

February 21, 2020

CERTIFIED MAIL NO. 7007 0220 0000 9641 8400/7007 0220 0000 9641 8387
RETURN RECEIPT REQUESTED

Mr. Scott Helberg, COO
Northern Metals, LLC
13196 Hancock Street Southeast
Becker, MN 55308

Mr. Scott Helberg, COO
Northern Metals, LLC
2800 Pacific Street North
Minneapolis, MN 55411

RE: Administrative Order
Northern Metal Recycling-Becker
Northern Metal Recycling-Minneapolis

Dear Mr. Helberg:

The enclosed Administrative Order (Order) is being issued by the Minnesota Pollution Control Agency (MPCA) to Northern Metals, LLC, doing business as Northern Metals Recycling - Becker and Northern Metals, LLC, doing business as Northern Metals Recycling - Minneapolis.

The Order requires Northern Metals, LLC to complete the specified actions listed in the Order

The Order is a final decision of the MPCA. Any person aggrieved by any final decision for which judicial review is not provided in Minn. Stat. ch. 14, may obtain judicial review thereof before the Minnesota Court of Appeals pursuant to Minn. Stat. §§ 14.63 to 14.69.

Please contact Brent Rohne at 651-757-2674 or brent.rohne@state.mn.us, if you have any questions regarding this Order.

Sincerely,

Brent Rohne

This document has been electronically signed.

Brent Rohne
Environmental Specialist
Industrial Division

BR:map

Enclosure

See page 2 for cc's:

Mr. Scott Helberg, COO

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cc: Christina Brown, Attorney General's Office (w/enclosure)

Leslie Fredrickson, Attorney, MPCA (w/enclosure)

Sarah Kilgriff, MPCA (w/enclosure)

Cory Boeck, MPCA (w/enclosure)

Ralph Pribble, MPCA (w/enclosure)

Activity ID NON20200001 @ 228930

STATE OF MINNESOTA
Minnesota Pollution Control Agency

In the Matter of:
Northern Metals, LLC

ADMINISTRATIVE ORDER

This Administrative Order (Order) is issued by the Minnesota Pollution Control Agency (MPCA) to Northern Metals, LLC (Northern Metals) pursuant to Minn. Stat. §§ 115.03(e), 116.07, subd. 9 and 116.11, and Minnesota Rules 7035.2845.

FINDINGS OF FACTS

1. Northern Metals is a Delaware limited liability company that owns a scrap metal recycling facility at 13196 Hancock Street Southeast, Becker, Minnesota 55308 (Facility).
2. The Facility is located approximately a half mile from Becker City Hall. It is within a one and a half mile radius of all Becker public schools. The Facility is adjacent to the city's drinking water source protection area.
3. Northern Metals previously operated a scrap metal recycling facility at 2800 North Pacific Street, Minneapolis, Minnesota 55411 (Minneapolis Site). Northern Metals continues to use the Minneapolis Site as a collection point, where it accepts and stores vehicles and other constituents for scrap metal recycling. Northern Metals stores these items at the Minneapolis Site until they can be brought to the Facility for processing.
4. On June 14, 2018, the MPCA issued Northern Metals an air emissions permit for the Facility, state air permit number 14100076-101 (Permit). The Permit allows Northern Metals to conduct scrap metal recycling activities within certain parameters to ensure safe air quality levels. During the permitting process, the primary sources of air emissions considered by MPCA in determining safe air emissions levels included a metal shredder and associated ferrous processing equipment, a metal recovery plant (MRP), material handling, and paved road dust.
5. The Permit requires Northern Metals to comply with a feedstock control plan to keep hazardous and volatile materials out of the shredder feedstock. The feedstock control plan requires Northern Metals to inspect each load for unacceptable materials upon receipt, when unloaded in the yard, and again when the scrap is loaded to the shredder's infeed conveyor. The plan includes procedures for rejecting unacceptable materials, specifications for unacceptable and provisionally unacceptable materials, as well as requirements for removing unacceptable components from vehicles, employee training, and recordkeeping, among other requirements.
6. The Facility is required to comply with a fugitive dust control plan that requires best management process to minimize fugitive dust, including daily visible emissions checks, sweeping and watering roads, and watering storage piles. Ash and debris formed as a result of a fire at the Facility that was reported to have begun at 2:30 a.m. on February 18, 2020, which are a new source of fugitive emissions not evaluated during the permitting process nor covered under the fugitive dust control plan.

7. As of the date of this Order, minimal, if any, activities from the metal shredder, Metals Recovery Plant (MRP), and End of Life Vehicle (ELV) process have commenced at the Facility. However, Northern Metals has begun receiving scrap metals at the Facility for recycling, including vehicles and other constituents. It stores these materials in large stacked piles on a lot at the Facility. Northern Metals is not required to remove tires from the vehicles prior to storing them at the Facility.
8. On February 18, 2020, the MPCA received reports of a fire at the Facility that began around 2:30 a.m. The fire originated in a large pile of stacked vehicles. The cause and source of the fire is unknown at this time. As of the date of this Order, the fire continues to burn. The plume from the burning vehicles, tires, and other materials is large enough that at times it has been visible up to twenty miles away.
9. On February 18 and 19, 2020, weather patterns directed the plume away from Becker. On February 19, 2020, the MPCA staff received weather forecast information indicating a change in wind direction, which would case the plume to travel towards the city of Becker. In response, the City canceled classes at all public schools for February 20, 2020.
10. On February 18, 2020, the MPCA dispatched emergency response staff to the Facility and requested Northern Metals to collect stormwater samples for analysis. On February 19, 2020, MPCA staff requested Northern Metals to submit an air sampling plan for MPCA approval. The company submitted a plan, which MPCA determined was incomplete. On February 20, 2020, the MPCA retained West Central Environmental Consultants (West Central) to conduct air quality tests in and around the Facility, which are ongoing. The extent of the release of hazardous chemicals, hazardous or solid waste, or other toxins into the air, water, or soil around the Facility is unknown.
11. MPCA staff have observed, and photographs show, large quantities of stacked vehicles covered in ash. The type of debris incinerated in the fire is unknown at this time.
12. Photographs of both the Facility and Minneapolis Site show vehicles stored in the same manner— i.e. crushed and stacked in large piles. Minneapolis' Fire Inspection Services (MFIS) has been actively involved at the Minneapolis Site. On February 20, 2020, MPCA staff were informed that MFIS has cited Northern Metals for numerous fire code violations related to inadequate access for fire vehicles and inadequate water supply at the Minneapolis Site. MFIS also ordered Northern Metals to immediately reduce the number and quantity of metal recycling piles.

CONCLUSIONS

1. Under Minnesota Statutes section 116.11, when “there is imminent and substantial danger to the health and welfare of the people of the state . . . as a result of the pollution of air, land, or water, [MPCA] may, by emergency order, direct the immediate discontinuance or abatement of the pollution.”
2. The ongoing fire at the Facility is an imminent and substantial danger to the health and welfare of the public. The fire is discharging unknown particulate matter and gaseous chemicals into the air that affect Minnesota residents in the immediate vicinity of the Facility and up to as far as 50 miles away. The MPCA emergency response staff and West Central staff continue to conduct air quality testing to determine possible health risks.
3. Through the ongoing fire at the Facility and fire code violations issued for the Minneapolis Site, Northern Metals has demonstrated it does not have metal collecting and storage practices in place at either location that protect the health and welfare of Minnesota residents.

4. The MPCA has authority under Minnesota Statutes section 116.11 to issue an order “without notice and without a hearing” that prohibits Northern Metals from continue operating until certain actions are taken to protect human health and safety.
5. Minnesota Statutes section 115.061 requires “every person to notify [MPCA] immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution to water of the state.” The person “shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby.” *Id.*
6. The ongoing fire and its associated releases may cause pollution to waters of the state. For example, the ongoing fire is producing ash, contaminated water and other debris that may contain substances or materials that may cause pollution. Failure to properly clean up and remove any substances or materials that may cause pollution before continuing scrap metal collecting operations may result in impermissible discharges to waters of the state from the Facility.
7. Northern Metals is obligated to take action to recover and abate any substances that may cause pollution to waters of the state under Minnesota Statues section 115.061.
8. Minnesota Rule 7035.2845, subpart 3, requires that owners and operators of recycling facilities must design their facilities to “control dispersion of the recyclable materials and residuals by wind, to contain any spills or releases that could harm human health and the environment,” and that provide proper storage of recyclable materials. The rule also requires that owners and operators effectively control their facilities in a manner that avoids the creation of nuisance conditions. *Id.*, subp. 4
9. Northern Metals has failed to design and operate the Facility and Minneapolis Site in a manner that controls releases, properly stores recyclable materials, and does not create nuisance conditions.
10. To protect public health and safety, it is necessary to prohibit Northern Metals from operating the Facility in whole or in part until the fire is eliminated, environmental assessments are completed, and plans are put in place to prevent similar threats to human health and safety.

ORDER

NOW, THEREFORE, IT IS ORDERED:

1. Upon receipt of this Order, Northern Metals is prohibited from accepting any scrap metal at the Facility or utilizing the areas of the Facility affected by the fire until the fire is fully extinguished as determined by the fire incident command team, and:
 - a. Northern Metals completes an environmental damage assessment of the impacted areas and submits the assessment to the MPCA for review and written approval;
 - b. Northern Metals completes and submits to the MPCA for review and written approval a cleanup plan and schedule that details how it will remove all contaminated ash, water, soil, residue and other debris from the Facility and offsite;
 - c. Northern Metals completes and submits to the MPCA for review and written approval updated plans for the storage of scrap metal and other debris in a manner that protects human health and safety, and the environment, and complies with all applicable fire codes, ordinances, and other applicable laws; and
 - d. The MPCA determines in writing that additional stockpiling of vehicles and other constituents will not interfere with cleanup at the Facility.

2. Upon receipt of this Order, Northern Metals is prohibited from accepting any scrap metal at its Minneapolis Site until it complies with the following:
 - a. Completes and submits to the MPCA for review and written approval updated plans for the storage of vehicles and other debris in a manner that protects human health and safety and complies with all applicable fire codes, ordinances, and other applicable laws.
3. Upon receipt of this Order, Northern Metals is prohibited from operating its metals shredder, associated ferrous processing equipment, or MRP at the Facility until:
 - a. The fire is fully extinguished as determined by the fire incident command team, emissions from the fire have ended, as determined by the MPCA, and the likely source and cause of the fire has been determined by the appropriate fire authority.
 - b. Northern Metals submits to the MPCA all records required under the Facility's feedstock control plan and the MPCA determines in writing that Northern Metals has complied with the feedstock control plan, and that operating its metals shredder, associated ferrous processing equipment, or MRP, will not threaten human health and the environment; and
 - c. Northern Metals takes immediate action to control the fugitive dust source created by ash and other fire debris at the Facility. Northern Metals must:
 - i. Take action to prevent the fugitive dust from becoming airborne or being tracked out by vehicles;
 - ii. Submit a plan to the MPCA to characterize the fugitive dust source at the Facility not covered by the air emissions permit, and submit an updated fugitive dust control plan for MPCA review and written approval;
 - iii. Conduct testing to determine appropriate method of disposal;
 - iv. Remove the fugitive dust from the site as soon as possible; and
 - v. Submit for MPCA review and written approval, a certified statement describing the steps taken to remove the fugitive dust source not covered by the permit.
4. All plans required to be submitted under this section must be approved by MPCA and any other appropriate regulatory authority *before* Northern Metals resumes operations as directed above. Submissions for the Facility and Minneapolis Site must be submitted to the following authorities for approval:

Becker Facility:

Brent Rohne
Pollution Control Specialist 4
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
brent.rohne@state.mn.us

Minneapolis Site:

Brad Schmoll, CFPS
Manager-Fire Inspection Services
City of Minneapolis
250 South Fourth Street, Room 400
Minneapolis, MN 55415
brad.schmoll@minneapolismn.gov

& Brent Rohne, as reflected above

RESERVATION OF AUTHORITY

Nothing in this Order shall prevent the MPCA from taking action to enforce the requirements of this Order, or from requiring additional action by the Northern Metals if necessary to ensure compliance with MPCA rules and statutes. In addition, the issuance of this Order is not an exclusive action or remedy by the MPCA, and it does not limit in any way the MPCA's authority to bring an enforcement action against or to seek and collect penalties from Northern Metals. This Order is issued to require immediate action to correct violations, and it does not limit or preclude any other action, including the issuance of further orders, pursuit of injunctive or other relief, or commencement of enforcement actions and collection of penalties.

This Order is effective upon the date that it is signed by the MPCA Commissioner or designee.

IT IS SO ORDERED.

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**



Laura Bishop
Commissioner