

DRAFT PERMIT

FOR

MAYO CLINIC

MND083467688

FOR A

HAZARDOUS WASTE STORAGE FACILITY

LOCATED AT

200 FIRST STREET SOUTHWEST

ROCHESTER, MINNESOTA

JULY XX, 2012

MINNESOTA POLLUTION CONTROL AGENCY
520 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155-4194

TABLE OF CONTENTS

	Page
PART I. DESCRIPTION OF FACILITY	1
A. REGULATED/PERMITTED UNITS.....	1
PART II. AUTHORIZED HAZARDOUS WASTE MANAGEMENT	3
A. RESERVED.....	3
B. SPECIFIC HAZARDOUS WASTES AUTHORIZED TO BE MANAGED	3
C. STORAGE OF HAZARDOUS WASTE IN CONTAINERS	4
PART III. OPERATING CONDITIONS	5
A. OPERATION AND MAINTENANCE	5
B. NOTICE TO GENERATORS.....	6
C. RECEIPT OF UNAUTHORIZED WASTES	7
D. MANAGEMENT OF HAZARDOUS WASTE FUELS	7
E. GENERAL WASTE ANALYSIS	7
F. PERSONNEL TRAINING	7
G. HANDLING MANIFESTS	7
H. MANIFEST DISCREPANCIES	8
I. MONITORING.....	8
J. STORAGE OF IGNITABLE, REACTIVE, AND INCOMPATIBLE WASTES	8
K. INSPECTIONS.....	10
L. SECURITY	10
M. LIGHTING.....	10
N. FINANCIAL ASSURANCE FOR CLOSURE	10
O. LIABILITY COVERAGE	11
P. WASTE PROCESSING	11
PART IV. EMERGENCY PROCEDURES	12
A. IMPLEMENTATION OF CONTINGENCY PLAN	12
B. AMENDMENT OF CONTINGENCY PLAN	12
C. PREPAREDNESS AND PREVENTION	12
D. EMERGENCY COORDINATOR	13
E. RESPONSE TO SPILLS/LEAKS/RELEASES FROM REGULATED UNITS.....	13
F. RESPONSE TO OTHER SPILLS/LEAKS/RELEASES FROM NON-REGULATED UNITS.....	14
G. NOTIFICATION TO MPCA REGARDING SPILLS/LEAKS/RELEASES OF HAZARDOUS WASTE. 14	
H. ADDITIONAL EMERGENCY COORDINATOR DUTIES AND NOTIFICATION TO OTHER AGENCIES	17
I. CONTAINMENT MEASURES	18
J. POST EMERGENCY CLEANUP	18
K. STARTUP OF OPERATIONS	18
L. POST EMERGENCY REPORTING	18
M. OPERATING RECORD.....	19
PART V. RECORD KEEPING REQUIREMENTS	20
A. PLANS TO BE MAINTAINED AT THE FACILITY.....	20
B. OPERATING RECORD.....	20

TABLE OF CONTENTS

C. PERSONNEL RECORDS.....	21
D. INSPECTION RECORDS	21
E. MONITORING AND TESTING RECORDS.....	22
F. RETENTION AND DISPOSITION OF RECORDS.....	22
PART VI. REPORTING REQUIREMENTS.....	23
A. REPORTING NONCOMPLIANCE.....	23
B. REPORTING PLANNED CHANGES	23
C. ANNUAL REPORTING REQUIREMENTS	23
D. CERTIFICATION AND SIGNATORY REQUIREMENTS	24
E. SUBMITTAL OF WRITTEN REPORTS	25
PART VII. CLOSURE	26
A. NOTIFICATION OF CLOSURE	26
B. CLOSURE PLAN.....	26
C. TIME ALLOWED FOR CLOSURE	26
D. CERTIFICATION OF CLOSURE	26
PART VIII. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS.....	27
PART IX. GENERAL CONDITIONS	28
A. NO RELEASE FROM LIABILITY.....	28
B. THIRD PARTY LIABILITY	28
C. FUTURE RULES	28
D. PROPERTY RIGHTS.....	28
E. OBLIGATION TO ENFORCE	28
F. LIABILITY/RESPONSIBILITY	28
G. DEFENSE UNDER OTHER STATUTES AND RULES	29
H. MINIMUM STANDARDS	29
I. DUTY TO COMPLY	29
J. POLLUTION PREVENTION.....	29
K. FALSE STATEMENTS	29
L. DUTY TO PROVIDE INFORMATION	30
M. INSPECTION AND ENTRY	30
N. DUTY TO MITIGATE	30
O. BANKRUPTCY	30
P. MODIFICATION, REVOCATION, AND REISSUANCE OF THIS PERMIT	31
Q. OPERATION DURING REISSUANCE PERIOD	31
R. CONTINUATION OF EXPIRED PERMIT	31
S. TRANSFER OF PERMITS.....	31
T. SEVERABILITY	32
U. EMERGENCY PERMITS	32
V. AUTHORIZED SIGNATURES	32
PART X. REVIEW OF SUBMITTALS AND EXTENSION OF SCHEDULES	33
A. REVIEW OF SUBMITTALS	33
B. EXTENSION OF SCHEDULES.....	33

TABLE OF CONTENTS

PART XI. LAND DISPOSAL REQUIREMENTS	35
A. GENERAL CONDITIONS	35
B. TESTING AND RELATED REQUIREMENTS.....	35
C. STORAGE PROHIBITIONS.....	36
 PART XII. AIR EMISSION STANDARD	 37
A. SPROCESS VENTS AND EQUIPMENT LEAKS – NOTIFICATION OF REGULATED ACTIVITY....	37
B. NOTIFICATION OF REGULATED ACTIVITY	37
C. CONTAINERS	37

APPENDICES

APPENDIX I – FACILITY MAPS

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY
HAZARDOUS WASTE STORAGE FACILITY PERMIT
FOR
MAYO CLINIC
EPA ID NO. MND083467688

In accordance with the provisions of Minn. Stat. chs. 115 and 116, Minn. R. 7001.0010 to 7001.0730, and Minn. R. 7045.0020 to 7045.1400, a Hazardous Waste Storage Facility Permit (Permit) is hereby **reissued** to Mayo Clinic for a Facility located at 200 First Street Southwest, Rochester, Minnesota (the Facility).

This Permit, comprises the Resource Conservation and Recovery Act (RCRA) Permit which has been prepared based upon the information provided by Mayo Clinic's most recent Permit Application (Part A and Part B) including revisions received through May 10, 2012. The Permit Application is referenced throughout this Permit and as such, is an integral and enforceable part of this Permit.

Mayo Clinic is the owner and operator of the Facility and is referred to as the Permittee hereafter. Specific operating, emergency, record keeping, reporting, and general conditions apply to the Facility which contains all permitted regulated units. However, for the purposes of corrective action, the Facility includes all property owned or used by the Permittee located at 200 First Street Southwest, Rochester and lineated in Appendix I of this Permit. The Baldwin Building at the Facility where hazardous waste will be stored is located at Latitude: North 44° 01' 16.95", Longitude: West 92° 28' 06.07", Section: 2, Township: 106N, Range: 14W in Rochester Township. Hazardous waste is generated on site and off site; hence the Facility is considered an off-site Facility. This Permit authorizes and requires the Permittee to store hazardous waste in containers in accordance with this Permit.

The Permittee must at all times conduct its hazardous waste management activities in accordance with the terms and conditions of this Permit and any other requirements imposed by law or Minnesota Rules.

This Permit shall become effective on the date of **reissuance**, by the supervisor of the Minnesota Pollution Control Agency's (MPCA) Land and Air Compliance Section of the Industrial Division. The original Permit was issued on February 2, 2006.

This Permit is effective until five years from date of reissuance or until terminated, revoked, or modified by the MPCA, whichever comes first. To obtain a future reissued Permit, the

Permittee shall submit an application to the MPCA for reissuance of the Permit. In accordance with Minn. R. 7001.0040, subp. 3, an application for reissuance of this Permit must be submitted to the MPCA no later than 180 calendar days prior to the expiration date of this Permit.

DATE OF REISSUANCE: _____

Ainars Z. Silis
Supervisor, Land Permits Unit
Land and Air Compliance Section
Industrial Division

PART I. DESCRIPTION OF FACILITY

A. REGULATED/PERMITTED UNITS

The Baldwin Building of the Mayo Clinic Facility is located at 200 First Street Southwest, Rochester, Minnesota. The Mayo Clinic properties are shown in Appendix I.

Mayo Clinic is a non-profit corporation, engaged in the group practice of medicine and in conducting substantial programs in medical research, a medical school, a graduate school in medicine and surgical specialties, and a school of allied health sciences. A small portion of the Mayo Clinic campus generates hazardous waste, which is sent for storage under this Permit. Hazardous wastes are currently brought from both on-site and off-site (Mayo Clinic owned) operations to a centralized storage and accumulation area located in the basement of the Baldwin Building. Wastes stored in the Baldwin Building are removed within one year of generation for off-site treatment, recycling, or disposal. The Mayo Clinic owned locations where hazardous waste is generated and which send hazardous waste for storage in the Baldwin Building include, but are not limited to, the following:

Mayo Building	Plummer Building
Medical Sciences Building	Guggenheim Building
Conrad N. Hilton Building	Institute Hills Farm
Rochester Methodist Hospital	Ozmun Building
Charlton Building	Facilities Warehouse
Baldwin Building	Gonda Building
Stabile Building	Charlton North
Charter House	Support Center North

In addition, the Permittee performs on-site elementary neutralization of a small portion of the wastes generated by the Permittee in order to render the waste less hazardous. The Permittee, as the generator, is authorized to perform these activities pursuant to Minn. R. 7001.0520 subp. 3.C, 7045.0652 and 7045.0655.

A significant portion of the hazardous wastes stored at the Baldwin Building are used or unused pure chemical reagents, which are no longer of use to laboratory or clinical personnel. Each Division, Department or Section of the Permittee involved in the use of chemicals at Mayo Clinic Rochester is, in conjunction with the Permittee's Section of Waste Management, responsible for evaluating its wastes and ensuring that wastes meeting the hazardous criteria are properly managed prior to transfer to storage. Wastes generated in the buildings contiguous to the Baldwin Building are transported by cart to the Baldwin Building storage area. Wastes generated off-site are brought to the loading dock by Mayo Clinic owned and operated transport vehicles under the requirements of the Very Small Quantity Generator Program.

Due to the diverse and changing nature of activities at Mayo Clinic, the types and characteristics of wastes to be stored in the Baldwin Building storage area vary considerably with time. For this reason, the Baldwin Building is permitted to store the types of hazardous wastes listed in Part II.

PART II. AUTHORIZED HAZARDOUS WASTE MANAGEMENT

A. RESERVED

B. SPECIFIC HAZARDOUS WASTES AUTHORIZED TO BE MANAGED

1. The Permittee is hereby authorized to manage the following hazardous wastes under the conditions of this Permit:

<u>Hazardous Waste Code</u>	<u>Hazardous Waste Description</u>
<u>D001 – D043</u>	<u>Any waste exhibiting one or more of the characteristics of a hazardous waste described in Minn. R. 7045.0131.</u>
<u>F001, F002, F003, F004, F005, & F027</u>	<u>The spent halogenated & non-halogenated solvents specifically corresponding to these waste codes in Minn. R. 7045.0135, subp. 1a, item B.</u>
<u>All P-listed & U-listed wastes</u>	<u>All discarded commercial chemical products, off-specification species, containers, & spill residues listed in Minn. R. 7045.0135, subp. 1a, item D.</u>
<u>MN01</u>	<u>Wastes exhibiting the characteristic of lethality as defined in Minn. R. 7045.0131, subp. 6.</u>
<u>MN03</u>	<u>Wastes containing polychlorinated biphenyls as defined in Minn. R. 7045.0135, subp. 5.</u>

2. The Permittee is also authorized to manage any other hazardous waste not specifically identified in the "Hazardous Waste Description" above but falling within the "hazardous waste codes" listed in Part II.B.1 above provided that the Permittee submits to the MPCA a written report identifying the hazardous waste and code WITHIN 15 DAYS of generation. Subsequent reporting for that new hazardous waste stream accepted from the same generator is not required.

Further, the Permittee is also authorized to manage any hazardous residue, contaminated soil, water, or debris generated from a spill cleanup response action. Notification and Reporting requirements in Part IV. of this Permit must be followed.

C. STORAGE OF HAZARDOUS WASTE IN CONTAINERS

The Permittee is authorized to **store** the following types and quantities of hazardous wastes in containers as specified in the following table:

LOCATION: The Permittee operates one hazardous waste storage unit in the basement of the Baldwin Building of the Mayo Clinic Facility. (See map in Appendix I)

MAXIMUM STORAGE CAPACITY: Total storage capacity: 2,962 gallons.

The storage capacities indicated below for each type of storage shall not be exceeded.

1. 2,200 gallons in 55-gallon drums stored in designated drum storage area (40 drums).
2. 762 gallons in containers up to one gallon in volume on storage shelves.

APPROVED WASTE CODES: Authorized list of wastes in Part II.B.1

APPROVED CONTAINERS: Containers holding up to one gallon each provided that each container meets the requirements of Part III.A.2 of this Permit.

Bulked wastes are stored in DOT-approved drums.

**CAPACITY OF SECONDARY
CONTAINMENT:**

Required containment capacity: 296 gallons
Actual containment capacity: 1,300 gallons

PART III. OPERATING CONDITIONS

A. OPERATION AND MAINTENANCE

1. General

a. The Permittee shall at all times properly operate and maintain the storage Facility, including all hazardous waste management units and all appurtenances related to the **storage** of hazardous wastes. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls. The Permittee shall install and maintain appropriate back-up and auxiliary facilities as needed to remain in compliance with the terms and conditions of this Permit.

b. The Permittee shall prevent the discharge of hazardous waste from the Facility to the surface waters or groundwaters of the State. The Permittee shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows, and other areas with permeable floors.

c. The Permittee shall operate and maintain the Facility to minimize the possibility of fire, explosion, or other event that might allow hazardous wastes to escape into the air, land, or water.

2. Containers

a. Condition of Containers: The Permittee must ensure that the type and condition of containers used to store hazardous waste will be selected and maintained in accordance with Minn. R. 7045.0526 and the operations manual set forth in Section E of the Permit Application. Specifically,

1) The containers must be of sturdy leak-proof construction, adequate wall thickness, adequate weld, hinge, and seam strength. Further, they must be of sufficient strength to withstand side and bottom shock, when filled, without impairment of the ability of the container to fully contain the hazardous waste.

2) The containers must have lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste.

3) The containers must be made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored and other

substances that the container may foreseeably contact, so that the ability of the container to contain the waste is not impaired.

4) If a container holding hazardous waste does not meet the above requirements, or if it begins to leak, the Permittee shall transfer the hazardous waste in the defective container to a container that does meet the above requirements, or manage the waste in some other way that complies with the requirements of Minn. R 7045.0526.

b. Management of Containers:

1) A container holding hazardous waste must be labeled with an accumulation start date, the words "Hazardous Waste," and a content description. Containers must be kept closed during storage, except when it is necessary to add or remove waste.

2) A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

c. Container Secondary Containment: The Permittee shall maintain the container storage area secondary containment system to ensure that the system is capable of collecting and holding spills, leaks, and precipitation. The maintenance of the secondary containment system must ensure that:

1) The compatible base underlying the containers is free of cracks or gaps and is sufficiently impervious so as to contain leaks and spills until the collected material is detected and removed;

2) The compatible base is **sloped, or operated** to drain and remove liquid resulting from leaks, spills, and accumulated precipitation.

3) The secondary containment system has sufficient capacity to contain at least **ten percent of the volume of all containers or the volume of the largest container, whichever is greater.**

4) The interface between the dike or sidewall and the underlying base of the container storage area secondary containment system is sealed to contain leaks, spills, and accumulated liquids.

B. NOTICE TO GENERATORS

In accordance with Minn. R. 7045.0452, subp. 3. item C., the Permittee shall notify, and document in writing, each generator from whom it receives wastes that the Permittee has received this Permit from the MPCA.

C. RECEIPT OF UNAUTHORIZED WASTES

In the event the Permittee receives a shipment of hazardous wastes that the Permittee is not authorized to receive and store at the Facility, the Permittee shall IMMEDIATELY notify the MPCA and wait for further instructions before accepting the waste. This is required by Minn. R. 7045.0452, subp. 3, item B.

D. MANAGEMENT OF HAZARDOUS WASTE FUELS

In the event the Permittee manages hazardous waste that is used as fuel or used to produce fuel, the Permittee must comply with Minn. R. 7045.0692.

E. GENERAL WASTE ANALYSIS

1. In accordance with the Waste Analysis Plan set forth in Section C of the Permit Application, and the requirements of Minn. R. 7045.0458, the Permittee shall obtain a detailed chemical and physical analysis of a representative sample of each waste that the Permittee intends to manage at the Facility. The Permittee shall keep this analysis at the Facility and shall provide a copy to the MPCA upon request.

2. The waste analysis must be repeated, to ensure that it is accurate and up-to-date, at anytime that:

a. The Permittee has reason to believe that the process or operation generating the waste has changed.

b. The Permittee has reason to believe a hazardous waste that has been received does not match the waste specified on the accompanying manifest.

c. The waste analysis plan set forth in Section C of the Permit Application requires a particular shipment of hazardous waste to be analyzed.

F. PERSONNEL TRAINING

The Permittee shall not allow any employee to work at the Facility in a job related to hazardous waste management until that employee has received all training required by Minn. R. 7045.0454 and the Personnel Training Plan set forth in Section H of the Permit Application.

G. HANDLING MANIFESTS

The Permittee shall comply with the manifest requirements in Minn. R. 7045.0474.

H. MANIFEST DISCREPANCIES

1. If the Permittee discovers a major discrepancy in a manifest, the Permittee shall attempt to reconcile the discrepancy. If the Permittee is unable to reconcile the discrepancy with the generator and transporter WITHIN TEN (10) DAYS, the Permittee shall IMMEDIATELY submit to the MPCA a letter describing the discrepancy, attempts made to reconcile it, and a copy of the manifest or shipping paper. The type of discrepancy must be noted on the manifest.

2. If the Permittee discovers a minor discrepancy in a manifest, the Permittee shall attempt to reconcile the discrepancy with the generator and transporter. If the discrepancy cannot be reconciled, the Permittee shall note the type of discrepancy and its resolution on the manifest.

3. The definitions of "major discrepancy" and "minor discrepancy" can be found in Minn. R. 7045.0476, subp. 2.

I. MONITORING

In the event the Permittee shall be required by the MPCA to conduct monitoring, the following requirements shall be complied with:

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method set forth in Title 40 of the Code of Federal Regulations, Part 261, Appendix I. Laboratory methods must be those specified in the latest edition of U.S. Environmental Protection Agency (EPA) publication Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, or an equivalent method approved by the MPCA.

J. STORAGE OF IGNITABLE, REACTIVE, AND INCOMPATIBLE WASTES

1. General Requirements

a. Required notices. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction, including, but not limited to open flames, smoking, cutting and welding, hot surfaces, frictional heat, static sparks, electrical sparks, mechanical sparks, spontaneous ignition, and radiant heat. When ignitable or reactive waste is being handled, the Permittee shall confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

b. Required precautions. As specifically required by Minn. R. 7045.0456, subp. 2, the Permittee of a Facility that treats, stores, or disposes of ignitable or reactive waste or that mixes incompatible wastes or incompatible wastes and other materials, shall take precautions to prevent reactions which:

- 1) Generate extreme heat, pressure, fire, explosions, or violent reactions unless the Permittee is Permitted to handle these types of reactions;
- 2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
- 3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- 4) Damage the structural integrity of the device or Facility; or
- 5) Through other means threaten human health or the environment.

2. Special Requirements for Ignitable and Reactive Wastes

Permittee is authorized to store ignitable and reactive waste in the permitted hazardous waste storage area on condition that Permittee has obtained a permit from the City of Rochester Bureau of Fire Prevention to store flammable and combustible liquids in the Baldwin Building.

3. Special Requirements for Incompatible Wastes

a. Storage in containers.

- 1) Incompatible wastes or wastes which are incompatible with other material must not be placed in the same container, unless compliance with Minn. R. 7045.0456, subp. 2, is achieved.
- 2) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material. As required by Minn. R. 7045.0458, subp. 2, the waste analysis plan must include analyses to comply with these special requirements. Minn. R. 7045.0456, subp. 3, requires waste analyses, trial tests, and documentation to ensure compliance with Minn. R. 7045.0456, subp. 2. All results obtained from testing must be maintained in the Facility operating record.
- 3) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, waste piles, open tanks, or surface impoundments, must be separated from other such waste or material by means of a dike, berm, wall, or other protective device.

b. Storage in Tanks. Incompatible wastes and/or incompatible wastes and materials must not be placed in the same tank, unless compliance with Part III.J.1.b. above is maintained.

K. INSPECTIONS

The Permittee shall conduct inspections at the Facility and for all hazardous waste management units as required under the inspection plan set forth in Section F of the Permit Application, Minn. R. 7045.0452, subp. 5 shall be followed.

L. SECURITY

In accordance with Minn. R. 7045.0452, subp. 4, the Permittee shall maintain a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the Facility, or an artificial or natural barrier which completely surrounds the active portion of the Facility and a means to control entry at all times through gates or other entrances to the active portion of the Facility. The fence shall be locked at times when the Facility is unattended and access to the Facility shall be provided only to persons who are authorized by the Permittee to enter the Facility. The Permittee shall post a sign legible from a distance of 25 feet with the legend, "Danger - Unauthorized Personnel Keep Out," at each entrance to the Facility as defined in Minn. R. 7045.0020, subp. 3.

M. LIGHTING

The Permittee shall provide adequate lighting for the Facility to ensure safety and proper operation.

N. FINANCIAL ASSURANCE FOR CLOSURE

1. Closure. The Permittee shall provide financial assurance for closure of the Facility in the amount of the cost estimate for closure of the Facility by satisfying the requirements of the financial test and corporate guarantee for closure in accordance with the requirements of Minn. R. 7045.0504, subp. 7. The Permittee shall continue to maintain such financial assurance unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0504.

2. Postclosure. The Permittee shall provide financial assurance for postclosure of the Facility in the amount of the cost estimate for postclosure care of the Facility by satisfying the financial test and corporate guarantee in accordance with the requirements of Minn. R. 7045.0508. The Permittee shall continue to maintain such financial assurance unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0508.

3. Corrective Action. The Permittee shall provide financial assurance for corrective action at the Facility in the amount of the cost estimate for corrective action at the Facility by satisfying the financial test and corporate guarantee for corrective action in accordance with the requirements of Minn. R. 7045.0514. The Permittee shall continue to maintain such financial assurance unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0514.

O. LIABILITY COVERAGE

The Permittee shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least One Million Dollars (\$1,000,000) per occurrence, with an annual aggregate coverage in the amount of at least Two Million Dollars (\$2,000,000), exclusive of legal defense costs in accordance with the requirements of Minn. R. 7045.0518. The Permittee shall comply with this requirement through the use of financial test for liability coverage in accordance with Minn. R. 7045.0518, subp. 6.

P. WASTE PROCESSING

All hazardous wastes being moved to permitted storage from an on-site generation or accumulation point shall be placed into permitted storage within 24 hours after being moved from that generation or accumulation point.

All hazardous wastes received from an off-site source shall be placed in permitted storage within 24 hours after being moved from that generation or accumulation point.

All hazardous wastes being prepared for off-site transport shall be removed from permitted storage no more than 24 hours prior to being shipped off-site.

PART IV. EMERGENCY PROCEDURES

A. IMPLEMENTATION OF CONTINGENCY PLAN

In accordance with Minn. R. 7045.0466, subp. 3, the Permittee must ensure that the provisions of the contingency plan, set forth in Section G of the Permit Application, are carried out IMMEDIATELY whenever there is a release, fire, or explosion of hazardous waste or hazardous constituents which could threaten human health or the environment.

B. AMENDMENT OF CONTINGENCY PLAN

1. The Permittee shall amend the contingency plan whenever:
 - a. This Permit is revised,
 - b. Said plan fails in an emergency,
 - c. The Facility changes in its design, construction, operation, maintenance, or other circumstance in a way that increases the potential for fires, explosions, or the release of hazardous waste or hazardous constituents, or changes the response necessary in an emergency,
 - d. The designated emergency coordinator changes, or
 - e. The list of emergency equipment changes.
2. The Permittee shall maintain a copy of its contingency plan at the Facility at all times.
3. The Permittee shall submit a copy of its contingency plan to all local police departments, fire departments, hospitals, and all local and state emergency response teams that may be called upon to respond in an emergency situation at the Facility.

C. PREPAREDNESS AND PREVENTION

1. **Required equipment.** At a minimum, the Permittee shall maintain emergency equipment required by the contingency plan.
2. **Testing and maintenance of equipment.** The Permittee shall test and maintain all Facility communications or alarm systems, fire protection equipment, and spill control equipment to ensure proper operation in time of emergency. The maintenance and inspection of emergency equipment shall be conducted in accordance with the Inspection Plan set forth in Section F of the Permit Application.

3. **Access to communications or alarm system.** The Permittee shall ensure that whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual and/or voice contact with another employee.

4. **Aisle space.** The Permittee shall maintain aisle space in all hazardous waste storage areas to allow the unobstructed movement in an emergency of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

D. EMERGENCY COORDINATOR

In accordance with Minn. R. 7045.0468, subp. 1, the Permittee shall at all times have at least one (1) employee either on the Facility premises or on call with the responsibility for coordinating all emergency response measures. The following persons qualifies as the emergency coordinator and each assumes all responsibilities described in Part IV. of this Permit.

<u>NAME</u>	<u>WORK TELEPHONE</u>	<u>HOME TELEPHONE</u>
Gregory Smith	507/284-6369	507/292-7876
Robert Donner	507/284-6600	507/282-6764
Peter Nitschke	507/284-6981	507/280-9211
Chemical Spill Team on Call	507-284-2179 (External) 111 (Internal)	Mayo Clinic Ask for Chemical Spill Team

The Permittee may change the names of employees who qualify as emergency coordinator by contacting the MPCA and identifying the new emergency coordinators.

E. RESPONSE TO SPILLS/LEAKS/RELEASES FROM REGULATED UNITS

Containers. If there should be a leak of hazardous waste from a storage container, the Permittee shall comply with the following requirements:

a. The Permittee shall IMMEDIATELY inspect the containers to determine which container or containers are leaking. Having identified the leaking container or containers, the Permittee shall contain the spill as soon as possible. Any leaking container and adjacent or affected area shall be inspected by the Permittee to determine the reason for the leak. The contents of the container shall be overpacked into another container and be managed in accordance with Minn. R. 7045.0526, subp. 6, item C.

b. Spilled or leaked waste or inadvertent run-on must be removed from the secondary containment system in a timely manner. If the collected material (including spill containment equipment and debris/residue) is a hazardous waste, the Permittee must managed the material in accordance with Minn. R. 7045.0526, subp. 6, item C. If the collected material is discharged through a point source to waters, Minn. R. 7045.0526, subp. 6, item C, must be followed.

c. The Permittee shall notify the MPCA IMMEDIATELY after any leak or spill of hazardous waste to the environment if it is determined, based on the criteria in Part IV.G, of this Permit, that such notification is required.

d. Part IV.L, of this Permit should be consulted to determine if a written report is required.

e. The Commissioner may require the Permittee to sample appropriate media (soil, surface water, groundwater, air) as necessary to determine the extent of contamination. Further, upon review of the sampling analysis, the Commissioner may require the Permittee to remediate the contaminated media affected by the release. Upon remediation, a final report summarizing remedial efforts taken shall be submitted for approval to the Commissioner.

F. RESPONSE TO OTHER SPILLS/LEAKS/RELEASES FROM NON-REGULATED UNITS

If there should be a leak or spill of hazardous waste to the environment (escaping the secondary containment system) from any source at the Facility other than the Permitted regulated units, the Permittee shall comply with the following requirements:

1. The Permittee shall stop the leak or spill and clean up any released hazardous waste as soon as possible.

2. The Permittee must IMMEDIATELY conduct a visual inspection of the area around the leak or spill and prevent further migration of the leaked or spilled hazardous waste to soils and surface waters.

3. The Permittee shall notify the MPCA IMMEDIATELY after any leak or spill of hazardous waste to the environment if it is determined, based on the criteria in Part IV.G, of this Permit, that such notification is required.

4. In addition to the requirements in items 1-3 above, the Permittee shall follow the procedures specified in Part IV, hereof (Emergency Procedures) if the leak should require implementation of the contingency plan.

G. NOTIFICATION TO MPCA REGARDING SPILLS/LEAKS/RELEASES OF HAZARDOUS WASTE

1. **Scope.** Minn. Stat. §§ 115.061 and 116.061 require notification to the MPCA regarding discharges to water and air, respectively, for any materials, including hazardous waste. Minn. R. 7045.0468, subp. 5, item B, and subp. 6 also provide requirements for reporting to the agency discharges of hazardous waste. Compliance under items 3 and 5 below satisfies the agency notification requirements regarding releases of hazardous waste at permitted hazardous waste facilities for both the rules and statutes cited above.

All notifications required by items 3 and 5 below must be made to the Minnesota Duty Officer at one of the appropriate numbers provided below. Notification to the Minnesota Duty Officer satisfies the requirement for notifying the agency.

TWIN CITIES METRO AREA (AND OUTSIDE MINNESOTA): 651-649-5451

GREATER MINNESOTA: 1-800-422-0798

2. Statutory Language

MINN. STAT. § 115.061 DUTY TO NOTIFY AND AVOID WATER POLLUTION

(a) Except as provided in paragraph (b), it is the duty of every person to notify the agency of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the State, and the responsible person shall recover as rapidly and thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the State caused thereby.

(b) Notification is not required under paragraph (a) for a discharge of five gallons or less of petroleum, as defined in section 115C.02, subd. 10. This paragraph does not affect the other requirements of paragraph (a).

3. Required Notification -

a. The following actions constitute compliance with the agency reporting requirements of Minn. Stat. § 115.061 and with Minn. R. 7045.0468, subp. 5, item B, and subp. 6 regarding discharges of hazardous waste, other than releases to air, at permitted hazardous waste facilities.

The Minnesota Duty Officer must be notified immediately of any of the following discharges:

- 1) A fire, explosion, or discharge that could threaten human health or the environment outside the Facility.
- 2) A discharge to the secondary containment of a permitted unit that is NOT completely contained in the secondary containment and/or is NOT recovered in a timely manner.
- 3) All discharges to areas outside of the containment systems described in Parts VI.G.3.a.1 and 2, above, that could cause pollution of soil, surface water, or groundwater.

4. Statutory Language:

MINN. STAT. § 116.061. AIR POLLUTION EMISSIONS ABATEMENT

Subd. 1. Emission notification required.

(a) A person who controls the source of an emission must notify the agency immediately of excessive or abnormal unpermitted emissions that:

- (1) may cause air pollution endangering human health;
- (2) may cause air pollution damaging property; or
- (3) cause obnoxious odors constituting a public nuisance.

(b) If a person who controls the source of an emission has knowledge of an event that has occurred and that will subsequently cause an emission described in paragraph (a), the person must notify the agency when the event occurs.

Subd. 2. Abatement required. A person who is required to notify the agency under subdivision 1 must take immediate and reasonable steps to minimize the emissions or abate the air pollution and obnoxious odors caused by the emissions.

Subd. 3. Exemption. The following are exempt from the requirements of subdivisions 1 and 2:

- 1) emissions resulting from the activities of public fire services or law enforcement services;
- 2) emissions from motor vehicles, as defined in section 169.01, subdivision 3;
- 3) emissions from an agricultural operation deemed not a nuisance under section 561.19, subdivision 2; or
- 4) emissions from agency regulated sources that are routine or authorized by the agency.

Subd. 4. Penalty exception. A person who notifies the agency of emissions under subdivision 1 and who complies with subdivision 2 shall not be subject to criminal prosecution under section 115.071, subdivision 2.

Subd. 5. Use of notification. Any notice submitted under subdivision 1 is not admissible in any proceeding as an admission of causation.

5. **Required Notification.** Compliance with the statutory notification requirements above in Part IV.G.4, and the requirement below in Part IV.G.5, constitutes compliance with the agency reporting requirements of Minn. R. 7045.0468, subp. 5. item B, and subp. 6 regarding discharges of hazardous waste to the air at permitted hazardous waste facilities.

Notification must be provided for a fire, explosion, or discharge that could threaten human health or the environment outside the facility.

H. ADDITIONAL EMERGENCY COORDINATOR DUTIES AND NOTIFICATION TO OTHER AGENCIES

[For reporting requirements regarding discovery of "noncompliance" with a condition of this Permit which could endanger human health or the environment, please refer to Part VI, of this Permit.]

Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY:

1. Activate internal Facility alarms or communication systems,
2. Identify the character, exact source, amount, and areal extent of any released material,
3. Assess possible hazards to human health or the environment, considering both direct and indirect effects of the release, fire, explosion; effects from any toxic, irritating, or asphyxiating gases that are generated; and effects of any hazardous surface water run-off from water or chemical agents used to control fire and explosions, and
4. Carry out the appropriate provisions of the contingency plan set forth in Section G of the Permit Application.

If the emergency coordinator determines that:

- a. The hazardous waste or hazardous constituent release, fire, or explosion could threaten human health or the environment, outside the Facility as defined in Part I, of this Permit, or
- b. Evacuation of local areas may be advisable, or
- c. A released hazardous waste or hazardous constituent may cause pollution of the air, land resources, or waters of the State, the emergency coordinator shall IMMEDIATELY notify:
 - 1) Appropriate State and local authorities,

2) The governmental official designated as the on-scene coordinator for that geographical area, or the National Response Center at 800-424-8802.

The information in items a) through f) below shall be given to each of the above authorities at the time of the notification:

- a) Name and telephone number of reporter,
- b) Name and address of Facility,
- c) Date, time, and type of incident,
- d) Name and quantity of material involved,
- e) Extent of damages or injuries, if any, and
- f) The possible hazards to human health and/or the environment.

I. CONTAINMENT MEASURES

During an event that requires implementation of the contingency plan, the emergency coordinator shall ensure that releases, fires, and explosions do not occur, recur, or spread to other hazardous waste at the Facility. If the Facility stops operations, the emergency coordinator shall monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

J. POST EMERGENCY CLEANUP

IMMEDIATELY after an event that requires implementation of the contingency plan, the Permittee shall provide for treating, storing, or disposing of recovered waste, contaminated soil, groundwater, and any other contaminated material resulting from the emergency incident at the Facility, in a manner required by applicable laws and rules.

K. STARTUP OF OPERATIONS

The Permittee shall not recommence operations after an emergency until the EPA, MPCA, and local police and fire departments have been notified and the Facility is in compliance with Minn. R. 7045.0470, subp. 2.

L. POST EMERGENCY REPORTING

WITHIN 15 DAYS after an event that requires implementation of the contingency plan as required by Minn. R. 7045.0466, subp. 3, the Permittee shall submit a written report to the Commissioner describing the incident, containing information as required by Minn. R. 7045.0470, subp. 3.

M. OPERATING RECORD

The Permittee shall note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan.

PART V. RECORD KEEPING REQUIREMENTS

A. PLANS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the following plans:

1. A waste analysis plan as set forth in Section C of the Permit Application, and that meets the requirements of Minn. R. 7045.0458.
2. A personnel training plan as set forth in Section H of the Permit Application, and that meets the requirements of Minn. R. 7045.0454.
3. A contingency plan as set forth in Section G of the Permit Application, and that meets the requirements of Minn. R. 7045.0466.
4. A closure plan as set forth in Section I of the Permit Application, and that meets the requirements of Minn. R. 7045.0486.
5. An inspection plan as set forth in Section F of the Permit Application, and that meets the requirements of Minn. R. 7045.0452, subp. 5.

B. OPERATING RECORD

The Permittee shall keep a written operating record at the Facility that contains the information in Minn. R. 7045.0478, including the following information:

1. The names of each hazardous waste generator and its EPA identification number.
2. The arrival date of incoming hazardous waste, and the shipment date of outgoing hazardous waste, corresponding with the transporter's name and identification number.
3. A description and statement of the quantity of each hazardous waste received, or shipped, and the method and date of storage.
4. The location of each hazardous waste shipment or container within the Facility and the total quantity of hazardous waste at each location. This information must be complete and up to date at all times. This information must be cross-referenced to the manifest accompanying the waste.
5. The records and results of each waste analysis performed.
6. The records and results of each inspection performed.

7. The results of any monitoring performed at the Facility.
8. Summary reports and details of all incidents which required implementation of the Contingency Plan.
9. All annual reporting requirements specified in Part VI.C, of this Permit.
10. All Land Disposal Restricted waste notifications required by Minn. R. 7045.1390, which incorporates by reference 40 CFR § 268.7, with the exceptions to incorporation listed in Minn. R. 7045.1390.
11. A copy of the notices provided by the Permittee to each of the generators from whom the Permittee is obtaining hazardous wastes for storage at the Facility as required by Part III.B, hereof.

C. PERSONNEL RECORDS

The Permittee shall maintain at the Facility at all times a copy of the following personnel records:

1. The job title for each position at the Facility related to hazardous waste management and the name of the employee filling each job.
2. A written job description of each position at the Facility related to hazardous waste management. This description may be consistent in its degree of detail with descriptions for other similar positions in the same company location or bargaining unit, but must include at least the requisite skill, education, or other qualifications and duties of employees assigned to each such position.
3. A written description of the type and amount of both introductory and continuing training in accordance with the Personnel Training Plan set forth in Section < > of the Permit Application, that will be given to each person filling a hazardous waste position referenced in item 1, above.
4. Records that document the training provided to each employee filling a position referenced in item 1 above.

D. INSPECTION RECORDS

The Permittee shall record all inspections in an inspection log. These records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

E. MONITORING AND TESTING RECORDS

In accordance with Minn. R. 7001.0150, subp. 2, items B and C:

1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, and records of all data used to complete the Application for this Permit.

2. Records of monitoring information shall specify:

- a. The date(s), exact place, and time(s) of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques for methods used; and
- f. The results of such analyses.

F. RETENTION AND DISPOSITION OF RECORDS

The Permittee shall maintain all records for at least three (3) years after generation of the record unless the record is required by Minn. R. 7045.0478, subp. 3 or Minn. R. 7001.0720, subp. 2, item B to be kept for a longer period of time. Records required to be kept until closure of the Facility are listed in Minn. R. 7045.0478, subp. 3 and Minn. R. 7001.0720, subp. 2. These retention periods are automatically extended during the course of and at least for the duration of an unresolved enforcement action regarding the Permittee and shall also be extended upon request of the Commissioner. These records shall be made available to the Commissioner upon Request.

PART VI. REPORTING REQUIREMENTS

A. REPORTING NONCOMPLIANCE

As used herein, the term "noncompliance" refers to any failure, intentional or unintentional, avoidable or unavoidable, to satisfy any requirement of this Permit.

1. 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 after 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 noncompliance; and, 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.

2. For noncompliance occurrences not required to be reported under Part VI. A.1, above, the Permittee shall submit a written report to the Commissioner WITHIN 30 DAYS after the noncompliance is discovered.

B. REPORTING PLANNED CHANGES

The Permittee shall give advance written notice to the Commissioner as soon as possible of any planned physical alteration of or addition to the Permitted Facility and of any activity that may result in noncompliance with its Permit or with any requirement of state or federal law. This notice does not relieve the Permittee of:

1. The requirement to obtain a modification of this Permit or,
2. Any liability for noncompliance with this Permit or the law.

C. ANNUAL REPORTING REQUIREMENTS

1. **Annual Report.** The Permittee shall submit an annual report to the MPCA no later than March 1st of each year, for the previous calendar year. The annual report must include the information required by Minn. R. 7045.0482, subp. 2.

2. **Financial Assurance for Closure, Postclosure, and Corrective Action with Applicable Cost Estimate Updates and Liability Coverage.** The Permittee shall by March 31st of each year submit to the MPCA updated closure, postclosure, and corrective action financial assurance (with cost updates) and liability coverage, to reflect current financial conditions.

3. Pollution Prevention. The Permittee shall certify each year at the time of submission of its annual report that a program is in place to reduce the volume and toxicity of waste and pollution to the maximum degree economically practicable, and that the method used to manage waste and pollution minimizes present and future threats to human health and the environment to the extent practicable as required by Minn. R. 7045.0478, subp. 3.K. The program shall consist of a plan which includes these elements:

- a. A policy statement articulating upper management support for eliminating or reducing the generation of waste and pollution at the facility.
- b. A description of the current processes generating or releasing waste and pollution that specifically describes the types, sources, and quantities of waste and pollution currently being generate.
- c. A description of the current and past practices used to eliminate or reduce the generation of waste and pollution and an evaluation of the effectiveness of these practices.
- d. An assessment of technically and economically practicable options available to eliminate or reduce the generation of waste and pollution.
- e. A statement of waste and pollution reduction objectives based on the assessment in clause d. above, and a schedule for achieving those objectives.
- f. An explanation of the rationale for each waste and pollution reduction objective.
- g. A listing of options that were considered not to be economically and technically practicable.

4. Fees. The Permittee shall pay the required annual facility fee as specified in Minn. R. 7046.0020.

D. CERTIFICATION AND SIGNATORY REQUIREMENTS

All reports or other information required to be submitted to the Commissioner in accordance with the terms and conditions of this Permit shall carry the certification required by Minn. R. 7001.0070 and 7001.0540.

E. SUBMITTAL OF WRITTEN REPORTS

All written reports required to be submitted by the Permittee shall be sent to:

Minnesota Pollution Control Agency
Supervisor, Land Permits Unit
Industrial Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

PART VII. CLOSURE

A. NOTIFICATION OF CLOSURE

The Permittee shall notify the Commissioner at least 45 days prior to the expected date of commencement of full or partial closure of the Facility.

The written notice shall include:

1. The anticipated last day of operation;
2. The existing inventory count and inventory reduction schedule; and
3. A discussion of how conditions of this Permit and state and federal law will be met.

B. CLOSURE PLAN

If the Permittee shall decide to close all or a portion of the RCRA Facility, the Permittee shall close in accordance with the MPCA-approved closure plan in effect at the time. The present MPCA-approved closure plan is set forth in Section I of the Permit Application. The MPCA may require additional closure work plans to be developed if necessary to reflect Facility specific closure or partial closure activities to be conducted.

C. TIME ALLOWED FOR CLOSURE

After receiving the final volume of hazardous waste at the Facility, the Permittee shall remove all hazardous wastes in accordance with the closure plan schedule in effect at the time, which shall not exceed 180 days unless approved by the Commissioner. The present closure schedule is detailed in the closure plan set forth in Section I of the Permit Application.

D. CERTIFICATION OF CLOSURE

WITHIN 60 DAYS after closure is completed, the Permittee shall submit to the Commissioner a certification signed by the Permittee and by an independent registered professional engineer that the Facility has been closed in accordance with the MPCA-approved closure plan and any additional closure work plans if developed. The certification shall contain language as stated in Minn. R. 7001.0070 and 7001.0540.

PART VIII. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

The Permittee maintains that currently, there are no known releases of hazardous waste or constituents requiring corrective action from any solid or hazardous waste management units (as defined in Minn. R. 7045.0020, subp. 36a.) at the Facility. If any information becomes available concerning releases from solid or hazardous waste management units, the Commissioner will commence an action to modify this Permit to require the Permittee to undertake appropriate corrective action in accordance with Minn. R. 7045.0485.

PART IX. GENERAL CONDITIONS

A. NO RELEASE FROM LIABILITY

Issuance of this Permit by the MPCA does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes, rules or local ordinances, except the obligation to obtain this Permit.

B. THIRD PARTY LIABILITY

Issuance of this Permit by the MPCA does not release the Permittee from or affect any liability which the Permittee may incur as a result of the operation of the Permitted Facility.

C. FUTURE RULES

This 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 or affect the enforcement of these rules, standards, or any orders against the Permittee.

D. PROPERTY RIGHTS

This Permit does not convey a property right or an exclusive privilege.

E. OBLIGATION TO ENFORCE

This Permit does not obligate the MPCA or the Commissioner to enforce laws, rules, or plans.

F. LIABILITY/RESPONSIBILITY

This Permit authorizes the Permittee to perform the activities described in this Permit under the conditions of this Permit. In issuing this Permit, the State and Commissioner assume no responsibility for injury to persons or damage to property or the environment caused by the activities of the Permittee including those activities authorized, directed, or undertaken under this Permit. To the extent the State and Commissioner may be liable for the activities of State employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. § 3.736.

G. DEFENSE UNDER OTHER STATUTES AND RULES

Compliance with the terms of this Permit does not constitute a defense to any action brought under Section 7003 of the Resource Conservation and Recovery Act, Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), the Minnesota Environmental Response and Liability Act of 1983 (Minn. Stat. ch. 115B), Minn. Stat. chs. 116, 400, 473, or any other Minnesota or Federal statutes, rules or regulations, or local ordinances.

H. MINIMUM STANDARDS

This Permit establishes minimum standards for the operation of the permitted Facility. Nothing in this Permit precludes the Permittee from taking additional steps to protect the public health or welfare or the environment so long as these additional steps are not inconsistent with the terms and conditions of this Permit. The Permittee is solely responsible for ensuring that the Permitted Facility adequately safeguards public health and welfare and the environment.

I. DUTY TO COMPLY

The Permittee shall perform the actions and conduct the activity authorized by this Permit in accordance with the plans and specifications approved by the MPCA and in compliance with the conditions of this Permit and applicable local, state, and federal hazardous waste laws, rules, ordinances, and regulations.

J. POLLUTION PREVENTION

In accordance with Part VI.C.3, the Permittee shall certify at least annually that it has a program in place to reduce the volume and toxicity of the waste and pollution to the maximum degree economically practicable, and that the method used to manage the waste and pollution minimizes present and future threats to human health and the environment to the extent practicable. *The program shall consist of a plan which includes the elements stated in Part VI.C.3 of this permit.*

K. FALSE STATEMENTS

The Permittee shall not knowingly make a false or misleading statement, representation, or certification in a record, report, plan or other document submitted to the MPCA or to the Commissioner. The Permittee shall IMMEDIATELY upon discovery report to the Commissioner an error or omission in any such record, report, plan, or other document.

L. DUTY TO PROVIDE INFORMATION

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 or operation of the Facility covered by this Permit, or regarding the conduct and the activity covered by this Permit, in accordance with Minn. Stat. §§ 115.04 and 116.07, subd. 9.

M. INSPECTION AND ENTRY

When authorized by Minn. Stat. §§ 115.04, 115B.17, subd. 4, or 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 examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the Facility covered by this Permit or pertaining to the activity covered by this Permit.

N. DUTY TO MITIGATE

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 promptly take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

O. BANKRUPTCY

1. **Notification of Bankruptcy.** The Permittee shall notify the Commissioner by certified mail of the commencement of a voluntary or involuntary proceeding under United States Code, Title 11, Bankruptcy, naming the Permittee as debtor, WITHIN TEN (10) DAYS after commencement of the proceeding.

2. **Incapacity of Financial Assurance and Liability Coverage.** The Permittee currently meets the requirements regarding Financial Assurance for Closure, Postclosure, and Corrective Action through the use of the financial test and for Liability Coverage through the use of the financial test. The Permittee shall be deemed to be without such required financial assurance or liability coverage at any time that the Permittee is no longer able to satisfy the applicable requirements of the financial test as established in Minn. R. 7045.0504, subp. 7, 7045.0508, subp. 7, 7045.0514, subp. 7, and 7045.0518, subp. 6. If at any time during the term of the Permit, any financial institution or insurer providing such financial assurance or liability coverage is involved in bankruptcy proceedings, the Permittee shall be deemed to be without such required financial assurance or liability coverage. In such event, the Permittee shall have 60 days, upon notifying the MPCA of the bankruptcy proceeding, to obtain other means of financial assurance and liability coverage. Failure to do so shall constitute a violation of this Permit.

P. MODIFICATION, REVOCATION, AND REISSUANCE OF THIS PERMIT

This Permit may be modified, revoked and reissued, or revoked without reissuance for cause, as specified in Minn. R. 7001.0170 to 7001.0190 and Minn. R. 7001.0730.

The filing of a request for a Permit Modification, Revocation and Reissuance, or Revocation without Reissuance, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay or affect the applicability or enforceability of a Permit condition.

Requests for modification of plans or specifications integral to this Permit must be approved by the Commissioner prior to implementing the requested change.

Q. OPERATION DURING REISSUANCE PERIOD

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete Application for reissuance of the Permit at least 180 calendar days before this Permit expires, unless written permission for a later date has been granted by the Commissioner.

R. CONTINUATION OF EXPIRED PERMIT

This Permit will remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely and complete Application for reissuance of the Permit provided that the Commissioner determines, based on available information, that all of the following are true:

1. The Permittee is in compliance with the terms and conditions of the expired Permit;
2. The Permittee continues at all times to work diligently and in good faith to meet the requirements and satisfy the concerns of the Commissioner with respect to the Permit Application; and
3. The Commissioner, through no fault of the Permittee, has not taken final action on the Application before the expiration date of this Permit.

S. TRANSFER OF PERMITS

This Permit is not transferable to any person without the express written approval of the MPCA, and then only after compliance with the requirements of Minn. R. 7001.0190 and 7045.0452, subp. 3. item D. A party to whom this Permit has been transferred shall comply with the terms and conditions of this Permit.

T. SEVERABILITY

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 circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

U. EMERGENCY PERMITS

The Permittee need not comply with the conditions of this Permit to the extent and for the duration that the noncompliance is authorized in an emergency Permit in accordance with Minn. R. 7001.0690.

V. AUTHORIZED SIGNATURES

The Permittee may allow an authorized representative to sign reports submitted in accordance with the requirements of this Permit in accordance with the conditions of Minn. R. 7001.0720, subp. 2, item F.

PART X. REVIEW OF SUBMITTALS AND EXTENSION OF SCHEDULES

A. REVIEW OF SUBMITTALS

The review of each submittal, document, report, or schedule (collectively referred to hereafter as "submittal") which is required to be submitted to the Commissioner for review and approval shall be as follows:

1. The Commissioner shall review each submittal made by the Permittee as required by this Permit. In the event the submittal is approved, it shall become an integral and enforceable part of this Permit. If the submittal is disapproved in whole or part, the Commissioner shall notify the Permittee in writing and shall explain the amendments or revisions that are necessary to bring the submittal into compliance with this Permit.

2. Within 30 calendar days of receipt of any notice of disapproval or modification, or on the first working day thereafter (if said 30th day fell on a Sunday or Holiday) the Permittee shall:

- a. Submit revisions to correct inadequacies that led to disapproval, or,
- b. State in writing the reasons why the submittal, as originally submitted, should be approved.

The Permittee may have longer than 30 days to respond if the longer time period is specified in the Commissioner's review letter referenced in paragraph 1.

3. If, within 30 calendar days from the date of the Permittee submission under paragraph 2, above, the parties have not reconciled all issues with respect to the submittal, the Commissioner shall inform the Permittee of the second disapproval of the submittal and whether in the Commissioner's view, the Permittee may be in violation of the Permit. In such event, the matter may be referred for enforcement action.

4. The Commissioner and the Permittee shall provide the opportunity to consult with each other during the review of submittals or modifications.

B. EXTENSION OF SCHEDULES

All time extensions must be requested by the Permittee in writing. The requests shall specify the reasons why the extension is needed. Extensions shall only be granted for such a period of time as the Commissioner determines is reasonable under the circumstances. A requested extension shall not be effective until approved by the Commissioner. The burden shall be on the Permittee to demonstrate to the satisfaction of the Commissioner that the request for the extension has been submitted in a timely fashion and that good cause exists for granting the extension and that the extension shall have no adverse effect upon human health or the environment.

Extension of compliance schedule dates provided in this Permit may be granted if requests are submitted in a timely fashion and good cause exists for granting the extension, and if the extension would have no adverse effect upon human health or the environment.

PART XI. LAND DISPOSAL REQUIREMENTS

A. GENERAL CONDITIONS

1. The Permittee shall comply with all applicable land disposal restrictions in Minn. R. 7045.1390, which incorporates by reference 40 CFR pt. 268, with the exceptions to incorporation listed in Minn. R. 7045.1390 and 7045.0090. All of the requirements in this Part XI are subject to the exceptions to incorporation listed in Minn. R. 7045.1390 and Minn. R. 7045.0090.

2. A mixture of any restricted waste with any nonrestricted waste is a restricted waste under 40 CFR § 268.1.

3. The Permittee shall not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with the treatment standards in 40 CFR pt. 268, subp. D, to circumvent the effective date of a prohibition in 40 CFR pt. 268, subp. C, to otherwise avoid compliance with a prohibition in 40 CFR pt. 268, subp. C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.

4. The Permittee shall prepare and maintain a current list of the hazardous waste codes for all wastes handled at the Facility that are identified or listed in 40 CFR § 268.20-.39. The list shall include all wastes and waste codes handled at the Facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list shall be provided to the MPCA representative, or its designees, upon request.

B. TESTING AND RELATED REQUIREMENTS

1. The Permittee shall test, in accordance with 40 CFR § 268.7, any waste generated at the Facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.

2. For restricted wastes with treatment standards expressed as concentrations in the waste extract, as specified in 40 CFR § 268.40, the Permittee shall test the treatment residues, or an extract of such residues developed using the test methods described in 40 CFR § 268.40(b) (Method 1311, Toxicity Characteristic Leaching Procedure or TCLP) to assure that the treatment residues or extract meet the applicable treatment standards of 40 CFR § 268.40. Such testing shall be performed pursuant to the requirements of Minn. R. 7045.0458.

3. A restricted waste for which a treatment technology is specified in 40 CFR § 268.42 may be land disposed after it is adequately treated using that specified technology or an equivalent treatment method approved by the EPA under the procedures set forth in 40 CFR § 268.42.

4. For restricted wastes with treatment standards expressed as concentrations in the waste, as specified in 40 CFR § 268.40, the Permittee shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards of 40 CFR § 268.40. Such testing shall be performed as required by 40 CFR § 268.40.

C. STORAGE PROHIBITIONS

1. The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR § 268.50.

2. The Permittee may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:

a. Each container is clearly marked to identify its contents and the date each period of accumulation begins.

b. Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the Facility.

3. The Permittee may store restricted wastes for up to one (1) year unless the MPCA can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

4. The Permittee may store restricted wastes beyond one (1) year provided that the Permittee proves that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

5. The Permittee shall not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm unless the waste is stored in a storage facility that is a commercial storer of PCB waste as defined in 40 CFR § 761.3. This waste must be removed from storage and treated or disposed within one (1) year of the date when such wastes are first put into storage. Part XI.C.4 above, which allows storage for over one (1) year with specified demonstration, does not apply to PCB wastes.

PART XII. AIR EMISSION STANDARD

A. SPROCESS VENTS AND EQUIPMENT LEAKS – NOTIFICATION OF REGULATED ACTIVITY

At the time of Permit drafting, the Permittee does not have any waste management units which are subject to Minn. R. 7045.0549 or 7045.0551. The Permittee shall notify the MPCA of any waste management units, which, in the future, become subject to the requirements of Minn. R. 7045.0549 and 7045.0551, within 30 day of startup of the regulated activity.

B. NOTIFICATION OF REGULATED ACTIVITY

The Permittee shall notify the MPCA of any waste management units, which become subject to the requirements of Minn. R. 7045.0549 and Minn. R. 7045.0551, within 30 days of startup of the regulated activity.

C. CONTAINERS

The Permittee must comply with all applicable requirements of Minn. R. 7045.0540, which incorporates by reference 40 CFR § 264.1080 through 40 CFR § 264.1090, with the exceptions to incorporation listed in Minn. R. 7045.0540, subp. 2 and Minn. R. 7045.0090, regarding air emission standards for containers handling hazardous waste. All containers not exempt from 40 CFR pt. 264, subp. CC shall be managed using Level 1 control or Level 2 control as appropriate. The Permittee shall not conduct any waste stabilization process, as defined in 40 CFR § 265.1081, in containers.

1. **Requirements for Level 1 Containers.** The Permittee must manage hazardous waste with a Volatile Organic (VO) concentration of 500 parts per million and greater by weight (ppmw) in containers with Container Level 1 standards as stipulated under 40 CFR § 264.1086(c). The hazardous waste stored in Level 1 containers must meet the following requirements.

a. Unless all containers are treated as Level 2 containers, they must be stored in a separate area or clearly marked to avoid potential mix up with the Level 2 containers.

b. Containers with a design capacity equal to or greater than 0.46 meter cube (m³) (122 gallons) shall not be used in light material service as defined in 40 CFR § 265.1081.

c. A Level 1 container must:

1) Meet the applicable U.S. Department of Transportation (DOT) regulations as specified in 40 CFR § 264.1086(f),

2) Be equipped with a cover and closure devices with an acceptable tightness and construction materials in accordance with 40 CFR § 264.1086(c)(1)(ii), or

3) Be an open-top container with organic vapor suppressing barrier to prevent hazardous waste from being exposed to the atmosphere as specified in 40 CFR § 264.1086(c)(1)(iii).

Containers, which meet the requirements of Condition C.2.c.2) or 3), must be equipped with covers and enclosures suitable for the physical and chemical characteristics of hazardous waste in containers, maintaining container integrity throughout the life of the container, and the environments under which the containers are placed in the storage facility. Any chemical used for vapor suppression must not generate heat and/or fume and must be compatible with the hazardous waste in the container. Vapor suppression chemicals must act as an acceptable and stable barrier to the hazardous waste, thus preventing releases of VO concentration into the environment. The barrier shall not chemically react to the hazardous waste. [40 CFR § 264.1086(c)(2)]

d. All covers and closure devices must be in closed position whenever hazardous waste is in a container. Opening of a closure device or cover is allowed if it meets the purpose and operates as defined in 40 CFR § 264.1086(c)(3)(i) through (v).

e. The Permittee must inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(c)(4).

2. **Requirements for Level 2 Containers.** Containers with a design capacity greater than 0.46 m³ and in light material service shall be managed and meet the requirements of Container Level 2 standards per 40 CFR § 264.1086(d).

a. **Emission control.** Containers shall meet one of the following:

1) The applicable U.S. Department of Transportation regulations and 40 CFR § 264.1086(f) for the purpose of compliance,

2) Operate with no detectable organic emissions as defined in 40 CFR § 265.1081 and determined in accordance with 40 CFR § 264.1086(g), or

3) Be vapor tight within the preceding 12 months by using 40 CFR pt. 60, Appendix A, Method 27. [40 CFR § 264.1086(d)(1)]

b. Transfer of hazardous waste in or out of a container shall be conducted using an engineered method generally accepted and practiced by the industry, or its equivalent method to minimize the release of organics into the atmosphere. [40 CFR § 264.1086(d)(2)]

c. All covers and closure devices shall be in closed position whenever hazardous waste is in a container. Opening of a closure device or cover is allowed if it meets the purpose and operates as defined in 40 CFR § 264.1086(d)(3)(i) through (v).

d. The Permittee shall inspect the containers and their covers and closure devices in accordance with 40 CFR § 264.1086(d)(4).

3. Containers Exempt From Subpart CC Control Standards

a. Under this permit, the Permittee must demonstrate by direct measurement or approved method that for each container the Permittee claim to be exempt under Subpart CC, the average VO concentration for hazardous waste, determined in accordance with 40 CFR §§ 264.1083(a) and 265.1084(a)(2) and (3), is less than 500 ppmw.

b. For each container, the Permittee must review and update this determination in accordance with 40 CFR § 264.1082(c)(1) at least once every 12 months following the date of the initial determination. For each container, the Permittee must prepare and maintain the records described in 40 CFR § 264.1089(f). These records must be maintained as part of the operating record.

4. Recordkeeping and Reporting Requirements. The Permittee shall comply with all applicable record keeping and reporting requirements described in 40 CFR § 264.1089 and § 264.1090.

APPENDICES

APPENDIX I – FACILITY MAP

