

Hazardous Waste Storage, Treatment, and Disposal Facility Permit
EPA ID# MND006156590

Facility name: Federal Cartridge Company
900 Bob Ehlen Drive
Anoka, MN 55303
Anoka County

Issuance date: September 27, 2019

Modification date:

Expiration date: September 27, 2024

In accordance with the provisions of Minn. Stat. chs. 115 and 116, Minn. R. 7001.0010 to 7001.0730, and Minn. R. 7045.0020 to 7045.1400, a Hazardous Waste Storage, Treatment, and Disposal Facility Permit (Permit) is hereby issued to the Permittee(s) listed on the following page for a facility located at 900 Ehlen Drive in Anoka, Minnesota (the Facility).

This Permit comprises the Resource Conservation and Recovery Act (RCRA) Permit which has been prepared based upon the information provided by the Permittee's most recent Permit Application (Part A and Part B) including revisions received through July 8, 2019. The Permit Application is referenced throughout this Permit and as such, is an integral and enforceable part of this Permit. This Permit shall become effective on the date of issuance by the Minnesota Pollution Control Agency (MPCA) Commissioner or MPCA personnel who have been delegated explicit authority by the Commissioner. The Permit was issued on February 25, 1999, and reissued July 17, 2008. The Permittee must at all times conduct their hazardous waste management activities in accordance with the terms and conditions of this Permit and any other requirements imposed by law or Minnesota Rules.

This Permit is effective on the issuance date identified above and supersedes the previous permit that was issued for the Facility. This Permit is effective until five years from date of issuance or until terminated, revoked, or modified by the MPCA, whichever comes first, and it expires at midnight on the expiration date identified above.

Signature: *Steve Giddings*

This document has been electronically signed.

Steve Giddings, Manager
Solid Waste Section
Resource Management and Assistance Division

for the Minnesota Pollution Control Agency

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1. List of Permittees

Permittee – owner and operator:

Federal Cartridge Company
900 Bob Ehlen Drive
Anoka, Minnesota 55303

Federal Cartridge Company is the owner and the operator, and is referred to as the Permittee hereafter. The Permittee shall be liable for compliance with the terms and conditions of this Permit.

2. Facility description

The Federal Cartridge Company (Facility) is located at 900 Ehlen Drive in Anoka, Anoka County, Minnesota. The Facility is at latitude 45.1925, longitude -93.375013, Township 031, Range 24, and Section 07.

The following site description comprises the Facility:

- The E 1/2 of NW 1/4 of SE 1/4 of Sec. 6, T31, R24, and
- The SE 1/4 of SE 1/4 of Sec. 6, T31, R24, except for Tract B of Railroad Land Survey(RLS) 183 which comprises 14 acres, and
- The NE 1/4 of SE 1/4 of Sec. 6, T31, R24, except for Tract C of RLS 183 and BNSF Railway Company property which comprise 18 acres, and
- The SW 1/4 of Sec. 5, T31, R24, except for lot 6 of R.L.S. #132 and BNSF Railway Company property which comprises 5 acres.

The site boundaries are shown in Part 3 of this Permit.

Federal Cartridge Company manufactures sporting ammunition on four production lines. Most of the Facility is used for manufacturing, warehousing, and explosives-related compounding or storage activities. Only a small portion of the Facility is used for the management of hazardous waste.

Hazardous wastes are generated from various Permittee manufacturing activities. The hazardous wastes generated include spent plating chemicals, propellants, initiating compounds, various lead-contaminated materials, and sludge from the Facility's wastewater treatment system.

Many hazardous wastes are stored on site while awaiting off-site shipment for treatment, recycling, reuse, or disposal. Scrap priming mix, scrap propellant, and scrap ammunition components are also stored on site, while awaiting on-site disassembly or treatment. The Facility has a total of eleven hazardous waste management units:

1. Building 133
2. Priming Mix Storage Bunkers (Buildings 250-253)
3. Hazardous Waste Storage Pad (Building 127)
4. Scrap Propellant Storage Building (Building 79)
5. Primer Mix Destruct Tank
6. Scrap Propellant Open Burn Pad
7. Primed Material Deactivator
8. Ammunition De-Activator
9. MS-7: Cyanide Storage Pad
10. MS-11: Cyanide Destruct Unit
11. Wastewater Treatment Plant Sludge Landfill

Descriptions and requirements for these units are provided in Part 5 of this Permit.

There are two solid waste management units (SWMUs) with requirements in Part 5 of this Permit for corrective action:

1. MS-1 Acid Neutralization Sumps
2. MS-3 Demolition Landfill.

Hazardous waste is generated On-site; hence the Facility is considered an On-site Facility. This Permit authorizes and requires the Permittee to conduct the following hazardous waste management activities:

Operating status

Operate Indoor Storage Container Units.

Operate Miscellaneous Units (Open Burn Pad, Primed Material Deactivator, and the Ammunition Deactivator).

Continue closure activities at a Miscellaneous Unit (Cyanide Destruct Unit).

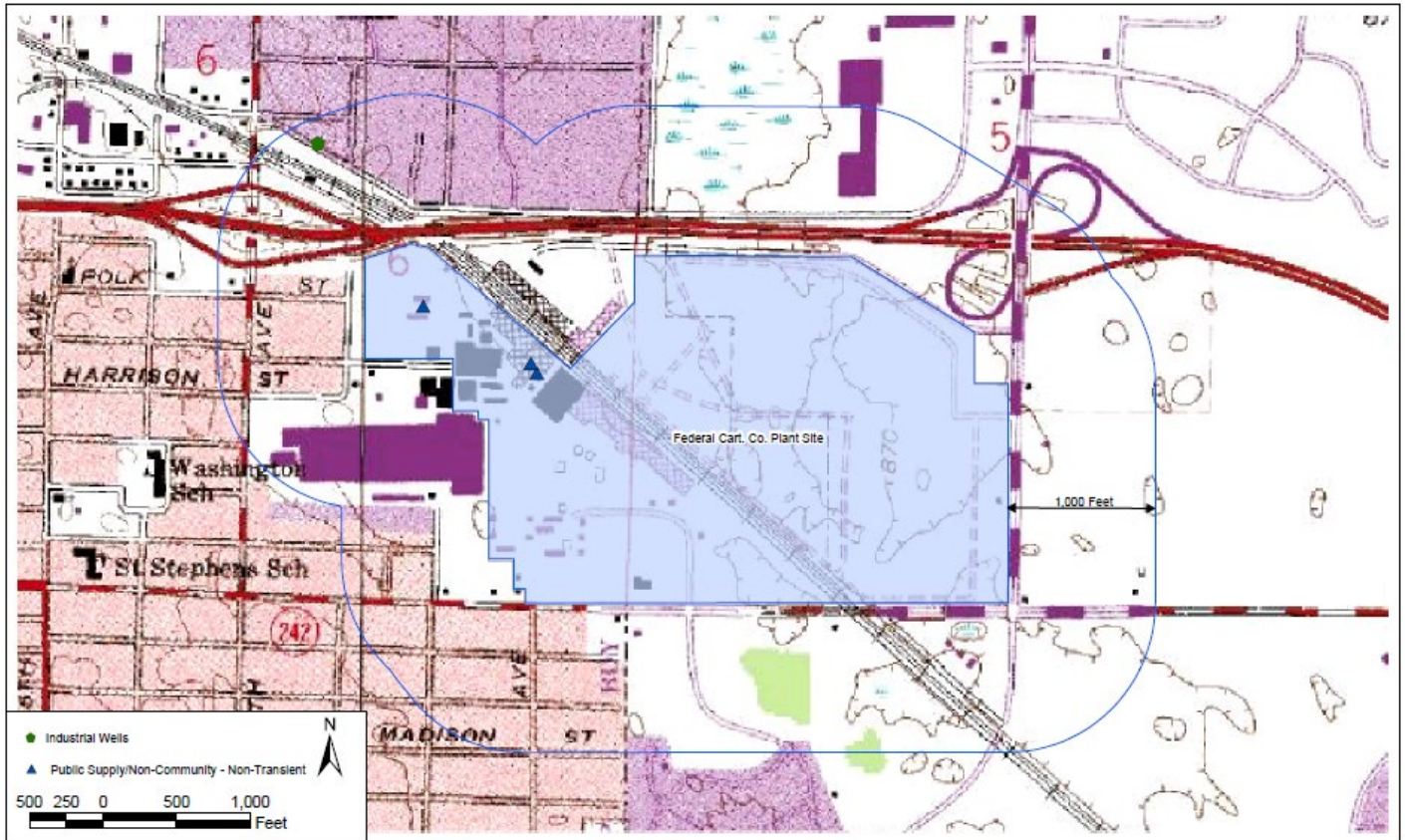
Continue closure activities at the Outdoor Storage Container Unit (Cyanide Storage Pad).

Conduct Post Closure Care at a Closed Land Disposal Unit.

Operate a Treatment Tank Unit.

3. Facility layout

Specific operating, emergency, record keeping, reporting, and general conditions apply to the permitted regulated units. However, for the purposes of corrective action, the Facility includes all property owned or used by the Permittee.



4. Summary of subject items

Component ID	Description	Process	Status
STRU63	Hazardous Waste Storage Pad (Building 127)	Indoor storage container	Operating
STRU64	Scrap Propellant Storage Building (Building 79)	Indoor storage container	Operating
STRU65	Building 133	Indoor storage container	Operating
STRU66	Priming Mix Storage Bunkers (Buildings 250-253)	Indoor storage container	Operating
TREA25	Ammunition De-Activator	Miscellaneous unit	Operating
TREA26	Primed Material Deactivator	Miscellaneous unit	Operating
TREA27	Scrap Propellant Open Burn Pad	Miscellaneous unit	Operating
TREA28	Primer Mix Destruct Tank	Treatment tank	Operating
STRU67	MS-7: Cyanide Storage Pad	RCRA Remediation Site	Undergoing Closure
TREA29	MS-11: Cyanide Destruct Unit	RCRA Remediation Site	Undergoing Closure
AREA22	Wastewater Treatment Plant Sludge Landfill	Closed land disposal	Post Closure Care
AREA05	MS-1: Acid Neutralization Sumps	RCRA Remediation Site	Corrective Action
AREA07	MS-3: Demolition Landfill	RCRA Remediation Site	Corrective Action

5. Limits and other requirements

Specific hazardous wastes authorized to be managed

The Permittee is hereby authorized to manage the following hazardous wastes under the conditions of this Permit:

Hazardous waste code	Hazardous waste description
MN03	PCB wastes.
MN02	Labpack wastes.
MN01	Waste that exhibits the characteristics of lethality.
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
F005	The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F007	Spent cyanide plating bath solutions from electroplating operations.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F003	The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.
D040	Trichloroethylene/Waste that exhibits the characteristic of toxicity.
D039	Tetrachloroethylene/Waste that exhibits the characteristic of toxicity.
D035	Methyl ethyl ketone/Waste that exhibits the characteristic of toxicity.
D018	Benzene/Waste that exhibits the characteristic of toxicity.
D009	Mercury/Waste that exhibits the characteristic of toxicity.
D008	Lead/Waste that exhibits the characteristic of toxicity.
D007	Chromium/Waste that exhibits the characteristic of toxicity.
D006	Cadmium/Waste that exhibits the characteristic of toxicity.
D005	Barium/Waste that exhibits the characteristic of toxicity.
D004	Arsenic/Waste that exhibits the characteristic of toxicity.
D003	Waste that exhibits the characteristic of reactivity.
D002	Waste that exhibits the characteristic of corrosivity.
D001	Waste that exhibits the characteristic of ignitability.

Storage of hazardous waste in containers

The Permittee is authorized to store the following types and quantities of hazardous wastes in containers as specified in the following table:

Location	Maximum storage capacity	Waste code	Approved container	Secondary containment capacity
Hazardous Waste Storage Pad (Building 127)	25,300 gallons	D001, D002, D003, D004, D005, D006, D007, D008, D009, D018, D035, D039, D040, F003, F005, F006, F007, F008, K046, MN01, MN02, MN03	460 55-gallon Drums or equivalent volume of Tote Containers	9,886 gallons
Scrap Propellant Storage Building (Building 79)	5,320 gallons	D003, D008	152 Cardboard Containers with Cardboard Covers	Not Applicable
Building 133	100 gallons	D003, D005, D008	20 Five-gallon Plastic Containers	10 gallons
Priming Mix Storage Bunkers (Buildings 250-253)	100 gallons	D003, D005, D008	20 Five-gallon Plastic Containers	10 gallons

The Hazardous Waste Storage Pad (Building 127) is a 100 foot by 40-foot concrete pad with a roof and walls. Hazardous wastes other than Waste Priming Mix and Waste Propellant are stored here. The permitted number of containers indicated in the table above is based on 55-gallon containers.

The Scrap Propellant Storage Building is a 12 foot by 14 foot poured concrete structure designed for the storage of explosive compounds. The building is also referred to as Powder Storage Building 79. The building has a non-conducting, raised wooden floor and is partially covered by earthen materials. No electricity is provided to the building and the entire building is grounded. This building is used only to store waste propellant. The propellant is stored in cardboard containers with cardboard covers. Each container can hold between 30 and 35 pounds of waste.

Building 133 is designed to store 20 (5-gallon) plastic buckets. The storage area is located in the process area of this building (labelled “Work Room” on Figure 14 in the Part B Permit Application”). The 20 buckets are stored on plastic trays, which provide secondary containment in case of a spill or run-on. All priming mix is stored under water in 5-gallon plastic containers. Each container has an unattached loose fitting cover.

The Priming Mix Storage Bunkers (Buildings 250-253) are six-foot by six-foot earth-covered concrete bunkers. Each bunker has a storage capacity of 20 (5-gallon) plastic buckets, which are stored on plastic trays. The four (4) trays in each bunker are designed to contain eight (8), six (6), four (4), and two (2) containers respectively. All priming mix is stored under water in 5-gallon plastic containers. Each container has an unattached loose fitting cover.

Treatment of hazardous waste in tanks.

The Permittee is authorized to treat the following types and quantities of hazardous wastes in tanks as specified in the following table:

Location	Maximum treatment capacity	Tank volume	Waste Code	Secondary containment capacity
Primer Mix Destruct Tank	50 pounds dry weight of active explosives (priming mix) and approximately 200 gallons water per batch	1,100 gallons	D003, D005, D008	6,576 gallons

The Primer Mix Destruct Tank is an aboveground treatment tank constructed of stainless steel and located inside Building 133. The destruction procedure for scrap priming mix is specified within the Permittee's Standard Operating Procedure (SOP) for this process, with no more than 50 pounds dry weight of active explosives in the tank at any given time and approximately 200 gallons of water and treatment chemicals. In addition, there are procedural controls in place to limit the number of doses in the tank per batch.

Treatment of hazardous waste – Miscellaneous Units.

The Permittee is authorized to treat the following types and quantities of hazardous wastes in the respective listed units as specified in the following table:

Unit	Maximum treatment capacity	Capacity units	Waste code
Ammunition De-Activator	1500	pounds scrap ammunition per day	D003
Primed Material Deactivator (formerly known as the Popping Furnace)	50	pounds priming mix per day	D003, D005, D008
Scrap Propellant Open Burn Pad	100	Pounds scrap propellant per batch	D003, D008

The Ammunition De-Activator is a steel chamber that is heated with natural gas to operate at up to 900 degrees Fahrenheit. The unit causes detonation/deactivation of scrap ammunition. Exhaust air from the Ammunition De-Activator passes through a secondary chamber heated to 1300 degrees Fahrenheit for abatement of any organic air pollutants, and then through a dust collector for abatement of particulate emissions, including lead.

The Primed Material Deactivator is a natural gas fired heating oven that operates at up to 1,100 degrees Fahrenheit. It causes detonation/deactivation of scrap primers, primed shotshell heads, primed rimfire cases and primed centerfire cases. Exhaust air from the Primed Material Deactivator passes through a spark arrestor and a fabric filter air pollution control device.

The Scrap Propellant Open Burn Pad is a 100 by 15 foot structure with a concrete pad and with five-foot masonry block walls. The structure is covered by a roof and is screened between the masonry block wall and the roof. Scrap propellant is burned on a steel trough above the concrete pad.

Hazardous Waste Management Units Undergoing Closure.

The MS-7 Cyanide Storage Pad is an outside concrete storage pad located adjacent to Building 40 and was used to store containers of waste cyanide-based plating sludges and heat treating wastes prior to 1986.

The MS-11 Cyanide Destruct Unit consists of three cyanide destruct units located inside of Building 40. In April 1985, the cyanide destruct operations were shut down.

Hazardous Waste management Units in Post-Closure Care.

The Permittee is presently required to provide post-closure care and monitoring for the Wastewater Treatment Plant Sludge Landfill (Landfill) at the Facility. The Landfill occupies an area of approximately 1.75 acres and contains sludge generated by the Permittee's wastewater treatment plant. Approximately 25 cubic yards of lead contaminated soil were also put into the landfill in 1988. Both the sludge and the contaminated soil were classified as hazardous wastes. The Landfill first received waste in 1978 and was closed in 1989.

The Landfill liner is comprised of three components: (1) a leachate collection system; (2) a compacted clay layer (1-foot); and (3) a subsurface monitoring/leak detection system. The subsurface monitoring system consists of a polyethylene liner and perforated PVC piping.

The Landfill cover is comprised of six components: (1) a compacted clay cap (2-feet); (2) a synthetic liner (.040 inches); (3) a drainage sand layer (1-foot); (4) a geotextile filter fabric (.060 inches); (5) a compacted earthen cover material (1.5-feet); and (6) a vegetative layer (1-foot).

Landfill post-closure and ground water monitoring requirements are specified in Part 5.1.250 to 5.1.303.

5.1.1	The Permittee is also authorized to manage any other hazardous waste not specifically identified in the "Hazardous Waste Description" but falling within the "hazardous waste codes" listed above provided that the Permittee submits to the MPCA a written report identifying the hazardous waste and code WITHIN 15 DAYS of generation. Subsequent reporting for that new hazardous waste stream accepted from the same generator is not required. [Minn. R. 7045.0452]
5.1.2	The Permittee is authorized to manage any hazardous residue, contaminated soil, water, or debris generated from a spill cleanup response action. Notification and Reporting requirements of this Permit must be followed. [Minn. R. 7045.0452]
5.1.3	COMMENCEMENT OF NEW TREATMENT, STORAGE, OR DISPOSAL ACTIVITIES - The Permittee shall not commence treatment, storage, or disposal of hazardous waste in a new hazardous waste facility or in a modified portion of an existing hazardous waste facility until the Permittee has submitted to the MPCA documentation signed by the Permittee that they have hired an independent qualified registered professional engineer to supervise construction of the new unit(s), and the Permittee shall obtain from a registered professional engineer certification stating that the facility has been constructed or modified in compliance with the conditions of the Permit. [Minn. R. 7001.0720, subp. 2(C)]
5.1.4	The Permittee shall not commence treatment, storage, or disposal of hazardous waste in a new hazardous waste facility or in a modified portion of an existing hazardous waste facility until the MPCA has inspected the new unit(s) and provided the Permittee with documentation stating that it appears to have been constructed in accordance with the plans and specifications and this Permit. Upon receipt of the letter, the Permittee may proceed to place wastes in the unit(s). [Minn. R. 7001.0720, subp. 2(C)]
5.1.5	The Permittee shall keep a copy of the notification required by Minn. R. 7001.0720, subp. 2.C. at the Facility. [Minn. R. 7001.0720, subp.2(C)]
5.1.6	The Permittee shall submit the notification required by Minn. R. 7001.0720, subp. 2.C. to the MPCA WITHIN 30 DAYS after completion of installation of the new hazardous waste management unit. [Minn. R. 7001.0720, subp. 2(C)]
5.1.7	The Permittee shall at all times properly operate and maintain the storage Facility, including all hazardous waste management units and all appurtenances related to the treatment, storage and disposal of hazardous wastes. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls. The Permittee shall install and maintain appropriate back-up and auxiliary facilities as needed to remain in compliance with the terms and conditions of this Permit. [Minn. R. 7045]
5.1.8	The Permittee shall prevent the discharge of hazardous waste from the Facility to the surface waters or groundwaters of the State. The Permittee shall prevent hazardous waste from entering drains, sewer inlets, storm sewers, sanitary sewers, doorways, vents, tunnels, pipes, windows, and other areas with permeable floors. [Minn. R. 7045]
5.1.9	The Permittee shall design, construct, maintain, and operate the Facility to minimize the possibility of fire, explosion, or other event that might allow the release to the air, land, or water of hazardous waste or hazardous waste constituents which could threaten human health or the environment. [Minn. R. 7045.0462, subp. 2]

5.1.10	The Permittee must ensure that the type and condition of containers used to store hazardous waste will be selected and maintained in accordance with Minn. R. 7045.0526 and the operations manual set forth in the Permit Application. Storage of hazardous waste at Building 133, the Priming Mix Storage Bunkers (Buildings 250-253), Building 127, and Building 79 is not required to meet items 5.1.11 and 5.1.12 below. Alternate storage requirements are described in the Permit Application. [Minn. R. 7045.0526]
5.1.11	The containers must be of sturdy leak-proof construction, adequate wall thickness, adequate weld, hinge, and seam strength. Further, they must be of sufficient strength to withstand side and bottom shock, when filled, without impairment of the ability of the container to fully contain the hazardous waste. [Minn. R. 7045.0526, subp. 2(A)]
5.1.12	The containers must have lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste. [Minn. R. 7045.0526, subp. 2(B)]
5.1.13	The containers must be made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored and other substances that the container may foreseeably contact, so that the ability of the container to contain the waste is not impaired. [Minn. R. 7045.0526, subp. 3]
5.1.14	If a container holding hazardous waste does not meet the requirements of Minn. R. 7045.0526, subp. 2.A and B., or if it begins to leak, the Permittee shall transfer the hazardous waste in the defective container to a container that does meet the requirements of Minn. R. 7045.0526, subp. 2.A and B., or manage the waste in some other way that complies with the requirements of Minn. R. 7045.0526. [Minn. R. 7045.0526, subp. 2]
5.1.15	Containers must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel. If it is not possible for the labels to be clearly visible for inspection, the information on the labels must be accessible in some other form that will allow ready identification of the contents without having to move the containers. [Minn. R. 7045.0526, subp. 4a]
5.1.16	Containers must be kept closed during storage, except when it is necessary to add or remove waste. [Minn. R. 7045.0526, subp. 4]
5.1.17	A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak. [Minn. R. 7045.0526, subp. 4]
5.1.18	The Permittee shall maintain the container storage area secondary containment system to ensure that the system is capable of collecting and holding spills, leaks, and precipitation. [Minn. R. 7045.0526, subp. 6(A)]
5.1.19	The maintenance of the secondary containment system must ensure that the compatible base underlying the containers is free of cracks or gaps and is sufficiently impervious so as to contain leaks and spills until the collected material is detected and removed. [Minn. R. 7045.0526, subp. 6(A)(1)]
5.1.20	The maintenance of the secondary containment system must ensure that the compatible base is sloped or otherwise operated to drain and remove liquid resulting from leaks, spills, and accumulated precipitation. [Minn. R. 7045.0526, subp. 6(A)(2)]
5.1.21	The maintenance of the secondary containment system must ensure that the secondary containment system has sufficient capacity to contain at least ten percent of the volume of all containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination. [Minn. R. 7045.0526, subp. 6(A)(3)]
5.1.22	The interface between the dike or sidewall and the underlying base of the container storage area secondary containment system is sealed to contain leaks, spills, and accumulated liquids. [Minn. R. 7045.0526, subp. 6(A)(1)]
5.1.23	The Permittee may use spill containment pallets in their permitted container storage areas in order to comply with the secondary containment requirements of Minn. R. 7045.0526, subp. 6 for containers storing non-flammable liquids. In their permitted container storage units, the Permittee may use cabinets designed to store flammable substances for flammable waste containers, and cabinets for labpack wastes, so long as the cabinets meet the secondary containment requirements of Minn. R. 7045.0526, subp. 6. [Minn. R. 7045.0526, subp. 6]
5.1.24	The Permittee shall operate the tank system (tank(s), ancillary equipment, and secondary containment system) in accordance with Minn. R. 7045.0528 and Parts 5.1.24 to 5.1.33 of this Permit. [Minn. R. 7045.0528]
5.1.25	The Permittee's tank secondary containment system consists of an external liner. This secondary containment system must be operated to prevent the migration of hazardous waste or constituents or accumulated liquid to the soil, groundwater, or surface water, as well as to detect and collect releases and accumulated liquid until the collected material is removed. [Minn. R. 7045.0528, subp. 4(A and B)]
5.1.26	The secondary containment system must be constructed of or lined with materials that are maintained to be compatible with the hazardous waste placed in the tanks and must have sufficient strength and thickness to prevent failure owing to pressure gradients, including static head and external hydrological forces, physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operation, including stresses from nearby vehicular traffic. [Minn. R. 7045.0528, subp. 4(C)(1)]
5.1.27	The secondary containment system must be placed on a foundation or base capable of providing support to the secondary containment system, resistant to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift. [Minn. R. 7045.0528, subp. 4(C)(2)]

5.1.28	The secondary containment system must be provided with a leak detection system that is designed and operated to detect the failure of either the primary or secondary containment structure or the release of any hazardous waste or accumulated liquid in the secondary containment system WITHIN 24 HOURS. [Minn. R. 7045.0528, subp. 4(C)(3)]
5.1.29	The secondary containment system must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, and precipitation. [Minn. R. 7045.0528, subp. 4(C)(4)]
5.1.30	In addition to the requirements of 7045.0528, subp. 4.A. to 4.C. the Permittee shall maintain the external liner secondary containment system in accordance with Minn. R. 7045.0528, subp. 4, item E. [Minn. R. 7045.0528, subp. 4(E - G)]
5.1.31	The Permittee shall maintain secondary containment for tank ancillary equipment in accordance with Minn. R. 7045.0528, subp. 4, item H. [Minn. R. 7045.0528, subp. 4(H)]
5.1.32	Valves, pipes, fittings, and other closure devices and appurtenances must be of sufficient strength to withstand shock and internal pressure without impairment of the ability of the tank to fully contain the waste. Gasketed closures must be fitted with gaskets comprised of materials that are sufficient to prevent leakage and that will not be deteriorated by the contents. [Minn. R. 7045.0528, subp. 3]
5.1.33	The Permittee shall use check valves for spill prevention controls. Further, a high level alarm shall be used as overfill prevention devices. These controls and devices shall be properly operated and maintained to prevent failure of the tank system. [Minn. R. 7045.0528, subp. 6]
5.1.34	The Permittee shall operate the Scrap Propellant Open Burn Pad in accordance with Minn. R. 7045.0539 and this Permit. [Minn. R. 7045.0539]
5.1.35	The Scrap Propellant Open Burn Pad must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. [Minn. R. 7045.0539]
5.1.36	The Permittee shall prevent any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the ground water, in the subsurface environment, in surface water, in wetlands, on the soil surface, or in the air. [Minn. R. 7045.0539]
5.1.37	The Permittee shall sweep up burn pad residue from the floor of the building at the end of each day's operation so that no material will have the chance to accumulate and potentially create an environmental hazard. [Minn. R. 7045.0539]
5.1.38	For containers of hazardous waste located at the Facility and intended for treatment in the Scrap Propellant Open Burn Pad, the use of unattached flat covers that completely cover the containers shall constitute acceptable lids and container closure with respect to the requirements in Part 5.1.12 of this Permit. [Minn. R. 7045.0539]
5.1.39	The Permittee shall conduct annual soil sampling to track the impact of the burning operations on adjacent soils. [Minn. R. 7045.0539]
5.1.40	Until directed by the MPCA in writing to discontinue soil sampling, the Permittee shall collect annual soil samples from the north and south ends of Scrap Propellant Open Burn Pad unit. One soil sample shall be composited from three separate locations within 1 foot of the north end of the unit. A second soil sample shall be composited from three separate location within 1 foot of the south end of the unit. The samples shall be collected from the 0 to 6 inch depth below the soil surface and shall be analyzed for total lead. [Minn. R. 7045.0539]
5.1.41	The results of the analyses shall be submitted to the MPCA by February 15th of each year. Electronic versions of these reports are preferred and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If the assigned RCRA hydrogeologist or Permit Engineer is unknown, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0539]
5.1.42	The MPCA may require the Permittee to develop work plans for the soil sampling program. If MPCA determines that soil sampling work plans are necessary, the Permittee shall submit to the MPCA for review and approval a sampling work plan within 60 days of MPCA's request. Upon MPCA approval of the soil sampling work plan, the Permittee shall implement the soil sampling work plan. [Minn. R. 7045.0539]
5.1.43	The Permittee shall operate the Primed Material Deactivator miscellaneous unit in accordance with Minn. R. 7045.0539 and this Permit. [Minn. R. 7045.0539]
5.1.44	The Primed Material Deactivator miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. [Minn. R. 7045.0539]
5.1.45	The Permittee shall prevent any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the ground water, in the subsurface environment, in surface water, in wetlands, on the soil surface, or in the air. [Minn. R. 7045.0539]
5.1.46	The Permittee shall sweep the area surrounding the Primed Material Deactivator every operating day so that no material will have the chance to accumulate and potentially create an environmental hazard. [Minn. R. 7045.0539]
5.1.47	The Permittee shall inspect the operation of the fabric filter air pollution control device every operating day. If the fabric filter cannot be repaired within one hour of any discovery of excess emissions, the treatment of hazardous waste in the Primed Material Deactivator shall be stopped until repairs are completed. [Minn. R. 7045.0539]
5.1.48	The Permittee shall manage the solid material collected by the mesh filter and the fabric filter associated with the Primed Material Deactivator in accordance with the Minn. R. 7045.0125, subp. 5 "Requirements for use of hazardous waste as feedstock.". [Minn. R. 7045.0539]

5.1.49	For containers of hazardous waste located at the Facility and intended for treatment in the Primed Material Deactivator, the use of unattached flat covers that completely cover the containers shall constitute acceptable lids and container closure with respect to the requirements in Part 5.1.12 of this Permit. [Minn. R. 7045.0539]
5.1.50	The Permittee shall operate the ammunition de-activator miscellaneous treatment unit in accordance with Minn. R. 7045.0539 and this Permit. [Minn. R. 7045.0539]
5.1.51	The ammunition de-activator miscellaneous treatment unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. [Minn. R. 7045.0539]
5.1.52	The Permittee shall prevent any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the ground water, in the subsurface environment, in surface water, in wetlands, on the soil surface, or in the air. [Minn. R. 7045.0539]
5.1.53	The Permittee shall sweep the area surrounding the ammunition de-activator miscellaneous treatment unit every operating day so that no material will have the chance to accumulate and potentially create an environmental hazard. [Minn. R. 7045.0539]
5.1.54	The Permittee shall inspect the operation of the secondary burner air pollution control device and the dust collector every operating day. If the secondary burner or the dust collector is found to not be operating properly, no new batches of scrap ammunition shall be started in the ammunition de-activator miscellaneous treatment unit until repairs on the secondary burner or dust collector are completed. [Minn. R. 7045.0539]
5.1.55	For containers of hazardous waste located at the Facility and intended for treatment in the ammunition de-activator miscellaneous treatment unit, the use of unattached flat covers that completely cover the containers shall constitute acceptable lids and container closure with respect to the requirements in Part 5.1.12 of this Permit. [Minn. R. 7045.0539]
5.1.56	In the event the Permittee shall be required by the MPCA to conduct monitoring, the following requirements shall be complied with: - Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. - The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method set forth in Title 40 of the Code of Federal Regulations, Part 261, Appendix I. Laboratory methods must be those specified in the latest edition of EPA publication Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, or an equivalent method approved by the MPCA. [Minn. R. 7045.0484]
5.1.57	In the event the Permittee receives a shipment of hazardous wastes that the Permittee is not authorized to receive and store at the Facility, the Permittee shall IMMEDIATELY notify the MPCA and wait for further instructions before accepting the waste. [Minn. R. 7045.0452, subp. 3(B)]
5.1.58	In accordance with the Waste Analysis Plan set forth in the Permit Application, and the requirements of Minn. R. 7045.0458, the Permittee shall obtain a detailed chemical and physical analysis of a representative sample of each waste that the Permittee intends to manage at the Facility. The Permittee shall keep this analysis at the Facility and shall provide a copy to the MPCA upon request. [Minn. R. 7045.0458, subp. 1(A)]
5.1.59	The waste analysis may include data developed under Minn. R. 7045.0102 to 7045.0155 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes, including data obtained from the generator. [Minn. R. 7045.0458, subp. 1(B)]
5.1.60	The waste analysis must be repeated, to ensure that it is accurate and up-to-date, anytime that the Permittee has reason to believe that the process or operation generating the waste has changed. [Minn. R. 7045.0458, subp. 1(C)(1)]
5.1.61	The waste analysis must be repeated, to ensure that it is accurate and up-to-date, anytime that the Permittee has reason to believe a hazardous waste that has been received does not match the waste specified on the accompanying manifest. [Minn. R. 7045.0458, subp. 1(C)(2)]
5.1.62	The waste analysis must be repeated, to ensure that it is accurate and up-to-date, anytime that the Waste Analysis Plan set forth in the Permit Application requires a particular shipment of hazardous waste to be analyzed. [Minn. R. 7045.0458, subp. 1(C)]
5.1.63	The Permittee of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper. [Minn. R. 7045.0458, subp. 1(D)]
5.1.64	Within six months of an employee being hired or reassigned to work at the Facility in a job related to hazardous waste management, the Permittee shall ensure that employee has received all training required by Minn. R. 7045.0454 and the Personnel Training Plan set forth in the Permit Application. Until this training has been completed, the employee shall not work in unsupervised positions at the Facility with regards to hazardous waste management. [Minn. R. 7045.0454]
5.1.65	The Permittee shall comply with the manifest requirements in Minn. R. 7045.0474. [Minn. R. 7045.0474]
5.1.66	If the Permittee discovers a major discrepancy in a manifest, the Permittee shall attempt to reconcile the discrepancy. If the Permittee is unable to reconcile the discrepancy with the generator and transporter WITHIN fifteen (15) DAYS, the Permittee shall IMMEDIATELY submit to the MPCA a letter describing the discrepancy, attempts made to reconcile it, and a copy of the manifest or shipping paper. The type of discrepancy must be noted on the manifest. [Minn. R. 7045.0476, subp. 3(A)]

5.1.67	If the Permittee discovers a minor discrepancy in a manifest, the Permittee shall attempt to reconcile the discrepancy with the generator and transporter. If the discrepancy cannot be reconciled, the Permittee shall note the type of discrepancy and its resolution on the manifest. [Minn. R. 7045.0476, subp. 3(B)]
5.1.68	The definitions of "major discrepancy" and "minor discrepancy" can be found in Minn. R. 7045.0476, subp. 2. [Minn. R. 7045.0476, subp. 2]
5.1.69	Storage of Ignitable, Reactive, and Incompatible Wastes - Required Notices. The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction, including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, static sparks, electrical sparks, mechanical sparks, spontaneous ignition, and radiant heat. When ignitable or reactive waste is being handled, the Permittee shall confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste. [Minn. R. 7045.0456, subp. 1]
5.1.70	As specifically required by Minn. R. 7045.0456, subp. 2, the Permittee of a Facility that treats, stores, or disposes of ignitable or reactive waste or that mixes incompatible wastes or incompatible wastes and other materials, shall take precautions to prevent reactions which: 1) Generate extreme heat, pressure, fire, explosions, or violent reactions unless the Permittee is Permitted to handle these types of reactions; 2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment; 3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions; 4) Damage the structural integrity of the device or Facility; or 5) Through other means threaten human health or the environment. [Minn. R. 7045.0456, subp. 2]
5.1.71	Containers holding ignitable or reactive waste and materials must be located at least 15 meters (50 feet) from the Facility's property line as delineated on the map in Part 3, hereof. [Minn. R. 7045.0526, subp. 7]
5.1.72	Ignitable and reactive wastes placed in tanks must be stored in such a way that they are protected from any materials or conditions which may cause the waste to ignite or react. Protective distances must be followed as specified in the Minnesota State Fire Code, chapter 7510. [Minn. R. 7045.0528, subp. 10]
5.1.73	Incompatible wastes or wastes which are incompatible with other material must not be placed in the same container, unless compliance with Minn. R. 7045.0456, subp. 2, is achieved. Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material. As required by Minn. R. 7045.0458, subp. 2, the Waste Analysis Plan must include analyses to comply with these special requirements. Minn. R. 7045.0456, subp. 3, requires waste analyses, trial tests, and documentation to ensure compliance with Minn. R. 7045.0456, subp. 2. All results obtained from testing must be maintained in the Facility operating record. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, waste piles, open tanks, or surface impoundments, must be separated from other such waste or material by means of a dike, berm, wall, or other protective device. [Minn. R. 7045.0526, subp. 8]
5.1.74	Incompatible wastes and/or incompatible wastes and materials must not be placed in the same tank, unless compliance with Part 5.1.70 above is maintained. [Minn. R. 7045.0528, subp. 11]
5.1.75	The Permittee shall conduct inspections at the Facility and for all hazardous waste management units as required under the inspection plan set forth in the Permit Application, Minn. R. 7045.0452, subp. 5, and 7045.0526, subp. 5. [Minn. R. 7045.0452]
5.1.76	The Permittee shall conduct inspections at the Facility and for all hazardous waste management units as required under the inspection plan set forth in the Permit Application, Minn. R. 7045.0452, subp. 5, and 7045.0528, subp. 7. [Minn. R. 7045.0452]
5.1.77	The Permittee shall conduct inspections at the Facility and for all hazardous waste management units as required under the inspection plan set forth in the Permit Application, Minn. R. 7045.0452, subp. 5, and 7045.0538, subp. 5. [Minn. R. 7045.0452]
5.1.78	The Permittee shall conduct inspections at the Facility and for all hazardous waste management units as required under the inspection plan set forth in the Permit Application, Minn. R. 7045.0452, subp. 5, and 7045.0539, subp. 3. [Minn. R. 7045.0452]
5.1.79	The Permittee shall maintain a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the Facility, or an artificial or natural barrier which completely surrounds the active portion of the Facility and a means to control entry at all times through gates or other entrances to the active portion of the Facility. The fence shall be locked at times when the Facility is unattended and access to the Facility shall be provided only to persons who are authorized by the Permittee to enter the Facility. The Permittee shall post a sign, legible from a distance of 25 feet, with the legend, "Danger - Unauthorized Personnel Keep Out," at each entrance to the Facility as defined in Minn. R. 7045.0020, subp. 3. [Minn. R. 7045.0452, subp. 4]

5.1.80	The Permittee shall provide adequate lighting for the Facility to ensure safety and proper operation. [Minn. R. 7045.0452]
5.1.81	The Permittee shall provide a Surety Bond for payment into a Standby Trust in the amount of the cost estimated to close the Facility, in accordance with the financial assurance requirements of Minn. R. 7045.0504. In addition to financial assurance for closure costs for the active hazardous waste management units listed in this Permit, the Permittee must provide financial assurance for the closure activities required by this Permit for the inactive hazardous waste management units MS-7 Cyanide Storage Pad and MS-11 Cyanide Destruct Unit. The Permittee shall update its cost estimates for closure in accordance with Minn. R. 7045.0502. The Permittee shall continue to maintain such Surety Bond for payment into a Standby Trust unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0504. [Minn. R. 7045.0504]
5.1.82	The Permittee shall provide a Surety Bond for payment into a Standby Trust in the amount of the cost estimated for postclosure care of the Facility in accordance with the financial assurance requirements of Minn. R. 7045.0508. The Permittee shall update its cost estimates for postclosure care in accordance with Minn. R. 7045.0512. The Permittee shall continue to maintain such Surety Bond for payment into a Standby Trust unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0508. [Minn. R. 7045.0508]
5.1.83	The Permittee shall provide a Surety Bond for payment into a Standby Trust in the amount of the cost estimated to provide ground water corrective action at the Facility in accordance with the financial assurance requirements of Minn. R. 7045.0514. The Permittee shall update its cost estimates for corrective action in accordance with Minn. R. 7045.0512. The Permittee shall continue to maintain such Surety Bond for payment into a Standby Trust unless the MPCA approves of the use of another mechanism as specified in Minn. R. 7045.0514. [Minn. R. 7045.0514]
5.1.84	The Permittee shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least One Million Dollars (\$1,000,000) per occurrence, with an annual aggregate coverage in the amount of at least Two Million Dollars (\$2,000,000), exclusive of legal defense costs in accordance with the requirements of Minn. R. 7045.0518. The Permittee shall comply with this requirement through the use of insurance in accordance with Minn. R. 7045.0518, subp. 1.A. [Minn. R. 7045.0518]
5.1.85	The Permittee shall have a contingency plan for the Facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, land, or water. [Minn. R. 7045.0466, subp. 2]
5.1.86	The contingency plan must contain all applicable items listed in Minn. R. 7045.0466, subp. 4. [Minn. R. 7045.0466, subp. 4]
5.1.87	The Permittee must ensure that the provisions of the contingency plan, set forth in the Permit Application, are carried out IMMEDIATELY whenever there is a release, fire, or explosion of hazardous waste or hazardous constituents which could threaten human health or the environment. [Minn. R. 7045.0466, subp. 3]
5.1.88	The Permittee shall amend the contingency plan whenever this Permit is revised. [Minn. R. 7045.0466, subp. 6(A)]
5.1.89	The Permittee shall amend the contingency plan whenever said plan fails in an emergency. [Minn. R. 7045.0466, subp. 6(B)]
5.1.90	The Permittee shall amend the contingency plan whenever the Facility changes in its design, construction, operation, maintenance, or other circumstance in a way that increases the potential for fires, explosions, or the release of hazardous waste or hazardous constituents, or changes the response necessary in an emergency. [Minn. R. 7045.0466, subp. 6(C)]
5.1.91	The Permittee shall amend the contingency plan whenever the designated emergency coordinator changes. [Minn. R. 7045.0466, subp. 6(D)]
5.1.92	The Permittee shall amend the contingency plan whenever the list of emergency equipment changes. [Minn. R. 7045.0466, subp. 6(E)]
5.1.93	The Permittee shall maintain a copy of its contingency plan at the Facility at all times. [Minn. R. 7045.0466, subp. 5(A)]
5.1.94	The Permittee shall submit a copy of its Contingency Plan to all local police departments, fire departments, hospitals, and all local and state emergency response teams that may be called upon to respond in an emergency situation at the Facility. [Minn. R. 7045.0466, subp. 5(B)]
5.1.95	The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the Facility and the potential need for the services of these organizations, to familiarize the police, fire departments, and emergency response teams with the location of storage and accumulation areas within the Facility, properties of hazardous waste handled at the Facility and associated hazards, places where Facility personnel would normally be working, entrances to and roads inside the Facility, and possible evacuation routes. [Minn. R. 7045.0464, subp. 1(A)]
5.1.96	The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the Facility and the potential need for the services of these organizations, if more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority. [Minn. R. 7045.0464, subp. 1(B)]

5.1.97	The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the Facility and the potential need for the services of these organizations, with state emergency response teams, emergency response contractors, and equipment suppliers. [Minn. R. 7045.0464, subp. 1(C)]
5.1.98	The Permittee shall attempt to make arrangements, as appropriate for the type of waste handled at the Facility and the potential need for the services of these organizations, to familiarize local hospitals with the properties of hazardous waste handled at the Facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the Facility. [Minn. R. 7045.0464, subp. 1(D)]
5.1.99	If state or local authorities decline to enter into arrangements required under Minn. R. 7045.0464, subp. 1., the Permittee shall document the refusal in the operating record. [Minn. R. 7045.0464, subp. 2]
5.1.100	The Permittee shall document attempts under Minn. R. 7045.0464, subp. 1. to make arrangements with local authorities in the operating record. [Minn. R. 7045.0464, subp. 3]
5.1.101	The Permittee shall maintain emergency equipment required by the contingency plan. [Minn. R. 7045.0462]
5.1.102	The Permittee shall test and maintain all Facility communications or alarm systems, fire protection equipment, and spill control equipment to ensure proper operation in time of emergency. The maintenance and inspection of emergency equipment shall be conducted in accordance with the Inspection Plan set forth in the Permit Application. [Minn. R. 7045.0462, subp. 4]
5.1.103	The Permittee shall ensure that whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual and/or voice contact with another employee. [Minn. R. 7045.0462, subp. 5]
5.1.104	The Permittee shall maintain aisle space in all hazardous waste storage and treatment areas to allow the unobstructed movement in an emergency of personnel, fire protection equipment, spill control equipment, and decontamination equipment. The Permittee shall maintain a minimum aisle width of eighteen (18) inches in the Hazardous Waste Storage Pad, also known as building #127. [Minn. R. 7045.0462, subp. 6]
	The Permittee shall at all times have at least one (1) employee either on the Facility premises or on call with the responsibility for coordinating all emergency response measures. The following person qualifies as the emergency coordinator and assumes all emergency procedure responsibilities described in Minn. R. 7045.0468 and this Permit. Mike Johnson, Manager of Facilities
5.1.105	Cell Phone: (612)-247-3744. [Minn. R. 7045.0468, subp. 1]
5.1.106	The Permittee may change the names of employees who qualify as emergency coordinator by contacting the MPCA and identifying the new emergency coordinator[s]. [Minn. R. 7045.0468, subp. 1]
5.1.107	In the event of a leak of hazardous waste from the "tank system" (which is defined to include the tank, secondary containment system, and all ancillary equipment such as pumps, valves, monitoring equipment etc.), the Permittee shall IMMEDIATELY stop the flow of hazardous waste into the tank system and inspect the tank system to determine the cause of the leak. [Minn. R. 7045.0528, subp. 8(A)]
5.1.108	In the event of a leak of hazardous waste from the "tank system" (which is defined to include the tank, secondary containment system, and all ancillary equipment such as pumps, valves, monitoring equipment etc.), the Permittee shall WITHIN 24 HOURS after detection of the leak, or at the earliest practicable time, whichever is sooner, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment (i.e., escaping the secondary containment system) and repair the tank system. [Minn. R. 7045.0528, subp. 8(B)(1)]
5.1.109	In the event of a leak of hazardous waste from the "tank system" (which is defined to include the tank, secondary containment system, and all ancillary equipment such as pumps, valves, monitoring equipment etc.), the Permittee shall IMMEDIATELY conduct a visual inspection of all property affected by the release. Based upon the inspection findings, the Permittee shall prevent further migration of the release to surrounding soils and surface waters. All contaminated media, structures, and equipment shall be properly managed at the direction of the MPCA. [Minn. R. 7045.0528, subp. 8(C)]
5.1.110	In the event of a leak of hazardous waste from the "tank system" (which is defined to include the tank, secondary containment system, and all ancillary equipment such as pumps, valves, monitoring equipment etc.), the Permittee shall notify the MPCA IMMEDIATELY after a release of hazardous waste to the environment if it is determined, based on the criteria in Minn. R. 7045.0528 and this Permit, that such notification is required. [Minn. R. 7045.0528, subp. 8(D)]
5.1.111	In the event of a leak of hazardous waste from the "tank system" (which is defined to include the tank, secondary containment system, and all ancillary equipment such as pumps, valves, monitoring equipment etc.), the Permittee shall evaluate the release and submit a written report to the MPCA WITHIN 15 DAYS after detection of a release requiring implementation of the contingency plan. This report must contain the following information and may be combined with the Post Emergency Report required by Minn. R. 7045.0470, subp. 3. 1) The likely route of migration of the release. 2) The characteristics of the surrounding soil, including soil composition, geology, hydrogeology, and climate. 3) The results of any monitoring or sampling conducted in connection with the release, if available. If sampling or monitoring is not available WITHIN 15 DAYS after detection of the release, the data must be submitted to the MPCA as soon as they become available.

	<p>4) The proximity to downgradient drinking water, surface water, and populated areas.</p> <p>5) A description of response actions taken or planned. [Minn. R. 7045.0528, subp. 8(D)(2)]</p>
5.1.112	If a leak from a tank should cause an emergency situation requiring implementation of the contingency plan, the Permittee shall follow the procedures specified in the "Emergency Procedures" section of this permit in addition to items 1 to 5 listed above. [Minn. R. 7045.0528, subp. 8]
5.1.113	The Permittee shall repair the tank secondary containment system in accordance with Minn. R. 7045.0528, subp. 8, items E and F. [Minn. R. 7045.0528, subp. 8(E and F)]
5.1.114	Upon evaluation of the 15 day written report required above, the Commissioner may require the Permittee to sample appropriate media (soil, surface water, groundwater, air) as necessary to determine the extent of contamination. Further, upon review of the sampling analysis, the Commissioner may require the Permittee to submit a remediation plan for approval and to remediate the contaminated media affected by the release. Upon remediation, a final report summarizing remedial efforts taken shall be submitted to the MPCA. [Minn. R. 7045.0528, subp. 8]
5.1.115	<p>If there should be a leak of hazardous waste from a storage container, the Permittee shall IMMEDIATELY inspect the containers to determine which container or containers are leaking.</p> <p>Having identified the leaking container or containers, the Permittee shall contain the spill as soon as possible. Any leaking container and adjacent or affected area shall be inspected by the Permittee to determine the reason for the leak. The contents of the container shall be overpacked into another container and be managed in accordance with Minn. R. 7045.0526, subp. 6, item C. [Minn. R. 7045.0526]</p>
5.1.116	<p>If there should be a leak of hazardous waste from a storage container, spilled or leaked waste or inadvertent run-on must be removed from the secondary containment system in a timely manner.</p> <p>If the collected material (including spill containment equipment and debris/residue) is a hazardous waste, the Permittee must manage the material in accordance with Minn. R. 7045.0526, subp. 6.C.</p> <p>If the collected material is discharged through a point source to waters, Minn. R. 7045.0526, subp. 6.C., must be followed. [Minn. R. 7045.0526, subp. 6(C)]</p>
5.1.117	If there should be a leak of hazardous waste from a storage container, the Permittee shall notify the MPCA IMMEDIATELY after any leak or spill of hazardous waste to the environment if it is determined, based on the criteria in Part 5.1.121 to 5.1.129 of this Permit, that such notification is required. [Minn. R. 7045.0526, subp. 6(C)]
5.1.118	If there should be a leak of hazardous waste from a storage container, the Post Emergency Reporting requirements of Minn. R. 7045.0466, subp. 3 should be consulted to determine if a written report is required. [Minn. R. 7045.0526, subp. 6(C)]
5.1.119	If there should be a leak of hazardous waste from a storage container, the MPCA may require the Permittee to sample appropriate media (soil, surface water, groundwater, air) as necessary to determine the extent of contamination. Further, upon review of the sampling analysis, the MPCA may require the Permittee to remediate the contaminated media affected by the release. Upon remediation, a final report summarizing remedial efforts taken shall be submitted for approval to the MPCA. [Minn. R. 7045.0526, subp. 6(C)]
5.1.120	<p>If there should be a leak or spill of hazardous waste to the environment (escaping the secondary containment system) from any source at the Facility other than the tanks or containers in Permitted regulated units covered above, the Permittee shall comply with the following requirements:</p> <ol style="list-style-type: none"> 1) The Permittee shall stop the leak or spill and clean up any released hazardous waste as soon as possible; 2) The Permittee must IMMEDIATELY conduct a visual inspection of the area around the leak or spill and prevent further migration of the leaked or spilled hazardous waste to soils and surface waters; 3) The Permittee shall notify the MPCA IMMEDIATELY after any leak or spill of hazardous waste to the environment if it is determined, based on the notification criteria in this Permit, that such notification is required; 4) In addition to the requirements in items 1-3 above, the Permittee shall follow the procedures specified in the Emergency Procedures requirements in this Permit if the leak should require implementation of the contingency plan. <p>[Minn. R. 7045.0466]</p>
5.1.121	<p>Minn. Stat. 115.061 and 116.061 require notification to the MPCA regarding discharges to water and air, respectively, for any materials, including hazardous waste. Minn. R. 7045.0468, subp. 5, item B, and subp. 6 also provide requirements for reporting to the Agency discharges of hazardous waste. Compliance under the notification requirements below satisfies the Agency notification requirements regarding releases of hazardous waste at permitted hazardous waste facilities for both the rules and statutes cited above.</p> <p>All notifications required by Parts 5.1.123 and 5.1.129 below must be made to the Minnesota Duty Officer at one of the appropriate numbers provided below. Notification to the Minnesota Duty Officer satisfies the requirement for notifying the agency.</p> <p>TWIN CITIES METRO AREA (AND OUTSIDE MINNESOTA): 651- 649-5451 GREATER MINNESOTA: 1-800-422-0798. [Minn. R. 7045.0468, subp. 5&6]</p>

5.1.122	1) Except as provided in paragraph 2 below, it is the duty of every person to notify the Agency 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, and the responsible person shall recover as rapidly and 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. 2) Notification is not required under paragraph 1 above for a discharge of five gallons or less of petroleum, as defined in section 115C.02, subd. 10. This paragraph does not affect the other requirements of paragraph 1 above. [Minn. R. 7045, Minn. Stat. 115.061]
5.1.123	The following actions constitute compliance with the Agency reporting requirements of Minn. Stat. § 115.061 and with Minn. R. 7045.0468, subp. 5, item B, and subp. 6 regarding discharges of hazardous waste, other than releases to air, at permitted hazardous waste facilities. The Minnesota Duty Officer must be notified immediately of any of the following discharges: 1) A fire, explosion, or discharge that could threaten human health or the environment outside the Facility; 2) A discharge to the secondary containment of a permitted unit that is NOT completely contained in the secondary containment and/or is NOT recovered in a timely manner; 3) All discharges to areas outside of the containment systems described in item 2 above, that could cause pollution of soil, surface water, or groundwater. [Minn. R. 7045.0468, subp. 5&6]
5.1.124	In accordance with Minn. Stat. 116.061, Subd. 1; a person who controls the source of an emission must notify the Agency immediately of excessive or abnormal unpermitted emissions that: 1) may cause air pollution endangering human health; 2) may cause air pollution damaging property; or 3) cause obnoxious odors constituting a public nuisance. If a person who controls the source of an emission has knowledge of an event that has occurred and that will subsequently cause an emission described in items 1, 2, or 3 above, the person must notify the Agency when the event occurs. [Minn. Stat. 116.061]
5.1.125	In accordance with Minn. Stat. 116.061, Subd. 2; a person who is required to notify the Agency under Minn. Stat. 116.061, Subd. 1 must take immediate and reasonable steps to minimize the emissions or abate the air pollution and obnoxious odors caused by the emissions. [Minn. Stat. 116.061, subd. 2]
5.1.126	In accordance with Minn. Stat. 116.061, Subd. 3; the following are exempt from the requirements of Minn. Stat. 116.061, Subd. 1 and 2: 1) emissions resulting from the activities of public fire services or law enforcement services; 2) emissions from motor vehicles, as defined in section Minn. Stat. 169.01, Subd. 3; 3) emissions from an agricultural operation deemed not a nuisance under section Minn. Stat. 561.19, subdivision Subd. 2; or 4) emissions from Agency regulated sources that are routine or authorized by the Agency. [Minn. Stat. 116.061, subd. 3]
5.1.127	In accordance with Minn. Stat. 116.061, Subd. 4; a person who notifies the Agency of emissions under Minn. Stat. 116.061, Subd. 1 and who complies with Minn. Stat. 116.061, Subd. 2 shall not be subject to criminal prosecution under Minn. Stat. 115.071, subdivision 2. [Minn. Stat. 116.061, subd. 4]
5.1.128	In accordance with Minn. Stat. 116.061, Subd. 5; any notice submitted under Minn. Stat. 116.061, Subd. 1 is not admissible in any proceeding as an admission of causation. [Minn. Stat. 116.061, subd. 5]
5.1.129	Compliance with the statutory notification requirements above in this Permit, and the requirement in the following sentence constitutes compliance with the agency reporting requirements of Minn. R. 7045.0468, subp. 5, item B, and subp. 6 regarding discharges of hazardous waste to the air at permitted hazardous waste facilities. Notification must be provided for a fire, explosion, or discharge that could threaten human health or the environment outside the Facility. [Minn. Stat. 116.061]
5.1.130	Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY activate internal Facility alarms or communication systems. [Minn. R. 7045.0468, subp. 2]
5.1.131	Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY identify the character, exact source, amount, and areal extent of any released material. [Minn. R. 7045.0468, subp. 3]
5.1.132	Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY assess possible hazards to human health or the environment, considering both direct and indirect effects of the release, fire, explosion; effects from any toxic, irritating, or asphyxiating gases that are generated; and effects of any hazardous surface water run-off from water or chemical agents used to control fire and explosions. [Minn. R. 7045.0468, subp. 4]
5.1.133	Whenever the contingency plan is implemented; the emergency coordinator shall IMMEDIATELY carry out the appropriate provisions of the contingency plan set forth in the Permit Application. [Minn. R. 7045.0468, subp. 1]
5.1.134	If the emergency coordinator determines that the hazardous waste or hazardous constituent release, fire, or explosion could threaten human health or the environment, outside the Facility; or evacuation of local areas may be advisable; or a released hazardous waste or hazardous constituent may cause pollution of the air, land resources, or waters of the State,

	<p>then the emergency coordinator shall IMMEDIATELY notify: 1) Appropriate State and local authorities, 2) The governmental official designated as the on-scene coordinator for that geographical area, or the National Response Center at (800) 424-8802. The information below shall be given to each of the above authorities at the time of the notification:</p> <p>1) Name and telephone number of reporter, 2) Name and address of Facility, 3) Date, time, and type of incident, 4) Name and quantity of material involved, 5) Extent of damages or injuries, if any, and 6) The possible hazards to human health and/or the environment. [Minn. R. 7045.0468, subp. 5]</p>
5.1.135	<p>During an event that requires implementation of the contingency plan, the emergency coordinator shall ensure that releases, fires, and explosions do not occur, recur, or spread to other hazardous waste at the Facility. [Minn. R. 7045.0468, subp. 7]</p>
5.1.136	<p>If the Facility stops operations, the emergency coordinator shall monitor for leaks, pressure build-up, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate. [Minn. R. 7045.0468, subp. 8]</p>
5.1.137	<p>IMMEDIATELY after an event that requires implementation of the contingency plan, the Permittee shall provide for treating, storing, or disposing of recovered waste, contaminated soil, groundwater, and any other contaminated material resulting from the emergency incident at the Facility, in a manner required by applicable laws and rules. [Minn. R. 7045.0470, subp. 1]</p>
5.1.138	<p>The Permittee shall not recommence operations after an emergency until the EPA, MPCA, and local police and fire departments have been notified and the Facility is in compliance with Minn. R. 7045.0470, subp. 2. [Minn. R. 7045.0470, subp. 2]</p>
5.1.139	<p>WITHIN 15 DAYS after an event that requires implementation of the contingency plan as required by Minn. R. 7045.0466, subp. 3, the Permittee shall submit a written report to the MPCA describing the incident, containing information as required by Minn. R. 7045.0470, subp. 3. [Minn. R. 7045.0470, subp. 3]</p>
5.1.140	<p>The Permittee shall note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. [Minn. R. 7045.0470, subp. 3]</p>
5.1.141	<p>The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of a Waste Analysis Plan as set forth in the Permit Application, and that meets the requirements of Minn. R. 7045.0458. [Minn. R. 7045.0458, subp. 2]</p>
5.1.142	<p>The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of a personnel training plan as set forth in the Permit Application, and that meets the requirements of Minn. R. 7045.0454. [Minn. R. 7045.0454]</p>
5.1.143	<p>The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of a contingency plan as set forth in the Permit Application, and that meets the requirements of Minn. R. 7045.0466. [Minn. R. 7045.0466]</p>
5.1.144	<p>The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of a closure plan as set forth in the Permit Application, and that meets the requirements of Minn. R. 7045.0486. [Minn. R. 7045.0486]</p>
5.1.145	<p>The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of an inspection plan as set forth in the Permit Application, and that meets the requirements of Minn. R. 7045.0452, subp. 5. [Minn. R. 7045.0452, subp. 5]</p>
5.1.146	<p>The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the Groundwater Protection Plan (7045.0484). [Minn. R. 7045.0484]</p>
5.1.147	<p>The Permittee shall maintain at the Facility at all times a copy of the most recent MPCA-approved version of the Post-Closure Plan (7045.0490-7045.0492). [Minn. R. 7045.0492]</p>
5.1.148	<p>The Permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the Facility (and, for disposal facilities, the post-closure care period) as specified in Minn. R. 7001.0720, subp. 2. item B. [Minn. R. 7045.0720, subp. 2(B)]</p>
5.1.149	<p>Written tank system assessments required by Minn. R. 7045.0528, subps. 2 and 3 must be maintained at the Facility. [Minn. R. 7045.0528]</p>
5.1.150	<p>The Permittee shall keep a written operating record at the Facility that contains the information in Minn. R. 7045.0478, including the following information, as applicable:</p> <p>1) The names of each hazardous waste generator and its EPA identification number; 2) The arrival date of incoming hazardous waste, and the shipment date of outgoing hazardous waste, corresponding with the transporter's name and identification number; 3) A description and statement of the quantity of each hazardous waste received, or shipped, and the method and date of treatment, storage, or disposal; 4) The location of each hazardous waste shipment or container within the Facility and the total quantity of hazardous</p>

	<p>waste at each location. This information must be complete and up to date at all times. This information must be cross-referenced to the manifest accompanying the waste;</p> <p>5) The records and results of each waste analysis performed;</p> <p>6) The records and results of each inspection performed;</p> <p>7) The results of any monitoring performed at the Facility;</p> <p>8) Summary reports and details of all incidents which required implementation of the Contingency Plan;</p> <p>9) All annual reporting requirements specified in this Permit;</p> <p>10) All Land Disposal Restricted waste notifications required by Minn. R. 7045.1390, which incorporates by reference 40 CFR § 268.7 and 268.8, with the exceptions to incorporation listed in Minn. R. 7045.1390; and</p> <p>11) A copy of the notices provided by the Permittee to each of the generators from whom the Permittee is obtaining hazardous wastes for storage at the Facility. [Minn. R. 7045.0478]</p>
5.1.151	The Permittee shall maintain at the Facility at all times a copy of the job title for each position at the Facility related to hazardous waste management and the name of the employee filling each job. [Minn. R. 7045.0454, subp. 6]
5.1.152	The Permittee shall maintain at the Facility at all times a copy of a written job description of each position at the Facility related to hazardous waste management. This description may be consistent in its degree of detail with descriptions for other similar positions in the same company location or bargaining unit, but must include at least the requisite skill, education, or other qualifications and duties of employees assigned to each such position. [Minn. R. 7045.0454, subp. 6]
5.1.153	The Permittee shall maintain at the Facility at all times a copy of a written description of the type and amount of both introductory and continuing training in accordance with the Personnel Training Plan set forth in the Permit Application, that will be given to each person filling a hazardous waste position related to hazardous waste management. [Minn. R. 7045.0454, subp. 6]
5.1.154	The Permittee shall maintain at the Facility at all times a copy of records that document the training provided to each employee filling a position related to hazardous waste management. Training records on current personnel must be kept until closure of the Facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the Facility. [Minn. R. 7045.0454, subp. 7]
5.1.155	The Permittee shall record all inspections in an inspection log. These records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions. The inspection log can be either hard-copy or electronic format, but shall be readily accessible at the Facility upon request by the MPCA during an inspection. [Minn. R. 7045.0478, subp. 3(G)]
5.1.156	The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this Permit, and records of all data used to complete the Application for this Permit. [Minn. R. 7001.0150, subp. 2(B)]
5.1.157	<p>Records of monitoring information shall specify:</p> <p>1) The date(s), exact place, and time(s) of sampling or measurements;</p> <p>2) The individual(s) who performed the sampling or measurements;</p> <p>3) The date(s) analyses were performed;</p> <p>4) The individual(s) who performed the analyses;</p> <p>5) The analytical techniques for methods used; and</p> <p>6) The results of such analyses. [Minn. R. 7001.0150, subp. 2(B and C)]</p>
5.1.158	The Permittee shall maintain all records for at least three (3) years after generation of the record unless the record is required by Minn. R. 7045.0478, subp. 3 or Minn. R. 7001.0720, subp. 2, item B to be kept for a longer period of time. Records required to be kept until closure of the Facility are listed in Minn. R. 7045.0478, subp. 3 and Minn. R. 7001.0720, subp. 2. These retention periods are automatically extended during the course of and at least for the duration of an unresolved enforcement action regarding the Permittee and shall also be extended upon request of the Agency. These records shall be made available to the Agency upon Request. [Minn. R. 7045.0478, subp. 3]
5.1.159	<p>1) 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 after 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 noncompliance; and, 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.</p> <p>2) For noncompliance occurrences not required to be reported above, the Permittee shall submit a written report to the MPCA WITHIN 30 DAYS after the noncompliance is discovered.</p> <p>As used herein, the term "noncompliance" refers to any failure, intentional or unintentional, avoidable or unavoidable, to satisfy any requirement of this Permit. [Minn. R. 7001.0150, subp. 3(K)]</p>

5.1.160	The Permittee that has arranged to receive hazardous waste from a foreign source shall notify the Agency as well as the Environmental Protection Agency's Region V administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the Facility. [Minn. R. 7045.0452, subp. 3(A)]
5.1.161	Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the postclosure care period, the Permittee shall notify the new Permittee in writing of the requirements of Minn. R. 7045.0450 to 7045.0551 and all permit requirements. [Minn. R. 7045.0452, subp. 3(D)]
5.1.162	The Permittee shall give advance written notice to the Commissioner as soon as possible of any planned physical alteration of or addition to the Permitted Facility and of any activity that may result in noncompliance with its Permit or with any requirement of state or federal law. This notice does not relieve the Permittee of: 1) The requirement to obtain a modification of this Permit, or 2) Any liability for noncompliance with this Permit or the law. [Minn. R. 7001.0150, subp. 3(M)]
5.1.163	The Permittee shall certify each year at the time of submission of its annual report that a program is in place to reduce the volume and toxicity of waste and pollution to the maximum degree economically practicable, and that the method used to manage waste and pollution minimizes present and future threats to human health and the environment to the extent practicable as required by Minn. R. 7045.0478, subp. 3.K. The program shall consist of a plan which includes these elements: 1) A policy statement articulating upper management support for eliminating or reducing the generation of waste and pollution at the Facility; 2) A description of the current processes generating or releasing waste and pollution that specifically describes the types, sources, and quantities of waste and pollution currently being generated; 3) A description of the current and past practices used to eliminate or reduce the generation of waste and pollution and an evaluation of the effectiveness of these practices; 4) An assessment of technically and economically practicable options available to eliminate or reduce the generation of waste and pollution; 5) A statement of waste and pollution reduction objectives based on the assessment in item 4 above, and a schedule for achieving those objectives; 6) An explanation of the rationale for each waste and pollution reduction objective; and 7) A listing of options that were considered not to be economically and technically practicable. [Minn. R. 7045.0478, subp. 3(K)]
5.1.164	The Permittee shall pay the required annual facility fee as specified in Minn. R. 7046.0020. [Minn. R. 7045.0020]
5.1.165	The Permittee shall conduct annual soil sampling at the Scrap Propellant Burn Pad Unit to monitor and track the impact of lead on adjacent soils in accordance with Part 5.1.39 to 5.1.42 of this Permit. A report summarizing these results shall be submitted by February 15 of each year. Electronic versions of these reports are preferred and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If the assigned RCRA hydrogeologist or Permit Engineer is unknown, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0539]
5.1.166	The Permittee shall conduct an annual elevation survey of the closed Wastewater Treatment Plant Sludge Landfill in accordance with Part 5.1.254 of this Permit. A report summarizing the results of the survey shall be submitted by February 15 of each year. Electronic versions of these reports are preferred and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If the assigned RCRA hydrogeologist or Permit Engineer is unknown, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0539]
5.1.167	The Permittee shall conduct ground water monitoring for the closed Wastewater Treatment Plant Sludge Landfill, the MS-3 Demolition Landfill, the MS-7 Cyanide Storage Pad, and the MS-11 Cyanide Destruct Unit. An annual report for groundwater sampling for these units from the previous calendar year shall be submitted by February 15 of each year in accordance with the Permit. Electronic versions of these reports are preferred and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If the assigned RCRA hydrogeologist or Permit Engineer is unknown, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0539]
5.1.168	All reports or other information required to be submitted to the MPCA in accordance with the terms and conditions of this Permit shall carry the certification required by Minn. R. 7001.0070 and 7001.0540. [Minn. R. 7045.0540]
5.1.169	Unless otherwise specified in this Permit, all written reports and notifications required to be submitted to the MPCA or "Commissioner" by the Permittee shall be sent to: Minnesota Pollution Control Agency Supervisor, Land Permits Unit Resource Management and Assistance Division 520 Lafayette Road North St. Paul, Minnesota 55155-4194. [Minn. R. 7045.0482]

5.1.171	The closure plan submitted by the Permittee in the Permit Application, or any subsequent MPCA-approved modification to the closure plan, shall include, and be consistent with, Minn. R. 7045.0486; parts 7045.0484, groundwater protection, and 7045.0488, closure activities; and the applicable closure requirements of parts 7045.0526, subpart 9; 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; 7045.0538, subpart 7; 7045.0539, subpart 2; 7045.0542, subpart 8; and Code of Federal Regulations, title 40, section 264.1102, as incorporated in part 7045.0550. [Minn. R. 7045.0486, subp. 3]
5.1.172	The Permittee must submit a written request to the MPCA for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the agency's permitting procedures in chapter 7001. The written request must include a copy of the closure plan amendments for approval. The Permittee may request a permit modification to amend the closure plan at any time before notification of partial or final closure of the Facility. The owner or operator shall request a permit modification to amend the plan whenever: A) changes in operating plans or facility design affect the closure plan; or B) there is a change in the expected year of closure for those facilities that use trust funds to establish financial assurance as provided in Minn. R 7045.0486, subpart 3; or C) in conducting partial or final closure activities, unexpected events require a modification of the approved closure plan. [Minn. R. 7045.0486, subp. 4]
5.1.173	The MPCA may request modifications to the plan under the conditions described in items A to C. The Permittee must submit the modified plan within 60 days of the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the MPCA will be approved in accordance with the agency's permitting procedures in chapter 7001. The Permittee must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days before the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the Permittee must request a permit modification no later than 30 days after the unexpected event. [Minn. R. 7045.0486, subp. 4]
5.1.174	Within 90 days after receiving the final volume of hazardous waste at a hazardous waste management unit or facility, the Permittee shall treat, remove from the unit or facility, or dispose of on-site all hazardous waste in accordance with the approved closure plan, unless an extension has been approved by the Agency. The present closure schedule is detailed in the closure plan set forth in the Permit Application. [Minn. R. 7045.0488, subp. 1]
5.1.175	After receiving the final volume of hazardous waste at the Facility, the Permittee shall complete closure activities in accordance with the closure plan schedule in effect at the time, which shall not exceed 180 days unless approved by the Commissioner. The present closure schedule is detailed in the closure plan set forth in the Permit Application. [Minn. R. 7045.0488, subp. 2]
5.1.176	During the partial and final closure periods, all contaminated facility equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in part 7045.0528, subpart 9; 7045.0532, subpart 7; 7045.0534, subpart 7; 7045.0536, subpart 8; or 7045.0538, subpart 7, or under the authority of part 7045.0539, subparts 2 and 4. By removing any hazardous waste or hazardous waste constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste according to all applicable requirements of parts 7045.0205 to 7045.0325. [Minn. R. 7045.0488, subp. 3]
5.1.177	CLOSURE HISTORY AT THE FACILITY There are two (2) permitted units at the Facility that are presently undergoing closure: MS-7 Cyanide Storage Pad MS-11 Cyanide Destruct Unit Three (3) other units have already been satisfactorily closed under an approved closure plan: the Paint Storage Area (Master Site 8), and the Cyanide Drum Storage Area (Master Site 9), and the Incinerator (Master Site 10). [Minn. R. 7045.0486]
5.1.178	MS-7: Cyanide Storage Pad This unit is a formerly used, outside concrete storage pad located adjacent to Building 40 and was used to store containers of waste cyanide-based plating sludges and heat treating wastes. The constituents of concern associated with these wastes are cyanide, nickel, zinc, and copper. In August 1985, a release of accumulated rainwater from this unit was reported. A concrete sump on the storage pad failed. Four (4) drums of soil were excavated from the sump area and the leaking sump was replaced. At that time, FCC decided to discontinue use of the storage pad. FCC completed five (5) soil borings in the vicinity of the storage pad in 1985, about one week after the release. The results from the borings indicated copper, cyanide, and oil contamination in the soil. Six (6) additional soil borings were completed in early 1986 to identify residual contamination beneath the storage pad. Cyanide at 300 micrograms/kilogram and copper at 3,500 micrograms/kilogram were present in soils under the pad. The concrete

	<p>storage pad was closed in accordance with the approved closure plan in the fall of 1989.</p> <p>Three (3) ground water monitoring wells were installed in October, 1987, to provide both supplemental ground water data and flow information. Historical results for cyanide in the wells ranged from 0.02 micrograms per liter to almost 300 micrograms per liter. The ground water monitoring results since 2001 show cyanide concentrations well below the health base standard of 100 micrograms per liter. In addition, chlorinated solvents have been identified in the ground water monitoring wells, but the levels of the chlorinated solvents are below the Minnesota Department of Health's Health Risk Limits.</p> <p>Under this Permit, FCC is required to conduct long-term ground water monitoring as a condition of closure of this unit. Long-term monitoring is necessary to insure that human health and the environment will not be adversely affected by ground water concentration exceeding standards. At this time, it is not practical to remove the storage pad for remediation of the soil. If the pad is ever removed, the MPCA may determine that corrective actions of the soils should occur. This Permit requires the Permittee to complete a deed restriction that describes the constituents and concentrations of contaminants left beneath the pad, and restricts land use at the MS-7 Cyanide Storage Pad.</p> <p>Several constituents commonly associated with gasoline were identified in most of the soil boring analyses and have also been identified at low levels in samples from the ground water monitoring wells. FCC believes that the petroleum underground storage tanks located adjacent to the pad are the sources of these constituents.</p> <p>The monitoring requirements for this unit are provided in Parts 5.1.180 to 5.1.186 of this Permit. [Minn. R. 7045.0486]</p>
5.1.179	<p>MS-11: Cyanide Destruct Unit.</p> <p>The cyanide destruct units were located inside of Building 40. One cyanide destruct unit operated since 1974. In 1976, two (2) more units were added. In April 1985, all cyanide destruct operations were terminated.</p> <p>FCC submitted a report in May 1988 summarizing closure activities completed in accordance with the approved closure plan. Closure activities included steam cleaning of the concrete slab and two (2) sumps. The cleaning consisted of three (3) soapy washings, two (2) tap water rinses, and two (2) deionized water rinses.</p> <p>Hairline fractures in the floor slab were noted in 1989. In response, soil borings were completed directly adjacent to the units and below the cracks to determine whether soil contamination had occurred. The borings indicated that cyanide had migrated to a depth of at least eight (8) feet below the units (the maximum depth of the borings). Cyanide concentrations indicated no clear dispersion pattern. Copper and zinc were also detected. Copper and zinc concentrations did decrease significantly with depth.</p> <p>In 1995, FCC cut out sections of the concrete to collect additional samples beneath identified fractures in the concrete. Cyanide was found in soils beneath the concrete at levels up to 750 micrograms/kilogram and copper was found up to 3,500 ppm. An ammonia smell was detected throughout some of the borings to 22 feet below ground surface. The most heavily contaminated zone is from 0-10 feet below grade.</p> <p>This Permit requires ground water monitoring for MS-7 to monitor potential ground water impacts from this unit. Because it has been difficult to determine whether cyanide concentrations detected in ground water monitoring wells are from MS-7 or from MS-11, monitoring wells CW-1, CW-2, and CW-3 will continue to be used to track and delineate ground water contamination from MS-11. The monitoring requirements for this unit are provided in Parts 5.1.180 to 5.1.186 of this Permit.</p> <p>Because it is not practical to remove the contaminated soils below the MS-11 Cyanide Destruct Unit area, this Permit requires the Permittee to maintain a deed restriction that describes the constituents and concentrations of contaminants remaining in soil and ground water beneath the unit and restricts the use of the land in the vicinity of the MS-11 Cyanide Destruct Unit. [Minn. R. 7045.0486]</p>
5.1.180	<p>The Permittee shall collect and analyze ground water samples from the three (3) ground water monitoring wells at MS-7 (CW-1, CW-2, and CW-3). Sampling shall be conducted annually in accordance with the "Ground Water Sampling Plan" included in the Permit Application. [Minn. R. 7045.0484]</p>
5.1.181	<p>The following constituents are required to be included in the ground water monitoring program:</p> <ul style="list-style-type: none">BenzeneTolueneEthylbenzeneXylenesTPH as Gasoline Range OrganicsTPH as Fuel Oils Number 1 & Number 2

	1,1-Dichloroethylene 1,1,1-Trichloroethane 1,1,2,2-Tetrachloroethylene Cyanide (total) Ammonia Copper. [Minn. R. 7045.0484]
5.1.182	When conducting ground water sampling and analysis at MS-7 and MS-11, the Permittee shall follow the Quality Assurance Project Plan (QAPP) included in the "Ground Water Sampling Plan" of the Permit Application. [Minn. R. 7045.0484]
5.1.183	By February 15 of each year, the Permittee shall submit to the MPCA for review and approval a report summarizing the results of the ground water sampling for the previous calendar year. Electronic versions of these reports are preferred and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If the assigned RCRA hydrogeologist or Permit Engineer is unknown, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0484]
5.1.184	As part of the financial assurance required in Part 5.1.79 and Part 6.1.2 of this Permit, the Permittee shall provide financial assurance sufficient to pay for the monitoring activities at MS-7 and MS-11 as required above. The monitoring activities for which cost estimates for financial assurance are made shall be for a monitoring period of 20 years. [Minn. R. 7045.0502]
5.1.185	Requirements for an Environmental Covenant and Easement are set forth in Part 5.1.304 to 5.1.307 of this Permit. [Minn. R. 7045.0496]
5.1.186	The Permittee shall not disturb the soil in the area of MS-7 or MS-11 unless prior written approval is obtained from the MPCA in accordance with part 5.1.305 of this Permit. [Minn. R. 7045.0492, subp. 3]
5.1.187	<p>CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS</p> <p>The primary objective of the RCRA corrective action program is to clean up releases of hazardous waste or hazardous constituents from solid waste management units at facilities permitted to treat, store, or dispose of hazardous waste. Section 3004 (u) of the 1984 hazardous and Solid Waste Amendments, 42 U.S.C. Section 6924(u), and Minn. R. 7045.0485 require any facility issued a hazardous waste permit after November 8, 1984, to provide corrective action for releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU) or Area of Concern (AOC) regardless of the time when waste was placed in the unit.</p> <p>The RCRA Corrective Action Program consists of the following four (4) steps:</p> <ol style="list-style-type: none"> 1. RCRA Facility Assessment (RFA), 2. RCRA Facility Investigation (RFI), 3. Corrective Measures Study (CMS), 4. Corrective Measures Implementation CMI. <p>The RFA documents historical information, and provides an assessment of the potential for releases from SWMU. The RFI further investigates the scope (nature, rate, and extent) of contamination posed by SWMUs through a hydrogeologic investigation. The CMS compares remediation alternatives and identifies the most reasonable, practical, and feasible technology. Finally, the CMI is the corrective action stage that implements the chosen remediation. The remediation is designed, operated, maintained, and monitored to optimize performance necessary to protect human health and the environment. [Minn. R. 7045.0485]</p>
5.1.188	<p>The RFA, which was conducted by the MPCA at the Facility in March 1987, identified 21 SWMUs. Through the RFA, the MPCA determined that there had been releases at four (4) of the SWMUs. The MPCA staff requested that FCC investigate the scope of the release in these areas. Seven (7) other sites were identified by MPCA staff as requiring sampling to determine whether any release had occurred. The MPCA staff completed the sampling of the seven (7) sites in May and June 1987.</p> <p>On the basis of this sampling, the MPCA determined that three (3) of these SWMUs had some contaminations, bringing the total number of SWMUs that needed further work to seven (7). The MPCA staff required FCC to complete supplemental sampling to further determine the scope of contamination.</p> <p>Through the RFA and the sampling completed by the MPCA, it was determined that a total of seven (7) SWMUs required further action by FCC. An eighth SWMU, known as Building 160, was identified later. The eight (8) SWMUs are listed below. FCC has developed and assigned "Master Site (MS)" numbers for the first seven (7) SWMUs.</p> <ol style="list-style-type: none"> 1. MS-1: Acid Neutralization Sump 2. MS-2: Incinerator Ash Pile 3. MS-3: Demolition Landfill 4. MS-4: Empty Drum Storage Area 5. MS-5: Motor Vehicle Drain Oil Storage Area

	<p>6. MS-6: Hoffman Loading Dock 7. MS-7: Building 131 Drain Leak Area 8. None: Building 160</p> <p>In February 1988, the MPCA staff determined that MS-12 had been adequately remediated. In June 1993, supplemental sampling indicated that contamination was not present at MS-6. In 2003, when closure was completed for the Incinerator MS-10, corrective measures were implemented at the adjacent Incinerator Ash Pile MS-2 and Empty Drum Storage Area MS-4. Releases from Building 160 were also remediate in 2003. The Motor Vehicle Drain Oil Storage Area MS-5, located on Hoffman Enclosures' property, was remediated by Hoffman Enclosures in 1998. Hoffman Enclosures is solely responsible for the design, adequacy and completion of the remediation of MS-5. The MPCA has determined that these five (5) SWMUs do not need further corrective action.</p> <p>Long-term ground water monitoring and institutional controls are required for the MS-3 Demolition Landfill. Institutional controls are required for the MS-1 Acid Neutralization Sumps. A summary of the investigation of these two (2) SWMUs is provided below.[Minn. R. 7045.0485]</p>
5.1.189	<p>MS-1: Acid Neutralization Sumps: This unit consists of three underground discharge pits used to dispose of priming mix operation wastewaters from approximately 1950 through 1980. Each of the pits was lined with limestone, although the exact construction of each pit has not been determined. The wastewaters disposed in the pits were composed primarily of sulfuric and nitric acids with resorcinol and styphnic acid. Initial soil and ground water sampling indicated elevated sulfate levels over a relatively small area. It was determined that the levels of sulfate identified at the site did not warrant remediation.</p> <p>Part 5.1.191 of this Permit requires that FCC staff notify the MPCA in the event that the soil is disturbed so that proper management can be assured as may be required by the MPCA. Part 5.1.192 of this Permit requires the Permittee to maintain a deed restriction which restricts land use at the MS-1 Acid Neutralization Sumps. [Minn. R. 7045.0485]</p>
5.1.190	<p>MS-3: Demolition Landfill.</p> <p>This unit was an on-site demolition landfill permitted by Anoka County that was operated between approximately 1965 and 1985. The landfill is estimated to comprise approximately 10,000 square feet. Sampling by the MPCA showed elevated levels of lead and cadmium. Additional sampling completed by FCC confirmed the presence of lead in two (2) of 16 sampling locations.</p> <p>Since the landfill was such a massive unit and contained such a range of materials, FCC proposed opening the landfill by means of trenching and performing sampling from the trenches. Visual observation of the trench sidewall and of the excavated material indicated that the majority of material consisted of soil, concrete, asphalt, brick, metal, wire, roofing, wood, and other construction or demolition debris. Fifty-two (52) samples were collected from different depths along the trenches in the landfill. Results from the sampling indicated that lead was elevated in several of the samples, ranging in concentrations from 2.5 to 17,500 milligrams per kilogram (mg/kg). Analyses using the Toxic Characteristic Leaching Procedure (TCLP) on four (4) of the samples indicated that the lead was not readily leachable. The lead concentrations using the TCLP ranged from 0.48 to 7.2 milligrams per liter.</p> <p>Since the landfill material is buried and access to the landfill is restricted by the Facility fence and security personnel, the potential for ingestion of the lead is unlikely. The primary pathway of concern is, therefore, leaching to the ground water. Due to the size of the landfill, the impracticality of removing the contents, and the relative immobility of lead, the MPCA determined that remediation was not necessary. FCC, however, is required to not disturb the soil of the landfill, to inspect and maintain the landfill cover to prevent erosion, conduct semiannual ground water monitoring, and restrict use of the landfill property. The requirements for the MS-3 Demolition Landfill are describes in Part 5.1.191 to 5.1.196 below. [Minn. R. 7045.0485]</p>
5.1.191	<p>The Permittee shall not disturb the soil in the area of MS-1 unless prior written approval is obtained from the MPCA in accordance with Part 5.1.305 of this Permit. [Minn. R. 7045.0492, subp. 3]</p>
5.1.192	<p>Requirements for an Environmental Covenant and Easement for MS-1 Acid Neutralization Sumps are set forth in Part 5.1.305 of this Permit. [Minn. R. 7045.0496]</p>
5.1.193	<p>The Permittee shall perform the following activities until the Permittee has received permission in writing from the MPCA to discontinue such monitoring. The Permittee shall collect and analyze ground water samples on a semiannual and annual basis, unless noted otherwise, from monitoring wells DW-1, DW-2, and DW-3.</p> <p>The Permittee shall analyze the ground water samples for the following constituents semiannually except as noted below:</p> <ul style="list-style-type: none"> Arsenic Barium Cadmium Chromium

	<p>Copper Cyanide Lead pH 465D Volatile Organics* Semi-Volatile Organic Compounds* PAH Compounds* TPH as Diesel Range Organics* TPH as Gasoline Range Organics*</p> <p>* Analyses for these constituents shall be performed only once annually.</p> <p>For all metals on the list above, analysis shall be performed as dissolved concentrations only. Arsenic shall be analyzed for both total and dissolved concentrations.</p> <p>By February 15 of each year, the Permittee shall submit a report to the MPCA summarizing the results of the ground water sampling for the previous calendar year as described in Part 5.1.275 of this Permit. Electronic versions of these reports are preferred and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If the assigned RCRA hydrogeologist or Permit Engineer is unknown, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0485]</p>
5.1.194	<p>As part of the financial assurance required in Part 5.1.83 and Part 6.1.2 of this Permit, the Permittee shall provide financial assurance sufficient to pay for the monitoring activities at MS-3 described in Part 5.1.193. The monitoring activities for which cost estimates for financial assurance are made shall be for a monitoring period of 20 years. [Minn. R. 7045.0512]</p>
5.1.195	<p>The Permittee shall inspect the MS-3 Demolition Landfill and surrounding area quarterly, and also after significant rainfall events (greater than two inches per rainfall event). The inspection shall verify that the surface water drainage and the vegetation are providing adequate cover for the landfill. The Permittee shall maintain inspection logs in the operating record as required in Part 5.1.150 of this Permit. The Permittee shall maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events. The Permittee shall document repairs to the cover in the operating record as required in Part 5.1.155 of this Permit. [Minn. R. 7045.0538]</p>
5.1.196	<p>Requirements for an Environmental Covenant and Easement for MS-3 Demolition Landfill are set forth in Part 5.1.305 of this Permit. [Minn. R. 7045.0496]</p>
5.1.197	<p>Parts 5.1.198 to 5.1.204 provides general requirements regarding all corrective action activities at the Facility. [Minn. R. 7045.0485]</p>
5.1.198	<p>Corrective action work plans, investigation, reporting, and implementation shall be conducted in accordance with this Permit and the RCRA Corrective Action Plan guidance document (U.S. EPA- RCRA Corrective Action Plan, Final, EPA/520-R-94-004, OSWER Directive 9902.3-2A, May, 1994) or the most current version.</p> <p>The Permittee shall, in each instance where corrective action is required, submit to the MPCA for review and approval a QAPP. The QAPP shall address sampling, field measurements, laboratory analyses, and other tasks conducted as part of RFI or CMI activities, or shall explicitly reference previously MPCA approved QAPPs. The Permittee shall prepare the QAPP and complete both field and lab procedures in accordance with the following documents or the most current version of the documents:</p> <ol style="list-style-type: none"> EPA Requirements for QA Project Plans (QA/R-5) (March, 2001), (Reissued May, 2006), EPA 240/B-01/003, [http://www.epa.gov/quality/qs-docs/r5-final.pdf]. Guidance for Quality Assurance Project Plans (QA/G-5) (December, 2002), EPA 240/R-02/009, [http://www.epa.gov/quality/qs-docs/g5-final.pdf]. Technical Enforcement Document (November 1992), EPA/530-R-93-001. RCRA RFI Guidance (May 1989), EPA 530/SW-89-031, [http://www.epa.gov/correctiveaction/resource/guidance/sitechar/rfi.htm]. Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods and Updates (EPA/SW-846), [http://www.epa.gov/epaoswer/hazwaste/test/main.htm]. U.S.EPA RCRA Corrective Action Plan, Final, (May, 1994), EPA 520-R-94-004. OSWER Directive 9902.3-2A.

	[http://www.epa.gov/correctiveaction/resource/guidance/gen_ca/rcracap.pdf]. [Minn. R. 7045.0485]
5.1.199	<p>Failure to submit the information required in this Corrective Action Section, or falsification of any submitted information, is grounds for termination of this Permit. The Permittee shall ensure that all plans, reports, notifications, and other submittals to the MPCA required in this Corrective Action Section are signed and certified in accordance with Minn. R. 7001.0060. Two (2) copies of these plans, reports, notifications or other submissions shall be submitted to the MPCA staff designated to receive the Corrective Action submittals. Electronic versions of these reports are acceptable and should be submitted to the assigned RCRA hydrogeologist and the assigned Permit Engineer. If an MPCA staff is not designated, submittals should be sent to the Commissioner and sent by certified mail or hand delivered to:</p> <p>Minnesota Pollution Control Agency Supervisor, Land Permits Unit Resource Management and Assistance Division 520 Lafayette Road North St. Paul, Minnesota 55155-4194. [Minn. R. 7045.0485]</p>
5.1.200	<p>All required plans and schedules, upon approval of the MPCA, shall be incorporated by reference and become an enforceable part of this Permit. Any noncompliance with such approved plans and schedules shall be deemed to be noncompliance with this Permit. Extensions of the due dates for submittals may be granted by the MPCA. [Minn. R. 7045.0485]</p>
5.1.201	<p>The Permittee shall notify the MPCA in writing of any additional SWMU(s) (i.e., a unit not specifically identified in the RFA) discovered during the course of ground water monitoring, field investigations, environmental audits, or other means, NO LATER THAN 15 CALENDAR DAYS after discovery. [Minn. R. 7045.0485]</p>
5.1.202	<p>After such notification, the Commissioner may request, in writing, that the Permittee prepare a SWMU Assessment Report NO LATER THAN 60 CALENDAR DAYS from the Agency's request.</p> <p>At a minimum, the Report shall provide the following information for each newly-identified SWMU and shall follow the procedures outlined in the guidance documents referenced in Part 5.1.198 of this Permit:</p> <ol style="list-style-type: none"> The location of the newly-identified SWMU in relation to other SWMUs. The type and function of the unit. The general dimensions, capacities, and structural description of the unit (supply any available drawings). The period during which the unit was operated. The specific details on all wastes that have been or are being, or are expected to be, managed at the SWMU, to the extent available. The results of any sampling and analysis required for the purpose of determining whether releases of hazardous wastes or hazardous constituents have occurred, are occurring, or are likely to occur from the unit. <p>[Minn. R. 7045.0485]</p>
5.1.203	<p>Based on the results of the SWMU Assessment Report, the Commissioner shall determine the need for further investigation at specific unit(s). If the Commissioner determines that such investigation is needed, the Commissioner may require the Permittee to prepare a plan for such investigation. This plan will be reviewed for approval by the MPCA. The Commissioner may require that corrective action be taken as the Commissioner determines is appropriate. [Minn. R. 7045.0485]</p>
5.1.204	<p>The Permittee shall notify the Commissioner in writing, of any release(s) of hazardous waste and/or hazardous constituents discovered by the Permittee or an agent or employee thereof, NO LATER THAN 15 CALENDAR DAYS AFTER DISCOVERY. Such newly-discovered releases may be from any SWMU, existing or newly discovered. The Commissioner may require further investigation of the newly-identified release(s) in accordance with Minn. R. 7045.0485 and may require that corrective action be taken as appropriate. [Minn. R. 7045.0485]</p>
5.1.205	<p>Issuance of this Permit by the MPCA does not release the Permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes, rules or local ordinances, except the obligation to obtain this Permit. [Minn. R. 7001.0150, subp. 3(A)]</p>
5.1.206	<p>Issuance of this Permit by the MPCA does not release the Permittee from or affect any liability which the Permittee may incur as a result of the operation of the Permitted Facility. [Minn. R. 7001.0150, subp. 3]</p>
5.1.207	<p>This Permit does not prevent the future adoption by the MPCA of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent or affect the enforcement of these rules, standards, or any orders against the Permittee. [Minn. R. 7001.0150, subp. 3(B)]</p>
5.1.208	<p>This Permit does not convey a property right or an exclusive privilege. [Minn. R. 7001.0150, subp. 3(C)]</p>
5.1.209	<p>This Permit does not obligate the MPCA or the Commissioner to enforce laws, rules, or plans. [Minn. R. 7001.0150, subp. 3(D)]</p>
5.1.210	<p>This Permit authorizes the Permittee to perform the activities described in this Permit under the conditions of this Permit. In issuing this Permit, the State and Commissioner assume no responsibility for injury to persons or damage to property or the environment caused by the activities of the Permittee, including those activities authorized, directed, or undertaken under this Permit. To the extent the State and Commissioner may be liable for the activities of State</p>

	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)]
5.1.211	Compliance with the terms of this Permit does not constitute a defense to any action brought under Section 7003 of the Resource Conservation and Recovery Act, Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., commonly known as CERCLA), the Minnesota Environmental Response and Liability Act of 1983 (Minn. Stat. ch. 115B), Minn. Stat. chs. 116, 400, 473, or any other Minnesota or Federal statutes, rules or regulations, or local ordinances. [Minn. R. 7001.0150]
5.1.212	This Permit establishes minimum standards for the operation of the permitted Facility. Nothing in this Permit precludes the Permittee from taking additional steps to protect the public health or welfare or the environment so long as these additional steps are not inconsistent with the terms and conditions of this Permit. The Permittee is solely responsible for ensuring that the Permitted Facility adequately safeguards public health and welfare and the environment. [Minn. R. 7001.0150]
5.1.213	The Permittee shall perform the actions and conduct the activity authorized by this Permit in accordance with the plans and specifications approved by the MPCA and in compliance with the conditions of this Permit and applicable local, state, and federal hazardous waste laws, rules, ordinances, and regulations. [Minn. R. 7001.0150, subp. 3(E)]
5.1.214	In accordance with Minn. R. 7045.0478, subp. 3.K., the Permittee shall certify at least annually that it has a program in place to reduce the volume and toxicity of the waste and pollution to the maximum degree economically practicable, and that the method used to manage the waste and pollution minimizes present and future threats to human health and the environment to the extent practicable. [Minn. R. 7045.0478, subp. 3(K)]
5.1.215	The Permittee shall not knowingly make a false or misleading statement, representation, or certification in a record, report, plan or other document submitted to the MPCA or to the Commissioner. The Permittee shall IMMEDIATELY upon discovery report to the Commissioner an error or omission in any such record, report, plan, or other document. [Minn. R. 7001.0150, subp. 3(G)]
5.1.216	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 or operation of the Facility covered by this Permit, or regarding the conduct and the activity covered by this Permit, in accordance with Minn. Stat. § 115.04 and § 116.07, subd. 9. [Minn. R. 7001.0150, subp. 3(H)]
5.1.217	When authorized by Minnesota Statutes, sections 115.04; 115B.17, subdivision 4; and 116.091, and upon presentation of proper credentials, the Agency, or an authorized employee or agent of the Agency, 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 this Permit or pertaining to the activity covered by this Permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the Facility covered by this Permit or pertaining to the activity covered by this Permit. [Minn. R. 7001.0150, subp. 3(I)]
5.1.218	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 promptly 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)]
5.1.219	The Permittee currently meets the requirements regarding Financial Assurance for Closure, Postclosure Care, and Corrective Action through the use of a surety bond and standby trust and for Liability Coverage through the use of insurance. If at any time during the term of the Permit, any financial institution or insurer providing such financial assurance or liability coverage is involved in bankruptcy proceedings, the Permittee shall be deemed to be without such required financial assurance or liability coverage. In such event, the Permittee shall have 60 days, upon notifying the MPCA of the bankruptcy proceeding, to obtain other means of financial assurance and liability coverage. Failure to do so shall constitute a violation of this Permit. [Minn. R. 7045.0522, subp. 2]
5.1.220	This Permit may be modified, revoked and reissued, or revoked without reissuance for cause, as specified in Minn. R. 7001.0170 to 7001.0190 and Minn. R. 7001.0730. The filing of a request for a Permit Modification, Revocation and Reissuance, or Revocation without Reissuance, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay or affect the applicability or enforceability of a Permit condition. Requests for modification of plans or specifications integral to this Permit must be approved by the Commissioner prior to implementing the requested change. [Minn. R. 7001.0170]
5.1.221	This Permit will remain in effect beyond the Permit's expiration date if the Permittee has submitted a timely and complete Application for reissuance of the Permit provided that the Commissioner determines, based on available information, that all of the following are true: 1) The Permittee is in compliance with the terms and conditions of the expired Permit; 2) The Permittee continues at all times to work diligently and in good faith to meet the requirements and satisfy the concerns of the Commissioner with respect to the Permit Application; and 3) The Commissioner, through no fault of the Permittee, has not taken final action on the Application before the expiration date of this Permit. [Minn. R. 7001.0160]

5.1.222	This Permit is not transferable to any person without the express written approval of the MPCA, and then only after compliance with the requirements of Minn. R. 7001.0190 and 7045.0452, subp. 3. item D. A party to whom this Permit has been transferred shall comply with the terms and conditions of this Permit. [Minn. R. 7001.0190]
5.1.223	The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. [Minn. R. 7001.0190]
5.1.224	The Permittee need not comply with the conditions of this Permit to the extent and for the duration that the noncompliance is authorized in an emergency Permit in accordance with Minn. R. 7001.0690. [Minn. R. 7001.0690]
5.1.225	The Permittee may allow an authorized representative to sign reports submitted in accordance with the requirements of this Permit in accordance with the conditions of Minn. R. 7001.0720, subp. 2, item F. [Minn. R. 7001.0720, subp. 2(F)]
5.1.226	<p>The review of each submittal, document, report, or schedule (collectively referred to hereafter as "submittal") which is required to be submitted to the Commissioner for review and approval shall be as follows:</p> <p>1) The Commissioner shall review each submittal made by the Permittee as required by this Permit. In the event the submittal is approved, it shall become an integral and enforceable part of this Permit. If the submittal is disapproved in whole or part, the Commissioner shall notify the Permittee in writing and shall explain the amendments or revisions that are necessary to bring the submittal into compliance with this Permit.</p> <p>2) Within 30 calendar days of receipt of any notice of disapproval or modification, or on the first working day thereafter (if said 30th day fell on a Sunday or Holiday) the Permittee shall:</p> <ul style="list-style-type: none"> a. Submit revisions to correct inadequacies that led to disapproval, or, b. State in writing the reasons why the submittal, as originally submitted, should be approved. The Permittee may have longer than 30 days to respond if the longer time period is specified in the Commissioner's review letter referenced in paragraph 1 above. <p>3) If, within 30 calendar days from the date of the Permittee submission under paragraph 2, above, the parties have not reconciled all issues with respect to the submittal, the Commissioner shall inform the Permittee of the second disapproval of the submittal and whether in the Commissioner's view, the Permittee may be in violation of the Permit. In such event, the matter may be referred for enforcement action.</p> <p>4) The Commissioner and the Permittee shall provide the opportunity to consult with each other during the review of submittals or modifications. [Minn. R. 7001.0090]</p>
5.1.227	<p>All time extensions must be requested by the Permittee in writing. The requests shall specify the reasons why the extension is needed. Extensions shall only be granted for such a period of time as the Commissioner determines is reasonable under the circumstances. A requested extension shall not be effective until approved by the Commissioner. The burden shall be on the Permittee to demonstrate to the satisfaction of the Commissioner that the request for the extension has been submitted in a timely fashion and that good cause exists for granting the extension and that the extension shall have no adverse effect upon human health or the environment. Extension of compliance schedule dates provided in this Permit may be granted if requests are submitted in a timely fashion and good cause exists for granting the extension, and if the extension would have no adverse effect upon human health or the environment. [Minn. R. 7001.0090]</p>
5.1.228	The Permittee shall comply with all applicable land disposal restrictions in Minn. R. 7045.1390, which incorporates by reference 40 CFR pt. 268, with the exceptions to incorporation listed in Minn. R. 7045.1390 and 7045.0090. All of the land disposal requirements of Minn. R. 7045.1390 are subject to the exceptions to incorporation listed in Minn. R. 7045.1390 and Minn. R. 7045.0090. [Minn. R. 7045.1390]
5.1.229	A mixture of any restricted waste with any nonrestricted waste is a restricted waste under 40 CFR § 268.1. [Minn. R. 7045.1390]
5.1.230	The Permittee shall not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with the treatment standards in 40 CFR pt. 268, subp. D, to circumvent the effective date of a prohibition in 40 CFR pt. 268, subp. C, to otherwise avoid compliance with a prohibition in 40 CFR pt. 268, subp. C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA. [Minn. R. 7045.1390]
5.1.231	The Permittee shall prepare and maintain a current list of the hazardous waste codes for all wastes handled at the Facility that are identified or listed in 40 CFR § 268.20-39. The list shall include all wastes and waste codes handled at the Facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list shall be provided to the MPCA representative, or its designees, upon request. [Minn. R. 7045.1390]
5.1.232	The Permittee shall test, in accordance with 40 CFR § 268.7, any waste generated at the Facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal. [Minn. R. 7045.1390]
5.1.233	For restricted wastes with treatment standards expressed as concentrations in the waste extract, as specified in 40 CFR § 268.40, the Permittee shall test the treatment residues, or an extract of such residues developed using the test methods described in 40 CFR § 268.40(b) (Method 1311, Toxicity Characteristic Leaching Procedure or TCLP) to assure that the treatment residues or extract meet the applicable treatment standards of 40 CFR § 268.40. Such testing shall be

	performed pursuant to the requirements of Minn. R. 7045.0458. [Minn. R. 7045.1390]
5.1.234	A restricted waste for which a treatment technology is specified in 40 CFR § 268.42 may be land disposed after it is adequately treated using that specified technology or an equivalent treatment method approved by the EPA under the procedures set forth in 40 CFR § 268.42. [Minn. R. 7045.1390]
5.1.235	For restricted wastes with treatment standards expressed as concentrations in the waste, as specified in 40 CFR § 268.40, the Permittee shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards of 40 CFR § 268.40. Such testing shall be performed as required by 40 CFR § 268.40. [Minn. R. 7045.1390]
5.1.236	The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR § 268.50. [Minn. R. 7045.1390]
5.1.237	The Permittee may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that: 1) Each container is clearly marked to identify its contents and the date each period of accumulation begins; 2) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the Facility. [Minn. R. 7045.1390]
5.1.238	The Permittee may store restricted wastes for up to one (1) year unless the MPCA can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal. [Minn. R. 7045.1390]
5.1.239	The Permittee may store restricted wastes beyond one (1) year provided that the Permittee proves that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal. [Minn. R. 7045.1390]
5.1.240	Unless the waste is stored in a storage facility that is a commercial storer of PCB waste as defined in 40 CFR § 761.3, the Permittee shall not store any liquid hazardous waste containing concentrations equal to 50 ppm or greater of polychlorinated biphenyls (PCBs). [Minn. R. 7045.1390]
5.1.241	This waste must be removed from storage and treated or disposed within one (1) year of the date when such wastes are first put into storage. The requirement above, which allows storage for over one (1) year with specified demonstration, does not apply to PCB wastes. [Minn. R. 7045.1390]
5.1.242	The Permittee maintains that currently there are no known process vents subject to Minn. R. 7045.0549, regarding air emissions from process vents. The Permittee shall notify the MPCA of any waste management units which become subject to the requirements of Minn. R. 7045.0549 within 30 days of startup of the regulated activity. [Minn. R. 7045.0549]
5.1.243	The Permittee maintains that currently there are no known pieces of equipment subject to Minn. R. 7045.0551, regarding air emissions from equipment leaks. The Permittee shall notify the MPCA of any waste management units which become subject to the requirements of Minn. R. 7045.0551, within 30 day of startup of the regulated activity. [Minn. R. 7045.0551]
5.1.244	The Permittee must comply with all applicable requirements of Minn. R. 7045.0540, which incorporates by reference 40 CFR § 264.1080 through 40 CFR § 264.1090, with the exceptions to incorporation listed in Minn. R. 7045.0540, subp. 2 and Minn. R. 7045.0090 regarding air emission standards for containers and tanks handling hazardous waste. All containers not exempt from 40 CFR pt. 264, subp. CC must be managed using Level 1 control or Level 2 control as appropriate. The Permittee must not conduct any waste stabilization process, as defined in 40 CFR § 265.1081, in containers. [Minn. R. 7045.0528, subp. 12]
	In accordance with the procedures specified in 40 CFR § 264.1083, the Permittee must determine the average volatile organic (VO) concentration of: 1) generated hazardous waste at the point of origination, and 2) treated hazardous waste.
5.1.245	The Permittee must determine the maximum organic vapor pressure of a hazardous waste. [40 CFR 264.1083]
5.1.246	If the Permittee manages hazardous waste in containers requiring Container Level 1 standards, the Permittee shall comply with the requirements of 40 CFR § 264.1086(c). [Minn. R. 7045.0526, subp. 10]
5.1.247	If the Permittee manages hazardous waste in containers requiring Container Level 2 standards, the Permittee shall comply with the requirements of 40 CFR § 264.1086(d). [Minn. R. 7045.0526, subp. 10]
5.1.248	Under this Permit, the Permittee must demonstrate by direct measurement or approved method that for each container or tank the Permittee claims to be exempt under Subpart CC, the average VO concentration for hazardous waste, determined in accordance with 40 CFR §§ 264.1083(a) and 265.1084(a)(2) and (3), is less than 500 ppm. [Minn. R. 7045.0540]

5.1.249	For each container, the Permittee must review and update this determination in accordance with 40 CFR § 264.1082(c)(1) at least once every 12 months following the date of the initial determination. For each container or tank, the Permittee must prepare and maintain the records described in 40 CFR § 264.1089(f). These records must be maintained as part of the operating record. [Minn. R. 7045.0540]
5.1.250	<p>The Permittee shall conduct a ground water protection program for the closed Wastewater Treatment Plant Sludge Landfill (Landfill) in accordance with the provisions of:</p> <ul style="list-style-type: none"> a. The Permittee's approved Ground Water Protection Plan (GWPP). b. The Permittee's approved Quality Assurance Project Plan (QAPP). c. EPA Requirements for QA Project Plans (QA/R-5) (March, 2001), (Reissued May, 2006), EPA 240/B-01/003, [http://www.epa.gov/quality/qs-docs/r5-final.pdf]. d. Guidance for Quality Assurance Project Plans (QA/G-5) (December, 2002), EPA 240/R-02/009, [http://www.epa.gov/quality/qs-docs/g5-final.pdf]. e. Technical Enforcement Document (November 1992), EPA/530-R-93-001. f. Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods and Updates (EPA/SW-846), [http://www.epa.gov/epaoswer/hazwaste/test/main.htm]. [Minn. R. 7045.0484]
5.1.251	The Permittee shall comply with the requirements of Minn. R. 7045.0484, subps. 2 to 14 for detecting, characterizing and responding to releases from the Landfill. [Minn. R. 7045.0484]
5.1.252	The requirements of Part 5.1.276 to 5.1.283 of this Permit apply during the post-closure care period under Minn. R. 7045.0492 when the Permittee is conducting a detection monitoring program for the Landfill. [Minn. R. 7045.0492]
5.1.253	The requirements of Parts 5.1.284 to 5.1.293 and Parts 5.1.294 to 5.1.303 of this Permit apply during the post-closure care period when the Permittee is conducting a compliance monitoring program or a corrective action program for the Landfill. [Minn. R. 7045.0484]
5.1.254	<p>The Permittee shall provide post-closure care of the Landfill in accordance with the Landfill Post Closure Care Section of the Permit Application, Minn. R. 7045.0490 through 7045.0494 and 7045.0538, subp. 7, and the requirements below. The Permittee shall:</p> <ul style="list-style-type: none"> a. Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events. If any such effects are observed, the Permittee shall immediately contact the MPCA Hazardous Waste Permit and Review Unit within two (2) working days to give the MPCA staff an opportunity to inspect the cap prior to making repairs. b. Maintain and monitor the ground water monitoring systems and comply with all applicable requirements of Minn. R. 7045.0484 and Part 5.1.250 to 5.1.303 of this Permit. c. Prevent run-on and run-off from eroding or otherwise damaging the final cover. d. Protect and maintain surveyed benchmarks used in complying with Minn. R. 7045.0538, subp. 6. e. Survey the Landfill at least annually to determine any effects from settling, subsidence, erosion, or other events as required in Minn. R. 7045.0538, subp. 7.B.(8). f. Visually inspect the Landfill quarterly, and also after significant rainfall events (greater than two inches per rainfall event). [Minn. R. 7045.0484]
5.1.255	<ul style="list-style-type: none"> a. The Commissioner has determined that extending the postclosure care period beyond the 30-year period is necessary to protect human health and the environment. Pursuant to Minn. R. 7045.0492, subp. 1.C., the post closure care period will continue for 10 years after the issuance of this permit and must consist of at least monitoring and reporting according to Minn. R. <u>7045.0484</u> and <u>7045.0532</u> to <u>7045.0539</u>, and the maintenance of monitoring and waste containment systems, according to Minn. R. <u>7045.0484</u> and <u>7045.0532</u> to <u>7045.0539</u>. b. At any time during the postclosure period, the commissioner may reduce the postclosure care period, on the commissioner's own initiative or at the request of the permittee, in accordance with the agency's permit modification procedures in Minn. R. Ch. 7001 for the hazardous waste management unit or facility, if all disposal units have been closed if it is found that the reduced period is sufficient to protect human health and the environment. This determination must be based on leachate or groundwater monitoring results, waste characteristics, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicating the hazardous waste management unit or facility is secure. c. Before the time that the postclosure care period identified in Section 5.1.255(a) is due to expire, the commissioner may extend the postclosure care period in accordance with the agency's permit modification procedures in chapter 7001 for the hazardous waste management unit or facility if it is found that the extended period is necessary to protect human

	health and the environment. This determination must be based on factors such as leachate or groundwater monitoring results that indicate a potential for migration of hazardous waste at levels which may be harmful to human health and the environment. [Minn. R. 7045.0492]																								
5.1.256	The Permittee may submit a written request for a Permit modification to amend the Post-closure Plan in accordance with procedures in Minn. R. ch. 7001. The Permittee shall request a Permit modification to amend the plan whenever changes in monitoring and maintenance plans, facility design, or other events affect the Post-closure Plan. The Commissioner may also require modification to the Post-closure Plan under these conditions. The Permittee must submit a written request for a Permit modification at least 60 days before implementing any proposed change in monitoring and maintenance plans or facility design, or no later than 60 days after any unexpected event which affects the Post-closure Plan occurs. If the Commissioner requires modification of the Post-closure Plan, the Permittee must submit the modified plan no later than 60 days after the Commissioner's request. [Minn. R. 7045.0490]																								
5.1.257	Within 60 days after completion of the established post-closure care period for the Landfill the Permittee shall submit to the Commissioner, by registered mail, certification by the Permittee and by an independent registered professional engineer that the post-closure care for the Landfill was performed in accordance with the approved Post-closure Plan. [Minn. R. 7045.0492]																								
5.1.258	Requirements for an Environmental Covenant and Easement are set forth in Parts 5.1.304 to 5.1.307 of this Permit. [Minn. R. 7045.0496]																								
5.1.259	The Permittee shall conduct a monitoring and response program at the Landfill as follows: 1) The Permittee shall conduct a detection monitoring program as described in Parts 5.1.276 to 5.1.283 of this Permit. 2) If hazardous constituents or monitoring parameters (except pH, temperature and specific conductivity) are detected and show a statistically significant increase above background levels as determined by the approved statistical method in the QAPP and GWPP at the point of compliance of the Landfill, the Permittee shall implement the compliance monitoring program as described in Parts 5.1.284 to 5.1.293 of this Permit; 3) If a ground water protection standard is exceeded in ground water at or beyond the point of compliance, the Permittee shall initiate the corrective action program as described in Parts 5.1.294 to 5.1.303 of this Permit and the approved GWPP. [Minn. R. 7045.0484]																								
5.1.260	The Permittee shall comply with conditions specified in this Permit that are designed to ensure that hazardous constituents (Part 5.1.261) detected in the ground water from the Landfill do not exceed the concentration limits (Part 5.1.262) in the ground water at and beyond the point of compliance (Part 5.1.264) during the post-closure period. [Minn. R. 7045.0484]																								
5.1.261	The hazardous constituents to which the ground water protection standard applies are antimony, arsenic, cadmium, chromium, copper, cyanide, lead, nickel, formaldehyde, phenol, and 2,4-dinitrotoluene. For all hazardous constituents that are metals, analyses shall be performed for both the total concentration and the dissolved concentration. [Minn. R. 7045.0484]																								
5.1.262	The concentration limits in the ground water for hazardous constituents which are reasonably expected to be in or derived from wastes in the Landfill or which have been detected as a result of ground water monitoring at the Landfill are listed below: <table> <thead> <tr> <th>HAZARDOUS CONSTITUENT</th><th>CONCENTRATION LIMIT</th></tr> </thead> <tbody> <tr> <td>Antimony</td><td>6 micrograms per liter</td></tr> <tr> <td>Arsenic</td><td>10 micrograms per liter</td></tr> <tr> <td>Cadmium</td><td>4 micrograms per liter</td></tr> <tr> <td>Chromium</td><td>100 micrograms per liter</td></tr> <tr> <td>Copper</td><td>1,000 micrograms per liter</td></tr> <tr> <td>Total Cyanide</td><td>100 micrograms per liter</td></tr> <tr> <td>Lead</td><td>4 micrograms per liter</td></tr> <tr> <td>Nickel</td><td>100 micrograms per liter</td></tr> <tr> <td>Formaldehyde</td><td>1,000 micrograms per liter</td></tr> <tr> <td>Phenol</td><td>4,000 micrograms per liter</td></tr> <tr> <td>2,4-Dinitrotoluene</td><td>0.5 micrograms per liter.</td></tr> </tbody> </table> [Minn. R. 7045.0484]	HAZARDOUS CONSTITUENT	CONCENTRATION LIMIT	Antimony	6 micrograms per liter	Arsenic	10 micrograms per liter	Cadmium	4 micrograms per liter	Chromium	100 micrograms per liter	Copper	1,000 micrograms per liter	Total Cyanide	100 micrograms per liter	Lead	4 micrograms per liter	Nickel	100 micrograms per liter	Formaldehyde	1,000 micrograms per liter	Phenol	4,000 micrograms per liter	2,4-Dinitrotoluene	0.5 micrograms per liter.
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5.1.263	Monitoring parameters include waste reaction products, nonhazardous waste constituents, and indicator parameters that provide a reliable indication of the presence of hazardous constituents in the ground water. The monitoring parameters for the Landfill are chloride, iron, pH, sodium, specific conductivity, sulfate, temperature, and zinc. The																								

	monitoring parameters pH, temperature and specific conductivity are indicator parameters and are not included in statistical analysis. [Minn. R. 7045.0484]
5.1.264	The point of compliance is that point or points at which the ground water protection standard applies and at which monitoring must be conducted as defined in Minn. R. 7045.0484, subp. 9. For the Landfill, the point of compliance consists of the wells designated as W-7, W-8, and W-9. The locations of these wells are described and shown in the approved GWPP. [Minn. R. 7045.0484]
5.1.265	The Permittee shall maintain the ground water monitoring system (GWMS) to monitor area ground water throughout the post-closure period. [Minn. R. 7045.0484]
5.1.266	The Permittee shall comply with the requirements of this section for any ground water monitoring program developed to satisfy the detection, compliance, or corrective action monitoring portions of this Permit (Parts 5.1.266 to 5.1.283, Parts 5.1.284 to 5.1.293, or Parts 5.1.294 to 5.1.303). [Minn. R. 7045.0484]
5.1.267	The GWMS must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground water samples from ground water that: <ul style="list-style-type: none"> a. Represent the quality of background ground water that has not been affected by leakage from the Landfill. b. Represent the quality of ground water passing the point of compliance. c. Allow for the detection of contamination from the Landfill. [Minn. R. 7045.0484]
5.1.268	Monitoring wells must be constructed and maintained in accordance with rules relating to Wells and Borings, Minn. R. ch. 4725, in a manner that maintains the integrity of the monitoring well bore hole. Where necessary, wells may require redevelopment if silting of the well is apparent, in order to ensure the collection of representative ground water samples. [Minn. R. 7045.0484]
5.1.269	The ground water monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of ground water quality below the regulated unit. The program must include procedures and techniques for: <ul style="list-style-type: none"> sample collection, sample preservation and shipment, analytical procedures, and chain of custody control. [Minn. R. 7045.0484]
5.1.270	The ground water monitoring program must include sampling and analytical methods that are appropriate for ground water sampling and that accurately measure hazardous constituents and monitoring parameters in ground water samples. [Minn. R. 7045.0484]
5.1.271	The ground water monitoring program must include a determination of the potentiometric surfaces and ground water flow directions immediately prior to each time ground water is sampled. The data and calculations shall be submitted to the MPCA with the report for the concurrent sampling event. Significant change in ground water flow direction may be grounds for modification of the Permit, in the Commissioner's discretion. [Minn. R. 7045.0484]
5.1.272	At least annually, the Permittee shall determine the flow rates of the ground water being monitored. The MPCA must be notified of the results and any significant change in the flow rate or the direction of the ground water which may be grounds for modification of this Permit. These results shall be submitted to the MPCA in a ground water monitoring report as required in Part 5.1.275 of this Permit. [Minn. R. 7045.0484]
5.1.273	The ground water monitoring program must establish background ground water quality for each hazardous constituent and monitoring parameter which may reasonably be expected to be in or derived from the wastes disposed in the Landfill. The Permittee shall establish background ground water quality in accordance with procedures to be outlined in the approved GWPP. [Minn. R. 7045.0484]
5.1.274	Each well shall be equipped with a locking cap and protective posts. Each well shall be provided with a cement collar at the surface to divert drainage away from the well casing. At the top of the well casing, the well number shall be permanently marked on each well at the Facility. [Minn. R. 7045.0484]
5.1.275	An annual ground water monitoring report shall be submitted by February 15 th of each year summarizing the ground water monitoring activities from the previous calendar year. <p>The Report must contain, at a minimum, the following information for each sampling event:</p> <ul style="list-style-type: none"> a. Date, location and time that each sample was collected and each analysis was completed; b. Static water level for each well to the nearest 0.01 foot from the surveyed reference point; c. Volume of water removed in gallons and well volumes before sampling; d. Sampler's signature and field comments on unusual or noteworthy occurrences during the sampling event; e. Stabilization test results; f. Reasons for and ramifications of any deviations in sampling or analysis techniques or equipment used from that stated in the approved quality control plan;

	<p>g. Laboratory results of each sample analysis along with the results of the quality control sample analysis;</p> <p>h. Conditions of the wells and their protection;</p> <p>i. Copies of the chain of custody forms; and</p> <p>j. Calculations made to determine if there has been a statistically significant increase above background or the concentration limits for each constituent for each well. The Report will summarize the past years ground water monitoring events and will include the following at a minimum:</p> <ol style="list-style-type: none"> 1) Potentiometric surface map for each ground water sampling event; 2) Calculations of ground water flow rates; 3) A summary of statistical data including recommendations for future actions if any statistical increase in monitoring parameters or hazardous constituents has occurred; and 4) The results of the annual landfill elevation survey as required in Part 5.1.254 of this Permit. 5) A summary of quality control measures and results used to evaluate ground water quality data. <p>[Minn. R. 7045.0484]</p>
5.1.276	To satisfy the requirements for the detection monitoring program at the hazardous waste landfill the Permittee shall monitor for monitoring parameters and hazardous constituents to detect the presence of hazardous constituents in the ground water. The hazardous constituents and monitoring parameters to be monitored for in detection monitoring for the Landfill are listed in Part 5.1.261 and 5.1.263 of this Permit. [Minn. R. 7045.0484]
5.1.277	To satisfy the requirements for the detection monitoring program at the hazardous waste landfill the Permittee shall use a ground water monitoring system at the point of compliance for the Landfill in accordance with the approved GWPP. [Minn. R. 7045.0484]
5.1.278	To satisfy the requirements for the detection monitoring program at the hazardous waste landfill the Permittee shall establish background values for monitoring parameters and hazardous constituents in accordance with Minn. R. 7045.0484, subp. 11 and the approved GWPP. [Minn. R. 7045.0484]
5.1.279	To satisfy the requirements for the detection monitoring program at the hazardous waste landfill the Permittee shall determine ground water quality at each monitoring well at the point of compliance for each monitoring parameter or hazardous constituent. A sequence of four (4) independent samples from each background and compliance well must be collected at least semiannually during detection monitoring. The Permittee shall express the ground water quality at a monitoring well in a form necessary for the determination of statistically significant increases of hazardous constituents, in accordance with the approved GWPP. [Minn. R. 7045.0484]
5.1.280	<p>To satisfy the requirements for the detection monitoring program at the hazardous waste landfill the Permittee shall, within 90 days of sample collection, determine whether there is statistically significant evidence of contamination for any monitoring parameter in Part 5.1.263 of this Permit (excluding pH, temperature and specific conductivity) or hazardous constituent specified in Part 5.1.261 of this Permit, each time the Permittee determines ground water quality at the point of compliance.</p> <p>In determining whether statistically significant evidence of contamination exists, the Permittee shall compare the ground water quality at the monitoring wells at the point of compliance for each hazardous constituent and monitoring parameter to the background value for that hazardous constituent, according to the statistical procedures specified in the approved GWPP.</p> <p>[Minn. R. 7045.0484]</p>
5.1.281	<p>If the Permittee determines under Part 5.1.280 above that there is statistically significant evidence of contamination for the monitoring parameters listed in Part 5.1.286. of this Permit (excluding pH, temperature, and specific conductivity) or hazardous constituents listed in Part 5.1.261. of this Permit at any monitoring well at the point of compliance, the Permittee shall:</p> <ol style="list-style-type: none"> a. Notify the Commissioner of this finding in writing within seven (7) days. The notification must indicate what monitoring parameters or hazardous constituents have shown statistically significant evidence of contamination and identify the wells in which the increases have occurred. b. Immediately sample the ground water in all monitoring wells for monitoring parameters, hazardous constituents, and constituents listed in Minn. R. 7045.0143. c. For compounds found in the analysis under item 6.b. above, the Permittee may resample within one month and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents shall form the basis for compliance monitoring. If the Permittee does not resample, the hazardous constituents found during this initial analysis shall form the basis for compliance monitoring.

	<p>d. Immediately initiate the compliance monitoring program as specified in the Permit and, within 90 days, submit to the Commissioner an application for Permit modification if it is necessary to revise the compliance monitoring program to meet the requirements of Minn. R. 7045.0484, subp. 13. The application must include the following information:</p> <ol style="list-style-type: none"> 1) An identification of the concentration of any hazardous constituents found in the ground water at each monitoring well at the point of compliance. 2) Proposed changes to the ground water monitoring system at the Facility necessary to meet the requirements of Minn. R. 7045.0484, subp.13. 3) Proposed additions or changes to the monitoring frequency, sampling, analysis procedures, or methods, or statistical methods used at the Facility as necessary to meet the requirements of Minn. R. 7045.0484, subp. 13. [Minn. R. 7045.0484]
	<p>If the Permittee determines that there is a statistically significant difference above background levels or hazardous constituents at any monitoring well at the point of compliance, the Permittee may demonstrate that a source other than the Landfill caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, statistical evaluation, or natural variation in ground water. While the Permittee may make a demonstration under this paragraph, the Permittee is not relieved of the requirement to submit a Permit modification application within the time specified in the Permit. The Commissioner will perform a technical review of the demonstration and provide written notice of approval or disapproval. If the Commissioner disapproves the demonstration, the Permittee is required to begin compliance monitoring immediately. If the Commissioner approves the Permittee's demonstration, then the Permittee is not required to do compliance monitoring based on the data in question. In making a demonstration, the Permittee shall:</p> <ol style="list-style-type: none"> a. Notify the Commissioner in writing within seven (7) days of determining statistically significant evidence of contamination at the point of compliance that the Permittee intends to make a demonstration; b. Within 90 days of determining statistically significant evidence of contamination, submit a report to the Commissioner which demonstrates that a source other than the Landfill caused the contamination, or that the increase resulted from error in sampling, analysis, evaluation, or natural variation in ground water; c. Within 90 days, submit to the Commissioner an application for a Permit modification to make any appropriate changes to the detection monitoring program at the Facility; and d. Continue to monitor in accordance with the detection monitoring program established in the Permit. [Minn. R. 7045.0484]
5.1.282	
5.1.283	<p>If the Permittee or the Commissioner determines that the detection monitoring program no longer satisfies the requirements of Minn. R. 7045.0484, subps. 12, items A to H, the Permittee shall, within 90 days after such determination, submit an application for a Permit modification to make any appropriate changes to the Permit. [Minn. R. 7045.0484]</p>
5.1.284	<p>The Permittee, when required to institute the compliance monitoring program at the hazardous waste landfill, shall monitor the ground water to determine whether the Landfill is in compliance with the ground water protection standard. The ground water protection standard is set forth in Part 5.1.260. of this Permit. [Minn. R. 7045.0484]</p>
5.1.285	<p>The Permittee, when required to institute the compliance monitoring program at the hazardous waste landfill, shall install and operate a ground water monitoring system at the point of compliance in accordance with the approved GWPP. [Minn. R. 7045.0484]</p>
5.1.286	<p>The Permittee, when required to institute the compliance monitoring program at the hazardous waste landfill, shall conduct a sampling program for each monitoring parameter and hazardous constituent identified, in accordance with Part 5.1.284 to 5.1.293 of this Permit. The Permittee shall express the concentration at the monitoring wells in a form necessary for the determination of statistically significant increases in accordance with the approved GWPP. [Minn. R. 7045.0484]</p>
5.1.287	<p>The Permittee, when required to institute the compliance monitoring program at the hazardous waste landfill, shall analyze samples from all monitoring wells at the point of compliance for the constituents listed in Minn. R. 7045.0143, at least annually to determine whether such hazardous constituents, other than those specified in this Permit, are present in the monitoring wells. If the Permittee find any such additional hazardous constituents from this analysis in the ground water, the Permittee may resample within one month and repeat the analysis for those compounds detected.</p> <p>If the second analysis confirms the presence of new constituents, the Permittee shall report the concentration of these constituents to the Commissioner within seven (7) days after completion of the second analysis and add them to the monitoring list.</p>

	<p>If the Permittee chooses not to resample, then the Permittee shall report the concentrations of the additional constituents to the Commissioner within seven (7) days after completion of the initial analysis and add them to the monitoring list in Part 5.1.263. of this Permit and propose concentration limits for each additional hazardous constituent in Part 5.1.261. of this Permit. [Minn. R. 7045.0484]</p>
5.1.288	<p>The Permittee, when required to institute the compliance monitoring program at the hazardous waste landfill, shall determine whether there is statistically significant evidence of increased contamination for any hazardous constituent or monitoring parameter specified in Parts 5.1.261 and 5.1.263 of this Permit each time the Permittee determines the concentration of hazardous constituents in ground water at the point of compliance.</p> <p>In determining whether statistically significant evidence of increased contamination exists, the Permittee shall compare the ground water quality at the monitoring wells at the point of compliance for each hazardous constituent to the concentration limit for that hazardous constituent according to the statistical procedures to be specified in the approved GWPP. [Minn. R. 7045.0484]</p>
5.1.289	<p>If, while in compliance monitoring, the Permittee determine that the ground water protection standard is being exceeded at any monitoring well at the point of compliance, the Permittee shall comply with the requirements of (a) and (b) directly below:</p> <p>a. The Permittee shall notify the Commissioner of this finding in writing within seven (7) days. The notification must indicate the concentration limits that have been exceeded.</p> <p>b. The Permittee shall institute the corrective action program in Part 5.1.294 to 5.1.303 of this Permit and submit to the Commissioner, within 90 days, an application for Permit modification, if necessary, to supplement the corrective action program to meet the requirements of Minn. R. 7045.0484, subp. 14. The application must include a detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the Permit and a plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action program. The corrective action program must also be capable of demonstrating compliance with the concentration limits in the ground water at the downgradient portion of the property line of the Facility. [Minn. R. 7045.0484]</p>
5.1.290	<p>If, during compliance monitoring, the Permittee determines that the ground water protection standard is being exceeded at any monitoring well at the point of compliance, the Permittee may demonstrate that a source other than the Landfill caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, statistical evaluation, or natural variation in ground water.</p> <p>Until the Permittee successfully makes a demonstration, the Permittee is not relieved of the requirement to submit a Permit modification application, if necessary, within the 90 day time limit or of the requirement to institute corrective actions as established in Part 5.1.289. of this Permit. The Commissioner will perform a technical review of the demonstration and provide written notice of approval or disapproval. In making a demonstration, the Permittee shall:</p> <p>a. Notify the Commissioner in writing within seven (7) days of the intent to make a demonstration.</p> <p>b. Within 90 days, submit a report to the Commissioner which demonstrates that a source other than the Landfill caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation.</p> <p>c. Within 90 days, submit to the Commissioner an application for a Permit modification to make any appropriate changes to the compliance monitoring program at the Facility.</p> <p>d. Continue to monitor in accordance with the compliance monitoring program. [Minn. R. 7045.0484]</p>
5.1.291	<p>If, during compliance monitoring, the Permittee demonstrates to the satisfaction of the Commissioner that there has been no statistically significant increase over background levels for the hazardous constituents, for at least one (1) year, the Permittee may return to the detection monitoring program. [Minn. R. 7045.0484]</p>
5.1.292	<p>If the Permittee or Commissioner determines that the compliance monitoring program no longer satisfies the requirements of the Permit, the Permittee shall, within 90 days, submit an application for a Permit modification to make any appropriate changes to the program. [Minn. R. 7045.0484]</p>
5.1.293	<p>During compliance monitoring, the Permittee shall ensure that monitoring and corrective action measures necessary to achieve compliance with the ground water protection standard are taken during the term of the Permit and that such standards are being met. [Minn. R. 7045.0484]</p>
5.1.294	<p>If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, the Permittee shall do so in accordance with the approved GWPP and shall take corrective action to ensure that the Landfill is in compliance</p>

	with the ground water protection standard. The ground water protection standard is set forth in Part 5.1.260 of this Permit. [Minn. R. 7045.0484]
5.1.295	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, the Permittee shall do so in accordance with the approved GWPP and shall implement a corrective action program to reduce hazardous constituents to concentrations at or below the ground water protection standard at the point of compliance by removing the hazardous waste constituents or treating them in place. The specific measures to be taken are described in the approved GWPP. [Minn. R. 7045.0484]
5.1.296	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, the Permittee shall do so in accordance with the approved GWPP and shall begin corrective action within one (1) week after the ground water protection standard is exceeded. [Minn. R. 7045.0484]
5.1.297	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, the Permittee shall do so in accordance with the approved GWPP and shall, in conjunction with the corrective action program, establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. The monitoring program may be based on the requirements for the compliance monitoring program described in Parts 5.1.284 to 5.1.293 of this Permit and must be as effective as that program in determining compliance with the ground water protection standard, and in determining the success of the corrective action program. This monitoring program must also be capable of demonstrating compliance with the concentration limits in the Permit in the ground water at the downgradient portion of the Facility property line. [Minn. R. 7045.0484]
5.1.298	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, the Permittee shall, in addition to the other requirements, conduct a corrective action program to remove or treat in place hazardous constituents that exceed the concentration limits as set out in Part 5.1.261 in ground water that has passed the point of compliance. The specific measures to be taken are to be described in the approved GWPP. [Minn. R. 7045.0484]
5.1.299	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, corrective action measures must be initiated and completed within a reasonable period of time considering the extent and magnitude of contamination. Corrective action measures shall be taken in accordance with the schedules provided in the approved GWPP. [Minn. R. 7045.0484]
5.1.300	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, corrective action measures may be terminated subject to approval by the Commissioner once the concentration of hazardous constituents is reduced to levels below their respective concentration limits listed in Part 5.1.262 of this Permit at the point of compliance and areas downgradient of the point of compliance including areas beyond the Facility property line, to be set forth in the approved GWPP. [Minn. R. 7045.0484]
5.1.301	<p>If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, the Permittee shall do so in accordance with the approved GWPP and shall continue corrective action measures during the post-closure care period to the extent necessary to ensure that the ground water protection standard is not exceeded at any monitoring well.</p> <p>If the Permittee is conducting corrective action at the end of the post-closure period, the Permittee shall continue that corrective action for as long as necessary after the post-closure period to achieve compliance with the ground water protection standard at each monitoring well.</p> <p>The Permittee may terminate corrective action measures taken beyond the post-closure period of the Landfill if the Permittee can demonstrate, based on data from the ground water monitoring program under Part 5.1.297 of this Permit that the ground water protection standard has not been exceeded at any monitoring well for a period of five (5) consecutive years . [Minn. R. 7045.0484]</p>
5.1.302	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, the Permittee shall do so in accordance with the approved GWPP and shall report semiannually in writing to the Commissioner on the effectiveness of the corrective action program. The reports shall be submitted by June 30 and December 31 of each year for as long as the program is in effect. [Minn. R. 7045.0484]
5.1.303	If the Permittee is required to initiate a corrective action program for the hazardous waste landfill, if the Permittee or Commissioner determines that the corrective action program no longer satisfies the requirements of the Permit, the Permittee shall, within 90 days after such determination, submit an application for a Permit modification to make appropriate changes to the program. [Minn. R. 7045.0484]
5.1.304	The Permittee has submitted for MPCA review, received MPCA approval, and filed with the appropriate municipalities, an environmental covenant under the Uniform Environmental Covenants Act, Minn. Stat. ch. 114E, for a deed notation on the Facility property records that will in perpetuity notify any potential buyer of the property that past Facility operations have impacted the following areas of the Facility. The environmental covenant was prepared using the MPCA's Environmental Covenant and Easement template. The environmental covenant contains a description of the contaminants, a description of the vertical and horizontal extent of the contaminated soil, and a summary of the ground water monitoring results to date of the filing. A survey plat of each of the four (4) areas listed in Parts 5.1.305 and

	<p>5.1.306 of the Permit was prepared and certified by a professional land surveyor and is attached to the environmental covenant. [Minn. R. 7045.0496]</p>
	<p>The environmental covenant contains the following restrictions on the use of the Facility:</p> <p>1. MS-1 Acid Neutralization Sumps.</p> <p>a. Disturbance of Soil. There shall be no disturbance or alternation of the soils beneath or in the area of the MS-1 Acid Neutralization Sumps, including, but not limited to, grading, excavation, boring, drilling or construction, unless such activity has received the prior, written approval of the MPCA. Prior to any disturbance of the soil, Permittee shall submit to the MPCA for review and approval a work plan that describes the nature, purpose, scope, procedures, locations, and depths of the proposed activities and a time schedule for implementation of the activities. The MPCA may require the submittal of additional information to ensure that disturbance of the soil will not affect the protectiveness of the remedy.</p> <p>b. Industrial Use. The portion of the Facility on which MS-1 is located shall be restricted to industrial or restricted commercial property use in which exposure is largely limited to an adult worker and access by the general public is restricted or infrequent.</p> <p>2. MS-3 Demolition Landfill.</p> <p>a. Disturbance of Soil. There shall be no disturbance or alternation of the soils beneath or in the area of the MS-3 Demolition Landfill, including, but not limited to, grading, excavation, boring, drilling or construction, unless such activity has received the prior, written approval of the MPCA. Prior to any disturbance of the soil, Permittee shall submit to the MPCA for review and approval a work plan that describes the nature, purpose, scope, procedures, locations, and depths of the proposed activities and a time schedule for implementation of the activities. The MPCA may require the submittal of additional information to ensure that disturbance of the soil will not affect the protectiveness of the remedy.</p> <p>b. Interference with Ground Water Monitoring System. Activities shall not be undertaken which may interfere with the ground water monitoring system.</p> <p>c. Industrial Use. The portion of the Facility on which MS-3 is located shall be restricted to industrial or restricted commercial property use in which exposure is largely limited to an adult worker and access by the general public is restricted or infrequent.</p> <p>3. MS-7 Cyanide Storage Pad and MS-11 Cyanide Destruct Unit.</p> <p>a. Disturbance of Soil. There shall be no disturbance or alternation of the soils beneath or in the area of the MS-7 Cyanide Storage Pad and the MS-11 Cyanide Destruct Unit, including, but not limited to, grading, excavation, boring, drilling or construction, unless such activity has received the prior, written approval of the MPCA. Prior to any disturbance of the soil, Permittee shall submit to the MPCA for review and approval a work plan that describes the nature, purpose, scope, procedures, locations, and depths of the proposed activities and a time schedule for implementation of the activities. The MPCA may require the submittal of additional information to ensure that disturbance of the soil will not affect the protectiveness of the remedy.</p> <p>b. Interference with Ground Water Monitoring System. Activities shall not be undertaken which may interfere with the ground water monitoring system.</p> <p>c. Industrial Use. The portion of the Facility on which MS-7 and MS-11 are located shall be restricted to industrial or restricted commercial property use in which exposure is largely limited to an adult worker and access by the general public is restricted or infrequent. [Minn. R. 7045.0496]</p>
5.1.305	<p>The environmental covenant contains the following restrictions on the use of the Facility:</p> <p>4. Wastewater Treatment Plant Sludge Landfill.</p> <p>a. Disturbance of Soils. There shall be no disturbance or alternation of the soils in the Wastewater Treatment Plant Sludge Landfill, including, but not limited to, grading, excavation, boring, drilling or construction, unless such activity has received the prior, written approval of the MPCA. Prior to any disturbance of the soil, Permittee shall submit to the MPCA for review and approval a work plan that describes the nature, purpose, scope, procedures, locations, and depths of the proposed activities and a time schedule for implementation of the activities. The MPCA may require the submittal</p>
5.1.306	

	<p>of additional information to ensure that disturbance of the soil or cover will not affect the protectiveness of the remedy.</p> <p>b. Disturbance of Landfill Cover. There shall be no disturbance of the integrity of the final cover, liners, or any other components of the containment or monitoring system, without prior written approval of the MPCA. Prior to any disturbance, Owner shall submit to the MPCA for review and approval a work plan as described in 3.a. above. The MPCA will review the work plan in accordance with the criteria in Minn. R. 7045.0492, subp. 3.</p> <p>c. Interference with Ground Water Monitoring System. Activities shall not be undertaken which may interfere with the ground water monitoring system.</p> <p>d. Industrial Use. The portion of the Facility on which the Wastewater Treatment Plant Sludge Landfill is located shall be restricted to industrial or restricted commercial property use in which exposure is largely limited to an adult worker and access by the general public is restricted or infrequent. [Minn. R. 7045.0496]</p>
5.1.307	<p>The Permittee has filed the environmental covenant with the Anoka County Recorders Office on the Facility property records. The Permittee has submitted a copy of the environmental covenant with the local zoning authority, and the Permittee has submitted to the MPCA a copy of the environmental covenant along with proof of filing. [Minn. R. 7045.0494]</p>

6. Submittal/action requirements

6.1.1	<p>The Permittee shall submit an annual report: Due annually, by the 1st of March of each year, for the previous calendar year. The annual report must include the information required by Minn. R. 7045.0482, subp. 2. Electronic versions of the annual reports are preferred and should be submitted to the MPCA staff designated in the annual report form instructions. If no MPCA staff is designated, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0482, subp. 2]</p>
6.1.2	<p>The Permittee shall submit annually, updated closure, post-closure, and corrective action financial assurance (including an updated cost estimate) and liability coverage to reflect current financial conditions: Due annually by February 28th. Financial assurance documents should be submitted to the assigned MPCA Financial Assurance Coordinator, and the annual cost estimate to the assigned Permit Engineer. If the MPCA Financial Assurance Coordinator or Permit Engineer is unknown, submittals shall be sent per Part 5.1.169 of this Permit. [Minn. R. 7045.0482]</p>
6.1.3	<p>The Permittee shall notify the agency of full or partial closure: Due 45 calendar days before Closure Date prior to the expected date of commencement of full or partial closure of the Facility. The written notice shall include:</p> <ol style="list-style-type: none"> 1) The anticipated last day of operation; 2) The existing inventory count and inventory reduction schedule; and 3) A discussion of how conditions of this Permit and state and federal law will be met. <p>[Minn. R. 7045.0486, subp. 5]</p>
6.1.4	<p>The Permittee shall submit certification: Due 60 calendar days after Closure is Completed Date submit to the Commissioner a certification signed by the Permittee and by an independent registered professional engineer that the Facility has been closed in accordance with the MPCA-approved closure plan and any additional closure work plans if developed. The certification shall contain language as stated in Minn. R. 7001.0070 and 7001.0540. [Minn. R. 7045.0488, subp. 4]</p>
6.1.5	<p>The Permittee shall notify the agency of bankruptcy: Due 10 calendar days after Commencement of Bankruptcy Proceedings Date by certified mail of the commencement of a voluntary or involuntary proceeding under United States Code, Title 11, Bankruptcy, naming the Permittee as debtor. [Minn. R. 7045.0522, subp. 1]</p>
6.1.6	<p>The Permittee shall submit an application for permit reissuance: Due 180 calendar days before Permit Expiration Date. [Minn. R. 7001.0040, subp. 3]</p>

Figure 7.1 – West half of Facility

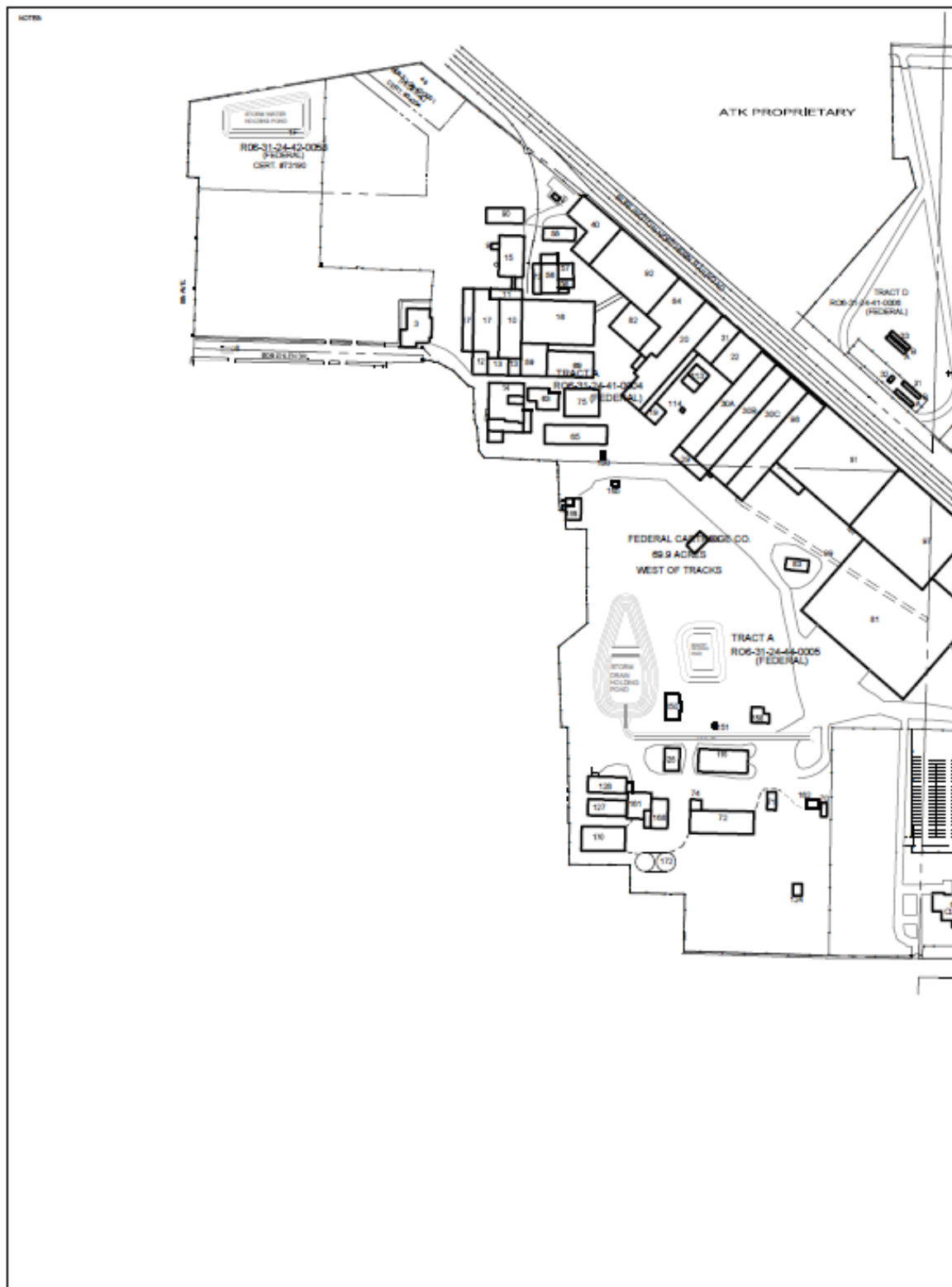


Figure 7.2 – East half of the Facility

