

FACT SHEET

FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND STATE DISPOSAL SYSTEM (SDS) GENERAL STORM WATER PERMIT FOR INDUSTRIAL ACTIVITY

Permit MN G610000

This permit supersedes the previous general permit MN G611000 issued for industrial facilities.

Regarding a draft NPDES/SDS general permit to authorize discharge of storm water from regulated industrial activity into waters of the state of Minnesota.

This fact sheet has been prepared according to Minn. R. 7001.0100, subp. 3. This fact sheet has been prepared in order to document the decisions that were made in the determination of the limitations and conditions of this permit.

I. FACILITY DESCRIPTION

Industrial facilities included in one of the 11 categories of "storm water discharges associated with industrial activity" (40 CFR 122.26 (b)(14)(i)-(xi)) that discharge storm water to the waters of the state or into a municipal separate storm sewer system require authorization under a NPDES industrial storm water permit.

II. LOCATION OF PERMITTED FACILITY AND/OR ACTIVITY

Any regulated industrial facility located in Minnesota that meets the eligibility requirements of this permit.

III. CRITERIA FOR ISSUING A GENERAL PERMIT

General permits are regulated under 40 CFR 122.28 and Minn. R. ch. 7001.0210. The following criteria must be applied in developing a general permit:

A. Same or substantially similar type of operation, emissions, activities, discharges, or facilities

Regulated industrial facilities use similar operational systems to collect, convey, and discharge storm water to waters of the state. Industrial facilities throughout the state use a similar system of discharge outfalls from the site such as ditches or storm sewers to catch and convey storm water, and storm sewer inlets such as floor drains or loading dock drains that are connected to storm sewers.

B. Similar waste streams

Regulated industrial facilities use or generate similar inventories of significant materials including raw materials such as fuels and solvents; finished materials such as metallic products; and waste products such as ashes, slag, and sludge; that when stored outside and exposed to storm water have similar potential waste streams.

C. Same or substantially similar effluent limitations

The limitations established in the permit will be the same for all facilities that apply for and obtain coverage under this general permit.

D. Same or similar monitoring

The monitoring conditions established in the permit are the same for all facilities that apply for and obtain coverage under this general permit.

E. Discharges more appropriately regulated under a general permit

This general permit was developed to cover storm water discharges from a large number of industrial facilities within the state of Minnesota. This general permitting process requires the Minnesota Pollution Control Agency (MPCA) to public notice the permit once, which will expedite the permit issuance process and also maintain more consistent requirements between permittees across the state.

IV. QUANTITATIVE DESCRIPTION OF DISCHARGE

The quantities of storm water discharges/pollutants are variable and dependent on the type of industrial activity conducted at the facility, the significant materials used or generated at the facility, and the specific operating conditions at the facility. Fluctuating rainfall and snow levels will also significantly affect discharge quantities. The permit will address these differences by allowing each permittee to chose best management practices suited to the discharge quantities of their site.

V. BASIS FOR DRAFT PERMIT CONDITIONS

This general permit is based on requirements of the Federal Clean Water Act, as amended; 40 CFR 122, 123, and 124, as amended; Minn. Stat. ch. 115 and 116, as amended; and Minn. R. ch. 7001.

VI. APPLICABILITY OF CHAPTER 116D

The permit will be issued if the MPCA determines that the proposed permittee or permittees will, with respect to the facility or activity to be permitted, comply or undertake a schedule of compliance to achieve compliance with all applicable state and federal pollution control statutes

and rules administered by the MPCA and the conditions of the permit, and that all applicable requirements of Minn. Stat. ch. 116D and the rules promulgated thereunder have been fulfilled.

VII. PRELIMINARY DETERMINATION

The MPCA Commissioner's determination that the permit should be issued is preliminary.

VIII. PRODECURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT

Public comment period begins: September 16, 2002

Public comment period ends: October 16, 2002

There are four formal procedures for public participation in the MPCA's consideration of permit issuance. Interested persons may (1) submit written comments on the draft permit; (2) request that the MPCA hold a public informational meeting; (3) request the MPCA hold a contested case hearing; and/or (4) submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the permit matter.

Persons who submit comments or petitions to the MPCA must state the following:

1. their interest in the permit application or the draft permit;
2. the action they wish the MPCA to take, including specific references to sections of the draft permit that they believe should be changed; and
3. the reasons supporting their position stated with sufficient specificity as to allow the Commissioner to investigate the merits of their position.

Procedures for Requesting a Public Informational Meeting or Contested Case Hearing

In accordance with Minn. R. 7000.0650 and Minn. R. 7001.0110, your petition requesting a public informational meeting must identify the matter of concern and must include the information in items 1 through 3 listed above; a statement of the reasons the MPCA should hold the meeting; and the issues you would like the MPCA to address at the meeting.

In accordance with Minn. R. 7000.1800, your petition requesting a contested case hearing must include a statement of reasons or proposed findings supporting an agency decision to hold a contested case hearing pursuant to the criteria identified in Minn. R. 7000.1900, subp. 1, and a statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter. To the extent known, your petition may also include a proposed list of witnesses to be presented at the hearing, a proposed list of publications, references or studies to be introduced at the hearing, and an estimate of time required for you to present the matter at hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.

Nature of the two types of proceedings

A public informational meeting is an informal meeting that the MPCA may hold to help clarify and resolve issues concerning the preliminary determination to issue a permit, or the terms of the draft permit.

A contested case hearing is a formal hearing before an administrative law judge. A contested case hearing is designed to determine whether a material issue of fact or of the application of facts to law related to the preliminary determination or the terms of the draft permit, in areas under the MPCA's jurisdiction, and having a reasonable basis underlying issues of fact or law, should change the preliminary determination of issuance, or the terms of the permit.

Other procedures by which the public may participate in the MPCA's consideration of the permit application

During the public comment period you may also request that the draft permit be presented to the MPCA Citizens' Board for final decision (in accordance with Minn. Stat. § 116.02, subd.6). The decision whether to issue the permit and, if so, under what terms, will be presented to the MPCA Citizens' Board for decision if (1) the Commissioner grants the petition requesting the matter be presented to the Citizens' Board; (2) a MPCA Citizens' Board member requests to hear the matter prior to the time the Commissioner makes a final decision on the permit; or (3) a request for a contested case hearing is pending.

Name, address, and telephone number of contact person for more information

Comments on the draft permit must be received in writing during the public comment period identified above. Comments, petitions, and/or requests should be mailed to:

Mary Hoffman Lynn
Regional Environmental Management Division
Phase II Storm Water Program
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone (651) 297-2331
Fax (651) 297-8676

All written comments, requests, and petitions received during the public comment period will be considered in the final decisions regarding the permit. The Commissioner may revise the draft permit to reflect any comments received during the public comment period. If the MPCA does not receive any written comments, requests, or petitions during the public comment period, the Commissioner or other MPCA staff as authorized by the Commissioner will make the final decision concerning the draft permit.