

EXHIBIT A



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

May 3, 2019

The Honorable Roy Lindsay Jr.
Mayor, City of Madison
116 W. Center St.
Madison, SD 57042-2833

COPY

Dear Mr. Lindsay:

On April 9th, 2019, John Doblal and I conducted an inspection of the Madison Restricted Use and Petroleum Contaminated Soil Treatment Facility. The Department of Environment and Natural Resources Waste Management Program (DENR-WMP) conducts routine inspections at permitted solid waste facilities to evaluate compliance with your permit conditions and our state's solid waste rules.

During the inspection I found a significant amount of burnt construction and demolition (C&D) debris, which was still smoldering at that time. I shared with Mr. Doblal that the burning of C&D is not permitted and that the unauthorized waste must be removed from the burn area prior to the next burn event. Please find enclosed the inspection report documenting the unacceptable inspection findings and a description of the unauthorized wastes in the burn pile and burial area.

Your solid waste permit clearly states that only trees, branches, and clean, untreated wood may be open burned at your facility. Open burning unauthorized waste materials is a violation of your solid waste permit and our state's air quality rules.

By May 31st, 2019, we are asking that you address the following requirements by providing a written response to our office.

1. Include a list of acceptable waste types and directions for disposal on the facility entrance sign.
2. Remove and properly dispose of all unauthorized waste present within the burial area prior to the next soil cover event.
3. Remove and properly dispose of all burnt demolition debris and other unauthorized wastes present within the burn pile prior to your next open burn event.
4. Contact DENR-WMP and your local authorities prior to any open burn event.
5. Collect and dispose of the windblown litter observed outside of the burial area. Covering the burial area more frequently may be necessary to prevent litter.

Based on this inspection, the restricted use and PCS facility is operating in an **unacceptable** compliance manner. Please review the enclosed inspection report and take steps to address the improvement requirements listed therein.

If you have questions about this letter or the requirements of your solid waste permit, please do not hesitate to contact our office. We are very willing to offer input about how to better operate your RU site. In the meantime, we look forward to your cooperation and receiving your written response by May 31st, 2019.

Sincerely,



COPY

AJ Michels, Environmental Scientist
Waste Management Program
4305 S. Louise, Suite 203
Sioux Falls SD 57106
605.362.3521

Enclosure: April 9, 2019 Inspection Report

CC: Jim Wendte, P.E., DENR Waste Management Program, Pierre, SD

SD Department of Environment and Natural Resources Waste Management Program: Solid Waste Inspection Report

Site Name: City of Madison Restricted Use Facility and PCS Treatment Site
Inspection Date: April 9, 2019
Inspector: AJ Michels
Contact Name/Title: John Doblal, Madison Public Works Department
Phone Number: 605.256.7516
County: Lake
Mailing Address: 116 W. Center Street, Madison, South Dakota 57042
Legal Description: N½ SE¼ of Section 3, T106N, R54W
Directions to Site: 8 mi west, 1/4 north of Madison
Permit Number: 18-18
Permit Type: Individual; Type III, < 5,000 tons/year, Combination Restricted Use Facility and Petroleum-Contaminated Soil Treatment Site
Permit Expiration Date: September 21, 2023

General Description of Operation: The Madison Restricted Use and Petroleum-Contaminated Soil (PCS) Land Application Facility is permitted to accept construction and demolition (C&D) debris, furniture, carpeting, and similar nonputrescible wastes for burial. Trees, branches, and untreated wood are permitted to be accepted for burning or burial. Waste tires may be accepted for temporary storage and recycling. Petroleum-contaminated soil may be accepted for treatment. The facility is located a quarter mile north of the intersection of SD-Hwy 81 and County Hwy 51, approximately eight miles west of Madison. During the inspection I was assisted by John Doblal, of the Madison Public Works Department.

Design and Construction Requirements

Access Control / Fencing / Signage:

Good Satisfactory Poor Unacceptable N/A

The facility is secured with a locked entrance gate and surrounding perimeter fence. The facility entrance sign lists the operator, hours of operation, and a contact number. From April through October, the site is open Monday through Thursday, from 1:30pm-4:00pm, and Fridays and Saturdays from 9:00am-1:00pm. The site is open by appointment only from November through March. The sign makes no mention of authorized or unauthorized waste materials. As required under Section 2.01 of the Individual Permit, the posted sign must also include a list of acceptable waste materials and disposal directions. Mr. Doblal informed me that city staff conducts routine inspections of the facility on a weekly basis.

Storm Water Control:

Good Satisfactory Poor Unacceptable N/A

Earthen berms surround the entirety of the C&D debris burial area. Standing water was present within the burial pit. I also observed a water pump at the southeast corner of the burial area that appeared to have been used to pump water out of the burial area. As a reminder, Section 2.03 of the Individual Permit requires berms or containment structures be designed to divert run-on and contain runoff from a 25-year, 24-hour storm event (4.6 inches).

Operational Requirements

Debris Burial Area:

Good Satisfactory **Poor** Unacceptable N/A

Furniture, carpeting, plywood, drywall, and other C&D debris is disposed of within burial trench, which comprises the majority of the operational area. The burial area is covered and compacted regularly. As a reminder, Section 3.06 of the Individual Permit requires the burial area be covered with a minimum of six inches of soil cover at least monthly.

Within the burial area I also observed filled black trash bags, cardboard, loose insulation, and a waste tire. Trash bags, cardboard, and loose insulation are not permitted to be accepted nor disposed of at the restricted use facility, and must be removed and properly disposed of at a permitted municipal solid waste landfill. Waste tires are only permitted to be accepted for temporary storage and subsequent recycling. Please refer to Table 1 and Table 2 of your Individual Permit for a complete list of authorized and unauthorized waste materials and their required handling procedures.

Burn Pile:

Good Satisfactory Poor **Unacceptable** N/A

Two remnant burn piles were observed west of the burial area, which were still smoldering at the time of inspection. The burnt debris consisted of brick, metal ducting, a stove top, plywood, particleboard, painted wood, tar paper, electrical wires, and other materials consistent with that of demolition debris. These materials are not permitted to be open burned and must be disposed of in the burial area and covered immediately thereafter. All C&D debris must be buried; these **wastes may not be burned**. As a reminder, only trees, branches, and clean scrap lumber may be open burned. Any painted, stained, glued, or chemically treated wood is considered treated and cannot be open burned. Please review Table 1 and Table 2 for a complete list of authorized and unauthorized burn materials. No open burning is permitted until the burn area is free of all waste materials other than trees, branches, and untreated lumber.

Mr. Doblak was unable to provide me with the source of the debris nor the date of demolition. However, he did inform me that the demolition debris was ignited approximately two weeks prior to the inspection. The DENR Waste Management Program (WMP) received no notification prior to the burn. As required under Section 3.07 of the Individual Permit, the local fire department, local law enforcement, and DENR-WMP shall be notified prior to open burning.

Correspondence: On April 26th, 2019, I called Mr. Gonyo to discuss inspection observations and site improvement requirements. I stated that the open burning of C&D debris is not permitted and that the debris would need to be disposed of in the burial area and covered as soon as weather permitted. I then informed Mr. Gonyo that the city would need to **respond in writing, by May 31st, 2019, detailing how the compliance infractions and unauthorized waste will be handled and disposed of.** The written response should also address the steps taken to operate a compliant facility in the future.

Waste Tire Storage Area:

Good Satisfactory Poor Unacceptable N/A

A small pile of approximately 10 waste tires was observed near the northern edge of the operational area. Waste tires are collected annually by New Deal Tire, of Groton SD.

Petroleum-Contaminated Soil (PCS):

Good Satisfactory Poor Unacceptable N/A

No PCS has been accepted to the facility in its past nor was any observed at the time of inspection. Should PCS ever be accepted to the facility it must be managed in accordance to your permit conditions. Please refer to your permit or my office with any questions pertaining to PCS acceptance, treatment, and management.

Annual Reporting for PCS Treatment Site: The 2018 Annual PCS report was received by DENR-WMP on December 20, 2018. The report indicated that no PCS had been accepted to the facility in 2018 nor were any PCS sources in treatment. This report is required to be submitted annually to DENR-WMP, by January 31st of each year and must document the previous year's PCS acceptance and treatment activities.

Waste Separation:

Good Satisfactory Poor Unacceptable N/A

The burn pile comprised almost entirely of C&D debris and multiple unauthorized waste materials were observed in the burial area. When accepting waste materials they must be disposed of or stored in their respective accumulation area. When accepting commingled loads they must first be separated by waste type and removed of all unauthorized waste prior to disposal. A large amount of windblown litter was observed outside of the burial area, specifically the southeast corner of the site. Covering the burial area more frequently may be necessary to prevent litter.

Authorized / Unauthorized Wastes:

Good Satisfactory Poor Unacceptable N/A

Filled trash bags, loose insulation, cardboard, and a waste tire were observed within the burial area. These unauthorized wastes must be removed and disposed of properly. Please refer to Table 1 and Table 2 at the end of your permit for a complete list of authorized and unauthorized waste materials and their required handling procedures.

Recordkeeping and Reporting

Good Satisfactory Poor Unacceptable N/A

Mr. Doblal provided me with a copy of their 2018 records. Site records document the date, amount, type, and source of all waste received.

Overall Facility Rating and Comments

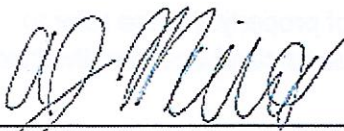
Good Satisfactory Poor **Unacceptable**

Improvement Requirements:

- **Improve Signage-** Include a list of acceptable waste types and directions for disposal on the facility entrance sign.
- **Unauthorized Waste in C&D Debris Burial-** Remove and properly dispose of all unauthorized waste present within the burial area prior to the next soil cover event.
- **Unauthorized Waste in Burn Pile-** Remove and properly dispose of all burnt demolition debris and other unauthorized wastes present within the burn pile prior to your next open burn event.
- **Open Burn Notification-** Contact DENR-WMP and your local authorities prior to any open burn event.
- **Litter Control-** Collect and dispose of the windblown litter observed outside of the burial area. Covering the burial area more frequently may be necessary to prevent litter.
- **Written Response Required-** Due to multiple permit violations, Madison City Staff shall respond in writing regarding how compliance infractions will be prevented and how construction and demolition debris will be handled in the future. Please respond in writing no later than **May 31st, 2019.**

Comments:

I would like to thank John Doblar for his cooperation and assistance during this inspection.

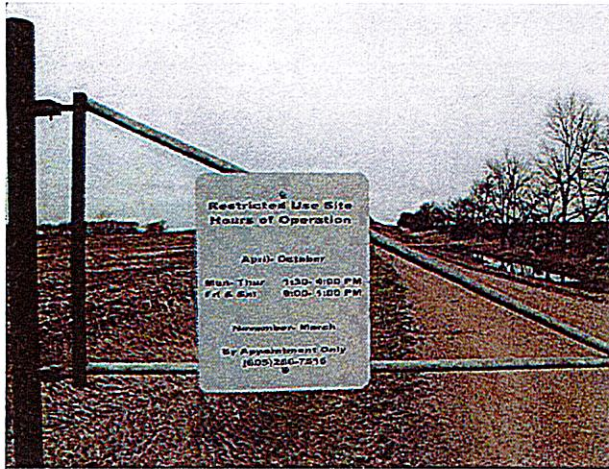


05/03/2019

Inspector

Date

CC: Jim Wendte, P.E., DENR Waste Management Program, Pierre SD



Facility entrance sign, facing west



View from NW corner of burial area



Cardboard & loose insulation in burial area



View from SW corner of burial area



Waste tire present in burial area



View from south-central portion of burial area, facing north



View from SE corner of burial area



Filled trash bags at SE corner of burial area



Water pump visible in distance, SE corner



Litter & discharge hose from pump, SE corner



Waste tire storage area, north of burial area



Burnt demolition debris, facing south
NW corner of site



Burnt demolition debris, facing north
NW corner of site



Close-up images of burnt debris: stovetop, brick, wiring, painted wood, and other C&D debris present

EXHIBIT B



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
WATERTOWN OFFICE
913 5TH STREET SE
WATERTOWN, SOUTH DAKOTA 57201-5134

September 12, 1997

The Honorable Royce Hueners
Mayor, City of Madison
PO Box 308
Madison SD 57042-0308

COPY

RE: Solid Waste Disposal Site Inspection

Dear Mayor Hueners:

On September 3, 1997, a routine inspection was conducted at Madison's restricted use (RU) and petroleum contaminated soil (PCS) site. Information and assistance was provided by Richard Birk, Street and Solid Waste Superintendent, and Jack Olson, Site Operator. The purpose of this inspection was to review operation and maintenance of the disposal area to determine if the site is in compliance with South Dakota's Solid Waste Regulations.

Results of the inspection revealed satisfactory day-to-day maintenance of the facility. However, it was noted that unacceptable waste materials were being accepted and the berm to control drainage from the composting area had not been constructed, resulting in conditional compliance with your solid waste disposal permit requirements at this time.

Please refer to the following requirements and recommendations for a discussion of items noted during the inspection which require your attention to obtain compliance with solid waste regulations. The requirements are compliance issues which must be addressed. The recommendations are provided for your information to maintain compliance with solid waste rules and improve your solid waste management procedures.

Requirements:

1. We were informed by Mr. Birk and Mr. Olson that the city plans to move from the current site to an adjoining 20 acre area. In order for your solid waste permit to remain valid, the city will need to file for an amendment transferring the permit to the new site. A permitting packet to use in requesting the amendment for your solid waste permit has been mailed to William Heyer, City Engineer.
2. Proper closure of the old RU site calls for placement of 24 inches of soil capable of maintaining vegetation. If any old garbage disposal areas have not been covered and capped, they need to be capped with 18 inches of clay topped by 6 inches of top soil, with the work certified by a Professional Engineer. Additional requirements are listed in ARSD 74:27:15, Closure and Postclosure section of the solid waste rules. A full set of the rules are enclosed with Mr. Heyer's copy of this report for his reference.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
WATERTOWN OFFICE
913 5TH STREET SE
WATERTOWN, SOUTH DAKOTA 57201-5134

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Mayor, City of Madison
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3. Permit conditions for the RU site prohibit accepting "special wastes", which include industrial waste such as the cable cutting waste from Madison Metal Inc. Accepting this waste at the RU site will have to stop upon receipt of this report. If you wish to continue to handle this material at your new site, a request to accept the waste may be included as part of the permit amendment. This request will need to include your proposed procedures to handle the material along with documentation that it is not a regulated hazardous or toxic waste.

Recommendations:

1. As a reminder, the 1997 calendar year annual report for the petroleum contaminated soil handling will need to be submitted by January 28, 1998.
2. On September 3, I also visited the old RU and water plant lime sludge disposal sites located just north of the city's waste water plant in the southeast corner of Madison. My visit indicated these sites were properly closed. I did note that the sand and grit generated by street cleaning was being placed at the old RU site. We would recommend that area to be used for storage/disposal of this material be diked to prevent any drainage from the street sweepings from reaching the creek which borders the west side of the site.

A copy of my inspection report is enclosed for you review. If you have any questions or comments, please contact this office or the Division of Environmental Services, Waste Management Program in Pierre at (605) 773-3153.

Sincerely,



Jay W. Cofer
SD DENR/Watertown Office
Ph. (605) 882-5111 FAX (605) 882-5066

Enclosure

cy: William Heyer, City Engineer; Madison w/enclosures
Richard Birk, Street & Solid Waste Superintendent; Madison w/enclosure
Waste Management Program; Pierre w/enclosure

SD DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Waste Management Program
Madison Restricted Use (RU) & Petroleum Contaminated Soil (PCS) Inspection

Inspector/Region: JAY W. COFER/WATERTOWN OFFICE
Date: SEPTEMBER 3, 1997
Site Name: MADISON MUNICIPAL RU AND PCS SITE
City: MADISON County: LAKE
Directions to Site: 8 MILES WEST, 1/2 MILE NORTH OF MADISON
Legal Description: CENTER OF EAST EDGE OF SECTION 3, T106N R54W
Contact's Name and Title: RICHARD BIRK - STREET & SOLID WASTE SUPERINTENDENT
JACK OLSON - SITE OPERATOR
Address: PO BOX 308; MADISON SD 57042-0308
Phone Number: (605) 256-7515
Permit Type and Number : INDIVIDUAL TYPE III RU & PCS #97-05
Issue/Expiration Date: FEBRUARY 24, 1997 / FEBRUARY 24, 2002
Date of Last Inspection: DECEMBER 1995

General Description of Operation: BURIAL TRENCH FOR RU DEBRIS, STORAGE AREA FOR TIRES, STORAGE/BURNING AREA FOR TREES, COMPOSTING SITE, AND A PETROLEUM CONTAMINATED SOIL TREATMENT AREA.

Run-on/Run-off Controls: PCS TREATMENT AREA IS BERMED. DRAINAGE BERMS ARE NEEDED FOR THE COMPOSTING OPERATION.

Burning Procedures/Frequency: AS NEEDED FOR TREES/CLEAN WOOD.

Access Controls: LOCKED GATE AND PERIMETER FENCING.

Contaminated Soil Handling: SPREAD IN 6 INCH LAYERS, TURNED USING AG AND CONSTRUCTION EQUIPMENT.

Posted Information at Site: SITE OWNER/OPERATOR, PHONE NUMBER, INSTRUCTION AND RESTRICTIONS, OPERATING HOURS, DISPOSAL FEES.

Unauthorized Wastes: INDUSTRIAL WASTES (CABLE FLUFF) FROM MADISON METAL.

Records: RECEIPT BOOK/CHANGE ACCOUNT SLIPS WITH TYPES AND AMOUNTS OF MATERIALS ACCEPTED. PCS TEST RESULTS

Handling Procedures:

- a. white goods: DO NOT ACCEPT
- b. waste tires: STOCKPILED FOR PICK-UP BY PROCESSOR
- c. Trees: STOCKPILED AND BURNT AS NEEDED
- d. yard waste: COMPOSTED AND USED FOR COVER AT RU SITE
- e. PCSoil TREATED AND USED FOR COVER MATERIAL

Improvements Needed to Comply with Regulations: CONSTRUCT DRAINAGE BERM FOR COMPOST AREA. STOP ACCEPTING INDUSTRIAL WASTE.

This Facility is Designed, Constructed and Operated in a Manner that is :
acceptable / **CONDITIONALLY ACCEPTABLE** / unacceptable

Comments: CITY IS PLANNING TO MOVE OPERATION TO NEW SITE. WILL NEED TO FILE PERMIT AMENDMENT FOR NEW SITE AND CLOSE OUT OLD SITE. CITY OPERATES WEEKLY CURBSIDE RECYCLING PICK-UP FOR RESIDENTS AND WEEKLY DROP OFF SITE FOR COUNTY. CITY ALSO OPERATES MSW COLLECTION SERVICE WITH REFUSE TAKEN TO THE SIOUX FALLS LF.

Signature of Inspector:

