Hazardous Waste Disposal Facility Permit
EPA ID#MND041775008

Facility name: Gerdau Ameristeel US Inc. Saint Paul Mill
1678 Red Rock Rd
Saint Paul, MN 55119
Ramsey County

Issuance date: [month day, year]
Modification date: [if applicable month day, year]
Expiration date: [five years from issuance date (month day, year)]

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 Disposal Facility Permit (Permit) is hereby issued to the Permittee(s) listed on the following page for a facility located at 1678 Red Rock Rd in Saint Paul, MN, Ramsey County, Minnesota (the Facility).

This Permit comprises the Resource Conservation and Recovery Act (RCRA) Permit which has been prepared based upon the information provided by the Permittee’s most recent Permit Application (Part A and Part B) including revisions received through May 13, 2019. The Permit Application is referenced throughout this Permit and as such, is an integral and enforceable part of this Permit. This Permit shall become effective on the date of issuance by the Minnesota Pollution Control Agency (MPCA) Commissioner or MPCA personnel who have been delegated explicit authority by the Commissioner. The original Permit was issued on September 29, 1987. The Permittee must at all times conduct their 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 is effective on the issuance date identified above and supersedes the previous permit that was issued for this facility. This Permit is effective until five years from date of issuance or until terminated, revoked, or modified by the MPCA, whichever comes first, and it expires at midnight on the expiration date identified above.

Signature: [Type e-Signature] for the Minnesota Pollution Control Agency

Steven D. Giddings
Manager
Solid Waste Section
Resource Management & Assistance Division
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1. List of Permittees

Permittee – owner and operator:
Gerdau Ameristeel US Inc
1678 Red Rock Rd
Saint Paul, Minnesota 55119-6013

Gerdau Ameristeel US Inc is the owner and operator; and hence referred to as the Permittee hereafter. The Permittee shall be jointly and severally liable for compliance with the terms and conditions of this Permit.

2. Facility description

The Gerdau Ameristeel US Inc Saint Paul Mill (Facility) is located at 1678 Red Rock Rd in Saint Paul, MN, Ramsey County, Minnesota. The Facility is at latitude 44°53’12.2” North, longitude 93°00’52.0” West, Township 28N, Range 22W, and Section 23.

Gerdau Ameristeel US Inc. (Permittee) is the owner and operator of the 75 acre steel production Facility located in the Red Rock Industrial Park, at 1678 Red Rock Road, Saint Paul, Minnesota (Facility) which includes the Hazardous Waste Land Disposal Facility. The Facility is delineated in Part 3 of this Permit. The facility melts scrap steel in one (1) 90-ton heat size Electric Arc Furnace (EAF) and produces rolled steel in rod shapes. Shredded automobiles and other used steel are the primary scrap feed for the EAF. After removal of recyclable materials such as batteries, the automobile bodies are shredded and the steel portion is magnetically separated. The scrap steel is melted in the EAF and new steel is produced. The molten steel is cast into billets, which are rolled into the finished steel shapes. The shredder capacity is up to 2,000 tons of frag (processed auto scrap) per day. The maximum steel mill capacity is approximately 700,000 tons of billet steel per year. The scrap melting process produces particulate matter (referred to as EAF flue dust), which is removed by air pollution control equipment (a baghouse filter system). Particulate matter is pneumatically transported from the furnaces in a closed system to the baghouse that contains bag filters for collecting the particulate.

The filter cake, which collects on the filter bags, is removed periodically by means of a "reverse air" cleaning cycle. The particulate matter (EAF flue dust) drops down into the dust hopper. Enclosed screw conveyers transport the dust from the enclosed hoppers to a pneumatic conveying system, which transports the dust into a large enclosed dust storage silo. Dust is loaded from the storage silo through a rubber hose spout into railroad cars or trucks for delivery to a recycling facility. The flue dust is currently being sent to recycling facilities in either Illinois or Monterrey, Mexico that recycle the metals from the dust. In the past, flue dust was stored in piles at the Facility.

The EAF flue dust generated by the Permittee is a listed hazardous waste, K061. It is listed because EAF flue dust typically contains chromium, lead, and cadmium.

The regulated unit at the Facility is a hazardous waste land disposal facility that has been permanently closed as a land disposal facility (Flue Dust Landfill). It contains EAF flue dust with some slag, tires, flue dust contaminated wetland sediment, and plastic sheeting. It is located near the south end of North Star Lake, north of the auto storage area. The volume of the waste pile is approximately 34,000 cubic yards. In order to prevent releases of hazardous constituents to the environment, the waste is covered with a protective cap which includes a low permeability layer (two feet of compact clay) which is covered with 42 inches of sand and an erosion resistant top layer of fourteen (14) to eighteen (18) inches of crushed slag (a dense rock-like by-product of the melting process). A system for groundwater monitoring is in place to detect any releases of hazardous constituents to the groundwater from the waste pile.
The Permittee is currently conducting a corrective action program at the Flue Dust Landfill in accordance with Minn. R. 7045.0484, subp. 14. As a result of mercury concentrations in the groundwater at the Flue Dust Landfill above the groundwater protection standards established in the Permit, an active groundwater pump and treatment system was installed downgradient of the Flue Dust Landfill to prevent impacts to North Star Lake and to prevent migration of contamination off site. Monitoring wells have been installed downgradient of the groundwater removal system to demonstrate the effectiveness of the corrective action program. Monitoring and maintenance of the Flue Dust Landfill shall be conducted in compliance with the conditions of the Permit.

Under Minn. R. 7045.0485, facilities operating under or applying for a hazardous waste facility permit must undertake corrective action for any releases of hazardous wastes or hazardous constituents from Solid Waste Management Units (SWMUs) (including regulated units) at the Facility. Partial corrective action has been implemented at the Flue Dust Landfill and at various SWMUs as described in Part 5.1.19 to 5.1.157 of this Permit. Any work plans, design drawings, construction specifications, and project schedule for corrective actions shall be developed in accordance with this Permit and applicable guidance.

Hazardous waste is generated On-site; hence the Facility is considered an On-site Facility. This Permit authorizes and requires the Permittee to conduct the following hazardous waste management activities:

**Operating status**
- Conduct Postclosure Care and Corrective Action at a Closed Land Disposal Unit
- Perform Corrective Action at Six Solid Waste Management Units
3. Facility layout

Specific operating, emergency, record keeping, reporting, and general conditions apply to the permitted regulated units. However, for the purposes of corrective action, the Facility includes all property owned or used by the Permittee.

Figure 2
SITE LAYOUT
Gerdau
St. Paul, Minnesota
### 4. Summary of Subject Items

<table>
<thead>
<tr>
<th>Component ID</th>
<th>Description</th>
<th>Process</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>AREA11</td>
<td>Flue Dust Landfill</td>
<td>Closed land disposal</td>
<td>Postclosure Care</td>
</tr>
<tr>
<td>AREA02</td>
<td>SWMU 1 – Former Surface Impoundment</td>
<td>RCRA Remediation</td>
<td>Corrective Action</td>
</tr>
<tr>
<td>AREA03</td>
<td>SWMU 2 – Former Flue Dust Waste Pile</td>
<td>RCRA Remediation</td>
<td>Corrective Action</td>
</tr>
<tr>
<td>AREA04</td>
<td>SWMU 3 – Container Storage Area</td>
<td>RCRA Remediation</td>
<td>Corrective Action</td>
</tr>
<tr>
<td>AREA05</td>
<td>SWMU 4 – Automobile Shredder</td>
<td>RCRA Remediation</td>
<td>Corrective Action</td>
</tr>
<tr>
<td>AREA06</td>
<td>SWMU 5 – Automobile Storage Area</td>
<td>RCRA Remediation</td>
<td>Corrective Action</td>
</tr>
<tr>
<td>AREA07</td>
<td>SWMU 6 – Bag House Area</td>
<td>RCRA Remediation</td>
<td>Corrective Action</td>
</tr>
<tr>
<td>AREA08</td>
<td>Flue Dust Landfill</td>
<td>RCRA Remediation</td>
<td>Corrective Action</td>
</tr>
</tbody>
</table>
5. Limits and other requirements

Specific hazardous wastes authorized to be managed

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

<table>
<thead>
<tr>
<th>Hazardous waste code</th>
<th>Hazardous waste description</th>
</tr>
</thead>
<tbody>
<tr>
<td>K061</td>
<td>Emission control dust/sludge from the primary production of steel in electric furnaces.</td>
</tr>
</tbody>
</table>

The following permit requirements apply to the Facility:

5.1.1 OPERATING CONDITIONS.

5.1.2 OPERATION AND MAINTENANCE.

The Permittee shall at all times properly operate and maintain the Facility, including all hazardous waste management units and all appurtenances related to the disposal 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. [Minn. R. 7045]

5.1.3 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. [Minn. R. 7045]

5.1.4 The Permittee shall design, construct, maintain, and operate the Facility to minimize the possibility of fire, explosion, or other event that might allow the release to the air, land, or water of hazardous waste or hazardous waste constituents which could threaten human health or the environment. [Minn. R. 7045.0462, subp. 2]

5.1.5 MONITORING.

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

- Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity;
- 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 EPA publication Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, or an equivalent method approved by the MPCA. [Minn. R. 7045.0484]

5.1.6 RECEIPT OF UNAUTHORIZED WASTE.

In the event the Permittee receives a shipment of hazardous wastes that the Permittee is not authorized to manage 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. [Minn. R. 7045.0452]

5.1.7 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 the Permit Application. [Minn. R. 7045.0454]

5.1.8 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 the Permit Application, Minn. R. 7045.0452, subp. 5, and 7045.0538, subp. 5 shall be followed. [Minn. R. 7045.0452]

5.1.9 LIGHTING.

The Permittee shall provide adequate lighting for the Facility to ensure safety and proper operation. [Minn. R. 7045.0452]
5.1.18 FINANCIAL ASSURANCE FOR POSTCLOSURE CARE AND CORRECTIVE ACTION.

The Permittee shall provide financial assurance using the financial test and a corporate guarantee provided by Gerdau Ameristeel Corporation, the Permittee's parent corporation, in the amount of the cost estimated for postclosure care of the Facility in accordance with the financial assurance requirements of Minn. R. 7045.0508, subp. 7. The Permittee shall continue to maintain the financial test and corporate guarantee until and unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0508. [Minn. R. 7045.0508]

5.1.19 FINANCIAL ASSURANCE FOR CORRECTIVE ACTION.

The Permittee shall provide financial assurance using the financial test and a corporate guarantee provided by Gerdau Ameristeel Corporation, the Permittee's parent corporation, in the amount of the cost estimated for corrective action at the Facility in accordance with the financial assurance requirements of Minn. R. 7045.0514. The Permittee shall continue to maintain the financial test and corporate guarantee until and unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0514. [Minn. R. 7045.0514]

5.1.20 POSTCLOSURE COST ESTIMATE.

The Permittee's postclosure cost estimate is set forth in the Postclosure and Groundwater Protection Plan.

- The Permittee shall adjust the postclosure cost estimate for inflation within 30 days after the close of the Permittee's fiscal year and before the submission of updated information to the Commissioner as specified in Minn. R. 7045.0508, subp. 7.

- The Permittee shall also revise the postclosure cost estimate within 30 days after the Commissioner has approved any modification to the Postclosure and Groundwater Protection Plan whenever a change in the Postclosure and Groundwater Protection Plan increases the cost of postclosure care.

- The Permittee must submit an updated cost estimate to the Commissioner annually, as required by Minn. R. 7045.0482, subp. 2. The Permittee shall also keep a copy of the latest postclosure cost estimate at the Facility. [Minn. R. 7045.0506]

5.1.21 CORRECTIVE ACTION COST ESTIMATE.


- The Permittee must adjust annually the corrective action cost estimate within 30 days after the end of the Permittee’s fiscal year.

- The Permittee must also revise the corrective action cost estimate whenever a change in the corrective action plan increases the cost of corrective action.

- The Permittee must submit an updated cost estimate to the Commissioner annually, as required by Minn. R. 7045.0482, subp. 2. The Permittee shall also keep a copy of the latest corrective action cost estimate at the Facility. [Minn. R. 7045.0512]

5.1.22 LIABILITY COVERAGE.

The Permittee is not required to demonstrate liability coverage for the Facility because the Facility has been certified as closed. [Minn. R. 7045.0518, subp. 5]

5.1.23 SPECIAL CONDITIONS.

5.1.24 CORRECTIVE ACTION.

Regulated Unit (Flue Dust Landfill). The Permittee has determined that the groundwater protection standard for mercury has been exceeded at the point of compliance. Therefore, in accordance with Minn. R. 7045.0484, subp. 13, item H, the Permittee has implemented corrective action at the Flue Dust Landfill. Corrective action at the Flue Dust Landfill consists of a groundwater pump-and-treatment system, monitoring, and institutional controls as discussed in Parts 5.1.119 to 5.1.157 of this Permit.

The Permittee has implemented a corrective action program to restore hazardous constituents to concentrations at or below the groundwater protection standard at or beyond the compliance point in accordance with the approved April 2001 Corrective Measures Study (CMS) and the Pilot and Full-Scale Corrective Measures Implementation (CMI) Work Plans submitted to and approved by the Commissioner.

Corrective action measures may be terminated subject to approval by the Commissioner once the concentration of hazardous constituents is reduced to levels below their respective concentration limits contained in Part 5.1.236 and 5.1.237 of this Permit, at the compliance point and areas downgradient of the compliance point including areas beyond the Facility property line.

The Permittee shall continue corrective action measures during the postclosure care period to the extent necessary to ensure that the groundwater protection standard is not exceeded at any monitoring well.

If the Permittee is conducting corrective action at the end of the postclosure period, the Permittee shall continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard at each monitoring well.
The Permittee may terminate corrective action measures taken, beyond the postclosure period for the regulated unit, if the Permittee can demonstrate, based on data from the groundwater monitoring program under Part 5.1.233 to 5.1.264 of this Permit that the groundwater protection standard has not been exceeded for a period of five (5) consecutive years at any monitoring well.

The Permittee shall report, on a frequency as specified in the Postclosure Groundwater Protection Plan, in writing to the Commissioner on the effectiveness of the corrective action program.

If the Permittee or the Commissioner determines that the corrective action program no longer satisfies the requirements of the Permit, the Permittee shall, with 90 days, submit an application for a Permit modification to make appropriate changes to the program.

If the selected remedy (i.e. pump and treat) is ineffective, the Permittee shall evaluate other remedies, including control of the source of mercury being released into the groundwater in the vicinity of the Flue Dust Landfill, namely the flue dust or potentially contaminated material underlying the Flue Dust Landfill. [Minn. R. 7045.0484]

5.1.28 **Solid Waste Management Units.** The Permittee shall implement corrective action at the Facility for SWMUs in accordance with Part 5.1.119 to 5.1.157 of this Permit. [Minn. R. 7045.0485]

5.1.29 **Contaminated Sediment in North Star Lake.** The Permittee has completed an investigation of the contaminated sediment in North Star Lake to fully determine the extent of contamination in the sediment. The Permittee has submitted and the MPCA has approved a Corrective Measures Study (CMS). The CMS developed and evaluated corrective action alternatives to remedy the contaminated sediment, and recommends a corrective measure to be taken. The CMI Work Plan was implemented and completed in accordance with the schedule in the approved CMI Work Plan. No further work is necessary at this time. [Minn. R. 7045.0485]

5.1.30 **EMERGENCY PROCEDURES.**

5.1.31 **IMPLEMENTATION OF CONTINGENCY PLAN.**

The Permittee shall have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, land, or water. [Minn. R. 7045.0466, subp. 2]

5.1.32 The contingency plan must contain all applicable items listed in Minn. R. 7045.0466, subp. 4. [Minn. R. 7045.0466, subp. 4]

5.1.33 The Permittee must ensure that the provisions of the contingency plan, set forth in 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. [Minn. R. 7045.0466, subp. 3]

5.1.34 **AMENDMENT OF CONTINGENCY PLAN.**

5.1.35 The Permittee shall amend the contingency plan whenever this Permit is revised. [Minn. R. 7045.0466, subp. 6(A)]

5.1.36 The Permittee shall amend the contingency plan whenever said plan fails in an emergency. [Minn. R. 7045.0466, subp. 6(B)]

5.1.37 The Permittee shall amend the contingency plan whenever 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. [Minn. R. 7045.0466, subp. 6(C)]

5.1.38 The Permittee shall amend the contingency plan whenever the designated emergency coordinator changes. [Minn. R. 7045.0466, subp. 6(D)]

5.1.39 The Permittee shall amend the contingency plan whenever the list of emergency equipment changes. [Minn. R. 7045.0466, subp. 6(E)]

5.1.40 The Permittee shall maintain a copy of its contingency plan at the Facility at all times. [Minn. R. 7045.0466, subp. 5(A)]

5.1.41 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. The Permittee shall continue to document that they have provided the Facility’s Contingency Plan to the St. Paul Police Department – Emergency Management, the St. Paul Fire Department, and Woodwinds and Regions Hospitals. The supplied Contingency Plan provides the responders with the information required by Parts 5.1.43 to 5.1.46. [Minn. R. 7045.0466, subp. 5(B)]

5.1.42 The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations, to familiarize the police, fire departments, and emergency response teams with the location of storage and accumulation areas within the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes; [Minn. R. 7045.0464, subp. 1(A)]

5.1.43 The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations, if more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority; [Minn. R. 7045.0464, subp. 1(B)]
The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations, with state emergency response teams, emergency response contractors, and equipment suppliers; and. [Minn. R. 7045.0464, subp. 1(C)]

The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations, to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. [Minn. R. 7045.0464, subp. 1(D)]

If state or local authorities decline to enter into arrangements required under Minn. R. 7045.0464, subp. 1., the Permittee shall document the refusal in the operating record. [Minn. R. 7045.0464, subp. 2]

The Permittee shall document attempts under Minn. R. 7045.0464, subp. 1. to make arrangements with local authorities in the operating record. [Minn. R. 7045.0464, subp. 3]

PREPAREDNESS AND PREVENTION.

At a minimum, the Permittee shall maintain emergency equipment required by the contingency plan. [Minn. R. 7045.0462]

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 the Permit Application. [Minn. R. 7045.0462, subp. 4]

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. [Minn. R. 7045.0462]

EMERGENCY COORDINATOR.

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 person[s] qualifies as the emergency coordinator and each assumes all emergency procedure responsibilities described in Minn. R. 7045.0468 and this Permit.

Primary: Clement Lam, Work - 651-731-5659, Cell - 612-505-2307


The Permittee may change the names of employees who qualify as emergency coordinator by contacting the MPCA and identifying the new emergency coordinator[s]. [Minn. R. 7045.0468, subp. 1]

RESPONSE TO SPILLS/LEAKS/RELEASES FROM REGULATED UNITS.

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 the notification requirements 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 Part 5.1.60 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. [Minn. R. 7045.0468, subp. 5&6]

1) Except as provided in paragraph 2 below, 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.

2) Notification is not required under paragraph 1 above 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 1 above.

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; or
3) All discharges to areas outside of the containment systems described in item 2 above, that could cause pollution of soil, surface water, or groundwater.

Compliance with the statutory notification requirements in Part 5.1.57 to 5.1.71 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. [Minn. R. 7045.0468, subp. 5 & 6]

5.1.61 In accordance with Minn. Stat. 116.061, Subd. 1; 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.

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 items 1, 2, or 3 above, the person must notify the Agency when the event occurs. [Minn. Stat. 116.061, Subd. 1]

5.1.62 In accordance with Minn. Stat. 116.061, Subd. 2; a person who is required to notify the Agency under Minn. Stat. 116.061, Subd. 1 must take immediate and reasonable steps to minimize the emissions or abate the air pollution and obnoxious odors caused by the emissions. [Minn. Stat. 116.061, Subd. 2]

5.1.63 In accordance with Minn. Stat. 116.061, Subd. 3; the following are exempt from the requirements of Minn. Stat. 116.061, Subd. 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 Minn. Stat. 169.01, Subd. 3;
3) emissions from an agricultural operation deemed not a nuisance under section Minn. Stat. 561.19, subdivision Subd. 2; or
4) emissions from Agency regulated sources that are routine or authorized by the Agency. [Minn. Stat. 116.061, Subd. 3]

5.1.64 In accordance with Minn. Stat. 116.061, Subd. 4; a person who notifies the Agency of emissions under Minn. Stat. 116.061, Subd. 1 and who complies with Minn. Stat. 116.061, Subd. 2 shall not be subject to criminal prosecution under Minn. Stat. 115.071, subdivision 2. [Minn. Stat. 116.061, Subd. 4]

5.1.65 In accordance with Minn. Stat. 116.061, Subd. 5; any notice submitted under Minn. Stat. 116.061, Subd. 1 is not admissible in any proceeding as an admission of causation. [Minn. Stat. 116.061, Subd. 5]

5.1.66 ADDITIONAL EMERGENCY COORDINATOR DUTIES AND NOTIFICATION TO OTHER AGENCIES.

5.1.67 Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY activate internal Facility alarms or communication systems. [Minn. R. 7045.0468, subp. 2]

5.1.68 Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY identify the character, exact source, amount, and areal extent of any released material. [Minn. R. 7045.0468, subp. 3]

5.1.69 Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY 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. [Minn. R. 7045.0468, subp. 4]

5.1.70 Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY carry out the appropriate provisions of the contingency plan set forth in the Permit Application. [Minn. R. 7045.0468, subp. 1]

5.1.71 CONTAINMENT MEASURES.

5.1.72 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. [Minn. R. 7045.0468, subp. 7]

5.1.74 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. [Minn. R. 7045.0468, subp. 8]
5.1.75 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. [Minn. R. 7045.0470, subp. 1]

5.1.76 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.

5.1.77 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 Agency describing the incident, containing information as required by Minn. R. 7045.0470, subp. 3. [Minn. R. 7045.0470, subp. 3]

5.1.78 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. [Minn. R. 7045.0470, subp. 3]

5.1.79 RECORD KEEPING REQUIREMENTS.

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 a personnel training plan as set forth in the Permit Application, and that meets the requirements of Minn. R. 7045.0454.

5.1.80 The Permittee shall maintain at the Facility at all times a copy of a written description of the type and amount of both other qualifications and duties of employees assigned to each such position. [Minn. R. 7045.0470, subp. 2]

5.1.81 The Permittee shall maintain at the Facility at all times a copy of the job title for each position at the Facility related to hazardous waste management and the name of the employee filling each job. [Minn. R. 7045.0454, subp. 6]

5.1.82 The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the Groundwater Protection Plan (7045.0484). [Minn. R. 7045.0484]

5.1.83 The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the postclosure care period of the Facility as specified in Minn. R. 7001.0720, subp. 2. item B.

5.1.84 All groundwater monitoring well records shall be kept, including but not limited to: 1. Well construction records and soil boring logs; 2. Groundwater data summaries; 3. Groundwater laboratory analytical reports; 4. Groundwater sampling records; 5. Monitoring well groundwater elevation records; 6. Groundwater flow direction and velocity; 7. Groundwater level contour maps; 8. Site inspection records; and 9. Compliance monitoring evaluation reports. [Minn. R. 7045.0720, subp. 2(8)]

5.1.85 The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the Postclosure Plan (7045.0490-7045.0492). [Minn. R. 7045.0492]

5.1.86 The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the Postclosure Plan (7045.0466). [Minn. R. 7045.0466]

5.1.87 The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of an inspection plan as set forth in the Permit Application, and that meets the requirements of Minn. R. 7045.0452, subp. 5.

5.1.88 The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the Postclosure Plan (7045.0490-7045.0492). [Minn. R. 7045.0492]

5.1.89 The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the Contingency Plan (7045.0492). [Minn. R. 7045.0492]

5.1.90 All ground water, monitoring well, and records that are required to be kept shall be kept for the required length of time.

5.1.91 The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of their Quality Assurance Project Plan (QAPP) for groundwater monitoring. [Minn. R. 7045.0484]

5.1.92 POSTCLOSURE 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 records and results of each inspection performed; 2) Monitoring, testing, or analytical data required by this Permit performed at the Facility; 3) Summary reports and details of all incidents which required implementation of the Contingency Plan; 4) All annual and corrective action reporting requirements specified in this Permit; 5) Cost estimates and financial assurance for postclosure and corrective action; and 6) 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. [Minn. R. 7045.0478]

5.1.93 PERSONNEL RECORDS.

The Permittee shall maintain at the Facility at all times a copy of 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. [Minn. R. 7045.0454, subp. 6]

5.1.94 The Permittee shall maintain at the Facility at all times a copy of a written description of the type and amount of both introductory and continuing training in accordance with the Personnel Training Plan set forth in the Permit Application, that will be given to each person filling a hazardous waste position related to hazardous waste management. [Minn. R. 7045.0454, subp. 6]
The Permittee shall maintain at the Facility at all times a copy of records that document the training provided to each employee filling a position related to hazardous waste management. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three (3) years from the date the employee last worked at the facility. [Minn. R. 7045.0454, subp. 7]

5.1.99 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. [Minn. R. 7045.0478, subp. 3(G)]

5.1.100 MONITORING AND TESTING RECORDS.

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. [Minn. R. 7001.0150, subp. 2]

Records of monitoring information shall specify:
1) The date(s), exact place, and time(s) of sampling or measurements;
2) The individual(s) who performed the sampling or measurements;
3) The date(s) analyses were performed;
4) The individual(s) who performed the analyses;
5) The analytical techniques for methods used; and
6) The results of such analyses. [Minn. R. 7001.0150, subp. 2(B and C)]

5.1.101 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 Agency. These records shall be made available to the Agency upon Request. [Minn. R. 7045.0478, subp. 3]

5.1.102 REPORTING REQUIREMENTS.

5.1.103 REPORTING NONCOMPLIANCE.

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.

As used herein, the term “noncompliance” refers to any failure, intentional or unintentional, avoidable or unavoidable, to satisfy any requirement of this Permit. [Minn. R. 7045.0150, subp. 3(K)]

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

Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the postclosure care period, the Permittee shall notify the new Permittee in writing of the requirements of parts 7045.0450 to 7045.0551 and all permit requirements. [Minn. R. 7045.0452, subp. 3(D)]

5.1.105 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. [Minn. R. 7001.0150, subp. 3(M)]

5.1.106 ANNUAL REPORTING REQUIREMENTS.

5.1.107 The Permittee shall submit an annual report, revisions to the financial assurance and cost estimates, and an annual ground water monitoring report per the schedule specified in Part 6 of this Permit. [Minn. R. 7045.0482, subp. 2]

5.1.111 The Permittee shall pay the required annual facility fee as specified in Minn. R. 7046.0020. [Minn. R. 7045.0020]

5.1.112 CERTIFICATION AND SIGNATORY REQUIREMENTS.

All reports or other information required to be submitted to the Agency in accordance with the terms and conditions of this Permit shall carry the certification required by Minn. R. 7001.0070 and 7001.0540. [Minn. R. 7045.0540]
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
Resource Management and Assistance Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194. [Minn. R. 7045.0482]

CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS.

SCOPE OF CORRECTIVE ACTION.

The primary objective of the Resource Conservation and Recovery Act (RCRA) corrective action program is to clean up releases of hazardous waste or hazardous constituents at treatment, storage, or disposal facilities subject to Subtitle C of RCRA. Section 3004 (u) of the 1984 Hazardous and Solid Waste Amendments (HWSA), and Minn. R. 7045.0485 require facilities issued Permits after November 8, 1984, to provide corrective action for releases of hazardous waste/hazardous contaminants (HW/HC) from any SWMU or Area of Concern (AOC), regardless of the time when waste was placed in the unit.

The RCRA corrective action program consists of the following four steps:

1. The RCRA Facility Assessment (RFA);
2. The RCRA Facility Investigation (RFI);
3. The Corrective Measures Study, (CMS); and

The RFA documents historical information, and provides an assessment of the potential for SWMU releases. The RFI further investigates the scope (nature, rate, and extent) of contamination posed by SWMUs through a hydrogeologic investigation, and once complete, the CMS serves to compare remediation alternatives and select the most reasonable, practical, and feasible technology. Finally, the CMI is the corrective action stage, which implements the chosen remediation method. The remedial alternative is designed, operated, maintained, and monitored to optimize performance necessary to protect human health and the environment. [Minn. R. 7045.0485]

HISTORY OF CORRECTIVE ACTION AT THE FACILITY.

Assessment. In 1987, MPCA staff conducted an RFA at the facility. The RFA identified twelve (12) SWMUs and concluded that several areas required further investigation during the RFI process. Based on the RFA and subsequent investigations, the following six (6) SWMUs (Appendix I - SWMU Site Layout Map) were included in the RFI process:

- SWMU #1 - Former Surface Impoundment.
- SWMU #2 - Former Flue Dust Waste Pile.
- SWMU #3 - Container Storage Area.
- SWMU #4 - Automobile Shredder Area.
- SWMU #5 - Automobile Storage Area.
- SWMU #6 - EAF Baghouse Area.

In 2005, an assessment of potential impacts to the sediment of North Star Lake was conducted by the Permittee which indicated the need for investigation to define the extent and magnitude of sediment contamination. [Minn. R. 7045.0485]

Investigation. Each SWMU listed in Part 5.1.123 was subject to a CRCA RFI, as defined in Part 5.1.139 to 5.1.145 of this Permit, to determine the potential for and extent of releases of hazardous constituents to the soil and groundwater and their rate of migration. Initial investigation of the above referenced SWMUs was conducted between 1994 and 1995. In response to a request from the MPCA, an investigation was completed between 2005 and 2009, to determine level and extent of contamination of the sediments in North Star Lake. [Minn. R. 7045.0485]

Selected Remedies. Based on the results of the 1995 RFI of the original six SWMUs, the Permittee submitted a Final CMS report dated April 2001. The purpose of the corrective measure study report is to develop and evaluate corrective action alternatives and to make recommendations for potential corrective action for addressing hazardous constituents at SWMUs at the Facility. Based on the investigation data collected to date and the evaluations of alternatives in the 2001 CMS, the proposed corrective measures for the original six SWMUs are listed below. A further description of these alternatives and rational behind selecting these alternatives is contained in the CMS and the Statement of Basis (SB) dated June 2001. Based on the results of the RFI for the contaminated sediments in North Star Lake, the Permittee submitted a Final CMS dated August 2011 selecting sediment removal as the corrective action alternative. The Permittee completed removal of the contaminated sediments from North Star Lake per the 2012 CMI Work Plan, as documented in the 2012 CMI Report submitted to the MPCA in January 2013, and approved by the MPCA in May 2013.

1. Pump and Treat: SWMU 2 and Flue Dust Landfill
2. Monitor: SWMU 1, SWMU 2, SWMU 4, and Flue Dust Landfill

3. Hot Spot Removal: SWMU 1, SWMU 4, and SWMU 5

4. Soil Cover: SWMU 2

5. Institutional Controls: SWMU 1, SWMU 2, SWMU 4, SWMU 5, and Flue Dust Landfill


[SMM 1 - Former Surface Impoundment. Surface soils contaminated above cleanup levels at SWMU 1 in the area of samples TT-1-1 and TT-1-3 were excavated and disposed off site, i.e. "Hot Spot Removal". Long-term groundwater monitoring and institutional controls will be implemented at this SWMU. If concentrations of chemicals of concern in groundwater consistently exceed surface water protection standards, active remediation options will be evaluated and implemented if the MPCA determines that it is necessary.

SWMU 2 - Former Flue Dust Waste Pile. A groundwater pump and treat system was installed at SWMU 2 to prevent the further migration of hazardous constituents into North Star Lake. A soil cover was placed on top of SWMU 2 to prevent direct contact with the flue dust waste. If the performance monitoring of the pump and treat system indicates the system is not effectively restricting contaminant migration to North Star Lake, the MPCA may require the Permittee to evaluate additional remedies. A long-term groundwater monitoring program has been implemented to monitor the effectiveness of the system. In addition, institutional controls will be implemented at this SWMU. In 1988, approximately 200 cubic yards of flue dust and sediment were removed from North Star Lake in the area of SWMU 2, and placed in the Flue Dust Landfill. Between 2005 and 2009, the Permittee conducted sediment sampling in North Star Lake to determine the magnitude and extent of contamination of the sediment. The Permittee completed removal of contaminated sediments from North Star Lake in 2012, and submitted the Corrective Measures Implementation Report for North Star Lake in January 2013. The MPCA approved the Report in May 2013.

SWMU 3 - Container Storage Area. No active corrective measures are recommended for SWMU 3 at this time.

SWMU 4 and 5 - Automobile Shredder Area and Automobile Storage Area. Elevated lead and PCB concentrations in near surface soils that exceeded cleanup levels were excavated and disposed off site, i.e., "Hot Spot Removal." A storm water control and treatment system has been installed in the area of SWMUs 4 and 5 to prevent untreated storm water from those areas from running into North Star Lake. Long-term groundwater monitoring of SWMU 4 at well MW-4-1 is being conducted. In addition, institutional controls will be implemented at SWMUs 4 and 5.

SWMU 6 - Baghouse Area. Soil from areas that failed Toxicity Characteristic Leaching Procedure (TCLP) criteria were excavated and disposed off site, except in the area covered by a half foot-thick concrete pad. This area was capped with remaining residual contamination being identified in a Notice filed with the property deed. Exposed soils in this area were sampled and analyzed for total cadmium, chromium, lead, mercury, nickel, and zinc. Concentrations of these metals are below cleanup criteria. No additional corrective measures are proposed for SWMU 6 at this time.

Flue Dust Landfill. A groundwater pump and treat system was installed at the Flue Dust Landfill to prevent the further migration of hazardous constituents into North Star Lake and off site towards the Mississippi River. A long-term groundwater monitoring program has been implemented to monitor the effectiveness of the system. In addition, institutional controls will be implemented at the Flue Dust Landfill. [Minn. R. 7045.0485]

5.1.126 CORRECTIVE MEASURES IMPLEMENTATION (CMI) - CURRENTLY UNDERWAY AT TIME OF PERMIT ISSUANCE.

Corrective measures implementation requirements that remain for identified releases at the Facility include:

Placement of Institutional Controls. Within 90 days after issuance of this Permit, the Permittee shall submit to the MPCA for review and approval a draft environmental covenant and easement per the schedule in Part 6.1.6, using the format approved by the MPCA. The environmental covenant shall contain restrictions that the MPCA determines are necessary to protect public health, welfare, or the environment for SWMUs identified as requiring institutional controls in Part 5.1.125 of this permit. Within 30 days after the MPCA approval of the environmental covenant and easement, the Permittee shall file the environmental covenant and easement with the Ramsey County Recorder’s Office on the Facility property records and submit to the MPCA a copy of the proof of filing within 30 days after filing. [Minn. R. 7045.0485]
5.1.129 Reporting Requirements

a. The Permittee shall submit an Annual CMI Evaluation Report. Annual CMI Evaluation Reports shall be submitted per the schedule specified in Part 6 of this Permit until the Commissioner determines that these reports are no longer necessary. The reporting period for each CMI Evaluation Report is defined as the previous calendar year and shall include all work not reported in previous CMI Evaluation Reports.

The CMI Evaluation Report shall include, but is not limited to, the items listed below for that reporting period.

1) A general, qualitative description of the work completed;

2) Summaries of progress of remedy implementation including:

a) The total amount of soil, sediment, or waste excavated.

b) A map identifying the areas remediated and the depth to which soil, sediment, or waste was excavated. The maps shall be prepared at a scale no smaller than one (1) inch equals 60 feet.

3) A description of how the excavated soil, sediment, or waste was managed, including a description of on-site management prior to transport and a description of off-site management.

4) An itemized summary of the cost expenditures associated with the remedial work for that construction season.

5) An evaluation of the existing cost estimate for all remediation not completed to date. Such a cost estimate shall be modified, if necessary, based on the costs incurred for the most recent remedial work;

6) Table summaries of all laboratory data and analytical sheets provided by the laboratory.

7) A status report on the areas for which remediation is being deferred or waste is managed in place that includes identification of the areas not yet remediated, a description of any maintenance performed and copies of the inspection logs completed during that reporting period, and estimated completion dates.

8) Problems encountered and actions taken or proposed to solve the problems;

9) Changes in personnel conducting or managing the remedial effort;

10) Projected work for the next reporting period;

a. The Permittee shall submit an Annual CMI Evaluation Report. Annual CMI Evaluation Reports shall be submitted per the schedule specified in Part 6 of this Permit until the Commissioner determines that these reports are no longer necessary. The reporting period for each CMI Evaluation Report is defined as the previous calendar year and shall include all work not reported in previous CMI Evaluation Reports.

b. The Permittee shall submit periodic groundwater monitoring and operation and maintenance reports on a frequency specified in Part 6 of this Permit.

c. All raw data, such as laboratory reports, drilling logs, and other supporting information generated from the remedial activities shall be maintained at the Facility during the term of this Permit, if any, including the term of the reissued permit, and shall be available for review by the MPCA at any time upon request. [Minn. R. 7045.0485]

5.1.130 Corrective Measures Modifications

a. Modifications Requested by the Commissioner. If the Commissioner, based on groundwater monitoring, operation and maintenance, CMI Evaluation reports, or other submittals by the Permittee determines that the selected remedy is not providing adequate protection of human health or the environment, the Commissioner may require that the Permittee make modifications, including a requirement that alternate remedies be evaluated and implemented.

b. Modifications Requested by the Permittee. The Commissioner may approve changes to the corrective measures proposed by the Permittee to provide increased protection for human health and the environment based on a review of groundwater monitoring, operation and maintenance, Annual CMI Evaluation Reports or other submittals by the Permittee. [Minn. R. 7045.0485]
5.1.131 GENERAL CORRECTIVE ACTION REQUIREMENTS.

Part 5.1.131 to 5.1.157 of this Permit provides general requirements regarding all corrective action activities at the Facility. Corrective action work plans, investigation, reporting, and implementation shall be conducted in accordance with this Permit and the RCRA Corrective Action Plan guidance document (U.S. EPA-RCRA Corrective Action Plan (CAP), Final, OSWER Directive 9902.3-2A, May 1994). [Minn. R. 7045.0485]

5.1.132 Quality Assurance Project Plan (QAPP). If requested to by the MPCA, the Permittee shall submit for MPCA review and approval a revised and updated Quality Assurance Project Plan (QAPP) or QAPP Addendum as necessary. The QAPP shall address sampling, field measurements, laboratory analyses, and other tasks conducted as part of RFI or CMI activities, or shall explicitly reference previously approved QAPPs. The Permittee shall prepare the QAPP and complete both field and laboratory procedures in accordance with the following documents:


5.1.133 Submittals.

a. Failure to submit the information required in Part 5.1.131 to 5.1.157, or falsification of any submitted information, is grounds for termination of this Permit. The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Commissioner required in these Parts are signed in accordance with Minn. R. 7001.0060 and certified in accordance with Minn. R. 7001.0070 and 7001.0540. Two (2) copies of these plans, reports, notifications or other submissions shall be submitted to the MPCA staff designated to receive the Corrective Action submittals. Electronic versions of these reports are acceptable and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If an MPCA staff is not designated, submittals should be sent to the Commissioner and sent by certified mail or hand delivered to:

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

b. All plans and schedules required shall upon approval of the Commissioner, be incorporated by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules shall be deemed to be noncompliance with this Permit. Extensions of the due dates for submittals may be granted by the Commissioner.

c. If the Commissioner determines that further action beyond those provided in this Corrective Action part or changes to those which are stated herein, are warranted, the Commissioner shall modify the Permit according to the Permit modification processes under Minn. R. 7001.0190 and 7001.0730. [Minn. R. 7045.0485]

5.1.134 DISCOVERY OF NEWLY IDENTIFIED SWMU(s).

Notification. The Permittee shall notify the Commissioner in writing of any additional SWMU(s) (i.e. a unit not specifically identified in the RFA) discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, NO LATER THAN SIXTY (60) CALENDAR DAYS after discovery.

Request for SWMU Assessment Report. After such notification, the Commissioner may request, in writing, that the Permittee prepare a SWMU Assessment Report NO LATER THAN SIXTY (60) CALENDAR DAYS from the Commissioner’s request. At a minimum, the report shall provide the following information for each newly-identified SWMU:

- The location of the newly-identified SWMU in relation to other SWMUs;
- The type and function of the unit;
- The general dimensions, capacities, and structural description of the unit (supply any available drawings);
- The period during which the unit was operated;
- The specific details on all wastes that have been or are being, or are expected to be, managed at the SWMU, to the extent available; and
- The results of any sampling and analysis indicating whether releases of hazardous wastes or hazardous constituents have occurred, are occurring, or are likely to occur from the unit.

5.1.136 Investigation of newly-identified SWMU(s). Base on the results of the SWMU Assessment Report, the Commissioner shall
determine the need for further investigation at specific units. If the Commissioner determines that such investigation is needed, the Commissioner may require the Permittee to prepare a plan for such investigation similar to the RFI Work Plan identified under Part 5.1.139 to 5.1.145, and may require that corrective action be taken as the Commissioner determines is appropriate. [Minn. R. 7045.0485]

5.1.137 NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASE AT SWMUS.

The Permittee shall notify the Commissioner in writing, of any releases(s) of hazardous waste including hazardous constituents discovered by the Permittee or an agent or employee thereof, NO LATER THAN FIFTEEN (15) CALENDAR DAYS AFTER DISCOVERY. Such newly-discovered releases may be from any SWMU; existing or newly discovered. The Commissioner will require further investigation of the newly-identified release(s) in accordance with Minn. R. 7045.0485, and may require that corrective action be taken as appropriate. [Minn. R. 7045.0485]

5.1.138 RCRA FACILITY INVESTIGATION (RFI) - FOR NEWLY IDENTIFIED RELEASES.

Work Plan, if the Commissioner determines that an RFI Work Plan is required based on the results of the SWMU Assessment Report required in Part 5.1.136 of this Permit, or newly discovered releases at the Facility, the Permittee shall submit an RFI Work Plan to address the releases of hazardous waste or hazardous constituents identified in Minn. R. 7045.0141 and media of concern. The RFI Work Plan must be developed and signed by a qualified geologist or environmental engineer, experienced in subsurface investigations as well as related geotechnical and environmental engineering work and approved by the Commissioner.

The RFI Work Plan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the releases of hazardous wastes or hazardous constituents from each area of contamination, and their actual or potential receptors. The RFI Work Plan shall detail all proposed activities to be conducted at the site, the schedule for implementing and completing the investigation, the qualifications of personnel performing or directing the investigation, and the overall management of the investigation. [Minn. R. 7045.0485]

5.1.140 The RFI Work Plan shall provide for collecting the following information:

Environmental Setting. The Permittee shall collect information to characterize the environmental setting at each area of contamination. The information shall allow the characterization of:

1) The soil and rock units above the water table in the vicinity of each area of contamination.
2) Surface water bodies and their sediments in the vicinity of the Facility, if applicable.
3) Hydrogeologic conditions at the Facility. [Minn. R. 7045.0485]

Source Characterization. The Permittee shall collect analytical data to completely characterize each area of contamination. In the RFI Work Plan, the Permittee shall document all procedures used in making the determinations below. This shall include quantification of the following characteristics at each area of contamination:

1) Source area characteristics:
   a. Location of source area
   b. Type of source area
   c. Design features
   d. Operating practices (past and present)
   e. Period of operation
   f. Age of source area
   g. General physical conditions

2) Waste Characteristics
   a. Type of waste (hazard classification, quantity, composition)
   b. Physical and chemical characteristics
   c. Migration and dispersal characteristics. [Minn. R. 7045.0485]

Contamination Characterization. The Permittee shall collect analytical data to define the horizontal and vertical extent, origin, direction, and rate of movement of contaminants. Data shall include time and location of sampling, media sampled, concentrations found, and conditions during sampling. In the RFI Work Plan, the Permittee shall address the following types of contamination at the site:

1) Soil contamination.
2) Surface water and sediment contamination.
3) Groundwater contamination.

5.1.143
Specifically, the RFI Work Plan shall address:

a. Number, location, and depth of wells and/or soil sampling locations;
b. Any geographical techniques to be utilized in selecting sampling locations;
c. Sampling number and frequency;
d. Sampling procedures;
e. Selection of monitoring parameters;
f. Laboratory analytical procedures;
g. Quality assurance procedures for sampling and laboratory analysis;
h. Use of previously gathered monitoring data;
i. Evaluation of site design and construction reports, and site operating procedures;
j. Schedule for RFI implementation. [Minn. R. 7045.0485]

Potential Receptors. The Permittee shall collect data describing the human populations and environmental systems that are susceptible to contaminant exposure from the source. Chemical analysis of biological samples may be needed. Data on observable effects in ecosystems may also be needed. As appropriate, the following characteristics shall be identified in the RFI Work Plan:

1) Local uses and possible future uses of groundwater;
2) Local uses and possible future uses of surface waters;
3) Human use of or access to the source and adjacent lands;
4) A description of the biota in surface water bodies on, adjacent to, or affected by the source.
5) A description of the ecology overlying and adjacent to the source.
6) A demographic profile of the people who use or have access to the source and adjacent land, including, but not limited to: age, sex, and sensitive subgroups.
7) A description of any endangered or threatened species near the source. [Minn. R. 7045.0485]

The RFI Work Plan shall include the development of the following project plans, which shall be prepared concurrently, including:

Project Management Plan. The Permittee shall prepare a Project Management Plan, which must include a discussion of the technical approach, schedules, budget, and personnel. The Project Management Plan must also include a description of qualifications of personnel performing or directing the RFI, including contractor personnel. This plan shall also document the overall management approach to the RFI.

Data Collection Quality Assurance Plan. The Permittee shall prepare a plan to conduct all monitoring procedures: sampling, field measurements and sample analysis performed during the investigation to characterize the environmental setting, source, and contamination, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid and properly documented.

Data Management Plan. The Permittee shall develop a Data Management Plan to document and track investigation data and results. This plan shall identify and set up data documentation materials and procedures, project file requirements and project related progress reporting procedures and documents. The plan shall also provide the format to be used to present the raw data and conclusions of the investigation.

Health and Safety Plan. The Permittee shall prepare a Facility Health and Safety Plan. The plan shall be consistent with the requirements of the National Institute of Occupational Safety and Health, the Occupational Health and Safety Administration, and the Environmental Protection Agency for hazardous waste site activities. The plan shall describe: resources available at the facility to facilitate safety and emergency aid; hazards and evaluate risks; key personnel for site safety, work areas and levels of protection in work areas; procedures to control site access; decontamination procedures; site emergency procedures; emergency medical care for site specific problems; environmental surveillance program; and specify training required for responders.

Community Relations Plan. The Permittee shall prepare a plan for the dissemination of information to the public regarding investigation activities and results.

Implementation. NO LATER THAN (30) CALENDAR DAYS after receiving written approval from the Commissioner for the RFI Work Plan, the Permittee shall begin implementation of the RFI according to the schedules specified in the Work Plan.

Draft Report. In accordance with the time schedule in the approved RFI Work Plan, the Permittee shall submit to the MPCA the Draft RFI Report describing the results of the RFI. The Permittee shall also include in the report a recommendation as to whether corrective action is needed. The Draft RFI Report shall describe the procedures, methods, and results of Facility investigations, including information on the type and extent of contamination at the Facility, sources and migration pathways,
and actual or potential receptors. The report shall present all information gathered under the approved RFI Work Plan. The report must contain adequate information to provide a basis for further corrective action decisions at the Facility.

**Final Report.** WITHIN THIRTY (30) DAYS after receipt of the Commissioner’s comments on the Draft RFI Report, the Permittee shall submit the Final RFI Report. This report shall be developed in final format incorporating comments received on the Draft RFI Report and must be approved by the Commissioner. [Minn. R. 7045.0485]

### 5.1.147 INTERIM MEASURES - FOR NEWLY IDENTIFIED RELEASES.

1. At the time of Permit reissuance, no specific interim measures have been identified or required by the Commissioner. 
2. If during the courses of any activity initiated under this Corrective Action Section, the Commissioner determines that a newly identified release or potential release of hazardous waste or hazardous constituents from a SWMU poses a threat to human health or the environment, the Commissioner may require the Permittee to implement interim measures. The Permittee shall propose the specific action(s) that must be taken to implement the interim measures, including potential Permit modification and the schedule for implementing the required measures. The Commissioner shall notify the Permittee in writing of the requirement to perform such interim measures. The Commissioner shall modify the Permit according to the Permit modification procedure under Minn. R. 7001.0190 and 7001.0730 to incorporate such interim measures into the Permit.

The Permittee shall submit for the approval of the Commissioner an Interim Measures Plan within 30 days from notification of the requirement to perform interim measures.

3. The following factors may be considered by the Commissioner in determining the need for interim measures:
   a. Time required to develop and implement a final remedy;
   b. Actual and potential exposure of human and environmental receptors;
   c. Actual and potential contamination of drinking water supplies and sensitive ecosystems;
   d. The potential for further degradation of the media absent interim measures;
   e. Presence of hazardous waste in SWMUs that may pose a threat of release;
   f. Presence and concentration of hazardous waste including hazardous constituents in soils that have the potential to migrate to groundwater or surface water;
   g. Weather conditions that may affect the current levels of contamination;
   h. Risks of fire, explosion, or accident; and
   i. Other situations or conditions that may pose threats to human health and the environment.

### 5.1.149 CORRECTIVE MEASURES STUDY (CMS) - FOR NEWLY IDENTIFIED RELEASES.

The purpose of a CMS is to develop and evaluate the corrective action alternative(s) and to recommend the corrective measure(s) to be taken. Based on the results of the RFI for newly identified releases, the MPCA may require a CMS. If so, the Commissioner shall notify Permittee in writing. This notice shall identify the hazardous constituents, which have exceeded action levels, as well as those, which have been determined to pose a threat to human health and the environment. The notification may also specify corrective measures to be evaluated by the Permittee during the CMS. [Minn. R. 7045.0485]

### 5.1.150 Work Plan.** The Permittee shall submit a CMS Work Plan WITHIN SIXTY (60) CALENDAR DAYS from notification of the requirement to conduct a CMS. The CMS Work Plan must include, but is not limited to, the following:

- A list of alternative corrective measures to be evaluated;
- A definition of the objectives of the study;
- Schedules for conducting the study;
- A proposed format for presentation of information;
- Evaluation of performance, reliability, ease of implementation, and potential impacts of each corrective measure;
- Assessment of the effectiveness of each corrective measure in achieving adequate control of sources and cleanup of the contamination;
- Assessment of time required to begin and complete each corrective measure;
- Estimate of costs of corrective measure implementation; and
- Assessment of institutional requirements, such as state or local permit requirements, or other environmental or public health requirements which may affect implementation of the remedy.

The CMS Work Plan shall also address the following:

**STANDARDS**

- a. Protection of human health and the environment,
- b. Achievement of media cleanup standards,
- c. Control of the sources of releases,
- d. Compliance with standards for management of wastes.
FACTORS

a. Long-term reliability and effectiveness,
b. Reduction of toxicity, mobility, or volume of wastes,
c. Short-term effectiveness,
d. Implementability,
e. Cost.

[Minn. R. 7045.0485]

5.1.152 CMS Implementation. WITHIN THIRTY (30) CALENDAR DAYS after the Permittee has received written approval from the Commissioner of the CMS Work Plan, the Permittee shall begin to implement the CMS Work Plan. The CMS shall be completed according to the schedules in the approved CMS Work Plan.

5.1.153 CMS Final Report and Remedy Selection. WITHIN THIRTY (30) CALENDAR DAYS after completing the CMS, the Permittee shall submit to the MPCA for review and approval a CMS Final Report and Remedy Selection. The CMS Final Report shall summarize the results for each remedy studied and of any treatability study (bench scale and pilot test) conducted. The CMS Final Report shall present all information gathered under the approved CMS Work Plan and shall recommend the most feasible corrective measure(s). [Minn. R. 7045.0485]

5.1.154 PERMIT MODIFICATION FOR REMEDY - FOR NEWLY IDENTIFIED RELEASES.

1. Pursuant to Minn. R. 7001.0190 and 7001.0730, based on the RFI final report, the CMS final report, and the selected remedy for newly identified releases, the Commissioner will modify this Permit. At that time, the Permit modification will specify the selected corrective action remedy and at a minimum include the following:
   a. Descriptions of all technical features of the remedy that are necessary for achieving the standards for the remedy established under Part 5.1.152 of this Permit, including the length of time for which compliance must be demonstrated at specified points of compliance;
   b. Development of the Corrective Measures Work Plan;
   c. All concentration levels of hazardous constituents in each medium that the remedy must achieve to be protective of human health and the environment;
   d. All requirements for achieving compliance with these concentration levels;
   e. All requirements for complying with the standards for management of wastes;
   f. Requirements for removal, decontamination, closure, or postclosure of units, equipment, devices or structures that will be used to implement the remedy;
   g. A schedule for initiating and completing all major technical features and milestones of the remedy; and
   h. Requirements for submission of report and other information.

2. Within 120 calendar days after this Permit has been modified, the Permittee shall demonstrate financial assurance acceptable to the Commissioner for completing the approved remedy. [Minn. R. 7045.0485]

5.1.155 CORRECTIVE MEASURES IMPLEMENTATION (CMI) - FOR NEWLY IDENTIFIED RELEASES.

CMI Work Plan. Regarding all newly identified releases, WITHIN SIXTY (60) CALENDAR DAYS after the MPCA approves the CMS, the Permittee shall prepare and submit to the MPCA a CMI Work Plan that includes detailed construction plans and specifications to implement the approved corrective measures. The CMI Work Plan will be subject to review and approval by the Commissioner in accordance with Part 5.1.201 to 5.1.205 of this Permit. CMI Work Plans must include, but are not limited to, the following:

   a. Design Plans and Construction Specifications for all equipment and processes;
   b. Long-term Operation and Maintenance (O&M) plan;
   c. Project schedule;
   d. Cost estimate;
   e. Quality assurance (QA) measures, construction QA plan;
   f. Health and Safety Plan (HSP);
   g. Method to evaluate effectiveness of corrective measures; and
   h. Cleanup goals.

[Minn. R. 7045.0485]

CMI. WITHIN THIRTY (30) CALENDAR DAYS of approval of the CMI Work Plan the Permittee shall implement the corrective measures. The CMI work shall be completed according to the schedules in the approved CMI Work Plan.

5.1.156 Draft CMI Report. The Permittee shall submit to the Commissioner a Draft CMI Report WITHIN FORTY FIVE (45) days after completion of the construction phase. The draft report shall include information such as field modifications to the approved CMI plans and specifications, field installation reports, daily inspections, as-built shop drawings, total amounts of waste, soils,
or water treated or removed from site.

**Final CMI Report.** The Permittee shall submit to the Commissioner a revised (if required by the MPCA) Final CMI report WITHIN THIRTY (30) CALENDAR DAYS after receipt of comments on the Draft CMI report. [Minn. R. 7045.0485]

5.1.158 GENERAL CONDITIONS.

5.1.159 NO RELEASE FROM LIABILITY.

5.1.160 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. [Minn. R. 7001.0150, subp. 3(A)]

5.1.161 THIRD PARTY LIABILITY.

5.1.162 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. [Minn. R. 7001.0150, subp. 3]

5.1.163 FUTURE RULES.

5.1.164 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. [Minn. R. 7001.0150, subp. 3(B)]

5.1.165 PROPERTY RIGHTS.

5.1.166 This Permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]

5.1.167 OBLIGATION TO ENFORCE.

5.1.168 This Permit does not obligate the MPCA or the Commissioner to enforce laws, rules, or plans. [Minn. R. 7001.0150, subp. 3(D)]

5.1.169 LIABILITY/RESPONSIBILITY.

5.1.170 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. [Minn. R. 7001.0150, subp. 3(O)]

5.1.171 DEFENSE UNDER OTHER STATUTES AND RULES.

5.1.172 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. [Minn. R. 7001.0150]

5.1.173 MINIMUM STANDARDS.

5.1.174 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. [Minn. R. 7001.0150]

5.1.175 DUTY TO COMPLY.

5.1.176 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. [Minn. R. 7001.0150, subp. 3(E)]

5.1.177 FALSE STATEMENTS.

5.1.178 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. [Minn. R. 7001.0150, subp. 3(G)]

5.1.179 DUTY TO PROVIDE INFORMATION.

5.1.180 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. [Minn. R. 7001.0150, subp. 3(H)]

5.1.181 INSPECTION AND ENTRY.

5.1.182 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 enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the Facility covered by this Permit or pertaining to the activity covered by this Permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the Facility covered by this Permit or pertaining to the activity covered by this Permit. [Minn. R. 7001.0150,subp. 3(I)]
5.1.183 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. [Minn. R. 7001.0150, subp. 3(J)]

5.1.185 BANKRUPTCY.
The Permittee currently meets the requirements regarding Financial Assurance for Postclosure Care and Corrective Action through the use of the Financial Test and Corporate Guarantee. The Permittee shall be deemed to be without such required financial assurance 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 is involved in bankruptcy proceedings, the Permittee shall be deemed to be without such required financial assurance. In such event, the Permittee shall have 60 days, upon notifying the MPCA of the bankruptcy proceeding, to obtain other means of financial assurance.

5.1.186 Failure to do so shall constitute a violation of this Permit. [Minn. R. 7045.0522, subp. 2]

5.1.187 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. [Minn. R. 7001.0170]

5.1.188 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 days before this Permit expires, unless written permission for a later date has been granted by the Commissioner. [Minn. R. 7001.0040, subp. 3]

5.1.190 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. [Minn. R. 7001.0160]

5.1.192 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. [Minn. R. 7001.0190]

5.1.195 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. [Minn. R. 7001.0190]

5.1.196 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. [Minn. R. 7001.0690]

5.1.199 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. [Minn. R. 7001.0720, subp. 2(F)]

5.1.201 REVIEW OF SUBMITTALS AND EXTENSION OF SCHEDULES.

5.1.202 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 above.

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. [Minn. R. 7001.0090]

5.1.204 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. [Minn. R. 7001.0090]

5.1.205 LAND DISPOSAL REQUIREMENTS.

5.1.207 GENERAL CONDITIONS.

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

5.1.209 A mixture of any restricted waste with any nonrestricted waste is a restricted waste under 40 CFR § 268.1. [Minn. R. 7045.1390]

5.1.210 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 § 268, subp. D, to circumvent the effective date of a prohibition in 40 CFR § 268, subp. C, to otherwise avoid compliance with a prohibition in 40 CFR § 268, subp. C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA. [Minn. R. 7045.1390]

5.1.211 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 designee, upon request. [Minn. R. 7045.1390]

5.1.212 TESTING AND RELATED REQUIREMENTS.

5.1.213 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. [Minn. R. 7045.1390]

5.1.214 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. [Minn. R. 7045.1390]

5.1.215 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. [Minn. R. 7045.1390]

5.1.216 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. [Minn. R. 7045.1390]

5.1.217 STORAGE PROHIBITIONS.

5.1.218 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:

1) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

2) 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. [Minn. R. 7045.1390]
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. [Minn. R. 7045.1390]

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. [Minn. R. 7045.1390]

Unless the waste is stored in a storage facility that is a commercial storer of PCB waste as defined in 40 CFR § 761.3, the Permittee shall not store any liquid hazardous waste containing concentrations equal to 50 ppm or greater of polychlorinated biphenyls (PCBs). [Minn. R. 7045.1390]

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. The requirement above, which allows storage for over one (1) year with specified demonstration, does not apply to PCB wastes. [Minn. R. 7045.1390]

The Permittee maintains that currently there are no known process vents subject to Minn. R. 7045.0549, regarding air emissions from process vents. The Permittee shall notify the MPCA of any waste management units which become subject to the requirements of Minn. R. 7045.0549 within 30 days of startup of the regulated activity. [Minn. R. 7045.0549]

The Permittee maintains that currently there is no known potential for equipment leaks which would be subject to Minn. R. 7045.0551, regarding air emissions from equipment leaks. The Permittee shall notify the MPCA of any waste management units which become subject to the requirements of Minn. R. 7045.0551 within 30 days of startup of the regulated activity. [Minn. R. 7045.0551]

The Permittee maintains that currently there are no known process vents subject to Minn. R. 7045.0549, regarding air emissions from process vents. The Permittee shall notify the MPCA of any waste management units which become subject to the requirements of Minn. R. 7045.0549 within 30 days of startup of the regulated activity. [Minn. R. 7045.0549]

The Permittee maintains that currently there are no known containers or tanks which would be subject to Minn. R. 7045.0540, regarding air emissions from containers and tanks. The Permittee shall notify the MPCA of any waste management units which become subject to the requirements of Minn. R. 7045.0540 within 30 days of startup of the regulated activity. For each container and tank, 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 or tank, 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. [Minn. R. 7045.0540]

The Permittee shall provide postclosure care of the Flue Dust Landfill in accordance with the Postclosure and Groundwater Protection Plan dated January, 2017 or as subsequently revised and approved by the MPCA, and in accordance with Minn. R.7045.0490 through 7045.0496 and 7045.0538, subp. 7. The Permittee shall:

- Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events. If any such effects are observed, the Permittee shall immediately contact the appropriate staff at the MPCA to give MPCA staff an opportunity to inspect the cap prior to making repairs.
- Maintain and monitor the groundwater corrective action and monitoring systems and comply with all other applicable requirements of Minn. R. 7045.0484 and Part 5.1.233 to 5.1.264. of this Permit.
- Prevent run-on and run-off from eroding or otherwise damaging the final cover.
- Protect and maintain surveyed benchmarks used in complying with Minn. R. 7045.0538, subp. 6.
- Survey the Flue Dust Landfill at least annually and visually inspect quarterly to determine any effects from settling, subsidence, erosion, or other events.

The Commissioner has determined that extending the postclosure care period beyond the 30-year period is necessary to protect human health and the environment. Pursuant to Minn. R. 7045.0492, subp. 1.C., the postclosure care period will continue for 30 years after the issuance of this permit and must consist of at least monitoring and reporting according to Minn. R. 7045.0484 and 7045.0532 to 7045.0539, and the maintenance of monitoring and waste containment systems, according to Minn. R. 7045.0484 and 7045.0532 to 7045.0539.

(b) At any time during the postclosure period, the commissioner may reduce the postclosure care period, on the commissioner's own initiative or at the request of the permittee, in accordance with the agency's permit modification procedures in Minn. R. Ch. 7001 for the hazardous waste management unit or facility, if all disposal units have been closed if it is found that the reduced period is sufficient to protect human health and the environment. This determination must be based on leachate or groundwater monitoring results, waste characteristics, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicating the hazardous waste management unit or facility is secure.

(c) Before the time that the postclosure care period identified in Part 5.1.231(a) is due to expire, the commissioner may extend the postclosure care period in accordance with the agency's permit modification procedures in chapter 7001 for the hazardous waste management unit or facility if it is found that the extended period is necessary to protect human health and the environment. This determination must be based on factors such as leachate or groundwater monitoring results that indicate a potential for migration of hazardous waste at levels which may be harmful to human health and the environment.
**Postclosure Plan Modifications.** The Permittee may submit a written request for a Permit modification to amend the Postclosure and Groundwater Protection Plan in accordance with procedures in Minn. R. ch. 7001. The Permittee shall request a Permit modification to amend the plan whenever changes in monitoring and maintenance plans, Facility design, or other events affect the Postclosure and Groundwater Protection Plan. The Commissioner may also request modifications to the Postclosure and Groundwater Protection Plan under these conditions. The Permittee must submit a written request for a Permit modification at least 60 days before implementing any proposed change in monitoring and maintenance plans or Facility design, or no later than 60 days after any unexpected event, which affects the Postclosure and Groundwater Protection Plan occurs. If the Commissioner requests modification of the Postclosure and Groundwater Protection Plan, the Permittee must submit the modified Plan no later than 60 days after the Commissioner’s request. [Minn. R. 7045.0490]

5.1.231

**Certification After the Postclosure Period.** Within 60 days after completion of the established postclosure care period for the Flue Dust Landfill the Permittee shall submit to the Commissioner, by registered mail, certification by the Permittee and by an independent registered professional engineer that the postclosure care for the Flue Dust Landfill was performed in accordance with the approved Postclosure and Groundwater Protection Plan. [Minn. R. 7045.0492]

5.1.232

**GROUNDWATER MONITORING REQUIREMENTS.**

**Scope**

a. The Permittee shall conduct a groundwater protection program for the Flue Dust Landfill in accordance with appropriate provisions of the RCRA groundwater management Technical Enforcement Guidance Document (TEGD) (U.S. EPA, 1992), the Permittee’s current Quality Assurance Project Plan (QAPP), and the MPCA Hazardous Waste Rules. The groundwater protection program consists of a detection monitoring program, a compliance monitoring program, and a corrective action program.

b. The requirements of Minn. R. 7045.0484, subps. 2 to 14 apply during the postclosure care period under Minn. R. 7045.0492, when the Permittee is conducting a detection monitoring program, a compliance monitoring program, or a corrective action program. The Flue Dust Landfill is a regulated unit and must comply with Minn. R. 7045.0484, subps. 2 to 14 for detecting, characterizing, and responding to releases.

c. The financial responsibility requirements of Minn. R. 7045.048S apply to regulated units. [Minn. R. 7045.0484]

5.1.234

**Required Programs.** The Permittee shall conduct a monitoring and response program at the Flue Dust Landfill as follows:

a. If hazardous constituents or monitoring parameters are detected and show a statistically significant increase at the compliance point of the Flue Dust Landfill, the Permittee shall implement the compliance monitoring program in accordance with Part 5.1.256 to 5.1.263 of this Permit and Minn. R.7045.0484, subp.13.

b. If the groundwater protection standard is exceeded, the Permittee shall institute corrective action in accordance with Part 5.1.264 of this Permit and Minn. R. 7045.0484, subp. 14.

c. If hazardous constituents from a regulated unit exceed concentration limits in groundwater at or past the compliance point, the Permittee shall institute a corrective action program in accordance with Part 5.1.264 of this Permit and Minn. R. 7045.0484, subp. 14. The Permittee is currently conducting a corrective action program at the Flue Dust Landfill in accordance with Minn. R. 7045.0484, subp. 14.

d. In all other cases the Permittee shall institute a detection monitoring program in accordance with Part 5.1.255, of the Permit and Minn. R. 7045.0484, subp.12.

5.1.235

**Groundwater Protection Standard.** The Permittee shall comply with conditions specified in this Permit that are designed to ensure that the levels of hazardous constituents from the Flue Dust Landfill detected in the groundwater do not exceed the concentration limits in the groundwater at or beyond the point of compliance during the postclosure period.

These concentration limits are based on Minn. R. 7050.0220. Ultimately, the groundwater protection standard is the performance goal for any corrective action conducted on the groundwater at the Flue Dust Landfill.

<table>
<thead>
<tr>
<th>Constituent</th>
<th>Groundwater Protection Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Chromium (filtered)*</td>
<td>11 micrograms/liter</td>
</tr>
<tr>
<td>Mercury (filtered)*</td>
<td>0.007 micrograms/liter</td>
</tr>
</tbody>
</table>

* Both filtered and unfiltered samples shall be collected from all wells during one sampling event each year.

5.1.236

[Minn. R. 7045.0484]
### Monitoring Parameters

At each sampling event the Permittee shall monitor for the following parameters as indicators of groundwater quality. Those constituents for which a surface water standard has been determined have their concentration limits listed.

<table>
<thead>
<tr>
<th>Monitoring Parameter</th>
<th>Concentration Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chloride</td>
<td>100 milligrams per liter</td>
</tr>
<tr>
<td>Iron</td>
<td>***</td>
</tr>
<tr>
<td>Manganese</td>
<td>***</td>
</tr>
<tr>
<td>Sodium</td>
<td>***</td>
</tr>
<tr>
<td>Specific conductivity</td>
<td>1000 micro-Mhos per centimeter</td>
</tr>
<tr>
<td>PH</td>
<td>***</td>
</tr>
</tbody>
</table>

5.1.237

### Point of Compliance

a. The point of compliance is that point or those points at which the groundwater protection standard applies and at which monitoring must be conducted. For the Flue Dust Landfill the point of compliance currently consists of the monitoring wells designated as FDMW-1, FDMW-3, FDMW-5, FDMW-9S, FDMW-9D, FDMW-10S, FDMW-10D, FDMW-11S, and FDMW-11D and are shown and described in the Postclosure and Groundwater Protection Plan.

b. During the corrective action program, additional monitoring wells may be installed, as required to monitor the effectiveness of the corrective action system.

c. Upon completion of the corrective action program, compliance monitoring of the Flue Dust Landfill in accordance with this Permit shall continue until the Permittee demonstrates that the groundwater protection standard has not been exceeded for a period of five (5) consecutive years. [Minn. R. 7045.0484]

5.1.238

### General Groundwater Monitoring Requirements

The Permittee shall maintain the groundwater monitoring system at the Flue Dust Landfill to monitor area groundwater throughout the postclosure period. The groundwater monitoring system currently consists of the upgradient monitoring wells, FDMW-2, and FDMW-6A, and the downgradient wells at the point of compliance, FDMW-1, FDMW-3, FDMW-5, FDMW-9S, FDMW-9D, FDMW-10S, FDMW-10D, FDMW-11S, and FDMW-11D. [Minn. R. 7045.0484]

5.1.240

The Permittee shall comply with the requirements of Part 5.1.239 to 5.1.254 of this Permit for any groundwater monitoring program developed to satisfy Parts 5.1.255 to 5.1.264 of this Permit dealing with detection, compliance and corrective action. [Minn. R. 7045.0484]

5.1.241

The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples that:

1) Represent the quality of background groundwater that has not been affected by leakage from the Flue Dust Landfill;

2) Represent the quality of groundwater passing the point of compliance;

3) Allow for the detection of potential contamination from the Flue Dust Landfill; and

4) Allow for the determination of the effectiveness of any corrective actions implemented at the Flue Dust Landfill. [Minn. R. 7045.0484]

5.1.242

The Permittee shall submit to the Commissioner a work plan for installation of additional groundwater monitoring wells at least 30 days in advance of the anticipated date of installation. The work plan is subject to review in accordance with Part 5.1.201 to 5.1.205 of this Permit. The Permittee shall have the right to install monitoring wells for the Permittee’s own purposes in addition to those wells included in the groundwater monitoring system for the Flue Dust Landfill. Monitoring wells must be constructed and installed in accordance with Rules Relating to Wells and Borings, Minn. R. ch. 4725, and the Technical Enforcement Guidance Document, and be cased in a manner that maintains the integrity of the monitoring well bore hole. The hole must be screened and packed with gravel or sand, where necessary, to enable collection of groundwater samples. Where necessary, wells must be properly developed to enable collection of representative groundwater samples. The annular space (the space between the bore hole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. Materials used in well construction must be compatible with the intended use of the well. [Minn. R. 7045.0484]

5.1.243
Permit Issued: [month day, year]
Permit Expires: [month day, year]

5.1.244 The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the Flue Dust Landfill. The program must include procedures and techniques for: sample collections, sample preservation and shipment, analytical procedures, and chain of custody control. All sampling and analyses shall be conducted in accordance with the Quality Assurance Project Plan (QAPP) dated August 2012, and any subsequent revisions and addendums to the QAPP approved by the MPCA through July 2016. The QAPP must be kept up to date with current practices, with MPCA approval of revisions. [Minn. R. 7045.0484]  

5.1.245 The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measures hazardous constituents and monitoring parameters in groundwater samples. "Monitoring parameters" means waste reaction products, nonhazardous waste constituents, and indicator parameters that provide a reliable indication of the presence of hazardous constituents in the groundwater. The monitoring parameters are identified in Part 5.1.237 of this Permit. [Minn. R. 7045.0484]  

5.1.246 The groundwater monitoring program must include a determination of the potentiometric surfaces and groundwater flow directions at least annually and immediately prior to each time groundwater is sampled. The data and calculations shall be submitted to the Commissioner with the report for the concurrent sampling event. [Minn. R. 7045.0484]  

5.1.247 At least annually during the detection and compliance monitoring programs, the Permittee shall determine the flow rates of the groundwater being monitored. The Commissioner must be notified of the results and any significant change in the flow rate of the groundwater, which may be grounds for modification of the Permit. These results shall be submitted to the Commissioner with the report for the most concurrent sampling event. [Minn. R. 7045.0484]  

5.1.248 The groundwater monitoring program must establish background groundwater quality for each hazardous constituent, which may reasonably be expected to be in or derived from the wastes to be managed at the Facility. The Permittee shall establish background groundwater quality in accordance with Minn. R. 7045.0484, subp. 11. [Minn. R. 7045.0484]  

5.1.249 The Commissioner may also require the establishment of background values as well as periodic monitoring of groundwater for chemical components and physical properties, which are necessary to document groundwater quality. [Minn. R. 7045.0484]  

5.1.250 The Permittee shall specify one of the statistical methods in Minn. R. 7045.0484, subp. 11.H. to be used in evaluating groundwater monitoring data for each hazardous constituent. [Minn. R. 7045.0484]  

5.1.251 Each monitoring well shall be equipped with a locking cap. Each monitoring well shall be protected by placing protective posts around the well, or another means described in Minn. R. 4725.6755, subp. 2. Each well shall be provided with a cement collar at the surface to divert drainage away from the well casing. At the top of the well casing, the well number shall be permanently marked on each well at the site. At grade wells may be considered on a case by case basis, and must be approved by the Commissioner. For at grade and above grade wells, the Permittee shall comply with all applicable design, construction, operating and maintenance rules and requirements. [Minn. R. 7045.0484]  

5.1.252 An annual groundwater monitoring report must be submitted by the Permittee to the Commissioner following each annual sampling event, in accordance with the Postclosure and Groundwater Protection Plan. The annual report will include a summary of sampling events conducted at the Flue Dust Landfill and SWMUs during the monitoring year. The annual groundwater monitoring event will occur during June of each year and the annual report shall be submitted by September 15th of that year. The annual groundwater monitoring report must contain a minimum the following:

1) Date, location and time each sample was collected and each analysis was completed;

2) Static water level for each well to the nearest 0.01 foot from the surveyed reference point, along with a map indicating the groundwater flow direction;

3) Volume of water removed in gallons and well volumes before sampling;

4) Sampler's signature and field comments on unusual or noteworthy occurrences during the sampling event;

5) Stabilization test results;

6) Reasons for and ramifications of any deviations in sampling or analysis techniques or equipment used from those stated in the approved quality control plan;

7) Laboratory results of each sample analysis and the results of the quality control sample analysis along with a table which summarizes the results and compares them to the approved QAPP method detection limits;

8) Conditions of the wells and their protection;

9) Copies of the chain of custody forms;
10) Calculations made to determine if there has been a statistically significant increase above background or the concentration limits for each constituent for each well.

11) Elevation of North Star Lake and the Mississippi River; and

12) Flue Dust Landfill Monitoring Well Inspection checklist.

13) A table of Flue Dust Landfill surveyed elevations and deviations from the previous year;

14) Flue Dust Landfill Inspection results;

15) Groundwater flow rate calculations and discussion;

16) SWMU No. 2 surveyed elevations;

17) Summary of groundwater pump-and-treat system operations and evaluation of effectiveness of corrective measures;

18) Pump-and-treatment system groundwater capture area map;

19) Operation, Maintenance and Monitoring plan for the pump-and-treatment system;

20) Descriptions of any repair or maintenance activities;

21) Summary of any significant findings; [Minn. R. 7045.0484]

The Permittee is not required to submit to the MPCA semiannual groundwater monitoring reports based on the current data for chromium and mercury reported to the MPCA in the Permittee’s recent Annual and Semiannual Groundwater Monitoring Reports. [Minn. R. 7045.0484]

Detection Monitoring Program. The Permittee, if required by the MPCA to return to a detection monitoring program, shall monitor for hazardous constituents and monitoring parameters to indicate the presence of hazardous constituents in the groundwater. The hazardous constituents and monitoring parameters to be monitored for in detection monitoring are identified in Part 5.1.236 and Part 5.1.237 of this Permit. If a detection monitoring program is required, the Permittee shall conduct a detection monitoring program in accordance with the conditions of this Permit and Minn. R. 7045.0484, subp. 12. [Minn. R. 7045.0484]

Compliance Monitoring Program. If the Permittee successfully completes the corrective action program and is required to return to a compliance monitoring program, the Permittee shall conduct a compliance monitoring program in accordance with the Minn. R. 7045.0484, subp. 13 and the following: [Minn. R. 7045.0484]

The Permittee shall monitor the groundwater to determine whether the Flue Dust Landfill is in compliance with the groundwater protection standard set forth in Part 5.1.236 of this Permit. [Minn. R. 7045.0484]

Annually, the Permittee shall conduct a sampling program for each hazardous constituent and monitoring parameter specified in Part 5.1.236 and Part 5.1.237 of this Permit. The Permittee shall express the concentration at the monitoring wells in a form necessary for the determination of a statistically significant increase. [Minn. R. 7045.0484]

The Permittee shall determine whether there is statistically significant evidence of increased contamination for any monitoring parameter (excluding pH, chloride, sodium, and specific conductivity) or any hazardous constituent specified in Parts 5.1.236 and 5.1.237, each time the Permittee determines the concentration of hazardous constituents in groundwater at the compliance point.

The Permittee shall compare the groundwater quality at the monitoring wells at the compliance point for each hazardous constituent to the concentration limit in Part 5.1.236 and 5.1.237 of this Permit for that hazardous constituent according to the statistical procedures specified in Minn. R. 7045.0484 and the Permittee's Postclosure and Groundwater Protection Plan. Comparisons to date indicate that the concentration limit is being exceeded at the point of compliance as defined in Part 5.1.238. [Minn. R. 7045.0484]

If the Permittee determines that the groundwater protection standard is being exceeded at any monitoring well the Permittee shall:

1) Notify the Commissioner of this finding in writing within seven (7) days. The notification must indicate the concentration limits that have been exceeded.

2) Implement the corrective action program and submit to the Commissioner an application for Permit modification, if necessary, to supplement the corrective action program so as to meet the requirements of Minn. R. 7045.0484, subp. 14, within 90 days. The Permittee must include a detailed description of corrective actions that will achieve compliance with the
groundwater protection standard specified in the Permit and a plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action program. The groundwater monitoring program must also be capable of demonstrating compliance with the concentration limits in the groundwater at the downgradient portion of the property line of the facility, and beyond the Facility boundary, where necessary to protect human health and the environment. [Minn. R. 7045.0484]

If the Permittee determines that the groundwater protection standard is being exceeded at any monitoring well at the point of compliance, the Permittee may demonstrate that a source other than the regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, statistical evaluation, or natural variation in groundwater. Until the Permittee makes such a demonstration, the Permittee is not relieved of the requirement to submit a Permit modification application, if necessary to comply with Part 5.1.260 of this Permit and Minn. R. 7045.0484, subp. 13.H. In noting the demonstration, the Permittee shall:
1) Notify the Commissioner in writing within seven (7) days of the intent to make a demonstration;
2) Within 90 days, submit a report to the Commissioner, which demonstrates that a source other than the regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation.
3) Within 90 days, submit to the Commissioner an application for a Permit modification to make any appropriate changes to the program. [Minn. R. 7045.0484]

Corrective Action Monitoring Program. The Permittee is currently conducting a corrective action program at the Flue Dust Landfill in accordance with Minn. R. 7045.0484, subp. 14. The Permittee has determined that the groundwater protection standard for mercury has been exceeded at the point of compliance as defined in Part 5.1.238. In accordance with Minn. R. 7045.0484, subp.13 item H, the Permittee is required to implement the corrective action program outlined in Parts 5.1.26 to 5.1.29 of this Permit. In conjunction with the corrective action program, the Permittee shall establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. The monitoring program may be based on the requirements for a compliance monitoring program and must be at least as effective as that program in determining compliance with the groundwater protection standard, and in determining the success of a corrective action program. This monitoring program must also be capable of demonstrating compliance with the concentration limits in Part 5.1.236 and 5.1.237 of this Permit at the downgradient portion of the Facility property line. [Minn. R. 7045.0484]

6. Submittal/action requirements

6.1.1 The Permittee shall notify the agency of bankruptcy: Due 10 calendar days after Commencement of Bankruptcy Proceedings Date by certified mail of the commencement of a voluntary or involuntary proceeding under United States Code, Title 11, Bankruptcy, naming the Permittee as debtor. [Minn. R. 7045.0522, subp. 1]

6.1.2 The Permittee shall submit an application for permit reissuance: Due 180 calendar days before Permit Expiration Date. [Minn. R. 7045.0040, subp. 3]

6.1.3 The Permittee shall submit a revision of the financial assurance for Postclosure Care and Corrective Action (with cost updates): Due 90 days after the close of the Permittee’s fiscal year. The end of the Permittee’s fiscal year is December 31st. [Minn. R. 7045.0482]

6.1.4 The Permittee shall submit an annual report: Due annually, by the 1st of March of each year, for the previous calendar year. The annual report must include the information required by Minn. R. 7045.0482, subp. 2. [Minn. R. 7045.0482, subp. 1]

6.1.5 Per the Groundwater Monitoring requirements of this Permit, submit Annual ground water monitoring report(s) : Due annually by September 15th. [Minn. R. 7045.0484, Minn. R.]

6.1.6 The Permittee shall submit to the MPCA for their review and approval a Draft Environmental Covenant: Due by 90 days after permit issuance. [Minn. R. 7045.0496]

6.1.7 The Permittee shall submit an Annual CMI Evaluation Report: Due annually, by the 1st of March of each year, for the previous calendar year until the Commissioner determines that these reports are no longer necessary. The reporting period for each CMI Evaluation Report is defined as the previous calendar year and shall include all work not reported in previous CMI Evaluation Reports. The CMI Evaluation Report shall include, but is not limited to, the items listed in Part 5.1.129 for that reporting period. [Minn. R. 7045.0485]