

**Solid Waste Facility Permit**

**SW-614**

**Permittee:** Lambs Composting Facility

**Facility name:** Lambs Composting Facility  
735 Cramer Road  
Schroeder, Minnesota 55613  
Cook County

**Issuance date:** [Month day, year]

**Expiration date:** [insert date ten years from issuance date - format Month day, year]

In accordance with Minn. Stat. chs. 115, 115A, and 116, and Minn. R. chs. 7000, 7001, and 7035, the Minnesota Pollution Control Agency (MPCA) hereby issues this permit and authorizes the Permittee listed on the following page to construct and operate the facility under the conditions set forth in this permit.

The determination to issue this permit is discretionary with the MPCA and was made subsequent to MPCA staff review of the permit application. The term commissioner, as used in this permit, refers to the MPCA Commissioner or MPCA personnel who have been delegated explicit authority by the commissioner. Other terms used in this permit are defined in Minnesota Statutes, the MPCA Solid Waste Management Rules, or specifically defined in this permit.

This permit is effective on the issuance date identified above, and supersedes the previous permit that was issued for this facility. This permit expires at midnight on the expiration date identified above.

*Signature:* [Type e-Signature]

*This document has been electronically signed.*

*for the Minnesota Pollution Control Agency*

Mike Mondloch  
Supervisor, Solid Waste Permitting Unit  
Solid Waste Section  
Resource Management & Assistance Division

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## 1. List of Permittees

The following Permittee(s) are authorized to construct and operate the Lambs Composting Facility, SW-614, under the conditions set forth in this permit.

**Permittee activity owner:**

Lamb's LLC  
735 Cramer Road  
Schroeder, Minnesota 55613

**Permittee land owner:**

Lamb's LLC  
735 Cramer Road  
Schroeder, Minnesota 55613-0415

**Permittee operator:**

Lamb's LLC  
735 Cramer Road  
Schroeder, Minnesota 55613-0415

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## 2. Permitted facility description

The Lambs Composting Facility (Facility) is located at:  
735 Cramer Road  
Schroeder, Minnesota 55613  
Cook County

The Lamb's Composting Facility accepts petroleum contaminated soil for remediation through the composting process. The composting process involves mixing contaminated soil with manure and/or fertilizer and a bulking agent (wood, hay, sawdust). The material is formed into windrow type piles with perforated drain tile used for passive aeration. The treated soil is used as controlled fill in post-compost applications.

The current lined compost area is approximately 47,100 square feet in size (1.1 acres) and is constructed on one (1) foot of recompacted clay overlain with six (6) inches of compacted sand and gravel, including leachate collection. Run-on and run-off control is controlled by a minimum of two (2) foot high clay perimeter berms around the lined areas. Additional berms have been constructed around each individual compost pile to contain the water that directly contacts the pile for reuse as moisture control. Leachate collected in the lined area outside of the internal berms is reused for moisture control in the compost piles. Additional leachate storage is provided with an on-site storage pond designed for a minimum 10-year/24-hour storm event. Discharge of leachate from the storage pond to waters of the state is not allowed. Excess water from the pond will be hauled to a permitted wastewater treatment facility. Each compost pile will be vegetated to help control run-on/run-off, odor, temperature, and moisture content. The proposed expansion area will be approximately 52,000 square feet (1.2 acres) in size and will be constructed and operated similar to the current lined compost area. Complete design plans shall be submitted for MPCA approval prior to any expansion. The facility is open to commercial haulers only; access to private citizens is prohibited.

### 3. Permit requirements

SW-614	Lamb's Petroleum Contaminated Soil Composting Facility
3.1.1	<b>General.</b>
3.1.2	"Agency" means the Minnesota Pollution Control Agency, its agent, or representative. [Minn. R. 7035.0300, Subp. 3]
3.1.3	"Batch" means the entire volume of petroleum contaminated soil removed or planned to be removed from a property which has been contaminated by one or more releases of petroleum. [Minn. R. 7035.0300]
3.1.4	"Bulking Agent" means material such as wood chips, sawdust, or straw that is added to a compost pile to provide structural support and prevent the settlement and compaction of the decomposing waste. [Minn. R. 7035.0300]
3.1.5	"Commissioner" means the commissioner of the Minnesota Pollution Control Agency. [Minn. R. 7035.0300, Subp. 16]
3.1.6	"Compost facility" means a site used to compost petroleum contaminated soil, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process. [Minn. R. 7035.0300, subp. 19]
3.1.7	"Composting" means the controlled microbial degradation of petroleum contaminated soil. [Minn. R. 7035.0300, subp. 20]
3.1.8	"Compost pile" is a constructed pile of petroleum contaminated soil that is protected from run-on/run-off and aerated to provide optimum conditions for microbial degradation. [Minn. R. 7035.0300]
3.1.9	"Petroleum" has the meaning given in Minn. R. 7150.0030, subp. 36. It does not include a fraction of crude oil or constituents of gasoline intended for use in virgin or pure form including, but not limited to, benzene, toluene, and xylene. [Minn. R. 7035.0300]
3.1.10	"Petroleum contaminated soil" means mineral or organic soil or unconsolidated earthen material into which petroleum has been released. [Minn. R. 7035.0300, subp. 79a]
3.1.11	"Release" means the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum into the environment. This does not include discharges, designed venting, or treatment of petroleum contaminated soil as allowed under Agency rules. [Minn. R. 7035.0300, subp. 93]
3.1.12	"Run-off" means any liquid that drains over land from any part of the compost facility. [Minn. R. 7035.0300, subp. 95]
3.1.13	"Run-on" means a liquid that drains over land from precipitation onto a compost pile or an area for storage of petroleum contaminated soil. [Minn. R. 7035.0300, subp. 96]
3.1.14	"Stockpile" is a pile of petroleum contaminated soil that has not or is not being treated. [Minn. R. 7035.0300]
3.1.15	"Commissioner" means the Commissioner of the Minnesota Pollution Control Agency (MPCA), or any individual who is authorized to review and approve submittals on behalf of the Commissioner. [Minn. R. 4410.0300, subp. 16]
3.1.16	"Facility" has the meaning given in Minn. R. 7035.0300, subp. 37. [Minn. R. 7035.0330, subp. 37]
3.1.17	"Permitted Capacity" means the total amount or acceptance rate allowed for composting at the facility as found in the Waste Capacity Table of this Permit. [Minn. R. 7001.0150, subp. 2]
3.1.18	"Permittee" means the landowner, facility owner(s), and facility operator(s). [Minn. R. 7001.3060]
3.1.19	"Waste Activity" means the storage, processing, transfer, utilization, treatment, or disposal of solid waste and waste by-products. [Minn. R. 7001.0150, subp. 2]
3.1.20	"Waste Activity Area" means the land, structures, monitoring devices, and other appurtenances and improvements on the land associated with a waste activity. [Minn. R. 7001.0150, subp. 2]
3.1.21	The facility waste activities authorized by this permit are limited to those activities described in the Waste Capacity Table of this permit. [Minn. R. 7001.0150, subp. 2]
3.1.22	The Permittee shall keep the status of the permit current and up-to-date. [Minn. R. 7001.0150, subp. 2]
3.1.23	The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the Agency, in accordance with all state and federal statutes, rules and regulations, and in compliance with the conditions of the permit. [Minn. R. 7001.0150, subp. 2]

3.1.24	<p>The Lamb's LLC Petroleum Contaminated Soil Composting Facility is located at 735 Cramer Road, Schroeder Township, Cook County, Minnesota and is situated on 40 acres. The legal description for the property is:</p> <p>Northeast 1/4 of the Northeast 1/4 of Section 4, Township 58 North, Range 5 West, Schroeder Township, Cook County, Minnesota.</p> <p>Records indicate that the site is zoned Forest/Agriculture Recreation District (FAR 1). The application states that the site will most likely be zoned Light Industrial (LI) in the near future. The adjacent property owners are Minnesota Power (zoned heavy industrial) and the U.S. Forest Service. [Minn. R. 7001.0150, subp. 2]</p>
3.1.25	<p>Permit Action PER003 (this permit action) is for the reissuance of the existing petroleum contaminated soil composting facility which was originally permitted on August 25, 2004 and modified in 2008 for a facility expansion. The anticipated expansion did not occur during the last permit term. The Permittee wants the option to expand during this permit term because the potential for increased highway construction in the area could increase the demand for contaminated soil remediation. Therefore, the facility will be permitted for the original permitted area plus an expansion area for a total permitted capacity of 49,000 cubic yards of petroleum contaminated soil. [Minn. R. 7001.3550]</p>
3.1.26	<p>The current lined compost area is approximately 47,100 square feet in size (1.1 acres) and is constructed on one (1) foot of re-compacted clay overlain with six (6) inches of compacted sand and gravel, including leachate collection. Run-on and run-off control is controlled by a minimum of two (2) foot high clay perimeter berms around the lined areas. Additional berms have been constructed around each individual compost pile to contain the water that directly contacts the pile for re-use as moisture control. Leachate collected in the lined area outside of the internal berms is re-used for moisture control in the compost piles. Additional leachate storage is provided with an on-site storage pond designed for a minimum 10-year/24-hour storm event. Discharge of leachate from the storage pond to waters of the state is not allowed. Excess water from the pond will be hauled to a permitted wastewater treatment facility. Each compost pile will be vegetated to help control run-on/run-off, odor, temperature, and moisture content. The composting process involves mixing contaminated soil with manure and/or fertilizer and a bulking agent (wood, hay, sawdust). The proposed expansion area will be approximately 52,000 square feet (1.2 acres) in size and will be constructed and operated similar to the current lined compost area. Complete design plans shall be submitted for MPCA approval prior to any expansion. The facility is open to commercial haulers only; access to private citizens is prohibited. [Minn. R. 7001.3375]</p>
3.1.27	<p>The permitted capacity of the facility is 49,000 cubic yards, inclusive of all stockpiled material. This permitted capacity includes a potential expansion that could occur during this permit term. Contaminated soils and any additives at the site must be stored, processed and composted only in the lined area. [Minn. R. 7001.3375]</p>
3.1.28	<p>The facility may accept petroleum contaminated soils for composting according to the approved acceptance criteria. Impacted soils containing Regular Gasoline, Aviation Gasoline, Unleaded Gasoline, and/or Unused Petroleum Products can be accepted without further MPCA approval if analytical parameters do not exceed the following acceptance criteria:</p> <p>Gasoline Range Organics &lt; 20,000 ppm average Diesel Range Organics &lt; 20,000 ppm average Lead &lt; 100 ppm average</p> <p>If other petroleum products are present, such as Used Oil, Unknown Petroleum, or Hydraulic Fluids, or if the required analytical parameters exceed the acceptance criteria, MPCA approval prior to acceptance is required. [Minn. R. 7001.3375]</p>
3.1.29	<p>The facility waste activities authorized by this permit are limited to those activities described in the Waste Capacity Table of this permit. These activities include the stockpiling and composting of petroleum contaminated soil. No other wastes are managed at this facility. This permit does not authorize the acceptance of mixed municipal solid waste, sewage sludge, or waste determined to be hazardous in accordance with U.S. Environmental Protection Agency (EPA) Hazardous Waste Regulations and MPCA Hazardous Waste Rules. [Minn. R. 7001.3375]</p>

3.1.30	The original permit application approved by this permit was signed and dated March 15, 2004. The modification/expansion application (and reissuance application) was dated January, 2008. A permit reissuance application was signed and dated March 25, 2013. This application was revised and updated at the request of the MPCA and signed and resubmitted on October 19, 2017. [Minn. R. 7001.0010]
3.1.31	The Permittee shall notify the MPCA before transferring ownership or operation of a solid waste management facility during its operating life or during postclosure care period in accordance with Minn. R. 7035.2535, subp. 2. [Minn. R. 7035.2535, subp. 2]
3.1.32	<b>Permit Documents.</b>
3.1.33	The approved plans and engineering documents are incorporated into this permit. In addition, once approved by the Commissioner, the Permittee shall comply with all submittals that are submitted in accordance with the terms of this permit. In all cases where the permit and the plans or submittals differ, the requirements of the permit shall govern over a condition in the plan or submittal. The approval by the Commissioner of the plans and specifications shall not release the Permittee from any present or subsequent requirements of statutes, rules, regulations, or ordinances. [Minn. R. 7001.0150, subp. 3(E), Minn. R. 7035.2610]
3.1.34	The engineering documents approved by this permit are dated May 2004, January 2008, and March 2013 along with all subsequent revisions on October 19, 2017, and include: 1. Engineering Report 2. Operations and Maintenance Manual 3. Contingency Action Plan 4. Closure/Postclosure Plan 5. Cost Estimates 6. Industrial Solid Waste Management Plan 7. Technical Specifications 8. Construction Quality Assurance/Quality Control Plan 9. Engineering Plans/Drawings. [Minn. R. 7001.0150, subp. 3(H)]
3.1.35	Any revised plans shall be submitted for approval by the Commissioner. The Permittee shall obtain approval from the Commissioner on all revised engineering plans prior to construction of the affected portion of the facility. [Minn. R. 7001.0150, subp. 3(M), Minn. R. 7035.2610]
3.1.36	<b>Design And Construction Criteria.</b>
3.1.37	The Permittee may not locate, establish, or construct a solid waste management facility in areas designated in Minn. R. 7035.2555. [Minn. R. 7035.2555]
3.1.38	The Permittee shall construct the facility to prevent pollution of groundwater and surface water, minimize the contamination of soils from solid waste, and maintain the facility in conformance with MPCA air pollution control rules in accordance with Minn. R. 7035.2565. The Permittee shall design any proposed future expansions of the facility in accordance with this rule. [Minn. R. 7035.2565]
3.1.39	The Permittee shall construct the waste activity area where solid waste is stored in accordance with Minn. R. 7035.2855 except as provided in, subp. 1 and Minn. R. 7035.2525, subp. 2. [Minn. R. 7035.2855]
3.1.40	The Permittee shall construct the stormwater management system for the facility with Best Management Practices to manage stormwater discharge in accordance with the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit for the discharge of stormwater associated with an industrial activity and/or a construction activity. The issuance of this permit does not release the Permittee from the obligation to obtain an NPDES/SDS permit. [Minn. R. 7001.1090]
3.1.41	The Permittee shall submit a construction plan to the Commissioner for approval prior to construction if the construction plan proposes any major revisions to the approved design or if the Permittee moves forward with the proposed facility expansion. [Minn. R. 7001.0150, subp. H, Minn. R. 7035.2610]
3.1.42	The Permittee shall notify appropriate MPCA staff at least ten (10) working days in advance of the construction of the facility, any component thereof, or the proposed facility expansion unless the Commissioner orders otherwise. [Minn. R. 7001.0150, subp. M]
3.1.43	The Permittee shall submit a construction certification for approval by the Commissioner in accordance with Minn. R. 7035.2610. A facility waste activity, any new design feature or any facility expansion shall not be placed into operation until the construction certification has been approved by the Commissioner. [Minn. R. 7035.2610]

3.1.44	The Permittee shall not make any major alterations or additions to the facility that would materially alter the manner in which waste is managed without first obtaining the written consent of the Commissioner. [Minn. R. 7001.0150, subp. M]
3.1.45	<b>Operation And Maintenance Criteria.</b>
3.1.46	The Permittee shall ensure that the required number of operators, trained or certified under Minn. R. 7035.2545 and Minn. R. 7048.0100 to 7048.1300, are present and on duty at all times that the facility is open for the purpose of receiving waste. [Minn. R. 7035.2545, Minn. R. 7048.0100-1300]
3.1.47	The Permittee shall prevent unauthorized entry onto the facility in accordance with Minn. R. 7035.2535, subp. 3. In addition, the Permittee shall post a sign at the entrance of the facility and each waste activity area showing the facility name, MPCA permit number, hours of operation, the acceptable waste, and any other relevant information. [Minn. R. 7035.2535, subp. 3 ]
3.1.48	The Permittee shall establish and maintain a personnel training program consisting of classroom instruction and on-the-job training. The program shall address the requirements identified in Minn. R. 7035.2545, subp. 3, and shall include the specific training necessary to perform the tasks associated with each solid waste management area within the facility. The Permittee shall maintain a record of all personnel training and submit the dates of training in the annual report. [Minn. R. 7035.2545, subp. 3]
3.1.49	The Permittee shall prepare and maintain an operations and maintenance manual for the facility. The manual shall include operations and maintenance criteria that are specific to each solid waste management area within the facility. [Minn. R. 7001.3300, subp. P]
3.1.50	The Permittee shall construct and maintain all-weather approach and access roads to all waste activity areas within the facility. [Minn. R. 7001.0150, subp. 3(E)]
3.1.51	<b>Storage Of Solid Waste.</b>
3.1.52	The Permittee shall provide satisfactory storage for all solid waste accumulated at the facility in accordance with Minn. R. 7035.0700 and Minn. R. 7035.2855. [Minn. R. 7035.0700, Minn. R. 7035.2855]
3.1.53	The Permittee shall keep the facility grounds and immediately adjacent property free of litter stemming from the facility operations. The facility grounds and adjacent property shall be inspected and cleared of all litter at least once per week. [Minn. R. 7001.0150, subp. 3(O)]
3.1.54	The Permittee shall manage the facility to be in compliance with Minn. R. 7011.0150 to prevent particulate matter from becoming airborne. [Minn. R. 7011.0150]
3.1.55	The Permittee shall manage all free liquids that have come in contact with solid waste so that the liquids are not discharged as stormwater. [Minn. R. 7001.0150, subp. 2]
3.1.56	The Permittee shall provide effective measures to control flies, rodents and other insects or vermin as necessary. [Minn. R. 7001.0150, subp. 2]
3.1.57	The Permittee shall provide for the proper collection and transportation of solid waste in accordance with Minn. R. 7035.0800. [Minn. R. 7035.0800]
3.1.58	The Permittee shall not accept the wastes identified in Minn. R. 7035.2535, subp. 1 for treatment, storage, processing, or disposal. [Minn. R. 7035.2535, subp. 1]
3.1.59	The Permittee shall manage industrial solid waste for each waste activity as specified in the approved plan in accordance with Minn. R. 7035.2535, subp. 5. The Permittee shall include the information required by Minn. R. 7035.2575, subp. 2, items B and C in the annual report for each industrial waste accepted at the facility. [Minn. R. 7035.2535, subp. 5]
3.1.60	The Permittee shall manage household hazardous waste as specified in the approved plan in accordance with Minn. R. 7035.2535, subp. 6.1. [Minn. R. 7035.2535, subp. 6]
3.1.61	The Permittee shall operate and maintain the stormwater management system for the facility with Best Management Practices to manage stormwater discharges in accordance with the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit for the discharge of stormwater associated with an industrial activity and/or a construction activity. [Minn. R. 7001.1090]
3.1.62	The Permittee shall operate and maintain the facility to prevent pollution of groundwater and surface water, minimize the contamination of soils from solid waste, and maintain the facility in conformance with MPCA air pollution control rules in accordance with Minn. R. 7035.2565. [Minn. R. 7035.2565]



3.1.63	The Permittee shall provide and maintain adequate emergency equipment at the facility to control accidental fires, and make arrangements with the local fire protection agency to immediately acquire their services when needed. The Permittee shall also provide adequate communications equipment for emergency purposes. [Minn. R. 7035.2595, subp. 2&4]
3.1.64	The Permittee shall keep a written operating record at the facility in accordance with Minn. R. 7035.2575. [Minn. R. 7035.2575, subp. 2]
3.1.65	The Permittee shall inspect the facility in accordance with the schedule and items approved by the Commissioner as defined by Minn. R. 7035.2535, subp. 4. The Permittee shall record inspections in an inspection log or summary and shall keep these records for at least five years. [Minn. R. 7035.2535, subp. 4]
3.1.66	The Permittee shall maintain a copy of the approved emergency procedures manual at the facility for facility personnel to use in time of emergency. [Minn. R. 7035.2595, subp. 5]
3.1.67	The Permittee shall maintain a copy of the approved contingency action plan at the facility. [Minn. R. 7035.2615]
3.1.68	The Permittee shall maintain a copy of the approved facility closure plan, and all revisions to the plan, at the facility until closure is completed and certified in accordance with Minn. R. 7035.2635, subp. 3. [Minn. R. 7035.2625, subp. 3]
3.1.69	The Permittee shall maintain a copy of the approved postclosure care plan, and all subsequent amendments, until the postclosure care period begins. During the postclosure care period, the plan shall be kept by the contact person identified in Minn. R. 7035.2645, subp. 2, item C. [Minn. R. 7035.2645, subp. 2]
3.1.70	<b>Reporting Criteria.</b>
3.1.71	The Permittee shall submit an annual facility report for the preceding calendar year in accordance with Minn. R. 7035.2585 in a format prescribed by the MPCA. The annual facility report shall include waste types, volumes, management methods, and final destinations. When required of a waste activity, the report shall include summary evaluation reports and specific annual reporting requirements and monitoring results. The Permittee shall submit the report to the Commissioner according to the schedule in the Submittal/Action requirements section of this Permit. [Minn. R. 7035.2585]
3.1.72	<b>Contingency Action Criteria.</b>
3.1.73	The Permittee shall address all facility waste activities as specified in the approved plans and specifications, and in accordance with Minn. R. 7035.2615. [Minn. R. 7035.2615]
3.1.74	If a fire occurs in the waste deposit area, the Permittee shall immediately implement its contingency action plan to extinguish the fire. [Minn. R. 7001.0150, subp. 3(E)]
3.1.75	Within 24 hours of discovery of the fire, the Permittee shall provide notice to the MPCA that a fire has occurred and that the contingency action plan has been implemented. If the Permittee has not extinguished the fire within two weeks of notice, the Permittee shall again notify the MPCA and shall provide the name of the professional engineer that their Permittee has hire to develop a revised plan for further firefighting efforts. The Permittee shall submit the revised plan to the MPCA for review and approval within 15 days of the notice to the MPCA that a revised plan is being prepared. To be approved, their revised plan shall identify the action that will be taken to extinguish that fire, including sources for materials and equipment and a timeline for implementation, and shall be signed by a registered professional engineer. The Permittee shall implement the revised plan upon approval by the MPCA. [Minn. R. 7001.0150, subp. 3(E)]
3.1.76	The Permittee shall implement the actions necessary to comply with the contingency action requirements in accordance with Minn. R. 7035.2615. [Minn. R. 7035.2615, subp. 2]
3.1.77	The Permittee shall notify the Minnesota Duty Officer immediately 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. The Permittee shall recover as rapidly and as thoroughly as possible such substance or material and take immediate action to minimize or abate pollution of waters of the state. The MN Duty Office can be reached at 800-422-0798. [Minn. Stat. 115.61]
3.1.78	The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any release to air, land, or water of pollutants that threaten human health or the environment in accordance with Minn. R. 7035.2595. [Minn. R. 7035.2595, subp. 1]
3.1.79	The Permittee shall take all reasonable containment measures during an emergency and submit a written report to the Commissioner in accordance with Minn. R. 7035.2605. [Minn. R. 7035.2605, subp. 1]
3.1.80	<b>Closure Criteria.</b>

3.1.81	The Permittee shall close each waste activity, or the entire facility as appropriate, as specified in the approved plans and specifications, and in accordance with Minn. R. 7035.2625. [Minn. R. 7035.2625]
3.1.82	The Permittee shall perform closure for each waste activity as specified in the approved plans and specifications, and in accordance with Minn. R. 7035.2635. [Minn. R. 7035.2635]
3.1.83	The Permittee shall complete closure activities for the waste activity area in accordance with the closure plan within 180 days following the beginning of closure as specified in the closure procedures above. [Minn. R. 7001.0150, subp. 3(E)]
3.1.84	The facility will not be considered closed until the following has been demonstrated: <ol style="list-style-type: none"><li>1. No petroleum contaminated soil remains at the facility. The leachate storage areas have been emptied and the leachate disposed of at a permitted wastewater treatment facility.</li><li>2. No petroleum contaminants were found at the facility above the MPCA action level, as attributable to composting or stockpiling.</li><li>3. All reports and any other information requested by the commissioner have been submitted to the MPCA. [Minn. R. 7035.2635, Subp. 1]</li></ol>
3.1.85	<b>Financial Criteria.</b>
3.1.86	The Permittee shall keep the current cost estimates for contingency action, closure and postclosure care for each waste activity at the facility during the operating life in accordance with Minn. R. 7035.2685, subp. 2. [Minn. R. 7035.2685]
3.1.87	<b>General Conditions.</b>
3.1.88	The MPCA's issuance of a permit does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes, or regulations, or local ordinances including, but not limited to, those promulgated pursuant to Minn. Stat. chs. 115, 115A, 116, 400 and 473. This permit shall be permissive only and shall not be construed as estopping or limiting any claims against the Permittee, its agents, contractors, or assigns, nor as estopping or limiting any legal claims of the state against the Permittee, its agents, contractors, or assigns for damages to state property, or for any violation of the terms of this permit. [Minn. R. 7001.0150, subp. 3(A)]
3.1.89	The MPCA's issuance of a permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or enforcement orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or enforcement orders against the Permittee. [Minn. R. 7001.0150, subp. 3(B)]
3.1.90	The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
3.1.91	The MPCA's issuance of a permit does not obligate the MPCA to enforce local laws, rules or plans beyond that authorized by Minnesota Statutes. [Minn. R. 7001.0150, subp. 3(D)]
3.1.92	The Permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the submittals and specifications approved by the MPCA and in compliance with the conditions of the permit. [Minn. R. 7001.0150, subp. 3(E)]
3.1.93	The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The Permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible. [Minn. R. 7001.0150, subp. 3(F)]
3.1.94	The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the MPCA or the Commissioner by the permit. The Permittee shall immediately upon discovery report to the Commissioner an error or omission in these records, reports, submittals or other documents. [Minn. R. 7001.0150, subp. 3(G)]

3.1.95	The Permittee shall, when requested by the Commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. [Minn. R. 7001.0150, subp. 3(H)]
3.1.96	When authorized by Minn. Stat. 115.04, 115B.17, subd. 4 and 116.091, and upon presentation of proper credentials, the MPCA, or an authorized employee or agent of the MPCA, shall be allowed by the Permittee to enter at reasonable times upon the property of the Permittee to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. [Minn. R. 7001.0150, subp. 3(I)]
3.1.97	If the Permittee discovers, through any means, including notification by the MPCA, that noncompliance with a condition of the permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. [Minn. R. 7001.0150, subp. 3(J)]
3.1.98	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 of 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 the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. [Minn. R. 7001.0150, subp. 3(K)]
3.1.99	The Permittee shall report noncompliance with the permit not reported in the Notification of Noncompliance subheading above by submitting the information listed in Notification of Noncompliance within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, subp. 3(L)]
3.1.100	The Permittee shall give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or condition of the permit. [Minn. R. 7001.0150, subp. 3(M)]
3.1.101	The permit is not transferable to any person without the express written approval of the MPCA after compliance with the requirements of Minn. R. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit. [Minn. R. 7001.0150, subp. 3 (N)]
3.1.102	The permit authorizes the Permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and MPCA may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. 3.736. [Minn. R. 7001.0150, subp. 3(O)]
3.1.103	The Commissioner may commence proceedings to modify or revoke this permit during its terms if cause exists under Minn. R. 7001.0170 to 7001.0180. [Minn. R. 7001.0170-0180]
3.1.104	The provisions of this permit are severable. If any provision of this permit is held invalid, the remainder of this permit shall not be affected. [Minn. R. 7035.3200]
3.1.105	The Permittee may request an extension of the dates set forth in this permit including the submittal and monitoring dates. The request shall include justification for requesting the extension of the date. Based on the justification, the Commissioner may grant an extension. [Minn. R. 7001.0190, subp. 3(B)]
3.1.106	This permit is valid until the expiration date unless revoked or modified by the MPCA pursuant to Minn. R. 7001.0170 to 7001.0180. To allow for adequate MPCA review time and to avoid possible termination of the permit at the time the permit expires, an application for reissuance of the permit shall be submitted no later than 180 calendar days before the expiration date of the permit. [Minn. R. 7001.0150, subp. 1, Minn. R. 7001.3500, subp. 1]
3.1.107	The Permittee shall maintain records of all groundwater monitoring data and groundwater surface elevations for the active life of the facility and each waste activity and, for disposal activities, for the postclosure care period. The Permittee shall also maintain an operating record in accordance with Minn. R. 7035.2575 until closure of each waste activity at the facility. [Minn. R. 7001.3500, subp. 3(A)]

3.1.108	The Permittee may not start treatment, storage, or disposal of solid waste in a new solid waste management facility or in a modified portion of an existing solid waste management facility until the Commissioner has received a letter and as-built plans signed by the owner or operator and by an engineer registered in Minnesota certifying that the facility or modified portion of the facility has been constructed in compliance with the conditions of the permit. [Minn. R. 7001.3500, subp. 3(B)]
3.1.109	The Permittee may not start treatment, storage, or disposal of solid waste in a new solid waste management facility or in a modified portion of an existing solid waste management facility until the Commissioner has inspected the new facility or modified portion of the facility and has provided the owner or operator with a letter stating that the certification submitted is complete and approved. [Minn. R. 7001.3500, subp. 3(B (2))]
3.1.110	The Permittee may not start treatment, storage, or disposal of solid waste in a new solid waste management facility or in a modified portion of an existing solid waste management facility until the Commissioner has approved the financial assurance amount and instrument to be used for the facility in accordance with Minn. R. 7035.2665 to 7035.2805. [Minn. R. 7001.3500, subp. 3 (B (3))]
<b>MC 001</b>	<b>Contaminated Soil Composting</b>
3.2.1	<b>Design And Construction Criteria.</b>
3.2.2	The Permittee shall construct the solid waste composting area in accordance with the approved plans and specifications. [Minn. R. 7001.0150, subp. 3(E)]
3.2.3	The Permittee shall design any proposed future expansions or modifications of the solid waste compost area in accordance with this permit and the design requirements outlined in Minn. R. 7035.2836, subp. 4. [Minn. R. 7035.2836, subp. 4]
3.2.4	<b>Operating And Maintenance Criteria.</b>
3.2.5	The Permittee shall confine all wastes delivered to the composting area to a designated delivery area, and shall operate and maintain the area in accordance with Minn. R. 7035.2836, subp. 5. The Permittee shall process or remove all wastes from the designated delivery area at least once per week to prevent nuisances. [Minn. R. 7035.2836, subp. 5(C)]
3.2.6	The Permittee shall cover or otherwise manage the waste to control wind dispersion of any particulate matter. [Minn. R. 7035.2836, subp. H]
3.2.7	The Permittee shall comply with the approved monitoring, sampling and testing plan as specified in the approved plans and specifications, and in accordance with the sampling and testing requirements listed in Minn. R. 7035.2836, subp. 5, item J. [Minn. R. 7035.2836, subp. 5(J)]
3.2.8	The Permittee shall manage all leachate in accordance with the approved Leachate Management Plan, and in accordance with Minn. R. 7035.2836, subp. 5, item F. [Minn. R. 7035.2836, subp. 5(F)]
3.2.9	The Permittee shall divert surface water around and away from the compost operating area. The Permittee shall operate and maintain the drainage control system in accordance Minn. 7035.2855, subp. 3, items C to E. [Minn. R. 7001.0150, subp. 3, Minn. R. 7035.2855, subp. 3(C)]
3.2.10	The Permittee shall containerize, or store and remove from the facility, all salvageable or recyclable materials in a manner that prevents nuisances such as odors, vector intrusion and aesthetic degradation. [Minn. R. 7035.2836, subp. 5(D)]
3.2.11	The Permittee shall store all compost residuals and rejects in a manner that prevents nuisances such as odors or vector intrusion. The Permittee shall remove all compost residuals at least once per week. [Minn. R. 7035.2836, subp. 5(E)]
3.2.12	Soil shall be accepted for composting according to the approved acceptance criteria. Within 14 days of receiving the soil at the facility, the permittee shall submit to the MPCA all applicable information, including: <ol style="list-style-type: none"> <li>1. A copy of letter stating acceptance of the soil.</li> <li>2. Leaksite or Spill identification number.</li> <li>3. Responsible party/site name and address.</li> <li>3. Analytical results.</li> <li>4. Total volume accepted.</li> <li>5. Location of the soil compost pile on the facility map.</li> <li>6. The date composting began or will begin. [Minn. R. 7035.2836, subp. 5]</li> </ol>
3.2.13	If other petroleum products are present, such as Used Oil, Unknown Petroleum, or Hydraulic Fluids, or if the required analytical parameters exceed the acceptance criteria, MPCA approval prior to acceptance is required. [Minn. R. 7035.2836, subp. 5]

3.2.14	<p>Prior to accepting soil that is known to be contaminated with lead (ie: leaded gasoline, aviation gasoline), at least one composite sample consisting of four (4) grab samples must be analyzed for lead. If total lead is present in the contaminated soil at a level equal to or greater than 100 parts per million, as given in Minn. R. 7037.0500, subp. 3, a complete toxicity characteristic leaching procedure (TCLP) test must be performed. If the soil displays the toxicity characteristic, the permittee may not accept the soil for composting at the facility.                  [Minn. R. 7035.2836, subp. 5]</p>																														
3.2.15	<p>Prior to accepting soil that is actually or potentially contaminated with used oil, the permittee must evaluate the soil to determine whether it contains hazardous waste as provided by Minn. R. 7037.0500, Subp. 4. The permittee may not accept soil containing a hazardous waste (ie: heavy metals) for composting at the facility.                  [Minn. R. 7035.2836, subp. 5]</p>																														
3.2.16	<p>The permittee must operate and maintain each compost pile as follows:</p> <ol style="list-style-type: none"> <li>1. Prior to composting, remove rocks larger than four (4) inches in diameter and debris, including plastic, bricks, metal, and wood that are included in the petroleum contaminated soil. Any items removed, other than rocks, must be disposed of in a permitted landfill or by another approved method allowed by state or local rules.</li> <li>2. If average petroleum hydrocarbons exceed 20,000 parts per million, additional bulking agents and/or fertilizer shall be added to the compost pile as necessary.</li> <li>3. A management system that is capable of containing each compost pile and preventing run-on and run-off of precipitation shall be maintained. In the event of failure of the management system, additional measures as directed by the commissioner shall be installed to minimize run-on and run-off.</li> <li>4. During the construction period of each compost pile, the permittee shall water if needed, aerate, and fertilize to ensure optimal microbial activity.</li> <li>5. The permittee shall not engage in activities that would result in emissions of air contaminants causing violations of ambient air quality standards.</li> <li>6. If the soil to be composted is contaminated with waste oil or used oil, characterization must be made in accordance with the fact sheet titled "Soil and Ground Water Analysis at Petroleum Release Sites #3.22 and #3.23" found on the MPCA website (<a href="http://www.pca.state.mn.us/programs/lust_p.html">http://www.pca.state.mn.us/programs/lust_p.html</a>).                  [Minn. R. 7035.2836, subp. 5]</li> </ol>																														
3.2.17	<p>Baseline and Closure Samples shall be collected as described below:</p> <table border="0" style="width: 100%;"> <tr> <td colspan="2">Baseline Sampling (for soil acceptance)</td> </tr> <tr> <td style="width: 60%;">Volume of Soil (yd3)</td> <td style="text-align: center;">Number of Grab Samples</td> </tr> <tr> <td>0-50</td> <td style="text-align: center;">1</td> </tr> <tr> <td>51-500</td> <td style="text-align: center;">2</td> </tr> <tr> <td>501-1000</td> <td style="text-align: center;">3</td> </tr> <tr> <td>1001-2000</td> <td style="text-align: center;">4</td> </tr> <tr> <td>2001-4000</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Every additional 2000 yd3</td> <td style="text-align: center;">1</td> </tr> <tr> <td colspan="2">Closure Sampling</td> </tr> <tr> <td>Volume of Soil (yd3)</td> <td style="text-align: center;">Number of Composite Samples</td> </tr> <tr> <td>0-50</td> <td style="text-align: center;">2</td> </tr> <tr> <td>51-500</td> <td style="text-align: center;">4</td> </tr> <tr> <td>501-1000</td> <td style="text-align: center;">6</td> </tr> <tr> <td>1001-1500</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Every additional 1000 yd3</td> <td style="text-align: center;">2. [Minn. R. 7035.2836, subp. 5.J]</td> </tr> </table>	Baseline Sampling (for soil acceptance)		Volume of Soil (yd3)	Number of Grab Samples	0-50	1	51-500	2	501-1000	3	1001-2000	4	2001-4000	5	Every additional 2000 yd3	1	Closure Sampling		Volume of Soil (yd3)	Number of Composite Samples	0-50	2	51-500	4	501-1000	6	1001-1500	8	Every additional 1000 yd3	2. [Minn. R. 7035.2836, subp. 5.J]
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3.2.18	Baseline grab samples must be collected from a freshly exposed portion of the interior of the stockpile, taken no closer than one foot from the exterior surface of the stockpile. Closure grab samples must be collected from a freshly exposed portion of the interior of the compost pile, taken from approximately 2/3 of the way into the compost pile. [Minn. R. 7035.2836, subp. 5.J.]
3.2.19	A composite sample consists of four (4) grab samples collected from similar depths in the compost pile. [Minn. R. 7035.2836, subp. 5.J.]
3.2.20	Cross contamination of samples must be prevented using clean disposable gloves and other clean utensils each time a sample is collected. [Minn. R. 7035.2836, subp. 5.J.]
3.2.21	Samples must be preserved prior to analysis using either chemical preservation, if required for a particular laboratory method, or storage at a temperature of four (4) degrees Celsius or colder. [Minn. R. 7035.2836, subp. 5.J.]
3.2.22	The permittee shall use consistent sampling and analysis procedures designed to ensure that sampling results provide reliable indication of the parameter being tested. The permittee shall document, and be able to submit upon request, procedures and techniques used for sample collection, sample preservation and shipment, chain of custody control, and analytical procedures used following accepted quality assurance/quality control standards. [Minn. R. 7035.2836, subp. 5.J.]
3.2.23	If notified by the commissioner that split samples are desired, the permittee shall notify the MPCA at least ten (10) working days prior to sampling. [Minn. R. 7035.2836, subp. 5.J.]
3.2.24	If the commissioner determines that additional, or more frequent, analysis is necessary to ensure the facility is not having a negative impact on the environment, the permittee shall provide the additional data requested. [Minn. R. 7035.2836, subp. 5.J.]
3.2.25	Samples must be analyzed by an independent laboratory in accordance with Minn. R. 7037.3100, Subp. 2. Samples must be analyzed for total petroleum hydrocarbons as gasoline using the Wisconsin Department of Natural Resources Modified Gasoline Range Organics (GRO) method and/or total petroleum hydrocarbons as fuel oil using the Wisconsin Department of Natural Resources Modified Diesel Range Organics (DRO) method. [Minn. R. 7035.2836, subp. 5.J.]
3.2.26	The permittee shall collect closure samples in accordance with the sampling and analysis procedure. Closure samples must be taken from each compost pile prior to the transportation and final closure of the compost material. [Minn. R. 7035.2625]
3.2.27	Following removal of a compost pile where the lined surface has been breached, the native soil must be screened for organic vapors with a PID or FID at a depth of twelve (12) to eighteen (18) inches. If there is evidence of petroleum contamination, subsurface soil samples must be collected. If no organic vapors are detected at the 12 to 18 inch depth, the permittee must collect a soil sample at that depth and analyze it for petroleum hydrocarbons. If organic vapors are detected at the 12 to 18 inch depth, the permittee must collect subsequent soil core samples at one (1) foot intervals and screen them for organic vapors until none are detected. A soil sample must then be collected at that depth where no organic vapors were detected and analyzed for total petroleum hydrocarbons. Results of these samples shall be reported to the MPCA prior to issuing closure for the treated soil. If directed by the commissioner, the permittee must treat all impacted soil in accordance with MPCA rules, or as otherwise directed by the commissioner. The affected area must then be reconstructed to meet compost liner requirements. [Minn. R. 7035.2836, subp. 9.]
3.2.28	All composted soil must be below 10 parts per million total hydrocarbons (per the GRO and/or DRO method) prior to dismantling the compost pile. Samples must be collected in accordance with the sampling and analysis procedures stated in this permit and the approved plan. Treated soil can be used as controlled fill (except near residences, wetlands, or other sensitive areas) or other uses approved by the commissioner. A copy of the analytical results shall be submitted to the MPCA within 14 days of the compost pile closure determination. [Minn. R. 7035.2836, subp. 7]. [Minn. R. 7035.2836, subp. 7]
3.2.29	<b>Reporting Criteria.</b>
3.2.30	The Permittee shall submit an annual report by March 1 of each year in accordance with the reporting requirements identified in Minn. R. 7035.2585 and with the date and reporting requirements identified in Minn. R. 7035.2836, subp. 5, item K. The Permittee shall submit the report to the Commissioner, as part of the annual facility report, according to the schedule in this permit. [Minn. R. 7035.2585, Minn. R. 7035.2836, subp. 5(K)]

4. Waste capacity table

Waste activity	ID	Status	Permitted area	Permitted area units	Permitted capacity	Permitted capacity (Units)	Design capacity	Design capacity (Units)
Compost Site	MC 001	Active / Existing	4	acre	49,000	yd3		

5. Submittal/Action requirements

SW-614	Lamb's Petroleum Contaminated Soil Composting Facility
5.1.1	The Permittee shall submit an annual facility report: Due annually, by the 1st of February. [Minn. R. 7035.2585]
5.1.2	At a minimum of 180 days before the expiration date of this Permit, the Permittee shall submit an application for permit reissuance: Due 3472 calendar days after Permit Issuance Date. [Minn. R. 7001.0040, subp. 3]

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