

PUBLIC NOTICE

The Minnesota Pollution Control Agency (MPCA) invites public comments on a proposed Resource Conservation and Recovery Act (RCRA) permit reissuance to Flint Hills Resources Pine Bend L.L.C. for a hazardous waste land treatment facility located at 12555 Clark Road in Rosemount, Minnesota.

The public comment period runs from August 2, 2012, through September 17, 2012.

A Resource Conservation and Recovery Act (RCRA) permit for the hazardous waste storage facility was first issued to Flint Hills Resources Pine Bend L.L.C. on July 29, 1988. The RCRA permit was reissued on September 29, 1994, and the existing RCRA permit was reissued on October 30, 2007.

The RCRA permit authorizes and requires Flint Hills Resources Pine Bend L.L.C., the permittee, to conduct closure activities at the Former Land Treatment Unit at the facility. In addition, the permittee shall be required to perform postclosure care activities at three other portions of the facility, as well as corrective action at its solid waste management units.

The MPCA commissioner has made the preliminary determination that the permit should be reissued. A copy of the draft permit, fact sheet, and Statement of Basis will be mailed to any interested person if a request is made by writing to the MPCA or by calling Sandra Johnson of the MPCA at 651-757-2469 or TDD 651-282-5352. The draft permit and related documents are also available for review on the MPCA website at <http://www.pca.state.mn.us/news>.

The State of Minnesota is fully authorized to administer its hazardous waste program (in lieu of the federal hazardous waste management program).

The draft RCRA permit and application are available for public inspection and photocopying from 8:00 a.m. to 4:30 p.m. weekdays at the MPCA's St. Paul office, 520 Lafayette Road North. A copy of the draft permit and fact sheet will be mailed to any interested person if a request is made in writing to the MPCA, or by calling Sandra Johnson at 651-757-2469 or 800-657-3864. For additional information or to submit comments on the draft permit, write to:

Sandra Johnson
Minnesota Pollution Control Agency
Industrial Division, 5th Floor
520 Lafayette Road North
St Paul, MN 55155-4194

Fax 651-296-8717; email Sandra.m.johnson@state.mn.us.

Interested persons may provide comments about the draft permit to the MPCA through September 17, 2012, at the above address. Interested persons may also request a public meeting or a contested case hearing in accordance with Minn. R. 7001.0110, 7001.0130 and 7001.0670. Under these rules, written comments must include (1) a statement of the person's interest in the permit reissuance; (2) a statement of the action the person wishes the MPCA to take, including specific references to sections of the draft permit reissuance that the person believes should be changed; and (3) the reasons supporting the person's position, stated with sufficient specificity to allow the MPCA to investigate the merits of those positions.

After the close of the public notice period, all comments and requests for all public informational meetings or contested case hearings will be reviewed. A final determination about reissuance of the RCRA permit will be made at that time. A formal response to these comments will be prepared in accordance with MPCA rules. Notification of the permit decision will be provided to each person who submitted written or oral comments or requested a notice of decision.



Minnesota
Pollution
Control
Agency

Proposed RCRA Permit Reissuance for Flint Hills Resources Pine Bend L.L.C.

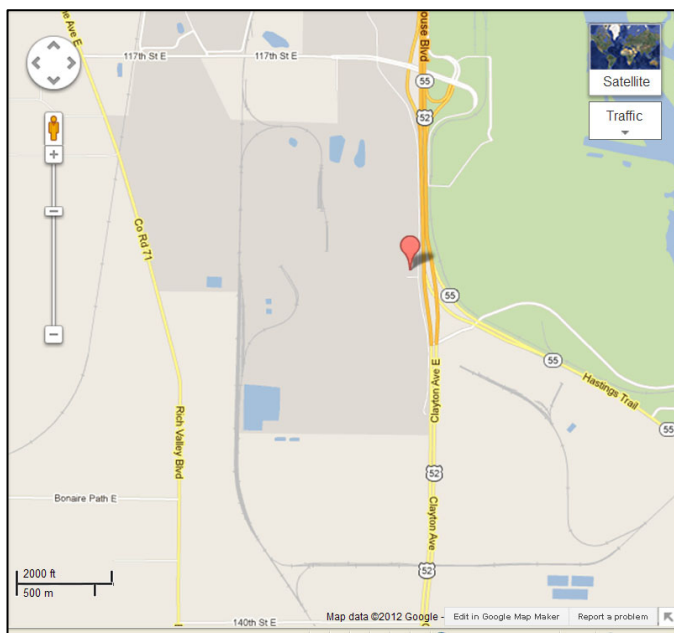
Geographic fact sheet 55-03 • August 2012

The Minnesota Pollution Control Agency (MPCA) has drafted a Resource Conservation and Recovery Act (RCRA) permit for Flint Hills Resources Pine Bend L.L.C.'s hazardous waste former land treatment unit. As the owner and operator, Flint Hills Resources Pine Bend L.L.C. is considered the permittee. A permittee is one or more entities that enter into an agreement with a regulatory agency to conduct or perform a specific activity.

The MPCA has determined that Flint Hills Resources Pine Bend L.L.C. is currently in compliance with applicable state and federal hazardous waste rules and recommends that the RCRA permit be reissued. This draft permit has been placed on public notice from August 2, 2012, through September 17, 2012.

The facility

Flint Hills Resources Pine Bend L.L.C. hazardous waste land treatment facility is located at 12555 Clark Road in Rosemount, Minnesota. The facility has been conducting closure activities at its land treatment unit since 1990. These activities consist of maintaining soil conditions favorable for biodegradation of petroleum compounds, soil monitoring, groundwater monitoring, and controlling stormwater runoff. The facility is also conducting postclosure care maintenance at three other former hazardous waste units, and corrective action at numerous solid waste management units. Under state and federal regulations, these activities require a hazardous waste permit.



The permit

The RCRA permit was originally issued July 29, 1988. It was reissued September 29, 1994, and October 30, 2007.

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The permit covers these areas of the facility's operations:

- operating conditions for proper soil treatment and waste biodegradation;
- facility inspections;
- site security;
- personnel training;
- emergency prevention and response procedures;
- reporting and record keeping;
- closure, postclosure, and corrective action requirements; and
- financial assurance and liability coverage.

The permit process and public participation

Minnesota facilities whose activities have the potential to affect the environment must obtain MPCA permits for those activities. Permit conditions require operation and maintenance of the facility in a manner protective of human health and the environment.

The MPCA is authorized by the U.S. Environmental Protection Agency (EPA) to administer its hazardous waste management program (in lieu of the federal hazardous waste management program).

Facilities must meet the terms and conditions of their permits. To ensure facility compliance, the MPCA and the EPA regularly inspect facilities and take appropriate action if a facility is found violating its permit.

Before permits are issued, modified or reissued, the MPCA places a draft permit on public notice and seeks comments from interested citizens. Under MPCA rules, a written comment must include (1) a statement of the writer's interest in the proposed permit; (2) a statement of the action the MPCA is requested to take, including specific references to the draft permit language to be changed; and (3) the reasons supporting the writer's position, stated as specifically as possible.

Interested parties may also make a request for the MPCA to hold a public informational meeting or a contested case hearing, which is a formal hearing before an administrative law judge. These requests go before the MPCA's Citizens' Board. The board may approve the request for a meeting or hearing if:

- the person making the request raises an important question regarding the facts in the case;
- it is determined that the MPCA has the authority to make decisions based on the facts; and
- the facts in question are such that a contested case hearing or informational meeting would help the MPCA make its decision on the permit.

After the public comment period, all comments and requests for a public informational meeting or a contested case hearing are evaluated. If a meeting or hearing request is denied, the MPCA decides whether to reissue the permit. However, if a meeting or hearing is held, the permit decision is made after the meeting or hearing. In either case, each person submitting written comments receives a formal response summary of the MPCA's final permit decision.

For more information or to comment

A copy of the draft permit and public notice are available for review on the MPCA website at www.pca.state.mn.us/news. Also, this website may be accessed at the Dakota County Public Library, 14395 South Robert Trail, Rosemount, Minnesota.

The draft RCRA permit and application are available for public inspection and photocopying from 8:00 a.m. to 4:30 p.m. weekdays at the MPCA's St. Paul office, 520 Lafayette Road North. A copy of the draft permit and fact sheet will be mailed to any interested person if a request is made by calling Sandra Johnson at 651-757-2469 or 800-657-3864

Citizens may also contact Flint Hills Resources Pine Bend L.L.C. directly by calling Michael Falk at 651-437-0934.