

March 24, 2020

**CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED**

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

Northern Metals, LLC
2800 Pacific Street North
Minneapolis, MN 55411

RE: Rescind February 21, 2020 Administrative Order; and Reissue

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. The enclosed Order is intended to rescind the Order issued on February 21, 2020, and to issue a new Order.

The March 24, 2020 Order requires Northern Metals, LLC to completing the specified actions listed in the Order by specified dates.

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,

Cory Boeck

This document has been electronically signed.

Cory Boeck
Supervisor
Mankato Office
Industrial Division

CB:lam

Enclosure

cc's Page 2.

Mr. Scott Helberg, COO

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cc: Christina Brown, Attorney General's Office (w/enclosure)
Leslie Fredrickson, MPCA (w/enclosure)
Sarah Kilgriff, MPCA (w/enclosure)
Cory Boeck, MPCA (w/enclosure)
Brent Rohne, MPCA (w/enclosure)
Ralph Pribble, MPCA (w/enclosure)
Activity PEN20200001 @ 2572

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) and 116.07, subd. 9. The Order issued to Northern Metals on February 21, 2020 is hereby rescinded.

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. On June 14, 2018, MPCA issued Northern Metals an air emissions permit 14100076-101 (Permit) for the Facility. 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 fugitive dust generated from vehicle traffic on paved roads.
4. The Permit requires Northern Metals to comply with a feedstock control plan to keep hazardous and volatile materials out of the shredder feedstock. Feedstock that will be shredded includes metal scrap material, such as processed vehicles, processed appliances, and miscellaneous scrap. 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.
5. The Permit also requires Northern Metals 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.
6. Northern Metals holds a general Industrial Stormwater Permit through the MPCA for the Facility. This permit requires Northern Metals to generate and follow a Stormwater Pollution Prevention Plan (SWPPP) for the entire Facility. The Facility was constructed to control stormwater into two separate areas, a north section and a south section. Both areas drain to stormwater retention ponds, the North pond holds four million gallons and the south pond holds six million gallons. Both ponds are lined with a High Density Polyethylene liner and have discharge points to ditches on site.
7. On February 18, 2020, MPCA received reports of a fire at the Facility that began around 2:30 a.m. The fire originated in a large pile of scrap material that included stacked vehicles.
8. At the time of the fire, Northern Metals was storing large piles of scrap material at the Facility with no fire breaks. The scrap material that caught on fire was stored on impervious surfaces.

9. During the fire multiple fire departments responded and used a variety of water sources to fight the fire, including firefighting foam. Water from fire suppression activities was collected in stormwater ponds located at the Facility. By the time the fire was extinguished, the north pond was full and the south pond had limited room left on the liner.
10. On February 21, 2020, the MPCA issued an Administrative Order to Northern Metals that prohibited Northern Metals from accepting scrap metal at its Facility or utilizing the areas of the Facility affected by the fire until the fire was fully extinguished and until Northern Metals fulfills certain requirements, including completing and submitting an environmental damage assessment and cleanup work plan for MPCA approval. The February 21, 2020 Order also prohibited Northern Metals from operating its metal shredder and associated ferrous processing equipment or MRP until the fire was fully extinguished and the cause of the fire had been determined, and Northern Metals provided documentation about its feedstock control plan, among other requirements.
11. On March 3, 2020, MPCA staff inspected the site. MPCA staff observed burned scrap metal feedstock, slag, significant ash and debris, as well as degradation to the concrete surface. The burn area was approximately 450 feet by 500 feet and 10-15 feet high. The burn area was approximately 20 feet from the south retention pond.
12. On March 3, 2020, MPCA staff and MPCA's contractor collected wastewater samples from both the north and south ponds, as well as samples from a sludge layer in the south pond and ash samples from around the yard. The samples were split with Northern Metal's contractor and submitted to the lab for analysis for the presence of pollutants, including metals, volatile organic compounds (VOC), chemical oxygen demand (COD), pH, polycyclic aromatic hydrocarbons (PAHs), semivolatile organic compounds (SVOCs), polychlorinated biphenyl (PCBs), dioxins, and perfluorinated compounds (PFCs).
13. On March 11, 2020, Northern Metals submitted its environmental damage assessment work plan. The MPCA provided comments to Northern Metals on March 20, 2020.
14. MPCA received final sampling results on March 11, 2020. The results showed elevated levels of SVOCs and VOCs in the wastewater in both ponds on site, as well as elevated levels of total PCBs and total lead in the sludge in the south pond, and elevated levels of total chromium and total lead in the ash.
15. Wastewater sampling results for SVOCs showed the presence of bis(2-chloroethyl) ether (both ponds), 2-methylphenol(o-cresol) (south pond) and 3&4 methylphenol (m&p cresol) (both ponds). The final sampling results include the following concentrations:
 - bis(2-chloroethyl) ether (115 µg/L south pond), (40.5 µg/L north pond)
 - 2-methylphenol (89.4 µg/L south pond)
 - 3&4-methylphenol (118 µg/L south pond), (36 µg/L North Pond)
16. Wastewater sampling results for VOCs include elevated levels of benzene (both ponds), and two PFC chemicals, perfluorooctanoate (PFOA) and perfluorooctanesulfonate (PFOS), (south pond). The final sampling results include the following concentrations:
 - benzene (46.3 µg/L)
 - PFOA (56 ng/L)
 - PFOS (32 ng/L)
17. The sampling results taken from the sludge layer in the south pond showed total polychlorinated biphenyls (PCBs) (276,000 µg/kg) and total lead (542 mg/kg). PCBs and lead are hazardous substances.

18. The sampling results taken from ash collected on site showed total chromium (294 mg/kg) and total lead (161 mg/kg). Chromium and lead are hazardous substances.

CONCLUSIONS

1. Wastewater, ash, and sludge sampling confirm the presence of contaminants at the Facility that may cause pollution to land and waters of the state.
2. The ash and burned material is a fugitive dust source and not accounted for in the Facility's air emissions permit.
3. Feedstock at the Facility has been burned resulting in ash and debris containing hazardous substances. The ash and burned material is waste that must be properly handled and disposed of at a permitted facility that can accept the waste.
4. Minnesota Rule 7045.0214, Subp. 1 requires any waste generated in Minnesota must be assumed to be hazardous, and managed accordingly, unless and until it has been positively evaluated as non-hazardous. Waste can be shown to be non-hazardous for the purpose of handling and disposal through accepted standards of analytical testing or knowledge of the waste.
5. Ash and sludge waste at the Facility contains elevated levels of hazardous substances. Northern Metals has not demonstrated through analytical testing or knowledge of the ash and sludge wastes that those wastes are non-hazardous. Therefore those wastes must be managed as hazardous waste.
6. Feedstock stored at the Facility that was burned changed in composition and resulted in significant amounts of ash. Feedstock that was not burned or partially burned may have been impacted by deposition of ash during the fire. The air emissions permit does not account for processing feedstock impacted by the fire.
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 Statutes sections 115.061.
8. Northern Metals is required to ensure the Facility does not release or has an ongoing release of pollutants to the unsaturated or saturated zone. It is yet to be determined whether the liner in the south pond and the concrete/asphalt surface was compromised by the fire.

ORDER

1. Northern Metals must take immediate action to control the fugitive dust sources created by ash and other fire debris at the Facility, following the plans identified in Northern Metals' March 11, 2020 email response to the February 21, 2020 Administrative Order. The fugitive dust control strategies identified in these plans include (but are not limited to):
 - a) consolidating the ash and debris into piles, covering the material with tarps, and surrounding the material with erosion control booms until it may be characterized and appropriately disposed of;
 - b) applying water to the ash and debris as necessary to minimize fugitive dust generated from wind erosion and handling of this material;
 - c) conducting testing on the waste material to determine the appropriate method of disposal; and
 - d) removing ash and debris from the Facility as soon as possible.

2. Northern Metals can immediately begin processing feedstock that has not been impacted by the fire, in accordance with its air emissions permit.
3. Before processing feedstock that has been impacted by the fire, submit for MPCA review and written approval:
 - a) Manufacturer's guarantee for all permitted pollution control equipment at the Facility that it can accommodate any additional particulate loading from debris or ash in the shredder feedstock;
 - b) Calculations based on the results of the March 6, 2020 sampling report (Pace Project No. 10510463) and reasonable assumptions about the amount of ash and burned material that can be processed to demonstrate that the Facility can meet its permit limits while shredding burned or ash-covered material; and
 - c) A plan that identifies:
 - I. The proper range of operation, as recommended by manufacturer, for water injection rate and water distribution;
 - II. How the water injection rate will be monitored and recorded;
 - III. The maximum indexing speed and maximum pressure drop across the filter, as recommended by manufacturer;
 - IV. How the indexing speed will be monitored and recorded; and
 - V. How the fire impacted feedstock and conventional feedstock will be measured and tracked to ensure that the ratio placed into the shredder is 50:50 ratio
4. Northern Metals is prohibited from using wastewater from any of the ponds at the Facility until the water has been treated and approved for usage by the MPCA.
5. Northern Metals must not allow discharge of any wastewater and stormwater from the Facility, unless:
 - a) Northern Metals enters into an agreement with a local wastewater treatment plant and follows all requirements within the plan.
 - i. Submit signed copies of any and all agreements with local wastewater treatment plants to the MPCA.
 - b) Northern Metals applies for and receives an approved individual NPDES permit from the MPCA. Northern Metals must follow all permit conditions
 - c) Northern Metals submits an interim Stormwater Pollution Prevention Plan (SWPPP) that is approved by MPCA that allows Stormwater discharges from the site. Northern Metals must follow all conditions in the SWPPP. This would only be applicable to Stormwater that is not allowed to come in contact with wastewater.
6. Submit a weekly pond level assessment to the MPCA, include but not limited to, how much was pumped, where the wastewater was discharged to and how much freeboard each pond as at the end of the week.
7. All solid waste must be disposed of at a permitted facility that can accept the waste.
8. Refer to your updated county solid waste license once it has been approved and comply with all deadlines, requirements, and corrective actions.
9. Comply with all testing methods and sampling plans identified by the Environmental Damage Assessment Work Plan, and approved by the MPCA in writing, dated March 11, 2020.

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.

3-24-2020

DATE

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**



Laura Bishop
Commissioner

