

State Disposal System (SDS) Permit GCB000000
General Permit Authorization to Dispose of Uncontaminated Concrete

Permittee (Owner): Various
City or Township: Various **County:** Various
Notice of coverage issuance date: February 14, 2019
Notice of coverage expiration date: February 14, 2024

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee named above seeking coverage under this general permit to bury 5000 yd³ uncontaminated concrete in accordance with the requirements of this permit.

This permit is a General Permit issued pursuant to Minn. R. 7001.0210 governing the disposal of uncontaminated concrete as defined herein. As provided in Minn. R. 7001.0210, subp. 6, the Minnesota Pollution Control Agency (MPCA) reserves the right to issue an individual permit under Minn. R. 7001.3050 for disposal of uncontaminated concrete where the disposal would be more appropriately regulated by an individual permit.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: **Steven Giddings**

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Steven D. Giddings, Manager
Solid Waste Section
Resource Management & Assistance Division

Notice of coverage termination:
Submit via the MPCA Online eServices Portal at
<https://rsp.pca.state.mn.us/>

Questions on this permit? [MPCA Regional Compliance Staff](#)

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1. Permit requirements

GCB01	General Concrete Burial
3.1.1	Definitions.
3.1.2	For the purposes of this permit, the terms in this part have the meanings given them. [Minn. R. 7001.0150]
3.1.3	"Adequately characterized" means that the owner(s) has/have conducted a visual inspection of the concrete proposed for disposal and has/have taken appropriate samples (as directed by an accredited laboratory) of any areas that have visible contamination (i.e. staining) or areas where the owner(s) is/are aware that the concrete has been in contact with petroleum products or hazardous substances. If the owner(s) has/have reason to believe that the concrete was in contact with any hazardous substance or petroleum product, the concrete must be analyzed by an accredited laboratory. [Minn. R. 7001.0150]
3.1.4	"Commissioner" means the commissioner of the MPCA or delegated staff. [Minn. R. 7001.0150]
3.1.5	"Concrete" means concrete, concrete block, concrete slabs, concrete forms, including metal and other materials embedded in the concrete, that has been used in architectural applications (such as slabs, foundations, walls) and engineering applications (such as pipes, culverts, vessels and basins, and tower supports). Concrete does not include concrete washout or excess concrete that requires disposal at the time of construction. [Minn. R. 7001.0150]
3.1.6	"County Solid Waste Official" means the county employee(s) responsible for oversight of solid waste management within the county in which the site is located. This is usually the Solid Waste Administrator/official. [Minn. R. 7001.0150]
3.1.7	"Floodplain" means any land that is subject to a one percent or greater chance of flooding in any given year from any source. [Minn. R. 7001.0150]
3.1.8	"Owner(s)" means the person or persons who hold fee title to the property where the concrete is located and will be disposed under this permit. [Minn. R. 7001.0150]
3.1.9	"Permittee(s)" means the owner(s) who has obtained coverage under this permit. [Minn. R. 7001.0150]
3.1.10	"Shoreland" means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Department of Natural Resources Commissioner. [Minn. R. 7001.0150]
3.1.11	"Site" means the location where the concrete originated and where disposal is to occur and structures within its immediate vicinity. [Minn. R. 7001.0150]
3.1.12	"Structure" includes buildings as described in Minn. R. 7035.0805 subp. 2, item B; and also towers, vessels and basins, and pipes. [Minn. R. 7001.0150]
3.1.13	"Uncontaminated concrete" means adequately characterized concrete and rebar contained within that does not contain, or have on it, any material that may potentially be harmful to human health and the environment including any form of hazardous waste or petroleum products, or asbestos-containing material (mastic). Concrete coated with lead-based paint does not meet the definition of "uncontaminated concrete", but concrete that has been coated with a non-toxic paint does meet the definition of "uncontaminated concrete." [Minn. R. 7001.0150]
3.1.14	"Wetland" means a surface water feature classified as a wetland in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979, which is incorporated by reference. The publication is not subject to frequent change. [Minn. R. 7001.0150]
3.1.15	"Wild and Scenic River Land Use District" means areas that are located within the Kettle River, Mississippi River, North Fork of the Crow River, Minnesota River, Rum River, Cannon River, and Saint Croix River. The Permittee(s) must verify boundaries of wild and scenic river districts with the local zoning authority or the Minnesota Department of Natural Resources to determine if the disposal location is located within a wild and scenic river land use district. [Minn. R. 7001.0150]

3.1.16	Permitted Management of Concrete.
3.1.17	Persons who have obtained coverage under this permit must comply with the following conditions in accordance with the certifications made on the Disposal of Uncontaminated Concrete: General Permit Form. [Minn. R. 7001.0150]
3.1.18	The Permittee(s) shall not dispose of more than 5,000 cubic yards of concrete on the Site. [Minn. R. 7001.0150]
3.1.19	The Permittee(s) shall not dispose of any concrete on the Site that did not originate on the Site when it became a solid waste. [Minn. R. 7001.0150, Minn. R. 7035.2555]
3.1.20	The Permittee(s) shall not dispose of concrete on the Site if the Site is located within an area identified in Minn. R. 7035.2555 (floodplain, shoreland, wild and scenic river land use district, or a wetland). [Minn. R. 7001.0150]
3.1.21	The Permittee(s) shall dispose of uncontaminated concrete in compliance with the terms of this General Permit for no more than 12 months or upon until the expiration date of this permit, whichever comes first. [Minn. R. 7001.0150]
3.1.22	The Permittee(s) shall pay to the Minnesota Department of Revenue a tax on the concrete disposed of in accordance with Minn. Stat. § 297H.04, subd. 2. [Minn. R. 7001.0150]
3.1.23	The Permittee(s) shall not dispose of any concrete that has not been adequately characterized. [Minn. R. 7001.0150]
3.1.24	The Permittee(s) shall not dispose of any concrete that does not meet the definition of uncontaminated concrete. [Minn. R. 7001.0150]
3.1.25	Before placing the final cover, the Permittee(s) shall break, crack, or perforate uncontaminated concrete to ensure adequate water drainage through the disposal area before covering the area. [Minn. R. 7001.0150]
3.1.26	Within 30 days following the placement in the Site, the Permittee(s) shall cover the uncontaminated concrete with a minimum of twenty-four inches of a soil with the top 12 inches of soil suitable for sustaining vegetative growth. The Site must be properly seeded and protected with mulch or temporary cover to establish adequate vegetation. The Permittee(s) must slope the disposal area to an inclination of between two (2) to 20 percent to provide surface water diversion and erosion control. [Minn. R. 7001.0150]
3.1.27	Within 90 days after final cover is placed, the Permittee(s) shall complete and record an affidavit in the form attached hereto with the county recorder or registrar of titles of the county in which the site is located containing a legal description of the property, the GPS coordinates of the uncontaminated concrete disposed of, and a map drawn from available information showing the boundary of the property and the location of uncontaminated concrete on the property containing the site. The Permittee(s) shall provide a copy of the recorded affidavit to the Solid Waste Official and the MPCA. [Minn. R. 7001.0150]
3.1.28	Within 30 days of recording the affidavit with the county, the Permittee(s) shall request the notice of coverage under the General Concrete Burial permit be terminated. The notice of termination request shall be submitted via the MPCA's E-services available at www.pca.state.mn.us . [Minn. R. 7001.0150]
3.1.29	This permit does not release the permittee(s) from any duty to comply with requirements established by local zoning authorities regarding disposal of the uncontaminated concrete. This permit does not supersede local ordinance prohibiting disposal of uncontaminated concrete as allowed under this permit. [Minn. R. 7001.0150]
3.1.30	General Conditions.
3.1.31	The Agency's issuance of a permit does not release the Permittee(s) from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances including, but not limited to those promulgated pursuant to Minn. Stat. chs. 115, 116, 400, and 473, except the obligation to obtain the permit. [Minn. R. 7001.0150, subp. 3]
3.1.32	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(s). [Minn. R. 7001.0150, subp. 3]
3.1.33	The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3]
3.1.34	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. [Minn. R. 7001.0150, subp. 3]

3.1.35	The Permittee(s) 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. [Minn. R. 7001.0150, subp. 3]
3.1.36	The Permittee(s) 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(s) 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. [Minn. R. 7001.0150, subp. 3]
3.1.37	The Permittee(s) 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(s) shall immediately upon discovery report to the commissioner an error or omission in these records, reports, plans, or other documents. [Minn. R. 7001.0150, subp. 3]
3.1.38	The Permittee(s) 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 site covered by the permit or regarding the conduct of the activity covered by the permit. [Minn. R. 7001.0150, subp. 3]
3.1.39	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(s) to enter at reasonable times upon the property or designated nearby office of the Permittee(s) to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the permitted site 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 site covered by the permit or pertaining to the activity covered by the permit. [Minn. Stat. 115.04, subp. 3]
3.1.40	If the Permittee(s) discovers, through any means, including notification by the MPCA, that noncompliance with a condition of the permit has occurred, the Permittee(s) shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. [Minn. R. 7001.0150, subp. 3]
3.1.41	If the Permittee(s) 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(s) shall, upon discovery of the noncompliance, notify the Minnesota Duty Officer immediately. Within five days of the discovery of the noncompliance the Permittee(s) 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. [Minn. R. 7001.0150, subp. 3]
3.1.42	The Permittee(s) shall report noncompliance with the permit not previously reported as a part of the next report, which the Permittee(s) is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the Permittee(s) shall submit the information listed in within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, subp. 3]
3.1.43	The Permittee(s) shall give advance notice to the commissioner as soon as possible of planned physical alterations or additions to the permitted site or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit. [Minn. R. 7001.0150, subp. 3]
3.1.44	The permit is not transferable to any person without the express written approval of the MPCA after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. [Minn. R. 7001.0190]

3.1.45	The permit authorizes the Permittee(s) 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(s) 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 473.736. [Minn. Stat. 473.736]
3.1.46	The commissioner may commence proceedings to modify or revoke this permit during its terms if cause exists under Minn. R. 7001.0170 to 7001.0180. [Minn. R. 7001.0170, Minn. R. 7001.0180]
3.1.47	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. [Minn. R. 7001.0150]
3.1.48	The Permittee(s) 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. [Minn. R. 7001.0150]

2. Waste capacity table

Waste activity	ID	Status	Permitted area	Permitted area units	Permitted capacity	Permitted capacity (Units)	Design capacity	Design capacity (Units)
Demolition Debris Land Disposal	GCB01	Proposed	Varies	Varies	Up to 5000	yd3	Up to 5000	yd3

3. Submittal/Action requirements

GCB01	General Concrete Burial
5.1.1	The Permittee(s) shall submit: Due 30 calendar days after Permit Expiration Date a Notice of Termination request via the MPCA's E-services. [Minn. R. 7001.0150]

(Top 3 inches reserved for County Recorder stamp)

AFFIDAVIT REGARDING DISPOSAL OF UNCONTAMINATED CONCRETE

Pursuant to Minnesota Pollution Control Agency
General Permit for Disposal of Uncontaminated Concrete
Permit No. _____

State of Minnesota, County of _____

_____ (“Affiant”),

(insert name of Affiant)

being first duly sworn on oath, say(s) that:

1. I am:

an owner of the Property described below.

(choose one)

the _____

of _____

a _____ under the laws of _____

which is an owner of the Property described below.

2. The land situated in _____ County, Minnesota and legally described as follows (the “Property”), has been used for disposal of uncontaminated concrete pursuant to a Minnesota Pollution Control Agency General Permit for Disposal of Uncontaminated Concrete:

Check here if all or part of the described real property is Registered (Torrens)

3. _____ cubic yards of uncontaminated concrete has been buried on the Property. The boundaries of the Property and the specific location of the uncontaminated concrete buried on the Property are depicted on the attached Exhibit. The GPS coordinates of the uncontaminated concrete are: _____.

Optional

4. The buried uncontaminated concrete is located completely within a limited portion of the Property. This Affidavit is specifically limited to such portion, which is legally described as follows:

AFFIANT

(signature)

Signed and sworn to before me on _____, by _____
(month/day/year)

(insert name of person making statement)

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

EXHIBIT

Map depicting the boundary of the Property and the location of buried uncontaminated concrete