



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Solid Waste Management Facility Permit

Permit: SW-632

R-TEA Mfg- First State Tire Disposal Inc.

Action: PER003

In accordance with Minnesota Statutes chs. 115, 115A, and 116 and Minnesota 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: _____

Permit Expiration Date: _____

Permit Modified Date: _____

Minnesota Pollution Control Agency

Paula J. Connell
Supervisor, Solid Waste Permitting Unit
Prevention and Solid Waste Management Section
Resource Management & Assistance Division

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Solid Waste Management Facility Permit

R-TEA Mfg. - First State Tire Disposal Inc.

Permit: SW-632

Action: PER003

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 Lane NE
Isanti, MN 55040

Permittee Land Owner:

First State Tire Recycling

Address:

1500 - 278th Lane NE
Isanti, MN 55040

Permittee Operator:

First State Tire Recycling

Address:

1500 - 278th Lane NE
Isanti, MN 55040

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

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 Figure 2 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.

- 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

General

- 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, stormwater 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.

1.2 Permit Documents

1.2.1 Permit Application

- 1.2.2 A permit reissuance application titled "Waste Tire Processing and Storage Facility Application" dated March 2013 prepared by Wenck was received on March 4, 2013.

Additional information was received via e-mail dated April 11, 2013, included the stormwater pollution prevention plan dated May 2010, revised March 2013 and a revised Emergency Preparedness Plan.

- 1.2.3 The permit application was signed and dated March 1, 2013. Local acknowledgement was accomplished by authorized signatures on March 1, 2013.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

Permit Documents

- 1.2.4 The permit application report approved by this permit is called, "Waste Tire Processing and Storage Facility Application", dated March 2013, and was prepared by Wenck Associates, Inc. (this document is hereinafter referred to in this permit as the application or the approved application). The application contains two appendices: The report was signed by Monte K. Niemi on March 1, 2013.

The entire approved application includes:

- (1) Tire Processing Facility Operations and Maintenance Plan
- (2) Storage Facility Operations and Maintenance Plan
- (3) Facility Equipment Inventory
- (4) Closure Plan and Cost Estimates
- (5) Financial Assurance Plan
- (6) Emergency Preparedness Plan
- (7) Land Use and Landownership with 1/4 mile
- (8) Stormwater Pollution Prevention Plan
- (9) Figures 1-7
 - 1) Site Location Map
 - 2) Parcel Map with Property Descriptions
 - 3) Existing Processing Facility Building Schematic
 - 4) Site Layout
 - 5) Storage Bin Detail Figure
 - 6) Operating and Abandoned Wells Map
 - 7) Isanti County Zoning Map

1.2.5 Relevant Reference Reports

- 1.2.6 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, 65 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

Design and Construction Criteria

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 Tire Processing Area

- 1.3.6 Design and operations specific to the waste tire processing area are covered in Section TP001 of this permit.

1.3.7 The Two Tire Storage Areas

- 1.3.8 Design and operations specific to the north tire derived product (TDP) storage are are covered in Section TS001 of this permit.
- 1.3.9 Design and operations specific to the south whole, waste tire storage area are covered in Section TS002 of this permit.

1.3.10 Equipment Storage

- 1.3.11 This permit approves the use of no more than twelve mobile storage units for the storage of equipment and parts only. No waste 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

Design and Construction Criteria

1.3.12 Stormwater Management System

- 1.3.13 The permittee shall construct and maintain 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. 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.

1.3.14 General Stormwater Construction Plan

- 1.3.15 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.

1.3.16 Construction Notification

- 1.3.17 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.

1.3.18 Construction Certification

- 1.3.19 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.

1.3.20 Alterations and Additions

- 1.3.21 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

1.4 Operating and Maintenance Criteria

1.4.1 Approach and Interior Access Roads

1.4.2 All 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 application. 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. 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 Collection and Transportation of Solid Waste

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

1.4.9 Unacceptable Wastes

1.4.10 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

Operating and Maintenance Criteria

1.4.11 Required Notices

- 1.4.12 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).

1.4.13 General Inspection

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

1.4.15 Stormwater Management System

- 1.4.16 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.

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

- 1.4.18 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.

1.4.19 Operating Record

- 1.4.20 The permittee must keep a written operating record at the facility in accordance with Minn. R. 7035.2575.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

Operating and Maintenance Criteria

1.4.21 Beneficial Use

- 1.4.22 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."

- 1.4.23 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

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.

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 approved application. 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.

The written emergency response report called for in Section 6.6 of the approved Emergency Preparedness 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL 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.

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 application.

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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

Closure Criteria

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.

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 4.5 of the approved application. 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL 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.

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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

General Conditions

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

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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

General Conditions

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 the 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.

1.9.31 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 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 to the Commissioner no later than 180 calendar days before the expiration date of the permit.

1.9.40 Retention of Records

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

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TOTAL FACILITY

General Conditions

1.9.42 As-built Plans

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 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.

1.9.44 Construction Certification

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 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

2. TIRE PROCESSING AREA TP 001

2.1 Design and Construction Criteria

2.1.1 Tire Processing Area Design

2.1.2 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 application. 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 application. 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 reuse.

2.1.3 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.

2.2 Operating and Maintenance Criteria

2.2.1 Waste Tire Processing Area Operations

2.2.2 A system of conveyors shall manage the flow of tires through the building as shown on Figure 3 of the approved application. 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.

2.2.3 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TIRE PROCESSING AREA TP 001

Operating and Maintenance Criteria

2.2.4 Indoor Tire Storage Areas

- 2.2.5 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.

2.3 Reporting Criteria

2.3.1 Record Keeping

- 2.3.2 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
 - 4) the current disposal destination.

The permittee must also demonstrate that the facility is meeting the 75 percent processing requirement on an annual basis.

- 2.3.3 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
 - 4) the current disposal destination

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

3. TIRE STORAGE AREA TS 001

3.1 Design and Construction Criteria

3.1.1 North Tire Storage Area Design

- 3.1.2 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 application. 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.

Each of the thirteen bins along the north property line shall be constructed in accordance with the approved plans. The bins must be 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.

- 3.1.3 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.

3.2 Operating and Maintenance Criteria

3.2.1 North Tire Storage Area Operations

- 3.2.2 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.

3.2.3 Outdoor Tire Storage Areas

- 3.2.4 All tire shred and waste tires storage areas must be designated. No other material, solid waste or otherwise, may be in the designated bins. No tire shreds shall be outside of the bin footprint.
- 3.2.5 The waste tire piles must not have an area greater than 5,000 square feet. The tire shreds shall not exceed ten (10) feet in height at any location within the bins.
- 3.2.6 All waste tire and tire shred storage areas must be maintained free of vegetation and rubbish.
- 3.2.7 The permittee must maintain the tire pile in a manner that keeps the pile free of mosquitoes and rodents.

3.2.8 Fire Hazards

- 3.2.9 The permittee must not allow the operation or use of open flame, blow torches, or highly flammable substances within 50 feet of a waste tire pile.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT
TIRE STORAGE AREA TS 001

Operating and Maintenance Criteria

3.2.10 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.

3.2.11 Surface Water Drainage

3.2.12 All surface water must be diverted around and away from the all waste tire and tires shred storage areas.

3.2.13 Contaminated Soil

3.2.14 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.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

4. TIRE STORAGE AREA TS 002

4.1 Design and Construction Criteria

4.1.1 South Waste Tire Storage Area Design

- 4.1.2 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.

4.2 Operating and Maintenance Criteria

4.2.1 South Waste Tire Storage Area Operations

- 4.2.2 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 plans. 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.

Required Actions and Submittals Table

Report Date: 05/17/2013

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

Permit SW-632

Action: PER003

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Subject Item I.D. Total Facility

Required Actions/Submittals

Frequency/Due Date	Action or Submittal	Requirement
Annually	Submit Annual Waste Activity Report	<p>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.</p> <p>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).</p> <p>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.</p>
TBD	Submit Permit Application	<p>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 to the Commissioner no later than 180 calendar days before the expiration date of the permit.</p>

Waste Capacity Table

Report Date: 05/17/2013

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

Permit SW-632

Action: PER003

	<i>DRAFT</i>	<i>DRAFT</i>	<i>DRAFT</i>	<i>DRAFT</i>	<i>DRAFT</i>	<i>DRAFT</i>	<i>DRAFT</i>	<i>DRAFT</i>	
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	