



# Minnesota Pollution Control Agency

## Solid Waste Facility Permit

SW-670-001

**Permittee:** Lab USA's Ash Processing Facility - Red Wing

**Facility name:** Lab USA's Ash Processing Facility - Red Wing  
1540 Bench Street  
Red Wing, Minnesota 55066  
Goodhue County

**Issuance date:** TBD

**Expiration date:** TBD

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  
Prevention & Solid Waste Management Section  
Resource Management & Assistance Division

Table of Contents

1. List of Permittees ..... 3  
2. Permitted facility description..... 4  
3. Permit requirements..... 5  
4. Waste capacity table..... 11  
5. Submittal/Action requirements ..... 12

DRAFT

## 1. List of Permittees

The following Permittee(s) are authorized to construct and operate the Lab USA's Ash Processing Facility - Red Wing, SW-670-001, under the conditions set forth in this permit.

**Permittee activity owner:**

Lab USA Corporation  
211 North Broadway, Suite 211  
Green Bay, Wisconsin 54303

**Permittee land owner:**

Xcel Energy - Minneapolis  
414 Nicollet Mall  
Minneapolis Minnesota 55401-1927

**Permittee operator:**

Lab USA Corp  
211 North Broadway, Suite 211  
Green Bay, Wisconsin 54303

DRAFT

## 2. Permitted facility description

The Lab USA's Ash Processing Facility - Red Wing (Facility) is located at:  
1540 Bench Street  
Red Wing, Minnesota 55066  
Goodhue County

### Solid Waste Permit:

Lab USA's Ash Processing Facility - Red Wing, SW-670, is a proposed resource recovery facility. Lab USA proposes to construct and operate a facility that will process municipal solid waste (MSW) combustor ash for purposes of recovering the ferrous and non-ferrous metals. The MSW combustor ash that the facility proposes to process is currently being generated by Xcel Energy's Red Wing Generating Plant, as well as combustor ash previously deposited in the Xcel Energy's combustor ash landfill near Red Wing.

The proposed facility will be located on 3.4 acres on property that is owned by Xcel Energy Inc. The city of Red Wing plans to lease the land, and sublease it to Lab USA. The proposed building is approximately 30,000 square foot facility that will be used to process the MSW combustor ash. The ash will be processed as follows:

- \* Offloading Operations
- \* Crushing/Screening Processing (oversized material removal)
- \* Magnetic Separator Processing (mid-fraction ferrous and non-ferrous removal)
- \* Eddy Current Processing (mid and fine-fraction non-ferrous removal)
- \* Loading Operations

The facility proposes to process up to 150,000 tons per year of combustor ash, and 600 tons per day. The facility also proposes to store up to 3,500 tons per day of combustor ash, as well as 15,000 tons per year of recovered metals, and 60 tons per day.

### Environmental Review:

The proposed combustor ash processing facility does not trigger a mandatory requirement for the preparation and completion of an Environmental Assessment Worksheet (EAW), or an Environmental Impact Statement (EIS), as outlined in Minn. R. 4410.4300, subp. 17, however, Lab USA has elected to complete a discretionary EAW in conjunction with the application to obtain a solid waste permit.

### 3. Permit requirements

3.1.1	<b>General.</b> [header]
3.1.2	"ACM" means Asbestos Containing Material. [Minn. Stat. 116.326, 71]
3.1.3	"Airspace" means the volume for filling with waste, considering all solid waste, daily, intermediate, intermittent and final cover materials, and design restrictions. [Minn. R. 7001.0150, subp. 2]
3.1.4	"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]
3.1.5	"Facility" has the meaning given in Minn. R. 7035.0300, subp. 37. [Minn. R. 7035.0330, subp. 37]
3.1.6	"Permitted Capacity" means the total amount or acceptance rate allowed for storage, composting, processing, transfer or disposal at the facility as found in the Waste Capacity Table of this Permit. For land disposal facilities, "permitted capacity" as stated in the Waste Capacity Table includes the volume already filled by previous disposal activities, and airspace volume authorized to be used during the ten-year term of the current permit, including cover systems. [Minn. R. 7001.0150, subp. 2]
3.1.7	"Permittee" means the landowner, facility owner(s), and facility operator(s). [Minn. R. 7001.3060]
3.1.8	"Waste Activity" means the storage, processing, transfer, utilization, treatment, or disposal of solid waste and waste by-products. [Minn. R. 7001.0150, subp. 2]
3.1.9	"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]
3.1.10	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]
3.1.11	The Permittee shall keep the status of the permit current and up-to-date. [Minn. R. 7001.0150, subp. 2]
3.1.12	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]
3.1.13	The facility encompasses approximately 3.4 acres and is located in Sec.35, T113N, R15W, Red Wing Township, Goodhue County.  The physical address is: 1540 Bench Street Red Wing, Minnesota 55066  The mailing address is: 211 North Broadway, Suite 211 Green Bay, Wisconsin 54303. [Minn. R. 7001.0150, subp. 2]
3.1.14	The proposed combustor ash processing facility does not trigger a mandatory requirement for the preparation and completion of an Environmental Assessment Worksheet (EAW), or an Environmental Impact Statement (EIS), as outlined in Minn. R. 4410.4300, subp. 17. However, Lab USA has elected to complete a discretionary EAW for the proposed project as part of the application to obtain a solid waste permit. [Minn. R. 4410.4300, subp. 17]
3.1.15	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]
3.1.16	<b>Permit Documents.</b> [header]
3.1.17	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]
3.1.18	The permit application approved by this permit is signed and dated June 1, 2016 (owner), and June 17, 2016 (landowner), as well as subsequent correspondence from Lab USA, dated July 18, 2016. The permit documents submitted by Short Elliot Hendrickson Inc. (SEH) on behalf of Lab USA, are dated June 15, 2016, and November 10,

	2016. [Minn. R. 7001.0010]
3.1.19	The engineering documents approved by this permit include, but are not limited to: 1. Design Report, dated June 15, 2016. 2. Operations and Maintenance Plan, dated June 15, 2016. 3. Contingency Action Plan, included in O and M Plan. 4. Closure Plan, included in O and M Plan. 5. Cost Estimates, included in O and M Plan. 6. Engineering Plans/Drawings, dated June 15, 2016. 7. SEH correspondence, dated August 3, 2016, and November 10, 2016. [Minn. R. 7001.0150, subp. 3(H)]
3.1.20	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]
3.1.21	<b>Design and Construction Criteria.</b> [header]
3.1.22	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]
3.1.23	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]
3.1.24	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]
3.1.25	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]
3.1.26	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. [Minn. R. 7001.0150, subp. H, Minn. R. 7035.2610]
3.1.27	The Permittee shall notify appropriate MPCA staff at least ten (10) working days in advance of the construction of the facility or any component thereof unless the Commissioner orders otherwise. [Minn. R. 7001.0150, subp. M]
3.1.28	The Permittee shall submit a construction certification report for approval by the Commissioner in accordance with Minn. R. 7035.2610. A facility waste activity or any new design feature shall not be placed into operation until the construction certification has been approved by the Commissioner. [Minn. R. 7035.2610]
3.1.29	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]
3.1.30	<b>Operation and Maintenance Criteria.</b> [header]
3.1.31	The Permittee shall ensure that staff is properly trained to operate the ash processing equipment. [Minn. R. 7001.0150]
3.1.32	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 ]
3.1.33	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]
3.1.34	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]
3.1.35	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)]
3.1.36	<b>Storage of Solid Waste.</b> [header]

3.1.37	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]
3.1.38	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)]
3.1.39	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]
3.1.40	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]
3.1.41	The Permittee shall provide effective measures to control flies, rodents and other insects or vermin as necessary. [Minn. R. 7001.0150, subp. 2]
3.1.42	The Permittee shall provide for the proper collection and transportation of solid waste in accordance with Minn. R. 7035.0800. [Minn. R. 7035.0800]
3.1.43	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]
3.1.44	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]
3.1.45	The Permittee shall manage household hazardous waste as specified in the approved plan in accordance with Minn. R. 7035.2535, subp. 6. [Minn. R. 7035.2535, subp. 6]
3.1.46	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]
3.1.47	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]
3.1.48	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 and 4]
3.1.49	The Permittee shall keep a written operating record at the facility in accordance with Minn. R. 7035.2575. [Minn. R. 7035.2575, subp. 2]
3.1.50	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]
3.1.51	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]
3.1.52	The Permittee shall maintain a copy of the approved contingency action plan at the facility. [Minn. R. 7035.2615]
3.1.53	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]
3.1.54	<b>Reporting Criteria.</b> [header]
3.1.55	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]
3.1.57	<b>Contingency Action Criteria.</b> [header]
3.1.58	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]
3.1.59	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)]

3.1.60	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)]
3.1.61	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]
3.1.62	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]
3.1.63	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]
3.1.64	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]
3.1.65	<b>Closure Criteria.</b> [header]
3.1.66	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]
3.1.67	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]
3.1.68	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)]
3.1.69	<b>Financial Criteria.</b> [header]
3.1.70	The Permittee shall keep the current cost estimates for contingency action and closure, for each waste activity at the facility during the operating life in accordance with Minn. R. 7035.2685, subp. 2. [Minn. R. 7035.2685]
3.1.71	<b>General Conditions.</b> [header]
3.1.72	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)]
3.1.73	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)]
3.1.74	The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]
3.1.75	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)]
3.1.76	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)]
3.1.77	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)]
3.1.78	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)]
3.1.79	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)]
3.1.80	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)]
3.1.81	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)]
3.1.82	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)]
3.1.83	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)]
3.1.84	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)]
3.1.85	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)]
3.1.86	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)]
3.1.87	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]
3.1.88	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]
3.1.89	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)]
3.1.90	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]

3.1.91	The Permittee shall 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)]
3.1.92	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)]
3.1.93	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))]
3.1.94	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))]
3.1.95	<b>Specific Conditions.</b> [header]
3.1.96	The Permittee shall provide a separate storage area for the storage of recovered ferrous and non-ferrous metal. The Permittee shall manage all recovered ferrous and non-ferrous metal within the designated area on site. [Minn. R. 7001.0150, subp. 2]
3.2.1	<b>Design and Construction Criteria.</b> [header]
3.2.2	The Permittee shall construct the solid waste transfer area in accordance with the approved plans and specifications. [Minn. R. 7001.0150, subp. 3-4]
3.2.3	The Permittee shall design any proposed future expansions or modifications of the solid waste transfer area in accordance with the design requirements outlined in Minn. R. 7035.2870, subp. 4. [Minn. R. 7035.2870, subp. 4(B)]
3.2.4	<b>Operating and Maintenance Criteria.</b> [header]
3.2.5	The Permittee shall transport all solid waste that is received at the facility, to a solid waste disposal or recycling facility that has been permitted to accept such waste by the appropriate regulatory agency. [Minn. R. 7035.2870, subp. 2]
3.2.6	The Permittee shall operate the transfer area in accordance with the approved operating and maintenance manual, and in accordance with Minn. R. 7035.2870, subp. 5. [Minn. R. 7001.0150, subp. 2-3, Minn. R. 7035.2870, subp. 1]
3.2.7	The Permittee shall install facility doors to minimize dust and noise if nuisance conditions occur during the operation of the facility. [Minn. R. 7001.0150]
3.2.8	The Permittee shall keep roads, gates, doors, and tipping floor areas clear of obstructions at all times. [Minn. R. 7035.2870, subp. 5(A)]
3.2.9	The Permittee shall confine all solid waste within the tipping floor area or other designated processing or storage area. [Minn. R. 7035.2870, subp. 5(F)]
3.2.10	The Permittee shall maintain the facility and all equipment in good working condition. [Minn. R. 7035.2870, subp. 5(E)]
3.2.11	The Permittee shall inspect the tipping floor and storage areas on a weekly and monthly basis, and clear and clean the same areas annually. Any deterioration or cracks noted in the inspections or cleaning should be repaired within 2 weeks of discovery. [Minn. R. 7001.0150]
3.2.12	The Permittee shall clean all traps of waste each time the facility tipping floors and storage areas are cleaned. [Minn. R. 7035.2870, subp. 5(O)]
3.2.13	The Permittee shall remove liquids from the facility's sump before reaching capacity, or more often as necessary to prevent odors. [Minn. R. 7035.2870, subp. 5(O)]
3.2.14	The Permittee shall transfer or store all MSW combustor ash waste at the facility in: 1) a completely enclosed structure, 2) containers constructed of impervious materials and designed to prevent leakage, or 3) in a designated solid waste storage area meeting the storage standards of Minn. R. 7035.2855. [Minn. R. 7035.2870, subp. 5(C)]
3.2.15	The Permittee shall containerize or store all separated salvageable and recyclable materials in a designated area. The Permittee shall remove all separated salvageable and recyclable materials from the facility when the capacity of the container or designated area is reached. [Minn. R. 7035.2870, subp. 5(G)]

3.3.1	<b>Design and Construction Criteria.</b> [header]
3.3.2	The Permittee shall construct the solid waste processing area in accordance with the approved plans and specifications. [Minn. R. 7001.0150, subp. 2-3]
3.3.3	The Permittee shall design any proposed future expansions or modifications of the solid waste processing area in accordance with the design requirements outlined in Minn. R. 7035.2875, subp. 2. [Minn. R. 7035.2875, subp. 2-3]
3.3.4	<b>Operating and Maintenance Criteria.</b> [header]
3.3.5	The Permittee shall confine all solid waste to the unloading area or other designated loading or unloading area. [Minn. R. 7035.2870, subp. 5(F)]
3.3.6	The Permittee shall store all by-products, including residuals and metal fractions, in a manner that prevents vector problems and aesthetic degradation. The by-products shall be removed or utilized at least once per week. [Minn. R. 7035.2875, subp. 3(C)]
3.3.7	The Permittee shall containerize all salvageable and recyclable materials unless stored in an enclosed structure. [Minn. R. 7001.0150, subp. 2-3, Minn. R. 7035.2870, subp. 5(G)]
3.3.8	The Permittee shall clean the solid waste processing area on an annual basis. [Minn. R. 7001.0150]
3.4.1	<b>Design and Construction Criteria.</b> [header]
3.4.2	The Permittee shall construct the solid waste storage area in accordance with the approved plans and specifications. [Minn. R. 7001.0150, subp. 2-3]
3.4.3	The Permittee shall design any proposed future expansions or modifications of the solid waste storage area in accordance with the location standards and design requirements outlined in Minn. R. 7035.2855, subps. 2 and 3. [Minn. R. 7035.2855, subp. 2-3]
3.4.4	The Permittee shall inspect the liner system during, and immediately after, liner construction in accordance with Minn. R. 7035.2855, subp. 5. [Minn. R. 7035.2855, subp. 5]
3.4.5	<b>Operating and Maintenance Criteria.</b> [header]
3.4.6	The Permittee shall operate and maintain the liner to prevent any migration of waste or leachate. [Minn. R. 7035.2855, subp. 3(A-B)]
3.4.7	The Permittee shall inspect the solid waste storage liner at least weekly and after storms. After waste is removed from the liner, the Permittee shall inspect the liner for deterioration, cracks or other conditions that may result in leaks. [Minn. R. 7035.2855, subp. 4(A-B)]
3.4.8	The Permittee shall operate and maintain a run-on control system capable of preventing flow onto the storage area. The Permittee shall also operate and maintain a stormwater management system capable of collecting and controlling run-off from the storage area. Both run-on and run-off systems shall be capable of controlling at least the water volume resulting from a 24-hour, 10-year storm. [Minn. R. 7035.2855, subp. 3(C-D)]
3.4.9	The Permittee shall maintain and operate collection and holding facilities, such as tanks or basins, that are associated with the run-on and run-off control systems. The facilities shall be emptied, or otherwise managed, after storms to maintain the design capacity of the system. [Minn. R. 7035.2855, subp. 3(E)]
3.4.10	The Permittee shall cover or otherwise manage the solid waste to contain any particulate matter that may be subject to wind dispersion. [Minn. R. 7035.2855, subp. 3(F)]
3.4.11	<b>Closure Criteria.</b> [header]
3.4.12	The Permittee shall properly remove and dispose of or recycle all solid waste and contaminated portions of the storage area accordance with Minn. R. 7035.2855, subp. 6 upon closure of the area. [Minn. R. 7035.2855, subp. 6]

#### 4. Waste capacity table

Waste activity	ID	Status	Permitted area	Permitted area units	Permitted capacity	Permitted capacity (Units)	Design capacity	Design capacity (Units)
Solid Waste Storage			15,000	ft2	3,500	ton/dy	3,500	ton/dy

Waste activity	ID	Status	Permitted area	Permitted area units	Permitted capacity	Permitted capacity (Units)	Design capacity	Design capacity (Units)
Waste Processing			30,000	ft2	150,000	ton/yr	150,000	ton/yr
Transfer Station			5,000	ft2	150,000	ton/yr	600	ton/dy

**5. Submittal/Action requirements**

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]

DRAFT