



Solid waste facilities

A guide to Minnesota's Industrial Stormwater Permit

The industrial stormwater permit regulates all landfills that accept industrial process wastes from any facilities within the 29 sectors of industrial activity (see table on the last page of this fact sheet). Waste from industrial processes does not include waste from non-manufacturing activities, or construction and demolition waste, even if the waste is from the demolition of buildings of a regulated industrial facility.



How do I determine whether my facility needs a permit?

First, a facility must identify all of its industrial activities and compare them with Standard Industrial Classification (SIC) codes found within the permit under *Appendix D: Sectors of Industrial Activities Authorized* (see last page for web link). If the facility's activities fall within a "Primary" SIC code or a "narrative" activity, an application for permit coverage is required.

The Primary SIC code represents the activity that produces the facility's largest revenue. If revenue data is not available or applicable, then select the SIC code activity with the largest number of employees. If using employee data is not possible or applicable, use the SIC code representing the largest volume of production.

Sector-Specific permit requirements

Sector C: Industrial compost facilities

Compost manufacturing companies (industrial composting facilities) are often categories under the Primary SIC code 2875 – "Fertilizers, mixing only," and requires coverage for establishments primarily engaged in manufacturing materials:

- compost
- fertilizers, mixed: made in plants not manufacturing fertilizer
- potting soil, mixed

Sector K: Hazardous waste treatment, storage, or disposal facilities

Hazardous waste treatment, storage or disposal facilities (TSDF) have a hazardous waste permit to treat, destroy or store hazardous waste for others. Industrial stormwater permit coverage is required for hazardous waste TSDFs. These facilities are not general hazardous waste generators.

Sector L: Landfills and land application sites

Regulated landfills are divided into three sub-sectors of narrative activities listed in the permit *Appendix D: Sectors of Industrial Activities Authorized*.

- L1: Municipal solid waste landfill areas closed in accordance with 40 CFR § 258.60.
- L2: Any open or closed non-hazardous waste landfills and land application sites that do not discharge to surface water(s), stormwater that has directly contacted solid waste.
- L3: Any landfill that discharges to surface water(s), stormwater that has directly contacted solid waste (in accordance with 40 CFR pt.445, subp. B.)

They include any type of landfill that accepts or has accepted industrial waste (process waste received from any of the facilities within the 29 sectors of industrial activity). Because municipal solid waste (MSW), combustor ash, industrial and bioreactor landfills may accept industrial production waste from any of the industries regulated by the industrial stormwater program, these landfills are required to apply for permit coverage. If a landfill has received only office waste or cafeteria waste from regulated industrial facilities, that landfill would not be required to apply for permit coverage.

Closed landfills are also regulated by the industrial stormwater permit. However, if 100% of the landfill is closed in accordance with the Minnesota Pollution Control Agency (MPCA)'s closed landfill program, rules, and statutes, and there are no other industrial activities at the landfill, it is likely that the landfill can certify for the No Exposure exclusion. For more information, visit "Step 2: Consider certifying for "No Exposure" available at: www.pca.state.mn.us/industrialstormwater.

Demolition landfills with solid waste permits and who accept, or have ever accepted in any portion of the landfill, industrial materials (waste products, by-products) from any regulated industrial activity must apply for industrial stormwater permit coverage. If a regulated industrial facility building were to be demolished, the demolition landfill that receives the demolition waste would not have to have permit coverage because the plant's demolition debris is not normal waste produced by their operation. Industrial stormwater permit coverage is not required if the demolition landfill is not permitted to accept industrial waste.

Land application of industrial waste is defined as land application sites that receive wastes (primarily wastewaters and sludges) from facilities in virtually every major industrial category. In Minnesota, agriculture and the food and beverage industries are the main industries that land apply wastes. Industrial stormwater permit coverage is required if the land application of industrial waste is being applied without a land application permit, a water quality permit, or beneficial use determination approval. Beneficial use includes industrial wastes that have been determined by the MPCA to be beneficial (e.g., wood ash, coal ash, water treatment lime) and do not require a solid waste permit but do require written approval from the MPCA prior to land application.

Stormwater permit coverage is not required if the land application of industrial waste is addressed by a solid waste permit, an industrial by-products permit, or by beneficial use determination.

Sectors L, N, and/or P: Transfer stations/facilities

A transfer facility is one in which solid waste from waste haulers or individuals is compacted, sorted, or re-arranged for subsequent transport. Transfer stations may be regulated by up to three different industrial sectors:

Sector L: Landfills, and land application sites. If the transfer station is owned and operated by a single landfill, it is considered "auxiliary" to the landfill and takes on the Narrative Activity of the landfill, even if it is at the same location of the landfill (co-located) or at a different location from the landfill (auxiliary).

Sector N: Scrap recycling and waste recycling facilities. If the transfer station receives wastes from multiple sources and sorts/sells the waste to a variety of companies, then it is operating as a stand-alone transfer station and may often operate similar to a recycling center, more specifically listed below.



Sector P: Land transportation and warehousing. If the transfer station also operates a waste facility (picking up waste from individuals, and businesses) **and** the vehicles for waste hauling are maintained at the transfer station, then the painting, fueling and lubrication and equipment cleaning operations are a regulated industrial facility. Vehicle maintenance includes vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication and equipment cleaning operations.

Sectors M and N: Recycling activities

All recycling centers that accept waste for sorting and distribution, including material recovery facilities that receive paper, glass, plastic, and aluminum from non-industrial sources are required to apply for industrial stormwater permit coverage.

These activities include, but are not limited to:

- processing, re-claiming, and wholesale distribution of scrap, and waste materials, such as ferrous and non-ferrous metals, paper, plastic, cardboard, glass, and animal hides
- re-claiming, and recycling liquid wastes, such as used oil, antifreeze, mineral spirits, and industrial solvents

A facility with either of following Primary SIC codes are required to apply for the stormwater permit:

- Automobile salvage yards, Sector M (SIC code 5015) are primarily engaged in the wholesale or retail of used motor vehicle parts and/or dismantling motor vehicles for selling parts.
- Scrap recycling and waste recycling facilities, Sector N (SIC code 5093) are primarily engaged in assembling, breaking up, sorting and wholesale distribution of scrap and waste materials. This includes facilities engaged in the wholesale distribution of oil waste, plastic scrap, wastepaper (including paper recycling), metal waste, scrap, and other recyclable materials.

Sector N: Household Hazardous Waste (HHW) facilities

HHW facilities are similar to a recycling center or transfer station because they accept waste, sort it, may sell some materials and pay for other materials to be properly disposed of.

Most HHW facilities are primarily engaged in scrap recycling and waste recycling facilities (Sector N, SIC code 5093) and require an application for permit coverage. Many HHW facilities are able to certify for the No Exposure exclusion, provided that the following materials and related activities are indoors or are located within a storm-resistant shelter 100% of the time:

- dumpsters
- material transfer or sorting
- receiving waste in uncovered containers
- storing waste (appliances, electronics, tires, used oil drop-off tank, etc.)
- packing waste materials (fuel, chemicals, etc.)
- other storage or activities



Storm-resistant shelters include completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings provided the material under the structure is not otherwise subject to any run-on and subsequent stormwater runoff.

Sector O: Waste-to-energy facilities

Refuse-derived fuel facilities that burn waste to generate steam for creating electricity are broken into three subsectors:

- coal-fired and oil-fired steam electric generating facilities
- nuclear, natural-gas fired, and any other fuel source used for steam electric generation
- runoff from coal storage piles at steam electric generating facilities

Any facility engaged in steam electric power generation, no matter what the fuel source, is regulated within Sector O. Facilities that collect and incinerate waste not used for steam electric generation would not be regulated under the industrial stormwater permit.

Sector P: Waste collection and hauling activities

If a solid waste facility is primarily engaged in hauling and collection of solid waste and has vehicle maintenance, permit coverage is required. Vehicle maintenance includes vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication and equipment cleaning operations.

Solid waste activities do not require industrial stormwater permit coverage

- backyard compost sites
- demonstration/research projects authorized by Minn. R. 7035.0450 unless the project is required to have a permit under federal law
- solid waste prior to its beneficial use when done according to Minn. R. 7035.2855 and 7035.2860
- solid waste disposal on the same property on which it was discovered when a person has made a request to the commissioner for review, investigation, and oversight under Minn. Stat. § 115B.17, subp. 14
- a transfer facility that moves from location to location and receives solid waste directly from other vehicles for consolidation prior to subsequent transport, disposal, or processing, provided it is not stored in an area for more than 12 hours, and all waste is delivered vehicle to vehicle and is not dumped and reloaded
- a temporary community cleanup event transfer facility
- a limited solid waste collection services transfer facility that directly accepts waste from individual residents that self-haul, provided the county where the facility is located has determined that the facility is necessary due to limited availability of solid waste collection services
- a transfer facility where all waste is managed and stored in containers or roll-off boxes constructed of impervious material or in a fully enclosed building
- permit-by-rule demolition debris land disposal facilities designed for less than 15,000 cubic yards total capacity and operating less than a total of 12 consecutive months, and not located adjacent to another demolition debris permit-by-rule facility

Landfills that do not accept or have not accepted industrial wastes identified in the Primary SIC codes are not regulated.

Compost facilities include municipal, commercial, or yard waste facilities. Many composting facilities currently do not require permit coverage.

Exception: Compost manufacturing companies (industrial composting facilities) are often categorized under the Primary SIC code 2875 – “Fertilizers, mixing only,” and requires coverage for establishments primarily engaged in manufacturing materials:

- compost
- fertilizers, mixed: made in plants not manufacturing fertilizer
- potting soil, mixed

No Exposure exclusion

The No Exposure exclusion may be possible for any type of solid waste facility that has 100% of its materials and activities sheltered from stormwater, 100% of the time. By filling out the permit application, the questions asked will help applicants determine whether or not their facility is eligible. For more information, visit “Step 2: Consider certifying for “No Exposure” available at: www.pca.state.mn.us/industrialstormwater.

Facilities that can certify for the No Exposure exclusion do not have to develop a Stormwater Pollution Prevention Plan (SWPPP), conduct inspections, fill out the annual report, pay the annual fee or conduct monitoring.

I have determined my solid waste facility is regulated by the industrial stormwater permit. What do I do next?

- develop a SWPPP and choose stormwater control measures
- apply for permit coverage
- conduct monthly inspections
- fill out annual report
- pay annual fee
- conduct monitoring

More information and guidance materials

Visit the industrial stormwater program’s website, www.pca.state.mn.us/industrialstormwater, to:

- Download a copy of the permit and application materials.
- View sector-specific guidance materials
- Download a copy of industrial stormwater monitoring requirements and best management practices.
- Learn more about solid waste activities that are not regulated in the Applicability Guidance Document.
- Subscribe to the industrial stormwater program newsletter email list.

To hear recorded industrial stormwater technical information, call the Stormwater Hotline at 651-757-2119 or 800-657-3804 (non-Metro only). Program staff are available during regular weekday business hours at 800-657-3864.

MPCA's list of 29 Industrial Activity Sectors

Sector A: Timber products	Sector B: Paper and allied products manufacturing	Sector C: Chemical and allied products manufacturing
Sector D: Asphalt paving and roofing materials and lubricant manufacturing	Sector E: Glass, clay, cement, concrete, and gypsum products	Sector F: Primary ,metals
Sector G: Metal mining (ore mining and dressing)	Sector H: Coal mines and coal mining-related facilities	Sector I: Oil and gas extraction and refining
Sector J: Mineral mining and dressing	Sector K: Hazardous waste treatment, storage or disposal facilities	Sector L: Landfills, land and application sites
Sector M: Automobile salvage yards	Sector N: Scrap recycling and waste recycling facilities	Sector O: Steam, electric, generating, facilities
Sector P: Land transportation and warehousing	Sector Q: Water transportation	Sector R: Ship and boat building and repair yards
Sector S: Air transportation	Sector T: Treatment works	Sector U: Food and Kindred Products
Sector V: Textile mills, apparel, and other fabric products manufacturing	Sector W: Furniture and fixtures	Sector X: Printing and Publishing
Sector Y: Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries	Sector Z: Leather tanning and finishing	Sector AA: Fabricated metal products
Sector AB: Transportation equipment, industrial and commercial machinery	Sector AC: Electronic and electrical equipment and components, photographic and optical goods	

See Appendix D: Sectors of Industrial Activities Authorized

www.pca.state.mn.us/index.php/view-document.html?gid=20797