

**MINNESOTA POLLUTION CONTROL AGENCY GENERAL PERMIT
FOR CONSTRUCTION AND OPERATION OF A PETROLEUM CONTAMINATED SOIL
COMPOST FACILITY**

ISSUANCE DATE: _____ EXPIRATION DATE: _____

Facility Name: _____ Contact: _____ Phone: _____
Address: _____ City: _____ Zip: _____

Complete the following for rural facilities with no street address:

____ ¼ of ____ ¼ Section: ____ Range: _____ Township: _____ County: _____
Latitude: _____ Longitude: _____

This permit is a General Permit issued pursuant to Minn. R. 7001.0210 governing the construction and operation of compost facilities managing no more than 1,500 cubic yards of **petroleum contaminated soil** and **related material**, including **petroleum contaminated soils** in a **stockpile** awaiting treatment, treated soils awaiting approved utilization or disposal, and **petroleum contaminated soils** in the **composting** process. As provided in Minn. R. 7001.0210, subp. 6, the MPCA reserves the right to issue an individual permit under Minn. R. 7001.3050 for **petroleum contaminated soil composting** facilities that do not meet the criteria for this permit or that are more appropriately regulated by an individual permit.

To obtain coverage under this permit, an applicant must submit a complete application on a form provided by the **Commissioner** documenting compliance with the criteria for construction and operation under this General Permit as set forth in this permit. Following receipt of a letter from the **Commissioner** approving operation under this General Permit, the Permittee shall thereafter construct and operate the **Permitted Compost Facility** described in the application according to the terms of this General Permit.

PART I. DEFINITIONS

For the purposes of this permit, the terms in this part have the meanings given them. Defined terms are bolded as they are used in this permit.

Batch. "Batch" means the entire volume of petroleum contaminated soil removed or planned to be removed from a property, which has been contaminated by one or more releases of petroleum.

Bio-pile. "Bio-pile" means the same as "Compost pile."

Bulking Agent. "Bulking Agent" means material such as wood chips or straw that is added to a compost pile to provide structural support and prevent the settlement and compaction of the decomposing waste.

Clay Liner. "Clay Liner" means compacted imported clay or native clay soil a minimum of 24 inches thick with a permeability rate of less than 1×10^{-7} centimeters per second as defined in Minn. R. 7035.2855 subp. 3, Item A.

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Commissioner. "Commissioner" means the commissioner of the MPCA or designee of the commissioner acting on the commissioner's behalf.

Composted Soil. "Composted Soil" means soil that has finished the microbial degradation process.

Compost Pile. A "Compost Pile" is a pile constructed from a single batch of soil, bulking agent, and nitrogen rich fertilizer that is protected from run-on and run-off and aerated to provide optimum conditions for microbial degradation.

Composting. "Composting" means the controlled microbial degradation of petroleum contaminated soil.

Designated Nearby Office "Designated Nearby Office" means the office location the applicant lists in the petroleum contaminated soil composting facility application and is approved by the MPCA.

Impervious Cover. "Impervious Cover" means a cover layer of a minimum of eight mil thickness of plastic, which is to be maintained during the entire time the soil is being treated.

Impervious Soil. "Impervious Soil" means soil consisting of silts or clays with a hydraulic conductivity of less than 10^{-4} cm/sec.

Impervious Surface. "Impervious Surface" means sealed concrete or asphalt without cracks, or a minimum of 40 mil plastic liner.

Leak Site. "Leak Site" means property or site where a release of petroleum from a tank system as defined in 115C has occurred to the surface or subsurface and contaminated the soil and/or groundwater.

Livestock Area. "Livestock Area" means area where domestic animals, such as cattle, pigs, chickens or horses, are confined.

Permitted Compost Facility. "Permitted Compost Facility" or "Permitted Facility" means a site approved under the terms of this General Permit which is used for microbial degradation of petroleum contaminated soil, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming petroleum contaminated soil, the final product, and residuals resulting from the composting process.

Petroleum. "Petroleum" has the meaning given it in Minn. R. 7150.0030, subpart 36. "Petroleum" does not include a fraction of crude oil or constituents of gasoline if they were intended for use in virgin or pure form including but not limited to benzene, toluene and xylenes.

Petroleum Contaminated Soil. "Petroleum Contaminated Soil" means mineral or organic soil or unconsolidated earthen material into which petroleum has been released.

Petroleum Release Site. "Petroleum Release Site" means, for the purposes of this permit, a property that has petroleum contaminated soil from any source of petroleum which the owner is choosing to remove and treat by composting.

Place of Habitation. "Place of Habitation" means a house, apartment, manufactured home, dwelling, residence or other structure, occupied or intended to be occupied on a day-to-day basis by an individual or group of individuals, family unit or group of family units.

Recreational Area. "Recreational Area" means a public park, trail, campground, playground, athletic field, picnic ground, botanical or zoological garden, swimming beach or pool, fairground, or wayside and any commercial campground, resort, tourist court, amusement park, riding stable or golf course.

Related Material. "Related Material" means other things found in the excavated petroleum contaminated soil such as rocks, roots, bricks, wood and other debris.

Release. "Release" means the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum into the environment but does not include discharges, designed venting or treatment of petroleum contaminated soil as allowed under Agency rules.

Residential Development. "Residential Development" means ten or more places of habitation concentrated within 10 acres of land. Residential development includes schools, churches, hospitals, nursing homes, businesses, offices, and apartment buildings or complexes having ten or more living units.

Run-off. "Run-off" means any liquid that drains over land from any part of the permitted compost facility.

Run-on. "Run-on" means a liquid that drains over land or from precipitation onto a compost pile or an area for storage of petroleum contaminated soil.

Seasonal High Water Table. "Seasonal High Water Table" means the highest level the water table reaches during a given year or the highest level it has reached in the recent past as indicated by soil mottling or color changes.

Stockpile. "Stockpile" means a pile of petroleum contaminated soil that has not or is not being treated.

PART II. SITING.

- A. A **permitted facility** must not be located within one-quarter mile, edge to edge, of another **permitted facility**;
- B. The **permitted facility** must be limited to no more than 1,500 cubic yards. The MPCA may approve a **permitted facility** having a larger volume of soil if the source of the **petroleum contaminated soil** is an individual **leak site** or other **petroleum release site and the soil is excavated** as a single **batch** within a limited time period;
- C. The **permitted facility** must not be located in a 100-year floodplain;
- D. The **permitted facility** must not be located in an area with a slope of greater than two percent;
- E. The **permitted facility** must not be located closer than 200 feet from an intermittent stream, drainage ditch, tile drain inlet, sinkhole, known underground cave, and the ordinary high water level of a surface water or wetland;

- F. The **permitted facility** must not be located closer than 500 feet from a **place of habitation, livestock area, residential development, or recreational area** unless the application contains an attachment that documents the written permission obtained from the property owner for the **permitted facility** to be closer than this limit;
- G. The **permitted facility** must not be located closer than 200 feet from any private water supply well and 1000 feet from any public water supply well;
- H. The **permitted facility** must not be located closer than 200 feet from an adjacent property boundary unless the application contains documentation of written permission from the adjacent property owner for the **permitted facility** to be closer than this limit; and
- I. The **permitted facility** for **petroleum contaminated soil** must be located in an area with at least 10 feet separation distance from the ground surface to the **seasonal high water table** or shallow bedrock. There must also be a continuous layer of **Impervious Soil** a minimum of three feet thick within the 10-foot separation distance. To establish that the minimum of three feet of impervious soil exists within the 10-foot separation distance, the applicant must have certification that these conditions are met from a professional geologist or soil scientist. This certification may be based on 1) a published soil survey such as the National Cooperative Soil Survey; or 2) a minimum of three soil samples analyzed for grain size analysis according to American Society for Testing and Materials Method D 422, "Standard Test Method of Particle Size Analysis of Soils." Sites without the minimum of three feet of **Impervious Soil** must utilize an **Impervious Surface** or **Clay Liner**.

PART III. OPERATING CRITERIA

- A. Acceptance of **Petroleum Contaminated Soil** for **Composting**.
 - 1. Prior to accepting any **petroleum contaminated soil** at the **permitted facility** for **composting**, the Permittee must submit an individual application to the MPCA for each **batch** of **petroleum contaminated soil** from an individual **leak site** or other **petroleum release site** and receive a letter of approval from the MPCA. The Permittee shall use the application form contained in "**Composting of Petroleum Contaminated Soil**," Guidance Document 3-13. If the soil to be composted is contaminated with waste oil or used oil, characterization of the soil must be made in accordance with "Soil Sample Collection and Analysis Procedures," Guidance Document 4-04.
 - 2. If the Permittee proposes to accept any soil that is known to be contaminated with lead (i.e., leaded gasoline, aviation gasoline), the Permittee must obtain soil testing results for lead from at least one composite sample of the proposed soil consisting of four grab samples in accordance with "Soil Sample Collection and Analysis Procedures," Guidance Document 4-04. If total lead is present in the contaminated soil at a level equal to or greater than 100 mg/Kg, as given in Minn. R. 7037.0500, subpart 3, a complete Toxicity Characteristic Leaching Procedure (TCLP) must be performed. If the soil displays the toxicity characteristic, the Permittee may not accept the soil for **composting** at the **permitted facility**.

3. If the Permittee proposes to accept soil that is actually or potentially contaminated with used oil, the Permittee must evaluate the soil to determine whether it contains hazardous waste as provided by Minn. R. 7037.0500, subp. 4 and Minn. R. 7045.0131. The Permittee must not accept soil containing a hazardous waste for **composting** at the **permitted facility**.
 4. If after receiving approval from the MPCA to accept a **batch** of soil for **composting**, the Permittee discovers that the amount of soil received is greater than 110 percent of the amount approved, the Permittee shall contact the appropriate MPCA project manager and submit a revised application to the MPCA compost coordinator.
 5. The Permittee shall manage no more than the approved volume of material at the **permitted facility**, including **petroleum contaminated soil** awaiting **composting**, **composting** soils, and treated soils awaiting disposal or use.
- B. The Permittee shall manage storage of soil brought to the **permitted facility** for treatment as follows:
1. The Permittee may only accept **petroleum contaminated soil batches** approved as provided in PART III. A. at the **permitted facility**.
 2. The Permittee shall utilize an **impervious cover** over a **stockpile** to prevent erosion and contaminated runoff while the **compost pile** is being completed, and initiate **composting** within three days of receipt of the **batch** of soil at the **permitted facility**.
 3. During the construction of the **compost pile**, the Permittee shall remove rocks larger than four inches in diameter, and also debris, including pieces of plastic, bricks, metal, and wood, that is included in the **petroleum contaminated soil**. The Permittee shall dispose of waste material (i.e., material other than natural rock or untreated/unpainted wood) removed from the **petroleum contaminated soil** in a permitted landfill or by processing or recycling or another approved method allowed by state or local rules.
 4. The Permittee shall not combine **petroleum contaminated soil** originating from different **leak sites** or other **petroleum release sites**. Individual **compost piles** must be separated by at least five-feet to prevent mixing of different **batches** of **petroleum contaminated soil**.
 5. The Permittee shall notify the MPCA compost coordinator that **compost pile** construction has been completed within ten days of completion.
 6. The Permittee shall water, aerate and fertilize each **compost pile** as needed during the construction period and thereafter to ensure optimal microbial activity. If average Gasoline Range Organics (GRO) or Diesel Range Organics (DRO) results from the excavated soil exceed 20,000 mg/Kg, the Permittee shall add additional **bulking agents** and nitrogen rich fertilizer to the **compost pile** as necessary to decrease the **petroleum** concentration.

7. The Permittee must control infiltration and surface runoff of precipitation that has contacted the **petroleum contaminated soil**. All **petroleum contaminated soils** stored at the **permitted facility** (both pre-composting and active **compost piles**) must be located in accordance with PART II. I., be covered to prevent erosion, and have **run-on** and **run-off** controls, including berms, erosion mats, and silt fences, as necessary to ensure that **run-off** from the **petroleum contaminated soil** does not reach porous native soil or surface water. Storm water that has contacted **petroleum contaminated soil** must be contained within the bermed area or a lined pond, and can be utilized to keep the **compost pile** adequately moistened. Alternately, it can be properly disposed of in a municipal wastewater treatment facility.
8. The Permittee shall monitor each **compost pile** throughout the **composting** process in accordance with PART IV below.
9. The Permittee must report annually on the progress of each **batch** of **petroleum contaminated soil** being managed at the **permitted facility** in accordance with PART IV below.
10. The Permittee must restrict access to the **permitted facility** by means of a gate or (in populated areas) by fencing sufficient to deter trespassing. The Permittee shall place signage at the **permitted facility** indicating that it is a **petroleum contaminated soil composting facility** and that access is restricted.
11. The Permittee shall control **petroleum contaminated soil** management activities at the **permitted facility** so as to avoid creation of fugitive emissions in violation of Minn. R. 7011.0150. The Permittee shall use handling practices that reduce dusting, such as wetting dried material prior to handling and avoiding handling of dried material on days when wind conditions could cause lifting of dust.
12. Disposal of **Composted Soils**.
 - a. **Composted soil** which will be permanently left in place at the **permitted facility** must have analytical results less than 100 mg/Kg GRO and/or DRO before the treatment is considered complete.
 - b. **Composted soil** which will be taken off site and used as unregulated fill, must have analytical results for GRO and/or DRO less than 100 mg/Kg, and all VOC analytical results must be less than the MPCA's Residential Soil Reference Values (SRVs) and less than the Tier 1 Soil Leaching Values (SLVs) before the treatment is considered complete and the soil can be used as unregulated fill. The Permittee must also comply with requirements in MPCA Guidance Document, '*Best Management Practices for Off-Site Reuse of Unregulated Fill*', <http://www.pca.state.mn.us/index.php/view-document.html?qid=13503>.

This permit does not release the Permittee from liability if the use of **composted soil** causes an adverse impact to human health or the environment.

13. If a batch of soil will be removed from the **permitted facility** before it meets the criteria for **composted soil**, the Permittee may remove the soil to a different **permitted compost facility**, to a permitted land treatment facility, to a permitted thermal treatment facility, or to a solid waste management facility permitted to accept petroleum contaminated soils for disposal or use as cover material. The Permittee shall notify the MPCA if it is required to remove soil before it meets the criteria for **composted soil** and identify where the soil will be moved.

PART IV. MONITORING SAMPLING AND REPORTING REQUIREMENTS

A. Monitoring Requirements.

1. The Permittee must visually monitor the moisture content, odor and physical appearance of the compost at least once each month, record the results, and keep these records for at least three years past the closure date of the **permitted facility**.

B. Sampling and Analysis Procedures.

1. The Permittee must commence annual sampling and reporting within one year after the **batch** approval was issued. A minimum of one sample must be taken from each **compost pile** following the instructions below.
 - a. A composite sample consists of four grab samples collected from similar depths in the **compost pile**.
 - b. A grab sample consists of a sample collected from a freshly exposed portion of the interior of the **compost pile**, taken from approximately 2/3 of the way into the **compost pile**.
 - c. Cross contamination of samples must be prevented by using clean disposable gloves and other clean sampling utensils each time a sample is collected. Note: The powder present on the gloves can contaminate samples with phthalates.
 - d. Samples must be taken and preserved prior to analysis using chemical preservation and stored at a temperature of four degrees Celsius or colder in accordance with EPA Method 5035 and MPCA Guidance Document 4-04, "Soil Sample Collection and Analysis Procedures." **Bulking agents**, roots, rocks, and sticks may be removed during composite sampling as recommended in the sample preparation steps found in EPA SW-846 (Test Methods for Evaluating Solid Waste, Third Edition), but samples may not be allowed to aerate.
 - e. Samples must be analyzed by an independent Minnesota Department of Health (MDH) certified laboratory using the Wisconsin Department of Natural Resources Modified GRO method and/or the Wisconsin Department of Natural Resources Modified DRO method. Soil that originally had gasoline (light petroleum fraction) contamination must be analyzed for GRO, soil that originally had diesel (heavy petroleum fraction) contamination must be analyzed for DRO, and soil that contained both contaminants must be analyzed for both GRO and DRO. The lab shall provide chromatograms for all reportable concentrations of **petroleum** found.

When DRO chromatograms indicate heavier oils, the laboratory is to estimate the modified DRO value including the area outside of the usual DRO integration window. No laboratory reports containing "less than" values in excess of 10 mg/Kg for either GRO or DRO will be accepted. NOTE: GRO and DRO concentrations are examined separately in comparison to the 10 mg/Kg required level. It is improper to add the GRO and DRO concentrations together (due to overlap in the analyses).

- f. In accordance with Part III. B. 12. b. samples are to be analyzed for VOCs by the most recent MDH-certified version of EPA method 8260 in a MDH certified laboratory.
2. When the Permittee believes **composting** of a **batch** is complete, they must collect confirmation samples from the **compost pile**, submit results to the MPCA Petroleum Compost Coordinator, and receive compost batch completion letter from the MPCA prior to the transportation and final use of the compost material in accordance with PART III. B. 12. The samples must be collected from the **compost pile** and analyzed as described in PART IV. B. 1 above. The number of compost completion samples that must be collected and analyzed for GRO, DRO, or VOCs is based on the originally excavated volume of soil in the **compost pile**, as follows:

Volume of Soil (cubic yards)	Number of Compost Completion Samples
0-50	2
51-500	4
501-1000	6
1001-1500	8

If the MPCA has approved more than 1500 cubic yards at the **permitted compost facility**, two additional samples must be collected for each additional 500 cubic yard step increase.

3. The Permittee shall use consistent sampling and analysis procedures designed to ensure that sampling results provide a reliable indication of the parameter being measured. The Permittee shall document, and be able to submit upon request, procedures and techniques used for sample collection, sample preservation and shipment, chain of custody control, and analytical procedures used including a Quality Assurance/Quality Control (QA/QC) Plan as outlined below.
 - a. A detailed site-specific sampling protocol that includes sampling order and procedures, sampling preservation procedures and sample transportation.
 - b. A laboratory QA/QC Plan that addresses the permit requirements and meets EPA QA/QC requirements. The laboratory must have certification from the Minnesota Department of Health for analysis of DRO and GRO.
4. If notified by the **Commissioner** that split samples are desired, the Permittee shall notify the MPCA project manager at least ten (10) working days prior to sampling to enable the MPCA to split samples with the Permittee.

5. If the **Commissioner** determines that additional analysis of soil, groundwater, surface water or plant tissue for additional parameters or more frequent sampling is necessary to ensure the **permitted facility** is not having a negative impact on the environment, the Permittee shall provide the additional data requested.

C. Reporting Requirements. The Permittee shall comply with the following reporting requirements:

1. The Permittee must provide written notice to the MPCA when each **compost pile** has been constructed, upon completion of the **composting**, and prior to the transportation and use of the composted soil material.
2. The Permittee must submit an annual report of analytical results to the MPCA Petroleum Compost Coordinator at the address listed below in PART IV. C. 5. using Guidance Document 3-13 "Composting of Petroleum Contaminated soil" Form B "Soil Monitoring Results for Composted Petroleum Contaminated Soil." This is necessary for each **batch** of soil originating from every **leak site** or other **petroleum release site** and should include the Site ID#.
3. The Permittee must submit **Composting** completion results for each **compost pile** as in PART IV, C. 2. The Permittee must wait until they receive a **batch** completion letter from the MPCA before they take soil from the **batch** off-site in accordance with PART III. B. 12.
4. The Permittee shall submit any other reports regarding the **permitted facility** to the MPCA Petroleum Compost Coordinator.
5. Submission of Reports. All reports or other information submitted to the MPCA in accordance with the requirements of this permit must be signed by a person having responsibility for the overall operation of the **permitted facility**. All written reports required by this permit must be sent to the MPCA Petroleum Compost Coordinator at the following address:

Petroleum Remediation Section
Minnesota Pollution Control Agency
520 Lafayette Road
St Paul Minnesota 55155

D. Record Keeping Requirements. The Permittee shall retain the following documents and information at the **permitted facility** or **designated nearby office** location and keep them available for inspection during the operating life of the **permitted facility** and for three years following the closure of the **permitted facility** by the MPCA.

1. A copy of the **permitted facility** application including all maps and monitoring information collected during **permitted facility** operations.
2. A written operating record at the **permitted facility** site that contains the following information:
 - a. The names and addresses of the generators of contaminated soil along with their Minnesota site identification numbers, the amounts of each shipment of contaminated soil and the date of receipt.

- b. The precise location on the **permitted facility** where the soil **batch** from each individual Site ID is being composted and the final use and location of all soil previously composted at the site.
- c. The results of all monitoring, testing or analytical data that has taken place at the **permitted facility**. This includes the records and results of all chemical analysis conducted on each **batch** of soil, initial soil **stockpile** concentrations, and the final testing results prior to use of the composted material. The records of monitoring information must specify:
 - 1. The date(s), exact place and time of sampling or measurements;
 - 2. The laboratory that performed the sampling;
 - 3. The date(s) analyses were performed;
 - 4. The individual who performed the analyses;
 - 5. The exact analytical techniques or methods used; and
 - 6. The results of such analyses.
- d. A log of inspections, maintenance events and any other activities at the **permitted facility** that may be relevant to operations must be kept.

PART V. CLOSURE

- A. The Permittee shall close the **permitted facility** in accordance with this Part upon any of the following conditions:
 - 1. The Permittee declares the **permitted facility** closed by mailing a letter to the MPCA indicating their intent to close the **permitted facility**.
 - 2. The General Permit has expired and the Permittee has failed to apply for coverage under a new General Permit or obtain an individual solid waste permit allowing continued operation of the **permitted facility**.
 - 3. The Permittee has applied for coverage under a new General Permit and that application has been denied.
 - 4. The MPCA terminates coverage under the General Permit due to noncompliance with permit conditions and the Permittee fails to obtain an individual solid waste permit allowing continued operation of the **permitted facility**.
 - 5. The MPCA issues an Administrative Order requiring closure.

Note: The **permitted facility** may continue to operate and accept additional **batches** of soil with an expired permit during the time the MPCA is processing a permit renewal application. The Permittee must still comply with the 1500 cubic yard limit and other permit conditions, including annual sampling and reporting of results as described in PART IV.

- B. To close the **permitted facility**, the Permittee shall undertake the following actions within 30 days of any of the conditions noted in PART V. A.:

1. All soils that have not completed the **composting** process must be removed to another location that is permitted to manage the soils (i.e., solid waste disposal facility, **permitted compost facility**, permitted land treatment facility, or permitted thermal treatment facility). MPCA/generator approvals must be obtained before soils are removed for treatment or disposal elsewhere.
 2. Soils that have completed the **composting** process can be disposed or used as daily cover at a solid waste disposal facility or as unregulated fill as described in PART III. B. 12.
 3. All residual material and waste must be removed and appropriately disposed of.
 4. Signage must be posted that the **permitted facility** is closed for five-years after closure.
 5. All reports required under this Permit must be submitted to the MPCA and the generator.
- C. **Permitted Compost Facility** Closure Requirements. The **permitted facility** will not be considered closed until the MPCA issues a closure certification to the Permittee. The Permittee may request closure of the **permitted facility** by the MPCA after the following can be demonstrated:
1. No **petroleum contaminated soil** remains at the **permitted facility**.
 2. All reports pertaining to the **permitted facility** were submitted to the Agency.
 3. Any other information specifically requested by the **Commissioner** has been provided.

PART VII. GENERAL CONDITIONS

- A. The Agency's issuance of a permit does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.
- B. The MPCA's issuance of a permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards or orders against the Permittee.
- C. The permit does not convey a property right or an exclusive privilege.
- D. 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.
- E. The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the MPCA and in compliance with the conditions of the permit.

- F. 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.
- G. 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, plans, or other documents.
- H. 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 **permitted facility** covered by the permit or regarding the conduct of the activity covered by the permit.
- I. 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 or **designated nearby office** of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the **permitted 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 **permitted facility** covered by the permit or pertaining to the activity covered by the permit.
- J. 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.
- K. 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, upon discovery of the noncompliance, notify the Minnesota Duty Officer immediately. Within five days of the discovery of the noncompliance the Permittee shall also submit to the **Commissioner** a written description of the noncompliance; the cause of the noncompliance, the exact dates of the period of 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.
- L. The Permittee shall report noncompliance with the permit not reported under K. as a part of the next report, which the Permittee is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the Permittee shall submit the information listed in K. within 30 days of the discovery of the noncompliance.
- M. 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 a condition of the permit.

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- N. The permit is not transferable to any person without the express written approval of the MPCA after compliance with the requirements of Minn. R. pt. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit.
 - O. 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.
 - P. The **Commissioner** may commence proceedings to modify or revoke this permit during its terms if cause exists under Minn. R. pts. 7001.0170 to 7001.0180.
 - Q. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
 - R. The Permittee may request an extension of the dates set forth in this permit including the submittal and monitoring dates. The request shall include justification for noncompliance with the date. Based on the justification, the **Commissioner** may grant an extension.