

**MINNESOTA POLLUTION CONTROL AGENCY
PUBLIC NOTICE REGARDING
DRAFT SOLID WASTE FACILITY PERMIT
12-SW-2237**

After review of application materials, the MPCA Commissioner has made a preliminary determination to approve the application and issue a permit for modification and reissuance to Liberty Tire-St. Martin tire processing facility (SW-660). Brief descriptive information on the application, facility location and facility are located below:

Name and Address of Applicant:

Rahni Bahr
Liberty Tire Services of Ohio, LLC
12498 Wyoming Avenue South
Savage, MN 55378

Name and Location of Facility:

Mike Oevermann
Liberty Tire Services of Ohio, LLC
28548 Sauk Valley Road
Paynesville, MN 56362

Brief Description of Facility: The facility is a waste tire collection, sorting, and recycling facility. Whole tires, inner tubes, rims and other related materials are brought in by various private and public customers. Materials are sorted by class for further processing. Steel and aluminum rims, lead weights, and inner tubes are separated for recycling. Waste tires are sorted based on size and condition. Reusable tires are separated for resale. Scrap tires are processed to produce tire derived products (TDP) including, but not limited to aggregate, crumb rubber, and side walls. If approved, the permit will allow the proposed operation for a term of 5 years.

The public comment period commences August 24, 2012 and terminates **October 24, 2012.**

Attached is a copy of the revised draft permit with changes highlighted. The public comment permit has been extended to provide concerned citizens an opportunity to review and comment on the changes. A copy of the original notice and the draft permit will be available on the MPCA's website at www.pca.state.mn.us/publicnotices. To receive a paper copy of the notice, you can contact Cheri Holmes at 651-757-2079.

If there are questions, you may contact:

Lisa Mojsiej
Permit Engineer
651-757-2373
lisa.mojsiej@state.mn.us

Curt Hoffman
Compliance & Enforcement
218-316-3854
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1. TOTAL FACILITY

1.1 General

1.1.1 Definitions

- 1.1.2 "Facility" has the meaning given in Minn. R. 7035.0300, subp. 37.
- 1.1.3 "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.
- 1.1.4 "Permittee" means the landowner, facility owner(s), and facility operator(s).
- 1.1.5 "Permitted Capacity" in this permit means the maximum tire throughput through the processing building (TP001) and the maximum airspace to be occupied by a storage facility (TS001). "Permitted capacity" is used to determine compliance with this permit. The "Waste Capacity Table" is an enforceable part of this permit.
- 1.1.6 "Waste Activity" means the storage, processing, transfer, utilization, treatment, or disposal of solid waste and waste by-products.
- 1.1.7 "Waste Activity Area" means the land, structures, monitoring devices, and other appurtenances and improvements on the land associated with a waste activity.

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.
- 1.1.10 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 four waste activities are the tire processing area (TP001), the recyclable materials storage area (RE001), tire derived aggregate storage (TS001), and tire derived product storage (TS002). The permit requirements for TS001 and TS002 are the same, therefore both are regulated according to the language in Section TS001 in this permit.

1.1.11 Waste Activity Type Capacity

- 1.1.12 All approved capacities are summarized in the attached Waste Capacity Table. For the purpose of this facility, 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

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.

1.1.13 Waste Activities Prohibited

TOTAL FACILITY

General

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

1.1.15 Permit Compliance

- 1.1.16 The permittee shall keep the status of the permit current and up-to-date.
- 1.1.17 The permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the agency, in accordance with all state and federal statutes, rules and regulations, and in compliance with the conditions of the permit.

1.1.18 Location

- 1.1.19 The facility is located on 10 acres in the SW 1/4 of Section 33, T124N, R32W in St. Martin Township, Stearns County, Minnesota.

The street address is:

28548 Sauk Valley Road
Paynesville, MN 56362 56376

1.1.20 Facility Description

- 1.1.21 The facility is a waste tire collection, sorting, and recycling facility. Whole tires, inner tubes, rims and other related materials are brought in by various private and public customers. Materials are sorted by class for further processing. Steel and aluminum rims, lead weights, and inner tubes are separated for recycling. Waste tires are sorted based on size and condition. Reusable tires are separated for resale. Scrap tires are processed to produce tire derived products (TDP) including, but not limited to aggregate, crumb rubber, and side walls.

1.1.22 Facility History

- 1.1.23 The facility was originally permitted by the MPCA in October 1990. The permit was revised and reissued in November 2000. Liberty Tire Services of Ohio, LLC acquired Monitor Tire Disposal, Inc as of June 1, 2011. A permit application was received in November 2011 and revised in January 2012 to modify operations and change ownership.

1.1.24 Required Notices

- 1.1.25 The permittee must notify the MPCA before transferring ownership or operation of a solid waste management facility during its operating life or during postclosure care period in accordance with Minn. R. 7035.2535, subp. 2.
- 1.1.26 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).

TOTAL FACILITY

1.2 Permit Documents

1.2.1 Approved Plans

1.2.2 The approved plans and engineering documents are incorporated into this permit. In addition, once approved by the commissioner, the permittee shall comply with all submittals that are submitted in accordance with the terms of this permit. In all cases where the permit and the plans or submittals differ, the requirements of the permit shall govern over a condition in the plan or submittal. The approval by the commissioner of the plans and specifications shall not release the permittee from any present or subsequent requirements of statutes, rules, regulations, or ordinances.

1.2.3 Permit Application

1.2.4 The permit application approved by this permit is signed and dated November 2011. An addendum was received January 18, 2012. The documents approved by this permit include:

1. Operations and Maintenance Manual
2. Contingency Action Plan
3. Closure/Postclosure Plan
4. Cost Estimates
5. Financial Assurance Plan
6. **Site Map Construction Quality Assurance/Quality Control Plan**
7. Hydrology Report

1.2.5 Revised Plans

1.2.6 Any revised plans shall be submitted for approval by the commissioner. The permittee shall obtain approval from the commissioner on all revised engineering plans prior to construction of the affected portion of the facility.

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.

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.

1.3.5 Storage Standards

1.3.6 A waste activity area where solid waste is stored must be designed in accordance with Minn. R. 7035.2855 except as provided in, subp. 1 and Minn. R. 7035.2525, subp. 2.

1.3.7 Stormwater Management System

TOTAL FACILITY

Design and Construction Criteria

- 1.3.8 The permittee must construct 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/or a construction activity. The issuance of this permit does not release the permittee from the obligation to obtain an NPDES/SDS permit.

1.3.9 Construction Plan

- 1.3.10 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.

1.3.11 Construction Notification

- 1.3.12 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 or any component thereof.

1.3.13 Construction Certification

- 1.3.14 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 must not be placed into operation until the construction certification has been approved by the commissioner.

1.3.15 Alterations and Additions

- 1.3.16 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 Trained / Certified Operator

- 1.4.2 The permittee must ensure that the required number of operators, trained or certified under Minn. R. 7035.2545 and Minn. R. 7048.0100 to 7048.1300, are present and on duty at all times that the facility is open for the purpose of receiving waste.

1.4.3 Security

TOTAL FACILITY

Operating and Maintenance Criteria

- 1.4.4 The permittee must prevent unauthorized entry onto the facility in accordance with Minn. R. 7035.2535, subp. 3. In addition, the permittee shall post a sign at the entrance of the facility and each waste activity area showing the facility name, MPCA permit number, hours of operation, the acceptable waste, 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.

- 1.4.5 The permittee must install a perimeter fence to control access to the site. The fencing must be installed no later than 90 days after the permit issuance. The permittee must submit a construction report documenting construction materials and start and end dates. The report must include pictures of the completed fencing system.

1.4.6 Personnel Training

- 1.4.7 The permittee must establish and maintain a personnel training program consisting of classroom instruction and on-the-job training. The program must address the requirements identified in Minn. R. 7035.2545, subp. 3, and must include the specific training necessary to perform the tasks associated with each solid waste management area within the facility. The permittee must maintain a record of all personnel training and submit the dates of training in the annual report.

1.4.8 Operations Manual

- 1.4.9 The permittee must prepare and maintain an operations and maintenance manual for the facility. The manual must include operations and maintenance criteria that are specific to each solid waste management area within the facility.

1.4.10 Beneficial Use

- 1.4.11 Tire derived products produced at this facility include, but are not limited to:
- tire derived aggregate of various sizes
 - tire derived drainage material
 - side walls used to weigh down agricultural plastic
 - industrial feedstock

TOTAL FACILITY

Operating and Maintenance Criteria

- 1.4.12 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 Liberty 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."

- 1.4.13 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. Permittee shall retain the plans or statement for its records.

1.4.14 Tire Storage Area

- 1.4.15 The permittee must store waste tires in enclosed semi trailers or in designated areas. No more than 5,121 cubic yards of whole tire may be stored on the ground at any given time. Whole tires must be processed in a timely manner to ensure tires are not stored for more than 23 business days. Waste tires and tire derived product and aggregate may only be stored in designated areas as detailed on the approved site map. ~~The permittee may store up to 10 cy of whole waste tires on the pad for more than 48 hours.~~

1.4.16 Roads

- 1.4.17 The permittee must construct and maintain all-weather approach and access roads to all waste activity areas within the facility.

TOTAL FACILITY

Operating and Maintenance Criteria

- 1.4.18 Facility roads shall be maintained passable for any facility vehicle at all operating times pursuant to Minn. R. 9220.0450, subp. 3(B).
- 1.4.19 Storage of Solid Waste**
 - 1.4.20 The permittee must provide satisfactory storage for all solid waste accumulated at the facility in accordance with Minn. R. 7035.0700 and Minn. R. 7035.2855.
- 1.4.21 Nuisance Conditions**
 - 1.4.22 The permittee must keep the facility grounds and immediately adjacent property free of litter stemming from the facility operations. The facility grounds and adjacent property shall be inspected and cleared of all litter at least once per week.
 - 1.4.23 The permittee must manage the facility to be in compliance with Minn. R. 7011.0150 to prevent particulate matter from becoming airborne.
 - 1.4.24 The permittee must manage all free liquids that have come in contact with solid waste so that the liquids are not discharged as storm water.
 - 1.4.25 The permittee must provide effective measures to control flies, rodents and other insects or vermin as necessary.
- 1.4.26 Stormwater Management System**
 - 1.4.27 The permittee must 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.
- 1.4.28 Groundwater Quality, Surface Water Quality, Air Quality, and Soil Protection**
 - 1.4.29 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.
- 1.4.30 Emergency Equipment**
 - 1.4.31 The permittee must provide and maintain adequate emergency equipment at the facility to control accidental fires, and make arrangements with the local fire protection agency to immediately acquire their services when needed. The permittee must also provide adequate communications equipment for emergency purposes.
- 1.4.32 Operating Record**
 - 1.4.33 The permittee must keep a written operating record at the facility in accordance with Minn. R. 7035.2575.
- 1.4.34 Self Inspections**
 - 1.4.35 The permittee must inspect the facility in accordance with the schedule and items approved by the commissioner as defined by Minn. R. 7035.2535, subp. 4. The permittee must record inspections in an inspection log or summary and must keep these records for at least five years.
- 1.4.36 Emergency Procedures Manual**

TOTAL FACILITY

Operating and Maintenance Criteria

1.4.37 The permittee must maintain a copy of the approved emergency procedures manual at the facility for facility personnel to use in time of emergency.

1.4.38 Contingency Action Plan

1.4.39 The permittee must maintain a copy of the approved contingency action plan at the facility.

1.4.40 Closure Plan

1.4.41 The permittee must maintain a copy of the approved facility closure plan, and all revisions to the plan, at the facility until closure is completed and certified in accordance with Minn. R. 7035.2635.

1.4.42 Postclosure Plan

1.4.43 The permittee must maintain a copy of the approved postclosure care plan, and all subsequent amendments, until the postclosure care period begins. During the postclosure care period, the plan must be kept by the contact person identified in Minn. R. 7035.2645, subp. 2, item C.

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(s) of this permit.

1.5.3 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).

1.5.4 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.

1.6 Contingency Action Criteria

1.6.1 Contingency Action Plan

1.6.2 The permittee shall address all facility waste activities in the approved plan in accordance with Minn. R. 7035.2615.

1.6.3 Emergency Preparedness and Prevention

1.6.4 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.

TOTAL FACILITY

Contingency Action Criteria

- 1.6.5 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. Standard dry chemical extinguishers shall be located, one affixed near each bin, through-out storage areas.

1.6.6 Emergency Procedures

- 1.6.7 The permittee must take all reasonable containment measures during an emergency and submit a written report to the commissioner in accordance with Minn. R. 7035.2605.

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.

1.7.3 Closure Plan

- 1.7.4 The permittee must 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.

1.7.5 Closure Procedures

- 1.7.6 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.
 - (2) Notify the MPCA, Stearns County, St. Martin 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.
 - (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.
 - (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.

1.7.7 Closure Certification

TOTAL FACILITY

Closure Criteria

- 1.7.8 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.
- 1.7.9 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.

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. 7035.2685, subp. 2.

1.8.3 Financial Assurance

- 1.8.4 A valid financial assurance mechanism has been obtain for the closure of the facility. The permittee must maintain the mechanism throughout the life of the facility.

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.

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.

1.9.19 Discovery of Noncompliance

TOTAL FACILITY

General Conditions

- 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 subheading above by submitting the information listed in Notification of Noncompliance 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 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.

1.9.28 Responsibility for Damage

- 1.9.29 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.

1.9.30 Modifying or Revoking Permit

- 1.9.31 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.

1.9.32 Severability

TOTAL FACILITY

General Conditions

1.9.33 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.

1.9.34 Extensions

1.9.35 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.

1.9.36 Term of Permit

1.9.37 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.

1.9.38 Retention of Records

1.9.39 The permittee must maintain records of **all groundwater ground-water monitoring data and groundwater ground-water** surface elevations for the active life of the facility and each waste activity and, for disposal activities, for the postclosure care period. The permittee must also maintain an operating record in accordance with Minn. R. 7035.2575 until closure of each waste activity at the facility.

1.9.40 As-built Plans

1.9.41 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.

1.9.42 Construction Certification

1.9.43 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.

1.9.44 Financial Assurance

1.9.45 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 approved the financial assurance amount and instrument to be used for the facility in accordance with Minn. R. 7035.2665 to 7035.2805.

2. SOLID WASTE RECYCLING AREA RE 001

2.1 Design and Construction Criteria

2.1.1 Construction Requirements

2.1.2 The permittee must construct the solid waste recycling area in accordance with the approved plans and specifications. Storage of waste on site must comply with Minn. R. 7035.2855.

2.1.3 Design Requirements

2.1.4 The permittee must design any proposed future expansions or modifications of the solid waste recycling area in accordance with the design requirements outlined in Minn. R. 7035.2845, subp. 3.

2.2 Operating and Maintenance Criteria

2.2.1 Residual Materials

2.2.2 The permittee must remove all putrescible residual materials at least once per week. The permittee must remove all other residuals at least once per month.

2.2.3 Surface Water Drainage

2.2.4 The permittee must divert all surface water around and away from either recyclable or unusable materials that are stored outdoors.

3. TIRE PROCESSING AREA TP 001

3.1 Design and Construction Criteria

3.1.1 Waste Tire Processing Areas

- 3.1.2 The tire shredding will be done within the processing building. The processing building is a 4800 square foot building housing the primary and secondary shredders. The waste tires are unloaded on a 62.5 40-foot x 80 40 foot pad and then conveyed to the shredders. The shreds exiting the secondary shredder enter a trommel screening system to separate the 1" or 2" minus shreds. The oversized shreds are returned to the primary shredder for further processing. When the required size is achieved, the shreds pass over a magnetic conveyor for metal separation and then are conveyed to a holding bunker outside.
- 3.1.3 Large off-road-tires are stored in a designated area (62.5 80-foot x 80 foot) prior to processing. The large tires are sheared to smaller sizes to allow for shredding in the processing building.

3.2 Operating and Maintenance Criteria

- 3.2.1 A system of conveyors shall manage the flow of tires through the building as shown on the approved floor plan. No whole tires shall be stored in the building.
~~All whole tires shall be stored in enclosed trailers prior to processing.~~

3.2.2 Storage Limitations

- 3.2.3 The permittee must process and remove at least 75 percent of the waste tires that are delivered to, or contained on the site of the facility, during the year.

3.2.4 Record Keeping

- 3.2.5 The permittee must maintain the following information for tire derived product (TDP): 1) the quantity of TDP in cubic yards, 2) the location of TDP at the facility, 3) how long the TDP has been at the facility, and 4) the current disposal destination. The permittee must also demonstrate that the facility is meeting the 75% processing requirement annual on an annual basis.
- 3.2.6 The permittee must maintain the following information for waste tire residuals: 1) the quantity of residuals as measured in cubic yards, 2) the location of the residuals at the facility, 3) how long the residuals have been at the facility, and 4) the current disposal destination.

3.2.7 Contaminated Soil

- 3.2.8 In the event of a release of pyrolytic oil at the facility, the permittee must remove all contaminated soil in accordance with the current applicable rules governing the removal, transportation and disposal of the material.

4. TIRE STORAGE AREA TS 001

4.1 Design and Construction Criteria

4.1.1 Facility Activities Covered

4.1.2 Storage areas TS001 and TS002 must follow the requirements of this chapter.

4.1.3 Tire Storage Areas

4.1.4 The permittee must store waste tires and tire derived product only in designated, vegetation-free areas. No more than 5,121 cubic yards or whole waste tires may be temporarily stored on site at one time. The materials must be processed at least once per month. No whole tire shall be stored for more than 23 business days.

4.1.5 All waste tires, tire derived aggregate, and tire derived product storage areas must be in compliance with the State Fire Code. The storage piles must not have an area greater than 5,000 square feet, nor a vertical height greater than 10 feet.

4.1.6 Tire derived product storage areas, TS001, shall consist of designated bins for tire derived product only, as labeled as 'shred bunkers' on the approved site map. Pursuant to Minn. R. 9220.0480, subp. 3, this storage area shall store tire derived products, including tire derived aggregate, fuel, and drainage media. The bins, or bunkers, shall be constructed of concrete block with a Class V aggregate base. No other material, solid waste or otherwise, may be in the designated bins. No shredded tires shall be outside of the bin footprint.

4.1.7 The tire derived product storage area, TS002, shall consist of designated storage areas as labeled on the approved site map. Only tire derived product, such as side walls, shall be stored in these areas.

4.1.8 Indoor Tire Storage Areas

4.1.9 The permittee must meet or exceed the conditions specified in the current edition of The Standard for Storage of Rubber Tires, National Fire Protection Association (NFPA) 231D, for waste tires that are stored indoors. This publication is written by the NFPA Committee on Standards for Rubber Tires, and is published by the NFPA Standards Council.

4.1.10 Outdoor Tire Storage Areas

4.1.11 The facility design must maintain a 50-foot fire lane around the perimeter of each waste tire pile. The permittee must maintain the fire lanes, and access to the fire lanes, in a manner that keeps the fire lanes free of rubbish and vegetation at all times to allow unobstructed access for emergency vehicles.

4.1.12 The facility design and construction must divert surface water around and away from the tire storage area.

4.2 Operating and Maintenance Criteria

4.2.1 Storage Area / Debris

4.2.2 The permittee shall provide a storage area for the collection of waste tires to be removed by a licensed tire hauler. No more than 500,000 passenger tire equivalents (PTEs) or the equivalent weight of other waste tires or TDP may be stored at the facility. The permittee shall include the number of tires transferred, and the licensed hauler's MPCA transporter identification number, in the facility's annual report.

TIRE STORAGE AREA TS 001

Operating and Maintenance Criteria

- 4.2.3 A waste tire storage area must be designated. Only waste tires may be stored in the designated waste tire storage area. This area must be maintained free of vegetation.
- 4.2.4 Fire Hazards**
- 4.2.5 No operations involving the use of open flames, blow torches, or highly flammable substances must be conducted within 50 feet of a waste tire pile.
- 4.2.6 Fire Lanes**
- 4.2.7 The permittee must maintain a 50-foot fire lane around the perimeter of each pile. The permittee must maintain the fire lanes, and access to the fire lanes, in a manner that keeps the fire lanes free of rubbish and vegetation at all times to allow unobstructed access for emergency vehicles.
- 4.2.8 Rodent and Mosquito Control**
- 4.2.9 All tire piles must be maintained free of mosquitoes and rodents.
- 4.2.10 Surface Water Drainage**
- 4.2.11 Surface water drainage must be diverted around and away from the waste tire storage area.

RE: Permit - Message (HTML)

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Block Sender Safe Lists Not Junk Junk E-mail

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Follow up. Start by Wednesday, September 05, 2012. Due by Wednesday, September 05, 2012.
You forwarded this message on 9/5/2012 12:39 PM.
This message is part of a tracked conversation. Click here to find all related messages or to open the original flagged message.

Red Category

From: Michael Oevermann [mOevermann@libertytire.com]
To: Mojsiej, Lisa (MPCA)
Cc: Mark Maust; Rahni Bahr; Hoffman, Curt (MPCA)
Subject: RE: Permit

Sent: Wed 9/5/2012 8:11 AM

Lisa,
As per our conversation on September 4, 2012

- On Site Whole Tire Storage

Unloading Pad/Unload Dock area:	857 Cubic yards or 8,570 PTE
Trailers on Site:	572 Cubic yards or 5,720 PTE
Rim Crushing/Shearing Area & OTR/Ag Tire Storage Area:	926 Cubic yards or 9,260 PTE
Storage/Shearing Area #1:	914 Cubic yards or 9,140 PTE
Shearing/ Storage Area #2:	1,852 Cubic yards or 18,520 PTE
Maximum on site whole tire storage:	5,121 Cubic yards or 51,210 PTE

The time frame for storage of tires:


- Car and light truck- 12 business days.
- Truck tires- 15 business days.
- Agricultural, OTR and all grade tires- 23 business days.

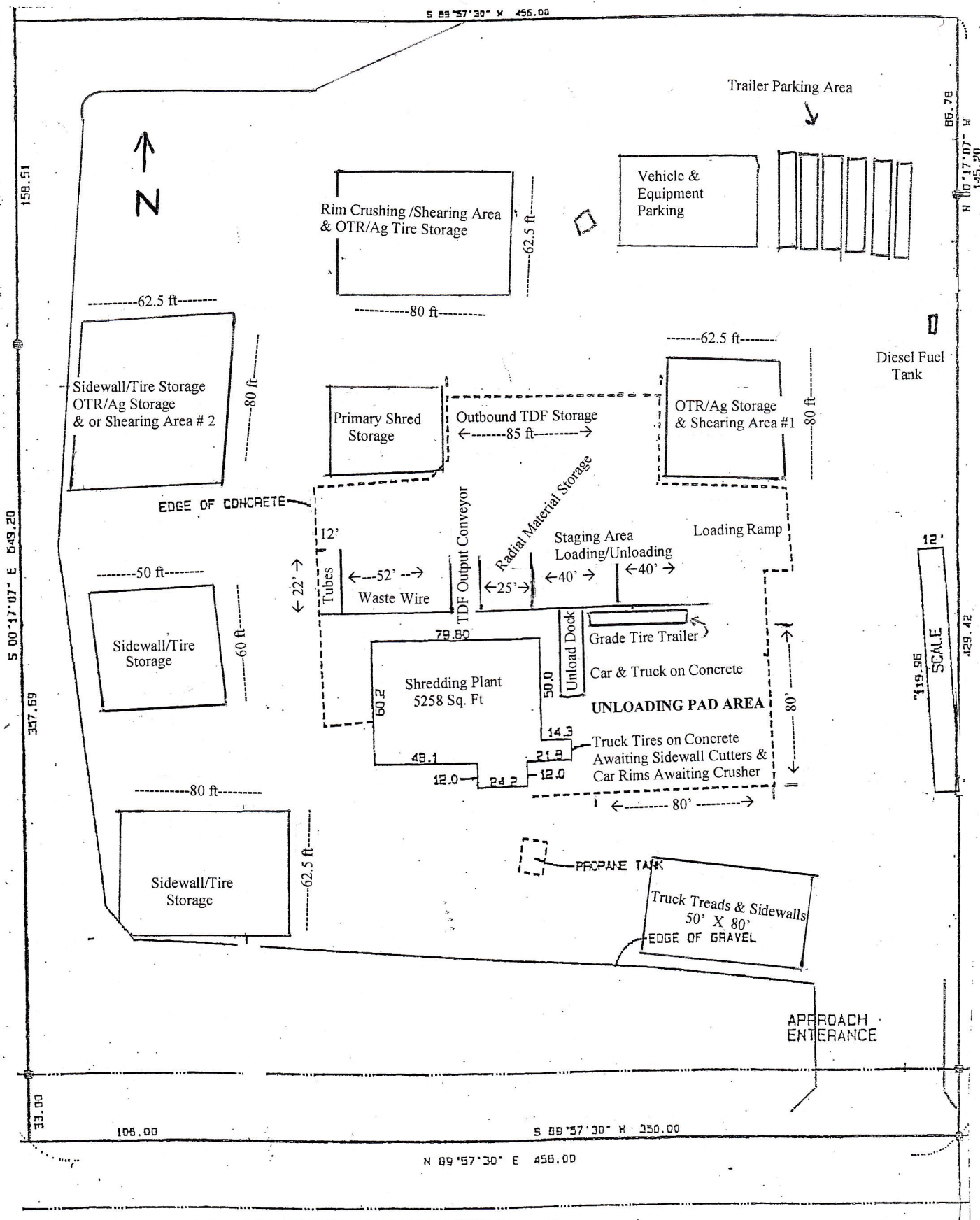
Reasons for time frames:

- Car and light truck- Stored while shredding a batch run of OTR
- Truck tires- Stored until sidewalls are cut out- to maintain production.
- OTR & Agricultural tires- Stored until a batch can be run.
- Grade tires- Stored until buyer comes in to purchase.

Respectfully submitted,
Mike Oevermann

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LIBERTY TIRE SERVICES OF OHIO, LLC
ST MARTIN, MINNESOTA

SHRED PLANT FACILITY MAP

08/24/2012