Solid Waste Facility Permit
SW-667-001

Permittee: Tire Aggregate LLC dba Tire Aggregate
Facility name: Tire Aggregate LLC dba Tire Aggregate
4049 Highway 33
Brevator Township, MN 55720
St. Louis County

Issuance date: [Month day, year]
Modification date:
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 effective 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.
[Type name]
[Title]
[Office]
[Division]

for the Minnesota Pollution Control Agency
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1. List of Permittees

The following Permittee(s) are authorized to construct and operate the Tire Aggregate LLC dba Tire Aggregate, SW-667-001, under the conditions set forth in this permit.

Permittee activity owner:
Tire Aggregate LLC
2020 14th St
Cloquet, Minnesota 55720-2945

Permittee land owner:
Omar's Sand & Gravel
2067 County Road 61
Carlton MN 55718

Permittee operator:
Tire Aggregate LLC
2020 14th St
Cloquet, MN 55720-2945
2. Permitted facility description

The Tire Aggregate LLC dba Tire Aggregate (Facility) is located at:
4049 Highway 33
Brevator Township, MN 55720
St. Louis County

The Tire Aggregate, LLC facility will collect waste whole tires for processing into a tire derived aggregate (TDA) product. The Facility is located on approximately 6 acres within the existing Omar's Sand & Gravel mining operation. Whole tires will be collected by Tire Aggregate, LLC and transported to the Tire Aggregate facility, or dropped off at the facility by outside vendors, for sorting, storage, and processing. Incoming tires will be sorted into functional tires for resale and those to be shredded into tire derived aggregate (TDA). The facility will consist of concrete tire storage bins on native soils where whole tires are stored prior to processing, a tire processing area where whole tires are shredded into TDA, concrete bins for storage of TDA, and semi-trailers for storage of functional tires for resale. The principal product of this facility is TDA and the principal marketplace of the TDA is for geotechnical uses such as lightweight fill or as a substitute for conventional aggregate.
3. Permit requirements

<table>
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<tr>
<th>TFAC</th>
<th>Tire Processing Facility</th>
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<tr>
<td>3.1.1</td>
<td>General.</td>
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<tr>
<td>3.1.2</td>
<td>“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]</td>
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<tr>
<td>3.1.3</td>
<td>“Facility” has the meaning given in Minn. R. 7035.0300, subp. 37. [Minn. R. 7035.0330, subp. 37]</td>
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<td>3.1.4</td>
<td>“Permitted Capacity” in this permit means the maximum tire throughput through the processing area, the maximum airspace to be occupied by the storage area and the maximum amount of allowable tires in Passenger Tire Equivalents (PTE) at the facility. The “Permitted Capacity” is used to determine compliance with this permit. The &quot;Waste Capacity Table&quot; is an enforceable part of this permit. [Minn. R. 7001.0150, subp. 2]</td>
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| 3.1.5 | “Design Capacity” is an estimate dependent on the existing landholdings of the Permittee, existing regulations that affect development and design, including required buffer areas, storm water management requirements, engineering designs, and site development plans. It is the maximum volume or passenger tire numbers that upon final closure of the facility could be occupied by waste tires and TDA subject to the approved closure procedures under this permit. For the purpose of this permit, the following conversion factors apply:  
1 passenger tire equivalent (PTE) = 20 pounds (lbs)  
1 cubic yard (cy) of whole tires = 10 PTE  
1 cy of single pass/rough shreds = 27 PTE = 550 lbs  
1 cy of 2-inch minus shreds = 45 PTE = 900 lbs. [Minn. R. 7001.0150, subp. 2] |
| 3.1.6 | “Permittees” means the landowner, facility owner(s), and facility operator(s). The Permittees at this Tire Aggregate facility are Tire Aggregate LLC and Omar’s Sand & Gravel. [Minn. R. 7001.0150, subp. 2] |
| 3.1.7 | “Waste Activity” means the storage, processing, transfer, utilization, treatment, or disposal of solid waste and waste by-products. [Minn. R. 7001.0150, subp. 2] |
| 3.1.8 | “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] |
| 3.1.9 | 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] |
| 3.1.10 | The Permittees shall keep the status of the permit current and up-to-date. [Minn. R. 7001.0150, subp. 2] |
| 3.1.11 | The Permittees 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] |
| 3.1.12 | The facility encompasses approximately 5.9 acres and is located in Sec. 23, T50N, R17W, Brevator Township, St. Louis County. The land owner is Omar’s Sand and Gravel, Inc. and the physical address of the facility is:  
4049 Highway 33  
Brevator Township, MN 55720  
St. Louis County  
The mailing address is:  
Omar’s Sand and Gravel, Inc.  
2067 County road 61  
Carlton, MN 55718. [Minn. R. 7001.0150, subp. 2] |
| 3.1.13 | The Permittees 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] |
| 3.1.14 | Permit Documents. |
| 3.1.15 | 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]

3.1.16 The permit application approved by this permit is titled "Waste Tire Facility Permit Application" and is signed and dated December 12, 2015. Supplemental information was submitted on March 10, 2016. [Minn. R. 7001.0010]

3.1.17 The engineering documents approved by this permit include, but are not limited to:
3. Closure/Postclosure Plan, dated April 20, 2015
7. Engineering Plans/Drawings, dated April 20, 2015. [Minn. R. 7001.0150, subp. 3(H)]

3.1.18 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]

3.1.19 Waste Activities.

3.1.20 The Tire Aggregate, LLC facility will collect waste whole tires for processing into a tire derived aggregate (TDA) product. The Facility is located on approximately 6 acres within the existing Omar's Sand & Gravel mining operation. Whole tires will be collected by Tire Aggregate, LLC and transported to the Tire Aggregate facility, or dropped off at the facility by outside vendors, for sorting, storage, and processing. Incoming tires will be sorted into functional tires for resale and those to be shredded into tire derived aggregate (TDA). The facility will consist of concrete tire storage bins on native soils where whole tires are stored prior to processing, a tire processing area where whole tires are shredded into TDA, concrete bins for storage of TDA, and semi-trailers for storage of functional tires for resale. The principal product of this facility is TDA and the principal marketplace of the TDA is for geotechnical uses such as lightweight fill or as a substitute for conventional aggregate. [Minn. R. 9220.0450, subp. 1]

3.1.21 The tire processing activity will be conducted outdoors in the area where the concrete storage bins are located. The shredder will be placed on a drop deck semi-trailer and placed between the concrete bins where the incoming whole tires and the processed TDA will be stored. [Minn. R. 9220.0450, subp. 1]

3.1.22 Disposal of waste tires and TDA products in the Facility land is prohibited. [Minn. R. 9220.0220]

3.1.23 This permit approves the use of up to ten (10) - 53 foot enclosed semi-trailers or an equivalent amount of shipping containers, as measured by volume, for storage of tires to be resold as whole functional tires. No waste tires or TDA products may be stored here.

This permit also approves up to eight (8) - 70 foot by 70 foot (5,000 SF) bins. As many as three of these 8 bins may be used to store whole tires, including equipment tires at any one time. All 8 of these bins may be used to store processed tires at any one time. [Minn. R. 9220.0470, subp. 2]

3.1.24 All approved capacities are summarized in the attached Waste Capacity Table.

Reusable whole tires do not figure into the maximum storage capacity as they have value as a recycled material. Each trailer of reusable tires will have documentation or an inventory sheet that supports its exclusion from the storage capacity.

For the Waste Capacity Table TP-001 equals the tire processing and storage capacity; TS-001 equals whole tire storage capacity; and TS-002 equals the tire derived aggregate or shredded tire storage capacity from Minnesota Rules 9220.0470 and 9220.0480. [Minn. R. 9220.0470, subp. 2, Minn. R. 9220.0480, subp. 3]

3.1.25 Design And Construction Criteria.

3.1.26 The Permittees may not locate, establish, or construct a solid waste management facility in areas designated in Minn. R. 7035.2555.

A waste tire facility must not be constructed or operated in a wetland, sinkhole, shoreland, ravine, floodway, or any area where it may be subjected to immersion in water. [Minn. R. 7035.2555, Minn. R. 9220.0450, subp. 2]
3.1.27 The Permittees 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]

3.1.28 The Permittees 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]

3.1.29 The Permittees 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 Permittees from the obligation to obtain an NPDES/SDS permit. [Minn. R. 7001.1090]

3.1.30 The Permittees 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]

3.1.31 The Permittees 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]

3.1.32 The Permittees shall submit a construction certification 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. Any new tire storage bin or redesigned storage bin shall be certified by a professional engineer and approved by MPCA staff before any tire shreds are placed therein. [Minn. R. 7035.2610]

3.1.33 The Permittees 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]

3.1.34 Operation And Maintenance Criteria.

3.1.35 The Permittees shall ensure that the required number of operators; trained or certified under Minn. R. 7035.2545, 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]

3.1.36 The Permittees shall prevent unauthorized entry onto the facility in accordance with Minn. R. 7035.2535, subp. 3. In addition, the Permittees 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.

An attendant shall be present at all times when the waste tire facility is open for business.

The front gate across the restricted access driveway shall be locked when the facility is closed for operations. A “No Trespassing Sign” shall be placed at the entrance. [Minn. R. 7035.2535, subp. 3, Minn. R. 9220.0450, subp. 3(C)]

3.1.37 The Permittees 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 Permittees shall maintain a record of all personnel training and submit the dates of training in the annual report. [Minn. R. 7035.2545, subp. 3]

3.1.38 The Permittees 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]

3.1.39 The Permittees 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)]

3.1.40 Storage Of Solid Waste.

3.1.41 The Permittees 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]

3.1.42 The Permittees 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
3.1.43 The Permittees shall manage the facility to be in compliance with Minn. R. 7011.0150 to prevent particulate matter from becoming airborne. [Minn. R. 7011.0150]

3.1.44 The Permittees 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]

3.1.45 The Permittees shall provide effective measures to control flies, rodents and other insects or vermin as necessary. [Minn. R. 7001.0150, subp. 2]

3.1.46 The Permittees shall provide for the proper collection and transportation of solid waste in accordance with Minn. R. 7035.0800. [Minn. R. 7035.0800]

3.1.47 The Permittees shall not accept the wastes identified in Minn. R. 7035.2535, subp. 1 for treatment, storage, processing, or disposal. No waste other than waste tires, or other recyclable rubber, shall be accepted at the facility. No waste tires and tire shreds shall be present at this facility in quantities exceeding the maximum quantities in the attached Waste Capacity Table. [Minn. R. 7035.2535, subp. 1]

3.1.48 The Permittees 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]

3.1.49 The Permittees 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]

3.1.50 The Permittees 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 Permittees shall also provide adequate communications equipment for emergency purposes. [Minn. R. 7035.2595, subp. 2&4]

3.1.51 The Permittees shall keep a written operating record at the facility in accordance with Minn. R. 7035.2575. [Minn. R. 7035.2575, subp. 2]

3.1.52 The Permittees 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 Permittees 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]

3.1.53 The Permittees 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]

3.1.54 The Permittees shall maintain a copy of the approved contingency action plan at the facility. [Minn. R. 7035.2615]

3.1.55 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]

3.1.56 Reporting Criteria.

3.1.57 The Permittees shall submit an annual facility report for the preceding calendar year in accordance with Minn. R. 7035.2575 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 Permittees shall submit the report to the Commissioner according to the schedule in the Submittal/Action requirements section of this Permit. [Minn. R. 7035.2585]

3.1.58 Contingency Action Criteria.

3.1.59 The Permittees 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]

3.1.60 If a fire occurs in the waste deposit area, the Permittees shall immediately implement the contingency action plan to extinguish the fire. [Minn. R. 7001.0150, subp. 3(E)]

3.1.61 Within 24 hours of discovery of the fire, the Permittees shall provide notice to the MPCA that a fire has occurred and that the contingency action plan has been implemented. If the Permittees have not extinguished the fire within two weeks of notice, the Permittees shall again notify the MPCA and shall provide the name of the professional engineer that the Permittees have hired to develop a revised plan for further firefighting efforts. The Permittees 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, the 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 Permittees shall implement the revised plan upon approval by the MPCA. [Minn. R. 7001.0150, subp. 3(E)]

3.1.62 The Permittees 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]

3.1.63 The Permittees 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 Permittees 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 **Closure Criteria.**

3.1.66 The Permittees shall cease to accept whole waste tires or shred waste tires and immediately begin to close the facility in compliance with this permit and the approved closure plan if events listed in Minn. R. 9220.0490, subp. 1 occur. [Minn. R. 9220.0490]

3.1.67 The Permittees 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.

With either the voluntary or involuntary initiation of closure, the Permittee shall within 90 days after initiation of the closure procedures:
- Lock the Facility gate and secure the storage bins, semi-trailers and shipping containers.
- Notify the MPCA, St. Louis County, Solway Township, Fire Districts and Departments, and Law Enforcement, that the Facility has ceased accepting whole waste tires or Tire Derived Products.
- Remove all whole waste tires or tire derived product from the entire Facility, including in the land, to either a permitted solid waste disposal facility, a waste tire processing facility that has a permit or provisional status, a waste tire storage facility that has a permit or provisional status, or an end use site for beneficial reuse or use in conformance with Minn. R. 7035.2860.
- Notify the MPCA when all whole waste tires and tire derived product has been removed from the Facility and all other closure activities have been completed. [Minn. R. 7035.2625, Minn. R. 9220.0270, subp. 5, Minn. R. 9220.0490, Minn. R. 9220.0500]

3.1.68 The Permittees 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]

3.1.69 In the event of a closure, the Permittees must perform closure in accordance with Minn. R. 9220.0500 subp. 2. After all closure actions are complete, the Permittees will submit for the commissioner's review and approval, a closure certification report as required by Minn. R. 9220.0500 subp. 4. If the commissioner determines after a facility inspection that all closure procedures have been completed and duties discharged in accordance with this permit and Minn. R. 9220.0440 to Minn. R. 9220.0500, the commissioner shall give notice to the Permittees certifying that the facility has been closed in an adequate manner. The commissioner’s letter should also notify the Permittees that financial assurance for closure of the facility is no longer a requirement of this permit. [Minn. R. 9220.0500, subp. 4]

3.1.70 **General Conditions.**

3.1.71 The MPCA’s issuance of a permit does not release the Permittees 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 Permittees, its agents, contractors, or assigns, nor as estopping or limiting any legal claims of the state against the Permittees, 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)]

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

3.1.73 The permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]

3.1.74 The MPCA’s issuance of a permit does not oblige the MPCA to enforce local laws, rules or plans beyond that authorized by Minnesota Statutes. [Minn. R. 7001.0150, subp. 3(D)]

3.1.75 The Permittees 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.
The Permittees 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 Permittees 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 Permittees 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)]

The Permittees 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 Permittees 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)]

The Permittees 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)]

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)]

If the Permittees discover, through any means, including notification by the MPCA, that noncompliance with a condition of the permit has occurred, the Permittees 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)]

If the Permittees discover that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittees 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 Permittees 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)]

The Permittees shall report noncompliance by submitting the information listed in the Notification of Noncompliance within 30 days of the discovery of the noncompliance. [Minn. R. 7001.0150, subp. 3(L)]

The Permittees 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)]

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)]

The permit authorizes the Permittees 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 Permittees 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)]

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]

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]

The Permittees 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)]

3.1.89 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]

3.1.90 The Permittees 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)]

3.1.91 The Permittees may not start storage or processing 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))]

3.1.92 The Permittees may not start storage or processing 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))]

3.1.93 Financial Assurance.

3.1.94 The Permittees will keep the current cost estimates for each waste activity at the facility during the operating life in accordance with Minn. R. 9220.0550. [Minn. R. 9220.0550]

3.1.95 The Facility shall not accept tires if the financial assurance is less than the cost to remove the tires and tire derived product based on the following formula: $1.00 per loose cubic yard of tire derived product times the quantity of product; plus $100.00 per off-the-road tire times the number of off the road tires in storage; plus $0.65 per whole unprocessed tire times the number of whole tires in storage. The Permittees will provide and maintain a fully funded letter of credit, or other approved financial instrument, for a minimum amount of $48,887. The financial assurance requirement will be reviewed annually and adjusted, if needed, according to the rate of inflation. [Minn. R. 9220.0580]

TP-001 Whole Tire Processing

3.2.1 After sorting functional tires for resale from scrap tires for processing, the scrap tires will be moved to the Tire Processing Area where whole tires will be stored in concrete bins prior to being shredded into tire derived aggregate (TDA). The tire processing activity will be conducted outdoors in the area where the concrete storage bins are located. The shredder will be placed on a drop deck semi-trailer and placed between the concrete bins where the incoming whole tires and processed TDA will be stored. The Tire Processing Area will consist of concrete whole tire and TDA storage bins and an area between the bins where whole tires are shredded into TDA. [Minn. R. 7001.0150]

3.2.2 Operating And Maintenance Criteria. [header]

3.2.3 The Permittees shall not store more than 500,000 passenger tires or the equivalent weight of other tires (PTE's) or 300,000 PTE's of tire derived aggregate (TDA) at any time. The Permittees may only store one pile of waste tires and one pile of TDA meeting the limits of Minn. Fire Code. [Minn. R. 9220.0470, subp. 2]

3.2.4 For the purpose of this permit, the following conversion factors apply:
1 passenger tire equivalent (PTE) = 20 pounds (lbs)
1 cubic yard (cy) of whole tires = 10 PTE
1 cy of single pass/rough shreds = 20 PTE = 440 lbs
1 cy of 2-inch minus shreds = 40 PTE = 800 lbs. [Minn. R. 7001.0150, subp. 2-3]

3.2.5 The Permittees shall meet or exceed the conditions specified in the current edition of The Standard for Storage of Rubber Tires, National Fire Protection Association (NFPA) 231D, for waste tires that are stored indoors. This publication is written by the NFPA Committee on Standards for Rubber Tires, and is published by the NFPA Standards Council. [Minn. R. 9220.0450, subp. 3(E)]

3.2.6 The Permittees shall store waste tires and TDA only in designated, vegetation-free areas. [Minn. R. 9220.0450, subp. 3(D)]

3.2.7 Reusable whole tires do not figure into the maximum storage capacity as they have value as a reusable product.
Each trailer of reusable tires will have documentation or an inventory sheet that supports its exclusion from storage capacity. [Minn. R. 7001.0150, subp. 2-3]

3.2.8 The waste tire piles shall not have an area greater than 5,000 square feet, nor a vertical height greater than 10 feet. [Minn. R. 7001.0150, subp. 2-3]

3.2.9 The Permittees shall maintain a 50-foot fire lane around the perimeter of each waste tire pile. The Permittees shall maintain the fire lanes, and access to the fire lanes, in a manner that keeps the fire lanes free of rubbish and vegetation at all times to allow unobstructed access for emergency vehicles. [Minn. R. 9220.0450, subp. 3(G)]

3.2.10 The Permittees shall divert surface water around and away from the tire storage area. [Minn. R. 9220.0450, subp. 3(I)]

3.2.11 The Permittees shall maintain the tire pile in a manner that keeps the pile free of mosquitoes and rodents. [Minn. R. 9220.0450, subp. 3(H)]

3.2.12 The Permittees shall not allow the operation or use of open flame, blow torches, or highly flammable substances within 50 feet of a waste tire pile. [Minn. R. 9220.0160, subp. 2, Minn. R. 9220.0450, subp. 3(A)]

3.2.13 The Permittees shall maintain the following information for tire derived product (TDA):
1) the quantity of TDA in cubic yards,
2) the location of TDA at the facility,
3) how long the TDA has been at the facility, and
4) the current end use destination.
The Permittee shall also demonstrate that the facility is meeting the 75% processing requirement annual on an annual basis. [Minn. R. 9220.0160, subp. 10, Minn. R. 9220.0450, subp. 4(C-G)]

3.2.14 The Permittees shall maintain the following information for waste tire residuals:
1) the quantity of residuals as measured in cubic yards,
2) the location of the residuals at the facility,
3) how long the residuals have been at the facility, and
4) the current end use destination. [Minn. R. 9220.0390]

3.2.15 For projects in Minnesota that require under 5,000 cubic yards of TDA, the Permittees shall provide the following notice at least 7 days prior to delivery of the TDA and retain a copy for its records:
"[name and address] ("User") agrees that it understands that he/she/it must comply with the following restrictions on the use of the TDA provided by Tire Aggregate, LLC. User agrees that the TDA will be used in compliance with Minn. R. 7035.2860, subpart 4.G or subpart 4.H, or a case-specific beneficial use determination under Minn. R. 7035.2860, subpart 5. User understands that TDA cannot be used as general construction fill or clean fill. If User is not sure whether its project complies with these requirements, User is encouraged to contact the Minnesota Pollution Control Agency at 651-296-6300 or 1-800-657-3864 for further information. If the project does not comply with the rules, use of the TDA may be found to constitute disposal and subject User to penalties.". [Minn. R. 7001.0150, subp. 2-3]

3.2.16 For projects in Minnesota that require over 5,000 cubic yards of TDA, the Permittees shall obtain reasonable assurances from the person conducting the project that the TDA will be used in compliance with Minn. R. 7035.2860, subpart 4.G or subpart 4.H, or a case-specific beneficial use determination under subpart 5 prior to delivery of the material. The Permittees shall not deliver any product to persons seeking to use the TDA as general construction fill or clean fill. As used in this permit, “reasonable assurances” means either that the Permittees have been provided a copy of a plan for that project developed by a licensed professional engineer or engineer employed by governmental unit that incorporates the TDA in accordance with MnDOT standards or as a substitute for conventional aggregate in a ratio no greater than one to one by volume, or the Permittees have been provided a statement signed by the licensed professional engineer or engineer employed by a governmental unit that attests that the TDA will be used in accordance with MnDOT standards or as a substitute for conventional aggregate in a ratio no greater than one to one by volume. The Permittees shall retain the plans or statement for its records. [Minn. R. 7001.0150, subp. 2-3]

3.2.17 In the event of a release of pyrolytic oil at the facility, the Permittees shall remove all contaminated soil in accordance with the current applicable rules governing the removal, transportation and disposal of the material. [Minn. R. 9220.0390, Minn. R. 9220.0480, subp. 5]

TS-001 Whole Tire Storage

3.3.1 Operating And Maintenance Criteria. [header]

3.3.2 The Permittees shall provide a storage area for the collection and storage of whole waste tires prior to processing.
No more than 500,000 passenger tire equivalents (PTEs) may be stored at the facility at any given time. [Minn. R. 9220.0450, subp. 4, Minn. R. 9220.0480, subp. 3]

3.3.3 A whole waste tire storage area shall be designated. Only whole waste tires may be stored in the designated waste tire storage area. This area shall be maintained free of vegetation. [Minn. R. 9220.0450, subp. 3(D)]

3.3.4 No operations involving the use of open flames, blow torches, or highly flammable substances shall be conducted within 50 feet of a waste tire pile. [Minn. R. 9220.0450, subp. 3(A)]

3.3.5 No waste tire pile shall have an area greater than 5,000 square feet or a vertical height greater than 10 feet. [Minn. R. 9220.0450, subp. 3(F)]

3.3.6 A 50-foot fire lane shall be placed around the perimeter of each waste tire pile. Access to the fire lane for emergency vehicles shall be unobstructed at all times. The fire lane shall be maintained free of rubbish and vegetation at all times. [Minn. R. 9220.0450, subp. 3(G)]

3.3.7 All tire piles shall be maintained free of mosquitoes and rodents. [Minn. R. 9220.0450, subp. 3(H)]

3.3.8 Surface water drainage shall be diverted around and away from the waste tire storage area. [Minn. R. 9220.0450, subp. 3(I)]

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TS-002 Tire Derived Aggregate Storage

3.4.1 Operating And Maintenance Criteria.

3.4.2 The Permittees shall provide a storage area for the storage of tire derived aggregate (TDA). No more than 300,000 passenger tire equivalents (PTEs) of TDA may be stored at the facility at any given time. [Minn. R. 9220.0450, subp. 4, Minn. R. 9220.0480, subp. 3]

3.4.3 A tire derived aggregate (TDA) storage area shall be designated. Only TDA may be stored in the designated waste tire storage area. This area shall be maintained free of vegetation. [Minn. R. 9220.0450, subp. 3(D)]

3.4.4 No operations involving the use of open flames, blow torches, or highly flammable substances shall be conducted within 50 feet of a TDA pile. [Minn. R. 9220.0450, subp. 3(A)]

3.4.5 No TDA pile shall have an area greater than 5,000 square feet or a vertical height greater than 10 feet. [Minn. R. 9220.0450, subp. 3(F)]

3.4.6 A 50-foot fire lane shall be placed around the perimeter of each TDA pile. Access to the fire lane for emergency vehicles shall be unobstructed at all times. The fire lane shall be maintained free of rubbish and vegetation at all times. [Minn. R. 9220.0450, subp. 3(G)]

3.4.7 All TDA piles shall be maintained free of mosquitoes and rodents. [Minn. R. 9220.0450, subp. 3(H)]

3.4.8 Surface water drainage shall be diverted around and away from the TDA storage area. [Minn. R. 9220.0450, subp. 3(I)]

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4. Waste capacity table

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<th>Waste activity</th>
<th>ID</th>
<th>Status</th>
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<th>Permitted area units</th>
<th>Permitted capacity</th>
<th>Permitted capacity (Units)</th>
<th>Design capacity</th>
<th>Design capacity (Units)</th>
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5. Submittal/Action requirements

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<tr>
<th>TFAC</th>
<th>Tire Processing Facility</th>
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<tr>
<td>5.1.1</td>
<td>The Permittees shall submit an annual facility report: Due annually, by the 1st of February. [Minn. R. 7035.2585]</td>
</tr>
<tr>
<td>5.1.2</td>
<td>At a minimum of 180 days before the expiration date of this Permit, the Permittees shall submit an application for permit reissuance: Due 3,472 calendar days after Permit Issuance Date. [Minn. R. 7001.0040, subp. 3]</td>
</tr>
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