

**MINNESOTA POLLUTION CONTROL AGENCY GENERAL PERMIT  
FOR DISPOSAL OF UNCONTAMINATED CONCRETE**

ISSUANCE DATE: December 23, 2013

EXPIRATION DATE: December 23, 2018

This permit is a General Permit issued pursuant to Minn. R. 7001.0210 governing the disposal of **uncontaminated concrete** as defined herein. To be eligible for coverage under this General Permit, the **uncontaminated concrete** must originate on the **site** where the disposal is to occur. As provided in Minn. R. 7001.0210, subp. 6, the Minnesota Pollution Control Agency (MPCA) reserves the right to issue an individual permit under Minn. R. 7001.3050 for disposal of **uncontaminated concrete** where the disposal would be more appropriately regulated by an individual permit.

To obtain coverage under this permit, the **owner(s)** must submit a complete application on a form provided by the **commissioner** documenting compliance with the criteria for coverage under this General Permit at least 10 days prior to the time the **owner(s)** intends to commence disposal of the **uncontaminated concrete**. To be complete, the application must be signed by the **local zoning authority**. Coverage under this permit commences five (5) days after the **commissioner** receives a complete application. Following the effective date of coverage, the **permittee(s)** may dispose of **uncontaminated concrete** in compliance with the terms of this General Permit.

**PART I. DEFINITIONS**

**Scope:** For the purposes of this permit, the terms in this part have the meanings given them. Defined terms are bolded as they are used in this permit.

**"Adequately characterized"** means that the **owner(s)** has/have conducted a visual inspection of the **concrete** proposed for disposal and has taken appropriate samples (as directed by an accredited laboratory) of any areas that have visible contamination (i.e. staining) or areas where the **owner(s)** is/are aware that the **concrete** has been in contact with petroleum products or hazardous substances. If the **owner(s)** has/have reason to believe that the **concrete** was in contact with any hazardous substance or petroleum product, the **concrete** must be analyzed by an accredited laboratory.

**"Commissioner"** means the commissioner of the MPCA or delegated staff.

**"Concrete"** means concrete, concrete block, concrete slabs, concrete forms, including metal and other materials embedded in the concrete, that has been used in architectural applications (such as slabs, foundations, walls) and engineering applications (such as pipes, culverts, vessels and basins, and tower supports). Concrete does not include concrete washout or excess concrete that requires disposal at the time of construction.

**"Floodplain"** means any land that is subject to a one percent or greater chance of flooding in any given year from any source.

**"Local Zoning Official"** means the local government official responsible for implementing local zoning ordinance at the **site** where the **concrete** is proposed to be disposed under this permit. If there is no zoning official, then the solid waste administrator/official is considered the local zoning official.

**"Owner(s)"** means the person or persons who hold legal title to the property where the **concrete** is located and will be disposed under this permit.

**"Permittee(s)"** means the **owner(s)** who has obtained coverage under this permit.

**"Shoreland"** means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream; whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Department of Natural Resources Commissioner.

**"Site"** means the location where the **concrete** originated and where disposal is to occur, limited to the footprint of the **structure** from which most of the **concrete** originated and **structures** within its immediate vicinity.

**"Structure"** includes buildings as described in Minn. R. 7035.0805 subp. 2, item B; and also towers, vessels and basins, and pipes.

**"Uncontaminated concrete"** means **adequately characterized concrete** that does not contain, or have on it, any material that may potentially be harmful to human health and the environment including any form of hazardous waste or petroleum products, or asbestos-containing material (mastic). Concrete coated with lead-based paint does not meet the definition of "uncontaminated concrete", but concrete that has been coated with a non-toxic paint does meet the definition of "uncontaminated concrete."

**"Wetland"** means a surface water feature classified as a wetland in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979, which is incorporated by reference. The publication is not subject to frequent change.

**'Wild and Scenic River Land Use District'** means areas that are located within the Kettle River, Mississippi River, North Fork of the Crow River, Minnesota River, Rum Rivèr, Cannon River, and Saint Croix River. The **permittee(s)** must verify boundaries of wild and scenic river districts with the **local zoning authority** or the Minnesota Department of Natural Resources to determine if the disposal location is located within a **wild and scenic river land use district**.

## **PART II. PERMITTED MANAGEMENT OF CONCRETE**

Persons who have obtained coverage under this permit must comply with the following conditions:

1. Only **adequately characterized uncontaminated concrete** is allowed to be disposed pursuant to this permit.
2. **Uncontaminated concrete** can only be disposed on the same **site** where it was originally located when in use, with the exception of **uncontaminated concrete** that was used in an area identified in Minn. R. 7035.2555 (**floodplain, shoreland, wild and scenic river land use district, or a wetland**).

3. This General Permit does not release the **permittee(s)** from any obligation to pay any solid waste management tax established by Minn. Stat. § 297H.04, subd. 2. The **permittee(s)** understands that it is obligated to pay to the Minnesota Department of Revenue a tax of \$0.60 per cubic yard of **concrete** disposed.
4. The **permittee(s)** has **adequately characterized** the material to be disposed pursuant to this permit and has certified that it is **uncontaminated concrete** on the basis of adequate information.
5. The **permittee(s)** must break, crack, or perforate **uncontaminated concrete** to ensure adequate water drainage through the disposal area before covering the area.
6. Within 30 days following the placement in the **site**, the **permittee(s)** must cover the **uncontaminated concrete** with a minimum of twenty-four inches of a soil with the top 12 inches of soil suitable for sustaining vegetative growth. The **permittee(s)** must slope the disposal area to an inclination of between two (2) to 20 percent to provide surface water diversion and erosion control.
7. The **permittee(s)** shall record a deed notification with the county recorder of the county in which the **site** is located that adequately describes the location (GPS coordinates) of the **uncontaminated concrete** on the property containing the **site**, within (90) days after the soil cover is placed.
8. This permit does not release the **permittee(s)** from any duty to comply with requirements established by **local zoning authorities** regarding disposal of the **uncontaminated concrete**. This permit does not supersede local ordinance prohibiting disposal of **uncontaminated concrete** as allowed under this permit.

### **PART III. GENERAL CONDITIONS**

- A. The Agency's issuance of a permit does not release the **permittee(s)** from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances including, but not limited to those promulgated pursuant to Minn. Stat. chs. 115, 116, 400, and 473, except the obligation to obtain the permit.
- B. The MPCA's issuance of a 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 the enforcement of these rules, standards or orders against the **permittee(s)**.
- C. The permit does not convey a property right or an exclusive privilege.
- D. The MPCA's issuance of a permit does not obligate the MPCA to enforce local laws, rules or plans beyond that authorized by Minnesota statutes.
- E. The **permittee(s)** shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the MPCA and in compliance with the conditions of the permit.
- F. The **permittee(s)** shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the **permittee(s)** to achieve compliance with the conditions of the permit. Proper operation and

maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

G. The **permittee(s)** may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the MPCA or the **commissioner** by the permit. The **permittee(s)** shall immediately upon discovery report to the **commissioner** an error or omission in these records, reports, plans, or other documents.

H. The **permittee(s)** shall, when requested by the **commissioner**, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the permitted **site** covered by the permit or regarding the conduct of the activity covered by the permit.

I. When authorized by Minn. Stat. § 115.04, 115B.17, subd. 4 and § 116.091, and upon presentation of proper credentials, the MPCA, or an authorized employee or agent of the MPCA, shall be allowed by the **permittee(s)** to enter at reasonable times upon the property or designated nearby office of the **permittee(s)** to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the permitted **site** covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the permitted **site** covered by the permit or pertaining to the activity covered by the permit.

J. If the **permittee(s)** discovers, through any means, including notification by the MPCA, that noncompliance with a condition of the permit has occurred, the **permittee(s)** shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

K. If the **permittee(s)** 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(s)** shall, upon discovery of the noncompliance, notify the Minnesota Duty Officer immediately. Within five days of the discovery of the noncompliance the **permittee(s)** shall also submit to the **commissioner** a written description of the noncompliance; the cause of the noncompliance, the exact dates of the period of noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

L. The **permittee(s)** shall report noncompliance with the permit not reported under K. as a part of the next report, which the **permittee(s)** is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the **permittee(s)** shall submit the information listed in within 30 days of the discovery of the noncompliance.

M. The **permittee(s)** shall give advance notice to the **commissioner** as soon as possible of planned physical alterations or additions to the permitted **site** or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit.

N. The permit is not transferable to any person without the express written approval of the MPCA after compliance with the requirements of Minn. R. pt. 7001.0190. A person to whom the permit has been transferred shall comply with the conditions of the permit.

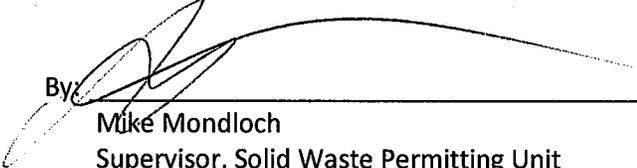
O. The permit authorizes the **permittee(s)** to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and MPCA assume no responsibility for damage to persons, property, or the environment caused by the activities of the **permittee(s)** in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and MPCA may be liable for the activities of its employees; that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat § 3.736.

P. The **commissioner** may commence proceedings to modify or revoke this permit during its terms if cause exists under Minn. R. 7001.0170 to 7001.0180.

Q. 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 circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

R. The **permittee(s)** may request an extension of the dates set forth in this permit including the submittal and monitoring dates. The request shall include justification for noncompliance with the date. Based on the justification, the **commissioner** may grant an extension.

**STATE OF MINNESOTA  
POLLUTION CONTROL AGENCY**

By: 

Mike Mondloch  
Supervisor, Solid Waste Permitting Unit  
Prevention & Solid Waste Management Section  
Resource Management & Assistance Division

Date: 12/18/13