Processing Area	TP001
Tire Storage Area	TS001
Tire Storage Area	TS002

The determination to issue this permit is discretionary with the MPCA and was made subsequent to MPCA staff review of the permit application. The term commissioner, as used in this permit, refers to the MPCA Commissioner or MPCA personnel who have been delegated explicit authority by the commissioner. Other terms used in this permit are defined in Minnesota Statutes, the MPCA Solid Waste Management Rules, or specifically defined in this permit.

Permit Issuance Date: 05/21/2008

Permit Expiration Date: 05/21/2013

Permit Modified Date:

Minnesota Pollution Control Agency

Paula J. Connell, P.E.

Supervisor, Solid Waste Permitting Unit

St. Paul Office

Resource Management & Assistance Division

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Solid Waste Management Facility Permit

R-TEA Mfg- First State Tire Disposal Inc

Permit: SW-632

Action: PER002

The following permittee(s) are authorized to construct and operate the R-TEA Mfg- First State Tire Disposal Inc, SW-632 under the conditions set forth in this permit.

Permittee Activity Owner:

First State Tire Recycling

Address:

1500 278th Ln NE
Isanti, MN 55040

Permittee Land Owner:

First State Tire Recycling

Address:

1500 278th Ln NE
Isanti, MN 55040

Permittee Operator:

First State Tire Recycling

Address:

1500 278th Ln NE
Isanti, MN 55040

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1. TOTAL FACILITY

1.1 General

1.1.1 Definitions

- 1.1.2 "Permittee" means the landowner, facility owner, and the facility operator. Pursuant to Minn. R. 9220.0250, the MPCA shall designate all owners and operators of the waste tire facility as co-permittees when issuing this permit.
- 1.1.3 "Facility" has the meaning given in Minn. R. 7035.0300, subp. 37. As used in this permit, Facility also includes areas where whole reusable tires and tire derived products are stored prior to sale or reuse.
- 1.1.4 "Waste Activity" means the storage, processing, transfer, utilization, treatment, or disposal of solid waste, waste by-products, waste tires and tire derived products.
- 1.1.5 "Waste Activity Area" means the land, structures, monitoring devices, and other appurtenances and improvements on the land associated with a waste activity.

1.1.6 Location of Waste Activities

- 1.1.7 The Facility shall be located on approximately 15 acres one mile south of Isanti, east of State Highway 65, on 278th Lane as identified on the approved plans. The facility location is described as Parcel A, Parcel B and Parcel C on the Description Sketch in the application. The three parcels are presently owned by Buck L.M.E.N., Properties LLC., Minnikka Properties LLC., and Flaherty Reyes LLC.

The Permittee shall maintain an easement on that part of Parcel C where stormwater pond 2 is located if the land is sold.

Facility address:
1500 278th Lane NE
Isanti, MN

1.1.8 Waste Activities

- 1.1.9 The Facility waste activities authorized by this permit are limited to those activities described in the Waste Capacity Table of this permit.

There are three Facility waste activity types authorized by this permit and identified in the attached "Waste Capacity Table". Each waste activity is given a waste identification in the Table. The three waste activities are the Tire Processing Area (TP001), the northern shred tire storage area (TS001), and a whole tire storage area (TS002) generally south and east of the processing building.

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General

- 1.1.10 The tire processing activity, TP001, shall occur in the "cross-dock" building approximately in the center of the facility property. The Tire Storage Area (TS001) shall include up to thirteen designated storage bins as shown in Figure 4 of the permit application. The thirteen storage bins are for shred tires only. A 30 foot by 80 foot pad dedicated for storage of up to fifty "off-the-road" (OTR) tires. The Tire Storage Area (TS002) will include storage of whole tires in the equivalent of up to forty-two 53 foot trailers.
- 1.1.11 "Permitted Capacity" in this permit means the maximum tire throughput through the processing building (TP001), the maximum airspace to be occupied by a storage facility (TS001), and the maximum amount of allowable tires in Passenger Tire Equivalents (PTE) in TS002. "Permitted capacity" is used to determine compliance with this permit. The "Waste Capacity Table" is an enforceable part of this permit.

"Design capacity", on the other hand, is an estimate dependent on the existing landholdings of the permittee, existing regulations that affect development and design; including required buffer areas, storm water management requirements, slopes, engineering designs, and site developmental plans. It is the maximum volume or passenger tire numbers that, upon final closure of the Facility, could be occupied by waste tires and shreds subject to the approved closure procedures under this permit.

For the purpose of this permit, the following conversion factors apply:

- 1 passenger tire equivalent (PTE) = 20 pounds (lbs)
- 1 cubic yard (CY) of whole tires = 10 PTE
- 1 cy of single pass/rough shreds = 27 PTE = 550 lbs
- 1 cy of 2-inch minus shreds = 45 PTE = 900 lbs

1.1.12 Waste Activities Prohibited

- 1.1.13 Pursuant to Minn. R. 9220.0220, disposal of waste tires and tire derived products in the Facility land is prohibited.

1.1.14 Waste Activity Type Capacity

- 1.1.15 All approved capacities are summarized in the attached Waste Capacity Table.

Reusable whole tires do not figure into the maximum storage capacity as they have value as a recycled material and would not represent a liability if the facility closes. Each trailer of reusable tires will have documentation or an inventory sheet that supports its exclusion from storage capacity.

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1.2 Permit Documents

1.2.1 Permit Application

1.2.2 A permit modification application titled "Waste Tire Processing and Storage Facility Application" dated March 2012 prepared by Wenck was received on April 6, 2012. The county approval for the modification was received via email on May 29, 2012.

The permit modification application approved by this permit modification details the construction of three additional tire shred storage bins. The new bins are located in the north 2.5 acres of the Facility.

1.2.3 The permit application was signed and dated March 27, 2008. Local acknowledgement was accomplished by certified mail receipts documenting letters sent to the city and county.

1.2.4 The permit application report approved by this permit is called, "Waste Tire Processing and Storage Facility Application", dated May 2007 (revised April 2008), and was prepared by Wenck Associates, Inc. (this document is hereinafter referred to in this permit as the Report or the approved Report). The Report contains two appendices: Appendix A, the Emergency Preparedness Plan and Appendix B, Property Owners within one-quarter of a mile. The report was signed by Monte K. Niemi on May 24, 2007.

The entire approved permit application also includes the following plan sheets:

- (1) Site location map
- (2) G1: Preliminary Grading and Drainage Plan
- (3) W1: Wetland Mitigation Areas
- (4) W2: Typical Mitigation Section
- (5) D1: Detail Sheet
- (6) SW-1: Storm Water Pollution Prevention Plan
- (7) SW-2: Storm Water Pollution Control Plan
- (8) Description Sketch-shows legal description and easements
- (9) C1*: Revised storage bins and delineated storage areas

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Permit Documents

1.2.5 Engineering Documents

1.2.6 The engineering documents approved by this permit include:

- (1) Engineering Plans, last updated April 2008, as prepared by Anderson Land Surveying; and
- (2) "Facility Operations" Plan in Section 2.0 of the Report; and
- (3) Emergency Preparedness Plan In Appendix A of the Report, and
- (4) Closure Plan in Section 4.0 of the Report, and
- (5) Closure Plan Cost Estimates in Section 4.5 of the Report, and
- (6) Financial Assurance Plan in Section 4.8 of the Report; and
- (7) Storm Water Pollution Prevention Plan (SWPPP) in the Engineering Plans.

1.2.7 Relevant Reference Reports

1.2.8 Two site assessment evaluation documents referenced for information by this permit include:

- (1) "Phase I Environmental Site Assessment Report, Benny Marine Company and Vacant Lot", dated May 2006 and prepared by Wenck; and
- (2) " Phase I Environmental Site Assessment, 56 Flea, LLC, Proposed Parcel C and D, dated July 2006 and prepared by Wenck.

1.3 Design and Construction Criteria

1.3.1 Location Standards

1.3.2 The permittee may not locate, establish, or construct a solid waste management facility in areas designated in Minn. R. 7035.2555.

Also, pursuant to Minn. R. 9220.0450 Subp. 2, a permitted waste tire facility must not be constructed or operated in a wetland, sinkhole, shoreland, ravine, floodway, or any area where it may be subjected to immersion in water.

1.3.3 Groundwater Quality, Surface Water Quality, Air Quality, and Soil Protection

1.3.4 The permittee must locate, design, and construct the facility to prevent pollution of groundwater and surface water, minimize the contamination of soils from solid waste, and maintain the facility in conformance with MPCA air pollution control rules in accordance with Minn. R. 7035.2565.

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Design and Construction Criteria

1.3.5 Approach and Access Roads

- 1.3.6 The approved street section is as shown on the "Typical Street Section" on Plan C1 of the approved plans.

If the approved street section is adversely affected by stormwater, or is subject to ruts more than six inches in depth, a revised approvable Street Section Plan shall be submitted within 60 days of discovery to the MPCA.

1.3.7 Tire Processing Area

- 1.3.8 The waste tire processing area (TP001) shall be designed as a "cross-dock" building. The general position of various tire handling facilities shall be as shown in Figure 3 of the approved Report. Whole tires shall be managed within the processing area.

The south dock of the waste tire processing area shall receive incoming tires through ten bays as shown on Figure 3 of the approved Report. The western-most bay serves customers who are delivering tires attached to rims. Moving east, the next bay shall collect rims of different metal grades in two outside steel containers. The third bay from the west side of the building will again serve tires mounted on rims. The next four bay doors are slotted for Facility owned trucks, with the final three bays reserved for Facility clients.

The north docks shall be reserved for semi-trailers receiving whole tires for transport via rolling conveyors. The two western-most trailers are managed by original manufacturers for "recall tires". The rest of the bays service the loading of sorted and graded reusable whole tires. The majority of the semi-trailers are parked for customer pick-up south of the processing building as shown in plan view on the approved plans.

Fed by an overhead monorail, an elevated "mezzanine" grading stations sort and grade the tires incoming from the southern dock area. Damaged or worn tires are transported by a second conveyor eastward along the south wall of the processing building to a low speed high torque shredder. The shredder produces a tire shred of different dimensions. "Shred trucks" take tire shreds to the northern bin storage area (TS001) or are delivered for beneficial re-use.

- 1.3.9 At some point in the future, a classification system may be added to sort shred by size for different end users' specifications. Allowable process modifications may include adding additional shredders and screens to classify the shred.

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Design and Construction Criteria

1.3.10 The Two Tire Storage Areas

- 1.3.11 The Tire Storage Area, TS001, shall have designated bins for shred tires only, located on the approved plan, Figure 4. Pursuant to Minn. R. 9220.0480, subp. 3, this storage area shall store tire derived products, including Recycled Tire Engineered Aggregate (called "R.-T.E.A.") in the approved report. The bins, or bunkers, shall be constructed of concrete block with a Class V aggregate base as shown in "Typical Storage Bin Diagram" on approved plan, Figure 5. No other material, solid waste or otherwise, may be in the designated bins. No waste tires or shredded tires shall be outside of the bin footprint. The permittee shall maintain the bin area and fire lane free of vegetation, rubbish, and must remain unobstructed to fire emergency vehicles.

Each of the thirteen bins along the north property line shall be constructed in accordance with the approved plans. The bins shall not exceed 5,000 square feet of continuous area in compliance with State Fire Code. A forty foot fire lane shall surround each bin and a 75 foot fire break shall separate each set of three bins. The tire shreds shall not exceed ten (10) feet in height at any location within the bins.

Off-the-road (OTR) tires must be pre-processed. The OTR processing shall be restricted to a 30 foot by 80 foot pad on the west side of the property as shown on Figure 4. This area is for whole OTR tires only. Once pre-processed, the OTR material must be moved to a dedicated storage bin or the processing building.

- 1.3.12 The three additional storage bins approved by this permit modification shall be located as shown in Figure 4 of the permit modification application dated March 2012. The bins must be constructed according the "Typical Storage Bin Diagram" on approved Figure 5. The location and dimensions must be in compliance with State Fire Code stated above.
- 1.3.13 The Tire Storage Area, TS002, shall store "pre-processed" whole tires in the equivalent of forty-two 53 foot semi-trailers in the locations shown on the approved plans. Conditions within the trailers shall conform with the "Standard for Storage of Rubber Tires, National Fire Protection Association (NFPA) 231D, published by the NFPA Standards Council.

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Design and Construction Criteria

1.3.14 Equipment Storage

- 1.3.15 This permit approves the use of no more than twelve mobile storage units for the storage of equipment and parts only. No tires or tire shreds may be stored here. These storage units may be a combination of 8 foot by 20 foot or 40 foot containers. The containers must be located as shown on Figure 4 of the permit modification application.

Additional equipment and parts storage buildings or containers must be approved by the MPCA prior to construction or installation. Detailed construction drawings and specifications must be submitted for approval.

1.3.16 Construction Schedule

- 1.3.17 As provided by the permittee, the following compliance schedule shall be adhered to unless an extension of the completion date is provided by MPCA staff.
1. Complete seeding for erosion control: June 15, 2008
 2. Construct the six north storage bins: July 15, 2008
 3. Install twenty foot gate and six foot fence around entire facility: July 15, 2008
 4. Stockpile 3000 cy of sand for fire suppression: October 15, 2008

1.3.18 Stormwater Management System

- 1.3.19 The Permittee shall construct and certify the stormwater management system for the facility with Best Management Practices to manage stormwater discharge in accordance with the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit for the discharge of stormwater associated with an industrial activity and a construction activity. In addition, as required by Minn. R. 9220.0450, surface water drainage shall be diverted around and away from the tire storage area (TS001) and each storage bin. No standing water shall be present in the bins.

The approved Stormwater Pollution Prevention Plan (SWPPP), is as shown and described on the approved plans SW-1 and SW-2. Temporary sediment control practices shall be used including a silt fence. A permanent sedimentation basin shall be used to treat run-off during construction activities prior to discharging to the existing wetland. This, and another basin to the south, shall maintain 1800 cubic feet of permanent storage volume below the outlet invert elevation for each tributary acre. The inlets to the ponds shall be adequately protected by rip-rap and other approved design features to prevent erosion. If upon inspection, erosion occurs in the area immediately tributary to the ponds and inlets, the Permittee shall within 60 days of discovery, submit a corrective action plan for approval to the Commissioner.

If the water in the two ponds is to be used in the event of fire, enough capacity shall be maintained in the ponds to adequately suppress the design fire.

1.3.20 General Stormwater Construction Sequence and Plan

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Design and Construction Criteria

- 1.3.21 The Permittee must submit a construction plan to the Commissioner for approval prior to construction if the construction plan proposes any major revisions to the approved design.

Under the approved SWPPP construction activity sequence, the Permittee shall cause the following activities to occur in this sequence:

- (1) Install a silt fence along the perimeter of the project site where shown on Plan SW1, prior to the start of soil disturbing activities; and
- (2) Fully construct sedimentation pond or ponds prior to initiation of upstream soil disturbance activities. Temporarily seed denuded areas in accordance with the General Notes on Plan SW1; and
- (3) Install rip-rap around outlet structures within 24 hours of constructing the sedimentation ponds; and
- (4) Complete grading, provide permanent soil stabilization by preparing topsoil, seeding, fertilizing, mulching, and anchoring mulch as shown on the approved plans; and
- (5) Remove silt deposits from construction activities so that each wet sedimentation basin maintains a volume of 1,800 cubic feet of storage below the outlet invert pipe for each acre that drains to the pond; and
- (6) Remove silt fences, and other temporary control measures upon achieving final stabilization and the MPCA approving the required construction certification under Part 1.3.18 of this Permit.

1.3.22 Construction Notification

- 1.3.23 Unless the Commissioner orders otherwise, the Permittee shall notify appropriate MPCA staff at least ten (10) working days in advance of construction of the facility approved by this Permit or any component thereof.

1.3.24 Construction Certification

- 1.3.25 The Permittee must submit a construction certification for approval by the Commissioner in accordance with Minn. R. 7035.2610. A facility waste activity or any new design feature shall not be placed into operation until the construction certification has been approved by the Commissioner.

Any new tire storage bin or redesigned storage bin shall be certified by a professional engineer or MPCA staff before any tire shreds are placed therein.

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Design and Construction Criteria

1.3.26 Alterations and Additions

- 1.3.27 The Permittee shall not make any major alterations or additions to the Facility that would materially alter the manner in which waste is managed without first obtaining the written consent of the Commissioner.

1.4 Operating and Maintenance Criteria

1.4.1 Approach and Interior Access Roads

- 1.4.2 Total Facility roads shall be maintained passable for any Facility vehicle at all operating times pursuant to Minn. R. 9220.0450, subp. 3(B).

1.4.3 Equipment Inventory

- 1.4.4 A listing of approved equipment is listed in Section 3.7 of the approved Report. Both the listed equipment for the "Storage Facility" and for "Emergency Equipment Type" shall be maintained in good and operable condition during all times.

1.4.5 Site Security

- 1.4.6 The Permittee must prevent unauthorized entry onto the Facility by constructing a fence to surround the entire facility. In addition, the permittee shall post a sign at the entrance of the Facility listing the Facility name, MPCA permit number, hours of operation, a description of the waste tires to be accepted at the Facility, and any other relevant information.

An attendant shall be present at all times when the waste tire Facility is open for business, pursuant to Minn. R. 9220.0450 Subp. 3(C).

The front gate across the restricted access driveway shall be locked when the Facility is closed for operations. A "No Trespassing Sign" shall be placed at the entrance.

1.4.7 Waste Tire Processing Area

- 1.4.8 A system of conveyors shall manage the flow of tires through the building as shown on Figure 3 of the approved Report. No whole tires shall be stored in the building. Generally, off-loaded tires will flow from the south docks to the north docks, except worn or "junk" tires shall, by conveyor, be directed to the shredder located at the east end of the processing building.

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Operating and Maintenance Criteria

1.4.9 Tire Storage Areas TS001 and TS002

1.4.10 Storage Area TS001 shall receive shred tires and up to fifty OTR tires. The shreds shall be contained entirely within the bin area. A front end loader shall maintain stockpile boundaries and access lanes, including the removal of snow. Excavators shall load tire derived product from the stock-piles to trucks for delivery to markets. The fire lane shall remain unobstructed at all times and be maintained free of rubbish and vegetation. Finally, according to Minn. R. 9220.0450 Subp. 3(H), the shred tire piles shall be maintained free of mosquitoes and rodents.

Storage Area TS002 shall maintain enough semi-trailer vans to accept incoming whole tires and tires stored for market use. The equivalent of forty-two 53 foot trailers for pre-processed tires shall be in-place in the areas defined south of the processing area on approved Plan C-1. Pre-processed tires in trailers shall be identified using an inventory sheet that shall be located within each trailer. The storage area shall be serviced by vans originating from outside the Facility and the north side of the processing building.

1.4.11 Collection and Transportation of Solid Waste

1.4.12 The Permittee shall provide for the proper collection and transportation of solid waste in accordance with Minn. R. 7035.0800.

1.4.13 Unacceptable Wastes

1.4.14 The Permittee must not accept specific wastes for treatment storage, processing, or disposal in accordance with Minn. R. 7035.2535, subp. 1. No waste other than waste tires, or other recyclable rubber, shall be accepted at the Facility. No waste tires and shred tires shall be present at this Facility in quantities exceeding the maximum quantities in the attached Waste Capacity Table.

1.4.15 Required Notices

1.4.16 The Permittee must notify the MPCA before transferring ownership or operation of a solid waste management facility during its operating life or during post-closure care period in accordance with Minn. R. 7035.2535, subp. 2. Additional conditions that shall be followed in a written request to the MPCA to change facility ownership or operation are as required in Minn. R. 9220.0410 subp. 2.

For changes that involve a Commissioner's determination that a modification to this permit involves no significant operational change, whether the Permittee consents or does not, shall follow the procedures in Minn. R. 9220.0410. For all other modifications, the procedures of Minn. R. 9220.0340 shall be followed including public notice of a draft permit, a public notice period of 30 days, distribution of the public notice, public comment, and the opportunity for the public to make requests for public informational meetings, petitions, and requests for legal hearings (contested case requests).

1.4.17 General Inspection

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Operating and Maintenance Criteria

- 1.4.18 The Permittee must perform general inspections in accordance with Minn. R. 7035.2535, subp. 4.

1.4.19 Stormwater Management System

- 1.4.20 The Permittee shall operate and maintain the stormwater management system for the facility with Best Management Practices to manage stormwater discharges in accordance with the NPDES/SDS Permit for the discharge of stormwater associated with an industrial activity and/or a construction activity.

1.4.21 Groundwater Quality, Surface Water Quality, Air Quality, and Soil Protection

- 1.4.22 The Permittee must operate and maintain the Facility to prevent pollution of groundwater and surface water, minimize the contamination of soils from solid waste, and maintain the Facility in conformance with MPCA air pollution control rules in accordance with Minn. R. 7035.2565.

1.4.23 Operating Record

- 1.4.24 The Permittee must keep a written operating record at the Facility in accordance with Minn. R. 7035.2575.

1.4.25 Beneficial Use

- 1.4.26 For projects in Minnesota that require under 5,000 cubic yards of TDP, the Permittee shall provide the following notice at least 7 days prior to delivery of the TDP and retain a copy for its records:

"[name and address] ("User") agrees that it understands that he/she/it must comply with the following restrictions on the use of the tire-derived material provided by First State Tire. User agrees that the tire-derived material will be used in compliance with Minn. R. 7035.2860, subpart 4.G or subpart 4.H, or a case-specific beneficial use determination under Minn. R. 7035.2860, subpart 5. User understands that tire-derived material cannot be used as general construction fill or clean fill. If User is not sure whether its project complies with these requirements, User is encouraged to contact the Minnesota Pollution Control Agency at 651-296-6300 or 1-800-657-3864 for further information. If the project does not comply with the rules, use of the tire-derived material may be found to constitute disposal and subject User to penalties."

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Operating and Maintenance Criteria

- 1.4.27 For projects in Minnesota that require over 5,000 cubic yards of TDP, the Permittee shall obtain reasonable assurances from the person conducting the project that the tire-derived material will be used in compliance with Minn. R. 7035.2860, subpart 4.G or subpart 4.H, or a case-specific beneficial use determination under subpart 5 prior to delivery of the material. The Permittee shall not deliver any product to persons seeking to use the tire-derived material as general construction fill or clean fill. As used in this Permit, "reasonable assurances" means either that the Permittee has been provided a copy of a plan for that project developed by a licensed professional engineer or engineer employed by governmental unit that incorporates the tire-derived material in accordance with MnDOT standards or as a substitute for conventional aggregate in a ratio no greater than one to one by volume, or the Permittee has been provided a statement signed by the licensed professional engineer or engineer employed by a governmental unit that attests that the material will be used in accordance with MnDOT standards or as a substitute for conventional aggregate in a ratio no greater than one to one by volume. The Permittee shall retain the plans or statement for its records.

1.5 Reporting Criteria

1.5.1 Annual Facility Report

- 1.5.2 The Permittee shall submit an annual facility report for the preceding calendar year in accordance with Minn. R. 7035.2585. When required of a waste activity, the report must include summary evaluation reports and specific annual reporting requirements. The Permittee shall submit the report to the Commissioner according to the schedule in the Required Actions and Submittals Table of this Permit.

Specifically, the Permittee shall submit the annual report to the MPCA by March 1 for operations in each proceeding calendar year. The report shall address all the informational requirements in Minn. R. 9220.0450 Subp. 4(A) through (I).

In addition, the Permittee shall submit for each customer (or User) of the tire derived product the volume utilized and how the beneficial use project met the applicable rules, statutes, and terms of this Permit.

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1.6 Contingency Action Criteria

1.6.1 Emergency Preparedness and Prevention

1.6.2 The Permittee must design, construct, maintain, and operate a Facility to minimize the possibility of a fire, explosion, or any release to air, land, or water of pollutants that threaten human health and the environment in accordance with Minn. R. 7035.2595. Pursuant to Minn. R. 9220.0450 Subp. 3(A), no operations involving the use of open flames, blow torches, or highly flammable substances shall be conducted or placed within 50 feet of any waste tire shred or whole tire at the Facility.

The Permittee shall at all times update its Emergency Preparedness Plan to take into consideration changed conditions and the requirements of Minn. R. 9220.0470 subp. 4. Specifically, heavy equipment shall be immediately available to smother storage bin fires as outlined in the supplementary approved Plan and the Plan in Appendix A of the approved Report. Standard dry chemical extinguishers shall be located, one affixed near each bin, through-out storage area TS001. A 3,000 cubic yard pile of sand shall be maintained near the storage bins so that sand is available in winter months.

1.6.3 Emergency Procedures

1.6.4 The Permittee must take all reasonable containment measures during an emergency and submit a written emergency response report to the Commissioner in accordance with Minn. R. 7035.2605, and its approved Emergency Preparedness Plan (Plan).

The written emergency response report called for in Section 6.5 of the approved Plan shall make recommendations for making a modification to either the Facility design or operations if a substantial volume of shred or whole tires is consumed by fire at the Facility.

1.7 Closure Criteria

1.7.1 Conditions of Required Closure of the Facility

1.7.2 The Permittee shall cease to accept whole waste tires or shred waste tires and immediately begin to close the Facility in compliance with this permit and the approved closure plan if events listed in Minn. R. 9220.0490 occur.

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Closure Criteria

1.7.3 Closure Plan and Procedures

1.7.4 The Permittee shall close the Facility and each waste activity as specified in the approved plan in accordance with Minn. R. 7035.2625, Minn. R. 9220.0270 Subp. 5, and Minn. R. 9220.0490. The Permittee shall follow the cited rules and permit conditions when in conflict with the closure plan in Section 4.0 of the approved Report.

With either the voluntary or involuntary initiation of closure, the permittee shall within 90 days after initiation of the closure procedures and as required by Minn. R. 9220.0500:

(1) Lock the Facility gate and secure the processing building and storage semi-trailers; and

(2) Notify the MPCA, Isanti County, Isanti Township, any local land use authorities, and the fire and health authorities that the Facility has ceased accepting whole waste tires or shred waste tires; and

(3) Remove all whole waste tires or waste tire shreds from the entire Facility, including in the land, to either a permitted solid waste disposal facility (for storage), a waste tire processing facility that has a permit or provisional status, a waste tire storage facility that has a permit or provisional status, or an end use site for beneficial reuse or use in conformance with Minn. R. 7035.2860; and

(4) Notify the MPCA when all whole waste tires and waste tire shreds have been removed from the Facility and all other closure activities have been completed.

1.7.5 Closure Certification

1.7.6 The Permittee must perform closure in accordance with Minn. R. 9220.0500 Subp. 2.

After all closure actions are complete, the Permittee shall submit for the Commissioner's review and approval, a closure certification report as required by Minn. R. 9220.0500 Subp. 4.

If the Commissioner determines after a Facility inspection that all closure procedures have been completed and duties discharged in accordance with this permit and Minn. R. 9220.0440 to Minn. R. 9220.0500, the Commissioner shall give notice to the Permittee certifying that the Facility has been closed in an adequate manner. The Commissioner's letter should also notify the permittee that financial assurance for closure of the Facility is no longer a requirement of this Permit.

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TOTAL FACILITY

1.8 Financial Criteria

1.8.1 Cost Estimates

- 1.8.2 The Permittee must keep the current cost estimates for each waste activity at the Facility during the operating life in accordance with Minn. R. 9220.0550.

1.8.3 Financial Assurance

- 1.8.4 The MPCA is providing a variance to Minn. R. 9220.0580. The Permittee shall submit evidence to the Commissioner that a letter of credit has been obtained for closure of the Facility according to the formula and schedule in the following section.
- 1.8.5 The approved cost estimates are in Section 4.8 of the approved Report. The facility shall not accept tires if the financial assurance is less than the cost to remove the tires and tire derived product based on the following formula:
\$1.00 per loose cubic yard of tire derived product times the quantity of product;
plus \$100.00 per off-the-road tire times the number of off the road tires in storage; plus \$0.65 per whole unprocessed tire times the number of whole tires in storage.

The Permittee must provide and maintain a fully funded letter of credit, or other approved financial instrument, for a minimum amount of \$56,376.00. The financial assurance requirement will be reviewed annually and adjusted, if needed, according to the rate of inflation.

1.9 General Conditions

1.9.1 Release

- 1.9.2 The MPCA's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes, or regulations, or local ordinances including, but not limited to, those promulgated pursuant to Minn. Stat. chs. 115, 115A, 116, 400 and 473. This permit shall be permissive only and shall not be construed as estopping or limiting any claims against the permittee, its agents, contractors, or assigns, nor as estopping or limiting any legal claims of the state against the permittee, its agents, contractors, or assigns for damages to state property, or for any violation of the terms of this permit.

1.9.3 Future Changes

- 1.9.4 The MPCA's issuance of a permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or enforcement orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or enforcement orders against the permittee.

1.9.5 Rights and Privilege

- 1.9.6 The permit does not convey a property right or an exclusive privilege.

1.9.7 Enforcement

- 1.9.8 The MPCA's issuance of a permit does not obligate the MPCA to enforce local laws, rules or plans beyond that authorized by Minnesota Statutes.

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TOTAL FACILITY

General Conditions

1.9.9 Performance

1.9.10 The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the submittals and specifications approved by the MPCA and in compliance with the conditions of the permit.

1.9.11 Operation and Maintenance

1.9.12 The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible.

1.9.13 Honesty

1.9.14 The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the MPCA or the Commissioner by the permit. The Permittee shall immediately upon discovery report to the Commissioner an error or omission in these records, reports, submittals or other documents.

1.9.15 Timely Information Submittal

1.9.16 The Permittee shall, when requested by the Commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit.

1.9.17 Access

1.9.18 When authorized by Minn. Stat. 115.04, 115B.17, subd. 4 and 116.091, and upon presentation of proper credentials, the MPCA, or an authorized employee or agent of the MPCA, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit.

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TOTAL FACILITY

General Conditions

1.9.19 Discovery of Noncompliance

1.9.20 If the Permittee discovers, through any means, including notification by the MPCA, that noncompliance with a condition of the permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

1.9.21 Notification of Noncompliance

1.9.22 If the Permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the Commissioner. Within five (5) days of the discovery of the noncompliance, the Permittee shall submit to the Commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

1.9.23 Reporting of Noncompliance

1.9.24 The Permittee shall report noncompliance with the permit not reported in the Notification of Noncompliance (NON) subheading above by submitting the information listed in NON within 30 days of the discovery of the noncompliance.

1.9.25 Alterations

1.9.26 The Permittee shall give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or condition of the permit.

1.9.27 Transferability

1.9.28 The permit is not transferable to any person without the express written approval of the MPCA after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit.

1.9.29 Responsibility for Damage

1.9.30 The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. 3.736.

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General Conditions

1.9.31 Modifying or Revoking Permit

1.9.32 The Commissioner may commence proceedings to modify or revoke this permit during its terms if cause exists under Minn. R. 7001.0170 to 7001.0180.

1.9.33 Severability

1.9.34 The provisions of this permit are severable. If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

1.9.35 Extensions

1.9.36 The Permittee may request an extension of the dates set forth in this permit including the submittal and monitoring dates. The request must include justification for requesting the extension of the date. Based on the justification, the Commissioner may grant an extension.

1.9.37 Term of Permit

1.9.38 This permit is valid until the expiration date unless revoked or modified by the MPCA pursuant to Minn. R. 7001.0170 to 7001.0180. To allow for adequate MPCA review time and to avoid possible termination of the permit at the time the permit expires, an application for reissuance of the permit must be submitted no later than 180 calendar days before the expiration date of the permit.

1.9.39 Retention of Records

1.9.40 The Permittee must maintain an operating record in accordance with Minn. R. 7035.2575 until closure of each waste activity at the facility.

1.9.41 As-built Plans

1.9.42 The Permittee may not start treatment, storage, or disposal of solid waste in a new solid waste management facility or in a modified portion of an existing solid waste management facility until the Commissioner has received a letter and as-built plans signed by the owner or operator and by an engineer registered in Minnesota certifying that the facility or modified portion of the facility has been constructed in compliance with the conditions of the permit.

1.9.43 Construction Certification

1.9.44 The Permittee may not start treatment, storage, or disposal of solid waste in a new solid waste management facility or in a modified portion of an existing solid waste management facility until the Commissioner has inspected the new facility or modified portion of the facility and has provided the owner or operator with a letter stating that the certification submitted is complete and approved.

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2. TIRE PROCESSING AREA TP 001

2.1 Reporting Criteria

2.1.1 Annual Waste Activity Report

- 2.1.2 The Permittee shall submit an annual report in accordance with Minn. R. 9220.0450, subp. 4. The Permittee shall submit the report to the Commissioner, as part of the annual facility report, according to the schedule in the Required Actions and Submittals Table of this permit.

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3. TIRE STORAGE AREA TS 001

3.1 Reporting Criteria

3.1.1 Annual Waste Activity Report

- 3.1.2 The Permittee shall submit an annual report in accordance with Minn. R. 9220.0450, subp. 4. The Permittee shall submit the report to the Commissioner, as part of the annual facility report, according to the schedule in the Required Actions and Submittals Table of this permit.

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4. TIRE STORAGE AREA TS 002

4.1 Reporting Criteria

4.1.1 Annual Waste Activity Report

- 4.1.2 The Permittee shall submit an annual report in accordance with Minn. R. 9220.0450, subp. 4. The Permittee shall submit the report to the Commissioner, as part of the annual facility report, according to the schedule in the Required Actions and Submittals Table of this permit.

Required Actions and Submittals Table

Report Date: 11/26/2012

Facility: R-TEA Mfg- First State Tire Disposal Inc

Permit SW-632

Action: PER002

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Subject Item I.D. TP001

Required Actions/Submittals

Frequency/Due Date	Action or Submittal	Requirement
Annually	Submit Annual Waste Activity Report	An annual waste activity report for the tire processing area must be submitted by March 1 with the annual report. The report must include the specific items identified in Minn. R. 9220.0450, subp. 4.

Waste Capacity Table

Report Date: 11/26/2012

Facility: R-TEA Mfg- First State Tire Disposal Inc

Permit SW-632

Action: PER002

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WA ID	Waste Activity Type	Status	Permitted Area	Units	Permitted Capacity	Units	Design Capacity	Units	Comments
TP001	Tire Processing Area	Open	23,000.00	square feet	5,000,000.00	PTEs/year	5,000,000.00	PTEs/year	
					5,000,000.00	PTEs/year	5,000,000.00	PTEs/year	
TS001	Tire Storage Area	Open	7.50	acres	24,075.00	cubic yards	24,075.00	cubic yards	North storage area for tire derived product. 13 storage bins with a maximum capacity of 1,851 cy each. This includes 500 cy for OTR storage on dedicated pad.
					24,075.00	cubic yards	24,075.00	cubic yards	
TS002	Tire Storage Area	Open	2.60	acres	42,000.00	PTEs	42,000.00	PTEs	South storage area for whole tires in fully enclosed semi-trailers.
					42,000.00	PTEs	42,000.00	PTEs	